

**Board of Health Meeting Minutes
June 20, 2012**

The Lakeville Board of Health held a meeting on **June 20, 2012** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Lima as Recording Secretary.

Chairman Garvey called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Clerk Lima.

3 Carriage House Dr.

025-006-013B

Jose & Firmina Garcia

Steven Gilbert from SFG Associates, Inc. was present for discussion. The following variances were requested:

LOCAL UPGRADE APPROVAL REQUESTS

1. Section 310 CMR 15.405(1) (b) - To allow septic tank to have up to 72" of cover, instead of the 36" maximum.
2. Section 310 CMR 15.405(1) (b) - To allow the pump chamber to have up to 72" of cover instead of the 36" minimum.

Upon a motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To approve the variances as requested. Unanimous vote in favor.

85 Kingman St.

016-001-004

Mark Woodford

Jon Pink was present from Azor Land Sciences, Inc. to speak on behalf of homeowner Mark Woodford who was also present. A new construction soil evaluation and percolation test was scheduled prior to the May deadline, but the person contracted to dig the holes did not show and the engineer called Agent Perry to cancel. A letter dated June 4, 2012 was submitted by Mr. Woodford requesting an extension. Board Members reviewed the request for an out-of-season percolation test and stated they will *not* be able to sign-off on any building related permits for new construction for this vacant lot until such time that regulation percolation testing is performed & witnessed during the normal wet season.

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To deny the request for an "out-of-season perk" but will allow a "witnessed soil evaluation" prior to the wet season for "investigative" purposes. Unanimous vote in favor.

19 Shore Ave.

041-009-004

Francis & Lorraine Sullivan

Engineer Terry McSweeney from McSweeney Associates, Inc. was present for discussion. The following variances were requested.

LOCAL UPGRADE APPROVALS

1. Section 310 CMR 15.405(1)(b) – Cellar wall to septic tank setback, Proposed: 9', Required: 10'
2. Section 310 CMR 15.405(1)(e) – Septic tank to wetland bordering surface water supply, Proposed 60', Required: 100'

STATE VARIANCES

1. Section 310 CMR 15.405(1)(g) – Septic tank to surface water supply setback, Proposed: 73', Required 100'
2. Section 310 CMR 15.405(1)(j) – High groundwater to inlet tee, vertical separation, Proposed: >24" below the water table, Required: 12" above

Upon a motion made by Member Flynn and seconded Member Poillucci, the Board:

VOTED: To approve the variances as requested. Unanimous vote in favor.

8 Morrison Way**040-004-005****Estate of Robert Doyan**

Engineer John DeLano from John W. DeLano & Associates, Inc. was present for discussion as well as the buyer, Manny Perry. Two abutter cards were submitted. Janet Caulier, abutter from 10 Morrison Way was also present with Ted Gibney, expressing some concerns regarding run-off. The following variances and divergences were requested:

LOCAL UPGRADE APPROVAL REQUESTS

1. Per 310 CMR 15.211 – To allow setback variance from tight tank to tributaries to surface water supplies from 200' to 156' for tank #1 and from 200' to 171' for tank #2.
2. Per 310 CMR 15.260 – To allow the use of a tight tank
3. Per 310 CMR 15.211 - To allow tank #1 to be 8' from the property line instead of 10'.
4. Per 310 CMR 15.211- To allow tank #2 to be 6' from the street line instead of 10'.

LOCAL VARIANCE REQUESTS

1. To allow well and tight tank on a lot with less than 20,000 SF (2.0).

STATE VARIANCE REQUESTS

1. To allow use of two (2) tanks in series instead of (1) 2000 gallon minimum tank.
2. Per 310 CMR 15.203 – To allow design of a tight tank system for a 2-bedroom dwelling.
3. Per 310 CMR 15.405 (j) – To allow reduction of 12" separation between inlet tee and groundwater from (+) 12" to (-) 1.09' for tank #1 provided that the boot openings are sealed with hydraulic cement and the tank is proven watertight.
4. Per 310 CMR 15.405 (j) - Allow reduction of 12" separation between inlet tee and ground water from (+) 12" to (-) 1.34' for tank #1 provided that the boot openings are sealed with hydraulic cement and the tank is proven watertight.
5. Per 310 CMR 15.405(j) - Allow reduction of 12" separation between inlet tee and groundwater from (+) 12" to (-) 1.44' for tank #2 provided that the boot openings are sealed with hydraulic cement and the tank is proven watertight.

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To approve the above requests **with the following stipulations:**

1. A seasonal 2 bedroom deed restriction recorded within the chain of custody of the deed that cannot be removed without written approval of the Lakeville BOH.
2. The existing well must be tested for all BOH potability parameters (including VOCs and Arsenic) and a copy of the report submitted to the BOH for review prior to issuance of any permits.
3. The designer (Sanitarian Delano) must make revisions on submitted plans (or submit revised plans) for modification of proposed grades and retaining to insure any runoff from proposed grading goes into swales to prevent additional runoff onto abutters properties (including the road).

A request was also made to have the seasonal deed restriction lifted from this property, **but was denied** by Board Members under 310 CMR 15.260 (8) and therefore the applicant must agree to restrict property with a two bedroom seasonal deed restriction with this tight tank design. Agent Perry stated the property use with a tight tank is feasible for only seasonal use which is defined as six months or less a year and that an advanced treatment system with retained leaching would be a suitable year round septic system, but would require a redesign and review at another meeting as well as additional DEP approvals.

VOTED: To deny the request to have the seasonal deed restriction lifted from the property. Unanimous vote in favor.

38 South Kingman St.**015-005-013****Richard & Kathleen Toews**

Homeowner Richard Towes was present for discussion. The existing well is located on the side property line abutting n/f Poulin and is located 12' from the South Kingman St. layout. Abutter cards were submitted. Board members reviewed a request submitted by Engineer Nyles Zager from Outback Engineering, Inc., for the following ATF Variance:

Lakeville Board of Health After-the-Fact Variance Request:

Per Section 12.1 – To allow the existing private water supply well to be located within 10’ of a property line and within 20’ of a street layout.

Upon a motion made by Member Poillucci and seconded Member Flynn, the Board:

VOTED: To approve the ATF Variance as requested. Unanimous vote in favor.

403 Bedford St.

055-006-004

Richard Cournoyer

Jon Pink from AZOR Land Sciences, Inc. was present for discussion requesting the following.

LOCAL UPGRADE APPROVAL REQUESTS

1. Section 310 CMR 15.405(1) (b) – To allow the increase of the depth of the septic tank below finish grade from 3’ to 6’.
2. Section 310 CMR 15.405(1)(g) – To allow reduction of the setback of the septic tank to a surface water supply from 400’ to 300’.

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To approve the variances as requested. Unanimous vote in favor.

21 Nelson Shore Rd

055-005-016D

Cory R. Veilleux

Cory Veilleux was present for discussion. He submitted a new application and plan for a Stable Permit and requested approval from the Board for a 10’ X 20’ shed and two ponies. Abutter notifications were submitted. Board Members reviewed the plan. Clerk Lima stated that Inspector of Animals, Jared Darling called the office and stated he had no issues with Board Member approving this permit. Agent Perry stated he didn’t know how old the plan was, but that it was a proposed plan.

Upon a motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To approve the stable permit for two ponies. Unanimous vote in favor.

12 Hill St.

016-006-001

Harry Fisher

Harry Fisher submitted an Application for a License to Operate a Food Establishment under the name of Grouse Ridge Farm LLC. He is presently constructing a chicken slaughtering process/freezer trailer and was told by Agent Perry that it would need to be licensed and inspected. Mr. Fisher stated that they have been working closely with the Mass. Dept. of Agricultural Resources and the State DPH, the Farm Bureaus and New England Sustainable Farming to get guidance on this whole process. He said he spoke to Building Commissioner, Bob Iafrate and planned to continue the discussion once Iafrate returned from vacation. Agent Perry said that the state is going to license Mr. Fisher for the processing, but because he will be storing the chickens and selling them to the public, the BOH must go out twice a year and inspect the freezer to make sure it’s at the right temperature.

Upon a motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To approve the Food Establishment License as requested. Unanimous vote in favor.

16 Fuller Shores Rd

044-001-003

Thomas & Carol McGrath

Request was withdrawn 6-18-12 in person.

Board of Appeals Petition for Hearings

25 Staples Shore Rd

058-008-001

Lions Club of Lakeville, Inc

Board Members reviewed the Petition for Hearing. There was some discussion regarding acceptable soil evaluations and perc tests performed in those areas and it was acknowledged that the soils there are typically class one Sands and Loamy sands that are suitable for onsite subsurface sewage disposal systems.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To send a letter to the Board of Appeals stating they saw no health issues involved with this petition. Unanimous vote in favor.

121 Nelsons Grove Road

057-005-002

Austin O'Connor

Board Members reviewed the Petition for Hearing. Presently this property has a shared septic system and is deed restricted to 4 bedrooms maximum and requires annual inspections. Health Agent Perry did witness a partial Title V Inspection there recently, but there were some “backup” issues with the tanks that required additional investigation by the inspector. We have not yet received documentation from the inspector nor have we received the Official Title V Report from the inspector (Foresight Engineering).

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To send a letter to the Board of Appeals stating that a “passing” Title V Inspection Report for the septic system must be received by the BOH before this dept. will sign-off on any building permits for this property. Unanimous vote in favor.

123 Hackett Avenue

047-001-004

Michael & Phyllis Tarlow

Board Members reviewed the Petition for Hearing. Agent Perry stated that Board of Health records do show that there is probably an existing leaching system and reserve area located at the top of their lot near Hackett Avenue in close proximity to the shed being petitioned. He said that the plans submitted did not show any septic components (nor required setbacks) and the submitted plan had a note that it was “...not to establish lot lines.” It may require a variance from local regulations or it may need to be moved, depending on where it lies with respect to the existing septic components and proposed reserve area.

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To send a letter to the Board of Appeals stating that based on the plan provided, the Board of Health did not have enough information to make a decision on this request. Unanimous vote in favor.

22 Highland Road

(031-002-007)

**Life Resources, Inc. – Bishop
Ruocco Treatment Center**

Board members reviewed a letter dated May 31, 2012, requesting to convert the Public Water Supply well into a private well at the Bishop Ruocco Treatment Center. Also submitted was a letter from Brian Parmenter, the Certified Water Operator, explaining what the Board of Health can expect from him. The Board discussed ongoing chlorination, historic bacteria, DEP PWS quarterly testing and BOH recommended testing for private wells with their representatives Brian and Mark. It was stated that it is not required for Mr. Parmenter to oversee the system or the testing and that currently the maintenance manager Mark is overseeing the system and consults with him when necessary, which should be adequate.

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To approve the request providing all reports are submitted to the Board of Health showing continued quarterly testing for bacteria and annual testing for all other BOH potability parameters, which includes nitrates, VOC’s, and arsenic. Unanimous vote in favor.

Discussion on approved Job Descriptions done by the Wage & Personnel Board

- Health Agent
- Board of Health Office Administrator (New Position)
- Part-Time Board of Health Clerk (New Position)

Chairman Garvey stated the Selectmen have to approve the job descriptions and forward them to the Labor Board. There was some confusion as to which descriptions needed to be forwarded so Chairman Garvey said to send all three. Member Flynn asked what happens when Supervisor Teser leaves.

Member Poillucci said Clerk Lima's hours would increase from 30 hrs per week to 40. Clerk Lima stated that it doesn't seem fair taking on additional responsibilities without appropriate compensation. Member Poillucci felt that once a Part-Time Health Inspector and Part-Time Clerk are hired, that it should lighten the burden. Chairman Garvey said that right now, those two positions can be advertised. He stated that because of the negotiations with the Union, they were not able to create any new positions.

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To send the job descriptions to the Board of Selectman for approval. Unanimous vote in favor.

Member Poillucci stated that he would like the part-time positions for the Clerk and the Health Inspector posted as soon as possible. Chairman Garvey said he would speak to Administrator Garbitt in regard to the salary ranges. He said until we know what the salary ranges are, we aren't able to advertise these positions. He said once the positions are advertised, the closing date for receipt of applications will be two weeks after.

Upon a motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To begin advertising for the Part-Time Clerk and the Part-Time Health Inspector. Unanimous vote in favor.

Member Poillucci also wanted to note that Clerk Lima's hours will increase from 30 to 40 beginning July 1st, and to authorize any over-time necessary until new positions are filled and the department has more help. Chairman Garvey said he agreed that she should begin 40 hrs July 1st, but wasn't clear on the overtime and just wanted to do everything right.

2012 Milk & Cream License Renewal (CVS Pharmacy, Inc. #5407)

Upon a motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To approve the Milk & Cream License as listed on June 20, 2012 memo from Clerk Lima. Unanimous vote in favor.

Discussion on Rabies shots for the Inspector of Animals

Inspector of Animals, Jared Darling, who was not present for discussion, was inquiring whether or not it would be possible to get Rabies Shots to prevent him from contracting the disease and if the cost incurred could be covered by the Board of Health. Chairman Garvey entertained a motion and:

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To approve payment of costs incurred for Rabies Shots for Inspector of Animals, Jared Darling. Unanimous vote in favor.

Memorandum from Tracie Craig, Executive Assistant – Re: Special Town Meeting Warrant Articles

Member Poillucci stated that if the job descriptions that were submitted aren't accepted, they were already voted on them at Town Meeting and may have to be addressed. Chairman Garvey said he would check with Administrator Garbitt.

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To add this to Special Town Meeting Warrant Review, if necessary. Unanimous vote in favor.

Acceptance of meeting minutes from May 23, 2012

Board Members reviewed the minutes.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To approve the Board of Health minutes for the meeting held May 23, 2012 as typed.
Unanimous vote in favor.

Discussion re: the water supply at the Freetown/Lakeville High School and smoking in the restrooms

Smoking Issue - Member Poillucci began the discussion stating that Health Agent Perry and he attended a meeting a couple of months ago and were informed that there wasn't much that could be done with the culture of the school in regards to the smoking. He said that miraculously within the last week, when they found out that the BOH was calling the State Attorney's Office there were no more smoking issues at the high school. He said the principal told Health Agent Perry that they voted not to approve the smoke detectors or anything that the parents had been working on for the past three years and what they had proposed, because they claim that the smoking issue they had is no longer a problem.

Water Issue - Board Members discussed the water quality issues at the school.

Upon motion made by Member Poillucci and seconded by Member Flynn, the Board:

VOTED: To confer with Senior Staff Attorney Sbarra and send the most enforceable letter possible to the Freetown/Lakeville Regional School District. Unanimous vote in favor.

**Discussion regarding the water supply at the Freetown/Lakeville High School and smoking in the restrooms continued upon arrival of Senior Staff Attorney Cheryl Sbarra, see below.*

Re-Appointments

Lawrence Perry	Board of Health Agent
Lawrence Perry	Inspector of Milk

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the reappointments listed above. Unanimous vote in favor.

Robert J. Poillucci	Assistant Board of Health Agent
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Upon motion made by Member Flynn with Chairman Garvey stepping down to second the motion and stepping back up to vote, the Board

VOTED: To approve the reappointment of Robert J. Poillucci as Assistant Board of Health Agent. Board Member Poillucci abstained from this vote.

William E. Garvey, Jr.	Assistant Board of Health Agent
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Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve the reappointment of William E. Garvey as Assistant Board of Health Agent. Chairman Garvey abstained from this vote.

Terrence Flynn	Assistant Board of Health Agent
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Upon a motion made by Member Poillucci with Chairman Garvey stepping down to second the motion and stepping back up to vote, the Board

VOTED: To approve the reappointment of Terrence Flynn as Assistant Board of Health Agent. Chairman Flynn abstained from this vote.

David G. Goodfellow Board of Health Agent

Upon a motion made by Member Flynn with Chairman Garvey stepping down to second the motion and stepping back up to vote, the Board:

VOTED: To approve the reappointment of David Goodfellow as Board of Health Agent. Unanimous vote in favor.

Chairman Garvey stated that a vote for a Wage & Personnel Board Member from the Board of Health was not necessary, because the W&P Board no longer exists.

***Smoking Issue** - Senior Staff Attorney Cheryl Sbarra from the MAHB Tobacco Prevention and Cessation Program and Chronic Disease Prevention Program arrived and joined the BOH meeting in progress. Member Poillucci related to her that there were two issues that the Board wanted to address and stated that if any action was to be taken, he wanted to confer with her first regarding the legal aspect of things. She enlightened the Board on different laws in regard to schools and smoking. She said the Smoke Free Workplace Law covers schools. The law states that the municipality shall be the chief enforcement officer which is typically the Board of Health. She said that the Board of Health clearly has the authority to give civil tickets to the smoker \$100 or the principal \$150, but also stated that the Superintendent by state and federal law has the authority to enforce the prohibition of tobacco use. She said that the Board can deputize anyone to issue the tickets but it needs to be someone who is willing to act in that capacity. She offered to go to a School Committee Meeting if the Board felt it would help. She also mentioned that if parents have concerns about this, they can contact the State Dept. of Public Health and complain at 1-800-992-1895 or fill out a complaint form that can be found on-line.

Water Issue - Member Poillucci then showed Attorney Sbarra pictures of the water sent by kids at the school and their parents. Member Garvey stated that bacteria-wise, the water was fine. Member Poillucci said because of this, DEP will not get involved, but told Health Agent Perry that the BOH can determine whether or not the water is safe for cooking by using the food code. She suggested contacting Mike Moore, Head of Food Protection at Environmental Health. She then said she would send Mr. Moore an email tomorrow regarding this issue. She offered to draft a letter on the smoking and have the Board review it and Health Agent Perry would draft up the letter in regards to the water and submit it to her for review.

Vendor Warrants were signed by the Board Members.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board:

VOTED: To adjourn the meeting at 8:00 p.m. Unanimous vote in favor.

Accepted as typed, 7/18/12, JL
