

**Halifax Board of Health  
Meeting Minutes  
Wednesday, March 03, 2020**

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

**Present at the meeting were:**

John L. Weber, Chairman  
Alan J. Dias, Co-Chairman  
Steven A. MacFaun, Clerk  
Robert Valery, Health Agent

Present at the meeting: Joann Andrews, Chris Winiewicz, (450 Industrial Park Drive Abutters) and Matt Grosschedl & Sean Keough, Esq. (0-2 Walnut Street), Deb Winiewicz and Frank (Multiple Soil Evaluations/Halifax Mobile Home Estates).

The Board of Health opened at 6:30pm.

**1. Hearing(s):**

- a. 415 Thompson Street: Sludge
  - i. Mr. Peck and counsel did not appear for the 415 Thompson Street hearing regarding Sludge/Cease & desist.
  - ii. Chairman, John Weber asked why this matter is a hearing.
    - 1. Agent informed the Board that Mr. Peck requested a hearing, so the Administrative Assistant listed the address as both a hearing as requested and a discussion item.
- b. 31 Ocean Avenue: DWCP
  - i. No abutters appeared for the 31 Ocean Avenue hearing regarding the septic system and its DWCP.
  - ii. Kevin Perkins presented proposed SAS design plan.

A Motion was made to approve the septic system plan.

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

**2. Disposal Works Permits:**

- a. Lot 1063 Pine Street – Carry-over to next meeting.
- b. 7 Old Ocean Avenue – Carry-over to next meeting.
- c. 114 South Street – Carry-over to next meeting.
- d. 450 Industrial Park Drive
  - i. Agent to contact design engineer to add duplex pump and get wet stamp copies of currently approved plan.
- e. **Recommended for approval:**
  - i. 0-2 Walnut Street:

1. After an extensive discussion on septic components, holding tank, inlet & outlet heights, and storage capacity, it was determined by the Board more revisions were needed.
2. Mr. Grosschedl asked if the review engineer approved the plan.
  - a. Co-Chairman, Alan Dias replied the review engineer had approved the plan but he himself had not had a chance to review the plan and explained his concerns to Mr. Grosschedl. Again, the Board determined more revisions were needed.
3. Easement wording needed. Town Counsel to review before recording.
  - a. Sean Keough, Esq. explained the financial assurance that he wrote in accordance with the town attorney's recommendation.
    - i. Co-Chairman, Alan Dias replied that the Board had not seen the letter of credit.
      1. The Agent informed the Board that he had not provided a copy of the letter to the Board as Town Counsel told him he would not do a final review until there was an approved plan.
        - a. The Board determined a new/revised plan must be submitted and the legal documents will be considered once the plan is approved.

### 3. **Bring to Boards Attention:**

- a. Talent Form: Neil St. Croix – Board Read

### 4. **Discussion Items:**

- a. 415 Thompson Street: Sludge – Referred to Town Counsel.
  - i. The Board requested office have Town Counsel write an enforceable order for the removal of the sludge spread on the property.
  - ii. The Agent updated the Board on the questions he wanted to discuss with Mr. Peck.
    1. Is what was spread considered to be “manure”?
    2. Is this agricultural, horticultural, or farming land?
    3. Is the essence of Peck's receipt of the sludge for farming purposes, or simply to make money from an otherwise improper disposal?
    4. Has Mr. Peck harvested any hay or other crop from the field since summer/fall 2019?
    5. Do you have an inspection report from your 1/13/21 inspection?
    6. How large a parcel of land is the manure being spread upon? Are there several parcels adjoining each other?
  - iii. The Agent suggested to the Board that the Board of Health's position on the issue be to converse to the “exception” referenced in the farm nuisance statute (MGL Chapter 111, §125A), the odor emanating from the property is not the result of Mr. Peck engaging in the “normal spreading of manure” upon agricultural land; but, is the result of the spreading of “biosolids” as defined

and regulated by the Plant Nutrient Application requirements set forth in 330 CMR 31.

- iv. The Agent informed The Board that the matter will be referred to Town Counsel for appropriate code for removal of materials.
- b. 163 Plymouth Street update: Agent updated Board on his attempted inspection of the interior of the property as ordered by the court on 02/22/21:
  - i. On 3/1/2021 an interior inspection of the home located on 163 Plymouth Street was to be conducted as ordered by the housing court. Mr. Fox did not show. Agent Bob Valery, Alan Dias, Jen Curran, John Sullivan (Water Department) were present. There were two males inhabiting the house. One man who would not identify himself said Mr. Fox was downstairs. The Health Agent did a quick inspection of the kitchen and living room. The man came upstairs and said to go around back to the cellar to meet Mr. Fox, and the Agent discontinued any further inspection of the upstairs. Agent and others then went around the back of the house and the slider was open. Agent stepped inside and asked the man on the couch if he was Mr. Fox. He kept coughing and raised his hand, but never stated he was Mr. Fox. Agent asked him two more times and all he did was cough uncontrollably. Agent asked for ID and he had none. Agent would not go any further inside as they were both coughing badly and without verification that in fact, he was Mr. Fox, Agent did not inspect. The inside is very cluttered, and a portion of the kitchen ceiling was damaged from a leak. It was raining but no water was coming in. There was hot water, and the refrigerator was broken. Except for the refrigerator not working the observed inside areas need a good cleaning but Agent would not deem it uninhabitable, egresses not blocked, but tough to navigate, especially at dark. Agent would write an order of correction to the landlord/owner with timelines to replace or repair however the house has already been declared unfit for human habitation. The previously cited outside violations have not been corrected. A mysterious man was hiding behind the shed on a Property located on 20 Holmes St. located next door. Alan went onto the property to speak with him, but he vanished. The black Jeep Liberty which has been on and off of the Plymouth St. site since 2/24/21, and was parked behind some bushes with no license plates on it. The Police Officers that were off-site in the Water Department access road were notified, and they ran the VIN number to ensure the vehicle was not stolen. The Police will attempt to contact the property owner to verify if they are allowing this vehicle to be there. Agent left a copy of our order with the person occupying the house stating that it is been deemed unfit for human habitation and informed the man they should leave. Pictures were taken and an inspection report completed.

- ii. Co-Chairman, Alan Dias stated the man on the property next door was Mr. Fox/O'Donnell. He stated he was the same height, weight and had the same hair color as Mr. Fox/O'Donnell.
- iii. Mr. Dias also stated that an anonymous call to 911 was made. Caller was upset that the police were on the adjoining property at 20 Holmes Street.
  - 1. Officer Simpson went to the adjoining property at 20 Holmes Street to see if the black Jeep Liberty that was parked there with no license plates may be a stolen vehicle. Officer Simpson will follow-up with the property owner to see if the vehicle belonged on the property.
    - a. Agent informed the Board that the black Jeep Liberty seen at 20 Holmes Street was already gone from the property and parked back at 163 Plymouth Street.
- iv. Co-Chairman, Alan Dias stated Attorney Mayo advised not to have too many people at the 03/01/21 inspection as it had been brought-up as a concern by Mr. Fox/O'Donnell at the court hearing. Mr. Dias stated he went to the inspection anyway and the Health Agent will follow-up with Fannie Mae on or by 03/10/21 for the Board of Health order to condemn, secure and vacate within thirty (30) days, dated 02/08/21 to determine who will Board up the property.
- c. The Agent will also follow-up on the 21-D tickets and filing to the court.

A Motion was made to approve agent's follow-up of the 21-D tickets.

**Motion: Alan Dias**

**Second: Steven MacFaun**

**Unanimous vote on the motion**

- d. Cled's Tree Service at 450 Industrial Park Drive: Update
  - i. The Agent informed the Board that a new letter was written and ready for signatures per their request at the 02/17/21 meeting.
- e. Country Club Estates: 40B update – No updates. Carry-over.
- f. Bud's Goods, 111 River Street update – Application withdrawn.
- g. Halifax Landfill
  - i. Cap Repair: Erosion Report, Site Plan Inspection – Town will repair when soil is suitable for heavy equipment.
  - ii. Monitoring Event – Board Reviewed.
- h. 471 Monponsett Street: Carry-over.
- i. **Agent Report:**
  - i. COVID-19 update
    - 1. Agent updated Board the vaccine is still in limited supply. The State will only do Mass Vaccination Sites. Agent will work with the Fire Chief on plans for home-bound individuals' vaccination.
    - 2. K-12 teachers to begin vaccination on 03/11/21.
    - 3. Board asked Agent about full return to school and will the Board of Health be involved or just the school committee.

- a. Agent informed Board he has been involved every step of the way and will continue to be involved, especially in the area of transportation.

ii. Multiple Soil Evaluations

- 1. Ms. Winiewicz was in attendance lobbying for reduced rates.
  - a. The Board determined they will consider better/lower rates for multiple/group evaluations, not just specific to the Halifax Mobile Home Estates.
  - b. Board discussed all fees and fee changes require a public hearing.
- 2. Ms. Winiewicz stated they only ask for leniency because the Town makes the Mobile Home Estates do Title V Inspections and it is a hardship on the Estate. Ms. Winiewicz stated other organizations in other towns do not make them do Title V Inspections
  - a. Co-Chairman, Alan Dias stated the Town does not make the Mobile Home Estates do Title V Inspections, DEP does.
  - b. Agent suggested the Mobile Home Estate reach-out to DEP for a review and possible change.

5. **Affirm Any Bills Paid:**

- a. **Expense Account# 01-512 – FY 21-16 – Board Affirmed.**
  - i. WB Mason – 02/22/21 – Office Supplies – \$396.06
- b. **Revolving Account# 25-513 – FY 21-15 – Board Affirmed.**
  - i. Spath Engineering – Invoice# 02042021-743 – Plan Review - 31 Ocean Avenue - \$85.00
- c. **Landfill Engineering Account# 01-519 – FY 21-02 – Board Affirmed.**
  - i. Tighe & Bond – 02/22/21 – Invoice# 112093139 - Landfill Gas & Groundwater Monitoring for Services Rendered Through 10/24/20 – \$6,600.00
- d. **Landfill Erosion Repair Account# 01-519-5840 – FY 21-02 – Board Affirmed.**
  - i. Aggregate Industries NE Region – 02/22/21 – Earth material –\$451.49

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

- a. Sign amended February 03, 2021 Meeting Minutes revision due to clerical error. – **Board Approved & Signed.**
- b. **Payroll for the Week Ending March 13, 2021 – Board Approved & 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 & Signed.**
  - i. 01/20/21 Meeting Minutes (S. MacFaun Signature Needed)
  - ii. 02/17/21 Meeting Minutes
- d. **Expense Account# 01-512 – FY 21-17 – Board Approved & Signed.**
  - i. Robert Valery – Re-Imbursement – NEHA Annual Membership

- e. **Revolving Account# 25-513 – FY 21-16 – Board Approved & Signed.**
  - i. Spath Engineering:
    - 1. 0 & 02 Walnut Street – Invoice# 02262021-743 – Plan Review - \$85.00
    - 2. Lot 1063 Pine Street – Invoice# 02242021-743 – Plan Review - \$85.00
- f. **Gift Account# 26-514-4830-02 – FY 21-06 – Board Approved & Signed.**
  - i. Robert Valery – AT&T Mobility – iPad Usage/Service Contract for February 2021 - \$40.23
- g. **Permits:** *(With condition all required documents are submitted to the Board of Health office)*
  - i. Dana Junior – 2021 Title V Inspector’s Permit
  - ii. Colm O’Shea – JRF Corporation – 2021 Septic Installer’s Permit

A Motion was made to approve item ii. Item i “On Hold”, Board requested inspector come into a meeting.

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

- h. **Mail Folder:**
  - i. **Board of Selectmen:** Board Read.
    - 1. 20 Buttonwood Road – Public Hearing Notice for application for long-term trailer.
  - ii. **Planning Board:** Board Read.
    - 1. 311-313 Plymouth Street – Updated Plans

### **Adjournment**

A Motion was made to adjourn the meeting at 8:30p.m.

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

**Typed by,**  
Peggy Selter, Administrative Assistant

**Signed By:**  
John L. Weber, Chairman  
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~