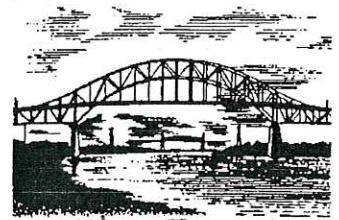




Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES December 13, 2017

**Members in attendance:** Kathleen Peterson, Chairperson; Don Uitti; and Kelly Mastria

**Support Staff in attendance:** Terri Guarino, Health Agent; Zackary Seabury, Health Inspector; Kayla Davis, Health Inspector; and Meghan McLean, Administrative Assistant

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

Ms. Peterson asked if there were any audience members filming this meeting. Michael Rausch, a reporter for the Bourne Enterprise, was recording audio.

1. **Tobacco Retailer Inspection Violations-- Discussion and possible vote in regard to Tobacco Compliance Checks conducted on November 19, 2017 where tobacco products were sold to minors without checking identification at five licensed establishments:**
  - a) **Bay Village Auto, 23 Main Street, Buzzards Bay-- First Violation**—Owner, Rouba Sarkis, was present for this hearing. Ms. Peterson asked her what she has done to ensure that another violation does not occur. Mrs. Sarkis stated that after learning of the violation, she was very strict with at-fault employee, and warned them that if another violation occurred they would be terminated. Ms. Peterson stated that a fine of \$300.00 must be paid, and Mrs. Sarkis paid the fine during the meeting.
  - b) **Citgo, 1030 Sandwich Rd, Sagamore-- First Violation**-- Robert Sousa, owner, was present for this meeting. Ms. Peterson asked what he has done to ensure compliance going forward. Mr. Sousa stated that his establishment has high expectations for compliance, and the employee in violation no longer works for the company. Ms. Peterson assessed a \$300.00 fine, which will be paid tomorrow at the Health Office.
  - c) **Cumberland Farms, 160 Main Street, Buzzards Bay-- Second Violation within 18 months**-- Bryan Walker, District Manager, was present for this meeting. He explained that he spoke to the employee about the importance of checking for identification and put them on final notice. Also, Cumberland Farms has eliminated the ability to sell tobacco without checking a customer's ID. Their computer system now requires them to scan the barcode on the back of any identification card or the sale will not be processed. Mr. Walker stated that the company also performs in-house shops successfully and often. Ms. Peterson assessed a \$300.00 fine, and explained that it is the establishment's second offense within 18 months. There is up to a 14 day suspension for a second violation, however Ms. Guarino and the members of the Board are willing to waive the suspension to see how their new scan system works. Mr. Walker will submit payment to the Health Office tomorrow.
  - d) **Shell, 282 Main St, Buzzards Bay-- First Violation**-- Kebi Raj Rai, owner, was present for this meeting. Mr. Rai explained that his employee had only been working there a few months, and they



were reminded of how important it is to stay in compliance. Ms. Peterson assessed a \$300.00 fine, which Mr. Rai paid during the meeting.

- e) **Speedway, 343 Scenic Highway, Bourne-- First Violation**—Mark Vega, General Manager and Wade Bartley, Regional Manager, were present for this meeting. Ms. Peterson explained that this is their first violation and there will be a \$300.00 fine assessed. She asked what has been done to ensure compliance in the future. Mr. Vega stated that following company policy, the employee was terminated. Prior to starting a shift, all employees must sign a pledge called the We ID Pledge within the establishment. Also, they assign web-based trainings every 6 months and an internal monitoring system which sends compliance checks to management. Ms. Peterson assessed a \$300.00 fine. The check will be delivered via certified mail tomorrow.
2. **1276 County Road— Susan Sigel Goldsmith, Owner-- Request a waiver from Town of Bourne Board of Health 150 Foot Setback Regulations for continued use of existing septic system, permit #66-98, to accommodate the proposed interior renovations and remodeling of dwelling.**  
**Discussion and possible vote.** Susan Sigel Goldsmith is present for this meeting. Ms. Guarino explained that this project is composed of all interior renovations. There is a river that runs through portion of property which is 135 feet from the existing septic system. Mrs. Goldsmith is requesting to continue to use the existing system with these renovations, and will not be adding any bedrooms. She explained that the plans submitted show that the existing dwelling is a historic property with small rooms. The proposed plans are consistent with the design flow of the septic system. Ms. Guarino stated that there was some confusion because there were 2 sets of proposed plans submitted. Mrs. Goldsmith explained that the second set of plans has measurements and is a revision of the originals, including a new kitchen layout. The Board reviewed the revised plans, and established that the first set of proposed plans could be disregarded. Mr. Seabury asked for the square footage of the walk- in closet. It was not illustrated but was determined during meeting to be 6.8 feet by 10 feet. Ms. Guarino stated that the property was constructed in 1790 according to assessors, the septic system was installed in 1998 and passed inspection on July 10, 2014. Ms. Peterson noticed that the report indicated the inspection being completed in 2014, but was stamped received by the Health Office in 2016. Ms. Peterson suggested that the system get inspected again prior to approval. Mrs. Goldsmith stated that she had a separate inspection done when she purchased the home in 2016. Mr. Seabury reviewed the Health Office files and was able to locate the more current inspection report from April 12, 2016 for the Board's review. Ms. Guarino stated that this report is still valid until April 12, 2018. **Ms. Mastria made a motion to approve the request for a waiver at 1276 County Road from Town of Bourne Board of Health 150 Foot Setback Regulations for continued use of the existing septic system to accommodate the proposed interior renovations and remodeling of dwelling with reference to plans received November 13, 2017. Mr. Uitti seconded, and the vote was unanimous.**
3. **71 Nightingale Pond Road—Marie Zagwyn, Applicant—Prospective buyer seeking relief from Board of Health Stable Regulations for the continued use of a six horse stable currently owned by Steve and Cathy Toth.** **Discussion and possible vote.** Prospective buyer Marie Zagwyn, current owners Steve and Kathy Toth, and Realtor Janet Maxim are present for this meeting. Ms. Peterson reviewed the current license dated July 1, 2017 for the property. She explained that if approval is given it does not take effect until the purchase is completed and the approval will not be valid for any buyer other than Ms. Zagwyn. In 2003, the Toth's came before the Board of Health for a variance for a 6-stall barn. Ms. Peterson reads the previous approved variances aloud. Ms. Guarino stated that looking through the file, she found 1978 Stable regulations that were in place during that time which do not appear to have the 2 horse stipulation that the current regulation has. Mrs. Toth stated that she had no horses at the time of the 2003 meeting, but Ms. Peterson found meeting minutes that stated she had 6 horses at that time. Ms. Peterson explained that if this item is approved, it will not be a continued license it will be a new license for 6 horses only approved for Ms. Zagwyn. She stated that the Board has to rely on the meeting minutes recorded with the Town Clerk on file for the original variance from November 12, 2003 and asked Ms. Mastria to read the minutes aloud. The minutes read, "*Mr. MacNally*



*stated if any abutters to the Toth property have any problems with the variance being requested. Mrs. Toth answered no, not as far as she has been told by all her abutters. Ms. Coffin stated there are letters on file from some of the abutters that state they have no problems with the fence requested. Mr. Gordon asked Ms. Coffin how many wired horse fences are there in the town of Bourne. Ms. Coffin answered that this is a wire mesh fence, which is a little bit different, but electric fences are most commonly used. Mr. MacNally asked Mrs. Toth how many horses on the property. Mrs. Toth answered six horses. Mr. MacNally asked Mrs. Toth if she had been made aware of the horse regulation. Mrs. Toth answered yes."* Mrs. Toth stated that she believes she misspoke during the 2003 meeting because she did not have 6 horses at that time. Ms. Peterson asked if there was a manure management plan submitted. Mr. Seabury stated there was, and explained that Ms. Zagwyn will be keeping some manure onsite for composting and gardening. He asked where on the property the manure will be kept. Ms. Zagwyn stated as far away from any people as possible, most likely in the back of the lot near the highway. Also, he added that he would like to see a plan of protocol for how to quickly get rid of manure if a complaint from an abutter or passerby gets submitted to the Health Office. Ms. Zagwyn plans on using her truck to use at any time to load up the manure and dispose of it properly, but Ms. Peterson would like her to submit a name and a telephone number and secure an agreement with them. Ms. Peterson asked for audience comments, of which there were none. She stated that this is highly unusual due to the fact that Ms. Zagwyn does not own the property. **Ms. Peterson made a motion to approve the request under the conditions that Marie Zagwyn is the purchaser of the property in March 2018, and that she submit her quick relief manure management plan to the Health Office. The Health Agent may issue this permit without the need of another hearing as long as Ms. Zagwyn submits a copy of the property deed which is recorded at the Registry. This is a new 6 stable horse license issued under the name Marie Zagwyn only, and if there is a buyer different than Ms. Zagwyn they must go through the same process to obtain the variance. Mr. Uitti seconded, all were in favor and vote was unanimous.**

4. **1 Eldridge Avenue Ext.— Robert Fantozzi Jr., Owner—Noncompliance with order dated November 22, 2017 for violation of State Sanitary Code, Chapter II and Board of Health Blight Regulations. Discussion and possible vote on penalties for violations.** Property owner, Mr. Robert Fantozzi, is present for this meeting. He explained that he is aware of the original complaint submitted about unregistered cars on his property. Of the 11 cars on his property, 9 of them are registered and he brought copies of each. The regulation allows him to retain 1 unregistered vehicle and he will be selling the other one as soon as he can find a buyer. There is a dumpster for cleanup of plant overgrowth currently on the property. Mr. Fantozzi explained that he purchased the home for himself and his elderly mother to reside in order for her to receive the care she needed. During the move, his mother was injured and put into assisted living. The belongings from his previous residence and his mother's previous home are combined at his current property on Eldridge Ave Ext. Mr. Fantozzi stated that he is aware that his property is an eye sore to the community. He is overwhelmed with the work he has going on, but intends to keep the house and would like to transform into a Bed and Breakfast eventually. Ms. Peterson asked for his plan to clean the property. He stated that he has dumpster there now and will have storage container at the property this weekend. Ms. Mastria asked if all of the cars can fit in the 6 car garage. Mr. Fantozzi said the garage is full of furniture so the cars can't currently fit. He has been trying his hardest to get going and fix his property. Ms. Peterson explained to Mr. Fantozzi that many items currently on the property hold stagnant water which must be removed as soon as possible. Also, the Board has concern for fluids going into the ground water since the location of the property is right on the beach. She asked how much time he thinks he will need for the Board to see a major improvement in the cleanliness of the property. Mr. Fantozzi stated that he does not have a specific date, and doesn't want to set one in fear of missing the deadline. Ms. Peterson suggested that it be improved by the second Board of Health meeting in January. Mr. Seabury suggested relocating the furniture in the garage to a floor of the house that way he may move the cars into the garage, which would be a great start to the major improvement that the Board wants to see. Ms. Peterson would like to see major change by January 24, 2017, which is the second Board meeting in January, to show that he

is willing to work with them on this. Ms. Peterson made a motion to take not to fine Mr. Fantozzi at this time, but to have him attend the January 24<sup>th</sup> meeting with photos of his progress. Further, the Health Agents should conduct an inspection prior to that meeting to determine there has been a sizeable dent into the issues that the Board has. Mr. Uitti seconded, all were in favor and the vote was unanimous

5. Approve the Minutes from the November 14, 2017 meeting-- Ms. Mastria made a motion to approve the minutes from November 14, 2017. Mr. Uitti seconded the motion, and all were in favor. The vote was unanimous.
6. Set tentative date for next meeting and adjourn—the next meetings are tentative scheduled for January 10, 2017 and January 24, 2017.

Ms. Mastria made a motion to adjourn the meeting, Mr. Uitti seconded, and the vote was unanimous. The meeting adjourned at 8:10pm.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson \_\_\_\_\_

Stanley Andrews \_\_\_\_\_

Galon Barlow Jr. \_\_\_\_\_

Don Uitti \_\_\_\_\_

Kelly Mastria \_\_\_\_\_

cc Board of Selectmen/Town Clerk