

TOWN OF HARWICH



BOARD OF HEALTH

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**TOWN OF HARWICH BOARD OF HEALTH
TUESDAY, SEPTEMBER 12, 2017-6:30 P.M.
HARWICH TOWN HALL – DONN B. GRIFFIN ROOM
MINUTES**

BOARD OF HEALTH MEMBERS PRESENT: Chairperson Pamela Howell, R.N., Vice Chairman Frank Boyle, Members Dr. Robert Insley, Cynthia Bayerl & Dr. Matthew Cushing

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

OTHERS PRESENT: Health Inspector Hunter Twombly, Skipper Lee, Bill Galvin, Marjorie Dey, Roberta Tutington, Aaron Gingras, Renee Lincoln, Mark Coleman, Linda Flaherty, Margaret Chase, Charles Chase, Larry Ballantine, Angela McNamara, Bob & Dianne Payne, Mary Ann & Chris Kinum, Gerie Schumann, Joel Buffington, Beverly Bangs, Audrey Greenway, Toney Hopkins, Darren Meyer, Jim Jones, Jeff Eldredge, Stephen Johnson, Jennifer Johnson, Attorney William Henchy, Jennifer Dickson, Cynthia Gushee, Meredith Viprino, Pamela Rodrigues, Anthony Rodrigues, Jamie Vient, Sally Mahoney, Leo Cakounes, Christopher Clark, James Kelsey, Larry Folding, Bill Bohlin, Debbie Bohlin, Michael MacAskill, Barry Dino Viprino, David Coughanowr, Trevor Kurz & Andrea Besse

I CALL TO ORDER

At 6:32 p.m., Chairperson Howell called the meeting to order.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – August 8, 2017

Motion made by Ms. Bayerl to accept the regular meeting minutes of the August 8, 2017 Board of Health meeting. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

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

A. Public Hearing-To solicit public comment and make a determination on proposed fee changes and new fee categories effective for 2018 licenses and permits

Ms. Howell opened the hearing and asked for public comment. No public comment was heard.

Motion made by Ms. Bayerl to accept the proposed fee changes and new fee categories as presented effective for 2018 licenses and permits. Dr. Cushing seconded the motion. 4-0-0 Unanimous.

Health Director Eldredge informed the Board that on December 5, 2017, the Board of Health has been requested to appear in front of the Board of Selectmen to provide their annual update. Chairperson Howell will give the presentation.

Frank Boyle arrived at 6:40 p.m.

Dr. Cushing stated that he would like to see the Board of Health expand the scope of what they discuss to include topics surrounding dietary issues. He suggesting presenting a report on Channel 18. Health Director Eldredge stated that they could prepare a quarterly Board of Health video or webinar.

Ms. Bayerl suggested that the Board partner with other agencies who promote prevention and wellness. She acknowledged that the town and Board are constricted by the budget and available staff and noted that there may be grants available for assistance. She would like to see what information other departments have available and what they are willing to share. There is strength in partnership.

Health Director Eldredge stated that we can discuss this further at the October Board meeting and she will put together a list of resources. Ms. Bayerl said that she will do research as well.

An employee flu clinic will be held in October and the facility will be set up as a drill. Health Director Eldredge explained why the drill is necessary and she will keep the Board informed as the date approaches. We have not held public flu clinics for the past couple of years because flu vaccines are readily available around Town. The state provides the adult vaccine free of charge for those without insurance. Health Director Eldredge stated that she will post information on our website and provide information to the local papers to see if they will run an article.

IV 7:00 -NEW BUSINESS

A. Hearing-Mobassaleh, 19 Shannon Road, to consider a variance request to install a new Title 5 septic system prepared by Meyer & Sons Inc.

1. Per 310 CMR 15.104: To allow a sieve test in lieu of percolation test
2. Per 310 CMR 15.227(5): To allow septic tank to be less than 12" below adjusted high groundwater

Ms. Howell opened the hearing. Darren Meyer was present and reviewed the variances being requested. The proposed project is to upgrade the existing cesspool with no increase in flow to the dwelling. Groundwater has triggered the request for the variances. Groundwater was observed between 41"-49" below grade, varying between the 2 test holes. The plumber for the project stated that they could raise the plumbing 14" but the outlet pipe would still be below adjusted groundwater. Mr. Meyer discussed existing groundwater calculations and elevations.

Dr. Cushing asked the engineer to explain the coupling between the outflow pipe and the tank. He asked if there was anyway of reinforcing the coupling. Mr. Meyer explained.

Ms. Howell closed the hearing.

Health Director Eldredge stated that this is a 2 bedroom home served by cesspools and that the new system will be a great improvement. She recommended approval of the request with the following conditions:

1. The dwelling shall be restricted to a total of 2 bedrooms per the plan dated July 14, 2017, prepared by Meyer & Sons, Inc.
2. No increase in number of bedrooms, flow or square footage.
3. The septic tank shall undergo a 24 hour water test after installation.
4. Plumbing will be raised 14", a revised plan shall be submitted.
5. The septic tank covers shall be water proofed.
6. This approval letter shall be recorded at the Barnstable Land Court.

Motion made by Dr. Insley to accept the recommendation of the Health Director. Dr. Cushing seconded the motion. 5-0-0 Unanimous.

B. Hearing-Sampson, 20 Nehoiden Street, to consider a variance request to install a new Title 5 septic system prepared by Eco-Tech Rapid Response

1. Per 310 CMR 15.227(5): To allow the invert elevations of the septic tank and pump chamber to be less than 12" below adjusted high groundwater

Ms. Howell opened the hearing. David Coughanowr was present and reviewed the variances being requested. The proposed project is to upgrade the existing cesspool with no increase in flow to the dwelling.

Ms. Howell closed the hearing.

Health Director Eldredge stated that this is a 3 bedroom home served by cesspools and that the new system will be a great improvement. The system will be a mounded pump system. She recommended approval of the request with the following conditions:

1. The dwelling shall be restricted to a total of 3 bedrooms as submitted on the May 27, 2014 plan prepared by Eco-Tech Rapid Response.
2. No increase in number of bedrooms, flow or square footage.
3. The septic tank shall undergo a 24 hour water test after installation.
4. This approval letter shall be recorded at the Barnstable Land Court.

Motion made by Dr. Cushing to accept the recommendation of the Health Director. Dr. Insley seconded the motion. 5-0-0 Unanimous.

C. Public Hearing- To solicit public comment on the regulation of piggeries as a noisome trade and determine if such a trade may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public or may be attended by noisome and injurious odors in accordance with M.G.L.Ch. 111, §143.

Ms. Howell opened the hearing and asked for public comment. Health Director Eldredge read the legal ad.

Leo Cakounes was present and stated that he has been the longest registered farmer in Harwich who now has control of over 100 acres of land in Town. He is an advocate of farming & reviewed history of farming in Harwich. Mr. Cakounes had worked with the former Health Director to have the zoning for farming changed. In 30 years, he has never received a complaint regarding his piggery operation. He feels that site assignment and site review for piggeries needs to be done. Mr. Cakounes is a dedicated pig farmer who supports the Board of Health 100%. His hope is that the Board of Health will also define residential use vs. commercial use.

Robinson (Skipper) Lee was present and noted that his farm has been USDA certified for produce since 2003. He reviewed the operation of his farm and stated that he has not received any complaints. Mr. Lee agreed with Mr. Cakounes' statements.

Jennifer Johnson from Hillcrest Drive was present. In light of the recent hurricane tragedies, we need to remember that we are an island connected to mainland. If we lose power or bridges, we will be looking to our local fisherman, farmers and hunters for food and sustenance.

Attorney William Henchy from Orleans was present representing 20 abutters to 35 Chatham Road. He agreed with Mr. Cakounes and suggested that the Board find piggeries are a noisome trade and that they should be permitted on a site by site basis. It is important to make a clear distinction between residential and commercial farms.

Audrey Greenway from 69 Lovers Lane was present and asked the Board to make the determination if piggeries are a noisome trade or not, and then determine what the regulations should be. This is a highly populated residential neighborhood with a commercial farm who has establishment themselves in the neighborhood. She is asking the Board to regulate the piggery, manure management and any other issues around the farm. Ms. Greenway also addressed Dr. Insley directly and asked for an apology from the way he addressed her at the August Board meeting. She stated that she is in full support of the regulation of piggeries on a site by site basis. All residents from her neighborhood stood showing their presence. Ms. Bangs from 43 Chatham Road agreed with Ms. Greenway.

Tony Ciucci from Chatham Road stated that if farming practices were of a bio-dynamic nature, he would not be present at the meeting tonight.

Trevor Kurz from 61 Lovers Lane informed the Board that until yesterday, he was not aware that there were any pigs on the property and they have not experienced any odors or flies. As long as the farm is within the guidelines, he does not feel that there is a problem.

Mr. Viprino stated that he is not opposed to a site assignment. He asked for knowledge of the regulations so that he knows what he needs to comply with. He informed the Board that as of tomorrow, his property would only have 2 pigs for residential use only. He will work on the site assignment application and come back before the Board at a later date.

Sally Mahoney from Birch Drive was present and stated that she supports farming and noted that she is a direct abutter to Pleasant Lake Farm. They don't have any issues with that farm and noted that it is beautifully maintained. She imagines that the Board would want to be sure that there is enough oversight of the person who is running the farm to be sure they know what they are doing and that the animals are being properly cared for.

Ms. Howell closed the hearing.

Health Director Eldredge noted that most of the testimony heard at the meeting is in agreeance with the opinion that Town Counsel has provided. The Board first needs to determine if piggeries are a noisome trade, and then the site assignment portion would come later. She explained what would be required for a site assignment application. DEP would provide guidance with the process.

Ms. Bayerl feels that there should be a checklist for applicants when they apply for a site assignment.

Motion made by Dr. Insley that the Board of Health designate that a piggery is a noisome trade and that piggeries with more than 2 pigs for personal or commercial use must apply for site assignment with the Board of Health. Mr. Boyle seconded the motion. 5-0-0 Unanimous.

V OLD/UNFINISHED BUSINESS

A. Public Hearing-Resilient Family Farms/Barry Dino Viprino, 35 Chatham Road, to show cause why an outstanding order to cease & desist the following operations issued April 9, 2017 should be upheld, modified or withdrawn; 1. Operation of an unlicensed piggery; 2. Manure management not in compliance with agricultural best management practices (**Continued from 8/8/2017**)

Ms. Howell opened the hearing and asked for public comment.

Health Director Eldredge reminded the Board that the wholesale issue has been resolved. Mr. Viprino had noted that he will only have 2 pigs tomorrow for personal use only. He will not be allowed to have more than 2 pigs until he has an approved site assignment. The Animal Control officer will confirm on Thursday that the pigs are no longer on the site.

Attorney Henchy feels that the idea that Mr. Viprino's operation will only have 2 pigs is laughable. He suggested that Mr. Viprino should be prohibited from operating his piggery and cease operation immediately. He is in violation of the State Wetlands Act. He hopes that Mr. Viprino will be required to conform to the orders of the Board of Health and that the Board needs to take effective enforcement action.

Mr. Cakounes noted that he has never met Mr. Viprino or been to his property, but he hopes to educate the Board on pigs. He reviewed the reasons why someone might want to keep pigs. He suggested that when an applicant applies for a site assignment, that they be asked how much the pigs weigh, what the sex of the pigs are and when are they scheduled for slaughter.

Ms. Howell closed the hearing regarding the piggery and opened the discussion of the manure management plan.

Health Director Eldredge informed the Board that the second part of the hearing is regarding the manure management plan. To date, the pile still remains and is uncovered.

Mr. Viprino informed the Board that he has met with the Building Commissioner and Town Administrator. He is going to auction tomorrow to sell equipment to pay for the cover.

Town Administrator Chris Clark was present and said that he has been to the site twice. He noted that Mr. Viprino does need to have a valid payment plan on file with the tax collector in order to obtain any permits from the Town of Harwich. Once tax compliance is accomplished, he can apply for a permit.

Health Director Eldredge recommended that the application for the building permit be applied for within 30 days and that within 30 days of approval, that the structure be constructed. Once the structure is built, the applicant would have to move the manure pile inside.

Mr. Clark stated that he would want to make sure that the location of the structure is compliant with all codes and regulations of the Town of Harwich.

Attorney Henchy feels that Mr. Viprino is not being truthful with the Board and that the Town cannot give him the green light for the project when he is not in compliance. The manure and its management are a nuisance in this neighborhood.

Mr. Cakounes asked why a tarp could not be put over the manure pile. He is not sure why this site even needs to have a manure pile. Mr. Viprino stated that they use the manure for onsite products. The pile would have never gotten this large if they were not issued a cease and desist order.

Jim Jones from 49 Chatham Road stated if the manure management is approved, that there be a condition that the pile be located closer to Mr. Viprino's house.

Mr. Lee noted that his USDA permit does not allow for him to use the word "compost" that he must use the term "manure". There needs to be a clear definition between the two terms.

Ms. Howell closed the hearing.

Health Director Eldredge provided a summary of tonight's discussion for the Board and public. As of tomorrow, Mr. Viprino will have no more than 2 pigs for personal use until he applies for and is granted a site assignment for the property. Health Director Eldredge recommended continuing the hearing until the October 10, 2017 Board of Health meeting to check for compliance.

Regarding the manure management plan, Health Director Eldredge recommended that the manure pile be covered by a tarp until all permits are applied for and issued for a permanent cover over the pile. Mr. Viprino will have 30 days to apply for a permit to construct a permanent cover over the pile. Within 30 days of issuance of the permit, the manure pile will have to be placed under the cover.

Motion made by Ms. Bayerl to accept the recommendation of the Health Director. Dr. Insley seconded the motion. 5-0-0 Unanimous.

Ms. Bayerl asked Mr. Viprino if he has already purchased the structure. Mr. Viprino responded that he has. Ms. Bayerl feels that Mr. Viprino has shown good faith that once he obtains the permit, the structure will be built.

VI REPORT OF THE HEALTH DIRECTOR (August 2017)

Week Ending August 4, 2017:

BOH meeting preparation- post agenda and prepare cases and packet for 8-8-17 meeting

Health Director Wrap-up -instructions, cleaning, passing of the baton. I am very proud of the growth of the department over the years and the mountains of work accomplished. I wish all staff and co-workers the best- they will carry on and continue achieving great things.

Misc. fascinating cases- Last full week for the retiring Health Director- just to keep things interesting and challenging

- A resident captured a bat in his home and brought it to Health Director per MDPH direction. Protocol is to test bats for rabies if possible if they have been in a home for an undetermined amount of time, especially if in a bedroom. Since Health Director is not rabies vaccine protected, the Animal Control Officer was called to assist and take over the case. The bat was brought to a local vet and the specimen immediately shipped to the State lab for testing. Fortunately, the results were negative, eliminating the need for vaccinating the occupants.
- A resident came to the dept. quite concerned over possible exposure risks following an unattended death and latent discovery in her apartment building. The Director contacted the apartment management company to find the situation well under control and hazmat type cleaning services engaged at the unit. The Director viewed the facility at the final cleaning.
- An inquiry regarding concerns over toxic chemicals emanating from the proposed pet burial ground - all burials will be cremains
- Community Development- full team review met with owner of multi-unit on Rt. 28 S. Harwich regarding multiple tenant and abutter complaints. Team inspection to follow- Building/Fire/ Health

Consultations:

- Brooks Library-consulted with staff on mysterious bites from insects and course of action for pest control

Week Ending August 11, 2017:

BOH meeting- The Board of Health held a work session to review proposed increases in fees and new fees. A show cause hearing was held for 35 Chatham Road, permits were reviewed, re-organization of the Board occurred.

Misc.

- Complaints were received regarding insect bites on several employees at the Brooks Public Library-follow up and coordination with town nurse to assess the situation.
- Conducted two interviews for the Part-time position of Health Inspector
- Conducted Accela training for realtors and Septic Inspectors for the pending implementation of mandatory electronic submittals of RETs
- Held two Septic Inspector exams

Consultations:

- Various consultations with builders and homeowners on potential projects

Week Ending August 19, 2017:

Health Director- interview with Search Team was successful and an offer was extended and accepted for the position of Health Director. I look forward to working with the Board Members, co-workers and residents of the town.

Part-time Health Inspector-an offer was extended and accepted by Hunter Twombly to fill the 19.5 hours/week position of Health Inspector. He has a bachelor's degree from Norwich University as well as experience working in a municipal setting. He will be starting on Monday August 28th.

Sr. Health Inspector-with the promotion to Health Director, this position is vacant and will be posted in-house per Union rules for 7 business days.

Accela Computer Training- Two one-on-one sessions were conducted with private companies this week. A memo was issued to all licensed Title 5 system inspectors reminding them of the impending deadline of September 1st for electronic submittals.

BOH Fee Review- the legal ad for the proposed new fees was developed and sent off to the Chronicle to run the week of August 28th.

Tobacco Regulation update-A copy of the new regulations along with signage displaying the age 21 were distributed to all tobacco permit holders.

Vaccine Reimbursement Training- Health Director attended the required training given by UMASS medical in order to receive reimbursement for providing vaccines. The Health Department continues to provide flu vaccine along with various other vaccines to employees and Board members free of charge. We then submit for reimbursement to the health insurance companies to cover the administration cost and the cost of the purchased vaccine.

Week Ending August 25, 2017:

Other work:

- Department head meeting-Emergency Management meeting
- Community Development meeting
- Meeting with MHCC emergency planner nurse to go over quarterly deliverables
- Health Agent Coalition meeting
- Housing complaint follow up-5 Patricia Lane

Beach and Pond Sampling Program:

- 43 locations of public and semi-public beaches and freshwater ponds are sampled weekly from Memorial Day to Labor Day. The following beaches failed the initial water test: Red River (all three testing locations), Bank Street, Bayview, Grey Neck, Merkel, Pleasant Road, Seabreeze, Strandway, Belmont, Wychmere Harbor Club. All beaches were re-sampled and passed the re-test resulting in no closures. These failures are most likely due to the heavy rainfall the Friday/Saturday prior to testing. This is unfortunate because these beaches now lose the ability to use the variance to allow for monthly testing and must resume weekly testing for two years.

Week Ending September 1, 2017:

Part time Health Inspector- The department welcomed new part-time health inspector Hunter Twombly. He will be joining us on Mondays and Tuesdays with an additional day once per month to fill the 19 hours/week position. Mr. Twombly has municipal experience and a bachelor's degree in science. I look forward to training him and believe he will be an excellent addition to the team.

Sr. Health Inspector- This full time position has been posted in-house per union requirements and we are awaiting applicants.

VNA contract-The Selectmen tabled the signing of the FY18 VNA contract due to questions of services offered and the rates charged. They wanted to know what services the Town Nurse could provide instead of using the VNA. After discussion with the VNA and Town nurse it was clear that there is not a duplication of services and the VNA is necessary to maintain the communicable disease follow up. The contract was amended to exclude extraneous services such as the senior fit program (done by the Town Nurse) and Wellness Fairs (a service that was not utilized). The Chair of the BOS was agreeable to this change and approved the contract.

Over the past month there have been numerous walk-thrus held at different properties. Many Certificates of Compliance were issued to close out projects. In addition, the Health Department has also reviewed, processed, inspected and/or issued the following:

Real Estate Transfers: 24

Septic System Plan Review & Issuance: 21

Building Plan Review & Approval: 18

Food Inspections: 14

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Swimming Pool Inspections: 12
 Misc. Inspections/Reviews: 6
 Septic System Final Inspections: 11
 Complaints Investigated: 4

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE
FOOD SERVICE				
ATJX Inc d/b/a Moonshine Liquors (NEW 2017)	4 Great Western Road	Retail: Less than 5,000 sq. ft.	Milk & Cream	Tobacco
Lakonia Greek Products		Event Permit		
Muddy Mary's Gourmet		Event Permit		
POOL				
Claddagh Inn	77 Route 28			
Inn of Treasured Memories	473 Main Street			
SEPTIC INSTALLERS				
Accu Sepcheck-Joe Martins				
Hickey Construction Co. Inc.				

Motion made by Dr. Insley to approve the permits as per the list dated September 12, 2017, noting that the permit for Moonshine Liquors will be issued after a final walk through is completed by the Health Department. Dr. Cushing seconded the motion. 5-0-0 Unanimous.

IX OTHER

No other topics were discussed.

X ADJOURN The meeting adjourned at 8:45 p.m.

4

Motion made by Dr. Insley to adjourn. Ms. Bayerl seconded the motion. 5-0-0 Unanimous.

Submittals of the meeting are part of the permanent record.

Respectfully Submitted,

Jennifer Clarke

Next meeting is Tuesday, October 10, 2017 at 6:30 p.m. in the Small Hearing Room.