



# Town of Provincetown

## Meeting of the

## BOARD OF HEALTH

Thursday, April 16, 2015

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

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**Board Members Present:** Mark Phillips, Chair; Dr. Janet Whelan; and Steve Katsurinis, V- Chair

**Board Members Absent:** Ken Janson, Elizabeth Williams and Joseph Freitas, Alt.

**Other attendees:** Morgan Clark, Director, Department of Health and Environment and Health Agent Laura Marin

**Recording Secretary:** Susan Leonard

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

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

There were no public comments.

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

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

##### **Discussion:**

Ms. Clark explained that the Board has been asked for its comments on the application. George Heufelder from the County reviewed the Title 5 inspection report submitted by Whistle Stop Realty Trust, 350 Bradford Street and submitted his assessment of it.

Mr. Phillips commented that the only relevant issues for the Board to address would be sewer connections and Title 5; how the property would be disposing of its waste. Ms. Clark suggested the Board might want to consider noise attenuation, as well. Mr. Katsurinis stated the Board could point out what its expectations are regarding sound attenuation in its report.

Mr. Heufelder's report mentioned the following:

- The building is not occupied or currently in use.
- There is no public health emergency at this time
- The system is in failure it can be repaired

- Leaking tank
- Crumbling /unsound set of D boxes
- Delivery pumps to the system are disconnected
- No emergency alarm floats or panel.
- Leach field may be able to be reused.
- Not up to current Code
- Not a failure that mandates sewer connection
- Must have an unvarianced Title 5 system for proposed change of use
- Can probably get about 2,000 gpd of flow out of system in the ground
- For the purpose of a multi-family dwelling, it does not have a two compartment tank, is not pressure dosed as required, and the infiltrative surface is not determined

Mr. Phillips asked that included in the Board's report should be that one bedroom requires 110 gallons per day capacity, it has to be Title 5 compliant and Mr. Heufelder's report should be included, as well. A second potential area of concern would be noise attenuation.

Mr. Katsurinis stated that any questions about the sewer capacity should be addressed by the Water & Sewer Board. The property, at this point, does not seem to meet the level of a public health emergency.

## **b. Tobacco 21 presentation follow up**

### **Discussion:**

The three recommended policy changes, according to Ms. Sbarra of Tobacco 21 are:

- Banning the sale of inexpensive, single cigars and requiring them to be sold in packages of 2 at a minimum cost of \$5
- Banning the sale of flavored tobacco products, except in adult only retail tobacco stores
- Increasing the minimum legal sales age to 21

Ms. Sbarra also offered to work with the Board on updating its tobacco regulations

Mr. Collett response to the Board's question of funding for smoking cessation:

“Unfortunately, my program is not funded to conduct tobacco cessation classes. Furthermore, it's very unlikely that folks in that age group would attend anyway ... There is a DPH sponsored Quitline that could be made available to anyone interested, however. You might also check with OCHS to ask if they would be interested in offering cessation services. I'd be happy to run such a class if they were able to pay (privately). We are just not allowed to offer this from our program, and have not been allowed, since 2002 ...”

Mr. Katsurinis asked Ms. Clark if she could find out how much a cessation program costs. Mr. Phillips was curious as to whether the cost could be added to the department's budget for the following year. Mr. Katsurinis supports raising the legal age to 21 and thought it would be a nice thing to offer. Dr. Whelan thought it would be nice to offer a course at the beginning of the summer. A support network is more effective when quitting. Mr. Phillips would like the definition of an “adult only” tobacco store and then will reconsider the category for the draft regulation.

Morgan will include the changes in the new draft regulations and schedule a public hearing in the future.

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

#### **a. New Food Service Establishments: 227 Commercial Street, Happy Camper & 43 Race Point Road, Unit A Unnamed Establishment – Loic Rossignon**

The applicant was not present at this time, the board postponed the item until he arrived.

#### **b. New Body Art Technician – Piercing, Mooncusser Tattoo, 3 Standish Street- Cameron Odom, Andrea Tasha Presenting**

##### **Discussion:**

Ms. Clark explained that the applicant is not present and is being represented by Andrea Tasha. The Health Agent's report was read for the Board. Mr. Odom is applying to be a body piercer at Mooncusser Tattoo. His application was complete and has met all the regulatory requirements to practice the art. Ms. Tasha also provided evidence of his test results and apprenticeship, and license in the State of Virginia and a letter from Mr. Odom. He will be working full time for the season.

*Motion: That we accept Cameron Odom's application for piercing/ body art technician.*

**Motion: Dr. Janet Whelan**

**Seconded: Steve Katsurinis**

**Vote: 3 – 0 - 0**

#### **c. Discussion of Board of Health Regulations Part XI, Article 1 – Sewer Connection Criteria and Prioritization**

##### **Discussion:**

As reference material, Ms. Clark provided the Board with an email from John Goodrich, the Town's sewer consultant regarding ACO criteria. He commented in December on sewer capacity and ACO requests.

Ms. Clark also presented the Board the draft Part XI regulation changes based on the 2003, Article 1 - "Sewer Connection Criteria and Prioritization". Mr. Phillips wants it to be clear they are defining "Public Health Failures". He added that the regulations should reference criteria for "Public Health Failures" under normal conditions and also separately reference "Public Health Failures" criteria during times of a declared "State of Diminished Capacity" in order to determine who can connect.

Dr. Whelan raised the topic of requiring an unvarianced Title 5 plan. Mr. Phillips is of the opinion that if a property can make a minor variance to a Title 5 then it should not receive priority for a connection. Ms. Clark said the "home rule" law for the sewer system allows for certain variances. Mr. Phillips would like to add the words "if the property can support an allowable Title 5 System, as approved by the Board Of Health, then there would be no approval for connection to the sewer system." Then it could then be deemed a "Public Health Failure".

Under Section 7 Harbor Side Septic Systems, Mr. Katsurinis thought the definition of harborside should be more specific regarding actual distance from the water or wetland.

Under Section 8, Ms Clark said the Town no longer has the authority to limit or prohibit raised or mounded systems based on a past moratorium.

Mr. Katsurinis suggested that the priority criteria for connection not be numbered or ranked. Mr. Phillips thinks they could rank “Public Health Failures” as the highest priority. Mr. Katsurinis would like a definition of “Public Health Failure” and the enumeration of what are “failed systems”. Then the Board of Health will make a recommendation to the Water & Sewer Board for connecting to the Town Sewer.

**a. New Food Service Establishments: 227 Commercial Street, Happy Camper & 43 Race Point Road, Unit A Unnamed Establishment – Loic Rossignon**

**Discussion:**

The applicant was now in attendance and the Board continued with Agenda Item III a.

Rob Anderson appeared before the Board. He is the owner of the Canteen, Happy Camper and another yet to be named restaurant at 43 Race Point Road. Ms. Clark said the owners have been working on plan review with her. Mr. Anderson said with the two new restaurants they will be employing 60 -70 employees. Happy Camper will be serving doughnuts, popsicles and ice cream made from scratch. Production of all of the products for sale at 227 Commercial Street and most of the food for Canteen will be done at their commissary at 43 Race Point Road and will be delivered by a specially designed food transportation vehicle. Eventually, there will be a retail store at 43 Race Point Road.

Ms. Clark will be issuing a limited facility license with a grease interceptor for Happy Camper and for the Race Point Road location they will be getting a catering license and a full restaurant license. Everything will be up to code. The ice cream will not be made from a pre-made mix. It is all from scratch and ultra-pasteurized.

No action was required by the Board.

**d. Discussion of Board of Health Regulation Part XII – Habitations for Rent**

**Discussion:**

Ms. Clark explained that this was discussed at a previous meeting. The Building Department has provided the inspectors in the past. The Board of Health has agreed to take out the requirement for all units to be inspected. When people voluntarily enter the system, no one has ever not passed an inspection. It will be self –certification. Mr. Phillips asked how the information is provided to the tenant? Ms. Clark said they would continue with the rental certificates. There have been no complaints from renters with rental certificates. Ms. Clark would like to include a probationary period built into the regulation for re-inspection of offenders.

Mr. Phillips would like an outreach effort to property owners to tell them they need a rental certificate and also to tenants who may feel their accommodations are unsafe or not up to code. Laura Marin, health agent will be working on outreach to the seasonal workers at World Fest. Mr. Katsurinis said employers who are concerned for their employees living situations could benefit from information they could give to them.

**e. Request for Board Decision: 280 Bradford Street – Required Upgrade?**

**Discussion:**

Ms. Clark explained to the Board that building permits now come to her for review. There is a local regulatory requirement that requires a Title 5 upgrade if the cost exceeds 25% of assessed value or

more than \$50,000. All Title 5 components have to meet current code. The property is currently is currently served by a pre-1978 code septic system.

Mr. Heufelder, the County Agent, reviewed the system for a recent repair. He found the following:

- The system has all the components of system compliant with some version of Title 5 (septic tank, pump chamber and soil absorption system)
- It was likely not installed during the effective period of Title 5 (prior to 1977)
- It has apparently passed two title transfer inspections
- The most recent inspection noted some deficiencies that are in the process of being corrected
- These deficiencies are minor and might fall into a class of maintenance (replace alarm float, verify pumps, confirm status of electrical panel)

Part VII, Article 2 requires a septic system review and code compliance. It is Mr. Heufelder's opinion that it not be made to comply because it has all the necessary components of a Title 5 system. The repairs made will allow it to pass the inspection.

Mr. Phillips thinks if it will pass an inspection it should not be made to comply, until such time it fails. He asked how often it has been inspected? It could be required to be inspected every two years or so. Mr. Katsurinis would be more comfortable if every system over a certain age was inspected. After 20 years, you would be required to be inspected and as it gets older it is tested more frequently. Ms. Clark recommended having that discussion in the Fall.

***Motion: That we not require replacement of the septic system if it passes the Title 5 inspection.***

**Motion: Steve Katsurinis                      Seconded: Mark Phillips                      Vote: 3 – 0 - 0**

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

##### **a. Board Member Elections**

Mr. Phillips announced to the Board member present that it was time to elect the Board's officers for the coming year. The following nominations and votes were made:

***Motion: I nominate Mark Phillips for the position of Chairman of the Board of Health***

**Motion: Dr. Janet Whelan                      Seconded: Steve Katsurinis                      Vote: 3 – 0 - 0**

***Motion: I nominate Steve Katsurinis for the position of Vice-chairman of the Board of Health.***

**Motion: Mark Phillips                      Seconded: Dr. Janet Whelan                      Vote: 3 – 0 - 0**

***Motion: I nominate Betty Williams as Board Clerk the Board of Health***

**Motion: Mark Phillips                      Seconded: Dr. Janet Whelan                      Vote: 3 – 0 - 0**

## **b. Review of Reportable Illnesses**

### **Discussion:**

This was a follow up to a topic the Board previously discussed with Ms. Clark. Ms. Clark explained the lists compiled by Massachusetts DPH. The reportable diseases will be discussed at the upcoming Maven Training. Maven is the online tracking system. There is a list of communicable diseases that is reportable to the Board of Health and also a list of diseases that is reportable by health care providers. Ms Clark stated that she might get one report a year, generally when Seashore Point reaches the reportable threshold for cases of flu. She is, however, informed immediately by the State about local food borne illnesses, mainly due to vibrio. The State has become very proactive about handling shellfish.

Mr. Katsurinis asked what the procedure is for reporting these illnesses to the Board. Ms. Clark replied that some of the information is HIPAA protected and cannot be given during an open meeting. She agreed to inform the Board of any outbreak or incidences without personal information.

## **V. Approval of Minutes**

### **April 2, 2015 Minutes**

**Motion:** *Move to adopt the minutes of Thursday, April 2, 2015 as written.*

**Motion:** Steve Katsurinis      **Seconded:** Dr. Janet Whelan      **Vote:** 3 – 0 - 0

## **VI. Health Department Report**

### **Food Establishments**

Ms. Clark and Health Agent Laura Marin have been working on a food service establishment checklist and a plan review checklist and a form letter for the plan review results, as well. They have started requiring plan reviews for upgrades/new businesses. They will be sharing the new checklists with the new businesses. They are keeping a list of all new food service establishments. Ms. Clark has begun inspections of bars. The restaurant opening inspections are picking up. Ms. Clark has sent the food regulation changes to Town Counsel and will post a public hearing when they come back.

Mr. Phillips asked about separate hand washing sinks in bars. It may come up for discussion in the near future.

### **Emergency Planning**

Truro will be purchasing the new Connex storage box. The Town does not have all the needed cots and blankets, yet. They may have to go before the Planning box for site approval. Ms. Clark said they learned a lot during the winter snow event. Redundant communications is needed. The remainder of the budget will be used to build a fully operational kitchen. The Americorp volunteers will be cleaning equipment. Truro will be coordinating with Provincetown to be able to serve 200 people.

**Things To Think About**

The department is getting a lot of questions about plastic bags. The Farmer’s Market vendors have concerns. Lydia Hamnquist from the Recycling and Renewable Energy Committee has been assisting with answering questions and getting the information out.

**Upcoming Training/Classes**

The Maven Training will be on May 20 from 1:00 – 4:00 pm in Caucus Hall

ServSafe will held June 4 and June 11

Choke Safety Training will be June 8 at 11:00 am, 1:00 pm and 3:00 pm

The Joint Board Grease Meeting/ Public Hearing is scheduled for May 7 at 4:00 pm

**Follow Up**

Ms. Clark suggested that the Licensing & Inspection report should just be an objective report without any qualitative comments by her and Staff. Any minor corrections and violations will not be discussed.

**Board Members’ Statements**

There were no additional statements made by the Board members

**Adjournment:**

There being no further business, Mark Phillips moved to adjourn the meeting at 5:45 pm.

Respectfully submitted,

Susan Leonard

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