



Town of Provincetown
Meeting of the
BOARD OF HEALTH
Thursday, June 20, 2019

Caucus Hall, Provincetown Town Hall,
260 Commercial Street, Provincetown, MA

Board Members Present: Mark Phillips, Chair; Steve Katsurinis, Vice Chair; Dr. Janet Whelan; Dr. Elise Cozzi; Kalliope Chute; Irv Morgan and Susan Troyan, Alternates

Board Members Absent:

Other attendees: Morgan Clark, Health Director; Lezli Rowell, Health Agent

Call to Order: Mr. Phillips called the meeting to order at 4:00 p.m.

I. Public Comments:

There were no public comments.

II. New Business

a. 10 Bradford Street, Public Health Connection

Discussion: Ms. Clark presented a brief background on the situation leading to the connection which took place the previous Friday.

Motion: *Move that the property at 10 Bradford Street presents a public health priority and shall hereby be ordered to connect to the municipal sewer last week.*

Motion: Mr. Katsurinis **Seconded:** Dr. Whelan **Vote:** 5-0-0

b. 199 Bradford Street, Appeal Health Agents Decision - Ted Smith, presenting

Discussion: Ms. Clark presented a brief history of the property noting that a building permit triggered her review, a previous connection to the sewer, and concerns about the request for additional bathrooms. Mr. Smith, the current project architect, stated that a bathroom *en suite* is standard, and went through the layout of the living units in question, stating that the second bathrooms are for the use of guests. Ms. Clark stated that if the baths were half baths it wouldn't have caused the concern. The discussion covered the likelihood of bedrooms being added later with additional walls and the current trend of renting places on Airbnb for more occupants than would be allowed. Ms. Clark noted the trend may be discussed on a cross department basis.

Motion: *Uphold the Health Agents' determination that 6 full bathrooms at 199 Bradford Street connotes a more intense use than the three bedrooms on the property can support.*

Motion: Mr. Katsurinis Seconded: Dr. Whelan Vote: 5-0-0

c. 10 Seashore Park Drive, Local Upgrade Approval Request – David Bennett, presenting
Ms. Rowell recused herself at 4:24 p.m.

Discussion: Ms. Clark gave a brief history of the property. Mr. Bennett noted some owners of the condo were present. An inspection noted a failure of the system and the current plan is a revision for a second compartment tank and a pump chamber which was dictated in the upgrade requirement, and that he is requesting the Board’s approval of the Local Upgrade Approval Request.

Motion: *Move to grant the requested local upgrade approval at 10 Seashore Park Drive.*

Motion: Ms. Chute Seconded: Dr. Cozzi Vote: 5-0-0

d. Discussion with a representative of the Animal Welfare Committee - Elizabeth Brooke, presenting

Item d. was tabled due to illness of the presenter.

Ms. Rowell returned at 4:31 p.m.

Ms. Chute requested more information be prepared for the Board before the next meeting.

e. Review Special Town Meeting Warrant

Discussion: The Board reviewed the Warrant and took no action.

f. 451 Commercial Street, De-Beaching Request

Discussion: Ms. Rowell presented information on the location for water quality testing at 451 Commercial Street based on the difficulty of access. Dr. Whelan noted that there were stairs there when she looked. Ms. Rowell stated that the Chapter 91 license for the property exists for the tideland beach and not for street access. Ms. Rowell also reached out to the State and was given guidance about “de-beaching” if the Board decides to do that. The Board discussed the access to the property and that the Harbor Committee is also discussing access and the location of an outflow pipe there, and how to decide which beaches are tested, what criteria should be used to determine which areas are tested, and concerns about a nearby sump pump and the vandalism of the “Beach Operator” sign. Further discussion covered the need for a more comprehensive discussion of access in general and this property specifically.

g. 222 Commercial Street (Essentials) tobacco sales violations

Discussion: Ms. Rowell stated a recent county inspector noted some pricing violations. Laura Lenza noted she is aware of the regulations and that mistake was inadvertent and that she has made the required changes. The issue of single cigar sales and pricing was discussed and Ms. Lenza stated that she is willing to comply with any regulations. Ms. Clark will look into whether single cigar sales are allowed or not. Further discussion covered if a fine should be imposed. No motion was made.

h. ACOs:

i. 28 Nickerson, Renewal

Discussion: Ms. Clark gave a brief history of the property. The cesspools are functioning and she has no concerns. This is just a renewal.

Motion: *Move to approve the renewal of the ACO at 28 Nickerson*

Motion: Dr. Cozzi **Seconded:** Ms. Chute **Vote:** 5-0-0

III. Old Business

None.

IV. Any other business that shall properly come before the Board

a. CBD and manufactured foods

Discussion: Ms. Rowell reported that applicants for cannabidiol (CBD) items, such as food including gummie bears, is not allowed by U.S. Food and Drug Administration (FDA) regulations and has become a policy question for health agents across the county with the recent DPG advisory memo. Ms. Rowell is looking to the Board for direction and guidance in terms of local retail licensing. Discussion covered the benefits of an educational approach at this point vs. enforcement, the difference between marijuana edibles regulated under the Cannabis Control Commission, and CBD in terms of state guidance and federal codes, and the greater clarity that CBD edibles are not allowed. The Board discussed a desire for clarity on what to inform licensees and potential licensees.

Mr. Katsurinis left and returned at 5:12 p.m., and left at 5:14 p.m. and returned at 5:16 p.m.

Further discussion covered that adding CBD to locally prepared food is not allowed and questions about whether prepackaged prepared food containing CBD are covered in the food code. Ms. Rowell noted that she would include this new information in news and alert emails.

V. Approval of Minutes

Motion: *Move to approve the minutes for May 16, 2019*

Motion: Mr. Katsurinis **Seconded:** Dr. Whelan **Vote:** 5-0-0

VI. Health Department Report

Summer sanitarians have been working under the Health Agent since June 3rd on food service inspections and beach water quality testing.

Ms. Rowell has processed pool licenses and performed inspections.

The recent television shoot had food trucks as caterers and Ms. Rowell helped them get licensed to temporarily provide food for the filming. Ms. Rowell appreciated help from other health agents. Ms. Clark noted the preference for requiring future filming to eat locally. Concerns with one of the two vendors were reviewed, and potentially creating a multi-departmental checklist for filming was discussed.

There have been 15 plan reviews for new and transferring businesses.

The three choke safety sessions were well attended. They are required for 25+ seat restaurants. The Health Department hosted Barnstable County Nutrition and Food Safety extension educator Kim Condra presenting to twelve registrants for new certification on June 10th and eighteen for recertification on June 17th. Other towns will have trainings coming up.

Guest body art technician applications have been coming in and Ms. Rowell has processed approximately 50 applications.

New Beach Closure Notice: In a May 2019 memo from DPH, the Director of Environmental Toxicology Program identified three Provincetown beaches requiring closure posting after one exceed-

ance based on history (Atlantic Ave., Town Landing at Snail Road and the Town Landing West of Coast Guard). For text or email alerts, sign up through Civic Ready at <https://alerts.provincetown-ma.gov/> which allows subscribers to select from various interest categories, including Beach Closure notifications. In addition to the stickers applied to required water quality testing signs and in an effort to more visibly make beach closure notification, the Health Department has purchased temporary roadblocks as replacement of the previously used icon flags.

Mr. Katsurinis left the meeting at 5:32 p.m. and returned at 5:33 p.m..
The process of beach testing was discussed.

VII. Board Members' Statements

None.

Adjournment:

There being no further business, Mr. Phillips moved to adjourn the meeting at 5:40 pm.

Respectfully submitted,

Linda Fiorella

Approved by _____ on _____, 2019