



# Town of Mashpee

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*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

## **BOARD OF HEALTH – PUBLIC SESSION**

### **Minutes of the Meeting of December 15, 2016**

**Board Members Present:**

Kalliope Egloff, Chair  
Brian Baumgaertel, Clerk

**Member Absent:**

Lucy Burton, Co-Chair

**Also Present:**

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:01 PM.

#### **APPOINTMENTS**

##### **7:15 PM – Housing Code Violations – 91 Orchard Road.**

Attorney Stuart Rapp, representing Etheline Antunes of 91 Orchard Road, introduced himself to the Board.

Glen Harrington stated that on September 1, 2016, a sanitary code inspection was performed at the request of the tenant. An order letter was sent to notify the owners and to issue timeframes for correction of the documented violations. The order letter was received by the owners, or representative, on September 22, 2016.

On September 28, 2016, an inspection was performed to confirm a water leak in the kitchen hallway.

On November 15, 2016, a re-inspection was performed, and 5 of the violations were corrected: 4 from the original September 1, 2016, inspection and the water leak of September 28, 2016. However, 8 violations were not corrected, and six additional violations were identified on November 15, 2016. The remaining 8 violations from the original inspection were not corrected for 76 days, and no other extensions were requested.

On September 22, 2016, Attorney Rapp notified the Board of Health that a contractor was contacted to do the repairs. On October 4, 2016, Attorney Rapp responded to the September 28, 2016, order letter, again, stating that a contractor had been retained to perform the repairs. One denial of access was reported to the Board of Health. That occurred via email on December 14, 2016, when the occupants had a conflict with that date. The Board of Health was unaware of the additional access issues.

Attorney Rapp commented that Mrs. Antunes has been a resident of Mashpee for many years. She is currently residing in a nursing home in Mashpee and uses the rental income to pay for the nursing home expense. The tenants have not paid rent for about 6 months. Attorney Rapp's emails and letters to the tenants are never acknowledged.

Since Attorney Rapp presented a letter from the contractor that alleged additional access issues with specific dates, Glen Harrington would like to investigate the situation further.

Brian Baumgaertel made a motion that the Board of Health continue discussion on the housing code violations for 91 Orchard Road to the January 19, 2017, Board of Health meeting. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**7:20 PM – Request for Hearing of November 9, 2016, Board of Health Decision Letter: Lakeside Estates.**

Matthew Haney requested to continue the discussion of the November 9, 2016, Board of Health Decision Letter to the next Board of Health meeting scheduled on January 5, 2017. The Board of Health did not grant continuance and discussed the violations in the Old Business portion of the meeting.

**7:25 PM – Lakeside Estates Well Water Quality – 300 Nathan Ellis Highway.**

Doug Karson of the Air Force Civil Engineer Center (AFCEC) at Joint Base Cape Cod, introduced himself to the Board and provided an update on the clean-up efforts being provided by his agency in Mashpee including updates on the firefighting foam that was used on the Base from 1970 until 1985. The foam traveled into the groundwater, the ponds, and the private wells nearby. Mr. Karson provided maps, charts, and hand-outs to the Board and to Mr. Harrington. Mr. Karson commented that the properties affected by the contaminants have been tested, provided with bottled water, and installed with a carbon filtration system. All testing and maintenance is provided by the Air Force.

Mr. Karson remarked that he contacted Mr. William Haney of Lakeside Estates for permission to test the well on the property located at 300 Nathan Ellis Highway. On November 14, 2016, the results returned with a level above the EPA health advisory. Mr. Karson was able to obtain a list of the residents of Lakeside Estates and delivered notices to the occupants that bottled water would be available. Mr. Karson is waiting for Mr. Haney's approval to have a carbon filtration system installed, since municipal water connection is not funded by the Air Force.

Joyce Fuller, living at 300 Nathan Ellis Highway, Lot 57, introduced herself to the Board.

Ms. Fuller has lived at Lakeside Estates for 20 years and has dealt with the water situation in other ways, such as broken pipes. Ms. Fuller thanked Mr. Karson for delivering water and responding to their emails in a timely manner. Arrangements have been made for the manager of Lakeside Estates to deliver the water to the units. The manager resides on the property but is not on the property during the day. Ms. Fuller would like the property connected to municipal water, as the Water District would immediately respond to emergency situations.

**NEW BUSINESS**

**1. Sign Expense Warrants.** The Board members signed the expense warrants.

**2. Review/Approve BOH Public Session Minutes: December 1, 2016.**

Brian Baumgaertel made a motion that the Board of Health approve the Public Session minutes of December 1, 2016, as amended. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**3. Amend Food Establishment Permit: Cape Cod Coffee (348 Main Street).**

Glen Harrington stated that Jan and Pamela Aggerbeck, owners of Cape Cod Coffee, requested for Mr. Harrington to read their letter since they were unable to attend the Board of Health meeting. Since taking ownership in 2015, they have had significant growth of the company with positive feedback. One of the few negatives is that there is no seating in their retail store. A floor plan has been provided, and Mr. Harrington researched the septic capacity. The septic capacity is acceptable for the 14 seats. No food will be made within the facility other than the previously permitted coffee. The donuts will be prepared in the trailer outside. The Building Department has reviewed the addition of chairs without any issues. The septic needs to be inspected because of the increase in flow, and their permit must be amended to include the 14 seats.

Brian Baumgaertel made a motion that the Board of Health amend the Food Establishment Permit for Cape Cod Coffee, 348 Main Street, with the conditions that a septic inspection be performed to determine if the system can handle the increase in flow. Also, require that the food establishment permit be revised to add the 14 seats. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**OLD BUSINESS**

**1. Local BOH and Title V Variance Request: Jerome Monaghan – 18 Half Hitch Lane.**

Jerome Monaghan, owner of 18 Half Hitch Lane, introduced himself to the Board.

Glen Harrington commented that the Assistant Health Agent inspected the structural slab and it appeared to be built as described by the owner. The slab and the tank appeared sound with the two manholes. The intentions of the owner were to protect the system which is honorable, but there should have been a permit involved.

Brian Baumgaertel made a motion that the Board of Health approve the variance request for 18 Half Hitch Lane and also issue a \$200 fine for failing to obtain the proper permits prior to altering the system. Kalliope Egloff seconded the motion. The motion was unanimously approved.

## **2. Asbestos and Rodent Control Violations: Lakeside Estates.**

Glen Harrington stated that the Board's decision letter was sent November 9, 2016, and received by Lakeside Estates on November 14, 2016, per a letter from MEZ Realty. The letter requested a hearing before the Board which was set for December 1, 2016, but a request to continue was later received by the Board of Health.

At the November 3, 2016, Board of Health meeting the Board's decision required:

1. Asbestos surveys to be performed on the five trailer removal sites within 30 days of receipt of the letter. 30 days from November 14, is December 14. No surveys have been provided to the Board of Health.
2. The name of the waste hauler that provided the dumpsters and the location of the disposal was to be given to the Board of Health within 14 days of receipt of the decision letter. 14 Days from November 14, was November 28. No information has been provided.
3. A fine of \$1,500.00 was issued for failure to perform rodent inspections. The fine was to be paid within 10 days of receipt of the decision letter or November 24, 2016. No fine has been paid.

Mr. Harrington remarked that Matthew Haney requested the hearing knowing that this meeting is the original review date of those timeframes. Even though Mr. Haney requested a hearing from the Board's decision letter, he has missed both of the meeting dates. The Board should be able to issue a decision on the original November 3, 2016, meeting.

The Board and Mr. Harrington discussed the violations with the fines and penalties associated with failure to provide the information that was requested by the Board of Health.

Brian Baumgaertel made a motion that the Board of Health issue the following fines for Lakeside Estates asbestos regulation violations at 300 Nathan Ellis Highway:

1. A \$5,000 fine per violation at 5 violations for a total of \$25,000 for failure to perform the asbestos surveys that were required within 30 days at the Board of Health November 14, 2016, meeting.
2. A \$500 fine for failure to provide information to the Board of Health on the waste hauler and who provided the dumpsters.
3. A \$10,000 fine for failure to remove asbestos per the state environmental code.
4. A fine of \$10,000 for failure to properly dispose of and transport asbestos laden material as per the state environmental code for a grand total of \$45,500.
5. In addition send the matter to Town Counsel to register a complaint in court regarding the failure to pay the rodent control fines that were issued on November 14, 2016, in the amount of \$1,500.

Kalliope Egloff seconded the motion. The motion was unanimously approved.

Brian Baumgaertel made a motion that the Board of Health amend the previous motion striking the date of November 14, 2016, and substituting the date of November 3, 2016. Kalliope Egloff seconded the motion. The motion was unanimously approved.

## **ADDITIONAL TOPICS**

**None.**

**NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, January 5, 2017, at 7:00 PM. As there was no further business, Brian Baumgaertel made a motion to adjourn the Public Session Meeting of the Board of Health at 8:40 PM. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments