

**Truro Board of Selectmen
Meeting, May 24, 2016
Town Hall Meeting Room**

Members Present: Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

Present: Town Manager Rae Ann Palmer, Town Counsel Gregg Corbo

Chair Paul Wisotzky called the meeting to order at 5:00 p.m.

PUBLIC COMMENT

During the Public Comment period, Robert Weinstein announced that Truro had become the 204th community to join the Commonwealth Community Compact and had received a Proclamation at the May 19th meeting which he and Town Manager Rae Ann Palmer had attended. He read a passage from the Proclamation on regionalization of services. Rae Ann Palmer added that they had signed on with the Compact for best practices of shared services.

BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Selectmen interviewed Susan Grace, an applicant as a full member of the Truro Council on Aging. She said she would like to contribute to enhancing services at the COA.

Maureen Burgess moved to approve the appointment of Susan Grace as a full member of the Truro Council on Aging for a three-year term expiring June 30, 2019. Jay Coburn seconded, and the motion carried 5-0.

Jon Seager and John Dundas came forward and discussed their applications for the appointment as Veterans' Graves Officers.

Robert Weinstein moved to approve the applications of Jon Seager and John Dundas for appointment as Veterans' Graves Officers. Maureen Burgess seconded. The motion carried 5-0.

PUBLIC HEARING (CONTINUED from 4/19/16)

Chair Paul Wisotzky reopened the Public Hearing that had begun on April 19, 2016. He restated the purpose of the hearing for 402 Shore Road and 408 Shore Road: A Public Hearing in accordance with the provisions of Massachusetts General Laws, Chapter 139, sections 1 through 3A, to determine whether the buildings located at 402 Shore Road and 408 Shore Rd, Truro, Massachusetts, are dilapidated or are dangerous buildings and whether an order should be issued adjudging said buildings to be a nuisance to the neighborhood or dangerous.

Town Counsel Gregg Corbo directed proceedings of the public hearing as he had done on April 19, 2016. Attorney Christopher Snow, representing his clients, the Sheas, owners of 408 Shore Road, immediately requested a bifurcated hearing to treat the two properties separately. Town Counsel Gregg Corbo reviewed how the public hearing would proceed and noted that each building on 402 Shore Road and 408 Shore Road would be considered separately.

Health Agent Patricia Pajaron and Fire Chief Timothy Collins gave their *On Site Inspection Assessment Report* as a PowerPoint presentation which displayed front and rear slides of each structure. They identified the four cottages at 408 Shore Row as Cottages #1, #2, #3 and #4. They examined the details of the cottages' conditions, safety matters and fire dangers.

Health Agent Pajaron explained that the asbestos composite shingles which began as non-friable, have now been compromised. Attorney Corbo questioned her about the asbestos and animal entries into the buildings. He asked about Truro Nuisance Bylaws and Massachusetts Housing Code violations, and she said those applied to all four cottages. Attorney Corbo asked Chief Collins to confirm that his safety and fire concerns applied to all four buildings. Chief Collins said they did. Jay Coburn asked Ms. Pajaron about lead and asbestos released into the nearby aquaculture beds.

Christopher Snow, representing the owners of 408 Shore Rd., questioned Ms. Pajaron about issuing any complaints to the Sheas about the condition of the properties at 408 Shore Rd. He asked about Ms. Pajaron's observation of animals and animal access at the buildings, or any inspection of interiors. He asked if the Sheas had received an advance copy of the PowerPoint presentation. He questioned the open window that had been noted in the report. Attorney Snow said it had been boarded up.

Ms. Pajaron said she had returned to the site on May 19 and May 23. Attorney Snow asked if she had noted any changes since the April 19, 2016 public hearing and questioned her findings on missing shingles. Clicking on the slides, she indicated the missing and abraded shingles on the four cottages.

Attorney Snow asked Fire Chief Collins about the proximity of the unoccupied structure to an abutting home. Chief Collins explained the hazards that exist.

The slide presentation continued with front and back view photos of the motel building at 402 Shore Rd. Health Agent Pajaron pointed out the conditions that were of concern. She concluded that the properties at 204 and 208 have been vacant for some time and have deteriorating conditions that pose health and safety hazards to the abutters and the public and are in violation of CMR 105 CMR 4-10, the State Sanitary Code. Fire Chief Collins highlighted information from the National Fire Protection Association on the consequences of fires that start in vacant buildings.

Town Counsel asked the Health Agent and Fire Chief if the conditions noted in their earlier memorandums still applied to this structure, and they replied in the affirmative. Robert Weinstein asked about the location of the buildings within the V2 Flood Zone and resultant debris in the event of flooding. Attorney Snow asked for a clarification of which property Ms. Pajaron had considered regarding flood damage, and she said that she was referring to 204 Shore Road.

The Public Comment portion of the public hearing proceeded with speakers who wished to speak in favor of Board of Selectmen action on the structures. Town Counsel Gregg Corbo reminded

speakers to state that that had been previously been sworn in and to identify which property they were discussing.

Mike Powers, abutter at 398 Shore Road, submitted photos that he had taken of the interior of a 408 Shore Rd. building when window was not boarded. He said he has observed animals at the buildings.

Anne Ditacchio of 412 Shore Rd., an immediate abutter, said she had observed foxes raise families under the cottages for several years. She is concerned about her garden soil because of the asbestos. She would like to see the buildings removed.

Richard Carosello, an abutter at 389 Shore Rd., said the buildings had been built at the same time with the same materials. He would like to see the buildings demolished and have new structures built in accordance with zoning bylaws. The asbestos shingles and lead paint and their removal are of concern to him.

Judy Powers, who lives next door to the former Fore 'N' Aft, wished to add a recommendation that the Selectmen deal with the matter "with alacrity." She said she has made numerous past complaints to the Town regarding the property.

Attorney Jessica Summer, representative for Bunny Rieback and Jennifer Sinascalco, the owners of 402 Shore Road, came forward to clarify what a condemnation and demolition order would mean. She said the owner was concerned about the vacant lot that would be created. She said that there are buyers interested in constructing a single family dwelling at 402 Shore Rd. Attorney Summer said that the owners support a tear-down of the motel structure.

Attorney Christopher Snow, along with Kevin Shea, owner of 408 Shore Rd., came forward. Attorney Snow again asked that the two properties be treated differently. His client keeps his buildings at 408 Shore Rd. secured, Attorney Snow said. It is not unoccupied because Mr. Shea uses it for storage, and there is no proof of asbestos poisoning of the environment, he said. There has never been a complaint of police, fire or health filed against 408 Shore Rd., he said, except for the proceedings of this public hearing. He did concur that the current state of the property is "unsightly." This was the result of the circumstances that did not support new construction at 408 Shore Rd.

Mr. Shea is willing to do in the short term painting of the exteriors and to plan an asbestos shingle removal through a certified asbestos removal company. Attorney Snow said that 408 Shore Rd. was not in the same Flood Velocity Zone as 402 Shore Rd. There is a relatively new Title 5 septic system and an updated one planned for a single family residence. The new septic system would be for fewer bedroom, he said. Attorney Snow said he had not heard testimony that these buildings were lacking structural integrity. Attorney Snow asked that 408 Shore Rd. be allowed further time in order for Mr. Shea to proceed with construction of a new 3-bedroom single family residence, and Mr. Shea himself requested a delay in order to implement his plans. Attorney Snow discussed the consequences of a condemnation which he would appeal if Mr. Shea did not receive a delay. In response to a question from Robert Weinstein, Mr. Shea said he has owned the property at 408 Shore Road since 1993.

Paul Wisotzky read into record a letter from Mark Young, an abutter at 446 Shore Rd. Mr. Young lamented the conditions at the old motel and considers the buildings a nuisance.

Town Manager Rae Ann Palmer said the Building Inspector had received a number of complaints about 408 Shore Rd., and Mr. Shea has always been prompt to make corrections. She also noted, for the record, that she had met with the Building Inspector and Mr. Shea about a year ago. At that meeting, Mr. Shea had asked for more time to develop his plans for a single family residence.

More citizens spoke in favor of action on the part of the Board of Selectmen. David Ditacchio of 412 Shore Road came forward to say that the property had been condemned well over 20 years ago. He stated that he and the neighbors are tired of the deplorable conditions at 408 Shore Road. Mr. Ditacchio said he would like to see a single family house built on the property. Denise Seager was sworn in before giving her testimony. She asked for action on the deteriorating property.

Mike Powers said no one has gone into the property at 408 Shore Rd. to determine if the structures are safe. He suggested asking for that contingent on granting a delay.

Judy Richland was sworn in again. She is Kevin Shea's wife and co-owner of 408 Shore Rd. She said the Town should take some responsibility for the conditions because she and her husband have never been able to go forward with their other plans for the property. She said the buildings are sound; their possessions are stored there. They plan to install a new sea wall and a new septic system. They care about how the neighbors perceive them, she said. She realizes the present cottages are ugly. She said asbestos removal should not be done in summer.

Town Counsel Gregg Corbo moved forward to deliberations since the evidentiary portion of the public hearing had been completed. Attorney Corbo said that lack of evidence of prior complaints does not constitute a prerequisite to the determination. The Board of Selectmen should make their determination based on the facts presented to them at the public hearing, he said. However, there is a large file on record with the Health Agent documenting the long history with the two properties. Regarding the legal standard, he listed the three things to decide: 1) if the buildings are burnt, dilapidated or dangerous; and if so, 2) if they are a nuisance to the neighborhood or dangerous; and 3) what, if any, order should be issued prescribing their disposition, alteration or regulation.

He recommended that the Board deliberate on each building separately and take into consideration those factors with a vote on each building. He defined "public nuisance" and "dilapidated." He said common sense interpretation of the facts is adequate in making their determination. They are not required to wait for a danger to materialize or rely on scientific evidence that the structures are in danger of imminent collapse.

Robert Weinstein suggested moving forward, first by deliberating on 402 Shore Road. He said the motel is clearly dilapidated or decayed, as provided in the visual evidence and the testimony of the neighbors. He said that meets the first criteria. It is clearly a nuisance, the second point that needed to be determined, he said. Thirdly he made a motion.

402 Shore Rd.

Robert Weinstein moved, based on the facts adduced at the public hearing, including but not limited to facts contained in the May 15 and May 17, 2016 Memorandum from the Health Agent Patricia Pajaron and the PowerPoint presentation by the Fire Chief and the Health Agent, that the building located at 402 Shore Road and known as "the motel" is dilapidated and dangerous and that an order adjudging said building to be a nuisance to the neighborhood is hereby issued and further that the owners are hereby ordered to demolish the building within 60 days of the date of this order at their sole cost and expense and after demolition are ordered to secure the site in accordance with all applicable orders and regulations issued by Town officials, provided, however, the owners of said property shall be responsible for obtaining all required permits and approvals prior to undertaking any work including demolition at the property and further that the building is to be properly maintained and secured in accordance with any and all requirements of the Building Inspector and/or the Board of Health until said demolition occurs.

Maureen Burgess seconded.

Jay Coburn moved to amend the motion by specifying demolition within 30 days, instead of 60. Janet Worthington seconded the motion for the amendment. Robert Weinstein said that due to time considerations he had stated the 60 days, but he was prepared to support the amendment.

The motion to amend carried 5-0.

The motion on the amended motion, now specifying a 30 day period for demolition, carried 5-0.

Cottage #1, 408 Shore Road

Jay Coburn moved, that the Board find based on the facts adduced at the public hearing, including but not limited to facts contained in the May 15 and May 17, 2016 Memorandum from the Health Agent Patricia Pajaron and the PowerPoint presentation by the Fire Chief and the Health Agent, that the building located at 408 Shore Road and referred to as Cottage #1 is a dilapidated and dangerous building and an order adjudging said building to be a nuisance to the neighborhood is hereby issued and further that the owners are hereby ordered to demolish the building within 30 days of the date of this order at their sole cost and expense and after demolition are ordered to secure the site in accordance with all applicable orders and regulations issued by Town officials, provided, however, the owner of said property shall be responsible for obtaining all required permits and approvals prior to undertaking any work including demolition at the property and further that the building is to be properly maintained and secured in accordance with any and all requirements of the Building Inspector and/or the Board of Health until said demolition occurs.

Robert Weinstein seconded. The Board discussed the motion, and all supported the demolition. The motion carried 5-0.

Cottage #2, 408 Shore Road

Janet Worthington moved, that the Board find based on the facts adduced at the public hearing, including but not limited to facts contained in the May 15 and May 17, 2016 Memorandum from the Health Agent Patricia Pajaron and the PowerPoint presentation by the Fire Chief and the Health Agent, that the building located at 408 Shore Road and referred to as Cottage #3 is a

dilapidated and dangerous building and an order adjudging said building to be a nuisance to the neighborhood is hereby issued and further that the owners are hereby ordered to demolish the building within 30 days of the date of this order at their sole cost and expense and after demolition are ordered to secure the site in accordance with all applicable orders and regulations issued by Town officials, provided, however, the owner of said property shall be responsible for obtaining all required permits and approvals prior to undertaking any work including demolition at the property and further that the building is to be properly maintained and secured in accordance with any and all requirements of the Building Inspector and/or the Board of Health until said demolition occurs.

Jay Coburn seconded, and the motion carried 5-0.

Cottage #3, 408 Shore Road

Maureen Burgess moved, that the Board find based on the facts adduced at the public hearing, including but not limited to facts contained in the May 15 and May 17, 2016 Memorandum from the Health Agent Patricia Pajaron and the PowerPoint presentation by the Fire Chief and the Health Agent, that the building located at 408 Shore Road and referred to as Cottage #2 is a dilapidated and dangerous building and an order adjudging said building to be a nuisance to the neighborhood is hereby issued and further that the owners are hereby ordered to demolish the building within 60 days of the date of this order at their sole cost and expense and after demolition are ordered to secure the site in accordance with all applicable orders and regulations issued by Town officials, provided, however, the owner of said property shall be responsible for obtaining all required permits and approvals prior to undertaking any work including demolition at the property and further that the building is to be properly maintained and secured in accordance with any and all requirements of the Building Inspector and/or the Board of Health until said demolition occurs.

Robert Weinstein seconded.

Jay Coburn moved to amend the motion by specifying demolition within 30 days, instead of 60 days, in order to be consistent with the other structures. Janet Worthington seconded.

The motion to amend carried 4-0-1.

The motion on the original motion as amended, with a 30 day demolition period, carried 4-0-1.

Cottage #4, 402 Shore Road

Jay Coburn moved, based on the facts adduced at the public hearing, including but not limited to facts contained in the May 15 and May 17, 2016 Memorandum from the Health Agent Patricia Pajaron and the PowerPoint presentation of the Fire Chief and the Health Agent, that the building located at 408 Shore Road and referred to as Cottage #4 is a dilapidated and dangerous building and an order adjudging said building to be a nuisance to the neighborhood is hereby issued and further that the owners are hereby ordered to demolish the building within 30 days of the date of this order at their sole cost and expense and after demolition are ordered to secure the site in accordance with all applicable orders and regulations issued by Town officials, provided, however, the owner of said property shall be responsible for obtaining all required permits and approvals prior to undertaking any work including demolition at the property and further that the building is to be properly maintained and secured in accordance with any and all requirements of the Building Inspector and/or the Board of Health until said demolition occurs.

Robert Weinstein seconded the motion for Cottage #4.

Maureen Burgess moved to amend the motion to allow 60 days for the demolition period. There was no second, so the Board proceeded with the vote on the original motion. The motion carried 4-0-1.

Paul Wisotzky closed the public hearing at 6:55 p.m.

Jay Coburn moved to have a five minute recess and return to the meeting at 7:00 p.m. Robert Weinstein seconded, and the motion carried 5-0.

The meeting reconvened at 7:00 p.m.

BOARD OF SELECTMEN ACTION

Bike Lanes

Pam Haznar and Richard Madsen of MassDOT gave PowerPoint presentation on bike lanes which detailed plans for improvements on Route 6. These included tree trimming, signage and line striping. They had met with officials from Wellfleet and Truro to make plans that go from Lawrence and School St. in Wellfleet and bring the trails up to Aldrich Rd. in Truro. State and Federal funding should be available in Fiscal Year 2018. They are working with the Cape Cod Commission on the project. Robert Weinstein explained his role in working with TIPs, Transportation Improvement Projects. He said that there is a 30-day comment period from the public that is underway through MPO, the Metropolitan Planning Organization.

Kathy Haynes, Chair of the Bike and Walkways Committee, and Karen Snow, member of the Committee, came forward to discuss their review of the draft plans. Ms. Haynes thanked the DOT representatives for incorporating their ideas into the preliminary plan. Ms. Haynes discussed reducing signage particularly between the Pamet roads and the Wellfleet town line. They recommended additional bike signs that had been included in the presentation. They wanted to have more alert systems in place for left hand turns. Karen Snow discussed some of the Wellfleet Route 6 issues that need to be resolved. She suggested going further south with plans in Wellfleet.

Jay Coburn moved to endorse the concept of the bike lane improvements project along Route 6 as presented by MassDOT and encourage them to continue to work with the Bike and Walkways Committee to bring back a final proposal. Maureen Burgess seconded.

At the Town Manager's recommendation, Jay Coburn moved to amend the motion to include working with the DPW and the Town Manager. Maureen Burgess seconded the amendment, and the motion carried 5-0.

The Board voted on the original motion as amended, and the motion carried 5-0.

Robert Weinstein encouraged participation in the 30-day Comment Period and added the MPO designation: Project 608349 Truro-Wellfleet Route 6 Bike Trail Accommodation. Information is available on Cape Cod Commission and MPO websites, he said.

Fiscal Year 2017 Goals and Objectives

Chair Paul Wisotzky said the Selectmen would be including other Committee/Board Chairs in discussion of the FY17 Goals and Objectives. Lisa Tobia, Chair of the Planning Board, matched a number of Planning Board priorities with the Selectmen's Goals and Objectives. Ms. Tobia will be submitting a list of Planning Board priorities, but they have not been listed yet in order of importance. Paul Wisotzky discussed committee structure and streamlining, one of the BOS goals. He invited ideas from the other boards and committees. Chuck Steinman, Chair of the Historical Commission, and speaking on behalf of the Historical Review Board, presented goals that those two boards have defined. He submitted a list of Historical goals which they have undertaken. Paul Wisotzky said the Selectmen will be continuing the work on Goals and Objectives through June.

Legal Fees

Rae Ann Palmer, Town Manager, said that with the help of Town Accountant/Acting Assistant Town Manager Trudi Brazil, she had created a spreadsheet that breaks down the current fiscal year legal expenses through March. Legal fees for 25-27 Stephen's Way are included in the spreadsheet. The Town is still below the legal fees budget for Fiscal Year 2016. The information is available on the Town website, Ms. Palmer said.

CONSENT AGENDA

The Consent Agenda contained the following items:

A. Review/Approve and Authorize Signature for:

1. Entertainment License for Francie Randolph, Sustainable CAPE, for Farmers' Market to be held Mondays June 13th – August 29th, 2016;
 2. Entertainment License and MA State Sunday Entertainment License for Francie Randolph, Sustainable CAPE, for Agricultural Fair to be held on Sunday, September 4th, 2016;
 3. Entertainment License for Truro Historical Society: 6/12 (MA State Sunday License as well), 7/13, 8/13, 8/24 and One Day Pouring License for 6/3, 6/12, 6/29, 7/6, 7/13, 7/15, 7/20, 7/27, 8/3, 8/10, 8/13, 8/17, 8/24, 8/31, 9/24;
 4. Review and Approve Head of the Meadow Beach Food Vendor Contract;
 5. Agreement between the Town of Truro and Paul S. Kapinos & Associates dba/pk Valuation Group;
 6. Renewal Proposal Letter to MIIA Property & Liability and Worker's Compensation insurance programs for FY 2017;
 7. Entertainment License for Kevin Rice, Payomet Performing Arts Center and MA State Sunday Entertainment License for 2016 Season;
 8. CDBG Close-out Agreement for 2012 Grant;
- B. Review and Approve Renewal of Seasonal Licenses: Joey's Food Truck (Hawker Peddler) Head of the Meadow Beach; Moorland House (Lodging House) & Perry's Furniture (Transient Vendor); and**
- C. Review and Approve Regular Board of Selectmen minutes – April 12, 2016 and Joint Meeting minutes of February 11, 2016.**

Jay Coburn requested that Item A-8 be considered separately. Maureen Burgess moved to approve the Consent Agenda with the removal of Item A-8, the CDBG Close-out Agreement, from the list. Robert Weinstein seconded, and the motion carried 5-0.

Jay Coburn recused himself from deliberations.

Maureen Burgess moved to approve Item A-8 from the Consent Agenda, the CDBG Close-out Agreement. Robert Weinstein seconded, and the motion carried 4-0.

Jay Coburn returned to the table.

SELECTMEN AND LIAISON AND TOWN ADMINISTRATOR REPORTS

The Selectmen and the Town Manager gave their latest reports. Robert Weinstein had attended meetings of the Metropolitan Planning Organization (MP), the Historical Commission, the Historical Review Board and the Commonwealth Compact meeting where he signed the Proclamation for Town. Maureen Burgess announced that she will be a delegate to the Massachusetts Democratic Convention. Paul Wistozky said that he and Jay Coburn had attended the Cape & Islands Selectmen's meeting on elder services and changing demographics of the Cape. Janet Worthington and he had attended the Chamber of Commerce Annual Meeting. Janet Worthington said she was happy to see new younger members join the Chamber of Commerce. She also expressed her gratitude to past Fire Chiefs and all the volunteer firefighters who have served. Jay Coburn had attended a meeting in Boston honoring twelve Community Bank Heroes. He offered congratulations to Truro banker and Finance Committee member Lori Meads, who was one of the honorees. Town Manager Rae Ann Palmer said Chief Takajian is working on signage with DOT. He has requested a meeting with DOT, and he recommends installation of signs indicating business districts in town.

NEXT MEETING AGENDA

Rae Ann Palmer reviewed a number of agenda items for the next regular meeting to be held June 14, 2016. There will also be a Goals and Objectives work session with department heads on June 7, 2016 from 1-4 p.m.

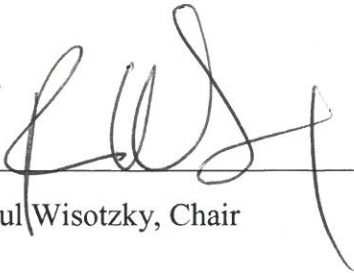
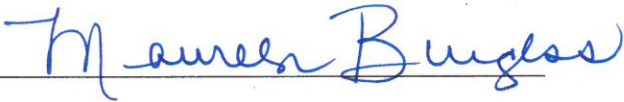
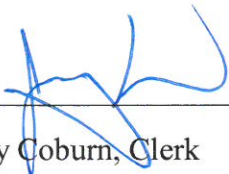
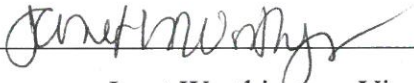
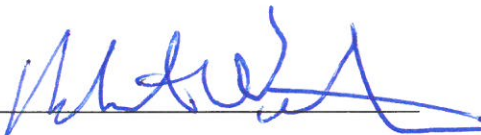
ADJOURNMENT

Jay Coburn moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,



Mary Rogers, Secretary


Paul Wisotzky, Chair
Maureen Burgess
Jay Coburn, Clerk
Janet Worthington, Vice-chair
Robert Weinstein

Public Records Material for 5/24/16

1. Applications for Council of Aging Board and Veterans' Graves Officers
2. Public Hearing materials and PowerPoint presentation for 204 and 208 Shore Rd.
3. DOT PowerPoint presentation
4. Goals and Objectives from Historic Commission and Historic Review board
5. Entertainment License for Francie Randolph, Sustainable CAPE, for Farmers' Market to be held Mondays June 13th – August 29th, 2016
6. Entertainment License and MA State Sunday Entertainment License for Francie Randolph, Sustainable CAPE, for Agricultural Fair to be held on Sunday, September 4th, 2016.
7. Entertainment License for Truro Historical Society: 6/12 (MA State Sunday License as well), 7/13, 8/13, 8/24 and One Day Pouring License for 6/3, 6/12, 6/29, 7/6, 7/13, 7/15, 7/20, 7/27, 8/3, 8/10, 8/13, 8/17, 8/24, 8/31, 9/24
8. Head of the Meadow Beach Food Vendor Contract
9. Agreement between the Town of Truro and Paul S. Kapinos & Associates dba/pk Valuation Group
10. Renewal Proposal Letter to MIIA Property & Liability and Worker's Compensation insurance programs for FY 2017
11. Entertainment License for Kevin Rice, Payomet Performing Arts Center and MA State Sunday Entertainment License for 2016 Season
12. CDBG Close-out Agreement for 2012 Grant
13. Seasonal Licenses: Joey's Food Truck (Hawker Peddler) Head of the Meadow Beach; Moorland House (Lodging House) & Perry's Furniture (Transient Vendor)