



Minutes of the Truro Board of Health, Tuesday October 17, 2023

This was a remote meeting.

Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Board Members Brian Koll and Tim Rose; Alternate Member Candida Monteith; Absent: Helen Grimm;

Also Present: Assistant Town Manager Kelly Clark, Health Agent Emily Beebe, Assistant Health Agent Courtney Warren

The meeting was called to order at 4:30 pm by the Chair, who described the remote meeting procedures and the process for public participation. **Public Comment:** There was no public comment.

Discussion on Article 8 of the Special Town Meeting warrant: proposed "senior pass" non-binding resolution.

Chair Tracey Rose read the text of this article, and the scope of possible action from the Board of Health. Assistant Town Manager, Kelly Clark, was on the call and gave a brief overview of the senior pass article. The non-binding resolution (article 8) was prepared in response to a citizen's petitioned article not submitted in proper legal form (the petitioned article (warrant article 15) could not be acted upon by the Town meeting in a way to legally move the issue forward as intended by the petitioner(s)). Part of the legal obstacle is that the Town meeting is not a fee setting entity, and the BoH was designated as the fee setting body for the transfer station; the petitioned article included free senior pass to the beaches and transfer station. Another obstacle is the differing residency criteria for issuing beach stickers/transfer stickers. The Finance committee voted against it, as it would be a reduction in revenue and were concerned about that. The Agent provided comments on behalf of the DPW director, who was unable to attend the hearing. He wanted the Board to be advised that the Town was in its last year of contract with SEMASS and could expect a hefty increase in tipping fees in the next contract. Chair Tracey Rose expressed concern about the scope and all the moving pieces, and that it felt like things were moving too quickly, although she is support of an article to do research to determine if it would be a viable option for the transfer station. Alternate Candida Monteith stated that she felt the town should support seniors, as they support the school system. Board member Brian Koll asked what the loss of revenue would be, and how age 60 was determined. Kelly Clark stated that the costs has not been estimated yet, and that there is no age associated with Article 8 at this time.

(Tim Rose Joined the meeting) Chair Tracey Rose has questions about where the funding for the difference would be coming from. Board member Jason Silva stated that a large portion of the Town of Truro is 60 and over and therefore this article would eliminate or reduce fees for a large portion of the town. He also added that if people with a hardship come to the town there are protocols in place to help; however, to offer a large portion of the town a reduction in fees to support services, just due to their age doesn't seem fair. Board member Tim Rose also agreed that reductions and fee waivers should be assigned on a case-by-case basis not based on age in general. The Health Agent suggested incorporating a regulation/definition/guideline to determine eligibility for financial hardship. Board members Jason Silva and Brian Koll agreed that financial

hardship should be defined and assessed on a case-by-case basis; Brian went on to ask if the warrant article needed to expressly specify that financial eligibility should be included. Kelly Clark explained that the Selectboard's intent would be to research the intent for Article 8 during this budget cycle and then formulate a plan. Alternate Candida Monteith commented that a \$100,000 program seems very small. Board member Tim Rose stated that folks that rent their property, and second homeowners, should not receive a waiver of town fees if they are not year-round residents. Resident Karen Ruymen suggested that a needs-based approach made sense, but the child-care voucher did not have those requirements, and thus equity needs to be kept in mind. The Chair agreed and stated that a lot more information is needed before one can move forward with the proposal. At the request of the Chair, Assistant Town Manager Kelly Clark suggested language for a motion to recommend the article, and that if a member was not in support, they would vote Nay. **Motion: Board member Brian Koll moved to recommend Article 8 as printed in the warrant; Second: Tracey Rose; Vote: 2-2-1; the motion did not pass.**

Local upgrade approval/Variance Request- 82 Shore Road, Salt Air Cottages:

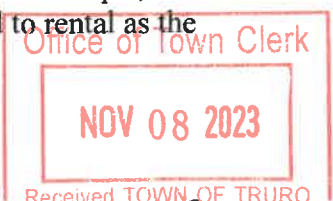
Project designer Glen Harrington represented the project on behalf. The Health Agent explained that all the local upgrade approval requests would have minimal-to-no impact and any impacts could be mitigated. The Agent asked the Board to consider their standard of review, and supported a determination that the project met their standard of review, as proposed.

Arnie Greenfield, Condominium trustee was on the call, and let the Board know that the project was put out for bid, and then they would need to apply for a loan. They will likely upgrade both systems at this time. He is concerned about timing. As a seasonal complex, they will be shutting down soon. He requested that they be allowed to install by early April 2024. The Chair suggested that the extension would need to be considered. The Agent supported this request, as they have been moving quickly on the upgrade plans. Glenn Harrington also supported the extension to allow contractors time to bid and schedule the installation. **Motion: Board member Jason Silva moved to approve the request for local upgrade approval for 82 Shore Road as presented, and that an extension for installation be granted until April 1, 2024, with no occupancy other than the managers unit. Second: Board member Tim Rose; Vote: 5-0-0; the motion passed.**

Local Variance Request: 47 Pond Road, Eric Varty - Request to enter into an

administrative consent order. Mr. Varty provided the Board with a summary of his work on the design of an upgrade to his septic system for about 6 years. He has had 2 different land surveys completed and hopes to have the property line and access issues resolved by the Barnstable County Court. They are seeking a judgement on a prescriptive easement, and definite property lines from which to design the system. He said it would be a tight tank; his lawyer has estimated it will take 2 years to complete the process, rather than the 4-year period to process through the land court. The Chair thanked him for his communications with the Health Department and the Board. Town Counsel has reviewed the ACO, and Mr. Varty has had his attorney review it. The Board discussed the occupancy of the property is 1-Bedroom, and it is been legally rented for up to 3-months to pay for the legal process. The Chair did point out that it was not standard for the Board to allow this.

The Agent described the unique characteristics of this property, that protects the Boards decision from becoming a precedent. The property will be under an ACO, under a variance granted by the Board; it is unlike any other property. Board member Jason Silva agreed that it was unique, and there is no concern about a different use, or over-crowding. He was not opposed to rental as the



legal process moved forward and found the property owner's process has merit as he has been working on it for so long. Alternate member Candida Monteith agreed. Member Tim Rose stated that the use should be able to continue as is, until the court process was done.

Motion: Board member Tim Rose moved to approve the variance for the ACO as presented, with the 3-month rental of the property; **Second:** Board member Brian Koll; **Vote:** 4-0-0; the motion passed.

Cesspool Upgrade program- update and discussion about enforcement and strategy

The Agent presented a synopsis of the drafts of the enforcement letters for each scenario:

Bucket 1 = property owners with completed stamped plans that are permitted but not yet installed; the letter describes a timeframe for final completion.

Bucket 2 = property owners that will be under an ACO; a list of those property owners who will be eligible for the ACO should be approved by the Board to ensure they will be covered at the end of the year.

Bucket 3 = property owners who have been working with engineers, but do not yet have plans under a permit. This group letter describes timeframes for plan development by March 1 May 1 installer files permit, with installation by Dec 31, 2024

Bucket 4 = property owners must hire an engineer the letter describes timeframes

Plans by June 1, 2024, with an Installation by Dec 31, 2024

If milestones are missed, they would receive a follow-up letter, and commencement of daily fines until the milestone is met.

Alternate member Candida Monteith expressed appreciation for the way this was explained. Member Brian Koll asked if the Board should be more proscriptive with Bucket 4, and have a plan submitted by March 31, with install by the end of the 3rd quarter. The Chair agreed and did not want to extend too much time and liked the concept of tighter timelines. The Agent asked if September 31 would be appropriate. The chair suggested September 1, and following quarterly milestones, as Brian had suggested. The Chair was concerned about the amount of work that could bog down the office.

Minutes: No changes were proposed. **Motion:** Board member Brian Koll moved to approve the September 19 minutes as presented; **Second:** Board member Jason Silva; **Vote:** 4-0-0; the motion passed

Report of the Chair- Reminded the members of the Board about Special Town meeting and suggested that everyone do their homework and vote.

Health Agent's Report -Also reminded the members of the Board about Town meeting, and the Stormwater Management bylaw, and would be making the recommendation on Article 8 on behalf of the Board of Health. The Agent reviewed the correspondence from DEP in the packet on Wellfleet Harbor, and finally that staff would be out of the office for the annual MHOA conference Oct 25-27 in Falmouth.

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

The meeting was adjourned at 6:20 PM

Minutes submitted by Emily Beebe

Board of Health minutes: October 17, 2023

