



Town of Provincetown

Meeting of the

BOARD OF HEALTH

Thursday, July 16, 2015

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

Board Members Present: Mark Phillips, Chair; Steve Katsurinis, Vice Chair; Elizabeth Williams and Dr. Janet Whelan

Board Members Absent: Ken Janson and Joseph Freitas [excused absences]

Other Attendees: Morgan Clark, Director Department of Health and the Environment

Recording Secretary: Susan Leonard

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

I. Public Comments:

There were no public comments.

II. Old Business

There was no old business brought forward.

III. New Business:

a. Local Comprehensive Plan Introduction and recruitment of Local Planning Committee Members – Gloria McPherson, presenting

Discussion:

The Board agreed to postpone the agenda item until Ms. McPherson arrives.

b. Review of Food Establishment Materials

Discussion:

Ms. Clark discussed materials that she and Laura Marin have been working on for distribution to restaurants. There is a restaurant check list which condenses key points of the food code for applicants preparing for plan reviews and other food service permits.

There is also a handout for guest houses explaining the difference between full breakfast and continental breakfast. Ms. Marin will be meeting with proprietors to make sure that they have the correct licensure.

Mr. Phillips asked to include information about “doggie dining” for distribution to the restaurants. He also questioned if food prepared and purchased elsewhere, such as quiche and hard boiled eggs can be served at a “continental breakfast”. Ms. Clark says it is clear by State Code what is allowed. It is limited to specific items. Mr. Phillips would like it to be made clear in the material given to the guest houses.

Mr. Katsurinis said that eventually he would like to see all establishments be subject to taking a ServSafe course.

a. Local Comprehensive Plan Introduction and recruitment of Local Planning Committee Members – Gloria McPherson, presenting

Town Planner, Ms. McPherson arrived at the meeting and the Board took up the agenda item.

Discussion:

Ms. McPherson informed the Board that the Local Comprehensive Plan is due for an update and the first step is to nominate members for the Planning Committee. The last time the plan was worked on was the late 1980s. The Board of Selectmen is responsible for creating a committee of thirteen people. There are nine chapters mandated by law that have to be included in the plan. There are additional chapters that she would like to see included that would be under the purview of the Board of Health. She would like to see the Board of Health represented on the committee because of the emphasis being placed on “sustainability” in the overall plan such as growth management, food safety, and energy. It will be a two year process with public forums to address each of the chapters.

Mr. Katsurinis stated that he is interested in serving on the committee.

Motion: *Motion to nominate Steve Katsurinis to the Local Comprehensive Planning Committee*

Motion: Betty Williams

Seconded: Dr. Janet Whelan

Vote: 3 – 0 - 1

c. ACO Process and Next Steps

Discussion:

Ms. Clark discussed the flow chart she has created to help applicants through the process of obtaining an ACO. It will not only help the applicant navigate the process, but will also facilitate across-Board communication. The Sewer Team has priority in reviewing the requests before it comes before the Board of Health. Ms. Clark also has created a spread sheet detailing all known ACOs. She has contacted Town Counsel for advice on how to proceed with properties that have not made it past Step 1 or have expired ACOs. There are five properties that need to be followed up on, some of which are ranked low. There is a separate document of properties that have now been bettered. The Sewer Team and AECOM have been asked to update their ACO rankings.

Mr. Phillips asked about an update on the number of cesspools. Ms. Clark replied that a report was delivered to the Board in the spring, but she later determined that some of the data was incorrect. The data came from the Sewer Department, but as it turns out, no one informs that department when a property is upgraded to a Title 5. Ms. Clark will try to add the information to the property date base. Mr. Katsurinis suggested that a summer intern might be able to do a property by property census of the type of system that exists. A grant for the project would be key.

d. Follow up from Joint Meeting on Grease Management

Discussion:

Ms. Clark informed the Board that she was not able to coordinate the information that she wanted to, so she does not have a presentation on the agenda item prepared for this meeting.

Mr. Phillips postponed the agenda item until the next Board meeting.

IV. Any Other Business That Shall Properly Come Before The Board

Cesspool Failure

Ms. Clark brought up of cesspool failure at 5 Nickerson Street that she just learned of. The Board had approved an ACO for the property last fall. The board, in its decision, required that the cesspool be inspected within 30 days of occupancy. The building has been under renovation and was seeking a Certificate of Occupancy from the Building Department. As a condition, Ms. Clark asked the owner to get Title 5 inspection. The inspector, James Roderick, determined the system to be in failure and not able to be upgraded with a “quick fix”. In Ms. Clark’s opinion it fits the definition of “public health failure”. The sewer is not immediately available to the address, but the adjacent property, which is owned by the same person, is hooked up to the municipal sewer. The Sewer Team is looking into a connection from the adjacent property, otherwise, the property will not be able to get a certificate of occupancy.

Mr. Phillips verified that the property is not currently occupied. He said that the alternative would be to install a Title 5 system. Ms. Clark stated that, according to Town Counsel, once a property has an ACO, the Town can not require it to install a Title 5 until the five year ACO expires. Mr. Phillips said he was under the impression that the Water & Sewer Department had gallons in reserve for ACO properties.

Ms. Clark said that as she understands it, there are only gallons in reserve for “red dot delay” properties and for this year they have no gallons at all available.

Mr. Phillips questions whether the Board can take any other action because there is an ACO in place. Ms. Clark replied that the Sewer Team uses ACOs as a planning tool, not a reason to connect a property to the sewer system. A “public health failure” is the one of the only criteria for a connection during the State of Limited Capacity. Mr. Katsurinis agrees with Mr. Phillips assessment. He isn’t comfortable with giving priority to one property when the overall future need is not known. There could be an even bigger public health failure in the future that might be more critical. What percentage of the total available gallons available for “public health failures” does this property represent? If it represents only 10% then he might be willing to consider it. There is a lack of management of the process. We can help with that by the decisions we make.

Mr. Phillips added that it is still unknown if the property can install an un-varianced Title 5 – a non raised system. Mr. Phillips would consider calling a special meeting to discuss this so the property owner will know what to do.

Emergency Shelter

The new shelter storage container has been moved into and all shelter supplies inventoried. New shelving was constructed with volunteer labor and donated materials. There is still a lot of

acquisition to be done in order to serve 100 people per community from Truro and Provincetown. They now have their own self-contained kitchen. There will be an open house in the Fall.

Drinking Water Quality Report

The Provincetown Water Department has issued a report for 2014 about Provincetown water quality that includes information regarding the system, source water protection, public health and drinking water and its quality. The water superintendent can answer any questions that the board might have.

Environmental Health

Ms. Clark distributed reprints of articles she thinks may be of interest to the Board members.

Letter to the Board

A letter was received from Ms. Barbara Rushmore encouraging the Board of Health to support smoking cessation classes.

Mr. Katsurinis asked about the availability of classes. Ms. Clark stated that most health plans now cover this. He was concerned about J1 visa workers during the season.

VNA Contract

There is an ongoing discussion with the Administration about the contract with the VNA. Since the Health Department is now taking over Public Health it may make the most sense for it to administer the contract. The Council on Aging currently is the department that handles it.

V. Approval of Minutes

a. June 4, 2015

b. June 18, 2015

Discussion:

Mr. Katsurinis had a question about whether the Board member and Alternate who have been absent at the last three meetings were excused. Mr. Phillips replied that they were excused. Mr. Katsurinis would like to see future minutes reflect that.

Motion: *Move to approve the minutes of Thursday, June 4, 2015 and June 18, 2015*

Motion: Steve Katsurinis

Seconded: Betty Williams

Vote: 4 – 0 - 0

VI. Health Department Report

Ms. Clark reported that the deed restriction for 25 Franklin Street was mailed in and recorded without any problems. In the future, any ACOs that come up can be done this way and avoid the problem of property owners not recording them.

The online permitting process is being implemented and refined. Our licenses expire at the end of the year so we are building up to that.

The capital improvements budgeting process is coming up. Since the Public Health program is being built Ms. Clark needs to look forward and think about budgeting for it. She is doing a “needs

assessment” now for public health in Provincetown and would appreciate any input the Board may have. It is a new process for her.

The Sewer Department reports that there is significant increase in grease at the plant this year. The source of it is not known. Dr. Whelan asked if proper grease disposal information could be included with renters certificates. Ms. Clark believed that the pamphlet from the Sewer Department had been sent out with the water bills. Ms. Clark is researching on how to best implement the FOG course and would like to make it available with online videos for restaurant workers.

The Fee changes were approved by the Board of Selectmen. Compliance should improve once outreach takes place. It will be easier to register all rentals, eventually. Mr. Katsurinis reiterated that the certificate # be published for the rentals listed on line. Ms. Clark would like to post the change for a public hearing make that change now. Ms. Williams asked what the limit is per bedroom. The Town assumes it is 2 people per bedroom, but it can be calculated by square footage of the room.

VII. Board Members’ Statements

Mr. Phillips announced that the Town Clerk has received a letter of resignation from Ken Janson. Mr. Phillips took a moment to thank Ken Janson for all his years of service; he has enjoyed working with him and appreciated the contribution his knowledge made to the Board.

Ms. Williams asked about the progress being made by the Old Colony. Ms. Clark reported many changes have been made. There is a plan in place to make several upgrades that she will be following up on. The floor is being patched and sinks may be installed behind the bar. There is no longer an appeal in place.

Ms. Williams also mentioned that she has received complaints about smoking on the Town Hall benches. Can some of the benches be designated non-smoking?

Mr. Katsurinis replied that the benches are under the control of the Town. It could regulate it if it wanted to, but it is not necessarily a Board of Health issue unless it chose to ban smoking on all Town property.

Ms. Clark has not received the edits to the smoking regulations yet from Ms. Sbarra. There may be some conflicts with Massachusetts State law.

Mr. Philips said he will respond to Barbara Rushmore’s letter and will discuss it with Ms. Clark.

Adjournment:

There being no further business, Mark Phillips moved to adjourn the meeting at 5:30 pm.

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2015