

**Provincetown Board of Health
Caucus Hall
November 2, 2006
5:00 p.m.**

Members Present: Tom Gaudreau, Duane Gregory, Ken Janson, and John Livingstone.

Members Absent: Jerry Anathan (excused absence)

Health Agent: Jane Evans (excused absence)

Health Inspector: Brian Carlson

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AGENDA

Public Comments

There were none.

Public Hearing

STM Warrant Articles

STM Article 1. (Wastewater Optimization and Expansion)

Motion: Support STM Article 1.

Motion: Ken Janson Seconded: John Livingstone Vote: 4-0-0

STM Articles 2 and 12. (Zoning By-Law Articles)

The Board agreed that neither of these articles (which are zoning articles) are germane to the BoH thus they were not voted on.

STM Article 3. (Endorsement of the Climate Protection Agreement)

Motion: Support STM Article 3.

Motion: John Livingstone Seconded: Tom Gaudreau Vote: 4-0-0.

STM Article 4. Cape Cod Renewable Fuels Partnership

Motion: Support STM Article 4.

Motion: Ken Janson Seconded: Tom Gaudreau Vote: 4-0-0.

STM Article 10. Town Board Quorums

Motion: Support STM Article 10.

Motion: John Livingstone Seconded: Ken Janson Vote: 4-0-0.

Old Business

9B Carnes Lane

Title 5 Variance

Jason Ellis presented the case which had been continued from the previous meeting. All the abutters have been properly notified.

Motion: Approve the title 5 variance for 9B Carnes Lane.

Motion: Ken Janson Seconded: Tom Gaudreau Vote: 4-0-0.

396 Commercial Street

Title 5 Variance

Jason Ellis presented this case which had been continued from the previous meeting on October 19th. Additional information was needed and provided at this meeting. It is a 9 bedroom house and has had a walk-through.

Motion: Approve the Title 5 variance with a deed restriction for 9 bedrooms to be recorded at the Barnstable County Registry of Deeds; proof of the recording must be provided to the Health Agent prior to the issuance of the septic system installation permit.

Motion: John Livingston Seconded: Ken Janson Vote: 4-0-0.

New Business

9 Browne Street

Administrative Consent Order

Motion: Change the order of business and hear 535 Commercial and a massage license request prior to 9 Browne Street and 27 Conant Street.

Motion was made, seconded and approved by all.

535 Commercial Street

Appeal Health Agents Decision - Bedrooms

Sue Buerkel presented the case to the BoH. Sue and members of the BoH carefully went over the plans for the property.

Motion: Grant the appeal of the Health Agent's decision. 1st floor unit 2 bedroom status as requested.

Motion: Ken Janson Seconded: John Livingstone Vote: 4-0-0.

Cara Rein

New Massage Therapist

Brian Carlson said all her paperwork is in order and he just needed to make a copy of her driver's license for the picture I.D. part of the application.

Motion: Approve the new massage therapist license for Cara Rein.

Motion: Tom Gaudreau Seconded: Ken Janson Vote: 4-0-0.

9 Browne Street

Administrative Consent Order

Motion: Grant BoH approval for an ACO.

Motion: John Livingstone Seconded: Ken Janson Vote: 4-0-0.

27 Conant Street

Administrative Consent Order

Motion: Grant BoH approval for an ACO.

Motion: Ken Janson Seconded: Tom Gaudreau Vote: 4-0-0.

Approval of Minutes for October 5 & 19, 2006

Motion: Approve the minutes of the October 5th meeting.

Motion: Ken Janson Seconded: John Livingstone Vote: 4-0-0.

Motion: Approve the minutes of the October 19th meeting.

Motion: Ken Janson Seconded: John Livingstone Vote: 4-0-0.

Any other business that shall properly come before the Board

There was none.

Health Inspector's Reports

Brian is waiting to hear about his CORI application.

He had e-mail hand-outs about the recent tobacco case. Duane said she can't understand why the citation from the Barnstable County Tobacco Control and Compliance Program should come to our local BoH in an appeal process. She feels if the person accused wants to appeal it should be done before the above mentioned County Compliance Program.

Ken Janson said that if it happens in the future, the consensus of the BoH is that the appeal should be sent directly to Barnstable.

Brian will follow-up on the procedure with Barnstable. DG said the citation is all hearsay and no details, not even the name of the clerk.

Board Member Statements:

Dr. Livingstone has been working on the large groups of motorcycles and said that there's a nuisance law as well as a decibel law. How can we assess whether it's a health issue or not? Would it come under something further?

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by _____ on _____, 2007.

Duane Gregory, Chair