

Minutes of the Truro Board of Health, Tuesday December 5, 2023

This was a hybrid meeting, members of the Board and staff were in person at Truro Town Hall in the Select Board chambers.

Board members in attendance: Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Helen Grimm, Tim Rose and Alternate Member Candida Monteith; Absent: Member Brian Koll
Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

The meeting was called to order at 4:35 pm by the Chair, who described the remote meeting procedures and the process for public participation.

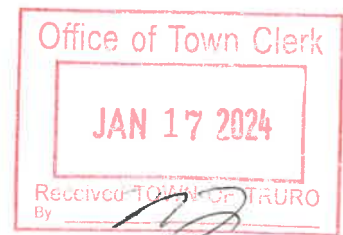
Public Comment: There was no public comment.

Title 5-Local upgrade approval: An upgrade design plan for Marion O. Joseph, owner of 22 Shore Road was presented by John O'Reilly. The property is a licensed cottage colony, and currently served by cesspools. The design flow at this location exceeds 600 gpd, therefore the proposed upgrade will use a septi-tech treatment system. The sole item for the Boards approval is the variance from the minimum setback to the catch basin, which would be mitigated. The Chair thanked Mr. O'Reilly for submitting the Nitrogen loading calculations, which demonstrates how the use of the septi-tech treatment would reduce the nitrate load on the property. **Motion:** Board member Jason Silva moved to approve the local upgrade request; **Second:** Board member Tim Rose; **Vote:** 3-0-1, with Board member Helen Grimm abstaining. The motion carried.

Waiver of Time request: The new title 5 system at 18 Sandpiper Road has been installed, and not connected to the house yet; the sale of the house is pending, and the homeowner Hila Feil asked for a waiver to allow the new owners to do the plumbing work required. Assistant Agent Courtney Warren added that the new owners anticipated doing renovations to the building and had agreed to do the plumbing work. **Motion:** Board member Jason Silva moved to approve the waiver for a 6 month period to complete the connection to the system with the contingency that the house remains unoccupied until the work is completed. **Second:** Board member Tim Rose; **Vote:** 5-0, the motion carried.

Waiver of Time Extension: 45 Corn Hill Road, owned by the Rose Family Trust. The Chair explained that neither she nor Board member Tim Rose would be voting on this matter. Rich Newberg, the prospective buyer for 45 Corn Hill, sought to extend a previously granted extension to install after closing, for an additional 90 days. He stated he would be working with Corey Brundage to install the approved plan. Mr. Newberg said that he was aware that the property may not be occupied until the upgrade is completed. Board member Tim Rose suggested that the date be March 15, 2024.

Motion: Board member Helen Grimm moved to approve the waiver until March 15, 2024. **Second:** Board member Jason Silva; **Vote:** 3-0-2, with Chair Tracey Rose and Member Tim Rose both abstaining; the motion carried.



Discussion on ACO (Administrative Consent Order) request: 12 Secor Lane is owned by Peter Swanson. The structure is served by a cesspool, it is seasonal and has been vacant since about 2010. He plans to sell the property, but it is not listed. He described the property as being very near the water, and a possible move to safer ground may be in the future and would impact a septic design. He said the well-water pump is not functional, and he would disconnect it from the fuse box. The Health Agent described the property and the ACO process as it might apply to the upgrade of the system. The lack of use and difficult access are 2 issues that have stalled any possible upgrade process, therefore the ACO is being recommended as a way to allow the property owner to have plans developed as he prepares to sell the property. The Agent asked the Board to consider the concept of the ACO.

Tim Rose suggested that the property owner consider filling in the cesspool, and he moved that the action be approved. The Chair asked for a second.

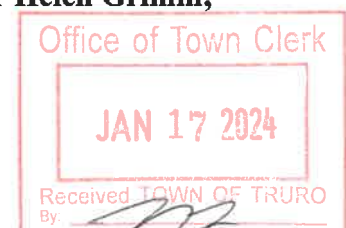
Board member Jason Silva asked if the cesspool was in Conservation jurisdiction? He then suggested disconnecting the pump would be the easiest thing to do. In the absence of a second for the motion she asked Member Tim Rose if he would like to rescind the motion. He agreed and moved to accept the original proposal. **Motion:** Board member Tim Rose moved to approve the concept of the ACO moving forward and disconnecting the pump at this property in the meantime; **Second:** Board member Helen Grimm; **Vote:** 5-0, the motion carried.

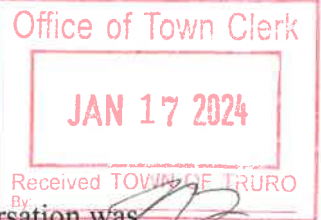
Preliminary subdivision plans: 9B Benson Road. The Chair asked the Agent for background information. The Agent provided the Board with the comments made to the planning Board on behalf of the Board. A definitive subdivision plan has not yet been filed. No action by the Board was required.

Discussion of process for ACO list- The Agent provided the Board with a list of properties on Shore Road that are eligible for an ACO (Administrative Consent Order). The Agent asked the Board to approve the list as appropriate for ACO's and formally accept proceeding with ACOs at these addresses understanding that each would need to come before the Board to request the variance and ACO. The ACO would spell out that design plans would need to be developed by a date certain, as the exploration of the feasibility of connecting to the Provincetown Municipal Sewer system. The properties are: 379, 274, 654, 674, 676, 462, 398, 420, 392, and 492 Shore Road.

The Chair suggested that the ACO variances should be requested by June 30, 2024, and described the ACO process as her family in Provincetown has experienced it stating, **"It takes time"**. There was discussion about a motion. The Health Department would move forward with discussing ACOs with these property owners, and they would return to the Board by June 30 to complete the ACO process.

Motion: Board member Jason Silva moved to accept the following properties to move forward with ACOs in lieu of immediate upgrade by 12/31/2023, further, the ACOs will be completed by the variance process by June 30, 2024. The properties are: 379, 274, 654, 674, 676, 462, 398, 420, 392, and 492 Shore Road. **Second:** Board member Helen Grimm;





Vote: 4-0-1, with Board member Tim Rose abstaining. The motion carried.

Discussion regarding off-site and on-site manager requirements - This conversation was requested by Priscilla Silva from RKM Property Management following a Board of Health discussion with Lexvest, earlier in the year. RKM asked to discuss how they might act as On-site property managers for some of their clients, for whom RKM is now the Off-site manager.

The Agent opened the conversation suggesting that the Board of Health's conversation with Vacasa at Sandbars in the Spring highlighted why having an on-site manager really is important to the occupants and the neighborhood because someone representing the association needs to be on call. Priscilla stated that usually the on-site manager is a Trustee of the Association, but RKM is often the party who is called when there is a problem, even though they are the off-site managers. Board member Helen Grimm asked for information about what was previously approved in the Lexvest request.

In the case of the previous Board action at the request of Lexvest, they asked for approval of a General manager, who would be perennial, with the understanding that they would also have their staff living on-site, and listed as the on-site managers, but they could change every year.

The Chair suggested that the terminology in our regulations be re-visited. Priscilla Silva pointed out that all the Condominium units are individually owned, and that having a unit free for a live-in manager is not consistent.

Board member Candida Monteith expressed her concerns about not requiring someone be on-site and found the request problematic.

Priscilla suggested looking at the regulations that trigger the need for an on-site manager (for 9 units or less).

Board member Tim Rose suggested that this matter be continued to allow more discussion at a future meeting. Priscilla asked if an owner is listed as the on-site manager and the ownership changes, does it trigger filing a change of manager form? The Chair responded that it did, and that the management regulations have, so far, basically worked. Board member Helen Grimm agrees that its not 1-size fits all, and she thanked Priscilla for bringing the conversation forward. She also commented on the importance of the boots on the ground, and the human connection to the property.

Board member Candida Monteith described her concerns with the proposal as it would provide less coverage.

Board member Jason Silva asked Priscilla about what their unit postings look like, are they framed and screwed to the wall? Who is listed? The Agent suggested that this matter be continued to a future Agenda item, possibly in January and the Chair agreed.

Report of the Chair – The Chair described the attendance at the Special Town Meeting (STM) as extraordinary, and that -was awesome. She expressed appreciation for the citizenry showing up, and expressed her opinion that the moderator had no option but to continue the meeting due to the safety issues. She mentioned that the STM Article on a stormwater management Bylaw

had an amendment proposed the evening of the STM, and submitted to the moderator; she wanted the Board to be aware of that, as they had not seen that language. She advised the Board to be prepared for proposals that might change the Article and suggested that the topic be revisited before the date of the next STM.

She also mentioned that re-organization of the Board of Health would need to be voted on in January and would be on a future agenda, so get ready.

The Chair also expressed appreciation for the Water resources discussion hosted by the Climate Action Committee and looked forward to the video of the presentation/discussion to be available for the public as it was very informative.

There will be a Provincetown Water and Sewer Board meeting in December, and the Chair will report back to the Board of Health on that, as she is a member at large on the Committee. She asked the Board if they would be interested in hearing from the Provincetown Water superintendent. This may be a future agenda item.

Health Agent's Report- The report included the Agent's recommendation for the public to be careful of the circulating colds/influenza/COVID in Town, and to wash hands frequently and get vaccinated!

Board member Tim Rose moved to adjourn the meeting; Second: Board member Jason Silva; Vote: 5-0-0, the motion passed.

The meeting was adjourned at 6:23 P.M.

Respectfully submitted by Emily Beebe

