

Truro Board of Health Minutes
August 16, 2016
4:30 PM-Truro Town Hall

**Members Present: Chair Tracey Rose, Member Mark Peters, Vice Chair Jason Silva, Member Ansel Chaplin, Member Tim Rose, Alternate Member Peter Van Stratum
Agent Pat Pajaron**

Chair Tracey Rose called the meeting to order at 4:30PM. Chair Rose stated that the meeting was being recorded and asked if anyone from the public was recording as well. No one replied in the affirmative. Mr. Peters asked Chair Rose if someone was recording the meeting if it is a violation of the law. Chair Rose replied that the Board needs to be aware if someone is recording and that it is not a violation of the opening meeting law.

PUBLIC COMMENTS

Chair Rose asked if anyone in the audience had an issue or concern to bring forward to the Board. No one in the audience replied.

REVIEW/APPROVE MINUTES

August 2, 2016

Chair Rose asked whether any of the Board members had changes or amendments to the minutes.

Mr. Peters stated on page 3 of the minutes that his question whether the 200 gallon propane tank is adequate and the lack of pursuing of a tight tank and lack of heating source for this dwelling.

Chair Rose stated that a tight tank was not pursued because all other options must be explored. Agent Pajaron stated that if with variances, a Title 5 system must be proposed. In the case with the 24 Pond Road upgrade, a Title 5 system could not be installed because both a well variance and depth to groundwater variance was proposed, so a tight tank was the option. Agent Pajaron also stated that the State Housing Code requires a heating source in compliance with all applicable Building Codes, and that a fireplace and wood stove is not acceptable for a primary source of heat.

Jason Silva moved to approve the minutes as presented.

Tim Rose seconded.

Vote: 4-0-1, motion carries. Mark Peters abstained.

REPORTS

Water Resources Oversight Committee

Mr. Peters stated no report at this time.

Health Agent's Report

Agent Pajaron stated that the seasonal food service inspections have been completed and that the last day for bathing beach water quality sampling is August 30th. Agent Pajaron also reported that Noons Landing, Beach Point Landing and Cold Storage Beach were closed two weeks ago due to shark sightings.

Agent Pajaron reported to the Board that she and Asst. Health/Conservation Agent responded to a complaint at the Captains Choice at 4 Highland Road. The nature of the complaint was regarding the number of outdoor service. The inspection revealed that the number of outdoor seats exceeded the

number of seats stated on the license. Agent Pajaron stated that she discussed the septic capacity of the septic with Mr. Chris King and managers Kristy and Robert Wageman, which is only designed for 16 seats at 35 gallons per day per seat and not for 59 outdoor seats as observed for full table service. Agent Pajaron stated that the number of seats will return to the approved 16 indoor and 24 outdoor seats with paper service. Agent Pajaron reported that the owner may come before the Board in the future to discuss plans for upgrading the property.

Mr. Peters questioned the origin of the complaint and identity of the complainant. Mr. Peters stated that there should be a protocol when investigating a complaint of this nature. Mr. Peters stated that a phone call, letter or a visit to the establishment after hours to address the situation would have sufficed since this was not an eminent health hazard. Mr. Peters will prepare a draft protocol on handling these types of matters for the Board to review at the next meeting.

PUBLIC HEARINGS

1. Elaine Brigman, Ebb Tide on the Bay, 538 Shore Rd., Unit 1, Change of Manager; On site Manager with Peter's Property Management as Off-Site Manager and Request for Waiver of Team Inspection

Ms. Brigman, owner of Unit 1, approached the Board. Ms. Brigman stated that Unit 1 was always designated as the manager's unit and that a few years ago she was taken off and Peters Property Management was designated on as the manager. Chair Rose asked agent Pajaron with update on this property. Agent Pajaron stated that Peter's Property Management and Jeff Perry were the listed as the manager's for this property. Jeff Perry left and now Peter's Property Management is the only manager for this property. The Board requested a team inspection which was conducted in April of this year. The team inspection revealed some deficiencies that needed to be corrected, such as replacement of the smoke detectors, which was completed. Applicant is requesting a waiver of the team inspection.

Mark Peters moved to approve the Change of Manager; Elaine Brigman, Unit 1 as the onsite manager and Peter's Property Management as off-site manager and grant the request for waiver for team inspection for Ebb Tide on the Bay.

Tim Rose seconded. Vote: 5-0-0, motion carries.

2. David DeWitt, Sustainable Cape, Approval of Temporary Food Service Permits for TruroAgFair, September 4, 2016:
Benjamin Trusiak, Shuck Truck
John Arsenaault, Solace (Mobile Food Vendor)
Peter Crosen, Indian Neck Selects
Sustainable Cape
Charles Grimm, Saltbox Candy
Lorna Kaplan, Cape Cod Chai
David Lewis, Lewis Brothers Homemade Ice Cream
Maria Lemanis, Monopati
Tim Friary, Cape Cod Organic Farm
Mary DeBartolo, The Local Scoop

Chair Rose informed the Board that she spoke with Agent Pajaron last week about the applications and to save paper, she could give a summary of the temporary food service permit applications. Ms. Pajaron provided a summary of the applications along with a list conditions applicable to the type of food service proposed that will be attached to the permit. Chair Rose stated that Agent Pajaron has reviewed them and asked the Board if they have questions. Chair Rose read for the record the above listed applications submitted for review and approval. There were no questions from the Board.

Mark Peters moved to approve the stated temporary food service applications for the TruroAg Fair. Tim Rose seconded. Vote: 5-0-0, motion carries.

Chair Rose asked the Board if they were opposed to the way the food service applications were presented. There were no objections from the Board

3. Charles Fitzpatrick, 16 Windigo Lane Ocwen Loan Servicing LLC (Owner), Variance Request to Truro Board of Health Regulation, Section VI, Article 3(1)a. Required Upgrade Upon Transfer of Property, Section II, Article 4(4) Upgrade of Fuel Storage Tank, Section VIII, Article 6 Test of Water Quality Upon Transfer of Real Estate

Chair Rose recused herself and Jason Silva took over as Chair to run the meeting. Mr. Fitzpatrick approached the Board. Mr. Silva stated that the first thing that will need to be done is a walkthrough of the dwelling to determine the number of bedrooms. Agent Pajaron stated that the assessor's property card has it listed as three bedrooms, however a floor plan on file with the Building Department when the house was constructed indicates four bedrooms. Mr. Silva stated that a garbage grinder was noted in the septic system inspection report, and it will have to be removed or the leach field designed to accommodate a garbage grinder. Questions arose from the Board regarding the size of the lot since it is only a three quarter acre lot and the dwelling having 4 bedrooms. Mr. Fitzpatrick stated that there is a lot of work needed on the house due to a water leak that occurred in the basement. Mr. Silva informed the applicant that the first priority will be to have the septic upgraded and then work on the other issues in the house.

Tim Rose moved to approve the variances as requested Section VI, Article 3(1)a., Required Upgrade Upon Transfer of Property Section II, Article 4(4) Upgrade of Fuel Storage Tank, Section VIII, Article 6 Test of Water Quality Upon Transfer of Real Estate and that the new owner complete the upgrades and submit results of the well water sample within 60 days of the closing date.

Mark Peters seconded. Vote: 4-0-0, motion carries. Tracey Rose recused herself.

AGENDA ITEMS

None.

LICENSING RENEWAL APPROVALS

None

Chair Rose made one comment regarding the Agent's report on Captains Choice. Chair Rose stated that the business was not closed by the health department and there was complaint that the Agent responded to. She stated that the Agent is actively working with the business owners to come to a

resolution. Chair Rose asked if Mr. Peters would like to bring something before the Board at the next meeting on protocol regarding these situations.

Agent Pajaron stated for the record that she identifies herself when entering an establishment to investigate a complaint. She stated that she did not raise her voice or enter the establishment in an unprofessional manner. An onsite inspection for a food establishment is conducted when a complaint is received by the Health Department. Mr. Peters asked whether they were in violation of seating capacity. Agent Pajaron stated yes and that a seating count was done which revealed 59 outdoor seats. She stated that a copy of their license was brought to the establishment showing the number of seats. Agent Pajaron reported to the Board that there was some misunderstanding from the managers on the approved seating capacity, which they thought the certificate of occupancy issued by the Building Department is the approved seating capacity.


Mr. Peters motioned to adjourn.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

Meeting adjourned at 5:48PM

Respectfully submitted,



Patricia Pajaron
Agent to the Board of Health



Chair-Tracey Rose


Vice Chair-Jason Silva


Clerk-Mark Peters


Ansel Chaplin


Tim Rose


Peter Van Stratum (Alternate Member)

