

## **Board of Health**

Public Meeting

**April 20, 2006**

**Caucus Hall**

**5:00 p.m.**

**Members Present:** Jerry Anathan, Duane Gregory, & Ken Janson

**Members Absent:** Matt Damon (resigned)  
Mark Majeski (excused)

**Health Agent:** Jane Evans

**Health Inspector:** Brian Carlson

### **AGENDA**

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

#### **Public Comments**

There were none.

#### **New Business**

##### **Deb Giza**

##### **New Massage Therapist**

Deb Giza was present. Brian Carlson had all the necessary paper work and he recommended approval of Ms. Giza's license.

**Motion: Approve the Massage Therapist license for Deb Giza.**

**Motion: Ken Janson Seconded: Jerry Anathan Vote: 3-0-0.**

##### **104 & 104A Bradford Street – Mark Basile**

##### **Camps, Cabins & Motels**

Ken Janson disclosed that he owns a guest house and asked Mr. Basile if he had any objections to having Ken sit on the case. Mark Basile did not object.

Mr. Basile did try to come before the Board of Health during early April but the annual town meeting postponed the meeting. This property was formerly called Gabriel's and was recently converted to condominiums. Mark Basile, a condo owner himself, would like to take over management of some of the units. Quite a few owners were in attendance in support of Mr. Basile's request.

Jane Evans said the BoH should have copies of unit owner contracts with Mr. Basile as manager. The application can be amended regarding the number of units involved as more people sign on. The Health Inspector reported that on April 10<sup>th</sup> he did give a "cease and desist order" to Mr. Basile. He has complied according to the Health Inspector. The department now feels that paperwork is in order. Mr. Basile asked about the time-frame. Jane needs the number and location of units. Jerry asked if the Health Agent or Inspector had done an outside inspection. On November 15<sup>th</sup> the whole property was inspected. There are between 11 and 13 units.

Angie Albrecht, an owner, said that she has not make a decision yet about the management company. She asked, "How does he get a license?" That was explained to her. Carol Gillespie, another owner, wondered, "What is being given tonight?" Brian Carlson explained that a camp, cabin & motel license needs at least 3 units.

Ginny Cassidy, another owner, said that we do have at least 3 owners here who would like to sign a contract. Right now her agreement with management has been cancelled. She was anxious to sign.

Mark Basile said that many of the owners live all over the country. It was suggested that he just fax the agreements to these owners for their signatures.

Seth Roman, an attorney representing Gabriel Elizabeth Brooks stated Ms. Brooke and Provincetown Purchase have no objection to the new management company, but do not want the name "Gabriel's" used. There was a slip and fall accident while Mr. Basile was operating without his license. There were pictures showing some outside trash accumulation and an email from a disgruntled guest regarding service.

**Motion: Grant a Camps, Cabins & Motels license to Mark Basile, D.B.A. Bradford Street Rental and Property Management LLC at 104 and 104A Bradford Street with the stipulation that inspections of each unit represented is made before the issuance of the license. The license is contingent on signed authorizations being submitted to the Health Inspector so that the units to be managed by this company appear on the license. The Health Inspector can amend the license as he receives letters of intent from additional unit owners either by fax or U.S. mail.**

**Motion: Ken Janson    Seconded: Duane Gregory    Vote: 3-0-0.**

#### **41R Ships Way**

##### **Appeal Health Agents Decision Re: Bedroom**

Chuck Silva, the owner of the property, said that historically one of the units in question was considered a two-bedroom unit even though it had no living room. The Health Agent's recommendation is to consider the four properties contained in this application as a 12 bedroom property and not the 11 bedrooms that were originally determined.

**Motion: Approve the property at 41R Ships Way as a 12 bedroom property.**

**Motion: Jerry Anathan    Seconded: Ken Janson    Vote: 3-0-0.**

#### **11 Pleasant Street**

##### **Request for ACO**

Since the owner of the property, George Dunlap, was not present, the Health Agent presented the case to the BoH. Jane recommended a quick fix by adding a leach trench off the current leach pit. The HA would then approve it. Duane Gregory asked about an alarm on the septic. **Recommend to the BoS an approval for an ACO for 11 Pleasant Street provided that the property provides a quick fix by adding a leach trench off the existing leach pit to temporarily alleviate the state of failure. A sketch of the proposed "quick fix" must be submitted along with a Disposal Works Construction Permit by the licensed septic system installer and permit approval by the Health agent. There must also be a high water alarm located at the top of the inlet pipe in the tank.**

**Motion: Ken Janson    Seconded: Jerry Anathan    Vote: 3-0-0.**

## **23 Mechanic Street**

### **Request for ACO**

They have a newly approved Title 5 system plan but they rather hook into the sewer if it becomes available. The reasons for their request are:

1. Property is within a geographic area that could be served by an extension to the existing sewer system.
2. The existing cesspools are in technical failure as a result of a real estate transaction.
3. The proposed system requires variances to 310 CMR Title 5 including a reduction in the required size of the leaching area.

The HA recommends.

**Motion: Recommend to the BoS an ACO for 23 Mechanic Street.**

**Motion: Jerry Anathan      Seconded: Ken Janson      Vote: 3-0-0.**

## **139A Bradford Street**

Appeal Health Agents Decision Re: Salon Chairs

**Their proposal is definitely an increase in flow. 139A Bradford was a no-show, therefore Health Agent's decision stands.**

## **9 West Vine Street**

### **Title 5 Variance**

Duane Gregory would have to step down thus the case was continued.

**Motion: Continue to the May 4<sup>th</sup> meeting.**

**Motion: Ken Janson      Seconded: Jerry Anathan      Vote 3-0-0.**

## **21 Nelson Avenue**

### **Title 5 Variance**

Jason Ellis presented the case. He was asked to revise the plan and did so. He did a reconfiguration of the plan and will sleeve the waterline. The entire water line will be replaced. The HA requested this because she felt that any time we can eliminate the 25% reduction in size, we should do it.

**Motion: Approve the Title 5 plan for 21 Nelson Avenue as revised on April 17, 2006 with a deed restriction limiting the number of bedrooms to the existing three to be recorded at the Barnstable County Registry of Deeds with proof of this recording provided to the Health Agent prior to the issuance of a Septic System Installation Permit.**

**Motion: Ken Janson      Seconded: Jerry Anathan      Vote: 3-0-0.**

### **3 Young's Court**

#### **Title 5 Variance**

Jason Ellis presented the case. The property is currently for sale and has a cesspool. The lot size is small and the bedroom count came up with only 4 bedrooms. Bill Mayers, an abutter, wondered if he could have a guarantee that his property will be protected. He also wondered if it will affect him in the future. He was assured that the installers all have liability insurance and he was satisfied with that.

**Motion: Approve the Title 5 plan for 3 Young's Court with a deed restriction limiting the number of bedrooms to the existing four; the deed restriction must be recorded at the Barnstable County Registry of Deeds with proof of this recording provided to the Health Agent prior to the issuance of a Septic System Installation Permit.**

**Motion: Ken Janson      Seconded: Duane Gregory      Vote: 3-0-0.**

#### **Discussion**

**Motion by DG and seconded by JA to take the subject APPOINTMENTS out of order. 3-0-0**

#### **Appointments**

Joyce Erlitz withdrew her application to the BoH. Matt Damon who applied for a change from alternate to regular Board member has resigned.

Dr. John B. Livingstone was also an applicant. He stayed throughout the meeting to get a flavor of the BoH's functioning. He was told that the BoH had 3 applications before his and some have withdrawn. Dr. Livingstone wanted to know about the pro-active plan for rabies and also the difference between the Department of Public Health and the Board of Health. He wanted to know the roles of relationships between the two. He wants to join the board to help and was told that the majority of items coming before the Board are environmental.

#### **Approval of Minutes for March 16, 2006 and March 30, 2006**

**Motion: Approval of March 16, 2006 minutes continued to next meeting.**

#### **Minutes for March 30<sup>th</sup>.**

**Motion to approve the minutes for the March 30<sup>th</sup> meeting.**

**Motion: Ken Janson      Seconded: Duane Gregory      Vote 2-0-1 abstention (JA). Matt Damon, resigned.**

#### **Discussion:**

Regarding the Banner article today regarding the new BoH dog restraint regulation, Duane wondered if anyone from the Health Dept was interviewed. No one was. Brian has made some signs and he'll be posting those on the town beaches. Duane informed the Board that her husband got their dog license recently and he was given both the current by-law and the BoH's new regulation. She also felt that we should have a rabies brochure handed out. So, when people get their dog licenses they should get the BoH's restriction and the rabies brochure. Brian will check into this and will talk to the Assistant Town Clerk.

Brian Carlson said that on May 5<sup>th</sup> the state will begin the wild baiting program. It should take about one day. National Seashore will be taking care of their areas.

The Emergency Response group is interested in getting on the BoS agenda. The plans are now in draft form and they'd appreciate input. Brian reported that around 40 people filled out a survey that they would be interested in helping out in emergency situations.

HA asked if all had read about George Bryant? Attorney has asked for a stay (which meant he could

still pull stuff out of the landfill.) The stay was denied. The judge ordered that the Town may go ahead with the cleanup and the town is proceeding with the cleanup.

Ken Janson discussed Tom Gaudreau, the first applicant for the BoH regular position.

**Motion: Appoint Tom Gaudreau for the permanent position on the BoH.**

**Motion: Ken Janson Seconded: Duane Gregory Vote: 3-0-0.**

**Motion: Recommend to the BoS that Dr. Livingstone be considered for appointment to the alternate position on the BoH.**

**Motion: Duane Gregory Seconded: Ken Janson Vote: 3-0-0.**

**Meeting adjourned at 6:50 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*

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

Duane Gregory, Chair