

TOWN OF ORLEANS – BOARD OF HEALTH
MINUTES OF MEETING

October 4, 2012

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ORLEANS TOWN CLERK

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The Board of Health convened its meeting at 2:03 p.m. on Thursday, October 4, 2012 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Vice Chair Elizabeth Suraci, Jan Schneider, M.D., and Robin Davis, Ph. D. Also present: Health Agent Robert Canning and Susan Christie Selectmen Liaison.

Excused: Chairman Job Taylor, III, Augusta McKusick

Agenda Item 1 – Public or Press

Seawind Meadows Farm

Mr. Jerry May, Jr. of Seawind Meadows Farm located in Dennis was present to request a Farmers' Market Retail Food permit. His farm in Dennis raises Highland cattle, pigs and laying hens and is permitted in Dennis for Retail Sale.

Mr. Canning explained that this item is not on the agenda because the application had just been received on October 3, 2012 after the agenda had been posted. Normally, an item such as this would not be heard by the Board because they had not received any information in their packet. Mr. Canning noted that Board members must determine if they should hear this request.

Mr. Canning gave a brief description of the products. The beef and pork is brought to a USDA facility for processing where the product is frozen and packaged. It is then transported frozen to the Dennis food establishment. The products would be transported to the Farmers' Market in coolers with ice packs and the temperature would be monitored to ensure that the product remains frozen. The product would remain in a cooler until sold. Mr. May would like to begin selling at the Orleans Farmers' Market on Saturday, October 6, 2012.

Mrs. Suraci explained that it is uncomfortable to have a proponent request a permit at a meeting where Board members have not had a chance to review the material in advance. Dr. Schneider inquired whether meat products could be sold at the Farmers' Market to which Mr. Canning responded that it would be similar to the fish and seafood products sold. Mrs. Suraci further explained the policy as developed recently by the Farmers' Market and the Board of Health. Dr. Davis suggested that the Health Department look at the material as to safety and make a decision.

Mr. Canning clarified that he and Ms. Woods had reviewed the material and they are comfortable with it. However, the issue is that the item is not on the agenda and the Open Meeting Law requires that any item requiring the Board's deliberation must be on the meeting agenda which is posted two days prior to a meeting. He noted that Ms. Woods has had conversation with Gretel Norgeot, the Farmers' Market manager, and that she is in favor of having this vendor added to the Market.

Dr. Schneider acknowledged that if the item had been listed on the agenda a person with a concern would have been notified of the meeting and would have an opportunity to voice their concern.

It was the consensus of the Board members that this item should be placed on the agenda for the next meeting of the Board of Health.

Mr. May requested that the application be withdrawn.

Agenda Item 2 – Variance Request – 17 Nauset Knolls Lane

Mrs. Judy Bersin of Ryder & Wilcox represented Erika and Kai Von Der Recke, owners of the property at 17 Nauset Knolls Lane. Mrs. Bersin explained that the two-bedroom dwelling, which is for sale, has cesspools necessitating that the septic be replaced upon sale of the property. Mrs. Bersin proposed installation of an alternative treatment system to allow a third bedroom to be added to the house. A Singlair 960 NR system is proposed which would result in less nitrogen loading with a three-bedroom dwelling than with a standard Title 5 septic system for a two-bedroom house. She also mentioned that the owner would be selling a two-bedroom house but would like prior approval from the Board of Health so a buyer could be assured that the engineering and approval for three bedrooms has been obtained.

Mr. Canning explained that this would be a variance to the Nutrient Management Regulations and it does not require a hardship. A variance to the Regulations would allow an additional 110 gallons per day with the use of an I/A system. He noted that additional test holes would be needed but would have no impact on a variance request. However, variances to the Nutrient Management Regulations currently do not have an expiration date and the Board, in the past, has considered placing a condition that a variance would expire one year from its approval unless action has commenced prior to that time.

Board members noted that this property had been discussed before to consider utilization of part of the private roadway in calculating the square footage of the property. Mrs. Bersin explained where cars could be parked. Mr. Canning noted that the plan has to be finalized for soil testing. Board members discussed the process if a new owner wanted to expand the house. If a variance with an expiration date has expired, the proponent would have to reapply for a new variance. This led to a discussion of how to document the allowance for three bedrooms with an I/A system. It was agreed that the variance should contain an expiration date.

There were no abutters present.

On a motion by Mrs. Suraci and seconded by Dr. Schneider, the Board of Health voted in the matter of 17 Nauset Knolls Lane, property owned by Mr. & Mrs. Von Der Recke, that the variance for an I/A system, 330 gallons flow, proposed to replace cesspools at the time the property is sold be granted with a duration of three years. The variance will be in place for three years from the time of the letter going out from the Board approving this variance. That it will support a three-bedroom house and if a three-year time frame is met and nothing has happened in terms of construction, then it will expire. But, if construction has commenced on the septic system and/or the house has been sold, the variance will stand. Conditions contained in packet item 2-2 shall be followed. The vote was 3-0-0.

Agenda Item 3 – Approve Minutes

The minutes of the Board of Health meeting held on September 20, 2012 had previously been distributed to Board members for review and approval. Mrs. Burwell notified Board members of some minor corrections made to the minutes after they had received their packets.

On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted to approve the minutes of the meeting held on September 20, 2012 as modified. The vote was 3-0-0.

Agenda Item 4 – Review Correspondence / Old and New Business

4 – 1 – A Request for Waiver for Septic System Inspection at 8 Windswept Lane had previously been distributed to Board members for review and discussion. The distribution box is located under a very large bush and removal of a fence would be required to allow a machine to remove the bush. The inspector conducted a water test which successfully verified flow to the leaching chamber.

On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted in the matter of 8 Windswept Lane to grant a waiver for inspection of the distribution box. The vote was 3-0-0.

4 – 2 – As an update on Daniels Recycling Company, Inc., Mr. Canning reported on field visits to determine the number of cubic yards per ton of construction and demolition material as discussed at a previous meeting. They will visit other sites for comparison and will continue to monitor DRCI cubic yards compared to their recorded tonnage.

4 – 3 – A letter to Atty. Christopher Ward regarding a follow-up housing inspection at 33 Eli Rogers Road had previously been distributed to Board members for review and discussion. Mr. Canning reported that there continue to be several items that need to be addressed.

4 – 4 – A draft letter to Bank of America, NA, regarding 3 Herring Brook Way had previously been distributed to Board members for review and discussion. Mr. Canning reported that he had received an email notifying him that they will have a crew on October 5, 2012 to install hardwired smoke and carbon monoxide detectors. He will delay sending the letter.

4 – 5 – A letter from the Nauset Public Schools dated September 20, 2012 regarding the placement of AED devices at Nauset Regional Middle School had previously been distributed to Board members for review and discussion.

4 – 6 – A letter from Bev Carney regarding the Tri Town Sewage Plant had previously been distributed to Board members for review and discussion. No action is necessary.

Agenda Item 5 – Health Agent's Report

Licensing/Permits

Temporary Food Permits

5 – 1 – Orleans Community Partnership

The Orleans Community Partnership, represented by Steve Bornemeier, had requested Temporary Food Permits for Evenings at the Old Fire House to be held on Thursday's, Friday's and Monday's on the following dates: October 11, 12, 15, 18, 19, 22, 25, 26 and 29 and November 1, 2, 5, 8, 9, 12 15, 16, and 19. On December 31, 2012 they will hold a Gifts of Hope New Year's Eve Afternoon Celebration. They intend to serve pre-packaged cookies and snacks, bottled water, and coffee procured from a local establishment in urns or insulated containers. Restrooms and hand-washing facilities are available in the building. There will be no bare-hand contact with ready-to-eat food

On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted to approve the events as outlined in the letter dated September 19, 2012 for the Orleans Community Partnership. The vote was 3-0-0.

Ice Cream Café

The Ice Cream Café, owned by Ty/COL, Inc., Greg Norgeot, had requested a variance for the menu for an event held on September 29, 2012 at the Orleans Chamber of Commerce Clambake/Barbeque at the Odd Fellows' Hall. They served ice cream from an on-site freezer. Scoops were held in a sanitizer solution. Extra scoops were available to change out on a regular basis and would be sanitized at the Ice Cream Café. Gloves were worn to prevent bare-hand contact with ready-to-eat food. Hand washing and restroom facilities were available on site.

On a motion by Mrs. Suraci and seconded by Dr. Davis, the Board of Health voted in the matter of the Ice Cream Café to ratify a Variance and a Temporary Food Permit. The vote was 3-0-0.

Discussion Topics

Water Quality at Uncle Harvey's Pond

On September 18, 2012 the Health Department received a call regarding algae in Uncle Harvey's Pond. On September 25, 2012, after consulting with the Massachusetts Department of Public Health, the Health Department posted an advisory at the pond, called those who live in close proximity to the pond and placed a notice on the town's web site advising people that Uncle Harvey's Pond exceeds the Massachusetts Department of Public Health's guidelines for Cyanobacteria (a blue-green algae).

The Health Department advised that people and pets should avoid contact with the pond including swimming, wading and drinking the water in the pond. If an individual does come in contact with it they are advised to rinse off when they leave the pond.

Since this advisory was issued the pond has been checked on two occasions

- On a sample collected on September 26, 2012 the result was 53,000 cells/ml of Cyanobacteria (below the state threshold of 70,000 cells/ml)
- On a sample collected on October 2, 2012 the result was 3,400,000 cells/ml of Cyanobacteria which well exceeds the MDPH guideline level. Microcystin toxin was also detected at greater than 25 ppb, this also exceeds the MDPH guideline of 14 ppb.
- Based on these results the advisory will remain in place and the pond will continue to be sampled.

The Department of Public Health will continue to monitor the concentration of Cyanobacteria in the pond until safe levels have been reached.

Board members inquired how the Cyanobacteria originated. Mr. Canning explained that it is from the nutrients in the pond, usually phosphorous. There has been very low dissolved oxygen in the pond water during the summer. Cooler weather will reverse the conditions and the pond should revert to a healthy condition.

Flu Clinic

The Health Department had a very successful flu clinic on September 27, 2012. Approximately 325 vaccines were administered at the clinic; everyone who came to the clinic was served. For the first 1.5 hours there was a through-put of approximately 50 individuals per 15 minutes (200 per hour) without difficulty. I would like to thank the Council on Aging, the Cape Cod VNA and the Orleans Health Department Staff for all their efforts in making the clinic successful. There were some delays because of the availability of a higher potency dosage for seniors over 75 requiring some discussion at the time of inoculation. Mr. Canning noted that he is not sure if the town will be having another clinic; but there may be a regional clinic if necessary.

I/A Technologies

The Health Department has completed a survey of I/A technology septic systems and would like to know if the Board would be interested in reviewing the information. Dr. Schneider agreed it would be very useful to discuss it again. Mr. Canning will add this item to the agenda for October 18, 2012.

Survey of the Septic Systems in Center of Town

This survey will be completed shortly and will be added to the October 18, 2012 agenda for discussion.

Agenda Item 6 – Adjournment

On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted to adjourn this meeting at 2:52 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.


Elizabeth Suraci, Vice Chair


Robin K. Davis, Ph. D.

Excused


Augusta F. McKusick


Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE October 4, 2012
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – Variance Request – 17 Nauset Knolls Lane

- 2 – 1 – Variance Application by Ryder & Wilcox
- 2 – 1A – Proposed On-Site Sewage Treatment and Disposal System Plan dated Revised September 18, 2012
- 2 – 2 – Excerpts from OBOH Nutrient Management Regulations
- 2 – 3 – OHD letter dated September 4, 2012 to Ryder & Wilcox Engineering

Agenda Item 3 – Approve Minutes

- 3 – 1 – OBOH Minutes of Meeting held on September 20, 2012

Agenda Item 4 – Review Correspondence / Old-New Business

- 4 – 1 – Request for Waiver, Difficulty Locating Components – 8 Windswept Lane
- 4 – 2 – DRCI – No material in packet
- 4 – 3 – OHD letter dated September 20, 2012 to Atty. Christopher Ward re: 33 Eli Rogers Road
- 4 – 4 – OHD letter dated October 5, 2012 to Bank of America NA re: 3 Herring Brook Way
- 4 – 5 – Nauset Public Schools letter dated September 20, 2012 to Town Administrator re: AED's in NRMS
- 4 – 6 – Letter from Bev Carney dated August 8, 2012 to the Tri Town Board of Managers

Agenda Item 5 – Health Agent's Report

- 5 – 1 – Orleans Community Partnership letter dated September 19, 2012 re: Temporary Food Permits