



Public Meeting

March 4, 2010
Grace Gouveia – Room 10
5:00 p.m.

Members Present: Duane Gregory, John Livingstone,
and Mark Phillips

Members Absent: Jerry Anathan (excused) and Ken Janson (excused)

Staff: Brian Carlson Health Inspector
Jane Evans Health Agent

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

AGENDA

Public Comments

There were none.

New Business

17 West Vine Street

ACO Request

The house is a two family home with two cesspools which are functioning per the septic system inspection report provided by James J. Roderick. Jane conducted a walk-thru/bedroom count. Health Agent recommends approval of the ACO.

Motion: Move to approve the ACO for 17 West Vine Street.

Motion: John Livingstone **Seconded:** Mark Phillips **Vote:** 3-0-0.

7 Sandy Hill Lane

ACO Extension Request

Attorney Christopher S. Fiset, represented the owners, Luis and Maria Ribas, in requesting an extension on their ACO. It is likely that this property may be able to hook up in Phase 3 of the sewer system. Their ACO has been paid in full.

Motion: Move to approve the extension of the ACO for 7 Sandy Hill Lane until January 2015 with the following condition that the owners of the property must record an Addendum with the original ACO at the Barnstable County Registry of Deeds within 14 days of this hearing (4/4/10) and provide proof of recording to the Health Agent.

Motion: Mark Phillips Seconded: John Livingstone Vote: 3-0-0.

48 Franklin Street

Appeal Health Agents Decision – Number of Bedrooms

Attorney Nancy Correia presented the case to the BoH on behalf of Lee Ann Morris, Trustee. This property has been listed by the assessors as a three bedroom dwelling, has been paying a betterment on the sewer for a three bedroom dwelling and, per the family members present, has historically been used as a three bedroom dwelling.

Motion: Move to overturn the Health Agent's decision and allow this to be considered a three bedroom unit based on its historic use, assessor's records, and sewer betterment payments.

Motion: John Livingstone Seconded: Mark Phillips Vote: 3-0-0.

29 Bradford Street Ext. – Bill Whites Motel

Camps, Cabins and Motel License

John Gagliardi, the new owner, has purchased the property and requested that the CCM license be transferred. The new name will be Foxberry, LLC. It is a 12 unit motel.

Motion: Move to approve the transfer of CCM license to Foxberry, LLC.

Motion: John Livingstone Seconded: Duane Gregory Vote: 3-0-0.

290 Commercial Street

Show/Cause Hearing - Trash

On February 16, 2010, a certified letter was sent requiring the owner of the property at 290 Commercial Street, John G. Edwards, appear before the Board of Health for a show/cause hearing to address the clean up of his property. Mr. Edwards was informed in the letter that he must appear at the BoH's Show/Cause Hearing on Thursday, March 4, 2010 at 5:00 p.m. The letter stated that he could also have legal representation.

Duane Gregory, chair of the Board of Health, stated for the record that neither the owner nor his legal representative was in attendance. Loring Russell, the property handyman, stated that the owner asked him to attend the hearing in his absence, yet

had nothing in writing authorizing him to represent the owner. Mr. Russell claimed that the neighbors are depositing trash on the property.

Brian Carlson received a complaint regarding trash and debris on the property. Upon inspection he found general debris including containers with insecticides, oil, old air conditioners, refrigerator parts, a disabled vehicle filled with junk, etc. The maroon Toyota sedan in the alley has a current registration, but the red Dodge pickup truck did not. Both are loaded with debris. In searching the records, he found that there was a notice issued from the health department to clean up the property in 1998 and again on June 22, 2000. No documentation exists that this work was ever completed. The area is prone to flooding and Brian Carlson, the Health Inspector, is concerned that the contaminants being stored on the property could easily leak during a flood and make its way to the harbor via the catch basins.

According to Mr. Russell, the property contains 3 residential units and 1 commercial one (Puzzle-Me-This). One of the residential units is owner occupied, one is empty, and one is a current rental. None of the residential units have obtained the required rental certificates.

After discussion the following motion was made:

Motion: Move to have the Health Department issue an Order to Correct and Maintain to the owner of the property via certified return receipt mail stating that the owner has 7 days, upon receipt of this letter, to clean up and maintain this property with the following conditions:

- 1. Proof of proper disposal of all hazardous materials, i.e., oil, gasoline, insecticides etc. must be furnished to the Health Department in the form of a receipt from a licensed hazardous waste collection facility.**
- 2. All other trash and debris is to be removed and properly disposed of.**
- 3. The unregistered vehicle must be removed and properly disposed of.**
- 4. All rentals on the property must be registered and inspected by the BoH in order to comply with our BoH regulation, Part XIV, Article 1, Habitations for Rent.**
- 5. Unannounced inspections of the property will take place at a minimum of every six months for the next two years.**
- 6. Failure to comply will result in fines being issued in accordance with Provincetown General By-Laws Schedule A (Schedule of Fines). The penalties are \$100 for the first offense, \$200 for the second offense, \$300**

for the third and each subsequent offense. Each day on which a violation exists shall be deemed a separate offense.

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

Discussion

Mark Phillips wondered what would happen if Brian goes back to an area and finds that hazard materials have been dumped. Duane G. said that the next step would be going to court. This could also trigger a report to the DEP

John Livingston is frustrated with the environmental process.

Approval of Minutes for January 21, 2010 and February 18, 2010

The necessary people were not in attendance to approve.

Health Agent's Report

Jane said that she's just very busy right now. She recently attended a DEP seminar and she's going to have to crack down on septic system inspectors as many of the reports they submit are not up to the prescribed standards of the protocol for inspections.

Health Inspector's Report

Brian responded to a tenant issue in a west end property. He found a tenant with mental health issues and is now in the process of getting the occupant a psych evaluation and then will attempt to get him appropriate housing.

Brian aided a similar case last fall and it was suggested that perhaps he should check up on that person.

Adjournment happened at 6:20 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by the Board of Health on _____,2010

Duane Gregory, Chair