

BOARD OF HEALTH

August 24, 2000

6:30 p.m.

Members Present: Mark Baker; Michele Couture, Chairman; Laura Davis (arrived @7:00p.m.); Kay Halle (arrived at 6:55 p.m.); Ken Janson; and Stan Klein.

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Health Agents: George Heufelder and Jackie Silver

AGENDA:

- I. PUBLIC STATEMENTS
- II. OLD BUSINESS
139 Commercial St/Jay Anderson (Request for Title 5 variance)
- III. NEW BUSINESS
16 Aunt Sukey's Way/Jerzy Berowski; William N. Rogers, II, P.E. (Title 5 variance)
50 Commercial Street/Fields Family Trust; Mary Ellen Henry trustee (Re: BOH Regulation: Title 5 upgrade requirement/50 square foot increase)
32 Court Street/Sandra Valentine (Discussion of system failure)
- IV. AMENDED AGENDA ITEM
303 Commercial St/Post Office Café (problems discussion)
- V. Approval of Minutes
- VI. Health Agent's and Health Inspector's Reports
- VII. Board members' statements
- VIII. Any other business which shall properly come before the Board.

The meeting was called to order at 6:30 p.m. in the Auditorium.

Public Statements:

Phil Gaudiano spoke to the Board regarding the cost of dumping at the Provincetown Transfer Station. Mr. Gaudiano attempted to dispose of a metal golf pull-cart and was told the cost of throwing away metal items was \$5 for each item. He felt residents should be able to dispose of an item such as this for no cost provided they took it to the Transfer Station. He was told by the Chair that responses are not made to Public Statements but there had been a Public Hearing during the year and that would have been the place to air his views.

139 Commercial Street/Jay Anderson; FELCO, Inc.; (Continued from 8/3/00)

George Heufelder told the assembled group representing 139 Commercial Street that his recommendation would be to continue the case again because the Board of Health (BoH) has received two conflicting opinions regarding the delineation. The BoH is now awaiting a resolution from the Department of Environmental Protection (DEP). George continued, "We have focused questions which require focused answers." Jamie Veara, an attorney for Jay Anderson, asked the Board to accompany the group down to the Conservation Committee (ConCom) meeting because their case cannot be heard until the BoH approves the Title 5. Since the BoH cannot approve the Title 5, attending the meeting wouldn't be productive. Bob O'Malley, the realtor involved in the case, requested notification before the next meeting if the case were going to be continued again. That notification would spare the owner another \$500 in costs for attorneys, etc. It was agreed that Bob would be notified before the next meeting if the issue had not been resolved.

Motion: Michele Couture made a motion to continue the 139 Commercial Street case until the next meeting which will be on September 7th. Ken Janson seconded it and it passed unanimously.

16 Aunt Sukey's Way/Jerzy Berowski; William N Rogers, II, P.E. (Title 5 variance request)

After a presentation of the plan by Mr. Rogers it was felt the installation would be a bit difficult but possible; there is a 6' stone/concrete wall bordering the driveway.

Motion: Stan Klein made a motion to grant the variances requested on plan #00-1699 with the following condition:

1. provided that the tank be surrounded by 2' of rigid R11 insulation to a depth of 24" and across the top.

Mark Baker seconded it and the motion passed unanimously.

50 Commercial Street/Fields Family Trust; Mary Ellen Henry trustee

(Regarding BoH Regulation: Title 5 upgrade requirement/50 square foot increase.)

Mike Czyoski attended the meeting, representing Mary Ellen Henry. George Heufelder told the Board that Ms. Henry

had come to the office that very day and paid the escrow amount. She was willing to enter into the Consent Order and to agree to the escrow provisions.

Motion: Kay Halle made a motion to grant a variance from Article 2 and Article 9 of the Provincetown Board of Health Regulations, provided that, prior to signing-off on a building permit for the proposed addition, the Consent Order shall be registered with Barnstable County on her deed within the next two weeks. Mark Baker seconded it and it was approved 5-0.

32 Court Street/Sandra Valentine (System failure)

The septic system at this address has caused concern for quite some time. Letters have been sent, inspections have been missed, etc.

Motion: A motion was made to continue the case until the September 7th meeting. It was seconded and agreed upon by all.

303 Commercial Street/Post Office Café (problems discussion)

Diane Fernandes, David Federico, and Kevin Mullaney represented the restaurant. George Heufelder told the Board that monitoring of the BOD has been ongoing and is being analyzed regularly. He also felt that the monitoring should continue throughout the “shoulder” season. Kevin Mullaney speaking on behalf of the restaurant told the Board of the restaurant’s efforts to limit water usage. Compromises were bandied about for an eventual end of monitoring. The following was decided upon:

Motion: Michele Couture made a motion to continue monitoring BODs weekly through the end of September 2000 and then monthly monitorings through December 31, 2000. Stan Klein seconded the motion and it passed 4 – 1 person opposed (Kay Halle).

Next there was a discussion by the Health Inspector regarding the above restaurant. Jackie Silver, in response to complaints, had gone to the restaurant and had found the screens over the hood needed cleaning and the grilles needed to have some grease removed. There was also some concern over refrigeration. Jackie said, after her visit, all infractions had been addressed satisfactorily. Diane Fernandes then presented a paid bill from Gary Silva stating he had repaired the electrical problems which had been responsible for the non-functioning septic pump. Jackie Silver promised to make a follow-up visit to check on solutions to problems.

Health Agent’s and Health Inspector’s Reports:

George Heufelder alerted the group about the “health” of the Town House septic system. It seems to be approaching a crisis situation. They will be allowed to replace the leaching field in the near future with the following condition. It must have a computer installed to monitor its function and it will be equipped with a Control Panel directly tied in to the Board of Health. The cost of this technical monitoring will be approximately \$650 to be borne by the complex.

George then informed the group that – on his vacation last week – he only caught one trout!

Jackie Silver had a few items to report on:

1. The dead birds she had shipped had proven to be negative for the West Nile virus.
2. She was amazed at the volume of business the Post Office Café was doing during her recent inspection.
3. A & P ice cream freezers had been inspected due to a request and had tested at minus 4 degrees F. Further, she will furnish members of the BoH with copies of the A & P rules, i.e., food handlers must wear gloves, etc.
4. A new code will be put into place effective October 2000 whereby each restaurant shift must have at least 1 certified food service manager on duty.

Board Member’s Statements:

Stan Klein wanted to know the details of the escrow for the Euro Café. George Heufelder furnished as much information as he had and questioned how they ever received a license for 105 seats. Everyone’s latest recollection was that the license called for 55 seats?

Laura Davis asked about the Euro’s leaching field. George told about the installation and how dangerous it seemed to be. Laura then asked about the Mews. Answer: They, too, want to install a leaching field.

Michele Couture asked Jackie for a Maria Bryant update. Response: “It’s been taken care of.” Then Michele asked Jackie to please make a visit to the Portuguese Bakery and check on their cheese croissants and their need to be refrigerated. Jackie will do. Next, based on the new code mentioned in Jackie’s summation, Michele thought it would

be a good idea to have a workshop on restaurants at the November 2nd BoH meeting. County health people would be asked to attend for their input and expertise. Jackie will take care of scheduling County people.

Kay Halle reviewed the updated regulations and read through all of them. Laura Davis took exception to Section 4 of the regulations which dealt with recycling paper. She felt it should be amended to include “all paper” and not just newspaper. It was agreed and will be corrected.

Motion: A motion was made to approve the minutes of the August 3rd minutes. It was seconded and approved unanimously.

Motion: A motion to adjourn was made at 8:30 p.m., seconded and approved unanimously.

The next meeting will take place on September 7th .

Respectfully submitted,
Rogers Gaudiano

Evelyn

Approved by _____ on _____
Michele Couture, Chairman date