

MINUTES – BOARD OF HEALTH

Date: May 18, 2015 **Place:** Town Office Building

Present: Caitlyn Rock, Kristy Paciorek, Ken Kushi, Stephen Ball-Health Agent; Dave Zarozinski & Debbie Palmer: Hillside Environmental

Guests: Dennis LaCourse, Mary Kersall, Saqib Tasneem, Atif Tasneem, Atty. John Peterson

- 6:03PM Meeting called to order.
- Gulf Mart being represented by Attorney John Peterson regarding 3rd tobacco sales violation and related revocation of license June 1-30, 2015. Attorney requested reopening of hearing, Mr. Kushi Motion to deny reopening hearing, 2nd Ms. Rock, Vote 3-0. Ms. Rock briefed attorney on violation decision from prior meeting that it was a third offense, not first. Attorney request that interpretation of regulations that reads "shall" to be "may" with mitigating factors that exist in this case to lesser penalty which was denied. Chair asked for good faith proof of evidence. Attorney reported that Mr. Lacourse told brother-in-law would give warning, left store, made phone call. Re-entered store and asked clerk to sell him the tobacco that was clearly from the shelf. Once sale was made, 3rd offense ticket was given. It was asked if the license revocation date could change to August 1, 2015 from June 1, 2015. Motion to deny request by Mr. Kushi, 2nd Ms. Rock, Vote 3-0.
Claims of changes made after tobacco education was provided. Attorney mentioned there was no witness was present at last hearing. Repeated that Mr. Lacourse said purchase was for his own personal use. Because Mr. Lacourse did not help the clerk by saying you can't sell this that way, they were marked for sale, should not be even on premises. Health and safety insured through the town the attorney suggests possibly a change in date from June to some other time such as August 1 to 30th.
- Date for tobacco regulation June 20th, 6:00PM, revised meeting.
- Sewer regulations tabled due to Gulf Mart hearing length.
- Jeff Smith of 36 Country Lane had a Title 5 issue. 2000 failed septic system. Property was always a 4-bedroom house and is currently a 4-bedroom home not a three (3) bedroom definition with minimum space of 70 sq.ft. one window, ceiling height 7ft., this is the specification for what constitutes a bedroom on the Assessor's property card. If an area was opened up so it actually will be listed as a 3-bedroom, the room off the living room with a 46" archway opening to use as an office/den space and no longer as a bedroom, changes will be noted by present owner to the Assessor's office for the books as a 3-bedroom home.
Hillside Environmental Update
- School Street issues were abated, no further problems noted at this time.
- Health Agent Update
- Letter out to Mr. Gelinis re: notice of violations to correct when advertising 5-bedroom house with a 3-bedroom septic system. Code 310.CMR 15.000 requires septic system compliance per Steve Ball. Motion to support made by Ms. Rock, 2nd Ms. Paciorek, vote 3-0, 239 River Road.
- Next Board of Health meeting scheduled for June 29, 2015.
- Ms. Paciorek Motion to adjourn at 7:45PM, 2nd Ms. Rock, Vote 3-0.

Respectfully submitted,

Ken Kushi
Recording Secretary