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## TOWN OF ORLEANS - BOARD OF HEALTH

### MINUTES OF MEETING

September 3, 2009

The Board of Health convened its meeting at 2:06 p.m. on Thursday, September 3, 2009 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Chair Robin Davis, Ph.D., Vice Chair Augusta McKusick, Jan Schneider, M.D., Susan Christie, Attorney Job Taylor, III; and Robert Canning, Health Agent. Also present: Dale Fuller, Finance Committee Liaison

#### **Agenda Item 1 – Public/Press**

There was no one present for Public/Press.

#### **Agenda Item 3 – Approve Minutes**

The minutes of the Board of Health meeting held on August 20, 2009 had previously been distributed to the Board members for review.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted to approve the minutes of the meeting held on August 20, 2009. The vote was 4-0-1. Ms. Christie abstained from the vote because she was not present at that meeting.**

The minutes of the Board of Health meeting held on October 7, 2004 had previously been distributed to the Board members for review.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted to approve the minutes of the meeting held on October 7, 2004. The vote was 3-0-2. Attorney Taylor and Ms. Christie abstained from the vote because they were not present at that meeting.**

#### **Agenda Item 2 – Bedroom Determination – 152 Namequoit Road**

Mr. Russell Karber introduced himself as a builder for the owner of the property, Sally Everett. He explained that the owner would like to add living space to the dwelling, with no increase in bedrooms. However, he noted that there is an enclosed porch which might be classified as an additional bedroom.

Mr. Canning discussed the current floor plan for the dwelling, including the existing enclosed porch. He inspected the property on September 1, 2009 and found that the porch is considered a habitable room, and could meet the criteria of a bedroom according to Board of Health regulations. However, the porch is the front entrance to the house and people must pass through it to gain access to the rest of the house. He also discussed that the large windows on the porch expose the room to the street and driveway. He opined that the traffic pattern would disqualify it from being used as a bedroom.

Board members discussed that this is a half-acre lot and agreed that the traffic pattern and exposure to the road preclude this enclosed porch from being used as a bedroom.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 152 Namequoit Road, owner Everett, that the house consists of three bedrooms and an entrance porch that shall not be considered a bedroom because of the traffic pattern that requires one to traverse the porch to get into the living room, and because of the extensive glass and the fact that it faces onto the road.**

**Condition: If there is ever any modification of the dwelling the Board of Health must review the plans for this three bedroom house.**

**The vote was 5-0-0.**

### **Agenda Item 7 – 3:00 p.m. Hearing Continuation – 33 Bay Ridge Road**

Mr. Canning reported that Mr. Filteau informed him that he did not intend to attend this meeting and the issue has been resolved to the satisfaction of the Health Department. A Certificate of Compliance for the septic system has been issued and the floor drains have been removed.

**On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted in the matter of 33 Bay Ridge Road which has been a continuation through many hearings, that the Board communicate with Attorney Ford that the owner, Mr. Filteau, and Coastal Engineering have completed installation of the new Title 5 septic system. The issues related to wastewater have been resolved and the case is closed.**

**Condition: If there are no complaints that the Board of Health has acted at 2:16 p.m. instead of 3:00 p.m. and the complaints are brought to the attention of the Board within the next month, this will be the Board's final action in this matter.**

**The vote was 5-0-0.**

Dr. Schneider discussed a previous topic of storm water flowing from the property although it is really not an issue for the Board of Health. Mr. Canning reported that he had observed the property and discussed that it appears everything has been completed with regard to the wastewater issue. Other town departments will be following up on the storm water matter.

### **Agenda Item 4 – Health Agent's Report**

Mr. Canning reported on the following:

The Health Department has received the **Daniels Recycling Company, Inc.** monthly report for July showing 751 tons of C&D received during 21 working days. There were 42 tons of brush received. DRCI is well below the daily maximum limit of 50 tons of material per day. There were no reported positive results for asbestos. Board members discussed whether the maximum allowed C&D material to be processed is 50 tons per day or an average over the month of 50 tons per day. Mr. Canning explained that the regulation states no more than 50 tons per day. He also explained how they sample for asbestos and the notifications necessary if any test results are positive.

**Seasonal Flu Clinics** will be held on Monday, October 5, 2009 and Monday, October 19, 2009 from 1:00 p.m. to 4:00 p.m. at the Orleans Senior Center at 150 Rock Harbor Road. Residents should call the Orleans Senior Center at 255-6333 to preregister. Eligibility is limited to the following:

- Orleans residents only
- Adults age 60 or greater
- Residents of long term care and assisted living facilities
- Individual age 18 to 64 years with chronic medical conditions
- All women who will be pregnant during the influenza season
- All health care workers who provide direct patient care and emergency first responders
- Out of home caregivers and household contacts of children six months and younger

It is requested that everyone eligible for Medicare bring their Medicare B card to the clinic. The pneumococcal vaccine will also be available at these clinics.

The Health Department has received many inquiries regarding the **H1N1 Flu Clinics**. The Health Agents Coalition met last week with many of the Cape schools to discuss school closures and what procedures will be necessary. They also discussed the MDPH and CDC's proposal to vaccinate for H1N1. They are trying to determine the best way to have flu clinics to vaccinate everyone on Cape Cod if necessary. State money will be used primarily for possible school clinics. It may be necessary to establish an Emergency Dispensing Site to accommodate a large group. He has discussed with the Fire and Police Departments to determine the number of vaccinations needed and perhaps the use of the Reverse 911 system to notify residents. There are issues regarding how many nurses would be needed and where they would come from although the State may allow EMT's and paramedics to also give vaccinations. It may be necessary to hold ten or more clinics in town to serve everyone needing the vaccine. The vaccine is currently being developed and tested and will be distributed by the State to be used sometime in November.

Board members discussed the safety of the new vaccine and noted the fact that it is being developed very slowly.

Mr. Canning noted that there are more than 900 students in Orleans and the Department of Public Health and the Department of Education have sent educational packets to be distributed in the schools on how to prevent spreading of the H1N1 virus. There is a 211 Hotline for the Department of Health with policies and guidelines to determine whether a child should stay home and when the child can return to school after being sick. Dr. Schneider explained that having children immunized will protect them and may help stop the spread of the virus to adults.

Ms. Christie noted the beach closed to swimming on the Eastham side of Rock Harbor and expressed concern that Skaket Beach in Orleans might have been affected. Mr. Canning reported that the Health Department had sampled the water on Monday and it was fine.

### **Agenda Item 5 – Old and New Business / Review Correspondence**

5 – 1 The minutes of the **Orleans, Brewster, Eastham, Groundwater Protection District** for their meeting on July 8, 2009 had previously been distributed to the Board members for review and discussion.

5 – 2 A letter from the **Multicultural AIDS Coalition, Inc.** regarding a bill in the Mass. Legislature that will help alleviate a barrier to HIV testing in Massachusetts had previously been distributed to the Board members for review and discussion. Dr. Schneider noted that it is a very good bill and is urging approval. Attorney Taylor opined that the Board of Health should not endorse or disapprove of the bill because they are elected by town voters and don't know that the people of town would support the bill. Dr. Davis explained that it is the purview of the Board of Health to protect the public health and environmental health.

5 – 3 A letter from Nancy Ferreira regarding the property at **23 Meetinghouse Road** had previously been distributed to the Board members for review and discussion. Mr. Canning reviewed that the Board of Health had acted on a housing complaint and gave her until August 1, 2009 to comply with the order to repair several infractions. While the house remains vacant, Ms. Ferreira would like an extension of six months to complete the ordered repairs.

**On a motion by Dr. Schneider and seconded by Ms. Christie, the Board of Health voted in the matter of 23 Meetinghouse Road to approve an extension of six months to March 1, 2010 to allow the owner to complete the ordered repairs. The vote was 5-0-0.**

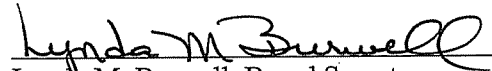
### **Other Business**

Mr. Canning explained and Board members discussed the process to be used for the public hearing to be held that evening, September 3, 2009, regarding the Site Assignment Modification requested by Daniels Recycling Company, Inc.


**Agenda Item 8 – Adjournment**

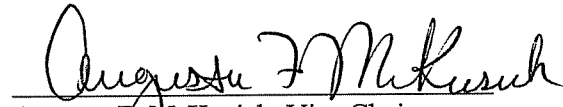
On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted to adjourn this meeting of the Board of Health at 2:41p.m. The vote was 5-0-0.

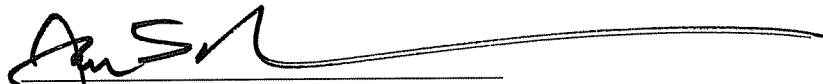
Respectfully submitted,

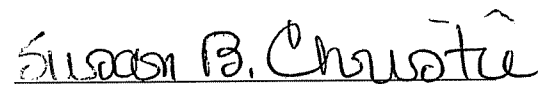
  
Lynda M. Burwell, Board Secretary

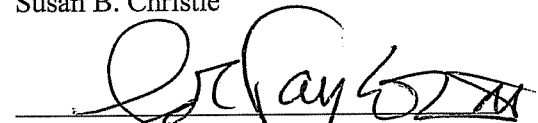
**ORLEANS BOARD OF HEALTH**

  
Robin K. Davis, Ph.D., Chairman

  
Augusta F. McKusick, Vice Chairman

  
Jan Schneider, M.D.

  
Susan B. Christie

  
Attorney Job Taylor, III

September 13, 2009  
Date Approved/Accepted