

Board of Health

Public Meeting

June 15, 2006

Caucus Hall

5:00 p.m.

Members Present: Jerry Anathan, Tom Gaudreau, Duane Gregory, Ken Janson, and Dr. John Livingstone.

Members Absent: none

Health Agent: Jane Evans (excused absence)

Health Inspector: Brian Carlson

AGENDA

Public Comments

There were none.

New Business

Craig Faucher

New Massage Therapist

He was told that his application needed one more letter of recommendation. The website testimonials that he produced does not constitute a signed Letter of Recommendation. Brian Carlson says that all the paper work is in order except for the additional letter. Craig will be working at PTOWN Massage.

Motion: Approve the new massage therapist license for Craig Faucher with the condition that he provide one more letter of recommendation prior to the issuance of his license.

Motion: Jerry Anathan Seconded: Tom Gaudreau Voted 5-0-0.

6 Holway Avenue

Administrative Consent Order

Sherman Merrill, Jr. (the son of the owners) presented the case on behalf of his parents. His parents may want to sell in the near future and they would like their septic situation be brought into compliance.

The Health Agent recommends approval because the property is currently being served by three cesspools in a very low lying area.

All cesspools have groundwater inflow indicators and are in an area being considered as part of the municipal sewer system expansion. This system is considered to be in a state of failure based upon the depth to groundwater as well as the fact that there are cesspools. The owners have requested the ACO rather than have a mounded septic system.

Motion: Approve the request for the ACO.

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

22 Bradford Street

Administrative Consent Order

Since no one was representing the owner it was decided to postpone a decision until they could talk to the Health Agent, Jane Evans, for further clarification.

Motion: Postpone any finding until the next meeting of the BoH.

Motion: Duane Gregory Seconded: Dr. J. Livingstone Voted 5-0-0.

25 Priscilla Alden Road

Title 5 variance

A motion was made, seconded and approved to take this case out of order while the group waited for Alan Cabral from Felco to present.

315A-319 Commercial Street

Flex Seating

Lenny Enos, the owner, and Robert Valois, the architect, presented the request for flex seating. Robert said that ideally he would like two plans – option A and option B – as in seasonal and non seasonal or - good weather and bad weather. Clarification of the plan was accomplished and the BoH was informed that the ZBA has already approved flex seating.

Motion: Approve the flex seating plan for the Surf Restaurant located at 315A-319 Commercial Street.

Motion: Ken Janson Seconded: Tom Gaudreau Voted 5-0-0.

25 Priscilla Alden Rd

Title 5 variance

Alan Cabral arrived at 5:16 p.m. and presented the plan. The owner of the property is Gerard Irmer. The installation was recommended by the Health Agent with the following conditions found in the motion.

Motion: Approve the installation of a Title V with the variances as shown on the plan and with a deed restriction limiting the number of bedrooms on the property to the existing three. The deed restriction must be recorded at the Barnstable County Registry of Deeds and 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.

202B Bradford Street

Show/Cause Hearing – Illegal Unit

Michael Donovan, the owner of the property, was a no-show at this hearing.

The Health Agent wrote. "This is the third time in as many years that Mr. Donovan has violated an Order regarding the use of a free standing shed as living accommodations. He has been ordered each time to remove the plumbing (there is no septic system for this shed) and every year it is back again. Doug Taylor, Building Commissioner and I met Mr. Donovan onsite on June 1, 2006 to discuss the violations. It was determined that the unit installed in the main house was pre-existing and is not in violation. However, an 'Unfit for Human Habitation' sign remains on the shed. I told Mr. Donovan, once again, that he must remove the plumbing and call me to inspect prior to his scheduled Show/Cause Hearing. This he has not done and an onsite visit today (6-14-06) shows no plumbing has been removed. There still exists a kitchen sink, a shower stall and a mattress in a loft. Attached is an e-mail from town counsel which I requested in order to better advise the Board on how to proceed. Unfortunately, due to the attorneys' fees in dealing with the Bryant case, I cannot advise the Board to seek legal action." The Health Agent's recommendation is to fine Mr. Donovan via the non-criminal disposition by-law and each day's violation constitutes another fine.

After a long discussion of the problem, the following motion was made:

Motion: Fine Michael Donovan at the rate of \$300/day beginning June 15, 2006 for violations of BoH regulations under Part VII - Section 2 - 310 CMR - 15.004, 15.020, and 15.024 Also for violating ZBA Growth Management By-law - Section 6200 as well as the Town's general by-law 11. Building Regulations, 11-1, and 11-1-1.

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

Jerry Anathan was excused at 5:50 p.m.

Discussion

Proposed Board of Health Regulation Sewer Connection Criteria

It was decided to postpone this discussion until the Health Agent was in attendance in case any questions arose.

There was an additional discussion of something the selectmen have brought up before. There are places in Town that serve food, yet have no hand washing available to the public. Also they have no restroom facilities. This moved into a discussion of benches and the remembrance of the woman who ran the restaurant, Way Downtown, and complained to the BoH last summer about the extraordinary water and sewer expenses incurred from people coming in ONLY to use her facilities. Her water usage was outrageous and she came to the BoH looking for guidance as to whatever recourse she had. Also one of the Board members thought of implementing a reward system for restaurants that made their facilities available to the general public. This restroom quandary was based on an e-mail received from the Chairman of the BoS.

The general consensus of the BoH was that they feel the Town should try to find creative ways to provide additional rest rooms. They thought it might behoove the Town to investigate the Paris outdoor system of the latest technology in self-cleaning public toilets which have a nominal charge (they pay for themselves) and are supposedly very nice and clean. It was also thought that they could perhaps be placed strategically in public parking lots around town. The general consensus of the Board was not to try to force some of the small businesses to install restrooms. This discussion can continue with a joint meeting with the selectmen.

The BoS also requested a joint meeting with the BoH. It was thought that perhaps September would be a good time to schedule getting on the BoS agenda. Details of the joint meeting will be worked out.

Approval of Minutes for June 1, 2006

Motion: Approve the minutes for June 1st as presented.

Motion: Ken Janson Seconded: Tom Gaudreau Voted 3-0-1 ab (JL)

Health Agent's and Health Inspector's Reports

Jane was not in attendance so Brian Carlson made his report:

He said that the USDA has delivered a freezer to store dead animals if needed. It is located at the Highway Garage. He wants to make sure it's accessible for the state people.

Last Friday, Brian conducted volunteer training for emergency preparedness group and had a very

good turnout.

Brian also announced that he would be taking the Registered Sanitarian test on July 15th in Boston. Everyone wished him good luck.

Just as the meeting was nearing its conclusion, **Michael Donovan** rushed in and apologized because he had to be at another meeting and he was just now able to leave. He was told that he was too late and his show/cause hearing had already been held. He was told the decision of the Board. He claimed he had removed everything. Brian informed him that he would come down to inspect on Friday, June 16th.

Board Members' Statements

There were none.

Meeting adjourned at 6:38 p.m.

Respectfully submitted,

Evelyn Gaudiano

Approved by _____ on _____, 2006.
Duane Gregory, Chair