

# September 6, 2001

**Members Present:** Mark Baker, Kay Halle, and Ken Janson

**Member Absent:** Duane Gregory (excused absence)

**Health Agent:** Marina Brock

**Health Inspector:** Patricia Pajaron (excused absence)

The meeting was called to order at 6:30 p.m.

## **Public Statements:**

Anne Howard, Chair of the Planning Board, made a plea on the behalf of the Local Comprehensive Planning Implementation Committee (LCPIC) requesting that members of the Board of Health (BoH) fill in the matrix that has been distributed to all appropriate committees. The matrix lists many things Provincetown committees will be overseeing and/or legislating about; it asks each committee to determine which subjects on the matrix fall under their purview. The BoH promised to respond promptly.

## **Old Business:**

### **Discussion of Licensing Board Request re: Henna Tattoos**

**Motion:** Kay Halle made a motion to take the discussion regarding henna tattoos out of order until later in the meeting in deference to those other cases waiting to be heard. Ken Janson seconded the motion and it was approved by all.

## **New Business:**

### **Armored Saint Septic – Application for new general license, septic hauler**

The two owners, Marvin Meyer and Neil Kelly apologized for not attending previous meetings where they were on the agenda; they didn't know they were expected to attend. They told the BoH that their check for the license had been left at the office downstairs and their only question was, "Could the license held by Neil Kelly personally be transferred to the company, Armored Saint Septic?" He was assured there would be no problem doing that. **Motion: Ken made a motion approving the licensing of Armored Saint Septic and the license will be mailed out to them. Kay Halle seconded the motion and it passed unanimously.**

### **409 Commercial Street – Determination of flow, artist's studio**

Designer Robert Valois accompanied the owners, John Andersen and Greg Brown. Robert Valois went over the proposed design stating that there originally was one bedroom upstairs that would remain, the first floor had included a retail space that was now to be a general living space, and they proposed an artist's studio to be added on the rear of the property. The increase in flow because of the added studio would be countered by the reduction in flow due to the deletion of the retail space. The owners are willing to enter into an escrow agreement for connection to the projected sewer system. The applicants were told they should contact the Department of Regulatory Management (DRM) and request a consent order and enter into an escrow agreement. George Heufelder, in his notes, had already agreed to sign off on the studio.

**Motion: Ken Janson made a motion to approve the artist's studio. Kay Halle seconded the motion and it was unanimously approved.**

### **30 Bangs Street – Stop work order**

J. Lester, the attorney, and William Rogers, II, the engineer, appeared along with another person to apologize for beginning work before a permit was drawn. Their excuse pled ignorance of the rules and also added that since the renovations were all interior and only encompassed 25% of the property, they didn't feel they needed a permit. Also, Mr. Rogers said the septic system is operating properly and there will be no increase in the flow due to the renovations

presently undertaken.

According to the records held by the BoH, a deed restriction should have been placed on the property when the septic was replaced on February 12, 1998. The deed restriction should have been for 14 bedrooms only, limiting any future expansion or increase in flow.

**Motion: Kay Halle made a motion to sign off on the building permit the moment the BoH receives a copy of this deed restriction properly filed. Mark Baker seconded the motion and it passed unanimously.**

### **7 Conwell Street – Title V variances**

Alan Cabral from Felco, representing the owner, presented the plan to the BoH. It is basically an upgrade to a two-bedroom home. There currently is a hedge running along the street and the owners have appealed for a curb cut and have been approved for it. The plan includes variances from setbacks and cellar. The original deadline given to the property for installation was October 30, 2001. Mr. Cabral appeared before the BoH to ask for an extension. Cape Cod Excavating has been contracted, but the entire project may not be able to be finished by October 30<sup>th</sup>.

**Motion: Mark Baker made a motion to grant plan 0116 an extension for installation by December 31, 2001 with the condition that it is verified that five feet of clean soil is under the SAS of the installed Title V. In addition, all accommodations should be made to prevent any injury to the abutting lot. Ken Janson seconded the motion and it was unanimously approved.**

### **294 Commercial Street – Failed/Overflowing septic system**

Edward Veara, an attorney, contacted the BoH on behalf of the new owner. It appears that the property shares a septic system with other properties. Francis Peters, a property manager, has been put in charge of monitoring the septic system; an alarm has been put on the system and Mr. Peters is checking the system daily until the matter is resolved. The BoH feels that, with these safeguards in place, the matter can be postponed until the next meeting when all pertinent property owners and/or their representatives are present. Meanwhile William Rogers, II, is checking his records to see if there is a plan in place for this property.

**Motion: Mark Baker made a motion to postpone the hearing until the September 20<sup>th</sup> meeting of the BoH. Ken Janson seconded it and it was unanimously approved.**

### **Discussion – ServSafe variance requests**

This discussion was led by Judith Oset, and regarded the granting of variances for businesses that request to be released from the requirement to be certified under the **ServSafe Program** (which goes into effect on 10/01/01). The MA Department of Health has stated that establishments that only sell pre-packaged foods and similar type sales, as well as farm stands, need not obtain ServSafe certification. However, any establishment handling potentially hazardous foods (including those selling non-pre-packaged crème-filled pastries or soft-serve ice cream) should obtain certification. Soft-serve ice cream has the biggest chance of being contaminated by improper maintenance of the dispensing machines. Since establishments may request a variance from the local BoH, this BoH will hear each variance request and decide on a case-by-case basis whether or not to grant a variance depending on the exact type of food(s) each establishment sells. It was noted that: (a) the ServSafe certification will most likely be valid for 5 years, (b) the ServSafe certificate must be prominently posted in each establishment next to the food establishment permit, and (c) that if the PIC (person in charge) certified in food protection management leaves an establishment or is terminated, the permit holder must notify the BoH and has up to 60 days to designate a replacement. However, it was also noted that because the ServSafe 4-day courses are infrequently held and are often held at non-local locations, some care will have to be taken by the BoH and the DRM to make available when and where certification courses are being held to aid establishments in securing replacement PICs.

### **Old Business:**

#### **Discussion of Licensing Board Request re: Henna Tattoos**

Judith Oset had prepared a plethora of information for the BoH on henna tattoos. The discussion went back and forth, with many questions being asked and discussed, such as:

1. Should we ban henna tattooing immediately?
2. Should we bring in henna tattoo “artists” for an informational discussion?
3. Should we begin working on regulations for henna tattooing?
4. Should we confer with town counsel for advice on a ban?

It was also thought that perhaps the people doing this were not ill intentioned, but just hadn’t been privy to the products which have been accepted for use and those that are thought to be allergens by the FDA. Further, the season for

showing off tattooed bodies has almost passed. With colder weather on the horizon, the henna tattoo business should reach a natural slowdown.

Judith Oset suggested inviting everyone in who was engaged in this, discussing the FDA approved products, and jointly creating guidelines for safe use of different temporary tattoo products. Kay Halle agreed and suggested that information gathering could be done during the winter and stricter regulations could be in place for next year.

Mark Baker agreed that he would draft up a letter for the vendors to come to the October 4<sup>th</sup> BoH meeting for an information gathering meeting to discuss the products they have been using and the wish of the BoH to use only those products approved by the FDA for topical use on skin.

## **Other Business:**

### **Beach Water Testing**

An update by Judith Oset informed the BoH that testing for the season is over. Judith asked the Board to review her 9/6/01 memo regarding Beach Testing Recommendations for next year. Since it was determined by Howard Wensley that closing “x feet” of beach on either side of a high count would be too difficult to identify, the BoH opted to have Judith ask for samples to be taken from 16 locations next year. In addition, since the Ryder Street location had continuous elevated counts this year, the BoH and Judith recommends that we also ask the County for three more samples to be taken around the Ryder Street area. Ken asked specifically if the last test affected the upcoming Swim for Life. There is no problem, the last test was clear and testing is now over! Ken also wanted to know – for next year – if we had a bad test one day could we retest the next day without closing the area for one full week? Judith replied that we could request that of the County. All these requests will be made in time for the County to include it in their budgeting process for next year.

### **Catering Company Inquiry**

The Health Agent received a letter from Jeremy Lignori who wanted to begin a catering business that would go to people’s homes and/or guesthouses and cook an occasional meal to serve guests. The BoH found that he could cook at a private home (like a private chef) with no problem, but that food could not be cooked at his home and then transported without his having a catering license. In addition, should he cook at a guesthouse for guests, that guesthouse would have to have a Bed & Breakfast license to offer his service to their guests. Greta Holman will respond to the request with this information.

## **Approval of Minutes:**

**Motion: Kay Halle made a motion to approve the minutes of the August 23<sup>rd</sup> meeting, Ken Janson seconded it and it was passed unanimously.**

## **Health Agent’s Report:**

Marina Brock informed the BoH that she had sent a very strong candidate to Provincetown for the job opening of Health Agent in the Health Department. The person is young, educated, and, best of all, very enthusiastic. Otherwise, things have been fairly quiet of late.

## **Health Inspector’s Report:**

Patricia Pajaron started today and Mark Baker had asked her to start attending BoH meetings as of September 20<sup>th</sup>.

## **Board Members’ Statements:**

**Ken Janson** had a general question regarding recycling. Why are no #1s recycled? He hates to see all the water bottles just being thrown out without recycling. Kay Halle said that just last spring a review was done and recycling the #1s are not profitable. Patricia Pajaron will check with Sandra Turner at the DPW for next season and/or get from Sandra the phone number of J&S Haulers or David Hall of the Cape Cod Commission to inquire as to whether

Provincetown could start recycling #1 containers.

**Mark Baker** had one comment and it referred to the new restaurant, **Fanizzi's** (formerly called Pucci's). One of the kitchen workers quit because she objected to the way the food was handled and prepared; she felt it was unsafe. Also, a local fisherman went into the restaurant and was served rotted fish. When he complained he was told they were sorry, but that he would have to pay for it anyway. Mark will have the new Health Inspector look into the kitchen and its procedures for handling and storing food.

**Kay Halle** had nothing to add.

Judith Oset, as an afterthought, told everyone that there was going to be another **training session for Town Boards on Wednesday, October 17<sup>th</sup>**.

**The meeting adjourned at 8:30 p.m.**

**The next meeting will take place on September 20th at 6:30 p.m.**

Respectfully submitted,

*Evelyn Rogers Gaudiano*

Approved by

\_\_\_\_\_ on \_\_\_\_\_  
Mark Baker, Chair date