



## **BOARD OF HEALTH MEETING May 10, 2016: Minutes**

**Members Present:** Patricia Bergeron, William White.

**Members Absent:** James Butterick

**Others Present:** Ade Solarin-Health Agent, Alexandra Kral-Administrative Assistant, Francis L. Daly.

### **APPOINTMENTS:**

9:00: Review with a Health Agent

#### Grease Trap Regulation discussion

*Discussion of the draft copy of regulation presented during previous meetings*

- **Member Bergeron:** I like the idea and purpose of this regulation. I think it is very cost prohibitive and maybe we can start with just requiring proof that grease trap was pumped prior opening.
- **Member White:** I would like to have every Board Member present during this discussion.

*Member Bergeron motioned to schedule a discussion of Grease Trap Regulation for the next meeting on May 24th, 2016.*

*Motion was unanimously approved.*

#### Policy Discussion

*Discussion of existing and proposed policies for Oak Bluffs Board of Health*

- **Health Agent:** During previous meetings, the BOH requested to review existing policies for the Town of Oak Bluffs Board of Health:
  - *Food Establishments with Prepackage Foods*
  - *All temporary events are restricted to non-potentially hazardous foods*
  - *Member Bergeron motioned to eliminate "All temporary events are restricted to non-potentially hazardous foods" Policy.*  
*Motion was unanimously approved.*



- **Health Agent:** Also I would like to present proposed policies:
  - *Food Plan Review Application*  
*As of July 1st 2016, a fee of:*  
*\$200.00 will be charged for New Establishment and Complex Renovations \$100.00 will be charged for the Simple Renovations*  
*\$50.00 will be charged for the Equipment Addition*
  - *Temporary Event Application*  
*Temporary Event Application is valid for 14 consecutive days. After 14 days, a new application must be re-submitted together with a \$100.00 fee.*
  - *Fee by seats*  
*Food Establishment Permit Fee for Restaurants will be based on amount of seats available at the location: 0-50 seats – \$350.00 ; 50-100 seats – \$450.00; 100 and more - \$550.00*
  - *Caterer*  
*All temporary events served by caterers who do not possess a Catering Permit issued by the Town of Oak Bluffs must apply for a Temporary Event Permit.*
  - *Proof of Non-Profit*  
*Any organization claiming a Non-profit status must submit documentation confirming a Non-Profit Status.*

***Member Bergeron noted that any policies effecting Board of Health fees should be discussed at the Public Hearing. Caterer Policy and Proof of Non-Profit Policy are to be worded appropriately and come back for the Board's review.***

9:15: Francis L. Daly 42 Washington Avenue M21 P50 Re: Variance Request

*To allow minimum setbacks distances to be less than required by 310 CMR 15.211: soil absorption system to property line 8', sas to cellar wall 10', septic tank to cellar wall 6'.*

- **Francis L. Daly:** The size of this lot makes it hard to meet necessary setbacks. So I would like to request three different variances.



- **Health Agent:** This is a very small lot. Based on the lot size, I think we have no other option than to approve the plan as submitted. The proposed system is better than the existing system

*Member White motioned to approve variance request for 42 Washington Avenue. Member Bergeron 2nd it. Motion was unanimously approved.*

9:25: George Sourati: 35 New York Avenue M8 P298; Re: Variance Request

*To reduce required separation distance from septic tank to a cellar wall from 10' down to 6'*

- **Jack Reagan:** I'm here to present the Variance Request for 35 New York Avenue. There are five different apartments in this building. I am asking to reduce separation distance between septic tank and cellar wall to 6ft from 10ft.

*Member Bergeron motioned to approve variance request for 35 New York Avenue. Member White 2<sup>nd</sup> it. Motion was unanimously approved.*

9:35: Tom and Karen Doyle at 6 Laurel Avenue M8 P58

*Would like to obtain a Certificate of Compliance for the above referenced property.*

- **Tom Doyle:** We were wondering why we got requested to come in for today's meeting.
- **Health Agent:** During last meeting Board of Health requested you to get in contact with the DEP regarding the process of obtaining the certificate of compliance.
- **Member White:** What I understand from this DEP letter is that we are not allowed to issue a certificate of compliance.
- **Member Bergeron:** Until we receive different instructions from the DEP, we cannot issue a certificate for you
- **Karen Doyle:** Ade, are there any exceptions for situations like this?
- **Member White:** We cannot go against State rules that we have to obey to.
- **Karen Doyle:** Can we postpone this meeting?
- **Member Bergeron:** Sure. Just give a call to the BOH office to schedule a hearing for one of our future meetings.



## OTHER BUSINESS:

9:30: Linda Wilson: 140 Front Street.

- **Linda Wilson:** I apologize I was not aware that you need to make an appointment to come before the Board of Health. I have rats on my property. I believe that they come from my neighborhood property. I was wondering if there is anything that Town can do.
- **Health Agent:** You should stop by at the Health Department to fill out a complaint form. The Building Inspector and I will conduct an inspection once we receive the written complaint.
- **Member Bergeron:** Please stop by the office and our staff will be happy to help you. Or you contact private Pest Control Company for mitigation.

9:33: Francis L. Daly: Hearing Request Form and Complaint

- **Francis L. Daly:** I received a Hearing Request Form from BOH office. One part of the form gives Health Agent option to grant requested hearing or not. I think that Health agents should not be involved in the process of granting hearings.
- **Health Agent:** Every hearing request goes to the Board of Health. No one has authority to prevent anyone from coming in front of the Board. The section you are referencing is for internal use only. It helps us keep track of every hearing request and its outcome.
- **Member Bergeron:** I understand how this form can get confusing. May be we can modify it to make it clearer.
- **Francis L. Daly:** I had Perc Test Scheduled for 12 pm. Health Agent never came and we did not get any notice of cancelation I did the Perc Test without Health Agent present at the site and when I informed him that Perc Test was successfully completed Health Agent told me that this test is invalid because he was not present on site during testing process. Administrative assistant for the Board of Health called my office to cancel the perc test while I was out in the field. I would like Board of Health to accept the Perc Test that was performed.
- **Health Agent:** According to the Code, the Health Agent has to be present on site during the perc test. Mr. Daly is aware that I have to be present during the Test.
- **Member White:** I think we should try our best to notify people about any change in schedule as much in advance as possible.

*Member Bergeron suggested to Mr. Daly to get on the Agenda for the next meeting if he has any other unresolved issues. Member White advised Mr. Daly to reschedule the Perc Test so the Health Agent can be present during the testing process.*



**MEMBERS:**

***Member White: Motioned to adjourned***

Respectfully submitted by,  
Alexandra Kral, Administrative Assistant