

Public Meeting

September 18, 2008

Caucus Hall

5:00 p.m.

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

Members Absent: Jerry Anathan (excused)

Staff: Jane Evans, Health Agent
Brian Carlson, Health Inspector

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

AGENDA

Public Comments

Eve Fennerman, a condo owner who lives at 208 Bradford St - #4, said that all the condo owners need to comply with the Town's rental inspection bylaw and she's frustrated by the difficulty of the enforcement. Has had ongoing complaints with the Licensing department.

New Business

6A Cook Street

ACO Request

Jane Evans, the Health Agent, recommended the ACO request.

Motion: Move to approve with the provision that the ACO be recorded at the Barnstable County Registry of Deeds with the first payment made to the Finance Department within seven days of the Board of Health approval. Proof of recording and payment must be provided to the health agent prior to issuing the permit for the "quick-fix" repair. The repair must be completed within 30 days of Board of Health approval of the ACO.

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

Discussion

Animal Welfare Committee – Pet Dogs in Outdoor Dining Areas

Candace Nagle, chair of the Animal Welfare Committee presented a handout to the Board regarding dogs accompanying their owners in outdoor dining patios. The committee feels allowing this would encourage dog owners to come to town and dine out if they didn't have to leave their pets in the car or at home.

Ruth Ann Cowing, the dog officer, also supported the idea of allowing dogs to accompany their owners at outdoor patios. She had a couple of stories about animals being left in hot cars. She doesn't feel there would be any public safety issues.

Jane stated that for the over 5 years she's been Health Agent, she's had only two complaints about dogs in outdoor dining areas. She has communicated with Michael Moore of MDPH and he pointed out that there is a mechanism in the Federal Food Code that would allow the Board to issue variances

on a case by case basis.

Eve Fennerman stated that they often go out to eat BUT they only go to Bubalas because they like their dog(s) to accompany them. She feels it would allow dog owners more choices if all outdoor dining establishments would allow this.

Jane gave the Board a draft of a possible agreement between the Food Establishment and the BoH.

John Livingstone said that he approves of dogs in restaurants. But with regard to BoH regulation, he'd like to offer his own experiences – He worked at UNICEF in Europe and his experience with dogs in restaurants has been very pleasant. He had prepared some additional language, but Duane suggested that we should follow up on the language of an agreement at a future meeting. The Chair polled the board to see if the members are interested in hearing variance requests on the matter.

Jerry Anathan sent in a letter and is in favor of granting variance requests to allow pets.

Ken Janson is not in favor of this proposal. John's issues are very serious and these addendums are hard to enforce. He runs a guest house and sometimes people call and say they're allergic to dogs and he thinks granting variances will create problems.

Duane said that she's not against trying this. If it turns out to be a problem, then we can always revisit the situation.

Tom is in favor of trying it and seeing what happens - providing we have the right requirements.

John feels that we should give it a try. We need to be clear about how the restaurants monitor it.

Town Manager & Assistant Town Manager – Renter's Certificates

Sharon Lynn, the Town Manager, said that she doesn't think this is new to the BoH. It's historically been an issue during an 18 month period among the Licensing Dept., the Health Agent, and the Health Inspector. She feels that these regulations should come under the Board of Health. It is currently being dealt with but we are trying to determine who should receive letters; these renters who are delinquent should be contacted and she further feels that it should be under the BoH purview.

Duane reminded the Board that our authority is to protect the public health and the environment. If a BoH regulation is implemented, we cannot discriminate based on length of rental for our protection. Therefore, all rentals would need to be inspected. But how do we do this? - If it's year-round how often – every season? – every two years? – every three years? Do we have all inspections at the same time? Sharon said that it's up to the Board to decide and then advise the BoS of your findings.

Most of the rental housing complaints received are from year-round tenants. Jane said that a full inspection of rental property takes two hours or so and she doesn't begin to have the help or time available to accomplish this. Most inspections are cursory.

Duane said that she would do the leg work on this regulation BUT how do you police it? If we have a regulation it really should have an enforcement mechanism.

Eve Fennerman said, once again, her experiences have been beyond frustrating. She said that she has appealed time and time to the town for their help. Darlene is trying really hard but we, as owners, are asking you for your help. Darlene said that fines have not been paid that she has levied.

Sharon said that there is time involved by a police officer and they have to be paid for court, etc. only to have the case thrown out so she understands the frustration.

Duane said that we have to find a fair way to handle this - fair to the public, fair to the staff, and fair to the BoH and the Town. Perhaps if the landlords see that we are trying hard to be equitable, they will be more inclined to comply.

Board members agreed to decide on a regulation. Duane, Brian and Jane will work on a draft to bring back to the board at a future fall meeting.

Approval of Minutes for September 4, 2008

Motion: Move to approve the minutes of the September 4, 2008 meeting.

Motion: John Livingstone Seconded: Ken Janson Vote: 3-0-1 ab (TG)

Any other business that shall properly come before the Board

Jane Evans said that the last meeting of the BoH to be held in the Town Hall will be on October 16th. After that date the BoH will meet in the Grace Gouveia building in Meeting Room 6 (large room on the 2nd floor). Parking will be on the DPW side of the building (the north side).

Health Agent's Report

Jane said that she had received a call from a new septic installer, MCE Dirtworks, Inc., for a first inspection on an installation at #s 1 and 6 Harbour Drive. She found that an application had been filed but the permits hadn't been paid for nor picked up. When she went to the property the job thus far had not been done properly. He was informed by certified mail and by hand-carried letter that he was still in a probationary period and if any further infractions occur he will be called in for a "show cause" hearing and will be in danger of losing his installer's license.

Jane also received a letter from George Hoefelder who needs signatures from all the members of the BoH.

Jane also had a meeting with Sharon regarding complaints about closed beaches. They both feel that Ruth Ann does a great job on attempting to control dogs on the beaches but she can't be everywhere at once. Jane then called police chief, Jeff Jaran, and they're proposing a joint article in the April town meeting for funds to be appropriated for an extra officer and ATV for policing dogs on the beach. It would be proposed that the ATV would constantly patrol the Town beaches and give out fines to owners of dogs who are off-leash. John said it was a great idea. Ken thinks it's a good idea but doesn't know if it can be passed. Duane didn't seem to enjoy the idea of a vehicle patrolling the Town beaches.

Health Inspector's Report

On November 5th the wild rabies vaccine program will again be administered. There is a need to submit more surveillance animals, but there has not been any raccoons found dead by the DPW or highway department in the past months.

On Monday, October 6th, Brian will be doing a Community Forum on home heating issues. He invited everyone interested to attend.

The meeting adjourned at 6:11 p.m.

Respectfully submitted,
E. Rogers Gaudiano

Approved by the Board of Health on _____,2008

Duane Gregory, Chair