

**Truro Board of Health Minutes
October 15, 2013
4:30 PM - Truro Town Hall**

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

Members Absent: None.

Present: Pat Pajaron- Health/Conservation Agent, BOH Secretary- Noelle Scoullar, Claudia Boespflug, Terence Johnson, Scott Campbell

MEETING CONVENED:

Dianne informed the audience that the session was being recorded, and asked if anyone else was recording. No one in the audience replied in the affirmative. Dianne also asked for people coming up to speak to give their name for the minutes.

Review/Approve minutes for October 1, 2013

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

Tim Rose seconded.

Vote: 5-0, motion carries.

REPORTS

Water Resources Oversight Committee

Per Mark Peters, there was no report.

Health Agent's Report

Pat informed the Board that the first flu clinic was held on October 11, 2013. Approximately 140 + people attended. The next clinic is scheduled for Tuesday, October 22, 2013, from 4:00-5:30PM. Dianne asked if many people got the potassium iodide pills. Pat stated that she did not set that up, due to time constraints. A separate distribution of the pills will occur in the future.

Pat handed out the Fertilizer Management District of Critical Planning Concern ordinance (Barnstable County ordinance 13-07), which was adopted by the Assembly of Delegates, and approved by the county commissioners. This ordinance establishes a Cape wide fertilizer management district of critical planning concern, and was recorded at the Barnstable Registry of Deeds on October 8, 2013. There are model regulations being drafted, and they are Board of Health regulations. Once she gets the final draft, the Board might want to discuss further. Health agents were able to weigh in on the draft regulations, through George Heufelder. Tracey asked if a town, or city, chooses not to adopt controlling it under the local board of health, would it then automatically run under the State regulation. Pat said that statement was correct. Tracey noted that the State regulation was not customized to the Cape, or any Cape Town. They could either go with the State regulation, or the Board could adopt it, and tailor it to their individual town. Mark asked if this allowed the Town to adopt their own regulations. Pat explained that any amendments would have to be approved by the Cape Cod Commission. Mark wanted to know why. Per Pat, the State wants a standard model order. They want one standard vs. fifteen towns with different regulations. Mark added that the soil conditions in Truro are entirely different from those in Sandwich. He believes it's a corrosive use of power to assume that the Cape Cod Commission can suddenly dictate golf course, or yard conditions. Tracey thought the State gave the directive, not the Cape Cod Commission. Mark continued, stating that Truro was supplying water to Provincetown, and Truro, and that they may be tapping into the Chequessett lens sometime in the future. To have irresponsible application of lawn fertilizer from New Jersey, Connecticut, and New York (where "more is better"), is not a responsible maintenance of the water supply.

PUBLIC HEARINGS/LICENSING APPLICATION

1. Veruschka Boespflug and Terence Johnson, New Business License and Food Service Permit for Babes Bakery, Inc., 63 Shore Rd.

Claudia Boespflug and Terence Johnson approached the Board. Dianne clarified that Claudia is the applicant. Claudia explained that Terence and Veruschka are managers. Pat let the Board know that the application was for 2013. They have not been open since 2010, when Mr. Thrasher left. Mark asked if there was a zoning problem. He would like to place the matter in stasis until the zoning question can be answered. Mark is also concerned with the septic situation on the property. Pat informed the Board that there are cesspools on the property, and they were inspected, and passed. Tim surmised that they do not want any more time to lapse without a license. He believes that they are trying to get their license in order so that they can open in 2014. Claudia stated that Tim was correct. Tracey asked if the business was a Corporation. Claudia confirmed that it was. Dianne noted that Claudia would need to bring a copy of the Articles of Organization for the corporation to the Health Department.

Tracey Rose made a motion to approve the 2013 License for Babes Bakery, Inc., with the condition that an updated copy of the Articles of Organization for the corporation be submitted to the Health Agent.

Tim Rose seconded.

Vote: 4-1, (*Mark Peters opposed*), motion carries.

2. Dutton, 14 Hatch Rd., Plan Review/Request proposed library/office not be considered a bedroom.

No one was present to discuss this item.

Mark Peters made a motion to place this at the end of their agenda.

Tim Rose seconded.

Vote: 5-0, motion carries.

This item was revisited at the end of the meeting. The applicant was not present.

Mark Peters made a motion to continue this item to their next regularly scheduled meeting (October 29, 2013).

Tracey Rose seconded.

Vote: 5-0, motion carries.

3. Scott Campbell, Cardinal Construction, Request Waiver from Septic Installer's Exam; Required for New Septic Installer License.

Scott Campbell approached the Board. Dianne stated that Scott has taken the test, and that he is well respected. Scott told the Board that he has never worked in Truro, therefore was not licensed here. He is licensed in many towns. Dianne has no issue waiving the requirement for the exam.

Mark Peters made a motion to waive the requirement to take the septic installer's exam.

Tracey Rose seconded.

Vote: 5-0, motion carries.

4. Schofield Brothers Engineering for Susan Webster, Local Upgrade Approval Request under 310 CMR 15.401 (1)(a) and 15.405(1)(b), Reduction of system location setbacks from property lines and slab foundations per 310 CMR 15.211 and Variance Request from Truro Board of Health Regulations, Section VI, Article 8, Required Setbacks for System Components (continued from 10/1/13).

Pat informed the Board that a walk-through was conducted, and there were no issues.

Mark Peters made a motion to grant the variances as requested.

Tim Rose seconded.

Vote: 5-0, motion carries.

**5. Review and Approval of Preliminary Subdivision Plan: Arien Mack, 13 Old Bridge Road.
(continued from 10/1/13).**

Pat informed the Board that Chet Lay had contacted her regarding withdrawing the application at this time. The property owners are proposing to give the land to the conservation trust, and are seeking (through the conservation trust), to have the septic upgraded, and paid for.

Mark Peters made a motion to remove the item (Review and Approval of Preliminary Subdivision Plan: Arien Mack, 13 Old Bridge Rd) from the agenda until the applicant makes further application.

Tim Rose seconded.

Vote: 5-0, motion carries.

IV. DISCUSSION:

Regulation of Temporary Food Events for Non-Profit Organizations; Good Samaritan Food Law MGL 94 s. 328

Pat had included a copy of a memo in the Board of Health packet. The State Department of Public Health, through the Food Protection Program, asked for a legal opinion regarding potluck meals, and temporary food events. She quoted the M.G.L. chapter 94, section 329 (known as the Good Samaritan food law)... *"No nonprofit corporation shall distribute or serve food from any establishment unless that corporation has been inspected and is in compliance with all inspection or permit requirements of the department" ... she continued..."provided, however, that no fee shall be charged for any such permit issued to such corporation."* A question arose during Truro Treasures regarding the church (which is a non-profit organization), as to whether they were required to have a temporary food service permit, which they do. The church would be exempt if they were not opening the event up to the public. Pat spoke with Jane Peters, and it was agreed that next year Pat will sit down with Jane, and help her through the permitting process. Pat confirmed that the church would not need to go through the permitting process for each event. One application can cover all their seasonal food events.

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V. LICENSING RENEWAL APPROVALS

None

**Tim Rose made a motion to adjourn the meeting at 5:20 PM.
Tracey Rose seconded.
Vote: 5-0, motion carries.**

Chair – Dianne Eib

Vice Chair – Tracey Rose

Clerk – Jason Silva

Mark Peters

Tim Rose

Alternate – Ansel Chaplin