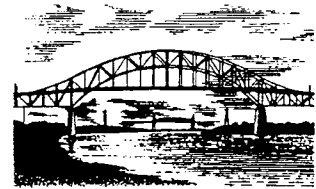


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Terri Guarino
Health Agent

**MINUTES
March 9, 2016**

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; and Galon Barlow

Support Staff in attendance: Terri Guarino, Health Agent and Jamie Butler, Health Inspector

MEETING WAS CALLED TO ORDER AT 7:00 PM

Kelly Mastria Remote Participation

1. TOBACCO REGULATION UPDATE – Revisited from January 13, 2016 – Bob Collett of Barnstable County Control Program – Discussion, possible vote and update on the current tobacco regulations including:

- 1. Raising the minimum legal sales age for tobacco products from 18 to 21**
- 2. Include minimum cigar package size/price-- \$2.50 single/ \$5.00 pack**
- 3. Ban sale of blunt wraps**
- 4. Tolling periods for violations- \$0- increase from 18 months to 36 months**

Bob Collet of the Municipal Tobacco Control Program was present for this hearing. Ms. Peterson stated that she received a memo from the Falmouth Board of Health that states that they raised their minimum legal sales age for tobacco from 18 to 21 and that Falmouth Board of Health would like the Town of Bourne Board of Health to also adopt this policy. Mr. Barlow stated that the only concern he has is that he believes that the Town of Wareham is also adopting this policy and that the Town of Bourne would be in the middle. Mr. Barlow stated that he feels that this going to lead to some boot legging where people over the age of 21 are going to be buying cigarettes to sell them to the minors and that you're not going to be able to catch those people and that it would lead to further issues. Mr. Barlow stated that education on preventing smoking might get better results than raising the minimum sales age to 21 would get. Ms. Peterson doesn't feel as if raising the minimum sales age to 21 will fix the problem of selling to minors. If you can fight for this country or be a police officer or a fireman, Ms. Peterson adds, than you just can't tell someone that's 18 that they can't smoke. Mr. Andrews states that he feels the same way on this. Ms. Mastria also agrees. Mr. Collett stated that Falmouth Board of Health did adopt this regulation on Monday night, Wareham and Marion have adopted

it in January and it will be effective in April, Carver is also moving forward with this regulation. There are over 100 towns in MA that have raised the minimum legal sales age to 21. Mr. Collett stated that this is based on solid public health science, and really strongly supported by the New England Journal of Medicine, American Medical Association, and the Institute of Medicine. This is based on brain science, where we know that the human brain does not mature until age 25. This would bring the legal age of smoking in line with that of alcohol and would make the job for the retailer easier. There has been no reliable data that shows there has been any loss of business from this coming into effect. Ms. Peterson says in six to eight months they would be happy to revisit this if they see that it is changing. Mr. Andrews requested that research and data be submitted and presented to the Board of Health. Mr. Collett stated that he submitted this information at the last Board of Health meeting. Mr. Andrews stated that at the last meeting Mr. Collett brought very good evidence in support of including a minimum cigar package price and banning the blunt wraps. Mr. Andrews stated that he does not like to set minimum limits when it comes to price and that he does not like to get involved in the financial aspect. Mr. Andrews would like to see data that shows that raising the price deters and prevents underage smoking. Ms. Peterson stated that the issue of pricing has never been brought up before. Kelly Mastria stated that a single cigar has become cheaper than cigarettes, so that she can see the strategy of putting the price in line with cigarettes. Kelly Mastria does not want to bring pricing into public health. Kelly Mastria stated that she feels that the motivation behind raising the price was so that it was not so convenient to purchase cigar packages as opposed to the expense of cigarette packages. Mr. Barlow feels as if it is beyond the realm of the Board of Health to set minimum prices. Ms. Peterson asked what this does to the higher end cigar market if they set a price for the singles. Mr. Collett stated the 18 year olds are not going to store to buy high end cigars. These are the 99 cent products where these products have become the products of choice for the 18 year olds. When the FDA adopted their regulation in 2009 to prohibit the sale of flavored cigarettes they simply changed the color on the paper and call themselves cigars now. Flavored cigarettes changed their wrapper to brown to qualify under the FDA regulations as cigars. This regulation is meant to address these products. A single cigar would have to sell for \$2.50 and anything more than that would have to be packaged and sold for \$5.00. Mr. Collett explained that a blunt wrap is a reconstituted tobacco product that comes in packages that resemble a fruit roll up. They come in alcohol, candy, and fruit flavors and are used to wrap marijuana. The market is for younger individuals. They cost anywhere from \$0.50 to \$1.00. Mr. Andrews read the current Town of Bourne Board of Health tobacco regulation verbatim: in the case of three or more violations within an eighteen month period a fine of \$300.00 and the tobacco product sales permit shall be suspended for sixty consecutive business days. In the case of a fourth violation or repeated egregious violations of this regulation within an eighteen month period the Board of Health shall have a hearing in accordance with §P4 and may permanently revoke a tobacco sales permit. Mr. Andrews explained that in the case of a first violation it is a \$300.00 fine, in the case of a second violation within an eighteen months of the date of the violation a fine of \$300.00 and the tobacco sales permit shall be suspended for 14 consecutive business days, in the case of a third violation a fine of \$300.00 the tobacco sales permit shall be suspended for 60 consecutive business days, and in the case of a fourth violation a fine of \$300.00 and the tobacco sales permit may be permanently revoked. That is what the current regulation states. Ms. Mastria stated

that they are looking to change that from 18 months to 36 months, and Mr. Andrews agreed. Mr. Collett stated that the reason for this increase to 36 months is because these tobacco inspections are normally conducted two times during each fiscal year. It is possible that during the compliance checks they may only go around once per year, so the violations never reach the third and fourth violation. Mr. Collett stated that they conduct 2 inspections per year and a re-inspection for violators. Ms. Peterson stated that the Board of Health has to follow process and will not suspend any permits tonight. Mr. Andrews stated that the way the current tobacco regulation is written with the word usage of *shall* indicates that the board must follow the regulation. Prior to suspending tobacco licenses at tonight's meeting, Ms. Peterson states that, the Board of Health needs to review all the meeting minutes that covered tobacco from 2012 as well as the minutes from the last meeting where the current tobacco regulation was adopted. Mr. Andrews stated that it has been a long time since the Board of Health has seen a double offense in an 18 month period. Mr. Collett stated that it should be noted that FDA also conducts tobacco inspections and may or may not notify the town. Ms. Peterson would like to continue the tobacco license suspensions to the next meeting to allow the Board of Health time to review the minutes from 2012 and also the minutes from the last Board of Health meeting. Ms. Peterson asked for public comment. John Waterbury from the Falmouth Board of Health was present for this hearing. Mr. Waterbury stated that the Falmouth Board of Health amended their tobacco regulation last Monday night raising the legal tobacco sales age from 18 to 21. The business community of Falmouth asked the Falmouth Board of Health to speak to the surrounding towns about also raising the legal tobacco sales age to 21 so that all the businesses are on the same playing field. The Falmouth Board of Health feels that there are very persuasive public health reasons for raising the minimum tobacco sales age. Mr. Waterbury submitted a copy of the Falmouth Board of Health tobacco regulation at the time of the meeting. Mr. Andrews asked how much evidence was provided to the Falmouth Board of Health in order to get the Falmouth Board of Health to amend its tobacco regulation. Mr. Waterbury stated that quite a bit of information was provided to the Board and that the medical community was present at the hearing and provided testimony as well as the Falmouth Board of Health conducting their own research on the subject. The New England Journal of Medicine recently posted a very persuasive article on this subject. Ms. Mastria stated that she feels that 18 year olds should be able to buy cigarettes but is unsure how that prevents 17 year olds from also getting cigarettes. Ms. Mastria does not think that raising the age to 21 will make a difference. Ms. Guarino stated that one thing that does make a significant difference between 18 and 21 year olds is that 21 year olds are no longer in high school and that raising the minimum tobacco sales age to 21 would bridge a greater gap between high school age students obtaining cigarettes. Stan Budryk was present for this hearing. He stated that his wife smoked for many years. Mr. Budryk also stated that he does not believe that raising the minimum tobacco sales age will do much to prevent underage smoking and tobacco sales to underage. He stated that he is against raising the price for tobacco products and said that kids are going to get it either way. If an 18 year old can fight for this country, he can have a cigarette. DJ Wilson the tobacco control director of MA municipal association was present for this hearing. He stated that 55% of the state has banned the sale of blunt wraps and that police departments generally support this since blunt wraps are often used for illegal drugs. Ms. Peterson stated that the Board of Health office will need to check with Mr. Woodside to see how he feels about adopting

this ban on blunt wraps. Paresh Patel was present for this hearing. Mr. Patel stated that raising the minimum price to \$2.50 will not make a difference and if blunt wraps are not available then people are just going to use something else such as a cigar and rolling papers. He stated that he is not in the business to sell to minors. **Mr. Barlow made a motion to continue raising the minimum tobacco sales age from 18 to 21 to the fall.** **Mr. Andrews seconded the motion. All in favor. The vote was unanimous.** **Mr. Andrews made a motion to continue the minimum cigar package size/price-- \$2.50 single/ \$5.00 pack to the fall.** **Ms. Peterson seconded the motion. All in favor. The vote was unanimous.** **Mr. Andrews made a motion to ban the sale of blunt wraps in the Town of Bourne and to add it to the existing Town of Bourne Board of Health Tobacco Regulations.** **Ms. Mastria seconded the motion.** Paula Cody from Bourne was present for this hearing. Ms. Cody stated its not tobacco that people are putting into the blunt wraps, but rather it is something else and that if you ban the sale of blunt wraps, people are just going to buy rolling papers or something else. If they want to flavor it then they're going to find something to flavor it with. If you take one away they are just going to substitute it with something. Russell Salamone from Grey Gables Market was present for this hearing. Mr. Salamone stated that prior to putting in any motion to banning a substance there should be more research and understanding before it is immediately banned. **Mr. Andrews amended his motion to make the banning of blunt wrap sales in the Town of Bourne effective 60 days from the date of publication in a newspaper of general circulation.** Joveal was present for this hearing. Mr. Joveal stated that if people are going to buy the whole pack of cigarettes then they are going to smoke the whole pack, and cigarettes are addictive. DJ Wilson stated that it does make sense to make the effective date later so that retailers have a chance to sell their remaining stock. There is no wholesale discount on blunt wraps. Mr. Barlow seconded the motion. **Ms. Peterson opposed. The vote was 3 in favor and 1 opposed. The vote passes.** Mr. Andrews stated it would be difficult to get to a third and fourth violation within an 18 month period due to timeline of inspections. **Mr. Andrews made a motion to continue the tolling periods for violations- §O- increase from 18 months to 36 months discussion to the fall.** **Mr. Barlow seconded this motion. All in favor. The vote was unanimous.** Mr. Andrews stated that he would like to see a timeline drawn out. Ms. Cody stated that it would have been nice of the Town of Bourne to send a letter to retailers notifying them of the tobacco violation. Ms. Peterson stated that she would like to discuss the notification procedure to retailers for tobacco violations at the next Board of Health meeting. Ali Wolf from New England Farms, Monument Beach, was present for this hearing. Ms. Wolf asked if tobacco violators could be notified at the time of violation. Ms. Mastria noted that when she worked retail people were notified right then and there. Mr. Collett stated that he notifies tobacco violator retailers in the Town of Barnstable on the same day as the violation. Mr. Collett stated that he can start doing this if it's something the Board of Health would like. Mr. Collett also stated that they do not tell the retailer at the time of inspection to protect the youth that is working with the program.

2. **TOBACCO VIOLATIONS DATED FEBRUARY 21, 2016 – 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
January 13, 2016—**

Mr. Andrews made a motion to issue the tobacco violation fines at this meeting but to continue the tobacco license suspensions to the Board of Health meeting on March 23, 2016. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.

- 1. Cape Cod Filling Station – 156 Main Street – 2nd offense within 18 months.** Mr. Barlow and Mr. Andrews stepped off for this matter. Ms. Peterson stated that this is a second offense and has a fine of \$300.00. No one was present for this hearing.
- 2. Cumberland Farms #2298 – 435 Shore Rd – 2nd offense within 18 months.** Mr. Barlow and Mr. Andrews stepped back on. Ms. Peterson stated that this is a second offense and has a fine of \$300.00. Brian Walker, the manager, was present for this hearing. He stated that Cumberland Farms does take this seriously and that it is extremely important. He stated that every new employee has to undergo training, and they have to card everyone under the age of 30. Even if customers appear older, they still ask for a birthdate. He stated that the company was not notified of this change in the tobacco regulation. He also believes the store should not be held to this new regulation policy.
- 3. Gray Gables Market – 181-183 Shore Rd – 2nd offense within 18 months.** Ms. Peterson stepped off for this matter. Russell Salamone owner of the market was present for this hearing. Mr. Salamone apologized for the violation. He admitted that the clerk was a new employee. He stated that he has to revisit his policy with all of his employees. The fine is \$300.00.
- 4. Liberty Warehouse Liquors – 21 St. Margaret's St.** Ms. Peterson stepped back on. Ms. Peterson stated that the fine for this violation is \$300.00.
- 5. Bourne Bridge Mobil – 2 Head of the Bay Rd –** Ms. Peterson stated that this is the first offense and the fine is \$300.00. No one was present for this hearing.
- 6. New England Farms – 360 MacArthur Blvd –** Daniel Costa was present for this hearing. The fine is \$300.00. Mr. Costa stated that this store takes tobacco sales very seriously and that the employee whom violated the tobacco regulation has been terminated. A draft of a letter regarding New England Farms tobacco policy was submitted to the Board of Health office. Mr. Costa would like for the Board of Health to fine the employee whom violated the tobacco regulation.
- 7. Pocasset Country Market – 303 Barlows Landing Rd –** Paresh Patel was present for this hearing. Mr. Patel apologized for the tobacco violation and stated that this would not happen again. Mr. Andrews stated that this is the first offense and he must pay a fine of \$300.00. Ms. Peterson stated that in the tobacco regulation item O on pg. 9 it states that it shall be the responsibility of the establishment permit holder and/or his or her business agent and/or his or her employee to ensure compliance with all the sections of the regulation.

8. **Portside Liquors – 590A MacArthur Blvd** – No one was present for this hearing. The fine is \$300.00.
 9. **Sam's Food Store – 261 Main St –2nd offense within 18 months.** Jawad Nasar was present for this hearing. Mr. Nasar stated that they are now going to start carding everyone. The fine is \$300.00.
 10. **Seaside Wine and Spirits – 4 Barlows Landing Rd** – Paula Cody was present for this hearing. Ms. Cody apologized for this violation. The fine is \$300.00.
 11. **Shell Food Mart – 282 Main St –3rd Offense within 18 months.** Mohammad Waheed was present for this hearing. Mr. Waheed apologized for the violation. Ms. Andrews stated that as it was just discussed with the tobacco county control board getting three violations in a period of 18 months is nearly impossible, but Shell Food Mart did it. Mr. Collett stated that this establishment also sold flavored cigars during a pilot program about 18 months ago. The fine is \$300.00.
 12. **Tedeschi #393 – 174 Clay Pond Rd.** Bob Binder was present for this hearing. Ms. Peterson stated that there is a \$300.00 fine. Mr. Binder stated that he has owned the establishment since 2003, and he apologized for the violation. Ms. Peterson stated she would address all the concerns in a draft policy that will be submitted to the office.
3. **13 EMMONS RD –Thomas Bunker for Smullin Family Realty Trust – Request variances from the 150 foot setback to water resource areas for the proposed addition and upgraded septic system– Discussion and possible vote** – Thomas Bunker, BSS Design, representing the Smullin Family Realty Trust was present for this hearing. He is requesting a variance because he intends to increase the size of a dwelling and that the system does not conform to the setback requirements to the coastal bank. The flood zone is far back on the property. This project meets the title five requirements. Mr. Andrews asked about the number of bedrooms. Mr. Bunker stated that it is a 5 bedroom house and they are adding 4 bedrooms to make this a 9 bedroom house. Ms. Guarino stated that this property was going to be a secondary structure and due to zoning requirements they had to combine it. Ms. Peterson stated that it is a 9 bedroom house and that she is concerned that in the variance request letter it states that it is a 5 bedroom house. Ms. Peterson read verbatim from the letter it would be considered a five bedroom house. Mr. Bunker stated that some of the bedrooms are uninsulated. Mr. Andrews stated that they still meet the definition of bedrooms. Ms. Guarino stated that she advised Mr. Bunker to design for a 9 bedroom system, which he has. Mr. Andrews wants to letter of request to state that it is a 9 bedroom dwelling. **Mr. Barlow made a motion to continue the request for variances from the 150 foot setback to water resource areas for the proposed addition and upgraded septic system at 13 Emmons Road to the Board of Health meeting on March 23, 2016. Mr. Andrews seconded this motion. All in favor. The vote was unanimous.**
4. **10 HARBOR WAY/ZERO LIGHTHOUSE LANE – Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with**

§310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling—Don Bracken of Bracken Engineering and Zachary Basinski of Bracken Engineering representing Elizabeth Warden were present for this hearing. Mr. Bracken stated that this application is not one that the Board of Health typically sees. This application includes an easement for a sewage disposal system and also includes the approval of a Nitrogen Loading Facility Aggregation Plan. Mr. Bracken stated that he would like to review the letter that Mr. Budryk submitted to the Board of Health. This application involves two properties, 10 Harbor Way which is a vacant buildable lot, and 0 Lighthouse Lane which is also a vacant lot. Back in 2006 the Board of Health approved variances for this property. What was approved through the Board of Health in 2006 was a variance for a 3 bedroom system to the 150' setback regulation. With all the well locations in the neighborhood, there is no room for a septic system. The owners of lot 10 and the owners of 0 Lighthouse lane are sisters. Ms. Peterson stated that an easement has been approved by the Board of Health previously and there were issues. Ms. Peterson wants to review the file for the Sagamore Beach property that the Board of Health granted an easement to in the past. This is going to be a 3 bedroom trench. The variances that are being sought is a 105' variance to the coastal bank and approval of a nitrogen loading facility aggregation plan. There are two different easements on this lot. The Board of Health requested a site visit of the property. Mr. Andrews asked if all the drinking wells have been discovered and if there are any unidentified drinking wells. Mr. Bracken stated that all the wells that he could be made aware of have been accounted for in this project. Mr. Andrews stated that the army has done a lot of work in finding wells and that information was reported to the Board of Health office. Ms. Guarino stated that the office has limited records on wells. Mr. Stan Budryk was present for this hearing. Mr. Budryk stated that the certified abutters list is incomplete. Ms. Guarino stated that the abutters for both 0 Lighthouse Lane and also 10 Harbor Way have been notified. Ms. Peterson stated that this is a certified abutters list generated from the Town of Bourne. Ms. Guarino stated that according to title five it is front back and side to side abutters that are notified. Julie Malloy was present for this hearing. Mr. Andrews explained that the abutters notified are the connecting lots. Mr. Budryk stated that Mr. Flannigan asked if this hearing could be continued for 60 days. Ms. Peterson stated that this will be continued for 2 weeks, because the Board of Health would like to conduct a site visit. Mr. Budryk is concerned that this project would require digging up 2 roads to install a force main. Mr. Bracken stated that this is not a title five variance it is a local variance. The roads are not private, there is no easement necessary to put utilities in the road. Mr. Budryk stated that the exception to that is the association. Ms. Peterson stated that more research on associations will need to be conducted. Ms. Malloy stated that the Army Corp of Engineers is a direct abutter. Ms. Guarino stated that the Army was notified. Ms. Malloy asked about the credit land and if it is being used by another lot. Mr. Bracken said that he will address that in writing. Mr. Bracken does not think that these lots are connected according to Board of Health purposes. Board of Health and Zoning issues are separate. Ms. Guarino stated that the lighthouse was built a long time ago and if anything were to be done to that property it would require an upgrade and a hearing in front of the Board of Health because it would not meet the 150 foot

setback. Mr. Budryk said that Mr. Flannigan said that there is no 0 Lighthouse Lane because the two lots merged as one. Mr. Bracken stated that from a Board of Health standpoint they are two separate lots. Mr. Barlow stated that every project is site specific. Ms. Peterson stated the Board of Health needs to conduct a site visit and verify that the abutters list is accurate. Ms. Peterson wants to look at a different project in Sagamore Beach that also included a change in the credit land. **Mr. Andrews made a motion to continue 10 Harbor Way/0 Lighthouse Lane to the next Board of Health meeting on March 23, 2016. Mr. Barlow seconded the motion. All in favor. The vote was unanimous.**

5. **3 BRENDON LANE – Terri Guarino –CONTINUED from January 13, 2016 - I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations – Update Board of non-compliance.** No one was present for this hearing. Ms. Guarino stated that Mr. Origlio fines were \$1,500.00 at the last Board of Health meeting. Ms. Guarino feels that the fine should be weekly so that there is a gap period in the time that they hire a contractor and the contract gets submitted to the Board of Health office. Ms. Guarino stated that she plans to file a criminal complaint with Falmouth District Court. Ms. Guarino stated that the Board of Health office has received some inquiries on this property but has not yet received a contract. Ms. Guarino stated that there is no occupancy permit on this house. Mr. Andrews would like to tighten up the Board of Health alternative septic system policy in regards to the occupancy. Ms. Guarino stated the fines to date are \$7,500.00. Ms. Guarino feels as if it is reasonable to issue fines of \$1,000.00 every week starting on January 27, 2016. **Ms. Peterson made a motion to issue Mr. Origlio a fine of \$1,000.00 every week starting on January 27, 2016 until compliance is reached. Ms. Mastria seconded this motion. All in favor. The vote was unanimous.**

6. **DEED RESTRICTION FORM – CONTINUED from February 24, 2016 - Discuss and vote on a Deed Restriction template to be used for future deed recordings** – Mr. Andrews stated that he cannot support moving away from the deed restriction form that the Board of Health is currently using. Ms. Guarino stated that according to title five a deed restriction form should be essentially identical to what is attached in the appendix. Ms. Guarino stated that she used the deed restriction form that is provided in title five and she added the local regulations and the letterhead to it. Ms. Guarino stated that more stringent regulations than title five can be set, but local boards of health cannot adopt policies that are less stringent than title five. Ms. Guarino feels as if the deed recording form that was used in the past is less stringent. Ms. Peterson stated that on the new form the alternative and the bedrooms have been separated, title five language has been added, and local regulations have been added such as the Board of Health bedroom definition citation. Ms. Peterson asked that Ms. Guarino sign the form prior to it getting recorded. Ms. Guarino stated that she signs all of them in advance. Mr. Barlow stated that he curious about way the number of bedrooms are written. Ms. Guarino stated that this is a moveable item. Mr. Andrews stated that by splitting the alternative septic system and the bedroom deed restriction into two different deeds now the Board of Health is going to have to require a vote for

two different deed recordings to be filed on one system. Ms. Guarino stated that it is in title five that the variance is disclosed if there is an alternative system in the deed. Mr. Andrews stated that, previously, this was one document. A notice of that septic system needs to be filed at the registry of deeds. Ms. Guarino stated that they can be combined into one document for an alternative septic system. Ms. Peterson stated that it is not up to the Registry of Deeds to tell people how to fill out a deed recording. **Ms. Peterson made a motion to continue the deed restriction form discussion to the next Board of Health meeting on March 23, 2016. Mr. Andrews seconded this motion. All in favor. The vote was unanimous.**

7. **SYNTHETIC DRUGS REGULATION—Terri Guarino, Health Agent—**
Discussion and possible vote to adopt Board of Health Synthetic Drugs Regulations pursuant to MGL c. 111 §31 WHEREAS, it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. Ms. Guarino stated that this has been adopted by many other towns both as a regulation and also as a bylaw. This regulation prohibits the sale of synthetic drugs. Ms. Peterson asked if a registered doctor has reviewed this. Ms. Guarino stated yes, this regulation came from the Mass Association of Public Health Boards. Ms. Peterson asked if the Bourne Police Department has reviewed this. Ms. Guarino stated yes. Police cannot penalize people for possession of these products, only for selling these products in the Town of Bourne. Ms. Guarino stated that designee can be the Town of Bourne Police Department. Ms. Mastria asked if the Bourne Police Department has agreed to be the designee. Ms. Guarino stated that to eliminate any confusion she can take out the Bourne Police Department and just leave designee written there. Mr. Barlow asked about medication and pharmacies in regards to this regulation. Ms. Guarino stated that with bath salts they labeled it not for human consumption. Ms. Guarino stated this product is not a product that you can get at any pharmacy. **Ms. Peterson made a motion to approve the synthetic drugs regulation with the following changes: section F subset 1, delete Bourne Police Department and leave designee. Mr. Andrews seconded the motion. All in favor. The vote was unanimous.**
8. **BODYWORKS REGULATION—Terri Guarino, Health Agent-- Discussion and possible vote to amend regulation adopted on February 24, 2016.** Ms. Butler stated the Bourne Police Department cannot run CORI/SORI checks for the Board of Health, and that this regulation was amended to state that the applicant must submit this information at the time of application. Ms. Peterson asked who is going to get the CORI/SORI information. Ms. Guarino responded that the applicant must submit this information themselves using icori.com as one of the most accessible ways of getting this information. Mr. Andrews asked that any changes to a regulation be highlighted in red. Ms. Guarino stated that the office can do this in the future, however, the office color printer is broken at this time. Ms. Butler read verbatim, the applicant must submit a criminal history check for bodywork therapists, operators, and establishment owners. All responses to these record checks are kept confidential. This information will not necessarily disqualify the applicant. Mr. Andrews would

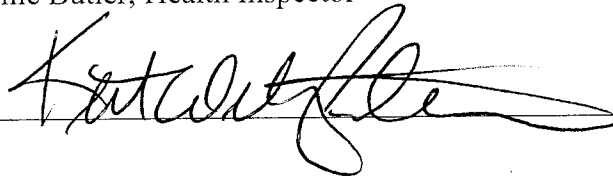
like the SORI to be added to this. Ms. Peterson asks if the Board of Health is responsible for the language barrier that this might present. Ms. Guarino responded no. Ms. Guarino stated that as an example in the housing code certain enforcement orders state that this is a legal document that you should have translated. This regulation went into effect upon circulation in the general newspaper which was February 26, 2016. Ms. Guarino stated that under the compliance and enforcement section the fines state \$100 for the first offense, \$200 for the second offense, and \$300 for the third offense. Ms. Guarino stated that this section needs to be amended so that the fine is \$300. Ms. Butler stated that fees for the establishment permit as well as the therapist permit should be similar to the current body art fees. It will be \$300 for the establishment permit and \$125 for the therapist permit. **Mr. Andrews made a motion to make the following changes to the Bodyworks Regulation: to adopt a fine of \$300 per offense, to add the license fees to duplicate the body art fees, and to change the wording on the CORI/SORI section so that the information is provided by the applicant at the time of application. Mr. Andrews then amended his motion to include removing the massage therapy certificate requirement from the bodyworks regulation. Ms. Mastria seconded this motion. The vote was unanimous.**

9. **APPROVE THE MINUTES – February 24, 2016. No action was taken at this time.**

Mr. Andrews made a motion to adjourn the meeting. Ms. Mastria seconded the motion. It was a unanimous vote and the meeting adjourned at 10:49 PM.

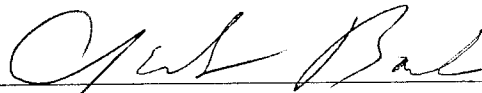
Taped and typed by Jamie Butler, Health Inspector

Kathleen Peterson

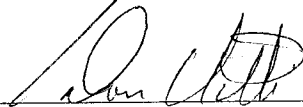


Stanley Andrews

Galon Barlow



Don Uitti



Kelly Mastria –

cc Board of Selectmen/Town Clerk