

BOARD OF HEALTH MEETING CORRECTED MINUTES

May 6, 2019 at 6:30 p.m.

This meeting will be held in the Town Hall lower level meeting room

59 Town Hall Square, Falmouth, MA 02540

Times indicated for the agenda topics are approximate

Present: Diana Molloy, Stephen Rafferty, George Heufelder, Kevin Kroeger
Scott McGann

6:32 - Opening Remarks and public comment:

Diana Molloy opened the meeting and read the mission statement:

The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

SEPTIC SYSTEMS

6:33 –143 East Falmouth Highway – Local Upgrade Approval Request

Letter from CSN Engineering requesting the following divergences from Title 5 to repair an existing septic system serving the Golden Sails restaurant.

310 CMR 15.211 Minimum Setback Distances:

- o Reduce the setback requirement for a soil absorption system to a property line from the required 10' down to 8' (2' reduction)
- o Reduce the 25' setback requirement for a soil absorption system to a storm water basin from the required 25' down to 11' (14' reduction)
- Proposed sewage disposal design plan by CSN Engineering dated April 28, 2019

Representatives Bob and Judy Bursen appeared with the request.

George Heufelder moved to approve finding that this is a tight lot, a poly barrier has been proposed for mitigation, the flow for the restaurant is 1400 gallons per day but it is designed for 1500 and provided that a complete plan is provided with observation ports identified, a letter from Presby outlining standards is provided, all vents are shown, both low and high and the presence of an A/I system is registered with the deed and with the standard set of conditions. Stephen Rafferty seconded.

George Heufelder amended that the approval was for the restaurant only and not for residential use. Stephen Rafferty seconded. A vote was taken on the amendment and all in favor; motion passed.

A vote was taken on the original motion and all in favor; motion passed.

GENERAL BUSINESS AND CORRESPONDENCE

6:50 –Martha's Vineyard Tattoo Company – 59 Davis Straits - Continued from 3-25-2019 and 4-22-2019

Establishment was operating without a tattoo establishment and tattoo practitioner license as required. The proprietor was issued an order by the Health Department to cease activity until a

permit has been issued. After meeting with the Board on 3-25-2019 and 4-22-2019, the applicant has worked on complying with the requirements and is seeking the ability to be licensed.

Scott McGann reported that a check of Ally Long's work and licensing history revealed no concerns. The town of Barnstable had been working with Ms. Long to advance her from apprenticeship status to licensed. Scott McGann noted that he had drawn up a draft provisional license should the Board of Health decide to grant one. A discussion included the following:

- Does Ms. Long presently hold a license?
- Ms. Long said: let's backtrack. She began to explain that she was born in Yarmouth, Massachusetts.
- The Board of Health did not want to discuss matters that far back.
- Scott McGann said that Ms. Long does not have a license. There is no state license for this profession. Towns in Massachusetts issue licenses.
- The Board of Health became concerned as it reviewed documents produced by Ms. Long, including Informed Consent forms and Aftercare documents which contained many typos, spelling errors and incoherent thoughts.
- Ms. Long noted that she was sorry but that she had no spell check. She said that she had graduated early from Sturgis Charter School. She said she was willing to do whatever the Board of Health asked her to do. If it said jump, she would just ask how high.
- The Board of Health expressed concern that Ms. Long was requesting a license to use permanent ink and needles but she could not produce documents that made sense even after being requested to do so and given help to do so.
- The Board of Health offered suggestions: go to the library for help with correcting; copy and paste from any reputable web site like the CDC to correct documents; have a trusted person read and edit. Scott McGann offered to help with the documents.
- Ms. Long explained that she was trying to do things in the community at the local level and even the world wide community level. This was just the first step.
- The Board of Health requested that Ms. Long stop interrupting and listen. Ms. Long continued to interrupt.
- How long would Ms. Long need to make the documents coherent?
- Ms. Long said she would need 4 hours. Then she said she would need 30 minutes.
- Concern was expressed with Ms. Long's demeanor given that she was asking permission to use permanent ink and needles on the public.
- Ms. Long said that she had a child. This was her first step and she had many other things that she was going to do.
- Concern was expressed that some days Ms. Long seemed less able to function.
- Concern was expressed with the level of support being provided to Ms. Long and her ability to function. Resources were available and she had not used them. Could this be a public health risk?
- Strong literacy is not a prerequisite but how is the Board of Health to know when it is ok to license? The problems presenting are not necessarily problems that would manifest on the job.
- The concern is not spelling mistakes but that Ms. Long did not take prior suggestions to correct an incoherent aftercare plan.
- If a provisional license is issued with monthly inspections and client feedback this would place a burden on the health agent.

- Ms. Long said that she was really sorry and that she could deal with difficult customers but had trouble when it came to authority. She said she was a good girl.
- Scott McGann will ask Frank Duffy to review the provisional license draft.

Stephen Rafferty moved to approve a provisional license for 6 months provided Ms. Long produce clean, clear, usable documents on or before Friday, May 10 and subject to Ms. Long agreeing to terms relative to access to patrons, use of property and any term outlined in the provisional license. George Heufelder seconded. All in favor; motion passed.

7:53 – Discussion of proposed regulation changes to FHR 15.0 Falmouth’s supplement to 310 CMR 590.00 (Title 5)

- Working document of proposed changes to FHR 15.0.
- Review of comments submitted to date.

Scott McGann reported that the hearing is scheduled for 5/13.

7:58- Board of Health Goals discussion and update

Revised Board of Health goals discussion document:
Reviewed.

8:14 – Correspondence

Letter from TEC Associates dated April 19, 2019 regarding the Massachusetts Coastal Railroad 2019 Vegetation Control Program:

The same letter will be sent to TEC as was sent to EverSource regarding glyphosate.

8:17– Approval of meeting minutes

Review of meeting minutes from April 22, 2019

Stephen Rafferty moved to approve with corrections. Kevin Kroeger seconded. All in favor except Diana Molloy abstained; motion passed.

At 8:20 Stephen Rafferty moved to adjourn. Kevin Kroeger seconded.

Posted May 2, 2019

Relevant Documents

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Proposed sewage disposal design plan by CSN Engineering dated April 28, 2019

Working document of proposed changes to FHR 15.0.

Review of comments submitted to date. Revised Board of Health goals discussion document

Revised Board of Health goals discussion document

Letter from TEC Associates dated April 19, 2019 regarding the Massachusetts Coastal Railroad 2019 Vegetation Control Program