



TOWN OF BOURNE BOARD OF HEALTH

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2016 DEC 15 AM 10:25
Terri A. Guarino
Health Agent

MINUTES October 26, 2016

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Donald Uitti, Secretary; Galon Barlow and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent; Jamie Butler, Health Inspector and Lisa Collett, Secretary

MEETING WAS CALLED TO ORDER AT 7:00pm

1. Ms. Peterson made a motion to move this item to item #6. Mr. Andrews seconded the motion. It was unanimous.
2. **17 HERSEY LANE – Kevin Tosca, owner – Discussion on failure to correct violations cited in the order dated October 13, 2016. Noncompliance with the Bourne Board of Health Camper and Trailer Regulations, State Sanitary Code, and State Environmental Code by the hook-up and occupancy of a camper on a residential property. Possible vote to issue fines and/or take further enforcement action where each day's failure to correct violations constitutes a separate offense –** No one was present for this item. Ms. Guarino stated that a public health complaint was received by the office on October 12, 2016. An inspection was conducted on October 13, 2016. At the time of inspection a trailer located on the property was illegally hooked up to utilities. Behind the trailer was a large hole that appeared to be dug for septic purposes. On October 13, 2016, Ms. Guarino stated that she was able to contact the owner, Mr. Kevin Tosca, and make him aware that this is a violation of the Town of Bourne Campers and Trailers Regulation and must be corrected within 24 hours. A re-inspection was conducted on October 21, 2016 which revealed that Mr. Tosca had not corrected any of the violations. **Mr. Andrews made a motion to fine the owner of 17 Hersey Lane \$300.00 per day according to the Board of Health Fine Policy Regulation with fines initiating on October 21, 2016. Ms. Mastria seconded the motion. The vote was unanimous.**
3. **AMEND INNOVATIVE/ALTERNATIVE (I/A) SEPTIC SYSTEM REGULATIONS – Discussion and vote to amend I/A Septic System Testing Regulation pursuant to M.G.L. c. 111 § 31. Amendments may include modifying the existing requirements for operation & maintenance and sampling of I/A septic systems –** Ms. Peterson stated that she hoped the board members were able to read through it. The one thing she wanted to change is she would like it to say "the design engineer and/or wastewater operator and the Board of Health" need to sign off. The reason Ms. Peterson would like this to be put in there is because it has come to light on something else. She would like the Health Agent, Ms. Guarino, and her designee and the engineer to be there to sign off at the final inspection.

That way she feels comfortable talking about it in the future. It is her word that the board is taking and she does not expect her to say it's ok if she has not approved the system. The office will just have to find a certain time during the week that it can be done and the engineers will need to abide by the office schedule and coordinate. Mr. Andrews stated that on the first page it states a disclosure notice and bedroom restriction may also be required to be recorded in the deed of the property prior to the start of construction. Should be left as may or changed to may or shall. Ms. Peterson stated it can be left as may. The new wording will read, "a disclosure notice and bedroom restriction, if issued, must be recorded in the deed of property prior to start of construction." Mr. Andrews stated that on the second page, when it talks about the seasonal systems, shall be required to have a field test effluent sample shall be conducted 45 of system start-up and again 30 to 60 days thereafter. Ms. Peterson stated to add unless otherwise instructed by the Board of Health or the Health Agent. Ms. Mastria stated that under testing and sampling requirements, it says year round residential systems shall be tested and sampled once every 6 months between January and March and then, there is a semicolon as if something is missing. The second time frame is missing. Ms. Guarino stated that she took the language from one of the Mass DEP approval letters for technology which only specifies once between January and March for whatever reason but the board can certainly add another window for the second sampling. The second sampling would be between July and October. Ms. Mastria stated that on the bottom of page 2, any I/A system located in a designated nitrogen sensitive area *shall* be subject to more stringent testing and sampling requirements established by Mass DEP specific to the approved technology should remain *shall*. Elizabeth Martone is a resident of Bourne and stated that she has an alternative technology septic system. Ms. Martone stated that she has had the system since 2009 and has already spent over \$15,000.00 in testing. She is only at the house a few months and is wondering why the system needs to be checked in the beginning when the system has not been used. Ms. Peterson stated that up until this evening, this is what the board required. As alternative technologies have gotten better, and the reporting requirements have gotten better, the board is trying to make it a little easier, especially on people who have these systems by reducing it to twice per year and hopefully that will help with cost. Up until today, the board felt it was really necessary for it to be 3 times per year and that was the standard that they went by. Ms. Peterson stated that when Ms. Martone came before the board to get the addition or whatever the project was, this is what was required. Hopefully the board will be changing this tonight. Ms. Martone stated that the regulation stated that all I/A systems can be tested once per year. Ms. Martone stated she doesn't understand why that isn't enough especially for seasonal users. **Mr. Andrews made a motion to approve the proposed and discussed amendments to the Town of Bourne Board of Health Innovative/Alternative Technology Septic Systems regulation. Mr. Uitti seconded the motion. The vote was unanimous.**

4. **AMEND TITLE TRANSFER INSPECTION REGULATIONS – Discussion and vote to amend Title Transfer Inspection pursuant to M.G.L. c. 111 § 31. Amendments may include clarification of the existing requirement of a four-foot vertical separation from the bottom of the soil absorption system to high groundwater elevation and “grandfathering” of systems** – Mr. Andrews stated that under number 2, it should read, “The Bourne Board of Health will require that all title 5 inspectors notify the Board of Health *seventy-two business hours* prior to conducting any title transfer inspections in the Town of Bourne”. Mr. Andrews also stated that under number 4 in the last sentence it should read that, “Scheduling of these inspections will be done *within seventy-two business hours* by the Board of Health.” Mr. Andrews also stated under number 8, the first sentence should say that, “If one or more system components need to be repaired or replaced as described in the Conditional Pass section, the Bourne Health Agent must be notified by the Inspector *within twenty-four hours*.” The members of the Board of Health had a general discussion and stated

that under number 10 rather than using the word *immediately*, it should say *within twenty-four hours*, and also that instead of saying that properties which received variances and /or local upgrade approvals by the Bourne Board of Health *will* be grandfathered, to use, *may* be grandfathered instead. Mr. Andrews also stated under number 9 it should read that the Health Agent must be notified by the Inspector *within 24 hours*, instead of *immediately*. **Mr. Andrews made a motion to approve the proposed and discussed changes to the Title Transfer Inspection Regulation pursuant to M.G.L. c. 111 § 31. The amendments include clarification of the existing requirement of a four-foot vertical separation from the bottom of the soil absorption system to high groundwater elevation and “grandfathering” of systems. Mr. Uitti seconded the motion. The vote was unanimous.**

5. **270 CIRCUIT AVENUE – Robert and Paula Lynch, owners – Discussion and possible vote to issue fines for noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code – Failure to maintain a valid O&M contract, conduct required maintenance inspections and sampling, and not maintaining the MicroFAST Wastewater Treatment System as designed and required as a condition of the variance approved – Ms. Guarino stated that this item is all set. There is now a contract in place, and the system is in compliance with the regulation. Mr. Barlow made a motion to take no action at this time. Mr. Andrews seconded the motion. The vote was unanimous.**

6. **99 PHILLIPS RD – Alex and Julie Szeto, owners – Discussion and possible vote to issue fines and/or take enforcement action for noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code - Failure to operate and maintain an innovative/alternative wastewater treatment system as designed and required as a condition of the variance approvals. – Mr. Andrews stepped off for this meeting. Mr. Steve Nelson of Clearwater Recovery was present for this meeting. Ms. Guarino stated that on October 13, 2016 Clearwater Recovery conducted the required routine maintenance and sampling inspection for the MicroFAST alternative septic system at 99 Philips Road. The inspection revealed that said technology was not present at the time of inspection. The Bourne Board of Health issued a septic permit #142-08 which required the installation of MicroFAST 0.5 unit. There was no as-built received for the system and the office records are missing key pieces of information. The system was installed by Bousfield who is no longer doing business as septic installers. Ms. Guarino stated that she checked with one of the installers who used to work for Bousfield, and he did not recall installing a MicroFAST unit, but that the septic tank is equipped for the unit. Mr. Nelson stated that he is authorized by Mr. Szeto’s daughter to do what is necessary to bring the system into compliance. Mr. Szeto is in China and there is a communication barrier. There was general discussion and it was determined that this system will need to be excavated to determine if the MicroFAST 0.5 unit is there and where the other system components are located. Mr. Barlow made a motion that an inspection will need to be conducted on this system and to continue this discussion to next Board of Health meeting date on November 16, 2016. Mr. Uitti seconded the motion. Ms. Peterson and Ms. Mastria voted in favor of continuing this item.**

7. **APPROVE THE MINUTES – From the meeting dated July 27, 2016, August 17, 2016 and September 14, 2016 Continued from September 28, 2016- Ms. Mastria made a motion to approve the minutes from the meeting dated July 27, 2016. Mr. Uitti seconded the motion. Mr. Andrews abstained. Mr. Barlow and Ms. Peterson voted to approve the July 27, 2016 minutes. Ms. Mastria made a motion to approve the minutes from the meeting dated August 17, 2016. Mr. Barlow seconded the motion. Mr. Andrews abstained. Mr. Uitti and Ms.**

Peterson voted to approve the August 17, 2016 minutes. Ms. Mastria made a motion to approve the minutes from the meeting dated September 14, 2016. Mr. Uitti seconded the motion. Ms. Peterson abstained. Mr. Barlow and Mr. Andrews voted to approve the September 14, 2016 minutes.

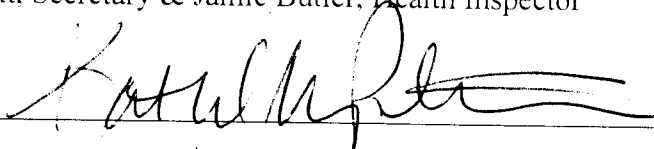
8. APPROVE THE MINUTES – From the meeting dated September 28, 2016. Ms. Mastria made a motion to approve the minutes from the meeting dated September 28, 2016. Mr. Uitti seconded the motion. Mr. Andrews abstained. Ms. Peterson and Mr. Barlow voted to approve the September 28, minutes.

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:55 PM.

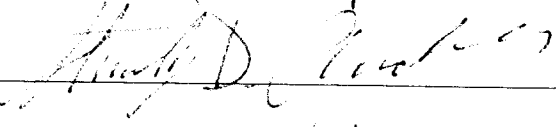
Taped by Lisa Collett, Secretary

Typed by Lisa Collett, Secretary & Jamie Butler, Health Inspector

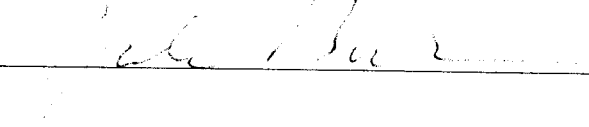
Kathleen Peterson



Stanley Andrews



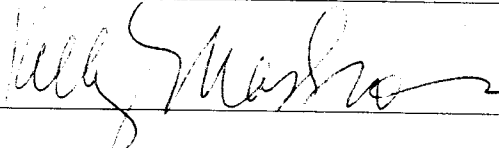
Galon Barlow



Don Uitti



Kelly Mastria –



cc Board of Selectmen/Town Clerk