

**Board of Health Meeting Minutes**  
**April 4, 2012**

The Lakeville Board of Health held a meeting on **April 4, 2012** in the Lakeville Town Office Building. Present at this meeting were Board Members Robert Poillucci, William Garvey and Terrence Flynn. Also present were Health Agent Lawrence Perry and Board of Health Clerk Jo Lima as Recording Secretary.

Chairman Poillucci called the meeting to order at 6:00 p.m. and noted that this meeting was being recorded by Clerk Lima and Comcast, and would be televised at a later date.

**Board of Health Reorganization**

Chairman Poillucci stepped down and motioned to nominate Member Garvey as Chairman of the Board of Health. Member Flynn seconded the motion, and the vote was unanimous in favor.

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

**VOTED:** Member Poillucci as Second Member. Unanimous vote in favor.

Upon motion made by Member Poillucci with Chairman Garvey stepping down to second the motion, the Board:

**VOTED:** Member Flynn as Third Member. Unanimous vote in favor.

**66 Vaughn St.**

**063-002-007**

**Deborah Valente**

Stable Owners Bradily and Deborah Valente were present for discussion. A request was submitted to the Board of Health office requesting approval from the Board to house two horses on their property. The Board had previously approved the stable permit for the barn only, where in the past they were approved for one horse as well. Chairman Garvey asked if they had a manure plan and Mr. Valente stated that it would be put on a trailer and hauled away on a weekly basis. Abutter cards were submitted and letters from two of the three abutters stating they had no objections to the two horses. A letter was also submitted by Inspector of Animals, Jared Darling recommending approval of the permit for two horses. Board Members didn't see a problem with this especially since the neighbors didn't have any objections.

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

**VOTED:** To approve the stable permit for two horses. Unanimous in favor.

**2012 Board of Health License & Permit Renewals**

**Common Victuallers**

Aramark Educational Services, LLC / **Assawompset Elementary School**  
J & J Seafood Drive-in

**Food Establishments**

Aramark Educational Services, LLC / **Assawompset Elementary School**  
Annelise Dexter d/b/a **Danish Dogs**  
J & J Seafood Drive-in

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

**VOTED:** To approve the Common Victualler and Food Establishment licenses as submitted on the memo from Board of Health Clerk Lima dated April 4, 2012. Unanimous vote in favor.

**Nomination of Inspector of Animals**

In addition to his nomination, Jared Darling, Inspector of Animals was requesting an alternate inspector. Member Poillucci asked where the wages would come from. Clerk Lima stated that Supervisor Teser had mentioned that it would come out of Jared's wages. Board Members saw no problem with an alternate inspector to cover, providing there was no additional cost.

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

**VOTED:** To approve the nomination of Jared Darling as the Inspector of Animals and the nomination of Laurice Hedges as Alternate Inspector of Animals in his absence subject to confirmation that there will be no additional cost to the budget for an alternate. Unanimous in favor.

**Annual Town Meeting Warrant Articles**

Board Members received a memo from Town Administrator Garbitt regarding Special Town Meeting Warrant Articles. Board Members stated they had nothing to submit.

**Discussion on Raggs, Inc.** – A discussion was held regarding the Installer's License and Septage Pumper License renewals for Raggs, Inc. Chairman Garvey stated that some electrical work was done incorrectly and in order to complete the work at Seven and Nine Shore and have the Board of Health release the Certificates of Compliance on these properties, they must renew their Installers License. They must also renew their Septage Pumpers License if they plan to pump any systems in Lakeville. Agent Perry stated to the Board that numerous messages and letters have been sent to Mr. Fish and Ms. Abato regarding this matter, along with the required renewal applications for an Installer's License and a Septage Pumper's License. Before the Certificate of Compliance is issued for both these properties, the installer must be licensed with the Town of Lakeville.

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

**VOTED:** To send Raggs a certified letter and the homeowners a copy of the letter, stating that that in order to complete the work at Seven and Nine Shore and have the Board of Health release the Certificates of Compliance on these properties, they must renew their Installers License and submit the as-builts . They must also renew their Septage Pumpers License if they plan to pump any systems in Lakeville. Board Member Garvey amended the motion to include in letter that there shall be no occupancy until Certificates of Compliance are issued. Unanimous vote in favor.

**Letter of Retirement from Board of Health Supervisor Nancy Teser** – Chairman Garvey read the letter stating that Supervisor Teser will be officially retiring on July 27, 2012.

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

**VOTED:** To accept Supervisor Teser's retirement date of July 27, 2012, with regret. Unanimous vote in favor.

**Discussion on Sunday Ice Cream Licenses** – Member Poillucci began this discussion by saying that after doing some research it appears the Board of Health was the only town issuing these licenses, but that they were no longer required due to the repeal of the Blue Laws and he felt the license should be rescinded. Member Flynn asked if this should be the last year for any applications received and Clerk Lima stated that no applications had been mailed yet.

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

**VOTED:** To rescind the Sunday Ice Cream Licenses. Unanimous vote in favor.

**Acceptance of meeting minutes from March 7, 2012.**

Board Members reviewed the minutes.

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

**VOTED:** To approve the Board of Health minutes for the meeting held March 7, 2012 as typed. Unanimous vote in favor.

**Discussion on 1 yr. Expired Variance Septic Approvals** – Chairman Garvey began the discussion saying that about four weeks ago, he received a phone call regarding a septic permit that had expired for a septic on Long Pond. The homeowner had been approved for a well and septic due to the 2010 flood. Because the well had to be moved and there was a bounty dispute, he stated he had to go out to the property and approve the location of the well. They installed the septic and Agent Perry was just doing his job and said they could not begin installation because the permit had expired. Our variance approval letters state that the approval is good for one year. Chairman Garvey said that he and Ted Gibney started this policy to get systems repaired quicker, but after he began thinking about it, it only made sense to issue the permit, and gave Clerk Lima the go ahead to do so. He said the plan is good for two years. If the permit has not yet been issued, then the approval isn't yet expired. Chairman Garvey said this should be interpreted differently. He noted that all the board wants is for good septic systems to be put in. He said the language should be changed to read "the permit must be pulled within a year of the approval". Member Poillucci asked how it would be handled if a homeowner came in to pull the permit 13 months after the approval. Chairman Garvey said he would accept that because we again want the systems to be repaired. Member Flynn thought maybe they should leave the language the same and have Agent Perry approve the issuance of the permit if it's over the year. Agent Perry said he thought the approval of the plan was only good for one year if there were variances and the homeowners could request an extension. Chairman Garvey asked how long a plan is good for under Title V. Agent Perry said he didn't think Title V has a deadline that it only talks about the permits. He said it was two year and up to the Local Board of Health as far as how long their approval was good for. Chairman Garvey then asked if under Title V, the plan is grandfathered forever. Agent Perry said it's whatever the Local Approving Authority determines. Member Poillucci thoughts were if Title V didn't change and Agent Perry knew that, why can't he just approve the issuance of the permit if it's over the year. Chairman Garvey said, absolutely, as long as there are no changes in the variances. Agent Perry said as long as Title V hasn't changed is one side of it, but existing conditions and abutting lots haven't changed as well. Member Poillucci asked now that we have started addressing non-compliances, what time limit should be set before the Board of Health starts taking action. Chairman Garvey said Title V states that any failed system has to be repaired within two years and maybe the note should be removed from the variance approval letters.

Member Flynn suggested that the language be left the same and that Agent Perry or any Board Member can approve the issuance of the permit providing there are no changes in the variances.

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

**VOTED:** To leave the note/language on the variance approval letters as is, but that interpretation shall be that the expiration of the permit will be one year from the date of issuance and if permit is issued past the one year deadline, that it can be approved by Agent Perry or any Board Member providing there is no change in variances. Unanimous vote in favor.

**Discussion on Well Trench Permits** – A lengthy discussion was held in regards to trench permits being not being pulled in regards to wells. Chairman Garvey began the discussion by saying that Clerk Lima asked him about trench permits for wells because Agent Perry had noted it on a septic submittal package. She mentioned that she wasn't aware that one was required. Chairman Garvey stated that apparently this had fallen through the cracks and that it needs immediate addressing and wanted to run it by the other board members to determine how this can be handled. He said that well trenches are typically five feet deep and two feet wide and are the most dangerous. He stated that when speaking to the electrical inspector, that he isn't always called out to do an inspection. Member Flynn stated that it's a big cost to the builder, if no one fills out this one piece of paper. Member Poillucci asked now that they were discussing this, whose going to inspect the waterline from the well to the house. Chairman Garvey said no one, that a permit is not required for the waterline. Agent Perry questioned Chairman Garvey and asked shouldn't a plumber have to pull a permit to attach the water to the house. Chairman Garvey replied no. Member Poillucci thoughts were, if it's a repair or an emergency, the Board of Health should oversee this, but if it's new construction, then it's a whole different scenario. Chairman Garvey agreed, but said that a five foot trench was still being dug. Member Flynn suggested when a septic permit is applied for and it's a repair, it should come through us and if it's new construction, it should be handled by the building dept. Chairman Garvey stated that this would need to be coordinated with the Building Department where someone would have to pull a trench permit. Member Poillucci suggested that maybe when a foundation permit is applied for, they could just add the trench permit to it. Member Flynn said that he believed no additional cost would be incurred; it would just make them aware.

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

**VOTED:** To add a note at the bottom of well permits issued that a trench permit is required from the Board of Health for all well repairs/replacements. Any new construction well permits would be issued by the Building Department. Unanimous vote in favor.

Chairman Garvey entertained a motion that any correspondence regarding the schools and the water issues there should continue to be directed to Member Poillucci.

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

**VOTED:** That Member Poillucci continues to handle all issues regarding water at the schools. Unanimous vote in favor.

**Pool Inspections** – Agent Perry advised the Board that the contract from the Middleboro Board of Health was amended where they removed the Body Art Establishment Inspections and added the Pool Inspections. He said that they offer a two day class in June to become certified in Pool Inspections. Member Poillucci asked if there was a cost to continue the certification. Member Poillucci thoughts were to send Agent Perry to the class and to leave the wording of the contract as is, in the event that Agent Perry isn't available, then the Middleboro BOH can do the inspections at the hourly rate of \$40. Member Flynn agreed.

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

**VOTED:** To send Agent Perry to the Certified Pool Inspector Class at the Middleboro Board of Health and to leave the wording of the contract as is just in the event that Agent Perry isn't available, the Middleboro BOH can do the inspections at the hourly rate of \$40. Unanimous vote in favor.

**Body Art Establishment Inspection Contract** - A draft contract was submitted for the Board's review.

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

**VOTED:** To approve the Body Art Establishment Inspection draft contract subject to a 24 hour review by the Board of Health Members. Unanimous vote in favor.

Vendor Warrants were signed by the Board Members.

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

**VOTED:** To adjourn the meeting at 6:55 p.m. Unanimous vote in favor.