



Public Meeting

August 13, 2009
Grace Gouveia – Room 10
5:00 p.m.

Members Present: Duane Gregory, Ken Janson, & Mark Phillips

Members Absent: Jerry Anathan & John Livingstone (excused)

Staff: Brian Carlson Health Inspector
Jane Evans Health Agent
David Gardner Ass't Town Manager

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

AGENDA

Public Comments

There were none.

New Business

224 Bradford Street

ACO Request

Duane Gregory disclosed that the Real Estate Company she is associated with is involved in the sale, but she has no financial interest. She asked if anyone objected to her sitting on the case; there were no objections.

Health Agent recommends approval with a quick fix.

Motion: Move to approve the ACO request for 224 Bradford Street with the provision that a health agent approved “quick fix” in the form of a leach trench or flow diffuser with stone is installed. The installer for this “quick fix” must submit a

septic system installation application along with a sketch of the proposed work to be done and the application fee of \$250 made out to the Town of Provincetown. The ACO must be recorded with the Barnstable County Registry of Deeds within seven days of the BoH approval. (This repair must be done before the house can be occupied.)

Motion: Ken Janson Seconded: Mark Phillips Vote: 3-0-0.

214 Commercial Street – Frappo66

Food Code Variance Request (Dogs in Dining Area)

Jane Evans, the health agent, told the BoH that Steven Frappolli, the owner, has provided a notarized agreement and an inspection of the area showed that he has met the requirements of that agreement. The outdoor dining area is accessible without going through the interior portion of the restaurant.

Motion: Move to grant the food code variance request (dogs in dining area) to Frappo66, 214 Commercial Street.

Motion: Ken Janson Seconded: Duane Gregory Vote: 3-0-0.

202B Bradford Steet

Request for Reconsideration of BoH Motion

Michael Donovan, the owner of the property, and Peter Teitelbaum, his attorney, came before the BoH to request a reconsideration of the BoH June 25, 2009 motion.

Mr. Teitelbaum claims that Mr. Donovan was unsophisticated in procedural matters and had been denied due process.

Duane asked Mr. Teitelbaum if he had any new compelling information that the Board did not have at the June 25, 2009 meeting. He answered that he had met with Jane Evans, Brian Carlson and David Gardner and thought a compromise could be reached regarding the shed and the order to connect to the sewer.

Duane Gregory asked if any if staff hand any additional compelling information. They did not.

Duane asked the Board members if anyone would like to make a motion to reconsider the BoH motion of June 25, 2009 regarding 202B Bradford Street.

Ken Janson: NAY

Mark Philips: NAY

Duane Gregory: NAY

Motion: Move that Mr. Donovan be given 14 days from the issuance of the demolition permit to remove the shed and 14 days from today to record the Administrative Consent order and to make the first payment.

Motion: Mark Phillips Seconded: Ken Janson Vote: 3-0-0.

The board suggested that staff send notification to Mr. Donovan that the demolition permit has been issued via certified mail, return receipt requested as well as via email to his attorney.

John Livingstone

Report from BoS meeting

David Gardner presented as John was not able to be present tonight. John had submitted a written summary to the Board regarding the meeting with the BoS. The BoS is moving forward with forming a committee regarding noise concerns. David has met with Sharon and has a volunteer in Mary Jo Avellar and anticipates that meetings will start in the fall. Sharon will follow-up with the school nurse. The dog excrement concerns will be followed-up with the Animal Welfare Committee.

Motion: Move to appoint John Livingstone to a working group on hearing protection.

Motion: Duane Gregory Seconded: Mark Phillips Vote: 3-0-0.

Discussion

David Gardner – Revision of BoH Regs regarding Trash Removal

David Gardner had met with Sandy Turner, Michael Leger, and Brian Carlson to review proposals on rubbish and recycling collections. They had recommendations to the health department and David had highlighted any changes made to the original documents. David said that he had basically moved paragraphs around and reformatted, as well as, reorganized sections.

Collections are proposed by the DPW and approved by the BoH.

The corrections made to the definition of half-loads are to be found in the **May 13, 2004** public hearing and are as follows:

I. The following is the corrected version:

Part VI

Article 5

Solid Waste Fees

Acting under the authority of Massachusetts General Laws, Chapter 111, Sections 31 and 31A, the Provincetown Board of Health adopts the following solid waste fees for the use of the Provincetown Transfer Station/Recycling Center:

A. A. SOLID WASTE FEES

4. Commercial Haulers

fees effective 1 July 04

k. Grass, leaves, brush in pick-up	\$24.00 per <i>full</i> load	<i>\$28.00 per full load</i>
	<i>\$12.00 per half load</i>	<i>\$14.00 per half load</i>

l. Grass, leaves, brush in high-side pick-up	\$30.00 per <i>full</i> load	<i>\$36.00 per full load</i>
	<i>\$15.00 per half load</i>	<i>\$18.00 per half load</i>

B. ALL LOADS ARE TO BE CONSIDERED FULL LOADS-A half load is delineated from the midpoint of the rear wheel well to either the rear end of the pick up truck or to the front end of the bed. For non-pickup vehicles four 32 gallon barrels or less is considered a half load. Anything over four 32 gallon barrels is considered a full load

Cynthia Gast said she feels there shouldn't be any cost for disposing of grass and leaves. Gerard Menangas said the Provincetown landfill just doesn't have the acreage for composting that requires daily turning and equipment, such as a screener, to make this happen has to be rented – therefore a fee must be levied.

Motion: Duane Gregory made a motion to approve the amendment to the solid waste fees as stated above. David McLean seconded the motion and it passed 5-0-0.

The only way to resolve half-loads is to contact Sandy Turner and look at the May 13, 2004 minutes (shown above).

Staff will bring the final version to a future meeting for the Board to vote approval.

Michael Leger is seeking to have more recycling bins and there is now in a working group to audit the street trash and how we can maximize recycling

Approval of Minutes for July 23, 2009

Motion: Move to approve the minutes of the July 23rd meeting as amended.

Motion: Ken Janson Seconded: Duane Gregory Vote: 3-0-0,

Any other business that shall properly come before the Board

Mark Phillips had a couple of observations, i.e., he walked by the Governor Bradford and guests with dogs were seated in the outdoor area yet all the things that should have been on the table weren't. He wondered if these might be seen as violations and also wondered if Mr. Edwards, the owner, should be notified.

Mark Phillips said that on the day of the Pan Mass Challenge he walked by the Provincetown Inn and noticed that a tent had been set up on the street for the participants to take showers after their bike ride. The water for the showers came from a hydrant hook-up and the used water was diverted to a street drain which drained directly into the harbor. On the basis of this observation, the following motion was made:

Motion: Move to nominate Mark Phillips, as a member of the BoH, to investigate this issue with the DPW.

Motion: Duane Gregory Seconded: Ken Janson Vote: 3-0-0.

Ken Janson wondered how the 149 Commercial Street restaurant could possibly be hooked up without a grease trap. Jane opined that it must have been an oversight.

Motion: Move to designate Ken Janson – on behalf of the BoH – to investigate this issue, i.e., the installers who should have known about the requirements, etc.

Motion: Duane Gregory Seconded: Mark Phillips Vote: 3-0-0.

Health Agent's Report

Jane Evans said that she has totally completed the vaccine clinic for seasonal flu. She and the new superintendent of schools, Beth Singer, have met and have a plan in place. The flu vaccine has been ordered and will be administered to K-12.

Some students will be excused because of medical issues, i.e., asthma, etc.

Injections can be done as well and it is all free. Jane got an incredible price for syringes and alcohol wipes. The seasonal flu vaccine does offer some protection from H1N1 but is not the whole answer.

Jane will be on vacation the next two weeks, but will be on-call for any emergencies.

Health Inspector's Report

Brian Carlson said that he has sent out mailings to food servers and also mailed the brochures to everyone who has a license.

He has also printed up quarantine notices for Ruth Ann Cowing and others regarding dog bites.

He's been having Emergency Preparation Meetings with staff.

He's also been working on grant cycles. Just plain busy, busy, and fielding housing complaints.

Board Members' Statements

There were none.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

E. Rogers Gaudiano

Approved by the Board of Health on _____, 2009

Duane Gregory, Chair