

Public Meeting

October 16, 2008

Caucus Hall

5:00 p.m.

Members Present: Jerry Anathan, Tom Gaudreau, Ken Janson,
and John Livingstone.

Members Absent: Duane Gregory (excused)

Staff: Jane Evans, Health Agent
Brian Carlson, Health Inspector (excused)

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

AGENDA

In the absence of Duane Gregory, Ken Janson chaired the meeting.

Public Comments

There were none.

New Business

555 Commercial Street – Boathouse Condominiums

ACO Request

Motion: Move to recommend approval of an ACO for 555 Commercial Street with the following condition: The ACO must be recorded at the Barnstable County Registry of Deeds and first payment made to the Provincetown Finance Dept. within fourteen (14) days of Board of Health approval. Copy of entire ACO with registry proof of recording in upper right corner must be provided to the health agent and the finance department along with the first payment.

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

506 Commercial Street

ACO Request

Motion: Move to recommend approval of an ACO for 506 Commercial Street with the following condition: The ACO must be recorded at the Barnstable County Registry of Deeds and first payment made to the Provincetown Finance Dept. within fourteen (14) days of Board of Health approval. Copy of entire ACO with registry proof of recording in upper right corner must be provided to the health agent and the finance department along with the first payment.

Motion: Jerry Anathan **Seconded:** Tom Gaudreau **Vote:** 4-0-0.

415 – 417 Commercial Street

Appeal Health Agents Decision – Bedroom Count

Attorney Lester J. Murphy presented the case to the BoH. A walk-thru was done by health agent, Jane Evans on 5-30-07 in which the main building was found to have 2 legal bedrooms and the cottage to have 1 legal bedroom. Mr. Murphy said that the Town had previously assessed this property for a total of 7 bedrooms.

Jane sent letters to the owner and the real estate broker detailing the number of bedrooms and the reasons for the determination. She has also offered the owner, Harriet Hobbs, on several occasions an opportunity to appeal her decision before the Board of Health which went ignored until now.

Mr. Murphy argued that the number of bedrooms is specified in the master deed which states that there are seven bedrooms. Jane pointed out that the walk-thru, done at the request of Ms. Hobbs realtor, was conducted prior to the condominium conversion and Ms. Hobbs was notified of the final determination. She ignored this and went ahead and drew up plans and a master deed indicating a total of 7 bedrooms on the property.

Mr. Murphy requested that Jane and Brian C. and the Board members conduct yet another inspection of the property and their findings would be reported at the November 13th meeting (which will take place in the Grace Gouveia building). The appeal was continued to the November 13th BoH meeting.

Discussion

Report and Discussion About Hearing Protection: “Where Do We Go From Here?”

Requested by John Livingstone

Dr. Livingstone presented a three-page paper to the members of the BoH and their staff on his meeting with both the Police Chief and the Town Manager on his proposed noise regulation. His proposal was not met enthusiastically and fears were based on negative impact on businesses and the possible plethora of complaints the regulation would unleash along with enforcement problems. Dr. Livingstone intends that the subject will continue to be revisited until something conclusive happens.

Approval of Minutes for October 2, 2008

Motion: Move to approve the minutes of the October 2, 2008 meeting.

Motion: Jerry Anathan Seconded: John Livingstone Vote: 3-0-1 ab (TG)

Any other business that shall properly come before the Board

David Gardner told the BoH that Sharon Lynn was interested in getting a volunteer from the BoH to work with our water management team and Truro regarding water quality for the PLOG group. It was suggested, in her absence, that perhaps Duane Gregory should be the person to be contacted.

Health Agent’s Report

Jane said that she’s been extremely tied up with the town hall transition. She will be gone the last three days in October to attend and give a lecture on Grease Management at the annual MHOA Conference.

Health Inspector’s Report

Brian Carlson was excused and didn’t attend the meeting. He submitted a copy of a certified letter dated October 15, 2008 that he had sent to the Leslie J. Tiffany, the owner of 130A Commercial Street, requesting an inspection of all the units at this address.

Board Members’ Statements

There were none.

The meeting adjourned at. 5:50 p.m.

Respectfully submitted,
E. Rogers Gaudiano

Approved by the Board of Health on _____,2009

Geraldine Anathan, Member