



Public Meeting

Judge Welsh Meeting Room

Thursday
September 8, 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
David Gardner Ass't Town Manager

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

AGENDA

Public Comments

Gregg Daniels gave, more or less, a repeat of previous statements he has made urging caution before instituting a new ruling regarding smoking in outdoor areas. He said that he had heard that you don't want to restrict tea dances and pools and if the state is thinking of more bans – why not a ban of cigarettes. Also he noticed that there had been no postings of minutes on the town's websites. Please try to keep up to date.

New Business

Deed Restriction – 20 Off Conwell Street, Unit 4

The owner is requesting altering the structure by adding an egress window and egress into the basement portion of the dwelling. In order to condition the issuance of the building permit the following motion was made:

Motion: Move to approve the building permit provided that the owner records a deed restriction limiting the structure to two bedrooms total on the property.

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

Deed Restriction – 887 Commercial Street, Unit 4

The owner has made a permit application for an enclosed porch. In order to obtain a building permit the BoH made the following motion:

Motion: Move to condition the issuance of the building permit with having the owner file and record a deed restriction making the structure deed restricted for one bedroom.

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

Work Session – Continued Discussion of Tobacco Regulations

Bob Collette – a representative from the agency providing smoking controls for Massachusetts - made a visit to Provincetown and was asked to assess our smoking areas of food service establishments. He examined several areas and said the only one that he observe which would meet the criteria for outdoor smoking is Bubalas – but only if they keep the windows closed at all times so that no smoke could drift into the food service area.

Bob suggested that the BoH entertain using the language that the town of Bourne has developed. It states:

(Enclosed area is a space bound by walls continuous from the floor to ceiling and enclosed by doors and/or windows. For the purposes of this regulation, an outside deck and/or patio, which is open (unobstructed for at least 50% of the total perimeter) will not be considered enclosed. (These outside areas, if used for smoking, will not include formal seating or food/beverage service and are strictly to be used for waiting areas or outside smoking.)

John Livingstone asked if Bourne’s regs came out of the BoH in that town or the overall governing body. It was the Bourne BoH and was passed to protect all workers. Most of them didn’t have outdoor servers.

Joe DeMartino asked Bob if he had shared his findings with establishments in town? The answer was no.

Gregg Corbo asked - when you say “not in compliance” it means that there is migration of smoke into establishments or that they do not meet the definition of an outdoor space.

Bob said that both town and state regs have it covered between the two. It would be his strong suggestions to adopt the Bourne language in order to level the playing field.

Mark said that we were looking at limiting outdoor smoking wherever food is served. Bob still leaned on the side of the Bourne wording.

Mark then asked the BoH – do we need to gather any more facts?

Joe said that he’s still blown away by the site visit. None of these places are in compliance - all except Bubulas.

Then there was quite a discussion on how to inform businesses of this and how to enforce the stricter bylaw. It was decided that it would be a gradual thing with first a Public Hearing and then when the businesses apply for their license renewals – give them a reminder.

Joe and Betty would like to restrict the areas that have food service. Joe is not prepared to be more restrictive at this point; he would be in favor of a less restrictive option. Ken tends to agree – we know that places in town are not in compliance.

The general consensus was that Gregg would go back to the drawing board and come up with language befitting the problem and Bob would be asked to attend a future meeting to further advise.

Approval of Minutes for July 21 and August 11.

Motion: Move to approve the minutes for the July 21st meeting.

Motion: Betty Williams Seconded: John Livingstone

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

Motion: Move to approve the Exec. Session minutes for July 21st.

Motion: John Livingstone Seconded: Laurie Delmolino

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

Motion: Move to approve the minutes of the August 11th meeting.

Motion: Ken Janson Seconded: Betty Williams

Vote: 5-0-0

Motion: Move to approve the Exec. Session minutes for August 11th.

Vote: 5-0-0

David Gardner suggested not releasing the Executive Session minutes until the cases mentioned in them had been settled and the minutes should only reflect motions made during the sessions - thus:

Motion: Move to rescind the 2 motions to approve the Executive Session minutes for July 21st and August 11th.

Motion: John Livingstone Seconded: Joe DeMartino Vote: 5-0-0

Any other business that shall properly come before the Board

There was none.

Health Agent's Report

Brian didn't have a formal report but he said that he's preparing a water quality report for the BoS. It will be comparing last year to this year.

Board Members' Statements

Betty said that she saw a little blip in the Banner on the 25th regarding beach notification. She feels that the town's notification system about beach pollution has to be improved and she's talked about that before. She would like bigger notifications.

Adjournment happened at 5:30 p.m.

Respectfully submitted,
Evelyn Rogers Gaudiano

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

