



Cynthia A. Coffin
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MINUTES May 13, 2015

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

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

1. **56 SAMOSET RD – Request of Health Inspector, Terri Guarino – Discussion and possible vote to issue fined for failure to correct violations of State Housing Code and Mass General Laws (nuisance) – second order dated April 3, 2015 – Property owned by Jean Roffe – David Sampson present for this item.**
Mr. Sampson stated that Ms. Roffe was unable to attend this meeting but will speak on her behalf. Ms. Guarino stated that she and Mr. Sampson were at the property going over the violations and there has been a dramatic improvement. There was an above ground swimming pool that was deflated and removed from the property. There was tremendous amount of debris. This is a corner lot and the side porch area, both sides of the property and the driveway, all the debris has been removed. There is an extreme improvement. There was a lot of work put into taking care of this. Some of the animal waste has been removed and the vehicles are still there which still need to be addressed. The only other issue is that there were dogs on the property and kennels in the side yard. There were 5 dogs, then 3 now there is none. One of these kennels was elevated approximately 2 feet above the ground and some waste had gone through the kennel and onto the ground. It is mostly covered with straw so it is not an issue with odor right now but Mr. Sampson stated he will work to address this issue as soon as possible. Ms. Peterson asked why it has taken so long for Mr. Sampson to comply with what was asked. Mr. Sampson stated that first of all, Mrs. Roffe has owned this property for 45 years. Since last year she has developed some medical issues. He received a letter in early April which was the first notice of what had been going on with the Board of Health and the tenant. Ms. Coffin stated that the other letters from 2014 initially went to the tenant. Mr. Sampson stated that within the last 8 months or so, they have been getting correspondence and has become aware of the situation. Upon receiving notification, Mr. Sampson contacted Ms. Guarino about mid-April and discussed what the issue was. He can assure the board that

he and Ms. Roffe understand the issue and have no argument what so ever with the position of Board of Health. Mr. Sampson stated that if he had been a neighbor, he would have contacted the Board of Health because of the condition of the property. In any case, they have been trying to work with Ms. Roffe's son who lives in the house hoping to get some resolution. There were some issues that Ms. Guarino informed Mr. Sampson about regarding some standing water and dog feces under the trailer. Mr. Sampson stated that this will be addressed expeditiously and without reservation. They are trying to be the solution, not the problem. Mr. Sampson stated that there are some vehicles on the property. There are 2 unregistered trailers and one unregistered car which is in violation of the town bylaw. These vehicles will be removed but will need a few days. Ms. Coffin stated there is history here and about one year ago the office received a complaint about the dog waste and a bunch of clutter in that area. We have been dealing with Mr. Flynn, the tenant. Mr. Flynn did kind of cleanup the garbage and debris but the dog waste was still there to a large degree. At the same time, DNR was involved with enforcement orders for licensure and cruelty to animals so because that was being dealt with, she decided to wait to see what DNR was going to do about the dogs. Ms. Guarino stated that she feels that a week time to take care of the remaining issues is enough time. Most of the dog waste is underneath straw. It is barely even visible. Ms. Guarino stated that a neighbor actually spoke with her telling her thanks for getting this yard cleaned. She could tell lots of progress had been made. Ms. Coffin asked if Mr. Flynn was still living in the house. Mr. Sampson stated that he was but it is their objective to have him move out. Ms. Peterson asked if there are any orders that the tenant can no longer have dogs on the property. Ms. Coffin stated that she did not know but is sure they all went to court about it. Mr. Sampson stated that he did not know if a resolution regarding the dogs has been reached. Mr. Barlow stated that this should be continued for one month to see where it is at. **Mr. Barlow made a motion to continue until the meeting dated May 27, 2015. Ms. Peterson added to the motion to have Ms. Coffin and Ms. Guarino determine by another inspection after one week if this should be put back on the agenda for May 27, 2015. Mr. Uitti seconded the motion. All in favor.**

2. **6 FOURTH AVE – Request of Health Inspector, Terri Guarino – Failure to correct violations from housing inspection conducted on March 27, 2015 – Property owned by Sergio Souza** – Ms. Tanya Kalkanis, Sergio Souza and Sergio Dantas who is interpreting for Mr. Souza, are present for this hearing. Ms. Guarino stated that she conducted an inspection of this property on March 27, 2015 immediately after she received the complaint. It was late on a Friday afternoon in which she found several violations. She spoke with someone on the telephone named Dennis who was translating for Sergio Souza. Sergio's primary language is Portuguese. Essentially Ms. Guarino explained to him why she was there and what needed to be done. The most time sensitive issues were electrical issues which have been corrected. April 7, 2015 a licensed electrician completed the work. Ms. Peterson asked if all the electrical issues were fixed. Ms. Guarino stated yes. Ms. Guarino stated that the other issues have not been addressed. She

has not had any response back from Mr. Souza. It is difficult to communicate with Mr. Souza due to the language barrier. He has not indicated any time frame as to when these issues will be resolved which is why they are here today. Ms. Peterson asked if Mr. Dantas wanted to interpret what was just said and Mr. Souza stated that he understood what was just said. Ms. Peterson asked Mr. Souza when everything on the list would be fixed. Mr. Souza stated that he hired a construction worker to fix the leak and was told it will take one week. Ms. Peterson asked Ms. Kalkanis how long she have been asking Mr. Souza to fix the leaking toilet. Ms. Kalkanis stated originally she asked for one and one half weeks. She has a 10 year daughter living with her and feels the issues here are very stressful for both of them. Ms. Kalkanis stated that a neighbor actually fixed the leak at the toilet. Ms. Guarino stated that the leak at the toilet was already fixed prior to her inspection which is why it is not listed on the complaint. Ms. Peterson asked Mr. Souza if he has hired a plumber to fix the sink and shower drains. Mr. Souza stated yes. Mr. Dantas stated that they will need one week to complete all the issues on the complaint. Ms. Peterson stated if they need Ms. Kalkanis to vacate for that week then they will need to get her into a hotel or somewhere at Mr. Souza's expense. Mr. Souza stated that would be impossible. Ms. Peterson stated that the plumber will need to work around Ms. Kalkanis' schedule. Ms. Peterson asked Ms. Kalkanis what kind of accommodations she will need. Ms. Kalkanis stated she has friends that live in Bourne that she would be able to stay with temporarily while the trailer is being fixed. Ms. Peterson asked why the tenant needs to move out. Mr. Souza stated that the work in the bathroom involves taking out some wall, the floor and the toilet so the bathroom will not be able to be used until it is all fixed. Ms. Kalkanis stated that the bigger problem is in the kitchen. There is a structural leak in the wall which has led to more decaying and the tiles becoming loose and broken. Also there is mold. Ms. Guarino stated that the issues with the bathroom are not a priority compared to the other items on the list. Ms. Guarino stated that she also noticed a strong unpleasant odor in the kitchen. The doors, which is also located along this same wall have a hard time shutting. The secondary door wasn't locked, wouldn't open and seemed like it was fixed in place. There are no stairs connected to it so if you were to get that door open, you would fall down about 3.5 feet. Mr. Uitti stated that this issue with the doors and the stairs should be fixed immediately. Ms. Peterson asked if there is a contract with the builder. Mr. Souza stated he has hired a plumber but there is no contract. Mr. Barlow stated that more than just a plumber will be needed. You need someone to take the kitchen wall out, the bathroom wall out, get rid of the mold, fix the plumbing then put it all back together. This has to be someone who is licensed to do that. Ms. Coffin stated that the person he decides to hire will need to pull permits for all the work that will be done. Ms. Peterson asked when Mr. Souza will hire someone. Mr. Souza stated that he did not know but the tenant has not paid rent in the last 4 or 5 months. Ms. Peterson stated that we are not here to discuss that. Mr. Souza stated that he does not have any money right now to fix the problems. Ms. Guarino informed Mr. Souza that he was told back when the first complaint order was issued that he had 7 days to appeal. She explained that to Mr. Souza and it was

something that Mr. Souza was considering. At that time, you stated that you would take care of the issues. Mr. Peterson stated this is what is going to happen, you have 7 days to get into compliance. After the 7th day you will begin to get fined. In 7 days Ms. Guarino is to have a signed contract with the exact days that this trailer is going to be fixed and exactly how many days Ms. Kalkanis will need to be moved out. Mr. Souza stated some things have been fixed. He has no idea what more needs to be fixed. Ms. Coffin asked if he had a copy of the letter with the violations. Ms. Coffin gave Mr. Souza another copy of the order. Ms. Peterson reiterated to Mr. Souza that in 7 days he must have a signed contract submitted to Ms. Guarino and a letter informing the tenant how many days she needs to find temporary housing. Ms. Peterson asked what the fines will be. Ms. Coffin stated that the fine for a second offense is one hundred dollars per day. The third offense is two hundred dollars per day with subsequent offenses at three hundred dollars per day. Ms. Peterson stated that starting today Mr. Souza will be fined two hundred dollars per day. If Mr. Souza does what the board has instructed him to do then he can ask for the fines to be waived. Mr. Barlow stated that tomorrow Mr. Souza must start finding contractors and let Ms. Guarino know so she can keep Ms. Kalkanis informed. Ms. Guarino stated that she feels the board is being lenient with the time frame. She feels something should be submitted in writing and should be submitted by the end of the week. Ms. Mastria stated that she is comfortable with Ms. Guarino's recommendation. Ms. Peterson confirmed with Mr. Dantas that Mr. Souza understands everything that was just said. Mr. Souza asked if he could have to tomorrow to make sure that his contractor will be available. Mr. Barlow stated if the contractor he plans on hiring is not available then Mr. Souza needs to find one that is available immediately. Mr. Souza stated that a friend of his is going to be his contractor and he has already tried to make arrangements with Ms. Kalkanis but she would not let him in. Ms. Kalkanis stated that was not true. Ms. Peterson asked if there is any proof that Ms. Kalkanis would not allow the contractor to enter the trailer. Mr. Souza stated that did not and the number he has for Ms. Kalkanis is an old number which does not work. Ms. Peterson instructed Mr. Souza to go through Ms. Guarino from this point forward. Ms. Peterson explained to Ms. Kalkanis that if the contractor does try to make arrangements and she does not let him in then she too can be fined. Reasonable notice must be given to the tenant for access into the trailer. Ms. Peterson asked Ms. Kalkanis how much notice she will need to leave the trailer for the work to be done. Ms. Kalkanis answered it will be a little uncomfortable for her and her daughter but she could leave immediately. Ms. Peterson warned Mr. Souza to not let this go any further. To make sure he reports to the Building Inspection Department and pulls the proper permits and that he understands the fine starts today which means he is already two hundred dollars into it. The board has collected fines in the past regarding housing violations. Ms. Peterson asked if there are any other questions. There were none. **Ms. Peterson made a motion to CONTINUE 6 Fourth Ave for the next agenda and by Friday, Mr. Souza will have pulled a permit and have written contract to Ms. Guarino and have pulled the proper building permits to get this started. There will be communication made to the tenant as to when the**

job will begin and end. The board would like this completed and signed off on by the next meeting dated May 27, 2015. Mr. Uitti seconded the motion. Ms. Peterson added to the motion that the Two Hundred dollar fine will start today, May 13, 2015. Every day including weekends that this is not done Mr. Souza will be fined two hundred dollars. If this is taken care of and finished before the next meeting then Mr. Souza may request that the board waive the fine. Mr. Uitti seconded the revised motion. Just for the record, Ms. Peterson requested that Mr. Souza tell the board what was discussed so that the board is sure he understands what happened at this meeting. All in favor.

3. 14 CANONICUS AVE – Zac Basinski of Bracken Engineering – Request to extend septic variances previously approved for 14 Canonicus Ave on May 14, 2014 – Mr. Basinski stated that Mr. Sheppard the home owner is currently working with two different builders and finalizing the cost of the building and hoping to start construction after Labor Day so he is requesting a 6 month extension. Mr. Barlow stated that 6 months would be into November. Mr. Uitti asked where the property is located. Mr. Basinski stated it is in Hen's Cove area. Ms. Mastria made a motion to grant the 6 month extension. Mr. Barlow seconded. All in favor.
4. Approve the minutes from April 8, 2015. – Ms. Mastria made a motion to approve the minutes from the April 8, 2015 meeting. Mr. Uitti seconded the motion. All in favor. Mr. Barlow abstained.

Ms. Mastria made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:49 PM. 48m53s

Taped and typed by Lisa Collett, Secretary

Kathleen Peterson

Stanley Andrews

Galon Barlow

Don Uitti

Kelly Mastria –

cc Board of Selectmen/Town Clerk