

# Public Meeting

June 25, 2009

Grace Gouveia – Room 10  
5:00 p.m.

**Members Present:** Duane Gregory, Ken Janson,  
John Livingstone, and Mark Phillips.

**Members Absent:** Jerry Anathan (excused)

**Staff:** Brian Carlson Health Inspector  
Jane Evans Health Agent

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

## AGENDA

### **Public Comments**

Candace Nagle of the Animal Welfare Committee said she supported Donald Edwards request for dogs in outdoor dining areas. Her committee is conducting an aggressive ongoing educational outreach and her group is also addressing dog waste.

### **New Business**

#### **1 Harry Kemp Way**

Title 5 variance request

Gary Locke from Wm. Rogers, II's office presented the case on behalf of the owner, Kathleen Kroeger. Variances are needed due to the small lot size. It will be a while before the sewer reaches her and she's already severely limiting her water usage. The reason for the upgrade is due to excessive pumping. The owner was given an option of an ACO, but prefers to install an on site system.

**Motion: Move to approve the title 5 variances for 1 Harry Kemp Way with the required deed restriction limiting the number of bedrooms on the property to the existing 3 and to be recorded at the Barnstable County Registry of Deeds with proof of the recording provided to the health agent prior to the issuance of the septic installation permit.**

**Motion: Ken Janson Seconded: John Livingstone Vote: 4-0-0.**

#### **Governor Bradford – Donald Edwards**

Variance from Federal Food Code – Dogs in Outdoor Dining Area

Donald Edwards presented his own case. Jane Evans inspected and the facility met all the requirements, i.e., dogs don't have to pass through an indoor eating area to access the patio dining, etc.

John Livingstone asked how a difficult dog scenario would be addressed and Mr. Edwards answered

satisfactorily. Duane Gregory wondered about fees for application and inspection? Ken Janson wondered how long this permit would be valid; this hasn't been determined yet.

**Motion: Move to grant the variance to allow dogs in the outdoor dining area of the Governor Bradford Restaurant located at 312 Commercial Street.**

**Motion: Ken Janson Seconded: Duane Gregory Vote: 4-0-0.**

### **Kateryna Savenets**

New Temporary Tattoo Artist

Brian Carlson reported that the applications was in order. She had a negative TB test verification which was valid for two years (test was done last year).

**Motion: Move to approve the new temporary tattoo artist permit for Kateryna Savenets to work at the Whale Watch Store for the 2009 season.**

**Motion: Ken Janson Seconded: Mark Phillips Vote: 4-0-0.**

### **Amy Smith**

New Temporary Tattoo Artist

Brian Carlson said that she had yet to have a TB test and has tried to get one locally but will probably go to Fontaine since the Outer Cape Health won't do a TB test for a walk-in. Duane asked Brian to call Outer Cape to find out their protocol for this.

**Motion: Move to approve the new temporary tattoo artist permit for Amy Smith upon proof of a negative TB test.**

**Motion: Ken Janson Seconded: John Livingstone Vote: 4-0-0.**

### **202B Bradford Street**

Show/Cause Hearing – Renting uninhabitable dwelling unit – 3<sup>rd</sup> offense

Jane Evans said that it was actually the 4<sup>th</sup> offense. On June 15<sup>th</sup> – Jane was notified that Michael Donovan, the owner, was once again mucking out his two existing cesspools. Another tenant said that the shed was being rented out.

Jane went through all Mr. Donovan's previous offenses and it was a litany of repeats with warnings, etc.

Duane wanted an ASAP inspection conducted of the shed to ascertain that all plumbing was removed and that there was no evidence of someone living there.

Brian said that while the BoH meeting was going on he could run down and inspect the premises along with Mr. Donovan.

**Motion: Move to table the case while Brian Carlson conducted the inspection and resume the case upon Brian and Mr. Donovan's return.**

**Motion: Duane Gregory Seconded: John Livingstone Vote: 4-0-0.**

### **Other Business**

#### **Johnny Pac Bistro/Monkey Bar – 149 Commercial Street**

**Mr. Pac requested an extension until mid September to the ORDER to Correct dated June 9, 2009. Jane presented his request along with letters from an engineer and installer stating that they needed more time to complete the installation process. Jane informed the board that a visual inspection of the sewer buffer tank located in front of his property did not reveal**



**Motion: Ken Janson    Seconded: Mark Phillips    Vote: 4-0-0.**

**I.        Health Agent's Report**

Jane said that the rental inspections are working well and she gave **173 Bradford Street** as an example. The tenant has lived there for 6 years but he's been afraid to complain about the problems. There's mold all over the loft in his apartment. Jane sent the wiring inspector and the building inspector over to inspect this property. Jane anticipates sending the landlord a letter based on the tenant's complaint.

I.        Jane also wanted to apologize for not being able to get out the smoking letter – she's been just too busy with inspections.

I.        She thought that perhaps a \$50 application fee for dogs to dine on patios?

**II.      Health Inspector's Report**

Brian Carlson reported that the rabies program is going very well. The USDA trapping will be completed in only 10 days and it will yield good information.

Brian and Jane also attended the school board meeting where it was discussed that a school based H1N1 flu vaccination program is more effective. The speaker noted that it is more effective to vaccinate 20% of the children than 90% of the adults.

Brian's problem tenant has a bad cold but she's moved some things out to the deck and she's technically in compliance. It's taken a long time and she's come a long way.

**I.        Board Members' Statements**

**John Livingstone** wanted to talk about the BoH relationship with the Animal Welfare Committee. He said we'd like to collaborate with them BUT it's not their job to take over a public health campaign and boundaries should be made clear. Clarity must be created. John also said that he hasn't received a date for his BoS meeting as yet.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

E. Rogers Gaudiano

Approved by the Board of Health on \_\_\_\_\_, 2009

---

Duane Gregory, Chair