



# Town of Provincetown

## Meeting of the

## BOARD OF HEALTH

Thursday, April 2, 2015

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

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**Board Members Present:** Mark Phillips, Chair; Dr. Janet Whelan; Steve Katsurinis, and Joseph Freitas, Alternate

**Board Members Absent:** Ken Janson and Elizabeth Williams

**Other attendees:** Morgan Clark, Health Department Director

**Recording Secretary:** Susan Leonard

**Call to Order:** Mark Phillips, Chair called the meeting to order at 4:12 p.m.

### **I. Public Comments:**

There were no public comments.

### **II. Old Business:**

There was no old business raised.

### **III. New Business:**

#### **a. Presentation - Tobacco 21**

#### **Discussion:**

Dr. Lester Hartman introduced himself to the Board. He has been promoting raising the legal age for buying nicotine products to age 21. He showed the Board the various nicotine products and nicotine delivery products that he had purchased in Provincetown that are being marketed to children and young adults. Dr. Hartman provided the Board with written materials regarding the dangerous effects of nicotine on the developing brain and also an updated map of the municipalities that are enforcing the minimum 21 age requirement for sales of tobacco products.

Ms. Cheryl Sbarra from the Massachusetts Association of Health Boards introduced herself. She reminded the Board that she has been before the Board several times over the past 20 years promoting regulation of tobacco. She furnished, for consideration by the Board, a draft regulation that increases the minimum sales age of tobacco products to age 21. They have studied the various science-based strategies used throughout the United States in limiting tobacco use by minors. The more you look at neuroscience and addiction science, the more you see that an 18 year old's brain is susceptible to the effects of nicotine. If you increase the age to 21 you will have a 25% reduction in the initiation of nicotine use by 15 to 18 year olds. There has been a large increase in youth using

electronic cigarettes, which are not regulated by either the State or Federal government. It is only on the local government level that regulation of e-cigarettes has been instituted. The chemical composition of e-liquid has not been determined or standardized. It is extremely toxic when ingested and can burn the skin. Anything that can be liquefied can be used in e-cigarettes. She went on to discuss that flavored tobacco products are cheap and easy to get. They are attractive to children.

Mr. Phillips mentioned that the Board did update its tobacco regulations last year based on recommendations by Mr. Bob Collett from the Barnstable County Regional Tobacco Control Program. Mr. Phillips asked if there is anything going on at the State level regarding raising the minimum sales age? Ms. Sbarra replied that there is bill that was refiled this year. However, it will probably not be passed in this session. Mr. Phillips requested a summary of the health study report about addiction in youth.

Mr. Katsurinis asked if there is a model law available to review? Ms. Sbarra replied that law she has included in the Board's packet a draft law based on the Providence case that has been upheld. Mr. Phillips asked what is different in this draft than what the Board considered last year? Mr. Collett replied that the new guideline bans flavored cigars, the single sale of cheap cigars and raising the age limit to the age of 21. Mr. Katsurinis asked if any Boards of Health in Massachusetts have raised the tax on tobacco products? Ms. Sbarra replied that local Boards of Health do not have legal authority to tax products. That is why other pricing strategies are used on single sales of flavored cigars, etc. Mr. Katsurinis said he is in full support of restricting tobacco.

Mr. Phillips asked what the Board thoughts were on the presentation. Mr. Katsurinis reiterated that he is content to go forward with the recommendations. Ms. Clark mentioned that there are between 50 -150 children in the age group affected by the minimum age restriction. She is concerned that the target group would primarily affect foreign workers and tourists. The people who will be affected are here temporarily. Mr. Katsurinis asked if there is any way we could provide smoking cessation programs if then age was raised to 21.

## **b. Request for Comments for 350 Bradford Street 40B Application**

### **Discussion:**

Ms. Clark mentioned that the comment period had been extended to May 15, 2015.

Mr. Phillips reminded the Board that the only thing they could respond to are issues covered in its own regulations such as Title 5, water flow and the sewer.

Ms. Clark informed the board that it is the opinion of Town Counsel that the recently developed Selectmen's policy regarding the allotment of remaining sewer capacity gallons would not be sufficient in court. The Community Development Department asked if the Board of Health could codify the policy in its regulations. There are Board of Health regulations explicit to Phase 1 of the sewer system. The Board of Health was responsible for determining public health failures and was in charge of regulating those gallons.

Mr. Katsurinis would like to see the Board support more sewerage in the Town. From the point of view of the Board of Health, he is not in favor of anything that makes it harder to get gallons. Mr. Phillips would like the Department to develop a regulation that the Board can discuss at its next meeting. Mr. Katsurinis added that the board could define "public health failure" and under what conditions it would grant gallons. Ms. Clark reminded the Board there are about 50,000 – 80,000 remaining gallons. If a development requests 7,000 gallons that is more than 10% of the total which

means future “public health failures” could be affected by a shortage of remaining capacity. There is currently no plan for expansion of the treatment plant.

Ms. Clark said the other board’s staff are in favor of creating a regulation. Mr. Katsurinis said he would be in favor of the Board of Health reserving all the remaining gallons for its use in order to protect the health and safety of the Town. Ms. Clark is afraid it would effect the Board relations with the Water & Sewer Board. Mr. Katsurinus said that the regulation would define a “public health emergency”. There is “technical failure” and actual failure. There could be a system that is affecting sensitive watershed and wetlands.

Mr. Phillips recommended that the Board proceed as it has in the past by having a public hearing for the new regulation. Ms. Clark said she would have to post the proposed changes. Mr. Phillips said the Board can post a meeting for April 9, 2015 with 48 hours notice.

#### **IV. Any Other Business That Shall Properly Come Before the Board**

There was none

#### **V. Approval of Minutes**

##### **March 19, 2015 Minutes**

**Motion: *Move to approve the minutes of Thursday March 19, 2015***

**Motion: Steve Katsurinis**

**Seconded: Joseph Freitas**

**Vote: 4 – 0 - 0**

#### **VI. Health Department Report**

##### **Discussion:**

Ms. Clark discussed rental certificate compliance. She has been trying to focus on more difficult cases. It is a better use of the department’s time. Mr. Katsurnis thought they could to move to a complaint based system. Ms. Clark said that the State does empower her to investigate complaints. One of the barriers to getting substandard places up to code are the fees for permitting. She suggests the fee structure could be modified for nonprofit and impoverished property owners.

ServSafe and Choke Safety classes are coming up soon and will be advertised a few more times. At the Board’s request, a grease interceptor maintenance class is being developed. The DPH is coming down on May 20<sup>th</sup> to discuss infectious disease tracking and food borne illnesses.

There are two articles coming up at the town Meeting that concern the Board - food for the emergency shelter and a request for an additional alternate member of the Board of Health. Ms. Clark asked if the board would like her to create a script for their presentation by a Board member.

As it turns out, the cesspool map was not correct because it came from the sewer data base. The VMCC and the school are on a shared system from 1985. The only Town owned building that has a

cesspool is the Highway Garage. It is functioning. Until they know what they are doing with the building they will not be upgrading it.

The Surf Club reported that they are doing all the required work. Ms. Clark is waiting for the certification letter.

Ms. Clark has spoken to the conservation Agent about teaming up for Fall seminars on rising sea levels and wastewater disposal. They will be looking into finding experts and setting it up. She will approach Wequit Bay. She will invite all of the boards.

Dr. Whelan asked about the recent dog restriction at a local coffee shop and why anyone would be concerned about the order. Ms. Clark said she had gone in to get a cup of coffee and saw a dog in the food prep area and issued a warning to the owner. With any violation she tries to work with compliance. She did not require any sign to be posted.

### **VII. Board Members' Statements**

There were no statements made by the board members.

### **Adjournment:**

There being no further business, Mark Phillips moved to adjourn the meeting at 5:44 pm.

Respectfully submitted,

Susan Leonard

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2015