



**Town of Provincetown
Meeting of the
BOARD OF HEALTH**

Thursday, June 21, 2018

**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; Elizabeth Williams, Alternate; and Irv Morgan; Alternate

Board Members Absent: Dr. Elise Cozzi; and Kalliope Chute- excused

Other Attendees: Morgan Clark, Health Director; Laura Marin, Health Agent; Stephen Lorello, Code Compliance Officer; and Anne Howard, Building Commissioner

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

I. Public Comments

There were no public comments

II. New Business

a. 63 Shank Painter Road - Show Cause Hearing to determine whether the dwelling unit in the basement of 63 Shank Painter Road, Provincetown, Massachusetts, is unfit for human habitation and whether an order to vacate should be issued – Elizabeth Athineos, presenting

Discussion:

Ms. Marin reported the background of this property beginning with the Health Department receiving an anonymous complaint in 2018 on overcrowding and inspected the premises with Building Commissioner Anne Howard. She described the conditions in the unit noting several problems including a lack of windows in some bedrooms and that the dwelling unit does not constitute a legal dwelling. She further reported that an earlier inspection in 2017 by Ms. Clark and Ms. Howard led to them declaring the basement unfit for human habitation.

Ms. Athineos read a prepared statement admitted to being wrong in part. She stated she feels she is being unfairly targeted and listed steps she has taken to improve the conditions.

Mr. Phillips asked why after the previous order to vacate was complied with she put the beds back into the basement. Ms. Athineos responded that it was a bad decision on her part and that she feels she has corrected all of the issues.

Further discussion covered that most of the work done was done without permits and that the dwelling unit is unsafe and unfit.

Motion:

Move to find that based on the facts provided in this hearing and set forth in the order to vacate dated June 12, 2018 and June 29, 2017 that the basement located at 63 Shank Painter Road is being used as a dwelling and said dwelling does not comply with the minimum standards of human habitation. I further move based on the findings of the Board that the basement located at 63 Shank Painter Road is unfit for human habitation based on the existence of numerous conditions which pursuant to 105CMR 410.750 are deemed to endanger or impair the health, safety and welfare of the persons occupying said premises and I further move based on the findings of the Board that the occupants of the said premises located at the basement of 63 Shank Painter Road be ordered to vacate said premises within 72 hours from 5pm Thursday, June 21, 2018 and the owner be required to remove all beds and incidence of dwelling from said premises within 72 hours if not already done. The owner shall relocate the occupants at the owner's sole cost and expense to suitable alternative housing; That the occupants shall be advised of this and that no person be permitted to reoccupy the premises until further order of the Board and the staff of the department of health shall be directed to assist in any way they can. And I further move based on the findings of the Board that owners failure to comply with the order to vacate from June 29, 2017 shall result in fines of \$250 beginning April 15, 2018 and continuing until it's remedied. Each day's failure to comply with an order shall cost as a separate violation under 105 CMR 410.910 penalty of failure to comply with an order.

Motion: Mr. Katsurinis

Seconded: Mr. Morgan

Discussion: Ms. Williams thinks the owner is trying to comply and she wants to reduce the amount of the fines. Mr. Katsurinis responded that he is trying to fine for the economic value of the dwelling unit not to penalize, it is economically unfeasible to endanger lives for substandard living.

Motion: *Move to amend motion by striking the start date as April 15 and instead it's May 25, 2018 until June 12, 2018 at \$250 per day.*

Motion: Mr. Katsurinis

Seconded Mr. Morgan

Vote 5-0-0

Ms. Marin left the meeting at 4:42pm

b. 55 Captain Bertie's Way – Request for a Public Health Connection to the Municipal Sewer – Paul Mendes, presenting

Discussion:

Ms. Clark stated that Mr. Mendes is reconfiguring his home to make it age friendly which triggered Ms. Clark to investigate the septic system and her discovery of the failure of the system. She stated that the property qualifies for sewer connection and that the DPW supports the connection.

Motion: *Move that the property at 55 Captain Bertie's Way presents a public health priority and shall thereby be ordered to connect to the sewer upon consultation with the Department of Public Works regarding the process of connection*

Motion: Dr. Whelan

Seconded: Mr. Katsurinis

Vote: 5-0-0

c. Appoint Stephen Lorello, Code Compliance Officer, as an Agent of the Board of Health to perform Board of Health enforcement and regulatory work under the direction of full time Health Department staff

Discussion:

Mr. Lorello described his background in retail and marketing and his scope of work was discussed.

Motion: *Move to appoint Stephen Lorello to the Board as Inspector*

Motion: Ms. Williams Seconded: Mr. Katsurinis Vote 5-0-0

d. Follow up from Presentation on Wastewater, Title V and Sewer by Brian Dudley – Review List of Local Upgrade Approvals

Discussion:

Ms. Clark reported on what Mr. Dudley had presented including clarification on the definitions of variances and local upgrade approvals and on local upgrade approvals and listed many of them including, property line setbacks, 25% reduction in size, bordering vegetative wetlands, setbacks from surface water salt marshes, surface or subsurface drains other than those that discharge to surface water supply or tributary, and more. Also discussed were local rules that are more stringent than the state regulations.

e. Discussion: ACO's and compliance

Discussion:

Ms. Clark reported on the status of ACO's, and her approval of the work the Town Treasurer does to provide her with financial information on ACO's.

III. Any other business that shall properly come before the Board

There was no other business

IV. Approval of Minutes

No minutes were submitted for approval.

V. Health Department Report

No official report however, the summer sanitarian schedule was discussed and that there have been no beach water quality problems so far this season, publicizing health department events, and grease levels and pumping.

VI. Board Members' Statements

There were no member's statements

Adjournment:

There being no further business, Mr. Phillips adjourned the meeting at 5:24 pm.

Respectfully submitted,

Linda Fiorella

Approved by _____ on _____, 2018