



TOWN OF ORLEANS – BOARD OF HEALTH MINUTES OF MEETING

February 2, 2012

The Board of Health convened its meeting at 2:00 p.m. on Thursday, February 2, 2012 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Jan Schneider, M.D., Robin Davis, Ph.D., and Elizabeth Suraci. Also present: Assistant Health Agent Erika Woods.

Excused: Chairman Job Taylor, III, Vice Chair Augusta McKusick

Agenda Item 1 – Public or Press

There was no one present for Public or Press.

Agenda Item 2 – Appeal – 7 Longview Drive

Mr. Jeffrey Wall of Wall Septic Service represented Mary K. McCarthy, owner of the property at 7 Longview Drive. Mr. Wall explained that upon inspection (for sale of the property) the septic system failed by definition because of the presence of a cesspool. He noted that the system is working properly, there was no water in the leach pit, and it looked new and in excellent condition. There was no groundwater through the bottom of the pit and there are no wetlands in the area. Mr. Wall suggested modification of the failed septic system by eliminating the existing cesspool (pump and fill with sand) and installing a distribution box to control flow directly to the existing leach pit.

Ms. Woods explained that the septic system failed inspection by definition because of the cesspool. She suggested that the Board might approve a modification to a 1978 Code septic system. She was concerned that because there are no design plans on file there is no record of the capacity of the leach pit; therefore she recommended that the system be evaluated by an engineer or Registered Sanitarian to assess whether the system is adequate for use under the 1978 Code.

Board members discussed the size of the lot, the number of bedrooms in the dwelling, and the date of installation of the leaching pit.

Mr. Wall noted that apparently the septic tank and cesspool were originally installed when the house was built and the leach pit was added later. Ms. Woods reported that the house was built in 1972, has four bedrooms, and the property is approximately 20,000 square feet in area. Mr. Wall confirmed that he had observed the four bedrooms.

Mr. Wall suggested that because of the need for engineering plans, that the Board allow him to install a distribution box contingent upon an engineering report and the finding that the leach pit is sized properly for a four-bedroom dwelling.

On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted to approve the proposed distribution box to replace the cesspool at 7 Longview Drive, the McCarthy property. This is contingent on an engineer certifying that the leaching pit is sufficiently sized for a four-bedroom home. A sketched floor plan shall be provided for the Health Department records. The vote was 3-0-0.

Agenda Item 3 – Variance Request / Approval – Universal Lodge – 107 Main Street

Mr. Frank Ferzoco represented the Universal Lodge for this hearing.

Ms. Woods explained that Mr. Ferzoco has applied for a Temporary Food Permit to again operate the weekend barbeque at the Universal Lodge starting on May 26, 2012 through September 3, 2012 (May 26, 27, 28; June 2,3; 9,10; 16,17; 23,24, 30; July 1, 7,8, 14,15; 21,22; 28, 29; August 4,5; 11, 12; 18, 19, 25, 26; September 1,2,3,) from 11:00 a.m. to 7:00 p.m. Once again he would be serving barbeque ribs, chicken, pulled pork, hotdogs, baked beans, mashed potatoes, green beans, water, Coke and Diet Coke. Because some items are cooked outside variances are needed for the menu and cooking outdoors. Mr. Ferzoco has full use of the kitchen and also has a Certified Food Protection Manager and Allergy Awareness certification.

On a motion by Dr. Davis and seconded Mrs. Suraci, the Board of Health voted in the matter of the Universal Lodge to approve the Temporary Food Permits and variances for the menu and cooking outdoors for the dates listed above for the Masonic Lodge with Frank Ferzoco operating as Dr. Frank N' Swine. This motion is contingent upon receipt of the requested letter from the Masonic Lodge. The vote was 3-0-0.

Because there was no one present to address Agenda Item 4, Dr. Schneider suggested that Ms. Woods proceed to the following items.

Agenda Item 5 – Review Correspondence / Old and New Business

5 – 1 – A letter from Zia Pizzeria & Café dated January 27, 2012 had previously been distributed to Board members for review and discussion. Ms. Woods reported that they are requesting an extension of time to allow staff to attend a Certified Food Protection Manager course in March.

On a motion by Dr. Schneider and seconded by Mrs. Suraci, the Board of Health voted in the matter of Zia Pizzeria to approve the extension until the course in March. The vote was 3-0-0.

5 – 2 – The minutes of the December 1, 2011 meeting of the Orleans, Brewster, Eastham Groundwater Protection District had previously been distributed to Board members for review and discussion.

5 – 3 – A letter from MDEP dated January 20, 2012 regarding the Waste Ban Compliance Plan Approval with Conditions for Daniels Recycling Company, Inc. had previously been distributed to Board members for review and discussion.

Agenda Item 6 – Health Agent's Report

Permits

Refuse Collection and Transportation

Seaside Services had applied for a Refuse Collection and Transportation License.

On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted in the matter of Seaside Services to grant a Refuse Collection and Transportation License. The vote was 3-0-0.

Temporary Food Permit

Mary Reuland, Director at Snow Library, requested Temporary Food Permits for Artists' Receptions to be held at Snow Library on the following dates: February 8, March 10, April 14, May 12, June 9, July 7, August 11, September 8, October 13, November 10, and December 8, 2012. Store-bought cookies, breads and pre-portioned packaged cheeses, bottled beverages and punch may be served. Ms. Woods is waiting for response from the librarian considering service of store-bought fruit trays, store-bought cheese and cracker trays, or store-bought deli trays. However, these additions would require a variance from the Board of Health.

On a motion by Dr. Davis and seconded by Mrs. Suraci, the Board of Health voted to approve all of the Temporary Food Permits for all of the dates listed above for Snow Library. The vote was 3-0-0.

7 Prence Lane

The hearing for this property which is under Order has been extended to March 15, 2012 pending resolution of the order. The system installation has begun and will likely be finished by the end of next week.

At 2:25 p.m. the Board took a short recess to sign permits and await representation for the following hearing. Dr. Schneider reconvened the meeting at 2:36 p.m.

Agenda Item 4 – Appeal – 4 Cheney Road

Dr. Nancy Golden, owner of the property at 4 Cheney Road, was not present at this hearing.

Dr. Schneider reviewed the request for an extension of time to repair the septic system at the above property. However, the Order to repair had been issued in September 2011 and there has been no communication with the owner until this request for an extension was received dated January 24, 2012. He outlined the options available to the Board during this meeting: deny the request, grant the request, or delay this hearing to another meeting to explain why there has been no response to the September Order.

It was the consensus of Board members to allow this hearing to be heard at the next meeting of the Board of Health.

On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted to postpone this discussion to the next meeting. The vote was 3-0-0.

Ms. Woods noted that she had tried to contact Dr. Golden but she was on vacation.

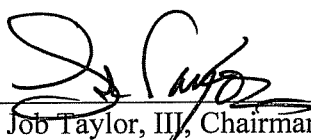
Agenda Item 7 – Adjournment

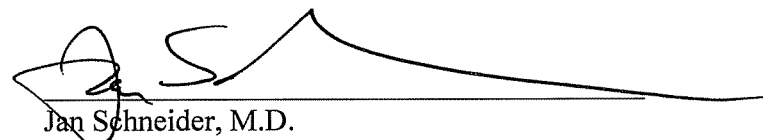
On a motion by Dr. Davis and seconded by Mrs. Suraci, the Board of Health voted to adjourn this meeting at 2:39 p.m. The vote was 3-0-0.

Respectfully submitted,

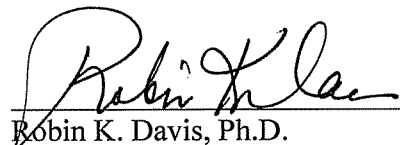

Lynda M. Burwell, Board Secretary

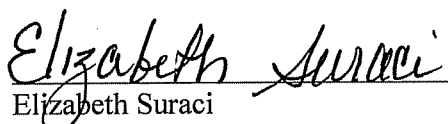
ORLEANS BOARD OF HEALTH

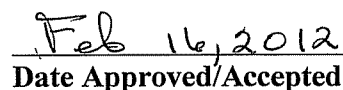
Excused 
Attorney Job Taylor, III, Chairman


Jan Schneider, M.D.

Excused
Augusta F. McKusick, Vice Chairman


Robin K. Davis, Ph.D.


Elizabeth Suraci


Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE February 2, 2012
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – Appeal – 7 Longview Drive

2 – 1 – Letter/Request for Hearing from Wall Septic Service dated January 27, 2012.

2 – 2 – OHD Letter to Mary K. McCarthy Trust dated January 10, 2012

Agenda Item 3 – Variance Request / Approval – Universal Lodge

3 – 1 – Temporary Food Permit 2012 from Universal Lodge dated January 23, 2012

Agenda Item 4 – Appeal – 4 Cheney Road

4 – 1 – Letter/Request dated January 24, 2012 from Nancy Golden

4 – 2 – OHD Letter to Dr. Nancy L. Golden dated January 19, 2012

4 – 3 – OHD Letter to Dr. Nancy L. Golden dated September 27, 2011

Agenda Item 5 – Review Correspondence and Old/New Business

5 – 1 – Letter dated January 27, 2012 from Zia Pizzeria & Cafe

5 – 2a – Orleans, Brewster, Eastham Groundwater Protection District Agenda for January 12, 2012 Meeting

5 – 2b – Orleans, Brewster, Eastham Groundwater Protection District Meeting Minutes for Dec. 1, 2011 Meeting

5 – 3 – Letter from MDEP dated January 20, 2012 regarding the Waste Ban Compliance Plan Approval with Conditions for Daniels Recycling Company, Inc.