

BOARD OF HEALTH

October 19, 2000

6:30 p.m.

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.

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

Member Absent: Stan Klein (excused)

Health Agents: George Heufelder and Jackie Silver

AGENDA:

- I. Public Statements
- II. Old Business
- III. New Business
 - 294A Commercial St (failed septic system)
 - 178 Bradford Street (request for title 5 variances)
- 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.

Public Statements:

Bob O'Malley asked to speak further on the sewer regulations. He said there are a lot of condos in the sewer district and he further clarified their governance. They all operate under a condo trust and only four or five members are the designated trustees. The trustees are the people who make decisions for all the other members of the trust. The trustees are on record at the Barnstable County Registry of Deeds and they should be the people notified about the sewer hookup. George Heufelder said he had discussed this very issue with the Town's attorneys and they are looking into the matter.

294A Commercial Street (failed septic system)

Bob O'Malley, representing the owner, told the Board that this was another owner who had never been notified about the sewer. The property has a long, narrow access going back from Commercial Street and, right now, is in hydraulic failure. The property has not had an overflow but a recent inspection uncovered the hydraulic failure. Since the property will soon change hands the prospective new owner is exploring the options to address the problem. George Heufelder said the engineer will probably suggest the least expensive quick fix to get the property through the next two or three years.

Motion: Michelle Couture made a motion to have the owner enter into an escrow agreement with the Town and to plan for a temporary repair to be completed within the next three months. Kay Halle seconded the motion and it passed unanimously.

178 Bradford Street (request for Title 5 variances)

Michelle Couture told the Board that the engineers had submitted a request for a continuance because they weren't quite ready to present.

Motion: Michelle Couture made a motion to grant a continuance. The motion was seconded and approved by all.

Growth Management By-law Discussion:

Michelle Couture said she felt the meeting scheduled for November 1st is premature. The buildings to be assessed are yet to be completed so no impact data is available. George Heufelder would like to see an addition to the by-law regarding justification for increases in size. He feels Title 5 alone won't control growth. Mark Baker informed the group that he will be attending a mandatory meeting in Boston on November 1st so he will be unable to attend the joint meeting. Michelle asked Jackie Silver to assemble the 1999 pumping records in preparation for the joint meeting.

Motion: Ken Janson made a motion to accept the minutes of the September 28th meeting. Kay Halle seconded the motion it was unanimously approved.

Motion: Michelle Couture made a motion to accept the minutes of the October 5th meeting. Ken Janson seconded it and it passed unanimously.

Health Agent's Report:

George Heufelder told the Board that he had met earlier today with the wastewater group. They discussed the final notification of property owners. Also they agreed the condo question is extremely difficult and lawyers are looking into the problem. George felt everything else was on track. George further said that the DEP is pushing hard to help us get the entire sewer program rolling.

George, regarding the Crown & Anchor, said they will have to renegotiate a consent order with the state and will have to submit to the Town, not applied to the escrow fee, about \$5,000. The \$5,000 will not be applied to the hook-up fee.

Jackie Silver said she will be attending a hazardous waste seminar in the near future. She was asked by Kay Halle about follow-ups at the A & P. Jackie plans to check in again with the A & P next week. Kay suggested a regular schedule for follow-ups.

Board Member's Statements:

Kay Halle said she was in the Provincetown Inn restaurant during Women's Week and found they had ashtrays set out at the bar with no wall separating the areas. Jackie will, based on this information, go up to the Inn sometime soon and discuss mandatory restrictions with them.

Michelle Couture said she would like to read a statement regarding an e-mail which had been circulated. She entered the following statement:

"I want to take this opportunity to address the very serious matter of the situation that has arisen regarding Board members Kay Halle and Stanley Klein. I am sure that all Board members are aware that Mr. Klein erected a display on his guest house featuring a female figure subjected to great violence. In an email circulated to several business owners, Mr. Klein allegedly, referring to Ms. Halle, wrote "I did have to kill her to get her to do what I wanted." Due to this incredible hostility towards Ms. Halle from Mr. Klein, many in the community as well as the other members of this Board have great concern for Ms. Halle's wellbeing and safety. Due to this behavior, Mr. Klein was asked to submit his resignation to the Provincetown Business Guild Board of Directors, another body on which he served. He did resign from that board earlier this week.

At this time, it is apparent to all Board of Health members that attendance at meetings by both Mr. Klein and Ms. Halle would lend itself to a very difficult situation and would impact greatly on the work that comes before the Board. Because of violence of the language towards Ms. Halle in this email, we believe that the continued presence of Mr. Klein at our meetings is inappropriate. We believe that Ms. Halle should be able to continue to serve the Town on this Board without fear of harassment from a fellow Board member who has referred to her in such a violent and revolting manner.

We are asking for Mr. Klein's immediate resignation from this Board. If Mr. Klein does not resign, the Board believes that we have no choice but to boycott future meetings until he either resigns or is removed from office by the appointing authority, the Board of Selectmen.

I personally cannot remember having been so outraged by such a violent horrible sight as the sadistic display of the bloody hacked up figure of a woman protruding from a cauldron atop Mr. Klein's roof. As a woman, I am sickened. That this venom is directed towards a fellow Board member is unconscionable."

Motion: Michelle Couture made a motion that the members of the Board of Health agree to boycott any future

Board meetings until the resignation of Board member Stanley Klein is submitted to the Board of Selectmen or until the Board of Selectmen votes, according to the Provincetown Charter Section 10-2-1, to begin the procedure of removing Mr. Klein from the Board of Health. Ken Janson seconded the motion and it passed unanimously.

Kay Halle told the Board she appreciated their support in this matter. Michelle also thanked the Board for their support of her motion.

Michelle Couture then asked George Heufelder to remind Ron Hazel on Center Street that he has a November 2nd deadline coming up. Mr. Hazel must decide on an escrow agreement or the installation of a Title 5. Michelle asked Jackie to check on the Bryant's property again.

Mark Baker told the Board that a friend of his contacted him and told him about the clump of hair he had found in a breakfast served to him at Bubala's. When the waitron was told the reply was, "We have an awful time trying to get the kitchen help to wear hair nets." There was no adjustment or apology. Sort of an acceptance of "that's the way things are!" It was agreed that Bubala's would be watched closer next year.

Motion: A motion to adjourn was made at 7:15 p.m., seconded and approved unanimously.

The next meetings will take place on

November 1st at 7:00 p.m. (joint meeting) and, on the next night,
November 2nd at 6:30 p.m. (regular meeting).

Respectfully submitted,

Evelyn Rogers Gaudiano

Approved by _____ on _____
Michele Couture, Chairman date