



# Public Meeting

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

**Members Present:** Jerry Anathan, Ken Janson, John Livingstone  
and Mark Phillips.

**Members Absent:** Duane Gregory, Chair (excused)

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

**Others:** Donald Edwards, Charles Lawton,  
and James Maloney

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

## **AGENDA**

### **Public Comments**

There were none.

### **New Business**

#### **8 Fishburn Court**

##### **ACO Request**

Jerry Anathan disclosed that she was a real estate broker from the same company handling the sale of 8 Fishburn Court and she had no financial interest in it. No one objected to having her sit on the case. Jane Evans gave a brief overview of the property and James Maloney, representing the estate, asked for approval.

**Motion: Move to recommend approval with the stipulation that the ACO must be recorded at the Barnstable County Registry of Deeds within 7 days of Board of Health approval. Also within these 7 days the Health Agent must be provided with**

a complete copy of the ACO with the registry proof of recording stamp in the upper right hand corner and the finance department must also have a complete copy with the registry stamp along with the first payment.

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

### **322 & 336 Commercial Street**

#### **Request to Reduce Required Pumping for Bliss, Vixen and Crepe Cod**

Jane Evans gave a synopsis of the reason for Mr. Edwards' request. The regulations require a minimum pumping of 2 times a year or at 25% capacity, whichever comes first, of the external grease traps equipped with monitors. Bliss, a soft serve ice cream shop with no dishwashing, is still at 0% for grease since opening in May and Vixen, which has no food preparation except the slicing of cheese and salad preparation, is only at 2% capacity since opening. Donald Edwards requested to reduce the required two pumpings to one pumping at the end of the season.

**Motion: Move to grant the reduction in pumping to once at the end of the season ONLY IF the use at these two locations remains the same. Should either location change its use then this agreement would need to be reviewed by the health agent to determine if the proposed new use would invalidate this agreement.**

**Motion: Jerry Anathan      Seconded: Mark Phillips      Vote: 4-0-0.**

Mr. Edwards, speaking to another issue, has received Jane Evans's letter regarding the pipe from the bar sink at the Governor Bradford being connected into the leaching catch basin in the road. Robert B. Our Company had diverted a pipe incorrectly into a catch basin in the street instead of connecting it into the sewer. Mr. Edwards has had the pipe repaired and properly located.

### **BoH Solid Waste Regulations**

#### **Review Changes Presented by David Gardner**

David Gardner presented the fee schedule changes as stated in the May 13, 2004 public hearing regarding solid waste fees for full and half full truck loads of grass and leaves. David further said that the language and fees will be corrected in his redo of this regulation to reflect the changes made by the BoH in 2004.

Next he spoke of the recycle bins which have just been ordered. The old price to purchase them was \$5 each and the new price is \$6.73. Sandy Turner wants a hearing to adjust the fees accordingly. Jane said that it's a commodity and not a service so the cost is not a fee and should not be part of the BoH fee schedule. It should be up to the DPW to determine the price based upon their cost to purchase. The cost of the recycle bins is only to recoup the initial cost of the purchase.

**Motion: Move to remove the recycling bin line item from the solid waste fee schedule and direct the DPW to charge an amount appropriate to recouping their cost.**

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

David Gardner said that during the budgetary process the FinCom requested that the DPW increase their fees for the commercial haulers. This will require a public hearing; the increase is based on a 12% increase.

Ken Janson who was chairing the meeting decided to wait for Sandy Turner to come before the BoH to provide justification for the increase. The next meeting will be held on September 24<sup>th</sup>.

**Motion: Move to adopt the changes in the Solid Waste Regulations as modified in today's meeting by eliminating the recycling bins and renumbering the sections.**

**Motion: Ken Janson      Seconded: Jerry Anathan      Vote: 4-0-0.**

#### **Discussion**

There was none.

#### **Approval of Minutes for August 13, 2009**

The approval was postponed; Jane Evans will do a few corrections to the minutes.

#### **Any other business that shall properly come before the Board**

Jane made a plea for all voters to attend the Special Town Meeting on Monday, September 14<sup>th</sup> at 6:00 p.m. She said it is important to have quorum so we can go forward with the USDA grant to upgrade the water system. The grant is for over 10 million dollars and requires a 25% matching funds to be in place which is what is being voted on in Article I

**Motion: Move to have the BoH both support and endorse Article I. of the Special Town Meeting.      Motion: John Livingstone      Seconded: Jerry Anathan      Vote: 4-0-0.**

Mark Phillips said that at the last meeting he was given permission to contact Sandy Turner regarding the **Pan-Mass Challenge** bike ride. He met with Sandy and the 2 issues involved were:

1. Riders taking showers and having the soapy water running into the street drains. Sandy said that that part of town has a filtration system so it was harmless to the harbor.

2. The fire hydrant being used for the water does have a meter on it so they are paying for the cost of the water.

Ken Janson said that he has heard that a west end restaurant has been washing down their kitchen floor mats into the street. Jane said that they do need to wash down their mats BUT the town by-law states that there is to be no discharge from properties into the street. When she notifies people of this ruling the telling them that they have to find another location, they usually ask for her to provide an alternative. In most cases, due to small lot size, there isn't any alternative. This has, for many years, proved to be a dilemma.

Ken J. also had a follow up on 149 Commercial St. a.k.a. Monkey Bar – he contacted Robert Our about the missing grease trap and was told that it basically must have fallen through the cracks.

### **Health Agent's Report**

Jane said that she has several irons in the fire now. She's working on Michael Donovan's case and his lawyer is filing a suite in court tomorrow (Sept. 11<sup>th</sup>) against the BoH. It took her all day to write up and deliver one ticket. She said that if the suite goes forward, BoH members will probably be subpoenaed.

She's also working with the school superintendent and nurses on an October 6<sup>th</sup> and 7<sup>th</sup> in school seasonal flu vaccine clinic. The FluMist will be given to children in school from pre-K-12<sup>th</sup> grade. Jane was able to order free vaccine from the state. She and the superintendent have put together informational packets and permission slips for the children to take home. Should some kids not be eligible to receive the FluMist vaccine, she has ordered some injectible forms of the vaccine.

The state advocates doing the seasonal vaccinations right away. The idea of doing it in a school setting is to make it free and convenient for the parents in the hopes of getting optimum participation. Jane has scheduled a meeting between a representative from Metamune, the manufactures of the FluMist vaccine and the school nurses for a training program in the inoculation process. Since the vaccinations are taking place in the school setting and this is not a mandatory vaccination program, there are no liability issues for the nurses or the school.

John Livingstone has requested to be provided a copy of the packet that went home to the parents.

Jane is also working on a Boil Order Protocol for Provincetown in the event of fecal or e-coli contamination in our water supply as required by the DEP. She's currently working on a call down list notification procedures since all residents and businesses must be notified within 24 hours of a Boil Order Mandate. Should routine testing turn up a positive result for e-coli or fecal coliform they will issue a Boil Order Mandate which in turn, she will issue a Boil Order with an emergency Board of Health meeting to follow within a few hours. Within 24 hours of notification there are a lot of things that need to happen.

Jane said that she has been unable to keep up with the day to day activities due to the magnitude of these and other projects and is feeling frustrated. She does not feel comfortable when she cannot return phone calls right away and the public has to wait.

Mark Phillips reminded everyone that one of the goals of the BoH was to look at personnel needs for the Health Department.

#### **Health Inspector's Report**

Brian C. said that tomorrow morning the harbor testing will take place. He may write a press release about it. It is the end of a 3 year grant program and the testing is a prerequisite to getting the grant. You must test during a prescribed period. They haven't learned too much as yet since all the data hasn't been compiled.

He will be doing a drill sometime in November for an emergency preparedness situation and he will send the BoH all of the information in the near future.

The meeting adjourned at 6:10 p.m.

Respectfully submitted,  
E. Rogers Gaudiano

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

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Ken Jansen, Vice Chair