

August 23, 2001

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

Member Absent: None

Health Agent: Marina Brock

The meeting was called to order at 6:30 p.m.

Public Statements - There were none.

Old Business

350 Bradford Street – Michael Shay’s Restaurant

Before any statements were made Duane Gregory told the group that her husband’s daughter works at Michael Shay’s. That disclosure being made, there were no objections to Duane’s sitting on the case.

James Turner, an abutter directly behind Michael Shay’s, stated that nothing had been done regarding his original complaint letter dated August 1st and heard at the BoH August 2nd meeting. Mr. Turner also stated that August 21st was the first time any work had been done. A conversation he had with Michael Santos referred to the possibility of the matter having to go to legal action. Work has been done, but evidently not the work that had been requested in the BoH’s letter to the owner. (Kay Halle arrived at 6:35p.m. and was promptly filled in on the subject under discussion.)

Marina said she had started taking action on August 1st. It was found that one pump was down and only one remaining pump was handling the entire restaurant for the system, thus the problem. Marina was told that someone for Jimmy Roderick did the work and everything was done. Jimmy Roderick had told Marina that parts of the pump were broken and needed to be replaced, and that he proceeded to cover the areas of the system from which odors were emanating with airtight material in lieu of the needed carbon filters.

It was evident from Mr. Turner’s presence once again before the BoH that the repairs undertaken to date on the system cannot begin to contain the septage for large groups such as those on Fish-Fry Fridays. Jimmy Roderick’s excuse for the delay in repair is that neither the pump nor the filters are currently available from his supplier. One of Mr. Taylor’s tenants, Tony Simpson, took it upon himself to call a plumbing supply house he does business with and they told him that both items needed for the repair could be supplied by them on an overnight delivery. Another question Mr. Simpson had was, “Why use only Jimmy Roderick? Is he the only person in the area who can repair a system?”

It was decided that a very strongly worded letter would be sent to Karen Katzel, the owner, with copies sent to the managers, Michael and Shay Santos. (It was thought that the Santos couple might not be aware of the unhappiness the problem is causing the restaurant’s neighbors.) The letter would request that the broken pump be repaired, carbon filters be placed on the candy cane vents, the cracks in the risers be repaired as soon as possible, that 12” of fill be applied to the top of the system per the plan on file, and that a COC (Certificate of Compliance) be sent to the Health department as soon as possible. Karen Katzel’s address is 447 Commercial Street and a certified letter will be sent to her tomorrow (August 24th). Ms. Katzel will also be told in the letter that if Jimmy Roderick can’t do the repair in a timely fashion – it would be best to find another firm!

Work Session on the Proposed BoH Regulation regarding the Adjustments to Title 5 Flows for Expansions of Residential Properties

Motion: Mark made a motion to take this out of order until later in the evening. Ken seconded it, and it passed unanimously.

New Business

Beach Closings - Judith Oset

Judith Oset presented statistics on the recent beach closings and the suspected reasons for their occurrence. There are many dogs running loose on the flats each day as well as groups of birds. If a sample happens to catch any warm-blooded animal's defecation coming in on the high tide – then the sample is read as polluted and the beach consequently must be closed. There are currently 8 sites where samples are taken every Wednesday. Kay Halle suggested that if daily samples were taken instead of weekly then the picture would change dramatically. It was an observation rather than a suggestion since the manpower and budget necessary would be awesome.

Judith had a map and she pointed out the areas of greatest concern. The area from Fisherman's Pier (Cabral's) to the Whaler's Wharf had the most consistent need for closure and she wondered if this small area should be closed for the rest of the season? Mark said he hated to do that for the remainder of the season. The suspected reasons for the pollution at that area were: a solid part of the pier that creates a non-flushed eddy, road run-off during heavy rains, heavy concentrations of birds and dogs, and small boats moored in the harbor which may not use their tight tanks. Another possible solution for sampling would be to do composite samplings since one small sample could be severely contaminated yet if it were mixed with a sample from as little as a few inches away the results might be quite different. Kay said the issue is really huge and suggests that leaching septic, once thought to be the sole source of the problem, appear to be relatively innocent.

Keith Bergman wants to set up a formal protocol regarding the announcement and handling of beach closings (i.e., who to immediately notify, signage, etc.) Judith is working on a protocol.

Ken wanted to know what we could do about the dog problem since there seem to be more dogs than ever in town, as in "vacationing dogs!" Judith said a full-time person would be needed to control the problem with perhaps rewards going to responsible dog owners. Also the person named to monitor dogs on the beaches might travel around with leashes and poop bags to hand out to irresponsible dog owners, etc. Marina said that in the past week alone there were 6 dog bites and 2 verbal complaints regarding dogs.

Mark said a proposal to look into substantially increasing the dog license fees in order to fund beach clean up has been suggested by the Beach Management Plan committee. He did note that he sent a memo to the Board of Selectmen from the BoH encouraging them to reinstate the Pooper Scooper Policy and fund a person to enforce it. He also felt that – as guidance for future years – the BoH suggest to Judith to request the county to increase the number of testing locations and the frequency of testing. Discussion will continue for Board members at the September 6th meeting.

Armored Saint Septic Application for new general license, septic hauler

No one representing the company attended the meeting. It was agreed to postpone it until the September 6th meeting. It was noted, however, that this is the second meeting where no one has showed from the company.

17 Bayberry Avenue

Tom Thompson attended the meeting and he said he had just received a call from the owners of 17 Bayberry Avenue and they wish to withdraw their application without prejudice. He handed in a hand written letter affirming this for the file. The BoH had no objections.

26 Tremont Street - Collapsed overflow (?) cesspool

Victoria Yenadios and Elizabeth Dempster are the owners and appeared before the BoH. Both above listed owners said they appreciate the problem and are making rapid strides in addressing it. William Rogers, II has been contacted and determined that the new plan for a Title 5 would be rather straightforward. They have 3 cesspools and one of them has collapsed. Everything has been diverted into one of the empty cesspools. Warren Silva said it would not be a problem to install some type of system. The collapsed cesspool has been filled in and all sewerage has been diverted to what appears to be a cavernous overflow pool that seems to have never been accessed.

Kay and Duane are both abutters, but the owners had no objection to having them sit on the case.

Motion: Mark Baker made a motion to give the owners of 26 Tremont Street until November 23rd, 2001 to have

a plan and until August 22, 2002 to have installation completed with one condition:

- 1. Should the system fail prior to the aforementioned timeline, then the installation would have to be immediate.**

Ken Janson seconded the motion and it passed unanimously. 4-0

351A Commercial (withdrawn prior to meeting)

Approval of Minutes

Motion: Ken Janson made a motion to approve the minutes of the August 2nd meeting, Duane Gregory seconded the motion and it was approved 3-0-1 abstention (KH).

Health Agent's Report

Marina Brock was phoned at 4 a.m. this morning about an overflow at 294 Commercial Street. It is the bricked alley between Pier Cargo and a sunglass shop. She said that Judith Oset had done an enormous amount of work on the problem, making sure the system was pumped and the area sanitized. There may have been a problem with a welling-up of ground water as the basement of one of the adjacent buildings had been pumped for the last couple of weeks due to ground water encroachment. The system is being inspected to resolve the issue.

Marina also said she has had a busy month dealing with dead birds (no West Nile virus), dog bites, odors, beach closings, etc. The beach closings have prompted the most calls with people understandably nervous about the type of pollution, especially if their children had been swimming in the "closed" area. She noted that Judith Oset had embarked on a plan to educate the police force about the nature of the beach closings in order that they could help alleviate the worries of the public. She also gave a mini lesson on a heat pump system that has caused the Anchor Inn a great deal of grief. They had been spending about \$2K every other day until the ConCom investigated and gave them permission to hose the overflow problem into the harbor since it consisted of fresh water – not septage.

Board Members' Statements

Ken Janson wondered if something had happened downstairs? The Board has received a ton of stuff from the Health Department recently (e.g., two items from the planning board). Any reason? It was pointed out that the new secretary, Pat White, wants to make sure the Board gets all the information they might need and – as a result – they are given perhaps more information than they need. Mark will discuss the situation with Pat.

Also the DEP form to fill out for campgrounds was discussed by Ken The form was given to Marina and she felt since both campgrounds are on town water, it was not an urgent request. However, she will complete the form and file it with the DEP. The form has to be responded to by August 25th. Mark would like major campgrounds listed.

Mark Baker had a new DEP Operations and Maintenance form for alternative and innovative septic systems. The form has to be filled out at specific times for all such systems. The new Health Inspector will be made aware of this. Mark is saving a continuation of Michelle Couture's follow-up list to hand to the new Health Inspector who will be starting on September 6th. Another bulletin: Mark was informed that 45 Cap'n Bertie's Way which had a failed septic that the BoH required to be fixed even though "only two old people were living there" has rented illegally to 4 tenants in the basement. Marina and/or the new Health Inspector will look into this situation.

Mark, too, had a question regarding the Title 5 allowable flow assigned by this Board at some previous date for artists' studios. Marina suggested if the regulation was not properly issued, that issuing a BoH policy might be much simpler to do than issuing a regulation, since a proposed regulation must be published 2 weeks before any public hearing on such an issue. The BoH should have a policy and Mark and Judith will work on either discovering if a regulation was passed already or if one should be drafted and advertised for a public hearing.

Neither Kay Halle nor Duane Gregory had any specific concerns for review by the Board.

Any other business that shall properly come before the Board

Judith Oset said she had received two letters of complaint regarding ear piercing done on a 12-year-old and a 16-year-old without prior parental permission. After a great deal of discussion, it was decided that Judith Oset would compose a letter to be sent to all shops (i.e., jewelry and related industries) permitting EAR LOBE PIERCING but prohibiting ear cartilage piercing unless they have a body piercing license. It was also suggested that the proposed letter should have a diagram depicting the parts of the ear that have cartilage that would necessitate the enforcement of body piercing licensing and regulations. The letter should also include the warning that anyone having body piercing under the age of 18 has to be accompanied by a picture-ID-carrying adult who can sign the consent form. Judith promised to respond personally by phone to the woman who initiated the complaint. Mark wants the letter to jewelers to have a stern tone – for example, “you are now in possession of the regs” - so that no one can claim ignorance of the reg in the future.

Mark, projecting ahead for next season, wants to get a lot more information regarding henna or “temporary” tattoos. Originally the henna was going to be a natural substance, but now some “artists” are combining synthetic materials with the henna. The Licensing Agent has told Mark that there have been a few skin problems from these applications. Marina told Mark that the DPH has an epidemiology department and they can probably offer guidance. Once the BoH amasses information, then it can make decisions.

Work Session on the Proposed BoH Regulation regarding the Adjustments to Title 5 Flows for Expansions of Residential Properties

This topic had been postponed from earlier in the meeting and was now addressed. Referring to what had been discussed in prior meetings, Mark asked for the Board’s consensus to allow him to write a memo asking the DRM to track – for the next six months - any future expansion plans that would have triggered the proposed reg to see how many of them would have actually impacted permitting. In addition, Mark will ask the DRM – given that they have the manpower – to go back 1-2 years to determine if any expansion projects that were permitted resulted in the increase in water usage. Based on this accumulated data, in six months the BoH and other town boards will have some data to pursue this issue further or decide permanently against it.

The meeting adjourned at 8:40 p.m.

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

Respectfully submitted,

Evelyn Rogers Gaudiano

Evelyn Rogers Gaudiano

Approved by

_____ on _____
Mark Baker, Chair date