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TOWN OF ORLEANS  
TOWN CLERKS OFFICE

## TOWN OF ORLEANS – BOARD OF HEALTH

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### MINUTES OF MEETING

February 3, 2011

The Board of Health convened its meeting at 2:05 p.m. on Thursday, February 3, 2011 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Chairman, Job Taylor, III, Robin Davis, Ph.D. and Elizabeth Suraci. Also present: Robert Canning, Health Agent and Susan Christie, Liaison from the Board of Selectmen.

Excused: Vice Chair Augusta McKusick and Jan Schneider, M.D.,

#### **Agenda Item 1 – Public or Press**

There was no one present for Public or Press.

#### **Agenda Item 2 – Variance Request – 4 Harbor View East**

Mr. Keith Fernandes of J.M. O'Reilly & Associates represented Mr. Edmund and Mrs. Sue Pitcher, owner of the property at 4 Harbor View East. He read the list of variances required for local upgrade approval and minimum setback distances of the septic system on the property. These variances will provide the same degree of environmental protection as a full Title 5 septic system.

Atty. Taylor noted that the current plan is more conservative than the plan discussed in December.

Mr. Canning reviewed the chronology of events resulting in flooding the house and destroying the septic system. The proposed new septic system utilizes a pump chamber to pump effluent to a distribution box which then uses gravity to flow to the leaching areas. He noted that the leaching chambers are staggered to allow minimum distances between them. Mr. Canning also explained the 22 percent reduction in leaching capacity allowed by Title 5 for local upgrade approval.

Although not yet approved by the Conservation Commission, the Conservation Agent has reviewed the wetland plan and it seems accurate. The plan has not yet been approved by the Water Department for location of the water line. The Department of Environmental Protection must also approve the proposed plan for depth of cover.

There were no abutters present.

**On a motion by Dr. Davis and seconded by Attorney Taylor, the Board of Health voted in the matter of the Pitcher property at 4 Harbor View East, Map 21, Parcel 7. Findings are:**

1. The system as designed is the best to be expected for the type of lot after an emergency situation.
2. The system meets the environmental protection as well as the previous system that was damaged in the emergency water main break.

**Variances requested to 310 CMR 15.203 – System Sewage Flow Design:**

1. The system will not meet 100 percent capacity. It will be 78 percent; a 22 percent variance is required.

**Variances requested to 310 CMR 15.221 (7) – General Construction Requirements for All System Components:**

2. The Septic Tank is installed greater than three feet (3') below grade. A five foot (5') variance is required for the eight foot (8') installation.
3. The Pump Chamber will be greater than three feet (3') below grade. A five foot (5') variance is required for the eight foot (8') installation.
4. The Soil Absorption System is greater than three feet (3') below grade. A six foot (6') variance is required for the nine foot (9') installation.

**Variances requested to 310 CMR 15.211 – Minimum Setback Distances:**

5. The Septic Tank is not ten feet (10') away from the water line. A seven foot (7') variance is required.
6. The Pump Chamber is not ten feet (10') away from the water line. A seven foot (7') variance is required.

This motion is contingent upon approval by the Conservation Commission, the Water Department, and the Department of Environmental Protection.

The vote was 3-0-0.

**Agenda Item 3 – Variance Request – Main Street Gourmet, 42 Main Street**

Heather Tarter, new owner of the Main Street Wine & Gourmet at 42 Main Street was present for this hearing.

Mr. Canning introduced this request for a variance to the requirement to have a three-bay ware washing sink on the premises. Although this is primarily a retail store, between 11:00 a.m. and 7:00 p.m. they would like to offer sampling of food which requires the three-bay sink. However, all food will be pre-packaged, opened by staff, and customers will serve themselves using plastic ware or toothpicks. Everything will be disposable, eliminating the need to wash utensils after service and there is no food preparation for samplings. The owner requested a permit to serve sample foods on a daily basis.

Ms. Tarter explained how she would regulate service of the wine and beer samples and how the cheese would be served.

There were no abutters present.

On a motion by Ms. Suraci and seconded by Attorney Taylor, the Board of Health voted in the matter of the permit for Heather Tarter doing business at Main Street Wine and Gourmet that she receive the permit for one year and that will afford her the ability to offer food samples, wine and beer samples, at that location. They will offer samples during store hours only, from 11:00 a.m. to 7:00 p.m. Typical food offerings in the list are non-hazardous as referred to in the proposal dated January 23, 2011. There are thirteen proposals altogether, but I specifically mention the three-bay sink. There is a separate way of handling that which Ms. Tarter will follow. All cleaning supplies will be kept separate from the food. This approval is subject to the approval of the Board of Selectmen for serving of wine and beer. The vote was 3-0-0.

**Agenda Item 4 – Discussion – Highway and Transfer Station Manager**

Mr. Mark Budnick, Highway and Transfer Station Manager, provided an update on the Transfer Station operations. He also provided the Annual Report for FY 2010 and the Operation Plan for FY 2011 for the Transfer Station. (*Exhibit 4 – 1*)

Mr. Budnick reported that disposal materials are in line with that projected with not much change in quantities. He discussed improvements made at the Transfer Station. In June they purchased another recycling compactor for newspapers. They completed construction of metal sheds for universal waste, batteries, fluorescent tubes, etc.

Mr. Budnick described the methane collection systems which capture the gas from decomposing waste in the landfill. This system requires considerable time by staff to maintain and monitor the operation of the flares. He would like to use a nitrogen-controlled valve system to eliminate some of the maintenance. In addition they have changed the paper/pen reporting of the monitoring recorder to an electronic data collector working continuously. There is the possibility, in the future, of generating revenue from the sale of carbon credits. He reported that the landfill is producing enough methane gas to keep the flare running continuously, which is advantageous; but it creates a strain on the budget at a cost of \$450 per month to run the fans.

Mr. Budnick reported that he had negotiated a contract for recycling, resulting in no cost to the Town. However, the town continues to have the option to do the hauling and receive some revenue from recycling. This new contract will reduce the budget for the Transfer Station by approximately \$15,000.

The department continues to have its bi-monthly inspection and monitoring, but he still needs to conduct first aid training for his staff. The county monitors the perimeter sensors on a monthly basis at no cost to the town; no gas has been evident in the perimeter. Groundwater testing is conducted semi-annually and is primarily compliant.

The Highway Department stores catch basin cleanings in a lined area on the landfill property. That permit expires in October and Mr. Budnick is currently requesting an extension from DEP. This also includes street sweepings which they plan to use around the landfill in landscaping berms.

Mr. Budnick commended the Gift House staff for their smooth operation. He noted that it has been open just about every day recently, increasing the cost of electricity for the Gift House, but that's acceptable. However, it seems that people are still leaving items outside the Gift House when it is not staffed.

Mr. Budnick discussed the need for a new solid waste trailer noting that it would cost \$10,000 to repair an old one. They will be trading in two old trailers toward a new one.

In June someone left a substance in an unmarked container causing a significant response to deal with it. The Transfer Station continues paint collection in addition to the Hazardous Waste Collections twice each year.

Mr. Canning outlined the proposed changes in the Solid Waste Regulations, in particular the definition of a "household". He noted that one town allows one additional sticker for each full-price sticker fee per address. Attorney Taylor agreed that each address is allowed one primary sticker and one secondary sticker at the reduced price; the third sticker would be at the primary sticker fee, etc. Mr. Budnick also agreed with the concept. Mr. Canning noted that this change must be recommended to the Board of Selectmen for approval.

Mr. Canning discussed who would be eligible for the primary sticker and secondary sticker for special legal entities. They discussed how to define who the primary person would be in a legal entity and determined that it must be handled on a case-by-case basis. He noted that there is no provision for replacement stickers for commercial vendors, and suggested that the regulations offer a replacement sticker at the residential replacement sticker price.

Mr. Budnick spoke about the requirement for bi-monthly inspections of the Transfer Station operations, and noted that most other municipalities only conduct semi-annual inspections. That change would reduce the cost of inspections at the Transfer Station. It was suggested that quarterly testing might be suffi-

cient, however it was recommended that semi-annual inspections would have a positive effect on the budget.

Mr. Canning discussed the definition of demolition materials, and the difference between clean and other C&D. If Transfer Station staff cannot establish definitions for the classifications of C&D he suggested having just one category for all C&D materials. Mr. Budnick responded that gate staff usually use their judgment when evaluating the C&D material brought to the Transfer Station.

While discussing Commercial Sticker Eligibility, Mr. Canning noted that there are some vehicles with commercial license plates that are registered to a homeowner to be eligible for a residential sticker. Vehicles registered to a business in Orleans are eligible for a primary sticker. Each home is allowed to have one sticker which can be affixed to a business vehicle or personal vehicle. He discussed non-resident business owners in Orleans who do not have a vehicle registered to the business and noted that each business should be allowed one primary sticker.

Mr. Canning discussed that the Town begins selling Transfer Station stickers in late March and suggested that the Board of Health hold its Public Hearing on March 3, 2011. He will have the draft Transfer Station Regulations in the Board's packets for a vote at the next meeting.

Attorney Taylor expressed appreciation to Mr. Budnick for his informative presentation and Mr. Canning concurred that both reports were very thorough. Mr. Budnick offered more information with regard to the Annual Report if Board members had questions.

#### **Agenda Item 5 – Approve Minutes**

The minutes of the Board of Health special meeting held on January 13, 2011 had previously been distributed to Board members for review and approval.

**On a motion by Dr. Davis and seconded by Ms. Suraci, the Board of Health voted to approve the minutes of the special meeting on January 13, 2011 as presented. The vote was 3-0-0.**

The minutes of the Board of Health meeting held on January 20, 2011 had previously been distributed to Board members for review and approval.

**On a motion by Ms. Suraci and seconded by Dr. Davis, the Board of Health voted to approve the minutes of the meeting on January 20, 2011 as presented. The vote was 3-0-0.**

#### **Agenda Item 6 – Review Correspondence / Old and New Business**

6 – 1 – A letter from Frank J. Mason, Jr., owner of the property at 103 Route 6A and Cove Road, dated January 17, 2011 requesting an extension for compliance with an order for removal of floor drains had previously been distributed to Board members for review and discussion.

**On a motion by Attorney Taylor and seconded by Dr. Davis, the Board of Health voted to grant a six-month extension as requested. The vote was 3-0-0.**

6 – 2 – A memorandum from Myra Suchenicz, Assistant Town Administrator regarding the May 9, 2011 Annual and Special Town Meeting Warrants had previously been distributed to Board members for review and discussion.

6 – 3 – A letter from the Health Agent to the Town of Orleans regarding a recent septic inspection at the Beachside Motel located at 223 Beach Road, had previously been distributed to Board members for review and discussion. Mr. Canning reported that this is the property recently purchased by the Town and he expects the Board of Health will receive an appeal for the order to repair/replace the septic systems.

6 – 4 – A notice to Orleans Licensed Sewage Collection and Transportation vendors regarding inspection of vehicles doing haulage in Orleans had previously been distributed to Board members for review and discussion. Mr. Canning discussed that haulers had not recently completed the necessary application forms. Because septage can now go to any DEP approved facility, it is not necessary for the Health Department to receive all the information requested on the forms. However, the Health Department does need to get a receipt back from the pumper so he recommended the appropriate changes to the application form. The Board members concurred with Mr. Canning's request.

6 – 5 – A letter from the Health Department to Daniels Recycling Company, Inc. dated January 24, 2011 regarding outstanding violations and deficiencies at the company had previously been distributed to Board members for review and discussion. This letter was in response to a request from DRCI for any outstanding violations.

6 – 6 – A memorandum from the Health Agent to the Building Inspector dated February 1, 2011 regarding the Building Permit for 17 Surfboat Lane had previously been distributed to Board members for review and discussion. Mr. Canning noted that the Board of Health had voted to not allow the Health Department to sign off on the subject Building Permit.

### **Agenda Item 7 – Health Agent's Report**

Mr. Canning reported on the following:

#### **7 – 3 – Septage Collection and Transportation License**

Mr. Robert Waters of Robert Waters Septic Service was present at the meeting. Mr. Canning explained that Mr. Waters has not been licensed in Orleans since 2008, but had been operating in Orleans. Mr. Waters had requested to be licensed again for septage collection and transportation in Orleans. After considering the explanation, Board members concurred with Mr. Canning.

**On a motion by Attorney Taylor and seconded by Dr. Davis, the Board of Health voted to grant a Septage Collection and Transportation Permit to Robert Waters Septic Service as requested. The vote was 3-0-0.**

### **Housing**

#### **33 Eli Rogers Road**

Mr. Canning discussed the letters he had written following the January 20, 2011 meeting of the Board. Mr. Aselton confirmed by telephone on January 26, 2011 that all items had been repaired with the exception of one window which has been ordered and expected the following week. Mr. Canning reminded him of the gas furnace which must be repaired and inspected by the Building Department, and the outside underground fuel storage tank that must be removed. Mr. Albert, owner of the property, told Mr. Canning that he would have his attorney contact the Health Department to discuss removal. Mr. Canning reported that they still have until February 18, 2011 to come into full compliance with the repair orders and that the hearing has been continued until March 3, 2011. The Health Department has not yet made an inspection of the property.

#### **7 – 2 – Approval of Certificate – Charles Moore Arena**

Mr. Canning explained the request for approval of the annual Indoor Ice Skating Rink Certification Renewal and noted that the Health Department had conducted an inspection and found it to be in compliance with regulations.

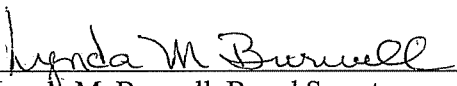
**On a motion by Attorney Taylor and seconded by Ms. Suraci, the Board of Health voted to approve the Certification/Renewal Application of the Charles Moore Arena. The vote was 3-0-0.**

There was no further business to discuss during this meeting.

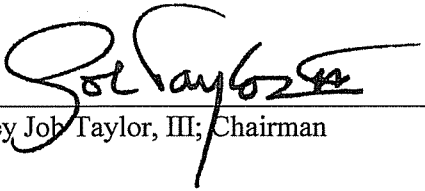
**Agenda Item 9 – Adjournment**

**On a motion by Ms. Suraci and seconded by Dr. Davis, the Board of Health voted to adjourn this meeting of the Board of Health at 3:14 p.m. The vote was 3-0-0.**

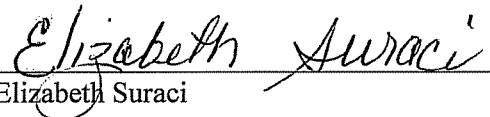
Respectfully submitted,

  
Lynda M. Burwell, Board Secretary

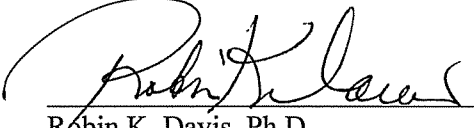
**ORLEANS BOARD OF HEALTH**

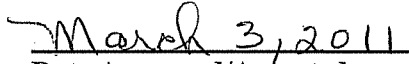
  
Attorney Job Taylor, III; Chairman

Excused  
Augusta F. McKusick, Vice Chairman

  
Elizabeth Suraci

Excused  
Jan Schneider, M.D.

  
Robin K. Davis, Ph.D.

  
Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE February 3, 2011  
MEETING OF THE ORLEANS BOARD OF HEALTH**

**Agenda Item 2 – 4 Harbor View East**

- 2 – 1 – Letter and Variance Application Form dated January 21, 2011
- 2 – 2 – Sewage Disposal System Design plan dated January 20, 2011 prepared by J.M. O'Reilly & Associates
- 2 – 3 – Excerpt of Board of Health Meeting Minutes of December 2, 2010

**Agenda Item 3 – 42 Main Street**

- 3 – 1 – Letter dated January 28, 2011 from Heather Tarter requesting a variance
- 3 – 2 – OHD letter dated January 9, 2006 to Mr. James Canedy

**Agenda Item 4 – Report of the Highway/Transfer Station Manager**

- 4 – 1 – Transfer Station Annual Report for FY 2010
- 4 – 2 – Comparison of Transfer Station Charges
- 4 – 3 – Comparison of Transfer Station Sticker Sales 2008, - 2010
- 4 – 4 – Town of Orleans Use of Orleans Solid Waste Facility Regulations
- Exhibit 4 – 1 – Town of Orleans Transfer Station FY 2011 Operations Plan dated February 3, 2011

**Agenda Item 5 – Approve Minutes**

- 5 – 1 – OBOH Special Meeting Minutes of January 13, 2011
- 5 – 2 – OBOH Meeting Minutes of January 20, 2011

**Agenda Item 6 – Correspondence / Old New Business**

- 6 – 1 – Letter from Frank J. Mason, Jr. dated January 17, 2011
- 6 – 2 – Memorandum from Myra Suchenicz dated January 21, 2011
- 6 – 3 – OHD letter dated January 24, 2011 to Town of Orleans re: 223 Beach Road, et al.
- 6 – 4 – OHD letter dated January 31, 2011 to Orleans Licensed Sewage Collection and Transportation licensees
- 6 – 5 – OHD letter dated January 24, 2011 to Daniels Recycling Company, Inc.
- 6 – 6 – OHD memorandum dated February 1, 2011 to Orleans Building Inspector

**Agenda Item 7 – Health Agent's Report**

- 7 – 1 – None
- 7 – 2 – Indoor Ice Skating Rink Certification/Renewal Application for Charles Moore Arena
- 7 – 3 – OHD letter dated January 27, 2011 to Robert Waters Septic Service
- 7 – 4 – OHD letters dated January 20, 2011 to George Albert and dated January 20, 2011 to Robert and Lorraina McAdams