



Public Meeting

Judge Welsh Meeting Room

Thursday
June 2, 2011
4:00 p.m.

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

Members Absent: none

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

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

Public Hearing-Prohibition of Smoking in Public Places

After Mark Phillips introduced the members of the Board, he opened the public hearing by saying that the Banner, unfortunately, neglected to list the strike-outs in the BoH printed regulations; therefore to avoid any confusion about proper posting this Public Hearing will be continued until June 16th meeting. The Banner will publish correction in the June 9th and 16th editions. The Public Hearing was closed until June 16th.

Public Statements.

Dr. Rick Murray advised Robert's rules to the Board and said that a motion was needed to continue the Public Hearing. He was thanked and the following motion was made:

Motion: Move to continue the public hearing on new tobacco regulations to June 16, 2011. Motion Ken Janson Seconded: John Livingstone Vote: 5-0-0

Astrid Berg said that it is difficult to hear the board members speak. On May 19th, 2011 she had the inspection done at Pepe's and called Brian Carlson's attention to the fact that the strike-outs were not published in the Banner notice. She felt that there should be someone appointed to check out these things. She continued by saying, "So now during the film festival we have to have this hearing. I hope that there will be a quorum for that!" She continued by opining she doesn't think there's been enough information re: the new smoking regulations. She further feels postponement is warranted as the hearing comes in the middle of the busy season and asked, "Why not table this to September so that we have time to think this whole thing out?"

Rick Murray asked if the statements people make will be addressed. He was told that there are no answers given to public statements but they are taken under advisement. Rick said that he has a litany of questions but he can't make it to the continued meeting since it is (as previously stated) in the middle of the Film Festival in which he's highly involved. He would like to have his questions answered, He quoted from the April 7th minutes which asked the question – "does the Board just want to eliminate smoking in food areas?" – "Where did these questions come from?" The April 21st minutes under discussion reported that Jane was working on two different regs period – bars that don't have food service. Rick said that all bars have common victualer's license and serve food. That comment – "bars don't have food so they won't be affected" is uninformed. If you restrict smoking you have to ban all – even those who got economic development seats. Rick continued that he had so very many questions that he will detail them and send them to the chair. He concluded by saying that he thinks voting on this reg at the beginning of the busy season will affect his livelihood is poorly timed.

Gregg Daniels who manages the Porch Bar at the Gifford House suggested that the proposed changes in regulations might be a subject for the Town's counsel to look over. He also said that he respects anyone who sits on a volunteer board and appreciates all the time it demands.

New Business

32 Nickerson Street - John Livingstone recessed himself. The engineer Jason Ellis hadn't arrived for the meeting and the owner said that he'd like to wait for him.

Motion: Move to take the case out of order and to place it as the final agenda item for the meeting.

Motion: Ken Janson Seconded: Joe DeMartino Vote: 5-0-0.

Approval of Minutes for May 5, 2011 and May 19, 2011.

Motion: Move to approve the May 5th minutes as amended.

Motion: Joe DeMartino Seconded: Betty Williams

Vote: 4-0-2 ab (KJ & JL)

Motion: Move to approve the May 19th minutes as written.

Motion: John Livingstone Seconded: Ken Janson

Vote: 4-0-2 ab (LD & EW)

Motion: Move to approve the May 19th Executive Session minutes.

Motion: Ken Janson Seconded: Joe DeMartino

Vote: 4-0-2 ab (LD & EW)

Health Agent's Report

Jane Evans said that she will be trying to work full time next week. It's been difficult not being here and as soon as she got home from surgery she began working at home. The substitutes they've been given by the County have been different each time but they are all experienced and have been a tremendous help.

Jane plans on doing outreach for phase 3 of the sewer system to let people know about it and hopefully to get people to sign up.

New Business-continued

32 Nickerson Street

The owners from this property who were still waiting for Jason Ellis asked if they could request a continuance. (John Livingstone, once again, stepped down.) The woman owner was very apologetic and said that they didn't find out until this morning that this meeting would be taking place. Her husband

said that he is looking at a wetland map and he doesn't see any wetland on the map.

Mark Phillips said that we need more accurate floor plans and he asked if there were any abutters. There was one abutter but he didn't have anything to say at this point.

Jane said that the plan is too vague; it's got to be much clearer. The owner wants suggestions to how he can proceed. Jane offered to assist the owners with any questions they might have and encouraged them to contact her at Town Hall.

Ken said that Jason has been before the BoH a zillion times so he's aware of what needs to be included in a plan.

Motion: Move to continue the case until the meeting on July 7th.

Motion: Joe DeMartino Seconded: Ken Janson

Vote: 5-0-1 ab (JL)

Board Members' Statements.

John Livingstone wants someone to look into the sound system. He stepped down on two occasions and couldn't hear anything from where the audience sits.

Jane said she will follow up with Beau Jacket, the MIS person to see if the sound system can be turned on during BoH meetings.

The meeting adjourned at 4:39 p.m.

Respectfully submitted,
Evelyn Rogers Gaudiano

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