



Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040

PUBLIC MEETING

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020, this meeting of the Provincetown Board of Health will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>. For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on The Community Channel 99 and PTV GOV Channel 18, as well as an online livestream of PTV GOV at <http://www.provincetowntv.org/watch.html>
2. To participate in this meeting, dial **(833) 579-7589**. When prompted, enter the following conference number: **517 530 399#**. Please do not speak until the chair or the meeting moderator asks for public comments or questions. If possible, please mute your phone until you are called upon to speak.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

**The Provincetown Board of Health will hold a public meeting on
Thursday, August 13, 2020 at 4 p.m.**

AGENDA

- I. Public Comments**
- II. New Business (Votes may be taken on any item)**
 - a. Local Upgrade Approval: 4 King's Way, septic upgrade plans presented by William N. Rogers, II**
 - b. Administrative Consent Order: 18 Prince Street**
 - c. Update on COVID-19 efforts**
- III. Old Business (Votes may be taken on any item)**
- IV. Any other business that shall properly come before the Board (Votes may be taken)**
- V. Approval of Minutes (Votes may be taken)**
- VI. Health Department Report (Votes may be taken)**
- VII. Board Members' Statements (Votes may be taken)**

Posted by the Assistant Town Clerk www.provincetown-ma, 08/05/2020, 8:15 am AR

New Business:

4 Kings Way LUA



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260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

AGENDA ACTION REQUEST

Board of Health Meeting Date: August 13, 2020

Project Location: 4 King's Way
Applicant Name: J. Andrew Shepardson

Representative: William N. Rogers II

Date Requested: 7/15/2020 **Map & Parcel:** 7-1-43-0

Title 5 Local Upgrade Approval Request:	Yes	X	No
Board of Health Variance Request:	Yes		No X
Administrative Consent Order Request:	Yes		No X
Other:			

HEALTH AGENT'S REPORT: Reviewing Health Agent, Hillary Greenberg Lemos

This is a variance plan for an upgrade to an existing system. There is no proposed increase in use or expansion of bedrooms. The variances are approvable based on the constraints of the lot, including size and topography. There is also a 25% reduction in leach field size being proposed.

I have asked that a vent be added to the plan and a clear depiction of 5' of separation between the bottom of the leach filed and the adjusted ground water [shown in highlight on revised plans, 7/17/20].

HEALTH AGENT'S RPORT: Reviewing Health Agent, Lezli Rowell

Review of Health records for this property finds 2003 three bedroom septic plans on file, confirming the use. The designer submits an upgrade with various dimensional variances and a 25% reduction of the required soil absorption system area (SAS), as allowed under local upgrade approval (LUA):

15.404: Maximum Feasible Compliance - Approvals for Upgrades

... (d) the soil absorption system shall be designed to provide as much of the required area as possible on the facility served ... The Approving Authority may reduce the required soil absorption system area no more than 25%, as provided in 310 CMR 15.405(1).

The design flow for 3 bedrooms is 330 gpd; 249 gpd is provided. A minimum of 248 gpd meets the “no more than 25%” reduction threshold.

The LUA request to reduce cellar setback is for existing conditions and is met with the engineering mitigation of breakout barrier (40 mil poly liner shown on plans). The request for increased depth below finished grade is met with the highlighted note for venting (with location to be determined in the field). The request for reduced property line setback is on the street frontage, rather than an abutter’s property.

Other notes: The Board should require that design notes for soil testing and maintenance be conditions of approval.

I recommend deed recording approved variances and conditions.

The Board may choose the following motion, or a motion of their own choosing:

Motion: *Move to grant the requested Local Upgrade Approval to 4 King’s Way to serve a three bedroom structure with a design flow of 330 gpd, with the following conditions:*

- The engineer shall confirm soil conditions at the time of construction and submit Test Hole #2 log to the local Board of Health as soon as practical but no later than with filing the designer’s certification and as-built.
- The system owner shall have a septage handler, licensed by the local board of health in accordance with G.L.c. 111 s. 31A and 310 CMR 15.502, service the Zabel filter regularly, at least once every year and pump the septic tank in accordance with 310 CMR 15.000. The system owner shall report in writing to the local Board of Health within 30 days of the date of servicing every time the septic tank is serviced.
- Grant of variance from the calculated leaching field size and maintenance obligations shall be deed recorded, with proof of recording required prior to issuance of the Disposal System Construction Permit.

Motion: *Move to grant the requested Local Upgrade Approval to 4 King’s Way to serve a three bedroom structure with a design flow of 330 gpd, with the following conditions:*

- The engineer shall confirm soil conditions at the time of construction and submit Test Hole #2 log to the local Board of Health as soon as practical but no later than with filing the designer’s certification and as-built.
- The system owner shall have a septage handler, licensed by the local board of health in accordance with G.L.c. 111 s. 31A and 310 CMR 15.502, service the Zabel filter regularly, at least once every year and pump the septic tank in accordance with 310 CMR 15.000. The system owner shall report in writing to the local Board of Health within 30 days of the date of servicing every time the septic tank is serviced.

Motion: *Move to deny the requested Local Upgrade Approval to 4 King’s Way and require plans revised ... [Board’s discretion, eliminate specified variance].*

BOARD OF HEALTH ACTION

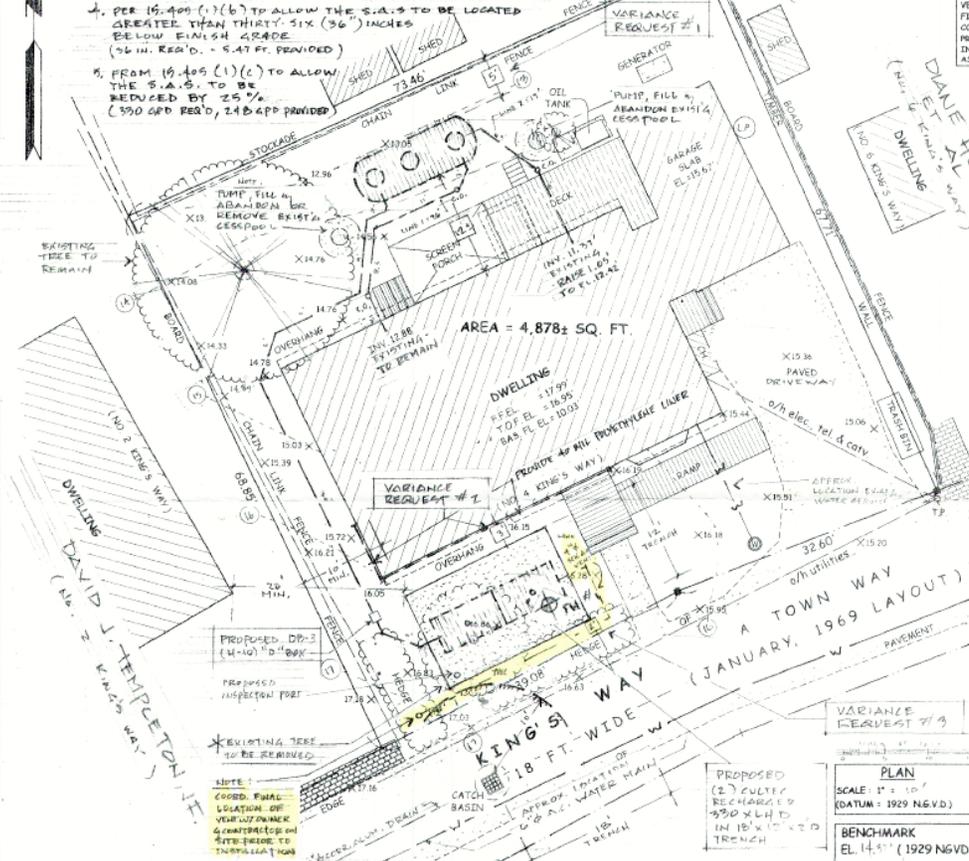
Moved:

Seconded:

Vote:

VARIANCE REQUESTS:

- FROM 15.211 (1) TO ALLOW THE SEPTIC TANK TO BE LOCATED LESS THAN TEN (10') FEET FROM A PROPERTY LINE (10 FT. REQ'D - 5 FT. PROVIDED).
- FROM 15.211 (1) TO ALLOW THE S.A.S. TO BE LOCATED LESS THAN TWENTY (20') FEET FROM EXISTING CELLAR WALL @ LOCUS (20 FT. REQ'D - 5 FT. PROVIDED).
- FROM 15.211 (1) TO ALLOW THE S.A.S. TO BE LOCATED LESS THAN TEN (10') FEET FROM A PROPERTY LINE (10 FT. REQ'D - 2 FT. PROVIDED).
- PER 15.499 (1)(b) TO ALLOW THE S.A.S. TO BE LOCATED GREATER THAN THIRTY SIX (36) INCHES BELOW FINISH GRADE (36 IN. REQ'D - 5.47 FT. PROVIDED).
- FROM 15.405 (1)(c) TO ALLOW THE S.A.S. TO BE REDUCED BY 25% (930 GPD REQ'D, 246 GPD PROVIDED)



AREA = 4,878.2 SQ. FT.



DESIGN DATA: NOTE: 930 GPD X .75 = 697.5 GPD W/ 75% REDUCTION

- REQUIRED FLOW: 7 BEDROOMS x 110 GPD/BEDROOM = 930 GPD (EXISTING)
- SEPTIC TANK CAPACITY: 930 GPD x 2 = 1860 GPD
- LEACHING FACILITY:
 - 18'1\"/>

TOTAL = 249 GPD

VARIANCE REQUEST #5: 249 GPD PROVIDED > 246 GPD REQUIRED (w/ 25% Reduction)

NOTE: USE (1) CULTIC RECHARGER 330 X 1-1/2 IN A 18\"/>

TEST DATE: JULY 14, 2020

TEST BY: L.A. KROEMER - CERT. SOIL EVALUATOR, R.S. DUBUEY-LEE - AGENT FOR DEPT. OF HEALTH

PERC RATE: IN HORIZONTAL (2-11\"/>

DEPTH	HORIZONTAL	TEXTURE	COLOR	MORPHING	COMMENTS
0-8\"/>					
8-14\"/>					
14-22\"/>					
22-30\"/>					

NOTE: RAINFALL TO CONFIRM SOIL CONDITIONS @ TIME OF OBSERVATION DUE TO SITE CONDITIONS CONSTRAINTS @ TIME OF TEST.

WATER SERVICE GENERAL NOTE: WHENEVER SEPTIC LINES CROSS WATER SERVICE LINES OR WHEN WATER SERVICE LINES COME WITHIN 10 FT. OF THE PROPOSED S.A.S. PIPES SHALL BE SLEEVED W/ CLASS 150 PRESSURE PIPE AND SHOULD BE PRESSURE TESTED TO ASSURE WATER TIGHTNESS COORD. W/ TOWN OF PROVINCETOWN WATER DEPT AS NECESSARY

WATER USE RECORDS: PER TOWN OF PROVINCETOWN WATER DEPARTMENT

2016 - 20,000 GAL
2017 - 48,000 GAL
2018 - 39,000 GAL
2019 - 44,000 GAL

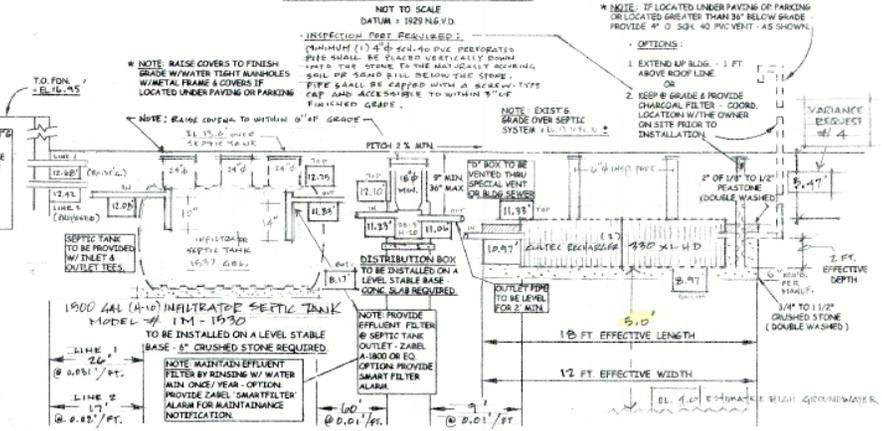
PUMPING RECORDS: PER TOWN OF PROVINCETOWN BOARD OF HEALTH

10000 GAL IN 2019

NO GROUNDWATER ENCOUNTERED

IT IS THE OPINION OF THE ENGINEER THAT THE SOIL PROFILE DOES NOT VARY SIGNIFICANTLY THROUGHOUT THE LOT.

SCHEMATIC FLOW PROFILE



GENERAL NOTES:

- ALL SYSTEM COMPONENTS SHALL BE INSTALLED IN ACCORDANCE W/ TITLE 5 OF THE SANITARY CODE & ANY APPLICABLE REGULATIONS.
- PRIOR TO BACKFILLING THE INSTALLATION, THE ENGINEER & HEALTH AGENT SHALL BE NOTIFIED FOR INSPECTION.
- ANY ALTERATIONS TO THIS DESIGN MUST BE APPROVED BY THE ENGINEER & BOARD OF HEALTH, IN WRITING.
- ALL LINES SHALL BE 4\"/>



PLAN OF LAND IN PROVINCETOWN

DEPICTING A SANITARY SUBSURFACE SEWAGE DISPOSAL SYSTEM VEGRADE AS PREPARED FOR J. ANDREW SHEPARDSON BY WILLIAM N. ROGERS II (No. 4 KING'S WAY) SCALE AS SHOWN JUNE, 2020

WILLIAM N. ROGERS II
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
508.487.1565 / 508.487.5809 FAX

New Business:

18 Prince Street ACO



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

AGENDA ACTION REQUEST

Board of Health Meeting Date: August 13, 2020

Project Location: 18 Prince Street
Applicant Name: CHRISTOPHER AMPLO

Date Requested: August 3, 2020 **Map & Parcel:** 7-4-23-0

Title 5 Variance Request:	Yes	No	X
Board of Health Variance Request:	Yes	No	X
Administrative Consent Order Request:	Yes	X	No
Other:			

HEALTH AGENT'S REPORT: Reviewing Health Agent, Lezli Rowell

A building permit review includes request for most recent Title 5 septic inspection. The general contractor provided the inspector's 7/27/20 report certifying 'failed' status. There are no engineered septic plans on file with the Health Department, and the application did not include 'existing' floor plans. The Health Agent conducted a walk through to determine applicable flow in consideration of the vintage of construction confirming two bedrooms [in the original 1850 antique two-story portion, per Assessor's card; single story addition with kitchen and dining areas are all pass-through], built prior to the 1978 Building Code. This property is within the ACO planning area and thus eligible for consideration, per sewer engineers.

The property could be reasonably served in the future with the addition of a sewer stub, and the existing system can last with the maintenance of conducting annual inspections while under the ACO.

Health approval of any building permit will be contingent upon deed recording of the ACO document and proposed plans matching two bedroom flow, with requirement that "quick fix" repairs under a Disposal System Construction Permit must be completed prior to Building Department issuing a Certificate of Occupancy.

BOARD OF HEALTH ACTION:

The Board may choose to make one of the following motions, or a motion of their own choosing:

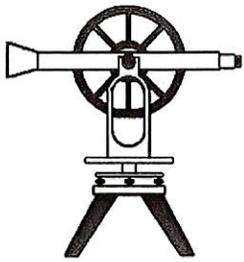
Motion: *Move that 18 Prince Street be subject to an ACO with the condition of annual Title 5 septic inspections, and any repairs determined necessary upon inspections.*

Motion: *Move that the property at 18 Prince Street are ordered to design a 220 gpd septic upgrade.*

Motion:

Seconded:

Vote:



J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –
SITE PLANNING – WETLAND CONSULTATION & PERMITTING
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221
EMAIL jason@jcellisdesign.com

Morgan Clark, Health Director
Town of Provincetown
Provincetown Board of Health
260 Commercial Street
Provincetown, MA 02657

RE: 18 Prince Street, Provincetown, MA (Map 7-4, Parcel 23).

Dear Ms. Clark,

Per your request, I see 2 viable options as a “quick fix” for the existing cesspool located at the property identified above. Given the deteriorated condition of the existing cesspool blocks, I do not think there are any safe options that retain the existing cesspool structure. The first option would be to install a 6’x4’ precast leach pit in the same location as the existing cesspool to replace the cesspool. The second option would be to install a 2000 septic tank as a tight tank to serve the existing building in the same location as the existing cesspool.

Sincerely,



Jason C. Ellis, R.S., L.S.I.T.
August 12, 2020

Cc: Mark Kinnane, Cape Associates



Commonwealth of Massachusetts

Title 5 Official Inspection Form

Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

18 Prince Street Map 7-4 Parcel 23

Property Address

Christopher Amplo c/o Cape Associates Inc.

Owner's Name

Provincetown

MA

02657

July 27, 2020

City/Town

State

Zip Code

Date of Inspection

Owner information is required for every page.

Inspection results must be submitted on this form. Inspection forms may not be altered in any way. Please see completeness checklist at the end of the form.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Inspector Information

Jason C. Ellis

Name of Inspector

J.C. Ellis Design Co. Inc.

Company Name

P.O. Box 81

Company Address

North Eastham

MA

02651

City/Town

State

Zip Code

508-240-2220

S.I. 3600 R.S. 1126

Telephone Number

License Number

B. Certification

I certify that: I am a DEP approved system inspector in full compliance with Section 15.340 of Title 5 (310 CMR 15.000); I have personally inspected the sewage disposal system at the property address listed above; the information reported below is true, accurate and complete as of the time of my inspection; and the inspection was performed based on my training and experience in the proper function and maintenance of on-site sewage disposal systems. After conducting this inspection I have determined that the system:

- 1. Passes
2. Conditionally Passes
3. Needs Further Evaluation by the Local Approving Authority
4. Fails

Inspector's Signature

[Handwritten Signature]

7-28-2020

Date

The system inspector shall submit a copy of this inspection report to the Approving Authority (Board of Health or DEP) within 30 days of completing this inspection. If the system has a design flow of 10,000 gpd or greater, the inspector and the system owner shall submit the report to the appropriate regional office of the DEP. The original form should be sent to the system owner and copies sent to the buyer, if applicable, and the approving authority.

Please note: This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.

Update on COVID-19 Efforts:

Morgan Clark,
Health Director

Approval of

Minutes:

June 9, 2020



Public Meeting

The Provincetown Licensing Board will hold a Joint Meeting with the Board of Health on **Tuesday, June 9, 2020** at 4:00 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Meeting Agenda

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

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Board Members Present: Steve Katsurinis, Chair; Dr. Susan Troyan, Vice Chair; Dr. Janet Whelan; Dr. Elise Cozzi; Chris Hartley; Irv Morgan.

Board Members Absent: None

Other attendees: Morgan Clark, Health Director; Lezli Rowell, Health Agent; Linda Fiorella, Licensing Agent and Moderator; Licensing Board.

Ms. Rowell conducts a roll call for quorum:

Steve Katsurinis, Here
Susan Troyan, Here
Kalliope Chute, Present
Elise Cozzi, Here
Irv Morgan, Here
Chris Hartley, Here
Janet Whelan, Here

Mr. Katsurinis calls the Board of Health to order at 4:02 p.m.

Ms. Fiorella, Licensing Agent reads the preliminary information for the remote participation meeting process.

I. Public Comments

David Burbank asks the Board of Health and the Licensing Board to follow what the Governor is saying regarding entertainment. He says if the town cannot fully follow that, then he would like to see some leniency for outdoor entertainment.

Greg Daniels questions the term for “moderate show”. He says he is in this type of business and suggests someone to define what “moderate theater” might entail.

Jill Botley notes she just received an alert announcing that the Governor of New Jersey has limited indoor gatherings/outdoor gatherings up to 100 people and are permitted immediately. She asks the boards to consider the suffering of local performers and hopes the boards proceed accordingly.

II. Discussion of Bars and Restaurants during COVID (Votes may be taken)

Discussion: Ms. Clark references the flow chart that was prepared by staff that helps decipher if a business is a restaurant or a bar. She says this was created due to the questions the Health Department has received by licensees and if they are able to open. Ms. Clark reviews with the board that Phase 2 of the Massachusetts Reopening Plan allows restaurants to open “if providing seated food service under retail food permits issued by municipal authorities.” Ms. Clark describes the categories demonstrated on the flow chart and explains the licenses required. She states that if your business cannot open under Phase 2, you may still be able to work with the Health Department to amend your licenses in order to meet the criteria to open. She states the criteria, “retail food permits issued for serving alcohol as ancillary to food service.” She also adds that the Licensing Department is able to assist with obtaining a Common Victualler license. Ms. Clark lists the activities that are not permitted in Phase 2: ordering from a bartender, self-service by patrons, or mingling by patrons. She also notes that if a business only has 20-gallon seats, then they only can serve food using disposable plates/cutlery, but if the business has 35-gallon seats, they can serve food using china and silverware.

Mr. Katsurinis asks Ms. Rowell to discuss some of the challenges a bar might face if they decide to convert into a restaurant. Ms. Rowell explains how the chart will be useful in this case to pin point what kind of license a business has and what they will need to convert into a restaurant.

Bob Cameron, Licensing Chair questions the seating plans and the change of locations of the alcohol service itself; he wonders how strictly that will be overseen or monitored.

Ms. Rowell explains the approval process within the Community Development Department for the businesses who have moved their seats outdoors. She states that plans are reviewed by staff along with the Director of Community Development. The Builder Commissioner and the Building Inspector have been on-site inspections. She summarizes the self-certifying guidelines and other agencies that are able to do inspections. She notes that the entire staff is interested in guiding them into a high level of compliance and for them to be permitted leaves them open to any level of inspection or follow-up, including unannounced.

Ms. Clark clarifies that the self-certification is required for all businesses and is required by the Governor. She notes it is a two-sided piece of paper that businesses are required to have on file. In terms of seating, she emphasizes that David Gardner, Director of Community Development and Anne Howard, Building Commissioner have been doing inspections on the outdoor seating.

Bob Cameron questions if those inspections are conducted at each establishment. Ms. Rowell responds and says only those business that request for seating outdoors. She notes the businesses that are still only doing take out, which do not receive an inspection because there is no need.

Mr. Katsurinis asks the Board of Health for any questions or comments.

Dr. Troyan has none.

Dr. Whelan has none.

Dr. Cozzi has none.

Kalliope Chute has none.

Irv Morgan says (as a member of the community, Board of Health member, and as a business owner), he states they are in a battle for their economic lives in hopes to stay alive. He adds they are trying to serve the interest of the public while maintaining their economic viability.

Chris Hartley has none.

Mr. Katsurinis questions the application process and if it is a formal process or is it one that has been created for COVID-19 time. Ms. Rowell responds and says this has come about with the seating plans that have been presented to Community Development. Ms. Clark addresses the questions about process. She says that if a business has a license that doesn't allow them to open in Phase 2, then they need to contact Ms. Rowell to go over plans to amend their license and she will guide them on how they can open. She emphasizes that the Health Department is trying to help their businesses adapt to this environment.

Mr. Katsurinis mentions he does not see guesthouses listed on the chart. He questions the process and consideration for a guesthouse, who may have a liquor license, move to a restaurant license or

what that would involve. Ms. Clark states that is a separate conversation because they are lodging establishments and she says she does not think anyone would confuse a guesthouse as a bar. She says they are able to operate under the guidance for lodging and if they have their liquor license, they can use it. She points out that when alcohol is introduced in a bar setting, people are more likely to mingle and not observe social distancing and that is where the problem lies.

Shawn Byrne, Licensing Board member, asks for clarification on if you are at a table at a restaurant and order a drink, do you need to order food. Ms. Clark says they do not have a lot of clarity on this and suggests the two boards to discuss and decide on a local level. Ms. Clark notes that the guesthouse question may be a question for the Licensing Board. She says they are allowed to make food if they have a license for food. She clarifies that bars cannot open until Phase 4 and she does not think any of the guesthouses are a bar.

Mr. Katsurinis wants to follow up with Shawn's question because there is a range of issues to discuss. He notes that his impression of the staff of Licensing and Health are working cooperatively with the businesses to try to assist them to be where they can and want to be within limits. However, he does not think that they should pretend a bar is a restaurant just so they are able to open in Phase 2. He wants to discuss the duration of food service at restaurants, and if you sit down in a restaurant and order a drink, is there an expectation that food will accompany it. He would like the two boards to take a position to guide staff. Ms. Clark would also like to pose the question about guesthouses to the boards, especially if they are open to the public and not just providing drinks for the rooms. Ms. Fiorella states that it is her understanding that guesthouses cannot serve alcohol to the general public and it is only to be served to their guests.

Mr. Katsurinis, Mr. Cameron, and Ms. Fiorella discuss the regulations of guesthouses and the possibility of converting them into a restaurant and serving alcohol to the general public.

Dr. Cozzi questions the liquor that is sold with take-out and if it is being sold without food. Ms. Fiorella responds and says any restaurant that is doing take-out can sell beer and/or wine in pre-packaged containers to go with the food. Ms. Fiorella clarifies they cannot just serve liquor to-go.

To expedite the meeting, Mr. Katsurnis proposes what the rules should be and asks if anyone disagrees to speak up. He states that the expectation is that if you are restaurant, you will serve food from when you open to when you close and you can sell alcohol during that time that you are serving food. He notes that each order should be accompanied by food because the alcohol is to be "ancillary" to the food.

Mr. Katsurinis asks if any member of either board disagrees with that or would like to be heard, to please speak up.

Shawn states he agrees with that and anticipates all restaurants will agree also.

Mr. Morgan uses his restaurant as an example. He states he is open 7 days a week starting at 8 a.m. and the kitchen closes at 10 p.m. He says his exterior deck space is licensed to be open until 1 a.m. He believes that he can provide properly supervised table service only of alcohol during those remaining hours he is licensed for. He notes that he cannot keep his kitchen open until then, due to

lack of business that late at night. Ms. Clark responds and says that it seems that the business described is operating as a restaurant until 10 p.m. and then describing the bar, and bars are not allowed by the state.

Dr. Troyan agrees with Ms. Clark's interpretation. If a restaurant stops serving food at 10 p.m. but still serves alcohol after that, the business transforms into a bar. She believes the reason the state has held back with opening bars is that with only alcohol consumption, people tend to not social distance as much or be wearing masks. She supports what Mr. Katsurinis has proposed that you must order food to order drinks.

Mr. Cameron agrees with Ms. Clark's interpretation.

Russell Dutra, Licensing Board member agrees with everyone. He feels that a restaurant is a restaurant while they are serving food and after the kitchen is closed, it is strictly a bar. He does not believe there should be loopholes or caveats to stay open. He questions if they should put a time on closing down restaurants, not to hurt the business but to control the spreading of the virus.

Mr. Morgan questions the people that arrive at a restaurant 15 minutes before the kitchen closes and then order an after dinner drink after the kitchen is closed. He questions what one should do.

Mr. Katsurinis states that there is general agreement with both boards that food service should be provided during the hours that the restaurant is open and that food should accompany the order. He asks the board if anyone disagrees (besides Mr. Morgan) with the rules proposed.

Mr. Hartley understands that food should accompany the order but does not like the idea about requiring the customer to order "x" amount of food in order to have sit and have a drink.

Mr. Katsurinis states that the previously stated rules will be the guidance they provide.

III. Discussion of Phase 2 and Phase 3 Establishments Allowed to Open during COVID (votes may be taken)

Ms. Clark gives a summary of the Phase rollouts and says right now, the Governor does not allow in the State of Massachusetts any sort of performances. She adds that in Phase 3 indoor and outdoor theater and performances of moderate capacity may be allowed. She says the Health Department will get guidance before the state opens and the state will define "moderate capacity". In Phase 4, bars/nightclubs and large capacity venues will be allowed. She notes the local order does not allow indoor entertainment.

IV. Discussion of Entertainment During COVID (Votes may be taken)

Mr. Katsurinis says from the Board of Health perspective, they are guided by scientific research that suggest indoor performances, specifically with singing are very dangerous and spread the virus. He explains to the Licensing Board how the Board of Health sees the benefits for entertainment as an outlook for mental health. Mr. Katsurinis says they would like to do outdoor entertainment but would like to hear a discussion from the Licensing Board because they may face challenges that the

Board of Health won't, such as the noise impact on the surrounding neighbors.

Dr. Troyan says that the large transmissions has been from indoor performance venues. She says until we are able to do that safely, the entertainment will need to be outside.

Dr. Whelan agrees that there should be some sort of outdoor entertainment, just need to find the right space.

Dr. Cozzi believes that outdoor entertainment is doable as long as the person in charge of the venue knows how to separate the crowds and emphasizes social distancing.

Ms. Chute has nothing new to add.

Mr. Hartley believes that they should follow the Governor's order without adding new restrictions, especially for this community that depends heavily on entertainment.

Mr. Katsurinis emphasizes that indoor entertainment is problematic and outdoor is not. He also adds that if they impose guidance that is stricter, it is because the circumstances are such for Provincetown. He says the State Department of Public Health is not thinking about Drag shows when they make rules about indoor/outdoor entertainment and it is the job of the local Board of Health to fill those gaps.

Mr. Katsurinis turns it over to the Licensing Board for comments.

Mr. Cameron's (chair) biggest concern is seating and alcohol. The Licensing Board discuss the process of indoor entertainment licensees that move their entertainment outdoors.

V. Board of Health Request from staff to administratively grant variances to the Food Code at 105 CMR 590 or Title 5 at 310 CMR 15 under COVID seating expansion plans for the duration of the joint emergency orders.

Ms. Rowell gives a brief background on how the Community Development staff has been working out how licensees may apply to expand their seating to outdoor locations and meet social distancing guidelines. She notes that the expansion is spatial and not gallons of legal flow. She explains the issue of some licensees who cannot open due to the limits of their menu, which can be related to limits in their grease infrastructure. She hopes on a staff level allow variances to the grease trap requirement for businesses who propose menus that are light in FOG-production (fat, oil, and grease), only temporarily. She emphasizes this variance would not change flow, add seating, or change seating types.

Discussion: None

Motion: Board of Health grants the Health Department staff administrative discretion to approve grant minor temporary local upgrade approvals to 310 CMR 15 for the duration of the COVID emergency joint orders.

Moved: Mr. Katsurinis

Seconded Dr. Troyan

Discussion: None

Ms. Rowell conducts a roll call vote:

Dr. Susan Troyan, Aye

Dr. Janet Whelan, Aye

Dr. Elise Cozzi, Aye

Kalliope Chute, Aye

Irv Morgan, (no answer)

Chris Hartley, Aye

Steve Katsurinis, Aye

Motion carries unanimously.

VI. Board Members' Statements (Votes may be taken) None

Mr. Katsurinis asks the board for a motion to adjourn.

Moved: Dr. Whelan

Seconded: Dr. Troyan

Respectfully submitted,

Amy White

Approved by _____ **on** _____, **2020**

Approval of

Minutes:

June 18, 2020



Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040

PUBLIC MEETING

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020, this meeting of the Provincetown Board of Health will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>. For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on The Community Channel 99 and PTV GOV Channel 18, as well as an online livestream of PTV GOV at <http://www.provincetowntv.org/watch.html>
2. To participate in this meeting, dial **(833) 579-7589**. When prompted, enter the following conference number: **597 340 77#**. Please do not speak until the chair or the meeting moderator asks for public comments or questions. If possible, please mute your phone until you are called upon to speak.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

The Provincetown Board of Health will hold a public meeting on Thursday, June 18, 2020 at 4 p.m.

Board Members Present: Steve Katsurinis, Acting Chair; Dr. Susan Troyan, Vice Chair; Dr. Janet Whelan; Dr. Elise Cozzi; Kalliope Chute; Christopher Hartley, Alternate; Irv Morgan.

Board Members Absent: None.

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

Ms. Rowell conducts a roll call for quorum:

Steve Katsurinis, Present
Dr. Susan Troyan, Present
Dr. Janet Whelan, Present
Dr. Elise Cozzi, Present
Kalliope Chute, Present
Chris Hartley, Present
Irv Morgan, Present



Call to Order: Mr. Katsurinis calls the meeting to order at 4:02 p.m.

Ms. Rowell reads the preliminary information to begin the meeting.

I. Public Comments (None)

II. New Business (Votes may be taken on any item)

a. 100 Bayberry Unit 3, Appeal Health Agent's determination, Penny Viator and Nanette Demonteverde presenting

Discussion: Ms. Rowell explains the applicant contacted the Building Commissioner to request to add a full bathroom and stipulated the unit would not exceed the bathroom to bedroom ratio as it has “3 bedrooms, 2 full bathrooms, and one ½ bath”. Ms. Rowell explains the Health Department’s review and the town’s records show that the 1987 septic system design for Cape Tip Estates provides “21 units with 2 bedrooms each”. She explains there is not a legal “third bedroom” to allow a third bathroom to be built in keeping with local regulation #625. She notes the Assessor’s Department records also demonstrate this is a 2 bedroom unit. Ms. Rowell quotes what the applicant has written in the appeal, “*We have owned since 1996. It is our 2nd home and use it seasonally. We are 2 people and do not rent. Our ages are 62 and 63 and are planning for the future as we will no longer want to climb 4 flights to our bedroom. We are making the level above the kitchen our master bedroom and this only has the 1/2 bath. We plan on placing a handicap accessible shower there for our needs.*”

Mr. Katsurinis discloses that the Board of Health is currently in litigation with the Condominium that the applicant is a member of. He states that the litigation will in no way impact his ability to fairly or impartially determine the question in front of them.

Mr. Katsurinis asks the board members if they agree and to make a statement.

Dr. Troyan also makes that statement and says it will not interfere to make a decision on this.

Dr. Whelan says it will not influence her decisions.

Ms. Chute echoes the statement.

Dr. Cozzi agrees to the statement.

Mr. Katsurinis turns it over to the applicant.

Ms. Viator explains her multi-level condo. She emphasizes that they don’t rent and there is only two of them in the condo and not much water usage. Ms. Clark cautions the applicant to understand that they are limited to two bedrooms, which is non-negotiable. She adds that if they have future plans of decommissioning a room that is an existing bedroom and making an existing non-bedroom a bedroom, than that is a possibility. However, she says the building permit



application process would require to decommission that bedroom and could create more work. Ms. Viator adds that she just wants to add a shower to her half bath.

Mr. Katsurinis asks the board if they have any questions or concerns for the applicant.

Ms. Chute wonders if this decision needs to go before the condo association and if the homeowners have met with the leadership of the association. Ms. Viator says she has and there's a few units that have 3 full bathrooms and one that has 3.5 baths. She says she has spoken to the Trustee and the property manager. Ms. Chute questions if they should receive a legal document of some sort proving there was a conversation had.

Ms. Clark questions if the applicant can remove a bathing facility out of one of the other bathrooms in the unit. Ms. Viator responds and says that's a lot of money to tear out.

Dr. Whelan and Ms. Viator discuss the layout and the number of bathrooms in the condo.

Mr. Hartley wonders if the board has jurisdiction because of what is stipulated in the deed.

Ms. Clark says this isn't in her "wheel house per say" but they come across deeds all the time and it's not really a part of their review but thinks that is a great question.

Motion: Uphold the Health Agents' determination to condition any Building Permit to comply with the ratio of one bedroom to one bathing facility regulation, for a total of 2 full and one half-bathrooms.

Motion: Ms. Chute

Seconded: Dr. Whelan

Vote: 5-0-0

Mr. Katsurinis clarifies the purpose of the bathroom/bedroom regulation. He references how people would over build bathrooms to maximize vacation rentals and it would have significant impacts on Title 5 and the number of people being housed.

Dr. Whelan emphasizes that the board is thinking about the future and it is not the intent of the applicant.

Ms. Rowell conducts a roll call vote:

Dr. Susan Troyan, Aye
Dr. Janet Whelan, Aye
Dr. Elise Cozzi, Aye
Kalliope Chute, Aye
Chris Hartly, Aye
Irv Morgan, Aye
Steve Katsurinis, Aye

Vote carries unanimously.



b. Update on COVID-19 efforts

Ms. Clark gives an update on the COVID efforts from the Health Department. She says they are receiving great guidance and support from the Community Development Staff for compliance and enforcement. She notes Licensing and Code Compliance have been working hard and doing a great job. She says the Health Department and other Community Development Department offices have offered classes and a Q & A sessions for restaurants, lodging, and retail and they have been well attended. She says they are running a hotline for licensees only and the former Health Agent, Laura Marin is staffing that. The hotline is operating Monday- Saturday from 12 p.m. -5 p.m. This is helpful when licensees have a questions such as having a COVID case in their establishment or on their staff; they can seek help and receive guidance. Ms. Clark informs the board that staff is evaluating the work load and determining how one can manage the existing workload, along with the additional work load during this time. She emphasizes her gratitude towards Dr. Troyan and Mr. Katsurinis for their assistance in reviewing plans for some of the newly regulated industries. She explains they are preparing for cases and how they are doing so. Outer Cape Health Services participated in a state-wide testing initiative (testing until 7 p.m. today at all locations, no pre-registration required). She explains that people have been participating in larger events and the testing is available for that reason. She discusses the Front Line Call Group that continues with the Police Chief, Fire Chief, Outer Cape Health Services, Seashore Point, and the town's EMTs to review the data dashboard and the stresses on the town's infrastructure. She discusses the call numbers for EMS and how they are similar to last years and that date will be analyzed. Lastly, she says the Department purchased medical supplies for the anticipated cases to better equip those cases. She says they expect to see new cases and they continue to meet with social service agencies and churches to see what needs are arising.

Mr. Katsurnis thanks Ms. Clark and Ms. Rowell for their hard work and great work during this unexpected time. He asks Ms. Clark for her perspective on how she sees enforcement in terms of compliance and how to handle it.

Ms. Clark responds and says the complaints that Community Development have been receiving this week are from the neighbors who are next door to outdoor dining establishments and the noise. She says they do receive more health oriented complaints and those can be routed to the Community Development Office or directly to the Code Compliance Officer. The e-mail set up for these complaints is compliance@provincetown-ma.gov and that goes directly to Aaron Hobart, an agent of the Health Department. She says everyone has been fielding complaints. She discusses the process of when a complaint is received and the outcome they look for is compliance, fining being the last resort. She notes that Anne Howard, Building Commissioner is out in the streets more than usual and the Summer Sanitarian is out in the field doing routine restaurant inspections; also making sure the business is compliant with state guidance. Ms. Clark clarifies and explains that the Health Department or the Board of Health cannot revoke a business license due to non-compliance of COVID related issues.

Mr. Katsurinis says that they work cooperatively with the citizens and businesses and if there's an issues, they will work with them to come to an agreement and make changes. He notes it's a time consuming process but it leads to wide-spread compliance.



Ms. Rowell echoes Mr. Katsurinis, and says when the Health Department follows up with a complaint, they are trying to guide the applicants to compliance.

Mr. Katsurinis notes they will see positive cases from all the testing.

Ms. Chute expresses her gratitude towards the Select Board for allowing the Board of Health to keep the residents safe in contrast to other towns and what they are doing.

c. Criteria for equitable reopening, Task Force on Coronavirus and Equity

Ms. Clark leaves this document open for the board to discuss. Mr. Katsurinis explains the issue for the people that don't have a choice to not go to work. This can lead to exposure and they may not have the insurance or the ability to access health care. Mr. Katsurinis wants to discuss this with the board in terms of adopting this document and signing onto it.

Dr. Janet Whelan supports signing onto this document.

Dr. Susan Troyan says this is what the Board of Health has been trying to do. She believes it is important to put this out there and how it can help make strategic changes in certain areas to help protect the most vulnerable of the communities. She highly supports signing on.

Dr. Elise Cozzi agrees with what everyone says and thinks of the essential workers that have to go to work.

Motion: The Board of Health signs onto the Criteria for an equitable reopening, from the Task Force on Coronavirus and Equity

Motion: Dr. Susan Troyan

Seconded: Dr. Janet Whelan

Discussion: (None)

Ms. Rowell conducts a roll call vote:

Steve Katsurinis, Aye
Dr. Susan Troyan, Aye
Dr. Janet Whelan, Aye
Dr. Elise Cozzi, Aye
Kalliope Chute, Aye
Chris Hartley, Aye
Irv Morgan, Aye

Vote carries unanimously and the document is adopted.

III. Approval of Minutes (Votes may be taken)



Motion: Move to approve minutes of May 26th, 2020; May 28th, 2020; and June 1st, 2020 minutes as written.

Motion: Dr. Troyan

Seconded: Ms. Chute

Ms. Rowell conducts a roll call vote:

Steve Katsurinis, Aye
Dr. Susan Troyan, Aye
Dr. Janet Whelan, Aye
Dr. Elise Cozzi, Aye
Kalliope Chute, Aye
Chris Hartley, Aye
Irv Morgan, Aye

Vote carries unanimously and the minutes are approved.

IV. Any Other Business That Shall Properly Come Before The Board (Votes may be taken)

Ms. Clark requests the board to appoint Rex McKinsey, Marine Coordinator as an agent of the Board of Health. She explains that she or Ms. Rowell don't have the time to spend on certain areas and he's agreed to take on the Arbovirus Surveillance Program. This program requires attention and some enforcement.

Mr. Katsurinis asks the board's consent to appoint Rex McKinsey as an agent of the Board of Health.

Hearing no objection, it is approved.

Ms. Clark explains the Mask Ambassador Program that the Town Manager is assembling. She tells the board she will be doing a training for the new staff and asks the them what they would like to be included in the training.

Ms. Chute thinks it will be useful to provide training on how to deal with conflict or difficult people in the event that things escalate.

Dr. Cozzi agrees and references the people who cannot wear masks due to medical reasons.

Dr. Whelan mentions how they need to continue to encourage and educate people to wear masks.

Dr. Troyan questions if the training involves cleaning the public picnic tables or if that is a separate training. Ms. Clark is not positive on that but assumes it is.

V. Health Department Report (Votes may be taken)

Ms. Rowell announces that she has built a new webpage for COVID-19 Re-Opening. She explains it is meant to assist licensees and the business community with following the



Governor's orders. She says she has curated the most recent information and included the links and documents from the state on the webpage. Ms. Rowell confirms that the two pending pre-operational inspections for new food service establishment transfer licensees that were previously reported, have been completed. She mentions the Health Department has the Barnstable County Summer Sanitarian for one day a week conducting restaurant inspections. She explains the inspections are routine and include compliance checks with the state safety guidelines, sector-specific checklists, self-certification and posting requirements under the COVID-19 Re-Opening orders. Ms. Rowell explains the process of the re-opening of outdoor pools that are allowed in Phase 2. She mentions how she instituted tracking of VGB drain cover compliance certifications and product expiration dates. Lastly, she includes the Public Water Supply 'Consumer Confidence Report'. She explains how the Water Department has to do an annual filing of this document to DEP and the board gets a copy as a stakeholder. She says this document is a good source of information if you want to learn about the system and gives a summary of the lab testing results.

VI. Board Members' Statements (Votes may be taken

Dr. Cozzi questions the board's purview on garbage grinders in kitchens in private homes. Ms. Clark responds and says it is the Sewer Departments initiative.

Dr. Troyan thanks the members of the business community who have put together thoughtful litigation plans to be compliant.

Ms. Rowell says she is grateful for the board but most importantly for Ms. Clark's leadership.

Adjournment:

Motion: *To adjourn*

Motion: Mr. Katsurinis

Seconded: Dr. Elise Cozzi

Mr. Katsurinis proposes all those in favor say Aye

It is a unanimous Aye.

Meeting is adjourned at 5:13 p.m.

Respectfully submitted,

Amy White

Approved by _____ on _____, 2020

Approval of

Minutes:

July 2, 2020



**Town of Provincetown
July 2nd, 2020**

**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

PUBLIC MEETING

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020, this meeting of the Provincetown Board of Health will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>. For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

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Pursuant to G.L. c. 30A, s. 20(b), the Select Board and the Board of Health will hold a joint emergency meeting in the Judge Welch Hearing Room at Town Hall, 260 Commercial Street, Provincetown, MA, Thursday, July 2, 2020 at 2:00 p.m., for the purpose of discussing the following items:

Board Members Present: Steve Katsurinis, Chair; Dr. Susan Troyan, Vice Chair; Dr. Janet Whelan; Dr. Elise Cozzi; Irv Morgan.

Board Members Absent: Kalliope Chute.

Other attendees: Morgan Clark, Health Director; Lezli Rowell, Health Agent; Robin Craver, Town Manager; Jim Golden, Chief of Police; Robert Cameron, Chair of the Licensing Board; David Gardner, Assistant Town Manager.

Ms. Craver conducts a roll call for quorum.

Steve Katsurinis, Here

Dr. Susan Troyan, Here
Kalliope Chute, (absent)
Dr. Janet Whelan, Here
Dr. Elise Cozzi, Here
Chris Hartley, Here
Irv Morgan, (no response)

Mr. Katsurinis calls the Board of Health to order at 2:02 p.m.

Ms. Craver reads the preliminary information to begin the meeting.

1 Discuss the July 1, 2020 Q&A and to give direction to the Town Manager in regard to Public Safety. Topics to include but are not limited to: Staffing, Enforcement and Mask Policy (Votes May Occur).

Mr. Abramson, Chair of the Select Board, Ms. Craver, and Mr. Golden, Chief of Police discuss the unresolved issues and questions from the previous night's Q+A. Chief Golden reassures the boards and the public that the 4th of July will have an appropriate law enforcement presence throughout the day.

Mr. Abramson asks the Select Board for their comments and questions.

Mr. Anthony strongly expresses that there is a lack of police presence on the streets. He questions the authority for the private properties, especially on Commercial Street with large gatherings on porches. Ms. Clark recaps the governor's order on the number of people allowed for indoor gatherings and the maximum number for outdoor gatherings. She notes this will change again on Monday for step 1 of Phase 3 of re-opening. Mr. Katsurinis responds and explains the enforcement process. He says it starts with a verbal warning, next on a separate encounter there is a written warning, and then ultimately a fine. He stresses the previous consensus for activities that occur in private homes were not to be aggressively enforced, due to the possibility of it becoming volatile. However, he continues to say on a deck or a porch that is in plain view, is a different situation and would like to engage with those people about those circumstances. Mr. Katsurinis states that it is not a Board of Health matter and if someone lives next to a house that is having a gathering, he advises to call the police.

Mr. Anthony and Chief Golden discuss police enforcement and if the department has the money for overtime to have more officers on the streets.

Ms. King questions if it is in the purview of the Select Board or the Board of Health to implement stricter rules than what is in the governor's order. Ms. Clark responds and says that local government can enforce stricter rules if there are concerns. Mr. Katsurinis references advice received from Town Council and reminds the boards that when making stricter policies, they need to make specific findings. He notes especially when it is imposing on people's basic liberties, such as people's right to gather peacefully. He explains how they need to draw that tight connection to the rules and the necessity to prevent the spread.

Chair Abramson turns it over to the Board of Health.

Mr. Katsurinis reminds everyone that they are talking about direction to public safety, staffing enforcement and mask policy. He feels in terms of the location of mask wearing, the Select Board should lead. From his perspective, he sees wide spread compliance with masks and 100 percent is not a reasonable expectation. He expresses his concern with changing the rule and causing more confusion on where and when masks are required. He emphasizes how consistency is valuable and

he mentions the new signs that are up that show people what is expected here. He recognizes the achievement of the high compliance levels and it has been consistent.

Dr. Troyan agrees with Mr. Katsurinis. She emphasizes the Governor's directive and that masks are required when people cannot maintain or have social distancing of at least 6 feet. She agrees they need to continue to educate about mask wearing and that is what is needed to reach compliance, rather than extending the hours. Dr. Troyan says the best way to receive compliance with any rule is to have reasonable ones. She reiterates how it is very clear why masks are required during 9 a.m. and 9 p.m., due to the high volume of people. She concludes she is supportive of increasing the educational effort but trying not to change what they have in place in terms of the mask order because it covers what they need people to do.

Dr. Whelan agrees that consistency is important and sticking with the guidelines already in place.

Dr. Cozzi agrees what everyone has said. She asks for clarification if someone is concerned about an issue and it is a weekend, whom should one call.

Ms. Clark states that you call different people for different problems, so it depends on the issue. She says if there is a public safety threat, then you are always calling the police. Dr. Cozzi questions who should they call first. Ms. Clark clarifies that for regulatory compliance, there is an e-mail address compliance@provincetown-ma.gov and this to streamline concerns about businesses that require the Health Department to follow up. She also mentions that the public could call Town Hall at 508-487-7000 Ext 555, but again she reiterates this is for compliance issues. If it is public safety, that is a call to the police. She mentions the Code Compliance Officer is on the streets on the weekends and evenings. She says they will eventually be getting more support from the County.

Mr. Hartley does not recommend extending hours of the mask policy and feels that would cause more confusion, especially right before the Fourth of July weekend. He wants to enforce the policy in place now and make adjustments as needed later.

Mr. Katsurinis introduces Ms. Clark to speak about Step 1 of Phase 3 that will occur on Monday, July 6th. Ms. Clark announces the businesses that can open under specific guidance (guidance has not been issued yet) are gyms, museums, cultural/historical facilities and small guided tours. She mentions the local order from June 1st restricts some of the Phase 3 businesses, but Mr. Katsurinis and Dr. Troyan have already started to review that since that order has been in place. Ms. Clark mentions she has been working with some lodging establishments that have shared bathrooms to see if there is way to operate those bathrooms safely. She notes the Licensing and Zoning Department and how they are trying to receive guidance in advance for Phase 3 from the state on how outdoor entrainment can operate. In lieu of that, she says the departments have been trying to be proactive and working with the businesses to make sure they are ready on a local level. She says other changes in Phase 3 are that indoor gatherings are allowed with a maximum of 25 people or 8 people per 1000 square feet, she emphasizes never over 25 people. She says enclosed outdoor gatherings are allowed for 25% of the maximum allowed occupancy of the facility or never larger than 100 people. Ms. Clark says gatherings for unenclosed outdoor gatherings have different guidance, and she has not received that yet. She also mentions that the Governor announced that visitors from the states of Maine, Vermont, New Hampshire, Rhode Island, Connecticut, New York and New Jersey are allowed to travel freely among these states and in Massachusetts. Visitors from outside these states are asked to still observe the quarantine for 2 weeks when they travel to Massachusetts or these states. She emphasizes how it is difficult to receive this guidance at the end of the week and especially approaching a holiday weekend.

Mr. Katsurinis turns it over to Select Chair Abramson.

1. Discuss upcoming July 4th weekend - (Votes May Occur).

The Select Board and Ms. Craver discuss the resources for officers to be on the street, the education aspect of face coverings on Commercial Street, and the enforcement of the masks. It is made clear that education and enforcement is what is wanted moving forward and not just for the holiday weekend.

The Select Board make a motion for the Provincetown Police Department to initiate education and enforcement of the facemask coverings on Commercial Street and for the Chief of Police to provide more personnel on the street in regards to keeping the town safe.

The Select Board discuss changing the time of the mask policy and the language. They also discuss the finances for adding more officers to be on the streets.

2. Discuss changing the authorized hours of alcohol sales for liquor licenses Establishments – (Votes May Occur).

Mr. Katsurinis explains the discussions that occurred during the joint Licensing and Board of Health meeting on June 9th. The key discussions were about staff working one on one with businesses to be able to open and when a kitchen closes in a restaurant and the restaurant remains open, it is essentially acting like a bar. Mr. Cameron, Chair of the Licensing Board reiterates what Mr. Katsurinis said and says they are supportive of the businesses and then references the few bars that have found ways to have people sit and drink with minimal food to offer. He believes this policy needs consideration. Ms. Clark reminds everyone that the Health Department is tasked with what is a restaurant and what is a bar and guiding licensees through that. She notes the DPH announced that bars would not open until there is a vaccine or a therapeutic. She does recommend that 11p.m. should be the curfew for alcohol because there is not much eating going on after the 10 p.m. seating. She wishes the state would have more guidance on this and believes it is necessary to enforce on a local level. Mr. Katsurinis notes that Town Council has confirmed that the Board of Health has the authority to do this.

The Select Board made the following motion.

Motion: Move that the Select Board and the Board of Health vote to amend the Joint Emergency Order (Indoor and Outdoor Seating) #14 to the hours of alcohol sales allowed at businesses with pouring licenses shall be between 8:00 a.m. to 11 p.m. Monday-Saturday and 10:00 a.m. – 11:00 p.m. on Sunday. All other regulations and permit conditions, including hours of operations, shall remain in effect and the service area shall be subject to inspection by agents of the Board of Health and Licensing Agent; to be effective immediately.

Each member of the Select Board state their comments. Mr. Gardner clarifies this is strictly about pouring licenses and not food licenses.

Mr. Katsurinis asks the Board of Health for their comments.

Dr. Troyan agrees with moving forward with this. She reiterates that bars have been a big problem in terms of transmission of the virus. She emphasizes that when a restaurant stops food service, they transform into a bar.

Dr. Whelan (no response).

Dr. Cozzi agrees with Dr. Troyan's statements and hopes for everyone to obey the rules.

Chris Hartley has no comments.

Irv Morgan (no response).

Mr. Katsurinis is supportive of this motion.

Ms. Craver conducts a roll call vote for the Select Board.

It is unanimous Aye, and the motion carries.

Ms. Clark conducts a roll call vote:

Dr. Susan Troyan, Aye
Dr. Janet Whelan, Aye
Dr. Elise Cozzi, Aye
Chris Hartley, Aye
Irv Morgan, Aye
Steve Katsurinis, Aye

Vote is unanimous and the motion is adopted by the Board of Health.

Motion: Move for the Board of Health to adjourn.

Moved: Mr. Katsurinis

Seconded: Dr. Troyan

Ms. Clark conducts a roll call vote:

Dr. Susan Troyan, Aye
Dr. Janet Whelan, Aye
Dr. Elise Cozzi, Aye
Chris Hartley, Aye
Irv Morgan, Aye
Steve Katsurinis, Aye

Vote carries unanimously.

The Board of Health adjourns at 4:20 p.m.

Respectfully submitted,

Amy White

Approved by _____ on _____, 2020

Health
Department
Report:
August 13, 2020



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

Board of Health Meeting Date: August 13, 2020

Health Department Report: Lezli Rowell

Health Department webpage for COVID-19 Travel Quarantine: The Health Agent has updated the webpage with links to order effective August 1st all visitors and returning residents entering Massachusetts must follow new travel orders.

TO ACCESS THE RE-OPENING MATERIALS:

- Go to the **Town of Provincetown** website <http://www.provincetown-ma.gov/>
- Under **Departments**, select **Health**
- Click **COVID-19 Travel Quarantine** from menu on left column

This page includes links to the Massachusetts Traveler form, designation “lower risk states” and exemption categories. Department of Community Development staff pushed out this information to licensees.

Health Department webpage for COVID-10 Re-Opening: This page has been updated to reflect gathering and revised restaurant rules effective August 11, 2020. Department of Community Development staff pushed out this information to licensees.

Food Service Establishment inspections: 68% of Full Service and 86% of the Limited Facility establishments have been inspected.

Semi-Public Pool inspections: Thirteen of the 18 licensed pools have had 2nd inspections, with an emphasis on observing COVID reduced bather loads and managing social distancing on deck areas.

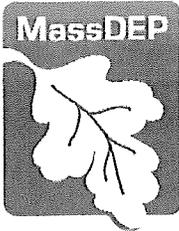
DEP approves Provincetown Wastewater Treatment Facility proposed upgrades: I have attached the Department of Environmental Protection’s review and approval of Phase 5 plans to improve effluent quality, approved subject to testing, and compliance with O&M and groundwater discharge permit standards.

Health Department Report: Rex McKinsey, Marine Coordinator (MC)

We continue to work with the State and County on the bathing beach program. Compared to last year, closures are less than or about the same. The locations are different than last year (*i.e.*, 2019 geomean failures principally at 451 Commercial and Ryder Street. This year’s closures have been Winston and West of Coast Guard station). Testing ends Labor Day Weekend.

This season is the second of the more active EEE infections detected in mosquitos. The State has started aerial spraying in the area around Plymouth County. We should encourage vigilance and as such have added a link the Health Department 'Press Releases' webpage; see <http://www.provincetown-ma.gov/1351/Press-Releases> and <http://www.provincetown-ma.gov/1271/Mosquito-Info> for information and FAQs. The Communications team also prepared a press release that went out to a variety of outlets last week.

We also considered communications for hurricane season, but I urge caution with sending notices early/often as the public can become inured to the messages and not be prepared when we are more directly threatened.



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Kathleen A. Theoharides
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

July 17, 2020

Richard Waldo
DPW Director
Town of Provincetown
260 Commercial Street
Provincetown, Massachusetts 02657

RE: PROVINCETOWN: BRPWP68
Provincetown Wastewater Treatment
Facility
Permit No.: 713-3
Transmittal No. X286335

Dear Mr. Waldo:

The Department of Environmental Protection has completed a review of the engineering plans depicting the proposed upgrades to the Provincetown Wastewater Treatment Facility. With your application you also submitted a Certification Statement signed by Robert B. Adams, a Massachusetts Registered Professional Engineer, and an engineering titled "Phase 5, Provincetown WWTF Upgrade".

The final design proposes upgrades to the existing wastewater treatment facility to improve effluent quality.

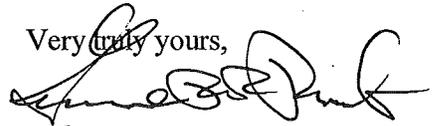
The Department hereby approves the upgrades subject to the following:

1. Construction shall be in strict accordance with the above-mentioned engineering report and provisions of this approval. No changes shall be made without the prior written approval of the Department.
2. A test of the upgrades to the facility must be performed prior to the upgrades being put on-line. The test shall be scheduled at least fourteen (14) days in advance so that Department personnel can be present.
3. Fourteen (14) days prior to the test, an updated operation and maintenance manual prepared in accordance with 314 CMR 12.04(1) shall be submitted to this office for review.
4. Fourteen (14) days prior to the test, written certification that the modifications were constructed in accordance with the approved engineering report shall be submitted by a Professional Engineer registered in the Commonwealth of Massachusetts. Nothing in this provision is intended to interfere with the right of the Department to inspect the facility at any time during construction in order to assess compliance with the final engineering report as approved by the Department.
5. Fourteen (14) days prior to the test, an updated spare parts inventory list shall be submitted to this office. All spare parts must be on-site at the time of the test.
6. Operation and maintenance of the facility must be in accordance with 314 CMR 12.00: "Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges" and 257 CMR 2.00: "Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities".

7. The operation of the referenced facility must comply with all the requirements listed in the Final Groundwater Discharge Permit 713-3 or its successor.
8. This approval pertains to the discharge of sanitary waste only. Non-sanitary waste shall not be discharged into the wastewater treatment facility.
9. The owner/operator of the system shall properly operate and maintain the system at all times in accordance with the approved plan.
10. The owner/operator shall furnish the Department, within a reasonable time, any information, which the Department may request to determine whether cause exists for modifying, revoking, reissuing or terminating this approval or to determine whether the owner/operator is complying with the terms and conditions of this approval.
11. The facility served by the system and the system itself shall be open to inspection by the Department at all reasonable times.

Should you have any questions regarding this matter, please contact Christos Dimisoris at (508) 946-2736.

Very truly yours,



Gerard R. Z. Martin

FOR: Brian A. Dudley
Bureau of Water Resources

D/CD/lg

cc: Provincetown Board of Health
Town Hall
260 Commercial Street
Provincetown, Massachusetts 02657

Robert Adams
AECOM Technical Services, Inc.
250 Apollo Drive
Chelmsford, MA 01824

DEP-Boston
ATTN: Wastewater Management