

# Board of Health

Public Meeting  
March 16, 2006  
Caucus Hall  
5:00 p.m.

**Members Present:** Jerry Anathan, Matt Damon, Duane Gregory, and Mark Majeski.

**Members Absent:** Ken Janson (excused absence)

**Health Agent:** Jane Evans

**Health Inspector:** Brian Carlson

The meeting was called to order at 5:00 p.m.

## AGENDA

### Public Comments

There were none.

### Public Hearing

#### Warrant Articles

##### STM Article 1.

**Motion:** The BoH voted to recommend Article 1 of the STM.

**Motion by Matt Damon** Seconded by Jerry Anathan Vote 4-0-0.

##### STM Article 11.

**Motion:** The BoH voted to recommend Article 11 of the STM.

**Motion by Jerry Anathan** Seconded by Matt Damon Vote 4-0-0.

##### STM Articles 6 and 7. (Manor repair issues.)

**Motion:** The BoH voted to recommend Articles 6 and 7 of the STM.

**Motion by Matt Damon** Seconded by Jerry Anathan Vote 4-0-0.

##### ATM Articles 15 and 16.

**Motion:** The BoH voted to recommend Articles 15 and 16 of the ATM.

**Motion by Jerry Anathan** Seconded by Matt Damon Vote 4-0-0.

##### ATM Articles 21 and 22.

**Motion:** The BoH voted to recommend Articles 21 and 22 of the ATM.

**Motion by Matt Damon** Seconded by Jerry Anathan Vote 4-0-0.

##### ATM Article 23.

**The BoH voted to recommend Article 23 of the ATM.**

**Motion by Duane Gregory** Seconded by Jerry Anathan Vote 4-0-0.

##### ATM Article 24.

**The BoH voted to recommend Article 24 of the ATM.**

**Motion by Jerry Anathan** Seconded by Matt Damon Vote 4-0-0.

##### ATM Article 32.

**The BoH voted to recommend Article 32 of the ATM.**

**Motion by Matt Damon    Seconded by Jerry Anathan    Vote 4-0-0.**

**ATM Article 33.**

**Discussion but neither motion nor vote was made.**

**ATM Article 34.**

**The BoH voted to recommend Article 34 of the ATM.**

**Motion by Duane Gregory    Seconded by Matt Damon    Vote 4-0-0.**

**ATM Article 35.**

**The BoH voted to STRONGLY support Article 35 of the ATM.**

**Motion by Duane Gregory    Seconded by Jerry Anathan    Vote 4-0-0.**

**ATM Article 38.**

**The BoH voted to support Article 38 of the ATM.**

**Motion by Matt Damon    Seconded by Jerry Anathan    Vote 4-0-0.**

**Old Business**

**23 Mechanic Street**

**Revised Septic System Plan Approval**

BoH approved the plan for 23 Mechanic Street at their last meeting. Since then it was found that the leach pit on the abutting property was within 10 ft of the leach pit on this property. The plan has been revised, including alarm and the Health Agent (HA) recommends approval.

**Motion: Recommend approval with a deed restriction limiting the number of bedrooms to the existing five bedrooms. Deed restriction must be recorded at the Barnstable County Registry of Deeds and proof of recording provided to the Health Agent prior to issuance of the Septic System Installation Permit.**

**Moved: Matt Damon                      Second: Jerry Anathan    Vote: 4-0-0.**

**New Business**

**19 Pearl Street**

**Administrative Consent Order**

Paul Kelly, owner of property, presented the case. The property has a recent approved plan for a septic system but the new owners would prefer an ACO which would allow hook-up to the sewer system. The HA recommends this under the following criteria:

1. Property is within a geographic area that could be served by an extension to the existing sewer system.
2. Septic system is failed or failing.
3. Property is currently served by a single cesspool.
4. Proposed septic system would require set-back variances.

**Motion: The BoH recommends approval for an ACO for the property at 19 Pearl Street.**

**Moved: Matt Damon    Second: Jerry Anathan    Vote 4-0-0.**

**1 Holway Avenue**

**Administrative Consent Order**

Richard Patulak, the owner, presented the case. He is in the process of selling his property. Coastal Engineering is designing a septic system to replace his existing cesspool. The owner would like to be considered for an Administrative Consent Order. Health Agent recommends based on the criteria:

1. Property is within a geographic area that could be served by an extension to the existing sewer system.
2. Septic system is failed or failing.
3. Property is currently served by a single cesspool.
4. Proposed septic system would require set-back variances.

Also the topography would almost certainly mandate a mounded system.

**Motion: Recommend 1 Holway Avenue for an ACO.**

**Moved: Matt Damon    Seconded: Jerry Anathan.    Vote 4-0-0.**

**31 Court Street**

**Administrative Consent Order**

This request was withdrawn without prejudice.

**Joy Long**

**New Massage Therapist**

There were no objections to this license after the proper posting for this meeting, thus, the motion of the March 2, 2006 meeting stands.

## **606 Commercial Street**

### **Camps, Cabins & Motel License**

The Licensing Agent and the Health Inspector concur that all aspects of the application have been completed, thus:

**Motion: Approve the Camps, Cabins & Motel License for 606 Commercial Street.**

**Moved: Jerry Anathan      Seconded: Matt Damon      Voted: 4-0-0.**

## **28 Montello Street**

### **Title 5 Variance & Appeal Health Agents Decision (Bedroom Count)**

Duane Gregory stepped down from this case.

The HA did a walk-thru of this property and made a determination that the property is technically two bedrooms, due to small room size and low ceiling height. She recommends that the board take into consideration the historical use of the property as a 3 bedroom, since it was built before 1978 building codes. Provincetown local regulations allow for this consideration on a case by case basis. The house has been historically assessed as 3 bedrooms. Family members who were present at the meeting stated that there were 4 children raised in the house and that the second floor always was used as two bedrooms. (The other bedroom is on the first floor)

**Motion: Approve 28 Montello Street as a three-bedroom home.**

**Moved by: Jerry Anathan      Seconded by Matt Damon      Voted 3-0-0.**

Alan Cabral from Felco Engineering presented a plan for a three-bedroom septic system and requested a 21% reduction in the leach area since the property is contained in a very confined area. The HA recommends this with a deed restriction.

**Motion: Approve the septic plan with a 21% reduction in the leach area for 28 Montello Street with a three bedroom deed restriction. Deed restriction must be recorded at the Barnstable County Registry of Deeds and proof of recording provided to the Health Agent prior to issuance of the Septic System Installation Permit.**

**Moved: Jerry Anathan      Seconded: Mark Majeski      Voted 3-0-0.**

## **24 Commercial Street**

### **Title 5 Variance**

Emily Beebe, septic designer, and Bob O'Malley, real estate broker, presented the case. Emily said it's a very tight plan but very installable.

HA doesn't see any other place it can possibly go.

**Motion: Recommend approval with a deed restriction limiting the number of bedrooms to the existing three for the property. Deed restriction must be recorded at the Barnstable County Registry of Deeds and proof of recording provided to the Health Agent prior to issuance of the Septic System Installation Permit.**

**Moved by Jerry Anathan      Seconded by Matt Damon      Voted 4-0-0.**

Bob O'Malley and Emily Beebe had a discussion prior to the meeting and they are trying to get the owner of 24 Commercial Street, Michael J. Piore, to enter into an ACO.

### **Discussion**

Duane Gregory asked what the process was for town meeting if she wanted to stand as BoH Chair, in support of Brian O'Malley's warrant article. She will find out from the moderator what the formal procedure is for championing an article.

### **Approval of Minutes for March 2, 2006**

**Motion: Approve the minutes of the March 2, 2006 meeting.**

**Moved: Matt Damon      Seconded: Jerry Anathan      Voted 4-0-0.**

## **Any other business that shall properly come before the Board**

Matt is still an alternate. The BoH has an applicant and the Board has the approval vote. Matt Damon will have to go to the Town Clerk and apply for a permanent position and not the alternate. On the April 20<sup>th</sup> agenda the title **APPOINTMENTS** will be put on and the applicants will be interviewed.

## **Health Agent's and Health Inspector's Reports**

### **Jane Evans' Report:**

**5 Soper Street** – HA checked on progress, as per agreement. Duane Gregory stepped down . The dining room was done by yesterday and the HA says the owner met the deadline.

**Septic installers** One of the installers had a permit but never did pick it up. Doug Taylor would like the BoH to put in a series of fines for installers who don't pick up their permits. They have to pick it up and sign for it..... Doug wants to put in a large fine..... If the BoH feels O.K. about it then there will a public hearing.

### **George Bryant's saga.**

Jane went over to George Bryant's today and took pictures. There is another court date coming up soon.

### **Brian Carlson's Report:**

#### **Rabies.**

April is rabies awareness month and he passed out a whole lot of material for leisurely reading. He recently attended a Rabies Task Force meeting. They have begun putting out vaccine in pellet form to attract raccoons in order to prevent the spread of rabies.

Also, there will be an upcoming clinic for pets to receive rabies shots. The cost will be \$15 and the place & date will be announced in the Banner.

### **Tobacco Violations**

Brian has sent out Tobacco Violation Warning Notices to places of business that are operating without licenses for tobacco sales. He will do the follow-up in the near future.

### **Serve Safe Class**

Brian reported that 29 people are registered for the Serve Safe class. It is mandated that one person on each shift has to sign up from restaurants.

### **Pool Training**

The Health Inspector has just finished a 2-day training workshop for pool training. He learned how to inspect them for cleanliness, etc.

### **Emergency group**

Brian is also compiling a list of volunteers who would be called upon during an emergency.

## **Board Members' Statements**

**Mark Majewski** told the group about a girl in Florida who had a school fair science project. She went into restaurants and she tested both their ice cubes and their toilet water – in 70% of the cases, the ice machines were worse than their toilets. She was only 12 or 13 yrs old. Our own HA put Mark's fears to rest when she said she thoroughly examines ice making machines for cleanliness and also for a lack of mold.

## **Adjournment happened at 6:30 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*

Evelyn Rogers Gaudiano

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2006.

Duane Gregory, Chair