

Truro Board of Health Minutes  
April 17, 2018  
4:30 PM-Truro Town Hall

**Members Present:** Chair Tracey Rose, Vice-Chair Jason Silva, Member Mark Peters, Member Tim Rose  
**Absent:** Clerk – Peter Van Stratum

**Others Present:** Health Agent Emily Beebe, Michael Gay, Mark Haversat, Chris Rockett, Jean Rockett, Charles Morton, John Gainey, Martha Nagy, Nicolas John, Dennis Lane, Fred Dunn, Dawn Dykeman, Annie Johnson, Ellery Althaus, Carl Brotman, Sally Brotman, Keith Althaus.

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose requested that everyone speak clearly for the video recorder. She asked if anyone in the audience was recording. No one replied in the affirmative. Ms. Rose continued on to establish some rules of order as far as the Tobacco discussion.

**PUBLIC COMMENTS**

Tobacco discussion started during the public comment period, so the Board carried it into the public hearing.

**AGENDA ITEMS**

**1. Tobacco Sales Ban Discussion**

Dennis Lang, representative for the Coalition for Responsible Retailing requested that the Board treat all adult age related products the same and to have faith in the State's purchase and possession laws. Nicolas John, North East manager for the R Street Institute (think-tank network out of Washington, D.C.) requested the Board to look at the efficacy of e-cigarettes and vapor products. He felt the ban would take away from these alternative products, which provide a "safer" alternative to cigarettes. Keith Althaus expressed displeasure of the proposed ban because of its effect on local merchants. Ellery Althaus, owner of Salty Market, stated the negative influence it would have on his business profits. Mr. Silva said that most everyone agrees that tobacco is bad for you, but that there are a lot of things that are sold that aren't good for you, but they are legal. He continued to inform the public that the Board held this meeting so that they could discuss the ban and its potential effects on the community, reinforcing the idea that the Board did not want to make any radical decisions without first having a comprehensive discussion on the topic. Dennis Lang came back to the table to say that prohibition drove alcohol sales underground which created dangerous public situations. John Gainey of Pamet Valley Package Store came before the Board. He presented a petition against the ban that contained 200 signatures and stated that the ban would be an economic devastation to his business. The Health Agent clarified that currently the Board did not have a proposed regulation and that no action could take place until one was developed. Once the Board determines if they want to proceed or not with drafting a tobacco ban, they would need to draft regulations, hold a public hearing, and then take a vote on the proposed regulations. Fred Dunn of Fuller's Package Store came to the table to reiterate previous statements with regards to economic devastation for local business.

**Ms. Rose stated that the Board would continue the discussion and vote to the May 1, 2018 meeting.**

**2. Discussion of 2018 Annual Town meeting warrant article 17: proposed bylaw amendment addressing "condominium term of use" to allow a year-round option**

Ms. Rose read a statement drafted by the Health Agent. The Health Agent addressed the concern of increase in daily flow by stating that most of the existing condominiums are served by Title 5 septic systems which are designed on yearly flow and not seasonal. She felt that the anomalies would be captured by the Change of Use process. Ms. Rose expressed faith in the current Board, regulations (state & local), and in the Water Resource Oversight Committee, as far as the ability to help control and regulate the seasonal to year round condominium transition. Sally Brotman came to the table to speak in support of the article. Michael Gay of Days Condominiums reaffirmed the idea that it's not easy to convert existing condominium units to year round condition and that it would take time. Mr. Silva felt that most condo owners on beach point would not want to live down there year round, based upon weather conditions in the winter time. Mr. Peters expressed concerns with wastewater and groundwater.

**Mr. Peters moved to support Article 17.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

### **3. CHANGE OF MANAGER & LICENSE RENEWAL: Days Condominiums, 276 Shore Rd**

Michael Gay & Mark Haversat, Trustees of Days Condos, and Chris Rockett, proposed on-site manager, approached the Board. The Board addressed the Change in Manager first. Mr. Rockett stated that he understood his manager duties as stated in the local regulation.

**Mr. Peters moved to approve Chris Rockett as the new on-site manager.**

**Mr. Rose second.**

**Vote: 3-0-1, motion passes with Ms. Rose abstaining.**

The Board continued on to discuss the Order to Correct that resulted from the TEAM Inspection. Mr. Gay stated that the Condominium owners have pulled the appropriate permits to rectify the issues stated in the Order. The Trustees requested the following: 1.) that the Board permit those units that are not in violation to be rented or otherwise occupied even though all violations have not been corrected, 2.) as the violations are corrected, the Board permit those units that have corrected their violations to be rented or otherwise occupied, and 3.) that the Board provide 60 days to correct all violations. The group discussed the Trustees request of homeowners being able to occupy their units, using the existing heat source, while work is being addressed. The Board felt uncomfortable with the continued use of the non-conforming heat source and discussed the idea of temporary electric heaters. The Health Agent felt comfortable with the Trustees requests and asked the Board to approve them.

**Mr. Peters moved to approve the license renewal excluding the non-conforming units 2-12 & 14-19 and to extend the Order to Correct to 60 days from 30 days with the condition that no owners or tenants shall occupy the non-conforming units until said non-conformities have been addressed unless they do NOT use the existing non-conforming heat source. The Board will allow the units to be licensed and occupied on a unit by unit basis as the corrections are made and inspected by the Town.**

**Mr. Rose seconded.**

**Vote: 3-0-1, motion carries with Ms. Rose abstaining.**

### **LICENSING RENEWALS**

- 1. Pilgrim Colony Condominiums, 670 Shore Rd**
- 2. North of Highland Camping Area, 52 Head of the Meadow Rd**

The Health Agent stated everything was in order.

**Mr. Peters moved to approve items #1-2.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

### **REVIEW/APPROVE MINUTES**

April 3, 2018

**Mr. Peters moved to approve as submitted.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

### **REPORTS**

#### **Health Agents Report/WROC**

- **Town Meeting Warrant topics: year-round condominiums, marijuana**

#### **Report of the Chair**

Nothing to report.

### **OTHER BUSINESS**

#### **Clemons – 40 Cliff Rd Variance Request (Applicant requesting continuance to May 15, 2018)**

The Health Agent had asked the Applicant if they could continue the hearing because of the night's full agenda.

**Mr. Peters moved to continue the hearing to the May 15, 2018 meeting.**

**Mr. Rose seconded.**

**Vote: 4-0-0, motion carries.**

**Mr. Rose moved to adjourn.**

**Mr. Silva seconded.**

**Cote: 4-0-0, motion carries.**

**Respectfully Submitted,**

**Arozana Davis**

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**Chair-Tracey Rose**

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**Vice Chair-Jason Silva**

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**Mark Peters, Member**

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**Clerk-Peter Van Stratum**

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**Tim Rose, Member**