

Public Meeting

**July 23, 2009
Grace Gouveia – Room 10
5:00 p.m.**

Members Present: Jerry Anathan (left - 6:10p), Duane Gregory,
Ken Janson, John Livingstone, and Mark Phillips.

Members Absent: none

Staff: Brian Carlson Health Inspector
Jane Evans Health Agent
David Gardner (arr. 5:10p) Ass't Town Manager

Others: David Bedard, Michael Leger, Roger Lookingbill,
Jay Murphy, Johnny Pak, Laura Rood, Pru Sowers,
and several of Johnny Pak's employees.

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

AGENDA

Public Comments

There were none.

New Business

149 Commercial Street

Request for additional extension

J. Lester Murphy, the attorney for Johnny Pak, presented the case. Mr. Murphy passed out copies of a plan for installing a grease trap for the restaurant. He also presented six letters of support. Because of the BoH's ruling he said that Mr. Pak would have to shut the restaurant down by August 10th. A 4 week extension of the ruling was requested. Mr. Pak claimed that he thought everything had been installed when the restaurant was hooked up to the sewer and didn't realize that the property didn't have a grease trap. Mr. Pak has engaged Wm. Rogers, II to oversee all the survey work of the grease trap installation. The right of way is located on the condo property and basically the restaurant sits on its own property – period. J. continued by saying that everything that will be done will have to be done on the condo property. Mr. Rogers also anticipates that it will probably require a few variances from this board. Mr. Pak takes this very seriously but the bottom line is that it can't be done by August 10th. If he is denied this extension it means that he would lose about 1/3 of his income; he has 9 employees that he'd have to lay off.

In discussions with the attorney for the condo association, the condo owners want this work done in the off season since it would be disruptive to the condo owners during the high season. Mr. Pak will be closed for the season in another month and he really is serious about installing this grease trap.

Jane Evans, the health agent, said that 4 weeks in the grand scheme of things is not a long time. and we neither want to put him out of business nor want to be punitive to the condo owners. She would recommend allowing the 4 week extension; our people have been checking it out regularly to make sure that there is no grease. The health agent would suggest having it looked at weekly.

Laura Rood, one of the affected Sandbar Association condo owners, said that she doesn't want to put Mr. Pak out of business. She said she has asked twice for a proposal/plan and has received nothing. She also asked that the back of the property of the restaurant be cleaned of debris.

Johnny Pak when asked about the food served by the restaurant said that he serves very healthy food, i.e., sushi, steamed food, etc. which doesn't produce grease.

Motion: Move to grant Mr. Pak an extension until September 15th, 2009 with the understanding that the annual license WILL NOT BE RENEWED and the restaurant will stay closed until the grease trap has been installed. The sewer holding tank for the restaurant - during the time extension - will be monitored on a weekly basis.

Motion: Duane Gregory Seconded: Jerry Anathan Vote: 5-0-0.

Review and Revise Local Board of Health Regulations:

Part VI Sanitation Collection – Articles 3 through 10.

Sandy Turner attended the meeting in order to get the information correct in regard to the landfill hours and dumping regulations.

Michael Leger, chair of the Recycling Committee, attended the meeting and wanted to take exception to the rule stating that residents can put out 2 barrels and ONLY 1 recycling bin. He wanted no limits on recycling bins. Sandy Turner did not agree.

After a bit more of discussion, it was decided that David Gardner, Brian Carlson, Sandy Turner, and Michael Leger will go over the regulations - line by line - and then present the changes to the BoH at a future meeting. It was agreed.

Approval of Minutes

Motion: Move to approve the minutes of the July 9th BoH meeting.

Motion: Jerry Anathan Seconded: Mark Phillips Vote: 5-0-0.

Motion: Move to approve the minutes of the July 6th combined meeting between the BoH and the BoS.

Motion: Jerry Anathan Seconded: John Livingstone Vote: 5-0-0.

Any other business that shall properly come before the Board

John Livingstone will go before the Board of Selectmen (BoS) on Monday, July 27th to present his two health protection recommendations regarding both the risk of human infections from dog excrement on town beaches, as well as his hearing protection recommendation. John will be put on the next BoH agenda to report back to the BoH.

Ken Janson attended a recent meeting of the BoS which was held as a follow-up to the July 4th sewer

spill. There will be 4 different groups of people trying to prevent it from ever happening again. Ken wondered aloud that if it were a foreign object – who is liable?

Jane Evans said the study is now dealing with design flaws. Thus far 6 people have filed claims and there were all under \$1K. The Town, Metcalf & Eddy, and Woodard & Curran are the 3 sets of investigators. We haven't had any further problems but we're on the alert for Carnival Week and we're going over to the facility to make sure that they have enough bleach on hand. All staff members will be on call. It is projected that for phase 3 the grinder pumps will be removed from the east end of town and they will all be put on the gravity section. There was recently a meeting held for phase 3 which would include Beach Point. About 40 people came to the meeting and they all had difficult questions that needed to be answered. The response was positive – especially in the Beach Point area.

John Livingstone wondered when Water and Sewer will have a map of the proposal.

202B Bradford Street

Duane Gregory – recapping – said that the BoH made a motion at the June 25th meeting and we were awaiting an O.K. from the town counsel. He said that we did have the authority to move forward with the motion as written.

Subsequent to our motion, Mr. Donovan engaged an attorney who proceeded to ask for a reconsideration of the motion made at the June 25th meeting citing that Mr. Donovan, the owner of the property, was denied due process.

David Gardner said that once again we made it clear to the attorney, Mr. Teitlebaum, that we couldn't intercede in the decision of the BoH. The attorney had an idea that he would like to present to the BoH; that maybe the property owner could be fined and that was the extent of the meeting. We have put the reconsideration on for the next meeting.

Ken Janson noted that Mr. Donovan had 14 days to act on this and we are way over when he should have acted on it.

At this point Jerry Anathan who hadn't sat on the original case left at 6:10 p.m.

Mark Phillips said that he agrees with Duane and he thinks that the integrity of the BoH has to be upheld and the BoH has been quite consistent with their actions. There is a long history of violations for this property dating back to 2003.

1.) Motion: Move to tell Mr. Donovan and his attorney that they are more than welcome to come before the Board of Health who will hear their request for a reconsideration of the June 25th motion. After the request the Board will be polled and if they decide not to reconsider then the hearing is over; the reconsideration will not be heard.

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

2.) Motion: Move to suspend the fines until the August 13th BoH meeting for 202B Bradford Street.

Motion: Mark Phillips Seconded: John Livingstone Vote: 4-0-0.

3.) Motion: Move to make an amendment to the previous motion (#2) stating that the suspension of fines will happen provided Mr. Donovan seeks an application for demolition from the Building Department by July 30th.

Motion: Duane Gregory Seconded: Mark Phillips Vote: 4-0-0.

Health Agent's Report

Jane Evans said that they have "lucked out" with an outstanding intern this year and she has compiled a list of the top eleven food code violations that she has noted in Provincetown restaurants. The open letter will be sent to all food establishments.

Jane has also done outreach and she's had a lot of housing complaints. She noted, too, that there are rental units made from artists' studios.

The moldy rental mentioned in previous minutes is currently being worked on. She's keeping a tight track of the repairs that are being done.

Jane will be on vacation for the 3rd and 4th weeks in August but she will remain on call.

Health Inspector's Report

Brian Carlson said that he's doing inspections and both he and Jane are working with the police to expand the ability to deal with animal bites. Ruth Ann Cowing, the animal control officer, responds to most of the dog bites. Animal control has become a shared responsibility including the BoH; a cooperative venture.

Brian said that they are responding to complaints about housing and messes in yards; they're mediating tenant disputes.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,
E. Rogers Gaudiano

Approved by the Board of Health on _____, 2009

Duane Gregory, Chair