

Truro Board of Health Minutes

May 6, 2014

4:30 PM-Truro Town Hall

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

Members Absent: None

Present: Health Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, David Stamatis, Maria Lemanis, Diane Costa, William Costa, Russell Braun, Will Breneman

REVIEW/APPROVE MINUTES

Dianne called the meeting to order at 4:30PM. She advised the audience that the meeting was being recorded, and asked if anyone else was doing the same. Hearing no reply in the affirmative, she continued by asking anyone coming up to speak to state their name for the minutes.

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

Tim Rose seconded.

Vote: 5-0, motion carries.

REPORTS

Water Resources Oversight Committee

Per Mark, WROC did meet, and discuss a proposal for a concrete/asphalt crushing business at 1 Noons Road, which is in Zone 2 of South Hollow well field. Many people are cognizant of the problem that occurred many years ago (at the junction of Route 6 and 6A), in which 10 to 20 thousand gallons of gasoline inadvertently leaked out of a gas tank, and adversely affected a number of people and properties. The test wells are still in that area. This proposed operation theoretically will use cesspools (or septic systems) which are not going to be tested. There may be contaminants of sulfuric acid, and other contaminants. WROC is extremely concerned about this happening in a Zone 2 area, as are many of the abutters. Mark thinks that WROC and BOH will be visiting this issue again.

Tracey added that WROC did submit a statement to the Zoning Board of Appeals, and cc'd to the Planning Board, indicating their concern with a proposed application for an ABC permit in that area. To the best of her knowledge, there has not been an accepted application. The application is in process. The Planning Board was meeting tonight (5/6/14) and the application was on their agenda. WROC did go on record stating their concern. At WROC's last meeting, the Provincetown Water and Sewer Board also created a letter, and submitted it. Tracey is certain that the Board of Health has a vested interest as well. Tracey asked Pat, should the applicant (in a Zone 2 area) apply for a new ABC permit, does the Board of Health get copied while the application goes to DEP? Pat stated that the application would go to DEP, at which point it would be reviewed by both the DEP and the Board of Health. That is when the Board of Health can act on the application. Mark continued by stating what concerned WROC was the fact that not one, but two, cease and desist orders had occurred. Along with those, there had also been a cease and desist order from the Barnstable

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Superior Court. The last action finally persuaded the owners of the property to cease and desist what they were doing. Despite their presentations to the Planning Board regarding their alleged cooperation, he feels that the Board of Health should be well aware that given their conduct, the “well has been poisoned” as far as credibility goes. Tracey asked Pat how many people the South Hollow well field service. Pat said that it serves all of Provincetown, and approximately 15% of Truro from Beach Point, along Route 6A, and ends at the Truro Central School, and Sweet and Savory. Tracey surmised that should there be a contamination issue down the road the Town of Truro would be responsible for footing the bill. She wanted everyone to be aware of all the facts.

Health Agent’s Report

Pat gave the Board an update on 4 Town Hall Road. All of the corrections have been made, and she issued a letter of compliance on May 2, 2014.

PUBLIC HEARINGS

1. David Stamatis, Billingsgate Charters, Approval of Farmer’s Market Retail Food Permit.

David Stamatis approached the Board. None of the Board members had questions for him. Tracey noted that all the paperwork had been turned in. Dianne added that Pat had signed off, approving his application.

Mark Peters made a motion to grant a Farmer’s Market Retail Food Permit to David Stamatis, Billingsgate Charters.

Tracey Rose seconded.

Vote: 5-0, motion carries.

2. Maria Lemanis, Approval of Farmer’s Market Retail Food Permit.

Anna Lemanis, mother of Maria, approached the Board. Anna stated that Maria wanted to sell olives, and olive oil. She has not decided if she wants to sell spoon sweets yet. Tracey asked what spoon sweets were. Anna said that it’s usually an in-season fruit, which is preserved, and then poured over yogurt. Tracey informed Anna that should Maria decide to sell that, she will have to come back with an amended application. Pat agreed, saying that they could approve the olive oil, and olives. Maria can come back with another application for the processed food.

Mark Peters made a motion to grant a Farmer’s Market Retail Food Permit to Maria Lemanis.

Tracey Rose seconded.

Vote: 5-0, motion carries.

3. William Costa, Request for Determination of Flow for Seating, 310 CMR 15.203, 316 Route 6.

Diane and William Costa approached the Board. They are before the Board to change the flow per seat from 35 gallons per seat to 20 gallons per seat. Tracey asked what caused them to change the flow. Diane stated that they were in the middle of doing some changes. In doing so, they discovered that there was a discrepancy that needed correcting. When they originally opened the flow between the ice cream side, and the food side, they thought that perhaps in the translation of the paperwork, there should be some definition on how the building is being used. Dianne asked Pat to explain how the building qualifies for 20 gallons per seat. Pat stated that under Title V, there are three established flows for food service establishments.

1. 35 gallons per day per seat.
2. 150 gallons per day per seat (for a restaurant on a through-way/service area on the highway).
3. 20 gallons per day per seat (designated for fast food restaurants).

The 35 gallons per day, per seat is for where there is food served on tableware, there is wait service, non-disposable plates, and glasses are used. Those items would be taken to a dishwasher, so the flow is a bit more than a fast food location, where you typically go up, order food wrapped in paper (or served on a paper plate). There is no wait service or washing of utensils. Mark's understanding was that if you go up to order your food, and everything is disposable, a 20 gallon per day per seat designation would be applicable. Dianne made sure Diane and William understood that everything needed to be disposable. Diane stated that everything they use is recyclable. Tracey asked if this would have an impact on the project they were currently working on. Diane stated that it would not.

Tracey Rose made a motion to approve the change for the determination of flow for seating at 316 Route 6, with the condition that it's restricted to disposable utensils, and dinnerware, and that no wait service should be provided.

Mark Peters seconded.

Vote: 5-0, motion carries.

- 4. Russell Braun, SeaHaven Condominiums, 510 Shore Road and Sunrise Cottages, 497 Shore Road for Failure to obtain a license to operate in accordance with the Truro Board of Health Regulation, Section III, Article 3, *License Required*. (continued from 4/15/14).**

Russell Braun approached the Board. Dianne stated to Russell that this was a show cause hearing, and asked if he knew why he was there. Russell replied "yes". Dianne referred to a letter written by Russell in which he stated that the issue was his fault. Dianne told Russell that they were holding the show cause hearing so that it was a matter of public record, and she wanted to make sure he understood what the rules and regulations were. Russell believed that the smoke detector test had to be performed in the year you were licensed, so they always held off that inspection until the spring. If he can have the test done before they close in November, he will be all set. Dianne let him know that the Board would not be issuing any temporary permits in the future. If he opens without a license he can, and will, be fined daily. Russell stated that he understood. Tim mentioned concern with having a test done in December, and then having something happen to the system while they are closed. Russell said that they turn the power off in the beginning of December. The CO detectors, in particular, are "battery hogs". Invariably, what happens when they turn the power back on in the spring, the CO detectors go

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off. If he has the test done at the end of November, or the beginning of December, he will be changing items out in the spring anyway.

5. Will Breneman for Michael Breneman, Update and Request for Extension of Time to Correct Violations of the State Sanitary Code Chapter II, Minimum Standards of Fitness for Human Habitation, 105 CMR 410.000, 25 Meetinghouse Rd.

Will Breneman approached the Board. Dianne asked Pat what was left for safety issues. Pat told the Board that there were eight items on March 18th correction order. Items number one, two, three, and five are completed. Those three items were the big safety issues. The tenant in the shed has moved out, and is now in the main house until he finds housing. The gentleman has a housing appointment scheduled for May 15th. There are some maintenance issues outstanding with the roof, deck, and the electrical panel is not sitting correctly on the wall. Will stated that his electrician came over and installed the smoke/co detectors, but did not have time to address the electrical panel. The electrician will be coming back, therefore Will is asking for more time. He is also looking for a contractor to finish the roof. Mark asked what Will felt was an appropriate amount of time to get these items completed. Will thought that 30 days would be ample time. Mark told Will that if he should run into a problem within those 30 days, that he needs to contact Pat. Dianne added that he would need to come back before the Board if he ran into an issue, and that when the issues are corrected, he needs to contact Pat for an inspection. Tracey wanted to know, since Will has been before the Board for the same issue, is it his intent to always offer housing for people. He does offer rooms to people, and he knows Truro is looking for low income housing. He offers housing to working people. Tracey let him know that he could seek a variance through the Zoning Board of Appeals if he wishes to offer affordable units. Pat interjected to say she'd spoken to Michael Breneman to let him know that the way he was using the house would fall under a "rooming house" designation. He is renting rooms to four or more unrelated people. Pat was wondering if they could seek a permitting process to get the home licensed as a rooming house. Dianne asked if they were agreeable to that. Pat stated it would be the way to go if they wish to continue renting. Will thought that the way their mortgage was set up, they would not be able to do that. He said that he would be using only the bedrooms available under zoning for renting, going forward.

Mark Peters made a motion to grant a 30 day extension for compliance with conditions.

Tim Rose seconded.

Vote: 5-0, motion carries.

6. Jacqueline David, Hi-Land View Cottages, 17 Coast Guard Road, Failure to obtain a license to operate in accordance with the Truro Board of Health Regulation, Section III, Article 3, *License Required*.

Dianne told the Board that Jacqueline was unable to attend the meeting. Mark asked if a license had been issued. A license has not been issued, and she's been operating since April 1, 2014. This is the first time this business has come before the Board. Dianne suggested issuing a temporary license, which

would be good until their next meeting on May 27, 2014. Jacqueline will still have to appear before the Board on that date, or no permanent license will be issued.

Mark Peters made a motion to issue a temporary license, good until May 27, 2014, with the condition that Ms. David appear before the Board on May 27, 2014.

Tim Rose seconded.

Vote: 5-0, motion carries.

7. Approval of Variance to 105 CMR 445.000, Minimum Standards for Bathing Beaches, Sampling Reduction for Cold Storage Beach.

A sanitary survey was done in August of last year. Cold Storage Beach is eligible for a tier 3 status due to its low priority ranking of 17 points. 17 points means that it's a beach that is not heavily polluted. The beach is eligible for a variance on the sampling. The Board of Health would approve, and the final decision goes to the State Department of Public Health, their Bureau of Environmental Health. Pat recommends the Board's approval. All of Truro's beaches are tier 3, except for Pamet Harbor. The State does provide funding for the sampling of public beaches.

Tracey Rose made a motion to accept Pat's suggestion for approving the variance to 105 CMR 445.000, Minimum Standards for Bathing Beaches, Sampling Reduction for Cold Storage Beach.

Mark Peters seconded.

Vote: 5-0, motion carries.

AGENDA ITEMS:

None

LICENSING RENEWAL APPROVALS

- 1. Russell Braun, SeaHaven Condominiums, 510 Shore Rd and Sunrise Cottages, 497 Shore Rd, Motel License.**
- 2. Jacqueline David, Hi-Land View Cottages, 17 Coast Guard Rd, Motel License.**
- 3. Kevin Rice, Payomet Performing Arts, Food Establishment License.**
- 4. Arthur/Jason Kuliopulos, White Sands Beach Club, Food Establishment License.**
- 5. Thomas Scherer, Bayview Village Condominiums, Condo License.**
- 6. Audre Cerra, Sunset Village Condominiums, Condo License.**
- 7. Joel/Barry Tandler, Cape View Motel, Motel License.**

Dianne asked if all seven applicants were in good standing. Noelle and Pat responded, "yes". Dianne stated that applicants 1, 3, 4, 5, 6, and 7 would get permanent licenses.

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**Mark Peters made a motion to grant licenses to applicants 1, 3, 4, 5, 6, and 7.
Tracey Rose seconded.
Vote: 5-0, motion carries.**

**Mark Peters made a motion to grant a temporary license to applicant number 2.
Tracey Rose seconded.
Vote: 5-0, motion carries.**

**Mark Peters made a motion to adjourn at 5:10PM.
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