

**TOWN OF HARWICH**



**BOARD OF HEALTH**

732 Main Street Harwich, MA 02645

508-430-7509 – Fax 508-430-7531

E-mail: [health@town.harwich.ma.us](mailto:health@town.harwich.ma.us)

**TOWN OF HARWICH BOARD OF HEALTH  
TUESDAY, JUNE 12, 2018-6:30 P.M.  
HARWICH TOWN HALL – SMALL HEARING ROOM  
MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT:** Chairwoman Pamela Howell, R.N., Vice Chairman Frank Boyle & Member Matthew Cushing, M.D.

**BOARD OF HEALTH MEMBERS ABSENT:** Member Cynthia Bayerl

**STAFF MEMBERS PRESENT:** Health Director Meggan Eldredge & Executive Assistant Jennifer Clarke

**OTHERS PRESENT:** Jeffrey Gomes, Lauren Daniels, Karen Rischitelli, Nassar Boumghait, Maggie Schneider & Charles Weiss

*Recording & Taping Notification: As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the Chair.*

**I CALL TO ORDER**

Chairwoman Howell called the meeting to order at 6:31 p.m.

**II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – May 14, 2018**

**Motion made by Mr. Boyle to approve the minutes of the May 14, 2018 meeting. Dr. Cushing seconded the motion. 3-0-0 Unanimous.**

**III 6:30-7:00 PM - BOARD OF HEALTH WORK SESSION**

**A. Discussion-Annual/Seasonal Permit Approval Process**

Health Director Eldredge stated that the Health Department issues over 500 licenses to operate various businesses. The businesses range from food service, installers, haulers, beaches and pools and are issued annually in the winter or spring of each year. Traditionally, the renewals are processed by staff and the licenses are held, pending approval by the Board of Health at a public meeting. Oftentimes paperwork for renewals come in after a meeting has just taken place, and the applicant must wait up to a month to get their license. All new license requests will continue to be reviewed at the Board level as will any renewal application that has been under any enforcement action. The Board stated no objections to allowing the approval of the renewals to take place at staff level.

**B. Discussion-Harwich Board of Health Regulation 1.211**

In 2007, the Board of Health Regulations were amended to include section 1.211. Health Director Eldredge stated that this regulation needs an overhaul to coincide with the approved CWMP-possibly eliminating the requirement for nitrogen removal technology in Phase II of sewerage. Not all of the properties in the Pleasant Bay Watershed are proposed to be sewerage, however the CWMP outlines a certain amount of properties that need to be sewerage to meet our nitrogen removal requirements. The Board briefly discussed the existing regulation.

Health Director Eldredge stated that she will amend up the language to remove “interim measure” and make it so that if the property is in Phase II of sewerage, the Board of Health will not require nitrogen removal technology.

### **C. Discussion-Septic System Upgrade Extensions**

Health Director Eldredge provided the Board with a copy of the Town of Nantucket’s local regulation regarding upgrade deferrals for areas that are proposed to be sewerage.

After reviewing the site summary and Nantucket’s Regulations, Mr. Boyle feels that the creation of an escrow account would be more applicable to the Nantucket market, a vacation destination as opposed to a retirement community. Ms. Howell suggested that the creation of escrow accounts might help residents better prepare for the sewerage. Mr. Boyle added that Harwich is a retirement community and that sewer connections are a new line item for residents on fixed budgets. We need to take this consideration in the development our deferment program and need to be able to have resources readily available.

Health Director Eldredge stated she will follow up with Town Counsel and do further research on what other towns are doing. She suggested the creation of an administrative consent order for failed septic systems. The consent order would allow dwellings that have a failed septic system to continue to be used until such time as the sewer connection is available. She will e-mail the Board members further information as it becomes available.

Mr. Boyle would like to be sure that residents are sent more than one notice about sewer connections. He also suggested reaching out to the Council on Aging to make sure that they are providing resources and that the residents who require social service assistance are considered a priority of need.

### **IV 7:00 PM -OLD/UNFINISHED BUSINESS**

No old/unfinished business was discussed.

### **V NEW BUSINESS**

**A. Public Hearing-**To solicit comment on the proposed amendments to the “Groundwater Protection Regulations”

Chairwoman Howell opened the public hearing. No public comment was heard. Chairwoman Howell closed the public hearing.

**Motion made by Dr. Cushing to vote to approve the amended Groundwater Protection Regulations as presented. Mr. Boyle seconded the motion. 3-0-0 Unanimous.**

**B. Show Cause Hearing-Cumberland Farms # 2305, 576 Route 28, Harwich Port-** To discuss violations of FDA Tobacco Laws and Regulations

Chairwoman Howell opened the hearing. Present were Nassar Boumhait, Maggie Schneider & Karen Rischitelli.

Health Director Eldredge reported that the Health Department received a notification from the FDA that the Cumberland Farms Store # 2305 had failed their compliance check. Their last FDA violation was 11 months ago.

Mr. Boumhait informed the Board that all Cumberland Farms team members have training and have to pass a test in order to work the cash registers. A copy of the exam was provided to the Board for their review. The person who came in to purchase the e-cigarette appeared to be older than 21.

Dr. Cushing asked if the FDA has seen a copy of the test given to employees. Mr. Boumhait stated he was not sure.

Mr. Boumhait & Ms. Schneider reviewed their policies regarding tobacco sales and noted that they will do their best to prevent any further violations.

Chairwoman Howell closed the hearing.

**C. Show Cause Hearing-7Eleven, 5 Route 28, West Harwich-**To discuss violations of FDA Tobacco Laws and Regulations

Chairwoman Howell opened the hearing. Charlie Weiss was present.

Health Director Eldredge reported that the Health Department has received notification from the FDA that 7-Eleven had failed their compliance check. The last FDA violation was in September 2017. They have not received any violations on the local level.

Mr. Weiss stated that he has had a meeting with the FDA. He is continuing to do training with his employees.

Dr. Cushing asked if Mr. Weiss would have any objection to carding all patrons. Mr. Weiss responded that he would not want to see it come do that. Dr. Cushing feels that Mr. Weiss would want to card all patrons rather than taking the chance of losing their tobacco license.

Chairwoman Howell closed the hearing.

## **VI REPORT OF THE HEALTH DIRECTOR (May 2018)**

Health Director Eldredge introduced Lauren Daniels who is working as our summer intern. Lauren has made a few suggestions for our “healthy living initiative”. She is looking to bridge the gap between the clinical health world and public health.

### **Week Ending May 5, 2018**

- Attended and presented at the Wastewater Support Committee meeting. Reviewed how to use the online document search feature of Accela.
- Jen reached the 400 mark on property scans for Phase II sewerage!! ☺
- Katie attended ServSafe Class.
- Conducted pre-variance engineer meetings for the May BOH meeting.
- Attended a portion of the Selectman’s meeting. Discussion regarding the Saquatucket Harbor septic system was had. Concern over which size tanks should be installed because smaller tanks will be needed if the snack shack vote does not carry at town meeting.
- Attended the quarterly Wellness Committee meeting. Discussion on the upcoming budget, new programs and the need to attend the budget meeting with the steering committee at the end of May.
- Began writing site summaries for BOH meeting.
- Performed one post construction walk-through at 24 Blue Heron.
- Provided 2 interdepartmental referrals for the planning board.
- Attended the Community development meeting regarding 711 Main Street

### **Week Ending May 12, 2018**

- Gave 2 Septic Installer Exams.
- Attended Town Meeting.
- Prepared Site Summaries for hearing for the upcoming BOH meeting
- Attended the Weekly Community development Meeting
- Met with BOH Chair to review upcoming meeting agenda

### **Week Ending May 19, 2018**

- Attended the Monthly Board of Health meeting.
- Staff inventoried all public beaches for required signage.
- Successfully completed the emergency call down drill required quarterly.
- Coordinated with the County for Summer Beach Sampling. We will be sampled on Wednesdays.

### **Week Ending May 26, 2018**

- Met with inspectional services and Police Chief regarding Code Compliance checks for Liquor License Holders. Chief Guillemette would like Health, Fire and Building to accompany an officer to establishments on a weekend evening to perform code compliance checks. These checks will look at overcrowding, off-set seating plan compliance and fire code compliance as well as liquor license compliance. We met with the license holders and went over expectations. Mr. Boyle cautioned the Health Director on taking on this added responsibility. Health Director Eldredge stated that she would be assisting with the code compliance checks for this year and in the future would send out Health Inspectors. Mr. Boyle feels that it is the job of the Police Department to execute their powers, not the Health Department. The Health Department is very busy with day to day work and shouldn’t be burdened with anything additional that is not under their jurisdiction.
- Collected public beach water quality samples at 3 beaches. The County will begin collecting these samples the first week in June, until then, we need to collect them ourselves.
- Attended the monthly department head meeting.

- Reviewed BOH decision letters and minutes from the May meeting.
- Attended the weekly community development meeting

Real Estate Transfer Inspection Reports: 42 +/-

Builder Permit Reviews: 46 +/-

Septic System Permits: 28 +/-

Final Septic Inspections: 26 +/-

Food Inspections: 23 +/-

Complaint Inspections: 14 +/-

Consultations: 18 +/-

Well Permits: 3 +/-

Swimming Pool Inspections: 9 +/-

Interdepartmental Reviews: 1 +/-

## **VII CORRESPONDENCE**

No correspondence was discussed.

## **VIII PERMITS**

ESTABLISHMENT	ADDRESS	TYPE	TYPE
<b>SEPTIC INSTALLER</b>			
A & S Construction (2018 Renewal)			
<b>Cape Coastal Builders (2018 New)</b>			
J.C. Ellis Design Co. Inc. (2018 Renewal)			
<b>Peraino Excavating (2018 New)</b>			
<b>FOOD SERVICE</b>			
<b>Capeside Kitchen (2018 New)</b>	<b>537 Route 28</b>	<b>Food Service: 61-150 seats</b>	<b>Retail: &lt;600 sq. ft.</b>
Fiona's Scottish Scones (2018 Renewal)		Event Permit	
Inn of Treasured Memories (2018 Renewal)	473 Main Street	Food Service: 1-30 seats	
Irish Pub (2018 Renewal)	126 Route 28	Limited Food Service	
Perks (2018 Renewal)	545 Route 28	Food Service: 31-60 seats	
Perrys Last Stand (2018 Renewal)		Mobile Food (3)	
<b>POOL</b>			
A Beach Breeze Inn (2018 Renewal)	169 Route 28		
Allen Harbor Breeze Inn (2018 Renewal)	326 Lower County Road		
Harwich Port Resort Club (2018 Renewal)	558 Route 28		
Inn of Treasured Memories (2018 Renewal)	473 Main Street		
Platinum Pebble (2018 Renewal)	186 Belmont Road		
Red River Condo Association (2018 Renewal)	1011 Route 28		
Wychmere Village Condos (2018 Renewal)	767 Route 28		
Wyndemere Condos (2018 Renewal)	405 Lower County Road		
<b>BATHING BEACH</b>			
Allen Harbor Beach Association (2018 Renewal)	0 Dunes Road	Nantucket Sound	
Sandy Shore Association Beach (2018 Renewal)	Sandy Shore Way	Aunt Edies Pond	
<b>RECREATIONAL CAMP</b>			
<b>UK Elite Soccer (2018 New)</b>			
<b>TITLE 5 INSPECTOR</b>			
Jason C. Ellis (2018 Renewal)			

<b>TOBACCO</b>			
<b>Brax (2018 New)</b>	<b>705 Route 28</b>		

Jeff Gomes from Brax Landing was present to review his proposed tobacco application. He does not plan on selling any tobacco products. Mr. Gomes is affiliated with the Pilgrim Lodge and would be only proposing to have cigars on hand for fundraising dinners. There will be no food or drink service on the deck during the private dinners and no employees will be crossing the area by the fire pit. Mr. Gomes will not be storing any tobacco at the property. In order for him to obtain a tobacco license from the state, he is required to have the local license.

**Motion made by Mr. Boyle to approve the permits as per the list dated June 12, 2018. Dr. Cushing seconded the motion. 3-0-0 Unanimous.**

**IX     OTHER**

No other items were discussed.

**X     ADJOURN** -The meeting adjourned at 7:45 p.m.

**Motion made by Dr. Cushing to adjourn. Mr. Boyle seconded the motion. 3-0-0 Unanimous.**

**Submittals of the meeting are part of the permanent record.**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Tuesday, July 10, 2018 at 6:30 p.m. in the Small Hearing Room.**

Documents included in June 12, 2018 Board of Health Meeting Packet:

- June 12, 2018 Board of Health Agenda
- May 14, 2018 Draft Board of Health Minutes
- Site Summary for Annual/Seasonal License Renewals dated June 12, 2018
- Site Summary for Regulation 1.211 dated June 12, 2018
- Site Summary for Septic System Upgrade Extensions dated June 12, 2018
- Town of Nantucket Board of Health Septic System Upgrade Local Regulation
- Legal Advertisement for Groundwater Regulations dated May 22, 2018
- Town of Harwich Draft Groundwater Protection Regulations
- Cumberland Farms Violation Notice dated June 4, 2018
- Letter from Tobacco Control Director regarding Cumberland Farms dated May 31, 2018
- 7-Eleven Violation Notice dated June 4, 2018
- Letter from Tobacco Control Director regarding 7-Eleven dated May 31, 2018
- Administrative Complaint for 7-Eleven dated April 9, 2018
- Health Director Weekly Reports for May 5, 2018, May 12, 2018, May 19, 2018 & May 26, 2018
- 2018 Hazardous Waste Collection Schedule
- Draft Handout on Rodents
- Site Summary for Update on Summer Intern Wellness Project
- Information Email Regarding Ebola Virus Disease dated May 25, 2018
- Bix Fix Handout
- Any other documents submitted for June 12, 2018 Board of Health Meeting