

**Truro Board of Health Minutes
July 15, 2014
4:30 PM-Truro Town Hall**

Members Present: Chair-Dianne Eib, Vice Chair-Tracey Rose, Alternate-Ansel Chaplin, Clerk-Jason Silva

Members Absent: Mark Peters, Tim Rose

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Elizabeth Walsh Carver, Nick Brown, Maryellen Walsh

REVIEW/APPROVE MINUTES

July 1, 2014 minutes

Dianne informed the audience that the meeting was being videotaped, and asked if anyone else was making a recording. Hearing no reply in the affirmative, she reminded the audience that if they come up to speak they should state their name for the recording secretary.

Tracey Rose made a motion to accept the minutes as presented.

Jason Silva seconded.

Vote: 3-0, motion carries.

REPORTS

Water Resources Oversight Committee

Tracey stated that there had been no WROC meeting since their last Board of Health meeting, therefore there was no report.

Health Agent's Report

Pat announced that the town's Animal Control Officer, Lorial Russell, has resigned. Her last day was yesterday. Pat will be serving as the interim animal inspector while the job is advertised. She will handle rabies surveillance, issuing quarantines, and issuing animal bite notices. She thanked Lorial for doing an excellent job during her years of service, and assisting Pat with rabies surveillance.

Pat conducted a follow-up inspection at 25 Meetinghouse Road today, along with the Building Commissioner. They evaluated the basement area. Options were explored with the owner regarding turning it into another dwelling unit, however it is cost prohibitive. The evaluation revealed that there is adequate light and ventilation. The owner would need to install a fan in the bathroom. The electrical light fixture in the kitchen has been fixed. One other light fixture needs to be fixed, along with the electrical panels. Pat also discussed eliminating a bedroom with the owner, because right now they are over by one bedroom. Once he decides which to eliminate, he will submit a plan. Pat asked the Board if the owner could come to the next meeting and ask for an extension to get the basement area corrected. Dianne asked if the basement was occupied. Pat responded that the basement is occupied. Dianne asked if Pat viewed these items as safety issues. Pat stated that they are potential safety issues. The electrical panel is closed, but needs to be properly mounted. There are two plates which are missing, and need to be fixed. Wires in the ceiling are not live, but there needs to be a fixture there, or they

need to be properly capped. Pat said they did the final notice back in June to fix the two remaining issues. Pat believes that since this has been going on since March, there should be a show cause hearing. At the show cause hearing, the Board can deem a portion of the dwelling unfit for human habitation. Pat will send the notice.

PUBLIC HEARINGS

1. Ellen Sheil, Walsh Cottages, 7 Walsh Way, Failure to Obtain a License to Operate in Accordance with Truro Board of Health Regulation, Section III, Article 3, License Required (continued from 7/1/14).

(Tracey Rose recused herself)

Elizabeth Walsh Carver, Nick Brown, and Maryellen Walsh approached the Board. Nick was there because the family is in the process of listing the front structures (cottage #6, 3 Walsh Way, 5 Walsh Way and 7 Walsh Way). Dianne asked if they understood that when they received the original show cause hearing notice from the Board of Health they were supposed to appear at the meeting. Elizabeth explained that the notice was mailed to her sister, Ellen Sheil. Ellen had moved to a different city in Rhode Island, and her mail was not forwarded. Ellen was not aware of the notice. Dianne asked how Elizabeth had received the second notice. Elizabeth explained that Ellen sent the second notice to all the trustees. Dianne pointed out that the Board had gone through this same problem last year. Elizabeth stated that Ellen never shared that information with the rest of the family, and they were unaware. They would like to maintain the license, and not change the manager. Dianne asked who the manager currently is. Elizabeth stated that the property was co-managed by Joseph Walsh, and Ellen Sheil. Dianne was under the understanding that Joseph was not capable of managing the property. Maryellen agreed. Dianne continued by saying that he could not appear on the license as a manager. He would need to be able to assume all of the responsibilities.

Pat added some information. Last year she went through the same notification process with the license holder, Mr. Walsh. After not receiving a response from Mr. Walsh for a long period of time, she received notification from Ellen Sheil who stated that Joseph Walsh could no longer manage the property. What was done to get through the 2013 licensing season was to make Ellen Sheil a co-manager, until the family figured out what they wanted to do with the property.

Dianne told Elizabeth that a team inspection needs to be done on the property. Dianne noted that Ellen did not sign the application under "manager". Those two items need to be done before the Board can do anything. None of the cottages are currently occupied, and they do not have plans to rent them out. The issue is that if they do not maintain their license, they will lose their grandfathering to be a cottage colony when they sell the property. Pat stated the items which needed to be completed:

1. Fill out a change of manager form
2. Have a team inspection of the property
3. Place a legal ad in the local paper for two weeks
4. Hold a public hearing

Dianne added that the Board would require no occupancy in the cottages, because there is no license. Once everything passes, the new manager needs to appear before the Board during the scheduled public hearing. Nick posed a question to the Walsh family. He wanted to know if the application would show a single, or co-manager. Elizabeth confirmed that she will be the single manager. Dianne

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explained the duties of being a manager to Elizabeth. Elizabeth wanted to know what the team inspection consisted of. Pat explained that the team inspection involves the Building Commissioner, Gas/Plumbing Inspector, Electrical Inspector, Health Department, and Fire Chief. Everyone looks at safety issues in their own field. Elizabeth asked what would happen if something did not pass. Pat explained that she would receive an inspection notice listing the issues, along with a time frame to get the items fixed. If the items don't get fixed, they will not receive a license.

Ansel Chaplin made a motion to continue this public hearing until their next scheduled meeting (August 5, 2014).

Jason Silva seconded.

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

Jason asked if there were an issue with one cottage during the team inspection, could that one cottage be excluded from the license while the issues were being fixed. Dianne stated that not licensing one cottage while licensing the rest has been done before. Dianne asked what kind of septic system they had. Nick replied that there were cesspools. Dianne pointed out that those would have to be upgraded prior to the sale of the property. Nick stated that the buildings might be demolished. Pat confirmed that even if the buildings are demolished, the cesspools will have to be upgraded before the sale of the property.

2. Maria Leitao-Pina, Bay Point Condominiums, 660 Shore Rd, Failure to Obtain a License to Operate in Accordance with Truro Board of Health Regulation, Section III, Article 3, License Required (continued from 7/1/14).

Pat gave the Board the background on this property. The current manager, Maria Leitao-Pina, is selling her property. She received a returned, unclaimed, certified letter back, which had been sent to Maria. The other unit owners of this association were not aware that the license was not renewed. The association recently appointed Judy Wimer as their new manager. Judy came in to the office today, and filled out the application, and change of manager form. She is aware that a team inspection needs to be done. Dianne stated that this is a complex which has never given them any trouble. She can personally see how this could have happened, where one individual chooses not to "play nice". She is reluctant to punish a whole group of people for one person's actions. Even though they don't normally grant a change of manager without an interview, Dianne feels that they should not grant a full license, but a temporary one. The license is with the conditions that Judy be present at the next meeting, and the team inspection be passed. All Board members agreed. Pat told the Board that Judy was on vacation, and she did not think she'd be able to make the August 5th meeting. Tracey suggested keeping the item on the agenda, and continuing if Judy could not make the meeting.

Jason Silva made a motion to grant a temporary license to Judy Wimer with the condition that the property passes a team inspection. The public hearing will be continued to the next scheduled meeting (August 5, 2014).

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

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Tracey asked if Judy was on vacation for two weeks, who was the interim manager? Noelle will send an email after the meeting to get that information.

AGENDA ITEMS:

None

LICENSING RENEWAL APPROVALS

None

Ansel Chaplin made a motion to adjourn at 5:00PM.
Tracey Rose seconded.
Vote: 4-0, motion carries.

Chair-Dianne Eib

Vice Chair-Tracey Rose

Clerk-Jason Silva

Mark Peters

Tim Rose

Alternate-Ansel Chaplin