

Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Buzzards Bay, MA 02532
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MINUTES March 10, 2021

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

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

Meeting was called to order at 05:00pm

Mr. Barlow Jr. asked if anyone was recording at this time..

- 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 as necessary.** Miss Guarino started the agenda item by stating that the total case count within the Town of Bourne as of March 3rd, 2021 as reported by the Massachusetts Department of Public Health is 1,032 cases. The average daily incident rate per 1000,000 people for that time is 22.4. This week the Health department is expecting that rate to drop to 17.1. The percent positivity is also down to slightly less than 3%. This is similar to the rates within the whole of Barnstable County. Miss Guarino continued by stating that there is a vaccine update. In collaboration with the Bourne Council on Aging, The Bourne Fire Department and the Visiting Nurses Association of Cape Cod, the Health Department was able to provide 101 dose of Moderna vaccine to residents of Bourne. These vaccines were distributed to age restricted, low income housing authorities. This clinic happened at the Bourne Continental Apartments and the Roland Phinney communities. The Health Department hopes to get more from the state but as of right now the Health Department was only able to provide vaccines to 101 people. Miss Guarino stated that a Cape Cod COVID 19 Vaccine Consortium has been started which is comprised of Cape Cod Healthcare, Barnstable County, the Delegation, Local Boards of Health and local Community Health Centers. Supporting this Consortium is Cape Cod Community College which has a large scale vaccination site located on their grounds which has the ability to vaccinate 750 people in a day, 5 days a week. The college has not received that amount of doses from the state but they received about 1200 doses for the week of March 1st. With that vaccination site in place the Health Department has been working with the Bourne Council on Aging to identify people that need assistance in making appointments. A list of contacts was made between the 2 departments and sent to Cape Cod Healthcare to be contacted in regards to making appointments. As of the time of the meeting most of the residents on the list had either received the vaccine or had been contacted by Cape Cod Healthcare to make an appointment to receive the vaccine. The Health Department's next step is to meet with Karen Gardner from Cape Cod Healthcare to discuss vaccinating individuals that are homebound. The Health Department has identified at least 21 individuals that classify as homebound members of the community. Miss Guarino continued by stating that the Governor has authorized the vaccination of all teachers and staff of schools and child care centers as of March 11, 2021. Some other updates in regards to COVID-19 include new travel and quarantine guidance. When a fully vaccinated resident of MA travels the resident does not have to provide a negative COVID test to leave or enter the state before or after travel. In addition to this change in guidance individuals that have been fully vaccinated do not have to quarantine in the event that they are identified as a close contact of a positive COVID-19 case. The vaccinated close contact in question would only have to self-monitor for symptoms. Miss Guarino then asked if there were any questions from

the Board or from the audience. There were no questions from the Board or from the audience. Mr. Barlow Jr. thanked Miss Guarino for all her work in these challenging times.

2. **ISWM Department - Dan Barrett – General Manager of ISWM – Discussion and possible vote on topics regarding site assignment at the ISWM location.** Mr. Barrett explained the updates and attachments for ISWM that he had sent the Board prior to the meeting. **(See attachments A, I, II, & III)** Mrs. Mastria made a motion that the Board of Health submit for payment by the Town of Bourne Department Integrated Solid Waste Management (ISWM) all invoices incurred by the Board of Health for the implementation of ISWM technical or public hearing fee as necessary to complete its review of the site assignment, major modification, the technical fee is defined in 310 CMR 16.302 and calculated according to 310 CMR 16.99 Appendix A, the Public Hearing fee is defined and calculated according to 310 CMR 16.303. Upon receipt of a report on suitability from the Massachusetts Department of Environmental Protection regarding the vertical and horizontal expansion of the landfill on approximately 100 Acres shown on Town of Bourne Assessors Map 28, Parcel 13 and Map 32, Parcel 9 owned by the Town of Bourne located at 201 MacArthur Blvd, for which ISWM is seeking a vertical expansion of the landfill on Map 28 Parcel 13 and the change of status from solid waste handling only on Map 32 Parcel 9 to also include a vertical and horizontal landfill expansion. The Board of Health will forward to ISWM additional technical fee and public hearing fee invoices for payment as needed to complete its review of said site assignment modification. Said bills should be paid in full to the satisfaction of Bourne Board of Health before any approvals from the Board of Health become valid. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Barlow Jr....yes, Mrs. Mastria...yes, Mr. Uitti...yes and Mr. Andrews...yes. All were in favor and the motion passed unanimously. Mr. Barret thanked the Board and stated that he would be requesting another meeting to discuss housekeeping issues that arose during the last site assignment. The Board thanked Mr. Barrett for his presentation.
3. **132 Emmons Rd – Kenneth Breivogel P.E. on behalf of owners Brian and Martha Gegan- Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include a 62.3 reduction from the required 150 foot setback from the leaching facility to a coastal bank and a 15.9 foot reduction from the required 150 foot setback from the leaching facility to a wetland.** Mr. Jack Landers-Cauley was present to represent the project. Mr. Landers-Cauley explained the proposed project at 132 Emmons Rd to the Board. Mr. Andrews asked if there were any questions from the Board. Mrs. Mastria asked Miss Guarino if she had been notified that the Conservation Committee had approved this project. Miss Guarino asked Mr. Landers-Cauley if he had received a written approval notice from Conservation. Mr. Landers-Cauley replied that he had not received the written approval as of yet but that the project was approved by the Conservation Committee. Mrs. Mastria asked Miss Guarino if she thought this project was an improvement on the existing system. Miss Guarino replied that this was a significant improvement due to it including a MicroFast unit for advanced environmental protection. Mr. Andrews asked if there was a motion to approve the project. Mr. Barlow Jr made a motion to approve the variances requested including a 62.3 reduction from the required 150 foot setback from the leaching facility to a coastal bank and a 15.9 foot reduction from the required 150 foot setback from the leaching facility to a wetland. This motion includes following all Town of Bourne IA technology requirements for providing recorded deed restrictions and annual testing requirements. Mrs. Mastria seconded the motion. Roll call vote to approve. Mr. Barlow Jr....yes, Mr. Uitti...yes, Mrs. Mastria...yes, Mr. Andrews...yes. All were in favor and the motion passed unanimously.
4. **2 Mill Pond Circle – Raul Lizardi-Rivera P.E. of Cape & Islands Engineering on behalf of owner Peter Cressy – Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include a 63 foot reduction from the required 150 foot setback from the S.A.S to the Coastal Bank and a 52 foot reduction in the required 150 feet from the S.A.S to a wetland.** Mr. Andrews stated that he needed to recuse himself from this agenda item. Mr. Barlow Jr. acknowledged Mr. Andrews request and continued with the item. Mr. Raul Lizardi-Riviera was present to explain the project to the Board. He explained that the failed system that is at the residence is comprised of a septic tank, a distribution box, and 2 leaching pits. He continued by stating that the location that was chosen for the proposed system was the best fit considering that property is close

to 2 different wetland areas. He asked the Board if they had any questions about the upgrade as proposed. Mr. Barlow Jr. asked Miss Guarino for her input on the project. Miss Guarino asked Mr. Lizardi-Rivera if the septic tank was going to be replaced at the time of the proposed upgrade because it was not clear on the plan whether it would be a new tank or the existing tank. Mr. Lizardi-Rivera stated that after an inspection by John Graci of Graci Septic, the septic tank was found to be in good shape so they were proposing to keep the existing septic tank. Miss Guarino thanked Mr. Lizardi-Rivera for the clarification. Mr. Barlow Jr. asked if the Board or if any abutters had any questions. There were no questions from the Board or from abutters. Mrs. Mastria made a motion to approve the requested variances that include a 63 foot reduction from the required 150 foot setback from the S.A.S to the Coastal Bank and a 52 foot reduction in the required 150 feet from the S.A.S to a wetland. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Uitti...yes, Mrs. Mastria...yes, Mr. Barlow Jr....yes. All were in favor and the motion passed unanimously.

5. **15 Bridge St – Joseph Webby on behalf of owner Hugnh Dieu - Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include a 4 foot reduction in the required 10 foot setback from the S.A.S to the property line and a 7 foot reduction in the required 20 foot setback from the S.A.S to the cellar wall.** Mr. Andrews stepped back on to the meeting. Mr. Joseph Webby was present to explain the project to the Board. Mr. Webby explained the project and the reasons behind the variances requested. Mr. Barlow Jr. asked if there were any questions from the Board. Mr. Andrews asked Miss Guarino if she had seen a protective barrier on the plan that would be installed around the foundation. Miss Guarino stated that she did not see this on the plan. Mr. Andrews states that with a variance from the foundation to the system requires a barrier. Miss Guarino agreed and stated that if the changes were made on the plans and submitted to the Health Department that she would have no problem administratively approving those changes. Mr. Andrews stated that he would have no issue with Miss Guarino approving that change administratively. Mr. Barlow Jr. asked if there were any questions from the Board or from any abutters that were present. There were no other questions from the Board or from the audience. Mrs. Mastria made a motion to approve variances requested including a 4 foot reduction in the required 10 foot setback from the S.A.S to the property line and a 7 foot reduction in the required 20 foot setback from the S.A.S to the cellar wall. This motion includes a requirement that the engineer add a poly liner around the tanks to the corner of the S.A.S. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Uitti...yes, Mr. Andrews...yes, Mrs. Mastria...yes and Mr. Barlow Jr....yes. All were in favor and the motion passed unanimously.
6. **486 Williston Rd – Bradley Bertolo of JC Engineering on behalf of owners John and Linda McManus- Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include a 4.8 reduction in the required setback from the S.A.S to the front property line and a 2.5 foot increase in the maximum depth of cover over the septic components.** Miss Guarino stated that this project had been administratively approved and did not need to be heard by the Board. Therefore, no action was taken at this time.
7. **Approve the Minutes— Approve the minutes from the previous meetings dated January 27, 2021.** The minutes were not presented to the Board. Therefore, no action was taken at this time.
8. **Set tentative date for next meeting and adjourn.** A tentative meeting date for review of ISWM site assignment deadline dates was set for March 16, 2021 and a date for a joint meeting with the Bourne Board of Selectman to choose the new Board member for the vacant seat with the Board of Health.

Mr. Andrews made a motion to adjourn the meeting. Roll call vote to adjourn. Mr. Uitti...yes, Mrs. Mastria...yes, Mr. Andrews...yes and Mr. Barlow Jr....yes. All were in favor and the meeting adjourned at 6:25pm.

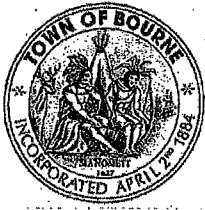
Taped & Typed by Syreeta Amaral, Administrative Assistant

Stanley Andrews _____

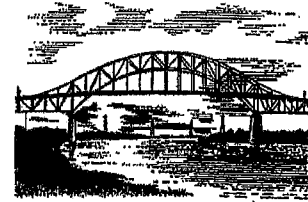
Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____



TOWN OF BOURNE
Department of
Integrated Solid Waste Management



Mailing:
24 Perry Avenue
Buzzards Bay MA 02532
(508) 759-0600 Ext. 4

Location:
201 MacArthur Blvd
Bourne MA 02532

TO: Bourne Board of Health

FROM: Daniel Barrett, General Manager
Town of Bourne, ISWM Department

DATE: March 10, 2021

RE: Landfill Update

Proposed Process for Payment of Site Assignment Application Fees

The assessment of an Application Fees is governed by 310 CMR 16.30. Application Fees are broken down into two separate fees;

- 1.) **The Technical Fee** as defined in 310 CMR 16.30 (2) is provided to the Board by the proponent (ISWM) for payment of incurred costs associated with reviewing technical data and obtaining technical assistance.
- 2.) **Public Hearing Fee** as defined in 310 CMR 16.30. (3) is supplied to reimburse the Board for costs associated with conducting the Public Hearing.

The calculation of the appropriate Fees based on the size (in acres) of the proposed expansion are outlined in 310 CMR 16.00 Appendix A (16.99) of the regulations.

There are several provisions in the regulations that accommodate increases in the fees. However, these accommodations require interruption of process to present and approve the increase thus extending the time necessary to reach a decision.

ISWM would like to present for the Board's consideration adoption of the same process approved by the Board and successfully utilized in 2005 Site Assignment process. The proposed process eliminates the monetary cap and removes the potential for extended and/or delayed proceedings.

To assist with this effort ISWM took the liberty of drawing up a proposed motion for the Board's consideration (see **Attachment I** in the information packet). It is worded exactly as the 2005 motion (see **Attachment II** in the information packet) to accept the alternative payment process as outlined in 310 CMR 16.30 (1) (c).

Upcoming Site Assignment Schedule

Included in the information package for this meeting was a **SITE ASSIGNMENT REVIEW SCHEDULE** (see **Attachment III** in the information packet). This schedule is based on the regulatory time tables outlined in 310 CMR 16.00 SITE ASSIGNMENT REGULATIONS FOR SOLID WASTE FACILITIES, specifically 310 CMR 16.20.

Contained within the schedule are clearly defined time tables regulating achievement of regulatory milestones. Most notably for the Board of Health is the commencement of the public hearing within 30 days of receipt of a positive finding by MADEP, also the Board has to notify abutters and post public notice 21 days prior to starting the hearing, and the Board shall render its decision within 45 days of the initiation of the hearing. Governor Baker's declaration of a state of emergency and the subsequent adaption of Massachusetts General Court, Acts of 2020, Chapter 53 section 17 (b) (ii) - > (v) provide relief from these deadlines up to and until 45 days after the state of emergency is lifted.

ISWM will most likely request another meeting with the board during which we could update the Board on any developments in MADEP's review process and potential schedule adjustments.

ISWM will also like to review any housekeeping items contained in the conditions section of the existing Site Assignment as those conditions will automatically be included as they currently exist in the newly modified Site Assignment unless the Board chooses to make adjustments. ISWM has some housekeeping issues and updates to the existing conditions that we would like to bring forward for the Board's consideration at the aforementioned future meeting.

Attachment I

BOH fee letter text for consideration and possible vote at the March 10th meeting

Proposed Motion:

"That the Town of Bourne Board of Health submit for payment by the Town of Bourne, Department of Integrated Solid Waste Management (ISWM) all invoices incurred by the Board of Health for the implementation of the "ISWM Technical and/or Public Hearing Fee" as necessary to complete its review of the site assignment major modification. The "Technical Fee" is defined in 310 CMR 16.30 (2) and calculated according to 310 CMR 16.99 Appendix A and the "Public Hearing Fee" is defined and calculated according to 310 CMR 16.30 (3).

Upon receipt of a Report on Suitability from the Massachusetts Department of Environmental Protection regarding the vertical and horizontal expansion of the landfill on approximately 100 acres shown on Town of Bourne Assessor's Map 28, Parcel 13 and Map 32, Parcel 9, owned by the Town of Bourne, located at 201 MacArthur Boulevard, for which ISWM is seeking a vertical expansion of the landfill on Map 28, Parcel 13 and a change of status from solid waste handling only on Map 32, Parcel 9 to also include a vertical and horizontal landfill expansion, the Board of Health will forward to ISWM additional Technical Fee and/or Public Hearing fee invoices for payment as needed to complete its review of said site assignment modification."

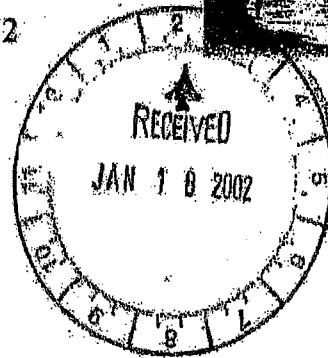
ORIGINAL



Cynthia A. Coffin
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532



To: Brent Goins
From: Bourne Board of Health
Re: Technical Review and Public Hearing Fee
Date: January 17, 2002

Please be advised that at its regular meeting on January 9, 2002 the Bourne Board of Health voted to approve the following:

That the Town of Bourne Board of Health submit for payment by ISWM, all bills incurred by the Board of Health for the implementation of the "ISWM Technical and/or Public Hearing Fee" as necessary to complete its review of the site assignment. The "Technical Fee" is defined in 310 CMR 16.30 (2) and calculated according to 310 CMR 16.99 Appendix A and the "Public Hearing Fee" is defined and calculated according to 310 CMR 16.30 (3).

- Upon receipt of a Report on Suitability from the Massachusetts Department of Environmental Protection regarding 23.22 acres of land (Map 32 Parcels 2, 3, 4 & 8) owned by the Town of Bourne, immediately adjacent to the existing site assigned landfill located at 201 MacArthur Boulevard, for which the Town of Bourne, Department of Integrated Solid Waste Management (ISWM) is seeking a site assignment for a solid waste handling facility, the Board of Health will forward to ISWM additional Technical Fee and/or Public Hearing Fee bills for payment as needed, to complete its review of said site assignment.

Said bills shall be paid in full to the satisfaction of the Board of Health before any approvals from the Board of Health become valid.

This motion and vote is to replacement the Board's original motion which required that ISWM put monies in an escrow account for the Technical Review and/or Public Hearing Fees, since it was determined that this was not feasible. If you have any questions, please contact me at the Board of Health office at 508-759-0615, ext 513.

Sincerely,

Cynthia A. Coffin, R.S., C.H.O.
Health Agent

c.c. Board of Health

Attachment III

SITE ASSIGNMENT REVIEW SCHEDULE BOURNE INTEGRATED SOLID WASTE MANAGEMENT (Periods ending on weekends or holidays move to next business day.)

<u>DAYS</u>	<u>EVENT</u>
March 15, 2021 (21 Days)	Submission of Site Suitability Report
April 6, 2021 (Assume 14 Days)	DEP issues a Determination of Administrative Completeness.
April 20, 2021 (21 Days)	Upon DEP's Determination of Completeness, the proponent is to notify parties listed at 310 CMR 16.08(2) and all abutters by certified mail and publish a notice in a newspaper and in the <i>Environmental Monitor</i> , that the application has been filed. DEP's Review Period begins upon providing proof to DEP of the notification.
May 11, 2021 (19 Days - 40 days from start of Review Period)	DEP will accept public comments during the first 21 days of the Review Period.
May 31, 2021 (20 Days)	The Applicant may respond to comments or make modifications to the application that are not considered to be major, during the first 40 days of the Review Period.
June 20, 2021 (30 Days)	The DEP is to issue its Report within 60 days of receipt of proof of the public notice.
July 20, 2021 (45 days)	The Board of Health is to commence the public hearing within 30 days of receipt of the DEP's positive Report. The Board of Health must notify parties identified at 310 CMR 16.08(2) and publish a notice in the paper at least 21 days prior to starting the hearing (9 days after receipt of the DEP's Report).
September 3, 2021 (7 days)	The Board shall render its decision within 45 days of the <u>initiation</u> of the hearing.
September 10, 2021	The Board has seven days to publish a notice of its decision.