

**Halifax Board of Health
Meeting Minutes
Wednesday, December 21, 2022**

On Wednesday, a meeting of the Halifax Board of Health was held at the Halifax Town Hall.

Present at the meeting were:

Steven A. MacFaun, Chairman
Pamela Engstrom, Co-Chairman
Robert Valery, Health Agent

The Board of Health opened at 6:30pm.

1. Discussion Items:

a. Agent Report:

i. 23 & 27 Lantern Lane: Neighbor septic system/property line dispute. Mr. Emile Tayeh was in attendance.

1. Mr. Tayeh introduced himself to the Board as the trustee and owner of 23 Lantern Lane, Halifax, MA and updated them that over the past few years they have purchased the property, installed a new septic system, and had the land surveyed and engineered for the new septic system. A stamped plan was submitted to the Board of Health.
2. Mr. Tayeh stated that during the installation process they became aware that the neighboring property at 27 Lantern Lane had a retaining wall as well as the SAS (leaching Area) and a couple of septic/holding tanks on his (Mr. Tayeh) property.
3. Mr. Tayeh stated that he and the neighbor are currently in litigation over said property line.
 - a. The Board asked for clarification as to the location of the property of Mr. Tayeh, which he gave.
4. Mr. Tayeh informed the Board that he spoke with Mr. Feely, the owner of 27 Lantern Lane, and he informed Mr. Tayeh that back in 2008-2009, he updated his failing septic system. Mr. Tayeh stated, however, he found several areas where Mr. Feely was lacking and didn't take the appropriate steps.
5. Mr. Tayeh stated the reason he is here at the meeting tonight is he is questioning as an owner and a neighbor of 23 Lantern Lane, how 27 Lantern Lane able to get a COC (Certificate of Compliance) when he was not in compliance, where several years after installation occurred, no engineer nor surveyor went out and surveyed his tank or system where it was installed. And, have not validated anything by presenting to this Board an as-built. He provided the Board with a design for the installation, but no land surveyor stamped that plan.
6. Mr. Tayeh stated if you contact the engineer, Mr. Crowell, he will advise that he is not a surveyor. On the plan it says this is not a scaled plan, do not use septic plan as a scale for a surveying.
7. The Board stated that basically what was submitted was a proposed plan. Agent agreed.

8. The Board explained that up until a couple of years ago there was a problem with as-built plans not being turned into the Board of Health office. Now, the Agent does not release the COC until the as-built plans are submitted.
9. The Board explained back in 2008-2009 there was a different Agent and different Board. This Board is not sure how they or the current Agent can answer or be responsible for something a Board did eleven years ago.
10. The Agent informed Mr. Tayeh and the Board that a COC was never issued. Mr. Tayeh stated that during the installation of his system at 23 Lantern Lane, the owner of 27 Lantern Lane asked the Board at that time to pass through his as-built, as an as-built, which wasn't an as-built and they denied him back then. They told him that due to it being over the three (3) year deadline he had to hire an engineer and surveyor, survey the work, and get it stamped and come back to the Board. This was as recently as 2019. He didn't do that. He waited until the Board and Agent changed and took it as an opportunity to blindsides the Board with the circumstances.
11. The Board asked Mr. Tayeh what he was looking to gain from this Board.
 - a. Mr. Tayeh commented he was looking for two (2) things. The first item is as an owner I was never notified that any repairs, work, construction, or anything was to be done on my property without my permission. No one is allowed to set foot on my property without my permission. The Board agreed.
12. So, #1, for 27 Lantern Lane to come to this Board and get permission to have a repair done on my property, to have his septic tank, retaining wall and the SAS field, he must go through due process.
 - a. The Board asked if all these things mentioned were on Mr. Tayeh's property at this time and stated that they were.
13. The Board stated that in their opinion, they believed the first thing that must happen is that 27 Lantern Lane should have his land surveyed to prove or disprove the property location.
14. Mr. Tayeh commented that they are doing that in court, and he is more than welcome to hire a surveyor.
15. The Board commented that unfortunately, they are not able to just agree with Mr. Tayeh.
16. The Agent stated that everything Mr. Tayeh stated is accurate as far as the Board of Health notes go.
17. The Board and Mr. Tayeh discussed the criteria of what needs to be done prior to touching a septic system.
18. Open meeting, notifying abutters and DEP must be notified because of being within 100' of an open body of water.
19. Mr. Tayeh commented that the change of an SAS field is going to change it geometrically. So, if you move it, or shrink it or stretch it

those calculations need to be all redone and reviewed by another engineer as well. The Board agreed.

20. Mr. Tayeh commented that it is not as simple as hiring a contractor to move a tank and the system must be redesigned. The Board agreed.
21. Mr. Tayeh stated he does not believe back in May that conversation was on the table. He believes the design engineer explained the circumstances as being a simple job.
22. The Agent stated at this time he believes the first thing that needs to happen is that the property line needs to be established and nothing more goes forward workwise at 27 Lantern Lane. The Agent stated that the Board can rescind the approval of the septic application. Currently there has been no problem and he does presently have a maintenance contract on the system. The Agent recommends the Board allow him to monitor the area and make sure there are no environmental issues, let it work its way out in land court, so the Board of Health is aware of where the property lines are.
23. Mr. Tayeh commented that this is also in the jurisdiction of DEP because 27 Lantern Lane needs to follow the same criteria as his 23 Lantern Lane does by always having an Operations & Monitoring contract.
24. The Agent stated that Mr. Tayeh has valid points that have been brought before them, it will be settled in court and the Board of Health will not approve any work on the system going forward.
25. The Board asked Mr. Tayeh if he wanted everything from 27 Lantern Lanes system off his property and stated he did.
 - a. Mr. Tayeh also stated that he will go through the proper process and go before Conservation, the Board of Health and DEP. He noted how it can be difficult navigating those three Boards and take away his right as a citizen in Halifax. He stated he would hate to be wronged twice and deal with Halifax in court as well. The Board agreed.
26. The Agent informed the Board and Mr. Tayeh that he reached out to Town Counsel on this matter. Our goal now is to stop any further work/construction or repairs at 27 Lantern Lane, monitor the situation, when they approve a plan, everything is followed correctly, and the Board rescinds the application. The Board agreed.

ii. C2-9 Lydon Lane Update:

1. The Agent stated that this is a work in progress. The slider door egress was cleared of much debris and quality items. Mr. Donovan has agreed to accept help from Old Colony Elder Services and the Veterans Administration. One (1) big bag of trash has been disposed of by the Agent.

iii. 163 Plymouth Street Update:

1. T5 – Inspection notification sent and homeowner Response.
 - a. Agent sent a letter for a Title V inspection and the new homeowner already has an engineer working on lot lines and

septic system potentials. Due to the proximity of the pond and new Title V requirements, alternative technology will be necessary to reduce nitrogen loads.

b. Admin. Report: Agent updated the Board

- i. 2023 Board of Health Meeting Schedule emailed to Board Member's & Agent on 12/14/22
- ii. All Food Establishment and Septage Hauler Courtesy Reminder for 2023 permit applications due 12/31 have been sent out

2. Affirm Bills Paid: (Chair Signed)

a. Payroll for the Week Ending December 03 and December 17, 2022, Board Affirmed

- i. Robert Valery, Health Agent
- ii. Robert Buker, Shared Services Coordinator
- iii. Margaret Selter, Administrative Assistant
- iv. Patricia Sanda, Secretary
- v. Brian Kling, Animal Inspector

A Motion was made to affirm Payroll Weeks Ending December 03& December 17, 2022

Motion: Steven MacFaun

Second: Pamela Engstrom

Unanimous vote on the motion

b. Nursing Services Account# 01-522 – FY 23-05 Board Affirmed

- i. Statement Covers Nursing Service Period: December 2022 – \$583.33

A Motion was made to affirm Nursing Service for December 2022

Motion: Steven MacFaun

Second: Pamela Engstrom

Unanimous vote on the motion

c. Revolving Account# 25-513 – FY 23-11 Board Affirmed

- i. Buker & Sons

1. Invoice# 1215221

- a. Bottom Hole Inspection – 6 Pemmican Way– \$100.00.

2. Invoice# 1215222 - Kitchen Inspection @ \$75.00 per Inspection = \$1,275.00

- a. Halifax Mobil Station
- b. Grille 58
- c. Harmony Two Liquor
- d. Cumberland Farms
- e. Santoro's Pizza
- f. Healthy Habits Nutrition
- g. Halifax Market & Deli
- h. Lindy's General Store
- i. Dunkin's
- j. Subway
- k. Cape Cod Café
- l. Lyonville Tavern/Nonnie's
- m. Lakeside Villa

- n. 550 Club
- o. Twin Lakes Liquor
- p. Rodney's Kitchen
- q. Johnny Macaroni's

A Motion was made to affirm Revolving Account# 25-513 – FY 23-11

Motion: Steven MacFaun
Second: Pamela Engstrom
Unanimous vote on the motion

d. DHCD Expenditure 28-507-5784 – FY 23-02 Board Affirmed

i. Brian Cain/Cain Construction – 63 Palmer Mill Road.

- 1. First Installment/Includes Disposal Works Construction Permit (DWCP) – \$14,250.00

A Motion was made to affirm DHCD Expenditure 28-507-5784 – FY 23-02

Motion: Steven MacFaun
Second: Pamela Engstrom
Unanimous vote on the motion

3. The Following to be signed:

a. Meeting Minutes: Board Approved

i. November 16, 2022, Meeting Minutes

A Motion was made to approve November 16, 2022, Meeting Minutes

Motion: Steven MacFaun
Second: Pamela Engstrom
Unanimous vote on the motion

b. Expense Account# 01-512 – FY 23-08 Board Approved

i. Robert Valery

- 1. Clothing Reimbursement - \$39.99
- 2. Mileage Reimbursement - \$73.01

ii. WB Mason

- 1. Invoice# Office Supplies – \$174.44
- 2. Invoice# 2 Hard Cover Notebook Logs – \$19.56

A Motion was made to approve Expense Account# 01-512 – FY 23-08

Motion: Steven MacFaun
Second: Pamela Engstrom
Unanimous vote on the motion

c. Cell/iPad Gift Account# 26-514-4830-02 – FY 23-05 Board Approved

i. AT & T Mobile – Cell/iPad Usage & Contract for November 2022- \$46.47.

A Motion was made to approve Cell/iPad Usage & Contract for November 2022

Motion: Steven MacFaun
Second: Pamela Engstrom
Unanimous vote on the motion

d. Public Health Excellence Grant Account# 25-516-5430-189 – FY 23-06 Board Approved

i. ALSCO Food Check – Kitchen Inspections – Invoice# 893 - \$1,600.00

1. 11/23/22 – Middleboro
 - a. Fireside Grille - \$75.00
 - b. Check-In Thai - \$75.00
 - c. Boston Tavern - \$75.00
 - d. The Charred Oak - \$75.00
2. 11/23/22 – E. Bridgewater
 - a. Dunkin's Pre-Opening - \$75.00
3. 11/25/22 – E. Bridgewater
 - a. Dunkin's Pre-Opening - \$75.00
4. 11/28/22 – Middleboro
 - a. Nellie Rose - \$75.00
 - b. Middleboro COA - \$75.00
 - c. Pachini's Pizza - \$75.00
5. 12/01/22 – Raynham
 - a. Asian Palace - \$75.00
 - b. Slappy Frozen Treats - \$75.00
 - c. Slap Shotz - \$75.00
 - d. Our Mom's Place - \$75.00
6. 12/01/22 – Raynham
 - a. Extra hour for Inspection - \$35.00
7. 12/07/22 – Middleboro
 - a. Stoney's - \$75.00
 - b. Tikki Buddha - \$75.00
8. 12/07/22 – Middleboro
 - a. 2 Extra hours for Inspection at \$35.00 = \$70.00
9. 12/08/22 – Raynham
 - a. Creative World Children's Learning Center - \$75.00
 - b. Papa Gino's - \$75.00
 - c. iHOP – Raynham Pancakes - \$75.00
10. 12/08/22 – Raynham
 - a. Extra hour for Inspection - \$35.00
11. 12/15/22 – Raynham
 - a. Cape Cod Café - \$75.00
12. 12/15/22 – Raynham
 - a. Extra hour for Inspection - \$35.00

A Motion was made to approve Public Health Excellence Grant Acct# 25-516-5430-189 – FY 23-06

Motion: Steven MacFaun
Second: Pamela Engstrom
Unanimous vote on the motion

- e. **Permits:** (*With condition all required documents are submitted to the Board of Health office*) Board Approved and Signed
- i. D's Grille 58 – 2023 Food Establishment Permit
 - ii. Dragon Village dba Happy Dragon - 2023 Food Establishment Permit
 - iii. Dunkin – 2023 Food Establishment, Retail Food and Bakery Permit
 - iv. The Farm at Raven Brook – 2022 & 2023 Residential Kitchen Permit.
Application includes 2023 Donut Permit
 - v. Sarcastic Swine BBQ – 2022 Mobile Food Permit at The Farm at Raven Brook
for 11/25-11/27 2022
 - vi. Halifax Elementary School – 2023 Non-Profit Food Establishment
(Cafeteria/Kitchen) Permit
 - vii. Halifax Market & Deli – Food Establishment, Retail Food & Nicotine Sales
Permit
 - viii. Halifax Mobile Home Park – 2023 Mobile Home Park Permit
 - ix. Harmony Two Liquors – Retail Food, Nicotine Sales & Ice Permit
 - x. Johnny Macaroni's – 2023 Food Establishment Permit
 - xi. Lolly Jolly Waffle, LLC – 2023 Mobile Food Permit at Holidays in Halifax on
12/10/22
 - xii. Lyonville Tavern dba Nonnies Italian Grille – 2023 Food Establishment
 - xiii. MEA's Dairy Bar – 2023 Seasonal Ince Cream Establishment Permit
 - xiv. Mr. Perfection, Inc. dba Loco Larry's Tacos – 2023 Mobile Food Truck
Seasonal/Annual Permit
 - xv. Walmart – 2023 Food Establishment and Retail Food Permit
 - xvi. BK and Company Hair Design – 2023 Spa Establishment Permit
 - xvii. Waste management of Mass., Inc. – 2023 Rubbish Hauler's Permit
 - xviii. Avery's Pumping – 2023 Septage Hauler's Permit
 - xix. Claude DuBord & Son, Inc. – 2023 Septage Hauler's Permit
 - xx. Earle F. Simmons Co., Inc. – 2023 Septage Hauler's Permit
 - xxi. Flowmaster Corp. – 2023 Septage Hauler's Permit
 - xxii. McGonagle Septic Services – 2023 Septage Hauler's Permit
 - xxiii. Jeffrey DuBord - Claude DuBord & Son, Inc. – 2023 Septic Installer's Permit
 - xxiv. Emile C. Tayeh, Jr. – MP Real Estate Management, LLC & PTH Management
& Investment, LLC – 2022 & 2023 Septic Installer's Permit
 - xxv. Jeremy Hedges – Hedges Excavating – 2022 & 2023 Septic Installer's Permit
 - xxvi. Stephen B. Nelson – 2023 Soil Evaluator's Permit
 - xxvii. Stephen B. Nelson – Clearwater Recovery – 2023 Title V Inspector's Permit
 - xxviii. Arthur Bloomquist – 2023 Title V Inspector's Permit
 - xxix. David Pflaumer – Fairmount Co., LLC – 2022 & 2023 Title V Inspector's
Permit

A Motion was made to approve Permits i-xxix

Motion: Steven MacFaun

Second: Pamela Engstrom

Unanimous vote on the motion

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

i. **Board of Selectmen:**

1. 25 "A" Street – Approval of Temporary Tractor

ii. **Conservation Commission:**

1. 395 Plymouth Street – Notice of Public Hearing (*Emailed 12/01/22*)
2. 0 Highland Circle – Notice of Intent & Plan – Naja Nessralla (*Emailed 12/01/22*)
3. 26 Richview Avenue – Notice of Intent & Plan – Richard Lopez (*Emailed 12/01/22*)
4. 275 Wood Street – Notice of Intent & Plan – Kurt Marble (*Emailed 12/01/22*)
5. 275 Wood Street – Notice of Public Hearing to consider a Notice of Intent submitted by Webby Engineering Associates (*Emailed 12/19/22*)
6. 0 Highland Circle – Notice of Public Hearing to consider a Notice of Intent submitted by Webby Engineering Associates (*Emailed 12/19/22*)
7. 26 Richview Avenue – Notice of Public Hearing to consider a Notice of Intent submitted by Webby Engineering Associates (*Emailed 12/19/22*)

iii. **Planning Board:** (*Emailed 12/01/22*)

1. 395 Plymouth Street – Distribution Memo & Site Plan

iv. **Zoning Board of Appeals:**

1. 2023 ZBA Meeting Schedule (*Emailed 12/14/22*)
2. 9 Lake Street – Notice of Public hearing for Special Permit to Raze, build & expand a structure (*Emailed 12/19/22*)

Adjournment

A Motion was made to adjourn the meeting at 6:57p.m.

Motion: Steven MacFaun

Second: Pamela Engstrom

Unanimous vote on the motion

Typed by,
Peggy Selter, Administrative Assistant



Steven MacFaun, Chair



Pamela Engstrom, Co-Chair