



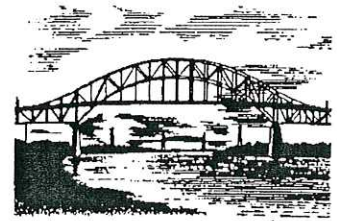
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Terri A. Guarino  
Health Agent

TOWN CLERK BOURNE

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES September 20, 2017

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

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

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

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 and April 12, 2017. Discussion and possible vote.** Attorney Sabatt was not present to discuss at this time. Ms. Peterson moved to item number 2.
2. **Open Meeting Law Compliant Resolved (2017-138) – Discuss determination of no violation from the Office of the Attorney General dated September 6, 2017.** Ms. Peterson stated that with great success and Ms. Guarino's hard work, the Board of Health was exonerated and not found in violation of the Open Meeting Law. Ms. Peterson read an excerpt from the letter dated September 6, 2017, *"Here the complainant alleges that the Board violated the Open Meeting Law by discussing the diner during the May 31 meeting, as it had not been listed on the meeting notice earlier than the day of the meeting. In its response, the Board stated that no member anticipated discussing the issue of the diner at the time the notice was posted, as the diner opening over the holiday weekend was unexpected. Absent sufficient evidence to the contrary, we credit a public body's version of the facts. We therefore find that the Board did not violate the Open Meeting Law by discussing the diner during its May 31 meeting. Furthermore, we commend the Board's effort to add the topic to the meeting notice as soon as it became apparent that the Board would need to discuss the topic"*. Ms. Peterson believed that at this time no further action was required. The Board commended Ms. Guarino on a job well done, and no action was taken.
3. **Approve the Minutes from the May 31, 2017 meeting with corrections — Continued from July 19, 2017.** Ms. Mastria addressed the previously mentioned typo, and stated that she still did not feel that the current verbiage correctly explained the statement made by Mr. Keuchkarian. Mr. Andrews moved to continue the minutes until the next meeting pending corrections, and Ms. Mastria seconded. All were in favor.



- 4. 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 and April 12, 2017. Discussion and possible vote.** Attorney Sabatt, Receiver and Rudy Valladares, Manager were present on behalf of the Pocasset Mobile Home Park. Mr. Sabbatt stated that the system is now complete, and the wastewater plant went online in December of 2016. The sewer lines were completed in February of 2017 and the sewer connections were completed on July 31, 2017. During the summer, all of the roads were paved. The final proposed DEP permit was issued on August 18, 2017. He explained that the application for the Individual Groundwater Discharge Permit has been sent in for processing and publication in the September 20<sup>th</sup>, 2017 issue of the MEPA Environmental Monitor. There are a few remaining issues; one being the amphidrome test, and the final as-built plans that must be completed by the Robert B. Our company. The DEP is requiring that the test be completed prior to issuing a permit. There are also 3 manholes that need repairing, which were damaged due to paving work. Bortolotti Construction Inc. will be making those repairs. Attorney Sabatt stated that he has been in contact with the Attorney General and the Austin family to discuss the transfer of administration of the park by November 1, 2017 to the Austin family. He is expected to withdraw from any administrative activity by the end of October 2017. Atty. Sabatt explained that in autumn of 2016 maintenance had boarded up all units that were vacant or abandoned. They were boarded from the inside to be more aesthetically pleasing. Some units have not been removed due to existing claims from the previous manager of the park, but Atty. Sabatt does not know what the Austin family intends to do with these remaining units. 1 or 2 units have already been torn down and removed. Vacant homes still remaining were left for zoning protection for the park owners. Ms. Peterson asked how many boarded units are currently on the property, and Atty. Sabatt stated that there are 24 vacant or abandoned units. Ms. Peterson also asked if the Health Department was in receipt of a current layout of the park. Ms. Guarino stated that the latest submitted plan was received when the wastewater treatment plant was installed. Atty. Sabatt also addressed the issue of water within the park. He stated that the manager tested the water pressure himself, which is regularly tested by the Water Department, and determined a reading of 90 PSI at the meter, which he believed to be a moderate reading. He stated that one street within park has had multiple anonymous complaints regarding lower pressure. Ms. Peterson reiterated that if complainants wish to remain anonymous while filing formal complaints to the Health Department, they shall remain so. Atty. Sabatt acknowledged that the water reading on Fourth Street was lower than normal at around 88 PSI. During the connection work, the water line was damaged and needed repairs. Mr. Bob Prophett, Superintendent of the Bourne Water Department, stated that he performed tests on a fire hydrant on Barlow's Landing Road which read 75 PSI, which is a standard level in the district. He also tested a meter at the Pocasset Mobile Home Park which read 55 PSI. Mr. Prophett explained that 55 PSI for a single-family residence is enough, but is greatly under what is needed to supply the park. He stated that the park is outfitted with 2 inch water main that is irrigation line and not up to water pressure standards, and was not designed to take on the amount of units in the park. Rudy Valladeras, park manager, stated that when the Water Department tested he asked for report of each reading and never receives one for the past 5 years. He stated that he himself climbed down to where the water meters are and saw the reading of 90 PSI. Mr. Prophett stated that there is no connection on the meter for anyone other than Water Department staff to check the readings. Mr. Andrews stated that this has been a concern of his for many years. There have been multiple instances



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where the water lines have been addressed in public meetings. There is a difference in material between water line and irrigation line. He explained that the Board has asked for this to be fixed many times, and that it is a condition in order to transfer the license to the Austin's. In December of 2016 when the license was issued, Atty. Sabatt was asked to report to the Board every 90 days, and with an expiration of June 30, 2017. Mr. Andrews asked if he has applied to renew his license, to which Atty. Sabatt answered that he has not. Currently, Atty. Sabatt is operating a mobile home park without a license. Ms. Peterson stated that Mr. Sabatt has done a great job transforming the park from what it once was into a successful habitable residence, but has been asked repeatedly to take care of the potable water issue and she does not know why this has not been completed if he has authority to do so. Atty. Sabatt stated that he does not know where to start, but explained that Ms. Peterson is referencing the order of his appointment, not the final order that was issued, which does not give him authority to upgrade the potable water lines. He stated that he was not given any additional funding to replace the water system and that he has specifically requested this three to four years ago when this item was pending before the Superior Court to determine what funds would be allocated to him from the Austin family. The court determined that it did not have the authority under the applicable statutes to order the Austin's to provide funding for the water system. Atty. Sabatt explained that his order very specifically states that funding was only to be used to reconstruct the sewer system. In every report that he has filed with superior court he has repeatedly referred to the water system and advocated for its replacement. He stated that he estimates the water system job to cost roughly \$650,000. Ms. Peterson asked why the final order was never submitted and that the Board needs a copy on file. Atty. Sabatt stated that he can provide it to the Health Office. Mr. Andrews stated that the Board has allowed Atty. Sabatt to continue because he has done a great job with restoring this park, but every year one of the licensing requirements has been the water system. He explained that Atty. Sabatt has had to be reminded to report to the Board within 90 days, and now failed to renew his license. Atty. Sabatt explained that he is typically contacted by the Health Office when his presence is required before the Board and he is always in attendance. He stated that when he first arrived in 2011, he did not have a list of occupants for the park. He explained that he went door to door with a constable and identified every occupant. Over the years, the park manager has helped him in restoring order in the park and turning it into a functioning, habitable residence. It took longer than he imagined, but he accomplished the job he was to complete and came in under budget. The balance of remaining funds are going into escrow with DEP. He stated that he is in agreement with the Board regarding the water system, but does not have the funding left over and was not assigned the task of replacing it. The Austin's will have to come before the board with a plan in terms of rebuilding and replacing the system themselves. The way it's been designed, installers are still able to install new water lines in the park even where the roads have been refinished. Mr. Andrews asked Ms. Guarino how to determine the extension of Atty. Sabatt's license. She stated that a motion from the Board would suffice. Ms. Peterson stated that the Health Office will need to be in receipt of all paperwork, including copies of Atty. Sabatt's final order. Atty. Sabatt said that he will provide the final order, and he believes that he will still be onboard in some capacity beyond November 1, 2017 which is the date he believes is when the Austin family will be assuming control of administration of the park. The Board stated that the family must request a hearing before the Board well in advance prior to taking administrative authority due to the time it will take to review. Mr. Andrews explained that the Austin family must come prepared with plans and procedures on how they intend to maintain everything Attorney Sabatt has done with this property. Ms. Peterson stated that having 24 units that are blighted is a big problem. Atty. Sabatt explained that 10 of those trailers are not held by Pocasset Mobile Home Park, they are held/claimed by Mr. Robert Pritchett, who is the former manager and has a lawsuit against the park. Atty. Sabatt has been trying to have him relinquish any claim to

those units. There are 1 or 2 that have been abandoned since he has been a part of this project. He agrees that it is not acceptable to have so many abandoned units, however he would like to preserve these sites so that they may be used for new units in the future and make efficient use of the treatment plant. Mr. Barlow stated that these issues are something that should be brought before the Board of Appeals, and that this Board is just concerned with public health and safety. Ms. Peterson asked what the process was for eliminating an abandoned trailer. Atty. Sabatt stated that he doesn't believe that there is a specific one. Ms. Peterson asked if 2 Second Avenue has been cleaned since the hoarding tenant has left. Atty. Sabatt stated that it has not and is secured. He has an execution order to take possession of the trailer and receive title to it. He is able to make arrangements with the sheriff's office to enter the unit. Ms. Guarino stated that she has not had any luck getting in touch with the former occupant of the unit in quite some time. She stated that other than that unit, there are only a few others that have owners other than the Pocasset Mobile Home Park. Atty. Sabatt stated that the owner of 17 First Street has never been able to be contacted, she may be deceased, and he has no known heirs to contact. He possesses a money execution for 19 First Street and he intends to levy on that with the sheriff, and he has already made an entry with the sheriff. The rest of the properties are being held by Mr. Pritcher. Ms. Peterson asked what the condition of Mr. Pritchet's units currently are. Atty. Sabatt stated that 4 First Street looks as though it could be rehabilitated, but the rest of the unclaimed units should be torn down. He explained that he is trying to get a release from Mr. Pritchet for the properties. Ms. Peterson asked Atty. Sabatt to please contact Mr. Pritchet and tell him the Board would like to see him at an upcoming meeting with the plan for all of his units. She explained that under the blight regulation, he may be fined \$300 per day per unit for violations. Ms. Guarino stated that she agrees with Atty. Sabatt that most of Mr. Pritcher's units are tear-downs. She explains that she approves of the way these units are boarded up and the vegetation is maintained properly. Mr. Andrews asked how often the boarded up units are inspected. No inspections have been completed in roughly seven to eight months for roof leaks or other damages. Mr. Andrews explained that if there is a roofing problem and water is getting inside, it will create a larger problem than what already exists. Units need to be secure and water tight or they must be torn down quickly. Mr. Valladares stated that his last day managing the park will be on October 15, 2017. Ms. Peterson asked if Atty. Sabatt has found a new manager to take Mr. Valladares' place at that time, to which he replied that he had not. He stated that he would act as manager of the park in the meantime until the Austin's assume responsibility November 1. The Board reiterates that it is imperative that the Austin's request a hearing prior to that date, and that there are only two meetings prior to November 1<sup>st</sup>. Ms. Peterson stated that she has heard that there is an odor coming from around the treatment plant, but there are no formal complaints. Atty. Sabatt reassured the Board that he has not smelled anything coming from the park. Mr. Andrews asked about the remediation of the air evacuation from the treatment plant. Atty. Sabatt did not know, but there are no open tanks inside the building and everything is enclosed. Ms. Peterson stated that she is worried that the landfill will get blamed for these alleged odors. Atty. Sabatt stated that he hasn't smelled odors anywhere near the plant. Mr. Andrews asked Ms. Guarino to schedule a time for herself and each of the Board member's to do a site visit. Ms. Peterson asked if there were any further audience comments. Mr. Prophett stated that the original sewage treatment plan was approved to have 55 senior residences at the back part of the park. He asked Atty. Sabatt why the plant was downgraded as not to accommodate that additional 55 residences. Atty. Sabatt stated the original DEP approved plan was complex and promoted by Mr. Pritcher that included a restaurant and other things. He explained that when he proceeded to plan for the current plant, he worked off of the original but had to downsize it. He stated that the current plant was designed to support 127 two-bedroom units, which is based upon the existing footprint of the property. Ms. Peterson stated that the Board needs copies of all permits, orders, and plans. The



Austin's should be told that they need to bring all of those things when they apply for a hearing, and that the upcoming meeting will not be short. She does not guarantee a transfer will happen, and wants it very clear to them that for the Board to consider a transfer, this is 100% their responsibility. They need to prove to us that they are capable of running the park without a receiver. Ms. Guarino stated that the last time she has had contact with Mr. Austin was September of 2016. Mr. Prophett stated that the Austin's have brought multiple sets of proposed plans for the water system in the park to the Water District and brought them before his Board as well. Plans were approved by the Water Board in early June 2017 as they were given the impression that the Austin's were in charge. Mr. Prophett will drop off the approved plans to the Board on Friday. Ms. Peterson stated that if the Austin's are prepared to take over they should be submitting a full packet to the Board themselves. She asked for any other audience questions, of which there were none. Mr. Andrews stated that he would like to continue the license of the receiver since this is the first time Atty. Sabatt has been late obtaining it, and he has done a tremendous job thus far. He wants to maintain the open communication, and would like to charge Atty. Sabatt with extending the importance of submitting all required documents to the other parties. Ms. Peterson stated that she suggests that this license is only issued on a 30-day notice and can only be extended through the receiver, Atty. Sabatt. She explained that she would like it to be very clear to all involved that this license will not transfer to the Austin family unless each member of the Board of Health concurs. Any proposed transfer of the property by purchase and sale, agreement, or lease assignment will not be approved without a full vote. Mr. Andrews made a motion to extend Atty. Sabatt's license from July 1, 2017 until October 20, 2017 with the same seven conditions including the clerical correction to item number seven modified this evening. Mr. Uitti seconded the motion, and the vote was unanimous. Ms. Peterson stated that she would like Atty. Sabatt to have the updated license posted by tomorrow.

5. **Approve the Minutes from the previous meeting dated July 19, 2017.** Ms. Mastria made a motion to approve the minutes, Mr. Uitti seconded and the vote was unanimous.
6. **Set tentative date for next meeting and adjourn.** October meetings will tentatively be held October 11 and October 25, 2017 at 7:00pm. Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor, and the meeting adjourned at 8:14 pm.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

cc Board of Selectmen/Town Clerk

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