

**Truro Board of Health Minutes
March 19, 2014
4:30 PM-Truro Town Hall**

Members Present: Chair-Dianne Eib, Vice Chair-Tracey Rose, Mark Peters, Alternate-Ansel Chaplin.
Members Absent: Tim Rose, Clerk-Jason Silva
Present: BOH Secretary-Noelle Scoullar, BOS Liaison-Bob Weinstein, Winston Steadman, John Clark, Butch Mulaney

REVIEW/APPROVE MINUTES

Dianne called the meeting to order at 4:30PM. She informed the audience that the session was being videotaped, and asked if anyone else were recording the meeting. Hearing no reply in the affirmative, she continued by asking all guests coming to the mike to speak, to please state their name, in order for the secretary to record in the minutes.

Review March 4, 2014 minutes

Dianne deferred to Tracey for this section, as she chaired the meeting while Dianne was absent. There were no corrections to the minutes.

Mark Peters made a motion to approve the minutes of March 4, 2014.

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

REPORTS

Water Resources Oversight Committee

Per Mark Peters, there was no WROC report.

Health Agent's Report

Dianne stated that the Health Agent was not present, therefore no report was presented.

PUBLIC HEARINGS

- 1. Winston Steadman, All Cape Environmental for Robert S. Doolittle, Request for Monitoring Reduction for AdvanTex Wastewater Treatment System at 22 Crestview Circle (continued from 3/4/14).**

Winston Steadman approached the Board. Winston has worked on the site, over the years, for WTI. WTI went out of business. Last year, Orenco stepped in, and started testing. Mr. Doolittle's site gets very little use. The system is performing, but they are having a problem with the total nitrogen level. Without adding chemicals, they cannot get the level down any lower. In the coming year, they are going to try getting that number down. Winston has not looked over the reports that closely, however in going thru that report, the issue is nitrate. There is no ammonia problem. It is one of the systems they

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shut down in the winter. Tracey asked if the house was rented. Winston believes they do not rent it, the property is used privately. Dianne has gone over the TN report, month by month, to try to get a feel for when the levels are high. Winston has said that the average is 28, which is only slightly over the max of 25. Dianne pointed out that there was a very low report of 4.93, which is really skewing the average results. If you look at the months when this system is, in all probability, being used, you have the following results:

August 27, 2009-51.38 (Winston believes that was a bad test, to which Dianne stated that it should have been repeated)

September 13, 2012- 45.82

July 17, 2013- 39.38

These are all high levels, when you consider the expectation is 19-25. Winston stated that they are not looking for any reduction in total nitrogen. Dianne asked how often they should be testing for total nitrogen. Winston stated that the State says they have 60 days in between tests, and this site is particularly difficult because it's only used for a couple of months. By the time the owners open up the house, and they test, the owners are already shutting down. Dianne asked if the nitrogen levels would be better if the system wasn't shut down. Winston is afraid it would freeze up during the winter. This system is raised up, and has four sides. With no one living there, if it freezes up there will be more problems. Dianne is very concerned with the nitrogen levels. Mark added that All Cape Environmental is asking that the Board of Health grant this property relief, for an almost "self-contrived" problem. Winston reiterated that they are not asking for relief on nitrogen. Dianne clarified that every 60 days, All Cape Environmental does a total nitrogen test. Winston stated that it's done, but only twice a year. Mark wanted to know why it was not done in between. Winston said that DEP requires 60 days in between testing. Mark believes, for the Board of Health's benefit, it might behoove All Cape Environmental to conduct the testing every 30 days, for at least a year, to give them a better idea of what is going on in the system. Winston said he could bring that proposal to the owner. Dianne thinks they need to get a better handle on the nitrogen levels. Winston added that up until recently, he did not have control over this site. He is willing to do monthly TN testing for the three months the owners use the property, and also test a month after they close the property down. Winston will take influent tests for ammonia (so they get an idea of the level of nitrogen coming in), NO₂, NO₃, and TKN. The three of those will give Winston total nitrogen, so then they can see where in the process they are having a problem. He will then report back to the Board of Health. Dianne suggested that they hold off on making any changes, give Winston this summer season to get a handle on the summer season, and then they can meet again in October. Dianne asked that Winston contact Pat Pajaron in early October, in order to get on an agenda for that month. Then they can discuss making reductions in testing. Winston clarified that they will do quarterly testing for VOD and TSS, monthly testing for one year (while the property is open) for TN, and a test in September.

Mark Peters made a motion to continue this agenda item until the second meeting in October (October 21, 2014).

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

2. **Catherine Costa and John Clark, Request for a Hearing, State Sanitary Code Chapter 11, Minimum Standards of Fitness for Human Habitation, Section 410.850, Right to a Hearing, 4 Town Hall Rd.**

Tracey Rose recused herself. John Clark approached the Board, and stated he resides at 4 Town Hall Road. He is protesting the report filled out by Emily Beebe, which he received two weeks ago. He stated that 8 or 9 years ago Emily approached Mr. Clark on his property. She told him that she was there on behalf of his neighbors who were trying to sell their home, and were having issues with their water test. Mr. Clark alleged that Emily accused him of doing something wrong on his property, which caused his neighbor's water test to not come through properly. He then escorted Emily off the property, and asked that she never return. Dianne interjected to state that she did not see what this had to do with the current issue, seeing as it was 8 or 9 years ago. Mr. Clark insists that there has been animosity against him since that time (referring to Emily).

Mr. Clark states that this time, Emily came to the property with a complaint from a tenant in the first floor apartment who said he was being scalded by the water in the shower. There are two people who live in that apartment. One tenant attended the Board of Health meeting, and the other did not. The tenant who did not attend is a Master Plumber. That tenant has not made any complaints about the water temperature. Mr. Clark stated that if there are items in the apartment which need to be fixed, he will fix them. He continued, stating that neither tenant has ever complained to him regarding any of the deficient items found during Emily's inspection of the premises.

Dianne then addressed Mr. Clark. It is her understanding that he wanted to appear before the Board to defer doing some of the items on the inspection report, because of the cost. However, she pointed out, he readily agreed to fix the issues. Mark told Mr. Clark that there are deficiencies which are being worked on, and the Board expects reasonable compliance. Mark also stated that the items Mr. Clark has contention with should be articulated, and perhaps the Board can address a time frame for those as well. Dianne read a portion of the report, in which the tenant alleges that the plumbing for the washing machine hook-up was done by Mr. Clark. Mr. Clark denies doing the plumbing, and states that a lot of that was already in place when he bought the property. Dianne informed Mr. Clark that when the building department's database was searched, no plumbing permits came up for the property. Dianne then read the entire list of items found deficient. Each item was addressed, and a time frame was agreed upon by Mr. Clark.

(Originally, during the reading of the items, a 14 day time frame was agreed upon. After reading through the list, Mr. Mulaney requested an additional 4 days be tacked on, therefore making the turn-around time 18 days.)

1. Fan over stove does not exhaust to the outside. **Mr. Clark has purchased a new fan and agrees to install, with exhaust to the outside, within 18 days from date of meeting.**
2. Hot water not sufficient in quantity and pressure in shower. Water temperature varies from cold to scalding, mixing valve probably missing. **Mr. Clark is bringing in plumber (Dan) this week to replace the mixing valve.**
3. Electric light fixture in kitchen needs cover. **Mr. Clark has purchased a new cover and agrees to install within 18 days from date of meeting.**
4. All windows do not open or close properly. Windows are in various stages of disrepair, including some that are painted open or shut or have cracked panes. **Mr. Clark agrees to repair/replace**

within 18 days from date of meeting.

5. Water damage in bathroom to wall and door frame. ***Mr. Clark has completed repairs by removing the offending material, replaced it, installed new molding, repainted and calked. Bathroom door lock broken. Mr. Clark agrees to repair/replace broken bathroom door lock within 18 days from date of meeting.***
6. Lock to back door does not work. ***Mr. Clark has installed a brand new lock on back door.***
7. Window locks are painted closed and are broken. ***Mr. Clark agrees to repair/replace window locks within 18 days from date of meeting.***
8. Past water leak evident. Water stains on ceiling in hall, bathroom. ***Old evidence of past water leak, not relevant.***
9. Air gap at bottom of exterior door. Door jamb damaged. ***Mr. Clark has paid for a new exterior door, and agrees to have it installed within 18 days from date of meeting.***
10. Carpeting throughout is frayed and in bad condition. Not installed properly. ***Mr. Clark has been removing carpeting.***
11. Roof is missing shingles at peak. Gutters missing. Water damage to exterior soffit. ***Mr. Clark agrees to repair/replace within 18 days from date of meeting.***
12. Poorly patched ceiling using sheetrock that contains mold like substance. ***Mr. Clark has removed the mold.***
13. NOTE: Screens absent to windows and doors. No storm door. Per CMR 410.553, screens shall be in place from the period of April 1 to October 30th. ***Mr. Clark will install screens within 18 days from date of meeting.***
14. NOTE: Smoke/CO detector date of manufacture is 7/30/08, 10/14/08 and 8/3/07. Most smoke/CO should be replaced every 5 years. ***Mr. Clark has purchased new smoke/CO detectors and agrees to install them within 18 days from date of meeting.***

Mr. Mullaney, the tenant, approached the Board. He held a letter, stating that he did not want anyone in the apartment for the next four days. He thought that would change the 14 day deadline which was agreed upon between Mr. Clark and the Board. The Board agreed to give Mr. Clark 18 days to correct all outstanding issues. 18 days from the Board of Health meeting (March 19, 2014) is April 6, 2014. The Health Agent, Pat Pajaron, will contact Mr. Clark to schedule an inspection date on, or around April 6, 2014. Mark advised Mr. Clark that if he has difficulty meeting the deadline on any item, to please contact the Chair, Dianne Eib, or the Health Agent.

Mark Peters made a motion to grant 18 days from the date of the Board of Health meeting, March 19th, for Mr. Clark to fix all issues.

Ansel Chaplin seconded.

Vote: 3-0, (Tracey recused herself), motion carries.

AGENDA ITEMS:

None.

LICENSING RENEWAL APPROVALS

1. Bruce Moidell, Mgr of Big Fisherman Condominiums, 148 Shore Road, Condo License.
2. Daniel Scholl, Mgr of Seaside Inn on Cape Cod Bay, 471 & 482 Shore Road, Condo License.
3. Randy Rovatti, Mgr of Stone's Throw Condominiums, 6 Shore Road, Condo License.
4. Michael & Heather Coelho, Mgrs of South Wind Court Cottages, 121 Shore Road, Motel License.
5. James Bourne, Mgr of Highland Dairy General Store, 67 South Highland Road, Food Establishment License.
6. Jane Donoghue, Mgr of Dunes Dolony Condominiums, 648 Shore Road, Condo License.
7. Michelle Gawle, Mgr of Crow's Nest Cottages, 608 Shore Road, Motel License.
8. Robert Rice, Mgr of Whitman House Business Condominiums, 7 Great Hollow Road, Condo License.
9. Robert Rice, Mgr of Whitman House Condominiums, 7 Great Hollow Road, Condo License.
10. Robert Rice, Mgr of Whitman House Restaurant, 7 Great Hollow Road, Food Establishment and Ice Cream License.

Dianne asked if all these licenses were renewals, to which Noelle replied in the affirmative. Mark asked if they all were in good standing, to which Noelle replied in the affirmative.

Mark Peters made a motion to approve all 10 license renewals.

Ansel Chaplin seconded.

Vote: 4-0, motion carries.

Ansel wanted to discuss how there is no list at the Recycling Center regarding what can, and cannot, be recycled. He would like to have a meeting with the Recycling Committee, to suggest having a list posted at the Transfer Station of what is accepted/not accepted. Dianne and Mark informed Ansel that there were signs. Mark added that as with any other system, unless you have supervision, and compliance, it's not worth much. Mark suggested that they revisit, and ask what was being done. Perhaps a meeting with someone from the Recycling Committee, and Mr. Morris could be scheduled. Dianne added that she sat on the Recycling Committee until recently, and they are redoing all of the signage with Mr. Morris's input, and approval. Dianne suggested waiting to see what the Recycling Committee does with the signage.

Mr. Weinstein, Board of Selectmen liaison, approached the Board. He was given a letter written by Butch Mulaney, the tenant at 4 Town Hall Road. Mr. Weinstein wished to see if it was the same letter

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given to the Board of Health. He believes it is in the Board of Health's purview, not the Board of Selectmen. Dianne stated that it was a different letter, and had Noelle take a copy for the Board of Health. He will let the Board of Selectmen know, at their next meeting, that the Board of Health is in receipt of the letter.

Mark Peters made a motion to adjourn the meeting at 5:15PM.

Tracey Rose seconded.

Vote: 4-0, motion carries.

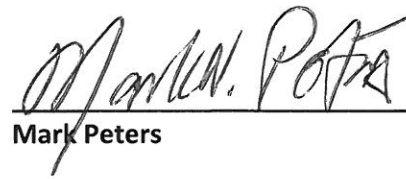


Chair-Dianne Eib



Vice Chair-Tracey Rose

Clerk-Jason Silva



Mark Peters

Tim Rose

Alternate-Ansel Chaplin