



Public Meeting

Judge Welsh Meeting Room

Thursday
August 11, 2011
4:00 p.m.

Members Present: Laurie Delmolino, Joe DeMartino, Ken Janson, John Livingstone, Mark Phillips, and Elizabeth Williams.

Members Absent: none

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

The meeting was called to order at 4:00 p.m.

AGENDA

Public Comments

Gregg Daniels, an employee of the Gifford House Porch Bar, asked the BoH to choose their words carefully when crafting new smoking regulations. Gregg has attended every meeting on the new proposed smoking regulation and has said much the same thing each time. He pointed out that there has been no public support for the new anti-smoking regs and all he's heard has been dissension. He also cited that there has been no support for the new regs from either the Attorney General or OSHA. He concluded by handing out a full page explanation of his Public Statement. He said the proposed reg would be an easier sell if the BoH decided to ban the sale of cigarettes.

Catherine Russo told the BoH about taking photos of the bamboo plants next door to her that have been sprayed with herbicide. She's been doing research and has information about a case and now she wants to put something on the town warrant regarding spraying plants. She tried to talk to her neighbor about this and he was spraying with a mask on while telling her that it was not harming her at all. She has filmed all his changes to his property. It was suggested to her that she follow up with Brian Carlson.

New Business

Damyan Diamandiev

New Tattoo Artist – West End Salon

Betty Williams stepped down from the hearing.

Dougie Freeman said that Damyan has trained under him in the art of henna tattooing. Dougie continued that Damyan is a marvelous artist and henna tattoos last at least 2 weeks.

Brian Carlson said that all the paperwork is in order. One of the members asked what ppd means on Damyan's health report. Dr. Livingstone, a member of the Board, said that this wouldn't pose a threat to public health but meant that Damyan had been exposed to TB which is not uncommon coming from Eastern Europe.

Motion: Move to approve the application and issuance of a new temporary tattoo artist permit for Damyan Diamandiev.

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

141 Bradford Natural Market

Amend Grease Trap Waiver

Joe DeMartino stepped down from hearing this case.

The owners Joe Freitas and Chris Getman presented their application for a variance to the existing grease trap waiver. They wish to add all natural and organic fruit and vegetable smoothies to their menu. These are water based smoothies with no cream or milk product used. They have signed up and are committed to connecting to the municipal sewer as part of the phase 3 expansion.

Motion: Move to approve the grease trap waiver with the provision that the property connect to the municipal sewer as soon as it becomes available.

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

Discussion

There was none

Approval of Minutes for July 21, 2011

Tabled to the next meeting.

Any other business that shall properly come before the Board

There was none.

Health Inspector's Report

There have been more beach closures. Brian said that he is going to have the Water Quality Task Force reconvene in mid September.

At a later date we will discuss the Pan-Mass Challenge and the shower water going into the catch basins after Brian researches the issue.

Betty Williams asked about the flags that we were going to get to warn of beach closures. Mark Phillips got into the flag discussion, too. Brian said that he'd have to find the money to pay for it. There are 18 test sites plus two registered surrogate posting sites. One at the Surf Side Inn and one at Schuler Blvd.. John said that the flag should draw attention to the sign – and not be a signal unto itself. Mark asked Brian to look into the flag issue and he will follow up. It was said that something should be in place before next summer season.

There was a board member's question about the dead raccoon – it was not positive for rabies.

Work Session Continued from 7-21-11

Board of Health Regulations - Part IX – Tobacco Regulations

Gregory Corbo, the Town's attorney, and Donald Wilson, the Director of the Municipal Tobacco Control Technical Assistance Program, were present for the discussion. Because there were two board members who were not present at the last meeting – a recap was provided. Mr. Wilson said so the state looked at outdoor smoking this last year. The prevailing question from the state was what is an enclosed space and something further for the Board to consider is how to ensure that workers aren't exposed to second smoke.

The state reg wants to make sure that smoke dissipates enough and to make sure workers aren't exposed to 2nd hand smoke.

Joe DeMartino said - the research suggests – regardless of which direction the wind is blowing – it doesn't matter - if you're within 26 ft of any one who is smoking – it is hazardous.

John Livingstone said that the research was compelling and it became even clearer to him that a smoking ban outdoors is needed. The research is at the point where public policy can be made.

Ken Janson would like to be absolutely clear on where and when smoking is allowed and not allowed.

John went over the proposed regulation about enclosed and outdoor spaces. He doesn't know if on the proposed reg is clear enough.

Gregg Corbo said that the intent of the board was to include the prohibition in enclosed places so the way he had approached this was to add a definition of enclosed space.

The discussion ground on for the next few minutes regarding definitions of what constitutes an outdoor space – an enclosed space – a restaurant – a pool with food service – an outdoor bar – take-out counter – etc. so that Board members could have a clearer understanding of the terms being used. There was no agreement on moving forward but there was a consensus that the reg could be clearer regarding the definition of an enclosed space.

Then it was suggested that perhaps owners of restaurants (or pools, bars, etc.) should be able to come before the BoH for variances. Gregg discouraged this as being much too cumbersome to enforce and would become a reg without meaning. Gregg further said that the easiest reg to enforce would be a blanket ban on smoking in outdoor areas PERIOD – and that gives you a black and white reg – easy to understand and enforce.

Betty Williams said that she thinks this whole topic is getting off course and it's not the BoH's job to take care of everyone's health. As a community, our businesses have 8 to 10 weeks –to make a living and she feels all who came to the public hearing asked them to reconsider. She likes neither option 1 nor option 2 and feels it should be dropped.

Motion: Move to continue the Work Session until the meeting of September 8, 2011. (Board of Health Regulations - Part IX – Tobacco Regulations) Gregg was tasked with revising the reg based on our discussion and to add an option to exempt public and semipublic pool areas when food is not served from the reg for the board to consider at the next meeting.

The motion: Mark Phillips seconded: Ken Janson, and approved 5-0-0.

Motion: Move to go into Executive Session at 5:50 p.m for the purpose of discussing potential litigation regarding proposed smoking regulations and to update the Bryant litigation. The Board will not convene in regular session thereafter: A roll call vote was taken:

Roll Call Vote:

Laurie Delmolino	aye
Joe DeMartino	aye
Ken Janson	aye
John Livingstone	aye
Mark Phillips	aye
Elizabeth Williams	aye

The public meeting was adjourned at 5:51p.m..

Respectfully submitted,
Evelyn Rogers Gaudiano

Approved by _____ **on** _____, 2011.
Mark Phillips, Chair

