



# Town of Provincetown

## Meeting of the

### BOARD OF HEALTH

Thursday, October 15, 2015

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

---

**Board Members Present:** Mark Phillips, Chair; Steve Katsurinis, Vice Chair;  
Dr. Janet Whelan and Elise Cozzi

**Board Members Absent:** Betty Williams -and Joseph Freitas, Alternate  
(Excused Absence)

**Other Attendees:** Morgan Clark, Director Department of Health and Environment;  
Laura Marin, Health Agent and Rich Waldo DPW Director

**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. Public Hearings:**

##### **a. Public Hearing on Proposed Additions to Board of Health Regulations, Part IV, Art.5 – Food Permit Regulation Section 4.1**

##### **Discussion:**

Mr. Phillips opened the Public Hearing to public comments on the proposed regulation changes.

Darin Janoplis owner of the Mayflower Restaurant at 300 Commercial Street introduced himself to the Board. He thought the regulation requirements for menu items and the use of an inside grease trap system would be quite onerous. Maintenance of interior grease traps is not easy and there is generally little extra room in the kitchen to install one. He suggested that condo units are contributing a substantial amount of grease into the system during the summer and are not being held accountable for it.

Joy McNulty, owner of the Lobster Pot Restaurant introduced herself to the Board. She informed the Board that she was probably the first person to connect to the sewer system at the request of the DPW Director, David Guertin. The municipal sewer system engineers

designed her system. She was thrilled when she finally was able to disconnect and remove the interior grease interceptor. It was a smelly, messy device to deal with. She is concerned that any new grease catchment system could not be installed before the 2016 season. It would be burdensome.

Ms. Clark explained that a major question that arose at the joint committee meeting of the Town's departments concerned with grease, is that no one knows what the individual restaurant's grease traps look like. The septage hauler and some restaurant owners may know what they have, but the Town doesn't have any plans on file. One of the things that inhibit proper functioning of the sewer system is grease, especially on the vacuum system portion of it in the center of town. The only thing the regulation change requires is an inspection report of the grease trap by a licensed engineer or licensed plumber. The renewal of a restaurant's license is contingent on the report being filed. If any problems are found, it will be addressed at a future time.

In response to a question by Ms. McNulty, Mr. Waldo, DPW Director, stated that in Phase 1 of the sewer system, the Town's engineers did size some grease traps, but it is now up to individuals to hire their own engineers.

Ms. Clark added that since working in the Health Department she has found properties that thought they had a grease trap and discovered that they were never hooked up to it. We have to ensure compliance by every restaurant. This is basic fact gathering that we are doing.

Mr. Waldo pointed out that grease breaks down the mechanical components of the vacuum system and they don't get proper firing of the system. This could lead to a back up in the system that could affect the properties that are connected to it. Grease also clogs up the pipes and reduces the capacity of the lines. Occasionally during the winter, "slugs" of grease form that have to pass through the system, which do not break down at the plant.

Mr. Janoplis and Ms. McNulty asked about the best schedule for pressure cleaning of the lines. She has it done every three months. She suggested this could be mandated for everyone to do.

Mr. Waldo agreed this is excellent maintenance of a system. The Sewer Department is also concerned with certain undersized systems that exist that would require more frequent pumping or require a system that is properly sized. He also thinks there are improperly connected systems that could be easily fixed.

At this point, Mr. Phillips closed the public comment portion of the hearing and turned it over to the Board members to deliberate.

Mr. Katsurinis stated that it was very helpful to hear from the business owners. It is very important to find the restaurants that do not have compliant grease traps. This is an important first step in cataloguing the grease trap systems that exist. Although, seasonal rentals may also be part of the grease problem in the system, the Board does not regulate seasonal rentals in this way. We should do some education for renters in the future.

Ms. Cozzzi asked if the Board has any jurisdiction over condo associations with more than eight units? Ms. Clark said they could do targeted mailings. Mr. Waldo added that less than

50% of the town is on the sewer system. Many condo associations have private septic systems, so grease is not entering the sewer from that source. We are seeing the most grease in the vacuum lines servicing the restaurants.

Ms. Clark shared data from the sewer engineers with the Board. Over the course of the years, the system collects an average of 8,200 pounds of grease, which is about 130 pounds a day. During the summer months the concentration of grease nearly doubles between July and August. Their concern is that restaurants are not pumping when they need to. Pumping is done usually before opening for the season and after they close for the year, meeting the two pumping a year minimum requirement.

**Motion: *To formally adopt the regulations as drafted.***

**Motion: Steve Katsurinis**

**Seconded: Elise Cozzi**

**Vote: 4 – 0 - 0**

## **b. Public Hearing on the Special Town Meeting Warrant Articles**

### **Discussion:**

Mr. Phillips opened the Public Hearing to public comments. Seeing that there were no comments, Mr. Phillips closed the public comment portion of the hearing and asked the Board for its recommendations.

Mr. Katsurinis recommended Article 7 and Article 15, which the Board originated, be discussed.

**Article 7.** *To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow an amount not to exceed \$50,000 to be expended under the direction of the Town Manager for a grant to support case work to advocate for those with Mental Health and/or Substance Abuse issues and all costs incidental and related thereto: or to take any other action relative thereto.*

Mr. Katsurinis stated that the Board had the privilege of attending the Public Health summit. The need for case management really stood out. This money could go a long way to manage and ensure people with mental health and substance abuse issues get the support and treatment they need.

**Motion: *To recommend that the Board support Article 7 of the Special Town Meeting.***

**Motion: Steve Katsurinis**

**Seconded: Dr. Janet Whelan**

**Vote: 4 – 0 – 0**

### **Article 15. General Bylaw Amendment – Smoking Ban on Town-Owned Beaches**

*To see if the Town will vote to amend the General Bylaws of the Town of Provincetown by inserting as the new subsection 13-2-23 the following:*

“13-2-23. Smoking is prohibited in all places designated in Massachusetts General Laws Chapter 270, Section 22, and on all Town-owned beaches.” Or take any other action relative thereto.

Mr. Katsurinis stated that after consultation with Town Counsel it was determined the article should limit smoking to Town-owned beaches because the town clearly has jurisdiction over them. It is wise not to overreach with this. We are not creating a different type of legislation, we are just adding “Town-owned beaches” to it. He is not sure it will pass, but the Board should not stop making legislation to protect the public because of perceived enforcement issues.

**Motion: To recommend that the Board support Article 15 of the Special Town Meeting.**

**Motion: Steve Katsurinis**

**Seconded: Dr. Janet Whelan**

**Vote: 4 – 0 – 0**

### **III. Old Business**

#### **227R Commercial Street - Follow up. Regina Binder, presenting**

##### **Discussion:**

Regina Binder introduced herself to the Board. She owns a preservation and development company that has been engaged by Mr. Rose to develop 227R Commercial Street and represent him in all matters. This is a dream project for her. She is aware of the problems the Board has had in getting compliance with its orders. She wants to help the Board achieve its goals. She has already met with any and all Town officials that have concerns about the property.

Ms. Binder outlined her plan to date as follows:

~ To stabilize the southern portion of the property. Work to be done by Richard Salvador, contractor. A permit has been issued but work cannot be done at this time because of sand accretion.

~ Long Point Electric disconnected all panels and installed a temporary breaker with one outlet inside and one outside on October 5<sup>th</sup>. Inspected by John Browne.

~ Coastal Engineering inspected the west section of the building on October 9<sup>th</sup>. Recommendations by Coastal Engineering for work to stabilize will be provided by October 16<sup>th</sup>. The building permit application submitted by Mr. Rose will be modified and work will be done according to the recommendations as soon as possible.

Ms. Binder asked that the Board release the property owner from the Board’s order to return the structure to a habitable condition at this time, since they have no intention of inhabiting the property until the redevelopment is completed. It will be a two-year project.

Ms. Clark informed the Board that, after having the Court issue a temporary restraining order and then an injunction, the Town boarded up and secured the property. Having Ms. Binder involved is a game changer. Any time Ms. Binder needs access to the building she can get the keys from Ms. Clark, the Police Department or the Building Commissioner. The Board of Health has what it needed, the building is secured and it is not being inhabited. Ms. Clark has been assured by Ms. Binder's involvement that it will not be inhabited until it has a new CO.

Mr. Katsurinis asked Ms. Clark if the Board's order was that the building be brought into habitable condition before anything else could happen or if it couldn't be inhabited until it was brought into habitable condition? Ms. Binder interjected that the court order said it couldn't be inhabited until the sanitary conditions were met. She reiterated that she and Mr. Rose are asking that condition be put aside in exchange for her assurance that it will not be inhabited until the redevelopment is completed.

Mr. Katsurinis would be reluctant to remove that requirement. As long as you don't intend to have people living in the building you don't need to bring it up to code first. Mr. Phillips added that the way it is written, staff has to be present when anyone is working in the building.

Town Manager, Mr. Panagore, joined the meeting at this point and informed the Board that his direction to staff was to open and close the building; it is not necessary for someone to stay and monitor the work. Mr. Panagore also suggested that if the injunction is modified and Ms. Binder accepts responsibility for the project then Mr. Rose will have to waive any right to protest if, at some time in the future, Ms. Binder is no longer associated with the project. Ms. Binder, replied that she is fine with the conditions.

Mr. Panagore said it is up to the Board to determine what it is comfortable doing. Ms. Cozzi thinks that the injunction should be amended to allow the project manager entry to the property without supervision by Town staff. Ms. Binder replied she is happy to pick up the key from Town Hall. Mr. Phillips wants to be assured that Mr. Rose is not an employee. Dr. Whelan added that none of the former tenants should be on the payroll either.

Mr. Phillips said the question remaining is, does Town Counsel need to modify the injunction or can the Board reach an agreement with Ms. Binder? Mr. Panagore suggested that Town Counsel should be asked for an opinion and could modify the injunction if necessary, that can be brought to board for approval.

#### **IV. New Business:**

##### **a. 169 Bradford Street – Release Administrative Consent Order**

Mr. Katsurinis, a direct abutter to 169 Bradford Street recused himself and left the room.

#### **Discussion:**

Ms. Clark informed the Board that the property has been in an ACO for a long time. The Board approved a varianced septic system February 19, 2015. There is no sewer line

available for this property to connect to. The septic system will be installed soon. The Board needs to formally release the ACO.

**Motion: *To approve the termination of the ACO for 169 Bradford Street.***

**Motion: Dr. Janet Whelan**

**Seconded: Elise Cozzi**

**Vote: 3 – 0**

## **b. Review 2016 Board of Health Meeting Calendar**

### **Discussion:**

Ms. Clark suggested that Board members should email her to notify her of any known absences that will be coming up. She will keep a master calendar with the anticipated absences on it.

**Motion: *To approve the schedule as presented by staff.***

**Motion: Dr. Janet Whelan**

**Seconded: Elise Cozzi**

**Vote: 4 – 0 - 0**

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

### **52 Creek Road**

### **Discussion:**

Ms. Clark informed the Board that the property has complied with the Board's order issued earlier in the year. The property owner submitted monthly septic reports during the summer and now has an approved non-varianced septic system plan in hand. They are asking for an extension of the November 1<sup>st</sup> deadline for installation of the septic system because of the contractor's schedule.

**Motion: *To grant a 30 day extension to the deadline for completion of work at 52 Creek Road.***

**Motion: Steve Katsurinis**

**Seconded: Dr. Janet Whelan**

**Vote: 4 – 0 – 0**

## **VI. Approval of Minutes**

**a. August 27, 2015**

**b. September 3, 2015**

**c. October 1, 2015**

### **Discussion:**

After reviewing the minutes presented, the Board agreed to consider the three sets of minutes in one motion.

**Motion: To accept the minutes as presented.**

**Motion: Steve Katsurinis**

**Seconded: Dr. Janet Whelan**

**Vote: 4 – 0 - 0**

## **VII. Health Department Report**

### **Discussion:**

#### **Public Health Summit**

The Public Health Summit went really well; about 30 people attended. There were two things that did not come up at the summit - Wellness programming and classes that the public would like to . Mr. Panagore has instituted a mechanism for regular meetings between the Recreation Director, Library Director, Health Department and the Council on Aging. They can work together on programming. The Human Services Department said they would fund a smoking cessation class. Things are somewhat different because cessation classes are subsidized by health insurance. An agency would have to apply for the Human Services grant not the Board of Health.

The other topic that did not come up is engaging subpopulations in Provincetown; especially families with pre-school age children. They are not aware of services available to them. Mr. Phillips suggested that a presentation be given at the soup kitchens.

The Emergency Shelter open house has been tentatively set for November 4. Volunteers are needed for all phases of the shelter activity.

The hoarding workshop is full.

There is a lot in the local news about needle exchange program in Barnstable being order to shut down. Morgan stated that she has never heard of a Health Department closing down a vital public health service like a needle exchange. Given the circumstances, it would be a good time for the Board to reaffirm its support for the needle exchange in Provincetown. It has saved a lot of lives. Needle exchanges need the support of the local Board of Health.

Mr. Katsurinis informed the Board that he will be abstaining because he is the Chair of the AIDS Support Group Board. Morgan clarified that the support she is asking for is for any needle exchange in Provincetown, not specifically for the Provincetown AIDS Support Group's needle exchange. She disclosed that her mother works for the AIDS Support Group.

**Motion: *That we express support of the needle exchange program in Provincetown.***

**Motion: Dr. Jane Whelan**

**Seconded: Elise Cozzi**

**Vote: 3 – 0 - 1**

#### **Restaurants**

Now that the regulation changes have been approved at the public hearing at today's meeting, public outreach to restaurants and education can begin with an email blast and a letter.

Mr. Philips suggested that restaurants need to be reminded that a variance is needed for smoking areas.

### **Limited Facilities Licenses**

Menu creep is a concern with a Limited Facilities license.

Limited Facilities categories now includes Ready to Eat Potentially Hazardous Foods; Seafood; Beverages, Desserts and Ice; and Other Limited Operations such as Self-serve operations (salad bars) or preparation of PHFS

### **Inns & Guesthouses Continental vs. Full Breakfast**

Outreach to the inns will be done pointing out the difference between continental and full service breakfast. Code does not require ServSafe certification at inns and guest houses. Information about pools and hot tubs will also be included in the mailing to inns and guest houses.

### **Compliance**

The Health Agent, Laura Marin has been getting good compliance with her orders to comply. Her letter writing skill is impeccable.

## **VIII. Board Members' Statements**

Ms. Cozzi asked about recyclable waste updates. Ms. Clark suggested that she email any changes she would like to discuss at the December Work Session. It will be easier to refer people on to changes about recycling on the DPW website.

### **Adjournment:**

There being no further business, Mark Phillips adjourned the meeting at 5:50pm.

Respectfully submitted,

Susan Leonard

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