

Truro Board of Health Minutes
December 6, 2016
4:30 PM-Truro Town Hall

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

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose stated that the meeting was being recorded and asked if anyone else in the audience was recording. No one replied in the affirmative.

PUBLIC COMMENTS

None.

REVIEW/APPROVE MINUTES

November 1, 2016

Mr. Silva moved to approve the minutes as presented.
Mr. Van Stratum seconded.
Vote: 3-0-1, motion carries with Mr. Peters abstaining.

November 16, 2016

Mr. Peters moved to approve the minutes as presented.
Mr. Silva seconded.
Vote: 3-0-1, motion carries with Mr. Van Stratum abstaining.

REPORTS

Water Resources Oversight Committee

Mr. Peters discussed the joint meeting with the Board of Health and Planning Board on November 16, 2016. The Town Planner and Planning Board would like to be continually updated on the water testing progress.

Health Agent's Report

Barnstable County has received funding to install an experimental non-proprietary septic systems at twenty or so residences. The non-proprietary system uses wood chips or sawdust, a carbon source for nitrogen removal. Under the program the participants will be subsidized with \$10,000 toward the cost of the design and installation along with two years of monitoring. Informational sessions with regards to these systems will be taking place in the beginning of 2017.

PUBLIC HEARINGS

- 1. Salvatore Fiumara, 96 Castle Road, Request for Variance to Truro Board of Health Regulation Section VI, Article 2 Variances and Article 8: Required Setback for System Components (continued from 11/16/16)**

David Lajoie of FELCO, Inc. submitted a request to continue the hearing to the December 21, 2016 meeting.

Mr. Peters moved to continue the hearing to the December 21, 2016 meeting.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

- 2. Richard Littauer, 1 Mill Pond Road, Request Permission to Use Personal Motor Vehicle for Temporary Housing, 105 CMR 410. 430**

Mr. Littauer approached the Board and read his written request dated November 29, 2016 to live in his vehicle on the property. Ms. Pajaron informed the Board that she has been involved with this situation for over a year. She stated that a report was made to Elder Services Adult Protective Services in October 2015 and has been working with the Truro COA and the Police Department on referrals for services that may be available. Ms. Pajaron informed the Board that the vehicle used for sleeping and living purposes and violates 105 CMR 410.000, State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation. The vehicle falls under the definition of temporary housing and under 15.430, requires BOH permission. She informed the Board that there is no sanitary facilities or running water on site and that Mr. Littauer has admitted to her that he has been sleeping in vehicle. Ms. Rose asked if he has permission from the Trustees of Mill Pond Investment Trust to stay on the property. Mr. Littauer did not answer the question and continued to refute the ownership on record. Ms. Rose read a complaint into the record from neighbor at 8 Mill Pond Rd. Conversation ensued regarding ownership of 1 and 8 Mill Pond Rd. Mr. Peters questioned whether there was a time frame associated with Mr. Littauer's request. Ms. Rose reminded her fellow Board members that Mr. Littauer has declined help from Elder Services and Truro Council on Aging. Mr. Littauer refuted this statement and said that no one has ever offered him a place to stay.

Mr. Silva motioned to deny Mr. Richard Littauer's request to use the personal motor vehicle for temporary housing.

Mr. Peters seconded.

Vote: 5-0-0, motion carries.

- 3. Thomas Littauer and Richard Littauer, 1 Mill Pond Road, Hearing to Determine Whether the December 1, 2016 Emergency Condemnation Order/Order to Vacate, 105 CMR 410.000, The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation to Vacate Should be Affirmed, Vacated or Revised**

Mr. Peters moved to affirm the Condemnation Order/Order to Vacate.

Mr. Silva seconded.

Mr. Littauer approached the Board and stated that he did not receive the Order because he does not pick up his mail every day. Mr. Littauer was given a copy of the Emergency Condemnation Order/Order to Vacate. Ms. Pajaron stated that she has been to property several times, most recently on November 30, 2016. She reported to the Board that there is a sport utility vehicle parked on the property, and that there are no structures, dwelling, running water or sanitary facilities. Ms. Pajaron explained to the Board that this Order specifically precludes him from using the property in any way, to include gardening. Mr. Littauer stated is concerned about not be allowed on the property since he grows vegetables for food and most of his belongings are stored there. Ms. Pajaron stated that the Board must either affirm, vacate or revise the Order. Mr. Peters amended his prior motion by giving Mr. Littauer permission to use the property for farming purposes. Mr. Peters withdrew his motion.

The Board continued discussion on the contents of the Order. Hearing all relevant evidence and Mr. Littauer's concerns the Board voted to modify the Order.

Mr. Rose motioned to modify the December 1, 2015 Emergency Condemnation Order/Order to Vacate, 105 CMR 410.000, The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, to allow Richard Littauer to be on the property located at 1 Mill Pond Road only from 7AM to 3PM, daily through April 6, 2017, with the condition that no camping, sleeping, living, and/or cooking occurs on the property and that written permission is obtained from the property owner Mr. Thomas Littauer, allowing access.

Mr. Peters seconded.

Vote: 3-2-0, motion carries.

AGENDA ITEMS

1. Update on Pay As You Throw/Save Money And Reduce Trash (continued from 11/16/16)

Ms. Rose informed the Board that DPW Director Jarrod Cabral will be at their December 21, 2016 to give an update on the Transfer Station.

Mr. Peters moved to continue the discussion to the December 21, 2016 meeting.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

LICENSING RENEWAL APPROVALS

- 1. Tim McNulty, Manager, MJM Truro LLC, 8 Highland Rd., Motel License**
- 2. Bernard Matrango, Manager, White Caps Cottages, 127 Shore Rd., Motel License**
- 3. Kurt Schmidt and Laura Wood, Managers, Little Pamet Condominiums, 226 RT6, Motel License**
- 4. Samuel Bradford, Manager, Cape View Motel, 364 RT6, Motel License**
- 5. Steven Hirschboeck, On-Site Manager, and Peters Property Management as off-site Manager, Anchorage on the Bay Condominiums, 596 Shore Rd., Motel License**

There were a few minor corrections needed on a few of the applications that the Board wanted corrected before Ms. Pajaron released of the licenses.

Mr. Peters moved to approve license renewals 1-5.

Mr. Rose seconded.

Vote: 5-0-0, motion carries.

Mr. Rose motioned to adjourn.

Mr. Silva seconded.

Vote: 5-0-0, motion carries.

Respectfully submitted,

Arozana Davis, BOH Secretary

Chair-Tracey Rose

Vice Chair-Jason Silva

Clerk-Mark Peters

Ansel Chaplin

Tim Rose

Peter Van Stratum, Alternate