Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Secretary
James J. Walsh, Senior Health Agent

MINUTES

Dec. 28, 2015. **MOTION** by Mr. Santos to as amended. Seconded by Dr. Colletti. Unanimous.

AGENT REPORTS/INSPECTIONS

1. James Walsh – Daily Report – 10/12/15 through 12/31/2015. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
2. John Swartz – Daily Report – 10/15/2015 through 1/07/2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. Raymond Belanger – Daily Report – 10/14/2015 through 1/07/2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
4. Raymond Belanger - Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

SIGNATUREES NEEDED

Bills - Signatures rendered.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Nurse's Activity Report for Nov. and Dec. 2015. Noted. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
3. Budgets. Members approved as submitted.
4. Comp. Time. Members reviewed and discussed with Mr. Walsh. Mr. Walsh will continue to work the arrangements out with the Board of Health members directly.
5. Articles. Noted, nothing to add.
6. Mr. Walsh noted that he received septic plans for Noquochoke Village - 14 items required per Title-V were omitted on the plan. These are 14 State requirements. Mr. Walsh is double checking and would fax his comments to the engineer.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. 518-524 Old County Road (M-34/L-3A) Beverly DosVais Trust, 10B Repair (2 houses on one lot).
2. 488-490 Briggs Road (M-19/L-72) Edward & Tina Ferreira, 4B Repair

MOTION by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

TABLED

1. Lester Hartman/re: Looking for More Towns/Cities to Raise the Age of Tobacco Purchase to 21. Mr. Walsh stated he had a discussion with Ms. Edge. The Members no longer wish to pursue.
2. Pig Less than 5 Regulation and Piggery Regulation Review. Mr. Walsh noted that there was no provision in the regulation for the Board to provide a variance. Mr. Walsh will write a draft to be added to the regulation and present it at a future meeting.

APPOINTMENTS

7:15pm – Var. Hearing: Mark Rodrigues

1) 16 Barbara St., Janice Ferreira.

Variance requested for a traditional system repair:
- 62 feet vs 100 feet to site well.

A Hold Harmless Agreement has been recorded and well testing is in the process. All other setbacks to abutting wells are met.

MOTION by Mr. Santos to approve as requested conditional on well testing and a hold harmless agreement. Seconded by Dr. Colletti. Unanimous.

2) 35 Second St., F.R. Credit Union.

Mr. Walsh stated that the BOH needs to have the water analysis submitted before any letter of approval can be provided. The urgency is that there is a closing on January 14. The sample was taken last Friday and Mr. Walsh opined that the results should be in by tomorrow.

Variances requested:
- Proposed SAS to cellar wall, 6 feet vs. 20 feet;
- Proposed concrete septic tank to cellar wall, 5 feet vs 10 feet;
- Proposed SAS to bordering vegetated wetlands, 27 feet vs. 50 feet; and
- Proposed SAS to private water supply, 64 feet vs. 100 feet

The plan is scheduled for ConCom review.

MOTION by Mr. Santos to approve as requested conditional on a Hold Harmless agreement, well testing and ConCom approval. Seconded by Dr. Colletti. Unanimous.

7:25pm – Var.Hearing: Len Potter for 1090 Drift Road, Steven Spivey/Rick Costa.

Variance for repair:
- Proposed SAS setback to isolated land subject to flooding 42 feet vs. 50 feet.

The ILSF is not protected under Mass. Wetlands Protection Act but would be federal wetlands. The plan is scheduled for ConCom review next week.

MOTION by Mr. Santos to approve the variance to forty-three (43) feet conditional to ConCom approval. Seconded by Dr. Colletti. Unanimous.

MOTION by Mr. Santos to adjourn at 7:33 p.m. Seconded by Dr. Colletti. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Secretary
James J. Walsh, Jr. - Senior Health Agent

MINUTES

January 11, 2016. **MOTION** by Mr. Santos to as amended. Seconded by Dr. Colletti. Unanimous.

AGENT REPORTS/INSPECTIONS

Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

SIGNATUREES NEEDED

1. Bills - Signatures rendered.
2. Mattress Recycling Program Grant - Signatures rendered.

CORRESPONDENCE-Needing No Action

Edge Env.(copy)/re: Immediate Response Action Status, Remedial Monitoring & Phase V Status Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Kathy Burns/re: Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Dr. Colletti. Unanimous.
3. BOS/re: Fee Increase Request. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
4. Tire Vendor Fee Increase. Noted. Mr. Walsh stated that the price has been the same for quite a few years and an increase was due. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
5. Articles to be Submitted-Final Review, Deadline 2/05/16.
   a. Article for post closure costs for $15K: Mr. Walsh suggested cutting it at ATM. Only ~~$8K~~ **$9,441.52** was used last year and there are 13 more years out of 30 that testing is required.
   b. Vaccine article for not to exceed $10K.
   c. Deactivate enterprise fund.

MOTION by Mr. Santos to approve all 3 articles for Annual Town Meeting. Seconded by Dr. Colletti. Unanimous.

6. Budget for BOH FY17 is based on 261 days for $~~264,124~~ **268,454** of which 14,408 is the ~~subtotal of~~ expenses and not the 10,078 is presumed to be an error ~~and~~ **T**he total for the Transfer Station budget is $241,852. **MOTION** by Mr. Santos to approve the budgets as presented. Seconded by Dr. Colletti. Unanimous.

   in the T.A. final recommendation.

7. Mr. Weinberg, an interested constituent in the BOH open seat, was present and asked questions relating to the budget. Members were able to explain the workings of such.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. Old County Road (M-40/L-13) David Stahley, 3B NC. **MOTION** by Mr. Santos to approve conditional on ConCom approval. Seconded by Dr. Colletti. Unanimous.

TABLED

Piggery Regulation - Less than 5 Regulation and Piggery Regulation Review-Additional Language. Last revision in 2004. Mr. Walsh suggested adding language to both regulations that would allow anyone to appeal since that is what is missing from the regulation as currently written.

APPOINTMENTS

7:00pm – Var. Hearing: Sitec for 12 Dionne Street, Notre Dame Credit Union.

Dan Gioiosa of SITEC Inc. was present. Upgrade with the following variances:

-Setback to wells: 12 Dionne Street 69' vs. 100' & 8 Dionne Street 89' vs. 100'
-Setback from SAS to site foundation 12' vs. 20'

Mrs. Joyce Grace was present to say that she owns property on either side and is concerned that the pipe line that runs from her house to the cesspool on the other side could be in the way. She asked that they not break the pipe, which is closer to Dionne St. Mr. Gioiosa stated that they should be further enough away from the pipe and they know the location of the cesspool cover. If there were any damage, Mr. Gioiosa said they would repair it. Thomas Grace asked if there will be a retaining wall. There is already 4 feet of fill on the property and there will be 40 mil. impervious barrier on that side.

MOTION by Mr. Santos to approve the variances requested conditional on well testing and a hold harmless agreement. Dr. Colletti seconded the motion. Unanimous.

7:10pm – Discussion: Bob McCarthy for FY 2017 TS & BOH Budgets.

Mr. McCarthy reviewed the tables as provided based on 261 days vs. 262. Mr. Walsh clarified that there was nothing resubmitted to the BOH with the Transfer Station budget after it was turned in to the Town Hall. It may be held back due to questions over the enterprise fund. The Transfer Station budget submitted was slightly reduced because of the reduced tipping fees.

Mr. McCarthy asked about the enterprise fund. Dr. Colletti stated that it has been operated as such and at a deficit. Dr. Colletti stated that the Town would cover that deficit whether there was one or not. The only difference being with closing the enterprise fund would be that to keep it, there is more paperwork and filing with the State, if it remains an enterprise fund. He also stated that the Transfer Station has never run so efficiently, neat and clean. Mr. McCarthy also noted the same and the great helpfulness of the employees to the customers.

The total request for the Board of Health budget is increased by $2K and this reflects the need to pay for contractual obligations to certain union employees for longevity. Mr. McCarthy asked if there had been any provision for an increase in the union contracts by 1 or 2 percent. Mr. Walsh stated that there is only a provision for $5K to cover anticipated overtime should the new time clocks go into effect in the next few months. The need for overtime should be explored on the 22nd when BOH meets with FinCom, Mr. McCarthy said.

The FinCom will be asking to explain the warrant articles. There will be three articles: ongoing revolving vaccine, landfill post closure monitoring and enterprise fund removal. He asked the BOH to explain these so the viewing audience can understand where their taxpayer dollars go. Mr. McCarthy also asked for a copy of a narrative about the BOH for the new members of the FinCom. Dr. Colletti would resend the write-up as he has in the prior years.

7:20pm – Var. Hearing: Wendy Henderson for 68 Old Harbor Road, David Gilmour.

This hearing could not be heard because the abutters were not notified. Ms. Henderson would do so and then return to the next available meeting.

MOTION by Mr. Santos to adjourn at 8:05pm. Seconded by Dr. Colletti. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

TOWN OF WESTPORT

WESTPORT, MASSACHUSETTS 02790

OFFICE OF BOARD OF HEALTH
856 MAIN ROAD

Tel: (508) 636-1015
Fax: (508) 636-1016
Health@Westport-MA.gov

AGENDA

February 08, 2016 @ 7:00 pm

MINUTES (a)

1. January 25, 2016

AGENT INSPECTIONS/REPORTS

Inspection Reports (c)

SIGNATURE'S NEEDED (rc)

1. Bills

CORRESPONDENCE

1. Robert Gauvin/**re:** Complaint on the Piggery at 191 Division Road (a)

OTHER BUSINESS

1. Monthly Pump Reports (c)
2. East Beach Trailer Season 2016 (a)

OUTGOING (c)

PLANS REVIEWED BY AGENTS (sa)

1. Monroe Street (M-12/L-15A/SL-3) Kenneth Pereira, 4B NC
2. Charlotte White Road (M-65/L-1D) Ronald Oliveira, 4B NC
3. Sodom Road (M-8/L-27A) Roland Souza & Cheryl Butler, 4B NC
4. Brother's Way (M-80/L-29D/SL-2) Michael Fernandes, 3B NC
5. Crane Street/Gifford Road (M-24/L-27A) Lot One Crane Street Realty, 5B NC
6. Taber Lane (M-57/L-8) James & Robyn Worthington, 4B NC

APPOINTMENTS (a)

7:15pm – Var. Hearing: Wendy Henderson, 68 Old Harbor, David Gilmour
7:25pm – Var. Hearing: Len Potter, 249 Tickle Road, Michael Soares
7:30pm – Discussion: Sitec, Third Street (M-76/L-69J) Pat Mayall

Notes: *Board of Health agenda is subject to change; next regular meeting to be posted: 2/22/16*

All Members & Jim (a)
Chairperson (c); Vice-Chair (vc)
Jim Walsh (sa); Lucy Tabit (rc); Karl (s)

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 pm at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Secretary
James J. Walsh,Jr., Senior Health Agent

MINUTES

January 25, 2016. **MOTION** by Mr. Santos to approve with amended budget numbers as marked in red. Seconded by Dr. Colletti. Unanimous

AGENT REPORTS/INSPECTIONS

Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

SIGNATUREES NEEDED

Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Edge Env.(copy)/re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Strategic Materials (glass)/re: Price Increase Notice-From $25 to $35/ton. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

CORRESPONDENCE

1. Robert Gauvin/re: Complaint on the Piggery at 191 Division Road, Robert Gauvin from188 Division Road, Dartmouth, MA 02747 was present to formally complain about the piggery at 191 Division Road Westport, MA and that it was a compliant with the regulations. He stated that he is concerned that the piggery is deplorable and is concerned that there is tainted meat entering the food chain. He encouraged any members of the Board to visit the site and asked them to answer the question "would you eat any of these pigs?"

   He stated that in August of 2015, he submitted a request to the Board of Health requesting an inspection of this property and never received a response to his correspondence. He followed up with a visit to the BOH office in October and was told that an inspection was done in December of 2014 and was told that everything was ok. He stated that he requested a copy of the inspection because he believes that the piggery had violations. He stated that he received a letter telling him that he had to request it from the state and so he did. He stated that the reply from the state said because of issues related to the security of food supply he could not be granted the request.

   Mr. Gauvin respectfully asked the Board to review the inspection process, to insure that the piggery is compliant with Board's regulations and the violations outlined are being investigated.

   He then discussed each one of his line items relating to the regulations:

Section 3a. All piggeries shall be isolated and maintained in such a manner that no nuisance or result which is either harmful or a hazard or dangerous to the public health may occur. No pen or enclosure shall be located within 150 feet of any highway. Mr. Gauvin stated that the pigs are not isolated; they are penned within 2 feet of a road. Mr. Walsh stated that any piggery that was in existence at the time of the regulation that was renewed yearly was grandfathered. Mr. Gauvin stated that when the owner passed away, he was not given proper notice that there was going to be a transfer of the ownership. Mr. Walsh stated he would not be notified of anything; the ownership is in the same family in the same family corporation.

3c. Properly ventilated buildings or substantial constructions are so designed that accumulations of offensive materials that can be readily removed shall be removed. Indoor pens with troughs, etc… and there troughs should be cleaned every day. Mr. Walsh stated that the BOH does not regulate the conditions of the buildings; it is under the purview of the building department. Mr. Walsh stated that he spoke with the grandson to make sure he maintains rats, which is routine anyway. Mr. Santos stated that there was no evidence of rats. Mr. Gauvin asked about the water tight troughs of cement or metal as required in this section of the regulation. He stated that they put the food on the ground not in these sort of feeders. Mr. Walsh stated that is not an issue because those are for water.

Mr. Gauvin stated the brooding houses are not cleaned out. Mr. Walsh replied that brooding houses are not used daily but only during breeding season. Mr. Gauvin asked if the brooding houses were inspected. Mr. Walsh stated that he saw them the time he accompanied Mr. Santos.

3e. If outdoor pens or runs are provided, the swine shall be fed from platforms built on heavy water tight material or of skids one foot above the ground so that the platforms can readily be move or arranged on the ground, etc… platforms shall be kept clean and clear. No food shall be allowed to accumulated. Mr. Walsh stated they are not using platforms, just free ranging pigs. Mr. Gauvin stated they are supposed to use platforms and Mr. Walsh stated they do not have to use platforms; there is no requirement. Mr. Gauvin stated the regulation requires it. Mr. Walsh stated that they are not required and that pigs are rooters and these are free ranging. Mr. Santos stated the regulation applies to an enclosed pen. Mr. Gauvin stated the pigs are in a pen. But members stated they are ranging.

Mr. Gauvin stated that uneaten garbage is left on the ground. Mr. Walsh stated that the category of garbage is very specific and these pigs were fed cranberries, not garbage.

3h. Manure and refuse in outdoor pens shall be cleaned at lease daily and shall be buried so that pigs will not have access and not be a nuisance. Mr. Walsh stated that they are open range, and are not in pens. Mr. Gauvin stated they have pens.

Dr. Colletti asked for photos. Mr. Gauvin submitted some, but can't go on the property.

3o. No piggery shall be located, constructed or maintained or any part of which is within 100 feet of the high water mark of any source of drinking water, etc. Mr. Walsh stated that it has to do with surface water. Mr. Santos stated that they would be exempt anyway. Mr. Gauvin stated that the farm regularly does business with a farm in Rhode Island. Mr. Gauvin asked if valid health certificate as required by MA law on file. The animals do not get health certificates. Mr. Santos said that if they go straight to slaughter and are from out of state, they do not need a health certificate. Mr. Walsh stated that the BOH does not issue health certificates from the state. The state would notify the BOH and Mr. Walsh stated they have not received any.

Mr. Gauvin wanted to make sure with the BOH and asked if the farmer is in compliance.

Dr. Colletti stated that just prior to the two agents making a site visit, a state agent performed an inspection. Dr. Colletti will inquire what the findings of the state agent were.

Mr. Gauvin was asked if he was an abutter and how long he has been a resident. He responded he has lived across the street for 28 years and preferred not to respond to the question if this was the first time there was an issue. He wanted to address the farm's compliance and did not want to get into anything else superficial. Dr. Colletti asked that Mr. Walsh obtain a report from the state. Mr. Walsh noted that some of these reports may be confidential and may not be able to be released. Mr. Santos stated that if there were any other complaints to please inform the BOH. Mr. Gauvin asked for a copy of the minutes to be sent to him at the address listed above.

2. J. Harrington/re: Annual Request to Share Tight Tank Between Both Lots. **MOTION** by Mr. Santos to approve for the season. Seconded by Dr. Colletti. Unanimous.

3. VectorDCI/re: Tick/Lyme Disease Management Program Proposal. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. East Beach Trailer Season 2016. Mr. Walsh has sent out the letter to the BOS.
3. Finance Meeting Reminder 3/22 7:00pm. Noted
4. New Employee 6 mo. Review was favorable. **MOTION** by Mr. Santos to continue as an employee and receive 95% of his pay, two personal days and 5 vacation days and to receive rabies vaccination. Seconded by Dr. Colletti. Unanimous.
5. Mr. Walsh stated the mattress grant is all set. He stated that if there is no roll off,
6. Town nurse will return on March 10, 2016.
7. Mr. Walsh provided landfill figures.
8. Mr. Walsh asked if the Board would be willing to use iPads instead of paper.
9. Dr. Colletti stated that he received a call from the Town administrator asking that the Town Nurse be moved to the Senior Center in order to make room for School Department offices to the Annex. There has been no decision made yet as other areas are being looked at. Mr. Walsh stressed that her role is too close to separate from the BOH offices.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. 51A&B Cross Road (M-49/L-19) Debra Barrett, 4B-3 Dwellings, No variances. Repair. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

2. 66 Perch Rock Road (M-89/L-105) Thomas Gebhard, 3B Repair, no variances required. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.
3. 233 Old Harbor Road (M-86/L-4&5) Kevin McGoff, 3B Repair, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
4. Monroe Street (M-12/L-15B/SL-3) Kenneth Pereira, 4B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
5. Charlotte White Road (M-65/L-1D/SL-4) Ronald Oliveira, 4B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
6. Sodom Road (M-68/L-27A) Roland Souza & Cheryl Butler, 4B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
7. Brother's Way (M-80/L-29D/SL-2) Michael Fernandes, 3B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
8. Crane Street/Gifford Road (M-24/L-27A) Lot One Crane Street Realty, 5B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
9. Taber Lane (M-57/L-8) James & Robyn Worthington, 4B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
10. Robert Street (M-62/L-2S) Riley Homes, 3B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
11. Old County Road (M-34/L-48J) Old County Estates LLC, 4B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
12. Quail Trail (M-85/L-28B) Robert Collins, 3B NC, no variances required. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

APPOINTMENTS

7:15pm – Var. Hearing: Wendy Henderson, 68 Old Harbor, David Gilmour.

Ms. Henderson provided a copy of the abutter notices and the green postal cards, which were all returned. Dr. Colletti called on the abutters and none were present.

The survey revealed 350 along the road outside the velocity zone - and they have 170 sq. ft. available to place a 3-bedroom septic system. It will be a hardship for the Gilmours not to have a 5 bedroom system.

They have provided for the Advantex De-nitrifying Septic System, which would allow for greater setbacks and 20ml/g or 45% reduction compared with a system without treatment. The proposed system is out of the velocity zone and greater setbacks to wetlands and well and is a thinner system thus requiring less fill. There will be 5.6 feet of separation to the water table that can be offered because of this system. This system will require annual maintenance with reports filed with the BOH. The upgraded system with increase in flow will provide better treatment than the current system in place which is a cesspool.

Discussion ensued over the possibility of there being two buildings that could be further subdivided at some later point. Ms. Henderson stated the owner does not intend to subdivide it further and the owner is willing to place a deed restriction on the property. She noted that the system would be working in mode 3, which is de-nitrifying mode. There is an alarm on the system and could be corrected off site.

MOTION by Mr. Santos to not approve the system. Seconded by Dr. Colletti with discussion. Ron Knapp was present and stated that the river is under great pressure from both the tides and the rising nitrogen threatening the waters. The Board asked to see this system in a 3 bedroom configuration, and then see the numbers but not for a 5-bedroom system. Members felt this would set the wrong precedent and would harm the health of the river. The vote was unanimous.

The members would be open to seeing the numbers for a 3-bedroom Advantex System and not for a 4 or a 5 bedroom system.

7:25pm – Var. Hearing: Len Potter, 249 Tickle Road, Michael Soares.

The failed system is being repaired. The variance requested is for a separation from groundwater for 3 feet vs. 4 feet to allow the repair without the use of a mechanical pump.

MOTION by Mr. Santos to approve conditional on a Hold Harmless agreement and a deed restriction. Seconded by Dr. Colletti. Unanimous.

7:30pm – Discussion: SITEC, Third Street (M-76/L-69J) Pat Mayall.

Dan Gioiosa from SITEC was present to ask if the lot qualifies for a variance to the bordering vegetated wetlands. The sketch provided indicated that the proposed 2 bedroom dwelling is mostly in the 100 foot setback to wetlands. They can fit the well and septic in full compliance with new construction except for the 100 foot setback to wetlands. Mr. Walsh stated that the lot was grandfathered from the 1950's but would still be required to obtain ConCom approval.

Albert Bussink, the potential owner, was present to deed restrict the size of the house. Mr. Santos asked about the water table. Mr. Walsh stated most likely 20-30 inches and possibly ledge. Mr. Gioiosa, would need to perc to see what the status is. If they can site a Title-V system is the question but without perc test data, it is not known. Members of the Board stated they would need to know that information to provide any opinion

MOTION by Mr. Santos to adjourn at 8:30pm. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:01pm at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Secretary
James J. Walsh, Jr. - Senior Health Agent

NOTE: Dr. Colletti made the following public service announcements for the listening audience:

- ♣ Town Nurse Kathy Burns will be back on March 8, 2016
- ♣ Recycling receptacles will be placed at all town buildings

MINUTES

February 22, 2016. **MOTION** by Mr. Santos to change his voting on the appointment from 2-22-16 at 7:25 p.m. to the following: "**MOTION** to approve conditional on a Hold Harmless agreement". Seconded by Dr. Colletti. Unanimous.

MOTION by Mr. Santos to approve the minutes. Seconded by Dr. Colletti. Unanimous.

AGENT REPORTS/INSPECTIONS

1. James Walsh – Daily Report – 01/01/16 through 02/26/2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
2. John Swartz – Daily Report – 01/05/2016 through 03/02/2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. Raymond Belanger – Daily Report – 01/08/2016 through 02/26/2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
4. Raymond Belanger - Inspection Reports. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

SIGNATUREES NEEDED

Bills - Sgnatures rendered.

CORRESPONDENCE-Needing No Action

1. Charles Castelluccio Consulting/re: Notice of Submittal of a Phase V Completion Statement for 30 Borden Street. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Charles Castelluccio Consulting(copy)/re: Notice of Activity and Use Limitation, 30 Borden St. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
3. Edge Env.(copy)/re: Phase V Remedial Monitoring Report. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
4. BCMCP/re: Notice of Aerial Larval Control Application. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.
2. Pat Kershaw/re: Vacation Request. **MOTION** by Mr. Santos to grant. Seconded by Dr. Colletti. Unanimous.
3. Ray Larner/re: Vacation Request. **MOTION** by Mr. Santos to grant. Seconded by Dr. Colletti. Unanimous.

4. MDAR/re: Annual Animal Inspector Nominations. **MOTION** by Dr. Colletti to appoint Karl Santos, Fred Ponte and Mr. Walsh as Animal Inspectors. Seconded by Mr. Santos. Unanimous.
   MOTION by Mr. Santos to nominate Dr. Colletti as Animal Inspector. Seconded by Dr. Colletti. Unanimous.
   MOTION by Mr. Santos to nominate Sean Leach as Animal Inspector. Seconded by Dr. Colletti. Unanimous.
5. Finance Meeting Reminder 3/22, 7:00pm, 1st come 1st served (posted). Noted.
6. Mr. Walsh noted that the conference room and Veteran's office are being looked at by the school department for their use. The members did not see a problem using the office for meeting,s if that were the case.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. 7 Richmond Pond Dr (M-88/L-119A) Dr. Larry Rink, 3B Repair. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Dr. Colletti. Unanimous.
2. 194 Briggs Road (M-29/L-5C) Michael & Susan Gerrard, 5B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
3. Jiggs Street (M-6/L-3) Andrew & Amy Morse, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.
4. Cahoon's Lane (M-2/L-45A/SL-2) Mark & Jill Dumont, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. Unanimous.

APPOINTMENTS

7:15pm – Discussion: FDA Tobacco Enforcement Program, Marilyn Edge.

Christie Fedor the MA FDA Tobacco Enforcement Program sent a letter on January 20, 2016 asking that since inspectors will no longer going to be paid to be sworn in at the each of the towns, that the Boards of Health can appoint a "class" of inspectors. Ms. Edge stated that with this program, the town and she would never know who was inspected and what the results were. Dr. Colletti asked Mr. Walsh to draft a letter of disagreement for any inspectors coming into our community without notification in a reasonable time to take any action. Mr. Walsh will draft the letter and go over it with Ms. Edge.

MOTION by Mr. Santos to adjourn at 7:45 pm. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

TOWN OF WESTPORT

WESTPORT, MASSACHUSETTS 02790

OFFICE OF BOARD OF HEALTH
856 MAIN ROAD

Tel: (508) 636-1015
Fax: (508) 636-1016
Health@Westport-MA.gov

AGENDA

April 04, 2016 @ 7:00 pm

MINUTES (a)

1. March 07, 2016

AGENT INSPECTIONS/REPORTS

1. Inspection Reports (c)

SIGNATURE'S NEEDED (rc)

1. Bills

CORRESPONDENCE

1. BBC(copy) Nitrogen Pollution Concerns with the Noquochoke Village Project (c)
2. DEP/**re:** Notice of the 2016 Sustainable Materials Recovery Program Municipal Grant Application (c)

OTHER BUSINESS

1. Monthly Pump Reports (c)
2. Nurse/**re:** Activity Report for January and February 2016 (c)
3. Grant Admin/**re:** Betterment Septic Grant Update Report (c)
4. TC&BOS/**re:** Copy fee reduced to 5¢ per page (c)
5. Budget/Enterprise (a)
6. Reschedule the 2nd April Meeting, April 18th is a Holiday (a)

OUTGOING (c)

PLANS REVIEWED BY AGENTS (sa)

1. 369 Old County Road (M-51/L-17B) Joanne Lawrence, 3B Repair
2. 395 Old County Road (M-51/L-17) Joanne & Louise Lawrence, 3B Repair
3. 15 Beeden Place (M-33/L-57) Timothy & Melissa Rock, 4B Repair
4. 490 Old Harbor Road (M-87/L24) Edith Blish Trustee, 4B Repair
5. 25 Gifford Road (M-23/L-28C) Barbara Crowther, 2B Repair
6. 93 Howland Road (M-33/L-25A) Robert Wax, 3B Repair
7. 616 River Road (M-87/L-91) Elizabeth Cady, from 3 to 4B Upgrade
8. 572 Old Bedford Road (M-21/L-2) Linda Mello Nicholson, 3B NC

APPOINTMENTS (a)

7:15pm – Variance Hearing: Alan Heureux for 1478A Drift Road, Shelley Cohen

Notes: *Board of Health agenda is subject to change; next regular meeting to be posted: TBD*

All Members & Jim (a)
Chairperson (c); Vice-Chair (vc)
Jim Walsh (sa); Lucy Tabit (rc); Karl (s)

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 6:30 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John Swartz, Health Agent arrived at 6:45 p.m.

MINUTES

1. March 07, 2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor with Mr. Harkins abstaining.

AGENT REPORTS/INSPECTIONS

1. Inspection Reports – **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

SIGNATUREES NEEDED

1. Payroll - signatures rendered.
2. Beach Agreements - signatures rendered.

CORRESPONDENCE-Needing No Action

1. Governor Signs Mass. Drug Abuse Prevention Bill-Mandate Drug Take Program. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
2. Mass. Paint Stewardship-Make Paint Industry Responsible for Leftover Paint. **MOTION** by Mr. Santos to have Mr. Walsh respond favorably. Seconded by Mr. Harkins. Unanimous.

CORRESPONDENCE

1. BBC(copy) Nitrogen Pollution Concerns with the Noquochoke Village Project. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. DEP/**re:** Notice of the 2016 Sustainable Materials Recovery Program Municipal Grant Application. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
3. Neighbors/**re:** Petition Requesting BOH to Require Ground Water Discharge Permit for Noquochoke Village Project. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous. Dr. Colletti asked that Mr. Walsh to send a note to the Planning Board and this be on the next agenda. **MOTION** by Mr. Harkins for Mr. Walsh to send a note to the Planning Board. Seconded by Mr. Santos. Unanimous. The Board would like to mention that they would like to meet with the Planning Board.
4. DEP(copy)/**re:** Notice of Intent to Amend Regulations. **MOTION** by Dr. Colletti to ask Mr. Walsh to follow up and file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Nurse/**re:** Activity Report for January and February 2016. **MOTION** by Mr. Santos to approve report. Seconded by Mr. Harkins. Unanimous.
3. Kathy Burns/**re:** Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Mr. Harkins. Unanimous.
4. Grant Admin/**re:** Betterment Septic Grant Update Report. **MOTION** by Mr. Santos file. Seconded by Mr. Harkins. Unanimous.
5. TC&BOS/**re:** Copy fee reduced to 5¢ per page. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
6. Next Meetings are May 02 and May 16 (May 30th is Holiday). Dr. Colletti noted that he was going to be absent for Town meeting and asked that Mr. Walsh be present to be prepared to discuss the discontinue of the enterprise fund.
7. Marilyn Edge/**re:** Vape Shop Issue. **MOTION** by Mr. Santos to table till the 16th of May so Ms. Edge can explain. Seconded by Mr. Harkins. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. 369 Old County Road (M-51/L-17B) Joanne Lawrence, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. 395 Old County Road (M-51/L-17) Joanne & Louise Lawrence, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
3. 15 Beeden Place (M-33/L-57) Timothy & Melissa Rock, 4B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
4. 490 Old Harbor Road (M-87/L24) Edith Blish Trustee, 4B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
5. 25 Gifford Road (M-23/L-28C) Barbara Crowther, 2B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
6. 93 Howland Road (M-33/L-25A) Robert Wax, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
7. 354 Old Bedford Road (M-2/L-28) Debra Thibeault, 3B Repair. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
8. 83-85 Benoit Street (M-1A/L-95) Pauline Messier Trustee, 4B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
9. 424-C River Road (M-87/L-49) Charles Cowing, 2B Repair. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
10. 616 River Road (M-87/L-91) Elizabeth Cady, 3B to 4B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
11. 572 Old Bedford Road (M-21/L-2) Linda Mello Nicholson, 3B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

12. State Road (M-14/L-25C) SE Mass Livestock Assoc., Commercial NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
13. Sycamore Lane (M-61/L-18F) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

APPOINTMENTS

7:15pm – Variance Hearing: Alan Heureux for 1478-A Drift Road, Shelley Cohen.

Septic repair. Applicant is proposing to demolish the existing 2 bedroom dwelling and garage and to rebuild dwelling further up the hill and away from the river in accordance with the State's building code for wheelchair access through the garage to the living space. Wheelchair access for the applicant is due to a medical issue. There would be no increase in flow. The grey water would be pumped up hill to meet the 200 foot setback from the river.

The following variances are requested:
- setback from septic tank to pump chamber from property line, 3 feet vs. 20 feet.
- setback from septic tank to pump chamber from house foundation, 5 feet vs. 10 feet.
- allowance of one deep hole test pit in the disposal area.
- setback of septic tank and pump chamber from abutter's well at 1478-B Drift Road, no less than 18 feet.

Notes from Mr. Walsh stated that the variances would remain the same whether or not the house was rebuilt or stayed the same. Mr. Santos asked for the return receipts card. Mr. Heureux stated that he submitted the card to the office. Dr. Colletti asked if there were any abutters. Mr. Russell Nauta was present and he was the abutter to the south side. He stated he is concerned with the well.

MOTION by Mr. Santos to approve the variances listed above subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

7:20 p.m. – Public Hearing: Piggery Application (20 Pigs) Sodom Road, Weatherlow Farms.

Ryan Wagner, owner was present and is requesting a permit to have up to 20 pigs. He does not live on the premises but stated that the farm would be fully staffed. Mr. Santos asked him if he was aware that a piglet is considered a pig at 12 weeks. They plan to have a 4 wire electrified fence. Dr. Colletti asked if they had a manure management plan. Mr. Wagner stated they would follow any guidelines the Board recommends.

Warren Messier, an abutter to the property, was present, and he was concerned over the potential smell based on his experiences with other pig farms in the area. He asked for what the game plan was. Mr. Wagner stated that those are the same concerns they have. The plan is to pen most of the pigs 300-500 feet away from abutter. Mr. Messier stated that the smell, he asked what they plan to do about the smell.

Abutter, Ed Pereira was present and was not supportive of the piggery because of the smell.

Muriel Percaset stated that her property abuts where they propose to put the pigs and she does not want to smell them or have pigs lose in and the through her woods. She said if he were living there he would know how it smells.
Polly Medeiros of 920 Sodom Road spoke in favor of the progress on the farm but did not want to smell the potential odors.

Claude Ledoux was present and spoke in favor noting that it is not a hatchery operation nor will there be more than 20 seasonal pigs.

Mike Silvia of 813 Sodom Road spoke in favor of the nice job they are doing to cleaning it up. He has a problem concerning pigs, their smell and food scraps and also the unlimited potential of piglets. He also noted that the permit is only allowed if the farmer is resident.

Janet Silvia spoke about the history of there always being some farm animal loose.

Rich Thibodeau, an abutter stated that he has always raised a pig or two, but it's always the smell from the pigs. He asked what they will do about the manure especially in the summer. The cows were always getting loose in his yard.

Margaret Vieira asked if the permit is granted, what steps can the Board take. Dr. Colletti stated the Board has the power to revoke the permit.

MOTION by Mr. Santos not to allow the permit based on the numerous complaints by the neighbors and the fact that Mr. Wagner does not live on the premise. Seconded by Mr. Harkins. Unanimous.

MOTION by Mr. Santos to adjourn at 8:00 p.m. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Secretary
William M. Harkins
James J. Walsh, Jr. - Senior Health Agent

MINUTES

Tabled to the next meeting.

AGENT REPORTS/INSPECTIONS

SENIOR AGENT

1. Less than 5 Pig Application for Weatherlow Farms on Sodom Road. Mr. Walsh stated that the farm on the previous had put in a request for 4 pigs. He noted that the BOH can revoke a permit at any time and the BOH can require a more stringent management plan. The location where the pigs would be kept is on the east to the rear of the parcel and far away from any abutter. Permits can be issued subject to being revoked, if there were any public complaints. Mr. Harkins asked if the feeding had to be elevated if the pig were confined in a pen and Mr. Walsh stated yes. Dr. Colletti suggested that this could be approved subject to review by the Board. **MOTION** by Mr. Santos to approve subject to review of the plan by Mr. Walsh and himself. Mr. Harkins seconded the **MOTION**. Unanimous.

2. Resubmission of Septic Plan for Forge Road, Carlos Ferreira (Bottomless Sand Filter). Mr. Walsh asked if the Board remembers this application coming before the Board in the past. This was a project that is not approvable because bottomless sand filter does not meet Title V for new construction.

3. Other Sr. Agent Reporting/Discussions. Noquochoke Village. Mr. Walsh stated that the Board would be reviewing these plans at the next meeting. With further revision, this plan would be approvable. Mr. Walsh stated that he has drafted a letter to the Planning Board per the Board's request at the last meeting. Mr. Walsh stated that petitioners requested that if the flow was calculated to be just under by 10 gallons per day, then the applicant is subject to the Groundwater Discharge Permit. Mr. Walsh stated that he would follow up on this. **MOTION** by Mr. Santos that the Planning Board be asked to require the applicant to a groundwater discharge. Seconded by Mr. Harkins.

SIGNATUREES NEEDED

Bills - signatures rendered.

CORRESPONDENCE-Needing No Action

1. Marilyn Edge/**re:** FDA Compliance Check Failure. Dr. Colletti stated that Route 6 Gas and all the other stores have changed their silent testing. Noted. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

CORRESPONDENCE

1. MDAR M. Cahill/**re:** Animal Inxpector Nomination Denial. **MOTION** by Mr Santos to file. Seconded by Mr. Harkins. Unanimous.

2. Robert Gauvin/**re:** Follow Up to Minutes from Piggery Complaint (a). Mr. Gauvin noted to the Board that there is no provision for "grandfathering" as was stated in the February 22, 2016 meeting minutes. Mr. Gauvin asked for an opinion from Town Counsel. The Board agreed. Mr. Gauvin also had asked about what is considered a pen vs. free range because he noted the regulations does not allow for food to accumulate off the platform or the ground. He stated the pen in question is a small area and he noted that the pigs could be eating their own feces. The drinking water supply is also in close proximity. His feeling is that when issues affect public health there are no grandfathering provisions. He noted that his well is 25 feet from this activity and he has owned it for 25 years. Mr. Santos asked if this farm was nuisance to him. Twenty five years ago there were horses where the pigs are today and the pigs were farther away. Dr. Colletti stated the BOH would request an opinion from Town Counsel.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Nurse's Activity Report for March & April 2016. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
3. Fred Ponte/re: Vacation Request. **MOTION** by Mr. Harkins to grant the request. Seconded by Mr. Santos. Unanimous.
4. May/June Meeting Schedule. Members requested to meet on May 16, June 6 (tentative) & June 13.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. Sanford Road (M-18/L-4D/SL-4) Natalia Caetano, 4B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

2. Charlotte White Road (M-68/L-7AF/SL-6) Ronald Oliveira, 4B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

3. Charlotte White Road (M-68/L-7AG/SL-7) Ronald Oliveira, 4B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

APPOINTMENTS

7:15pm – Variance for Water Tank: Tim Field, Revolution Lobster 2065 Main Road.

Mr. Field described the various sinks that will be used and the steamer. He has approval from DEP and from the Zoning Board of Appeals. **MOTION** by Mr. Harkins to approve subject to final review by Board of Health Inspector, Ray Belanger. Seconded by Mr. Santos. Unanimous.

MOTION by Mr. Santos to adjourn at 7:30 p.m. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:04 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
William M. Harkins, Secretary
James J. Walsh, Jr. - Senior Health Agent
Absent: Karl W. Santos, Vice-Chair

MINUTES

1. April 25, 2016. **MOTION** by Mr. Harkins to approve as amended. Seconded by Dr. Colletti. Unanimous.

2. May 02, 2016. **MOTION** by Mr. Harkins to approve as amended. Seconded by Dr. Colletti. Unanimous.

AGENT REPORTS/INSPECTIONS

1. Inspections/reports. **MOTION** by Mr. Harkins to accept and file. Seconded by Dr. Colletti. Unanimous.

2. Sr. Agent Verbal Reporting/Discussions. Noquochoke Village Plans. Sr. Agent stated that the plans meet all criteria of Title-V. Mr. Walsh requested the Board to approve the plan as submitted pending no negative comments from DEP. Mr. Walsh will be running the plans by Brett Rowe at DEP tomorrow. He noted that this was an EPA superfund site and Mr. Walsh was asked for a list of contaminants because even for a 10,000 gallon draw, it will pull water from 300 feet. **MOTION** by Mr. Harkins to approve pending comments from DEP. Seconded by Dr. Colletti. Unanimous.

SIGNATUREES NEEDED

Bills - signatures rendered.

CORRESPONDENCE-Needing No Action

1. Edge Env./re: Phase V Remedial Monitoring Report. **MOTION** by Mr. Harkins to file. Seconded by Dr. Colletti. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Harkins to file. Seconded by Dr. Colletti. Unanimous.
2. BOS/re: Annual Board/Committee Appointments. **MOTION** by Mr. Harkins to table. Seconded by Dr. Colletti. Unanimous.

OUTGOING

MOTION by Mr. Harkins to file. Seconded by Dr. Colletti. Unanimous.

PLANS REVIEWED BY AGENTS

1. 167 Blossom Road (M-2/L-5A) Riley Homes LLC, 3B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
2. 74 Sunset Avenue (M-17/L-25) Christopher & Shelley Riley, 3B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
3. 672 River Road (M-89/L-134A) Anne Snyder, 5B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
4. 350 Gifford Road (M-24/L-30A) H&K Properties Inc., 3B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
5. 264 Tickle Road (M-20/L120-122) Kathleen Cabral, 2B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
6. 14 Robbins Street (M-83/L-102) Joel Alstein & Nan Laird, 4B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
7. 2 Lawton Lane (M-61/L-15D) Thomas Plourde, 4B Upgrade. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
8. Upland Trail (M-56A/L-28G/SL-4) Mark Pawlak, 4B NC. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.
9. Cahoon's Lane (M-2/L-31A) Robert & Lisa Grillo, 3B NC. **MOTION** by Mr. Harkins to approve. Seconded by Dr. Colletti. Unanimous.

APPOINTMENTS

7:15pm – Discussion: Marilyn Edge re: Vape Shops.

Ms. Edge noted that the Board could change their regulations to address vape shops, but to do it at this time, would give the appearance that it is being done for him. The new definition, created by the state, for a retail tobacco store include vape shops. In Attleboro, there are regulations that allow adult only and once the regulation goes into effect, there will be no other shops that will be permitted afterward. At this point, the Board cannot deny the application without the risk of a lawsuit. Dr. Colletti was concerned as to where people would go to smoke. There is a prospective store owner that is planning to apply for a tobacco/e-cig permit. Ms. Edge suggested changing the regulation, but that would appear persecutory; once a regulation goes into effect, no new stores would be allowed, so a sunset option would be a provision; also retiring older permits that were turned in. She suggested that she have a discussion with the individual to ask where any vape activities would take place. She will also ask Attorney Cheryl Sbarra at Mass Association of Health Boards for draft regulation language. Dr. Colletti asked Mr. Walsh to notify the proposed applicant that the Board would like him to meet the Board.

MOTION by Mr. Harkins that the Board of Health will meet with any new Board of Health issue permit applicant at the new location. Seconded by Dr. Colletti. Unanimous.

7:25pm – Variance Hearing: Wendy Henderson
1.) 249-D Fisherville Lane, Leigh Bagley

A variance is being requested to facilitate the disposal of gray water from an existing 2 bedroom home to a drip irrigation system less than 50 feet from a wetland resource area.

There is no shower and the applicant will be installing a shower and would like to divert the shower water/gray water only that is currently flowing into an approved tight tank. The wetland setback waiver

is required to provide the required 100 foot well setback. The proposal is in the maximum feasible compliance with Title-V given the proximate wells, wetlands and site configuration. The proposed shallow drip system will provide nutrient uptake during the growing season when this summer cottage is in use on the north end of Fisherville Lane.

Variance requested: Setback from leaching area to wetlands, 30 feet vs 50 feet.

Mr. Walsh suggested sliding the treatment area over approximately 50 feet and at least 85 feet from the river and it will be at the higher end of the water table.

MOTION by Mr. Harkins to approve per the Senior Agent's recommendations. Seconded by Dr. Colletti. Unanimous.

7:25pm – Variance Hearing: Wendy Henderson
2.) 1229 American Leg. Hwy., Joseph Silva

Applicant is requesting a local upgrade variance and a plan approval to facilitate the repair of the existing failed septic system at 1229 American Legion Highway.

Variance requested: setback from leaching area to site well, 75 feet vs 100 feet.

MOTION by Mr. Harkins to approve the variance as requested conditional on ConCom approval. Seconded by Dr. Colletti. Unanimous.

MOTION by Mr. Harkins to adjourn at 8:30 p.m. Seconded by Dr. Colletti. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

TOWN OF WESTPORT

WESTPORT, MASSACHUSETTS 02790

OFFICE OF BOARD OF HEALTH
856 MAIN ROAD

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AGENDA

June 13, 2016 @ 7:00pm

MINUTES (a)

1. May 16, 2016

AGENT INSPECTION/REPORTS

1. Ray Belanger: Daily Log 2/25/16 thru 6/09/16 (a)
2. Ray Belanger: Inspections/complaints (c)
3. John Swartz: Daily Log 3/03/16 thru 6/07/16 (a)
4. James Walsh: Daily Log 2/29/16 thru 6/07/16 (a)
5. Sr. Agent Verbal Reporting/Discussions (a)
   - Noquochoke Village
   - Head Garage
   - Beach Testing
   - Principal Clerk Overtime
   - Other topics/misc.

SIGNATURE'S NEEDED (rc)

1. Bills
2. Article-Retain
3. Beach Testing Agreement

CORRESPONDENCE-Needing No Action

1. Edge Env.(copy)/**re:** Phase V Remedial Monitoring Report for 162 State Road (c)

OTHER BUSINESS

1. Monthly Pump Reports (c)
2. Annual Board of Health Appointments (a)
3. Kathy Burns/**re:** Vacation Request (c)
4. Update on Betterment Grant (c)
5. Articles: Vote to Retain (a)

OUTGOING (c)

PLANS REVIEWED BY AGENTS (sa)

1. 359 Old County Road (M-51/L-15) Brad Kirby, 2B Repair
2. 465 Sanford Road (M-18/L-31) David Pereira, 3B Repair
3. 404 Briggs Road (M-19/L-57) Paul Dumas, 3B Repair
4. 405 Old Bedford Road (M-5/L-1R-1S) Eleanor Cabral Life Est., 3B Upgrade
5. Angel Court, (M-61/L-22) Brian & Lena Dolezsar, 4B NC

All Members & Jim (a)
Chairperson (c); Vice-Chair (vc)
Jim Walsh (sa); Lucy Tabit (rc); Karl (s)

6. 23 Jennings Way (M-21/L-10AR/SL-63) Briggs Landing LLC, 4B NC

TABLED

1. BOS/re: Town Annual Appointments

APPOINTMENTS (a)

7:15pm – Variance Hearing: Len Potter for 693 State Road, Katie DeMello

Notes: *Board of Health agenda is subject to change; next regular meeting to be posted: 6/27/16*

All Members & Jim (a)
Chairperson (c); Vice-Chair (vc)
Jim Walsh (sa); Lucy Tabit (rc); Karl (s)

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl Santos, Vice-Chair
Bill Harkins, Secretary
James Walsh, Senior Agent

MINUTES

May 16, 2016. **MOTION** by Mr. Harkins to approve as amended. Seconded by Dr. Colletti. The vote was two in favor. Mr. Santos was absent at that meeting.

AGENT REPORTS/INSPECTIONS

1. Ray Belanger: Daily Log 2/25/16 thru 6/09/16
2. Ray Belanger: Inspections/complaints
3. John Swartz: Daily Log 3/03/16 thru 6/07/16
4. James Walsh: Daily Log 2/29/16 thru 6/07/16
5. Sr. Agent Verbal Reporting/Discussions
   a. Noquochoke Village: Mr. Walsh recapitulated sending the letter to the Planning Board. He stated that the plan as submitted had no issues. He brought the plan to DEP and Brett Rowe stated that the plan met the Title V. However the secondary treatment unit was an issue. The bio barrier was to reduce the nitrates and it is not on any of the state lists for remedial use. So, it has to be treated as a piloted system and requires DEP approval. Mr. Walsh said that the engineer stated they were going to apply for a pilot. Mr. Walsh sent another letter to DEP recommending they require a discharge permit. Pam Costa was present and said she called DEP and the applicant has not yet applied to DEP. Mr. Walsh stated that the dosing was not even going to be treated correctly (dosing/use is a per-cycle measurement; gallons per day is a different measure). Mr. Harkins asked if the Planning Board can approve. So, if nothing has been applied for, the BOH does not have anything to approve. The applicant will be meeting with the Board of Health next Monday before their hearing.
   b. Head Garage: Mr. Walsh stated that Chuck Shurtleff of the DEP Public Water Supply Department read an article about the Head Garage and that peaked his interest and he said that they would need public water supply at that location. Mr. Walsh opined that the property cannot be considered for a septic repair as there was no septic on the property to repair.
   c. Beach Testing: Testing started last week and will continue monthly for the next two months.
   d. Principal Clerk Overtime: Mr. Walsh stated that the department has been unusually busy with events and transfer station stickers, among other issues all occurring at the end of the fiscal year. The overtime is necessary through June 30 in order to address the end of the fiscal year and the need to address accounting requirements. **MOTION** by Mr. Harkins to authorize Principal Clerk to work ~~an additional~~ 10 hours this week and next week in overtime for the purpose stated above. Seconded by Mr. Santos. Unanimous. ***Amendment as voted at the 6/27/16 meeting to change "an additional" to "up to".***
   e. Re-Applied-RDP Program/Small Scales (apx. $3,250 for recycling): Mr. Walsh updated the members.
   f. Other topics/misc: The new janitor's budget was not planned and is short cleaning supplies. The BOH can supply him for this building.
   g. Wine, Cheese & Choc Festival (Vendor Chaos) event for Westport River Winery: Mr. Walsh asked the Board to reaffirm the deadline for this event - that being if it is not submitted in time,

then the applicant cannot be part of the event. He stated that the Westport Fair, for example, is very organized and follows the guideline and does not have this issue.

SIGNATUREES NEEDED

Article to Retain - Signatures rendered (see vote below).

CORRESPONDENCE-Needing No Action

1. Edge Env.(copy)/re: Phase V Remedial Monitoring Report for 162 State Road. **MOTION** by Mr. Harkins to file. Seconded by Dr. Colletti. Unanimous.
2. MDAR(copy)/re: Cease & Desist on Distributing Raw Milk at Pine Hill Dairy. **MOTION** by Mr. Harkins to file. Seconded by Dr. Colletti. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Annual Board of Health Appointments. **MOTION** by Mr. Santos to reappoint as listed. Seconded by Mr. Harkins. Unanimous:
   - Dr. Dennis Callen as Medical Advisor
   - Marlene Samson as Burial Agent/Special Agent
   - Jonathan H. Potter, Jr. as Burial Agent
   - Harry L. Potter as Burial Agent
   - Shane D. Erickson Potter as Burial Agent
   - Marilyn Edge as Special Agent for Tobacco Control
   - Sarah LeRoux as Special Agent for Part-Time Tobacco Inspector
3. Kathy Burns/re: Vacation Request. **MOTION** by Mr. Harkins to grant the request. Seconded by Mr. Santos. Unanimous.
4. Update on Betterment Grant. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
5. Articles: Vote to Retain.
   - $12,071 Landfill Monitoring. **MOTION** by Mr. Harkins to retain. Seconded by Mr. Santos. Unanimous.
   - $12,651 BOH backhoe. **MOTION** by Mr. Harkins to retain. Seconded by Mr. Santos. Unanimous.
   - $11,000 retaining wall. **MOTION** by Mr. Harkins to retain. Seconded by Mr. Santos. Unanimous.
6. Tobacco Sale Regulation-Proposal of Changes to Consider. Mr. Walsh suggested the members retain and review the material and to reserve discussion with Marilyn Edge for a later time.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 359 Old County Road (M-51/L-15) Brad Kirby, 2B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

2. 465 Sanford Road (M-18/L-31) David Pereira, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
3. 404 Briggs Road (M-19/L-57) Paul Dumas, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
4. 309 Gifford Road (M-31/L-6E) Mary Ferry, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
5. 699 State Road (M-24/L-3) Claire Souza, 3B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
6. 405 Old Bedford Road (M-5/L-1R-1S) Eleanor Cabral Life Est., 3B Upgrade. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
7. Angel Court, (M-61/L-22) Brian & Lena Dolezsar, 4B NC. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
8. 23 Jennings Way (M-21/L-10AR/SL-63) Briggs Landing LLC, 4B NC. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
9. Adamsville Road (M-77/L-12B) Elizabeth Wood, 4B NC. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
10. Third Street, Carroll NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

TABLED

1. BOS/re: Town Annual Appointments – tabled to the next meeting.

APPOINTMENTS

None Scheduled.

MOTION by Mr. Harkins to adjourn at 8:00 p.m. Seconded by Mr. Santos. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chair
William M. Harkins, Secretary
James J. Walsh, Jr. - Senior Health Agent

MINUTES

1. June 20, 2016. Dr. Colletti asked to make an amendment to the minutes of June 20, 2016 by changing the motion for the Principal Clerk Overtime to be worded as ..."to work *up to* 10 hours per week, this week and next week..." instead of "…to work an *additional* 10 hours". Mr. Walsh stated that in his comments on Noquochoke Village he wanted to make the distinction that he "...*will* send another letter to DEP…" rather than "..*sent*…". These amendments are to be made to the minutes of June 20, 2016. **MOTION** by Mr. Santos to approve minutes as amended. Seconded by Mr. Harkins. Unanimous.

AGENT REPORTS/INSPECTIONS

1. Inspections/complaints. Dr. Colletti discussed the issues with the Oriental Pearl restaurant and asked that there be discussion with the Agent with respect to asking the restaurant owners to come in since they have been delinquent in their responsibilities. **MOTION** by Mr. Santos to approve reports. Seconded by Mr. Harkins. Unanimous.

2. Sr. Agent Verbal Reporting/Discussions.

   Noquochoke Village.

   Mr. Walsh stated that the engineers and applicants had not applied for piloting. With such an application, DEP can request there be a water discharge permit. Paul Mattos, engineer at Allen & Major, stated last week they would be applying for the pilot program and needed a letter stating the BOH approval of the Title-V compliant system to go to DEP. Mr. Walsh suggested this would be an opportunity for the Board to send such a letter stating that a pilot system should have a groundwater discharge permit. **MOTION** by Mr. Santos to send the letter to DEP as suggested by Mr. Walsh. Seconded by Mr. Harkins. Unanimous.

   Pam Costa, an abutter to the proposed Noquochoke Village was present, and stated she has been in touch with DEP regarding the piloting program and DEP informed her that they have sent correspondence and courtesy copied a letter to the BOH regarding the pilot. The BOH has not yet received the copy of the letter.

SIGNATUREES NEEDED

1. Bills - Signatures rendered.
2. Encumbrances - Signatures rendered.
3. Vac./Comp.Time Carryover - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. MDAR/re: Reinstate the Sale of Raw Milk at Pine Hill Dairy. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Jim Walsh/Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Mr. Harkins. Unanimous.
3. Jim Walsh/Comp. Time and Vacation Carryover Request. **MOTION** by Mr. Harkins to approve carryover vacation and comp time. Seconded by Mr. Santos. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. Amory Pettey Way (M-63/L-22F) Joseph & Nicole Wood, 5B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. 32 Jennings Way (M-21/L-10AQ/SL-62) Briggs Landing LLC, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
3. 34 Jennings Way (M-21/L-10AP/SL-61) Briggs Landing LLC, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
4. 1322 Drift Road (M-56A/L-107) John Patys, 2B Repair. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

TABLED

1. Annual Town Committee Appointments. Mr. Harkins stated that the Board of Selectmen appointed Phil Weinberg to the Water Resource Committee and there was discussion that the ConCom seat be changed to at-large since no one attended any of the meetings last year and that Mr. Weinberg would be the ConCom representative. **MOTION** by Mr. Harkins to table to the next meeting. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15 pm – 2 Variance Hearings for Leonard Potter of Westport Environmental Design.

1) 693 State Road, Katie DeMelo.
Mr. Potter submitted the returned postal return card for abutter notification. Repair of septic on a small lot to replace system with a concrete tank. Current setback from cesspool to wells: site well, 55 ft. and to abutter at 699 State Rd, 55 ft. The repair would be an improvement over the existing cesspool.

Variances requested:
- Setback from leaching field to basement wall, 15 feet vs. 20 feet;

- Setback from leaching field to site well, 66 feet vs 100 feet;
- Setback from leaching field to abutter's at 699 State Road well, 85 feet vs. 100 feet;
- Setback from site septic tank to site well, 41 feet vs. 50 feet.

MOTION by Mr. Harkins to approve the variances requested conditional on a Hold Harmless Agreement and well testing. Seconded by Mr. Santos. Unanimous.

2) 5 Jeffries Sreet, Elizabeth Vallee.
Mr. Potter submitted the returned postal return card for abutter notification. Request for variances for failed system repair.

Variances requested:
- Setback of SAS to abutter's well at 177 Gifford Road, 63 feet vs 10 feet;
- Setback of SAS to site well, 66 feet vs 100 feet.

MOTION by Mr. Santos to approve conditional on a Hold Harmless Agreement, well testing and ConCom approval. Seconded by Mr. Harkins. Unanimous.

MOTION by Mr. Santos to adjourn at 7:26 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
James J. Walsh, Senior Health Agent

MINUTES

June 27, 2016. **MOTION** by Mr. Santos to approve minutes as amended. Seconded by Mr. Harkins. Unanimous.

AGENT REPORTS/INSPECTIONS

1. John Swartz-Daily Log 6/08/16 – 7/06/16. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. Ray Belanger-Daily Log 6/10/16 – 6/30/16. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
3. Ray Belanger-Inspections/complaints. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
4. Sr. Agent Daily Log 6/09/16 – 7/06/16. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
5. Sr. Agent Verbal Reporting/Discussions. Mr. Walsh discussed the Board of Selectmen's general discussion of a future DPW and the problems applying to the Transfer Station and Cemetery with regards to rates of pay, residency requirements, licensing, union differences and the requirement by State Legislature.

SIGNATUREES NEEDED

Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. DEP(copy)/re: Notice of NonCompliance for 17 Adamsville Road. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
2. Edge Env.(copy)/re: Phase V Remedial Monitoring Report for 162 State Road. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Nurse's Activity Report for May and June 2016. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
3. Arbovirus Program Report: 6/20/16, 6/27/16 & 7/5/16. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
4. Kathy Burns/re: Vacation Request. **MOTION** by Mr. Santos to grant. Seconded by Mr. Harkins. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 449 Sanford Road (M-18/L-27) Alfred Vieira, 3B Repair. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
2. Hickory Lane (M-61/L-17AA) Bristol Pacific Homes, 4B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
3. Cardinal's Lane (M-55/L-62K) Joyce S. Raiche Living Trust, 3B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.
4. S. Berryman Street (M-27/L-16-18) Dan Quintal, 3B NC. **MOTION** by Mr. Santos to approve subject to ConCom approval. Seconded by Mr. Harkins. Unanimous.

TABLED

Annual Town Committee Appointments. **MOTION** by Mr. Santos to appoint Mr. Harkins as the BOH representative to the Water Resource Committee. Seconded by Dr. Colletti. The vote was two in favor with Mr. Harkins abstaining. **MOTION** by Mr. Harkins to appoint Mr. Walsh as the Alternate BOH representative to the Water Resource Committee. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:10 pm – Discussion: SITEC for Third Street, M-76/L-69J for Bart Bussink

Dan Gioiosa and Mr. Bussink were present to discuss perc testing on Thirst Street. The Board at the time asked they provide elevations and perc information. Mr. Gioiosa stated that the applicant would have needed to request a variance to meet the well setback. They performed 2 perc tests. The topographic statistics was completed. The applicant is willing to limit the size of the dwelling to 2300 sf. and put in a denitrification system.

Mr. Walsh pointed out that the property is in a velocity zone and a raised system in a velocity zone and that the Board has turned down new construction on Richmond Pond Drive or increase in flow on River Road. Mr. Gioiosa stated that he was only aware that this does not fall into the criteria for velocity zone in a coastal barrier beach area and that lots created prior to the 2002 regulation were not impacted. Mr. Walsh noted that Town Counsel opinion and judges' rulings, it is up to the local approving authority to determine if any variance is given; there is no requirement that a variance be granted.

Mr. Walsh suggested the Board table to the next meeting and to take the time to reflect on this. Mr. Gioiosa pressed the Board because the applicant is waiting for an opinion from the Board to move on the property. The Board requested the applicant to return on July 25, 2016. Dr. Colletti stated that a raised system in a velocity zone is precarious but the Board would look into it at the request of the applicant.

7:15 pm – Discussion: Andrew Souza re: Nitrates TMDL

Mr. Sousa wanted to discuss incremental change of septic system attributed nitrogen load and the ability to form a collaboration between a Planning Board member and the Board of Health. Beginning with the TMDL issue: with the regulatory authority of your board and the willingness of this planning board

member do you agree that there is a potential to decrease future nitrogen load from new development from expansions. Mr. Sousa asked the Board if they do, to please discuss this tonight and the relation of our boards. Mr. Sousa continued to read from his prepared statement that ultimately asked for collaboration to improve nitrogen reduction meeting the TMDL.

Dr. Colletti asked if Mr. Sousa was aware that the Planning Board is scheduled to meet with the Board of Health. Mr. Sousa stated that he was and had met with Mr. Walsh to discuss some ideas and since that time the Planning Board was then scheduled to come. He stated that he came as a citizen and definitely not as the Planning Board.

Mr. Walsh stated that he had discussed the TMDL specifically with regard to the Noquchoke Village and the State Bill will override local zoning that will permit more concentrated septic systems. Discussion ensued.

Mr. Sousa asked if there can be some progress made with septic, could there be some progress made with agriculture and then stormwater because he would like to be proactive and work all together. Discussion ensued.

Mr. Sousa also discussed the MS-4 and the required responsibilities of the BOH coming up for 2017.

Members agreed to discuss in full when the Planning Board is before the BOH.

MOTION by Mr. Santos to adjourn at 8:00 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:01 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
James J. Walsh, Senior Health Agent

MINUTES

July 11, 2016. **MOTION** by Mr. Santos to approve minutes. Seconded by Mr. Harkins. Unanimous.

AGENT REPORTS/INSPECTIONS

1. Inspections/complaints - Members reviewed.

2. Sr. Health Agent Verbal Reporting/Discussions. None.
   - **Tenant Farm Issue.**

The room was teeming with people seeking a place to sit. There were no empty chairs left in the meeting room.

Dr. Colletti told the audience that he people could speak if they wanted to.

Constance Gee of 424-A River Road asked what follow-up was done with this property since 2010. Dr. Colletti explained that the BOH inspects farms for the State. Each year, the BOH nominates inspectors and the state appoints them. The only other time they enter farms if there's been a complaint. What happened in 2010 was atrocious. They have now met with the Board of Selectmen to formulate a plan. Ms. Gee asked if Mr. Santos inspected in January. Mr. Santos said he did and saw very few animals at the time. Some of the lots were vacant and there was no sign of abuse. He noted they can only enter the actual lots with permission. Ms. Gee asked, as inspectors, why were you not allowed. Mr. Santos stated that it was routine inspection for the State.

Laurie Manory of 885 Horseneck Road asked if it were the legal obligation for the owner to be there for a scheduled inspection. Dr. Colletti stated that the inspections are usually for one farm – not a situation like this. Ms. Manory stated that according to Mr. Sullivan (Selectman), the land owner is responsible.

Susan Sanchez of 154 Brayton Point Road was confused as to what goes on during an inspection. Mr. Santos stated that the inspectors are on site to perform an animal census. Ms. Sanchez asked if he saw padlocks and how often he inspected. Mr. Santos responded that they inspect once a year to perform a census and for the animals they did see at the time it was ok. Ms. Manory stated that it is well documented that in 2010 a horrific thing happened there and she was wondering after 2010 what was being done to safeguard this from happening again. Dr. Colletti stated that the State was in charge then and it is now. He explained again how the Board of Health provides nominations for animal inspectors and then the State appoints them. Ms. Manory asked if the Board was not aware of any agency follow-up.

Dr. Colletti stated that as far as he is aware, the State did follow-up at the time and for a time afterwards. Tammy Viveiros of Fall River (one of the tenant farmers) asked when inspections are performed. Mr.

Walsh responded that the inspections happen during the week between 7:30 a.m. and 4 p.m. Ms. Viveiros asked "and there were no farmers present when you guys showed up?" Mr. Walsh stated that is correct.

Ms. Gee asked "how any of this is considered an inspection, what responsibilities as a BOH do you have for overseeing this?" Dr. Colletti read the State inspection form to the audience. Ms. Gee asked "so, Mr. Santos signed off that it was ok?" Mr. Santos said it was at that time. Ms. Manory asked if Mr. Santos was aware that there was a problem in 2010 there? Mr. Santos stated he was aware and Dr. Colletti noted that he was on the Board at that time.

Ms. Manory asked again if Mr. Santos was aware that there was a problem in 2010? Mr. Santos stated he was aware.

Ms. Viveiros asked Mr. Santos if they have veterinary credentials to determine if an animal is disease free? Mr. Santos stated that the State does not require that and they do not have veterinary credentials. Dr. Colletti stated there is a criterion on the form to note if they appear so. Ms. Viveiros asked if when the inspectors show up, do they leave a note or a sticker to show that they have called? Mr. Walsh stated that normally on a regular farm, they would go back.

Ms. Gee stated that there was little effort to follow up.

Ms. Manory asked if he went back since he was aware of this location's history. She also asked if anyone had brought this to his attention; that this had been a problem area when he started. Mr. Santos stated he was informed.

Ms. Sanchez asked what the next step is; what is the follow-up so this does not happen again. Dr. Colletti stated that the Board of Health has met with the Selectmen to come up with a plan to close down some of the areas. They are also meeting with Senator Rodriques to get some help. Unless it has to do with a health issue the Board of Health cannot do anything as far as the dead animals go. It is state mandated.

Ms. Manory asked if the local Rep. in Westport is aware of this. Dr. Colletti stated that he is sure that he is. Mr. Walsh stated that this is a situation not unique to Westport and that the problem is regional.

Ms. Viveiros asked Mr. Santos, as a business owner if he knew any of these farmers in the room. Mr. Santos responded no.

Ms. Gee noted that this was not a regional problem but a global one. Mr. Walsh did not dispute that and that the small rented lots are a cultural occurrence. Ms. Gee asked if it were Westport only. Mr. Walsh responded no it is not.

Ms. Manory asked how long did you say? If this is something you are aware of how did you not know about it?

Ms. Viveiros asked why animal control did not have the chance to go there. Dr. Colletti stated that the Animals Control is under the purview of the police department. Ms. Viveiros asked if the Board had records of the number of lots before this situation? She stated that there are 20 lots. Dr. Colletti was not sure from 2010 how many there were.

Ms. Manory asked Dr. Colletti again how he did not have awareness in 2010 of the number of lots. Dr. Colletti stated he was aware after it happened.

Ms. Viveiros asked why did they show up in Decembers knowing the state left the burden on the Board of Health. Dr. Colletti explained again that the state requires several people are nominated to the State and in turn the State appoints them. She asked who are the animal inspectors. Dr. Colletti responded that Mr. Santos and himself are. Mr. Viveiros insisted that if they were with veterinary credentials and if the Board did their job, all of this would not have happened. She was one of the families that has been affected adversely because of others and now their name is tainted and they can not find another plot of land. All this would not have happened if Mr. Medeiros did his job and she wants the press to know because they are not reporting it.

Joseph Rego of Fall River asked what Mr. Walsh meant when he said different practices. Mr. Walsh did not recall.

Ms. Manory asked what Mr. Walsh's role was. Dr. Colletti explained that he is an employee and the Senior Agent. She asked if he went on the inspection and he responded that he did and explained that the inspection is a census. Ms. Manory asked if it's an inspection or a census. Mr. Walsh explained that they take a census and observe if the animals appear well. It is a one day snapshot and took place in January. The discussion then revolved around the state requirement for beef cattle not needing a shelter but rather a tree line vs. milk cow needing a structure. Ms. Viveiros was insisting that the ASPCA requires that all animals require shelter.

Dr. Colletti again stated that they have met with the Board of Selectmen and the town will pool all its resources to work together. A man in the audience said that the state dropped it and the inspectors get paid anyway. Dr. Colletti corrected this and said that the inspectors do not get paid, they are volunteers. Dr. Colletti stated he observed shacks where there were people living in them.

Ms. Viveiros stated that they have solar panels to generate electricity for their calves and she wants the media to know that she is paying for what other individuals did and went on to comment on how farms are on the way down. She also accused the Santos family for turning a blind eye. Mr. Santos stated he was not even aware of any of these people.

Donna Perillo of Westport asked about the bio-hazard and how does that effect the land. Dr. Colletti stated that the state is in charge of that.

Ms. Viveiros argued that the Board of Health should know and they should be doing their job. They have lost a lot from all of this. It is not fair. They cannot find other land and they can't because they are tainted. She asked how to explain to her 2 year old she can't hand feed her cow anymore. She has cared for her farm and animals and now gets this. She wants the media to know about the good ones like her.

Ms. Perrillo asked if there are other properties like this. Dr. Colletti stated that there are none now, but were others at another time.

At this time Dr. Colletti asked if there were any one else who wanted to speak and seeing none stated that the Board had regular business to attend to.

SIGNATUREES NEEDED

Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. DEP(copy)/re: Request for Site Exam/Pump Test Proposal for Proposed Well #2. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. BBC/(copy) re: Request for Immediate Approval of the Slocums and Little Rivers Embayment System Total Maximum Daily Loads for Total Nitrogen as Final. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
2. Arbovirus Program Report: 7/11/16 & 7/18/16. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 480 Gifford Road (M-28/L-4L) Manuel Raposa, 3B Repair. **MOTION** by Mr. Harkins to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
2. 192 Brayton Point Road (M-88/L-88) Shanon Vieira, 2B Repair, wetlands are on the property. **MOTION** by Mr. Harkins to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
3. 22 J Drive (M-23A/L-121-122) Roseanna Souza, 4B Repair, this is a duplex, needs ConCom review. **MOTION** by Mr. Harkins to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.
4. Cahoon's Lane (M-2/L-14C) Joshua Sadeck, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
5. Fisher Road (M-40/L-46) Joel Andrade, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

TABLED

1. Discussion with Sitec Regarding Third Street, Bart Bussink. No discussion.

APPOINTMENTS

7:10pm – Discussion: Sitec for Third Street (M-76/L-69J) for Bart Bussink.

Appointment tabled to next meeting.

7:15pm – Variance Hearing: Wendy Henderson for 30 Russell Street, C & R Davis.

No USPS green cards were received but were mailed over 10 days ago. Kenneth and Rhonda Moniz of 30 Crane Avenue were present. They were notified of a scheduled water sampling but did not give permission.

Repair of failed system. Variance requested: 78 feet setback to abutter's well from SAS.

The Moniz's were not in favor. Dr. Colletti explained that the current situation is worse than allowing for a repair. Mr. Moniz asked if something happens to his well, does he have to pay for it? Dr. Colletti explained that they would have the burden to prove that is the cause. The abutter's well is 75 feet from their own cesspool. Ms. Henderson also explained that the maximum number of bedrooms is 2. Dr. Colletti explained that the new system is an improvement to what is there now. Mr. Moniz asked to have a copy of the test results. Ms. Henderson explained the lab will collect the water samples and the applicant will pay for all the water testing.

MOTION by Mr. Santos to approve the variance requested conditional on well testing and a Hold Harmless agreement. Seconded by Mr. Harkins. Unanimous.

MOTION by Mr. Harkins to adjourn at 8:00 p.m. Seconded by Mr. Santos. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
Absent: William M. Harkins, Secretary
James J. Walsh, Jr., Senior Health Agent

After the pledge of Allegiance, Dr. Colletti read the following statement to the attending public, which numbered over 40 in the meeting room.

Westport Board of Health's Statement on the Tenant Farm Issue

"This is not a statement of finger pointing, blame or guilt. The past few weeks have been an eye opening lesson in the problems within the town, its government, and the function of team work.

Westport has pushed hard to become a right to farm community with the Agricultural Commission to be the ambassador between the public and farms. The BOH takes its job duties and responsibilities in the area of farms very seriously. The Town by-law requires contact with the Agricultural Commission in regards to all complaints and issues regarding farming activities. Most of the issues have become litigious, as opinions on both sides have become passionate. Anybody attending last year's Annual Town Meeting saw the divide and lines being drawn over farming issues.

The BOH has permitting requirements for pigs and horses only. The BOH is tasked with nominating an individual or individuals for the Massachusetts Department of Agriculture Resource to appoint as Animal Inspector. The duties of these inspectors include the animal census, rabies monitoring and education.

The BOH has been justifiably criticized for some aspects of the enforcement, but in some cases was not aware of the activities or the movement of animals to and from locations because of apathy by abutters, other tenants, and people in the "know." The problem in town is not the real farmer, but the "keeper" of animals. In most cases these parties are not known until an agredious complaint is filed, usually anonymously, and a serious situation has developed. Even then, it becomes a difficult task to enforce without a specific ordinance or by-law to give teeth to the BOH.

Most of you have become very aware of the situation regarding the property on route 177. What has not been acknowledged is the BOH involvement previously with this property.

On Christmas Eve 2010, the BOH was summonsed to the property on a similar complaint. At that time the MSPCA, MDAR, Westport police, Westport building department, BOH all cited the owner of the property and known owners of the animals various offenses. The State agencies declined to prosecute the land owner, animals were removed and the site partially cleaned up. State agencies responsible for pressing charges backed off somewhat, allowing the land owner to face lesser charges. Follow ups on the site were to be done under state agencies. The Town Agricultural

Commission as required under the "Right to Farm By-Law" was to oversee problems and to help the "farmer" come into compliance with by-laws and regulations. Owners of horses and pigs were required to apply for permits and come into compliance or remove the animals.

Shortly after the initial incident, the BOH pushed to have the former "dog"" officer position changed to an Animal Control position. That year, at the Annual Town Meeting, the position was created. A town by-law was crafted with the new Animal Control Officer and sponsored jointly by the BOH to regulate "tenant" farms. The by-law was widely criticized as too restrictive and cumbersome to "farmers" and was withdrawn from the warrant due to lack of support. The Animal Control Officer was widely criticized by some residents as being "overzealous" in animal enforcement, and improperly entering properties to check on the welfare of animals. This position was essentially neutered to a point where the position, although written into the job description as a requirement, was not allowed to do animal inspection duties. The Westport Senior Agent was not allowed to become an Animal Inspector by the overseeing agency.

During the past 4 years, the BOH has received numerous complaints on farm odors, farm operations, and animals. The BOH has followed up after hours and through the AgCom to address these issues. In some cases, with no support from entities that should be overseeing the operations and others by residents who have vocally voiced an opinion of support by the perpetrator.

Now we are at a crisis point for the Town and the welfare of the animals. Solutions to future problems will include the former by-law, which will require the landowner and all "tenant" farmers to register locations, number of animals, ownership, and all appropriate state and local by-laws. This will include a right of entry by the agent or agents for the Town on a regular basis and the disposition of all animals and operations. It will involve singling out sections of the town where the keeping of certain animals is not appropriate or warranted. It will involve a challenge to the Right To Farm By-Law, universally accepted by the Town itself. It requires support, it requires a change in culture and it requires action. It also requires a new thought process in Town government and Town communication and cooperation."

After the statement Dr. Colletti stated that he would allow comments from Westport residents.

Carol Mann – of Kelsey's Way asked that there be a separate organization from the BOH that oversees horses. Dr. Colletti encouraged her to meet with him to discuss further.

Michelle Medeiros of Westport asked how could this have happened again on this property citing e-mails from Donna Lambert. She also asked other questions that were similar in nature to last week's. Mr. Santos stated that the ACO asked the BOH to make an inspection. When they went, there was nothing notable.

Elliott Whipple of Drift Road asked how was Mr. Walsh allowed to perform inspections if the State revoked his status. He asked about salary paid by taxpayers and what percentage of his assigned tasks was for animal inspection for duties he did not perform. He asked to meet with Dr. Colletti who agreed.

Brian Harrington from Dartmouth MA asked what was the protocol.

Dr. Colletti read the inspection form certificate once again to the audience.

Brian Harrington asked how many times did ACO report to the BOH and how many times was it ignored and why. Mr. Santos stated that to his knowledge, it was only reported once.

Richard Perry of Old Harbor Road asked if they did not see the status of the animals, how is that census still valid.

Genevieve Appleyard of Westport asked what happens if no one is there during an inspection, do they return? What certifications are required by the animal inspector?

Roxanne Hogan of Attleboro - standing in support to help the animals - does not believe the BOH because she has obtained documents from the State. She told the Board they need to resign now and that she can prove most of what was said was not true.

Cheryl Ryskevich from Brockton stated she drove an hour and is still hearing lies and demanded the Board resign.

Dr. Colletti stated that there would be no more comments from the audience as they needed to take up regular business.

The Board then entertained questions from the press, who pushed themselves onto the meeting table for 10-15 minutes.

MINUTES

July 25, 2016. **MOTION** by Mr. Santos to approve minutes as amended. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

AGENT REPORTS/INSPECTIONS

Inspections/complaints. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

SIGNATUREES NEEDED

Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. AnteaGroup/re: Permanent Solution with No Conditions, 626 Adamsville Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

2. Edge Env.(copy)/re: Phase V Remedial Monitoring Report for 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

CORRESPONDENCE

1. MDPH Radiation Control Program/re: Information Notice for Reporting Sources of Radiation. **MOTION** by Mr. Santos to send a copy to the transfer station members for action and to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

2. BBC(copy)/re: Requests Immediate Approval of Westport Rivers TMDL for Total Nitrogen as Final. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

3. Jessica Williams/re: Perc Application Fee Refund Request. **MOTION** by Mr. Santos to refund the fee. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

2. Arbovirus Program Report: 7/25/16, 8/01/16. **MOTION** by Mr. Santos to file both reports. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

3. Kathy Burns/re: Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

4. Ray Larner/re: Vacation Request. **MOTION** by Mr. Santos to grant the request. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

PLANS REVIEWED BY AGENTS

1. 122 Blossom Road (M-23A/L-121-122) Elizabeth Roulan Estate, 5B Repair
2. 1 Berard Court (M-84/L41J) Chizoba Okeke, 6B Repair
3. 1379 Main Road (M-82/L-18,22,28) Clara Viveiros, 3B Repair
4. Horseneck Road (M-44/L-3/SL-11) Jane Bernardo, 3B NC
5. Maya Way (M-68/L-3B/SL-1) Maya Way Development, 3B NC

MOTION by Mr. Santos to table to the next meeting. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

TABLED

Discussion with Sitec Regarding Third Street, Bart Bussink. To be tabled to 8/15/16 with a vote.
MOTION by Mr. Santos to table to the next meeting. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

APPOINTMENTS

None scheduled.

MOTION by Mr. Santos to adjourn at 7:55 p.m. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent..

Submitted by Lucy R. Tabit, Recording Clerk

Special Meeting of the Board of Health

The Special Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
John R. Swartz, Health Agent
Absent: William M. Harkins, Secretary

APPOINTMENTS

7:10 p.m. Discussion: Sitec, Inc. for Third Street (Map-76/Lot-69J) Bart Bussink.

Dan Gioiosa from SITEC was present.

Dr. Colletti stated that the proposed raised system is in the velocity zone and he is not in favor in seeing any septic system in a velocity zone. Mr. Gioiosa said that DEP regulations allow for this but do not allow it on a coastal barrier beach, which this is not. He also said the lot is pre-existing non-conforming lot. Dr. Colletti noted there was never a dwelling on this lot.

MOTION by Mr. Santos to not allow a septic system in the velocity zone. Dr. Colletti seconded the motion and the vote was two in favor. Mr. Harkins was absent.

Hearing 1: Weatherlow Farms – Repeat Violation.

Ryan Wagner from Weatherlow farm was present with Ray Belanger.

The farm is a retail food establishment. It is currently operating a store out of a construction trailer selling prepackaged meats slaughtered in FDA slaughterhouses.

Mr. Belanger brought the issue before the Board of a dog being on the premises on two occasions after having notified the owner of the violation. Mr. Belanger stated that it is a pre-packaged food environment and the owner has been notified of the violation but has yet to address any of the violations issued. Mr. Belanger asked these be addressed and resolved.

Mr. Wagner sated that he takes the BOH serious and has addressed all the other issues immediately except for the dog. The construction trailer is provisionally there because they are still working on getting the barn completed where a retail space would be designated. He said that there exceptions to allow dogs in food establishments in cases where there is food production and equipment with the exception of a freezer and stated that there is zero chance of contamination by the dog.

Dr. Colletti asked if it was his dog. Mr. Wagner stated that it was. Mr. Santos asked if he took any action so this won't happen again. Mr. Wagner stated he does not deny that it happened. Mr. Belanger gave examples of animals allowed which are caged and not free roaming per the statute's exceptions as noted. Mr. Wagner stated that it is subject to interpretation. He felt that having a dog in the trailer does not provide contamination. Mr. Belanger stated that the dog does not fit into the exceptions as listed in the statute. It's Mr. Wagner's dog that tends to be in the trailer even though there are other dogs. Dr. Colletti stated that he does not see the necessity of a dog in the trailer. Mr. Wagner stated that that may be but it is subject to interpretation.
Dr. Colletti asked how long will the construction continue. Mr. Wagner stated 2-3 more months.

Mr. Belanger noted section B5 where live caged animals may be allowed in areas that are not food prep, storage and sales, and because of this language, he cannot have animals there. Mr. Belanger asked the Board to consider not setting a precedent. Dr. Colletti stated he does not see the necessity of having a dog in the trailer. Mr. Wagner stated he does not feel it puts any of the food at risk.

MOTION by Mr. Santos that if this happens again that there be suspension of his permit. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

Hearing 2: Westport Rivers Vineyard & Winery – Repeat Violation.

Mr. Belanger noted that the Vineyard from a food service license perspective is a limited operation. But the clientele are able to purchase and eat on the premises.

Mr. Belanger cited the Vineyard last year for the dishwasher rinse gauge being inoperative. Disinfection in the dishwasher is important and it was impossible to determine the temperature on the gauge. He left a note to have someone give him a call and never got one. He went back again this year and cited them again in June and again in July for a re-inspection and there has been no change.

Rob Russell was present and stated that it was repaired. Mr. Belanger stated that after he notified Mr. Russell of the appointment with the Board this evening, the gauge was repaired and the vineyard then notified Mr. Belanger. The Board asked that he be more cooperative in the future with the inspection agent.

Hearing 3: Westport Valero – Repeat Violation.

Mr. Belanger stated that the Valero establishment is a retail food store and gas station.

Mr. Belanger has cited the operation in 2014; he returned for re-inspection and gave a written order for correction and went back later in the year and cited it again. This year the owner placed expired items on the refrigerator floor and the containers began to swell. Mr. Belanger cited the owner with a violation for selling expired items, leaving expired items on the shelf and in refrigerated units.

Mr. Belanger explained that they usually have a contract with the vendor to remove such items from the refrigerated units and to replace it but there is not enough traffic and the vendor did not agree to do so. Mr. Belanger stated they have not monitored products and expirations as should be done regularly and repeatedly. Mr. Belanger recommended sending a letter of suspension for 7 to 10 days.

MOTION to send a notice of a 10 day suspension of their permit. Seconded by Dr. Colletti. The vote was two in favor. Bill Harkins was absent.

Mr. Belanger stated that he would need to make sure that all products are removed and perform another site visit.

OTHER

Donna Perillo was present and asked the Chairman a general question about restaurants that sell meat. She asked if restaurants that sell meat are required to sell USDA meat? Mr. Belanger stated that they are required to sell approved meats because it is a federal and state regulation; approval is performed by the USDA.

TABLED

Plan Submissions:

1. 122 Blossom Road (M-23A/L-121-122) Elizabeth Roulan Estate, 5B Repair. No variances requested. Plan has gone to Conservation. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
2. 1 Berard Court (M-84/L41J) Chizoba Okeke, 6B Repair. No variances requested. Plan has gone to Conservation. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
3. 1379 Main Road (M-82/L-18,22,28) Clara Viveiros, 3B Repair. No variances requested. Plan has gone to Conservation. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
4. Horseneck Road (M-44/L-3/SL-11) Jane Bernardo, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
5. Maya Way (M-68/L-3B/SL-1) Maya Way Development, 3B NC. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

MOTION by Mr. Santos to adjourn at 7:35 p.m. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
John R. Swartz, Health Agent
Absent: William M. Harkins, Secretary

MINUTES

1. Aug. 08, 2016 **MOTION** by Mr. Santos to approve as amended. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
2. Aug. 15, 2016 **MOTION** by Mr. Santos to approve as amended. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

AGENT INSPECTION/REPORTS

1. James Walsh, Jr. - Sr. Agent Daily Log 7/07/16 thru 8/09/16. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
2. John Swartz – Health Agent Daily Log 7/07/16 thru 8/17/16. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
3. Ray Belanger – Health Agent Daily Log. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
4. Ray Belanger – Inspections/complaints. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

SIGNATURE'S NEEDED

Bills - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Atlantic Env.(copy)/re: July 2016 Remedy Operation Status & Remedial Monitoring Report for 251 Forge Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
2. DEP(copy)/re: Wastewater Treatment Facility Inspection for 87 Sanford Road. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
2. Arbovirus Program Report: A. 8/08/16: **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent. B. 8/15/16: **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
3. September Schedule. **MOTION** by Mr. Santos to meet on September 12 and October 3. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
4. Building Dept.(copy)/re: Order to Demolish Sheds at 465 American Legion Hwy. **MOTION** by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

5. Discussion-Piggery at 191 Division Road.

Robert Gauvin of 188 Division Road Dartmouth, MA, abutter was present. Dr. Colletti asked if he was aware of the issue at the piggery. He was aware of the emergency's response. Dr. Colletti stated that the State has taken over and that he should contact the State for details as the Board of Health is no longer involved.

Mr. Gauvin's concerns are those that the regulation requirements of the Board of Health are adhered to.

He said that the piggery is too close to the road and the issue is that cars stop to look and there are many cars that stop. Also, last month, there were two reports of pigs escaping and there are cars that beep horns because there's a pig in the road.

He said that the feeding area does not meet the requirements and is currently on a steel slab.

The manure is never moved and it is not far enough from the building or water supply and at time can smell it when eating dinner.

He stated that the Board should be accountable for the piggery conditions and the responsibility to the consumer.

He objected to the food being stored near by the diesel tank.

He thanked the Board for their response for property abandonment; there seems to be more activity now, but no indication that anyone actually lives on the premises.

Mr. Santos stated that the state is investigating the fuel issue.

Ms. Sbarra stated that she read the regulation and could not find the portion that discusses the 100 foot setback and thought there was a portion missing. Mr. Gauvin stated that the principal operator passed away 2 years ago and does not see how this is the same operation.

Mr. Santos stated that the farm has remained in the family.

Ms. Sbarra stated that piggeries are generally accepted farming procedures - but not pigs escaping. This means the Board does not have to grandfather an operation especially if the farm is operating in generally accepted farming procedures.

Mr. Santos asked her to provide legal opinion on the regulation. She stated that she cannot provide legal advice but would be willing to look over the regulation and provide technical assistance. She would also provide the contact at MDAR for technical information.

Greg Andrade of 191 Division Road, partner of Arrowhead Farm was present to give some insight to the Board. He stated he has been involved with developing the farm since his grandfather died two years ago and has put together a grant committee and will be putting a farm plan together.

Dr. Colletti stated that when he visited he told him to secure the fence immediately and that pigs cannot continue to escape.

Mr. Santos suggested seeking out the NRCS to help plan the farm area as they look at the environment, oversight on the way the farmer farms and the way it should be farmed.

Mr. Andrade stated that he is there every afternoon and that Mr. Gauvin does not see him when he is there because he is at work.

Donna Perillo asked for the name of the piggery and if there are limits for the amount of pigs? Mr. Santos stated that they are permitted for up to 250 pigs. The name is Arrowhead Farm.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

PLANS REVIEWED BY AGENTS

1. 1020 State Road (M-12/L-21A) Elvira Dougherty, 3-B Repair. No Variances. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
2. 11 Brian Street (M-30/L-32A) Kenneth Sullivan, Jr., 3-B Repair. No Variances. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.
3. Cahoon's Lane (M-2/L-42A) Roland Lavoie/J. Carvalho, 3-B NC. No Variances. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

APPOINTMENTS

7:15pm-Discussion: Marilyn Edge/Cheryl Sbarra-Proposed Tobacco Reg. & Vape Shops.

Marilyn Edge and Cheryl Sbarra, Senior Staff Attorney for Mass Association for Health Boards were present.

Ms. Edge noted that the last time she was present there was discussion about changing the tobacco regulations. They discussed retiring permits as stores went out of business, thereby not denying established business that already sell tobacco. Another capping strategy would be to restrict any new establishments in proximity to schools. Ms. Edge also noted discussion included amending the definition of tobacco reduction.

The next procedure to have a public hearing and at the closing, vote to adopt and chose an effective date. She suggested a few months out to allow the retailers to get ready.

Ms. Edge stated that if the Board is looking to make changes to the regulation, she asked they look carefully at the draft as there are new introductions to include to increase the age to 21 as there is legislation in play to increase the age by next year and the restriction of flavored tobacco to adult stores only because the FDA has proof that the flavors such as bubblegum and cotton candy were marketed to youths.

The price of cigar packaging has also changed. Under the existing language, single cigars are sold for $2.50 per cigar and then become incrementally more expensive. The new change would make any minimum package of more than one cigar priced at $5.

Dr. Colletti stated that he would like to wait for a full board to make any decision.

Ms. Sbarra remained for the remainder of the agenda to assist during the piggery discussion.

7:25pm-Var. Hearing: Len Potter for 291 State Road, S.E. Livestock, Revised.

Mr. Potter stated that they will not be drilling a well because there is a possibility to have city water connected. If that would not be possible, he would meet the 100 foot setback and be back before the Board for plan approval.

7:30pm-Var. Hearing: Len Potter for 127-G Pettey Lane, Diana Carroll.

Septic repair to upgrade from cesspool.

Variance requested:
-Setback from SAS to site well 72 feet vs 100 feet.

The current setback to the cesspool is 52 feet.

MOTION by Mr. Santos to approve the variance requested conditional on well testing and submission of a Hold Harmless agreement. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

Mr. Potter thanked the Board for their service, and recognized that it is an often thankless job. He stated he has known the Board and their families for many years and complimented them on the difficult and often unrecognized job they have.

7:35pm-Discussion: Maurice May re: Request to Waive Fees

Mr. May, Vice-Chair of the Economic Development Task Force was present to request a waiver of fees for individuals who have already paid fees this year for the summer markets.

This request would apply to the proposed winter market that is being organized by the EDTF. Many have paid a summer fee and want to participate in a winter market, but do not wish to pay an additional fee. This would apply to food that is prepared.

The two in particular for example are:

A. Peets Farm/Dartmouth have already paid $75.00 for a Temporary Food Establishment Permit to participate in the Summer Farmer's Market on Drift Road.
B. Common Ground Coffee/Westport has already paid a fee for a restaurant license at its business in Central Village.

Mr. May suggested the Board consider waiving or charging a nominal fee.

Dr. Colletti explained that the fees are to pay for the agent to perform his inspection and also permits are for a specific per location not per vendor. He suggested he could talk to the agents to get their opinion. The reason inspections are performed is so that nothing harms the public.

Dr. Colletti would discuss with the agents and consider the request.

MOTION by Mr. Santos to adjourn at 8:00 p.m. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John R. Swartz, Health Agent

MINUTES

1. Aug. 22, 2016. **MOTION** by Mr. Santos to approve. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins abstained because he was absent.

AGENT INSPECTION/REPORTS

1. John Swartz – Health Agent Daily Log 7/07/16 thru 8/17/16.
2. Ray Belanger – Health Agent Daily Log. Dr. Colletti noted the repeat violations by Main Road Cumberland Farms, Oriental Pearl and Valero Gas. Dr. Colletti will ask Mr. Belanger to bring in any of the violators.
3. Ray Belanger – Inspections/complaints

MOTION by Mr. Santos to approve reports. Seconded by Mr. Harkins. Unanimous.

SIGNATURE'S NEEDED

Payroll - Signatures rendered.

CORRESPONDENCE-Needing No Action

1. Prime Eng./re: Immediate Response Action Status Report 5 & 17 Adamsville Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Westport Land Trust (copy)/re: St. Vincent De Paul Camp, Adamsville Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2.
3. Arbovirus Program Report: 8/22/16, 8/29/16, 9/05/16. Dr. Colletti reviewed the reports and noted the incidents that there were positive WNV and EEE. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
4. Kathy Burns/re: Nurse's Activity Report July & August 2016. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
5. Kathy Burns/re: Flu Season 2016-2017 Update. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
6. John Swartz/re: Vacation Request. **MOTION** by Mr. Harkins to grant the request. Seconded by Mr. Santos. Unanimous.
7. Tighe & Bond/re: FY'2017 Service Proposal Review & Approval. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

8. Building Dept.(copy)/re: Order to Demolish Sheds at 465 American Leg. Hwy. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
9. MDPH/re: WNV Positive Mosquito Samples Alert: Fall River, Millbury, Montague, New Bedford & Quincy. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

10. Discussion-Piggery at 191 Division Road. Mr. Greg Andrade was present. He is the current owner and operator of the piggery. He noted that he has been in touch with the State and has received a tracking number and is required to submit a farm plan. Dr. Colletti asked what was the disposition of the fence. Mr. Andrade stated that he has fixed the fence. Dr. Colletti asked if there was any chance of any pigs getting out and Mr. Andrade said there was not.

    Mr. Gauvin, abutter from across the street at 188 Division Road, Dartmouth, MA, was present. He distributed copies of photos to the Board members. He thanked the Board for their diligence. He stated that he wanted to assure the welfare of the animals and that no contamination is a result of this site. He asked about the issue of grandfathering. He read the piggery regulation to the Board and stated he felt that the operation is still a nuisance. He stated that the fence is not held together other than with wooden pallets and wire. He stated that cars continuously still stop and feed the pigs because they feel bad for the pigs and said it is dangerous to have a car parked on this road. A pig had escaped and the owner had to retrieve it. Mr. Andrade stated yes this did happen. Dr. Colletti asked him to walk the property to find out where the pig escaped from and that he was going to inform the Animal Control Officer to check this situation.

    Mr. Gauvin also noted that there is still refuse that is not cleaned daily and that pigs are eating their own manure. Mr. Andrade stated that it is an entire field and that he is allowed to have the field up to the road and that he is feeding the pigs. Discussion ensued over the site design and how the state would be able to assist in design and standards of operation. Dr. Colletti asked if he had the name of someone Mr. Andrade is dealing with at the State – he stated he did not. Dr. Colletti stated that the Board would continue to monitor this situation. Mr. Santos stated he had spoken with DEP and LSP and the test results showed no evidence of petroleum contamination as Mr. Gauvin has alleged regarding hazardous waste. Mr. Gauvin asked if the old diesel tank had been checked, which is a remnant from the old saw mill. The Board would look into it.

11. Discussion: Follow up for Proposed Regulations Changes for Tobacco. Dr. Colletti asked this be on the next agenda and to ask Ms. Edge to return to discuss. There was discussion of retiring tobacco licenses. **MOTION** by Mr. Harkins to table to October 3, 2016. Seconded by Mr. Santos. Unanimous.
12. Discussion: Follow up for Request for Fee Waiver for Winter Farmer's Market. Dr. Colletti stated that many of the farmer's market participants have been inspected in several locations and the cost of them to pay another fee for the same year would be cost prohibitive. Dr. Colletti will speak to Mr. Belanger about the technical aspects of his time. **MOTION** by Mr. Harkins to table to October 3, 2016 after Dr. Colletti has the opportunity to discuss with the agent. Seconded by Mr. Santos. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 23 Monique Drive (M-61/L-3T) David & Anne Boudreau, 3-B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. 54 L Drive/526 Sanford Road (M-23A/L-314-316) Antonio Arruda, 3-B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
3. 129 Sanford Road (M-14/L-5) Ronald Richard, 3-B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
4. 202 Hix Bridge Road (M-54/L-41) Westport Historical Society, Repair. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
5. 1646 Main Road (M-57/L-11) H. Gifford & J. Gifford, 3-B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
6. 8 Widgeon Lane (M-88/L-29A) Yolanda Lesco, 3 to 5 Bedroom Upgrade. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.
7. 479 Main Road (M68/L13) People Inc., New Construction, no variances. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm-Var. Hearing: Mt. Hope Eng. for 45 Beaulieu Street, Gabrielle Castro.

Marissa Hall from Mount Hope Engineering was present. The system requires repair and rgw variances being requested are setback reduction from property line, private wells and ground water.

Abutters have been notified and all postal confirmation cards were returned. Mr. Swartz read those names out loud and it was determined that no one was present.

Variances requested:

- Reduction from setback of SAS to property line, 5.1 feet vs. 10 feet (to 49 Beaulieu St.)
- Reduction from setback of SAS to private well, 75.9 feet vs. 100 feet (to 49 Beaulieu St.)
- Reduction from setback of SAS to private well, 58.1 feet vs. 100 feet (to 37 Beaulieu St.)
- Reduction from setback of SAS to private well, 75.2 feet vs. 10 feet (to site well 45 Beaulieu St.)
- Reduction in separation to groundwater from 4 feet to 3 feet

The new system will be a Presby System and the application will be before the ConCom tomorrow.

Mr. Swartz stated that the lot is a small size and the existing septic is a cesspool. The proposed upgrades are an improvement to what is there and what can be done based on the size of the lot.

MOTION by Mr. Harkins to approve conditional on ConCom approval, a Hold Harmless Agreement and well testing. Seconded by Mr. Santos. Unanimous.

7:20pm-Hearing: Harry Patel, Westport Valero-175 State Rd. Permit Suspension-CANCELLED.

7:30pm-Var. Hearing: Greg Nicholas for 19 Second Street, Bennett Singer.

Small lots in this area off Horseneck Road and site requires septic repair.

A Presby System will be installed using a pump system, however, it requires the following variances:

- Setback from proposed SAS to well, 60.1 feet vs. 100 to well at 23 Second Street
- Setback from proposed SAS to existing foundation, 7.9 feet vs. 10 feet

The proposed system is in the Veolocity Zone and the application will be before the ConCom tomorrow. There is no increase in flow. Mr. Swartz stated that based on the small size of the lot this is the best solution.

MOTION by Mr. Harkins to approve conditional on a deed restriction, ConCom approval, a Hold Harmless Agreement and well testing. Seconded by Mr. Santos. Unanimous.

MOTION by Mr. Santos to adjourn at 7:46 p.m. Seconded by Dr. Colletti. The vote was two in favor. Mr. Harkins was absent.

Submitted by Lucy R. Tabit, Recording Clerk

Special Meeting of the Board of Health

The Special Meeting of the Board of Health convened at 12:10 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John R. Swartz, Health Agent

Variance approval to be rescinded for 45 Beaulieu Street, Gabriel Castro.

The Board overlooked the fact that a variance to reduce the distance from the proposed SAS to the well(s) and a variance to reduce the distance in the groundwater separation is not allowed.

John Swartz spoke with the engineer and revised plans will be submitted.

MOTION by Mr. Santos to rescind the motion made on September 12, 2016 for 45 Beaulieu Street. Seconded by Mr. Harkins. Unanimous.

The revised plans should come before the Board at the October 03, 2016 meeting and a new vote will be made for the variances.

Animal Inspector Nomination Issue.

Board discussed the nomination of potential candidates as discussed between Dr. Colletti and Tony Vieira. Mr. Santos was under the impression that there was to be a collaboration between the Selectmen and the Board of Health. Discussion continued with a result of possibly having a meeting with the Selectmen to discuss the issues.

Dr. Colletti said he would get in touch with Mike Sullivan and Tony Vieira about setting up a meeting.

Fee Waiver Request by Maury May for a Winter Farmer's Market.

Ray Belanger appeared at the meeting at 12:27pm to further explain his stand on it. He also wanted to relay that he assumed it was in the same location as was the summer Farmer's Market when he spoke to Dr. Colletti who also assumed the same. It is not.

Ray Belanger advised anyone participating should be filling out an application regardless of the fee issue. Board had additional questions and would like to invite Mr. May to their next meeting on October 03, 2016.

Jim Walsh appeared at this public meeting. He informed the members, as his supervisor, that he will be interviewed by Mr. King on Thursday, September 22, 2016.

MOTION by Mr. Santos to adjourn at 12:40 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Nancy J. Paquet, Principal Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 pm. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John R. Swartz, Health Agent

MINUTES

1. Sept. 12, 2016-reg. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. Sept. 21, 2016-sp. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz – Health Agent Daily Log 8/18/16 thru 8/27/16. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Ray Belanger – Health Agent Daily Log 8/18/16 thru 9/22/16. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
3. Ray Belanger – Inspections/complaints. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

1. Bills. Signatures rendered.
2. RDP Grant Contract. **MOTION** by Mr. Harkins to endorse. Seconded by Mr. Santos. Unanimous.

CORRESPONDENCE-Needing No Action

1. Edge Env./re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.
2. Building Dept.(copy)/re: 2nd Notice-To Demo Sheds/Shelters-Sunset & Velvet Ave. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
3. Building Dept.(copy)/re: Letter to Clean Up Unregistered Vehicles and Trash/Debris. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

CORRESPONDENCE

1. Justin Boyan/re: Request for a 1-Yr. Extension-NC Septic Plans on Butterfly Ln. **MOTION** by Mr. Harkins to grant. Seconded by Mr. Santos. Unanimous.
2. DEP/re: Awarded $3,450 of Recycling Dividends Funds & Small-Scale Initiative Funds Under the Sustainable Materials Recovery Program. ($200 more than previous year). **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous. Dr. Colletti recognized Mr. Walsh for writing and applying for this grant.

OTHER BUSINESS

1. Monthly Pump Report. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
2. Arbovirus Program Report: 9/12/16, 9/19/16, 9/26/16. **MOTION** by Mr. Harkins to file all three reports. Seconded by Mr. Santos. Unanimous.
3. MDPH/re: WNV Positive Mosquito Samples Alert: Dartmouth, Dedham, Eaton, Fairhaven and Norfolk. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
4. Nancy Paquet/re: Un-permitted Port-a-Jon at a Business. **MOTION** by Mr. Santos to request the business to come before the board and to obtain a seasonal permit. Seconded by Mr. Harkins. Unanimous.

5. FY'18 Budget Request-Deadline October 28, 2016. Dr. Colletti noted that Ms. Paquet would have this information for the next meeting so that the Board can approve.
6. DEP(copy)/re: Noquochoke Village-Approval of Pilot System. Ms. Paquet sent a memo to the Board requesting if they should pursue this issue with DEP. Mr. Harkins had a discussion with DEP about the system that would be located on a 7 acre site where as the remainder of the 32 acres would remain in Town ownership. DEP is now reviewing this and DEP asked that the BOH not approve until feedback is received. Mr. Harkins suggested that they wait until the Board hears back from DEP to make any determination of approval.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 45 Beaulieu St. – Revised Plans submitted: New vote required on variance request-original done on 9/12/16 and rescinded on 9/21/16. Revised plans have been submitted for a proposed Presby system.

   No Change to variances requested:
   - Reduction from setback of SAS to property line 5.1 feet vs. 10 feet (to 49 Beaulieu St.)
   - Reduction from setback of SAS to private well 75.9 feet vs. 100 feet (to 49 Beaulieu St.)
   - Reduction from setback of SAS to private well 58.1 feet vs. 100 feet (to 37 Beaulieu St.)
   - Reduction from setback of SAS to private well 75.2 feet vs. 10 feet. (to site well 45 Beaulieu St.)

   The difference is that the 4 feet separation to ground water is now removed from the original list of variances requested that was approved on September 12, 2016.

   MOTION by Mr. Harkins to approve as amended conditional on well testing and a hold harmless agreement. Seconded by Mr. Santos. Unanimous.

2. 1787 Main Road (M-83/L-157) Saxton Freyman, 9-B Repair. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

3. 1470 Main Road (M-56/L-2) Julia Krapf, 3-B Repair. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

4. 467 Division Road (M-46/L-18) Dennis Crapo, 3-B Upgrade. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

APPOINTMENTS

7:15pm-Discussion: Marilyn Edge/Cheryl Sbarra -Proposed Tobacco Reg. Changes.

Ms. Edge and Ms. Sbarra reviewed the discussion the last time they were here. They discussed the proposed changes in tobacco regulations.

The first issue would be to retire as permits expire. Ms. Edge stated that two of these establishments have failed to respond to her letters recently. She stated that the discussion with this Board was to retire the permit once the business closes or goes out of business. Mr. Santos asked if the law allows for permits to retire once they go out of business. Ms. Edges said no, the law is silent on this. She

stated that the current regulation would need to be amended to reflect that the permit would be retired once the business goes out of business. The exception would be for stores that sell and transfer ownership; the new owner would have a set period of time to transfer that permit for that specific location. In the cases of the two businesses, there has been no activity with regard to the licenses. Discussion also ensued over reducing the cap from 19 to 17 permits annually.

MOTION by Mr. Santos to include the retirement of licenses as suggested by Ms. Edge into the regulations. Seconded by Mr. Harkins. Unanimous.

MOTION by Mr. Harkins to reduce the cap of tobacco permits from 19 to 17. Seconded by Mr. Santos. Unanimous.

Ms. Edge also noted that DOR permits expired September 30, 2016 but have been given a 30 day extension. She noted that the DOR permit is what validates the tobacco permit

Also, cigar packaging had been previously discussed. The cost of one cigar cannot be less than $2.50 each or more. Ms. Edge would like to bring the language up to date to address the minimum package of 2 cigars at $5.00 or more or $2.50 each minimum.

MOTION by Mr. Harkins to make the cigar change as recommended. Seconded by Mr. Santos. Unanimous.

Ms. Sbarra suggested the age be lifted to a minimum age of 21 and that the language be drafted and included in the public hearing and if so desired, the Board can decide to leave it in or remove that section at the time of the hearing. The Board was agreeable to this.

Ms. Sbarra also asked their consideration to update the definition of "tobacco products" to "all nicotine delivery products" that will cover anything that contains or could contain nicotine. The Board was agreeable to this.

Ms. Sbarra asked the Board to consider placing a restriction on the flavored tobacco. According to Ms. Sbarra, it is legal to restrict this product to adult only. Members agreed to include this and would then decide at the time of the public hearing to either omit or keep. Flavored tobacco products would be restricted for adult only retail stores. This would not be available in regular convenience stores. This was based on lawsuits in the industry that the flavors were geared to under aged youths and new smokers because the tobacco product was milder and the flavors were meant to mask the tobacco flavor. The Board was agreeable to this.

A draft will be provided to the Board members for their review and a public hearing will be arranged. Ms. Sbarra will plan to be present at that hearing so that she may testify.

7:30pm-Discussion: Steve Connors of Economic Dev. Task Force: Fee Waiver Request, Winter Farmer's Market.

Mr. Connors was present on behalf of Maury May the Chairman of the Economic Development Task Force.

This is a follow-up to Mr. May's meeting with the Board. At a special meeting by the BOH on September 21, 2016, the Board agreed to take Mr. Belanger' suggestion to have all participants fill

out an application but not charge those who have already paid for the summer market. Only new vendors would need to pay the fee.

MOTION by Mr. Harkins to waive the winter farmer's market fee for those who have already paid a fee for the summer market but still have them fill out an application and for new vendors: they will need to pay a fee and file an application. Seconded by Mr. Santos. Unanimous.

7:35pm-Var. Hearing: SFG Association for 20 Sylvana Street, Beverly Andrade.

Steve Fitzgerald was present. Septic repair on a lot with a high water table. They have met all other well setbacks.

Variances requested:
- Setback from SAS to site well 80 feet vs. 100 feet.
- Reduction of requirement of a 12" separation between the inlet and outlet tees and high groundwater provided all boots or pipe joints are sealed with hydraulic cement or installed with watertight sleeves and the tanks are proven watertight.
- Allow for two test pit dug holes vs. one.

MOTION by Mr. Harkins to approve the variances conditional on well testing and a hold harmless agreement and subject to ConCom approval. Seconded by Mr. Santos. Unanimous.

MOTION by Mr. Santos to adjourn at 8:02 pm. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Special Meeting of the Board of Health

The meeting was called to order at 12:15 pm.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
Raymond Belanger, Health Agent
William M. Harkins, Secretary arrived at 12:27pm

Hearing requested by Debra Barrett, Landlord, who was present. Others present at this hearing: Landlord's son, Tom Barrett, Landlord's attorney Michael Kelly Esquire. Tenants present: Kathleen Ursini and Louis Ayala.

The matter before the Board was requested by the owner of the property.

Mr. Belanger summarized that the tenant filed a Chapter II complaint for lack of running water and other issues with the Board of Health on September 9, 2016 regarding a single family home that is rented. At the time of the complaint, the "other issues" were not stipulated. Mr. Belanger stated that he performed an inspection on September 15th. He met the tenants at the property and he was then provided a list of other issues separate and apart from running water. He presented the list to the Board. He stated he focused on the item of complaint. With regards to running water, the kitchen sink displayed very little water running out with air spitting out. Mr. Belanger observed the same in the bathroom sink and tub. Mr. Belanger inspected the other issues as provided on the list. Dr. Colletti stated there was no need to go over those items and asked an extra copy for the attorney's record.

Mr. Belanger returned to the office and then asked the staff to pull the file relative to the well and septic. Mr. Belanger needed to see where these were sited. But there was nothing in the file, and Mr. Belanger stated that is not surprising based on the age of the house. Pump out records from 2012 were the only documents in the property folder. Mr. Belanger stated that he then sent a violation notice via certified mail to the owner, Ms. Barrett. Tom Barrett called Mr. Belanger and stated that he would be addressing the issues and then asked to meet with the Agent at the BOH office, which took place. All issues and concerns were reviewed and subsequently, Mr. Barrett asked for a hearing with the Board.

Dr. Colletti asked Mr. Barrett's attorney to address the Board. He stated that the complainant have not paid any rent in eight months and were asked to leave in July. It was only after they were asked to leave that any of these complaints came forward. Mr. Barrett was unaware of any of these issues at the time the tenants were asked to leave for non-payment of rent. The attorney stated that they are ready to address each of these issues - many have been taken cares of; the water system has been inspected and the septic issue has been address and had been serviced by New England Sanitation for a long time. The attorney stated he had a letter from NE Sanitation, and a letter from Bob Butler stating that he has serviced this property's well for 14 years and has never experienced air coming out of the well. Attorney Keller stated that Mr. Butler had numerous calls this summer on the occasion of it being such a dry summer. He stated that they believe there has been excess use of the water in advance of the inspection. When Mr. Butler went to take a water sample on September 26, the pressure at the kitchen faucet was adequate. In terms of the septic system, there is an invoice that it was pumped out in 2015. Mr. Barrett is

prepared to review the remainder of the issues some of which have been already addressed and others that are in the process of being addressed.

Mr. Santos asked if Mr. Belanger has re-inspected. He stated he had not, as he was waiting for the hearing. Discussion ensued over the keeping of septic systems records, which would be on file, if these were provided to the office. Mr. Belanger looked into other properties in this area and subsequently the staff was able to find an application for repair for 51A, B & D that was already approved. Apparently, Ms. Barrett had filed for a repair. Ms. Barrett stated these plans were for the purpose of selling the property and were not planning to perform the repair unless the house is sold. Mr. Belanger will need to re-inspect the water supply.

Attorney Kelly stated that the tenants are under order to be evicted, have no lease and asked what standing they have to comment. He asked why would the Board allow them to comment based on this, after Ms. Ursini asked to speak.

Dr. Colletti stated that this issue has nothing to do with the lease and would like to hear what the tenant has to say.

Ms. Ursini stated they paid $2,200 to move in and have only been there for five months. They have been doing their best to work with the landlord to pay the rent because her husband became very ill shortly after moving in. In reference to the water, the plumber had already been there and fixed it before he took the water sample.

There was additional discussion about who was notified and who responded and the enacts stating that the issues existed before they moved in. Mr. Ayala stated there was no heat. Ms. Ursini asked why were retaliations were not a concern of this Board. She stated they were in fear of retaliation so they did not raise any issues.

Next issues were introduced by Mr. Kelly:

Heat in the bedrooms: Attorney Kelly stated according to CMR, heat is not required between June 15 and September 15. He asked to remove this issue. Mr. Belanger stated that there was only one source of heat in the living room and the heat was not on but he assumes the heat flows to the other rooms and the bedroom upstairs. He has spoken to the MDPH, and he was advised to take temperatures first. The intent of the unit is to provide heat in the other rooms with out making it excessively hot in the room the unit is in. He will need to return to take temperatures. Ms. Ursini stated that they were advised by prior tenants that the 2nd floor was never used because of the cold. She stated that they had to use the wood stove to make sure the heat reached the second floor.

Septic system: Has been resolved.

105 CMR 410.253 - Non-functioning flood light in rear entrance. This has been addressed.

105 CMR 410.280 - Interior windows of living room swing in, no natural ventilation; window on 2nd floor was removed. They thought the tenant removed it, but the tenant stated the building inspector removed it. Attorney Kelly stated, in any event the window is back in place and still

will need to address the 4% required ventilation based on s.f. and asked that Mr. Belanger take a look and advise. Ms. Ursini stated that the window was missing. The second floor was too hot in the summer.

105 CMR 410.351 & 482 - electrical cords, smoke detectors and carbon monoxide alarm. The cord has been replaced and the detectors and alarms are installed and have been tested.

2nd floor bedroom not a habitable space: Attorney Kelly stated this habitable space has been there for decades as confirmed by the Building Inspector. Ms. Ursini stated that her issue is that there is no means of egress in case of fire. Mr. Belanger stated that per the building code, it is a grandfathered use. He stated the ceiling height can not be grandfathered in; which remains an issue; the 2nd floor is obviously the roof of the house. He read the regulation that no more than 3/4 of the room can be habitable if the ceiling height is 7 feet or less. The room goes down sharply on either side. Mr. Kelly asked. if Mr. Belanger took measurements. Mr. Belanger stated that he did not. Ms. Ursini stated that the Building Inspector may have but that they rented this place as a 2 bedroom rental.

Mr. Santos stated that some of these are building code related and may overlap.

Missing boards and downspouts: Attorney Kelly stated these are in the process of being fixed. Screen door: Attorney Kelly stated that the door closes as it should and meets the code yet there were some dents in the door. Ms. Ursini stated that the other door is the one with the issue because of the rain. She has no issue with the one Mr. Kelly discussed. Mr. Santos asked to address the screen door now since it has come up. Mr. Belanger stated the screen door has to be fixed.

Yard overgrown and hole: The hole was the septic and this has been now covered. Mr. Kelly stated that the yard has been cut and trim and displayed photos. Ms. Ursini stated she has photos of it not being kept.

Mr. Belanger will now go back for a re-inspection. Attorney Kelly asked for 30 days to finish addressing the issues before a subsequent inspection.

The members agreed. Mr. Belanger wanted to make sure of the flow of the water. Mr. Harkins stated that there are no health safety or life issues. Mr. Belanger stated that the BOH does not do testing of the water. Ms. Ursini stated that issues that have not been addressed such as mold and dampness and she stated that she suffers from respiratory issues from this and her concern is with the water. She stated that water samples were taken by Mr. Butler. Dr. Colletti asked if Mr. Belanger noticed any mold. He stated that the regulations address dampness and he did not see any mold or dampness. Ms. Ursini stated the crawl space area is where the moisture comes into the house.

Dr. Colletti asked Mr. Belanger to followup on the water inspection and the remainder of the outstanding issues in 30 days.

Ms. Ursini asked for a copy of the water testing that was a result of the sampling.

Ms. Santos stated that the BOH did not ask to test the water. Mr. Belanger did not order a water test because he did not find the paperwork that provided a potable water supply.

Ms. Ursini stated she was under the impression there was a water test. Attorney Kelly stated they do not have the results yet.

MOTION by Mr. Harkins to wait for the report from the Agent in 30 days and the Board will notify the owner of their decision and if it is necessary to meet again. Mr. Santos seconded the motion. Unanimous.

The meeting ended at 1:00 pm. Board Members and parties departed.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
Absent: John R. Swartz, Health Agent

MINUTES

1. Oct. 03, 2016-reg. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. Oct. 05, 2016-sp. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

AGENT INSPECTION/REPORTS

Inspections/complaints. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

Bills. Signatures rendered.

CORRESPONDENCE-Needing No Action

Edge Env./re: Phase V Remedial Monitoring Report, 162 State Road. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

CORRESPONDENCE

1. Ronald Desrosiers Fund/**re:** Annual 2016 Grant Applications Now Available. Check with Staff.
2. DEP(copy)/**re:** Noquochoke Village Project, Nitrogen Credit Land Issue. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
2. Arbovirus Program Report: 10/03/16, 10/10/16. **MOTION** by Mr. Harkins to file the 10/03/16 report and to table 10/10/16, report missing. Seconded by Mr. Santos. Unanimous.
3. FY'18 Budget Issues/Review-Deadline October 28, 2016. Board discussed the issue with future tipping fee increase once the 2 year verbal agreement expired and the lack of funds for hiring an Animal Inspector not already on the BOH staff. **MOTION** by Mr. Santos to increase the tipping fee line item by $10,000. Seconded by Mr. Harkins. Unanimous. **MOTION** by Mr. Harkins to add a line item for an Animal Inspector and for Ms. Paquet to estimate the cost by using the current Animal Inspectors work load. Seconded by Mr. Santos. Unanimous.
4. AgCom/**re:** Animal Inspector Recommendations. Members agreed to table this until after the next Board of Selectmen meeting.
5. Animal Inspector/Animal Control Issue. Members not sure what this was about, table to next meeting.
6. Cheryl Sbarro/re: Proposed Tobacco Regulation Changes for BOH Review. Board would like to invite Marilyn Edge and Cheryl Sbarro to go over and finalize regulation changes and to set up a public hearing. Ms. Paquet is to make contact and schedule an appointment.
7. Mr. Gauvin from Division Road, Dartmouth arrived shortly after 8:00 p.m. and the Board allowed him to address them. Mr. Gauvin stated that Arrowhead Farm, across the street from him on the Westport side, was in non-compliance of the Piggery Regulations and that the Board of Health is not doing anything about it. The members had previously recommended that Greg Andrade of Arrowhead Farm contact the National Resource Conservation Services (NRCS) to help him with a

Farm Plan. Mr. Andrade is to provide a copy of the Piggery Regulations to NRCS so that these can be incorporated into the plan. Mr. Gauvin asked how long this would take. Mr. Santos stated that it could take up to 6 months. The Board discussed having Mr. Andrade come before the Board to give an update. **MOTION** by Mr. Harkins to send a letter asking Mr. Andrade to appear before the Board of Health to provide an update. Seconded by Mr. Santos. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 44-46 R Drive (M-23A/L-106&136) Stephen & Doreen Santos, 7B Repair. MOTION by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. 41 Riverview Drive (M-36/L-14&15) Robert Dowd, 3B Repair. MOTION by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
3. Bentley Lane (M-5/L-14) Robert Kfoury Trustee, 3B NC. MOTION by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
4. 31 Jennings Way (M-21/L-10BJ/SL-67) Briggs Landing LLC, 3B NC
5. 2 Grinnell Court (M-21/L-10CA/SL-84) Briggs Landing LLC, 3B NC
6. 4 Grinnell Court (M-21/L-10CB/SL-85) Briggs Landing LLC, 3B NC
7. 6 Grinnell Court (M-21/L-10CC/SL-86) Briggs Landing LLC, 3B NC
8. 7 Grinnell Court (M-21/L-10CE/SL-88) Briggs Landing LLC, 3B NC

MOTION by Mr. Harkins to approve items 4 through 8. Seconded by Mr. Santos. Unanimous.

APPOINTMENTS

7:15pm-Executive Session for Discussion on Potential Employee Discipline.
Members of the Board of Health entered into Executive Session at 7:15 p.m. by roll call vote for the purpose of discussing a personnel investigation.

MOTION by Mr. Santos to adjourn Executive Session at 8:00 p.m. by roll call vote and re-enter into regular session. Seconded by Mr. Harkins. Unanimous.

MOTION by Mr. Santos to adjourn at 8:20 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted By Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John R. Swartz, Health Agent

MINUTES

1. Oct. 17, 2016-Reg. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. Oct. 17, 2016-ES. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

AGENT INSPECTION/REPORTS

1. John Swartz Daily Log - 9/28/16 thru 10/27/16.
2. Ray Belanger Daily Log - 9/23/16 thru 10/27/16.
3. Ray Belanger - Inspections/complaints

MOTION by Mr. Harkins to file 1, 2 & 3 above. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

1. Bills. Signatures rendered.
2. Budgets. Signatures rendered.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
2. Nancy Paquet/re: Day Off Requests. **MOTION** by Mr. Santos to grant. Seconded by Mr. Harkins. Unanimous.
3. FY'18 Budget Changes/Review/Approval. **MOTION** by Mr. Harkins to accept the budget as submitted. Seconded by Mr. Santos. Unanimous. **MOTION** by Mr. Harkins to accept the budget for the Transfer Station as changed. Seconded by Mr. Santos. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. Charlotte White Road (M-68/L-7AD/SL-4) Ronald Oliveira, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.
2. Charlotte White Road (M-68/L-7AD/SL-5) Ronald Oliveira, 4B NC. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

TABLED

1. Arbovirus Program Report: 10/10/16-final. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

2. Ronald Desrosiers Fund/re: Annual 2016 Grant Applications Now Available-Staff had no suggestions. Noted.
3. AgCom/re: Animal Inspector Recommendations. Noted. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.
4. Animal Inspector/Animal Control Issue. Tabled.

APPOINTMENTS

7:15pm- Osprey Sea Kayak, Unpermitted Port-a-jon.

Members discussed the issue of an unpermitted port-a-jon with Sam and Karl Ladd. Owners of the business stated that they were not aware of the requirement. They are a seasonal business open for 7 months out of the year. They are closing next week. The board asked that they apply next year, but the Board waived the fine.

7:20pm-Var. Hearing: Len Potter, 2034 Main Road, Jeff Wade.

Repair failed system. Five-bedroom house and workshop. Both dwelling and workshop have separate cesspools. The plan is to combine the two into one leach field by gravity feed and pumped back to septic tank. The well of concern is the abutter Conners and site property, Wad. They can keep 60 feet distance and 70 feet to a new proposed well. The area is very tight. There will be a mounded area that is only visible from the river side. A stone wall and PVC lining would be used to help keep effluent migration. Dr. Colletti asked of the workshop has always been there. Mr. Potter stated yes.

Variances requested:
- Setback from SAS to proposed site well, 64 feet vs. 100 feet.
- Setback from SAS to workshop crawlspace wall, 8 feet vs. 10 feet.

MOTION by Mr. Santos to approve the variances as requested conditional on well testing, ConCom approval and a Hold Harmless agreement. There was no seconded to this motion. Mr. Santos rescinded his motion.

David Cole a resident across the street on Main Road made the statement that he is familiar with the property and its history of insufficient systems. He said the current system has been in failure for quite some time and that this is the perfect candidate for a denitrification system. If there is none, nitrogen will be added to the river. He does not know if the owners have been approached or even discussed it. If so, they should know there is a program to help. He asked the Board to consider they hold off making a decision now and discuss this with the owner and he also asked they reconsider lowering the septic betterment load interest rate from 5% to 4% for anyone who installed a denitrification system. Mr. Cole noted that the owners are planning to live there year round within a year.

Mr. Potter said the owners had stated they would rather not be involved with any special system. He said that he has placed it as best as possible based on the siting of the well.

MOTION by Mr. Harkins to grant a 4% interest rate for any upgrades to a denitrification system. Mr. Santos seconded the motion. Unanimous.

Mr. Potter will discuss with owner.

7:25pm-Var. Hearing: Wendy Henderson, 15 Summer Ave, Carolyn Rocha.

Ms. Henderson read out the return receipt cards of abutters. Abutters present, Donna Desmarais of 9 Summer Avenue and Claire Ponte Gonsalves of 19 Summer Avenue.

Failed cesspool. Variances requested for raised system:
- Set back from SAS to well at 9 Summer, 51 feet.
- Set back from SAS to well at 14 Summer, 60 feet.
- Set back from SAS to site well, 51 feet.
- Set back from SAS to north property line, 6 feet vs. 10 feet.
- Set back from SAS to south property line, 8 feet vs. 10 feet.

Ms. Desmarais stated that she was not amenable to this plan because she is on the low side of the water flow. Mr. Swartz stated that there will be a 40mil PVC barrier and it could be placed deeper. Ms. Henderson stated that this would be to prevent breakout, not protect the well head.

Dr. Colletti stated this is an improvement over the failed cesspool. Water testing would occur over 3-years. Discussion ensued.

MOTION by Mr. Santos to approve the variances as requested conditional on well testing, ConCom approval and a Hold Harmless agreement. Seconded by Mr. Harkins. Unanimous.

7:30pm-Var. Hearing: Mark Rodrigues, 1048 Main Rd, Sharon Raposa.

The failed cesspool requires an emergency repair. The cesspool repair is being replaced with a conventional system.

Variances requested:
- Vertical separation from ground water, 3 feet vs. 4 feet.
- Separation from garage slab to tank, 5 feet vs. 10 feet.
- Separation from garage slab to SAS, 8 feet vs. 10 feet.
- Separation from property line to SAS, <2 feet vs. 10 feet.

The property line is delineated by a stone wall. There is not much room to work with as there are large out cropping of rocks. Under the circumstances, this is the best solution.

MOTION by Mr. Harkins to approve conditional on ConCom approval. Seconded by Mr. Santos. Unanimous.

7:35pm-Plumbing Var.: Sue's Auto Sales, 583-585 State Road.

Mr. Koviack was present to ask for a variance regarding the pre-existing commercial garage to the rear of the property. He has been told he needs to install a drain and has asked for a variance due to the cost. Dr. Colletti asked how they would take care of the water and what type of work is done there. Mr. Koviack stated they repair vehicles before they place them on the used car lot. Dr. Colletti stated that, based on the State denial of a previous applicant at the same address, he would like to visit the location. Members tabled this to the next meeting so that they could perform a site visit before then.

7:45pm-Discussion: Brian Tripp, 115 Narrow Ave., Odor Complaint.

Mr. Tripp stated that the odor complaint may have been from his fish traps. To him they smelled like the ocean and did not smell foul to him. The members stated that the police complaint states that the neighbor observed trucks to the rear of the property and that the trucks were dumping shells and burying them. Mr. Tripp stated that his dad has a goat, perhaps that is the smell the complainant referred to because they are directly on the other side of their fence.

Mr. Tripp stated that he had taken 5 loads of seasoned shells over a week's time that totals about 75 yards. Mr. Tripp stated that these seasoned shells came around September 14th but were then trucked out shortly after. He feels that his traps caused the odor.

The members asked that if in the event there is another complaint, could they come on to the property to view. Mr. Tripp stated absolutely not in light of the other farm issue going on in town.

Mr. Santos informed Mr. Tripp that he needs a permit for the shells and gave him a paper copy of the regulation.

Members stated that the bottom line was that if there were any other complaints, that he would need to work with the Board of Health or the Board would find a way to access the property to come view what the issue is.

MOTION by Mr. Santos to adjourn at 8:30 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

Regular Meeting of the Board of Health

The Regular Meeting of the Board of Health convened at 7:00 p.m. at the Town Hall Annex with the Pledge of Allegiance.

Present: John J. Colletti, Chairman
Karl W. Santos, Vice-Chairman
William M. Harkins, Secretary
John R. Swartz, Health Agent

MINUTES

Oct. 31, 2016-reg. **MOTION** by Mr. Harkins to approve as amended. Seconded by Mr. Santos. Unanimous.

AGENT INSPECTION/REPORTS

Inspections/complaints. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

SIGNATURE'S NEEDED

1. Bills. Signatures rendered.
2. Budgets (revised). **MOTION** by Mr. Harkins to approve both BOH and Transfer Station as revised. Seconded by Mr. Santos. Unanimous. Signatures rendered.

OTHER BUSINESS

1. Monthly Pump Reports. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

2. Betterment Update & 4% vs. 5% Issue. Members agreed to let the vote as was taken at the last meeting stand to allow 4% for any denitrification systems and leaving 5% for all other systems.

3. Nurse/re: Activity Report for Sept. and Oct. 2016. **MOTION** by Mr. Harkins to file. seconded by Mr. Santos. Unanimous.

4. Results of Budget Meeting with TA. Mr. Santos relayed the discussion with Town Administrator to the other members. They discussed the 2% increase for non-union employees, uniform benefit, and tipping fees. Dr. Colletti will ask Ms. Paquet to set up a meeting with NB Waste and Crapo Hill to discuss fees. With regards to the Animal Inspector, the Board of Selectmen will take this over. The existing A.I. will remain as is for the moment with Fred Ponte from the Transfer Station in that position.

5. FinCom Representative Update. **MOTION** by Mr. Harkins to file. Seconded by Mr. Santos. Unanimous.

6. Medeiros Property Newspaper Article. **MOTION** by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

Donna Prolux, from Sodom Road asked if beef cattle do not need shelter. Dr. Colletti stated that the town is looking for the removal of the structures, but as far as beef cattle, they need to have something such as trees to take cover under. Mr. Harkins recounted what was in the newspaper article and stated this in not official information but what he gleaned from the newspaper.

Ms. Prolux also asked about the Pedro Farm and the suspicion that it too is a tenant farm. She asked who should be told about this. The Board stated that it goes through the Animal Inspector and the State.

7. ACO Inspection Report. **MOTION** by Mr. Harkins to have staff draft a letter requesting owner to have an exterminator deal with the rat problem within 10 days and to send by certified return receipt mail. Seconded by Mr. Santos. Unanimous.

OUTGOING

MOTION by Mr. Santos to file. Seconded by Mr. Harkins. Unanimous.

PLANS REVIEWED BY AGENTS

1. 662 Old Harbor Road (M-87/L-15) John Nelson, 4B NC. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

2. 7 Winterberry Ln (M-28/L-184) Kevin Medeiros, 5B Repair. No variances needed. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

3. 31 Sanford Road (M-18/L-5A) Gregory & Joann Squillante, Barn/Workshop. No variances. **MOTION** by Mr. Santos to approve. Seconded by Mr. Harkins. Unanimous.

4. 1782 Drift Rd (M-58/L-184) Ralph Harding Trust, Upgrade, no variances; eliminating beehive system and tying in 2nd cottage into larger system that can accommodate both dwellings. **MOTION** by Mr. Harkins to approve. Seconded by Mr. Santos. Unanimous.

TABLED

1. Animal Inspector/Animal Control Issue. Members briefly discussed that the BOS are working on this.

APPOINTMENTS

7:15pm-Discussion: Arrowhead Farm, Greg Andrade-Farm Plan Update.

Mr. Andrade provided a copy of a letter from Natural Resources & Conservation Services which stated that they have received his request as of August 31, 2016 but due to short staffing, his request was placed on a waiting list. Dr. Colletti asked if he sold any of the pigs and how many are left. He stated that he has sold about 100 over the last few months and has about 200 left. Dr. Colletti asked if the pigs are secured. Mr. Andrade stated that he has been working to make repairs. Mr. Santos asked if he was working with DEP. Mr. Andrade stated that DEP has not let

him know yet. Dr. Colletti asked that Mr. Andrade return before the Board in one month's time to give an update.

Robert Gauvin of Division Road in Dartmouth asked for the NCRS contact. Mr. Andrade stated that it is Andrea Bailey.

7:25 p.m.-Var. Hearing: Alan Ewing, 644 Gifford Road, Alexandra Whitney.

Failed septic system with the following requested variance:

-Separation to ground water: 3 ft. vs. 4 ft.

No other setbacks are needed. Mr. Swartz stated this is the best that can be done for this size lot.

MOTION by Mr. Harkins to approve subject to ConCom approval. Seconded by Mr. Santos. Unanimous.

7:35 p.m.-Var. Hearing-Cont'd: Len Potter, 2034 Main Road, Jeff Wade.

As the Board had discussed this at the last meeting and there was no new information they moved to approve the plans as presented at the last meeting. **MOTION** by Mr. Harkins to approve conditional on well testing and a Hold Harmless agreement. Seconded by Mr. Santos. Unanimous.

7:40 p.m.-Plumbing Var.-Cont'd: Sue's Auto Sales, 583-585 State Road.

Mr. Santos explained to Richard Antkowiak that after performing an inspection of the site with the Board of Health members, the following conditions need to be met: the cement floor would need to be sealed from cracks, a berm should be placed around the oil storage area, cleanup kits need to be on hand and a cleanup contract needs to be signed and on file. **MOTION** by Mr. Santos to grant the variance as long these stipulations are met. Seconded by Mr. Harkins. Unanimous.

7:45 p.m.-Discussion: Cedar's Smoke Shop, New Business with Tobacco Application at 35 State Road.

Marilyn Edge was Present with Attorney Peter Saulino and his client Walid Assi as well as the owner of the real estate on State Road, Sean LaFrance.

Ms. Edge stated the Town was capped at 19 establishments. Two have gone out of business. It was previously discussed that the cap would be reduced to 17 from attrition. In the regulations, there is an exemption for indoor smoking. Ms. Edge explained that certain accessories cannot be sold in Westport because certain accessories are considered drug paraphernalia. After some discussion, the BOH members moved to approve the license.

MOTION by Mr. Santos to approve the retail shop license with no smoking permitted inside. Seconded by Mr. Harkins. Unanimous.

Attorney Saulino stated that his client paid two fees - a renewal fee and another fee. Ms. Edge stated that one was the state license and the other fee was most likely a 2016 fee with the town, which runs January through December.

She noted that there is no retail food allowed in an adult only retail tobacco store. This includes water nor can it be provide for free. If employees bring lunch or snacks, these cannot be in the retail sales area.

Dr. Colletti asked Ms. Edge to provide the applicant with a copy of the regulations and workplace working law. She also explained what cannot be sold.

Dr. Colletti asked what are the next steps to change the Regulations and reduce the number of permits. Ms. Edge stated that they are meeting on Monday 11/28 at 7:15 p.m. At the last meeting she met with the Board, she was going to provide a draft and have the Board make any comments. Those drafts were delivered. Once the Board has any comments, these will be incorporated into the draft and a public hearing is advertised & posted. Ms. Edge will notify all retail stores. At the, hearing the Board hears any further comments from the public and then votes to put any changes into effect.

Mr. Santos asked Ms. Edge if she knew who will be regulating recreational marijuana. Ms. Edge stated that the dispensaries will most likely get the first consideration for selling. Despite the State rule, there are local regulations that may prohibit smoking it in public or the workplace.

MOTION by Mr. Santos to adjourn at 8:15 p.m. Seconded by Mr. Harkins. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk