



Town of Provincetown

Emergency Meeting of the

BOARD OF HEALTH

Thursday, August 21, 2013

Judge Welsh Hearing Room, Provincetown Town Hall,

260 Commercial Street, Provincetown, MA

Board Members Present: Mark Phillips, Chair; Laurie Delmolino, Vice Chair; Dr. Janet Whelan; Elizabeth Williams

Board Members Absent: Ken Janson and Paige Mansfield, Alternate

Other attendees: Brian Carlson, Health and Environmental Affairs Manager, Morgan Clark, Public Health and Safety Officer and Detective Meredith Lobur, Provincetown Police Dept.

Recorder: Susan Leonard

Call to Order: Mark Phillips, Chair called the meeting to order at 12:00 p.m.

I. Discussion of the Order of Termination Issued to Camp Lightbulb, PO Box 1477, Provincetown, MA

Discussion:

Mr. Phillips explained the purpose of the meeting was to discuss the Order of Termination that was issued to Camp Lightbulb on Saturday, August 17. He turned the presentation of the facts over to Morgan Clark, who was in charge of the investigation and review along with Detective Lobur.

Mr. Gordon "Puck" Markham was in attendance representing Camp Lightbulb along with Maura Weir.

Morgan Clark explained that on Thursday, August 15 she received a complaint about an unlicensed camp in Provincetown, Camp Lightbulb at Dune's Edge Campground. She set up an appointment for the complainant to come in and speak with her. Not knowing the nature of the complaint, she spoke with Town Manager Sharon Lynn.

Ms. Lynn asked that a police officer be present at the meeting. Officer Kathryn Catanese was at the meeting as is detailed in a police narrative report. The narrative was read into the record by Morgan Clark.

The narrative highlighted the various concerns and complaints of the complainant, a senior counselor at the camp, which included the dispensing of medications to campers, lack of adequate nutrition, food safety and storage, unsafe and overloaded transportation of campers and questions about whether mandated reporting was completed.

See Attached Below: PDF Police Narr [A] 8/15/13, Police Narr [B] 8/15/13

Ref: 13-329-0F

Entered: 06/15/2013 @ 1729
Modified: 06/15/2013 @ 1533

Entry ID: KLC
Modified ID: KLC

REMOVED
INTO
RECORD

On 8/15/2013 at approximately 1600 hours I responded to the Town Hall health department to speak to Morgan Clark, a health inspector in Provincetown, and a woman with a complaint about a youth camp in Provincetown.

The reporting party was [REDACTED] a senior counselor at Camp Lightbulb. Clark explained that Camp Lightbulb is an unlicensed camp for youths currently situated at Dunes Edge Campground in Provincetown. The camp is supposed to be licensed from the state and from the local Department of Health to operate a camp. The camp is directed by Puck Markham. [REDACTED] has been a counselor for the 2013 season which began 7/27/2013 and was supposed to continue to 8/25/2013. Each week of camp consists of new campers. The first week had 8 campers, the second week had 7 campers, and the third week (currently taking place) has 5 campers. [REDACTED] came in to speak to the health department because [REDACTED] wanted to report a series of issues with the camp which she believed were violations.

The first issue [REDACTED] brought up dealt with the administration of medication. The daily medication and prescriptions of the campers were being dispensed by counselors until this week when Markham was dispensing it twice daily. The medications were kept in a backpack until they were administered. There was no nurse or medical personnel with the campers. [REDACTED] was unaware if any of the 4 counselors or 3 junior counselors who stay overnight on site with the campers, were certified in CPR or first response. [REDACTED] said the first-aid kit consists of small square packages of band aids and other minimal supplies.

The second issue was dealing with food. The first day of camp for lunch the 8 campers were provided with: 2 loaves of bread, 2 cucumbers, 2 tubs of potato salad, and 1 bag of lollipops. [REDACTED] said the meals were not planned out and that it wouldn't be decided what the meals were going to be until hours beforehand. The camp did not have a kitchen until one was provided the second week by the United Methodist Church in Provincetown. In the kitchen the counselors are cooking the meals for the campers. [REDACTED] said that [REDACTED] and the other counselors were not aware of health requirements when preparing the food, nor were they given guidance in such.

The third issue was transportation. The Dunes Edge Campground is situated on the north side of Provincetown, across Route 6. In order to get to town and their "bear den", which was located at the Masonic Lodge on Masonic Place in Provincetown, the campers have to cross over Route 6. Route 6 is a 4-lane highway governed by a traffic light at an intersection near Dunes Edge Campground. Markham rented a van at the beginning of the camp which seats 6 passengers. [REDACTED] reported that the first 2 weeks of camp, when they had 8 campers, Markham would overload the van to transport the campers all at once. The campers would be transported in this van approximately twice a day back and forth. This current week, the campers have been walking back across Route 6 as [REDACTED] said that Markham has not been picking the campers up in the van at the end of the day.

The fourth issue was with mandated reporting and whether or not it was being completed. [REDACTED] reported that during the previous week of camp one of the campers told a counselor that he was sexually abused while in Florida, not at camp. [REDACTED] said that this camper had told the counselor that he was previously hit with a shovel and raped prior to camp. [REDACTED] told Markham that the incident needed to be reported to the Department of Youth Services. [REDACTED] said Markham was not sure of whether it needed to be reported and wondered about the necessity of such. [REDACTED] said [REDACTED] wrote a report but that another counselor, Maura Weir, was supposed to submit it. [REDACTED] did not provide the name of the camper.

NARRATIVE FOR PATROL KATHRYN D. CATANESE

Ref: 13-329-OP

Entered: 08/15/2013 @ 1729 Entry ID: KLC
Modified: 08/15/2013 @ 1823 Modified ID: KLC

Clark and I asked [REDACTED] if any kind of physical or sexual abuse was happening at the camp which [REDACTED] was aware of. [REDACTED] said no.

Due to these allegations and my status as a mandated reporter, I am filing a SIA.

*

Respectfully Submitted,

Officer Kathryn Catanese

Mr. Phillips asked Detective Lobur to explain what a 51 A Report is. She stated that it is required by Mandated Reporters (medical personal, police officers, social workers) to fill out this report when child abuse or neglect is suspected. It is filed with the Department of Children and Families. She made the report over the phone with DCF.

Morgan continued to explain, that after taking the statement, she met with Detective Lobur and Officer Catanese at the Police Station and spoke with Town Manager Lynn and Chief Jaran. It was decided that she and Detective Lobur would do an inspection the following day, during daylight hours, at the camp, Friday, August 16. The inspection form used, which is a form provided by the state, is the basis of the Order of Termination letter dated August 17, 2013. Ms. Clark noted of which regulations were met or not met and which regulations did not apply. The regulations regarding the status of the campground did not apply since Dune's Edge is already an inspected, licensed campground. The management of the camp for children is the bulk of what was of concern. She and Det. Lobur interviewed Mr. Markham, Ms. Weir and the counselors.

The Order of Termination was read into the record. It was hand delivered and sent by certified mail to Mr. Gordon "Puck" Theodore Arthur Markham. It detailed 24 violations of 105 CMR 430.00, Minimum Standards for Recreational Camps for Children as well 5 other issues of concern.

See Attached Below:



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

August 17, 2013

HAND DELIVERED: AUGUST 17, 2013
CERTIFIED MAIL: 91 7108 2133 3935 7938 7324

ORDER OF TERMINATION

**To: GORDON "PUCK" THEODORE ARTHUR MARKHAM
PO BOX 1477
PROVINCETOWN, MA 02657**

**Re: CAMP LIGHTBULB – UNLICENSED RECREATIONAL CAMP FOR
CHILDREN**

Dear Mr. Markham,

This letter is in response to an inspection conducted on August 16, 2013 by Morgan Clark, Public Health and Safety Officer of the Provincetown Health Department and Detective Meredith Lobur of the Provincetown Police Department.

As operator and camp director of Camp Lightbulb, you are hereby ordered to terminate operations of Camp Lightbulb effective immediately. The parents of children enrolled in the fourth week of camp starting August 18, 2013 must be immediately notified that the camp has been ordered to terminate by the Provincetown Board of Health. The following violations were found upon inspection of the

recreational camp for children in accordance with 105 CMR 430.000, Minimum Standards for Recreational Camps for Children.

- Operation without a License (105 CMR 430.750)
- Failure to Comply with the Provisions of 105 CMR 430.000 (105 CMR 430.752)
- Operator failed to develop or follow written procedures for the review of the background of each staff person and volunteer (105 CMR 430.090(A))
- Operator failed to obtain sex offender registry information from the Massachusetts Sex Offenders Registry Board for all staff (105 CMR 430.090(C)(3)(a)) and volunteers (105 CMR 430.090(D)(2))
- Operator failed to obtain CORI/Juvenile Report from the Massachusetts Criminal History Systems Board for all staff (105 CMR 430.090(C)(3)(b)) and volunteers (105 CMR 430.090(D)(3))
- Operator failed to maintain a full account of written document verifying the background and character of each staff person and volunteer (105 CMR 430.090(E))
- Operator employed and/or allowed to volunteer people whose background information was incomplete and/or not properly reviewed (105 CMR 430.090(F))
- Written policies and procedures did not exist for the following circumstances:
 - Discipline (105 CMR 430.191(B) & (C))
 - Disaster Plan, including transportation (105 CMR 430.210(B))
 - Lost Camper and Swimmers Plan (105 CMR 430.210(C))
 - Plan regarding whom campers may be released to (105 CMR 430.190(B))
 - Written camp medical policy, approved by the Local Board of Health and by the Camp Health Care Consultant (105 CMR 430.159(B)), including policies on daily health supervision, infection control, handling of emergencies and accidents, available ambulance services, provision of medical, nursing, and first aid services, the name of the designated on-site camp health supervisor, the name, address, and phone number of the camp health care consultant required by 105 CMR 430.159(E)
- The following language was missing from Camp Lightbulb promotional literature and informational packets:
 - The camp policy pertaining to mildly ill campers, administration of medication, and the procedures for providing emergency health care (105 CMR 430.159(B)(2))
 - A statement on any promotional literature that says “This camp must comply with regulations of the Massachusetts Department of Public Health and be licensed by the local board of health” (105 CMR 430.190(C))

- Information for parents that they may request copies of background check, health care, and discipline policies as well as procedures for filing grievances
- Camp Director (Puck Markham) has not completed a course in camping administration (105 CMR 430.102(A)(1)) or had at least two seasons previous experience as part of an administrative staff of a recreational camp for children (105 CMR 430.102(A)(2))
- Camp Operator (Puck Markham) did not inform all staff on duty as to who is responsible for administration of the camp at any given time. In the event of the absence of the director for more than 12 consecutive hours (camp director did not spend nights onsite at the campground) no designee was appointed at all, and none were de facto appointed who met the qualifications of 105 CMR 430.102(A) (105 CMR 430.102(D))
- The camp vehicle driver (Puck Markham) does not possess First Aid Certification (105 CMR 430.252(A))
- Camp Lightbulb has no Health Care Consultant (105 CMR 430.159(A))
- Camp Lightbulb has no Health Supervisor on site at all times (105 CMR 430.159(C))
- Camper medications were not stored in a locked storage cabinet (105 CMR 430.160(B)), rather they were initially kept in counselor tents for the first two weeks, and then in an unlocked drawer in the office for the third week of camp
- Camper medications were not administered by a Health Supervisor or under the professional oversight of the Health Care Consultant (105 CMR 430.160(C)). Additionally, there is no written list of all the medications administered at camp.
- No injury reports were provided or filed, even though counselors reported at psychiatric breakdown of one camper and the Camp Director/Operator reported one camper was taken to Outer Cape Health Services for dehydration (105 CMR 430.154). No injury reports were filed with the Massachusetts Department of Public Health.
- No medical log book was used or maintained (105 CMR 430.155)
- No infirmary was provided for campers or camp staff (105 CMR 430.161(A))
- No space was designated for isolation of a child with a communicable disease or suspected of such an illness or otherwise in need of quiet and rest, at a location suitably separated from the regular living and sleeping quarters so as to insure both quiet to the patient and safety to other persons (105 CMR 430.161(B))
- The first aid supplies that were provided were inadequate to meet the minimum standards of (105 CMR 430.161(C)), lacking at least bandage scissors, CPR mask, gloves
- Inadequate health records were kept for each camper, so as to not meet the minimum standard of 105 CMR 430.150 including written authorization to

administer medication, copies of injury reports, a certificate of immunization, a health history and report of physical examination conducted during the preceding 24 months (105 CMR 430.151)

- No records were available to ensure that all campers and staff received all required immunizations (105 CMR 430.152)
- No food service permit was granted by the Provincetown Board of Health, nor did inspection or counselor reports indicate that camp food was stored or prepared in accordance with 105 CMR 590.000, the Minimum Standards for Food Establishments

Other issues:

- While the operator did develop written procedures (in the Camp Lightbulb Handbook) for reporting any suspected incidents of child abuse and neglect, it is not clear that those procedures were followed in accordance with M.G.L. Chapter 119, Section 51A when an actual case occurred. The operator has in his records hand written notes on loose leaf paper in a folder in the office, but could not answer whether a 51A had been filed with the State.
- Camp counselors reported that during some of the weeks campers and counselors were packed into the rented van beyond the capacity of the van and some did not have access to seatbelts.
- The Health Department has no records or proof of certification of the “Volunteer Recreation Director” Rob Six, who apparently functioned as an Aquatic Director (105 CMR 430.103(A)) and Watercraft Supervisor (105 CMR 430.103(C))
- It is not clear whether any aquatic, swimming, or watercraft activities conducted over the course of Camp Lightbulb occurred in compliance with the minimum standards listed in 105 CMR 430.204 and 105 CMR 430.103
- Counselor complaints indicated that the food provided to campers and staff was nutritionally inadequate (105 CMR 430.330, 105 CMR 430.331 and 105 CMR 430.332) and that special dietary needs of campers were not always met

The listed violations were found to meet the emergency provisions of 105 CMR 400.200(B), which allows agents of the Provincetown Board of Health to order this termination.

You may request a hearing with the Provincetown Board of Health by filing a Request to Appear Before the Board of Health (available on the Town’s website: www.provincetown-ma.gov) with the Provincetown Health Department within seven (7) days of this letter being served.

Additionally, the Board of Health will meet to review this Order of Termination and its supporting evidence at a public meeting at a time to be determined. An agent of the Provincetown Board of Health will call you with information about that meeting.

If you do not comply with this order to terminate, you will be subject to fines, including for Operation without a License (105 CMR 430.750), Failure to Comply with Order of the Board of Health (105 CMR 430.751), Failure to Comply with the Provisions of 105 CMR 430.000 (105 CMR 430.752). Each fine is no less than \$10 and no more than \$100. Each day's failure to comply with an order shall constitute a separate offense.

Sincerely,

Morgan Clark
Public Health and Safety Officer
Provincetown Health Department

cc: Provincetown Police Department
Provincetown Board of Selectmen
Licensing Department
David Gardner, Assistant Town Manager
Sharon Lynn, Town Manager
MA Department of Public Health
MA Department of Children & Families

Photos taken by Ms. Clark during the inspection of the camp and photos provided by counselors were entered into the record. They showed improper storage of potentially hazardous food, inadequate first aid kits, overloaded transportation, and a list of counselor concerns.

Detective Lobur declined to add anything at this time, instead preferring to respond to any comments made by Mr. Markham.

Mr. Markham, Founding Director of Camp Lightbulb and Maura Weir, Youth Health Specialist were given the opportunity to respond to the presentation by Ms. Clark. Ms.

Weir asked for an explanation of the process; is it just a discussion or a hearing? Mr. Phillips stated that it was a discussion. The Board will likely affirm the action taken by the Health Department. If they would like to appeal the action then they have seven days to do that. Mr. Markham responded that he had the appeal form and would like to submit it.

Mr. Markham stated that it was his understanding that the proceedings were a discussion and rather than going into detail of each violation he would make a general statement. When he received the termination order he immediately complied and made arrangement for the campers to return home and contacted those who were due to come. He made Detective Lobur aware of this at that time. In his initial inquiry when trying to set up the camp two years ago, he went to the licensing department asking if a separate license was needed to run a Summer Camp. The response was no if they are using a licensed premise then that should be enough. He did mention this fact to Ms. Clark during her inspection. He said that Ms. Clark surmised that since there are no other camps in Provincetown that they may not have had the correct information. Camp Lightbulb had received fund from the Massachusetts Department of Public Health to run the camp. The parents and campers report being very content and happy with the camp. There were some staff issues that lead to morale issues. It became a personal, vindictive campaign rather than focusing on the welfare of the campers. Going forward, running a properly licensed camp is foremost in Camp Lightbulb's mind. We are taking steps already to make that happen. To conclude, he would like to go into detail at the hearing that he is requesting.

Mr. Phillips asked Mr. Markham if he agreed that, looking at the big picture, Camp Lightbulb was not compliant with 105 CMR 430.00? Mr. Markham said he did agree with that statement. Mr. Phillips added that because there were so many different violations, that is why the Health Department staff took the action that they did.

Laurie Delmolino said that although she commends and admires their mission, there are a tremendous number of violations that will need to be fixed in the future. She does not understand entirely why he was told he did not need to be licensed two years ago and it needs to be followed up on. A number of the things they were cited for are "common sense" things. An experienced adult should know these things.

Dr. Whelan asked, if they were given a grant from the Massachusetts Department of Health, were they not given a copy of the State regulations? Did it occur to you that if you were taking the responsibility of other peoples' children that there might be minimum standards for the operation of an overnight camp? That you needed to research it?

Mr. Markham said he takes it very seriously. He does not want to go into too much detail at this point. That is why he has requested a hearing. Ms. Weir interjected that it

is her organization, the Community Health Center of Cape Cod, that dispersed the funds to Camp Lightbulb.

Betty Williams asked Ms. Weir if her organization did not know that before they gave a grant that the camp needed to have a license to run an overnight camp? She found it hard to believe. Ms. Weir said it was her understanding that they did not because it was held at Dune's Edge Campground. She was on site often and made sure that at no time was a child's health and safety at issue. When the counselors brought grievances to her attention she listened and fixed it, in terms of the health and safety of the kids. The 51 A report was followed up with and when she spoke with the State they said there was no reason to submit the 51A report. She has this documented. She feels strongly that there is another side to be told.

Mr. Phillips suggested that at the hearing they bring any documentation they may have.

Ms. Clark responded to a few statements. The licensure discussion is worth having. However, if she had found a camp that met the minimum standards, she would have walked them through the licensing process. If you do an internet search for camps in Massachusetts you would find the minimum standards. She thinks the camp is providing an important service and is saddened that she has had to order its termination. This is immaterial to the investigation and discussion. It is not the responsibility of the camp counselors to insure compliance, this is not how it is done.

Motion:

Mr. Phillips moved that the Order of Termination issued to Camp Lightbulb is hereby affirmed and is to remain in effect until revoked by the Board of Health upon satisfactory compliance with 105 CMR 430.00.

Seconded: Dr. Janet Whelan

Vote: 4 – 0

There being no other business to come before the Board. The meeting was adjourned by Mr. Phillips at 12:45 pm

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2013