



*Board of Health
979 Somerset Avenue
Dighton MA. 0215*

*Tel.: (508) 669-5182
Fax: (508) 669-5667*

*Wednesday December 9 2015
6:00 P.M.
Meeting Minutes*

Call to Order:

Chairman Patrick Menges called the meeting to order at 6:00 P.M.

Present:

Chairman Patrick Menges and Nancy Goulart

Absent:

Dean Cronin

RECEIVED
2016 JAN 21 AM 8:04
TOWN CLERK
DIGHTON, MA

Pledge of Allegiance: The Pledge of Allegiance to the Flag was recited by all.

Approve Minutes:

Motion Nancy Goulart, Patrick Menges stepped down to second the motion and it was
VOTED to approve the regular meeting minutes of November 18, 2015.

Vote: UNANIMOUS

Correspondence:

Chairman Patrick Menges: Read letter from Sen. Marc R. Pacheco's office dated December 2, 2015 regarding Municipal Naloxone Bulk Purchasing Program.

Chairman Menges also stated that the Board had received a letter dated November 30, 2015 regarding cancer incidents in Massachusetts cities and towns supplement. The entire report is available online as of December 7, 2015 www.mass.gov/dph/mcr.

Selectman Nancy Goulart read the announcements:

Old Business:

Progress Toward a Professional Director of Public Health.

Chairman Patrick Menges explained that the Board had been seeking the services of an intern in the field of Public Health to serve as the director of this health department pending recommendations from our structure and function study committee as to whether or not the Board of Selectmen and Board of Health should be separated and what the administrative structure of the Health Department should be after that step is taken. We have expanded the field of colleges from whom we are seeking indications of interest from possible interns to serve as Director of Public Health. It now includes the McCormick School of Government at the University of Massachusetts Boston.

Hydronic Heater Bylaw Regulation:

Chairman Menges explained that the Legal Notice had been published in the Taunton Daily Gazette on December 1, 2015. There were (2) two insertions. He then read the publication. See attached. He stated that there had been a public hearing on a proposed out door wood burning boiler regulation before and it had gone through a public reading and had gone to the D.P.H. for amendment. However, when we recently sent it back to the D.P.H. to put it into effect the personnel at the department of public health had made more changes requiring that we put it through the hearing process again. Therefore, the board scheduled a hearing for next Wednesday night at 6:00 P.M. He encouraged anyone with questions or concerns to attend next Wednesday night's hearing.

Status of Land, Building & Environmental Health Regulations:

Chairman Menges explained that the Board had borrowed from the Town of Randolph a draft Land Building and Environmental Regulation that would reinforce CMR's and local regulations already on the books by providing a local noncriminal disposition, a fine, for violations. Which the agent to the Board of Health has opined that we need this. Therefore we are in the process of getting it approved.

Status of Waste Zero Proposal for handling the distribution of Town Trash Bags:

Chris Hubbard from Waste Zero joined the Board at the meeting table.

Chairman Menges explained that the Board wanted to be clear concerning the impact of having him take over the inventorying and distribution of trash bags that is now done by this department. Our secretary inventories and keeps track of where the bags have gone, who owes what, does the collection and the highway department does the physical work of delivering to the vendors who carry them. What it comes down to is whether or not the town can realize a saving by having Waste Zero assume the labor for these tasks if it means a higher price per bag and a substantial increase in the charge per case. He asked Mr. Hubbard what the surcharge was per case.

Mr. Hubbard replied that it costs about 5 cents per bag and there is no additional charge per case. During further discussions, Mr. Menges said that town income from trash bags amounts to approximately \$144,000. He expressed concern about a reduction in that revenue and asked if there would be a savings in the labor to offset that reduction.

Mr. Hubbard explained the process of how the bags would be supplied, delivered, and how the receipts would be placed in a custodial account monthly.

Waste Zero would take over our existing inventory of bags and impose a cost of five cents per bags until the supply is depleted. Then they would supply bags. They would handle any problem that might arise among vendors, customers and the town. Bags would still be offered in two sizes with either draw strings or twist ties.

Mr. Hubbard will prepare a preliminary proposal with details concerning costs for review by the board.

Animal Shelter Improvements Progress:

Chairman Menges reported that the shelter has been painted red. It has a nice roof off the side to shelter a dog who wants to walk outdoors and we have to thank Delphin Diosomito our, former weekend animal control officer, who brought the possibilities to our attention. We have to thank our animal control officer Stacy Ferry, and the Superintendent of Streets, Thomas Ferry, who went there and looked over the possibilities and came up with the specifics. Above all we have to thank the good heart of Greg Logan who is doing the work and making this happen.

New Business:

Re-Inspection Fees Policy:

Chairman Menges explained that this item had been placed on the agenda because there is a need to be clear on re-inspection fees. The fees reimburse the town for having the inspector go back to the scene of a violation and they also provide a strong incentive for someone who has been a one time violator to bring his or her operation into compliance. He then read email correspondence from Health Inspector, Kevin Bernardo. See attachment B.

He explained that when the health inspector finds a food violation and we have to send the inspector back, the owner can expect to have to pay a re-inspection fee. As to the other types of inspections: illegal kitchens, rubbish, over grown properties, illegal burning, housing health violations, tenements and so forth, these are headed for non-criminal disposition fines. When our new regulations are in place, there will be non-criminal disposition fines in place for these violations. There is a fine for a first offence, for a second offence and so forth. He then read the fines that will be enforced. See attachment C.

Inspector's Reports:

Animal Control Officer Stacy Ferry: Explained that the MSPCA had been in town for the last few days and Chelsea had joined her for a few inspections. Last night the Annual Inspectors meeting was held at the Bristol County Agricultural High School. She explained that the bird flu was discussed and what that means to us as a town and what it means to us as a state. She said that if we have a case of bird flu in our town, there would need to be a 10 kilometer radius around that hatchery or coop that will have to be closed down. Stacy said she understands that people are upset that she will be going on their property to check their chicken coops but she needs to know where chicken are in town. She stated that training for ACO Officers is changing and more training will be required.

Selectman Nancy Goulart: asked about the bird flu and wanted to know what would happen if it was found. There are two farms in town that have commercial operations and the USDA is aware of them. Bird flu is transmitted by migratory animals through their feces and their saliva.

James Aguiar, Building Commissioner, asked about steps to be taken if bird flu is discovered. They would include the 10 km quarantine, prohibition of product sales, and various inspectors to assure compliance.

Stacy Ferry said bird flu kills within 24 hours. Chickens can be tested if it appears that their behavior is not normal. Anyone with concerns about their flock should call Stacy. A dead chicken should be reported immediately so it can be tested.

Building Commissioner: I would like to remind businesses that year end annual inspections need to be scheduled. They tie in with common victualler and liquor licenses. All inspections need to be completed by next week. Licenses will not be renewed unless the building inspection certification has been released by the building department.

Public Input: None

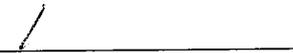
Adjournment:

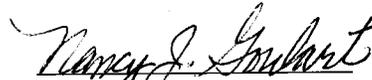
It was moved by Nancy Goulart seconded Patrick Menges and VOTED to adjourn the meeting at 7:26 p.m.

Vote UNANIMOUS


Patrick W. Menges

Chairman


Dean Cronin
Clerk


Nancy Goulart
Member

Respectfully Submitted
Rosalind Grassie



**TOWN OF DIGHTON
Board of Health
979 Somerset Avenue
Dighton MA. 02715
(508) 669-5182**

Notice of Public Hearing

You are hereby notified that the Town of Dighton Board of Health will be holding a Public hearing on Wednesday, December 16, 2015 at 6:00 PM to review the Outdoor Wood Burning Boiler Regulation. The hearing will be held at the Town Hall, 979 Somerset Avenue, Dighton MA. 02715

Board of Health

**Patrick Menges, Chairman
Dean Cronin
Nancy Goulart**

Rosalind Grassie

From: kassidy@comcast.net
Sent: Monday, December 07, 2015 10:58 AM
To: Menges, Patrick
Cc: Rosalind Grassie; Cronin, Dean; Goulart, Nancy; ngoulart@external.umass.edu; Aguiar, James
Subject: Fwd: BOH Meeting
Attachments: 20151207093629.pdf

Hello

Please see the attachment. This time of year is tough between the Holidays and family obligations. Rosalind explained to me that last weeks meeting was cancelled and rescheduled for this Wednesday.

Unfortunately the concert is this week and I will not be able to attend. As for the meeting agenda regarding

re-inspection fee's. Typically re-inspection fee's only have applied when it comes to food inspections. For

housing inspections it would be difficult assessing a fee, that's why I wanted to start the non-criminal dispositions.

I would also add that we have seen a larger amount of housing inspections this year. There were at times

where I spent hours at different sites working with other State agencies for example 2371 County (DCF),

1889 Elm St (Bristol Elders), 3027 Elm (DCF). Also if you look back we have received numerous other

complaints ranging from illegal kitchens, rubbish, overgrow properties, illegal burning and as you are aware

our office needs to follow up on all complaints. I don't think it's the re-inspections as much as it is the numerous site visits and the reports that follow.

Kevin

From: "Kevin Bernardo" <kbernardo@freetownma.gov>
To: kassidy@comcast.net
Sent: Monday, December 7, 2015 9:25:28 AM
Subject: BOH Meeting

Your message is ready to be sent with the following file or link attachments:

20151207093629

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

105 CMR 460.000 Lead Poisoning Prevention and Control Regulations

105 CMR 675.000 Requirements to Maintain Air Quality In Indoor Skating Rinks

310 CMR 19.000: Solid Waste Management

105 CMR 480.000 storage and Disposal of Infectious Waste

(B) Environmental Codes:

310 CMR 15 Title 5 - Standard Requirements for Disposal of Septage.

The Massachusetts Hazardous Waste Management Act, Chapter 21 C

310 CMR 30.000, Massachusetts Hazardous Waste Regulations

310 CMR 40.000 Massachusetts Contingency Plan 310

CMR 7.06-7.24 Air Pollution Noise Control Regs

1.3 Violation ■ Penalty.

1.4 Criminal Disposition

Whoever violates any provision of these Regulations may be prosecuted in a court of competent jurisdiction.

1.5 Non-Criminal disposition«

Violation of any of the regulations of the Board of Health may be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D and Section 1-4A ("Non-Criminal Disposition") of the Town of Randolph Bylaws, This does not limit the Town in any way from seeking criminal or civil remedies at a court of competent jurisdiction. The specific noncriminal disposition penalty which shall apply to a violation of these Board of Health regulations shall, unless specifically provided otherwise in these regulations, be as follows:

First offense within a twelve-month period	\$ 25.00
Second offense within a twelve-month period	\$ 50.00
Third and subsequent offenses within a twelve-month period	\$100.00

Each day any violation shall continue shall constitute a separate offense.

State law reference—G.L, c. 40, sec 21D.

Enforcing Persons: Board of Health and its designees.

1.5 (a) Non-Criminal disposition penalty for violation of Sanitary Code.

The non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall be twenty-five (\$25) dollars, except that any violation defined as a ^critical violation⁵⁵ in Chapter 10 of the State Sanitary Code "Minimum Sanitation Standards for Food Establishments⁵ as adopted by Board of Health pursuant to this Section, shall be as follows:

First offense within a twelve month period	\$100.00
Second offense within a twelve month period	\$ 25.00
Third and subsequent offenses within a twelve month period	\$ 25.00

Each day any violation shall continue shall constitute a separate offense.

State law reference—G.L.c. 40, sec, 21D.

Cross reference —1-4A.

1.5(b) Non-Criminal disposition penalty for Smoking in a Workplace.

The non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall be twenty-five (\$25) dollars, except that any violation defined as "MGL chapter 270, section 22 'Massachusetts Smoke-free Workplace Law" and "Distribution of Tobacco Product" as adopted by Board of Health pursuant to this Section, shall be as follows:

First offense within a twelve month period	\$ 100.00
Second offense within a within 1 years of first offense	\$ 200.00
Third and subsequent offenses within 1 years of first offense	\$ 300.00

Each violation shall constitute a separate offense.

State law reference- G.L. c. 40, sec. 21D.