

# BOARD OF HEALTH

June 21, 2001

6:30 p.m.

**Members Present:** Mark Baker, Michele Couture, Chairman; Duane Gregory; and Ken Janson

**Members Absent:** Laura Davis, and Kay Halle (excused absences)

**Health Agents:** Sean O'Brien and Jackie Silver

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

**Public Statements:** There were none.

**Motion:** Michele Couture made a motion to allow Roger Dias to become the soil evaluator. (It involves taking a course.) Mark Baker seconded the motion and it was passed unanimously. (Sean O'Brien will write a letter paving the way for Roger's course.)

**New Business:**

**Mitch Yates/ 439 Commercial Street**

New Massage Therapist License

Mr. Yates told the group that he had completed 540 hrs of training.

**Motion:** Michele Couture made a motion to approve the license for Mitch Yates. Ken Janson seconded the motion and it was approved unanimously.

**Wm. Gately/ 5 Seashore Drive, Unit 8**

Home Occupation/Massage Business Application & New Massage Therapist License

Mr. Gately told the Board that he had received 684 hours of training.

**Motion:** Michele Couture made a motion to approve both the home occupation/massage business application and new massage therapist license for William Gately. Ken Janson seconded the motion and it, too, was unanimously approved.

**29 Conant Street**

**Title 5 variance**

Alan Cabral of Felco Engineering presented the plan on behalf of the owner, Janice Hallaman. Allen said it was a basic straightforward upgrade with a minimum of variances. Also, it is a voluntary upgrade.

**Motion:** Michele Couture made a motion to accept plan #00231 with the condition that there be no increase in habitable space. Ken Janson seconded the motion and it was unanimously approved.

**Tommy Edwards - New Title 5 -Septic Installer's application**

Tommy Edwards applied for his septic installer's permit. He was asked what kind of apprenticeship he had? He replied that he is a developer and often times is held up on construction just waiting for a septic installation. He doesn't want to become a title 5 installer, per se, but, in cases where expediency is necessary, he would like to be able to install one. Sean O'Brien said Massachusetts (at this time) doesn't have any regulations YET but in the future a test will be required before you get a license. Tommy said he would plan to ask for advice before installing any involved system.

Sean continued that whenever we have had a relatively new septic installer we would suggest that we have an on-site meeting so we can look at the plan and the site and be sure. Sean would recommend to the Board that for the first 10 installations – we do site inspections – and at every portion of the installation. Sean also recommended that license issued to Mr. Edwards be provisional for the first six months.

**Motion:** Mark Baker made a motion to approve the license for Mr. Edwards with the following conditions:

1. that on-site meetings be held for the first ten installations
2. that on-site inspections be held at every important juncture of the installation, i.e., d-box, leaching

fields, etc.

**3. and the license be provisional for either the first six months or the first ten installations, whichever comes first.**

**Ken Janson seconded the motion and it was approved by all.**

## **Sep Tech**

Jim Baird and the Site Manager for the region appeared before the Board of Health to answer the charges which had been brought against them. The complaint had to do with a Sep-Tech repair of a leaking septic system. They repaired a leaking 1500 gallon septic tank by sealing a tank seam. The problem was they were neither licensed in the Town nor did they bother to obtain a permit for the repair.

The Site Manager told the Board that the reason the problem was found was because they were so thorough. They responded to a complaint and fixed the problem immediately. Michele C. told them that the BoH doesn't allow installations without permits. The Board frowns on it. The Site Manager continued that he took the complaint very seriously and wanted to do everything required to rectify the oversight.

**Motion: Michele Couture made a motion to have the Health Agent sign off on the construction permit for 233 Bradford Street and also to sign off on a septic installation permit. In addition a six month probational license will be issued to Sep-Tech. Mark Baker seconded the motion and it was unanimously passed.**

**A motion was made to take 205 Commercial Street out of the agenda temporarily.**

### **24 Court Street - Title 5 variance**

Alan Cabral presented the title 5 plan. Since the area has very limited access and most of the work will have to be done by hand, a plastic (fiberglass) tank will be used. Ken Janson wondered why plastic tanks aren't used more often. Sean said the DEP still prefers cement.

**Motion: Michele Couture made a motion to approve plan #00352 with the condition that there be no increase in habitable space. Mark Baker seconded the motion and it was approved unanimously.**

### **15 Winthrop St. - Collapsed cesspool**

The property has a 3-bedroom house and a 1 bedroom cottage on it. It has two cesspools and the one for the main house has failed. The collapsed cesspool has been covered and it was suggested that the flow from the main house be fed into the smaller cesspool until an appropriate installation can be completed.

**Motion: Michele Couture made a motion stating that the system must be inspected weekly and must have an alarm installed on it. A plan for a new title 5 must be completed within one month (July 21<sup>st</sup>) with an installation completed no later than October 21, 2001. Mark Baker seconded the motion and it passed unanimously.**

### **Georgie Porgie** represented by owner, George Murphy

Complaints have been received from members of the Board regarding Mr. Murphy handling food and then handling money at his bagel shop. At first Mr. Murphy objected about anonymous complaints being registered with the BoH and not with himself. He also said both he and his daughter had taken the safe serve food course and took the lessons learned very seriously. Mr. Murphy was told that the complaints were not placed anonymously but by members of the Board who had observed the happenings. Rather than announce at his establishment that they were from the Board of Health and he needed to wear gloves, etc., the Board preferred to bring him in privately and discuss the infractions personally.

After an in depth discussion amongst all the parties, it was decided that Mr. Murphy would speak to his help and see to it that one person – only – would be handling money with the others involved strictly in food preparation. Mr. Murphy will also look into wearing disposal gloves during food preparation.

**Motion: Michele Couture made a motion to indefinitely postpone 205 Bradford Street. Mark Baker seconded it and it was approved unanimously.**

**Motion: Ken Janson made a motion to approve the minutes of the June 7<sup>th</sup> meeting. Duane Gregory seconded the motion and it was unanimously approved.**

## Health Agent's and Health Inspector's Reports:

**Sean O'Brien** told the Board that the Anchor Inn had a flooding problem but it was not from their septic. They have a geo-thermal unit and with all the rain it posed the flooding problem.

Stormy Harbor repair to septic? Sean did turn away Martin's fill; the fill contained roots and filthy dirt.

Lynn handled 15 Winthrop St and she did a good job.

Summer intern is Courtney Moulton – she's doing a good job. Few rumblings re:234 Commercial St. (Union Square) They are not in the purview of the BoH and could be deemed nuisance complaints.

202B Bradford St – Haven't heard from Mr. Donovan, but did everyone get copies of George Heufelder's letter?

Coastal Acres submitted copies of plans for 2 new tight tanks for their trailers. Sean will look into the matter and feels they are maintaining their current capacity.

Peter Tompkins property on Comm St – joining escrow plan and Sean is waiting for a check.

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**Jackie Silver** reported on the coliform bacteria count of beach water quality is high in the area across from Best Inn. No retest has been done yet. Alison said the beach should be posted right away if it were high again.

Two more Hepatitis B cases so far. Michele wondered if related people have been notified? Combined shot of A & B is being given to people. (Michele will contact Diane Corbo to further discuss.)

## Board Members' Statements:

**Ken Janson** wondered if anything would be forthcoming regarding the memo from Dana Faris about the 75 ft radius as it refers to abutters. Sean will research language on this issue.

**Motion: Michele Couture made a motion to adopt the 75 ft radius for notification of abutters but also to include immediate abutters and abutters across the street from the property. (the difference will be between "policy" and "regulation") Mark Baker seconded it and it was unanimously approved.**

Ken continued wondering why the people receiving tattoo licenses and body piercing licenses are not coming before the Board – as do the massage therapist applicants? Michele said that was an important comment and she would like to put a tattoo regulations workshop on the agenda for the July 5<sup>th</sup> meeting.

**Michele Couture**, commenting on the unsigned complaint regarding a child being changed on a cutting board at the Snack Attack, asked Jackie what action had been taken. Jackie said she was told by Judith to write a letter to the establishment and not visit. Jackie is still pondering what should go into the letter i.e., fine, warning, or what? Since the complaint was unsigned and couldn't be verified it was decided a letter of warning would be the first step – fines would follow if it continued.

Jim McGowan send in a complaint concerning the dead seaweed behind the Surf Club and wanted to know what the Town intended to do about it. Michele said the Town should not be responsible for raking seaweed from the beach.

**Motion: Michele Couture made a motion to write a letter to the Board of Selectmen stating removal of seaweed should not be a Town responsibility. Ken Janson seconded the motion and it passed unanimously.**

**Mark Baker** plans on enjoying his bagels from Georgie Porgie's in the future.

**Duane Gregory** asked for specific clarification on no increase in habitable space? She was told it was a firm rule.

**The meeting adjourned at 8:20 p.m.**

**The next meeting will take place on July 5<sup>th</sup> at 6:30 p.m.**

Respectfully submitted,

*Evelyn Rogers Gaudiano*

Approved by

\_\_\_\_\_ on \_\_\_\_\_  
Michele Couture, Chairman date

Received; Town Clerk, SJN/gwd/ July 27, 2001 3:30pm