

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL MEETING
MONDAY – NOVEMBER 28, 2016 – 5:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Raphael Richter convened the open meeting at 5:02 p.m. noting the following attendees:

Board of Selectmen members: Raphael Richter, Erik Yingling, Tom Donegan, Cheryl Andrews, and Robert Anthony.

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Director of Health Morgan Clark, DPW Director Richard Waldo, and DPW Operations Manager Sherry Prada, and Members of the Board of Health: Chairman Mark Phillips, Stephen Katsurinis, and Janet Whelan.

Excused: Elise Cozzi, Joseph Freitas, and Fred Latasa-Nicks.

Chairman Phillips called their meeting to order at 5:03 p.m.

Recorder: Loretta Dougherty

1. Joint Meeting with Board of Health – Discussion regarding the Rental Certificate Program, solid waste removal regulations and other Board of Health (BOH) matters: (See Addendum 1-handout)

Rental Certificate Program: Director Clark gave a brief background of the rental certificate program which regulates rental units under the Massachusetts Sanitation Code. The BOH is ensuring life safety and sanitation codes are being met. Regulating rental units in Provincetown is the most expensive and time-consuming program run by the Health Department. Prior to 2015 the Rental

Certificate Program was administered as a labor-intensive model. There were mandatory inspections of every unit but limited public outreach about the program. Enforcement of properties out of compliance was a problem due to the time it was taking staff to inspect units. In 2015, the BOH and Town Administration requested the Health Department to design an effective regulatory program for rental units. The new model includes a more aggressive outreach to the public about the program, a posting requirement to make the program visible to consumers, and incentivizes voluntary registration by charging a double fee if it is discovered the unit had not registered. This model allows the Department to focus the bulk of staff time on compliance with state and local regulations through review, inspection, and other enforcement actions. There were 297 rental applications in the six months prior to the Code Compliance Officer starting the outreach. In the last five months since that outreach began there have been another 575 rental applications submitted.

Steve stated that fee being charged were not sufficient for the program that was in existence. The new fee took into consideration the Code Compliance Officer.

Raphael wants to move forward.

Robert wanted to know if an inspector inspects the location when the application comes in.

Morgan stated that once we have built up the program enough that the bulk of the properties are registered then a randomized inspection of properties would be looked at.

David G. stated that we have a seasonal Code Compliance Officer at 20-40 hours per week. We have funding to have him full-time for the season. This work needs to be done in the spring and fall.

David P. may recommend that this go into a revolving fund account. Three years of fees coming in all at once will be utilized over the three years for funding of the position.

Cheryl believes they are the most powerful Board in the Town. The Board of Selectmen has to approve the fee that is being set by their Board. The public brought to the Board that they were paying for something and, in some people's view, were not getting anything from it. There are no mandatory inspections whatsoever just through complaints and violations. Inspection not based on complaint has a lot going for it; minor changes to the program may have value. The first time a short inspection would suffice then at year two or three or at renewal maybe required unless it has changed hands. Lumping together year-round tenants and those renting by the week (one is a business and the other not). Year-round and short-term appear to be handled differently.

Mark stated that in the past staff inspected every new unit and they found that there were not many corrections needed. Staff spent a lot of time. If close to 1,800-2,000 are going to be licensed we are going to look at doing random inspections to be in compliance if there are issues to be corrected.

Morgan stated that approximately 10% of the new applications take about one hour to process and no inspection is involved. Approximately 65% require a stronger level of review and inspections are done which take about two-three hours. Then approximately 25% require inspections, staff meetings, and possibly requesting the applicant to turn in more documentation.

Cheryl hopes there is a fee reduction in years to come.

Tom congratulated them on their process and on the meetings he has attended – great work. The first two levels would use up the Code Compliance Officer's hours. We are going to have some sort of short-term rental tax coming up. Fire, Health and Safety regulations will come with that. The short-term rental model will be changed dramatically they may need to have hotel style fire safety, sprinklers, etc. It will be significant. He complimented them in getting this process started.

Erik is supportive of this program. \$100 per year is short money to have these services done to keep everyone safe.

Raphael supports the program, but we want to make sure that we are not exacerbating our housing process. With all of the paperwork and processing for new housing it does not seem necessary to do inspections on each one, but random inspections being done are important.

Morgan stated that friends of those living in houses who do not feel safe complaining themselves have their friends let the Board know if something is not safe. They are updating their computer system for renewals to be done online in the future.

Solid Waste Removal: Raphael referred to page 7 and asked about the waste removal for condominiums in terms of helping the town and Board of Selectmen find a meaningful service that would benefit second homeowners.

David P. pointed out that it is an operational issue. If you have 20 units you will have, a minimum of 20 separate bins out front.

DPW Operations Managers Prada stated that the reason has to do with the amount of space it would require as each unit is allowed two bins and if you add recycling bins, you would have to double the space needed. Dumpsters are 6 ft. x 8 ft., which takes up less space. The Assessor lists residential condominium associations in Town at 898 units x two barrels is an additional 1,796 barrels. That would entail 51 additional stops for the routes and you would need one or two additional employees and one new vehicle. She can see why this is being done as it is.

David P. noted that apartment buildings in every city take care of their own trash for the exact same reasons.

Tom lives on a private way without trash collections and he would appreciate it for his tax dollars.

Raphael referred to section 1(H) and asked if has ever been done. "If a resident or residents live on a private way the Town will only pick-up trash if: a. All residents have signed an agreement to hold the Town harmless of any damage that may occur due to the Town vehicles on their private way, and b. the private way road conditions meet the state standards of a public way. In other words, the Town will not enter a private way that is too narrow or in a condition that could damage the Town vehicles".

Sherry does not recall anyone coming forward since she has been here.

Mark wanted the Board of Selectmen to know that they are working on a recovery-housing program. Sober Housing will be available for residents in Provincetown. They are researching what the program would look like and what parameters they can work in within Provincetown. They will have their third meeting sometime in the spring. They are also looking at changing the age limit for purchasing cigarettes to 21 in Town and marijuana was looked at within the regulations.

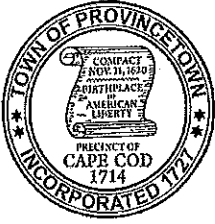
2. Others: None.

Without objection, the meeting was adjourned at 5:59 p.m. with unanimous consent.

Minutes transcribed by: Loretta Dougherty

Addendum 1

5 PM 11



The Commonwealth of Massachusetts
TOWN OF PROVINCETOWN
CERTIFICATE TO RENT PROPERTY

Fee
\$300.00

Number: BOHR-16-1556

Issue Date: 11/23/2016

In accordance with the provisions of the Laws of the Commonwealth of Massachusetts relating thereto, and upon such terms and conditions, this license is granted and accepted upon the express condition that the person or persons to whom it is issued shall, in all respects, fulfill and conform to all requirements thereof. The person or persons to whom this license is issued has/have been provided with copies of the Board of Health Habitation to Rent Regulation. This license may be suspended or revoked, after a hearing has been granted, upon violation of any conditions or requirements of issuance and under the Board of Health Regulation Part XIV, and Habitations for Rent, this permit is hereby issued to :

OWNER:

[REDACTED]

LOCATION:

[REDACTED]

Unit: 1

Property Manager:

[REDACTED]

Phone:

[REDACTED]

Emergency Contact:

[REDACTED]

Phone:

[REDACTED]

IN CASE OF A MEDICAL EMERGENCY DIAL 911 - NON EMERGENCY POLICE DIAL (508) 487-1212

OCCUPANCY: 2

NUMBER OF BEDROOMS: 1

The owner of this dwelling has self-certified the following items.

LIFE SAFETY

- Street Number clearly marked on building
- Smoke detectors are in working order
- Carbon Monoxide detectors are in working order

- Egress from building is unobstructed
- Fire extinguishers present and up-to-date

SANITATION

- Renter informed of recycling/trash procedures
- Recycling/Trash stored & disposed of properly
- Building exterior in good repair
- Dwelling interior in good repair
- Doors/Windows are operable and secure

- Dwelling is clean and in good repair
- All fixtures are in good repair
- Dwelling is vermin free
- Screens are installed (April 1-October 31)
- Kitchen facilities provided and in good repair

Expiration Date: 11/23/2019

Authorized Inspector

POST CONSPICUOUSLY

This certificate is non-transferable

If you find any of above requirements in critical violation, please contact the Health Department at (508) 487-7020.

58