

## Board of Health Meeting Minutes October 21, 2010

The Board of Health held a meeting on October 21, 2010 at 4:00 p.m. in the Lakeville Town Office Building. Present were Health Chairman William E. Garvey, Board Members Terrence Flynn and Robert Poillucci, Health Agent Lawrence Perry, Board of Health Clerk Jo Lima, and Board of Health Supervisor Nancy M. Teser, as recording secretary. Chairman Garvey called the meeting to order at 4:00 p.m.

### **Staff Meeting**

Supervisor Teser and Board of Health Clerk Lima said they had some issues they would like to bring up before the Board regarding office procedures and other matters.

The issues are listed below:

1. Tax Collector Sign Off Sheet – The Board members said the engineers could come into this office, get the tax sheet, bring it to the Treasures' Office for sign off, then, they return it to us.
2. RDA (Request for Determination of Applicability) and NOI (Notice of Intent) - Chairman Garvey said the Conservation Commission makes this call. Garvey said the Conservation Agent should notify the people if either one is necessary, not this office. Garvey said everything should be signed off by Tara Martin, Conservation Agent before anything is released from this office. Board members agreed with Chairman Garvey.
3. Water analysis – Chairman Garvey said letters should be sent out only on failed reports.
4. Non-compliance letters-Board members said they could fine the property owners.
5. Any septic failure that is rental property – Board members said they could fine the property owners or condemn it, and the dwelling should not be occupied until the system is repaired.
6. Recording of Deed Restrictions – Board members agreed that on all alternate septic systems; such as the Presby, Geo-Flow, etc. they would require a recorded deed restriction in this office prior to issuance of a Certificate of Compliance. On all other types of systems – nothing is to be released until we receive a recorded deed restriction in this office.
7. New Construction – (House Bill voted 2010) If a septic plan was approved or in existence between August 15, 2008 and August 15, 2010 for new construction only, the new House Bill gives them an extra (2) two years for completion on top of the three years they have now per discussion.
8. New Wells – Any new wells installed in Lakeville require an “As Built” plan upon completion per Board members.
9. Certificate of Compliance – Board members agreed that anyone who works for the company can sign to pick up the septic plan and the Certificate of Compliance.
10. Bankers & Tradesman Reports – Board members said they may be able to get more information from the Assessors' Office regarding the sale of properties.
11. Large septic system plans- Discussion was held regarding septic system plans which are too large to photocopy on one sheet of paper. There have been several requests made in the past to take the plans out of the office and to bring them to an engineering office to copy. Chairman Garvey said plans are not to be taken out of this office.
12. Disposal Works Installers - Discussion was held on the licensing of new septic installers. Under the Lakeville Board of Health Regulations Pertaining to Subsurface Disposal Systems & Water – **Disposal Works Installers** – Regulation # **5.1 First Time Installer in Lakeville** “The applicant will pay a \$250.00 fee at the time to receive their first Provisional Disposal Works Construction License. This \$250.00 will cover the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> provisional as well as the first annual.” “These 4 licenses will not expire and do not have to be completed within a 12-month period.” “The Annual license fee renewal will begin upon completion of the calendar year when the 4<sup>th</sup> system

is installed,” which was voted and adopted on June 10, 2009; effective June 18, 2009 and reformatted in March 2010. Board members felt the first license should be \$150.00, then, the installers could fall into the annual status and pay the \$100.00 fee. Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To rescind the Disposal Works Installers –Regulation # 5.1 First Time Installer in Lakeville under the Lakeville Board of Health Regulations Pertaining to Subsurface Disposal Systems & Water, and adopt the \$150.00 first time license fee; effective immediately. All other previously adopted Lakeville Board of Health Regulations Pertaining to Subsurface Disposal Systems & Water (voted and adopted June 10, 2009, effective June 18, 2009 and reformatted May 2010) will remain the same and in effect. Unanimous vote.

**211 Old Main Street**

**058-001-005**

**Scot Servis**

Scot Servis was present for discussion. Chairman Garvey showed Servis a drafted copy of a Declaration of Restriction and Indemnification Agreement which was drawn up by Kopelman And Paige, P.C. After reviewing the drafted copy, both Garvey and Servis said they didn't agree with the wording. Garvey noted, if the house sold or was foreclosed on, no mortgage company would sign this. Board Member Poillucci said he wouldn't want the Town to be liable, if they change it. Servis gave the Chairman a copy of a plan and deed dated August 31, 1943; which was filed with the Plymouth County Commissioners relating to the road layout and his property. The plan was placed in his property file. Servis said he has all rights to use the road in any way until the easement expands. Garvey replied, yes, with the County, but not with the Town. Servis asked where the liability would be then, say if someone crashes. Garvey told him it would be where the property line ends on the deed. Garvey told Servis that the new well was not on his deeded property. There was more discussion on the Kopelman And Paige, P.C. draft and the 1943 deed. Chairman Garvey told Servis to go to Plymouth County Registry of Deeds to see if they could give him an easement; that the Lakeville Board of Health couldn't give him one. Garvey said the Board's hands are tied. Servis said he would probably have to hire a lawyer to do that. Servis asked what about his Board of Appeals petition that was coming up. Garvey said the Board of Health was only concerned about the well; that they only need a deeded easement on the well. Garvey said Servis could ask the Board of Appeals Chairman for more time. No other action was taken at this time.

**419 Bedford Street**

**065-004-019**

**Westcott Properties, Inc.**

Board members reviewed a request for a one year extension on the Disposal Works Construction Permit for (William Handy) 419 Bedford Street; which was faxed on October 19, 2010 because the permit was due to expire on October 20, 2010. Whereas the \$200.00 filing fee for this extension was not received by Express Mail before this meeting, upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To deny this request for an extension on the Disposal Works Construction Permit for 419 Bedford Street. Unanimous vote.

**Seasonal Influenza Reimbursement Initiative**

Town Administrator Rita Garbitt sent the Board a communication she received from the UMass Medical School in Charlestown, MA regarding a new seasonal influenza reimbursement initiative for

the 2010-2011 flu seasons. The communication stated that Commonwealth Medicine was coordinating a billing project by which public health agencies, including public schools, would be reimbursed for the costs associated with administering the seasonal influenza vaccine. Board members said they were not interested at this time and to let Administrator Garbitt know. Supervisor Teser will send a memorandum to Ms. Garbitt.

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

VOTED: To adjourn the meeting at 5:58 p.m. Unanimous vote.

