



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

Thursday, October 18, 2018

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

Board Members Present: Steve Katsurinis, Vice Chair; Dr. Elise Cozzi; Dr. Janet Whelan; Kalliope Chute and Betty Williams, Alternate

Board Members Absent: Mark Phillips, Chair; Irv Morgan, Alternate

Other attendees: Morgan Clark, Director, Health Department; Laura Marin, Health Agent

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

I. Public Comments:

There were no public comments.

II. Public Hearing (Votes may be taken on any item)

a. Review Warrant Articles for Special Town Meeting on October 29, 2018

Mr. Katsurinis opened the public hearing. There were no public comments.

Ms. Marin noted that Article 3 Wastewater Expansion Authorization would be of interest to the board.

Motion: *Move that we recommend Article 3 for the Town Warrant*

Motion: Dr. Cozzi Seconded: Dr. Whelan Vote: 5-0-0

Ms. Marin noted that Article 4. Zoning Bylaw Amendment: Article 6 Growth Management would be of interest to the board. There were no public comments.

Mr. Katsurinis stated that this Article is a step in the right direction but not as far as we would like to go.

Motion: *Move that we recommend adoption of Article 4*

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

Staff noted that Articles 5 Land Bank – Pre-acquisition Expenses, 6 Land Bank – Acquisition of the Hall Property 387-395A Commercial Street and 7 Land Bank – Acquisition of the Dwyer

Property 264-268 Bradford Street would be of interest to the Board. Mr. Katsurinis suggested deliberating on them at the same time. There were no public comments.

Dr. Cozzi stated that we need more open space for recreation and the Land Bank has the funds available.

Motion - *Move that we should recommend Articles 5, 6, and 7 as written in the Town Warrant*
Motion: Dr. Cozzi Seconded: Ms. Chute Vote: 5-0-0

Staff noted that Articles 13 Charter Amendment – Reinstates Term Limits for All Elected and Appointed Boards and 22 Charter Amendment – Membership on Town Boards – Provides for 5 Alternates for Regulatory Boards would be of interest to the Board.

Mr. Katsurinis disclosed that he was on the Charter Commission. Ms. Williams disclosed that for three years she was on the Charter Review Committee. Ms. Chute disclosed that her husband on charter enforcement.

Without objection Mr. Katsurinis asked that the Board consider Article 13. There were no public comments.

Mr. Katsurinis stated that he feels conflicted about the motion and sees both sides of the argument for and against term limits.

Ms. Chute noted that her husband was on Charter Enforcement and she would stand down.

Motion: *Move that we don't recommend Article 13*
Motion: Ms. Williams Seconded: None — Motion dies

Without objection Mr. Katsurinis asked that the Board consider Article 22. There were no public comments.

Discussion: The Board discussed the need for Alternates to cover when regular members are out of town and problems with meeting quorums.

Motion: *Move to recommend Article 22*
Motion: Dr. Cozzi Seconded: None — Motion dies

Mr. Katsurinis called the public hearing to a close at 4:15 pm

III. Old Business (Votes may be taken on any item)

a. Discuss findings and next steps from Climate Change and Septic Systems talk

Discussion: The recent presentation by Jennifer Cooper was reviewed and future presentations were discussed including resiliency, the aquifer, the operation of Title 5s, and potentially having a panel discussion including people from other aspects of the industry.

IV. New Business (Votes may be taken on any item)

a. Appeal Board of Health Decision: 24 Cottage Street, parking within area of disposal works system – Sherry Winternitz, presenting

Discussion: Sherry Winternitz gave background of the issue with parking near the septic system and offered a proposed revised plan. Ms. Clark noted that the engineer states the new plan will not have an adverse effect.

Motion: *Move that we remove the stipulation that there is to be no parking next to the house at 24 Cottage Street.*

Motion: Dr. Whelan

Seconded: Ms. Chute

Voted: 5-0-0

b. Appeal Health Agent’s Decision: 10R Commercial Street, Title 5 inspection report failure – David Nicolau, presenting

Discussion: Mr. Nicolau handed out information to the Board and presented a history of the most recent sale of the property. Discussion covered how the process of properties coming to the attention of the Health Department, the history of this property and the lack of information on the claimed 3 bedroom system compared to the 1 bedroom system that is documented in the files and the owner’s belief that the property has 4 bedrooms. Further discussion covered what constitutes a legal bedroom, where to verify information on properties, potential next steps, and concerns for public health.

Motion: *Move to continue*

Motion: Ms. Chute

Seconded: Ms. Williams

Voted: 5-0-0

Discussion: Ms. Clark stated that she would inform Mr. Nicolau on the possibility of an ACO. Mike Minori, Emily Flax and Mr. Nicolau continued a discussion with the Board and Ms. Clark on how to prevent future issues like this.

c. Discussion: Rental enforcement standard operating procedure – Morgan Clark, presenting

Discussion: Ms. Clark reported on a draft standard operation procedure for enforcement on rental certificates including a 14 day period for compliance before a double fee would be required.

Assistant Town Manager David Gardner was present to state that he is opposed to the 14 day compliance because the regulation is several years old and fees, fines, and procedures are already in place and match what is done in other departments. The Board discussed compliance and outreach.

Public comments:

Steven Baker, full time resident and real estate agent, stated he understands both sides and that his agency makes people aware of the certificate regulations.

Mr. Minori confirmed that his agency informs people of the regulations.

Mr. Katsurinis asked if the Board was in agreement that a 14 compliance period was unnecessary and upon hearing no objection he noted that the Board did not need to take official action. He did request that Ms. Morgan revise the SOP and share it with staff.

d. ACOs:

i. 226B Bradford Street – New Request

Discussion: Ms. Clark reported on the Sewer Department response to the proposed ACO request stating that they were amenable to it.

Motion: *Move that the property at 226B Bradford Street enter an Administrative Consent Order with the Board of Health with a regular inspection requirement with inspections every five years.*

Motion: Dr. Whelan

Seconded: Ms. Chute

Voted: 5-0-0

V. Any other business that shall properly come before the Board (Votes may be taken)

Ms. Clark stated there is a deed restriction the Board needs to sign.

Motion: *Move to impose a deed restriction at 348 Commercial Street B that they are not going to use the music studio as a bedroom.*

Motion: Dr. Whelan

Seconded: Dr. Cozzi

Voted 5-0-0

The Board discussed speaking on the expansion of the sewer at town meeting. It was noted that this meeting would likely be the last meeting which Health Agent Laura Marin would attend.

VI. Approval of Minutes (Votes may be taken)

- a. December 7, 2017**
- b. January 22, 2018**
- c. March 15, 2018**

Motion: *Move to approve the minutes of December 7, 2017, January 22, 2018, and March 15, 2018.*

Motion: Ms. Chute

Seconded: Dr. Cozzi

Voted: 5-0

Dr. Whelan noted her name is sometimes misspelled, Dr. Cozzi should be referred to as Dr. Cozzi in minutes, and Ms. Clark is sometimes incorrectly referred to as Ms. Morgan. The changes were noted and will be updated.

VII. Health Department Report

There was no report from the Health Department.

VIII. Board Members' Statements

There were no statements from members of the Board.

Adjournment:

Motion: Move to adjourn the meeting at 6:15 pm in honor and respect of Ms. Marin and her service.

Motion: Mr. Katsurinis

Seconded: Ms. Chute

Voted: 5-0-0

Respectfully submitted,

Linda Fiorella

Approved by _____ on _____, 2018