

TOWN OF HARWICH



BOARD OF HEALTH
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Town of Harwich Board of Health
Monday, December 13, 2016
6:30 PM
TOWN HALL – SMALL HEARING ROOM
MINUTES

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

STAFF MEMBERS PRESENT: Health Director Paula Champagne & Executive Administrative Assistant Jennifer Clarke

OTHERS PRESENT: Christian Davenport, John O'Reilly & others.

I CALL TO ORDER

At 6:36 p.m., Chairman Insley called the meeting to order.

II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – 11/7/2016

Motion made by Ms. Bayerl and seconded by Ms. Howell to accept the regular meeting minutes of the November 7, 2016 Board of Health meeting. 4-0-0 Unanimous.

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

A. Discussion-Tobacco 21

Health Director Champagne reviewed the Tobacco 21 initiative that is urging local cities and towns to amend their regulations to raise the age for sale of tobacco to 21. The Board of Health had a brief discussion regarding this in April 2014 and at that time decided to take the initiative under advisement and felt that this should be taking place at a state level and not town by town. As of December 1, 2016, there are 140 cities that have adopted this initiative thru local health regulations.

Ms. Howell made a motion to direct the Health Department staff to prepare a draft revision to the Town of Harwich tobacco regulations to include raising the age for sale of tobacco to 21 and to adopt the principals of the Tobacco 21 initiative, Ms. Bayerl seconded the motion. 4-0-0 Unanimous

B. Discussion-Board Vacancies

Health Director Champagne presented a draft flier to the Board regarding board vacancies. Dr. Insley suggested adding a line stating that qualifications to join most boards are minimal. The final flier will be given to the Town Administrators office for posting.

IV 7:00- OLD/UNFINISHED BUSINESS

No old/unfinished business was discussed.

V NEW BUSINESS

A. Hearing-Davenport Realty Trust, Bog Lane and South Westgate Road, Map 56 Parcels K2-1, K2-2 & K2-3, Environmental Impact Report to demonstrate compliance with the Harwich Board of Health Regulation 1.211; for a definitive 2 lot subdivision plan; prepared by J.M. O'Reilly & Associates, Inc. dated November 18, 2016

Chairman Insley opened the hearing. John O'Reilly from J.M. O'Reilly & Associates Inc. and Christian Davenport were present. Mr. O'Reilly reviewed the project calling for 3 duplex dwellings on 2 lots which will be constructed in phases. They have prepared an Environmental Impact Report due to the projected sewage flow being over 2000 gallons per day. The project will include a maximum of 24 bedrooms. He reviewed the soil conditions and the average nitrogen loading of 9.94ppm. All proposed sewage systems will be designed according to local Harwich regulations and Title 5. This project will be heard before Zoning Board of Appeals at their December 28, 2016 meeting. Chairman Insley closed the hearing.

Health Director Champagne recommended approval of the project with the following conditions:

1. The project as proposed is for 3 duplex buildings; maximum of 24 bedrooms total.
2. Development and use of the lot will be in conformance with the Environmental Impact Report dated 11/30/2016 and proposed site plan for Davenport Realty Trust dated 11/18/2016.
3. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations for any of the lots.
4. The subdivision will be served by town water.
5. In order to prepare for any connection to a sewer system, a sewer line will exit the building on the street side.
6. Vacant Lot 3 must stay linked to the property in perpetuity.
7. Dwellings will be used as rental properties; not condominiums.

Mr. Boyle moved to accept the recommendation of the Health Director. Ms. Howell seconded the motion. 4-0-0 Unanimous.

VI REPORT OF THE HEALTH DIRECTOR (November)

- **Projects-**
 - **2017 License Renewal-** Health Director and Senior Health Inspector have joined forces with the Administrative Assistant to organize and execute the annual license renewal program- a task that will dominate the office for several months. This was a major task in the duties of the Executive Assistant. That position has been vacant since July with no signs of a settlement with the Administration so we can fill the void. The work must go on. Since April when the vacancy initially occurred, all technical positions have admirably assisted with keeping the flow of the office under control with direct service, assisting where possible.
 - **FY 2018 Budget-** budgets were due Nov 30th. Budget message instructions were for contractual increases only. Any other increases in services had to have justification and visible cost recovery. Requests for FY18 include a budget for advertising to begin our regulation update project and an

increase of \$3000 in our contract inspector budget. As staff increases are highly discouraged, this is a way to utilize task specific –on demand contractors to augment our field staff. *Request BOH ratification of submittal*

- Employee Wellness- Health Director is coordinating the “Maintain, Don’t Gain” challenge for the holiday season. Participants weighed in Nov 14th and weigh out is Jan 9th. The goal is to be within 2 lbs. of your starting weight and to promote healthy habits during a food concentrated time of year.
- Emergency Preparedness- (1)-the emergency management team again initiated a preparedness training on Election Day. The Town Clerk requested assistance in traffic, voter organization and safety in the building. This keeps our staff trained in Incident Command and our volunteers utilized and engaged. (2)-after a long absence, we reinstated our communication drill. We are required to update our contact lists and run drills several times per year with results and metrics reported to MDPH. We are working to have this happen electronically thru a computer based emergency alert program rather than the Health Director manually conducting the drill.
- Training- changes in records request regulations. All staff attended a class by Town Counsel Kopelman & Paige regarding revamped procedures affecting municipal government for research and records requests.
- Food Service Program-
 - *Former Yogurt on the Half-shell-* we have met with Michael Jacek, new proprietor for the space on Route 28- he plans to reopen as a take-out sushi bar
 - *Food Code Revisions-*MDPH is working to overhaul the food code- last revised in 2000. It still references the 1999 Federal Food Code. Given major technology and industry advances- long overdue. We will expect a busy spring and summer with training, if this is completed as expected.
- RET’s/ Sewage permit review – outstanding issues
 - *3 Homewood Lane-* walk-thru for RET- finished basement w/out permits- referred to Building Department for action- *resolved*
 - *33 Neel Rd-* walk-thru for RET- alterations beyond scope of permits- #BR issues- walk-thru and return to compliance required-*resolved*
 - *9 Rest-a-Bit-* walk-thru for RET- finished apt in basement- # BR/egress/safety issues/Zone II issues- return to compliance required
 - *19 Shore Rd-*Rental Density Permit Request- owner request to modify #BR’s on rental permit. Research indicated BOH variances and restriction. Site visit revealed out of compliance with restrictions- built additional bedrooms in violation of Board of Health. Violation order will be issued for return to compliance.
 - *29 Bittersweet Lane-*walk-thru for RET- finished basement w/out permits- #BR; Zone II issues. Return to compliance required.
 - *17 Ridgevale Rd-* basement w/out permits in Zone II-RET. Walk-thru and return to compliance – *resolved*
 - *7 Deer Meadow-* walk-thru for RET- basement created in Zone II w/out permits; no BOH BR issues- referred to building for permits. *Resolved.*
 - *749 Queen Anne Rd-* walk-thru for RET- Zone II issues- #BR- space created w/out permits. Return to compliance plan required and executed. Walls removed and deed restriction recorded. *Resolved*
 - *21 Queen Anne Rd-* walk-thru for RET- family room and 2nd kitchen added w/out permits. Return to compliance plan required- wall opened and referred to building for permits and use conversion.- *resolved*

A. FY18 Budget-FY18 budget has been filed. Health Department request was to try and increase the contract inspector budget for soil testing. We have requested \$3000 and \$1000 has been approved. The department has been asked to create a table of how the department has been staff over the years in order to do a comparison of the current staff back to FY12 and FY05.

Mr. Boyle moved to ratify the Health Department FY18 budget. Ms. Howell seconded the motion. 4-0-0 Unanimous.

B. State Sanitary Code Changes-There is a revamping of the food code that is available for public comment with one of the largest changes being the adoption of the federal food code.

C. 2017 License Renewals-This is the 3rd year for electronic mailing of license renewals. This year the department has adopted the procedure of returning incomplete applications to the license holders until they are able to provide all required paperwork.

D. 2017 Calendar-2017 meeting calendar will be posted on the website and in the office this week.

VII CORRESPONDENCE

No correspondence was discussed.

VIII PERMITS

ESTABLISHMENT	ADDRESS	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE	PERMIT TYPE
SEPTIC INSTALLER					
AMA Excavating	Commerce Park, Brewster				
Ambrose Homes (2017 new)	2766 Route 6, Wellfleet				
Better Cape Plumbing (BC Plumbing)	74 Hawks Nest Road, Harwich				
Bortolotti Construction	45 Industry Road, Marstons Mills				
Brian C. Kissling Backhoe Excavation Services	West Yarmouth, MA				
Cape Cod Septic Services	350 Route 28, Yarmouth				
Chase & Merchant Inc	30 Naushon Road, Dennisport				
E-Z Doze It Excavating Inc.	2318 Route 6, Wellfleet				
F.L. Quinn Construction	4 Overland Way, Orleans				
G.C. Custom Builders Inc.	259 Great Western Road, S. Dennis				
Iadonisi Construction (2017 new)	271 Service Road, Sandwich				
J.W. Dubis & Sons Inc.	79 Stony Hill Road, Chatham				
LVA Construction Inc.	64 Cummings Road, Brewster				
Northern Sealcoating & Paving	20 Candlewood Lane, Dennisport				
R & H Construction	Mashpee, MA				
R.J. Bevilacqua Construction Corp	Sandwich, MA				
Ready Rooter Excavating	17 Jan Sebastian Drive, Sandwich				
Robert B. Our Company Inc.	24 Great Western Road, Harwich				
Speakman Excavating LLC	15 Speak Way, Harwich				
T.W. Nickerson Inc.	160 Mill Hill Road, S. Chatham				
Terry Walker Excavation	Dennis, MA				
SEPTIC HAULER					
Aattaboy Septic Service	17 Rayber Road, Orleans				
Bortolotti Construction	45 Industry Road, Marstons Mills				
Cape Cod Septic Services	350 Route 28, Yarmouth				
E.F. Winslow Plumbing & Heating Inc	8 Reardon Circle, S. Yarmouth				
J.W. Dubis & Sons Inc.	79 Stony Hill Road, Chatham				
Robert B. Our Company Inc.	24 Great Western Road, Harwich				
FOOD SERVICE					

400 East Inc.	1421 Orleans Road	Food Service: >150 seats			
Barnaby Inn	36 Route 28	Limited Food Service			
Big Rock Oyster Company	501 Depot Street	Caterer			
Cape Cod Claddagh Inn and Irish Pub	77 Route 28	Food Service: 61-150 seats			
Cape Cod Cranberry Harvest	33 Rocky Way	Limited Food Service	Event Permit		
Cape Cod Lavendar Farm	75 Island Pond Trail	Retail: <50 sq. ft (non PHF only)			
Cape Cup	4 Sou'West Drive	Limited Food Service			
Cumberland Farms # 2305	576 Route 28	Retail: Less than 5000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Harwich Mobil	173 Pleasant Lake Avenue	Retail: Less than 5000 sq. ft.	Take Out	Milk & Cream	Tobacco
Harwich Port Golf Course	51 South Street	Limited Food Service			
Local Flavor	403 Pleasant Lake Avenue	Retail: Less than 5000 sq. ft.	Take Out	Caterer	Milk & Cream
Elder Services of Cape Cod & The Islands	100 Oak Street	Institution			
L'Alouette Restaurant	787 Route 28	Food Service: 61-150 seats			
Main Street Quik Pik	715 Main Street	Retail: Less than 5000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
One Thirty Seven Gas	110 Route 137	Retail: Less than 5000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Pilgrim Congregational Church	533 Route 28	Institution			
Plums Package Store	326 Route 28	Retail: <50 sq. ft (non PHF only)	Tobac		
St. Peters Lutheran Church	319 Route 137	Institution			
Sushi by Jay	111 Route 137	Take Out			
The Family Pantry	133 Queen Anne Road	Mobile Food Truck/Cart	Institution		
The Royal at Harwich	328 Bank Street	Institution			
The Tern Inn	91 Chase Street	Food Service: 1-30 seats			
True Value Hardware	2 Post Office Square	Retail: <50 sq. ft (non PHF only)			
Upper Crust Pizza	1429 Route 39	Food Service: 1-30 seats			
Value Mart	435 Route 28	Retail: Less than 5000 sq. ft.	Limited Food Service	Milk & Cream	Tobacco
Wingate at Harwich	111 Headwaters Drive	Institution			
Yankee II Deep Sea Fishing	Saquatucket Harbor	Limited Food Service			
STABLE					
Joseph H. Rego III	3 Jay Z Drive	Commercial Stable			
Deacons Folly Farm/Richard Costa	41 Deacons Folly Road	Commercial Stable			
Brian & Mary Hastings	4 Hildas Cartway	Residential Stable			
Stephanie J. Winslow	94 Main Street Ext.	Residential Stable			
Michael R. Eldredge	72 Main Street Ext.	Residential Stable			
Eliza Kendall	90 Old Chatham Road	Residential Stable			
Judith A. Davis	6 Lynch Lane	Residential Stable			
Christine H. Menard	39 Lexington Drive	Residential Stable			
Jean Olsen	235 Lothrop Avenue	Residential Stable			
Diane Robertson	758 Depot Street	Residential Stable			
Donald R. Dvorovy	1639 Orleans Road	Residential Stable			
Karin Bearse	100 Main Street Ext.	Residential Stable			
RUBBISH HAULER					
Benjamin T. Nickerson Inc. (2017 new)	149 Commerce Park, S. Chatham				
Cavossa Disposal Corporation	210 Nathan Ellis Highway, E. Falmouth				
Chase & Merchant Inc	30 Naushon Road, Dennisport				

William R. Coffin and Sons Inc	326 Route 28				
Nauset Disposal	3 Rayber Road				

Mr. Boyle moved to approve the permits as per the list dated December 13, 2016. Ms. Howell seconded the motion. 4-0-0 Unanimous.

IX OTHER

Chairman Insley stated that while the Department is reviewing the tobacco regulations, we should be looking at the marijuana regulations as well. Health Director Champagne will research DPH to see if any advisories or guidance documents have been issued.

Ms. Howell wanted to discuss a reorganization of the Board. Health Director Champagne stated that a formal reorganization of the Board will be placed on the February agenda.

X ADJOURN- The meeting adjourned at 7:37 p.m.

Ms. Howell moved to adjourn. Ms. Bayerl 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, January 10, 2017 at 6:30 p.m. in the small hearing room.

