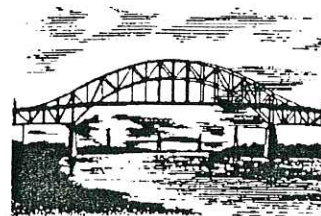


TOWN OF BOURNE BOARD OF HEALTH

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MINUTES September 27, 2017

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairman; Donald Uitti, and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent; Zack Seabury, Health Inspector; and Meghan McLean, Secretary

MEETING WAS CALLED TO ORDER AT 7:00 pm

Ms. Peterson asked if there were any audience members filming at this time. Michael Rausch, reporter for the Bourne Enterprise, disclosed that he would be recording the audio of this meeting.

- 1. Jasper's Too Motel—Owners, J. & R. Tubbs-- Review violations of Chapter II of the State Sanitary Code and the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations. Previously discussed at the Board of Health Meetings on January 27, 2016 and May 31, 2017. Discussion and possible vote on penalty for violations including but not limited to fines, suspension, or revocation of License to Operate a Motel in the Town of Bourne.**
Owners, Judy and Terry Tubbs; and Manager, Scott Ahern were present for this hearing. Ms. Guarino stated that the inspection on September 21, 2017 was conducted at the request of the Bourne Fire Department. This revealed another instance of where a long-term occupant had been staying in a room at the motel and was living in unsanitary conditions. The occupant was removed from room #11 and it was deemed unfit for human habitation due to the hoarding and squalor conditions. Ms. Guarino stated that she did not do a comprehensive inspection on September 21st since most rooms were occupied at the time of the inspection. Room number 5 was unoccupied and needed to be cleaned and sanitized prior to use. The linens in room #5 were not clean and needed to be replaced. Additionally, the Bourne Fire Department had an issue with the fire alarm system. The reports were not available on site as required. Violating the Board of Health Regulations by not maintaining accurate guest registration, having pets, not cleaning rooms/ removing garbage, and allowing occupants to reside for greater than three weeks are repeat violations at this establishment. Most recently there was a Board of Health hearing on May 31, 2017 to discuss these violations. Ms. Peterson asked how long the occupant stayed there and if the records were clear. Ms. Guarino stated that the records were not explicitly clear, and are barely legible. Ms. Mastria stated how she recalled that the Tubbs were required at the May meeting to submit their guest registers weekly. Ms. Guarino stated that they have complied with this request, which is how it was determined that this occupant had checked in on June 12th, 2017. Ms. Guarino later discovered that the same occupant was residing in room #11 as of September 1st, under a false name. This makes it uncertain the exact timeframes that they are

renting out rooms for but it is certainly in excess of three weeks per calendar year. Ms. Guarino explained that the records that have been provided by the Tubbs are extremely hard to read, almost illegible, and are not credible. The Board reviewed the guest registration records and agreed that they are not acceptable. Mr. Andrews asked Ms. Guarino about the insect infestation, fecal matter, trash, and other violations found during her inspection. Ms. Guarino stated that the regulation states daily trash removal from guest units is required and the license holder's responsibility. Ms. Peterson asked if the Health Office has received anything on the insect infestation since the inspection. Ms. Guarino stated that we have received nothing, and that she recommended to the owner over the phone to consult with a professional cleaning service. Motels typically are not equipped to handle cleaning and sanitizing of bodily fluids and should be using EPA-registered products consistent with OSHA's requirements as well as proper disposal of waste. Ms. Mastria asked if the mattress within room number 5 was also soiled. Ms. Guarino stated that it was most likely just the linens due to the protective covers they have on the mattresses. However, it is possible that since the room was not cleaned by staff since August, the mattress could be soiled. Ms. Peterson acknowledged the Tubbs in the audience and asked if they have their pest control paperwork with them. Ms. Peterson read the inspection report stating, "Insect infestation present- exterminate. Any pesticide application must be done by a licensed applicator." She stated that the next morning a licensed exterminator should have been contacted and a contract or some documentation should have been submitted to the Health Department that afternoon. Mrs. Tubbs stated that she currently owns 3 businesses in the Town of Bourne and has never had any problems with the Board of Health. She stated that she believes the inspection report completed by Ms. Guarino is overzealous. She explained that Ms. Guarino did not enter the room. The property manager, Scott Ahern, used apple cider vinegar, dawn dish liquid and water in five separate cups throughout the room to capture flies. Mr. Scott Ahern stated that he is not a licensed exterminator. Mrs. Tubbs said, referring back to the guest registration logs, that if you look at the dates, the occupant in question stayed at the motel for 20 days from September 1st through 21st in room #11 and that the motel staff is very involved with guests who stay there. Ms. Peterson asked again when the occupant checked in. Mrs. Tubbs stated that they signed in on September 1, 2017. Ms. Mastria addressed the ledgers that were previously submitted, which indicate that in actuality, the occupant originally checked in on June 12th and out on July 3rd. Mrs. Tubbs stated that she did not know the name because she didn't bother to look and that she is hardly ever at the motel. She thought that Saint Vincent De Paul dropped the occupant off for check in on September 1st. Ms. Peterson stated that no one shall mention more regarding this particular occupant and that this is hearing is about the motel establishment. Ms. Peterson explained that the Health Agent told the Tubbs' to use professional companies to correct these issues and they have not complied. Ms. Peterson stated that Mrs. Tubbs is continuously noncompliant with the orders of the Board of Health and that she has had more issues than any other motel. Mr. Ahern stated that Ms. Guarino did not order the licensed pest control company, and that it was just a recommendation. Ms. Guarino clarified that if pesticide application is necessary where there are two or more dwelling units, such as a motel, interior application of pesticides must be done by someone who is licensed. Ms. Guarino added that per the State Sanitary Code, the definition of infestation is a recurring presence of insects and/or pests. This is why a violation was cited because there was an abundance of a few different types of flying insects visible, and it is known that squalor and hoarding conditions can convey other pests as well. The motel has contracted with licensed pest control for services in the past. Ms. Mastria asked about the accumulation of garbage in the room. Mr. Ahern interjected stating that there was not that much trash. The majority of belongings within the room were items that the occupant had bought and were new. Ms. Mastria asked if this was just one room, and Ms. Guarino stated she was not able to conduct a comprehensive inspection. Mr. Ahern claimed that

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there was no food or garbage left out in the room. Ms. Peterson asked about the "strong odor of urine and waste" in the room reading from the inspection report. Mr. Ahern said that the comforter and linens had stains, but it couldn't have been there long since he changed the comforter prior to the occupant staying in the room. Ms. Guarino stated that the intention of this hearing is to discuss penalties for violations such as long term occupants and not being able to maintain the motel rooms as they are required to be by the Board of Health regulations. Mrs. Tubbs stated that even though it doesn't sound like it, they own a clean motel. She explained that today is a different world in the motel business. Ms. Peterson agreed, and explained that in this new world it is the health protection of the public that is most important. The expectations are higher, cleaner, and it is just not allowable to have conditions like this. She stated that even though Mrs. Tubbs claimed to have never had any problems until recently, there is a large folder of complaints and issues that the Board has been presented with over the years. This is completely unacceptable to the Board of Health, and this meeting makes it a second time to have to address these issues in the past few months alone. Mrs. Tubbs stated again that the occupant was not there for the full three weeks. Ms. Guarino explained that in the regulation, the three week maximum stay is cumulative throughout the calendar year, not just three weeks at a time. It is apparent from the motel's own records that they are in violation here. Mrs. Tubbs asked Ms. Guarino how she could write such a detailed report while standing in the doorway of the room. Ms. Guarino explained that there are provisions for such within the code, and the observations made did not need to be done in any closer proximity. Inspectors have to be careful to not put their own health at risk during inspections, and to use good judgement during circumstances such as this. Mrs. Tubbs interjected that she has never been late on a Fire Alarm system inspection. Ms. Guarino asked if she had a copy of the reports that were requested by the fire department last week, and Mrs. Tubbs said that she thought she had sent them through e-mail. The reports were not available. Mr. Tubbs asked Ms. Guarino if she is able to complete her observations from a distance. Ms. Guarino stated that yes, she was able to make those observations from the doorway. Ms. Peterson stated that it is not inappropriate for an Inspector to cite violations from the doorway if they feel that their safety would be jeopardized entering the premises. Ms. Peterson asked Ms. Guarino to confirm that rooms 5 and 11 are deemed unfit. Ms. Guarino stated that room 11 is unfit, and room # 5 just had sanitation issues with dirt and debris underneath the linens and mattress cover. Ms. Peterson also referred to the pet violation, and stated that this is a repeat violation that we discussed at the meeting on May 31st. It was discussed in detail that Mrs. Tubbs was not allowed to have animals in any room. Mr. Ahern stated that the animals in the room were birds. The occupant had asked Mr. Ahern if she could have them and told them "absolutely not". He explained that the occupant snuck the birds into the room and he was unaware that it had happened. Ms. Peterson asked if the Board members had input. Mr. Andrews stated that he was reviewing the ledgers and was confused because the sheets were not clear and there were multiple repeat entries. He stated that he found the entries of the occupant in question and confirmed the dates of check in and check out that are in violation. He also referenced inspection sheets from the past year stating there were findings of cluttered rooms and not checking for trash, clean linens, etc. Mr. Andrews stated that Mrs. Tubbs needs to reach out for help if she needs it, and the Board is here to help her in any way that they can. This is the reason that the Fire Department contacted the Health Office, because these types of violations can put the firemen at risk as well. Something needs improve regarding how Mrs. Tubbs maintains the establishment and enforces rules and regulations with all occupants. He stated that she has the ability to remove them immediately if they are noncompliant, but fails to do so. Ms. Mastria stated that her family was in the motel business for many years, and each day someone went in each room to clean and maintain all rooms whether they were empty or occupied. She explained that there is no excuse for having stained linens or an excess of garbage in any room at any time.


Ms. Mastria asked Mr. Ahern if he enters every room every single day. He stated that he is unsure what the exact schedule is, but that he is in a few rooms every other day. Ms. Peterson stated to Mr. Ahern that an infestation does not happen in a few hours or a few days, and Mr. Andrews stated that either it was there when he went in and he didn't check well enough or he did not go in at all. Ms. Peterson stated that she doesn't feel that the Board is getting anywhere with Jasper's Too given all of the recurring violations. Ms. Peterson recommended to the Board that Jasper's Too Motel be closed for a period of time until each room is steam cleaned and thoroughly inspected by the Health Department. At that time, with a vote at another Board of Health meeting, they may reopen. Mrs. Tubbs asked Mr. Ahern to leave the room. She stated that she is very proud of owning the motel and that she is not financially stable enough to close her business for an entire week. She stated that Mr. Ahern does a great job and cares about the motel and its occupants. She stated that she did not know about the long term occupant, and she asked the Board not to close the motel. Mr. Tubbs explained his health problems to the Board, and stated that they will follow the Board's orders. Mrs. Tubbs exited the room. Ms. Peterson asked Ms. Guarino what she would feel comfortable with, as she is not there to witness the violations first hand. Ms. Guarino explained that the Health Department has exhausted all avenues to get this motel into compliance and that they do not have the resources to repeatedly inspect this establishment and respond to multiple complaints each year when there is no lasting improvement. Mr. Andrews stated that there have been three Board of Health hearings regarding Jasper's Too Motel in the last 18 months. He stated that a closure that is needed, and policies and procedures must be put into place. He explained that ample time must be given for the Board of Health, the Fire Department, and any other department to complete any necessary inspections prior to reopening. Mr. Andrews made a motion pursuant to the authority granted to the Board of Health under Chapters 1 and II of the State Sanitary Code and Chapter 140 MGL Section 32B, the Bourne Board of Health hereby moves to suspend/revoke the license to operate a motel in the Town of Bourne for J& R Tubbs at Jasper's Too Motel for a period of at least 7 days. Reinstatement if such license requires the renewal of said license, re-inspection, and a possibly a hearing before the Board of Health. He moved to waive application fee and a possibly a hearing, provided that after the 7 days have elapsed that Ms. Guarino and Health Inspector, Zack Seabury find everything to be in order. The license revocation shall be effective as of 12:00pm on Thursday, September 28, 2017. Mr. Uitti seconded the motion, and all members were in favor. The Chair reopened the discussion when Mrs. Tubbs returned into the room. Ms. Peterson asked what they plan to do in those seven plus days to correct these conditions. Mrs. Tubbs stated that she understands that everyone must be out of the motel as of noon tomorrow. Ms. Peterson said that if the office signs off on every room within 7 days they may be subject to open. Ms. Guarino described that this will be challenging because these repeat violations are most frequently involving our local regulation. We adopted these regulations in 1982, and these are the things that Jasper's Too has the most issues with. As far as cleaning the facility over the next seven days, that is surely possible. However maintaining the motel including records of guest registration and unit occupancy, cleaning, and sanitation consistent with the regulations is not happening over time. Frequency of waste disposal, animals, etc. are specific to the minimum standards of Motels in the Town of Bourne and are the things that they are not complying with. Mr. Andrews stated that during this time period the owner's will need to update and create new policies so that they and the people managing will understand and have procedures of how to comply with the Town's regulations.

2. **Approve the Minutes from the May 31, 2017 meeting with corrections — Continued from September 20, 2017.** Mr. Andrews made a motion to approve the minutes and Mr. Uitti seconded. The vote was unanimous.
3. **Set tentative date for next meeting and adjourn.** October meetings will be held October 11 & 25, 2017 at 7:00 pm.

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor, and the meeting adjourned at 7:52 pm.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson

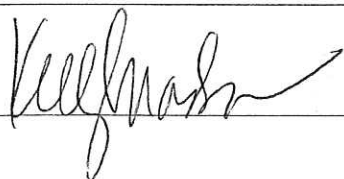


Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria



cc Board of Selectmen/Town Clerk

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