



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

**MINUTES
March 23, 2011**

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow, and Carol Tinkham

Support Staff: Cynthia Coffin, Health Agent and Carrie Furtek, Health

Call to order: Meeting called to order at 7:00 P.M.

- 1. 62 Old Plymouth Rd – Continued- Discuss and Possible Vote regarding non-compliance with housing order dated October 29, 2010 -** Ms. Furtek told the Board that she received an email March 21st which stated that the work on the property would be finished by the end of the week. Ms. Peterson asked what was remaining to be addressed. Ms. Furtek replied that the door frame and the roof repair have been approved. She also stated that the roof repair has more time to be addressed as this item was on another later enforcement order. The tenant, Gail Spencer, stated that she has not been contacted by the property management company nor anyone who works for them. They have not been contacted since March 10 or March 11. Ms. Coffin said that it was her understanding that the property management company had to get prior permission from the bank or some other entity before they could proceed with the work and she believes that the email may just be stating that they got the go ahead to go forward. Ms. Furtek stated that she is very disappointed that no contact with the tenant has been made as of this date. Ms. Peterson stated that whoever does the work needs to give the tenants 24-hr notice by law. She doubts that this work will proceed on time if the tenants haven't even been contacted yet. Ms. Furtek stated that the email came from Danielle Hernandez, Code Compliance Coordinator. The Code Compliance Coordinator is the person from the Tenant Access company. Her contact there has been Jessica Ballweg. Mr. Andrews asked the status of the fines on the owners that the Board voted at a prior meeting. Ms. Coffin stated that this is a separate item for discussion during the next agenda item. Ms. Furtek explained that the original order went to Deutsche Bank who then contacted Ms. Furtek and told her she needed to deal with Mr. Scofield. Ms. Peterson stated that Ablitt & Scofield

still holds the foreclosure note on the property. She had been emailing Ablitt & Scofield but at some point was told that this was also not the party she should be dealing with. Eventually she was put in contact with Danielle Hernandez who has been responsible for getting some of the items corrected. Ms. Peterson asked if Ms. Spencer would be available should someone try and contact her to get work done. Ms. Spencer stated that she would not be available Thursday or Friday. Ms. Spencer stated that there were two other items on the list that had not been addressed and these were two window well covers on the basement. Ms. Furtek stated that her order only included the repair of one of the basement windows that had a gap. Ms. Coffin stated that if there was something not on the original order it would have to be addressed separately at a later date. She too believes that the order only mentions one window in the basement that needed to be fixed. Ms. Peterson told Ms. Furtek to tell Ms. Hernandez or other responsible party that they have 24 hours to get in touch with Ms. Spencer and make arrangements for the repairs. Any fines assessed will continue to be assessed to the owners. Ms. Peterson would like to move on to item #2 to see what the issue is with the original vote on the fines.

2. Discuss and Possible Vote regarding fines for 62 Old Plymouth Rd. Ms.

Coffin explained that when she went to write the fine letter to the owner from the Board's March 9th vote she reviewed the dates of the original violation notice and the date that the owners finally received the order of non-compliance. The Board's vote on the fine went back to the date of the inspection and she does not believe that this is allowable under the regulation. An owner has to receive proper notification and this was not until November 18th. According to statute, the owner then has 30 days to complete the repairs listed in the original order and this would bring the date to about December 17. She believes that legally the fines could only go back to that date and so she had a concern with issuing the letter on the fines. Mr. Andrews felt that the Board should be able to go back to the date of notification which was November 18th but Ms. Coffin stated that she still does not believe that the actual non-compliance started until December 17th which is the date by which they were supposed to address all the items. There was further discussion. Mr. Barlow made a motion to withdraw the fine assessed at the March 9, 2011 meeting. Mr. Andrews seconded. It was unanimous to withdraw that fine. Mr. Andrews asked Attorney Wall his opinion. Mr. Wall asked what the original notice said and Ms. Coffin explained that the owners were told that they had 30 days to correct the violations. The owners received the notice on Nov. 18. They actually did not do any work to the property until well after the 30 day period, but the 30 days were up on December 17. Mr. Wall asked if the actual letter stated that fines would be assessed if there was failure to comply within the 30 days. Mr. Furtek and Ms. Coffin stated that the verbiage in the order comes straight from the housing code and that there was no mention of future fines. Mr. Wall stated that the safer vote would be to assess fines as of tonight's meeting. Ms. Furtek also stated that she would add the wording about the possible fines in any consecutive housing orders. Ms. Peterson stated that the owners would be fined from the date of this hearing. Ms. Peterson made a motion to assess a fine \$100.00

per day for 62 Old Plymouth Rd, for each day of non-compliance with the housing order, beginning March 23, 2011. The owners of the property are Deutsche Bank and Ms. Peterson wants the letter to go to the bank with a copy to the other parties Ms. Furtek has been dealing with as well. Mr. Andrews seconded the motion. There was a unanimous vote to assess the fines. Ms. Peterson stated that across the Cape banks are continuing to address orders and notices on properties taken.

- 3. Discuss and Possible Vote regarding Site Assignment for Sagamore Truck and Rail.** Brian Wall, office of Town Counsel, began the discussion. Mr. Wall stated that the last time that he was present at the Board of Health hearing on this item, the evidentiary part hearing was closed. The record was left open until March 18 for any person who wanted to submit any additional information. After that date the record was closed. Ms. Coffin stated that nothing had been received by the Board of Health office. Mr. Andrews stated that the Board did receive the Operation Manual from Alan Hanscom with a revised copy submitted tonight. Mr. Wall said that now the Board was in the deliberation stage of the proceedings. The Board has to now review the evidence, the legal standard, and make findings of fact on the applicable criteria and then make conclusions based on those findings to decide whether or not to grant the Site Assignment. The standard is found in MGL Chapter 111, Section 150. No assignment shall be granted by the Board of Health unless the Board of Health affirms that the siting criteria of section 150A ½ have been met by the proposed site. The Board of Health shall consider the concerns, if any, relative to the public health and safety sited by the Department of Public Health. A local Board of Health shall assign a place requested by an applicant as a site for a new facility, unless it makes a finding, based on the siting criteria, that the siting thereof would constitute a danger to the public health or safety of the environment. The criteria that the Board has to use as a guideline include, but are not limited to, the criteria in Chapter 111, Section 150A 1/2. Mr. Wall passed out copies of these criteria to the Board members. Mr. Wall stated that the applicant had also put these criteria in a table with comments as part of their original submission. Mr. Wall stated that Ms. Peterson also has looked at the past Site Assignment decision for the Bourne Landfill and has used that document as a guideline for required wording in the Board's decision. The decision reviews what the procedural events were from the date of filing, the various materials submitted, the hearing held, and then summarizes the evidence and the legal standards and makes findings on all of the criteria. Then there will be a conclusion to either approve or deny the site assignment. Mr. Wall stated that the conclusion has to be based upon whether the proposal is a threat to public health or not based on the criteria. The Board is also allowed to place conditions on the approval, if one is given. Ms. Peterson stated that tonight most of the legal wording will come from Mr. Wall. Mr. Wall stated that he is working on that portion but the Board needs to make a statement of findings as they go through the criteria. Ms. Peterson stated that the conditions imposed by the Board are what the Board should be working on tonight. Ms. Peterson stated that one condition is that the applicant shall implement best management practices to

control litter, dust, storm water, and air emissions from equipment, vehicles, and operations. This wording is taken right from the Board's site assignment conditions for the Bourne Landfill. Mr. Andrews stated that we need to do the site suitability criteria first. Mr. Wall stated that the Board needs to make an independent assessment and should not rely totally on the applicant's materials. Mr. Andrews stated that the Town did have SITEC do a review of the materials. Mr. Barlow stated that the Board has reviewed all of the materials at prior meetings. Ms. Peterson stated that the first criterion pursuant to Chapter 111, Section 150A ½ is "the location, nature and extent of any existing or potential sources of public or private drinking water supplies in relation to the site, including the recharge area of the sole source aquifer." Mr. Andrews stated that Mass DEP's Priority Resource Map shows that the facility is not within Zone I of a Public Water Supply. This was confirmed with the applicant's application as well as by our consultant from SITEC. Mr. Andrews continued to the next criterion, "the relationship of the site to groundwater elevations." Mr. Barlow stated that based on groundwater mapping, the minimum two foot separation to groundwater has been met. Mr. Andrews continued, "the proximity to wetlands as defined in section forty of chapter one hundred and thirty-one." Mr. Barlow stated that the facilities are not within a Riverfront area. Mr. Andrews also stated that there are no wetlands within the area of the waste handling facility. Mr. Wall stated that he thought a question had been raised at a previous meeting as to whether the canal was considered riverfront. Ms. Coffin stated that she had checked with the Conservation Agent and he stated that the canal does not come under the Riverfront Act. Mr. Hanscom also stated that this was in the applicant's documentation as well. Mr. Andrews proceed with the next criterion, "the proximity of surface water bodies." Mr. Barlow stated that the area is not within a Riverfront area and there are no other water bodies in the area. Ms. Peterson commented on criterion #5, "the proximity of flood plains", and stated that the property was not within the 100-yr floodplain. Ms. Tinkham asked whether the canal was in the 100-yr flood plain. Mr. Andrews stated that the 100 yr. flood plain has to do with the elevation that the water will achieve in a flooding situation in the worst case over a 100 year period, and this does not occur in this location. Mr. Andrews continued to #6, "the nature and extent of residential areas in proximity to the site." Mr. Barlow stated that there was no occupied residential dwelling within 250 feet of the waste handling site. #7, "the availability and suitability of access roads to the site. Mr. Barlow stated that there are two access roads with a potential third road. Mr. Andrews stated that Board members did do a site visit to confirm those access roads. Ms. Peterson questioned whether the Board had requested that something be put on record for an easement on the property to the front. Mr. Andrews stated that this would have been for the third access only. The entrance will be in the area of the scale area and outbound will be straight out and on to the main road. #8 "whether areas adjacent to the proposed site have been previously used for solid waste disposal." Ms. Coffin stated that there were no records of any properties adjacent to the site being used for solid waste disposal. Ms. Peterson asked if there had to be a set distance in the Board's decision and it was decided that the word 'adjacent' meant

abutting property. #9 “the potential for adverse impact on air quality.” Mr. Andrews stated that any potential for impact would mean that there had been a breakdown in their procedural method. The Applicant has submitted an Operation and Maintenance Manual and in that manual there are checks for maintaining that there is no release either through trucking over the town roads or public ways or within the facility. Mr. Andrews stated that he wanted to make reference to the Manual in the Board’s additional conditions. Mr. Andrews continued to #10 “the potential for creation of a nuisance from noise, windblown litter, or the proliferation of rodents, flies, or other vermin.” Mr. Andrews stated that the material being transferred and handled at the facility consists of inert ash and as such would not create windblown litter or cause a proliferation of rodents, flies, or other vermin. He stated further that while the process may have the potential to create a nuisance from noise, the Operation and Maintenance Manual contains measures to mitigate this. Ms. Peterson also stated that there will be hours of operation listed in the conditions. Mr. Andrews also stated that the O & M Manual stated that the doors will be closed when the material is being handled and the machines are operational. Ms. Coffin stated that the office has never received any complaints regarding the present operation. Mr. Andrews continued with #11, “the potential for the adverse public health and safety impacts.” Mr. Andrews stated that the Board of Health will probably put conditions on the site, such as the crash door for removal of workers from the building and the requirement for a backflow prevention device to protect drinking water going into the building. He believes that the access to the site and the O & M manuals will address any safety issues for the facility. He stated that with these documents, this item can be addressed. #12, “the potential impact on agricultural uses.” Ms. Coffin stated that there are no agricultural uses in the area. #13, “the potential adverse impact on wildlife or on wildlife habitat.” Mr. Barlow stated that he does not believe that there will be any potential impact on wildlife or wildlife habitat based on the location. Ms. Peterson also stated that the operation is contained within a building at the facility. #14, “the potential impact of increased traffic volume on roads to the site.” Mr. Andrews stated that this is an existing operation that has been operating with rail car exit so that the incoming traffic will be the same or reduced. The tonnage suggests that there will be minimum traffic exiting the site. #15, “the extent to which existing solid waste disposal facilities are located within the municipality. Site assignments for new facilities are preferred in municipalities without existing facilities.” Mr. Andrews stated that while there is an existing facility in Town but there are no common attributes between the two facilities. He feels that it is advantageous for this facility to operate where it is. Ms. Peterson stated that there will be some wording under the conditions that will further separate the two operations so that there is no overlapping in the future. Mr. Wall stated that the Board might want to add that although the present facility does not have a site assignment it is operating under an existing exemption. Mr. Andrews stated that this site assignment is actually a modification of an existing beneficial use project. #16 “the extent to which the solid waste disposal needs of the municipality in which the site is sought are met as a member of a regional refuse disposal district. Site assignments in municipalities not participating in

regional refuse disposal districts are preferred.” Ms. Peterson asked Mr. Wall to explain this item. Mr. Wall stated he believed that flyash was not refuse and that this item is not applicable. The Board members agreed. #17 the potential adverse impacts on communities within one-half mile of the proposed site including the potential adverse impacts on the considerations stated within this section for which site suitability standards and criteria are established.” Mr. Andrews that there is nothing changing from the existing facility conditions. Mr. Gallo stated that the site was more than half a mile from Sandwich. Ms. Coffin stated that she had already looked into this and that Sandwich was well over a half mile from the site. Mr. Andrews stated that the Board has now reviewed and commented on the criteria in Chapter 111, Section 150 A ½ items 1-17. Ms. Peterson asked if there were further statements from the Board or Counsel on items #1-17. Mr. Wall stated that the only issue not addressed yet was the DEP Commissioner’s ruling on the property line setback waiver. Mr. Andrews stated that he has four items that he would like to discuss as conditions. Ms. Peterson said that she would like to go over a couple of conditions that she wants to make sure are included in the Board’s decision. 1) The applicant shall comply with all conditions imposed by the Board of Health in its site suitability report relating to traffic. Ms. Peterson stated that the Board did cover during discussion of the criteria. 2) The applicant shall implement Best Management Practices to control litter, dust, stormwater, and air emissions from equipment, vehicles, and operations. Ms. Peterson stated that this was covered but that she wants this in the Board’s conditions. 3) The maximum daily flyash tonnage accepted at the facility from the Mirant Plant, now Genon, aka the Sandwich Canal Power Plant , shall be less than 50 tons. 4) The hours of operation at the site shall be limited to 7 AM – 5 PM. Ms. Peterson asked if there were ever any emergencies when the operation might need to take place beyond these hours. Mr. Gallo stated that the existing operation has been 24/7. Mr. Andrews stated that he does not foresee any impact to any of the residential area. Mrs. Gallo stated that currently the operation is Mon- Fri 7AM-3 PM. There was discussion and the Board members agreed that the hours would be set to 7 AM – 7 PM, 7 days per week with the understanding that should the need arise for 24/7 this could be brought to the Board of Health in an emergency for approval. The request for extension would come to the Board within 24 hours unless there was an emergency and then the Board members could be contacted by phone. 5) The applicant shall construct and operate the improvements and activities on the site in conformity with the application and the materials submitted herein. Mr. Andrews would like to incorporate the submitted Operations and Maintenance Manual, dated 3/23/2011. He would like to add that if the document is revised, the Board of Health should receive a copy. Mr. Hanscom stated that he will probably revise the document to include any conditions that the Board places on the operation. The new O & M will address the crash doors and the backflow preventers that the Board of Health already mentioned. Mr. Andrews stated that the Board will require that all pass doors will have crash bars for quick, emergency access for safety of the personnel inside the facility. He stated that the O & M Manual talks about the wash down and clean up of the floors in the facility so there will be the requirement of backflow prevention

device put on the water service to the facility and that it be maintained in accordance with the State Plumbing Code. Ms. Andrews also stated that inside the O & M Manual there is a section which states that in the event of a spill or accident that the Town of Bourne and Massachusetts DEP will be notified. He would like the Board of Health to be in this notification process. There was discussion and it was decided that the Town Emergency safety personnel and DEP would be notified in the event of an accident or spill and that the BOH would subsequently be notified within 24 hours. Mr. Andrews also stated that he would like to have a statement in the O & M that the building will be secured to prevent wildlife from entering the building. Ms. Peterson continued. 6) The area described in the application shall be considered a specific use site assignment pursuant to 310 CMR 16.23 and shall be utilized only for flyash handling and processing, including but not limited to transfer operations, processing and handling. Landfilling and/or combustion use are expressly prohibited. Any activity other than the handling and processing of flyash shall not be conducted at the site except in accordance with a new or modified site assignment. Mr. Hanscom wanted to add that the facility has the potential for bottom ash as well as flyash. The Board included the wording for bottom ash. Ms. Peterson further stated that the site assignment would take effect when recorded with the Registry of Deeds and after a certified copy of the same from the Registry is provided to the Board of Health, with all recording fees and charges paid by the applicant. She further stated that the site assignment would not be in effect until the Board received the decision from DEP on the setback waiver. Ms. Peterson asked the Health Agent to send another letter to DEP requesting a decision on the matter and stating that the Board was nearing the end of the site assignment process. Ms. Peterson further stated that the site assignment may be modified, suspended, or rescinded for good cause by the Board after notice to the owner and operator and after a public hearing. She also stated that the operational responsibility for the site assigned area shall not be assigned or transferred in whole, or in part, to another party unless approved by a vote of the majority of the Board of Health at a public hearing. Assignment or transfer shall include, but not be limited to, lease, license or other agreement related to the operation of the site assigned area. Ms. Peterson explained to Mr. Gallo that this meant that he could not sell the site assignment without coming before the Board of Health. Mr. Wall asked how far the Board wanted to go and asked if the applicant was a corporation, i.e. Sagamore Trucking and Rail, Inc. Mr. Gallo answered yes. Mr. Wall suggested adding the wording 'or any substantial change of ownership of the applicant, Sagamore Truck and Rail.' Ms. Peterson asked if there were any other comments or conditions. At this time, Mr. Mulvey questioned the earlier reference to bottom ash. Mr. Hanscom stated that the bottom ash is an incidental amount and he was just trying to cover that in the earlier wording. Mr. Barlow did not see the need to segregate fly ash from bottom ash. Mr. Andrews was concerned about the wording in the application and asked Mr. Wall what his feelings were. Mr. Wall stated that everything he can see in the application says flyash. Mr. Hanscom stated that everything is generically called flyash because 95% of the material is flyash. He stated that the existing waste stream also included miniscule amounts

of bottom ash. After much deliberation between the Board, Council, and Agent, concerning the wording in the application and the wording of the public hearing, it was decided that the site assignment and conditions would be for flyash, i.e. that there would be no reference to bottom ash. Ms. Peterson asked if, in the letter to DEP, Ms. Coffin could ask if they consider bottom ash generally under the same guidelines as flyash. Mr. Wall stated that after tonight's meeting he will work with the Chair on a draft decision. He will send that draft to Ms. Coffin and she can forward it to the Board members for review. The Board has to be careful and not deliberate through emails, but they can send their comments to Ms. Coffin and she can forward them to him. Hopefully the decision could be voted on at the next meeting. Mr. Hanscom asked to receive a copy of the draft as well. The Board members decided that the Board would tentatively meet on April 6th to review the draft and potentially vote on it. If not, the vote could take place on April 13th. The deadline for a decision is April 16th.

- 4. 118 Wings Neck Rd –Mr. Mohan requests variances for system upgrade with renovations.** Ms. Coffin gave the Board a little background on the project history. The applicant is proposing to do a small addition to two sides on the first floor of the dwelling. About a year ago the owner had contemplated demolishing the house and rebuilding but there were wetland issues so he has subsequently come forward with the proposed work on the first floor. Inspection revealed that the existing septic system does not have the required four foot separation to groundwater. The proposal tonight is for an upgraded system in connection with the proposed renovations. Ms. Coffin passed out side view plans that were received late afternoon. The percentage for the addition of non-bedroom space is a 40% increase. The project engineer, Mr. Koska, began his presentation to the Board. Mr. Koska stated that the groundwater elevation at high tide was determined in the field in the presence of Ms. Coffin and it was confirmed that the existing leaching system did not have the required four foot separation to groundwater. Groundwater was found at elevation 4.07. The base of the gravel-less contactor system is elevation 8.07, achieving the four foot separation. The proposed system will need a new tank and a pump chamber as well. There has been a filing before Conservation. Ms. Coffin stated that there had been an original filing with ConCom on the addition in which they agreed on the wetland line on the plan. This new plan for the septic upgrade will need to go back before the Conservation Commission, however. Mr. Koska reviewed the plans and showed the Board the wetland delineation line. He has tried to move the leaching facility a little further from the wetland line but could only move it about 9 feet due to the driveway. The variance that is being requested is 111 feet from the required 150 foot setback from the leaching facility to the wetlands. In addition the current water supply line is too close to the leaching. The water line will be relocated, however, it will still be within 5 feet of the septic tank and therefore a variance from the required 10 foot separation between the tank and leaching is necessary. Ms. Coffin stated that the water line will have to be sleeved. Mr. Koska stated that due to the mounded system, an impervious barrier will be placed around the leaching facility to prevent breakout. Ms. Coffin asked about

the elevation along the driveway and whether a retaining wall would be necessary in that location. There was further discussion and it was agreed that where necessary to prevent breakout, and a 3 to 1 slope could not be provided, a retaining wall would be installed. This should only affect the part of the leaching near the driveway. Ms. Peterson stated that no other additions will be allowed on this house without an alternative technology system. Ms. Peterson and Mr. Andrews want to have Ms. Coffin go through the house and verify that there are only three bedrooms, or rooms that meet our bedroom definition, in the dwelling. Ms. Peterson made a motion to approve the request for 118 Wings Neck Rd for a 111 foot variance from the required 150 foot setback of the leaching facility to the edge of wetlands and a 5 foot variance from the required 10 foot separation between the water line and septic tank. The water line will be sleeved and there will be a 1500 gallon tank installed. If the three bedrooms are confirmed by the BOH office, there will be a three bedroom deed restriction recorded with the Registry of Deeds. Ms. Peterson said that there is also a further condition that there will be no additional alterations and/or additions without an alternative septic system installation. The septic plans of record is #10-46, dated received by the Board of Health March 17, 2011 and amended on March 23, 2011 with the addition of a section of retaining wall in the southwest corner of the leaching facility. The architectural of record are two pages dated March 17, 2011 and two pages submitted March 23, 2011. Mr. Andrews seconded the motion. Mr. Barlow stated that the deed restriction will have to be recorded before any permits are issued. Ms. Tinkham asked why an alternative system was not required for this property. The Board members explained that the work does not exceed the existing Board's policy guideline of less than 50 percent of non-bedroom space. Ms. Coffin explained that another part of the policy is that work on bedroom space should be less than 25% over what presently exists. It was a unanimous vote.

5. **62 Mashnee Rd, Vincent & Susan Origlio, Discuss and Possible Vote regarding fines for non-compliance with required alternative system maintenance and/or contract.** Ms. Coffin stated that she did mail a certified letter of non-compliance after the last Board of Health meeting. She verified online that the certified mail was delivered on March 17, 2011. She has not heard anything from the owners. Ms. Coffin stated that the original letter did reference the possibility of fines. Ms. Peterson made a motion to issue a fine of \$500.00 to Mr. & Mrs. Origlio for each two week period that they are not in compliance from March 17, 2011. Mr. Andrews seconded that motion. Ms. Peterson stated that the owners need to provide a contract for the alternative system to the Board immediately. They will be assessed the fines although they can always come before the Board of Health to request a hearing on said fines. It was a unanimous vote.
6. **Pocasset Mobile Home Park – Discuss and Possible Vote regarding extension on temporary license.** Ms. Peterson stated that she spoke to Attorney Sabatt and suggested that he send a letter to the Board to request a 60 day extension on the

temporary license for the Park. Ms. Peterson stated that Mr. Sabatt has been in contact with Ms. Coffin, has visited the site with Ms. Coffin, is having the system pumped and is attempting to collect the rents due. Mr. Austin did not turn over any monies, rental records, or bank accounts and Mr. Sabatt has been forced to go door to door in attempt to get a record of those living in the Park and who owe rent. She would like to see the Board give Mr. Sabatt additional time to get things in order before he can come before the Board with more solid plans for fixing the failed system and addressing other issues. Ms. Peterson stated that Mr. Sabatt has already hired BSC to look at the septic design and is looking at ways to get funding from government and private resources. Mr. Andrews asked a question about the temporary license that the Board had already issued. Ms. Coffin stated that application for and payment for the original license was made. Then the Board held a hearing and put conditions on a temporary license. In the meantime, the court appointed Mr. Sabatt as receiver for the Park. Mr. Barlow stated that the license should be transferred to Mr. Sabatt, but Ms. Peterson disagreed. Mr. Andrews stated that Mr. Sabatt needs to come before the Board of Health to request a license. Ms. Peterson and Ms. Coffin stated that Mr. Sabatt is not in a position to do that yet and needs more time, hence the reason for the extension. Mr. Andrews feels that the temporary license should have only been good until the receiver took over and that Mr. Sabatt should now apply for a separate license. Ms. Peterson does not feel that this is the appropriate way to see it done. She stated that Mr. Sabatt is the receiver for Charles Austin and that everything that Mr. Austin was given automatically goes to Mr. Sabatt. There was further discussion. Mr. Andrews said that he would like to see Mr. Sabatt before the Board and Ms. Peterson said that he will be before the Board soon, when things are in better order. Ms. Coffin stated that she would be meeting Mr. Sabatt on March 24 at 9 AM at the Park if Mr. Andrews would like to join that meeting and Mr. Andrews stated that he would do that. Mr. Barlow made a motion to extend the temporary license for another 60 days. Ms. Peterson seconded the motion. It was unanimous to extend the temporary license.

- 7. Approval of Minutes dated February 23, 2011 and March 2, 2011.** Mr. Andrews made a motion to accept the minutes of February 23, 2011 and March 2, 2011. Mr. Barlow seconded the motion. It was a unanimous vote.

- 8. New Business-** The Board members stated that they wanted wording about potential fines for non-compliance added to any enforcement letter.

Mr. Barlow made a motion to adjourn. Mr. Andrews seconded the motion. The meeting adjourned at 9:30 PM.

Typed and submitted by,

Cynthia Coffin.

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Donald Uitti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk