

BOARD OF HEALTH

July 20, 2000

6:30 p.m.

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Members Present: Mark Baker; Michele Couture, Chairman; Kay Halle; Ken Janson; and Stan Klein.

Member Absent: Laura Davis (excused absence)

Health Agents: George Heufelder and Jackie Silver

AGENDA:

I. PUBLIC STATEMENTS

II. OLD BUSINESS

9 Washington Ave/Arthur J. Costa et ux (Request for Title 5 variances)

139 Commercial St/Jay Anderson (Request for Title 5 variance)

19 Winthrop St/Philip Graham (To discuss Title 5 plan & building permit)

III. NEW BUSINESS

183-185 Commercial St/John Yingling (Request sign off on license appl. re: seating allowance)

48B Bradford St/Christie Andresen (Title 5 variance request)

4 Center St/Purple Heart Nominee Trust; Ron Hazel (Septic system failure)

Michael Perry (new massage therapist license for year 2000)

Jessica Diamond (new massage therapist license for year 2000)

Annique G. Herold (Kiki) (new massage therapist license for year 2000)

SHOW CAUSE HEARING

6 Sandy Hill Lane/Jerry & Maria Kuliopulos, dba Gull's Nest Inn

IV. Approval of Minutes

V. Health Agent's and Health Inspector's Reports

VI. Board members' statements

VII. Any other business which shall properly come before the Board.

The meeting was called to order at 6:30 p.m. and members of the Board were introduced to the attendees.

Public Statements:

There were no statements made – only a question asked about when an objection to a project could be made. The chair told the person that if she were an abutter the proper time would be when the case was presented.

9 Washington Ave/Arthur J. Costa et ux (Continued from 6/15/00)

George Heufelder said he had no objections to the plan as presented but he still has not received floor plans. They will have to be presented in order to receive a building permit.

Motion: Michele Couture made a motion to approve plan #1687, Stan Klein seconded it and it was approved unanimously with the following conditions:

1. No further expansion of floor space.
2. A deed restriction must be recorded to remove one bedroom from the house in order to gain it in the garage. Also the deed restriction should state the number of bedrooms in the house and the number of bedrooms in the garage.

139 Commercial Street/Jay Anderson (Continued from 6/15/00)

This case was presented by Allen Cabral from FELCO, Inc., Attorneys Lester Murphy and Jamie Veara, and realtor, Bob O'Malley. An abutter, Ms. Baransky and her attorney Robin Reid were also in attendance. George Heufelder wanted more time to look over the plan and needed to schedule an inspection of the retail space. Bob O'Malley gave George his phone numbers and asked George to call and let him know when he could make inspection.

Motion: Michele Couture made a motion to continue the case until the next meeting on August 3rd. It was seconded by Mark Baker and approved unanimously.

19 Winthrop Street/Philip Graham

Motion: Michele Couture made a motion to table this agenda item indefinitely. Ken Janson seconded the

motion and it passed unanimously.

Michael Perry (new massage therapist license for year 2000)

Motion: Michele Couture made a motion to grant the license once Michael Perry provides the results of his TB test to Jackie Silver. Mark Baker seconded it and it was passed by all.

Jessica Diamond (new massage therapist license for year 2000)

Jackie Silver informed the Board that Jessica's application meets all the criteria.

Motion: Michele Couture made a motion to grant the license; Ken Janson seconded it and it was passed unanimously.

Annique G. Herold (new massage therapist license for year 2000)

All criteria for the license has been met thus:

Motion: Michele Couture made a motion to grant the license. Ken Janson seconded it and it was approved unanimously.

183-185 Commercial St/John Yingling (Request for sign off on license application re seating allowance)

Attorney Jamie Veara presented the request to the Board with the following background. A title 5 was installed by John Yingling at Bubala's Restaurant which the attorney asserted could accommodate 204 restaurant seats. The license currently issued is for only 162 seats. The Licensing Agent has told Bubala's that if the Board of Health approves of 204 seats then the license can be changed. The Board felt that since the varianced plan was approved for 162 seats, the decision should stand..

Motion: Michele Couture made a motion to deny the request from John Yingling presented by Attorney Veara to increase seating at Bubala's from 162 to 204 seats. Kay Halle seconded the motion and it passed unanimously.

48B Bradford Street/Christie Andresen (Title 5 variance request)

Allen Cabral accompanied by Christie Andresen presented the upgrade request for the Title 5. The request was based on a collapsed cesspool. One abutter, **Janice Hallaman**, was concerned with the location of the installation and its relationship to an orange stake which had been put in the ground. Allen Cabral explained away her concern by telling her that the stake did not have anything to do with the installation but merely represented a starting point marker for measuring.

Motion: Michele Couture made a motion to approve plan 00063 with the following condition: it must be installed within 60 days (no later than September 20th, 2000). Stan Klein seconded the motion and it passed unanimously.

4 Center Street/Purple Heart Nominee Trust (septic system failure)

Keith Young represented the owner of the property, Ron Hazel. He said the effluent discharge was traced to a toilet which had been left running and it has now been repaired. Keith also asked if discharge of effluent meant a system had failed and was told that, yes, it did mean that.

George Heufelder said the title 5 septic plan that 4 Center St has will expire on November 18th, 2000 so if they intend to put one in it had better be before that date. Keith then asked if it was too late to request being hooked-up to the sewer? He was advised to make request shortly.

Motion: Michele Couture made a motion to instruct the applicant to install the title 5 by November 18, 2000 unless they are accepted into the sewer system. Another condition of the decision is to have inspections of the system by a pumper once a month. Mark Baker seconded the motion and it passed unanimously.

SHOW CAUSE HEARING:

6 Sandy Hill Lane/Jerry & Maria Kuliopulos, dba Gull's Nest Inn

The chairman of the Board of Health recapped the recent problems for Mr. and Mrs. Kuliopulos. Michele mentioned the discharge of septage, the pumps and alarms being turned off, and a myriad of other problems. The Kuliopulos couple pled innocent on each infraction. A mysterious person had unlocked the alarm and disabled it even though the owners possessed the only keys to it. They had shut the motel down and housed the tenants elsewhere; the tenants seen returning were only going back to their rooms to feed their animals and water their plants, etc.

Next the abutters testified:

Tracy Bennett an abutter who lives at 5 Sandy Hill Lane said she has been very unhappy living next to the motel

because this latest problem was the 2nd time the alarm has been shut-off. Tracy wondered if they have the only key, how could the alarm be shut off?

Charles Rogers who owns a property abutting the motel said he saw people staying in the motel in direct defiance of the “shut down” order. He said the complaints represent a recurring pattern and there’s no manager in charge. “No one takes responsibility,” said Mr. Rogers. “His son is the manager and he’s not on the premises.” Charles wondered where the “manager” was tonight? He told the Board they had been lied to on many occasions; he also noted that Tracy Bennett was being constantly harassed.

Robert Stewart, a tenant in Mr. Rogers’ house, said that at least one week before the latest shutdown a strong smell of septage was coming from the wetlands. He also testified that the motel was certainly being occupied during the restraining order effecting its closure.

Peter Souza, an abutter, did a bit of homework on the motel and found through records that the first problem happened on July 19, 1996 and a woman claimed that “someone turned off the alarms.” Peter continued, “Even today, they have no idea how all this happened?” “They have a ridiculous chronic pattern of no compliance. Please suspend their license!”

Sheila Benzer, an abutter, also testified that they never closed the motel. She overlooks the motel from one of her windows and saw people coming and going during the entire “shut-down” order. She also stated there is no manager on duty and two nights prior to this meeting at 12:15 a.m. she heard what sounded like a domestic violence incident but there was no “office” and no “manager” to call. She noted, as well, that there were three unregistered vehicles on the property.

Peter Grasso told the Board that in previous years guests at the motel have been told that pool use in his yard is included in the motel complex. He said he has had to chase many people, complete with towels, away from his pool.

Charles Rogers mentioned that the motel owners leave bags of rubbish on Route 6 for pickup and the only pickups occur from wild animals raiding their rubbish and leaving it strewn about. He suggested mandating conventional barrel like all the other residents on the lane have.

Peter Souza completed the statements of the abutters by stating, “The lies that have been told are appalling!”

George Heufelder pointed out that there has been a continuous pattern of violations and he suggested having penalties placed on the motel i.e., \$100/day fine and said he’d prepare documents for the court.

Jerry Kuliopulos told the Board that there is a manager on duty and he occupies Room 9 and can be reached any time by phone.

Motion: Michele Couture made a motion with the following conditions:

- 1. Gull’s Nest Inn is to be put on probation**
- 2. If another violation occurs the Board will hold a hearing to deny their license.**
- 3. Instruct the Health Agent to seek fines for violations.**
- 4. The manager’s office must be identified with a sign approved by the Health Inspector by Friday, July 23, 2000.**
- 5. Adequate rubbish barrels must be put in place.**
- 6. A full septic inspection by a licensed inspector must take place on August 17, 2000.**
- 7. Notice of Intent filed with the Conservation Commission must be recorded at the Barnstable Registry of Deeds by July 25, 2000.**
- 8. The Conservation Commission will be advised of proof of recording of the Notice of Intent.**
- 9. The recommendation is for a \$200/day fine from June 20 to June 30, 2000.**
- 10. An order must be issued for a new lock for the alarm.**

The motion was seconded by Ken Janson and approved unanimously.

Motion: Michele Couture made a motion to approve the minutes of the July 5th meeting. Stan Klein seconded the motion and it was approved by all who attended the meeting. Kay Halle abstained.

Health Agent’s and Health Inspector’s Reports

George Heufelder told the Board that Marina Brock said the Police Station has a failed septic. Recently they suffered a second discharge. He also told the Board that he will attend the Board of Selectmen’s (BOS) Monday night meeting

and will have the final plans for the BoS to make policy decisions. George feels the sewer is now on a fast track; lots of information is coming forth. There are over 300 hook-ups in the pipeline. George said, "Next year at this time you'll see a lot of action."

Jackie Silver said she didn't have much to report since she has been on vacation. She has received boxes from Barnstable County to contain any dead birds she happens upon. The County is performing autopsies in order to investigate a possible West Nile virus infection.

She also said she would be appearing in court on Tuesday, July 25th at 2:00 p.m. in court on the 9 Holway Street matter.

Board Member Statements:

Stan Klein noticed that trash around town seems to be improving. Overall, he said, the Town looks better.

Michele Couture said she had received a vague letter from Lynne, the certified soil inspector and she needed clarification. George Heufelder will look into the matter.

Kay Halle asked if anyone was interested in getting on Wastewater? She wants to get off and feels a member of the Board of Health should attend these meetings.

Mark Baker said as a follow-up regarding the Hawthorne School of Art, the school does have bathrooms on the property. He would like to encourage the students to use the facilities. He would like to send the Hawthorne School a reminder.

Ken Janson, regarding Flourpower Bakery located at 361 Commercial Street, reported that the bakery has signed on. (Refer to minutes of June 15th.)

The meeting adjourned at 9:30p.m.

Respectfully submitted,

Evelyn Rogers Gaudiano

Approved by _____ on _____
Michele Couture, Chairman date