

**Truro Board of Health Minutes
November 18, 2014
4:30 PM-Truro Town Hall**

Members Present: Chair-Dianne Eib, Vice Chair-Tracey Rose, Mark Peters, Alternate-Ansel Chaplin arrived at 4:40PM

Members Absent: Clerk-Jason Silva, Tim Rose

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Bos Liaison-Bob Weinstein, Shirley Brothers, Paul Reuland,

REVIEW/APPROVE MINUTES

November 5, 2014 minutes

Dianne called the meeting to order at 4:30PM. She stated that the meeting was being taped, and asked the audience if anyone was making a recording. Hearing no reply in the affirmative, she continued by asking anyone coming up to the mike to speak to state their name for the minutes.

Mark Peters made a motion to postpone the review/approval of the November 5, 2014 minutes.

Tracey Rose seconded.

Vote: 3-0, motion carries.

REPORTS

Water Resources Oversight Committee

Both Mark, and Tracey, attended the last WROC meeting. There was a group discussion with Blake Edwards. They went over the report and made corrections/suggestions. Pat added that there are sections of the plan which speak about build-out analysis, wastewater, and storm water. Tracey stated that the plan will be presented to the Board of Selectmen on December 2, 2014. Blake Edwards, and the Chair of WROC, will be doing the presentation. Mark urged people to attend the meeting.

Health Agent's Report

Pat reported on the property located at 8B Second Landing Way. The pipe has been fixed. Emily will be going out on November 19th, 2014. Pat also met with Dianne and Tracey on the budget, which she will present to the entire Board of Health at their next meeting. Dianne asked how many people attended the 2nd flu clinic. Pat noted that 70 people attended that second clinic, and 64 people attended the first clinic. More children attended the second flu clinic due to the later scheduling of it.

PUBLIC HEARINGS

- 1. Proposed Amendments to the Truro Board of Health Regulation Section III, Article 3 *License Required* and Section XVIII, *Fee Schedule*.**

Dianne read over the proposed amendments, and stated that there were no significant changes.

Mark Peters made a motion to accept the proposed amendments to the Truro Board of Health Regulation Section III, Article 3 *License Required* and Section XVIII, *Fee Schedule*.

Tracey Rose seconded.

Vote: 3-0, motion carries.

- 2. Joan L. Pizzigno and Robert Brothers, 586 Shore Road, Request for Additional Time to Upgrade to Title 5.**

Tracey Rose recused herself.

Ansel Chaplin arrived at 4:40PM.

Shirley Brothers approached the Board. Her sister, Joan Pizzigno, keeps postponing getting the work done. Shirley has written three letters to Joan (dated October 15th, October 30th, and November 8th), stating that she has applied for a loan. The loan originator contacted Shirley, saying that all three siblings need to sign the loan paperwork. Neither of the siblings has signed. She has received an estimate from Noons, and also from plumbing and electrical contractors, regarding the cost to install the new septic. Shirley is concerned because the house is vacant. She needs facilities at the house in order to clean it out and ready it to list for sale. Shirley presented an email from Jim Chudomel (a real estate broker from 3Harbors Realty) to her two siblings. In the email, Jim discusses listing the house in "as is, where is" condition, along with informing potential buyers as to the cost of installing a new septic. With this information, Shirley is convinced that Joan does not want to pay for the installation of the new septic.

Dianne stated that the Board of Health regulations require the septic system be installed prior to the transfer of property. She has concerns regarding the safety of the property. Another concern of hers is that they could list the house, but it might not sell for a long time. The house would then be without a safe system.

Mark suggested the Board send a précis of the regulations to the siblings, but believes this is essentially a civil situation. Dianne told Shirley that the Board has never granted a waiver to put in a septic system when there isn't even a buyer who's agreed to do anything. Under certain circumstances, once they have a buyer who has agreed to install the system later, the Board would use best judgment in making a decision. Most often, the most compelling argument is that it is financially difficult for the seller to install. In that case, the seller needs to prove the financial hardship to the Board.

Mark wanted to establish that the property was unoccupied. Shirley stated that in order to clean the house, she'll have to bring down a porta-potty. Mark sees no issue with Shirley bringing things in and out of the house, but the fact that it would be occupied for domestic purposes is a problem. The dwelling has no septic system, therefore it cannot be occupied.

Bob Weinstein joined the conversation. He believes there is a straightforward avenue to help Shirley out. The Board of Health is in receipt of a letter which has incorrect information. He recommends that the Board, along with the Health Agent, send a letter stating that they are in receipt of said letter (on November 18th) and that the letter is filled with misinformation regarding Truro Regulations. They can attach a statement listing the Truro Regulations, and inform Joan, and her brother, that not installing the septic system prior to the sale of the house will preclude them from going forward with any attempt to sell the property. Doing so should cover the Board of Health's obligations. Mark agrees with Bob. Dianne wanted to make sure that Shirley understood that she cannot stay in the house while there is no septic system. Shirley confirmed that she understood. Dianne also pointed out that the November 30th deadline will come and go without the owners complying with the edict from the Board.

Paul Reuland approached the Board. He is an associate with La Tanzi, Spaulding & Landreth, P.C. He was asked to cover this meeting on behalf of Bonnie Nunheimer (also with the same law firm). He is

here to request an extension. Both Joan, and her brother, understands that the system needs to be installed prior to the sale of the property. Per a letter from Bonnie, they are asking for an extension to February 28th, 2015. Shirley pointed out that she has already applied for the loan through the Barnstable County program. She has alerted both siblings that they, too, need to sign for this loan. As of this date, neither sibling has signed. Dianne suggested that Shirley send a copy (with her signature on it) to one sibling, and ask that it be signed and then sent to the third sibling.

Mark Peters made a motion to grant an extension of time to install the septic system by February 28, 2015.

Ansel Chaplin seconded.

Vote: 3-0, (*Tracey Rose recused herself*), motion carries.

Dianne Eib made a motion to send a letter to all of the property owners of 586 Shore Road via certified mail, return receipt requested, reminding them of the requirements of the Truro Board of Health Regulations for the upgrade of non-confirming systems to Title 5 prior to sale of the property.

Mark Peters seconded.

Vote: 3-0, (*Tracey Rose recused herself*), motion carries.

AGENDA ITEMS:

- 1. Discussion: Truro Board of Health Regulation Section III, Article 3, Manager Regulation (continued from 11/5/14)**

Dianne requested a postponement as Jason was not present, and it is the Board's policy to have the full Board present to discuss these matters.

Mark Peters made a motion to postpone the discussion regarding Truro Board of Health Regulation Section III, Article 3, Manager Regulation.

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

LICENSING RENEWAL APPROVALS

- 1. Katherine Reed, Mgr of Chequessett Chocolate, Food Establishment License.**
- 2. William and Kelli Smith, Mgrs of William C. Smith Cottages, Motel License.**
- 3. Lawrence Piwnicki, Mgr of Highland Acres Condominiums, Condominium License.**

Dianne asked if all three applicants were in good standing. Both Noelle and Pat confirmed that they all are in good standing.

Ansel Chaplin made a motion to approve the renewals of all three applicants.

Mark Peters seconded.

Vote: 4-0, motion carries.

Mark looked over policy memorandum #54, and asked Mr. Weinstein to explain the genesis of it. Mark is concerned with his second amendment rights, regarding his opinions, etc. The memorandum lacks objectivity. He would like to know what happened to require this policy.

Mr. Weinstein approached the Board. The subject of the policy is the standards of professional conduct. The policy was generated by the Board of Selectmen. He suggested to Mark that if he has questions which he'd like to discuss, it would be appropriate to get it on an agenda for discussion before the full Board of Selectmen.

Tracey Rose made a motion to adjourn the meeting at 5:07PM.

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

Chair-Dianne Eib

Vice Chair-Tracey Rose

Clerk-Jason Silva

Mark Peters

Tim Rose

Alternate-Ansel Chaplin