

**Public Meeting  
September 20, 2001**

**Members Present:** Mark Baker, Duane Gregory, and Ken Janson

**Member Absent:** Kay Halle (unexcused absence)

**Health Agent:** Sean O'Brien

**Health Inspector:** Patricia Pajaron

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

**Public Statements:**

There were none.

**Old Business:**

**290-296 Commercial Street**

**Failed Title 5 (Continued from 9-6-01)**

There were quite a few people in attendance to hear this case: Attorney Edward Veara (who was representing the Gutzler Property Trust of 294 Commercial St.), Jeffrey Lovinger (296 Commercial St.), John Edwards (290 Commercial St.), and Anne Howard & Emily Marx (294-A Commercial St.) The case was presented initially by Attorney Edward Veara. It was he who wanted all abutters notified about the meeting, and he who also sought historical information about the existing shared septic from engineer William Rogers, II. It was felt that if anyone had an old plan of the area, it would be Mr. Rogers. He did have a plan. Francis Peters of Peters Property Management was also at the meeting to assure everyone that the situation is being constantly monitored and there should be no more spills, due to an installed alarm system and the prompt response it ensures.

Mr. Lovinger who is the owner of 296 Commercial Street spoke next. He studied the plan and said that his cesspools had never failed, but he did renovations a few years ago and the renovations triggered a study by Mr. Rogers. He further explained that the flow arrow on the plan that shows his flow going back into the once shared system is no longer valid since that ceased to be the case when the restaurant on his property ceased to exist some years back. Mr. Lovinger went on to say that there is clear fresh water coming out the manhole - not sewage! The water main is a very small pipeline and since it was installed, it has broken and caused problems several times. He said a year or two ago, Mr. Edwards had water on his property, too.

Mr. Edwards, the owner of 290 Commercial Street, agreed. He has owned the building for 30 years and the problem began when a plastic pipe that looked rubbery and black was installed in the ground as a water main. He had water in his basement for 6 months at one time. He was pumping water out of his basement for 6 full months until the town water department finally found the leak responsible. His septic is now self-contained.

Mark Baker said the complicated problem was typical of Provincetown. Attorney Veara appeared before the Board to ask for their patience in a bit of a delay until the problem is resolved. The attorney also said there has been quite a bit of pumping in the last two weeks and he was very much concerned that there may be a leak – or perhaps moon tides might be causing the problem and that is why he'd like time to have Mr. Rogers do a study, mainly to see what elements, if any, have failed, if there is a water leak(s), and to ensure what property feeds into what system. It was suggested that perhaps a band-aid approach could be used until the sewer system goes in (as some of these properties are already in escrow for sewer hook-up). But the BoH wants William Rogers, II to look over the whole system during his study.

Mark Baker requested a timeframe for the study. He also asked if all parties were agreeable to this study; they were.

**Motion: Ken Janson made a motion to hear the results of William Rogers' study of the above problem at the October 18, 2001 meeting. At that time Mr. Rogers will return with a study of the property and possible plan(s) of action and/or a solution. Duane Gregory seconded the motion and it was approved unanimously.**

## **New Business:**

### **25 Winthrop Street**

#### **Title 5 variances**

Before the case was begun, Ken Janson felt he should disclose that he was the owner of a guest house and if Carla or Dotty objected to that, he would not sit on the case. Carla Anderson and Dotty Mulcahy own the house at 25 Winthrop Street and they had no objection to Ken Janson sitting on the case. They have put it on the market and want it to read as a 6-bedroom home and not a 5-bedroom home as it was deemed by the Health Department. Carla did all of the talking and said their Title 5 was installed in 1995 just before the new Title 5 rules governing flow went into effect. The owners decided to put in a 2K gallon tank even though only a 1,500 gallon tank was mandated. They also said they knew a letter existed from Kevin Mullaney stating their home had six bedrooms. A letter was found in their folder, but it addressed an “additional” bedroom, not specifically stating six bedrooms. The onus fell on them to prove the house had six bedrooms and it was suggested that perhaps licensing would have copies of their rooming house license. It was decided that they and the Health Department would research it and rehear the case on October 4<sup>th</sup>. Mark Baker said he’d like as much data as possible so the case would not become precedent setting. It was agreed to by all.

### **Adams Pharmacy**

#### **ServSafe variance request**

Vinnie Duarte, the owner and operator of Adams Pharmacy, stated that since no one has ever gotten sick from eating ice cream he felt his attendance at a ServSafe course was over-kill. He was quickly corrected about the lack of danger of ice cream by both the Health Agent and the Health Inspector. The last time a variance was requested for ice cream, it was not waived. If the BoH did so now, it would set a precedent. Patricia Pajaron, the new Health Inspector, agrees with the state regulations for safety’s sake. Duane Gregory also told Mr. Duarte that if he gets a variance then all the other establishments will ask for one. The course, time consuming though it is, is supposed to be good for five years.

**Motion: Ken Janson made a motion to deny the request for a variance. Duane Gregory seconded the motion and it was unanimously approved.**

Mr. Duarte, unhappy with the motion, said he may stop serving ice cream all together.

### **Massage Therapist**

#### **Melvin Miller**

Mark Baker, noting that Mr. Miller had to wait for a very long time, asked Patricia Pajaron to ask Pat White to put any massage licenses on the docket first – under New Business. Mr. Miller said he hadn’t minded the wait.

All of Melvin Miller’s paperwork was in order and he had already been hired by Satori, thus:

**Motion: Ken Janson made a motion to approve the massage therapist license for Melvin Miller. Duane Gregory seconded the motion and it was approved unanimously.**

### **Discussion/Review of the LCPIC Matrix**

Postponed until October 4<sup>th</sup> meeting in order to give all BoH members a chance to review the matrix.

## **Any Other Business:**

None

## **Approval of Minutes: Meeting Minutes of 09/06/01**

Postponed until October 4<sup>th</sup> meeting because Duane was not present at that meeting and Kay was absent at this meeting.

## **Health Agent’s and Inspector’s Reports:**

**Health Agent Sean O’Brien** announced – to the delight of all – that he had brought down a contract from the County for an additional three months. He also said he had been very busy last month but things have quieted down for now. He’s still trying to follow up on 202-B Bradford Street. Sean said it’s been a pleasure working with the Board and he thanked everyone for their cooperation on 294 Commercial Street this evening. He felt the case had gone well, especially since there were so many people and properties involved.

**Health Inspector Patricia Pajaron** said she's been on the job for two weeks now and has been trying to catch up with the restaurant inspections. She did an inspection at Fanizzi's and only found minor non-critical violations (i.e., thermometers, etc.) She found the shellfish and poultry in good condition with nothing outdated and no odors.

**Board Members' Statements:**

**Ken Janson** wondered if there was anything new on recycling of #1s? Mark said nothing has happened yet, but it's on the matrix.

**Mark Baker** said he had seen a revised memo from Judith Oset re: Beach Testing regulations. Sean said there will be a flyer about a seminar on beach testing taking place on October 25<sup>th</sup> from 9-12. Mark asked Patricia to make sure that Judith Oset sends the Beach Testing memo out as soon as she returns from vacation. Mark also said the invitations to temporary tattoo artists were sent out and of the 7 who were licensed this year, a few have already left town. He added that he has been requested by Judith Oset to make up the BoH schedule for 2002. Mark will do a draft of the calendar and he proposes keeping it on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of the month as it has been in the past. He told Patricia Pajaron as time permits to look into Michele Couture's and his "Follow-Up List." Eventually they will have to go over this list and hammer it out. The list mainly consists of checking on BoH motions to ensure that they've been followed through with.

**Duane Gregory** had nothing to add that had not been already covered.

**The meeting adjourned at 7:50 p.m.**

**The next meeting will take place on October 4th at 6:30 p.m.**

Respectfully submitted,  
*Evelyn Rogers Gaudiano*

Approved by

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