



Public Meeting

Judge Welsh Meeting Room

Thursday

September 22, 2011

4:00 p.m.

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

Members Absent: none

Staff: Brian Carlson Acting Health Agent

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

AGENDA

Public Comments

Gregg Daniels – Gifford House Bar – said that he was hoping that town counsel would be in attendance. He handed in a list of his questions which basically repeated the questions and opinions that he had voiced previously. He concluded by saying that since this is the last work session, please keep in mind that from now through New Year's weekend, the tourist bookings are set and some of them will not be expecting this change.

New Business

There was none.

Finalize Tobacco Regulation Language for Public Hearing Notice

The town counsel, Greg Corbo, has sent the recommended language for the tobacco regulation to the BoH.

Brian Carlson said that he thought the ideal time to implement this would be during the renewal of food service permits and effective January 1, 2012. There would have to be measuring and photographing in order to determine what outdoor areas fall under the regulations. Then the Health Department would approve or deny the request for the outdoor smoking area. The applicant could appeal that decision to the BOH.

Joe D. said - so roll-down space would be considered enclosed- the outdoor space shall be open at all times with an unobstructed flow of outside air? If the space has a ceiling and permits unobstructed flow of air to outdoor space..... no ceiling - the ceiling should be anything that covers over the space. – regardless of the material of the covering. Then there was more discussion about the ceiling and what it permits.

Brian C. reminded the board that under the state reg smoke can cannot migrate into an enclosed space so there are issues about windows and doors being open.

Ken Janson said that Bob Collette suggested we should stay with the state regs because they have withstood the test of time.

John Livingstone wants to discuss the complexity of inspections regarding the state regs.

Brian said that – up front – it would require measuring, etc.

John L. asked for the definition of a wall – referring to state regs - if air circulation relates to wind direction – one wall at least allows 2 sides – only one wall allows the area from whence the breeze comes in.

Joe said that his understanding is that the BoH can go further than the state regs – we can make it more restrictive – so that is his point. He doesn't feel that we need to go further than the state regs at this time.

Betty Williams agreed – no need to rewrite the state law at this time.

Motion: Move to approve our revised smoking regulation per the amendments proposed by the town counsel on September 22, 2011 as amended for punctuation.

Motion: Ken Janson Seconded: Betty Williams Vote: 5-0-0

John Livingstone said that going with the state regs is fine with him.

**THE PUBLIC HEARING ON THE SMOKING REGS WILL BE HELD
ON OCTOBER 20TH.**

Approval of Minutes

There were none available.

Any other business that shall properly come before the Board

Acting Health Agent's Report

Brian said that Bob Collette sent him a fact sheet on an initiative that seeks to ban the sale of tobacco products at pharmacies. He shared it with the Board.

Next Brian mentioned the proposed Memorandum of Understanding (MOU) between the Barnstable County Commissioners and the Town of Provincetown Board of Selectmen and the Board of Health in regards to disease surveillance. Right now Brian is responsible for reporting information regarding communicable diseases.

John L. asks is all confidential? Brian says yes.

Joe said that as long as there is a confidentiality clause – he was for it.

Motion: Move to approve the MOU .

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

Brian is still compiling the beach data. He's been working with the county and the state to develop some graphs regarding the results of water quality testing.

Beach Signage: There is a grant opportunity through the Visitor's Service Board that could potentially be used to enhance the town landings, etc. He's still working on what kind of flag and/or notification system and how it should operate.

Betty asked Brian if there had been any more complaints about the laundry. Brian said – yes – about general cleanliness or lack thereof.

Board Members' Statements

John Livingstone asked what we budget normally for all the things we do. Stay tuned for the answer.

Adjournment happened at 4:45 p.m.

Respectfully submitted,
Evelyn Rogers Gaudiano

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