



**TOWN OF DIGHTON
BOARD OF HEALTH
Regular Meeting Minutes**

July 14, 2022

Members Present

Barbara Catabia
Nicole Mello
Charlene Bonenfant

Staff Present

Todd Pilling
Rosalind Grassie
James Aguiar

TOWN CLERK
DIGHTON MA
[Signature]

2022 AUG 16 AM 9:30

RECEIVED

This was a public meeting. It was video and audio recorded for Cable Broadcast and Internet posting on www.dighton-ma.gov and You Tube.

Call to Order: Chairman Barbara Catabia called the meeting to order at 6:03 P.M.

The Pledge of Allegiance was recited.

Roll Call: New member Charlene Bonenfant, Town Nurse and Board Member Nicole Mello, Chairman Barbara Catabia.

Reorganize the Committee:

It was moved by Charlene Bonenfant, second Nicole Mello, and VOTED UNANIMOUSLY on a roll call vote to nominate Barbara Catabia as chairman of the Board of Health.

It was moved by Barbara Catabia, second Nicole Mello, and VOTED UNANIMOUSLY on a roll call vote to nominate Charlene Bonenfant as Clerk of the Board of Health.

Committee Business:

Review / Discuss / Act: Certificate of Recognition for Diana Shannon for Her Great Job

Contact Tracing

Board member Nicole Mello presented Mrs. Shannon with a Certificate of Recognition on behalf of the Board of Health for all her hard work contract tracing COVID-19 positive residents. Mrs. Shannon did a great job and was a huge help to the Town.

Review / Discuss / Act: Designate Authorized Signatories for Payroll and Bills Paid

Invoices:

The Board discussed who the designated signatory should be. They discussed having all three members having signing authority as well as adding the Health Agent, Todd Pilling as an authorized signatory. It was agreed that they should all be authorized to sign payroll and bills payable invoices and that Mr. Pilling should be added as an authorized signatory also.

It was moved by Charlene Bonenfant, second Nicole Mello and VOTED UNANIMOUSLY on a roll call vote to add Agent Pilling as an authorized signatory.

Review / Discuss / Act: 2158 Pleasant Street Building Permit Application

Attorney Robert Fredericks representing Jana Dubova, the applicant on the building permit for the renovation at 2158 Pleasant Street, introduced himself.

Health Agent Todd Pilling explained that this septic flow discrepancy was brought to light with a minimum housing complaint. A tenant was trying to move into the third-floor apartment and the complaint was that it was not up to minimum standards. Mr. Pilling went out to inspect the property. The third floor had 4 bedrooms. When he reviewed the septic plan for the property, it showed that the septic system for the entire house had been designed for 6 bedrooms. He stated a passing Title V inspection is required for all Board of Health sign offs and the work to bring the apartment into compliance requires a building permit. The inspection has been done and the system passed. Mr. Pilling stated that he cannot sign off on the building permit because there appears to be an increase in the number of bedrooms. In the past when there is a determination to be made regarding new construction or repair of a septic system, the previous Board members would make that determination.

Attorney Fredericks stated the property was marketed and purchased by Mrs. Dubova as a 12 bedroom home. She has decreased the number of bedrooms to 11. The home has always been used as a 3-family property with bedrooms on each floor and has been consistent through each of the previous owners. There are currently 11 bedrooms. The septic is working properly and has never exceeded the flow rate of 660 gallons per day that it was design for. The Title V inspection report that was produced and submitted to the town reflects the 11 existing bedrooms.

Health Agent Pilling explained and also disseminated the MLS listing from when Mrs. Dubova purchased the property. It was listed as a 2 family, two story, 5-bedroom home. The bedroom count shown on the floor plans submitted with the building permit application for the third-floor renovation shows the house has 12 bedrooms.

The Board members reviewed the septic design plan and inquired about the discrepancy in the bedroom count. How can there be 12 bedrooms on a six-bedroom septic system? Someday when this house is sold, and the flow rate is increased the system could fail.

Mr. Pilling explained we are discussing this property because of the building permit application. The application needs a Board of Health sign off. This is not because the septic system is not working properly. I cannot sign off until it is determined if there is an increase in the flow rate. If they are not changing anything they can continue with the renovation. The question is, is this new construction, and we need to add flow to the system, or has it always been this many

bedrooms and it can be allowed to continue forward with the renovation and not have to upgrade the septic system.

Building Commissioner James Aguiar stated this property is a three-family home with three to four bedrooms on each floor. I know this because I have been in the home because it had structural issues in the basement that needed to be repaired. Mrs. Dubova has always taken out building permits. She has always done the right thing. The home has had at least a 9 to 12 bedroom since it was built during the turn of the century. What happened here unfortunately was that in 1999 the Board of Health failed to recognize how many bedrooms were in the home and the system was designed for only 6 bedrooms. The point that counsel is trying to make is that the Title V inspector has identified that the historic use under her ownership is less than the 660 gallons per day, even with the 11 bedrooms they are not exceeding the flow rate that the system was designed for.

Mr. Aguiar stated I understand the Board's concern that if the property changes hands and there are different people living there the flow rate may go up, but we have a system that is functional. I think the problem is when the system was designed in 1999 the Board of Health or its agent failed to capture the fact that the actual bedroom count in this building was between 9 and 12 bedrooms. We are here and unfortunately and have a first-time home buyer who did not look past the front page of the Title V report showing the passing determination.

The Board members requested to review the housing complaint report. The report was reviewed by the Board members. They inquired about what was found on the third floor.

Building Commissioner James Aguiar explained that there was an apartment. That apartment has two full egresses. Whenever you have a third-floor conversion you always have one egress missing you never have two full egresses. You would have a second access by a narrowed stairway or a ships ladder. This third floor on this home has two fully functional egresses.

The board members then reviewed the Title V inspection report.

Building Commissioner James Aguiar stated the fact that the system was designed for 6 bedrooms when this house was built in the late 1900's when it clearly had more than 6 bedrooms. Doesn't the Board have some responsibility in that it was designed incorrectly in 1999? I know that none of you are responsible, but someone through the Board of Health is responsible. No one went into the home to accurately count the number of bedrooms so they could design the system accordingly. Why should this owner who clearly showed that the system is using less than 50% of what it is currently designed for have to upgrade the system when this body was partially responsible.

Nicole Mello stated there are things that have been missed by the property owner and also by the Board of Health. Is there any way that moving forward that we can make sure that if or when the property goes on the market this doesn't happen to someone else? With the information we have been given, the septic appears to be working properly and the water usage numbers show no signs of failing,

Charlene Bonenfant: I agree. There is a septic system that is in good working order. This is also a health and safety issue as well. There is electrical work that is not being performed or finished. There is wiring that needs to be addressed.

Building Commissioner James Aguiar stated that Mrs. Dubova has always pulled permits for the previous renovation work that was done. The third-floor renovation she hired a licensed contractor who did not pull a permit, unbeknownst to her.

Mrs. Bonenfant stated that proves she is a responsible homeowner due to the fact that she is trying to work with the Town. If there was a failure of the septic system that is now working really well, she is not going to cause a public health hazard to the neighborhood.

Attorney Fredericks asked Mrs. Dubova to address the Board. Mrs. Dubova stated that she is aware the septic system was built in 1999. She is prepared to replace the system if it starts showing any signs of having problems.

Chairman Barbara Catabia explained that she wanted to participate in the discussion but because Attorney Fredericks is also her lawyer she will need to recuse herself from voting.

Possible conditions of approval were discussed. Building Commissioner James Aguiar recommended if or when the system is in failure the board consider mandating weekly or monthly pumping of the septic tank until the repairs are completed.

It was moved by Charlene Bonenfant, second Nicole Mello, and VOTED to allow the building permit to be issued and when the system is in failure weekly pumping of the septic system will be required until the new system can be installed.

Roll Call (2) Ayes

Nicole Mello, Charlene Bonenfant

Review / Discuss / Act: Change in Transfer Station Days of Operation, Now Open Tuesday & Saturday, New Days of Operation will be Wednesday & Saturday

Transfer Station attendant John Lawrence asked the Board to consider changing the days the transfer is open. Mr. Lawrence works Saturdays at the transfer station but works his fulltime job on Tuesday's. He stated that he could work at the transfer station Wednesdays to help the Town,

but he cannot work Tuesday's. The highway department employees have been covering the Tuesday shifts.

It was moved by Nicole Mello, second Charlene Bonenfant and VOTED UNANIMOUSLY on a roll call vote to change the Transfer Station days of operation from Tuesday & Saturday to Wednesday & Saturday effective July 20, 2022.

Review / Discuss / Act: Transfer Station Fee Schedule

Health Agent Todd Pilling stated disposal fees continue to increase. The solid waste committee has requested a cost analysis on the fees at the transfer station. Mr. Pilling stated that the State is conducting Zoom meetings to discuss disposal options because all towns are in the same situation. The waste ban on mattress disposal goes into effect November 1, 2022.

It was moved by Charlene Bonenfant, second Nicole Mello, and VOTED UNANIMOUSLY to wait for the recommendation from the Solid Waste Committee.

Review / Discuss / Act: Changes to the Textile Recycling Program "Simple Recycling"

Health Agent Pilling explained that the textile recycling program helped to eliminate about three thousand pounds a month out of our trash. The company's Taunton warehouse has closed and now the closest warehouse is Woburn. Curbside collection is no longer an option. At this time the transfer station is accepting pink bags and we are trying to schedule a pickup as soon as possible.

Board member Charlene Bonenfant suggested calling Big Brother / Big Sister foundation. Board member Nicole Mello inquired about a possible breach of contract.

Review / Discuss / Act: Solid Waste Committee a Subcommittee of the Board of Health

Health Agent Todd Pilling explained the Solid Waste Committee has developed a mission statement. The Board of Health needs to review, accept and approve the mission statement if it is in agreement.

Solid Waste Committee Mission Statement

The Dighton Solid Waste Committee shall be charged with identifying the disposal needs of the community and the development of responsible solutions for the disposal of solid waste. Our recommendations to the town and its officials shall be mindful of the environment, however we need to be equally conscious of the economic impact for all Dightonin's. Solid waste is a global concern, we must explore local, state, and national opportunities, but our discussions and direction should always keep Dighton in focus. Resident education, forward and responsible thinking, shifting costs, to those responsible, are some ways we can help Dighton become a leader in planning for responsible solid waste disposal. We

should use our time together in a productive way to discuss and debate a topic that burdens us all as humans.

It was moved by Charlene Bonenfant, second Nicole Mello, and VOTED UNANIMOUSLY on a roll call vote to accept the mission statement recommended by the Solid Waste Committee.

Recommend Appointment of New Solid Waste Committee Member, Robert Perry

Health agent Todd Pilling explained that the Solid Waste Committee still needs two members at large. He recommended Robert Perry for the vacant position. Mr. Perry was a former Selectmen, and he was also a member of the Solid Waste Committee years ago when the landfill was capped.

Mrs. Bonenfant stated Mr. Perry is wonderful and the Town will be lucky to have him on the Solid Waste Committee, but she has to recused herself from the discussion as she is neighbors with Mr. Perry.

It was moved by Nicole Mello, Barbara Catabia, stepped down to second, and VOTED to recommend the Board of Selectmen appoint Robert Perry as a member of the Solid Waste Committee.

Roll Call (2) Ayes

Nicole Mello, Barbara Catabia

Educational Materials

Agent Pilling requested the Board members draft educational material for solid waste removal. Mrs. Bonenfant recommended waiting until the recommendations from the meeting with all the Town's health agents to see what they are recommending.

Attendance at the Next Meeting

Agent Pilling stated the next Solid Waste Committee meeting has been scheduled for Wednesday, August 3, 2022, at 5:30 p.m. The July meeting only four members were able to attend. It would be beneficial for the Board of Health members to attend.

Review / Discuss / Act: Open Meeting Law Complaint

It was moved by Charlene Bonenfant to accept the recommendation that we learn and comply with Open Meeting Laws.

Discussion: The Board members acknowledged receiving, reading, and understanding the Open Meeting Law complaint received from Patrick Higgins June 24, 2022. Chairman Catabia explained that previously the Town Administrator responded to the complaint she thinks it best that one person be responsible for responding.

Board of Selectmen Chairman Leonard Hull asked to speak regarding the Board of Health's response to the Open Meeting Law complaint. Mr. Hull stated there have been a number of complaints filed against a number of Boards. The vast majority of those complaints were filed by the same person. He recommended a streamlined response by the Town Administrator who has spoken with legal counsel and understands a response within the law. He will make the Attorney General's office aware of our intent to follow the law.

Charlene Bonenfant withdrew her motion.

It was Moved by Charlene Bonenfant, second Nicole Mello and VOTED UNANIMOUSLY to request that Town Administrator Michael Mullen respond to the Open Meeting Law Complaint.

Roll Call (3) Ayes

Nicole Mello, Charlene Bonenfant, Barbara Catabia

Review / Discuss / Act: Mass Environmental Health Association (MEHA) Membership Renewal

Health Agent Pilling explained that he and Charlene are currently both members of MEHA. He stated the previous board members were already MEHA members through their respective town regular jobs. He recommended that all of the Board should become members.

It was moved by Charlene Bonenfant, second Nicole Mello, and VOTED UNANIMOUSLY that all Board of Health members and Mr. Pilling become members of MEHA.

Roll Call (3) Ayes

Nicole Mello, Charlene Bonenfant, Barbara Catabia

Inspectors Reports

No Report. the Animal Inspector was not in attendance.

Board Member Nicole Mello stepped down as a Board of Health member to report as the Public Health Nurse. Mrs. Mello stated there are a few Covid-19 cases being reported. Home testing is still not required to be reported. The "sun safety" informational class she gave at Lincoln Village was well attended. She also attended the Firecracker Festival, and she was pleased to announce that she met a lot of Town residents. She explained that she is working on an article that will be published in the Strawberry Vine next month. Mrs. Mello stated that she has been attending meetings regarding Public Health Excellence grant and will report back to the Board when she gets any new information. Mrs. Mello also explained that there are six cases of Monkey Pox in Massachusetts. If you think you may have been exposed there is a vaccine available.

Health Agent Todd Pilling reported that he will be attending Solid Waste webinars on July 20th and July 28th if anyone else would like to attend. He asked the Board if they wanted him to

consider attending the Mass Health Officials Association (MHOA) conference this fall. The conference is Wednesday, October 26th – Friday 28th, the cost is \$475.00.

It was moved by Charlene Bonenfant, second Nicole Mello, and VOTED UNANIMOUSLY to allow Agent Pilling to attend the MHOA Annual Conference.

Roll Call (3) Ayes

Nicole Mello, Charlene Bonenfant, Barbara Catabia

Mr. Pilling also stated the State is considering expanding the Bottle Bill to include other containers and increase the deposit from .05 cents to .10 cents.

Building Commissioner

James Aguiar stated he does not have anything to report at this time

Correspondence

Health Agent Pilling read the Household Hazardous Waste Collection flyer and reminded everyone that this program is free to Town residents and is a great opportunity clean out your basements and garages and get rid of all hazardous materials.

Mr. Pilling read email correspondence from the Town Administrator Michael Mullen scheduling a Public Safety Protocol meeting with the Department of Public Health (DPH), the Board of Health, Fire Chief, Police Chief and Animal Control Officer that is scheduled for Tuesday, July 19th at 4:30 P.M.

Public Input

Board of Selectmen Chairman Leonard Hull stated that he is pleased to announce the appointment of Matthew Tanis as backup Health Agent. Matt is a former Selectman, a former Board of Health member and is currently the Health Agent for Wrentham.

Mr. Hull stated the Town Clerk has notified everyone that the executive order for remote meeting access is ending.

Mr. Hull also stated that the Board of Selectmen have discussed the mattress disposal problem and their recommendation is to increase the price for acceptance at the Transfer Station. The transfer station needs to run as a business.

Mr. Hull stated the Town Facebook page will be feature Board of Health member Nicole Mello as Town Nurse. Mr. Hull thanked Mr. John Lawrence and the Board of Health for changing the Transfer Station days of operation to free up the Highway Department workers. He also thanked

Mr. Pilling for contacting Robert Perry and interesting him in being part of the Solid Waste Committee.

Chairman Barbara Catabia thanked Kevin Bernardo for his knowledge and years of service. She stated that she hates to see him leave the Board, thank you very much Kevin.

Approval of Minutes

Charlene Bonenfant recused herself from the minute's discussion. She was not a member at the time.

It was moved by Nicole Mello, Barbara Catabia stepped down to second and VOTED UNANIMOUSLY to approve the meeting minutes of June 9, 2022, and June 16, 2022.

Roll Call (2)

Nicole Mello, Barbara Catabia

Adjournment

It was moved by Nicole Mello seconded Charlene Bonenfant and VOTED UNANIMOUSLY on a roll call vote to adjourn the meeting at 7:41 p.m.

Roll Call (3) Ayes

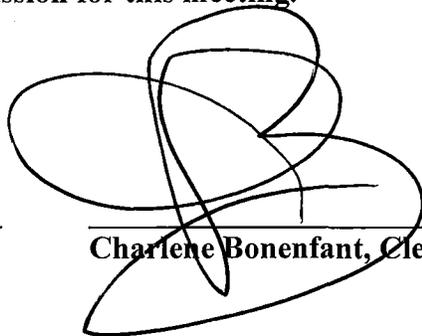
Nicole Mello, Charlene Bonenfant, Barbara Catabia

Respectfully Submitted
Rosalind Grassie

These minutes reflect a summary of procedure and discussion for this meeting.


Barbara Catabia, Chairman


Nicole Mello


Charlene Bonenfant, Clerk