



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, April 7, 2015 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, April 7, 2015. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul J. Canniff, D.M.D and Junichi Sawayanagi. Thomas McKean, Director of Public Health, was also present. Sharon Crocker, Administrative Assistant, was not present and constructed the minutes from the Town's video.

I. Show Cause Hearing – Motel

Craigville Motel, 8 Shootflying Hill Road, Centerville – multiple violations and/or recurring violations of the State Sanitary Code and MA Fire Code.

Charles McLaughlin, Assistant Town Attorney, and the Legal Department have been involved throughout this situation. Mr. McLaughlin asked the Board to receive into the record the report of the West Barnstable Fire Department, the Building Commission and the Board of Health and those reports, "to the extent that they've been reduced to writing", have been given to the property owner today. He asks the Board to understand that the owners are just seeing reports for the first time today and respectfully, asks that the Board grant a continuance at the end of today's discussion to allow the owners a chance to review the reports and comment on them at a future date. Attorney McLaughlin prepared a suggested motion to be read at the point when the Board has finished today's proceeding and has heard whatever evidence they wish to hear for today.

Thomas McKean summarized: There was a hearing on 1/13/15 which was continued for three months so that three additional inspections could occur on a monthly basis. The joint inspections were conducted by fire department, building division and the health division. Mr. McKean submitted into the record a report dated March 31, 2015 and covered the three inspections in 2015 (March 18, February 23 and January 26) along with two inspections in 2014 (December 22 and April 16). The last page of his report is summations indicating that there are additional health violations in the file prior to 2014 (in 2013, 2012 and earlier). Mr. McKean also stated that all the health code violations in 2014 were corrected before the established deadlines, as well as the violations noted on January 26, 2015 and February 23, 2015. A re-inspection needs to be done in mid-April to determine whether the six violations noted on March 18, 2015 have been corrected. There was a recurring violation in Unit#42 during both the 1/26 and

3/18 inspections. It was a failure to maintain the area free from garbage and rubbish. The unit is occupied by a long-term occupant.

Mr. McKean said his report concludes with the statement that it was noted at the inspections that many occupants are residing on the premises for weeks, months or years at a time. According to the State Sanitary Code, no temporary housing may be used except with the written permission of the Board of Health. The owner of this hotel does not possess written permission from the Board of Health to provide temporary housing at this property. There was order letters sent out for each inspection. There was an order letter dated 3/31/15 regarding violations observed on 3/18/15 and another order letter dated 2/23/15 was sent out for violations observed on that same date, 2/23/15.

Robin Anderson, Zoning Enforcement Officer, spoke on her report. She explained that during the inspections she was accompanied by a building inspector, the Building Commissioner, the fire department and the health division. They broke into three teams for the first two inspections (January and February) and into two teams on the March inspection. With a checklist, they inspected the units, tried to determine how each room was being used and the duration of the stay, noting any equipment-cooking facilities and any evidence of long-term living. They typically found pets, pots, pans, microwaves, cooking utensils, crock pots, refrigerators, toasters, hot plates, food storage – perishable and non-perishable, checked for any combustibles in the rooms, checked electrical and other hazards and checked all smoke detectors. They did observe a lot of food storage and personal furniture and belongings. Lots of the tenants indicated long term stays. Due to the inspections being consecutive months and the way they logged the information on a spreadsheet, they could see that there was a duration that exceeded normal motel use. Ms. Anderson said they need to determine whether the use is long-term or motel use.

West Barnstable Fire Department's Deputy Chief Dave Paananen stated there had been a noticeable improvement from their standpoint as far as the amount of cooking equipment in the rooms. At the last inspection on March 18, they noted two rooms with hot plates. There were three smoke detectors which were slow to react. It was not an immediate issue and they were advised to replace those detectors. The inspections showed evidence that the motel has made progress in making the conditions better for the residents that are there.

Attorney McLaughlin asked Robin Anderson if her prepared written report she testified to, along with the spreadsheet on occupancy, has been submitted to the Board. She said no, she is submitting it now and the spreadsheet is attached. Attorney McLaughlin asked what are the extended periods of occupancies she was referring to upon her audit of the units. Ms. Anderson said a lot of the stays are for weeks or months, but the longest stay is about two years. Other than the written record she is submitting, Ms. Anderson said her concern is that the motel doesn't appear to have good oversight. The motel owners are quite willing to rectify the issues as the inspections discover them; however, the owners do not seem to be accountable for ensuring operations run properly without the overview of the town inspectors.

Attorney McLaughlin asked Ms. Anderson what was the varying makeup of the folks in the long-term occupancies through her observation. She stated most of them were families with one or two children. Most had pets. There were a few singles. Robin Anderson observed the approximate age of the children was mostly toddlers (7-8 months) and there was one infant (one week old).

Attorney McLaughlin asked the inspection panel, if anyone had any feedback given the conditions they observed, i.e. hot plates, etc.

Deputy Chief Paananen stated it certainly puts the other transient population in the motel at risk. If someone is cooking in their room, they don't have the safety precautions within the rooms. The rooms are not in the cleanliness condition and the volume of materials in the rooms can easily ignite so any item producing enough heat to cook with certainly put unsuspecting people at risk.

Deputy Chief Paananen also stated there has been an effort to correct the problems and the number of hot plates has greatly been reduced. However, without some form of oversight, these things return to become repeat problems. The owner knew to expect an inspection each month for three months but was not told the date and time.

Dr. Miller added that there's another whole set of codes that apply to long-term occupancy for safety and health reasons and clearly, this facility does not meet those requirements. He had counted 18 units on the spreadsheet with at least a 30-day or longer stay, thus not adhering to their license. There is concern for people's safety and well being.

Chuck Mayo, maintenance for Craigville Motel, said there are some questionable items which inspectors noted (slow draining tub, heater in room – belonging to cab of plow, etc.)

Mr. McKean pointed out that none of the items mentioned are on the report. It was recommended that the owners give themselves time to go over the report and come back to Board with comments at the next meeting, April 14th.

Dr. Miller said the concern is that they can not continue to use the property for long-term occupancy. The Board had asked the Housing Assistance Corporation for assistance with the occupants of the Craigville Motel. Three women came to the meeting to help: Monica Mitchell, Liz Belcher, and Dolores Barbati-Toore. Craigville Motel was appreciative and said ten of the long-term occupancies have left at this time.

The fire department's report will be available soon for both the Board and the motel.

Dr. Canniff moved that this matter be continued until the Board's next meeting on April 14, 2015, for further hearing at which time the Board may make findings with respect to the subject property; and in light of such findings, may take such action with respect to the motel license for the property including modifying, revoking

and/or refusing to renew such license. Mr. Sawayanagi seconded the motion. (Unanimously, voted in favor.)

II. Septic Installer

A. Kevin P. Quinn, Mashpee, MA

Mr. McKean stated the applicant's exam and paperwork were all set. Mr. Quinn received very good references and the staff recommended issuing a septic installers permit.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve Kevin P. Quinn for a septic installer's license. (Unanimously, voted in favor.)

III. Old / New Business:

A. Approval of the Minutes: March 10, 2015.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue the minutes until the April 14, 2015 Board meeting. (Unanimously, voted in favor.)

Motion to adjourn – 3:39 p.m.