

BOARD OF HEALTH MEETING MINUTES
January 5, 2011

The Lakeville Board of Health held a meeting on January 5, 2011 in the Lakeville Town Office Building. Present at this meeting were Board Members William E. Garvey, Robert Poillucci, and Terrence Flynn. Also present were Health Agent Lawrence Perry, Board of Health Clerk Jo Lima and Christine Weston as Recording Secretary.

Chairman Garvey called the meeting to order at 6:00 P.M., and asked if anyone was recording the meeting.

SouthCoast Tobacco Cessation & Prevention Collaborative

Board members met with Nic Charest, Coordinator from New Bedford in regards to the SouthCoast Tobacco Cessation & Prevention Collaborative Program. Charest presented information to the Board regarding the possibility of Lakeville maybe joining their Tobacco Collaborative for FY2012. According to Charest, the (FDA) Federal Drug Administration recently took over all control of tobacco products and they will be sending out all their current Attorney General regulations to all. Charest is with the (MTCPP) Massachusetts Tobacco Cessation and Prevention Program. Charest said he is presently doing some educational programs, so that those who sell the products will be brought up to speed when the State comes through with the regulations. He stated that the State would be handing out tickets and violations for anyone who is not adhering to the regulations. Charest told the Board that he has not seen Lakeville's local regulations yet, so when he went out to approximately eight businesses (Joe's Gas, Muckey's Liquors, Poquoy Brook Golf Course, Savas Liquors, Sedell's Pharmacy, Starr's Country Market, Tamarack Wine & Spirits and Walgreens #10269) in Town, he did not try to educate those businesses on Lakeville's regulations, he only tried to educate them on the state ones. Charest then distributed a summary of how the inspections came out and when he went out there. Charest said he was looking in five areas - to see if the vendor had their Board of Health Permit, their Massachusetts Department of Revenue License, a self-service display, signage issues and to provide some education. Charest noted, what is of the most concern is the self service displays, this is where products can be reached or selected by a customer and are not controlled by the store clerk or manager. Charest said he educated the vendor's on that and how to correct other items for when the state comes in. Charest stated that the vendors need a sign at the point of entry stating that there would be no selling of tobacco products to minors and also a sign at the cash register. Charest said he was currently asking unfunded communities if they would like to connect with the collaborative in order to help them do their own compliance checks with underage youths, to work with the Board of Health to strengthen the current youth access regulations, and to perform regularly scheduled retail education inspections. Charest said it was also important that a person be appointed from the Board of Health to work with them. He said he would make sure that the regulations are up to their proper standards, he would provide education twice a year to vendors, and he would perform under age checks and report back to the Board on what he found. Charest said it would not cost the Town any money to join the Collaborative. According to Charest, the Board of Health would have to sign a RFP (Request for Proposal) to say that they are part of the collaborative and also one would be needed with the school system as well. Charest said the regulations just came out last week so he didn't have all the details as of yet, but would provide them in the future. Charest told the Board that being in the collaborative would allow the Town to find out earlier what the State was going to do or not do, and it would also allow more of a say on what's going to take place in their community. Charest stated right now the program was funded at a minimal amount by the Town's population, the number of stores that sell the product. Charest said his budget would be increased by the Town joining the collaborative, and basically he would be the agent if there

were any complaints with the schools or a public owned facility. Charest said he would be required to go out there and perform a compliance check to determine what changes might be needed. Chairman Garvey told Charest that the Town has not had any complaints as yet. It was the consensus of the Board to allow him to provide further information on the program. No other action taken at this time.

12 Hill Street

016-006-001

Harry W. Fisher

(New Application) Stable Permit (Personal Use)

Harry W. Fisher was present for the discussion. Chairman Garvey stated there was no structure at the site at this time. Fisher stated the area was all staked out and he's presented a complete set of plans, including the plot plan, in order to obtain the barn permit. Fisher said he was approved for the building permit. Garvey acknowledged, Agent Perry signed off on the building permit, but they still didn't have a plan showing where the manure pile and paddock area would be located. Garvey also noted that this plan didn't show the setbacks; which needed to be provided. At this time, Board of Health Clerk Lima gave Fisher another copy of the stable regulations. Board Member Flynn stated that the foundation for the barn was already built, but Mr. Fisher needs to show where the manure pile will be located, the paddock area where the horses would be corralled, and what the dimensions were from that area to the well. Fisher said he thought he provided all the necessary information. He said he would fill out the permit application and submit whatever was required of the Board. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To approve a stable permit for 12 Hill Street; subject to submittal of proper plans by Mr. Fisher showing the location of the manure pile, paddock area, and required setbacks.
Unanimous vote in favor.

54 Main Street

063-002-003/4

Inspiration Body Art Studio @ Allure Day Spa

(New Application) Body Art Establishment Permit

Pietro Panettieri, Robert Pike and Steve Duran were present for the discussion. Mr. Pike took the floor and informed the board of his experience and what he was aware of at this time for regulations in Massachusetts. Pike said he presently has a license in Rhode Island; his license number is TA0096, and he has worked in two different shops in Massachusetts. Pike said he had a body piercing shop as well. Pike also noted that regulations seem to be different from one county to another. Agent Perry stated Lakeville's regulations were very explicit. They require evidence satisfactory to the Board of Health of at least two (2) years of actual experience in the practice and proof of training experience. Applications for the practitioner and the establishment itself will be needed, and under practitioner training and experience it states that s/he has completed a course on physiology and anatomy with a passing grade of a C or better with a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. Pike said he has been doing this for twenty years but did not have that degree. Health Agent Perry said the Board could modify their permit applications and adopt what the Town of Middleborough has, since this was a first for the Town. Board Health Clerk Lima then photocopied all of Pike's certificates (First Aid, Blood Borne Pathogens, CPR, etc.) which were all up to date. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To waive the requirement for the Anatomy and Physiology class as listed on Page 19, Section E3 of the Lakeville Rules and Regulations for Body Art Establishments and Practitioners (Voted June 6, 2001 and effective July 19, 2001).

Unanimous vote in favor.

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

VOTED: To adopt the Town of Middleborough’s application forms for Body Art Practitioner and Body Art Establishment.

Unanimous vote in favor.

Agent Perry stated that the Town of Lakeville will need to ask the Town of Middleborough about having their nurse perform the inspections and to find out what the cost would be since they were not currently contracted to perform these inspections. Perry stated the Body Art Establishment permit holder would also need to provide the Board with the manufacturer, model number, year, and serial number of the autoclave used in the establishment, and monthly spore destruction tests need to be verified through an independent laboratory and submitted to the Board of Health on a monthly basis. Perry also mentioned that medical files would need to be kept on location and available for inspection, if necessary. He also said that a pre-operative inspection and annual inspections would be required. Mr. Pike was also told that he would need liability insurance for himself. It was noted that the business establishment already had been insured. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To approve the Body Art Establishment Permit for Inspiration Body Art Studio @ Allure Day Spa subject to a pre-operative inspection of the establishment by a Nurse and Health Agent Perry making sure that all requirements are met.

Unanimous vote in favor.

Pike asked what would be the requirements for an apprentice; anyone that would work under him. Pike suggested a year apprenticeship under him. Member Poillucci stated an apprenticeship should have the term of one year experience, but the practitioner should definitely have two years experience.

2011 Board of Health License & Permit Renewals

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

VOTED: To approve the licenses and permits as submitted on the memo from Board of Health Clerk Lima dated January 5, 2011 as follows:

FOOD ESTABLISHMENT LICENSE

Bevilacqua Productions d/b/a Amazing Cakes

SUN TANNING BOOTHS LICENSE

Allure Day Spa, Inc.

DRY CLEANING ESTABLISHMENT LICENSE

JNL Dry Cleaners, Inc.

RESIDENTIAL TRASH COLLECTION PERMITS

ABC Disposal Service, Inc.

Hiller Disposal, Inc.

Lakeville Disposal Service

Plymouth Rock Rubbish Removal

COMMERCIAL TRASH COLLECTION PERMITS

ABC Disposal Service, Inc.
Lakeville Disposal Service
MA Waste Systems LLC
Plymouth Rock Rubbish Removal

SEPTAGE PUMPER LICENSE

Raggs Septic Service, Inc.

Unanimous vote in favor.

Department of Environmental Protection

57 Long Point Road

071-001-002

Island Terrace Nursing Home

Board members received a copy of a fully executed Administrative Consent Order with Penalty and Notice of Noncompliance sent to Mr. Tolles at Island Terrace Nursing Home. The effective date of the document was December 15, 2010. This communication was placed on file.

Department of Environmental Protection

57 Long Point Road

071-001-002

Island Terrace Nursing Home

Board members received a copy of the Consumer Confidence Report Compliance/Technical Assistance Review dated December 17, 2010 that the Department of Environmental Protection sent to Frederick A. Parmenter for the Island Terrace Nursing Home for the report year of 2009. This communication was place on file.

Board of Health Member Health Insurance

Chairman Garvey stated that the Board of Selectmen will be discussing Health Insurance at their meeting Monday night, January 10, 2011. Garvey said this would not affect anyone on the Board of Health, but he would like to see the Board of Selectmen bring back the stipends. Garvey said anyone could attend this meeting if they wanted to voice their opinions.

3,5,7,9 Haskell Circle

060-009-001

Twin Coach Estates, Inc.

Chairman Garvey brought up discussion regarding several failed septic systems at Twin Coach Estates, Inc. Chairman Garvey noted that nothing has been done yet to bring these systems up to compliance. Health Agent Perry stated that three of the systems were out of compliance and the other one was semi-failed. Perry said they only have a certain amount of days to prove to the Board that the systems were not in failure with official Title V inspections. Chairman Garvey suggested giving Twin Coach Estates, Inc. thirty (30) days to bring the septic systems into compliance, or start fining them up to \$300 a day.

FY2012 Board of Health Budget Requests

Discussion was brought up by Chairman Garvey about needing more money in the budgets for FY12. He said there are certain line items that are in the negative and the amounts in those categories need to be doubled. The board members decided to increase the following line items to these amounts:

Advertising \$1,000; Postage \$1,000; Education & Training \$3,000; Printing \$500 and Office & Professional Supplies \$1500. Board Member Poillucci stated he would like to possibly add in another line item to hire someone to help the staff input any necessary information into a data base if new software should become available. The FY12 line item changes will be given to Supervisor Teser.

328 Bedford Street

057-001-014

Lewis Gammons

Board members received an updated report from Health Agent Perry relative to the proposed septic system upgrade at 328 Bedford Street. After some discussion Chairman Garvey said to give Lewis Gammons another deadline of thirty (30) days to submit all the required paperwork and have his installer pick up the approved plan and permit. A Title V letter of Non-Compliance will be sent to Mr. Gammons.

1 Patrick Thomas Court

062-001-011

Michael Dyksinski

Chairman Garvey told fellow Board members that Michael Dyksinski of 1 Patrick Thomas Court has not paid for his stable permit as yet, and has more horses than what was approved by the Board of Health. It was also noted that he still had buildings on state property. Board members said a letter should be sent to Dyksinski; stating he has not paid for his stable permit and he needs to pay for it immediately or he will be fined a \$100 a day. Chairman Garvey said Dyksinski also has to remove the additional unapproved horse(s) from the property. Garvey noted if Dyksinski comes in and pays for it, then there would be no need to send the letter. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To send Michael Dyksinski of 1 Patrick Thomas Court a letter stating that he has not paid for his stable permit and he will be fined \$100 a day, unless he does so immediately.

Unanimous vote in favor.

2010 Annual Town Report

Board members received notice that the 2010 Annual Town Report would need to be completed and submitted to the Board of Selectmen. Supervisor Teser will gather information for the Board's submittal on this report.

Acceptance of minutes of meeting of October 6, 2010

Upon motion made by Member Poillucci and Chairman Garvey stepping down to second the motion then stepping back up to vote, it was:

VOTED: To approve the Board of Health meeting minutes of October 6, 2010 as presented. Board Member Flynn abstained from the vote because he was absent for this meeting.

Acceptance of minutes of meeting of October 12, 2010

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

VOTED: To approve the Board of Health meeting minutes of October 12, 2010 as presented. Unanimous vote in favor.

Acceptance of minutes of meeting of October 21, 2010

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

VOTED: To approve the Board of Health meeting minutes of October 21, 2010 as presented. Unanimous vote in favor.

Acceptance of minutes of meeting of October 30, 2010

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

VOTED: To approve the Board of Health meeting minutes of October 30, 2010 as presented.
Unanimous vote in favor.

Norfolk-Ram Engineering Solutions

57 Long Point Road

071-001-002

Island Terrace Nursing Home

Board members received the November 2010 Monthly Status Report on the progress of the wastewater remediation project at the Island Terrace Nursing Home for the Board's review. This report was placed on file.

Health Agent Perry said he was working with the people from the Lakeville Fraternal Order of Eagles to bring them back into compliance.

Chairman Garvey said he would also like to see the completion of the dumpster permitting process finalized by the April meeting.

Upon motion made by Member Flynn and Chairman Garvey stepping down to second the motion and stepping back up to vote, it was

VOTED: To appoint Member Poillucci as Acting Chairman in the absence of Chairman Garvey.
Unanimous vote in favor.

Vendor warrants were signed by the Board.

The next Board of Health meeting is tentatively scheduled for Wednesday, February 16, 2011 at 6:00 p.m.

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

VOTED: To adjourn the Board of Health meeting at 7:00 p.m.
Unanimous vote in favor.