

Truro Board of Health Minutes

May 27, 2014

4:30 PM-Truro Town Hall

Members Present: Chair-Dianne Eib, Vice Chair-Tracey Rose, Mark Peters, Tim Rose, Alternate-Ansel Chaplin

Members Absent: Clerk-Jason Silva

Present: Health Agent-Pat Pajaron, Tim Friary, Jeannette de Beauvoir, Michael Coelho, Jacqueline David, Evan Evans, April Booth

REVIEW/APPROVE MINUTES

May 6, 2014 minutes

Dianne called the meeting to order at 4:30PM. She advised the audience that the meeting was being recorded, and asked if anyone else was doing the same. Hearing no reply in the affirmative, she continued by asking anyone coming up to speak to state their name for the minutes.

Mark Peters made a motion to accept the minutes as amended.

Tracey Rose seconded.

Vote: 5-0, motion carries.

REPORTS

Water Resources Oversight Committee

Per Mark, the Water Resources Oversight committee will be meeting Thursday, May 29th at 4:00PM. They will review a previously discussed issue, and go over their engineer's report regarding potential septic systems, and septic plans in Truro.

Health Agent's Report

Pat reported that next Tuesday (June 3rd, 2014) they will start their bathing beach sampling for the season, and that will continue through Labor Day. The Health Department will be getting a Barnstable County summer sanitarian. The sanitarian will be conducting the remaining pool, and restaurant inspections.

She had an update on 25 Meetinghouse Road. At the last Board of Health meeting, a 30 day extension of time was given to the owner at that location. Pat has not heard anything from the property owners since the date of the last Board of Health meeting. The deadline for completion of the outstanding issues is June 6, 2014. At that point, if Pat does not hear anything, she will refer to counsel.

PUBLIC HEARINGS

1. Tim Friary, Cape Cod Organic Farm, Approval of Farmer's Market Retail Food Permit.

Tim Friary approached the Board. Dianne noted that Pat had approved his application.

Mark Peters made a motion to approve the Farmer's Market Retail Food Permit for Tim Friary, Cape Cod Organic Farm.

Tim Rose seconded.

Vote: 5-0, motion carries.

Dianne asked for a motion to move Public Hearing item number 6 up into this slot, as the applicant is on-call.

Tracey Rose made a motion to move Public Hearing item number 6 up to be heard next.

Mark Peters seconded.

Vote: 5-0, motion carries.

2. Michael J. Coelho, Jr., Approval of New Water Service, 13 Arrowhead Rd.

Michael Coelho approached the Board. Mark pointed out that all the paperwork was in order.

Mark Peters made a motion to approve the new water service at 13 Arrowhead Rd.

Tim Rose seconded.

Vote: 5-0, motion carries.

3. Jacqueline David, Hi-Land View Cottages, 17 Coast Guard Road, Failure to obtain a license to operate in accordance with the Truro Board of Health Regulation, Section III, Article 3, *License Required (continued from 5/6/14).*

Jacqueline David approached the Board. Dianne told Jacqueline that this was a Show Cause Hearing in order to publicly have a record that she fully understands the rules, regulations, and timeframes set forth by the Board of Health for obtaining a license. If Jacqueline operates without a license, she will be fined, and her permanent license could be put in jeopardy. Jacqueline stated that she never received a July 8th letter, or the October letter. She does, however, now understand the timeframe for submitting her paperwork. Jacqueline asked if her paperwork could be submitted in November (along with her smoke inspection report). Dianne said yes. Mark added that the Board of Health meets twice a month, and Pat is available five days a week, to help her. Dianne let Jacqueline know that her paperwork needs to be in so that they can approve it before April 1st. Mark told her that she has historically maintained a spotless reputation, and they want to maintain the licensing aspects.

**Mark Peters made a motion to approve the license for Jacqueline David, 17 Coast Guard Rd.
Tim Rose seconded.
Vote: 5-0, motion carries.**

4. Evan Evans, Outer Reach Resort, 535 Route 6, Failure to obtain a license to operate in accordance with the Truro Board of Health Regulation, Section III, Article 3, *License Required*.

Evan Evans approached the Board. Dianne mentioned that after their last meeting, there were a few items which needed to be accomplished. Evan stated that all issues have been rectified. He also had met with Pat, regarding the letter she had sent out. Evan also noted that he was not aware that all licensing paperwork, and inspections, could be done in November. He believes that would make things much easier.

**Mark Peters made a motion to approve the license for Evan Evans, Outer Reach Resort.
Tim Rose seconded.
Vote: 5-0, motion carries.**

5. April N. Booth, Roseville Condominiums, 39 Corn Hill Road, Failure to obtain a license to operate in accordance with the Truro Board of Health Regulation, Section III, Article 3, *License Required*.

(Tim Rose and Tracey Rose recused themselves from Public Hearing number 5)

April Booth approached the Board. She explained that she thought she could just drop off the application, and have someone at Town Hall sign it. She forgot that the applications are now reviewed, and the permits signed, by the Board of Health. She also was waiting for the water to be turned on, in order to have her inspection done. April did not realize that applications could be brought to Town Hall in November. Dianne let April know that this was a Show Cause Hearing which was being videotaped in order to have on record that she understands the rules, regulations, and the timeframes involved. April stated that she understood.

**Mark Peters made a motion to approve the license for April Booth, Roseville Condominiums.
Ansel Chaplin seconded.
Vote: 3-0, *(Tim Rose and Tracey Rose recused themselves)*, motion carries.**

6. Jeannette de Beauvoir, 17 Shore Rd Condominiums, 17 Shore Road, Failure to obtain a license to operate in accordance with the Truro Board of Health Regulation, Section III, Article 3, License Required.

Jeannette de Beauvoir approached the Board. Dianne asked Jeannette if she understood why she was asked to appear before the Board of Health, and Jeannette stated that she did. Dianne explained that this was a Show Cause Hearing for failure to obtain a license to operate, and she asked Jeannette if she wanted to explain how that happened. Jeannette said she just forgot to send in her paperwork. Dianne told Jeannette that the Board wants to make it perfectly clear that in the future they will not grant temporary licenses, and they will not tolerate operating without a license. She can, and will, be fined for every day she operates without a license. All of the letters that go out explain the process, and timeframes. Jeannette assured the Board that it would not happen again. Dianne pointed out that they have Jeannette on cd stating that she understands.

AGENDA ITEMS:

1. Proposed Amendments to 105 CMR 445.000, Minimum Standards for Bathing Beaches

Pat announced that the Department of Public Health, Public Health Council, held a Public Hearing last month at which they adopted the amendments. Those amendments will go into effect June 6, 2014. Pat briefly explained the amendment.

The amendment is to one section of the regulation on postings/closures. Current regulation requires that the samples be taken at public and semi-public beaches, during the bathing beach season which currently runs from June 3rd through Labor Day. A sample is taken on the first day, and it takes 24 hours to get the results. Results are received on day 2, which could show an excess level. At that point, you need to close the beach. A re-sample is taken on day 2, and you receive the results on day 3. If that sample passes, you can re-open the beach. If the sample still exceeds, the beach stays closed, and you continue to re-sample until it meets water quality standards.

With the proposed change, the State has looked at 13 years of data since the enactment of the Bathing Beach regulation. The State found that 80% of the beach closures occur on the days where the water tests results were acceptable. A lot of the high level samples were transient. A spreadsheet Pat provided the Board goes back to 2005 with Truro beaches. As far as test results, Truro is pretty good. They had a couple "here and there" with a level over 400, but for the most part they only had one high level during the season. Truro beaches would qualify under the new change, where they would take a sample next Tuesday. The following day, if they have a high level, they can opt to not close the beach.

They would then wait until the following day to see if that level exceeds or not. That is the new change with the regulation.

Mark stated that this has been supported by their experience in the past. They have had some extraordinary weather situations which have caused closure of beaches. Within 24 hours, the situation has rectified itself. Pat agreed. Pat will still let people know that there has been a high level detected, however they will wait on the closure, and see what happens the following day. The State has been working with the EPA on a rapid test where you get results within 2 to 4 hours, but nothing has been approved yet. Ansel wanted to know what would happen if a swimmer ingested contaminated water. Pat stated that everyone is different. Reactions depend on their immune system, and what the colony count was that day. Symptoms are usually gastro intestinal: nausea, vomiting, and diarrhea. The rationale behind this whole amendment is that they are looking at beaches with a transient water quality issue. They don't have a pollution issue. Tim believes that with the way the tides are, halfway through the day, the levels are back to normal.

LICENSING RENEWAL APPROVALS

- 1. Jacqueline David, Hi-Land View Cottages, 17 Coast Guard Rd, Motel License**
- 2. Evan Evans, Outer Reach Resort, 535 Route 6, Motel License**
- 3. April Booth, Roseville Cottages, 39 Corn Hill Rd., Motel License**
- 4. Jeannette de Beauvoir, 17 Shore Rd Condominium, 17 Shore Rd., Motel License**
- 5. Lorna Kaplan, Cape Cod Chai, Farmer's Market Retail Food Permit**
- 6. Leah Crowe, Sustainable Cape, Farmer's Market Retail Food Permit**
- 7. Mary Lou Santos, Little Skipper Condominiums, 642 Shore Rd., Motel License**
- 8. Craig Caesar, Truro Vineyards of Cape Cod, 11 Shore Road, Farmer's Market Retail Food Permit**
- 9. Samantha Perry, Hillside Farmstand, 300 Route 6, Food Service and Ice Cream Licenses**
- 10. Michael Tribuna/Phil Morton, Westview Cottages, 7 Parker Drive, Motel License**
- 11. Margaret Sovek, Sladeville Cottages, 2 Meetinghouse Rd., Condo License**

Dianne stated that the Board was looking at approving numbers 5 through 11. Some are farmer's market retail food permits, and some are motel/condo licenses, and one is for food service. She asked Pat if they were all in good standing, to which Pat replied, "yes".

Ansel Chaplin made a motion to grant applicants 5 through 11 their permits.

Mark Peters seconded.

Vote: 5-0, motion carries.

Tim Rose made a motion to adjourn at 4:58PM.

Mark Peters seconded.

Vote: 5-0, motion carries.

Chair-Dianne Eib

Vice Chair-Tracey Rose

Clerk-Jason Silva

Mark Peters

Tim Rose

Alternate-Ansel Chaplin