

Public Meeting

June 11, 2009
Grace Gouveia – Room 10
5:00 p.m.

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

Members Absent: Jerry Anathan (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

Kerry Donohue

New Temporary Tattoo Artist

Brian Carlson reported that everything was in order.

Motion: Move to approve the new temporary tattoo artist permit for Kerry Donohue.

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

508 Commercial Street - cottage

Appeal Health Agents Decision re: Habitable Dwelling

Jane Evans inspected the property in preparation for a rental certificate and it doesn't qualify as an habitable apartment/ cottage. The cottage doesn't have adequate square footage, ceiling height in the loft, or a stove and oven (only a 2 burner hot plate). Jane recommended denying the appeal.

The owner gave a history of the rental and said that he could do his own carpentry to bring it up to code but at this time any expenditure would constitute a hardship. He suggested allowing him to rent the cottage as a room with certain stipulations. After a great deal of discussion, the following motion was made.

Motion: Move to allow the cottage to be used through this summer as a rental room ONLY with the following conditions:

- 1. the hot plate must be removed.**
- 2. the occupancy is for one person only.**
- 3. there will be no use of the loft.**

The above conditioned approval is for this summer season only expiring on September 15, 2009.

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

Board of Health Annual Restructure

Motion: Move to nominate Duane Gregory as Chair of the BoH.

Motion: Ken Janson Seconded: Mark Phillips Vote: 4-0-0.

Motion: Move to nominate Ken Janson as Vice Chair of the BoH.

Motion: Duane Gregory Seconded: John Livingstone Vote: 4-0-0.

Motion: Move to nominate Mark Phillips as Clerk of the BoH.

Motion: Ken Janson Seconded: Duane Gregory Vote: 4-0-0.

Discussion

Draft Recommendations to the BoS – John Livingstone

Hearing Protection Recommendation

John prefaced his draft by saying that he would like it to be read to the Board of Selectmen (BoS) in its entirety. He, again, requested the Board's input. He also said that in lieu of the BoH making a regulation – he wants something that this board is really comfortable with. He would like a public education plan for the board to spearhead.

Mark Phillips suggested there is an avenue (per state guide for Boards of Health) for contacting the EPA for their assessment of noise levels in town they then can offer guidance for policy.

John Livingstone said that we have a general by law but a health bylaw becomes a paradigm and these two areas should be distinguished. John also gave Mystic, CT as an example; they ran campaigns against noise in order to enlist cooperation.

Duane and the rest of the BoH felt that a one-page position paper would be all that would be necessary for presentation. The "Rationale" from the original paper would become the intro with bullets 1 and 2. Bullet 1 would be "That an ad hoc joint subcommittee to report to both Boards be appointed to develop plans of strategy, further study, implementation, and financial support" and Bullet 2 would be "that the BoS administratively support, along with the BoH, a public health education initiative regarding the risk of noise induced hearing loss. The goals are 1) to educate possible violators about the significant health risk they cause to the public and themselves, and b) to educate the public to protect themselves from hearing damage."

Motion: Move 1) to assign John Livingstone as our representative to the BoS on hearing protection recommendations as discussed and 2) quote the above bullets #1 and #2 as the goals. (Also it was suggested that Dr. Livingstone touch base with Chief Jaran prior to his presentation to the BoS.)

Motion: Duane Gregory Seconded: Ken Janson Vote: 4-0-0.

DOGS ON TOWN BEACHES

A one-page presentation was thought by the BoH to be the better option. In Dr. Livingstone's draft the 2nd page was deemed to be a preamble to the problem.

Motion: Move to have John Livingstone present the following to the BoS on behalf of the BoH.

"Currently the BoH is not drafting a health-based regulation because some members and staff believe that it is unwise to establish a BoH regulation for which the BoH has no mechanism of enforcement. A public health campaign backed by the BoS and BoH is a desirable next step." This would be followed by two recommendations:

1. that an ad hoc joint subcommittee report to both Boards; the subcommittee would include an AWL member and the animal control officer to carry on further study and monitoring of beaches and handler behaviors, and

to develop plans of educational strategy, implementation, and funding. and, 2, that the BoS administratively support, along with the BoH, a public health education initiative regarding the risks from dog excrement left on town beaches. The goal is to educate all dog owners when on Town beaches and access ways about the significant health risk they cause to the public and their own animals by not picking up excrement and by not having voice and sight control of their dog(s) when off leash.”

Motion: Mark Phillips Seconded: Ken Janson Vote: 4-0-0.

Approval of Minutes for May 21, 2009

Motion: Move to approve the minutes of the May 21st meeting as amended.

Motion: Ken Janson Seconded: Duane Gregory Vote: 4-0-0.

Any other business that shall properly come before the Board

David Gardner told the board that Michael Leger, Chair of the Recycling Committee, noticed the current BoH regs are out of date with current practices. He would like to be put on the agenda of a future BoH meeting for discussion.

Health Agent’s Report

Jane reported on an ongoing issue regarding a grease trap in a local restaurant. It will be further explored.

The rental unit inspections are happening at a frantic pace. The big rush is because of the notices going out recently in the tax bills.

The Bryant property disposition was also discussed.

Health Inspector’s Report

Brian said that the rabies baiting is going well and more property owners are allowing trapping on their land (by the USDA) to determine the health of wild animals.

His tenant problem has been pulled together and is almost resolved.

Board Members’ Statements

Mark Phillips requested having a discussion with other members of the BoH about smoking in restaurants and bars. He researched the issue based on complaints and comments he had received. It seems that Provincetown’s law regarding smoking in outdoor eating areas is more stringent than Massachusetts’ restrictions.

Provincetown’s reg states that smoking is not regulated in outdoor eating areas and outdoor bar areas provided the outdoor area is not enclosed except for the one side which adjoins the establishment, and is neither artificially heated nor artificially cooled (portable heaters not included).

Massachusetts’ regs are not as strict and a few restaurants with outdoor eating spaces spawned the complaints received.

After a bit of discussion it was decided that the restaurants that allow outdoor smoking will receive letters informing them once again of the Town’s regs.

John Livingstone would like school cafeteria’s inspected. We’re not doing it – the state is inspecting them – but he’d like the BoH to check on them, too.

The meeting adjourned at 6:40 p.m.

Respectfully submitted,
E. Rogers Gaudiano

Approved by the Board of Health on _____,2009

Duane Gregory, Chair