

BOARD OF HEALTH

July 5, 2001

6:30 p.m.

Members Present: Mark Baker, Duane Gregory, Kay Halle, and Ken Janson

Member Absent: Laura Davis (excused absence)

Health Agents: Sean O'Brien and Jackie Silver

The meeting was called to order at 6:30 p.m. by Kay Halle, Vice Chair. Kay announced that Michelle Couture was elected to the Board of Selectmen and, as a result, had to give up chairing the Board of Health. Reorganization of the Board was to be discussed near the end of the meeting.

Public Statements: There were none.

New Business

Lionel E Pires - New Massage Therapist

Because he wasn't in attendance, the following motion was made.

Motion: Mark Baker made a motion to take his application out of order. Ken Janson seconded the motion and it was unanimously approved.

17 Bayberry Avenue - Renovate a house to include a library -Title V

Tom Thompson, the architect, presented the plans on behalf of the two owners, Pamela French and Evelyn Kratz, who were also present. The applicants were appealing a Health Agent decision to deny a building permit for a library over the garage. The owners insisted it would not become a bedroom and they were willing to have a deed restriction stating such. Sean O'Brien said it was not a septic issue, but was a growth management issue. After considerable discussion, one of the applicants said that if she couldn't have the library/studio over the garage it would mean they would not move down here full time. The two women live at 2528 Brown St, Philadelphia, PA 19130. Kay suggested to Tom that the plan might be redrawn for a future meeting in an attempt to lessen the privacy factor and therefore the defining "bedroom" characteristics of the "library". It was suggested that this be done after a conference with the Health Agent and/or Building Inspector.

Motion: Ken Janson made a motion to continue the application for a future date. Mark Baker seconded the motion and it passed unanimously.

Ken explained to them that if the application were continued it would mean they could return at a future date, but if they withdrew the application without prejudice – then they would have to reapply and start all over again.

48 Shankpainter Road - Title V

William Rogers, II, the engineer, and Joe Taves, the owner, presented the case to the Board. Board member, Duane Gregory, offered to step down since both she and the applicant are real estate brokers. Joe Taves had no objection to having Duane sit on the case.

Joe Taves said the currently approved plan for a Title V in front of his main residence/office would ruin his entire property's landscaping. Since he anticipates the new sewer system will eventually come right down Shankpainter Road, then he would like to take advantage of citing a new smaller Title V system in the front of his recently built property. If this is approved, he would then apply to have the currently approved Title V plan in front of this original home/office reduced in size, therefore saving the trees, etc. in front of his original home/office. The new Title V plan (for the recently built property) would place the Title V at 35 feet from Shankpainter Pond. His currently approved plan for his original home/office places the Title V at 54 feet from the pond.

Sean O'Brien said he was not in favor of the new plan. Mr. Taves said the flow was the same.

Then there was a mini discussion on how the first and second plans differed. Sean also informed the Board that the previously approved system will be put in or no Certificate of Occupancy will be issued for the new building.

Motion: Ken Janson made a motion to deny the application. Mark Baker seconded it. The vote was 3 in favor, 0 opposed, and 1 abstention (DG).

359 Commercial Street – Merchants' Hall (former Mews Restaurant)

Ian McMullen, an owner of a space in Merchants Hall, came before the Board to ask for a partial refund of or reduction in the amount he had been paying into his escrow account in anticipation of the sewer's arrival. His original payments had been approximately \$17K and had already been reduced to approximately \$11K. He also inquired about the possibility of some sort of limited food service (e.g., coffee and pastries to go) for the space. He believes he has been given the run-around from several sources in town government about how to proceed with these requests. He therefore came before the Board in a final attempt to find out how to proceed. He brought several friends with him in order that they might see how the Board works. Kay told him that the precedent for requests of this nature is that they are usually handled by the Town Manager, Assistant Town Manager and/or the Selectmen. Bottom line: Ian was directed to call the Town Manager's office, once again, and arrange a meeting with either the Town Manager or the Assistant Town Manager, in addition to the Health Agent, George Heufelder, in order to get a final answer on his requests.

Ken Janson reminded Ian McMullen that he (Ken) was on the Zoning Board of Appeals when Merchants Hall came before ZBA and the complex was approved **without** any food service whatsoever due to previous septic issues. Ken therefore felt that his request for any sort of food service at this time would not be granted without appearing before the ZBA for that board's approval.

Motion: Ken Janson made a motion to continue the Lionel Pires application for a massage therapist license until the July 19th meeting. Mark Baker seconded the motion and was unanimously approved.

Board reorganization:

Kay Halle recommended Mark Baker for the position of Board of Health chair.

Motion: Ken Janson made a motion to appoint Mark Baker to chair the Board of Health. Kay Halle seconded the motion and it was unanimously approved.

Motion: Mark Baker (the new chair) then made a motion to name Ken Janson to the position of clerk (which Mark had been serving as). Kay Halle seconded the motion and it was unanimously passed.

Motion: Ken Janson made a motion to approve the minutes of the June 21st meeting. Duane Gregory seconded the motion and it was passed 3-0-1 abstention (KH).

III. Health Agent's and Health Inspector's Reports

Jackie Silver - There has been one case of Hepatitis A reported and, unfortunately, it was a food handler who worked at Bayside Betsy's and the Monkey Bar. Bright note was that all food handlers had received IGM and immunoglobulin. Also 5 cases of Hepatitis B have been reported.

Latest tests show that the town beaches are now free of bacterial contaminants. Therefore, all the "closed" beach signs have been removed. She will work on improving the signage for any such future closings. Also Jackie mentioned that the drain near Ronnie Hazel's place is full of sludge (as are many in the town). Jackie will be writing a letter to the DPW with copies to the Town Manager and David Guertin (DPW Director) regarding the cleaning of storm drains on the streets, as well as a directive to the town to ensure that the clapper drains on the beaches are being kept free of sand buildup at regular intervals.

Sean O'Brien said that it was his guess that the e-coli level was raised due to the heavy rain runoff we have experienced recently. He continued that road runoff can create a high level of pollution. He also told the Board that George Heufelder will be here for the month of July and Marina will be here for August. The county's contract with the town has been extended to run through August.

An overflow of a septic happened at 85 Bradford Street. The area was sanitized and most of the overflow went into a fish pond on the property. The case will come before the Board at the next meeting; it is a tiny property and will be a tough one to remedy with a quick fix.

Regarding the abutters regulations – Sean drafted a 75 foot from property line requirement for notification of abutters. The Board also asked that in addition to that requirement, the abutters' notification be sent to any direct abutters and abutters directly across the street from the property in question. Also, at the next meeting, a clarification of the verification of bedrooms will be discussed.

Next meeting will be a fairly light agenda. Peter Thompson's property's escrow amount will come under discussion.

IV. Board members' statements

Ken Janson had no statement.

Kay Halle asked Jackie about the disposition of the Monkey Bar and its trash issue. Kay wondered about the legality of storing garbage in the crawl space under a restaurant. Jackie said it was now in the hands of attorneys for both sides.

Next Kay asked how the spot inspections were going? Jackie said they were going well and that Oct 1st is the deadline for food handlers to have taken the "food safe" course.

Snack Attack's diaper changing incident is being handled by Jackie; a letter has been received by the owners of Snack Attack and their attorney, Robin Reid is representing them.

Kay wondered if everyone got the newly revised BOH regulations. It was decided that everyone would have a current set prior to the next meeting.

Mark Baker recently attended a meeting of the Harbor Committee along with Roger Dias (Conservation Agent) and Jackie. They discussed a Draft Beach Management Plan which Mark Latour, the Assistant Town Manager, is formulating. The plan is only concerned with the area which extends from Fishermen's Wharf (Cabral's) to the Johnson Street parking lot. They also discussed eel grass, etc. (Sean said George was the expert on eel grass and would be happy to discuss it at the next Board meeting.) Smell emanating from the grass means it has accumulated to a considerable depth. "Management" is to rake it down to a distance far enough so that the tide removes it – temporarily. The Board has been asked by the Harbor Committee to help formulate determinations for when accumulation of seaweed/eelgrass constitutes a threat to the public health. Jackie will work with Sean to look into the guidelines that the town of Dennis has as well as other state guidelines.

Mark, continuing, asked whatever happened to 202-B Bradford St? SOB says GH will be following up – court action will be taking place in mid July.

Next Mark asked Jackie, "What are the apparel requirements for food handlers and bartenders?" The question was spawned because of a complaint to Mark regarding shirtless bartenders at the opening of the Film Festival at the Crown and Anchor. She was asked by Sean to check on state regulations mentioned in Article 10. Sean also noted that the state has adopted the federal food code that governs such apparel requirements. Jackie will follow up.

Duane Gregory had no comments.

Tight tanks for campers were discussed briefly.

The meeting adjourned at 8:10 p.m.

The next meeting will take place on July 19th at 6:30 p.m.

Respectfully submitted,

Evelyn Rogers Gaudiano

Approved by

_____ on _____
Mark Baker, Chair date

