



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
www.townofbourne.com/health
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

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TOWN OF BOURNE

MINUTES

June 26, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow Jr.; Donald Uitti; and Kelly Mastria.

Support Staff in attendance: Kayla Davis, Health Inspector; Carly Cote, Health Inspector; Cassie Hammond, Administrative Assistant.

Meeting was called to order at 6:00 pm

Ms. Peterson asked if anyone was recording at this time, Beth Treffeisen and Michael Rausch indicated they were.

1. **230 Circuit Avenue—David D. Flaherty Jr., RS, REHS on behalf of owner, Christopher A. Soller and Susan M. Handy Trust, Sollers-Handy Trust—CONTINUED from June 12, 2019--Request relief from the Bourne Board of Health Regulations and 310 CMR 15.405 (Title 5) for the septic system upgrade required in order to accommodate building renovations.** Mr. David Flaherty Jr., RS, REHS representing the homeowner. Mr. Flaherty reviewed the details of the project. He indicated he will submit the details of the MicroFAST system at the time of the startup review. Ms. Peterson explained how at the last meeting audience members joined the meeting at 7pm due to miscommunication with time. Mr. Handy was present in the audience and did not have any questions. Ms. Davis reviewed the plans, including the dates received. Mr. Andrews reiterated the requirement to have the plans submitted a week prior allows the Board of Health members time to review. Mr. Andrews made note of a typo on the plan, Mr. Flaherty changed and initialed the office copy. **Mr. Andrews made a motion to approve 230 Circuit Avenue for the septic upgrade for the renovations of the home with the variances as described on the site plans received by the office June 24, 2019. Mr. Uitti second the motion. All in favor.**
2. **8 Stackpole Circle—Peter McEntee, P.E. of Engineering Works, Inc. representing homeowner Elizabeth Lefebvre—request for local upgrade approvals to install septic system under maximum feasible compliance.** Peter McEntee of Engineering Works was present and representing the homeowner. Mr. McEntee reviewed the details of the plan, and the 3 variances needed. Ms. Davis stated the office had reviewed the plans and had no questions or concerns and praised the layout of the plans. Mr. McEntee stated it is an improvement from what is existing. Ms. Davis agreed. No questions from the Board of Health Members. **Mr. Andrews made a motion to approve 8 Stackpole Circle with variances detailed on plan received by the office on June 11, 2019, he stated it is a major improvement to the existing system and will help protect the resource. Mr. Barlow seconded the motion. All in favor.**
3. **Hampton Inn Cape Cod Canal—12 Kendall Rae Place—David Darling, owner--Discussion and possible vote to approve permits for new business contingent upon pre-operational inspection and other Town approvals:** Mr. Barlow recused himself for these items.
 - a. **Permit to operate a hotel—100 room year-round hotel**
 - b. **Permit to operate a semi-public swimming pool—12,600 gallon indoor swimming pool**
 - c. **Permit for food service establishment—48 seats**

Ms. Peterson reviewed the history of why the Board of Health reviews new food establishments. Brenna Attanasio and Jon Bizier are present and representing the Hotel. Ms. Davis reviewed the packets received by the office from

the Hampton Inn. Ms. Mastria questioned the size of the pool, indicating it will be on the smaller size. Ms. Peterson explained the Health Department staff have not conducted a preoperational inspection at this time, but indicated that if a positive vote were to come through during the meeting that it be contingent upon a passing preoperational inspection. Ms. Peterson mentioned the recent pool inspections throughout the town and the difficulty they are having with meeting expectations. Mr. Andrews referenced the Board of Health meeting held in the beginning of 2019 which detailed the new food regulations and directed Ms. Attanasio to seek these out on the website. **Ms. Peterson made a motion to approve licenses to operate a food establishment, semi-public swimming pool, and hotel. Mr. Uitti second the motion. Mr. Andrews abstained from the vote. Mrs. Mastria and Mr. Uitti in favor. Mr. Barlow abstained and the motion passed.** Ms. Davis requested at least a weeks' notice for scheduling of the inspections.

4. Discussion and possible vote to approve new food establishment plans and permit in accordance with 105 CMR 590.012. Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals: Mr. Barlow recused himself for this item.

a. Bridge View Grill—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats

Attorney William Smith representing the owners of Bridge View Grill, whom are present and in the audience. Ms. Davis reviewed the most recent inspection and the items needed to be brought into compliance, as well as the letter submitted by Attorney Smith, and the food permit application that needs amendment. Ms. Cote said that they indicated a number of seats which would require the downstairs to be operable to support this. Attorney William Smith added to what he detailed in his letter, disagreeing with inspection results and food code requirements, stated that the concern about the grease dumpster and the smell should be expected. Ms. Peterson explained that the current grease trap is left over from the previous establishment and this needs to be replaced with a new grease trap as it is a nuisance. Attorney William Smith said the downstairs bathroom will be available for anyone, and Ms. Peterson asked if all the toilets and sinks are repaired and in working order. Mrs. Mastria asked if there are codes to be followed for item number 5 and 6 regarding employee restrooms on Attorney Smith's letter. Ms. Peterson confirmed and quoted 501.110 dressing rooms and lockers section from the code. Attorney Smith said the employees will not be changing their clothing and do not need lockers. Ms. Davis detailed the food code requirement for this area due to weather related needs and separating personal items from food service areas. Mr. Hildreth stated there are still corrections being made for the bathrooms. Attorney Smith questioned the Board of Health giving approval to other establishments prior to the pre-operational inspection. Ms. Peterson clarified that the Bridge View Grill does not have plan approval, and other establishments did, which is a food code requirement for new or renovated food establishments. Mrs. Mastria agreed with Ms. Peterson and further detailed the findings in her walkthrough at the Bridge View Grill and the concerns found at that time. Attorney Smith said these concerns can be, and have been before addressed at an inspection. He reiterated the seasonal revenue needed and the need to open and feels this can all be addressed at that time. Ms. Peterson detailed that 12 days ago the downstairs was in complete disrepair. Mr. Andrews said he raised these same concerns at the walkthrough April 24, 2019 and was assured everything would be completed within in three weeks, and this next walkthrough was not scheduled within that time indicated and this item has been continued. Mr. Andrews stressed his concern with inviting the Board of Health for a site walkthrough and these items continue to be in need of repair. Mr. Andrews agreed that if upstairs has been repaired, the downstairs can remain without approval and will not be permitted at the same time. Attorney Smith showed concern with returning before the Board of Health and does not receive the approval and the liquor license cannot be obtained he feels this will not be manageable. Ms. Peterson requested a new food establishment permit be completed to reflect the appropriate amount of seats. Ms. Peterson continued to say that the sign off for the routing slip is not causing the inability to obtain the liquor license. Attorney Smith disagreed, saying all other departments have signed off, some with contingencies, and requested that the Board of Health do that. Mr. Andrews, Ms. Peterson, and Attorney Smith discussed the nuances of routing slips, occupancy permits, and liquor licenses. **Mr. Andrews made a motion to table this to after item 7. Mr. Uitti seconded this motion. Mrs. Mastria and Ms. Peterson are in favor. Mr. Barlow Abstained.**

5. **Jasper's Too Motel—101 Maple St—Discussion and possible vote on the Hotel/Motel Permit Application for Tabitha Tubbs. Formally operated by Judith Tubbs and suspended due to repeat violations.** Mr. Barlow recused himself for this item. Ms. Tabitha Vasconcelos corrected the last name listed from Tubbs to Vasconcelos on the agenda. The Board praised Ms. Vasconcelos on her hard work. Ms. Vasconcelos introduced Mr. Shaun McCurry who will be managing the motel. She detailed the information provided and showed the guest check-in book including the instructions for check-in, a staff schedule detailing all the shifts, a guidebook on what to do, and the laundry is now on site and staff are assigned to complete this. Ms. Peterson asked about the trash receptacles. Ms. Davis stated they are there, and praised her again on all the hard work involved. Ms. Peterson again reiterated how appreciative the Board of Health is for all the work completed. Ms. Vasconcelos agreed. Ms. Vasconcelos reviewed her stay policy, no guests longer than 14 days without her consent, reiterating the Board of Health's policy for no longer than 3 weeks stay. Ms. Peterson suggested a temporary license for 6 months then come January they can reapply for an annual license. **Mr. Andrews made a motion to approve for Jasper's Too, 101 Maple Street, a temporary motel license valid until end of 2019. Mrs. Mastria seconded the motion. Mr. Uitti and Mrs. Peterson in favor. Mr. Barlow abstained from voting and the motion passed.**
6. **141 Williams Avenue—Owner Paula Hoffman—Continued from June 12, 2019--Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the order dated April 18, 2019, and June 12, 2019.** Mr. Barlow rejoined the Board of Health. Attorney Karyn Morris-Devine is present for this item. Ms. Davis reviewed the recent inspections and communication with the tenant. Ms. Davis explained that according to the Building Department a window permit was obtained after the last meeting, but nothing further as requested by the Board of Health. Ms. Davis reached out to the owner, and shortly after on June 21, 2019 a building permit was applied for siding repair. Attorney reviewed the fax she submitted to the office on Monday and apologized this was not submitted sooner. She provided further pictures and invoices and these were stamped in and supplied to the Board Members. Attorney Morris-Devine detailed the interference found by contractors thought to be made by the tenant causing frequent turnover with contracts. Ms. Peterson explained this was hearsay. Ms. Peterson reviewed the timeline and lack of communication and follow through. Attorney Morris-Devine states she has dealt with the property every day and she cannot get anything to happen faster. Attorney Morris-Devine stated she had her daughter and friend assist, and they had to wear hazmat suits when cleaning due to the severity. Ms. Peterson asked if the tenant is present, they were not. Ms. Peterson suggested the tenant be fined due to his interference with these corrections. Mrs. Mastria reiterated this. Ms. Davis requested the office be notified each time of these interferences as to support the owner in these attempts. Ms. Peterson reiterated the need to be contacted and the need to keep detailed records. Attorney Morris-Devine asked the Board of Health acknowledge that the owner has spent a large amount of money to correct these violations. Mr. Barlow said we cannot consider the amount spent, they only can discuss which violations have been completed or not. Attorney Morris-Devine again reviewed the difficulty in getting these items completed within the timeline. Mrs. Mastria stated it seems everything has been ordered and everything will be started after that. Mr. Barlow reiterated the need to contact the Health Department Office if the tenant continues to interfere. The Health Department staff confirmed this as well and encouraged her to reach out at any time. Mrs. Mastria confirmed the ability to fine the tenant within the regulations. **Mr. Andrews made a motion to continue 141 Williams Avenue to July 24, 2019. Ms. Peterson seconded the motion. Mr. Andrews requested a timeline for completion. Attorney Morris-Devine reviewed her understanding of what will be done by the contractors. All in favor.**
7. **All Seasons Inn—114 Trowbridge Road—Rupal Patel, owner—Discussion and possible vote regarding violations of State Sanitary Code, 105 CMR 435: Minimum Standards for Swimming Pools from May 23, 2019 and for operation without a permit.** Mr. Barlow recused himself for this item. Rupal Patel are present for this item. Ms. Cote reviewed the violations found at the inspection and in result the pool was to remain closed. The fire department then made the office aware that they had received a call from a guest saying they had been swimming in the pool prior to a sign being posted explaining the pool was not to be used and they were concerned they had not been made aware. Mrs. Patel said they had made the employees aware and expected any plumber or electrician hired would pull any necessary permits to the repairs needed. Mr. Andrews stated that the employees

are an extension of the management and there should have been follow through to prevent this. He further explained his concern that the pool was open and available to guests without a permit to operate. Ms. Peterson quoted the swimming pool regulation. Mr. Andrews asked when all the violations will be complete. Mr. Patel stated the plumber still has work to do. Mrs. Patel stated the work should be completed by next Tuesday. Mr. Andrews stated the office requires a call for inspection and this will not be able to be scheduled that day, advanced notice is required. Mrs. Patel reviewed the ventilation provided, Ms. Cote responded that was the ventilation found at the time of inspection and it is required to be updated. Mrs. Patel reviewed her history of no violations prior to this. **Mr. Andrews made a motion to approve the issuance of a license pending passing inspection. A fine of \$500.00 to be paid prior to obtaining the license due to operating a pool without a license at least 1 day. Mrs. Mastria seconded the motion. Ms. Peterson asked that the license be temporary, lasting 6 weeks. Ms. Peterson reiterated that the fines be paid prior to calling for a re-inspection. Ms. Peterson and Mr. Uitti are in favor. Mr. Barlow abstained.**

Revisit to Bridge View Grill—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats 7. Mr. Hildreth provided the updated Food Establishment Permit. Ms. Davis indicated areas which need more information. Ms. Cote stepped aside with the owners and attorney to properly complete the food establishment permit.

8. **Rental Property Regulations—In accordance with M.G.L. c. 111, §131, discussion and possible vote to promulgate regulations relative to the registration and inspection of various types of rental properties used for human habitation. Establish fees for registration and inspection, approve forms and procedures.** Mr. Barlow stepped back on the Board of Health. Ms. Peterson explained there has not been many meetings on this to date and further discussion may be required. Ms. Peterson suggested asking the citizens of the Town of Bourne starting July 1, 2019 to register without a fee to obtain an idea of the length of time and the scope of work required to maintain this. Mr. Andrews said that his understanding is that they are able to, through different algorithms, obtain the number of rentals, and agreed it would be nice to offer registering without a fee. Mrs. Mastria asked if they would register online, Ms. Peterson said it is not online yet. Ms. Peterson stated she is reluctant to even implement this as the Board of Health has not had any guidance from Town Council to date. Mr. Andrews asked how long they will have to register. Ms. Peterson suggested until September. Mrs. Mastria asked if the form can be provided on the website. Ms. Davis confirmed this will be available to print from the Town of Bourne website, although the regulations may not be available by July 1, 2019. Paul Rausch asked if the Board of Health feels this will be a large undertaking. Ms. Davis quoted form host compliance that there are 292 rental units within the town of Bourne. The Board of Health members indicated they feel this number is low. Mr. Barlow reviewed that the Board of Health is doing this because it is mandated by the State. Ms. Peterson confirmed. **Mr. Andrews made a motion to implement a registration program for rental properties within the Town of Bourne to be in compliance with the State Mandate, the application will be available to print from the Town of Bourne website, with a deadline of September 1, 2109 with no fee to register. Mr. Barlow Seconded the motion. All in favor.**

Revisit to Bridge View Grill—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats. Attorney William Smith reviewed that the revised application will be submitted to approve only the upstairs only, and this will not include the lower basement level or deck at this time. Attorney William Smith reviewed that he does not see his role to be contentious and expressed he wants to support the establishment. Ms. Peterson asked Mr. Hildreth when he will be ready. Mr. Hildreth stated he does not know. Mr. Andrews indicated some more discrepancies with the permit, specifically where the seating on the deck is concerned. Mr. Andrews reviewed how it is included in the seat count in one area of the application, then not included in another. Mr. Andrews offered the deck to be included in the permitted space pending passing preoccupation inspection. Mr. Hildreth chose to include the outdoor seats in the permitted overall number at this time, and reiterated the request to the Board of Health to conditionally approve the outdoor seating once the repairs have been made. Mrs. Mastria confirmed it will be for upstairs and the outdoor deck only. Attorney William Smith confirmed this outdoor area will require sign off from the fire department prior to issuing this. Ms. Peterson confirmed the downstairs cannot be used, including the kitchen, until all repairs are made and this area is

permitted separately. Mr. Hildreth agreed. Ms. Cote requested the owner's contact the office when opening the outdoor seating for an inspection. **Mr. Andrews made a motion to approve the Food establishment application for the upper level and outdoor deck pending passing inspection. Mr. Uitti seconded the motion. Mrs. Mastria stressed the lower level not be available for use until permitted and this be kept secure from the public. Mr. Hildreth confirmed. All in favor.**

9. Reorganization of Board of Health and committee appointments: Bourne Landfill Business Model Working Group, Wastewater Advisory Subcommittee, and Local Emergency Planning Committee.

Mr. Andrews is still interested in the Bourne Landfill Business Model Working Group. Mrs. Mastria seconded. All in favor.

Ms. Peterson asked if Ms. Guarino is still interested in Local Emergency Planning Committee, it was confirmed she is, Mrs. Mastria seconded. All in favor.

Ms. Peterson questioned if Wastewater Advisory Subcommittee is ready, it was confirmed it is not ready. No vote on this.

Mr. Barlow made a motion to keep the Board of Health Members as they are. Ms. Peterson seconded. All in favor.

10. Approve the Minutes—Approve the minutes from the previous meetings dated May 22, 2019 and June 12, 2019.

Mr. Uitti made a motion to approve the minutes dated May 22, 2019. Ms. Peterson seconded the motion. All in favor.

The Board of Health members did not have time to review the minutes dated June 12, 2019.

11. Set tentative date for next meeting and adjourn. Next meeting will be July 24, 2019. All in favor.

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. Roll call vote to adjourn: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes; and Ms. Mastria, yes. All were in favor and the meeting adjourned at 7:39 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

