

**Halifax Board of Health
Meeting Minutes
Wednesday, February 15, 2023**

Present at the meeting were:

Steven A. MacFaun, Chairman
Pamela Engstrom, Co-Chairman
Robert Valery, Health Agent
Peggy Selter, Administrative Assistant

A motion was made to open the Board of Health meeting.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

The Board of Health meeting opened at 6:30pm and the Chairman announced that the meeting is being recorded by Area58.

Meeting Link: <https://www.youtube.com/watch?v=cOWIWZLMNVQ>

1. Disposal Works Permits:

a. 23 Cross Street:

A motion was made to approve the Disposal Works Permit for 23 Cross Street.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

b. Ratify Agents Approval:

i. 30 Orchard Circle:

A motion was made to Ratify the Agent's Approval for 30 Orchard Circle.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

c. Requiring Local Upgrades & Variances: (but otherwise recommended for approval):

i. 46 Harvard Street:

1. Allow the proposed SAS and septic tank to be 212' from a surface water supply (Silver Lake) instead of 400'.

A motion was made to approve the Disposal Works Permit for 46 Harvard Street.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

ii. 80 South Street:

1. To allow a vertical separation reduction from the required 5' to 4'.

2. Allow Sieve Analysis instead of Perc Test.

A motion was made to approve the Disposal Works Permit for 80 South Street.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

2. Discussion Items:

a. 381 Holmes Street: Owner made the decision to not to go with the Town Betterment Loan.

i. The Administrative Assistant updated the Board on the owners' decision to withdraw from the Betterment Loan process and with a private installer.

ii. The Chair was concerned that the system may take too long to be installed.

1. The Agent informed him that the system is in the ground, and he will be doing a final inspection.

b. Admin Report:

i. Peggy has registered for the Open Meeting Law Training on 03/08/23 at: www.mass.gov/service-details/open-meeting-law-trainings

1. Administrative Assistant confirmed her registration of the Open Meeting Law Training on 03/08/23.

c. Agent Report: Marilyn's Landing Open Dust Complaint: Currently under investigation.

i. The Board invited a member of the public to come forward to speak, he introduced himself as Chris Winiewicz of 129 Circuit Street. The Board asked what brought Mr. Winiewicz to the Board of Health meeting and he replied to the massive amount of dust blowing off Marilyn's Landing all through Halifax, and the fine particulates that are invisible and are of a health

concern. Mr. Winiewicz stated that the Department of Environmental Protection (DEP) was out there a couple of hours ago and they are now concerned because the dust all day today was going to the child center and all the kids exposed. The Chairman asked, so DEP is involved? Mr. Winiewicz replied that they were. The Chairman responded that DEP is above the Board of Health and asked the Health Agent to take over as he has more DEP knowledge.

- ii. The Agent stated that the nature of Mr. Winiewicz complaint is the allegation of a dust, air quality issue. He's done many on-site visits. Currently this is an open investigation, and his findings will be released at the end of the case and he will let Mr. Winiewicz know what is happening then. The Agent commented that currently, besides his eyes, his ears, his nose, and his mouth, he does not have the capability. He lacks the equipment and the training on outdoor air quality issues. That's why we as a town contacted Mass. DEP. The Agent asked Mr. Winiewicz if he was recording the meeting. Mr. Winiewicz replied that he was not, he was finding video he made of the dust to show the Board. Mr. Winiewicz stated that the dust on the video was very visible. The Agent replied that it was, at times. However, the Board of Health contacted Mass. DEP who heavily regulates this project, and they are the experts that the town relies on. Both parties, yourself providing information, and Marilyn's Landing have been fully cooperative, and the Board of Health totally appreciates that. The Agent stated to the Board that is all he currently has to report and if they would like to see more, they can carry over further discussion to another meeting.
- iii. The Chairman commented that his honest opinion in this matter is that it is in DEP's court. The Chairman reiterated Mr. Winiewicz comment that DEP was therewithin the last couple of hours and they have the training regarding this situation and the Health Agents does not. The Agent replied nor does he have the equipment for a situation such as this. The Chairman stated that it is his opinion that all questions and comments be referred to DEP. The Agent replied that at this point he would, his main concern is that of the complainant. He stated that he could drive down to the Marilyn's Landing and take a look. The Co-Chair asked of the Board of Health would get a report

from DEP. The Agent replied absolutely. The Chairman asked how long that usually took. The Agent replied that DEP's responses on emails has been swift. As for air testing to the invisible particulates or the amount of dust, wind conditions, precipitation, there are a lot of variables in the Agent's opinion, but that's DEP. They are the experts. The Chair asked if DEP gave Mr. Winiewicz any sort of timeline. Mr. Winiewicz replied he did really have any idea what was going on. Mr. Winiewicz stated that the project manager is from solid waste and is not familiar with the air stuff and told him so. This is outside of what he usually does for a job but he is the project manager for that project. He deals with solid waste, not air quality. The Chairman commented that it appears DEP is the one with all the answers. The Agent replied, exactly. Mr. Winiewicz commented that he thinks the Town should still be aware because he thinks it could be a major public health hazard to all the people. The Chairman replied they are not saying they are not aware, but they are being very open and honest about the fact that they don't have the credentials to answer or fix the problem. DEP who is basically the Board of Health's boss, is involved. The Agent stated that the meeting would pause as the Chairman need to respond to a call.

- iv. The Agent asked the Administrative Assistant what she was notarizing this evening. She replied that she is notarizing the "Final Cost Certification" for the Assessor's on 63 Palmer Mill Road. The system is completed and everything has been sent to the homeowner. This is the final certification for the Assessor. The Co-Chair signed the certification.
- v. The Chairman returned and the meeting continued. The Chairman reiterated that it is his opinion that the Board of Health basically works for DEP under their laws. The Agent commented and in conjunction with DEP and have been supplying them with information. The Chairman commented that he is not saying the Board does not want to be involved, but he feels they Board would be giving misinformation.
- vi. Mr. Winiewicz asked if he could show the Board some video from his phone. The Chairman replied that he is not doubting Mr. Winiewicz. Mr. Winiewicz asked again if he could just show the Board the video. The Chairman replied that he could, but he would not be able to say anything different. Mr.

Winiewicz showed the Board video(s) from his phone. Mr. Winiewicz pointed out the dust blowing towards the daycare up to 106. The Agent asked for a time on when the video was taken. Mr. Winiewicz replied about 2:00-3:00pm when the wind started picking-up. The Agent responded that the wind started picking up earlier. Mr. Winiewicz replied, yes, it started picking up about noon, 1:00pm. The Agent agreed and replied that the locations would basically be at the very entrance exit of Marilyn's Landing. Mr. Winiewicz confirmed it was. The Co-Chair asked if the video Mr. Winiewicz was currently showing was up from his property. Mr. Winiewicz commented that it was about three houses up. The wind shifts a little bit, and it all comes to his neighborhood. Mr. Winiewicz showed another video from 2 days ago. The Agent commented that it would be very helpful if Mr. Winiewicz would provide him with the videos. Mr. Winiewicz commented on the video playing and said the dirt starts at the top with the fresh dirt and it all starts blowing up to the cranberry bogs, all through the woods towards the neighborhoods to the left of the video. The Agent asked what period of time potentially that this happens. Mr. Winiewicz replied that he would have to look that up as it was a couple of days ago. The Agent responded that he meant how long is the duration of the dust that's blowing. Mr. Winiewicz replied it might go on for a couple of minutes, then lull down for 15 minutes then it picks back up all day long when the winds are high. The Agent replied that it fluctuates. Mr. Winiewicz answer yes. The agent asked so from none to whatever pictures are being provided. He commented that he is just trying to understand. His goal is to get Mr. Winiewicz information, his no-site information and provide the best information to DEP so that they can handle this situation in their way. The Agent commented that whatever Mr. Winiewicz could provide him, whatever he could provide DEP will show the various time-frames. The Chairman commented that is what DEP was there for today. The Board cannot go over DEP. DEP is already watching it and doing their thing. Mr. Winiewicz responded that in other towns, in cases like this, the Board of Health is right involved, demanding that DEP do something. The Chairman replied that DEP is already involved. The Health Agent responded that the Board of Health has

already demanded DEP's attention. The Chairman replied correct, he is not sure what the Board can do above DEP. The Agent commented that the Town Administrator and himself have sought help from the experts in this type of allegation on whether it meets the rules, the laws and the regulations and his goal is to be fair, firm and consistent in his gathering of information from both parties so that we come to the best possible solution. That is what you are going to get from this Health Agent. Mr. Winiewicz stated that he gets worried too when he calls DEP and solid waste management is handling it and they say this is kind of out of their realm. The Agent replied that Mr. Winiewicz might want to speak with DEP. Mr. Winiewicz commented that then he called Boston to the Mass Air Quality that monitors all the air and they tell me no, you have to keep on your town and DEP in Lakeville. This is a major problem. Whoever you call it's all compartmentalized, what division they are in. The Agent replied and they are the experts. If it were other areas, within DEP, the Agent stated he would reach-out to other departments. He has reached out to every resource he has to either confirm or deny Mr. Winiewicz allegation. The Agent stated that he has no stake in the game. Mr. Winiewicz stated he just wants the Board to be aware of the concern. The Agent replied his Board is always aware of what he does. Mr. Winiewicz held up his phone and commented that on the Mass DEP and EPA page on particulate matter, the visible dust it goes on to show you is like fine beach sand is at 90 microns. The smaller particles, smaller than human hair are 10 microns, 2.5. It gets into your lungs and causes asthma and they are saying the dust and everything can do this. It's the visible dust. The Agent replied which is also inside your home Chris, it is not only outside. Mr. Winiewicz commented that this is contaminated, regulated soil, 2 million tons of it.

- vii. The Health Agent replied that he thinks this would be a carryover to the Board of Health's next meeting. The Chairman commented that they can carry it over, however, again, his opinion is that DEP is involved. The Co-Chair commented that hopefully the Board of Health will have an update by the next meeting. Mr. Winiewicz commented that the Board of Health has always regulated the size of that dump and it was voted years ago by the Board of Health that it would never be made

bigger. And, the Town had a vote too. So, when did the Board of Health say it was ok to go from like 60' to like almost 150' in the air. The Health Agent replied that he believes Mr. Winiewicz brought that up with the Town Administrator, and it is also part of, what might be going on is in Bridgewater. Mr. Winiewicz stated this is Halifax. He's looked at all the plot plans and GIS. Mr. Winiewicz commented that he's not stupid. This is all Halifax. Now, Marilyn's Landing this summer said it wasn't Halifax. The Agent commented that first of all he didn't, nor has he ever insinuated that Mr. Winiewicz was stupid. Nor does he appreciate being interrupted. Mr. Winiewicz commented that it's been told to him multiple times from people in the Town, that they don't even think this is in Halifax. The Agent replied that he was trying to determine which Townline the dumping was actually going on currently. Which may be where the dust is coming from. Therefore, he needs determination on Townline's and how everything got approved. What was in the past they will figure out. What's in the future is addressing Mr. Winiewicz concerns on what is currently going on that may affect any residents of either Bridgewater or Halifax. We have consulted with the experts to bring us to a resolution to answer these questions. The agent asked if this was clear to Mr. Winiewicz. Mr. Winiewicz replied it was and they would have to see how it turns out. The Agent thanked Mr. Winiewicz and he really appreciates Mr. Winiewicz bringing this to the Boards of Health attention. Mr. Winiewicz stated that he was always under the impression that it was never going to get bigger, we all voted. The Chairman replied that they can't do anything about the past. Mr. Winiewicz replied he knows, he just wondered how it happened. The Agent responded that he is sure it is in a public record somewhere. That's beyond us tonight at this discussion.

viii. Mr. Winiewicz read from his phone stating the citizens voted last year at a democratic Town meeting and the answer was resounding no, 399 to 41 to any landfill expansion in the future. The Health Agent replied that there is no expansion, they are working under the agreement of the site plan. Mr. Winiewicz replied that expansion is not to go any higher or any bigger. The Agent responded that again, Mr. Winiewicz is talking about something he would have to defer on because he would

have to gain knowledge on that he has been spending his time watching dust. The Agent commented that the Board of Health has his concerns and we can move forward with them. The Agent asked Mr. Winiewicz clear? Concise? Anything else? Mr. Winiewicz shook his head no. The Chairman commented that the Board of Health should hear from DEP with their findings once they have them. The Agent replied yes, so far, he speaks to DEP every other day.

- ix. Mr. Winiewicz commented that he also doesn't understand that if DEP is handling it, their consent was that if any dust is seen leaving the site they are supposed to cease operation. They just keep working up there. It's like they violate everything. This is like old BFI days. I have videos of them dumping when it was when it was 50 miles an hour, before Christmas. The Chairman asked Mr. Winiewicz if he told this to DEP. Mr. Winiewicz replied that he did and they said they would take it under advisement, so who knows what they do with it. The Chairmans commented, and again, we can't go above DEP. Mr. Winiewicz commented but if it continues and continues and we don't see any results from DEP can't the town do something. The Chairman replied we can't go above DEP. It's like the Vice President going above the President. The Co-Chair asked would we then not escalate to the Attorney General, she doesn't know. Mr. Winiewicz stated he's been in some other towns, they weren't getting results, so the Selectmen, Board of Health called DEP in for a big meeting asking, what is DEP doing about the situation, we want results. I'm just saying, if we don't start getting answers, and it keeps going on week after week and they're going to get higher, like I said to Louisa at the DEP today, and she agreed, we're not even into the hot dry summer months, like last summer yet. They weren't at the top last summer and that's why this is starting. Just within the last few months they have gotten to the top and now it's gone higher and higher. I think they are permitted up to 200 18-wheelers a day. The Agent asked if he could just mention, as Marilyn's Landing was not there tonight, we've listened to Mr. Winiewicz and the Marilyn's Landing site has been fully cooperative in Mr. Winiewicz complaint and anything he brings forward to them. The Board of Health is in a fortunate situation where they don't have a party that is

looking to do things that they are not fully regulated with or can be in compliance with, and, if they need to change measures they are willing to do so. Again, it's not going to change what happened, but its not like the Board of Health is going up against somebody who is just saying no. Mr. Winiewicz replied that he hears what the Agent is saying, but he remembers the business with the BFI, same thing. They'll do anything you want but he sees the same thing happening here. The Agent commented that the conversation is going back to the past. Mr. Winiewicz commented that Marilyn's Landing will walk out of here with their millions and say sorry we just contaminated Halifax. It doesn't bother us anymore, see you. The Agent replied that the word contaminant is strong. All the products that are brought in have been regulated through DEP and if they are not at the levels that they are supposed to be at, they are not accepted. That's why we need further investigation so that we only put forth accurate information that has been reviewed and done by trained professionals and I need to leave it in their hands except for my eyes, my ears, my nose and my mouth for my site investigations. Mr. Winiewicz said ok, so we'll leave it at that, with DPH, but we are all aware not that it's happening, we've seen videos. The Chairman commented that he's not saying he is not aware that it is happening. He's saying that the Board of Health goes to DEP for advice. DEP educates the Board of Health on the way that they want things done. When the Board of Health has a problem, they go to DEP. Mr. Winiewicz stated that some things were commented earlier and he doesn't want to bring them up, but this is a very rare case. The Chairman stated that what Mr. Winiewicz needs to remember is that they, the Board, are just town volunteers that do their best and use the resources available to them. He can sit there and make-up all kinds of fancy words and everything else, but in the end, it doesn't mean anything because DEP is the one with all the knowledge, regardless as to whether or not you feel they are giving you a fair shake, they are the ones with all the knowledge. The Board and Agent are using the resources available to make everybody happy. The Chairman stated that is all he is trying to explain to Mr. Winiewicz. As the Agent keeps saying, DEP are the professionals. The Agent commented that he needs to protect

both the resident and the owners of Marilyn's Landings rights. He needs to stay in the middle lane and not become bias either way of what he sees, when he saw it, what's going on. The Chairman commented and then DEP makes the decision as to whether it's harmful or not. The Agent replied exactly. The Chairman stated anyone with eyes can see what we just saw, but we can't tell you if it's harmful. We can google a million and one different things but, it's going to be DEP that comes back and says this is x, y, z, not the Board of Health, unfortunately. Mr. Winiewicz replied that he just hopes the Town keeps on it. The Chairman replied that he thinks they followed through with the woodchipper complaint fairly thoroughly. Mr. Winiewicz replied let's not even go there, he got lawyers to sue the town. The Chairman responded that what he is saying is the Board has given him no reason to think the Board is just going to walk away. That is the only point he is trying to make. The Chairman stated they need to move on the next agenda item. The Agent thanked Mr. Winiewicz for coming in. Mr. Winiewicz thanked the Agent and the Board for listening.

3. The Following to be approved, signed, and voted on:

- a. 63 Palmer Mill Road – Final Cost –Certification to Board of Assessors. Administrative Assistant will notarize.
 - i. The Board signed the “Final Cost Certification” to Board of Assessors and the Administrative Assistant notarized the document.
- b. Sexual Harassment Policy for the Town of Halifax and Signature Page
 - i. The Board signed Sexual Harassment Policy for the Town of Halifax and Signature Page.
- c. State Ethics Municipal Training Summary and Signature Page
 - i. The Board signed State Ethics Municipal Training Summary and Signature Page.
- d. **Meeting Minutes:**
 - i. February 01, 2023
 - 1. The Board signed the February 01, 2023, Meeting Minutes.
- e. **Expense Account# 01-512 – FY 23-11**
 - i. NEHA – Health Agent - Annual Membership Fee - \$100.00
 - 1. The Board signed Expense Account# 01-512 – FY 23-11.

- f. **Revolving Account# 25-513 – FY 23-14**
 - i. Spath Engineering – Invoice# 0202123-743 – Plan Review – 23 Cross Street – \$85.00.
 - ii. John DeLano – Invoice# 021423 – Plan Review – 30 Orchard Circle – \$85.00.
 - 1. The Board signed Revolving Account# 25-513 – FY 23-14.
- g. **Nursing Services Account# 01-522 – FY 23-08**
 - i. Statement Covers Nursing Service Period: February 2023 – \$583.33
 - 1. The Board signed Nursing Services Account# 01-522 – FY 23-08.
- h. **iPad Gift Account# 26-514-4830-02 – FY 23-08**
 - i. AT & T Mobile – Cell/iPad Usage & Contract for 2022- \$40.23.
 - 1. The Board signed iPad Gift Account# 26-514-4830-02 – FY 23-08.
- i. **Public Health Excellence Grant Account# 25-516-5430-189 – FY 23-10**
 - i. Amazon - Pantone M50215B Munsell Soil Color Book– Invoice# 1GP6-4D7Q-34FT - \$249.99
 - 1. The Board signed Public Health Excellence Grant Account# 25-516-5430-189 – FY 23-10.

A Motion was made to approve number 3, a through i as written.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

- j. **Permits:** *(With condition all required documents are submitted to the Board of Health office)*
 - i. Saccone Bros. Leasing dba DeSac Disposal – 2023 Rubbish Hauler's Permit
 - ii. Nauset Disposal Holdings – 2023 Rubbish Hauler's Permit
 - iii. EL Harvey & Sons – 2023 Rubbish Hauler's Permit
 - iv. Liquid Environmental Solutions – 2023 Septage Hauler's Permit
 - v. Steve's Bulldozer Service – Steve Madden – 2023 Septic Installer's Permit

- vi. Rocky Meadow Enterprises – David Penney – 2023 Septic Installer's Permit
- vii. Brian P. McDonough – 2023 Title V Inspector's Permit
- viii. Rocky Meadow Enterprises – David Penney – 2023 Title V Inspector's Permit

A Motion was made to approve letter j, 1 through 8 as written.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

- k. **Mail Folder:** *All Correspondence is emailed to the Board individually.*

i. **Board of Selectmen:**

1. Town Green Request for June, July, August, September & October 2023 (*Emailed 02/15/23*)

ii. **Planning Board:**

1. 0, 314 Plymouth Street – Notice of Public Hearing for a Special Permit to construct a storage facility. (*Emailed 02/01/23*)

iii. **Zoning Board of Appeals:**

1. 359 Plymouth Street – Notice of Public Hearing for a special permit to develop a proposed site for a contractor storage and office space. (*Emailed 02/07/23*)

Adjournment

A Motion was made to adjourn the meeting at 7:00p.m.

Motion: Pamela Engstrom

Second: Steven MacFaun

Unanimous vote on the motion

Respectfully typed and submitted by,
Peggy Selter, Administrative Assistant

Date Submitted:

03/15/23



Steven MacFaun, Chair

Pamela Engstrom, Co-Chair



Candice Greene, Clerk