



**Town of Provincetown
Meeting of the
BOARD OF HEALTH**

Thursday, October 17, 2019

**Judge Welsh Hearing Room, Provincetown Town Hall,
260 Commercial Street, Provincetown, MA**

Board Members Present: Steve Katsurinis, Acting Chair; Dr. Elise Cozzi; Kalliope Chute; Irv Morgan, Alternate

Board Members Absent: Dr. Janet Whelan; and Dr. Susan Troyan, Alternate

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

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

I. Public Comments:

There were no public comments.

II. Public Hearings

a. Solid Waste and Recycling – Requirement to Label Solid Waste Receptacles (Votes may be taken)

Mr. Katsurinis opened the public hearing to comments from the public:

Public Comments:

Carol Mac Donald (Chair of Animal Welfare Committee (AWC)): We didn't have time to post meeting otherwise more of our members would be here. Item #1 sounds wonderful. Animal Welfare Committee is supportive of it.

Russell Dutra (Member of AWC): newest member of Animal Welfare Committee - great first step.

Dr. Mayo: support the plan to control waste that is put out.

Ms. Clark read two letters: Barbara Murphy (AWC) and Sherry Prada (DPW); both supportive.

Discussion:

Mr. Katsurinis moved: All in favor, say aye.

Vote: 4-0-0

b. Nuisance Regulations – Abatement of Nuisance (Votes may be taken)

Mr. Katsurinis opened the public hearing to comments from the public:

Public Comments:

Russell Dutra: Good first steps.

Carol Mac Donald: Will there be a part time or year round monitor?

Ms. Clark: Code Compliance Officer will be beginning soon and reaching out to dumpster providers.

Discussion: Mr. Morgan noted that a number of dumpsters at construction sites are in poor repair and wondered if these could be included. Ms. Clark noted that these dumpsters were included in the new requirements.

Mr. Katsurinis moved: All in favor, say aye.

Vote: 4-0-0

III. New Business

a. 6 Duncan Lane, Request to Remove Deed Restriction – Ed Patten and Tom Thompson, presenting

Discussion: Ed Patten, an attorney representing the applicants, requested the Board remove a deed restriction on the property owned by Stephanie Cave and Haley Freeman, also in attendance. Mr. Patten gave a background of the purchase, the septic system, the discovery of the deed restriction; the owners desire to move here full time and they need a second bedroom. He stated that the designer of the current septic system designed it for 2 bedrooms. Ms. Cave stated her plans to move here fulltime and Ms. Freeman stated the space was perfect with no children and now they have a child and a hope to grow their family.

Ms. Rowell stated that Hillary Lemos, the RS consultant from Wellfleet Health who reviews Title Vs, suggested that the BoH look at the history of the deed restriction because the design did not take into account the initial recommendations. The discussion covered the option of designing and installing a new compliant system to remove the deed restriction noting that the restriction is on the septic system, not the home, and what the requirements would be to create such a system. The type of system initially discussed was an I/A system (innovative/alternative treatment) which was not what was installed, and the applicants may want to look into installing an I/A system.

With no objection, Mr. Katsurinis continued the item.

b. 62 Mayflower Avenue, Appeal Health Agent's Decision – Robert M. Perry, P.E., Cape Cod Engineering, Inc., presenting

Discussion: Bob Perry introduced himself and architect Doug Dolezal. Mr. Perry gave a background of the project noting that the proposed change was not substantial and that the background of the system includes indications that three bedrooms existed on the site. The discussion covered the historic increase in footprint of the structure, and that the disposal works construction permit states that the system is for a 2 bedroom flow, and potential routes for addressing the discrepancy including, the option of an ACO.

Motion: *Overturn the Health Agents' determination and allow 62 Mayflower Ave. to renovate up to 3 bedrooms with the requirements of an Administrative Consent Order and annual Title V inspections; and upon failure of the septic system a requirement to upgrade to 330 gallons per day.*

Motion: Dr. Cozzi Seconded: Mr. Morgan Vote: 4-0-0

c. 100-102 Bayberry Avenue, Appeal of Health Agent's Order - John E. Shaffer, Marcus Errico Emmer & Brooks, P.C., presenting

Item was tabled.

d. Tobacco violation: Adams Pharmacy, 248 Commercial Street – L. Rowell, Health Agent presenting

Discussion: Ms. Rowell gave a background on the notice of violation and the licensee. Mr. Duarte stated that he wasn't familiar with the regulations and apologized, noting that the violation was not intentional and that he has made the necessary corrections. Ms. Rowell recommended that there be no fine in this case, and take no action.

Motion: *Move to dismiss the offense and issue no fine.*

Motion: Ms. Chute **Seconded:** Mr. Morgan **Vote:** 4-0-0

e. 61A Commercial Street, Reverse Treasurer's BOH-Approved request to revoke rental certificate

Dr. Cozzi recused as an abutter and left the room at 5:13.

Discussion: Ms. Rowell stated that the funds have been paid. Mr. Katsurinis asked if the revocation could become automatic once the funds are paid and allow the property owner to reapply without taking it before the Board.

Without objection the Board agreed that 61A Commercial be allowed to reapply for a rental certificate and for others in the future to automatically be allowed do so as well, once funds have been paid.

Dr. Cozzi returned at 5:16.

f. Appointments: Aaron Hobart, Code Compliance Officer as an Agent

Discussion: Ms. Morgan stated that Mr. Hobart will be the Code Compliance Officer was unable to attend. Discussion covered Mr. Hobart's duties, that Mr. Hobart does not need to be here for the appointment, that he has been training Ms. Fiorella to replace him as Licensing Agent, and the need to a new Board Secretary.

Motion: *Move to appoint Aaron Hobart, Code Compliance Officer as an Agent.*

Motion: Dr Cozzi **Seconded:** Ms. Cute **Vote:** 4-0-0

Discussion: OSHA education and compliance.

g. ACOs:

i. 2 Conway Street

Discussion:

Motion: *Move to approve the ACO for 2 Conway Street.*

Motion: Dr. Cozzi **Seconded:** Ms. Chute **Vote:** 4-0-0

h. 2020 BOH Meeting Schedule

Discussion: Recruitment of a new member was discussed. The schedule was discussed. The January 2020 meeting date was discussed.

Without objection the Board moved the January meeting to January 2nd, instead of the usual 3rd Thursday.

IV. Old Business

V. Any Other Business That Shall Properly Come Before the Board

No other business.

VI. Approval of Minutes

Discussion: Mr. Morgan noted a correction on page 2.

Motion: *Move to approve the minutes of September 19, 2019 as amended.*

Motion: Mr. Morgan **Seconded:** Ms. Chute **Vote:** 4-0-0

VII. Health Department Report

- **Recycling & Renewable Energy Committee:** The Health Agent attended the 10/10/19 Committee meeting. The Chair reported meter readings for use of water bottle filling stations: at MPL, from 15,000 in July to 20,000 this month; at the Firehouse restrooms, from 10,000 to 15,000 in the same timeframe. The Committee is sourcing new stickers or a paint stencil for storm drain water protection messages which have faded. The Committee heard an update from the ‘Rat Task Force’ and the Agent advised of the Solid Waste and Recycling public hearing to require labeling receptacles and Abatement of Nuisance public hearing requiring Integrated Pest Management (IPM) with dumpsters.
- **Polling interest - Board of Health regulation of CBD/Hemp products?** The Health Agent has received model local BOH bylaws from Cheryl Sbarra of MAHB, drafted to for adult-use marijuana, but containing provisions for licensing and managing Cannabidiol (CBD)/Hemp Products and Sales (including edibles). Sbarra’s presentation at Yankee Conference noted Massachusetts Department of Agricultural Resources (MDAR) as the regulatory authority, but that MDAR has not issued any CBD edible permits. The current status is Food and Drug Administration (FDA) and Massachusetts Department of Public Health (DPH) have declared CBD is not a permitted food ingredient. The draft regulation would create a local license restricted to adult-only establishments after MDAR permits products. Is the Board interested in that language for consideration as a local regulation? In the alternative, is the Board interested in finding language for a local regulation to prohibit CBD edibles? The Board discussed the number of adult only businesses in town and decided to take a wait and see approach.
- **Massachusetts Vaping Product Ban:** Governor Baker declared a public health emergency temporarily prohibiting the sale and display of all vaping products and e-cigarettes. The Health Agent distributed information to all tobacco licensees as part of a compliance sweep. In a conference call with Bob Collett, Director of Cape Cod Regional Tobacco Control, and the Health Agents Coalition, we were advised to amend local BOH regulations to restrict vaping products to ‘adult-only’ establishments before this moratorium ends. Is the Board interested in language for consideration of this as a local regulation? The Board discussed the timing of making regulations and requested to discuss further at the next meeting and to be presented with a list of establishments currently selling vaping products and e-cigarettes. Further discussion covered regulating the storage of chemicals in the cigarettes due to concerns of them getting into flood waters.

- November is National Memory Screening Month. The department was visited by an Alzheimer's Awareness advocate who shared that a Provincetown screening is November 13th from 10 a.m. to noon at the Council on Aging.
- The Alzheimer's Family Support Group will be hosting a walk on October 20th at noon. Registration is ongoing.
- The Board discussed with staff the benefits of the Buried in Treasures Workshops and that it is managed by the COA.

VIII. Board Members' Statements

None.

Adjournment:

There being no further business, Mr. Katsurinis moved to adjourn the meeting at 5:42 pm.

Respectfully submitted,

Linda Fiorella

Approved by _____ on _____, 2019