

BOARD OF HEALTH

September 7, 2000

6:30 p.m.

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

Health Agents: George Heufelder and Jackie Silver

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.

AGENDA:

- I. PUBLIC STATEMENTS
- II. OLD BUSINESS
139 Commercial St/Jay Anderson (Request for Title 5 variance) (Cont. to 10/5/00)
- III. NEW BUSINESS
398 Commercial Street (Appeal of the Health Agents decision)
258 Commercial Street (Review use of the Euro Café)
32 Court Street/Sandra Valentine (Discussion of system failure)
- 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.
5 Tremont Street; Shire Max Guest House (Septic system failure)

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

Public Statements:

There were none.

139 Commercial Street/Jay Anderson; FELCO, Inc.; (Continued from 9/7/00)

Lester J. Murphy and Bob O'Malley attended the hearing on behalf of their client, Jay Anderson. They had both been informed that there had been no determination in the case but chose to attend anyway. Mr. Murphy told the Board that he was going to the Coastal Zone Management for a determination of the resource area under question and if he can get a definitive determination, he would like the hearing of the case at the September 21st meeting.

Michele Couture said there were no items scheduled as yet for the September 21st meeting; and some of the Board members will be unable to attend the 9/21 meeting. Therefore, it was mutually agreed that the next meeting will be scheduled for September 28th. She further informed both Lester Murphy and Bob O'Malley that the abutters to 139 Commercial Street should be informed of the change in the meeting date. Mr. Murphy agreed that he would take care of this notification.

Motion: Michele Couture made a motion to continue 139 Commercial Street until the September 28th meeting. Kay Halle seconded it and it passed unanimously.

398 Commercial Street – Appeal of the Health Agent's decision

Joy Cuming presented on behalf of the owner of the property. Michele Couture asked Joy why she was at the meeting since the project had already been discussed. Joy, once again, said all she needed was a bit of guidance regarding the proposed studio.

Michele, reading the file, stated that in 1994 there had been a septic plan done for two bedrooms. George Heufelder said he interpreted the proposed studio as an additional bedroom i.e., three bedrooms in total. Joy explained the owner's need for three studios on the property. George concluded by saying if FELCO can present a plan with no variances from the original plan, the project will then be considered. The original plan called for 278 gallons. The Board's policy is that no variances are granted for increased use.

258 Commercial Street – Euro Café (Review use of the Euro Café)

George Heufelder read his notes of the March 5, 1999 discussion. The septic plan was designed on water use and not on the water flow. It (the plan) called for 55 seats in the Euro and 945 sq. ft. of retail area. Ken Janson providing a bit of history said the Euro had come before the Zoning Board of Appeals on one thing or another at least every other year. The license from 1986-1990 was written for 105 seats. Bottom line..... Seating remains at present level.

32 Court Street, Sandra Valentine (Discussion of system failure)

On a December 30, 1999 motion by the Board of Health the following was voted:

1. Cover cesspool by Dec 17, 1999
2. Have another inspection by Jan 6, 2000
3. Septic design submitted by Dec 7, 2000. Install system based on findings of inspections.

On August 2, 2000 – Soil Test results (indication that a plan is being worked on)

Mr. and Mrs. Valentine told the Board about a tenant that they have been trying to remove and they have finally received word that the tenant will vacate on December 24, 2000. The Board listened and then George Heufelder clarified the situation. The tenant dispute that the Valentine's were undergoing was not a concern of the Board but the failed septic system was. George further said that something had to be done because a recent inspection found the system has failed.

Motion: Michele Couture made a motion regarding the failed septic system at 32 Court Street with the following conditions:

1. **30 days from September 7, 2000 they must submit a certified septic plan.**
2. **30 days after the submission of the plan they must have installation of the septic.**
3. **Inspections must be made at least once-a-week by a pumper until completion of new system.**
4. **Battery operated alarm must be installed by September 14, 2000 and set to go off at 80%.**

Kay Halle seconded the motion and it was approved unanimously.

Motion: Michele Couture made a motion to gain permission to take the Shire Max Guest House situation out of order and hear it expeditiously. It was seconded and approved unanimously.

5 Tremont Street, Shire Max Guest House (septic system failure)

The manager was in attendance as well as James Roderick the septage hauler. Mr. Roderick testified that Shire Max Inn has had to pump almost every other day. George Heufelder recommended a quick fix solution for the septic system failure given the fact that the town sewer will soon be in place and will serve the inn.

Motion: Michele Couture made a motion with the following conditions regarding the failed septic:

1. **The owners must enter into an escrow agreement with the town.**
2. **Inspection of the cesspool must be made weekly.**
3. **A plan having a larger leaching field to be completed by October 7th as a quick fix until the sewer hook-up is a reality.**

Kay Halle seconded the motion and it passed unanimously.

Motion: Michele Couture made a motion to approve the minutes of the August 24, 2000 meeting. Kay Halle seconded it and it was approved by all.

Health Agent's and Health Inspector's Reports:

George Heufelder reported that the owners of Gull's Nest Inn, Mr. & Mrs. Kuliopulos, had gone to court with their attorney, Chris Snow, regarding their fines for non-compliance as detailed in the July 20, 2000 minutes. The Town will return to court in October.

The Town House wants to repair their system. They're not in escrow but will be eventually. Mr. Borgess asked the Board through George to please modify the escrow amount. George was asked to poll the Board regarding the escrow amount. The following motion was made:

Motion: Kay Halle made a motion to make the escrow agreement 5% for everyone, business and home-owners both. Mark Baker seconded the motion and it was approved unanimously.

Jackie Silver said she had sent letters to all the restaurants regarding the new Massachusetts code that mandates having a certified food service manager on duty at each shift. Jackie also made a cursory inspection of the A & P and will do a re-inspection in 10 to 14 days. If things are not satisfactory at that time then the management will be invited to attend a Board of Health meeting.

Board Member's Statements:

Stan Klein wanted clarification of where and when smoking is permitted in restaurants. Kay Halle quoted the rules to him.

Michele Couture requested follow-ups on many things. She asked about Gull's Nest Inn and whether the full septic

inspection had taken place on August 17th. George said it had. She then requested documentation on Whaler's Wharf. She also requested a report from Jackie on the Post Office Café and also on the ham and cheese croissants at the Portuguese Bakery. John Bennett's property in the back of Fat Jacks was mentioned, too. Michele then asked about the boat that seems to serve as someone's room and is located at the back of Heller's gallery.

Michele told members of the Board that if they see anything wrong (health-wise) in a restaurant to please tell Jackie Silver about it and not address the issue with the parties directly involved.

Kay Halle said she had heard reports that Bubala's restrooms were not clean. Someone reported to her that there was an unfortunate odor emanating from them. It will be investigated.

Motion: A motion to adjourn was made at 8:10 p.m., seconded and approved unanimously.

The next meeting will take place on September 28th. Please note change in date!

Respectfully submitted, Evelyn
Rogers Gaudiano

Approved by _____ on _____
Michele Couture, Chairman date