

# Halifax Board of Health

## Meeting Minutes

### Wednesday, February 3, 2021

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

**Present at the meeting were:**

Alan J. Dias, Co-Chairman  
Steven A. MacFaun, Clerk  
Robert Valery, Health Agent  
Kelly Dwyer, Secretary

**The Board of Health opened at 6:30pm.**

Also present at the meeting: Town Council Attorney Larry Mayo, Sally Baker (Holmes Street) and Arthur Johnson (Plymouth Street), and Chris Winiewicz (Circuit Street).

**1. Hearing(s):**

**a. 6:30pm – 163 Plymouth Street:**

- i.** For an order condemning the dwelling (or portion thereof), vacate the dwelling (or portion thereof) and requiring the owner to secure the dwelling (or portion thereof) under 105 CMR 410.

Co-Chairman Alan Dias asked the Health Agent “have you made all possible attempts to contact the inhabitant of 163 Plymouth Street?” The Health Agent responded “yes.” Co-Chair Alan Dias then asked, “has there been a response?” and the Health Agent replied, ‘no’. Health Agent Bob Valery discusses the observations of habitation such as tire marks, decorations, and water usage.

Arthur Johnson of Plymouth Street addressed The Board, and asked if there have been fines involved, as discussed at the prior hearing on 12/02/2020.

- Alan Dias responded “yes” and explained that the Health Agent had mailed out fines to both the inhabitant and owner of 163 Plymouth street.

Sally Baker of Holmes Street then expressed her concerns with The Board, especially regarding the collection of rainwater on and around the property that could lead to mosquito infestation.

- Alan Dias responded with the Health Agent’s involvement in controlling the water issues on the property. Agent then discussed that in the summer, he made multiple site visits to treat stagnant water. He treated stagnant water, placed MosquitoDunks (biological mosquito control) into collected water, and noted all findings in the Board’s records.

Board Clerk Steven MacFaun asked, “will the junk be removed after condemnation?”

- Town Council Larry Mayo explained that Fannie Mae is more than willing and ready to cooperate in the process of vacating their property but there is a legal process to be followed. Courts are often delayed due to COVID, however this is a serious issue and is being addressed as such. Fannie Mae cannot remove items from the property without a court order.

Sally Baker asked The Board “how does he have any rights?”

- The Board and Town Council relay that that is between the occupant and the owner (Fannie Mae).
- Larry Mayo also states that by following this process, the inhabitant will have 30 days to comply.

Bonnie Johnson asked, “why would the inhabitant be given 30 days to vacate?”

- [Larry Mayo said it is traditional, and a reasonable amount of time.](#)
- [Co-Chairmain Alan Dias adds that he has civil rights, and The Board must follow the legal guidelines and processes.](#)

Bonnie Johnson asked “what if he does not vacate in 30 days?”

- [The Board states that the Court will be notified.](#)

Sally asked “can Halifax have a by-law that says “no squatters”

- [Larry Mayo explains that we are dealing with State Regulations, and we must focus on the property not the individual.](#)

After all questions, Agent Bob Valery states that this is a Follow Up: To consider Condemnation of the property located on 163 Plymouth St.

Agent Recommended The following motions:

1. A motion was made Move to order condemning of the dwelling located at 163 Plymouth Street in Halifax as being unfit for human habitation.

**Motion: Steven MacFaun**  
**Second: Alan Dias**  
**Unanimous vote on the motion**

2. A motion was made to move to order the occupants of the dwelling located at 163 Plymouth Street in Halifax to vacate the dwelling within thirty (30) days as it is unfit for human habitation.

**Motion: Steven MacFaun**  
**Second: Alan Dias**  
**Unanimous vote on the motion**

3. A motion was made to order the owner of the dwelling located at 163 Plymouth Street in Halifax to secure the dwelling within thirty (30) days.

**Motion: Steven MacFaun**  
**Second: Alan Dias**  
**Unanimous vote on the motion**

4. A motion was made to move to order that the dwelling located at 163 Plymouth Street in Halifax shall not be occupied without the prior written permission of the Halifax Board of Health based upon the Board’s written finding that the dwelling is fit for human habitation.

**Motion: Steven MacFaun**  
**Second: Alan Dias**  
**Unanimous vote on the motion**

## **2. Discussion Items:**

- a. 7:00pm – Cled’s Tree Service – 450 Industrial Park Drive: [Will not be attending.](#)
  - i. See email from Attorney. [Board reviewed.](#)

1. Chris Winiewicz, an abutter to Cled's, discussed his frustrations and concerns with The Board as the issues have been going on for a long time. His concerns:
  - a. Noise, 7 days a week after addressing the issue prior.
  - b. Usage plan meant for storage only.
  - c. Inaccurately told by employee that the noise was not them.
  - d. Recent woodchip fire.
2. Co-Chairman Alan Dias and Clerk Steven MacFaun discussed the need for a washing station, a site plan and to look further into the noise complaints.
3. Health Agent will write a letter to Cled's; a cease-and desist all activities except for log drops.

- b. 7:15pm – 63 Palmer Mill Road: System in failure. Will not be attending.
  - i. See letter from homeowner and reply letter from office.
    1. Carry over to the next meeting.

**3. Disposal Works Permits:**

**a. Recommended for approval:**

**i. 657-659 Monponsett Street:**

1. 1<sup>st</sup> set revisions submitted 01/25/21.
2. 2<sup>nd</sup> set revisions submitted 02/02/21.
  - a. Carry over to the next meeting.

**ii. 10 Putter's Way/416-430 Plymouth Street**

1. Revisions submitted 01/21/21.
  - a. Carry over to the next meeting.

**b. Re-Approve: (*As-Is, No Changes*)**

**i. 18 River Street**

1. Locus added per request by Board at the 01/06/21 meeting.

A Motion was made to approve the plan.

**Motion: Steven MacFaun**

**Second: Alan Dias**

**Unanimous vote on the motion**

**4. Bring to the Boards Attention:**

**a. 415 Thompson Street: Sludge**

**i. Cease and Desist letter sent.**

1. Health Agent updated the Board that the Cease-and-Desist letter was sent January 28<sup>th</sup>, 2021, and he also asked the owner to come to a meeting as the are not in compliance with codes and regulations. Agent updated The Board that he has been in contact with D.E.P.

**5. Discussion Items:**

**a. 471 Monponsett Street: Trash update.**

- i. The Board continues to keep this on their radar, as they work diligently to find closure with the issues with 163 Plymouth Street.

- b. 161 River Street: MDEP Enforcement Letter Sent.
    - i. The Board discussed this issue proceeding with DEP.
  - c. 330 Plymouth Street – O'Reillys Auto: Deed Restriction update.
    - i. Co-Chairman Alan Dias updated The Board that he and the administrative assistant are working on a draft for the deed restriction.
  - d. Application for Health Agent Soil Evaluation Services.
    - i. Per the last meeting, Health Agent discussed considering fees for soil evaluation. For example, a fee for up to two hours then additional fees apply.
      - 1. Keep on agenda to continue the process of changing the fees.
  - e. Talent Form: Pamela Engstrom.
    - i. Board read the form.
  - f. Virtual Meetings
    - i. Carry over to the next meeting.
  - g. **Admin Report:**
    - i. 12/09/20 Amended Supplemental Title V Regulations were posted to the website, emailed to Title V Inspectors, Soil Evaluator's, and Septic Installer's. A copy will be mailed to MDEP, Boston.
      - 1. Questions on the 12/09/20 Amended Supplemental Title V Regulations.
        - a. The Board Discussed the Title V regulations and Orangeburg Piping regulation wording.
          - i. The Board plans to amend, and re-vote next meeting.
  - h. **Agent Report:**
    - i. COVID update.
      - 1. Health Agent Bob Valery updates The Board on the status of COVID-19 cases in town, and that the cases seem to be stabilizing since the holidays. He also addresses that when looking at cases, we must take into consideration that the numbers may reflect entire households.
      - 2. Steven MacFaun asked if there will be Town COVID-19 testing again.
        - a. Agent discussed that Rockland will be having an open test site.
      - 3. The Board discussed the man-power, budget, recourses and time that will be going into vaccinations. They also went over State Advisory, and how that changes frequently.
        - a. Agent updates Board that The Council on Aging has a list for the seniors for their vaccinations.
6. **The Following to be signed:**
- a. 12/02/2020 Meeting Minutes: Motion omission clerical Error. Board Approved and Signed.
    - i. 163 Plymouth Street
      - 1. Add unfit for human habitation and compliance with the State Sanitary Code decision motion.
  - b. **Payroll for the Week Ending February 13, 2021** Board Approved and Signed.
    - i. Robert Valery, Health Agent
    - ii. Margaret Selter, Administrative Assistant
    - iii. Kelly Dwyer, Secretary

iv. Brian Kling, Animal Inspector

c. **Meeting Minutes:** Board Approved and Signed.

i. 01/20/21 Meeting Minutes Board Approved and Signed.

d. **Expense Account# 01-512 – FY 21-15**

i. Express Newspapers – Invoice# 011421 A9293CL – Legal Ad# 12193 – Running 01/15/21, 01/22/21.

1. Public Hearing on 02/03/21 for 163 Plymouth Street – \$84.00.

ii. Robert Valery – Mileage Reimbursement.

1. 12/14/20 to 12/30/21 - \$55.16

2. 01/04/21 to 01/28/21 - \$34.50

e. **Revolving Account# 25-513 – FY 21- Board Approved and Signed.**

i. Spath Engineering – Invoice# 01262021-743 – Plan Review – 10 Putter's Way (416-430 Plymouth Street) - \$85.00.

f. **Gift Account# 26-514-4830-02 – FY 21-04 Board Approved and Signed.**

i. Robert Valery – AT&T Mobility – iPad/Cell Phone Usage/Service Contract for January 2021 - \$40.23.

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

i. Cumberland Farms – 2021 Food Establishment, Retail Food and Nicotine Sales Permit.

ii. E.O.M.S. Recycling, Inc. – 2021 Rubbish Hauler's Permit.

iii. Waste Management of Mass, Inc. – 2021 Rubbish Hauler's Permit.

iv. Steve Smith – T.F. Smith Construction, Inc. – 2021 Septic Installer's Permit.

v. Wells & Water Solutions – Dean F. Mahon – For: 58 Indian Path Road – 2021 Drilling and Well Permit.

A Motion was made to approve permits i-v.

**Motion: Steven MacFaun**

**Second: Alan Dias**

**Unanimous vote on the motion**

h. **Mail Folder:**

i. **Board of Selectmen:** Board Reviewed.

1. Earth Removal Permit for 145 Plymouth Street.

ii. **Conservation Commission:** Board Reviewed.

1. Country Club Estates: Email containing Conservation Committee minutes.

iii. **Planning Board:** Board Reviewed.

1. Bud's Goods: Distribution Memo.

2. 311-313 Plymouth Street:

a. Amended Plans for Review.

b. Site Plan

i. 01/26/21 email with digital/electronic tight tank plan.

**iv. Zoning Board of Appeals: [Board Reviewed.](#)**

1. Public Hearing Notice: 596 Monponsett Street.
2. Country Club Estates: ANRAD Request.
3. Country Club Estates: Silva Engineering reply to ANRAD Request.

**Adjournment**

A Motion was made to adjourn the meeting at 8:03pm.

**Motion: Steven MacFaun**

**Second: Alan Dias**

**Unanimous vote on the motion**

Typed by,  
Kelly Dwyer, Secretary

**Signed By:**

Alan J. Dias, Co-Chairman

Steven A. MacFaun – Clerk

~You can receive an official signed copy of meeting minutes at the Board of Health Office~