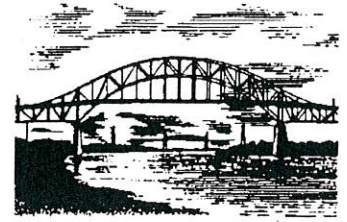


Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES April 12, 2017

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

**Support Staff in attendance:** Terri Guarino, Health Agent and Meghan McLean, Secretary

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TOWN OF BOURNE

### MEETING WAS CALLED TO ORDER AT 7:00pm

1. **Regulations Restricting the Sale of Marijuana—CONTINUED from March 22, 2017--**  
Discussion and possible vote to promulgate Board of Health Regulations Restricting the Sale of Marijuana in the Town of Bourne pursuant to M.G.L. c. 111 §31 in order to protect, promote, and preserve the health and well-being of all Bourne residents. Discuss methods of implementing regulations for reasonable and effective oversight of Registered Marijuana Dispensaries and Dispensary Agents including provisions for annual License and Permit fees and inspections. Ms. Peterson stated that item was reviewed extensively last meeting contributing many changes to the draft. The Board read the revised copy and agreed that all changes that were previously discussed have been made. Town council had spoken to Ms. Guarino briefly, and has not submitted any other documentation. She explained that creating this regulation is a smart move and will benefit Bourne. The requirements explained in this regulation do not differ much from any other regulation in the country regarding the sale of marijuana. **Mr. Barlow moved to approve the Regulations Restricting the Sale of Marijuana at April 12, 2017 meeting. Mr. Andrews seconded, and the vote was unanimous.**

(Attorney Sabatt was not present to discuss item #2. Ms. Peterson made a motion to move this item to #6, Mr. Andrews seconded.)

2. **TOBACCO VIOLATIONS DATED MARCH 31, 2017 – Discussion and possible vote to fine each of the following \$300.00 for selling tobacco to a minor, and suspend Tobacco Product Sales Permit for repeat offenders pursuant to the Board of Health Sale and Usage of Tobacco Products Regulations amended August 17, 2016—**
  - a. **Cumberland Farms, 160 Main Street, Buzzards Bay – 1<sup>st</sup> offense within 18 months**
  - b. **Sam's Food Mart (CITGO), 261 Main Street, Buzzards Bay – 2<sup>nd</sup> offense within 18 months**  
Brian Walker, District Manager of Cumberland Farms, is being charged \$300 for first offense of tobacco violation within 18 months for store #2302. Ms. Peterson explained that this establishment can now be shopped whenever and however many times tobacco regulators feel necessary. She recommended creating a plan on how to establish a way to make sure there are no

other violations. Mr. Barlow stated that if there's a method working in other stores, that method should be enforced in this store immediately. Mr. Andrews moved that Cumberland farms pay a fine of \$300 for first offense, and that a copy of the regulations be sent to Brian to go over with his employees. Mr. Uitti seconded, and all were in favor.

Jawad Nasar for Sam's food mart—Ms. Peterson stated that since the violation is reoccurring, the county will be shopping there soon. Mr. Andrews explained the consequences for the second and third offenses. Ms. Peterson gave Mr. Nasar a copy of the failure report from the inspection. Mr. Nasar brought the employee that transacted the sale with him to the meeting and stated that this employee is going to pay the fine. Mr. Barlow explained that it will greatly affect business and profits if this violation continues to be a problem. Ms. Peterson thought it was a good idea that the owner brought the employee. **Mr. Barlow moved to fine Sam's Food Mart a fee of \$300, and waive the 7 day suspension of licensure. Mr. Andrews seconded, and the vote was unanimous.**

**(Elizabeth Cheney was not present to discuss item #4. Ms. Peterson made a motion to move this item to #7, Mr. Andrews seconded.)**

**3. Pocasset Mobile Home Park—Attorney Charles Sabatt—Review conditional manufactured housing community license for the Pocasset Mobile Home Park pursuant to MGL c. 140 §32B. Update on wastewater treatment facility, receivership status, potable water service lines, and other matters of interest previously discussed at the meeting on December 14, 2016.**

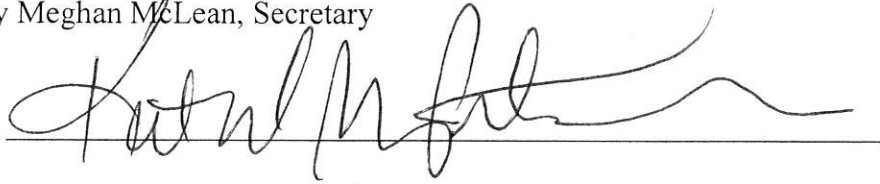
**Discussion and possible vote.** Mr. Sabatt, Receiver for the Pocasset Mobile Home Park, stated that the new sewer line has been completed. The treatment plant is also up and running. The only item that remains to be completed is the landscaping over the leaching field, which began today. This should be finished within the next few days, bringing the treatment plant to its full completion. Currently, the process is at the point of connecting each unit to the sewer line, which are all running through the treatment plant. The old leaching field is excavated and removed. A bypass connection that was done in September of 2016, so the entire system is running through the plant. Contractors are working on connecting Second Avenue. The remaining streets to be connected at this time are First Ave., First St., and other 4 smaller streets. Mr. Sabatt had estimated that the project will be finished in June of 2017. Once all units are connected, the next step of the project will be hard topping road ways. Mr. Uitti asked if there will be new water lines installed in the park. Mr. Sabatt explained that new water lines are not part of his mandate. He previously recommended to the court that there should be new water lines installed, but it did not get approved. He felt that it would be best if he step away from this area and focus on his main job which is the sewer lines. He does not have authority to approve or deny water lines. His plan is to do a 20' surface using reclaimed material on the sides of the roads, making it somewhat easier for a later installation of water lines. Mr. Barlow asked how long before his receivership ends. Mr. Sabatt anticipated that the road project will be accomplished at the end of June 2017, so the receivership will end at that time. The Board agreed that the park will most likely not survive without new water lines, so whomever follows Mr. Sabatt will be conditioned to install new water lines. Mr. Andrews stated that one of the conditions of Mr. Sabatt's agreement requires him to be heard before the Board a last time, which will be the June 14, 2017. Ms. Peterson asked about problem at PMHP a few weeks ago, and Ms. Guarino stated that it has already been resolved. She explained that it can be and will be difficult to hook up some of these units with individual challenges as they arise, but there has been many significant improvements and the Health Department is excited to have this project completed. **The Board thanked Mr. Sabatt for attending, there was no one in the audience to discuss this item. No action was taken.**

4. **APPROVE THE MINUTES**—from the previous meeting dated March 22, 2017. Mr. Andrews moves to approve the minutes from the previous meeting. Ms. Mastria seconded, and the vote was unanimous.
5. **10 Oakwood Drive**—Elizabeth Cheney, property owner—Requested hearing before the Board of Health to discuss outstanding state sanitary code violation. Discussion and possible vote. Ms. Cheney was not in attendance, no action was taken. Mr. Andrews stated that this is the second request for a hearing where owner was not present, revoking her right to request further hearings regarding this. Mr. Barlow seconded, and vote was unanimous.

Mr. Andrews made a motion to adjourn the meeting, Mr. Barlow seconded the motion. All were in favor, and the meeting adjourned at 7:28pm.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson



Stanley Andrews

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Galon Barlow Jr.



Don Uitti



Kelly Mastria

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cc Board of Selectmen/Town Clerk

