
Board of Health Minutes 06/19/2014

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of June 19, 2014

Board Members Present:

Kalliope Egloff, Chair
Lucy Burton, Co-Chair
Burton Kaplan, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:02 PM.

NEW BUSINESS**1. Board of Health Re-Organization.**

Kalliope Egloff made a motion that Lucy Burton be nominated as Chair of the Mashpee Board of Health for the Fiscal Year effective July 1, 2014. Burton Kaplan seconded the motion. The motion was unanimously approved.

Lucy Burton made a motion that Burton Kaplan be nominated as Co-Chair of the Mashpee Board of Health for the Fiscal Year effective July 1, 2014. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Lucy Burton made a motion that Kalliope Egloff be nominated as Clerk of the Mashpee Board of Health for the Fiscal Year effective July 1, 2014. Burton Kaplan seconded the motion. The motion was unanimously approved.

2. Sign Expense Warrants. The Board members signed the expense warrants.

3. Review/Approve BOH Public Session Minutes: June 5, 2014.

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of June 5, 2014. Kalliope Egloff seconded the motion. The motion was unanimously approved.

4. Request for 2014 Food Establishment Permit: Burritos (414 Nathan Ellis Highway).

Jonathan Arce, Owner/President of Burritos, introduced himself to the Board.

Glen Harrington commented that the proposal is all of the equipment and floor plan will remain the same with the exception of taking out the flat grill and installing a six burner gas stove. The application, the fee, the ServSafe Food Handler Certificate, the Allergen Awareness Certificate, the menu, and the floor plan have been provided. The grease trap requires servicing prior to opening, and according to Massachusetts code, a fully Certified Food Manager is to be in place within 60 days of opening.

Lucy Burton stated that since it is already summer, she is not comfortable with allowing 60 days for the Certified Food Manager training. Ms. Burton would like the proper training in place for Mr. Arce and his staff prior to the 60 days.

Kalliope Egloff discussed the different types of recycling programs and the process of obtaining the information.

Burton Kaplan made a motion that the Board of Health approve the 2014 Food Establishment Permit for Burritos subject to providing the Certified Food Manager Certification within 30 days of opening, servicing and pumping the grease trap prior to opening, and pending a final inspection by the Health Agent. Kalliope Egloff seconded the

motion. The motion was unanimously approved.

5. Request for 2014 Tobacco License: The Vape Way (387 Nathan Ellis Highway).

Lucy Burton remarked that The Vape Way, located at 387 Nathan Ellis Highway, is proposing to sell e-cigarettes and associated parts and vaping materials. The Board of Health regulation states that no one under the age of 18 can purchase e-cigarettes, tobacco products, or nicotine delivery devices, but employees can be 16 years or older.

The Board felt that the sale of tobacco products by a 16-year old is too young and would like to revise the regulation to increase the minimum age to 18 years old.

Kalliope Egloff made a motion that the Board of Health approve the 2014 Tobacco Nicotine Delivery Device permit for The Vape Way pending signature of the revised application and a final inspection by the Health Agent. Burton Kaplan seconded the motion. The motion was unanimously approved.

6. Request for 2014 Farmer's Market – Mashpee Commons.

Glen Harrington commented that the Farmer's Market proposed for this year is the same as last year. Nicole Cormier, the person in charge for last year is again the coordinator this year. Since there was a change in location, the proposal was reviewed at Mashpee's Site Plan Review Committee so that all of the departments had a chance to discuss it. Mr. Harrington felt that Fountain Square in Mashpee Commons will be a better location where there will not be road closures.

Mr. Harrington stated that the Farmer's Market is planning on 8 vendors and a gardener's table for each day the market is operating. Last year the fee of \$100 was approved for each weekend that they were open which covers the Health Agent's time to perform inspections.

Kalliope Egloff made a motion that the Board of Health approve the Farmer's Market with the following conditions:

- Nicole Cormier is considered the Certified Food Manager to oversee the food vendors during the event.
- The fee for the market is \$100.00 per week.
- If samples are to be provided by a vendor to the public, then all of the conditions in the Board's "Temporary Food Vending Policy" shall be met.
- All prepared foods shall be made at a licensed facility, commercial or residential kitchen. As the certified food manager, in charge of the event, Nicole Cormier is responsible for having the vendors comply with this requirement.

Burton Kaplan seconded the motion. The motion was unanimously approved.

7. Variance Request – Camp Regulations: Boys & Girls Club of Cape Cod.

Lucy Burton commented that a similar request for the Boys & Girls Club of Cape Cod has been before the Board in the past. The Board agreed that since this application had been presented in the past, there were no issues with approving the variance.

Burton Kaplan made a motion that the Board of Health grant the exemption to allow 130 campers at the Boys & Girls Club of Cape Cod subject to the necessary inspections by the Health Agent. Kalliope Egloff seconded the motion. The motion was unanimously approved.

8. Variance Request – Septic Inspection Regulation: 11 Florence Avenue.

Glen Harrington stated that a septic inspection was performed on June 13, 2014, with a result of "Needs Further Evaluation by the Board of Health." The reason for the "Needs Further Evaluation" was that the outlet cover to the septic tank could not be raised to within 6 inches of grade because of a wooden planter constructed over the cover. The inlet cover to the septic tank has a hatchway in the block patio that allows excellent access to the septic tank. The distribution box and the Soil Absorption System are also available for maintenance and inspection. A variance was requested to not provide the riser to the outlet access cover on the septic tank.

Burton Kaplan made a motion that the Board of Health approve the variance requested for 11 Florence Avenue with the condition that if the planter is removed or renovated then the riser must be added to the septic tank at that time. Kalliope Egloff seconded the motion. The motion was unanimously approved.

9. Variance Request – Sampling Frequency: Seconsett Island Causeway.

Glen Harrington stated that the Department of Public Health is requesting the Board of Health to approve a variance from sampling weekly to monthly for the Seconsett Island Causeway bathing beach. A sanitary survey performed by the Department of Public Health states that the beach has not had a closure in four years which makes it eligible for reduced sampling. The Board of Health had approved the same variance for Callie's Beach in 2007. At first, the Department of Public Health requested that we eliminate the testing at this location because swimming should not be allowed where boat traffic is heavy. However, the beach is constantly used by bathers and beach-goers to totally eliminate the testing.

Kalliope Egloff made a motion that the Board of Health approve the variance as presented with a sampling frequency of once prior to the bathing season and every 30 days thereafter during the bathing season in lieu of the requirements of 105 CMR 445.032(C)(1)(a & b). Burton Kaplan seconded the motion. The motion was unanimously approved.

10. Modification to previous Board of Health Approval: Augut Self-Storage (104A Falmouth Road).

Glen Harrington commented that there was an internal request for occupancy at 104A Falmouth Road (Augut Self-Storage). One of the two buildings has been constructed, and the septic system has been partially installed. Mr. Bornstein, owner of the property, has a tenant for the one building. It is reportedly to be a classic car storage.

The septic system is a denitrification FAST 1.5, which has a 3,000 gallon septic tank with an ABCN treatment unit that utilizes a carbon source drip. Because there is one person with a part-time helper on the premises, Mr. Bornstein is requesting to not use the installed Innovative Alternative System due to low flow. John Roland, sales representative for the FAST system, has confirmed that the blowers were not installed, and the signed contracts of 2007 were cancelled in 2009. Mr. Roland did say that the system would operate like a conventional system, since there would not be enough flow for the Innovative Alternative system to operate effectively.

Kalliope Egloff made a motion that the Board of Health approve the modification to the previous Board of Health approval of the septic system for Augut Self-Storage at 104A Falmouth Road with the following conditions:

- No installation of blowers.
- No Operation and Maintenance Contract – allowing the system to operate as a conventional system with no treatment unit.
- Pending confirmation of the tenancy.
- A written request for this modification.

Burton Kaplan seconded the motion. The motion was unanimously approved.

ADDITIONAL TOPICS

1. Septic Inspection Variance: 40 Ashumet Avenue.

Kalliope Egloff made a motion that the Board of Health add 40 Ashumet Avenue to the Board of Health Agenda. Burton Kaplan seconded the motion. The motion was unanimously approved.

Glen Harrington commented that the owner of 40 Ashumet Avenue is adding a bedroom for a total of 3 bedrooms. The septic system was originally designed for 3 bedrooms. The code requires a septic inspection and a letter from an engineer stating that the septic system can accommodate the increase.

There is access to the septic tank and distribution box; however, since the as-built was poor the leaching could not be located. Doug Brown performed the septic inspection and used a camera to locate the leaching. He probed down and discovered there were no risers. The owner has had rare species of flowers for many years and does not want the leaching risers to be added. The Board of Health regulation states that risers are to be added. The variance requested is to not add the risers to the leaching facility because of the flowers and vegetation that the owner wishes not to disturb. The septic inspection was for an addition and not for the sale of the property.

Kalliope Egloff made a motion that the Board of Health approve the variance for 40 Ashumet Avenue to not add risers to the leaching system with the condition that at the sale of the property risers are to be added. Burton Kaplan seconded the motion. The motion was unanimously approved.

OLD BUSINESS

1. Amended Refuse Regulation.

Lucy Burton continued discussion on the amended Refuse Regulation to the August 7, 2014, Board of Health

meeting.

DISCUSSION

1. Electronic Death Registry.

The Board discussed the two options of the Electronic Death Registry: Opt-In or Opt-Out.

Glen Harrington commented that the first part of the process is that the medical staff or funeral staff is notified of a death and begins recording the information. The Certifier is the medical person that announces the cause of death. After the Certifier reviews the information on the computer, it is then sent to the funeral director to complete the form with the personal information.

If the Board of Health opts-in, the funeral director is allowed to print and sign off on the permit. The Board of Health then reviews the permit and signs off through the computer before it is forwarded to the Town Clerk.

If the Board of Health opts-out, the funeral director enters the information, and then the Burial Agent has to review and approve the burial permit, which becomes an extra step. Deborah Dami, Veronica Warden, and Glen Harrington are all Burial Agents for the Town of Mashpee. The Board of Health has the ability to approve funeral directors to be Burial Agents. The Town Clerk is the last step because they issue the certified copies of the burial permit and death certificates.

Presently, there is a disposition tag on the written book, which is completed and returned to the Town stating the final resting place of the deceased. With the electronic process the disposition tag will be part of the permit when it is printed. The disposition tag is important because it indicates the final disposition.

Kalliope Egloff made a motion that the Board of Health Opt-In to the Electronic Death Registry process as presented by the Registry of Vital Records and Statistics Massachusetts Department of Public Health with the two local funeral homes also as Burial Agents for the Town of Mashpee. Burton Kaplan seconded the motion. The motion was unanimously approved.

2. Household Hazardous Waste Collection.

Kalliope Egloff commented that the Household Hazardous Waste Collection will be held on Saturday, June 21, 2014, at Falmouth High School. Mashpee, Bourne, Falmouth, Sandwich, and Joint Base Cape Cod are allowed to participate. 8:30 AM is the unofficial start time and 1:00 PM is the official end time. Businesses are also allowed to participate at \$3.00 per gallon.

Mashpee will be holding their Household Hazardous Waste Collection on Saturday, August 16, 2014, at Mashpee High School.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, July 17, 2014, at 7:00 PM. As there was no further business, Kalliope Egloff made a motion to adjourn the Public Session Meeting of the Board of Health at 8:30 PM. Burton Kaplan seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments