

TOWN OF ORLEANS – BOARD OF HEALTH
MINUTES OF MEETING

September 16, 2010

The Board of Health convened its meeting at 2:04 p.m. on Thursday, September, 16, 2010 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Chairman, Job Taylor, III, Vice Chair Augusta McKusick, Robin Davis, Ph.D., and Elizabeth Suraci.
Also present: Robert Canning, Health Agent; Susan Christie, Liaison from the Board of Selectmen; and Ed Barr, Liaison from the Finance Committee.

Excused: Jan Schneider, M.D.

Agenda Item 1 – Public or Press

There was no one present for Public or Press.

Agenda Item 2 – Variance Request – 10 and 12 Priscilla Road

Ms. Judy Bersin of Ryder & Wilcox was present to represent Douglas Kuhn, Meredith Wendell, and Barbara Kuhn, owners of the property at 10 and 12 Priscilla Road. Ms Bersin explained their request for variances from Title 5 as well as the Orleans Board of Health Regulation to allow the installation of a new sewage disposal system. The property has cesspools and requires an upgrade. The property supports a four-bedroom dwelling built in the 1940's and a studio which will be abandoned. There are two parcels; Lot 6 (Parcel 98) which supports the studio, and Lots 7 and 12 (Parcel 100) on which the dwelling is located. Most of Parcel 100 is wetland preventing the location of a septic system on that site. Ms. Bersin suggested locating the soil absorption system on the abutting parcel fifty feet from the wetland as required by DEP and the septic tank and pump chamber fifty feet from the wetland as required by the Orleans Board of Health regulations. Excavation revealed perched water at three to four feet requiring a raised system with a concrete containment wall approximately three feet above grade. The variances requested are as follows:

1. Local upgrade requesting that excavation of unsuitable material will extend two feet where five feet is required. A three-foot variance.
2. Request that the leaching facility be located 58 feet from the edge of a wetland. A 42 foot variance from the Orleans Board of Health Regulations. This was approved by the Conservation Commission on August 17, 2010.
3. Request that the leaching facility be located on the adjacent lot as the structure it serves.

Mr. Canning suggested that the Board members may want to consider a variance to Title 5 allowing a 66 foot variance to the soil absorption system and a 56 foot variance to location of the septic tank and pump chamber. Given the soil conditions, perched water, and wetlands, use of the adjacent lot is preferable. Mr. Canning discussed the location of the footings for the leaching area. He also noted that the cesspool is not shown on the plan and asked that Ms. Bersin submit a revised plan showing the location of the cesspool for the studio that will be demolished.

Board members discussed the outbuilding and questioned its water source. Ms. Bersin responded that she was not aware of any wells on the property and assumed that the studio received its water supply from the main dwelling. They also questioned why the assessors map and the site location map appear to be different configurations and discussed the need to place a restriction on the deed that both parcels shall remain in one ownership.

On a motion by Dr. Davis and seconded by Attorney Taylor, the Board of Health voted in the matter of 10 and 12 Priscilla Road. The Board of Health finds that there are cesspools located on Lots 98 and 100 and one of the lots is entirely in the wetland. A raised system is proposed on the adjacent parcel to avoid being in the wetland. This plan which has been presented to us has been approved by the Conservation Commission. I move that we approve three variances; the first being a Local Upgrade Approval, excavation of unsuitable material will extend two feet where five feet is required. We will grant a three foot variance. The other two motions are with respect to the Orleans Board of Health Subsurface Sewage Disposal regulations. The first one is with regard to the location of the leaching facility. It shall not be located on the same lot as the structure it serves. The second one is with regard to setbacks. The leaching facility shall be 58 feet from the edge of a wetland where 100 feet is required. A 42 foot variance is granted. The fourth variance is from Title 5 allowing the location of the SAS is 66 feet and the septic tank and pump chamber are 56 feet.

Conditions of these variances will be that the source of water and the cesspool for that building shall be located and the building will be removed. If there is a water source that is inappropriate it will be sealed. The two lots shall always stay in the same ownership by deed restriction registered at the Registry of Deeds. The vote was 4-0-0.

Agenda Item 3 – Variance Request – 5 Baxter Lane

Mr. Jason Ellis of J.C. Ellis Design Company, Inc. represented James King, owner of the property at 5 Baxter Lane. Mr. Ellis explained his request for variances to Title 5 in order to install a new septic system. One variance requested allows the leaching area to be located ten feet from the existing water line which was not approved by the Water Department. Therefore, Mr. Ellis distributed a new plan (*Exhibit 3-1, Septic System Upgrade Plan revised September 16, 2010 for 5 Baxter Lane*) showing the water line relocated to meet the required ten foot separation between the new soil absorption system and a new water line. The other variance requested allows that there will be no reserve area shown. He also requested approval to place a deed restriction limiting the property to no more than two bedrooms. The septic system proposed would be designed for a two bedroom dwelling. The existing dwelling has two bedrooms and is located on a very small lot of 9,107 square feet. There are two cesspools located near the wetland in the rear of the property which will be pumped and filled. Mr. Ellis proposed installing a new septic tank and pump chamber to pump the effluent to the new leaching facility. This plan was approved by the Conservation Commission on September 7, 2010.

Mr. Canning discussed the new location of the water line, and noted that a reserve area cannot be shown. He explained that a variance is not necessary as long as the proposal is for a repair and there is no increase in flow. Title 5 allows a deed restriction for a two-bedroom design on a dwelling that is less than three bedrooms. Normally, Title 5 requires a minimum design of 330 gallons per day for a residential property unless there is a deed restriction in place limiting the dwelling on that property to no more than two bedrooms.

On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted in the matter of 5 Baxter Lane. This is a property that consists of a two-bedroom home on a less-than-2000 square foot lot, and they are replacing the septic tank. I move that the Board of Health approve installation of a septic system to serve two bedrooms and only two bedrooms. That would be a 220 gallon per day septic tank; and that a deed restriction be placed. I would also note that this is a repair with no increase in flow; and no reserve area is indicated on the plan, nor does one need to be on the plan. The vote was 4-0-0.

Agenda Item 4 – Variance Request – 355 Tonset Road

Mr. Mark and Mrs. Carol Seelen, owners of the property at 355 Tonset Road, were present at the hearing regarding an order to remove their underground fuel storage tank. Currently they have a 1000 gallon oil tank that sits about four feet above grade on the southwest side of the house. They requested a one-year extension to obtain funds to complete the job. Mr. Seelen plans to switch to propane gas in order to have an underground tank.

This will entail installing a new furnace and removal of the old furnace which will cost approximately \$45,000. Mr. Seelen reported that the County has been testing for leaks every year without any problem.

Mr. Canning reviewed the Orleans Board of Health regulations for underground fuel storage tanks which states that all underground tanks storing a hydrocarbon must be removed within thirty years after installation. Some underground tanks do leak and create a lot of damage. He suggested that if Board members choose to grant a variance to extend the order for removal of the Seelen's underground tank for one year, a condition would require that they have the tank tested again very soon.

Board members suggested that Mr. Seelen notify the Barnstable County Dept. of Public Health to notify them that the order was extended for a year. When the tests are conducted, Mr. Seelen should provide a copy for the Orleans Board of Health. It was noted that the test is not always 100% accurate.

On a motion by Dr. Davis and seconded by Ms. McKusick, the Board of Health voted in the matter of 355 Tonset Road. I move that we grant an extension of one year to the removal of this tank. Conditions are that it be tested soon and that the correspondence be directed to the proper place. The vote was 4-0-0.

Agenda Item 5 – Hearing Request – 18 Sparrowhawk Road

Attorney Joseph D'Elia represented Michael Clark prospective buyer of the property at 18 Sparrowhawk Road currently owned by Marshall Edgshill. Attorney D'Elia explained that Mr. Clark would like to increase the number of bedrooms from three to four. He noted that the property is a combination of two lots which took place in the 1950's. However, he has been unable to find, in public records, the condition allowing the two lots to be joined. He recommends restricting the combined property to remain as one lot.

Mr. Canning questioned if the Board of Health would require a variance to allow four bedrooms if the owner registers a deed restriction that the combined property remains as one lot. It was the consensus of the Board members that the deed restriction would eliminate the need for a variance.

On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted in the matter of 18 Sparrowhawk Road to grant a variance and consider Lots 80 and 81 shall remain in common ownership and a Deed Restriction placed that that shall always remain in common ownership so that we can consider this as a single lot and if that is the case, the homeowners would be allowed under our Nutrient Management Regulations to have a four-bedroom house where a three-bedroom house currently exists.

Ms. McKusick amended her motion to make a determination to consider that Lots 80 and 81 shall remain in common ownership and a Deed Restriction considering these lots a single lot. The vote was 4-0-0.

Agenda Item 6 – Approval Request – Left Turn Lunches

Mr. William Wallace was present at the meeting to explain his request for a Mobile Food Service Permit under the name Left Turn Lunches. He presented photographs of his truck (Exhibit 6 – 1) for Board members to review and also noted that he has signatures from thirty-five businesses that would like his services. Mr. Wallace explained what each photo represented as follows:

1. Driver side
2. Passenger side
3. Rear of truck
4. Left side of truck

Mechanical equipment in the unit:

5. Steam table in back of vehicle with a stainless steel cover and lids
6. Interior of steam table
7. Hot box with burner to keep sandwiches hot.
8. Storage above the steam table
9. Soup vat with stainless steel covers and a separate burner beneath to maintain hot soup

10. Right side interior, refrigerator compartments with three roll-up doors
11. Condiment station for prepackaged individual condiments. Fold down stainless steel table
12. Photo of refrigerating unit showing coils, etc.
13. Other refrigeration unit, currently missing the door
14. Interior of cold sandwich compartment
15. Dry goods shelving storage on drivers side
16. Hand washing station – Requesting a variance from the required three-bay sink plus a separate hand washing sink. It would be very costly to retrofit. He would have six extra sets of sterile utensils if something is dropped
17. Coffee burner in left front of vehicle.
18. Interior on left side of vehicle showing stainless steel compartments
19. Right side of vehicle showing refrigeration
20. Same as No 19
21. Vehicle left side from front
22. Vehicle right side from front

Mr. Wallace explained that he is also requesting a variance from the requirement for screening on his truck because he has three other methods to cover food. He will be taking a Serve Safe course on Monday and hopes to be in business by October first.

Mr. Canning noted that Mr. Wallace presented a great overview of the truck. He explained that the truck will have hot & cold storage. Mr. Wallace must have a Mobile Food License because he will be traveling from site to site. Everything will be contained in the vehicle. There are no screens because it would be difficult access the different compartments. Although there is a separate hand washing sink, there is no three-bay sink for ware washing. Mr. Wallace will have multiple sets of utensils available to avoid the need for ware washing. This License will be conditioned upon his certification as a Certified Food Protection Manager, and final inspection of his vehicle/unit. Mr. Wallace will change the lettering on his vehicle before final inspection by the Health Department.

Board members wished him well in his business but cautioned against planning on October first. They commented on the great list of clients.

On a motion by Dr. Davis and seconded by Ms. McKusick, the Board of Health voted in the matter of Left Turn Lunches that we grant a variance to the requirement for a three-bay sink and have only a single-bay hand washing sink. This motion has the following conditions: William Wallace will pass the Serve Safe Course, and that the vehicle will be inspected by the Health Department prior to start of the business, and there is no need for screens because of multiple techniques for covering the food. Vote to grant the permit based upon the Health Department inspection so when everything is in order it will not be necessary for Mr. Wallace to come back before the Board of Health. The vote was 4-0-0.

Agenda Item 7 – Hearing Request – 18 Industry Way

Mr. Marcel Costantino was present at the hearing.

Mr. Canning introduced the issues for the above property. He noted that the property owners (Joe and Trudy Costantino) had requested the hearing regarding the remaining items listed in a January 27, 2010 Housing Correction Order. In response to a complaint, the Health Department had conducted an inspection on January 26, 2010 and found violations to Chapter II, the State Housing Code. A Housing Correction Order was issued to the tenants as well on January 28, 2010 to correct damage caused by the tenants. A second order was issued to the tenants on February 16, 2010. The Health Department conducted several follow-up inspections to identify corrected items. The owner verbally notified the Health Department that the unit would not be occupied until all items are corrected. On August 15, 2010 the owner requested, by letter, additional time to complete corrections because a “squatter” was occupying the apartment. Mr. Canning explained that the original tenant had moved out, and the owner of the property agreed to repair the items in the tenant’s order. A follow-up inspection by the

Health Department on June 22, 2010 noted that screens were missing on several doors and windows. It also noted kitchen cabinets and counters that were not secured, and started to collapse when pressure was applied. In addition, there was a leak from the toilet in the master bathroom and a strong, foul odor was evident in the apartment. Mr. Canning emphasized to the Board members that the Health Department had been assured that the apartment was not occupied; however, he observed furniture in the apartment. Because the apartment was purportedly unoccupied, he did not issue a Correction Order for those items.

Mr. Canning continued to review the remaining violations to be addressed as listed in Board members' packets. Both the tenant and owner were notified of this hearing and both were present at this meeting.

Attorney Taylor questioned why the current tenant was allowed to have access to the premises. Mr. Costantino explained that originally the tenant had given him some money for permission to store his furniture in the apartment. However, at this point the tenant is occupying the unit and Mr. Costantino is not getting any rent and cannot access the unit. He was advised not to lock out the tenant. Mr. Costantino claimed he had been working diligently but it was evident from the list of remaining items that he was not making any progress in correcting the violations.

Board members discussed the presence of health issues.

Eric Neil, the tenant (also present), received a copy of a letter dated August 15, 2010 from the property owners. He explained that he is by no means a squatter, and explained that Mr. Joe Costantino had agreed to rent the apartment to him for \$1200 per month. He noted that he has utility bills and cable bills in his name since April 13, 2010. In response to the requirement to post the owner's name and telephone number in the apartment, Mr. Neil found that information scribbled on a piece of paper on his refrigerator. Mr. Neil received notice from the owner asking for \$2650 in back rent, but he has a bill and deposit slip for \$950 which he paid to the owners. He explained that he has text messages from Marcel Costantino notifying him of repairs he had completed. However, Mr. Neil was unable to obtain someone to share the expense of the apartment because in the shower in the master bathroom had no hot water and the toilet leaked; and another room was contaminated by cat urine. He asked that the repairs be made and offered to leave the apartment open to allow the owner access for repairs.

Board members discussed the remaining violations to be corrected. It was noted that some of the issues discussed during the hearing were not related to the Board of Health and should be settled in Housing Court.

On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted in the matter of 18 Industry Way. The Health Agent was asked to issue an Order of Repair on this property as soon as possible including all the items he had previously read.

The motion was amended by Ms. McKusick to put a thirty-day deadline for a good faith effort to make the repairs and the Health Department to reinspect.

Mr. Canning noted that all items except those to the original tenant are already under order. The additional items noted on June 22, 2010 are already under order. He suggested that those items be stated as "remain under order" and issue a new order for the items that the owner has not yet been ordered to accomplish.

Mr. Canning also emphasized that Chapter II requires that a tenant allow access to the owner of the property to make repairs. The owner should give 24 hours of notice to the tenant, and the tenant is required by the Code to allow the owner in to make the necessary repairs.

Mr. Costantino noted that there had been a hostile confrontation when he went to the apartment.

For the record, Mr. Canning explained that the Health Department did not pursue the order as diligently as they might have because the Health Department was assured that there was no tenant. He suggested that he issue an order to the tenant to allow owner access to property.

Ms. McKusick amended her motion to reflect the finding that the odor of cat urine as well as mold in the laundry area must be addressed. The vote was 4-0-0.

Agenda Item 9 – Health Agent’s Report

Mr. Canning reported on the following Licenses and Permits:

Change of Ownership – Mobil – 109 Route 6A

The new owner, Global Montello Group, has applied for licenses for Retail Food, Tobacco Sales, and Frozen Dessert Sales under the new name of Mobil No. 2711. These licenses would be for the remainder of the year. Mr. Canning also reported that the property is under order to repair the septic system and it is his understanding that the buyer is aware of that order and should continue to proceed with that repair.

On a motion by Ms. McKusick and seconded by Dr. Davis, the Board of Health voted that Mobil No. 2711 under the ownership of Global Montello Group be given Tobacco, Retail Food, and Frozen Dessert Licenses for the remainder of the year. The vote was 4-0-0.

Change of Business Name – Orleans BP – 96 Route 6A

Orleans BP, formerly known as Orleans Getty owned by Erico Hintze and Jose Hintze under the name of J Hintze LLC, has applied for Retail Food Sales and Tobacco Retail Sales licenses. This is the same business under a different business name.

On a motion by Attorney Taylor and seconded by Ms. McKusick, the Board of Health voted to grant Retail Food Sales and Tobacco Retail Sales licenses for the Orleans BP under the same ownership with a new business name. The vote was 4-0-0.

Disposal Works Installers License

William Dinger, of 25 Carlton Drive in Mashpee, has applied for a Disposal Works Installer License. After checking his references, Mr. Canning recommended that the Board of Health approve this application.

On a motion by Attorney Taylor and seconded by Dr. Davis, the Board of Health voted to approve the application by William Dinger for a Disposal Works Installer License. The vote was 4-0-0.

Temporary Food Service Permits

Independent Fraternal Order of the Odd Fellows

The Independent Fraternal Order of the Odd Fellows, represented by Ann Marie Gill, has applied for a variance for cooking outdoors and for the menu (potentially hazardous foods to be served). There will be a Certified Food Protection Manager at the event – the Ed Gill Memorial Run on September 26, 2010 from 11:00 a.m. to 2:30 p.m. Food to be served includes hamburgers, hot dogs, clam chowder, raw oysters and littlenecks, and bottled water.

The raw bar will be provided by a licensed retail shellfish truck which is refrigerated. The shellfish is to be held on ice at the shucking table and will be shucked to order. Hamburgers and hot dogs will be cooked on a gas grill and served to order. Clam chowder will be provided hot by Capt. Elmer’s and will be held hot in chafing dishes. All items will be single use and condiments will be available in individual packets. Tongs, gloves, ladles, and spoons will be used for service of food. All food service will be on the lawn area with a tent over the food service area.

Hand washing facilities will be available at the Odd Fellows lodge and there will be a portable hand washing station set up near the shellfish shucking area. Rest rooms are available at the Odd Fellows lodge and also at Fitness Revolution. Bleach and water will be used to sanitize tables and coolers.

Although this is a complex event, they are getting things from a licensed facility, and the raw bar is provided by a licensed vendor.

On a motion by Attorney Taylor and seconded by Ms. Suraci, the Board of Health voted to grant a Temporary Food Permit to the Independent Fraternal Order of the Odd Fellows as well as a Variance for cooking outdoors and for the menu of potentially hazardous food being served at the Ed Gill Memorial Run to be held on September 26, 2010 from 11:00 a.m. to 2:30 p.m. The vote was 4-0-0.

Orleans Fire Department

The Orleans Fire Department has applied for a variance for the menu to be served at the Fire Prevention Week Pizza Party at the Orleans Fire Station on October 2, 2010 from 1:00 p.m. to 3:00 p.m. Because this is a non-profit group a Certified Food Protection Manager is not required. Pizza and lemonade will be served. The pizza will be provided by Papa Gino's and the lemonade will be store bought, premade and bottled, and will be served in disposable cups. The event will be held indoors. Gloves will be worn by servers to prevent bare-hand contact with the ready-to-eat food. Hand washing and restroom facilities are available on site.

On a motion by Dr. Davis and seconded by Attorney Taylor, the Board of Health voted to grant a Variance for the menu to be served at the Fire Prevention Week Pizza Party at the Orleans Fire Station on October 2, 2010 from 1:00 p.m. to 3:00 p.m. The vote was 4-0-0.

Permit Extension Act

Mr. Canning reported that on July 31, 2010 the Massachusetts Legislature passed the Permit Extension Act. This Act provides that an "approval" in effect or existence between August 15, 2008 and August 15, 2010 will be extended (and in some cases, revived) for a period of two (2) years, in addition to the lawful term of the approval. The term "approval" includes permits, license or approval issued by any municipal, regional or state governmental entity, including zoning, wetlands and environmental permits and approvals. It is not clear how this Act affects Board of Health approvals, permits, or variances. There are several Chapters of the Mass. General Laws listed in the Act as being impacted by the Act; however, Chapter 111 (Board of Health Authority) is not specifically listed. There is a clause however that states "*or any local by-law or ordinance*".

Mr. Canning has requested that Town Counsel review how this Act pertains to Board of Health permits and variances, including how they would affect the Nutrient Management Regulations. He explained that this Act is predicated on the assumption that some developers have not been able to proceed with their plans because they have not been able to obtain financing in the recent economic climate.

33 Eli Rogers Road

Following up on the Housing Correction Order issued by the Health Department, the property owner has received Town Counsel's notice of violation, and the ten-day period has lapsed. Town Counsel will attempt to speak with the property owner's attorney prior to taking the next action. Mr. Canning will be meeting with Town Counsel to review the matter.

20 Hopkins Lane

As a follow up to the previous discussion on this property regarding its failed septic system, Mr. Canning explained that the property owner has received Town Counsel's notice of violation. However, he remains in the ten-day response period (notice was received September 11, 2010). Mr. Canning will be meeting with Town Counsel to review the matter.

Solid Waste

Mr. Canning reported that he met with John Kelly and Mark Budnick regarding the solid waste issues discussed by the Board of Selectmen and Board of Health. Some of the items discussed included:

- The Board of Health can set up a dedicated account and any interest earned remains in the account.
- To set up this account will require approval of an Article at Town Meeting

- Messrs. Canning, Kelly, and Budnick will review the fee schedules for various Cape Cod towns.
- They will look into DEP Recycle Initiative Programs
- They are reviewing the prospect of limiting the size of vehicles (cubic tons of material) that utilize the solid waste facility.
- They are considering the pros and cons of pay-as-you-throw programs
 - Orleans is a seasonal community
 - The initial start-up
 - Manpower and enforcement

Mr. Canning reported that on November 3, 2010 a representative from the town of Bourne will be coming to the Board of Selectmen's meeting to discuss their proposal as a solid waste disposal option. In that members of the two boards wanted to meet in November to discuss this issue further, this would be a good opportunity to meet.

Agenda Item 8 – Approve Minutes

The minutes of the Board of Health meeting held on August 12, 2010 had previously been distributed to Board members for review. Attorney Taylor expressed appreciation to Lynda Burwell for her thorough minutes.

On a motion by Ms. Suraci and seconded by Attorney Taylor, the Board of Health voted that the minutes of the Board of Health meeting of August 12, 2010 be approved as presented. The vote was 4-0-0.

Attorney Taylor also thanked the staff of the Health Department for the recently-compiled book of Board of Health Regulations and Policies.

Agenda Item 10 – Review Correspondence / Old and New Business

Correspondence

- 10 – 1 A letter from Attorney Michael Ford, Town Counsel, and dated August 25, 2010 regarding 20 Hopkins Lane had previously been distributed to Board members for review and discussion. This matter was discussed during the Health Agent's Report.
- 10 – 2 A letter from Attorney Michael Ford, Town Counsel, and dated August 25, 2010 regarding 33 Eli Rogers Road had previously been distributed to Board members for review and discussion. This matter was discussed during the Health Agent's Report.
- 10 – 3 A letter from Thomas W. Joy dated September 9, 2010 regarding the Nine Morgan's Way cottage cesspool had previously been distributed to Board members for review and discussion. This property has been under order to replace the cesspool with a Title 5 septic system for several years, with an extension each year. Board members agreed to accept Mr. Joy's letter as a good faith effort that he will upgrade the septic system prior to the 2011 summer season.
- 10 – 4 The Orleans, Brewster, Eastham Groundwater Protection District Board of Managers Meeting minutes of June 28, 2010 had previously been distributed to Board members for review and discussion.
- 10 – 5 An Orleans Health Department letter of August 2010 to all food service and retail food establishment owners/operators regarding Emergency Operations Information had previously been distributed to Board members for review and discussion. Mr. Canning reported that the Health Department has received Emergency Operations Plans from several establishments.

New Business


Mr. Canning commented on the book of Board of Health Regulations and Policies. Because there are some regulations included that no longer apply, he suggested that he and the chairman meet and compile a list of inactive policies for Board members to review prior to their removal.

There was no further business for discussion during this meeting.

Agenda Item 12 – Adjournment

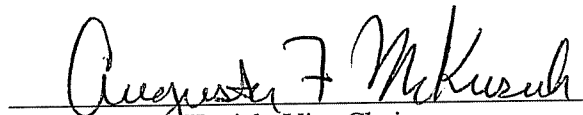
On a motion by Dr. Davis and seconded by Attorney Taylor, the Board of Health voted to adjourn this meeting of the Board of Health at 3:43 p.m. The vote was 4-0-0.

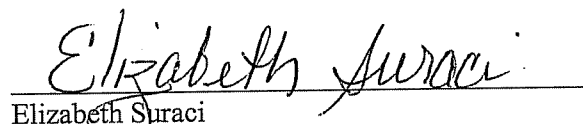
Respectfully submitted,


Lynda M. Burwell, Board Secretary

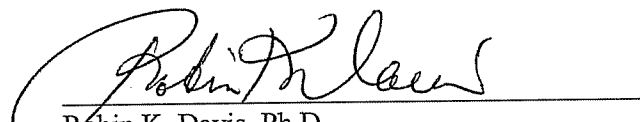
ORLEANS BOARD OF HEALTH

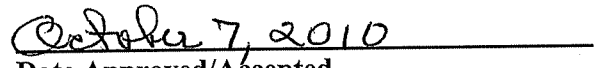
Attorney Job Taylor, III; Chairman


Augusta F. McKusick, Vice Chairman


Elizabeth Suraci

Excused
Jan Schneider, M.D.


Robin K. Davis, Ph.D.


Date Approved/~~Accepted~~

**DOCUMENTS PROVIDED FOR THE September 16, 2010
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – 10 & 12 Priscilla Road

- 2 – 1 – Variance Application Form submitted by Ryder & Wilcox, Inc.
- 2 – 2 – On-Site Sewage Treatment and Disposal System plan dated Revised August 9, 2010

Agenda Item 3 – 5 Baxter Lane

- 3 – 1 – Letter and Variance Application Form submitted by J.C. Ellis Design Company, Inc.
- 3 – 2 – Septic System Upgrade Plan dated Revised September 1, 2010
- Exhibit 3 – 1 – Distributed at the meeting – *Septic System Upgrade Plan dated Revised September 16, 2010*

Agenda Item 4 – 355 Tonset Road

- 4 – 1 – Mark B. Seelen Jr. letter dated Wednesday (Received by OHD on August 13, 2010) requesting a BOH Hearing
- 4 – 2 – Mark B. Seelen Jr. letter (Received by BCDH&E on July 30, 2010) in response to BCDH&E letter dated July 30, 2010
- 4 – 3 – BCDH&E Order to Remove Oil Tank
- 4 – 4 – Excerpt from OBOH Underground Storage Tank Regulations

Agenda Item 5 – 18 Sparrowhawk Road

- 5 – 1 – Hearing Request submitted by Joseph H. D'Elia, Esq.
- 5 – 2 – Excerpt from OBOH Nutrient Management Regulations

Agenda Item 6 – Left Turn Lunches

- 6 – 1 – Application for Licenses/Permits dated September 1, 2010 submitted by William Wallace
- 6 – 2 – List of specific items to be sold
- 6 – 3 – Excerpt from State Food Code, Chapter X
- Exhibit 6 – 1 – Distributed at the meeting – *Photographs of the vehicle to be used by Left Turn Lunches*

Agenda Item 7 – 18 Industry Way

- 7 – 1 – Letter from owner, Joe and Trudy Constantino to OHD dated August 15, 2010
- 7 – 2 – OHD letter to Trudy Nordhausen dated January 27, 2010
- 7 – 3 – OHD letter to Edward Pearl and Melissa Dubois (tenants) dated January 28, 2010
- 7 – 4 – OHD letter to Edward Pearl and Melissa Dubois (tenants) dated February 16, 2010
- 7 – 5 – OHD letter to Trudy Nordhausen dated March 1, 2010
- 7 – 6 – OHD letter to Joe Constantino dated June 15, 2010
- 7 – 7 – OHD letter to Trudy Nordhausen dated July 27, 2010
- 7 – 8 – OHD Hearing Notice dated September 8, 2010 to Joe & Judy Constantino (sent to E. Orleans address)
- 7 – 9 – OHD Hearing Notice dated September 8, 2010 to Tenant (delivered to site on 9/8/10)
- 7 – 10 – OHD Hearing Notice dated September 8, 2010 to Joe & Judy Constantino (sent RRR to Broussard, LA address)
- 7 – 11 – Letter from Trudy Constantino dated August 10, 2010
- 7 – 12 – Follow-up List of Violations at 18 Industry Way
- 7 – 13 – OHD Chronology of Housing Complaint

Agenda Item 8 – Approve Minutes

- 8 – 1 – Orleans Board of Health Minutes of Meeting held August 12, 2010

Agenda Item 12 – Health Agent's Report

- 9 – 1 – Permit Extension Act, Section 173

Agenda Item 10 – Review Correspondence / Old – New Business

- 10 – 1 – Letter from Attorney Michael Ford, Town Counsel, and dated August 25, 2010 regarding 20 Hopkins Lane
- 10 – 2 – Letter from Attorney Michael Ford, Town Counsel, and dated August 25, 2010 regarding 33 Eli Rogers Road
- 10 – 3 – Letter from Thomas W. Joy dated September 9, 2010 regarding the cottage cesspool at Nine Morgan's Way
- 10 – 4 – Orleans, Brewster, Eastham Groundwater Protection District Board of Managers Meeting minutes of June 28, 2010
- 10 – 5 – OHD letter of August 2010 to all food service and retail food establishment owners/operators requesting Emergency Operations Information