

Truro Board of Health Minutes

August 5, 2014

4:30 PM-Truro Town Hall

Members Present: Vice Chair-Tracey Rose, Clerk-Jason Silva, Tim Rose, Alternate-Ansel Chaplin, (Mark Peters arrived at 4:48 PM)

Members Absent: Chair-Dianne Eib

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Soullar, Richard Musick, Laurie Ferrari, Debbie DeMaria, Judy Wimer, Allen LaPlante, Joan Pizzigno, Emerson Breneman

REVIEW/APPROVE MINUTES

July 15, 2014 minutes

Tracey announced that she would be chairing the meeting today, as Dianne Eib was absent. She proceeded to inform the audience that the meeting was being videotaped, and asked if anyone in the audience was also making a recording. No one in the audience replied in the affirmative.

Ansel Chaplin made a motion to accept the minutes as presented.

Jason Silva seconded.

Vote: 3-0, (*Tim Rose abstained*), motion carries

REPORTS

Water Resources Oversight Committee

Tracey pointed out that Mark Peters was not present; therefore she deferred the report to the next Board of Health meeting.

Health Agent's Report

Last month, Pat sent a notice to establishments regarding the potassium iodide pill distribution. Back in 2007, she received emergency kits which contained information about pandemic flu, public health, as well as potassium iodide pills. Those pills have expired. She has a new stock, which the Truro CERT team will be distributing to the establishments. Anyone can come to the Health Department and pick up pills if they wish. Tracey asked if the CERT team had always distributed the pills. Pat stated that this is the first time they have used the team. Tracey wanted to know the shelf life of the pills. Pat told the Board that the pills are good for six years. Expired pills can be disposed of in regular household trash because potassium iodide is just a salt.

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 7/15/14).**

Pat reminded the Board that at their last meeting, they met with Elizabeth Walsh Carver, who will be the new manager for the property. A team inspection was done on July 24th, and July 28th. There are some

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corrections which need to be made. Due to the timing of the team inspections, the public hearing is going to be held on August 19th, for the change of manager. Tracey stated that they would vote to continue the hearing to the August 19th, but that at that time the Board would need to address some items in the inspection report which were not approved.

Tim asked if they held a license to operate. Pat replied that they do not have a license, and they are not operating.

Jason Silva made a motion to continue this public hearing item until August 19th, 2014.

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

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 7/15/14).

Pat explained that this is going to be a Change of Manager. Judy Wimer will be the new manager. The team inspection was done, and everything went well. Because of the timing of the team inspection, the public hearing for the change of manager is going to be held on August 19th. Tim wanted to confirm that no one was occupying the units, and that no license to operate had been issued. Tracey told Tim that the previous manager did not renew the license, and the owners were not aware of this. Pat added that the Board issued a temporary license while the change of manager was occurring. At this point, Judy Wimer approached the Board. She told the Board that Barbara Sternberg was the interim manager while she was away on vacation. Tracey let her know that they were just waiting for the legal ad to post one more week and asked that she attend the August 19th meeting. Judy said she could attend. Tracey then asked Pat if it was necessary for Judy to attend since the inspection found no issues. Pat said it was the Board's choice. Tracey told Judy to contact Pat to see if she would be needed at the next meeting.

Ansel Chaplin made a motion to continue this public hearing item until August 19th, 2014.

Jason Silva seconded.

Vote: 4-0, motion carries.

Tracey added that she wanted to note that since they had an approved team inspection, she did not see a reason why Judy would need to attend the next meeting. She did ask that Judy call and check with Pat before the meeting, just in case one of the absent Board of Health members have questions, and would like her to attend.

3. Richard Musick, Trustee, White Village Condominium Association, 334 Shore Rd, Truro BOH Regulation Section III, Article 4, Manager Regulation to Allow Off-Site Manager.

Richard Musick and Allen LaPlante approached the Board. Allen gave the Board some background information. Their property manager abruptly resigned mid-season. Out of the four trustees, at least two are on the property consistently. They would like to engage a full-time property manager to be responsible at all times, to cover the gap if one of the trustees is not on the property.

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Tracey reminded the Board that this was a variance to the regulations. Pat said that the regulations state that for 10 units or less, the establishment can apply for an off-site management company. This would be unique, since there are 16 units at this location. Pat has never received a complaint from White Village Condominium Association. Their condo documents do not specify a specific unit for the manager. The regulations have the manager handling the day-to-day operations, and responding to complaints within a thirty minute timeframe. If this is something which the Board wanted to entertain, they could look at requests on a case-by-case basis. They could see how White Village does during the season. If there were any complaints received through the Board of Health, then they would need to go back to an on-site manager. Allen pointed out that they are only in operation from April 1st, to about the first week in November.

(Mark Peters arrived)

Jason asked if there was a 24 hour phone number, or an answering service. Allen proposed a “pecking order” list of the trustees who are most readily available. Tim stated that he was familiar with Peters Property Management (the company who White Village has hired). He has heard from people who have hired Peters Property Management that they do very little hands-on work. They will check on a problem, and then farm it out to others to fix. Laurie Ferrari, from Peters Property Management, approached the Board. Laurie stated that every case is different. They try to minimize damage at the time the call is made. They, the management company, are not licensed plumbers, electricians, or licensed to fix septic systems. What they do, is try to minimize the damage happening, and then call the appropriate people. She has licensed professionals at her disposal. She may have to wait for someone to come and fix the issue, but she would be on-site. Mark asked what the regulation requires to have for number of units in order to have an on-site manager. Tracey responded, “ten”. Mark asked how many units were at White Village Condominium Association. Tracey responded, “sixteen”. Mark stated that it is difficult enough with an on premise manager, working for a condominium association, to exercise any control over the situation, because he/she is not an owner. He believes this is a further erosion of the control the Board of Health has on the conduct of a condominium association regarding egregious potential problems. The regulation was passed for a reason, on certain sized condominiums. Ansel was in agreement with Mark’s statements. Jason agrees that Peters Property Management does not have a vested interest in the business, other than their contractual obligation. That being said, you cannot have someone there supervising every unit, and every person. Where this association has not had any issues, possibly allowing the variance on a trial basis for a year might work. Jason also suggested having a location where people can go to when having a problem, such as a specific unit. Tim thought a simple solution may be that the people who are there the most could be the point of contact. That point of contact could then call Peters Property Management if there was an issue that they couldn’t fix. Mark stated that it has always been a policy of the Board of Health, with an on premise manager, to allow other people to be listed as assistant managers. The plumbing, and electrical aspects of a manager are not so much of an issue as are the social issues. An on-site manager addresses those issues. Mark also thought a unit had been listed as the manager’s unit, which Tracey informed him was not correct.

Mark Peters made a motion to deny the request for variance to Truro Board of Health Regulation, Section III, Article 4.

Ansel Chaplin seconded.

Vote: 3-2, motion carries.

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Discussion followed on what could be done next. Pat mentioned that the association could entertain the idea of having a list of on-site managers, along with employing Peters Property Management to assist. Tracey confirmed that both on-site and off-site managers have a thirty minute response time. Allen asked if it would satisfy the Board that one of the four trustees would be on the premises at all times, with a pecking order for contact. Mark stated that there needed to be a contact list of someone who will handle the social issues. Allen continued by asking if he provided Pat with a list of four trustees who are generally there, would that satisfy the Board. Mark stated that it would satisfy him. Allen continued, stating that the person on the top of the list would be the one most likely to respond initially, and so forth down the line. Pat asked Tracey if the Board wanted to do a Change of Manager. Tracey said that if the assistant manager wants to stay on the license, then a Change of Manager would not be necessary.

4. Peters Property Management for Corn Hill Condominium Association, 8-B Second Landing Way., Discussion of July 10, 2014 Order and Request for Extension of Time for Repair.

Laurie Ferrari approached the Board. There has been a temporary repair of the pipe. The association is in the process of obtaining an engineer to determine how the pipe broke. The owner of unit 8-A is very concerned because they have renters, and as part of the excavation, the walkway would be involved. Therefore, the association is asking for an extension of time until the end of October. Pat added some information about the temporary repair. The two inch pipe is above ground, and goes into the riser of the leach pit. The leach pit is over twelve feet deep, so this will require extensive excavation. They will also need to go back to the Conservation Commission for this work to be done. There is no public health threat right now.

Mark Peters made a motion to grant an extension to complete the repair to November 1st, 2014.

Ansel Chaplin seconded.

Vote: 5-0, motion carries.

5. Shirley A. Brothers Trust, c/o Joan Pizzigno, 586 Shore Rd., Discussion of Timeframe to Upgrade to Title 5 per June 18, 2014 Order to Upgrade.

Joan Pizzigno approached the Board. Pat stated that this is a cottage, served by a single cesspool. The cesspool collapsed, so Pat issued an emergency permit to James J. Roderick to abandon and fill it. She issued an order to correct, to complete the septic upgrade within ninety days from receipt of the letter. The letter was sent on June 18, 2014. Pat was contacted by Joan Pizzigno, who informed Pat that to do the upgrade would be a financial hardship. They have contacted Felco to begin the process of engineering a plan. Most likely the property is going to be put up for sale. Joan stated that it is not up for sale right now. *Tracey announced that she would recuse herself from voting on this item.* Pat stated that the property cannot be occupied because there is no working septic system. Joan added that the water and electricity have been shut off. Tracey advised the Board that they should require an engineered plan. They could then wait until there was a buyer, and a closing date. Joan could then revisit the Board of Health and ask for an extension of time for the upgrade. Mark pointed out that their regulations state an upgrade has to be done prior to closing. He asked Joan if she was aware of the county loan program for upgrades to Title V. She was aware of the program. Mark asked if it was

something she'd like to pursue, and she said she was not able to. Tracey stated it was due to financial hardship.

Mark Peters made a motion to amend the June 18, 2014 Order requiring an engineered plan be submitted by November 1st, 2014 with the condition that an update to the Board be provided on the status of the property (at least every 30 days).

Tim Rose seconded.

Vote: 5-0, motion carries.

6. Michael Breneman, Show Cause Hearing for Failure to Comply with the Order to Correct for Violations of the State Sanitary Code, 105 CMR 410.000. Chapter II: Minimum Standards of Fitness for Human Habitation for 25 Meetinghouse Road.

Emerson Breneman approached the Board. He told the Board that all of the items have been corrected except for the electrical issues. An electrician, Prudence Lawton, has been hired to do the work. A permit has been pulled. Pat stated that the electrical panel does not fit properly, and a fan needs to be installed in the bathroom. Tracey reminded the Board that they have been extremely patient. There has been some recent progress; however they need to remember the continuing timeline.

Ansel Chaplin made a motion to grant an extension to August 18, 2014 to complete the repairs with no further continuances.

Tim Rose seconded.

Vote: 5-0, motion carries.

Tracey suggested emailing a synopsis of today's meeting to Emerson. A discussion followed regarding how to eliminate a bedroom upstairs. There are four bedrooms, plus the basement would bring the count to five. The septic is designed for four bedrooms.

7. Debbie DeMaria, DD's Dressing, Inc. Approval of New Farmer's Market Retail Food Permit.

Debbie DeMaria approached the Board. Tracey noted that all her paperwork was in order. Debbie has been in business for 2 years in Osterville. Last year she was picked up by Whole Foods. Pat stated everything was in order. Their food processor is in CT, and a copy of their inspection report, and food service license has been included with the paperwork.

Mark Peters made a motion to approve the New Farmer's Market Retail Food Permit for Debbie DeMaria, DD's Dressing, Inc.

Tim Rose seconded.

Vote: 5-0, motion carries.

AGENDA ITEMS

None

LICENSING RENEWAL APPROVALS

- 1. Claudia Boespflug, Babe's Bakery Inc, 69 Shore Rd, North Truro. Food Service, Ice Cream, Bakery and Catering Licenses.**

Pat explained that this was just a typical renewal. Mark asked if they have been open for the past three years. Pat stated that three years ago they had leased the property, last year they opened up for one day. Tracey asked what was served for one day. Pat said, "Pastry and coffee". Mark asked what the status on the septic system was. Pat said they had a cesspool, and it was still functioning.

Mark Peters made a motion to approve the Food Service, Ice Cream, Bakery and Catering licenses for Claudia Boespflug, Babe's Bakery.

Tim Rose seconded.

Vote: 5-0, motion carries.

Tim Rose made a motion to adjourn at 5:45PM.

Jason Silva seconded.

Vote: 5-0, motion carries.

Chair-Dianne Eib

Vice Chair-Tracey Rose

Clerk-Jason Silva

Mark Peters

Tim Rose

Alternate-Ansel Chaplin