

Truro Board of Health Minutes
October 1, 2019
4:30 PM-Truro Town Hall

Members Present: Chair Tracey Rose, Vice-Chair Jason Silva, Member Mark Peters, Clerk Peter Van Stratum, Member Tim Rose
Others Present: Health Agent Emily Beebe

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.

I. PUBLIC COMMENTS

There were no public comments.

II. AGENDA ITEMS

Truro Motor Inn; (296 Route 6): update on compliance with outstanding orders to correct violations to the State Sanitary Code, The State Environmental Code and Truro Board of Health regulations: Jason Ellis of JC Ellis Design Co. and Carolyn DelGizzi, representing the Truro Motor Inn, came to the table to address the Board. Ms. Rose referred the Board members to the floor plan and preliminary septic system upgrade plan and noted that the septic plans were sent to the Agent via email the day of the meeting. She asked the Agent to update the Board. The Agent reviewed the sequence of events that occurred when the property owner applied for their 2018 operating license and the Board of Health required a team inspection. It took months for the Health department to schedule an inspection with the owners, and the owners constantly cancelled or rescheduled the dates. The inspection occurred in December of 2018, an Order to Correct Violations observed during this inspection was issued in January of 2019. Over the subsequent months, the Agent worked on obtaining a re-inspection date to check on compliance with the original Order to Correct violations, which, again, required extensive effort to have communication with the owners. Due to these delays, in mid-May of 2019 the Board of Health issued an order to issue non-criminal citation violations for operating the motel without a current license and ordered septic system inspection be completed in 30 days. In June, the property owner told the Agent they had opted not to have the septic system inspected, but to move right to upgrading the system. At the meeting of July 2, 2019, the Board ordered the septic upgrade to be completed by October 1, 2019. The Board issued the license to the motel contingent upon the completion of the upgrade and corrections to all cited violations by October 1, 2019. In the intervening weeks, the Agent made numerous attempts to facilitate communication with Mrs. DelGizzi and Mr. Ellis via email to encourage compliance by reminding them of the benchmarks for completion of the project on time. At the meeting of August 20th, the Board voted to request that the property owner attend the September 3rd meeting to give an update on the progress of compliance and asked that the Agent begin the process of suspending, revoking or modifying the license. The property owner was unable to attend the meeting on September 3rd; Mr. Ellis attended on their behalf. At the September 3rd meeting Town Counsel asked Mr. Ellis if he could deliver permittable plans by October 1st, and Mr. Ellis responded that he could. Counsel reframed his question, asking if there was any

reason he could foresee not being able to submit the plans by October 1, and Mr. Ellis again answered that he could meet that timeframe. A percolation test was completed on August 29th; this was the last site-work the Agent was aware of. At the meeting of September 3rd, Mr. Ellis stated that he had obtained floor plans from the property owner. The plans were emailed to the Agent the next day by Mr. Ellis, and the Agent immediately responded to Mr. Ellis and Carolyn DelGizzi informing them that the sketches were inadequate to address the requirements and that dimensioned floor plans were needed. No revised floor plans had been submitted to date for discussion with the Board. On September 25th the Agent completed a walk-through and around the property with Mrs. DelGizzi; Assistant Health Agent Arozana Davis; Building Commissioner Richard Stevens; Fire Chief Tim Collins; and two members of the Truro Police Department. The Agent, Fire Chief Collins and Mrs. DelGizzi walked the perimeter of the property and identified the issues of non-compliance and the areas where cleanup was required.

For this meeting of October 1, the Agent prepared a floor plan sketch of the units based upon the inspection of the units, with some dimensions; a copy was provided to the Board for discussion.

Mr. Ellis discussed the un-stamped, preliminary septic plans he submitted to the Board. The design flow is based on forty-four bedrooms. No variance requests were made, nor notice to abutters. The plan shows a "grease trap" proposed prior to the first septic tank sized at 10,000 gallons; the second 5,000 gallons; two tanks in series is required. As the design flow of the system is greater than 2,000 gallons per day, and served by a non-community public water supply, the system requires both IA and pressure dosing. Ms. Rose asked about the approved water usage for the public water supply; discussion ensued regarding the DEP requirements and it was agreed that the water supply matter will be further discussed in the future.

Mr. Ellis then discussed the technical specifications of the proposed ORENCO system. The Agent asked questions of Mr. Ellis regarding the leach field and the design of the septic system. Mr. Peters pointed out that despite the progress on the septic system design, it is negated by the lack of adequate floor plans and confirmation of total bedrooms at the property; he also pointed out the appropriate order of submitting floor plans prior to the septic system upgrade plans. Mr. Silva noted that the floor plans represent motel rooms, which is counter to usage of the rooms as year-round housing; he encouraged Mrs. DelGizzi to be transparent about the intended use of the property.

Ms. Rose noted for the record that the Agent had requested that the applicants submit whatever they had, in order to demonstrate that they are working on the situation, although it wasn't what the Board wanted, and needs to be significantly modified.

Mr. Peters proposed that the applicant return within two weeks with a definitive square footage of the units to determine how many 400sf units will be allowed, and in the meantime, the Board would delay any legal proceedings and allow a temporary license for 30 days. Mr. Peters commented that the property owners have run out of credibility, and while Mr. DelGizzi shows up at Planning Board meetings regarding the neighboring property, he hasn't bothered to show up to any Board of Health meetings to explain his position. Mrs. DelGizzi asked to

clarify the floor plan requirements; the Board confirmed that professionally prepared plans are now required. Mr. Peters again stated the floor plans need to reflect the dimensions, square footage and number of bedrooms. Ms. Rose acknowledged that minimal progress is being made, but the information is always received at the last moment. Ms. Rose also discussed the position the Board has been placed in due to the lack of progress by the DelGizzi's and stressed the importance of the safety of the tenants. Ms. Rose asked the Agent if the building was safe to occupy. The Agent was stated that the way the property is operated, with the combustibles located up against and closely surrounding the building, that the property the property is not up to code, and in order to operate a motel, and to provide housing to people the property has to be up to code.

Ms. Rose asked Mrs. DelGizzi why the violations haven't been corrected, and why even the small repairs haven't been done. Mrs. DelGizzi responded that she felt there was a miscommunication between the Agent, herself and Mr. Ellis about the floor plan requirements. Ms. Rose asked Mrs. DelGizzi if she and her husband watched the video from the last meeting to stay apprised of the requirements. Mrs. DelGizzi responded that they did not.

Mr. Peters retated that Mr. Ellis cannot prepare a septic system design plan without knowing how many bedrooms the system will serve.

Ms. Rose added that the DelGizzi's have had since January of 2019 to begin addressing the issues and that it was unfair to back to Board into a corner. The Agent suggested that the Board consider what the compliance benchmarks are look like: exterior issues need to be addressed, for which building permits can easily be pulled; providing a written proposal about room specifications, how the room will be used and how spatial requirements will be met.

Mr. Van Stratum spoke to DelGizzi's lack of being pro-active in conforming to the Board's regulations and that the problems at the property are continually ignored. Mr. Van Stratum stated his opposition to providing any extension to the DelGizzi's.

Mr. Silva asked the Agent about the notices that were provided to the occupants of the Truro Motor Inn. The Agent confirmed that notices were hand-delivered to each unit; notices were posted on the doors of units for those occupants who weren't present. Mr. Silva said that he would be disappointed to see that plans were presented for motel rooms, only to find that down the road, the rooms were being used for year-round occupancy. Mr. Silva was willing to be flexible with the timeline but wants the plans for the septic system to match the intended use of the property. Ms. Rose added that the Board has been very generous with the timeline and that the matters at hand could have been resolved prior to the meeting. Ms. Rose further stated that the Truro Motor Inn isn't the only property in town that has had similar issues, yet the responses in those instances were very different.

Mr. Peters said that he has little or no faith that anything will be done; and suggested extending the license until the hearing on October 3rd. Ms. Rose asked Mr. Ellis if he has been requesting a bedroom count from Mrs. DelGizzi; Mr. Ellis responded that he requested a floor plan. Ms. Rose asked Mr. Ellis if he asked Mr. DelGizzi to add the dimension of the rooms; Mr. Ellis responded that he asked Mr. DelGizzi for dimensions after the Agent contacted Mr. Ellis. Mr. Ellis also told

Mr. DelGizzi that there was a chance that architectural-type floor plans might be required. Ms. Rose asked when Mr. Ellis was retained; Mr. Ellis confirmed that he was hired in July, but he had earlier discussions with Mr. DelGizzi around March or April. The Agent received floor plans on September 4th, without any measurements, just the layout. The Agent responded to Mr. Ellis on September 4th that the plans were not adequate to determine how compliance with the spatial requirements of the housing code and the Truro Board of Health regulations will be achieved, and that a proposal from the property owner was required. The Agent agreed with Mr. Peters' suggestion of professionally prepared plans and that they should be accompanied by a proposal for how compliance will be met. Mrs. DelGizzi conferred with Mr. Ellis and asserted that floor plans could be prepared within two weeks; Mrs. DelGizzi also offered to sit down with the Agent as soon as the floor plans were available.

Mr. Rose asked about minimum square footage requirements; the Agent responded that 250sf is required for a double-occupancy room per state code; local requirements specify that motels with cooking facilities need a minimum 400 sf. Mr. Ellis will prepare an as-built floor plan, reflecting exactly what is on the ground. The Agent suggested that the number of occupants should be also be provided.

Ms. Rose was in favor of proceeding with the public hearing to be able to hear from the tenants. The Board commenced with discussion about how to proceed. Ms. Rose respectfully requested that Mr. DelGizzi be present at the meeting; Mrs. DelGizzi confirmed she would be in attendance and would see what she could do about Mr. DelGizzi attending. Mr. Rose encouraged completion of the violation corrections as a show of good faith.

Motion by Mr. Rose to extend the license for 30 days. There was no second, but there was discussion. **Mr. Rose rescinded his motion.**

Motion by Mr. Rose to extend the license until October 3, 2019, and to proceed with the public hearing; seconded by Mr. Silva; Vote: 4-1-0, motion carries.

Governor Baker's declaration of a Public Health Emergency: Temporary prohibition on the sale and public display of vaping products in retail establishments & online issued 9-24-19

The Health Department notified tobacco retailers in Truro that they were required to cease and desist selling all vaping products in accordance with the declaration of emergency. The retailers were provided with a packet of information about the vaping ban and if they sold vaping products were also issued a cease and desist letter. Two out of five tobacco retailers sold vaping products and had removed the products preemptively.

The Agent provided the Board with a copy of the Town of Chatham's tobacco regulations regarding flavored tobacco products as a sample to review.

Water Resource Protection Regulations: proposed amendments (Continued from September 17 meeting)

Motion by Mr. Peters to continue the discussion to the next meeting; seconded by Mr. Rose; Vote: 5-0-0, motion carries.

III. REPORTS

DPW Director's Report

DPW Director Jarrod Cabral delivered his report. A copy of the report is attached hereto.

Health Agent's Report

- The Agent reported that Truro has not had another positive mosquito sample for EEE.
- The Agent made a presentation to the Board of Selectmen on September 24, 2019 to provide any update on EEE, rats and the Truro Motor Inn.

Report of the Chair

Ms. Rose discussed two current events:

- Silent Spring Institute was awarded a grant for a drinking water study, and Barnstable will be one of two towns of focus for the project due to PFAS contaminated water caused by foams in fire fighter training.
- The Cape Cod National Seashore is planning a Highland Light rehab project. The condition of the lighthouse has deteriorated quickly due to the excessive moisture caused by the change to the tower's ventilation system when the lighthouse was moved in 1996.
- The Town of Dennis is considering a ban on single-use plastic.

IV. MINUTES

September 3, 2019

Motion by Mr. Peters to approve the September 3, 2019 minutes; seconded by Mr. Silva;

Vote: 4-0-1, motion carries.

September 17, 2019

Motion by Mr. Rose to approve the September 17, 2019 minutes; seconded by Mr. Silva, 5-0-0, motion carries.

Ms. Rose thanked the Board for their attendance and participation at tonight's meeting.

Mr. Peters commented on the articles published by the Banner and the Cape Cod Times.

Motion by Mr. Rose to adjourn the meeting; seconded by Mr. Silva; Vote: 5-0-0, motion carries.

Respectfully Submitted,

Michelle Fogarty



Chair-Tracey Rose



Jason Silva, Vice-Chair



Mark Peters, Member



Tim Rose, Member



Peter Van Stratum, Clerk

