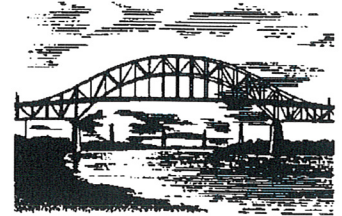


Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES May 26, 2021

Members in attendance: Stanley Andrews, Chairman; Galon Barlow Jr., Vice Chairman; and William Meier, Clerk

Support Staff in attendance: Terri Guarino, Health Agent; Kaitlyn Shea, Health Inspector; and Stephanie Fitch, Health Inspector

### Remote Meeting was called to order at 05:00pm

*Mr. Andrews asked if anyone was recording the meeting.  
Items on the agenda were taken out of order.*

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TOWN CLERK BOURNE

1. **Attendance**— Mr. Meier, Mr. Barlow, and Mr. Andrews were present.
2. **Reorganization of the Board of Health.** – Mr. Barlow nominated Stanley Andrews for Chairman of the Board, Mr. Meier seconds the nomination. Roll call to approve; Mr. Meier... yes, Mr. Barlow... yes, Mr. Andrews...yes. The motion passes and Mr. Andrews appointed as Chair. Mr. Meier nominates Mr. Barlow as Vice-Chair, Mr. Andrews seconds the nomination. Roll call to approve; Mr. Meier... yes, Mr. Andrews... yes, Mr. Barlow...yes. The motion passes and Mr. Barlow appointed Vice-Chair. Mr. Barlow nominates Mr. Meier as Clerk, Mr. Andrews seconds the nomination. Roll call to approve; Mr. Mr. Barlow... yes, Mr. Andrews... yes, Mr. Meier...yes. The motion passes and Mr. Meier appointed as Clerk.
3. **Remand from the Barnstable Superior Court to consider the request of A.J. Michael Realty on the abatement of fines issued by the Bourne Board of Health regarding the former Scenic View Motel.** –William Henchy, Attorney for AJ Michael Realty LLC and Attorney Robert Troy, Town of Bourne Town Counsel were present for this agenda item. Attorney Henchy is asking the Board for the abatement of fines issued in 2019 as a result of a series of incidents after the operating license of the Scenic View Motel was revoked. He explains that his client incurred serious financial difficulties and the CC Cooperative Bank commenced foreclosure. The foreclosure wiped out the entire corporation, and they no longer do any business as of November 2020. Attorney Troy continues the discussion, addressing that him and Attorney Henchy have no disputes over the abatement of fines as fines are to encourage enforcement, which is no longer relevant as the client does not own the property and there is no entity from which to collect the fines. Mr. Andrews recognizes that it would be a feudal effort to obtain fines where there are no resources. No further questions or discussion from the Board or the public. Mr. Barlow makes a motion to grant the request of A.J. Michael Realty to abate all fines. Mr. Meier seconds the motion, roll call vote to approve; Mr. Meier... yes, Mr. Barlow... yes, Mr. Andrews... yes. All in favor the motion passes unanimously.
4. **Discussion and possible vote on filling vacant seat on the Board of Health pursuant to M.G.L. c. 41, §11.** – The Board received a resignation letter from Kelly Mastria. Mr. Barlow moves to notify the Board of Selectmen of the vacancy and ask to arrange a joint session to fill the vacant seat. Mr. Meier seconds the motion. Roll call vote to approve; Mr. Meier... yes, Mr. Barlow... yes, Mr. Andrews... yes. Motion passes unanimously.

5. **COVID-19 and Phased Re-opening Plans – Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.** – Miss Guarino discusses the most up to date information with the Board and that there were about a dozen active cases. As of May 29<sup>th</sup>, in most instances all restrictions will be lifted and the state of emergency will end on June 15<sup>th</sup>. Town Hall will re-open to the public on June 1<sup>st</sup>. Mr. Meier asked if meetings will be allowed in person and Mr. Andrews asked about changes to mask orders. Miss Guarino advised on the CDC and Dept. of Public Health guidance going forward.
6. **The Board of Health to review and outline next steps and the schedule for the Town of Bourne Landfill site assignment—CONTINUED discussion and update.** – Mr. Andrews provides an update on the timetable for the site assignment. He states that they should be able to set up interviews in mid-July. Miss Guarino asks who participates in the interviews. Mr. Andrews states that typically the Board and the professional staff interview the hearing officer. No other questions.
7. **40 Benedict Rd—Raul Lizardi-Rivera, P.E. on behalf of John & Linda Della Volpe—Requesting relief from Title 5 and the Bourne Board of Health 150' Setback Regulations for a septic system upgrade. Seeking an 8 foot variance from Title 5 from the leaching facility to the property line; a 70 foot variance from the leaching to the wetland; and a 100 foot variance from the leaching to the top of coastal bank.** – Bedroom count discrepancies prompted the applicant to ask for a continuance. Mr. Barlow moves to continue this agenda item to the next meeting date. Mr. Meier seconds the motion. Roll call vote to approve; Mr. Meier... yes, Mr. Barlow... yes, Mr. Andrews... yes. Motion passes to continue.
8. **5 Monument Ave—Jack Landers-Cauley, P.E. on behalf of Lois Bertini—Requesting relief from Title 5 for the upgrade of a 7-bedroom septic system needing a 8.4' variance from the SAS to the property line, 1.2' variance from the SAS to the slab, a 6.4' variance from the tank to the property line, 7' variance from the pump chamber to the property line, a 4.3' variance from the tank to the slab, a 25% reduction in effective leaching area, and a 4' separation to groundwater.** – Jack Landers-Cauley present to discuss the project. Mr. Andrews voices concerns over the system being underneath the driveway, Mr. Landers-Cauley explains that the MicroFAST unit is not under the traffic portion. Mr. Andrews would like to see some kind of extra protection for the system with a barrier of some sort as to prevent driving over the unit. Mr. Landers-Cauley believes he can include some kind of barrier to prevent parking, and Mr. Andrews is fine with that addition being administratively approved by the Office. Mr. Meier moves to approve 5 Monument Ave's request for relief from Title 5 for the upgrade of a 7-bedroom septic system needing a 8.4' variance from the SAS to the property line, 1.2' variance from the SAS to the slab, a 6.4' variance from the tank to the property line, 7' variance from the pump chamber to the property line, a 4.3' variance from the tank to the slab, a 25% reduction in effective leaching area, and a 4' separation to groundwater, contingent upon the addition of either a barrier separating the parking area from the MicroFAST Unit or the addition of steel covers, and an IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Barlow seconds the motion. Roll call vote to approve; Mr. Meier... yes, Mr. Barlow... yes, Mr. Andrews... yes. Motion passes unanimously.
9. **Approve the Minutes— Approve the minutes from the previous meetings dated March 31<sup>st</sup>, April 28<sup>th</sup>, and May 11<sup>th</sup>, 2021.** – The Board holds off on any action taken on minutes until there are enough members present to approve them.
10. **Set tentative date for next meeting and adjourn.** – Tentative meeting date scheduled for June 9<sup>th</sup>, 2021.

**Mr. Barlow made a motion to adjourn the meeting. Mr. Meier seconded the motion. All were in favor, the meeting adjourned at 5:43pm.**

Taped by Terri Guarino, Health Agent & Typed by Health Department Staff