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**TOWN OF ORLEANS – BOARD OF HEALTH
MINUTES OF MEETING**

March 1, 2012

The Board of Health convened its meeting at 2:00 p.m. on Thursday, March 1, 2012 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Chairman Job Taylor, III, Jan Schneider, M.D., Robin Davis, Ph.D., and Elizabeth Suraci. Also present: Health Agent Robert Canning, Selectmen Liaison Susan Christie and Finance Committee Liaison Dale Fuller

Excused: Vice Chair Augusta McKusick

Agenda Item 1 – Public or Press

There was no one present for Public or Press.

Agenda Item 2 – Hearing Request – 223 Beach Road (15, 31, & 26 Hubler Lane)

Mr. John Kelly, Town Administrator for Orleans, was present for this hearing.

Mr. Canning introduced the history of this property since the town purchased it in 2010. He noted that the town had been ordered to meet the requirements of Title 5 before any of the units could be occupied by eliminating the existing cesspools. The town has now requested an extension to the Order to Repair to allow them time to evaluate and fund the process for abandoning the cesspools.

Board members discussed why it has taken so long for the town to ask for the extension. Mr. Kelly explained that the town hadn't determined how they would use the property and they now need the Hubler motel for seasonal lodging for lifeguards and other seasonal employees. They weren't able to determine what use they would have for the property until this spring. It will be necessary to abandon the cesspools on the property first and then demolish the cottages later. Lifeguards will be housed in the motel lower level which is served by a Title 5 septic system. Mr. Kelly noted that they already have approval for using the property for overflow parking if needed as well as for access to the off-road areas. All cesspools will be abandoned. Board members discussed how security will be managed in the cottages on cesspools. Mr. Kelly explained that the town has changed all the locks and the units on cesspools were winterized.

On a motion by Dr. Schneider and seconded by Mrs. Suraci, the Board of Health voted in the matter of 223 Beach Road, the former Nauset Beachside Motel. This has been taken over by the town. Some of the units are functional with a good septic system, and with a list of units including several cottages that have been found to have cesspools in their septic system and therefore have been found to be unusable. We have heard that these cottages are not going to be used in the interim pending their demolition; and when demolition comes, the cesspools will be filled even before the buildings are torn down. I move that we allow an extension to any activities since they are unoccupied in the interim and that we ensure that there is no water going to them and that they are properly locked. The vote was 4-0-0.

Agenda Item 3 – Approve Minutes

The minutes of the Board of Health meeting held on February 16, 2012 had previously been distributed to Board members for review and approval.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to approve the minutes of the meeting held on February 16, 2012, as corrected by Dr. Schneider. The vote was 4-0-0.

Agenda Item 4 – Review Correspondence / Old and New Business

4 – 1 – A letter from the Orleans Health Department to Dr. Lisa Anne Arnold, N.D. dated July 19, 2010, and a list of water meter readings from January 2011 through February 10, 2012 had previously been distributed to Board members for review and discussion. Mr. Canning reported that usage is well within the allowed 52 gallons per day.

4 – 2 – A memorandum from the Pleasant Bay Alliance dated February 15, 2012 regarding a Fertilizer Management Plan had previously been distributed to Board members for review and discussion. Attorney Taylor opined that the Board would need to discuss this subject in the future. Mrs. Christie brought forward a newsletter that was included in her Selectmen's package.

4 – 3 – The meeting minutes of the Orleans Brewster Eastham Groundwater Protection District Board of Managers' Meeting dated January 12, 2012 had previously been distributed to Board members for review and discussion.

4 – 4 – A letter from the Orleans Health Department to Paul S. Daniels regarding 61 Finlay Road had previously been distributed to Board members for review and discussion. This property is a condominium with five units and is required to have the septic system inspected every three years. They have not responded to previous correspondence from the Health Department.

4 – 5 – A letter from the Orleans Health Department to Paul Deruyter TR regarding 15 Rayber Road had previously been distributed to Board members for review and discussion. Mr. Canning reported that this property is a condominium and is required to have the septic system inspected every three years. They have not responded to previous correspondence from the Health Department.

It was the consensus of the Board members to invite the owners listed in Item 4-4 and 4-5 to attend the April 19, 2012 meeting of the Board of Health unless the Health Department has received their septic system inspection report before that date.

4 – 6 – A letter from the Orleans Health Department to Leon D. Narbonne Tr. and James A Hadawar regarding 102 Route 6A and 32 Main Street had previously been distributed to Board members for review and discussion. Mr. Canning reported that the owners have had their septic system inspected and forwarded that report to the Health Department.

4 – 7 – A letter from Nancy Golden to David Burnie regarding 4 Cheney Road had previously been distributed to Board members for review and discussion.

Agenda Item 5 – Health Agent's Report

Minimum Standards for Bathing Beaches – 105 CMR 445.000

5 – 1 – Mr. Canning discussed that the annual permit renewals for all bathing beaches are being sent to owners. They successfully receive responses from private beach owners, but not the public (town) beaches.

5 – 2 – Mr. Canning outlined the newly revised portion of the ADA law requiring access to all public and semipublic swimming pools. The Health Department will not be involved in enforcement of this new law.

5 – 3 – Mr. Canning discussed the **Minimum Standards for Swimming Pools** as part of the **State Sanitary Code, Chapter V**. The Board of Health has the authority to require one trained person to be on the premises at all times and that person shall be responsible for the pool. Certified Pool Operators are sufficient for town requirements. In the past the Board of Health had not required lifeguards at semipublic swimming pools; however, it is necessary to have specific signage at each pool. Board members discussed the definition of a semipublic pool, and Mr. Canning listed those at condominiums, motels, and a fitness club.

5 – 4, 5, 6 – Definition of a Recreational Camp for Children

Mr. Canning discussed that the Health Department has some sailing camps that are required to be licensed because they meet the criteria of a recreational camp for children. He outlined the list of requirements in the Minimum Standards for Recreational Camps for Children (105 CMR 430.000). Board members discussed the definition of a camp and whether they need to be licensed as well as the Board of Health's ability to grant a hardship variance to some of the requirements. Mr. Canning informed the sailing organizations in town that they could change their operations to conform to the regulations to not be defined as a camp; or they could meet the requirements and be licensed as a camp.

Agenda Item 6 – Housing Hearing – 7 Arena Drive

John O'Master of Unit 7A, tenant, and Liz Argo, owner of the property at 7 Arena Drive were present at this hearing.

Mr. O'Master reported that at a hearing in court today the judge gave him a reduction in rent for February and March. He has found a new apartment for April. However, he will continue to be without a stove for the next two to three weeks. Mr. O'Master is awaiting an eviction notice from the Sheriff before he actually vacates the apartment.

Ms. Argo discussed the timing of the eviction.

Mr. Canning introduced the history of the Health Department's involvement.

- February 21, 2012 – Mr. O'Master complained he had had no hot water since February 17, 2012. Per Mr. O'Master the stove and hot water heater had been condemned by the Gas Inspector. He was also concerned about the ability of the toilet to flush. Ms. Argo was aware of the situation and was having the hot water heater fixed.
- February 22, 2012 – Ms. Argo stated she was working with plumbers to restore the hot water.
- February 22, 2012 – Mr. O'Master requested that the Health Department conduct a housing inspection.
- February 22, 2012 – Health Department conducted an inspection at 7 Arena Way, Unit A. At the time of the inspection the following deficiencies were observed:
 - The stove has been condemned by the Orleans Gas Inspector and cannot be used.
 - Hot water was not available. The tap water was measured to be 48°F in the kitchen and bathroom. The hot water heater has been condemned by the Orleans Gas Inspector.
 - The rear room used as a bedroom has insufficient light to be used as a habitable room. The floor area of the room is 124 square feet and would require 9.9 square feet of natural light. There is one window in the room that provides 6.67 square feet of natural light.
 - There is no light fixture in the hallway to the back room area.
 - The rear room is being used as a bedroom and has insufficient ventilation to be used as a habitable room. The floor area of the room is 124 square feet and would require 4.97 square feet of natural ventilation. There is one window in the room that provides 3.6 square feet of natural ventilation.
 - There is an electric outlet in the living room wall that does not work.
 - The owner's name, address, and telephone number are not posted in the premises.
 - The main entry is the only means of egress for the unit.
 - The fire alarm did not operate when tested.
 - There is no carbon monoxide alarm in the unit.
 - There is a broken/cracked window pane in the kitchen window near the exterior stairs.
 - There is a large hole in the wall of the bathroom closet.

- Supports for the deck above the unit entrance are not properly in contact with the ground for support.
- The railing on the entry-way step is not properly secured to the step and is loose.
- The kitchen window requires excessive effort to open.

On February 22, 2012 the Health Department informed the owner of the conditions deemed to endanger and the actions to be taken within 24 hours.

- The kitchen stove must be repaired or replaced.
- Hot water of sufficient temperature, pressure, and capacity must be restored as required by all applicable regulations.
- Smoke detectors must be returned to operable condition or be replaced.
- The smoke detectors must be of sufficient quantity and location as prescribed by the Fire and Building Codes.
- Working carbon monoxide detectors must be installed as required by the Building and Fire Codes.

February 22, 2012 – Ms. Argo was informed that within twenty-four hours she must make a good-faith effort to correct these violations; and she was also informed that there were other violations contained in the Housing Correction Order that would have to be addressed.

February 22, 2012 – The Health Department issued a written Order to correct all of the above-noted violations. This order was received on February 25, 2012.

February 23, 2012 – The Health Department heard from Ms. Argo that she has someone to work on the smoke and carbon monoxide detectors, and she was still working on the hot water issue.

February 23, 2012 – The Health Department conducted an inspection with the Fire Department and Mr. Freeman (owner's agent) to review what was necessary for smoke and carbon monoxide detectors.

February 24, 2012 – The Health Department was informed by the Orleans Fire Department that all smoke and carbon monoxide detectors had been installed.

February 24, 2012 – The Health Department spoke with the owner who has authorized Snow's to make the repairs to the hot water heater. The Health Department spoke with Snow's who was targeting February 24th, but because of the inclement weather they weren't sure they could complete the outside work.

February 25, 2012 – The owner's agent confirmed that the hot water had been restored on February 24, 2012.

February 27, 2012 – Ms. Argo confirmed that the hot water had been repaired. She also noted she would work on the stove when she returned to Cape Cod.

February 28, 2012 – The Health Department conducted a site inspection and confirmed that the hot water had been restored.

February 29, 2012 – Ms. Argo submitted a request for a hearing regarding the February 22, 2012 Housing Correction Order.

Mr. Canning confirmed that the issues concerning hot water, carbon monoxide detectors, and smoke detectors have been rectified. All other deficiencies remain.

Board members discussed adjustment to rent for Mr. O'Master. The owner was informed that no one else could move in until the unit is completely brought into compliance with all regulations.

Ms. Argo commended the Health Department for their handling of this situation. She noted that she has had tenants since the 1960's and has had many different tenants.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted that after the departure of the current tenant, which should be no later than March 20th at the latest,

that nobody else becomes a tenant, or occupies the premises at 7 Arena Drive, until all of the corrections noted in the report given by the Health Agent have been put in place. The vote was 4-0-0.

5 – 4, 5, 6 – **Definition of a Recreational Camp for Children** (Continued)

Addressing the discussion of camps, Mr. Canning noted that there are additional camps not discussed before that have been brought to the attention of the Health Department. To date, no one has filed for a variance.


Farmers' Market

Mr. Canning distributed a status report (*Exhibit 5-1*) of the discussions held regarding Board of Health regulations for the Farmers' Market. This will be discussed at the meeting on March 15, 2012.

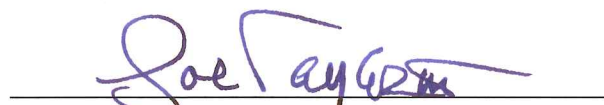
Agenda Item 7 – Adjournment


On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to adjourn this meeting at 2:48 p.m. The vote was 4-0-0.

Respectfully submitted,


Lynda M. Burwell, Board Secretary


ORLEANS BOARD OF HEALTH


Attorney Joe 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 March 1, 2012
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – Hearing Request – 223 Beach Road

- 2 – 1 – Memo from John Kelly to OBOH dated February 24, 2012
- 2 – 2 – OHD Letter to John Kelly dated January 24, 2011
- 2 – 3 – Proposed Subdivision Plan dated April 29, 2002
- 2 – 4 – OHD Letter to John Kelly dated January 24, 2011

Agenda Item 3 – Approve Minutes

- 3 – 1 – OBOH Minutes of Meeting held on February 16, 2012

Agenda Item 4 – Review Correspondence and Old/New Business

- 4 – 1 – A letter from OHD to Dr. Lisa Anne Arnold, N.D. dated July 19, 2010 and water meter readings from January 2011 through February 10, 2012
- 4 – 2 – A memorandum from the Pleasant Bay Alliance dated February 15, 2012 regarding a Fertilizer Mgmt. Plan
- 4 – 3 – The Orleans Brewster Eastham Groundwater Protection District Board of Managers' Meeting Minutes dated January 12, 2012
- 4 – 4 – A letter from OHD to Paul S. Daniels regarding 61 Finlay Road
- 4 – 5 – A letter from OHD to Paul Deruyter TR regarding 15 Rayber Road
- 4 – 6 – A letter from OHD to Leon D. Narbonne Tr. and James A Hadawar regarding 102 Route 6A and 32 Main St.
- 4 – 7 – A letter from Nancy Golden to David Burnie regarding 4 Cheney Road

Agenda Item 5 – Health Agent's Report

- 5 – 1 – Excerpts from 105 CMR 445.000: Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII)
- 5 – 2 – Association of Pool and Spa Professionals information on ADA compliance issues for swimming pools.
- 5 – 3 – 105 CMR: Department of Public Health - §435.00 – Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V)
- 5 – 4 – E. Woods memo dated February 27, 2012 – Definition of a Camp – Discussion with MDPH
- 5 – 5 – 105 CMR: Department of Public Health - §435.00 – Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)
- 5 – 6 – Excerpt of Board of Health Meeting Minutes March 3, 2011, Agenda Item 4 – Discussion of Orleans Firebirds Clinics
- Exhibit 5 – 1 – Status Report of the discussions held regarding Board of Health Regulations for the Farmers' Market

Agenda Item 6 – Housing Hearing – 7 Arena Drive

- 6 – 1 – Letter from Liz Argo dated February 29, 2012
- 6 – 2 – OHD letters to Elizabeth Argo and John O'Master dated February 29, 2012 – Hearing Notice
- 6 – 3 – OHD letter to Elizabeth Argo dated February 22, 2012 – Order to Repair
- 6 – 4 – OFD letter to Robert Canning dated February 24, 2012
- 6 – 5 – OBD letter to Elizabeth Argo dated February 23, 2012