

TOWN OF HARWICH



BOARD OF HEALTH

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**TOWN OF HARWICH BOARD OF HEALTH
MONDAY, MARCH 19, 2018-6:30 P.M.
HARWICH TOWN HALL – SMALL HEARING ROOM
MINUTES**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Pamela Howell, Vice Chairman Frank Boyle, Member Cynthia Bayerl & Member Matthew Cushing, M.D. (arrived at 6:40 p.m.)

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

OTHERS PRESENT: Senior Health Agent Kathleen Tenaglia, Leora & Richard Amir, David Clark, Peter Hurst, Rachel Frederickson, Laura Kelley & others

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 6:35 p.m.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – February 13, 2018

Motion made by Mr. Boyle to approve the minutes of the February 13, 2018 Board of Health meeting. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.

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

A. Discussion-Use of I/A Technology in Zone II (Continued from 2/13/18 meeting)

The Board agreed to table this discussion until a future meeting.

B. Discussion-Upcoming Sewer Implementation-Board of Health Involvement (Continued from 2/13/18 meeting)

Health Director Eldredge reported that since the last Board of Health meeting, she has attended several Wastewater Support Committee meetings and has been in contact with the Town Administrator and Sewer Commissioner regarding the role of the Board of Health in the Sewer Regulations. At this point the Selectmen are looking for the Board of Health to develop a regulation or policy that will go hand in hand with the Sewer Regulations. There will be a community meeting held about a month prior to town meeting regarding the Wastewater plan. At town meeting, voters will be asked to vote to implement Phase II, which is the construction of the sewer system in the East Harwich area. If approved, the pipes should be installed and ready for the first hookup in 2021. The Wastewater Commissioner will have a list of utility installers available and there will be a fee and permit application created. The rates to connect will vary by contractor, but should be fairly competitive.

Health Director Eldredge and the Board reviewed what might be considered an unusual or substantial hardship for people that might not be able to connect right away. Residents need to understand that they will still be required to hookup, however they could be granted an extension. Situations that might arise include a failed or failing septic system scheduled to transfer ownership or located in Phase II, properties that are utilizing an alternative nitrogen reducing system, systems that were recently installed, etc. Each of these situations will require a waiver or time extension. Health Director Eldredge encouraged the Board to allow for extensions on a case by case basis. The Wastewater Support Committee has said that they would like to send mailers to residences in Phase II to alert them of the proposed sewer system. The Health Department has begun to scan septic as-built and septic site plans for properties within the Phase II. Residents can call or e-mail and have it sent to them electronically. Another question for the Board to consider is if they want to have a separate sewer connection regulation. While it might be a good idea, we are not sure it is necessary. Mr. Boyle feels that there needs to be as much flexibility as possible for homeowners.

IV 7:00 PM -OLD/UNFINISHED BUSINESS

No old/unfinished business was discussed.

V NEW BUSINESS

A. Hearing-Wilder Way (formerly 1522 & 1546 Orleans Road) - to consider a request for a preliminary 8 lot subdivision prepared by Eastward Homes Business Trust

Chairwoman Howell opened the hearing. David Clark of Clark Engineering was present on behalf of Eastward Companies. They have submitted a preliminary 8-lot residential subdivision for review. The subject property consists of an 8.5 acre lot, formerly 1522 & 1546 Orleans Road which has varying topography and is heavily wooded. The property is located in a Zone II and the watershed of Pleasant Bay. Mr. Clark stated that this property is in Phase II for sewerage and he would like to ask the Board to allow them to install a partial Title 5 septic system until they are ready to connect into the sewer. They are anticipating a 6-7 year build out for the lots and would limit the construction to 4 houses until they wait for the sewer connection. Since they are going to voluntarily restrict the initial construction to 4 houses, they would ask that the Board consider waiving the requirement for treatment. If the town does not approve the sewerage, they would design a septic system with I/A technology to serve the rest of the lots.

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

Health Director Eldredge stated that because this is a preliminary subdivision plan, the Board does not need to address all of the sewer and bedroom questions yet. Health Director Eldredge recommended approval of the preliminary subdivision plan with the following conditions:

1. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations for any of the lots.
2. The subdivision will be served by town water.
3. In order to prepare for any connection to a sewer system, a sewer line will exit the building on the street side.
4. Prior to the consideration of the definitive subdivision plan, an Environmental Impact Report in accordance with Board of Health Regulation 1.211 will be required to be submitted to the Board of Health.

Motion made by Ms. Bayerl to accept the recommendation of the Health Director. Ms. Boyle seconded the motion. 4-0-0 Unanimous.

B. Hearing-Dr. Cavity's Candy Shack, 560A Route 28, Harwich Port, to consider variances from the Food Code

1999 Federal Food Code

1. Chapter 4-301.12, relief requested from the requirement of a three bay sink. Alternate ware washing procedure proposed.
2. Chapter 5-203.13, relief requested from the requirement of a separate hand washing sink. Alternate handwashing location proposed.
3. Chapter 6-301.1, relief requested from the requirement of a service sink. Alternate service sink procedure proposed.

Chairwoman Howell opened the hearing. Health Director Eldredge read the variances that are being requested. Peter Hurst was present and reviewed the memo that he provided to the Board with his suggestions for operation. They have an agreement with the Mad Minnow Restaurant that allows the candy store to sanitize their containers in their licensed commercial kitchen. The store currently has 24 jars with wrapped candy and 52 jars with unwrapped candy. The plan includes the use of plastic totes to transport the jars-separate totes for dirty and clean jars. Handwashing is to be done in the employee bathroom, floors will be washed with disposable mop pads.

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

Ms. Bayerl asked how the applicant can guarantee the sanitation of the food and asked who is allowed to put their hands in the candy jars. Mr. Hurst responded that anyone with a glove on (staff or patrons) can access the jars. They keep a booklet at their counter with a list of what candy they have, candy ingredients and expiration dates. They do not generally have a problem with expired candy due to the high volume of patrons. Mr. Hurst stated that he has the utmost confidence in his staff to smoothly run the day to day operations and follow protocol.

Dr. Cushing asked if Mr. Hurst has a written handwashing policy for his staff, adding that the lack of handwashing has been a major source of infection and that the sterilization of the containers will become insignificant if hands are not washed. Mr. Hurst stated that he will provide the Health Department with a written copy of the handwashing protocol. There are 2-3 people on staff at the same time and any persons taking in money are not handling candy.

Health Director Eldredge explained that these variances are being requested because the store changed locations without plan review and the store and septic system are not designed for food service. Mr. Hurst operated last year without a permit from the Health Department. Director Eldredge believes that washing your hands before putting on the gloves is necessary, if an adult is putting gloves on a child, the adult should be washing their hands first so the outside of the gloves are not contaminated. Ms. Howell suggested the use of hand sanitizer pumps in the establishment and suggested having signage that requires the use of sanitizer before putting on gloves.

Health Director Eldredge stated that when an establishment has variances, they are inspected 4-5 times per year. She recommended approval of the variances with the following conditions:

1. No expansion of food service beyond the proposed operation.
2. Fudge must be cut with single use utensils.
3. Employee supervision over unwrapped candy jars is required at all times.
4. Hand sanitizer shall be required prior to glove use by patrons.
5. A full time Certified Food Protection Manager must be on staff.
6. These variances are non-transferable, should the location or ownership change, variances must be requested again.
7. The Health Department reserves the right to revoke these variances at any time.

Motion made by Dr. Cushing to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

C. Discussion/Presentation-Laura Kelley/POCCA Cape Cod-Request for Board of Health to write a letter to Eversource against Vegetation Management Plan (VMP) for 2018-2022

President of POCCA Cape Cod, Laura Kelley was present. She is requesting that the Board of Health write a comment letter against the Vegetation Management Plan 2018, written by Eversource, to MDAR. The VMP will last for the next 5 years and proposes to use herbicides to maintain vegetation along the rights-of-way powerlines. Her hope is to provide education that there are other methods to maintain vegetation that are less harmful over time. Ms. Bayerl stated that before she retired, she very frequently worked with MDAR. She asked Ms. Kelley if MDAR works the Department of Public Health. Ms. Bayerl also suggested that Ms. Kelley work on educating the public so they can advocate for themselves.

Dr. Cushing added that overspray of the herbicides is also a large problem. He would like to see better proof that the herbicides are harmful before the Board sends any type of letter.

Ed McManus was present and noted that we are dealing with chemicals that are not yet considered toxic by the EPA. We are dealing with a public utility that is given a monopoly right in order to provide a public service of providing energy to homes. They have been using a cocktail of chemicals to spray down vegetation and they have not proved the impacts of the chemicals that are used. The public on Cape Cod in all 15 towns have been asked to take a vote to now allow this to happen and Mr. McManus feels that the towns have been blown off. For no other reason, Mr. McManus feels that we should oppose this because Eversource has refused to play fairly. He urged the Board of Health to take a position and write a letter to MDAR urging other vegetation management.

Ms. Bayerl asked if we could suggest to MDAR that they fund a study to prove why they chemicals are not harmful. Dr. Cushing again stated that he would be reluctant to suggest banning of the spraying until we have more evidence that is damaging to our aquifer.

Leora Amir was present and feels that the much larger issue here is what any effect might be on human health. She asked why the general health risks of these chemicals are not being reviewed and feels that the ramifications are never ending. She would like to see the conversation expanded.

Ms. Kelley stated that as of today, 9 towns have sent letters and she is still collecting more. She feels that it is up to the Board of Health to protect its residents.

Mark Farber was present and noted that Thompsons Field, where hundreds of people walk a day, has an area that crosses over Eversource's easement. He asked if there might be a condition for Harwich because so many people cross over that area. At this point, Mr. Farber does not see a need to spray. If the area is maintained, why use chemicals.

Mr. Boyle stated that he would be in favor of submitting a letter. Dr. Cushing would like to see overspray addressed in the Board's letter. Ms. Bayerl stated she would be in favor of submitting a letter and would like to see a suggestion about them funding a study to show evidence based information showing harm or lack of harm of the chemicals. Ms. Howell agreed with all comments. The Board was in agreement and directed Health Director Eldredge to draft a comment letter against the VMP for the Board's review.

VI REPORT OF THE HEALTH DIRECTOR (February 2018)

Week Ending February 3, 2018

- Researched groundwater information for the planning board approval of the use "cuddy's pit"--off Route 39/0 Halls Path. RH White is proposing to continue to use this sand pit as an area to stockpile material for the National Grid Pipeline project. The concern is regarding the stockpiling of aggregate that may contain some asphalt from the roads that are being dug up to install the pipe line. A concerned neighbor contacted the Health Department stating that he believes groundwater to be within 2' of grade where the stockpiled materials will be and that asphalt contains contaminants. I have researched the groundwater information with the help of the Town Surveyor and believe groundwater to be between 10 and 11' below grade. Also, RH White provided a statement that they will not be milling asphalt on this site, the large pieces of asphalt

will be taken off site immediately and the stockpiled material will be screened at least every 2 months-with asphalt removed each time.

- Prepared site summaries for the upcoming BOH meeting. Prepared background information for discussion items on the next agenda.
- Attended the weekly community development meeting. Met with restaurant owner regarding site plan review and other inspectional services.
- Wrote a letter of support for a FY18 Community Development Block Grant for the MA Department of Housing and Community Development. This organization provides assistance to towns throughout the Cape to meet housing rehabilitation needs and childcare voucher needs of low-moderate income residents.
- Applied for a grant for a summer intern from the Department of Public Health. This grant could provide a public health graduate student 1-2 days per week for the summer. I requested someone willing to work on the Boards Public Health and Wellness education/promotion, specifically nutrition and exercise as it relates to childhood obesity and Type 2 diabetes.
- Inspector Twombly continues to work on completing prerequisite classes for the Foodborne Illness Training workshop being held next week. Classes are taken online and include background information such as microbiology, sanitation and food code regulations. The three day workshop is next week in Taunton.

Week Ending February 10, 2018

- New employee training and orientation for Katie Tenaglia.
- Conducted one Title 5 Inspector exam-passing results.
- Inspector Twombly is attending a three day training in Taunton on Food borne Illness investigations in food service establishments.
- Met with David Young of CDM Smith to review the CWMP and upcoming sewer project. We discussed the BOH's role and responsibilities and the need for policy's to be in place prior to sewer use. The BOH needs to begin thinking about new construction and failed/failing systems that are within the Phase II area. I would like to begin to attend the wastewater support committee meetings as a BOH representative. These meetings are held to help with educating the residents on how the sewer project is going to work and impacts it will have on individual homeowners.
- Requested a list of properties to connect during Phase II of the sewer project from CDM Smith. I have started a project with my staff of gathering septic permit numbers of the properties to connect to the sewer in order to pull the septic files. My goal is to scan the site plan of each property that will be looking for information regarding the location of their existing septic system line/system so they can get a better sense of where they should have the new town sewer line installed. The scanned documents will then be linked to the property address through Accela-accessible online to the general public. CDM Smith indicated that they will be requesting this information from the homeowners prior to construction, so I believe getting this information scanned onto our website will be helpful-both to the homeowner as well as to our staff.
- Presented speech to Garden Club regarding food service at events at the Community center. Pot luck luncheons were taking place without the knowledge of the Health Department. This activity has ceased and the club has been informed of the regulations.
- Completed Site Summaries for the upcoming BOH meeting next week.

Week Ending February 17, 2018

- Attended a MIAA training about Civility and Inclusion in the workplace. This workshop was offered to managers and was helpful as I am a new manager.
- I would like to applaud Jen Clarke for her outstanding work gathering septic permit numbers for nearly 600 properties included in Phase II of the CWMP. It is clear that this project will take time to complete as many of the files are in the basement. Each of these 600+ files will be pulled and a site plan (if available) will be scanned onto the computer and then transferred to Accela so the public can access the information. This will be extremely helpful to homeowners looking for information when they are asked where they want the new sewer line to be located on the street. This project is likely to take the better part of a year-the scanner is in a separate office and this task requires the file to be saved onto a thumb drive, plugged back into a desktop computer, saved under the appropriate address and uploaded onto Accela. Since we are

attempting to do this amongst our other daily tasks, I think a one year target for completion is reasonable. Thanks again Jen for getting a jumpstart on this!

- Attended the monthly BOH meeting. Two properties received variances, discussion was had on I/A technology use in Zone II (tabled) and discussion on needed BOH policies for Phase II of the sewer project.
- Attended webinar on how to update the website. Other staff members present for this training/refreshers as well.
- Agent Tenaglia began training on ICS and emergency preparedness as well as Title 5. We started reviewing septic system permit applications and building permit applications

Week Ending February 24, 2018

- Attended the Wastewater Support Committee meeting. It is evident that the BOH will need to be more involved with the decision/policy making of sewer connections.
- Received a negative sample result from the State Rabies Lab from a dog involving a bite to a human. Rabies has not been reported in Harwich (or Cape Cod) since around 2005.
- Reviewed draft approval letters from BOH meeting last week, as well as minutes from the last meeting.
- Received a deposition request for 5 Sea Street extension. This deposition is requested to take place on March 9th. Additionally, a records request for this property was also received.
- Held a short staff meeting to discuss septic plan scanning project for phase II, went over public information laws/requests, conflict of interest law, open meeting laws.
- Attended the bi-monthly meeting of the Health Agent's in Barnstable.

Real Estate Transfer Inspections: 8+/-

Septic System Permits: 17+/-

Building Permit Reviews: 12+/-

Certificates of Compliance: 8+/-

Final Septic Inspections: 3+/-

Food Inspections: 15+/-

Complaint Inspections: 5+/-

Consultations: 8+/-

Well Permits: 1+/-

Annual Permits/Licenses: 10+/-

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	TYPE
FOOD SERVICE		
Jam Sweet (2018 Renewal)		Event Permit
Noble House (2018 Renewal)	21 Route 28	Food Service: 61-150 seats
Sweet Daisies (2018 Renewal)		Event Permit
St. Peters Lutheran Church (2018 Renewal)	310 Route 137	Institution
The Crimson Lion (2018 Renewal)		Event Permit
The Lanyard Bar & Grill (2018 New)	429 Route 28	Food Service: 61-150 seats
Weatherdeck Restaurant (2018 Renewal)	168 Route 28	Food Service: 61-150 seats
Wingate at Harwich (2018 Renewal)	111 Headwaters Drive	Institution
SEPTIC INSTALLER		
Abb-Solutely Septic Service-Minor Repairs Only (2018 New)		
Alan J. Hall (2018 Renewal)		

CSN Engineering/Linda Cronin (2018 Renewal)		
Matthew A. Eldredge Bobcat Service & Landscape (2018 New)		
MCE Dirtworks (2018 Renewal)		
Peter W. McIntire & Sons (2018 Renewal)		
STABLES		
Chrystal Kline (2018 Renewal)	324 Oak Street	Residential Stable
SEPTIC HAULER		
Scott M. Frank (2018 Renewal)		
TITLE 5 INSPECTOR		
David J. Burnie		
TOBACCO		
Harwich Gas & Propane (2018 Renewal)		

Motion made by Ms. Bayerl to approve the permits as per the list dated March 19, 2018 with the following comments:

- The Lanyard Bar & Grill will be released after final Health Department inspection
- Matthew Eldredge will be released pending passing completion of the Septic Installer exam
- Noble House will be released after they are in compliance with their outstanding order

Dr. Cushing seconded the motion. 4-0-0 Unanimous.

IX OTHER

No other items were discussed.

X ADJOURN- The meeting adjourned at 8:31 p.m.

Motion by Ms. Bayerl to adjourn. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

Submittals of the meeting are part of the permanent record.

Respectfully Submitted,

Jennifer Clarke

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

Documents included in March 13, 2018 Board of Health Meeting Packet:

- 3/19/2018 Board of Health Agenda
- 2/13/2018 Draft Minutes
- Memo to Board of Health Regarding Sewer Project Phase II dated 3/13/2018
- Preliminary Subdivision Plans & Informational Packet for Wilder Way (formerly 1522 & 1546 Orleans Road) dated 2/27/2018
- Memo to Board of Health for Dr. Cavity's Candy Shack dated 2/26/2018
- E-mail Correspondence from Laura Kelly/POCCA dated 3/13/2018
- Weekly Reports of the Health Director dated 2/3/2018, 2/10/2018, 2/17/2018, 2/24/2018
- Any other correspondence/documents provided for the 3/19/2018 Board of Health meeting