

Truro Board of Health Minutes

October 7, 2014

4:30 PM-Truro Town Hall

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

Members Absent: None

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, Will Breneman

REVIEW/APPROVE MINUTES

September 16, 2014 minutes

Dianne called the meeting to order at 4:30PM. She informed the audience that the meeting was being recorded, and asked if anyone else was making a recording. Hearing no answer in the affirmative, she proceeded to ask anyone coming to speak at the mike to state their name for the minutes.

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

Mark Peters seconded.

Vote: 5-0, motion carries.

REPORTS

Water Resources Oversight Committee

Mark was unable to attend this meeting, and the at-large member was unable to attend as well. He will contact Kevin to receive a report from him, and will pass that report along to the Board of Health members.

Health Agent's Report

Pat reminded everyone that the flu clinic was being held on October 8th from 1-3PM at the Community Center.

PUBLIC HEARINGS

- 1. 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.**

Dianne pointed out that Mr. Breneman was not present. Pat let the Board know that she and the electrical inspector conducted an inspection of 25 Meetinghouse Road today. All of the corrections have been made, regarding the electrical panel. The only issue was that the electrician punched out too many "punch-out" panels. Mr. Breneman is going to get the plates to cover those empty panels. Mark had a question regarding the basement apartment. He wanted to know if there was a duplication of kitchen facilities. Pat stated that there is not an adequate kitchen facility, but the Breneman's are not going to pursue a second dwelling apartment. Therefore, the basement apartment will only be deemed

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a bedroom. The cooking facilities on the main floor are being used. A bathroom fan was installed, as suggested by the Board of Health. It is Dianne's understanding that when a show cause hearing is ordered, the individual is required to attend. Pat stated that Dianne was correct.

Mark Peters made a motion to move this item to the end of the meeting.

Jason Silva seconded.

Vote: 5-0, motion carries.

The Board revisited this item at 5:00PM. Will Breneman approached the Board. He stated that everything has been fixed except for a couple of small punch out panels on the circuit board. He has replaced those and showed Pat some pictures of the completed panel. Pat confirmed that it was done to her satisfaction.

Tracey Rose made a motion to dismiss the show cause hearing.

Mark Peters seconded.

Vote: 5-0, motion carries.

AGENDA ITEMS:

**1. Discussion: Truro Board of Health Regulation Section III, Article 3, Manager Regulation
(continued from 9/16/14).**

Dianne was surprised at how many establishments did not have a contract with their management company. She also pointed out how some management companies admitted that their contracts were outdated. She was most impressed with RKM Property Management because they did address emergency services. She did not find that emergency services were addressed in the Peters Property Management contracts. Dianne thinks that the contracts need to have a clause addressing emergency services, because that, and the social issues, is what the Board of Health is most concerned with. Mark pointed out that in their permission for off-site managers, they require a 24/7 contact person, and a 30 minute response time. He called the Board's attention to page 6 of RKM Property Management's contract the section addressing "all aspects of emergency maintenance" has nothing to do with anything of a social aspect. Mark wants to review all contracts prior to approval to protect the travelling public. Tim added that in all the emergency services listed, there is nothing listing who they should contact for noise complaints (and the like) at a certain time when most businesses are closed. Tracey pointed out that both on-site and off-site property managers have a 30 minute response time. Tim agreed, but stated that there is nothing in the contract stating that they handle a social aspect type of complaint. Tracey stated that the Board is trying to see if they need to revisit their regulations, so they can make sure they have the proper language if they decide to allow an off-site manager. Their concerns would be covered and the off-site property management company can meet the Board's needs with a clause in their contract. Mark feels that the Board has an egregious situation with rampant Board of Health violations. Tim reiterated that items such as excessive noise or unruly tenants are not included in any of the contracts they reviewed. If the Board is going to agree to an establishment having an off-site property manager, the social aspects of managing a property have got to be included in the contract. Dianne feels that in perusing the contracts provided, the off-site management companies provide a lot

more than what an on-site manager would provide. Mark didn't think that was necessarily true. An onsite manager is responsible for the wellbeing and welfare of the tenants. The contracts the Board received are more maintenance agreements. Tracey feels that the Board needs to make a decision as to whether they are going to continue to allow off-site management companies. Along with that decision does the Board:

- A. Need to update their regulations to reflect their decision to allow off-site management companies.
- B. If the Board is allowing off-site management companies, they need to come up with a clause that will suit their needs, but one that will not be too restrictive for a management company to incorporate into their contracts.

Mark pointed out that off-site managers of anything over 10 units is not a right, it's a privilege. The Board is in the position to dictate how that privilege is administered. He would like to examine who is an off-site manager of more than 10 units. Dianne asked the Board what sort of other information would be helpful to them in making a decision. Tim thought they could just require that in every contract, it would have to be stated that someone would be available to handle any noise complaints (along with other emergencies). Tracey is not sure they can get so specific. Dianne would like to require that off-site managers have to appear before the Board of Health, just like on-site managers.

Dianne asked Noelle to put together a list for the Board which includes the names of all establishments, whether they are a condo, cottage colony, or motel, how many units are there, and how it's managed.

**Mark Peters made a motion to continue this item to their next scheduled meeting (October 21, 2014).
Tim Rose seconded.**

Vote: 5-0, motion carries.

2. Discussion: Proposed Amendments to Truro BOH Regulation Section III, Article 3, License Required and Section XVIII Fee Schedule, Proposed Fees for Operating without a valid license or permit.

Dianne thought the proposed fees and amendments looked fine. The fees for operating without a valid license were simply doubled. Pat stated that a legal ad would need to be published for a public hearing. Tim asked that if someone was operating without a license, would the Board need to hire a lawyer to collect the fees. Pat said "No, if they don't pay, they are operating without a license." The Board could then hold a show cause hearing.

Tracey Rose made a motion to approve the proposed amendments to Truro BOH Regulation Section III, Article 3, and the proposed fees for operating without a valid license or permit.

Mark Peters seconded.

Vote: 5-0, motion carries.

A legal ad will be posted for two weeks and a public hearing will follow at a date to be determined.

3. 2015 BOH Meeting Schedule.

Dianne confirmed that all Board members received their 2015 BOH Meeting Schedule.

4. Discussion: Update on joint meeting between BoS, BoH, and Recycling Committee regarding SMART (Save Money and Reduce Trash).

Tracey let the Board know that part of the Board of Selectmen's goals is to reduce costs at the Transfer Station. In the Charter, the Board of Selectmen can authorize the formation of a committee, and ask the Board of Health to join in and gather information to see if this is a viable project for the Town of Truro. Tracey met with Bob Weinstein last week to discuss the charge for the committee, and the makeup of the committee. The goal is to gather information to see if PAYT would be a cost savings, or if it would be revenue neutral. Tracey got a customized charge which she can email to all Board members for their review. They can make amendments if they feel it's necessary, but the final recommendation needs to be in the Selectmen's office by Wednesday afternoon to make the Selectmen's deadline for their packets. Tracey added that she volunteered to be the Board of Health member on the committee. Mark wanted to voice his opinion. He stated that Transfer Station administration has traditionally fallen under the purview of the Board of Health. He feels that the charge could have been given to the Board of Health to research, and then they could ask for help with an ad-hoc committee. This was not done. He feels that, once again, the Selectmen have called upon themselves "to produce a horse and they are producing a two-legged camel". He has no doubt that representatives from other towns will claim PAYT is a glowing success; however he has spoken to three people from Wellfleet who stated that despite the color of the bags which are required for the Town of Wellfleet, there are still black bags showing up in the hopper. He thinks the Board needs to address the administration at the Transfer Station, the attendance thereof, and how it's operated. They can pass all the regulations, and require all the colored bags they want, but it won't help in the reduction of waste to SEMASS if they don't have this administered in an intelligent manner. He's interested in seeing what administrative costs this will generate. He doesn't want to negate it, as it may work out to their benefit. Dianne wanted to clarify that she met with Bob Weinstein, and Jay Coburn, who asked for her opinion on how to approach this subject. Dianne suggested to them that they create a town-wide committee. The Board of Health will have the ultimate say in the matter. It has not been removed from their hands. She feels that they need as much input from as many people as they can get. Tracey added that the Chairman of the Board of Selectmen did delineate in their first meeting that the ultimate decision lies with the Board of Health.

LICENSING RENEWAL APPROVALS

None

Tim Rose made a motion to adjourn the meeting at 5:15PM.

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