

Terri A. Guarino
Health Agent

RECEIVED

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

Buzzards Bay, MA 02532

www.townofbourne.com/health

Phone (508) 759-0600 ext. 1513

Fax (508) 759-0679

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TOWN CLERK BOURNE



MINUTES

May 28, 2020

Members in attendance: Kathy Peterson, Chairperson; Stanley Andrews; Galon Barlow Jr.; Donald Uitti; and Kelly Mastria.

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

Meeting was called to order at 05:05 pm

Ms. Peterson asked if anyone was recording at this time..

1. **COVID-19 and Phased Re-opening Plans**—Terri Guarino, Health Agent to provide information and updates:

- a. **Mandatory Workplace Standards & Industry Specific Guidance** – Miss Guarino started by explaining that the Governor released new guidance on Phase 1 reopening on May 18th. The guidance for Phase 1 reopening is listed on www.MA.gov and employers will be expected to be in full compliance before May 25th. The website offers reopening standards and a list of personal protective equipment vendors. She recommends that if any business has questions on the different phases that they check the COVID-19 information page on www.MA.gov, to contact the Department of Labor Standards, or to call our local Health Department.
- b. **Compliance, Enforcement, Inspections & Health Dept. Staffing during State of Emergency** – Miss Guarino started with explaining that the Health Department is working at its maximum capacity. Along with responding to complaints and providing COVID 19 guidance the Health Department has been conducting about 10 septic inspections/percolation tests a week. The Health Department is short 1 full time Health Inspector but expects the assistance of a summer sanitarian from Barnstable County to help with inspections starting the week of June 1st. The county will also be providing a beach sampler for regular beach testing.
- c. **Local Updates & FAQs—beaches, outdoor recreation areas, public restroom facilities** – Miss Guarino explained to the Board that she had trained the new beach sampler and that testing will start on the first week of June and will continue through Labor Day. There will be compliance signs posted at beaches and recreational areas throughout the Town of Bourne. Under Phase 1 guidelines some non-contact courts such as tennis courts will be allowed to open. Public restrooms were dropped off at most of the beaches and signs will be posted notifying the public that they will be cleaned once a week. Ms. Peterson asked if there were any questions. Mrs. Mastria asked if guidance signs will be posted on the Town's tennis courts. Miss Guarino replied that signs would be posted at these and other courts/recreational areas throughout the Town of Bourne.
- d. **Disease Surveillance News** – Miss Guarino stated that as of 4pm on May 28th there are 2 confirmed/active COVID 19 cases and 3 probable cases within the Town of Bourne. The total case count in Bourne is 151 since the onset of the COVID 19 pandemic.

2. **Public Bathing Beach Variance Extensions**—Discussion and possible vote to extend existing monthly sampling variances at three Town of Bourne marine beaches pursuant to 105 CMR 445.000:

- a. Electric Avenue

- b. Monument Beach
- c. Sagamore Beach

Miss Guarino informed the Board that she is asking for a vote reduce the amount of testing from weekly testing to monthly testing for 3 Town of Bourne beaches. This was voted on and approved by the Board based on her recommendation back in 2012. Miss Guarino stated as a reminder that if testing shows an increase in bacteria count numbers the beaches will be closed and weekly testing will resume. Ms. Peterson asked if there were any questions. There were no questions from the Board. Mr. Andrews made a motion to approve the extension of the existing monthly sampling variances at 3 Town of Bourne marine beaches (Electric Ave, Monument Beach, and Sagamore Beach) pursuant to 105 CMR 445.000. Mr. Barlow Jr. seconded the motion. Roll call vote to approve Mrs. Mastria...yes, Mr. Andrews...yes, Mr. Barlow Jr....yes, Mr. Uitti...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.

3. **Procedures for Local Upgrade Approvals and Variances from Title 5, 310 CMR 15.000, and Bourne Board of Health Regulations—Discussion and possible vote for modification to policies on which systems will be administratively approved-** Miss Guarino started by explaining that the last time this item was heard was back in 2018. The reason that the changes were made at that time to the upgrade approval was in response to having difficulty in getting voluntary compliance in installing innovative alternative system. After expressing her concerns to Chairwoman Kathy Peterson it was decided that the board would get approval for these systems from variance hearings. Miss Guarino stated that since this has been the case more engineers have been compliant with using these innovative alternative systems therefore; she does not see the need to have hearings on systems that are within maximum feasible compliance for the site. By doing this the Health Department will have a more expedited process in updating these failed systems. Ms. Peterson asked if there were any questions from the Board. Mr. Andrews inquired as to whether withholding hearings for repairs or upgrades to leaching facilities that do not meet the local 150 foot setback would prompt some to try to "pull a fast one" on Miss Guarino. Miss Guarino replied that she would only administratively approve a system that was an innovative/alternative system with no additional requests for relief. Mr. Andrews then asked for clarification on the wording of section B.1 (see Exhibit A) of the Regulation stating that he thought it may contradict what was written in section A.8. Miss Guarino clarified the wording of the document by explaining that B.1 only refers to new construction whereas section A.8 refers to repairs and upgrades with no changes in flow or use to the facility. Ms. Peterson asked if there were any other questions. There were no questions asked. Mr. Andrews made a motion to approve the changes made to procedures for Local Upgrade Approvals and Variances from Title 5 310 CMR 15.00 AND Bourne Board of Health Regulations. Mr. Barlow Jr. seconded the motion. Roll call vote to approve Mr. Andrews...yes, Mr. Barlow Jr....yes, Mr. Uitti...yes, Mrs. Mastria...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.
4. **Tobacco Law Update—105 CMR 665.000—Beginning June 1, 2020, the sale of flavored combustible cigarettes and other tobacco products, including menthol cigarettes and flavored chewing tobacco, will be restricted to licensed smoking bars where they may be sold only for on-site consumption. Also taking effect on June 1st is the addition of a 75% excise tax on the wholesale price of nicotine vaping products, in addition to the state's 6.25% sales tax.** Miss Guarino started by explaining to the Board that the agenda item was copied from the MA.gov website. She stated that the new regulations from the state were distributed to all tobacco retailers on May 13th, 2020. She added that the Town of Bourne Tobacco Regulations had not been updated as of yet but the state regulations supersede ours. Currently, the only part of the Tobacco Regulation that the Town of Bourne is more stringent on is limiting the amount of tobacco retailers within the town. Ms. Peterson asked if there were any questions. There were no questions. The Board took no action.
5. **Discussion and possible vote regarding the continued use of Electronic Signatures -** Miss Guarino explained to the Board why/how the use of electronic signatures was important to the Health Department. After discussing this together all of the Board voiced that the use of Electronic Signatures was important especially in times like these where the Board cannot physically be together. Mr. Barlow Jr. made a motion to continue the use of Electronic Signatures for the Board of Health. Mr. Andrews seconded the motion. Roll call vote to approve Mr. Andrews...yes, Mr. Barlow Jr....yes, Mrs. Mastria...yes, Mr. Uitti...yes, Ms. Peterson...yes. All were in favor and the motion to approve passed unanimously.
6. **ViewPoint Cloud— Terri Guarino, Health Agent to provide information on online permitting and inspectional software. –** Miss Guarino explained to the Board that the Health Department launched the online platform for permitting on the week of May 18th. She added that Health Inspector, Kaitlyn Shea is in the process of manually entering all of the Food Establishment information that was provided on the 2020 Food Establishment applications. In doing this, ViewPoint

generated an email on May 20th to all of the food establishments in Bourne in regards to creating an account for online permitting. Ms. Peterson asked if there were any questions on this agenda item. There were no questions.

7. **Approve the Minutes from the previous meeting dated May 6th, 2020.** – Mrs. Mastria made a motion to approve the minutes dated May 6th, 2020. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Andrews...yes, Mrs. Mastria...yes, Mr. Barlow Jr...yes, Mr. Uitti...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.
8. **Set tentative date for next meeting and adjourn.** – Tentative date for the next Board of Health Meeting was set for June 10, 2020

Mr. Andrews made a motion to adjourn the meeting. All were in favor and the meeting adjourned at 6:05pm

Taped & Typed by Syreeta Amaral, Administrative Assistant

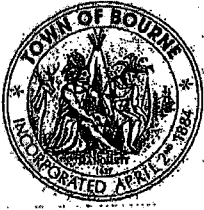
Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____



Bourne Board of Health
508-759-0600 ext. 1513



Procedures for Granting Local Upgrade Approvals and Septic Variances

In general, full compliance with the provisions of Title 5 of the State Environmental Code and the Bourne Board of Health Regulations is presumed to be necessary for the protection of public health, safety, welfare and the environment. Where full compliance is not feasible, the Bourne Board of Health may consider the impact of the proposed system and may vary to the least degree necessary the requirements of these codes.

The subsequent procedures have been outlined to facilitate the design, review, and approval of on-site sewage disposal systems. This is to allow for both the best feasible system within the borders of the lot, while also emphasizing protection of water resources and treatment of sewage. While the use of alternative systems to bring systems into compliance is encouraged, it is not expected that the maximum feasible compliance approach for upgrades require their use in all situations.

- A. Approvals which may be granted administratively by the Health Agent for septic system repairs or upgrades under the provisions of maximum feasible compliance, provided that there is no increase in flow or change of use to the facility:
1. Continued use of an existing septic tank, provided that the effective liquid capacity is at least 1,000 gallons or allows for no less than 24 hours of retention time.
 2. Reductions of system location setbacks from cellar wall, crawl space, swimming pool, or slab foundations as established in 310 CMR 15.211; provided that in no case, no more than a 50% reduction in the required setback is being requested.
 3. An increase in the maximum allowable depth of system components required by 310 CMR 15.221(7), from 36 inches to 72 inches below finish grade, as long as adequate venting, access, and H-2O loading is provided for all system components.
 4. Reduction of system location setbacks from water supply lines, provided that the water line is sleeved, and no other feasible alternative exists.
 5. Conducting only one deep hole in the proposed disposal area and/ or a sieve analysis if a percolation test cannot be conducted.
 6. Reduction of the requirement of a 12 inch separation between the inlet and outlet tees and high groundwater, provided that all boots or pipe joints are sealed with hydraulic cement or installed with watertight sleeves and buoyancy calculations are provided for the component.
 7. Approval of a system constructed in fill or mounded system that meets the criteria within 310 CMR 15.255 and MassDEP guidance for slope stabilization and the use of Impervious barriers only when no other local upgrade approvals or variances are being requested.

B. All of the following situations require the applicant to seek approval from the Board of Health at a public meeting:

1. Any system where the proposed leaching facility does not meet the required 150 foot setback from the edge of a wetland resource or watercourse. Repairs or upgrades that do not meet the 150 foot setback regulation but are greater than or equal to 125 feet from the edge of wetland resource area or watercourse as outlined in the regulations may be approved administratively if no other relief is being requested.
2. Reduction of system location setbacks for property lines provided that the system is within the property lines, the plans indicate that there are no abutting soil absorption systems within 10 feet, and a survey of the property is conducted by a professional land surveyor if the component is to be placed within five feet of the property line.
3. A system constructed in fill (mounded system) that is proposed for new construction, change of use, to accommodate an increase in design flow, or to replace an existing failed system when other relief is being requested from Title 5 and the criteria in 15.255.
4. Approval of a tight tank when no other feasible alternative exists.
5. Reductions in the required four foot vertical separation (in soils with a recorded percolation rate of > 2 minutes per inch) or the required five foot separation (in soils with a recorded percolation rate of ≤ 2 minutes per inch) between the bottom of the soil absorption system and the high groundwater elevation in accordance with 310 CMR 15.405(1)(h).
6. Any modifications to a facility which a permit has been previously "red-stamped" affirming that the existing system is not adequate for any additions/ renovations/ replacement or upgrades of sanitary sewage facilities/ conversions.
7. Proposals for waivers from code requirements or grandfathering as the specific case may provide for systems.
8. Any proposals for new construction, change in use, or for increases in flow to an existing system other than in full compliance with 310 CMR 15.100 through 15.293 and the Bourne Board of Health Regulations must seek and obtain a variance from the Bourne Board of Health at a public hearing in accordance with 310 CMR 15.410 through 15.417.

Endorsed by the Board of Health at the public meeting on April 11, 2018.