

Board of Health
Public Meeting
May 4, 2006
Caucus Hall
5:00 p.m.

Members Present: Jerry Anathan, Tom Gaudreau, Duane Gregory, Ken Janson, and Mark Majeski.

Members Absent: none

Health Agent: Jane Evans

Health Inspector: Brian Carlson

AGENDA

Public Comments

There were none.

New Business

Melissa Wheeler

New Temporary Tattoo Artist Permit
309 Commercial Street

Melissa Wheeler presented. The Whale Watch Store at 309 Commercial Street will be her place of employment. All her paper work is complete and the Health Inspector recommends approval. She was given a copy of the regulations.

Motion: Approve the Temporary Tattoo license for Melissa Wheeler.

Motion: Ken Janson Seconded: Jerry Anathan Voted 5-0-0.

Megan Eckhardt

New Massage Therapist
26 Court Street

Brian Carlson reports all Megan's paperwork is complete and recommends approval. She will be working at The Life Center located at 26 Court Street.

Motion: Approve the massage therapist license for Megan Eckhardt.

Motion: Jerry Anathan Seconded: Ken Janson Voted 5-0-0.

102-102A Bradford Street

Camps, Cabins & Motels

Ken Janson, the owner of a guesthouse, stepped down. Mark Majeski disclosed that he, too, is a guesthouse owner and no one objected to his sitting on the case.

Motion: Approve the Camps, Cabins, & Motels license application and issue an amended CCM license for Provincetown Purchase LLC for a change in the number of units from 12 to 4 units at the property located at 104-104A Bradford Street (Units 3,4,14, 15), Provincetown.

Motion: Jerry Anathan Seconded: Duane Gregory Voted 4-0-0.

9 West Vine Street

Title 5 Variance

Duane Gregory stepped down. Ms. Schofield, from Schofield Bros., explained the plan by saying that the owner was voluntarily upgrading the system.

Motion: Approve the requested variances for the Title 5 septic system plan with the recording of a deed restriction limiting the number of bedrooms to the existing five at the Barnstable County Registry of Deeds. Proof of the recording must be provided to the Health Agent prior to the issuance of the Septic System Installation Permit.

Motion: Jerry Anathan Seconded: Mark Majeski Voted 4-0-0.

43 Bradford Street

Title 5 variance

Emily Beebe presented the plan. It represents an upgrade to a failing system and will be replacing two cesspools. Jane Evans agreed that it was in the best location for this property.

Motion: Approve the plan with a deed restriction limiting the number of bedrooms to the existing four to be recorded at the Barnstable County Registry of Deeds. Proof of recording must be provided to the Health Agent prior to issuance of the Septic System Installation Permit.

Motion: Ken Janson Seconded: Jerry Anathan Voted 5-0-0.

269 Commercial Street (Landmark Restaurant)

Flex Seating

Larry Hendershot, the owner, presented his request for flex seating. Both Doug Taylor and Jane Evans are in favor of his request.

Motion: Approve the flex seating (16 seats) for the Landmark Restaurant.

Motion: Ken Janson Seconded: Jerry Anathan Voted 5-0-0.

175 Bradford Street Ext. (Highland Creamery)

Flex Seating

Lori Romano, the owner, presented her case to the BoH. Last year the request was approved and this year she is asking for 16 flex seats instead of the previous year's request for 8 seats. Jane Evans and Doug Taylor both recommended approval of this request.

Motion: Approve the flex seating request (16 seats) for the Highland Creamery located at 175 Bradford Street Extension.

Motion: Ken Janson Seconded: Jerry Anathan Vote: 5-0-0.

5 Soper Street

Show / Cause Hearing

Ken Janson and Duane Gregory stepped down. Chris Snow presented the case. He said he was basically in attendance for moral support and not legal support. A schedule of clean-up plan has been worked out and was summarized by Jane Evans and Doug Taylor.

There has been an ongoing problem with meeting the deadlines of the existing schedule of clean-up but after discussion between Mrs. White, Jane Evans, Doug Taylor and Maxine Notaro (daughter of owner) a new schedule was presented to the Board of Health, agreed to by all and signed. The existing schedule of Clean-Up Agreement signed on March 2, 2006 is null and void. The new proposal, dated May 4, 2006 and signed by Mrs. White, Jane Evans and Doug Taylor, includes an accelerated rate of clean-up (approximately two weeks) to place all items in the dwelling in totes and store these totes in the den (which is structurally sound). At that time a licensed builder will sister up the joists and provide certification that the rest of the house is structurally stable; allowing the owner to go through the totes at her leisure. The revised agreement has a strict timeframe for completion of all tasks. May 22nd for transfer of all items to the totes, May 31st for all structural repairs and June 6th for the restoration of all utilities and cooking facilities. Mrs. White was told that this is her last chance to clean up the dwelling since she has been under order to do so for almost a full year. Failure to keep to the new schedule will

result in a show/cause hearing to be held by the Board of Health. The recommendation at that point would be to request Town Council's review of the situation and prepare for court.

Motion: To nullify the original schedule of clean-up signed on March 2, 2006 and approve the new schedule of clean-up signed and dated May 4, 2006.

Motion: Jerry Anathan Seconded: Mark Majeski Voted 3-0-0.

Discussion

Bob Collette – Tobacco Control

Bob Collette and Cheryl Sbarra made the presentation on tobacco control to the BoH. They have been attending meetings of Boards of Health cape wide in order to help them to update their youth access regulations to conform to the state minimum.

Instead of a first violation getting a warning, Mr. Collette advised a \$100 fine for the 1st offense and moving on up with repeat offenses. Also, it was suggested that an 18 month tolling period be put in place. This means that if there is a violation - only the prior 18 month period will determine whether this is a 1st, 2nd, or 3rd offense. (If something happened over 18 mos. ago then it is not in the current record for fine setting.)

Brian Carlson will formulate a proposed motion for the BoH to adopt and have it ready for the next meeting on May 18th.

Approval of Minutes

Motion: Approve the minutes of the March 16, 2006 meeting.

Motion: Duane Gregory Seconded: Jerry Anathan Voted 3-0-2 ab (KJ & TG)

Motion: Approve the minutes of the April 20, 2006 meeting.

Motion: Duane Gregory Seconded: Jerry Anathan Vote 3-0-2 ab (MM & TG)

Any other business that shall properly come before the Board

Duane welcomed Tom Gaudreau to the Board.

Health Agent's Report

Jane Evans handed out a sheet detailing three properties she is following up on after an anonymous complaint regarding debris. They are: 35 Alden Street, 313 Bradford Street and 320 Bradford Street

Richard Macara, the owner of 35 Alden Street, was cooperative and is planning to remove excess vehicles from his property.

The address at 313 Bradford Street was inspected and found to be acceptable.

Conrad Malicoat owns 320 Bradford Street. Some of the material stored on his property is building material and that was deemed O.K. The other items, i.e., oil tank and refrigerator, the Board thought should be removed.

Duane Gregory had a procedural question. Pat Pajaron used to handle these types of complaints and Duane wondered why the Health Agent was handling complaints and not the Health Inspector.

Health Inspector's Report:

Brian announced that the BoH regulations are online and have recently been updated. Duane thought the regulation for artist studios was not showing the most recent change. Brian will follow-up.

An April 27, 2006 a copy of a certified letter had been sent to the Carpe Diem Guesthouse after a complaint. They had been operating without the permit for their hot tub. This was settled amicably.

Brian then said that 17 businesses were permitted and 24 tobacco permits issued. There were 2 pool permits – so far – and 6 hot tub permits. Tomorrow rabies vaccine baiting will be starting. So far, no other cases have been found.

Signs were passed around for the BoH to look at. Ken Janson suggested making the "dog restraint" part of the Public Notice larger.

Duane asked about the Town Clerk handing out both the by-law and BoH regulation with the dog licenses. That was brought to the Town Clerk's attention. There are other elements of the general by-law that are in effect.

Duane also asked Brian if he had put in an agenda action request for signage approval to the BoS. Brian had, but no response. Duane will speak with BoS chair Dr. Andrews to see if he can get on next meeting.

Adjournment happened at 6:35 p.m.

Respectfully submitted,

Evelyn Gaudiano

Approved by _____ on _____, 2006.

Duane Gregory, Chair