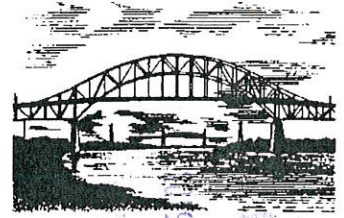


Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES April 24, 2019

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

Support Staff in attendance: Terri Guarino, Health Agent; 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 of the Cape Cod Times indicated she was recording.*

- 1. New Food Establishment Permit— The Bridgeview Grille, 109 Trowbridge Road—, owners James H. Hildreth, Jr and Robert F. Walton—Discussion and possible vote to approve new food establishment permit in accordance with 105 CMR 590.012. Permit contingent upon pre-operational inspection, compliance with all laws, and other Town approvals.** Mr. Barlow recused himself. James Hildreth Jr is present for this item. Ms. Guarino stated as a result of the most recent walkthrough there are still some outstanding concerns, most importantly the outdoor walk-in cooler on premises from the past establishment, the indoor coolant and interior walk-in, and soup coolant system. She continued, saying the septic system needs improvement as well. Mr. Andrews stated he, Ms. Peterson, and Ms. Cote had a walkthrough of the establishment earlier today and summarized this, saying it is a large improvement and reviewed they have ordered parts for repair of outdoor walk-in. Mr. Andrews asked for a timeline for a follow up inspection. Mr. Hildreth stated May 15, 2019 they are hoping to open, pending finishing the floor and repair of outdoor walk-in cooler; all parts are ordered and on their way. Ms. Peterson asked when the compressor will be installed. Mr. Hildreth said as soon as the parts arrive he will have it installed. Mr. Andrews stated it looked like a lot of work to be completed. Ms. Guarino stated her largest concern is the outdoor walk-in cooler. The door has been exposed to the weather for extended time. Mr. Hildreth stated he has replaced the latch on the outdoor walk-in cooler and a new rubber roof will be installed. Ms. Guarino questioned a visible leak, and Mr. Hildreth said this will be remedied by the roof. Ms. Peterson asked why they would like to come before the Board of Health so early in their process of preparing to open. Mr. Hildreth said he is looking to get the alcohol permit as this is holding up contacting any vendors, and the selectman's office will require a sign off from the Board of Health to administer this. Ms. Peterson and Mr. Andrews discussed having them back in two weeks to review what has been completed. Ms. Peterson reviewed that per replacement of outdoor walk-in cooler parts and floors perhaps the Health Agent can administratively sign off. Ms. Peterson questioned if the permit would include the downstairs. Ms. Guarino explained that the downstairs would be included in the permit due to this being the employee area and where bathrooms are located. Ms. Peterson reviewed what was submitted and felt this was good, but expressed her was concerned with how much work they still need to accomplish. Mr. Hildreth questioned a permit given to another establishment, Ms. Peterson confirmed this other establishment was ready for opening at time of issue. Mr. Hildreth stated the tile flooring will be installed later this week, then the carpet install will follow, he is still waiting on the parts of the outdoor walk-in cooler. Ms. Peterson questioned



what the Board of Health can offer to help move them along so they can meet with liquor salesman. There was discussion between the Board members and Mr. Hildreth in regards to the necessity of obtaining the liquor license. Ms. Guarino reviewed the big items are the septic systems, exterior walk-in cooler regardless of the repairs, cooling system for soups and stews, produce/utility sink which was replaced by a hand wash sink, downstairs in employee areas have loose ceiling tiles due to a ceiling leak. **Mr. Andrews made a motion to move this to May 8, 2019, including a site visit. Mr. Uitti seconded the motion. Ms. Peterson in favor, Mr. Barlow remained recused for the vote.**

2. **10 Harbor Way—Zachary Basinski. P.E. of Bracken Engineering, representing the owner Elizabeth Gillis Warden—Request to extend the variance issued on May, 18, 2017 for two years due to an appeal of the project in Land Court causing the site work and house construction to be on hold.** Mr. Barlow stepped back on the Board of Health. Zac Basinski of Bracken Engineering is present and representing the homeowners. Mr. Basinski reviewed the project and reason for the need to extend the variance. Ms. Peterson confirmed Land Court has been backed up. Stan Budryk, an abutter and member of the audience, reviewed the letter he had faxed to the Health Department showing his lack of support. **Ms. Peterson made a motion to approve the extension for 10 Harbor Way as this is in Land Court, which does not allow for discussion. Mr. Barlow seconded the motion. All in Favor.**
3. **Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades continued from April 10, 2019.** Ms. Peterson made a motion to continue to the next meeting due to not hearing back from those. Mr. Barlow seconded the motion. All in favor.
4. **Continued from March 13, 2019—Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.** Ms. Peterson said there are so many unknowns but The Board of Health is required to have something on record. Ms. Peterson said she has done some research and suggested to make a regulation to have owners register their rental properties with The Board of Health by July 1, 2019. She continued to say this will show the State we have recognized what they have instated and demonstrate what we are working towards. Mr. Barlow asked about a fee. Ms. Guarino replied she would like to see the topic of fees open to discussion. Mr. Barlow reviewed the process of registering moorings as an example, and how the minimal fee encouraged registration. Ms. Guarino suggested a separate registration fee and inspection fee. Ms. Peterson said having people register would be good so we can assess the numbers, hours, and time needed to manage. Mr. Barlow expressed his concern with implementing high fees right away and how this will discourage people from registering. Ms. Guarino expressed how the Health Department is already receiving multiple complaints on Airbnb's in the town. Ms. Guarino reviewed that the state has allowed Airbnb's to register as a B&B. She continued to express the changes in the food code and how this will affect the code for bread and breakfast. Ms. Peterson requested details on the recent complaints on Airbnb's. Ms. Guarino reviewed the concerns; an increase of use on the septic systems along with other factors. Mr. Barlow asked for details on what qualifies as a rental that will be held to this regulation. Ms. Peterson confirmed this is a far reaching law and reviewed the extensive details and research involved. Mr. Barlow said he will support this but feels it may be an overreach and has concerns about the need for staffing. Ms. Guarino said they have an existing regulation on housing fee and state funding for pre-occupational inspections which can contact the Health Department to conduct. Ms. Peterson suggested to move to the next meeting to give time for the Board members to review. Mr. Andrews reviewed that the office is looking into data software that will put it back on the applicant to enter in the details. Ms. Peterson said she would like to see the office regulate this first before sending this work to another party. Ms. Peterson said she would resend out some information she has gathered for review. Mr. Barlow stressed the need to start slowly. Ms. Cote stated from the State law Chapter 23A, section 14 that the inspections are optional. Mr. Andrews asked if registration is mandatory, to which the Health Department conformed. **Mr. Barlow made a motion to continue to the next meeting. Ms. Guarino stated the software is up for review at Town Meeting, but if approved it will not be available for this summer season. Mr. Uitti second the motion. All in favor.**



5. **15 Sanderling Rd— Angel Lorena, Owner--Completed order to correct violations of State Sanitary Code, 105 CMR 410.00. Update and discussion on corrected violations.** Ms. Davis reviewed the latest information on this item, including the timeline of all inspections and interactions. Ms. Peterson reviewed this has been going for 71 days. Jonathan Paloni, attorney for Angela Lorena, is in the audience. Mr. Paloni stated he had not received the packet referenced. Ms. Peterson presented him with a copy. Mr. Paloni shared he had joined the Health Inspector, Ms. Davis, at the most recent inspection. Mr. Paloni reviewed the March 13, 2019 meeting and reviewed she had a contractor to assist with hiring a local contractor. Mr. Paloni said there seems to have been confusion with communication and all the people involved. Mr. Paloni cited confusion over a dishwasher, and the recommendations from the contractor vs the violations cited by the Board of Health. Mr. Andrews asked if there is a letter looking for an abatement. Mr. Andrews reviewed that the Board of Health would need this letter submitted prior to a meeting so it can be posted on the Agenda. Ms. Peterson stated she would like to stop the fines as of April 8, 2019 at the last inspection. Ms. Peterson then reviewed with Mr. Paloni that he can now write a letter for an abatement and request to be on the next Board of Health meeting. Mr. Andrews reviewed he cannot answer questions about this letter or requests for abatement until it is on the agenda. Mr. Paloni asked if he should now submit a letter. Ms. Peterson stated he can do this as early as tomorrow. Mr. Andrews reviewed that first the Board has to close the violations. **Ms. Peterson made a motion to stop the fines issued to Ms. Angel Lorena ending on April 18, 2019. Mr. Uitti second the motion. All in favor.**
6. **Approve the Minutes— Approve the minutes from the previous meeting dated April 10, 2019. These minutes were not available for review.**
7. **Set tentative date for next meeting and adjourn. May 8, 2019.**

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. All were in favor and the meeting adjourned at 6:49pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson *Kathleen Peterson*

Stanley Andrews *Stanley Andrews*

Galon Barlow Jr. *Galon Barlow*

Don Uitti *Don Uitti*

Kelly Mastria *Kelly Mastria*

