

Truro Board of Health Minutes
March 17, 2015
4:30 PM-Truro Town Hall

Members Present: Chair-Tracey Rose, Vice Chair-Jason Silva, Clerk-Mark Peters,Dianne Eib, Tim Rose (arrived at 5:16PM), Alternate-Ansel Chaplin(arrived at 4:51PM)

Members Absent:

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Tricia Cohen, Alex Gregory, Greg Russo

Chair Rose called the meeting to order at 4:30PM. She stated that the meeting was being recorded, and asked if anyone in the audience was recording as well. Hearing no answer in the affirmative, she asked that anyone coming up to speak to please state their name for the minutes.

REVIEW/APPROVE MINUTES

March 3, 2015

Ms. Eib made a motion to approve the minutes as printed.

Mr. Silva seconded this motion.

Vote: 3-0-1 (Mark Peters abstained), motion carries.

REPORTS

Water Resources Oversight Committee

Mr. Peters was not able to attend the last meeting. The meeting discussed final directions to Weston and Sampson regarding the proposed program. Ms. Pajaron added that in the meeting they went over the Phase II scope of work. Weston and Sampson provided a map showing where they will place monitoring wells in East Harbor to look at the tidal flow. This will show how much waste water goes into the harbor and Cape Cod Bay. They are also looking at conducting additional surface water testing in East Harbor and Pamet. The newsletter will also be finished up. Mr. Peters asked if they received the proper critiques. Ms. Pajaron stated that they did, and included that Amanda will be getting together an amended newsletter with everyone's comments. The newsletter will be looked at during the next meeting, which is scheduled for April 15th. Ms. Rose mentioned that Weston and Sampson are hiring a student who will be able to do the sampling and some of the public education outreach.

Health Agent's Report

The Cape Cod Rabies Task Force is holding vaccination clinics for lower and outer Cape. The first clinic will be held on March 21st in Orleans. Ms. Pajaron will post this on the web. The fee is \$10.00 for a one year rabies vaccination. Pet owners will need to provide official proof of current vaccination, have their dog on a leash, or their cat in a carrier.

The Board had asked about the two campgrounds owned by Adventure Bound. Ms. Pajaron just received a draft groundwater discharge permit from DEP for the two campgrounds for the wastewater treatment plant. The camp owner has 14 days to respond to the draft permit with comments. Once that's finalized there is a public comment period for 30 days. If there are any comments from the owner, or the public, those will be incorporated into the permit, and then the permit will be issued with

a date to begin work. The permit is heavily conditioned with sampling, discharge protocol, and how to operate the wastewater treatment plant with the requirement of having a licensed wastewater treatment operator. Mr. Peters pointed out that the campgrounds operated for almost two seasons without a license. He forewarned Ms. Pajaron that perhaps they are not dealing with legitimate business people.

PUBLIC HEARINGS

1. Michael Cohen, 6 Yellow Brick Road, Plan Review Approval for Additional Room/Finish Attic Space (continued from 2/24/15)

Ms. Cohen approached the Board. She brought forth a larger plan for the Board of Health to view. The plan showed the areas where the walls would come down and make the area a continuous open space. Ms. Eib stated that it was hard to visualize. Ms. Rose suggested that Ms. Pajaron set up a time to conduct a visit. It was agreed upon that Ms. Parajon would go out to 6 Yellow Brick Road on Wednesday, March 18th first thing in the morning.

Mr. Peters made a motion to continue this public hearing to the next scheduled Board of Health meeting, pending Ms. Pajaron's inspection recommendations.

Ms. Eib seconded this motion.

Vote: 4-0, motion carries.

2. Alex Gregory, 6 Shore Rd., Unit 13, Plan Review/Approval to Finish Basement

Mr. Peters recused himself.

Mr. Gregory approached the Board. He and his sister bought the property from their parents, who will be splitting their time between Truro and Boston. There is a bedroom upstairs, and a storage space downstairs (partially finished, tile floor, mechanical area, laundry room). Ms. Pajaron stated that the previous owners took out a permit for this work. Mr. Gregory understands that this is not to be a sleeping area. They just want to have a clean, conditioned space with finished walls and have air blowing in there to control mold. Ms. Eib asked Ms. Pajaron how this would affect the IA system. Ms. Pajaron stated that this was not a room for eating or sleeping. It will not affect flow. The space does not meet the definition of a bedroom. She has conducted a walk-through. The room is sub ground, the utilities are kept there and the room has the feel of a basement. Ms. Eib asked if this would be a family room. Mr. Gregory stated that it would be a laundry area and storage space, as the living space upstairs is sufficient for the two of them.

Ms. Eib made a motion to approve the request (to finish the basement at 6 Shore Rd., Unit 13) as presented by Alex Gregory.

Mr. Silva seconded this motion.

Vote: 3-0-2 (Mark Peters and Ansel Chaplin abstained), motion carries.

3. Jon and Denise Seager, Sea Song Condominium, 525 Shore Rd., Request to Add Peters Property Management as Co-Manager/Amend Motel License (continued from 2/24/15)

Ms. Pajaron explained that Laurie Ferrari from Peters Property Management could not attend today's meeting. Ms. Scoullar let the Board know that Sea Song Condominiums already has their license to

operate. This hearing is to amend that license to add Peters Property management as a co-manager to Sea Song's license.

Mr. Peters made a motion to continue this public hearing until the April 7th meeting.

Ms. Rose seconded this motion.

Vote: 5-0, motion carries.

4. Michael McDonnell and Manigo Dimaculagan, 12 Bayberry Lane, Request for Variance to Board of Health Regulation, Section VI, Article 3(1)a. Required Upgrade Upon Transfer of Property

Ms. Rose recused herself.

Mr. Russo approached the Board. He stated that he's looking for a variance to give more time for installing the system. He believes it may be installed next week. He had a hard time getting an inspection because no one could get into the yard (due to snow). Mr. Peters asked how much time was needed. Mr. Russo is estimating thirty days, but does not think he'll need that much time. The closing is in two weeks. Mr. Peters asked if the house was occupied. Mr. Russo said that it was not.

Mr. Peters made a motion to grant a 30 day extension of time from the date of March 17, 2015 to install the system, with the condition the property not be occupied.

Mr. Silva seconded this motion.

Vote: 4-0-1 (Tracey Rose recused), motion carries.

AGENDA ITEMS:

**1. Discussion: Truro Board of Health Regulation Section III, Article 3, Manager Regulation
(continued from 2/24/15)**

Mr. Peters does not see the need to change the regulation. He believes there is more of a need to enforce the regulation regarding requiring an onsite manager. He did some research, and Stone's Throw has the best set of bylaws, and they do an excellent job. The Board of Selectmen has proposed allowing condominiums to remain open year round. He wished to go on record by stating that "As usual, the Board of Selectmen has not studied their history, which means they are doomed to repeat mistakes of the past, as to why the condominium season was limited. If they are aware of it, then they are derelict in their duty." He spoke to a member of the Board of Selectmen last week, and they were oblivious to the potential demands of year round condominiums. Ms. Pajaron stated that she gets more complaints from single family homes than condominiums. Mr. Peters believes that just because something has not happened yet doesn't mean it won't ever happen. The whole premise behind having an innkeeper's license is to be responsible for the safety and wellbeing of these people. Someone is there, on premise. The Board of Health has a regulation regarding the number of units which requires someone to be on premise. We are now delegating that to someone off premise, and he does not believe the control and safety factors are there. Ms. Eib does not see the difference in allowing a 33 unit business to operate differently from a 10 or less unit business. Mr. Peters thinks that an off premise manager is strictly for maintenance. Ms. Rose disagreed, and stated that until you look at the condominium's contract to see what the off premise manager is supposed to handle, you will not know what duties the off premise manager has.

Ms. Rose made a motion to postpone this discussion until after the Annual Town Meeting, to see what happens with the Article on the warrant for the request to change condominiums to year round status.

Mr. Peters seconded this motion.

Vote: 5-0, motion carries.

2. Discussion: BOH Schedule Change for April

Ms. Pajaron told the Board that there was a meeting scheduled for April 21st, however the Board of Selectmen are meeting that day, so the Board of Health needs to reschedule. She asked if everyone was available April 22nd, a Wednesday. She would also like to hold the public hearing for the Transfer Station rules and regulations on that date. Everyone on the Board of Health was fine with the April 22nd date at 4:30PM.

A discussion ensued about the prior meeting where the Board of Health talked about banning compactor trucks from using the town Transfer Station, and the possibility of the Transfer Station acquiring a scale. Ms. Rose wanted to inform the Board that although the DPW has provided an expenditure on the capital improvement plan for a scale for the fiscal year 16, she is not sure they can just plunk it down without DEP approval from capping the landfill. Ms. Eib thought that with the portable scales, they could put them down without DEP approval.

3. Proposed Amendments to the BOH Floor Plan Policy

Ms. Pajaron explained that the amendment was to take out one sentence, and add another. The amendment makes it clearer. She had a client who did not understand it.

Ms. Eib made a motion to accept the change.

Mr. Peters seconded this motion.

Vote: 5-0, motion carries.

4. Update on Transfer of BOH Permits to the Health Department and BOH Minutes

Ms. Pajaron stated that the transition of bringing the Board of Health permit files downstairs has begun. Staff has been scanning in the old applications and licenses electronically. Those will be stored on the server, and staff will be able to go into the file and see the history. The Board of Health will also no longer have a recording secretary at meetings. Mr. Lawton, the interim Town Administrator started the process and Ms. Palmer, the new Town Administrator completed it. The meetings will still be recorded on cd, and Arozana or Nicki can transcribe the minutes.

LICENSING RENEWAL APPROVALS

- 1. Albert Silva, Mgr. Topmast Motel, 209 Shore Road, Motel License**
- 2. April Booth, Mgr. Roseville at Corn Hill Condominiums, 39 Corn Hill Road, Condominium License**
- 3. Richard Burhoe, Mgr. Sunset Bluff Condominiums, 1 Knowles Heights Road, Motel License**
- 4. Daniel J. Scholl, Mgr. Seaside Inn on Cape Cod Bay, 471 & 482 Shore Rd., Motel License**

Mr. Silva recused himself for applicant #1.

Ms. Rose asked if everything was in order for applicants #1, 3, and 4. Both Ms. Scoullar and Ms. Pajaron stated that all was in order for those applicants.

Mark Peters made a motion to approve the license renewals of applicants # 1, 3, and 4.

Dianne Eib seconded this motion.

Vote: 4-0-1 (Jason Silva recused), motion carries.

Both Tracey Rose and Tim Rose recused themselves.

Ms. Eib wished to discuss applicant #2. It is her understanding that the manager, April Booth, does not live here and therefore cannot be the manager. Ms. Pajaron told the Board that she'd received an email from Ms. Booth, who stated that she is not in Truro all of the time. Her brother, Glen, is in Truro and has been helping Ms. Booth over the past few years. They do not have a building for a manager to stay on the premises 24/7. Ms. Pajaron stated that this property went to condo ownership back in 1988. She has gone through the condominium documents, but there is nothing in them about a managers unit. Mr. Peters said that the Board of Health did not have control over the condo documents; however, as everyone is aware, they have a regulation stating that "x" number of units requires an on premise manager.

Mr. Rose wished to speak as a family member. Glen is going to be getting the paperwork together, and ask for an offsite manager's position there. For the last two years, they hired Peters Property to manage the property, but they fired them this year. He lives less than two miles away, and can be there within 15 to 30 minutes.

Ms. Eib stated that the Board could not approve the license with April Booth as the manager.

Dianne Eib made a motion to deny the application.

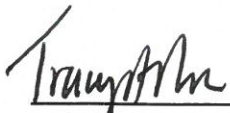
Ansel Chaplin seconded this motion.

Vote: 4-0-2, (Tracey Rose and Tim Rose abstained)


Tim Rose made a motion to adjourn at 5:51PM

Mark Peters seconded this motion.

Vote: 5-0, motion carries.



Chair-Tracey Rose


Vice Chair-Jason Silva
Clerk-Mark Peters
Dianne Eib
Tim Rose

Alternate-Ansel Chaplin