

Public Meeting

April 2, 2009
Grace Gouveia – Room 10
5:00 p.m.

Members Present: Jerry Anathan, Duane Gregory, Ken Janson,
John Livingstone, and Mark Phillips.

Members Absent: none

Staff: Brian Carlson, Health Inspector
Ruth Ann Cowing, Animal Control Officer
Jane Evans, Health Agent
David Gardner Ass't Town Manager

The meeting was called to order at 5:02 p.m.

AGENDA

Public Hearing

Town Meeting Warrant Articles Recommendations

STM Article 2 – Wastewater Optimization & Expansion – Borrowing Authorization.

Motion: Move to support STM Article 2.

Motion: Ken Janson Seconded: John Livingstone Vote: 5-0-0.

ATM Article 5 – FY 2010 Enterprise Funds.

Motion: Move to support ATM Article 5.

Motion: Ken Janson Seconded: John Livingstone Vote: 5-0-0.

ATM Article 7 – FY 2010 Capital Improvements Program

Motion: Move to support ATM Article 7.

Motion: Ken Janson Seconded: Jerry Anathan Vote: 5-0-0.

ATM Article 9 – Cape Cod Greenhead Fly Control District Assessment.

Motion: Move to support ATM Article 9.

Motion: Duane Gregory Seconded: John Livingstone Vote: 5-0-0.

ATM Article 15 – FY 2010 Human Services Grant Program.

Motion: Move to support ATM Article 15.

Motion: Mark Phillips Seconded: Ken Janson Vote: 5-0-0.

ATM Article 23 – Licensing and vaccination of dogs.

Motion: Move to support ATM Article 23.

Motion: Ken Janson Seconded: John Livingston Vote: 5-0-0.

ATM Article 24 – Safe Transportation of Animals.

Motion: Move to support ATM Article 24.

Motion: Duane Gregory Seconded: Ken Janson Vote: 5-0-0.

ATM Article 25 – Control of dogs.

Motion: Move to support ATM Article 25.

Motion: Ken Janson Seconded: Mark Phillips Vote: 4-1-0 opposed (JL).

New Business

8 Winslow Street

ACO Request

Owners present: Ernest Nieratka and Edy Pye. They have been pumping regularly and it is anticipated that the sewer will be available to them by the fall of this year.

Motion: Move to approve the ACO request with the condition that pumping continue as needed to avoid discharge to the surface or back up into their basement. Should either one of these situations occur then the owners will be required to provide a “quick fix” as authorized and permitted by the health agent.

Motion: John Livingstone Seconded: Jerry Anathan Vote: 5-0-0.

246 Bradford Street

Appeal Health Agent Decision – Bedroom Count

Chris Snow presented the case. The house has three heated bedrooms and one unheated. The unheated room meets all other criteria for a bedroom.

Motion: Move to grant the property a 4 bedroom determination based on its historic use.

Motion: Duane Gregory Seconded: Ken Janson Vote: 5-0-0.

Discussion

Since a very large group was in attendance for the Animal Welfare Committee (AWC) – the following motion was made:

Motion: Move to switch the order of discussion items and take the AWC first and the Habitations for Rent second.

Motion: John Livingstone Seconded: Jerry Anathan Vote: 5-0-0.

AWC Request to Rescind Existing BoH Leash Requirement

Leslie Parsons, Candace Nagle, and Carol McDonald, members of the AWC were in attendance along with many supporters.

Duane Gregory gave a brief overview of the issue and included the minutes from the original meeting (March 30, 2006) for the board’s review. The BoH leash requirement was enacted due to documented presence of rabies (raccoons) in Provincetown. There have not been any documented cases for well over two years now. We have regular rabies vaccine baiting.

Candace Nagel asked for a poll of the audience in attendance and about 15 people were in support.

Elizabeth Bridgewater spoke in favor of rescinding the bylaw repeating that rabies was no longer an issue.

Chris Snow said that he opposes rescinding this bylaw. His problem is with dog excrement being left on the beach. He thinks it happens most when they are off leash. He also feels the coliform levels in the harbor are seriously impacted by dog excrement.

David Gardner reminded the board that they had just voted to support Article 25.

Duane pointed out that the BoH did the right thing at the time because of the presence of rabies. That was the only reason for our action at the time. If we try to say that we are continuing to keep this regulation in effect because of rabies, citizens would be petitioning the Selectmen for our resignations.

Ken Janson prefers dogs be on leash, but understands that we should not over step our authority.

Mark Phillips praised the AWC for their efforts and suggests they continue their outreach effort.

John Livingstone also would like to see the AWC continue their educational outreach. He agrees with Chris Snow's opinion that dogs off leash are more likely to leave excrement on the beach than their owners don't pick up. He is also concerned about children possibly contracting diseases from dog's excrement months after exposure. He also doesn't feel the threat of rabies is totally gone.

Brian Carlson, the health inspector, agrees the threat is not 100% over. We are baiting for the 3rd year now.

Jane Evans said that people may be coming into town who don't have their dogs vaccinated.

Ruth Ann Cowing said that if dogs get bitten or bite someone they are still quarantined for a 10 day period whether or not they've had vaccinations.

Motion: Move rescind Provincetown BoH regulation Part XIII, Article 1, Section 1 Dog restraint in the Town of Provincetown.

Motion: Jerry Anathan Seconded: Duane Gregory Vote 5-0-0.

Habitations for Rent - Proposed BoH Regulation

A couple of people were in attendance regarding this regulation.

Motion by Mark Phillips Seconded: John Livingstone Vote: 5-0-0 to allow comments .

Duane thanked Brian, David, and Jane for all their tweaking of the habitations for rent document. The BoH also spent a great deal of time on these regulations.

Chris Snow said that he'd be remiss if he didn't comment on fees. The fee must be the equivalent of the cost of the service. It's a great opportunity for filling the coffers but then you have a tax and not a fee.

Astrid Berg said that she agreed with Chris Snow.

Jane said that David Gardner did a detailed analysis and charging a fee of \$120 for 1st unit and \$50 for

each unit after is justifiable.

Duane thought we may be able to have the renewals be less. David said that the issue is the time involved.

Chris said that with all due respect to David the time involved is irrelevant to the fee charged for the service rendered.

Brian C. suggested that we evaluate it once it's been in place for about a year.

John Livingstone thought that the annual renewal fee might be lower.

There was a great deal of conversation about the cost and the discussion took into consideration all the comments from the original public hearing.

Jerry suggested we just have the inspection be valid for three years. David felt that would make the administration and enforcement aspect much more streamlined.

Motion: Move that the BoH promulgate Regulation Part XIV Habitations for Rent, Article 1, Sections 1-13 as finally amended – contingent that the Health Agent send to each member to review for content (typos etc) the final draft for publication. Inspections will be valid for three years for a fee of \$120 for the first unit and \$50 for each additional unit.

Motion: Jerry Anathan Seconded: Ken Janson Vote: 5-0-0.

Regarding Bedroom definition changes. Duane suggested the word “cased” be removed in order to avoid confusion. The Board was in agreement.

Motion: Amend Board of Health Regulation Part VII - Local Title V Supplements, Article 9 – Definitions - Bedroom as amended.

Motion: Duane Gregory Seconded: Jerry Anathan Vote: 5-0-0

Approval of Minutes for October 16, 2008, January 22, 2009, February 26, 2009 and March 12, 2009

Motion: Move to approve the minutes of the October 16, 2008 meeting.

Motion: John Livingstone Seconded: Ken Janson

Vote: 3-0-2 ab (DG & MP)

Motion: Move to approve the minutes of the January 22, 2009 meeting.

Motion: Jerry Anathan Seconded: John Livingstone

Vote: 3-0-2 ab (KJ & MP)

Motion: Move to approve the minutes of the February 25, 2009 meeting.

Motion: Mark Phillips Seconded: Ken Janson Vote: 4-0-1 ab (JA)

Motion: Move to approve the minutes of the March 12, 2009 meeting.

Motion: Mark Phillips Seconded: Ken Janson Vote: 4-0-1 ab (JA)

Any other business that shall properly come before the Board

Duane Gregory pointed out that the Dog Restraint General by-law states that the BoS are the entity empowered to change off-leash times. Any member of the BoH, as a private citizen, can pursue this with the BoS if they feel strongly that this should not be allowed. Or, can ask for a vote from the BoH to be appointed as a liason to the Selectmen who would report back to the board. John Livingstone said he might think about doing that but didn't want to commit at this time.

Duane further said that another problem will be enforcement. John L. feels that it's an administrative dilemma. She also said that John's other option is to go to the BoS under public statements. John will think it over.

Duane talked about email and open meeting. Emails to a quorum of the board should only be informational, not stating opinions etc. That should be reserved for public meeting.

Health Agent's Report

Jane Evans said most of what she had to say is in the packet which was handed out to the members of the BoH. She's been very busy and it has to do with the time of year.

She has been swamped with building permits, etc. She's also finding that there seems to be an epidemic of illegal conversions of art studios to dwelling units.

Health Inspector's Report

Brian Carlson had a Letter of Agreement that he would like signed by the Chair. The letter was an invitation for him to join a "community-based" program for emergency preparedness. It is an agreement with the Cape Cod Medical Reserve Corps.

Motion: Move to have Duane endorse the Letter of Agreement on behalf of the BoH

Motion: Ken Janson Seconded: Mark Phillips Vote: 5-0-0.

Also Brian informed the BoH of his endeavors on behalf of bringing the Old Colony Tap up to code. This is a work in progress with a 90 day order to correct deficiencies.

Brian continues working with a tenant at 130A Commercial Street – Unit 3. There is a due date for compliance of May 15, 2009.

Brian is also overseeing a stable complaint at a Race Point Road address.

Duane Gregory thanked everyone for their fine work on the Habitations for Rent project and she realizes that this has been a painstaking process for us and the staff. She gave many thanks to all who worked on it. She feels the BoH came up with a great compromise and we'll just have to wait and see how it goes.

The meeting adjourned at 7:10 p.m.

Respectfully submitted,
E. Rogers Gaudiano

Approved by the Board of Health on _____,2009

Duane Gregory, Chair