

**TOWN OF BOURNE
BOARD OF HEALTH**

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2014 APR 4 PM 4 18
TOWN CLERK'S OFFICE
BOURNE, MASS

Cynthia A. Coffin,
Health Agent

AMENDED MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

April 9, 2014

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

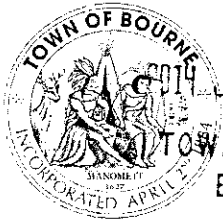
- ✓ 1. **LANDFILL – General Update - Dan Barrett –**
 - a. Emergency Landfill Procedure
 - b. Phase 4 Stage 2 Liner Project
 - c. New Flare Installation
 - d. Update on Negotiations with Harvest Power
 - e. Potential Connection to JBCC Effluent Line
- ✓ 2. **SAGAMORE SHELL – 1 CANAL ST – Cynthia Coffin – Discussion and possible vote regarding Fine for Tobacco Violation on March 2, 2014 –**
- ✓ 3. **DISCUSSION AND POSSIBLE VOTE – Regarding policy and guidelines for requests for reduction of Alternative Maintenance Inspections CONTINUED FROM FEBRUARY 26, 2014 -**
- ✓ 4. **DISCUSSION AND POSSIBLE VOTE – Cynthia Coffin – Regarding amendment to swimming pool fence regulation. -**
- ✓ 5. **4 FOUTH ST – Discussion and possible vote – Cynthia Coffin – Hearing On Non-Compliance of Housing Inspection -**
- 6. **APPROVE THE MINTUES FROM THE MEETING DATED FEBRUARY 12, 2014**
- 7. **APPROVE THE MINUTES FROM THE MEETING DATED FEBRUARY 26, 2014**

cc Board of Selectmen/Town Clerk

Signed: 

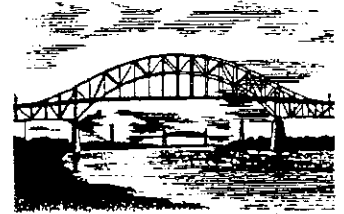
Title: Secretary

Date: April 3, 2014, Amended April 4, 2014



TOWN OF BOURNE BOARD OF HEALTH

TOWN CLERK'S OFFICE
24 Perry Avenue
Bourne, MA 02532
Buzzards Bay, MA 02532



Cynthia A. Coffin
Health Agent

MINUTES April 9, 2014

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

Support Staff in attendance: Cynthia Coffin, Health Agent, Terri Guarino and Lisa Collett, Secretary

Meeting was called to order at 7:02 P.M by Chairperson, Kathleen Peterson.

1) Landfill – General Update – Dan Barrett –

- (a) **Emergency Protocol** – Ms. Peterson stated that the landfill had an issue recently which was discussed by Ms. Peterson and Mr. Barrett. The night of the fire the Board of Health was not contacted. There were plenty of Town people there after the fire that could have contacted anybody from the Board of Health. This needs to be corrected and the Board needs to be certain that this never happens again. The landfill operates under a site assignment and the site assignment is under the direction of the Board of Health. Mr. Barrett agrees. Mr. Andrews stated that the emergency notifications should go through to Ms Coffin first. Mr. Barrett apologized and stated he will set up a protocol and an emergency procedure. Ms. Peterson stated that the landfill will be held accountable if they do not follow the protocol. Ms. Mastria asked if the landfill has an existing emergency protocol. Mr. Barrett stated yes. Ms. Mastria said that notification to the Board of Health agent and its members needs to be put into that existing protocol. Ms. Peterson could not believe that no one thought to contact the Board of Health considering that there could have been impacts to the environment and to the health of the people of Bourne. The fire happened at 6:00 in the evening. She could understand if the incident happened at 2:00 am or something like that but this was early evening. Mr. Barrett stated that it really does not matter what time an incident occurs, they still must follow protocol. The first thing the fire department does is set up a perimeter with smoke monitors. Then they go through the entire facility as well as the perimeter edges. Ms. Peterson stated that she feels the fire department did a splendid job. Ms. Peterson asked the board members for any ideas regarding a consequence if this happens again. Mr. Andrews stated

that he would like to see a protocol in place and the board should evaluate this a little further. Ms. Coffin will be notified, and then a report of the incident will be submitted. Ms. Mastria asked if there are consequences in other towns when the protocol is not followed. The board should look into what the other towns are doing then re-visit this. Ms. Peterson stated that Mr. Barrett should decide what the consequences will be if his people do not make sure the protocol procedures take place. The board will give Mr. Barrett one to two weeks to think about because he is the one that will take the heat on something like this, but he can't do everything. His people should have notified those who should have been notified. Mr. Barrett is to write up a plan as to what the consequences will be and submit it to the office. Mr. Barrett stated the he would definitely have something for the board to look at.

- (b) **Phase 4 Stage 2 Liner Project** – Mr. Barrett stated that the winter has been really tough and he has gotten behind on construction. Construction on the Phase 2 Stage 2 liner ceased in mid December last year due to poor weather conditions. The only remaining component of this project to complete is the connection between the Phase 4 Stage 2 liner and the Phase 3 Stage 3, Phase 2A 3A Leachate collection systems. November 27, 2013 ISWM received a partial approval from the Department of Environmental Protection (DEP) on the completed portions of the liner that allowed them to draing leachate from Phase 2A/3A and Phase3 into State 2 to facilitate the connection of the liner systems. The liners are all hooked together. Everything is ready to go. The key component that is not in the written summary is that there will be an excavation into trash and Mr. Barrett wants the board to be aware of this. There could be odors but the odor control plan is in place. Mr. Barrett stated that he plans to get that done as soon as possible.
- (c) **New Flare Installation** – Mr. Barrett stated that because of bad weather, progress has been shut down. It was anticipated to have the flare up and running in January 2014. At this point, the concrete work is complete. The blower skid and the backup generator are in place. The flares are on site and have been set. The piping is on the way and the electricians are scheduled to come in next Monday, April 14, 2014. At the last construction meeting, it was stated that they anticipate that the flare will be operational by the end of April 2014 weather permitting. Mr. Andrews asked when the switch over from the old flare to the new flare is made, how long it takes for the switch over to happen. Mr. Barrett stated that the old flare is going to stay. The new flare cannot be turned down to lower flow rates as the old one could so the plan is to keep one running while the other is being hooked up. He anticipates no more than 4 hours. There will be down time while they make the cut into the connection. Mr. Andrews asked what that will do as far as rebalancing the whole system once everything is shut down. Mr. Barrett stated that it would take 10-12 hours before any odors would be noticed and that hc did not feel there would be any odor issues. The backup generator would bc hooked up too.

(d) **Update on Negotiations with Harvest Power** – Mr. Barrett stated that the lease is done and will be given to the Selectmen in draft form at an executive session meeting April 10, 2014. Where it goes from there is for the lawyers to decide. He does not have control over that. He will see how the progress goes. He does not anticipate a huge pile of documents to be reviewed over the course of the summer. After the lease is reviewed, they will need to sit down and figure out what kinds of permits will be needed before they can move forward. The board will probably not see the lease until mid to late fall if everything goes well. Ms. Peterson stated that the Selectmen will get to see the lease. Mr. Barrett stated that the Selectmen will see the draft copy of the lease. Mr. Barrett stated that the good news is that it is moving forward. Ms. Peterson stated that the Board of Health wrote a letter to the Town Administrator and wondered if this is the response back from the Town Administrator. Mr. Barrett stated that he did not know. Mr. Andrews stated that there is no need to see this on the agenda again until they are ready to give the board a copy of the lease.

(e) **Potential Connection to JBCC Effluent Line** – Mr. Barrett stated that over the course of the last couple of years, Mr. Barrett has been talking with Joint Base Cape Cod (JBCC). One of the RFP's he put out was for leachate treatment equipment. The landfill treats a lot of leachate but that should drop now that they have capped over 12 acres. That leachate will slowly dissipate. Mr. Barrett said that ISWM will continue to research ways to reduce the landfill's overall environmental footprint, and increase the efficiency of their operation. They will look at the elements that have a largest impact on both. Leachate removal and treatment have been a big part of ISWM's operational concern as with just about every landfill. About 2 years ago it came to the Town's attention that the infiltration beds at Joint Base Cape Cod treatment facility were under-utilized. One portion of the 3 RFP's that were issued in January of 2012 included a request for leachate treatment. They found a well-established technology with several vendors that could treat the leachate to a point that would meet and even surpass requirements of the Joint Base Cape Cod district. During the Town's initial discussion with the engineering department of the 102nd Intelligent Wing and the Massachusetts Air National Guard, who are responsible for the operation of the treatment facility, it became evident that there was a strong potential for mutually beneficial partnership. Since then the ISWM staff and the 102nd Engineering staff have been working through details such as federal, state and local permitting, logistics of accessing the base property, and mutual benefits, just to name a few. Potential benefits to the Town include a decrease in truck traffic on the site and on surrounding roads, and more control of the final disposition of the landfill leachate, decreasing its potential for interruption of service, and a substantial decrease in costs. One of the concerns that they have talked about is that there has been a misconception that they were going to discharge untreated leachate into the effluent line and into the infiltration beds. This is

not the case. One of the things that came out of the RFP process was the reverse osmosis system. They have been sampling leachate for the past 10 years on a quarterly basis so they have a pretty good idea of what is in the leachate. That sampling information was handed over to the vendors who gave the Town bids. ISWM realized what their permit requirements with JBCC would be so they gave that to their own vendors and the vendors reply was that they could beat that. Mr. Barrett stated that the point he is trying to make is there is no way in the world he is looking to discharge raw leachate into the infiltration beds. Mr. Andrews asked that Mr. Barrett talk a little more on what the reverse osmosis is. We know that we have raw leachate coming out of the cells right now that fills up into the tanks and then trucks come and haul it down the road off someplace for treatment. Mr. Barrett stated that reverse osmosis is a fairly well established process in fact the people at the 102nd informed him that they have units in the field that they can pick up with a helicopter and move all around their out bases to treat the water that the soldiers are drinking. Basically they design membranes and also use electrostatic precipitation and a couple of other technologies, depending on what is in the water. The main focus is on the membranes and they use the membranes to filter out the contaminants that are in the wastewater. Most places inject it right into the ground. Mr. Barrett stated that he has no intention of doing that. Ms Peterson stated that it sounds like a really good process. She likes that ISWM will be working with Joint Base Cape Cod. They have some pretty smart people working out there and it will be beneficial to the Board of Health. Mr. Barrett stated that the Town of Bourne offers them some opportunities as well. They are part of the Semass contract so their contracts for waste disposal, even though it is only approximately 600 tons a year, will come up and they are concerned about that. These are all the things that still need to be ironed out. These are all part of the open discussions. It looks like this can be a mutually beneficial opportunity. Ms. Peterson stated that at some point Mr. Barrett will need a vote on this so when he is ready, he should come back before the board. Mr. Barrett stated that this should move a lot quicker than most of the projects he does. It appears to be moving along pretty quickly already. As always before they do anything they gut out all the things that can be potential trip-ups. They are working closely with Massachusetts Department of Environmental Protection (DEP) and the people on the base. Ms. Peterson asked Mr. Barrett to keep the board informed. Mr. Mulvey asked what components of the leachate is the system designed to remove. Mr. Barrett answered certain nitrogens and iron. Also there are VOC's and a few other things.

- (f) Mr. Barrett went back to the discussion regarding the Emergency Protocol item. Mr. Barrett asked for the chair's leniency on the Emergency Landfill Procedure. He would like to give the board an update on where they are because it is moving at glacial pace. They are struggling to get that transfer station back on line. Early indications are that there was minimal damage and they are happy about that, but they have to work through all the procedures.

There are structural engineers involved and it is taking a little bit longer then he would like it to. He is hoping that it will be back online sometime during the week of April 21, 2014. Ms Peterson asked that he let the Board know before he brings it back online. Mr. Barrett stated ok.

- 2) **SAGAMORE SHELL – 1 Canal Street – Cynthia Coffin – Discussion and Possible vote regarding fine for tobacco violation on March 2, 2014** – Mr. Sorenti stated his name for the record. Michael Sorenti. Ms Coffin stated the office received a report from Barnstable County by fax that on March 2, 2014 there was a sale of tobacco to an underage female without an ID check. The report did describe the seller. Ms. Peterson stated that she knows Mr. Sorenti has a protocol in place. Mr. Sorenti stated that he has a policy that they all (the employees) sign. Mr. Sorenti stated that he feels his staff is pretty good but whatever the rule is, he is willing to follow. Ms. Peterson stated that she appreciates Mr. Sorenti coming to the meeting. Ms. Peterson stated that Ms. Coffin has already told Mr. Sorenti what the fine is. Ms. Coffin stated that it has been years since anyone in the town violated the tobacco regulation. Mr. Sorenti stated that he likes the instant reporting because the last time he got caught which was years ago, he didn't find out for like 6 months. Now it was a couple of days later. Ms. Coffin stated that she did not think it was 6 months but she knows it was not right away and Mr. Sorenti could not determine who it was that sold the tobacco. Ms. Peterson stated that the people who violate the regulation should have to come and sit through the meeting. Mr. Sorenti stated that he did address the issue with his employee. Mr. Andrews asked if there was a standard fine in place. Ms. Coffin stated it is \$100.00 for the first offense. **Mr. Andrews made a motion to fine Sorenti Shell at 1 Canal Road, Bourne MA \$100.00 for a violation on March 2, 2014 for selling tobacco to a minor. Mr. Uitti seconded the motion. All in favor. It was unanimous.**

- 3) **DISCUSSION AND POSSIBLE VOTE – Cynthia Coffin – Regarding policy and guidelines for requests for reduction of Alternative Maintenance Inspections CONTINUED from February 26, 2014** – Mr. Andrews stated that at the last meeting the board got into some pretty good discussions on these and the 3 board members that were present truly want to have a full board before finishing up this piece. He feels everyone agrees that the board should update their policies as far as what the board is going to allow for large reductions. Mr. Andrews stated that he already has an issue with the reductions that the board has already approved. The best thing for this item is to bring it up when there is a full board of all 5 members. Mr. Uitti agreed. Ms Peterson stated that this has been an issue for the board for quite a while. Ms. Mastria asked if we have any information on what other towns are doing regarding this issue. Ms. Coffin stated she doesn't think other towns require the testing that this town requires. Other towns only abide by the State requirement. These are only approved for this town under our own regulations. Our regulations are much stricter then what the State requires. Mr. Uitti asked if this could be continued to the first meeting in May 2014. He will not be present for the next meeting in April 2014. Ms. Peterson

stated that she thinks that the costs go down for the maintenance but that she might be more lenient with reductions if this wasn't happening. Someone once told the Board that he started off paying \$1,200.00 per year, and then it went down to \$800.00 then to \$700.00. Ms. Coffin stated that once they get to just the maintenance inspections, she does not know if that really goes down but thinks it is because once the influent and effluent testing after those first 2 years is complete, the costs do drop. Also, he could have picked up a different contractor. Mr. Andrews stated that these are general maintenance inspections to make sure the systems are still working. Mr. Andrews suggested that this be continued to the first meeting in June. **Ms. Peterson made a motion to this item to the first meeting in June 2014. Mr. Andrews seconded the motion. All in favor.**

- 4) **DISCUSS AND POSSIBLE VOTE – Cynthia Coffin - Regarding amendment to swimming pool fence regulation** – Ms. Mastria stepped off of this item. Ms. Coffin stated that there is an old fence regulation and it is a little bit different then the building code. In 2004, the sitting board voted to amend the regulation and took a section of the building code and just referenced it to make it clear so that everyone was on the same page. The amended regulation had a section regarding the horizontal and vertical spacing of pool fences and included a statement that temporary wading pools less than 2 feet in height would be exempt from having a fence as long as there was no circulation system. Ms. Coffin stated that she wants things on the website to look as professional as possible so that when people look on-line, it makes a lot of sense and is very clear. The other day something came up where people and companies are starting to offer pools that are basically 5 feet in height so the actual wall of the pool is the barrier. For years, she was looking at this and stating that there still must be a fence surrounding the 5 foot pool. After researching on-line, Ms. Coffin discovered a regulation from the Town of Plymouth that really details what is in the building code and what is recommended by the swimming pool foundation. She feels that the proposed amended regulation won't be as ambiguous as it is right now. Ms. Coffin stated that she took the Plymouth code and added the temporary wading pool section that already existed in the present regulation, and that she added a little preamble as to why she is beefing up the swimming pool fence regulation. Mr. Andrews stated that a lot of the new regulation follows the building code. Ms. Coffin stated that was correct. Mr. Andrews stated that he has done some pool fences in the Barnstable area and this is exactly what the requirements are for Barnstable. Ms. Coffin stated that there were some things that were not addressed in the old regulation. Ms. Peterson stated that Ms. Coffin did a really good job on revising the regulation but just asks that she be able to see the brochure from the National Pool Association that she talked about. Ms Peterson would like to see the website and hold off on this for now. Ms. Coffin stated that she would add this item again on the next agenda. Mr. Andrews requested that Ms. Coffin send the link of the website to the board members. Ms. Peterson asked to move on this item to the next meeting for vote so that the new regulation would be ready for this swimming pool season. **Ms. Peterson made a motion to continue this item for**

the next meeting. Mr. Andrews seconded the motion. All in favor. For the record, Ms. Mastria did step off from discussion on this item.

Ms. Mastria has rejoined the board.

- 5) **4 FOURTH STREET – Discussion and possible vote – Cynthia Coffin – Hearing on non-compliance of Housing Inspection** – Ms. Guarino stated that she did speak with both parties on April 8, 2014. The tenant, Maureen Houston, was supposed to be evicted so she is not sure if that was successful or not. Ms. Peterson asked if the park manager has been contacted. Mr. Valladares was present for this item. Mr. Valladares stated that the tenant, Ms. Houston has been evicted. Ms. Peterson asked if she is still on the property. Mr. Valladares stated that she is in the process of moving out today. She was given until Sunday and then they extended it until today. She has removed most of her stuff. Mr. Andrews asked what the housing complaint is. Ms. Coffin stated that there were several things and most everything has been addressed. The original inspection was back on February 3, 2014. Ms. Guarino wrote a letter to Thyme Gardner, the owner, regarding the repair of the gas stove but the burner was wrong. The board did order several corrections and almost everything was completed. Mr. Andrews asked what was not completed. Ms. Coffin stated that the owners weather-stripped the rear door that had the space, but they did not replace it. Ms. Houston was not happy with the repair and complained there was still some air spaces. The owner put plastic over the side window that was cracked but they did not replace the glass. Mr. Andrews stated that the board asked for it to be sealed. Ms. Coffin stated that they did seal it but had not actually replaced the glass yet. Ms. Houston kept complaining about the screen door but when Ms. Coffin found that the screen door did close. Ms. Coffin stated that she does not understand what the complaint is about the screen door. Mr. Andrews reviewed what the board talked about at the last hearing and what items the board asked to be completed from the enforcement order. He discussed the immediate violations that were corrected such as the window being sealed with plastic and that the screen door be capable of being shut, so it appears that the landlord did what the board asked. Ms. Mastria stated that the big issue was the gas water heater which was repaired the next day. Ms. Coffin stated that the town plumbing inspector also checked out the gas water heater repair. Ms. Peterson stated that after discussions with Mr. Sabatt, the park receiver, the park manager needs to be notified when something like this is coming about because it could potentially cause problems and he should be aware. She was concerned when she was in the office one day and Ms. Guarino had to sit and listen to the parties about restraining orders, eviction, etc. and Ms. Guarino should not have to deal with that. Attorney Chuck Sabatt should also be notified. Mr. Sabatt is present at this evening's meeting. Mr. Andrews stated that the resolution by the board was to ask that certain things be corrected. Everything was corrected with the exception of the window being replaced until the weather gets warmer. The landlord did address everything that the board asked for her to address for the safety and well being of the tenant. The board is only concerned with health and welfare of a

tenant. Ms. Peterson stated that Ms. Guarino should not get stuck on the phone with someone who complains for over an hour. If the tenant will not allow the owner to enter the premises to make corrections, then maybe the property manager, Rudy could have intervened. Ms. Mastria stated that had the property manager known about the complaint, maybe this would not have ever been brought before the board at all. Ms. Coffin stated that she understands that but when the health office receives a complaint, the office has to do the inspection and the investigation required by the Board of Health. Mr. Andrews stated that is correct but still try to keep the property manager informed. **Ms. Peterson made a motion to take no action at this time for the landlord did all that was requested by the Board of Health. Mr. Andrews seconded. All in favor.**

- 6) **APPROVE THE MINUTES FROM THE MEETING DATED FEBRUARY 12, 2014** – Ms. Mastria made a motion to approve the minutes dated February 12, 2014. Mr. Andrews seconded. All in favor

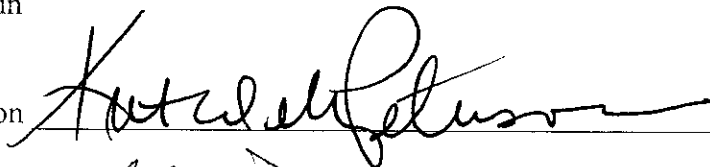
- 7) **APPROVE THE MINUTES FROM THE MEETING DATED FEBRUARY 26, 2014** – Ms. Mastria made a motion to approve the minutes dated February 12, 2014. Mr. Uitti seconded. All in favor

Mr. Andrews made a motion to adjourn. Mr. Uitti seconded the motion. It was unanimous and the meeting adjourned at 7:58 P.M.

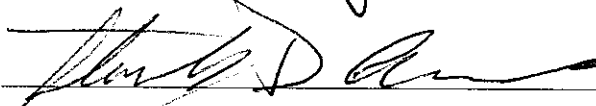
Respectfully taped and typed by
Lisa Collett
Secretary

Reviewed and approved by
Cynthia A. Coffin
Health Agent

Kathleen Peterson



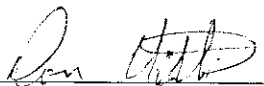
Stanley Andrews



Galon Barlow

ABSENT

Don Uitti



Kelly Mastria



cc Board of Selectmen/Town Clerk