

Provincetown Board of Health
Caucus Hall
October 19, 2006
5:00 p.m.

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

Health Agent: Jane Evans

Health Inspector: Brian Carlson

AGENDA

Public Comments

Jay Critchley would like to propose an historic septic district.

He thinks that the old cesspools and other old septic systems tell a story about the Town and about the Public Health Department. The idea would be to look at, analyze, and take a survey of the structures and to look at the archeology of them. Perhaps the abandoned systems could be used as meditative areas or for artistic endeavors. He would like a moratorium on filling them in until they can be researched.

He knows that this is probably out of the purview of the BoH but he wants the BoH to allow someone to inspect these structures. Mr. Critchley concluded by saying that he would like the BoH to consider his proposal as an agenda item in the future.

New Business

New Massage Therapist

Jeff Williams

Brian Carlson ascertained that Mr. Williams' papers were in order and the only problem was that his letters of reference were e-mails. Brian did call as follow up. The forms will be changed in the future to reflect that letters of reference must be real letters, with real signatures, etc.

Jeff will be working at Crown Pointe and asked the BoH if his license fee could be pro-rated since the license begins in January and he's signing on at the end of October. Answer: he could delay his license application until January but if he wanted it now it was the standard one-year fee.

Motion: Approve the new massage therapist license for Jeff Williams.

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

New Massage Therapist

Michelle Pelletier

Brian reports that all Michelle Pelletier's paperwork is in order. She will also be working at Crown Pointe.

Motion: Approve the new massage therapist license for Michelle Pelletier.

Motion: Ken Janson Seconded: John Livingstone Vote: 5-0-0

11 Holway Avenue

Administrative Consent Order

Lydia Hamnquist, the owner, presented her request to the BoH. This dwelling is served by an old code Title 5 septic system. The system was inspected on August 2, 2006 and found to be in working condition so no "quick fix" is required. She is requesting an ACO in anticipation of obtaining a building permit for future construction. This property is located in an area with a very high probability of connection in Phase II.

Motion: Approve the request for an ACO for 11 Holway Avenue.

Motion: Ken Janson Seconded: John Livingstone Vote: 5-0-0

9B Carnes Lane

Title 5 variance

Eric Mitchell who works for Jason Ellis presented the case to the BoH. There is no real access to Carnes Lane and the plan showed an easement across another property for access. The board would like additional information regarding access. As well, the proper 14 day notice was not given to the abutters.

Motion: Continue the case until the November 2nd meeting.

Motion: Duane Gregory Seconded: Ken Janson Vote: 5-0-0.

396 Commercial Street

Title 5 variance

Eric Mitchell presented this case. The building is served by a single cesspool. The proper 14 day abutter notice was not given.

Motion: Continue the case until the November 2nd meeting.

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

Convenience By The Sea – Lori Oliver

Appeal Tobacco Violation Citation issued by the Health Inspector

Tom Gaudreau stepped down from the case.

Robin Hendrick was the attorney defending Ms. Oliver. Lori Oliver said she was not in the shop at the time. The offense was witnessed by the Cape Cod Regional Tobacco Control Program and consisted on selling cigarettes to a minor.

This was the second violation of her shop within an 18 month period. The first violation happened on September 19, 2005 and the second happened on August 24, 2006. After much discussion, it was determined that no notice or fine was imposed for the September 19, 2005 offense.

Dr. Livingstone, hearing a conflict, felt the BoH has to find out more from the county bureau.

Motion: Have the BoH make a request for more information on the August 24th citation and we will hear the case at a later date.

Motion: John Livingstone Seconded: Ken Janson Vote: 3 in favor, 1 opposed (DG)

Robin Hendrick asked about the old rules for this offense. Under the old rules there is no fine for the first offense and this August 24th incident would qualify as a first offense.

Motion: Treat this as a first offense and have no fine.

Motion: Jerry Anathan Seconded: John Livingstone Vote: 4-0-0

31 Court Street

Nancy Correia presented the case. An application for a stairway has been put in and she has applied for a building permit.

Motion: Approve the application for an ACO only after a septic system report and the willingness of the owner to follow through with any "quick fix" deemed necessary by the Health Agent upon review of the inspection report.

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

Discussion

Open Space Plan Approval

Brian Carlson said the plan has been updated from the 95 version.

Motion: The BoH approves the Open Space Plan.

Motion: Duane Gregory Seconded: John Livingstone Vote: 5-0-0

Any other business that shall properly come before the Board

It was thought that perhaps Brian can draft a letter to the county for clarification of tobacco citations for selling to minors. What would be most important would be for the name and signature of the person who did the selling be put on the offense form.

Approval of minutes for Oct 5th postponed until the next meeting.

Duane cited the error in Thursday's Banner which stated that any property sold in the new proposed sewer area must be hooked up to the sewer. That is not the policy and Jane will contact the Banner to make a correction.

Health Agent's Report

Jane Evans said she is just starting to see the light at the end of the tunnel. Just getting caught up. She needs to be excused from the next meeting for continuing education.

Health Inspector's Report

Brian received two letters about transfer station fees. He also received a letter from Brunetta Wolfman regarding dogs.

There is an informational meeting on health issues on Nov. 5th and Brian is unable to attend. He has 2 free vouchers if any member of the BoH would like to go. He also sent in his CORI application.

The Licensing agent starts on Tuesday.

Duane Gregory said that maybe when we do the condo licenses we could have a blurb about dogs and rabies awareness.

The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by _____ on _____, 2006.

Duane Gregory, Chair