

**Halifax Board of Health  
Meeting Minutes  
Wednesday, March 2, 2022**

On Wednesday, a meeting of the Halifax Board of Health was held at the Halifax Town Hall in The Selectmen Meeting room and virtually, via zoom.

**Present at the meeting were:**

Steven MacFaun, Chair  
Pamela Engstrom, Co-Chair  
Candice Greene, Clerk  
Robert Valery, Health Agent  
Kelly Dwyer, Secretary

Also present at the meeting: Cesar Calouro, Area58 Crew.

A Motion was made to open The Board of Health meeting at 6:34pm.

**Motion: Pamela Engstrom**  
**Second: Candice Greene**  
**Unanimous vote on the motion**

**1. Disposal Works Permits:**

**a. Ratify Agent's Approval:**

- i. 03 & 07 Beechwood Road
- ii. 127 Beechwood Road
- iii. 325 River Street

A Motion was made to ratify Agent's approval for Disposal Works Permit's i-iii.

**Motion: Pamela Engstrom**  
**Second: Candice Greene**  
**Unanimous vote on the motion**

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

i. 29 Ocean Avenue:

**1. Local Upgrades:**

- a. Allow use of sieve analysis in place of perc test due to high water.

**2. Variances:**

- a. Allow a reduction in the required setback of public water supply tributary to SAS from 200' to 50'.
- b. Allow a reduction in the required setback of public water supply tributary to septic tank from 200' to 50'.
- c. Micro-Fast 0.50 I/A being utilized to reduce minimum water table separation from 5.0' to 3.0'.

- d. A deed restriction is required limiting building to two (2) bedrooms.'
- i. Agent received a question regarding 310 CMR 1.405 which is used when full compliance of a system is not feasible Allowing Variance/Local Upgrade Approval from the BOH.
  - ii. The question was interpretation of whether the distance in ground water separation and distance from a tributary can be used together?
    1. This is the Agent's Response: The property at 31 Ocean St. was approved 3/3/21 with the same treatment system Microfast .500 with denitrification for treatment approved by DEP.
  - iii. Agent spoke with the design engineer and the review engineer. The Review Engineers response to the question is as follows:
    1. *"The enquirer is correct regarding this section of Title 5. (15:405) It is for "Local Upgrade Approval". If DEP were still in the business of dealing with Variances, this plan would have to be approved the Board subject to MA DEP granting a Variance. Instead, MA DEP is now passing the buck to the local boards as to granting variances. Therefore, the Board may grant a Variance. In this case, the designer has proposed a FAST system. He has not specified the model. Keeping in mind the economics on this, the Board could justify granting the Variance. The Board may want to make sure the specific FAST module is specified and that it does denitrification too. But that is up to them. I hope this clarifies the question raised."*
    2. This is the Agent's Response: The property at 31 Ocean St. was approved 3/3/21 with the same treatment system Microfast .500 with denitrification for treatment approved by DEP.
  - iv. The Board discussed the concerns that have come forth about plans similar to 29 Ocean Avenue. With the proper protocol, pumping and service contracts, and variances and restrictions they can be compliant, and safe for the people and environment.



A Motion was made to approve 29 Ocean Avenue with Local Upgrades and Variances.

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**

**2. Bring to Boards Attention:**

- a. **Gift Certificates** given to the Board of Health were returned to the Establishment via US Mail, to avoid the appearance of any ethic violation. Massachusetts State Ethics Conflict of Interest Law prohibits a public employee from receiving anything of substantial value.
  - i. **Agent updated The Board.**
- b. **Tuesday, 02/15/22 – Employee State Ethics Training:** Generally, a municipal employee is prohibited from having two contracts/paid positions with a municipality:
  - i. On Tuesday, 02/15/22, to ensure full disclosure, the Health Agent informed Ed Thorne, Interim Town Administrator that an employee has a part time in the Assessor's office and part time position for the Board of Health.
    1. If it is needed, the Employee may require an exemption and approval from the Board of Selectmen to be a "Special Municipal Employee."
  - ii. On 02/16/22, Ed Thorne, Interim Town Administrator suggested this matter be placed on the Selectmen's next meeting agenda.
    1. On Wednesday, 02/16/22 Administrative Assistant requested this item was placed on the Selectmen's 02/22/22 agenda for discussion.
  - iii. At their Tuesday, 02/22/22 Board of Selectmen meeting the Board suggested the Board of Health employee reach-out the State Ethics Commission for clarification of an ethics violation.
    1. On Wednesday, 02/23/22 the Board of Health employee reached-out to the State Ethics Commission for clarification of an ethics violation
      - a. On Friday, 02/25/22 Mr. Mr. Mike McDonald, Assistant General Counsel, State Ethics Commission left a voicemail at the Board of Health for the employee to call him.
    2. On Monday, 02/28/22 the Board of Health employee spoke with Mr. McDonald. Mr. McDonald stated in order for the Board of Selectmen to approve "Special Municipal Employee" status the employee must do the following:
      - a. Employee has 30 days from the date realized an exemption is needed in order to obtain a Section 20(b) exemption.
      - b. Employee should not participate as Board of Health Secretary in the processing or transacting of Section 20(b) disclosure with the Board of Health, **unless** employee completes a **Section 19 disclosure**, and the Board of Health approves in advance.
        - i. Completed **Section 19 Disclosure** by Non-Elected Municipal Employee of Financial Interest and



Determination by Appointing Authority as Required by G. L. c. 268A, § 19. attached.

1. Agent addressed the Board, and stated the following:
  - a. Ms. Dwyer was hired 7/20/2020 after public notice of the BOH secretary position opening. 3 Candidates were interviewed by the Board. Ms. Dwyer had the qualifications and best availability for the hours required of a secretary position.
  - b. After ethics in person training Ms. Dwyer reached out to the State Ethics Commission for clarification if she can hold her two positions.
  - c. The answer was yes if she does not exceed 500 hours a calendar year in the BOH. Ms. Dwyer and I have no issue with this as it requires only a 20 hour reduction over the calendar year.
  - d. Vote on disclosure 19 which will allow participating in meetings.
  - e. Vote on 20-B to bring forward to the Select Board for final approval.

2. **Board Vote:**

- a. Vote to approve in advance employee's participation as Board of Health Secretary in the processing or transacting of Section 20(b) disclosure with the Board of Health.

A Motion was made to approve the employee's Section 19 Disclosure.

**Motion: Candice Greene**

**Second: Steven MacFaun**

**Unanimous vote on the motion**

- c. Employee must complete a Section 20(b) Disclosure and obtain the approval of both the Board of Health and Board of Selectmen.
  - i. Completed Section 20(b) Disclosure by Municipal Employee of Financial Interest in a Municipal Contract as Required by G. L. c. 268A, § 20(b) attached.

1. **Board Vote:**

- a. Vote to approve Section 20(b) Disclosure by Municipal Employee of Financial Interest in a Municipal Contract as Required by G. L. c. 268A, § 20(b).
- b. Vote to approve employees Request of "Special Municipal Employee" status.

A Motion was made to approve the Section 20(b) Disclosure, making the employee a "Special Municipal Employee".

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**

- d. Employee's hours need to be reduced to no more than 500 hours in a calendar year.

**i. Board Vote:**

- 1. To reduce current employee's Board of Health hours from 520 to 500 hours per calendar year.

A Motion was made to allow the current employees hours to be reduced from 520 hours a year to 500.

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**

- 3. Administrative Assistant requested this item be placed on the Selectmen's 03/08/22 agenda for discussion and Board of Selectmen approval, per an email from Mr. McDonald, Assistant General Counsel, State Ethics Commission:

- a. Disclosure by Municipal Employee of Financial Interest in a Municipal Contract as Required by G. L. c. 268A, § 20(b).
- b. Request for "Special Municipal Employee" status.

- c. At Select Board meeting held on Thursday, 01/27/22, COVID policies were voted by the Board.

**3. Discussion Items:**

**a. Board vote:**

- i. MAHB Fund appropriation for COVID services rendered.

- 1. Co-Chair Steven MacFaun was present at the 2/22/2022 Selectmen Meeting. He presented the appropriation of MAHB funds for the Health Agent and Fire Department Administrative Assistant for services rendered.

A Motion was made to approve the MAHB Fund Appropriation for COVID Services Rendered.

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**



**b. 163 Plymouth Street update.**

- i. Agent provided A Settlement Packet to all Board members. He updated that he and Legal Counsel agree that accepting the settlement from Fannie Mae is fair and it is a reasonable offer. Agent believes that prolonging seeking full restitution of fines and legal services will more likely than not be expensive, time consuming, and will not guarantee a verdict in the Towns favor. The Agreement has been provided for your review \$5000.00 and the Agent recommends closing this case.

**c. Admin Report:**

- i. Admin. sent out reminders and invoices to properties under “covenant agreement” for Title V Inspections due and beach water testing fees due by April 30<sup>th</sup> each year. There are five (5) covenant cases currently.
- ii. Agent takes two (2) water samples for testing at each “covenant case” property in October of each year. Cost for resident is \$15.00 per sample. \$30.00 per year.
  1. Two (2) beach water testing fees for 2022 have been submitted.
- iii. Letter sent to Halifax Beach Association contact, Helen Bagge, stating that the beach testing fee of \$165.00 due the Town for samples collected and tested between May and August 2021, must be paid prior to the Board of Health approving Halifax Beach opening for 2022.
  1. No response yet.
    - a. Secretary read i-iii and updated The Board.
    - i. The Board discussed.

**d. Agent Report:**

**i. COVID Update**

1. Agent updated board that the run rates for Covid have been 3.76 and 3.53, which is a significant decrease. Whether that decrease is due to lack of Testing reporting or less infection remains undetermined.
2. Agent expects positive trend rates to continue a downward trend. The only potential pitfall is the emergence of another variant. There is still not enough data to predict the true effectiveness of vaccination and natural immunity, but both have certainly helped.
3. Most mandates have been rescinded and Masking is still required in certain settings.
4. Agent continues to advise that people be supportive, respectful, and kind to people who still prefer or require wearing a mask to protect themselves and or others with compromised health conditions.
5. When our Nurse is fully onboard, the plan is towards mental/behavioral health efforts as the unseen effects of this Pandemic will have long term consequences on society and Public Health.



ii. MS4

1. Agent updated that Conservation Commission is moving forward with MS4 and meeting with the Selectmen.

4. **Affirm Bills Paid:**

a. **Payroll for the Week Ending February 12, 2022 (Chair signed)**

- i. Robert Valery, Health Agent
- ii. Margaret Selter, Administrative Assistant
- iii. Kelly Dwyer, Secretary
- iv. Brian Kling, Animal Inspector

b. **Payroll for the Week Ending February 26, 2022 (Chair signed)**

- i. Robert Valery, Health Agent
- ii. Margaret Selter, Administrative Assistant
- iii. Kelly Dwyer, Secretary
- iv. Brian Kling, Animal Inspector

c. **Expense Account# 01-512 – FY 22-11 (Chair signed)**

- i. MEHA – Invoice# 24705-2022 – Robert Valery, Health Agent – CPO New Training - \$195.00.
- ii. WB Mason – Invoice# 227048046 – Office Supplies - \$89.18.
- iii. WB Mason – Invoice# 227084636 – Office Supplies - \$25.19.
- iv. Amazon Capital Services – Invoice# 1LXJ-THHT-C1QK - iPad Air 4 10.9-inch 2020 Case with Pencil Holder – \$24.98.

d. **Expense Account# 01-512 – FY 22-12 (Co-Chair signed)**

- i. MEHA – Invoice# 25006 – Steven MacFaun, Chairman – 2022 Title 5 Seminar – \$115.00

A Motion was made to approve item D from Expense Account# 01-512 –FY 22-12

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**

(Chair Steven MacFaun Recused)

e. **Revolving Account# 25-513 – FY 22-12 (Chair signed)**

- i. John DeLano – Invoice# Plan Review – 29 Ocean Avenue - \$85.00.

f. **iPad Gift Account# 26-514-4830-02 – FY 22-04 (Chair signed)**

- i. Amazon Capital Services – Invoice# 1L1W-C716-9LNL - Apple Air iPad (4<sup>th</sup> Generation) - \$719.98. (State sent reimbursement for the item).

A Motion was made to affirm bills a, b, c, e, and f as listed.

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**

**g. Permits:** *(With condition all required documents are submitted to the Board of Health office)* **(Chair signed)**

- i. Cinderella Nails – 2022 Artificial Nails Permit.
- ii. Harmony Two Liquors – 2022 Retail Food, Nicotine Sales & Ice Sales Permit.
- iii. Rodney's Kitchen – 2022 Food Establishment Permit.
- iv. Healthy habits Nutrition – 2022 Food Establishment Permit.
- v. William (Terry) McGovern – Stenbeck & Taylor, Inc. – 2022 Soil Evaluator's Permit.
- vi. Shayne McGlone – McGlone Enterprises – 2022 Soil Evaluator's Permit.
- vii. Wind River Environmental – 2022 Septic Installer's Permit.
- viii. Michael DeCosta – Wind River Environmental – 2022 Title V Inspector's Permit.
- ix. Nicholas Geneseo – Wind River Environmental – 2022 Title V Inspector's Permit.

A Motion was made to to approve permits i-ix.

**Motion: Pamela Engstrom**

**Second: Candice Greene**

**Unanimous vote on the motion**

**5. The Following to be signed:**

**a. Meeting Minutes: Board Signed.**

- i. February 02, 2022, Meeting Minutes.

**b. Expense Account# 01-512 – FY 22-13 Board Signed.**

- i. MHOA – Invoice# 11965 – Robert Valery, Health Agent – 03/02//22 MHOA Virtual Seminar – \$25.00.
- ii. MEHA – Invoice# 25366-2022 – Robert Valery, Health Agent – 2022 Title 5 Seminar – \$95.00.

**c. Revolving Account# 25-513 – FY 22-13 Board Signed.**

- i. Spath Engineering – Invoice# 030122-734 - Plan Review - 325 River Street - \$85.00.

**d. iPad Gift Account# 26-514-4830-02 – FY 22-05 Board Signed.**

- i. AT & T Mobile – Cell/iPad Usage & Contract for Jan 12, 22 through February 11, 22- \$40.23.

**e. Permits:** *(With condition all required documents are submitted to the Board of Health office)*

**Board Signed.**

- i. Murphy Bros. Excavating, LLC – 2022 Septage Pumpers Permit.
- ii. Brarmann Excavation & Septic Co., LLC – 2022 Septic Installer's Permit.
- iii. Eric Dias – Strong Point Engineering Solutions, Inc. – 2022 Soil Evaluator's Permit.



- iv. Kevin Murphy – Murphy Bros. Excavating, LLC – 2022 Title V Inspector's Permit.

f. **Mail Folder/Emailed to Board:** Board read.

i. **Planning Board:**

1. Copy Emailed to Board Individually:

- a. 01/19/22 – ZBA Pet #961 145 Monponsett Street: Decision Letter & Decision Form.
- b. 01/24/22 – ZBA Pet #920 - CC Estates: Requests for Continuation and Extension.
- c. 02/10/22 - 25 Furnace: Form A Plan & Distribution Memo
- d. 02/10/22 - 101 Monponsett Street: Temp. Site Plan Decision Letter.
- e. 02/22/22 – 49 Carver Street: Site Plan Review and Stormwater Management Revision 2.

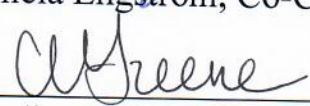
A Motion was made to adjourn the meeting at 7:19 p.m.

**Motion: Pamela Engstrom**

**Second: Candice Green**

**Unanimous vote on the motion**

Typed by,  
Kelly Dwyer, Secretary

  
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Steven MacFaun, Chair  
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Pamela Engstrom, Co-Chair  
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Candice Greene, Clerk