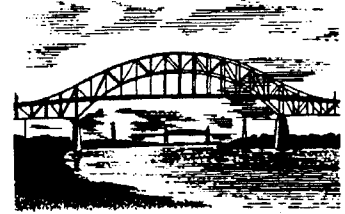


Cynthia A. Coffin
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

2015 SEP 28 PM 1:17
TOWN CLERK'S
BOURNE, MA
24 Perry Avenue
Bourne, MA 02532
Phone (508) 759-0615 x 1
Fax (508) 759-0679



MINUTES May 27, 2015

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews Vice-Chairman; Donald Uitti, Secretary, Galon Barlow and Kelly Mastria

Support Staff in attendance: Cynthia A. Coffin, Health Agent, Terri Guarino, and Health Inspector

- 1. 56 SAMOSET RD – CONTINUED from May 13, 2015 – Terri Guarino – Discussion and possible vote to issue fines for non-compliance of second order dated April 3, 2015 – Property owned by Jean Roffe –** Ms. Guarino stated that by the end of the day today she was able to stop by this property and found no further violations. The Police Department has given their ok regarding unregistered vehicles. Everything has been resolved. Ms. Peterson stated that the board appreciates this situation being handled in a prompt manner. **Mr. Barlow made a motion to dismiss this matter. Mr. Andrews seconded the motion. All in favor.**
- 2. 6 FOURTH AVE – CONTINUED from May 13, 2015 - Request of Health Inspector, Terri Guarino – Failure to correct violations from housing inspection conducted on March 27, 2015 – Property owned by Sergio Souza –** Mr. Souza is present for this meeting. Fladia Waywert was also present for this meeting to interpret for Mr. Souza. Ms. Guarino stated that the only action that has been taken since May 13, 2015 is a building permit has been pulled by a licensed contractor to fix the egress doors, steps, walls and floor and install a handrail on the porch. This work has to be commenced within 6 months of issuance and as far as she knows there is a plumbing permit as well. Ms. Waywert stated that the soonest the contractor can come and start is June 16, 2015. The contractor can send some guys to fix the screen door and the steps on Saturday or Sunday. Ms. Peterson asked if the tenant has been notified. Mr. Souza stated no. Ms. Guarino asked if he means Saturday May 30 and Sunday May 31, 2015. Mr. Souza stated yes but Ms. Kalkanis has changed her phone number again and he does not have a way of contacting her again. Ms. Coffin stated that notices can be posted to her door to inform her of the work to be done. Ms. Guarino suggested that Mr. Souza leave voice messages just in case Ms.

Kalkanis' phone does not accept text messages. A 24 hour notice is all that is needed to be given to the tenant. Mr. Andrews asked if Mr. Souza understood what is being said. 24 hour notice must be given in writing. Mr. Andrews stated that within the next couple of days, a notice must be posted on Ms. Kalkanis' door stating the contractor will be there on Saturday morning and on the 16th of June the plumber will be back. Ms. Mastria states to Ms. Waywert exactly how the letter should be written. Ms. Peterson suggested Mr. Souza write the notice in his car and post it on the door tonight. She also suggest that Mr. Souza make a copy of the notice and submit it to the office at the Board of Health. Mr. Souza asked if other things needed to be done this weekend besides the door and the step. Ms. Guarino stated that there are other things as stated on the letter she sent him. There are two doors. One barley opens and it also needs stairs. The main entrance is hard to close and is not weather tight. Mr. Souza stated that the doors were brand new when the tenant moved in and does not understand why they are not working properly. Ms. Mastria stated that the board is not requesting that he replace the doors, he just needs to make sure that the doors are operating correctly. Mr. Barlow stated that the doors must open, close and lock. Ms. Guarino stated that there is also a hand rail that needs to be installed on the porch steps. Ms. Coffin asked if Mr. Souza still has the letter that Ms. Guarino sent to him. Mr. Souza stated yes. Ms. Coffin stated that he just has to check off the things that are fixed as they are fixed. Ms. Mastria suggested that Mr. Souza give a copy of the letter to the contractor on Saturday and he can fix what is listed. Mr. Andrews stated that a letter should be submitted to the office with a list of what has been completed by the next meeting dated June 10, 2015. The by the meeting dated June 24, 2015 the whole list should be completed. Ms. Peterson stated to Mr. Souza that the next meeting with the Board of Health will be June 10, 2015. At that time all the contracting for the stairs, doors and railing should be completed and signed off by Ms. Coffin or Ms. Guarino. If that has taken place, Mr. Souza will not have to appear at the June 10, 2015 meeting. If it has not been completed then Mr. Souza must appear at the next meeting dated June 10, 2015. The next meeting dated June 24, 2015 Mr. Souza will be on the agenda again. If Ms. Coffin and or Ms. Guarino sign off that everything on the list is completed, the board will dismiss this complaint. Mr. Uitti will do a site visit on Saturday to make sure someone is there working. If there is no one working on Saturday then Mr. Uitti can check again on Sunday but if there is no one working Mr. Souza will be called on Monday. Ms. Guarino stated that it is very important that the office receives a copy of the 24 hour notice to the tenant. Ms. Waywert offers to write the letter right there in front of the board. Mr. Souza asked about the \$200.00 fine. Ms. Peterson stated that it is still in effect until further notice and everything is completed. Mr. Souza has the right to appeal the fines once everything is completed. **No action to be taken at this time. The board wants to move to item #3 and come back to this item later in the meeting.** Ms. Coffin reads the letter submitted to the board which will be posted on the door of the tenant. There are some changes to the letter which are made by Ms. Coffin and approved by the board and Mr. Souza. Ms. Coffin stated that there is some confusion with whether or not the property needs to be vacated or not for 3 days. The Board of

Health is not instructing the tenant to vacate the property for 3 days. The tenant stated, at a previous meeting, that if she needs to leave to get the work done, she will be able to accommodate the builder. Mr. Souza stated that the reason is because she will not be able to use the bathroom for the 2 to 3 days. Ms. Peterson stated she would like to clarify what Mr. Souza is planning on fixing. Ms. Guarino has a list of what needs to be fixed but now Mr. Souza is talking about tearing out walls in the bathroom. Ms. Coffin stated to make it clear what the plumber will be doing in the bathroom. Mr. Souza stated when you turn on the faucet for the shower, it is leaking water. The plumber will need to remove the existing plumbing in the shower and install a new one. Also the floor in the kitchen and in the bathroom will be replaced. Ms. Mastria stated that Ms. Kalkanis has already agreed to volunteer to move out for 3 days. Ms. Guarino stated that was on May 13 when she volunteered to do this. She was anticipating all this work to have been completed by now. Unfortunately, there is no guarantee that on June 16, 2015 any of this work will be completed. Ms. Coffin stated that the letter should not sound like the Board is requesting that the tenant vacate the property so just as a suggestions, it should read as, and on June 16, 2015 we need access to the house to do inside work for 3 days. Ms. Peterson stated that was all that needs to be said and if the tenant does not allow access then the board will deal with that issue then. Ms. Peterson stated that Mr. Souza really needs to document what he is doing and if the tenant does not give access then he must contact the office immediately. Mr. Souza stated that the leak in the kitchen is caused by the ceiling being replaced what it was not caulked correctly between the ceiling and the wall. That will also be fixed. **Mr. Andrews made a motion to CONTINUE this item to June 10, 2015. Mr. Uitti seconded the motion. All in favor.**

3. **24 CENTRAL BLVD – Request of Health Agent to discuss situation regarding abandoned property – owners are George, Frank and Lauren Hitchcock** – Ms. Coffin stated that she has been dealing with this abandoned property since 2013. At the time two of the brothers were in Bourne Manor Nursing Home. One of the siblings would get out occasionally and start living at the property. Ms. Coffin stated that she and the Building Inspector, Roger Laporte went out to the property because of complaints on the condition of the building. Mr. Laporte found some serious building issues like collapsed ceilings etc. The owners stated to Ms. Coffin that they would not be living in the home anymore and that they are trying to sell the property. Ms. Coffin did deem the property unfit for human habitation and the property was boarded up. It's been 2 years now with more complaints from neighbors, and more debris on the property. Mr. Laporte issued an order that the building is beyond repair and must be demolished on May 21, 2015. Mr. Hitchcock stated that he did receive a copy of that notice from Mr. Laporte. Mr. Hitchcock's girlfriend, Lois Gibbs stated that her daughter is in Real Estate that there is an investor interested in purchasing the property as is. The squatter is Lauren Hitchcock's nephew who she has given him permission to stay on the property. The nephew brought in a trailer and stayed the winter and still is at the property. The nephew thinks he can stay at the property

until Lauren Hitchcock says otherwise. Ms. Gibbs stated she needs to take pictures of the property and email them to her daughter and she will send them to this investor. There has been an offer and the offer has been accepted but she now needs to find a lawyer that will draw up the purchase and sales agreement. There is a lien on the property for unpaid taxes and this investor in inherit those fees upon the purchase of the property. The new owner will also take care of getting the nephew off of the property. Ms. Peterson stated that if the new investor were here at the meeting or if they could show the board a signed purchase and sales agreement now would be helpful but there is nothing to secure that something is being done with the property. Ms. Peterson asked if the board can evict the tenant with the trailer. Ms. Coffin stated she has been telling him to leave for over one year. Ms. Coffin stated that when she goes to the property, the tenant stated he lives in Wareham and he is just here fixing up the yard. Ms. Coffin stated that she did look into the trailer and felt that it is not fit for human habitation. Ms. Coffin stated that she is concerned that he is getting into the old house which is unsafe. Ms. Coffin has been writing letters to the owners because they have been letting him live there. The only thing she can do is take him to court. Mr. Barlow stated that there is a bylaw that you cannot live in your trailer. Ms. Coffin stated that he has already been cited for that but he is still there. Ms. Gibbs asked if the tenant has received any paperwork or legal notices. Ms. Coffin stated that it is up to the property owner to get him off the property not the Board of Health. Ms. Gibbs stated that Frank Hitchcock called the police once and told them to get him out of there but the nephew told the police that his Uncle Lauren is allowing him to live there. Mr. Hitchcock stated that the nephew has done quite a bit of work on the property and he must commend him for that. Ms. Coffin agreed. Mr. Uitti asked if there is a notice posted that that property is condemned. Ms. Coffin stated that she did not condemn the property but did determine it is not fit for human habitation. Mr. Laporte ordered the property torn down. Ms. Mastria asked if there is a way to fine just one of the owners and let the other two owners stated they do not want the tenant there. Ms. Peterson asked if the board can fine the owners \$200.00 per day until the tenant is gone. Ms. Coffin stated that she supposed they could. Mr. Hitchcock stated that the offer just came in a couple of days ago. Ms. Peterson asked if Mr. Hitchcock had legitimate paper work for the offer. Mr. Hitchcock stated not yet. Ms. Peterson suggested he go to an attorney or visit a licensed real estate broker who know what to do. Mr. Hitchcock stated that he has already contacted Kinlen and Grover. Mr. Hitchcock stated that because the nephew is on the property there is an exclusion. Mr. Barlow stated that someone has the exclusion on the property which is one of the owners of the property has an exclusive contract which is a real estate problem. The board wants the trailer removed from the property. Ms. Gibbs asked if the board wants the trailer off the property or the nephew too. Mr. Barlow stated that the board assumes if the trailer is remove the tenant will leave. Ms. Gibbs stated that the nephew thinks its ok to have the trailer on the property because so many other residences have trailers on their property. Ms. Coffin stated that it is ok to have a trailer on your property but you can't be living in it. Ms. Guarino stated that the letter from the Building Inspector is dated May 21,

2015 sent by certified mail and was received on May 23, 2015 at 9:50 am which states that 24 Central Blvd is an unsafe structure. Single family dwelling in extreme disrepair, unused, open to the weather, partially collapsing and a danger to life and limb. This building is beyond repair and must be immediately torn down Pursuant to section 121.0 the state building code, you shall have until 12:00 noon the following day of receipt of this order in which to commence in moving this structure and making the area safe. Ms. Guarino asked Mr. Hitchcock if he has contacted the Building Inspector. Mr. Hitchcock stated that he does not remember receiving the letter. Ms. Coffin stated that it was a certified letter and someone did sign for it. Mr. Barlow suggested to give Mr. Hitchcock a copy of the signed delivery receipt. Ms. Guarino recommended that some contact the Building Inspector immediately. He declared that the building is beyond repair and must be torn down. Ms. Gibbs stated that they can't afford to have the building torn down and they can't afford to pay the \$200.00 per day fines so she will contact her daughter and probably contact an attorney and have the investor come up and do what he needs to do. Ms. Coffin stated that the first thing that needs to be done is to contact Roger Laporte, the Building Inspector. Mr. Hitchcock stated that he just needs a few more days for the purchase and sales contract. Ms. Peterson stated that number one, there is no signed purchase and sales contract right now so that will no longer be discussed. Number two, Mr. Hitchcock has received a certified letter from the Building Inspector an order to tear down the house so immediately, in the morning, contact Roger Laporte because the Board of Health cannot and will not override a building inspectors ruling. In the meantime, if there is way to get the nephew off the property, she suggests to get him moved. Mr. Hitchcock stated that nothing has worked so far. Mr. Barlow stated that maybe the nephew should be shown the letter from the Building Inspector and explain that this is real trouble for the whole family. Ms. Peterson stated that the board has the authority to fine the tenant also. The Agent will put a letter on his door explaining the fine. Ms. Coffin stated that she is not sure that the tenant can be fined. The fines go to the owner of the property. Ms. Peterson stated that they can fine the tenant and as of today, being fined \$200.00 per day until he vacates the property. He is to contact the office with any questions and he can request to be on the next hearing to discuss paying the fine. **Mr. Andrews made a motion to CONTINUE this item for the next meeting dated June 10, 2015. Mr. Uitti seconded the motion. All in favor.**

4. **General Office Procedures** – Ms. Peterson stated that the meeting in April, the board left it that on May 27, 2015 the board would again take a look at what the office has done since then to notify the board and what the office came up with to give the board so that the board may be able to help the office. Ms. Peterson stated that the office has done a very good job keeping the board informed since that meeting in April. Mr. Andrews stated that he has received calls with updates and such and thinks it's nice. Ms. Coffin stated that they are trying and she is trying to be more aware. Mr. Andrews stated that at the meeting in April, they discussed some type of electronic filing for the office to use. He spoke with Barnstable Health and they are working on a new integrated permitting and

reporting system. Ms. Coffin stated that Mr. Guerino is not interested in becoming part of that. Mr. Andrews stated that one thing they have found is that there are modules out there that have all the building and different software but the one module that is missing is health. Mr. Andrews stated that there are other communities that he works with and as he visits these communities he will gather information to see if there is anything they are using that may help us. Ms. Peterson stated that if there is something the office wants that would be helpful, she and the rest of the board would have no problem going in front of the selectmen and the town administrator to get what the office wants. Generally the Board of Health never asks for any help from the town. So if there is something out there that the office wants, the board is more than willing to ask the town for it. Ms. Coffin stated that she has asked the Town Administrator in the past for things but has always been told there is no money in the budget. Mr. Andrews stated to go through the board first. Ms. Guarino stated that some of the seminars she attends do have programs that are right now a work in progress so if we were to purchase one of these programs, 5 years from now there will be something much better. Mr. Barlow stated that the office does have some state of the art stuff that Ms. Coffin has purchased over the years which has done very well for the office. Mr. Barlow stated that if there is no override then things are going to become very tight. Ms. Peterson stated a phone call is all that is needed. A member of the board could visit that establishment and explain if they are told to come before the board, they will end up in the paper. Ms. Coffin stated that she already informs the establishments of that which why she tries to get them to voluntarily close. Ms. Mastria stated that the overall message is that we all want to work together and help the office to do their jobs to the best of their abilities. Ms. Coffin stated that this is a positive thing to hear because the board in the past would call her with a complaint and ask that she check it out as soon as she can. She would hang up the phone and wonder why that board member did not go out and check on their own. It's so nice to have the support from this board. Ms. Guarino does go out quite a bit on re-checks. Ms. Guarino is sending the board the spreadsheets so you are aware of the inspections and one of things we have gotten away from is when there are issues that the office cannot solve during the day like there is food that needs to be thrown away, a fridge that needs repair or hot water issue, Ms. Guarino has been putting it in writing when there are more issues that she wants the managers to know about. They may not be critical issues but if she puts everything in writing, we could carbon copy the board. Ms. Peterson stated that was a wonderful idea. Mr. Uitti asked if maybe the board should have ID cards made to identify themselves. Ms. Coffin stated she could check with Charlie Noyes to see if that could be done. Ms. Guarino stated that in the code you are supposed to introduce yourself with your name, that you work for the health department and you are here to do a routine health inspection or responding to a complaint. It would be important for everyone to have a badge. Ms. Coffin stated that in the past there were some scams that took place in which restaurants would say a man from the Health Department was already here to do an inspection. She would inform them that there are no males that work in the Health Department. Mr. Barlow stated that the board had the badges approved at

one point but it all seemed to fall through. Ms. Peterson stated that another issue is that if you notify the police to attend a meeting then the board of health must also be notified that the police will be present. Ms. Guarino stated, referring back to restaurant inspections, that she would be a little apprehensive with restaurant inspections if she was not there. Mr. Barlow stated that they would not to the inspection, they would do a follow-up. Ms. Guarino stated that a follow-up is an inspection. If you walk into a restaurant you will only be checking on that one thing. Ms. Peterson stated that all they are trying to say is if the restaurant is not complying then it would be perfectly ok for a board member to go in and find out why they are not in compliance. Mr. Andrews stated that they could simply remind the owner that the Health Inspector has given a list of issues that need to be addressed and so far the board has been told the issues are not being addressed so this restaurant will be on the next meeting agenda. Mr. Barlow stated that he would like this next statement on the record, If you came into my restaurant and you said to me every refrigerator is not working, you need to get them fixed, and you gave me a slip of paper stating that I could have a follow-up visit from anyone within the next two weeks, every refrigerator would be fixed as soon as it could possibly be done because he would not want to be explaining to Ms. Peterson or Mr. Andrews why he is operating with broken refrigerators. It's in the shadows that a board member could show up and restaurants do not want that. Mr. Andrews stated that if the office wanted a member with them to feel more comfortable, they would be available for that as well. Mr. Barlow stated that just informing the restaurant that they may have a follow-up inspection by an elected official is an encouragement to get it done. Ms. Peterson started that once a restaurant appears on an agenda, it becomes public record and they don't want that either. Ms. Mastria stated that the board would be like extra reinforcement is all. Ms. Guarino asked if the board members received the spreadsheets. Ms. Peterson stated that she did but it was really hard to read. Mr. Andrews stated that a lot of the information was out of date like the Servesafe certificates. Ms. Peterson stated that when you click on something the whole sheet moves and it is hard to follow. **No action was taken at this time.**

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti. seconded the motion. It was a unanimous vote and the meeting adjourned at 8:19 PM.

Taped by Cynthia Coffin, Health Agent

Typed by Lisa Collett, Secretary

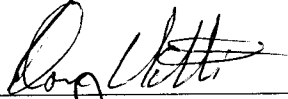
Kathleen Peterson

Stanley Andrews

Galon Barlow



Don Uitti



Kelly Mastria -



cc Board of Selectmen/Town Clerk