



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



Terri Guarino
Health Agent

MINUTES July 27, 2016

Members in attendance: Stanley Andrews, Chairperson; Donald Uitti, Secretary and Galon Barlow

Support Staff in attendance: Terri Guarino, Health Agent; Jamie Butler, Health Inspector and Lisa Collett, Secretary

RECEIVED
2016 OCT 27 PM 2:46
TOWN OF BOURNE

MEETING WAS CALLED TO ORDER AT 7:01pm

- 1. 51 ACADEMY DR – Jamie Butler – Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human habitation – Failure to comply with an official BOH order dated July 14, 2016 – The Board of Health will discuss and possible vote on a finding that the dwelling or a portion thereof is unfit for human habitation.** Ms. Guarino stated that she received a complaint on July 13, 2016. Due to the nature of the conditions it was pretty much immediate follow-up and went out that day. She and Ms. Butler conducted an inspection of the dwelling. There are 2 units in the dwelling. One is occupied. The one this is occupied at that time had several violations which are in the order dated July 14, 2016. Ms. Guarino stated that Ms. Butler conducted another inspection on July 21, 2016 and found that a lot of the violations were still existing. Most recently, this afternoon she and Ms. Butler did another inspection and some items deemed to be repaired have been corrected. Ms. Guarino stated she can go over what is outstanding, she understands there is a lot. Mr. Andrews stated so chronologically the call came in July 13, 2016. There is a correction order submitted. A letter went out on the 14th of July and then another inspection was conducted on July 20 along with another letter that went out on July 21, 2016. Ms. Guarino stated that was correct. Mr. Andrews asked that Ms. Butler go over the violations found on July 13, 2016. Ms. Butler stated that the first violations were the plumbing connections. The Kitchen sink was inoperable at the time of inspection. This violation has been fixed now. The toilet was inoperable at the time of inspection. As of right now the toilet was replaced however if you go into the basement of the dwelling there is hole in which you can see the toilet through the basement. The toilet does flush now and is secure to the floor. The bathroom sink is still not working. The second section of the two means of egress, the occupants have mentioned that they are willing to fix the missing dead bolt. Right

now it is incapable of being locked and secured. The back egress does not have a railing. The stairs are unsafe which still need to be fixed. The frame to the back door is rotted on the bottom. It needs to be maintained so that it is weather tight. Information of the property owner needs to be posted in the dwelling. The light fixtures need to be in good working order. The kitchen is missing a light bulb and the bathroom has a light bulb that is dangling from the ceiling with exposed wires. This needs to be corrected. Structural elements such as the floors and ceilings of the bathroom have chronic dampness and need to be repaired. The walls and ceiling in the kitchen area near the refrigerator need to be repaired. The roof needs repairing. Ms. Butler stated the second unoccupied unit, which she took pictures of and sent, has unsafe stairs and holes in the door. Mr. Andrews stated that was the inspection on the 13th and then Ms. Butler went back out on the 20th. Mr. Andrews asked what was repaired on the list particularly the 3 items that are on the report that had to be repaired within 24 hours, were they repaired on the 20th. Ms. Butler stated no. The bathroom sink is still not repaired and toilet has been replaced but there is still a hole through the floor. Ms. Guarino stated that additionally to the hole, the toilet is still leaking. Mr. Andrews asked what had been completed as of the 20th. Ms. Butler stated that the kitchen sink was fixed and the toilet is now secured to the floor. Mr. Barlow asked if they could tell if the water was leaking where the water goes in or where it flushes out. Ms. Guarino stated that it was a very slow leak. It was hard to tell. There was more than one. Some of it looked like condensation on the pipes so it could have been both. It was definitely leaking on the way out, around the seal. The flooring is pretty damaged. It looks like the leak has been going on for a while. Mr. Andrews asked, as of today, how many of the immediate items have been addressed and how many of the other items have been completed to complete satisfaction. Ms. Butler stated it hasn't changed since the 20th. Mr. Benway was present for this meeting. Mr. Benway stated that he would like to give the board a little history and some context to maybe help. Mr. Benway stated that he has owned this cottage which is a very old cottage at about 67 years old. He has owned it for a long time. The house is very old and he agrees with the Health Agents findings that it needs a lot of work. Mr. Benway stated that he is aware of it. Mr. Benway stated that he works about 200 miles north and only comes here once or twice a week to visit his family. Mr. Benway stated that he knows the house needs a ton of work, the plumbing is junk and the electric is junk. There is no debate what so ever. Mr. Benway stated that he put an ad out for a tradesman to live in the house and help out with these issues. He also offered to pay that person and pay for parts. Mr. Benway stated that he gave a young family, Mr. Webb and his girlfriend this opportunity. Mr. Benway stated that Mr. Webb advertised he was in the trades and very capable along with his girlfriend's father was a tradesman on the Cape for years. The father was the one who made a few of the repairs. Mr. Benway stated that he had an electrician go into the house at one point when Mr. Webb tried to change a light bulb and shorted the whole fixture and tripped the circuit. Mr. Benway stated that it has been difficult where he is 200 miles away. Mr. Benway stated that he subsequently had two tradesmen try to work at the house but could not gain access. The workers could see people in the house but no one would answer the door. Part of it is

communication being 200 miles away and part of it is Mr. Webb's girlfriend phone is very inoperable so you can't have a conversation. The bigger picture is the house is a mess and it needs a lot of work. Unfortunately this relationship with Mr. Webb did not work out. Mr. Benway stated that he has talked with Mr. Webb about this already. He also talked with the girlfriend's Dad who came and did a walk through then stated he does not have the time or the ability to do what the house needs. Mr. Benway told him that he understood but that Mr. Webb advertised and told him they would all be working on this house. The father told Mr. Benway that they did in fact talk about it but in looking at the house, he felt he could not tackle it, it's just too much. The father told Mr. Benway that he would get his daughter out of the house and find her another place to live. Mr. Webb also agreed to move out and find another place to live. Mr. Benway stated that this is where they are at right now. In order to do the repair, and he agrees with the agents findings, in order to do the plumbing system, to put new floors in, to put ceiling in, to put a new roof in, to fix electrical circuits, the house needs to be repaired, what he calls ripped and rehabbed. Mr. Benway stated that he pulled a permit many months ago with the building department to fix the back apartment and get that at least in good shape which that has not had anyone living there within the last 6 to 8 months. The apartment has been gutted and it needs work. The rest of the house is not a whole lot different. Mr. Benway stated that his plan is to renovate the house with his permit from the building department and the architectural plans that are on file with the Building department. Unfortunately the mistake he made was giving Mr. Webb an opportunity and thinking he could handle it and he couldn't handle it. It put Mr. Webb in a bad spot and himself in a bad spot and a waste of the Board's lovely evening in the middle of the summer tonight as well. Mr. Benway apologized. Mr. Benway stated that he also agrees with the agent's recommendation of condemnation. Mr. Benway stated that he is embarrassed at the condition of the house and does want to do something about it. At the moment he works a long way away and will try to get capable tradesmen in there as soon as he can. However, with someone living there, there is no way he can rip out plumbing. The whole house needs to be replaced. Walls, sheet rock, insulation, all the electrical, all the plumbing since the house is 67 years old. Ms. Guarino stated that she would like to clarify a statement. Ms. Guarino stated that she is not recommending that the house be condemned. It was just discussed and possible vote on that. In fact, today's inspection revealed that the dwelling is habitable with immediate repairs. The things that were pull as a risk, conditions deemed to impair have been corrected. But there are other repairs that need to be done as soon as possible. So it is technically fit for human habitation and she is not making a recommendation that it be condemned. Ms. Guarino stated that she is actually kind of doing just the opposite. It is habitable but it needs some work immediately and some work in a few day etc. She just wanted to clarify that. Mr. Andrews stated that if these items had been addressed in a timely manner as they were asked to be done we would not have all the same issues that we have right now. Ms. Guarino stated that was correct. Mr. Uitti asked if anyone is living there right now. Mr. Benway stated that in the front half of the house there is someone living there, Mr. Webb and his girlfriend. Mr. Uitti


stated that Mr. Benway should get rid of them so he can work on the house. Mr. Benway stated that is what he is trying to do. They promised him that they were going to leave. The initial relationship was they were a tradesman and he was going to help him rebuild. When that became evident that it wasn't capable of happening, he asked that they leave. Now it has been brought here before the Board of Health. Mr. Barlow stated that he drove by and it appears that there is a family living there. Mr. Benway stated that was correct. Mr. Barlow stated that it looks as though there are children living there. Mr. Benway stated that is one child. Mr. Barlow stated that the board doesn't really care if there is a whole house or not. There are a few issues here that need to be addressed so that this family can live there. In the middle of the summer the board will not put anyone out in the street. In the middle of the winter either. What the board really wants is these repairs done because that is what the Health Agent has ordered to be done. Mr. Andrews stated that since the first inspection a few things have been addressed but now it's been another week and nothing else was done. Mr. Andrews stated that Mr. Benway has been given an order to correct within 24 hours. Mr. Benway stated that in that week he has had contractors there twice who have been unable to access the building so he has made an attempt. He actually has made 3 attempts. Mr. Andrews asked if he notified the office of that. Mr. Benway stated he told Ms. Butler on the phone. Mr. Barlow stated that this board has been through this situation many times and what Mr. Benway has to do is make an arrangement with the tenant for a time certain so the tradesmen can get into the house. Then notify the agent of the time certain so that the office knows when the house is being worked on and maybe they might swing by or even maybe a board member. The board understands it's really hard to coordinate to get things done but these repairs really need to be done. Mr. Benway stated that replacing a floor or a ceiling or a wiring system or a drain system, how that can be done while it's habited. Mr. Andrews stated that a bathroom, to replace the floor, is one day they come in, remove what is there and rebuild the floor and set the toilet down. It is not a week long project. Mr. Barlow stated that the board is not going to make the repairs. Mr. Benway needs to get someone in there to look at it, access the situation and give a time frame to get the work done. Mr. Barlow stated that if it starts to look like they are getting blown off, they start fining and it can get pretty nasty. Mr. Andrews stated that if he does not see progress in this he would be inclined to go back to the 14th which is when Mr. Benway was supposed to have the repairs done. Mr. Webb, the tenant was present for this hearing. Mr. Andrews asked Mr. Webb why the contractors were not allowed access. Mr. Webb stated that every time that arrangements were made he would make sure his girlfriend Amanda was there. Mr. Webb stated that Mr. Benway has yet to call him. If Mr. Benway would pick up the phone and call him he could have made sure someone was there. Mr. Webb stated that he stayed home a couple of days. Mr. Webb stated that his girlfriend Amanda has been home every time the town has shown up. Mr. Webb stated that Mr. Benway did discuss with him about moving out. Mr. Webb stated that Mr. Benway told him he knew of someone that may have a place for him to move right into. If that is the case, then Mr. Webb is willing to move out. Mr. Andrews stated that the owner has the right to do repairs at the property. Mr. Andrews stated he would like phone

numbers for Mr. Webb, his girlfriend and the owner for the record. These numbers are to be given to the staff in the office. Mr. Andrews stated that if access is not given after 24 hours' notice the board can fine the tenant as well. Ms. Guarino stated that the rate of the fine is \$300.00 per day. Mr. Andrews asked Ms. Guarino what would be a time frame for the owner to complete repairs. Ms. Guarino stated that she would like the time frame discussed right now or something in writing submitted to the office tomorrow. Mr. Benway stated that he can have people at the property tomorrow to start repairs. He has had people in the past but they have been denied access into the dwelling. Mr. Webb stated that the tradesman should go to the back door. Mr. Andrews stated that if possible have the tradesman try to contact the office if they are denied access tomorrow. Mr. Andrews stated he does not want to see it issue before the board again in 2 weeks for the next meeting. Mr. Barlow stated that this should be continued to the next meeting for review but may not need to be on the agenda. **Mr. Barlow made a motion to CONTINUE this item until the next meeting for further discussion if repairs have not been completed. Mr. Uitti seconded the motion. It was unanimous.**

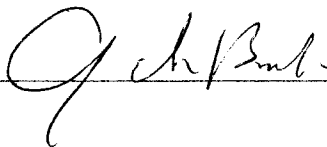
2. **4 CENTRAL BLVD – CONTINUED from July 13, 2016 – David MacLean for Jeffrey and Pamela Siefried – Request variances from Title 5 of the state environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from portable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study.** Ms. Guarino stated that nothing new has been submitted for this address. The engineer called and stated he was not prepared for this meeting. **Mr. Barlow made a motion to CONTINUE this to the next meeting. Mr. Uitti seconded the motion. It was unanimous.**
3. **APPROVE THE MINUTES – From July 13, 2016 – These minutes have not been completed. This will be CONTINUED to the next meeting.**
4. **APPROVE THE MINUTES – CONTINUED from June 22, 2016, April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016. – These minutes have not been completed. This will CONTINUE to the next meeting.**
5. **APPROVE THE MINUTES – From the meeting dated June 22, 2016 – Mr. Uitti made a motion to approve the minutes dated June 22, 2016. Mr. Barlow seconded the motion. It was unanimous.**

Mr. Uitti made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 7:29 PM.

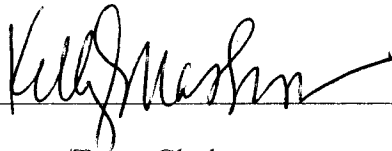
Taped and typed by Lisa Collett, Secretary

Kathleen Peterson 

Stanley Andrews _____

Galon Barlow 

Don Uitti _____

Kelly Mastria - 

cc Board of Selectmen/Town Clerk