

**Public Meeting
Provincetown Board of Health
Caucus Hall
August 24, 2006
5:00 p.m.**

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

Members Absent: None

Health Agent: Jane Evans (excused absence)

Health Inspector: Brian Carlson

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

AGENDA

Public Comments

Phil Gaudiano was concerned about household trash and the cost for a taxpayer to take it to the transfer station. He felt there are certain services the town is expected to provide and trash service is one of them. He took four bags to the transfer station a couple of weeks ago and was told that he had to pay \$4/bag. He told the attendant to bill him. As yet he has heard nothing; he took his "beef" to the Board of Selectmen (BoS) recently and they told him it was a BoH issue and he would have to take it up with them. This explained his statement during Public Comments.

New Massage Therapist

Thomas Sweeney

Brian Carlson said that Tom had submitted his application and brought the remainder of the required documentation in today. Brian handed the additions out and the BoH looked it over. Brian recommends approval. Tom said he was licensed in Town in 1998

Motion: Approve the license for Thomas Sweeney as a new massage therapist.

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

New Business

15 Conant Street

George Dunlap, the owner, was in attendance. He would like to enter into a sewer agreement instead of installing a new septic system. Jane Evans recommended approval of his request.

Motion: Approve the request for an ACO for 15 Conant Street that will be submitted to the Board of Selectmen (BoS) for their consideration.

Motion: Ken Janson Seconded: J. Livingstone Vote: 5-0-0.

34 Snow's Lane

Title 5 variance

William Rogers, II and Gary Locke, both engineers who worked on the plan presented it to the BoH. In the audience were many abutters and no owner of the property. The engineers proposed a 3 bedroom septic system fitted with an alternative wastewater septic tank. It has to be somewhat of an elevated system. The original cesspools have been abandoned and they were towards the front of the property. Gary said they are utilizing concrete retaining walls and the whole system will be lined with polyethylene. It will be approximately 5 feet above ground and 4 feet near the property line. "It's not clear where the old cesspool was." Jane has contacted Neal Kimball to draw a formerly built plan for the house that was demolished on this property.

Among the abutters present were Mary Lambrou, Terry Lambrou, and Rod McCloud. ConCom member Celine Gandolfo was also present. Their concerns were numerous:

1. The land is always wet, and large old trees were going to be removed. Trees absorb ground moisture, therefore the wetness problem will become worse.
2. The existing two bedroom house (not three bedroom) was demolished without a demolition permit.
3. An existing oil tank was removed, after which the abutters smelled fuel oil. Complaints to the authorities have been made, but at this point, nothing has been done.
4. The abutters disputed the edge of wetlands line as indicated on the engineer's drawings.

Duane Gregory, Chair of the BoH, said that we need more time to go over this. Duane attempted to explain the BoH's responsibility. Once a house is built then the BoH has to determine the best plan for the septic system. The many other issues that the abutters and conservationists had were not within the purview of the BoH, but were Building Department or ConCom issues, i.e., the demolition, the oil tank, etc.

ConCom is meeting on the 19th of September and it was thought that the BoH should reschedule after that. ConCom hired a wetland specialist, Don Schall, to assess the situation. Also Lynne Hamlin, another expert, delineated the original wetlands boundary. It was decided to postpone further discussion until after that meeting.

Motion: Continue 34 Snows Lane until the October 5, 2006 meeting.

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

36 Snow's Lane

Title 5 variance

Motion: Continue 36 Snows Lane until the October 5, 2006 meeting and notify all the abutters who were in attendance of the meeting.

Motion by Duane Gregory Second by Ken Janson Vote: 5-0-0.

Duane asked Brian to make a note to bring it up with Jane Evans so that they can have a better feel for the case.

2 Willow Drive

Title 5 variance

Wm. Rogers, II presented the plan to the BoH. Currently the property has a cesspool and he is proposing a 3 bedroom septic system. The septic system will be installed under a new parking lot that will be constructed on the property.

There were two abutters in attendance, Peter Miscikoski and Josephine Avena, who live at 18

Howland Street. They were concerned since they live behind a hill on 2 Willow Drive. Once they looked at the plan and saw that the hill was not going to be touched, they said that they are in agreement with the plan.

Motion: The BoH recommended approval of the requested variances with the provision that a deed restriction limiting the number of bedrooms to the existing three and the office space to 367 sq ft be recorded at the Barnstable County Registry of Deeds and proof of recording provided to the Health Agent prior to the issuance of the Septic System Installation Permit. Motion by Jerry Anathan Second by John Livingstone Vote: 5-0-0.

Discussion

Proposed Changes to BoH Massage Therapy Regulations

Brian Carlson has had 2 applicants talk about the TB test every 6 months and object to the frequency because some of them had no health insurance and the testing was costly for them. The state no longer requires it every six months so Brian wondered if we could do the same. Dr. Livingstone said that we may not want to remove the letter from a physician from the application; he says TB is really a very bad disease. Dr. L. continued saying there are now virulent strains of the disease that are very antibiotic resistant so frequent testing should be encouraged. Brian says we're here to protect the public so we should leave the TB test as stated. Duane also leaned toward not taking the TB test requirement out.

Dr. L asked why Hepatitis is not mentioned? That's a highly communicable disease.

General consensus was to leave the massage therapy regulations the way they are.

Another thought was to include a CORI check (criminal check) for all the different categories of crimes. The applicant would still have the right to come before us and then we could - based on the CORI check - either allow the license or deny it. Duane said, "Why don't we try the CORI for every year and if it becomes burdensome, we'll rethink the whole process."

Approval of Minutes for July 20, 2006 and August 10, 2006

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

Motion by Ken Janson Second by Duane Gregory

Vote: 3-0-2 abstentions (JA & JL)

Health Inspector's Reports

Handed out an e-mail regarding Staph infection. About 10 people told him about their own Staph infections. Resistant forms of Staph – and found mostly in prisons are now turning up in the general population.. With the BoH's permission he is going to write about Staph infections for his tip of the month newsletter. Brian sent out a fact sheet and information regarding Staph infections to all Massager Businesses, Massage Therapists, gyms, salons, body piercing facilities and tattoo artists.

He's also had people come up to him and has been told that people have had major GI problems. They tend to blame the drinking water. There was a high fecal coliform bacteria count again this July. He's trying to get a picture of how many people are getting GI problems.

Tom Gaudreau swims in the bay every day and he feels that might be the reason?

Dr. L said that he does as well and hasn't experienced any adverse affects.

Brian sent out the rabies mailing awhile ago. He's looking for a permanent location for the rabies freezer. Has turned out to be a big problem; everyone sees the need for it but they all have a NIMBY mentality. Tom suggested talking to the police about the ambulance garage at the DPW garage.

Brian received an e-mail from D.J. Wilson in which it suggested that two phrases in Section 9 D. of the Tobacco Regulations be eliminated. The first one eliminates "selling tobacco products to minors or" and the second elimination reads "not more than" Duane asked to have it made an agenda item for the next meeting (tobacco).

Board Members' Statements

Duane Gregory, referring to Phil Gaudio's complaint about the land fill, said it's up to the discretion of the operators and you can't have a situation where they say, "You're O.K. and dump your rubbish free" - and - "You have to pay \$4/bag." It has to be the same for everyone.

Also, it was pointed out that the rules, etc. for the transfer station were primarily what the DPW asked for. The packet that Phil was given by the BoS was never approved by the BoH. When the fees change the DPW will come before the BoH and then this matter can be discussed.

Meeting with the BoS.

The meeting with the BoS will be scheduled for September 21, 2006.

Tom Gaudreau said he can't stand it when you go into a restaurant and they give you a pipe with a key to use the restroom. Then you give it back to the food server. The Aquarium Mall is one place that does this. "Can we, as the BoH, have something to say about this?" Duane said that we might have a regulation that would have restaurants that don't have restrooms have mandated hand-sanitizers. At least have something available. This would be a partial solution.

Jerry Anathan expressed outrage and was appalled that these people who demolished the property on Snow's Lane only got a \$200 fine and it's not how we should be running the Town. And the disappearing oil tank! That's criminal.

Duane suggested that it's then a DEP issue. J. Livingstone wondered if there were a means of communicating our concerns through Doug Taylor? It was thought that it might be best to wait and see how the ConCom decision played out before entering the fray. She asked Brian to make a note that this should be discussed even more.

Adjournment occurred at 6:50 p.m.

Respectfully submitted,

Evelyn Gaudio

E. Rogers Gaudio

Approved by _____ on _____, 2006.

Duane Gregory, Chair