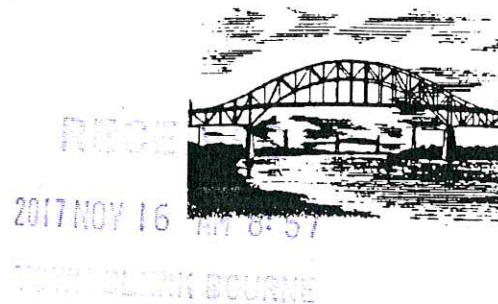




Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES October 11, 2017

**Members in attendance:** Kathleen Peterson, Chairperson; Galon Barlow Jr.; and Kelly Mastria

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

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

Ms. Peterson asked if there were any audience members filming at this time. Michael Rausch, reporter for the Bourne Enterprise, disclosed that he would be recording the audio of this meeting.

1. **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, blighted structures, and other matters of interest. Previously discussed at the meetings on December 14, 2016, April 12, 2017, and September 20, 2017. Discussion and possible vote.** Attorney Charles Sabatt was present for this meeting. He stated that at the last meeting, the Board granted him and extension on the Pocasset Mobile Home Park License until mid-October. At that time, it was unclear when his receivership was going to end. He explained that there has been a negotiation between the representative of the Austin family, himself, and the Atty. General's office for a proposed joint order that has been submitted to the Superior Court. His management will end on November 1, 2017. The receivership will continue on until Attorney Sabatt has completed distributing the remaining funds. Atty. Sabatt stated that during the last meeting, there were questions regarding performance testing of the treatment plant in the park. That issue has been addressed, corrected, and submitted to the DEP. The draft permit for the Individual Groundwater Discharge Permit was published in the September 20<sup>th</sup>, 2017 issue of the MEPA Environmental Monitor. The only remaining item to be completed within the entire construction project now is to obtain the as built plans to the treatment plant from the Robert B. Our company. Attorney Sabatt explained that although he attempted to contact Mr. Austin for his attendance at this meeting, their representatives stated that the Austin's have no authority to do anything prior to the receivership ending, and that they would not be attending. Ms. Peterson stated that she would like a notice sent to the Attorney General's Office the following morning stating that the license to the Pocasset Mobile Home Park will cease and desist upon Atty. Sabatt's leave, as the Board has had no communication with the Austin Family Trust. The trailer park cannot operate without a license, and the Board has attempted to work with the Austin family on many occasions and review their plans for the park. Instead of a license transfer, the Austin's will be required to submit a new Mobile Home Park License to the Board of Health prior to operation. Ms. Peterson also stated that at the last meeting, "court ordered deed" must be added to Number 7 of the License Conditions as another way of transferring the property. She asked Attorney Sabatt to inform the Austin's that as of November 1<sup>st</sup>, there will be no license for the park. Mr. Barlow stated that this is not something the Board wanted to happen, but without a meeting with the Austin's or a solid plan to move forward there is nothing that



can be done. Ms. Mastria asked what will happen once Attorney Sabatt is finished managing the park on November 1<sup>st</sup>. Ms. Peterson stated that she assumed the park would be considered closed, since there will be no license to operate. This is something that will need to be discussed with Town Counsel. Ms. Guarino explained that the Massachusetts General Laws indicate that there shall be a penalty of \$100.00 per day for operating a manufactured housing community without a license, and that our local regulation is more stringent with fines of up to \$300.00 per day for subsequent offenses. Ms. Peterson mentioned that she would like to know the status of past fines from the Town for emergency septic pumping within the park prior to the new system installation. She recalled Mr. William Gilpin, a local septage hauler, performing emergency pumping at least five times using funds from the Town. Attorney Sabatt stated that to his knowledge there are still fines in place. Ms. Guarino stated that during the last meeting, the license was extended until October 20, 2017. **Mr. Barlow made a motion to extend the expiration of the license past October 20<sup>th</sup> until November 1<sup>st</sup> or the end of Attorney Sabatt's management duty. Attorney Sabatt stated that he will alert Ms. Guarino if there is any change in the ending date. Ms. Mastria seconded the motion, all in favor, and it was a unanimous vote.**

2. **Jasper's Too Motel— CONTINUED from September 27, 2017 meeting—Update on compliance, Review violations of Chapter II of the State Sanitary Code and the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations. Previously discussed at the Board of Health Meetings on January 27, 2016, and May 31, 2017. Discussion and possible vote on approval to reissue a License to Operate a Motel in the Town of Bourne.** Mr. Barlow recused himself. Mrs. Judith Tubbs was present for this meeting. Ms. Guarino stated that since the last meeting of the Board, the motel has still not resumed business. The conditions that were discussed still need to be addressed and in full compliance prior to reopening. Mrs. Tubbs stated that she has been neglecting Jasper's Too Motel for about three years due to personal occurrences. Upon going to the motel after last week's meeting, she knew work needed to be done. She would like to open on or around October 17<sup>th</sup>, and every room is being redone. They anticipate new paint, new ceilings, and new walls among other things. Mrs. Tubbs continued stating that she owes Ms. Guarino and the Board of Health an apology for letting the property get to its uninhabitable state. She stated that she anticipates no compliance issues going forward, and no management problems for the motel upon reopening. Ms. Peterson asked if there had been a licensed pest control contract put into place for the motel. Mrs. Tubbs explained that she was unaware that it was required for her to make those arrangements and that she will contact Griggs and Browne the following day. Ms. Peterson asked what has been happening with the Fire Department. Mrs. Tubbs stated that they will be coming on October 17<sup>th</sup>, and upon approval from the Fire Department as well as the Health Department, she would ask for permission to open that day if they are ready. Ms. Peterson explained that all of the work yet to be completed might surpass her anticipated date of opening, but that it is possible given all corrections are made. She stated that until the building is finished, there will be no more visits from the Health Department as it is taking up time for other establishment inspections. Ms. Guarino explained that the policies and procedures for the motel must also be ready to be implemented upon reopening as well as improved record keeping. She stated that as of now, "no smoking" signs are in each individual room. The lobby has signs for no smoking, no pets, and photo ID required. Ms. Peterson stated that she would like "no pets" signs in each room as well. Ms. Mastria stated that it seems as though Ms. Guarino has been very helpful in assisting with the correction of violations at the motel, and asked how Mrs. Tubbs plans to enforce these rules and regulations going forward. Mrs. Tubbs stated that she will have to go there every day and check to make sure everything is being done properly. She asked for approval to partially open the motel until the rest of the rooms are finished. Ms. Peterson declined, stating that every room must be done before any guests are allowed to stay there. Ms. Mastria added that the pest control company will need access to all of the rooms, and if someone is staying there it will be hard for them to do their job. Ms. Peterson asked if there were any questions from the audience, of which there were none. No action was taken at this time.

**Mr. Barlow returned to the meeting.**



3. **Industrial Wastewater Hauler Permits**---Establish fee and approve form for annual hauler permit pursuant to 314 CMR 18.12 and MGL c. 111, § 31A, whereas no person shall remove and/or transport industrial wastewater through the streets of any city or town or via any state or federal highway located within any city or town in which the industrial wastewater was first collected without first obtaining a hauler permit from the board of health. **Discussion and possible vote.** Ms. Guarino explained that 314 CMR 18.000 has been amended by MassDEP, so it is now required that the local Board of Health issue annual licenses for septage haulers. This is applicable to nonhazardous, nondomestic industrial wastewater. The proposed fee will be the same as the regulatory fee for septage haulers, which is \$200.00 per calendar year. Mr. Barlow asked if this was for all industrial waste haulers. Ms. Guarino stated that this does not apply to anything hazardous such as corrosive or radioactive, but to commercial facilities that have nonhazardous collection tanks which includes leachate collection tanks at solid waste facilities. A good example is J.P. Noonan who collects leachate from the landfill. They are not currently licensed by us because it is nonhazardous, nondomestic industrial waste and it is not septage, so this regulatory change will put them in the category for a new license. Ms. Peterson asked how everyone will be notified about this new regulation and licensing process. Ms. Guarino explained that she previously contacted Mass DEP twice to try to get more information. She has a list of names from the disposal companies, which hopefully will be comprehensive and covers all of the haulers that visit our town, but they should be aware of these regulations as we are. Ms. Mastria asked how these implemented regulations are enforced. Ms. Guarino explained that every time these trucks dispose of their contents at the facilities, the contents get tracked. The Board of Health essentially monitors their disposal sites and pickup location, and the disposal facilities facilitate it by sending monthly reports to the Health office. Mr. Barlow stated that this will be difficult to track considering that the pumpers could be from out of town. Ms. Guarino stated that there are some exemptions including haulers that service state and federal owned properties because they license with the state and they only service state and federal properties. **Ms. Mastria made a motion to approve the form for the annual industrial wastewater hauler permit pursuant to 314 CMR 18.12 and MGL c. 111, § 31A, with the fee being \$200.00 per calendar year. Mr. Barlow seconded the motion, and all were in favor.**
4. **Approve the Minutes from the September 20 & 27, 2017 meetings.** Ms. Mastria made a motion to approve both the September 20<sup>th</sup> and 27<sup>th</sup> minutes. Mr. Barlow seconded the motion, and it was a unanimous vote to approve.
5. **Set tentative date for next meeting and adjourn.** The next meeting will be held October 25, 2017.

Ms. Mastria made a motion to adjourn the meeting. Ms. Peterson seconded the motion. All were in favor, and the meeting adjourned at 7:45 pm.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

cc Board of Selectmen/Town Clerk

