

Board of Health Meeting Minutes
June 18, 2014

The Lakeville Board of Health held a meeting on **June 18, 2014** in the Lakeville Town Office Building. Present at this meeting were Board Members William Garvey, Robert Poillucci and Terrence Flynn. Health Agent Lawrence Perry and Health Inspector Kevin Bernardo were also present.

Chairman Garvey called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by the Board of Health and LakeCAM, to be televised at a later date.

21 Shore Ave.

(041-009-005)

George Protasowicki

Engineer and homeowner George Protasowicki was present for discussion. After some discussion Board Members reviewed and approved two after the fact variances for the new septic tank/pump chamber inverts as related to groundwater. These tanks had to be lowered further into the seasonal high water table as stated on his request letter dated June 11, 2014. They granted this relief since the only alternative would be to raise the whole dwelling to get the needed pitch for sewer piping. Board Members also reviewed the requested vertical variance to allow the SAS to be closer than the State required minimum setback to seasonally high groundwater and decided there was not an adequate hardship to justify granting this one SAS variance and therefore denied the request. The as-built must show the required 5' separation to groundwater to the SAS, along with all related changes (grading and/or retaining), and all variances listed. The tank must be certified watertight by the engineer prior to issuance of the certificate of compliance.

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

VOTED: To approve the two after the fact variances for the new septic tank/pump chamber inverts as related to groundwater. The requested vertical variance to allow the SAS to be closer than the State required minimum setback to seasonally high groundwater was denied. Unanimous vote in favor.

23 Shore Ave.

(041-009-006)

RJC Realty Trust

Engineer George Protasowicki was present for discussion. Board Members reviewed and approved two after the fact variances for the new septic tank/pump chamber inverts as related to groundwater. These tanks had to be lowered further into the seasonal high water table as stated on his request letter dated June 11, 2014 and the tanks will be certified watertight by the engineer prior to issuance of the certificate of compliance. They granted this relief since the only alternative would be to raise the whole dwelling to get the needed pitch for sewer piping. Board Members also reviewed the requested vertical variance to allow the SAS to be closer than the State required minimum setback to seasonally high groundwater and decided there was not an adequate hardship to justify granting this one particular SAS variance and therefore denied the request. The as-built must show the required 5' separation to groundwater to the SAS, along with all related changes (grading and/or retaining), and all variances shall be listed as well on the final as-built along with all final grades and elevations.

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

VOTED: To approve the two after the fact variances for the new septic tank/pump chamber inverts as related to groundwater. The requested vertical variance to allow the SAS to be closer than the State required minimum setback to seasonally high groundwater was denied. Unanimous vote in favor.

Blueberry Estates

(059-007-020)

RPI Blueberry LLC

Board members met with Engineer Philip Cordeiro Project Manager for Allen & Major Associates, Inc. and Brian Levy from Riverside Properties LLC to discuss the proposed septic flow as related to Blueberry Estates Cicero Drive proposed clubhouse addition, as stated on their request letter dated June 5, 2014. Board Members had recommended they add into one of the older systems and if necessary increase the capacity of any components necessary to take the additional *system* flow, not to be construed as additional *site* flow. Discussion ensued regarding which system was older and which was gravity distribution as opposed to pressure distribution. There was also some discussion regarding the septic maintenance company/person and some discrepancies or differing opinions and/or statements from which with the engineers, as opposed to the BOH Agent Larry Perry, regarding the viability of a tie in to the original system proposed for the clubhouse flow. No vote was taken as this was a “discussion only” agenda item. Discussion ended when it was stated that someone would be in the following day to research these systems, and their ages, with the Agent Perry, to try and ascertain the most prudent system to tie into and/or add-on to, or repair, if necessary.

129 Precinct St.

(018-001-016)

Evelyn Hoard

Homeowner Evelyn Hoard and her daughter Emily Hoard were present for discussion. Health Agent Perry and Inspector Kevin Bernardo, also present, had previously met with them to discuss enforcement letters regarding public health violations at Mrs. Hoard’s property. They had discussed the septic issues and the interior/exterior public health issues. Agent Perry advised her that she had non-conforming and unsafe covers and encouraged her to have them secured as soon as possible as the State code requires any covering at grade to be watertight and secured and the current covering is neither. Chairman Garvey explained to them, by law the Board of Health cannot go beyond the maximum allowable State deadline and allow more time to repair the failed system. He also explained that once the Board of Health has knowledge of a failed system (as defined by 310 CMR 15.303) the Board and its agents are obligated to follow-up to ensure the system is repaired in compliance with the State Environmental Code within the State mandated deadline. The deadline for the compliance for the repair of her septic system is May 2016. She was encouraged to apply for available specific grants/loans for septic repairs. Member Poillucci mentioned that a local engineer had offered her a donation for the engineering services and that he (Poillucci) owned a machine and would donate the perc.

325 Bedford St.

(030-005-003A)

May 21st Realty Corp.

Richard Anthony, owner of the Lakeville Athletic Club was present for discussion. At the last meeting Health Agent Perry said that when the pool was added to the athletic club, it was discussed whether or not it would considered an increase in flow to the septic. Board Members reviewed the water usage report for May 9th – June 10th which showed a usage of 77hcf for that period. The board felt it had been demonstrated that

the irrigation flow is substantial and subtracted from waste water flow and therefore shows no need for the septic system to be upgraded at this time.

Mobile Home Park License - Change of Ownership - Twin Coach Estates Homeowners Association, Inc., 38 Haskell Circle – (060-009-001)

Maureen Carroll, Cooperative Development Specialist for the Cooperative Development Institute (technical advisor for Twin Coach Estates Homeowners Association) was present for discussion. She stated that the membership adopted the existing Twin Coach Estates Rules and Regulations approved by the Attorney General for the time being. The membership will be approving a new set of community rules to be sent to the Attorney General's office sometime in August which will be then be sent to the Board of Health. She asked that when the license is issued, if it can be issued as license to Operate a "Manufactured Housing Community" rather than a "Mobile Home Park". Member Poillucci said he didn't see it as being an issue provided there is no legal definition between the two, but wanted to check with Town Counsel. Ms. Carroll said that all the homes there are post HUD (1978), and are the exact same structure and cannot be moved easily. Chairman Garvey said the license will be issued, but as a "License to Operate a Mobile Home Park" until we hear back from Town Counsel that it is legal to change it.

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

VOTED: To approve the License to Operate a Mobile Home Park. Unanimous vote in favor.

Re-Appointments

Lawrence Perry	Board of Health Agent
Lawrence Perry	Inspector of Milk

Member Poillucci stated that there could be a conflict with these two appointments with regard to the union negotiations and felt it may be necessary to go into executive session for discussion. Chairman Garvey said that the reason the Health Agent was always reappointed was because of something that happened years ago when the Board of Selectmen were also the Board of Assessors and the Board of Health. They just always appointed the Health Agent. He felt it no longer needed to be done that way because Agent Perry was *hired* as the Health Agent. Member Poillucci felt that may not be the case and preferred it was not discussed on camera.

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

VOTED: To approve the reappointments for Lawrence Perry listed above providing it's not in conflict with the signed union contract. Unanimous vote in favor.

Robert J. Poillucci Assistant Board of Health Agent

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

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

William E. Garvey, Jr. Assistant Board of Health Agent

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

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

Terrence Flynn Assistant Board of Health Agent

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

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

David G. Goodfellow Board of Health Agent

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

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

Loon Pond Lodge, 28 Precinct St. (027-002-028) - Discussion regarding New Food Establishment License

An application for a food establishment license for the Loon Pond Lodge was submitted to the Board of Health. Board members called in Health Inspector Kevin Bernardo to confer with. The discussion included how business owners are normally licensed rather than buildings and/or owners there from. Inspector Bernardo said that licenses require at least one Food Establishment Manager certified in food safety as the person in charge (PIC) who must be present at inspections and during operations/events. This PIC would also have to be certified for food allergens and show current certificates for both. Inspector Bernardo also said that Liability insurance is required after which the Board then discussed liability and whether the Town of Lakeville, or an employee of the Town, would or should have any such liability in this licensure. Health Agent Perry added that Town Administrator Rita Garbitt had previously been into the Board of Health Office and was aware of the liability issue. Member Poillucci added he did not believe the Board of Selectmen would want the town to take on the liability. Agent Perry stated that the Board of Health had previously sent a letter to the Park Commission in December 2012 requesting a list of caterers along with their certifications and licenses but that nothing had been submitted to the office. Board members discussed the number of caterers and how it would be more prudent to have only one rather than many, as it would simplify responsibility and liability. There was also a brief discussion about the new "12C Caterers license" which is a *state issued* alcoholic beverages license. Presently there is no designated (PIC) certified food safety manager at the Lodge. Board Members recommend that there be only one caterer (as the BOH would only license one caterer) unless the Park Commission "can come up with a better way". Chairman Garvey stated that the Park Commission must submit documentation for any

caterers currently operating at Loon Pond Lodge, as well as copies of their licenses from the Town their business is based out of, PICs' food safety manager certifications and allergen awareness certificates. In conclusion, Board Members stated that ultimately someone must be held accountable should a food borne illness occur, and that having several caterers would just complicate the process.

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

VOTED: To deny their request for a food establishment license at this time. Unanimous vote in favor.

2014 Board of Health License & Permit Renewals

Milk & Cream

Aramark Educational Services, LLC / Apponequet High School
Aramark Educational Services, LLC/Assawompset Elementary School
Aramark Educational Services, LLC/Freetown Lakeville Middle School
Aramark Educational Services, LLC/ George R. Austin Intermediate School
CVS/Pharmacy, Inc. #5407
Hawaii Corp. d/b/a Orchid of Hawaii Restaurant, Inc.
J & J's Seafood Drive-In
Joseph R. Starr d/b/a Starr's Country Market
Poquoy Investment Group LTD d/b/a Poquoy Brook Golf Course

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

VOTED: To approve the Milk and Cream licenses as submitted on the memo from Board of Health Administrative Assistant Jo Lima dated June 18, 2014. Unanimous vote in favor.

Stables – Private

130 County Road, Sandra Wing

A short discussion was held regarding the renewal of the stable permit due to the condition of the two horses. Board Members agreed to renew the permit temporarily until September 18, 2014. Random inspections will be conducted by Health Inspector Jared Darling and should the horses appear to be in good health and well cared for, the permit will be reissued to expire at the end of the year.

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

VOTED: To issue a temporary stable permit until September 18, 2014 and automatically renewed until end of year provided there are no issues. Unanimous vote in favor.

Acceptance of Meeting Minutes

Board Members reviewed the Board of Health meeting minutes from May 14, 2014.

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

VOTED: To approve the Board of Health meeting minutes from May 14, 2014 as typed. Unanimous vote in favor.

Tobacco Regulations Discussion-Tabled from May 14, 2014

Health Inspector Kevin Bernardo has been reviewing the town's tobacco regulations and submitted a letter that was reviewed by Board Members at the last meeting, stating that some improvements were needed, especially after learning that three establishments in town had sold tobacco products to minors. After reviewing different tobacco resources, he found that MAHB (Mass Association of Health Boards) has sample regulations and they also assist in implementing these potential new regulations. The MAHB has set 17 policy decisions questions to aid in this process. He presented the sample regulations to the Board and collectively went through all 17 questions. Member Poillucci had asked Inspector Bernardo at the last meeting to research the effects of e-cigarettes. Inspector Bernardo said that E-cigarettes and nicotine patches are approved by the FDA, but not regulated so anyone under 18 could purchase either. He said research is still being done on the e-cigarettes and their health effects. Discussion tabled.

Discussion regarding Seasonal Conversions

Chairman Garvey began the discussion by saying that at the last meeting it was decided that he and/or Member Poillucci would meet with Board of Appeals Chairman Don Foster, but that they hadn't met yet. He recommended that the Board of Health should send a letter to the Planning Board stating that seasonal conversions listed under the special permits section of the by-laws should be eliminated. He feels it should be handled strictly by the Board of Health, unless the ZBA already put a restriction on the property. He said why spend \$300 to file with the Board of Appeals when petitioners need approval of the Board of Health. Member Poillucci suggested that both the Appeals and Planning Board should probably meet with Board of Health Members for further discussion. Chairman Garvey said he'd prefer to wait until possibly a subcommittee is formed before inviting other departments into a meeting. Discussion tabled.

At 8:03 p.m., upon motion made by Member Robert Poillucci and seconded by Member Terrence Flynn on a unanimous roll call vote, the Board:

VOTED: To enter Executive Session **and not return** to Open Session pursuant to M.G.L. c.30A, §21(3) to conduct strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, specifically the Board of Health Agent.

Polled vote: Chairman William Garvey-Aye, Member Robert Poillucci-Aye, Member Terrence Flynn-Aye

ACCEPTED AS TYPED 7/16/14JL
