

TOWN OF BOURNE BOARD OF HEALTH

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Terri Guarino
Health Agent

2016 AUG 18 AM 9:41

TOWN CLERK BOURNE

MINUTES April 27, 2016

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice-Chairman; Don Uitti, Secretary; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:02pm

- 1. Daniel Barrett – Director, Department of Integrated Solid Waste Management (ISWM) – Operations Update.** – Mr. Barrett stated that current operations is that they are still in Phase IV Stage 2. This cell is scheduled to last through December of 2017. The Phase IV Stage 1 cap project has been completed. Mr. Barrett stated that he is holding back some money to the contractor to ensure spring cleanup is completed. Mr. Barrett stated that he has begun to excavate Phase 6 area. Cape Cod Aggregates is part of the land purchase deal to take some of that material. Mr. Barrett stated that he will be seeking town meeting approval on Monday to construct Phase 5. This will be a very small cell containing approximately 200,000 cubic yards. It's located off to the left as you drive in through the gate. DEP requested that it should be filled to make the grades work better. Mr. Barrett stated that he anticipates that this will last about 8 months. His intent is to build it now and fill it primarily with ash and keeping the MSW fill in Phase 4 Stage 2. The lower that he can keep of the garbage they take the easier it is to control the gas. Hopefully the gas will become of some value again. He is trying to keep it all in one space. Mr. Barrett stated that he has gained MEPA approval so he will go ahead and apply with the State asking for the authorization to construct next week. Hoping to get this out to bid in early May. Most likely before DEP's approval. His goal is to have this constructed within this year. As far as timing goes, it will allow them to put all the ash up there and get it filled as quickly as possible, then get it capped. Meanwhile he will still have Phase 4 Stage 2 to work in on windy days to try to keep the trash down wind and keep the litter out. Combining these two cells should last into the summer of 2018. That will give about 2.5 years to get Phase 6 excavated and the rest of the permitting process complete as well. Mr. Andrews stated that referring to Stage 5, you are talking about a July 1, 2016 start. Are they cutting into the liner of the existing cell to tie in that

new liner? Mr. Barrett answered no. The existing cap will be included as part of the liner. It will be laid up against it and it joins in. They will not be cutting into it. If that should change, he will make sure the board is informed. This was supposed to be done last year but he just could not get to it. There are 4 or 5 wells in that area they he is having trouble with. They are old wells and he would like to re-drill them as part of this project or the next construction project. They are good wells so he wants to re-drill them and make use out of them. This project will also come before the Board of Health before anything is actually done. **New land purchase** – The Board of Selectmen has approved the purchase of a 12 acre parcel directed to the south of the current ISWM drop off center. The real estate transaction is currently being finalized. Mr. Barrett stated that he hopes to relocate the ISWM office out there and use this area to stockpile materials from the Phase 6 excavation that will be used in the upcoming construction projects. Ultimately, ISWM would like to request that the Town and the Board of Health consider a site assignment for this land for waste handling operation only. No landfill use. This will allow the location of any new alternative waste handling operation that the town may wish to consider as well as a new residential drop off center sometime in the future. If the town does decide to into Phases 7 and 8 that will require a change in that site assignment as well. The land where the transfer station is located right now at the drop center is that is site assigned and permitted for waste handling only. If he wants to landfill there they will need to change the site assignment. The question will be does the town want to do 25 acre parcel and the 12 acre parcel together or split them up. Timing wise it really doesn't matter either way. **Landfill Tour** – At the request of the board, a tour of the ISWM facility was held on April 19, 2016. Mr. Uitti, Ms. Mastria from the Board of Health as well as the Health Inspector, Jamie Butler all attended the tour. The meeting resulted in several good questions and some action of the ISWM staff to assist the board and fire department of increasing the safety and efficiency of the response to emergencies at the facility. Mr. Barrett stated that he hopes to hold these tours on a regular basis to keep everyone up to speed as the facility continues to evolve. Mr. Barrett stated that a lot of the problem is when someone does get hurt at the facility, it's difficult for emergency response to locate them at times. Street signs and building description is a good thing. Ms. Mastria stated that she felt it was a great idea that the firefighths and police would go through on Tuesdays just to get familiarized with the layout of the facility. Mr. Barrett stated that yes, there are always emergency personnel touring the facility. **Harvest Power** – Mr. Barrett stated that Harvest Power was unable to negotiate a power purchase agreement with the public utility, EVERSOURCE and was forced to drop out of its site development and lease agreement with the town. ISWM continues to move forward searching for interested providers of alternative disposal options. Mr. Barrett stated that this did not really come as a shock. He knew things were going south with respect to these types of projects. Energy is so cheap right now that it is really hard to justify building something like that. It's a 35 million dollar investment. DEP is having trouble determining their emissions regulations. They are starting to add new requirement to the emissions part of it. After speaking with someone at Harvest Power, they

had to include that possibility in the price to give to Eversource. The public utilities just kinda cut the project at the knees. **Singlestream Recycling** – ISWM has been working with the recycling committee and the DPW on the rolling out of the new singlestream recycling program. There is a handout that describes the program specifics. Mr. Barrett stated that they have conducted several public outreach programs and various group gatherings throughout the town. Director of Facilities, Jonathan Nelson, has been spearheading this project with the assistance of Mr. Phil Goddard and the DPW Superintendent, George Sala on the Town's side. The recycling committee has been working hard with the outreach and public education program. The group plans to mail out an educational flyer to all residents of Bourne in early June and have the flyers available for distribution at two interested parties at many upcoming public events. Mr. Nelson mentioned to Mr. Barrett that he hopes to have the cart purchase contract finalized this week. Distribution of the carts will begin on July 1, 2016 and be completed by August 1, 2016. The DPW truck retrofits will be and the program is scheduled to be fully underway by August 1, 2016. Looking at the flyer, singlestream carts are pictured and each resident will receive 2. These are 96 gallon containers. Only one of them will have the imprinted lid which is the one to be used for recycling. Mr. Barrett stated that he is pretty sure some of the board members have seen the big yellow truck around Bourne already. DPW has two of these trucks that are designed to pick up the carts as part of the automated system. Instead of trying to spend all the capital at one time to purchase a fleet of these trucks, they have looked into the possibility of retrofitting the existing trucks with tailgate lifting pads which is what DPW has done and they work very well. Mr. Barrett stated that singlestream recycling is not a real difficult concept. It designed to be simple to higher the rate of participation. Right now the entire country is shifting towards singlestream. There are some down sides to it but the census is among recycling people is that the gain of participation outweighs the loss of the negatives. Mr. Barrett stated that the items are sorted at a special facility. Right now the facility ISWM is using is up in Westwood MA called L. Harvey. This is a pretty impressive system and just keeps getting better all the time. Mr. Barrett stated that once the program starts nothing will need to be sorted for recycling. Everything recyclable gets tossed into the recycle cart. Chipboard can be added as a recyclable. Mr. Barrett stated that only 1 and 2 narrow neck plastic bottles at this time. It will be difficult to handle a large amount of plastics right now during this transition. Later all plastic containers will be recyclable expect for foam and Styrofoam. Mr. Barrett stated that as soon as a resident receives their barrels, go ahead and start with the new singlestream recycling program. Keep in mind that nothing in the recycle container should be bagged. Bags can ruin the recycle machine. On the rubbish side, still bag everything. Garbage should always be bagged. Also shredded paper is not allowed in the recycle container. That should be bagged and put in the rubbish container. Plastic seals from containers, plastic drink pouches and small plastic bags etc. is not allowed in the recycle container. Those items will jam up the recycling machine. Mr. Barrett stated that the enterprise fund at ISWM is paying for all the containers and the new singlestream program. No tax dollars are being

used. The recycling center at ISWM will also have singlestream containers for public use. ISWM is still asking residents to separate cardboard from singlestreaming because it is still worth some money. Glass is also requested to be separated at the landfill because although glass is not worth any money, the landfill uses it in place of stone for drainage etc. Mr. Barrett reiterated that at curb side, put everything that is recyclable in the recycling container. If you want to visit the landfill drop off center then he would like the glass and cardboard separated. Mr. Andrews asked what the procedure is once the recycling trucks pass through the gate. Mr. Barrett stated that the trucks go back to the singlestream transfer station which is where the bailing building used to be. Mr. Barrett stated that each container will be equipped with a tracking device. If a homeowner sells their property, the barrels stay with the house. If someone claims their barrels were stolen, they can be tracked and found. Mr. Barrett stated the barrels are 96 gallons. If a residents fills the 96 gallon barrel and proceeds to put bags of trash outside of the barrel, that trash will not be picked up. This system also regulates the amount of trash per household. Mr. Barlow stated that there will be a lot of issues with this new system and Mr. Barrett will need to be prepared to address them once these questions come up. The board thanked Mr. Barrett for his update. **No action was taken at this time.**

- 2. Renew Variances for Tier III Beaches pursuant to 105 CMR 445.100; electric Avenue, Gray Gables/Gilder Road Monument Beach and Sagamore Beach. Discussion and vote to extend variances four years requiring bacteriological testing one prior to the bathing season and every thirty days thereafter where there has not been a single exceedance for two consecutive years and water are of low health concern.** Ms. Guarino stated that there are 4 beaches which those variances to be renewed. They get renewed every 4 years. There has not been much change to any of these beaches. Things that would be sources of contamination like wildlife, construction, human introduced sources of nitrogen, dredging things of this sort. There was a new house constructed by Gilder Rd Beach but that didn't have any impact and is considered to be of low health concern. There have been no exceedances in the bacteriological water quality. Ms. Peterson asked if these tests are on record. Ms. Guarino stated that they are recorded on spreadsheets from data collected from Barnstable County Sampling Program. **Ms. Peterson asked if there is a motion to approve. Mr. Andrews stated so moved. Mr. Uitti seconded. It was unanimous.**

- 3. Kathleen Peterson – Discuss and possible vote on clarification of policy with regard to any information and questions outside of the Board of Health.** – Ms. Peterson turned the meeting over to Mr. Andrews. Mr. Andrews stated that the board has meet and discussed with the Selectmen over several different items. One of the things that the Board of Selectmen have impressed upon the Board of Health is their concern about cost and expenditure of money. The board feels that any request that needs to be made for outside consultation should come out of the Board of Health with a vote. That way the board can monitor what is being spent. They will

have a board of consensus and try to curve back on some off the expenses that are going out to the different consultants. Ms. Peterson stated that the board should be able to answer any questions and work as a group. The Health Agent, the office staff and the board will decide most issues. Ms. Peterson submitted a document for everyone to read. It is a very simple request form which can be downloaded into the computer and sent electronically. Mr. Andrews stated that the board should be able to do electronic signoffs. If it is something that is urgent and can't wait until the next meeting, a voice vote over the phone may be possible with authorization. It has been done before with ISWM regarding whales to be brought in etc. Ms. Peterson stated that they have been over this a number of times and it is the only way this will work. It is a reaffirmation of the policy that the board has now. This way with 3 members having to approve, there is nothing that the board isn't aware of. Ms. Mastria stated that anything that is outside of the realm of what they do interoffice so that would be like obviously Town Council, if the office wants to contact town council they can't. Ms. Peterson stated that only unless it was something done at a meeting that is outside of the Board of Health. Anything that might, may, shall, anything that is going to come in front of the Board of Health has never ever ever before went to town council before it came to the Board of Health. It's just not going to continue. Mr. Andrews stated that they have done this with engineers and consultants that they have brought in before, site assignments on other facilities, here in town etc. Ms. Peterson stated that obviously if there is a meeting in town hall that they are not part of they can't control that as it has nothing to do with the Board of Health. But anything else that might come before the Board of Health it absolutely needs verification by board vote. Ms. Peterson stated that if everyone is in agreement, this will go to Tom Guerino, Robert Troy, All the Selectmen, Steve Mealy, and Barry Johnson in the morning. Ms. Mastria asked Ms. Guarino if she is with them on this. Ms. Guarino stated that she feels it is inconsistent with the policy of the town. This will be detrimental to the performance of the office. It is pretty ambiguous so she does not agree with the policy. Ms. Mastria asked if there was a copy of the written current policy. Ms. Guarino answered no. Ms. Mastria stated that she trying to understand and clarify this whole thing. If Ms. Guarino is stating that it is inconsistent with the current policy then there must be a policy somewhere. Ms. Mastria stated that this issue has come up because it is probably not the first time this has happened. Ms. Guarino stated that it's the Town Charter, not a written policy of the board. Ms. Peterson stated that there is nothing in the town charter on this at all. This is a policy of the Board of Health and the Board of Health sets policy for the health office. Ms. Peterson stated that this will be the new policy that the board will undertake. The charter merely states that the Board of Health sets policy and the only variation that the agent has is if there is an emergency and something is done without authorization then within 48 hours the agent must submit a full written explanation as to why to the board. Mr. Andrews stated that was a previous policy before it was voted on in the past. Ms. Peterson asked Ms. Guarino if she was sending messages out from her tablet or just taking notes. Ms. Guarino stated she was just taking notes. Ms. Peterson stated that it is something new that Ms.


Guarino has her tablet out during a meeting. Mr. Barlow stated that he has read the document that Ms. Peterson passed out this evening and it is pretty much was the policy always was. In the past year or so things have changed somewhat. There were a lot of discussions here particularly when Mr. MacNally was on the board about who had the right to access and how that would happen. The board always knew what was going on. Ms. Mastria stated that Ms. Guarino is part of this group and she is getting a vibe that Ms. Guarino could care less what the board is talking about and does not want to be part of the conversation. Ms. Guarino stated that she feels she already stated all that she feels comfortable stating in a public meeting. Ms. Mastria stated that Ms. Butler and Ms. Collett are at least listening to the conversation and not typing on their iPad or computer. This is done because we all want to work together. Obviously for the past year, the board has been finding that it has not been a very cohesive effort to work together. Here we are trying to do this and Ms. Guarino has absolutely no desire to be part of what they are talking about. Ms. Guarino stated that doesn't feel there is anything that she can say during a public meeting other than it kind of conflicts with her job description. Ms. Mastria stated that as far as the job description, she would have to read through it but she feels having a conversation about it and trying to get past something and trying to get to a point where we can all work together. Ms. Peterson asked what does Ms. Guarino have that states she does not have to follow the direction of the Board of Health. Ms. Guarino stated nothing but that is not what she is implying. Ms. Guarino stated that if it conflicts with the Town Charter, policies or duties of the Health Agent, she must do what she is instructed to do by the Town Administrator. Ms. Peterson started this does not conflict with Town Charter. If Ms. Guarino is in another meeting like an enforcement meeting, there is nothing the board can do if she is sitting there speaking with Mr. Troy or any other attorneys that may be present. Mr. Andrews added or any consultants that come in to help with the agent's duties. But the policies that the board sets for the way things are enforced in the Town of Bourne as the board sets different policies and variance/changes to the State law that is there. Ms. Peterson stated Ms. Guarino does not have the authority to call town council or anyone else for that matter without board approval. That is something that this board has always discussed openly and put in the meeting, put in the minutes and the board discusses whether to have town council brought in or not. Ms. Peterson stated that she does not understand why there is consistently a problem with this. Ms. Mastria stated that there is a difference. There is that line. There are times when the agent will be able to contact town council without the board approval but on the other side there are times when she can't without board approval. Things that require board approval or consideration you should inform the board. Mr. Barlow stated that he is not trying to offend Ms. Guarino but Mr. Guerino should be sitting here to decide where the line should be drawn. This is really difficult for Ms. Guarino because she is a department head and does work for Mr. Guerino. Mr. Barlow stated that Ms. Guarino works for the Board too. He can understand that it's got to be really confusing for her and for the board where lines should be drawn. Ms. Peterson stated that this has been discussed a number of times with Mr. Guerino before. Ms. Mastria

stated that if there is an ambiguous line then why not just ask a questions. It's a simple question before you take the initiative to do something. Mr. Andrews added to keep the communication open. Mr. Barlow stated that he is just trying to see this from Ms. Guarino's perspective. All the department heads answer to Mr. Guerino. **Mr. Andrews made a motion that the board amend its existing policy in regards to engaging with Town Council, outside vendors and consultants with the following policy. From today forward the attached form must be accompany any and all requests to speak with or engage with Town Council, any other outside vendors regarding matters that pertain to the Board of Health issues prior to any action thereof. This form must be signed by 3 members of the Board of Health. This will be done to stop any non-essential communication without the Board of Health approval. It will also stop any miscommunication between the boards and/or council. Cooperation between the board and their agent is a must. Any requests or inquiries made without the authority and approval of this board is a dangerous precedent to be given to a single person. This is a policy change to protect the honor and integrity of the Board of Health. It will be adhered to at all times with any items that may, shall, before and/or in the future come before this board. If the form is not attached, please consider this an unwarranted request and a violation of policy and procedure of anyone making such request. Absence of this form will not be tolerated by the board. Mr. Andrews added part of this motion will be that the signatures can be electronic approval and through a phone conversation as well.** Ms. Collett asked if she could make a comment. Ms. Peterson stated yes. Ms. Collett stated that with everything that goes on in the office and there is something that we may not abide by, what control does the board have on the staff. The board is not a hiring or firing authority. Mr. Andrews answered that they set policy for the board. Ms. Collett asked if the staff does not comply it is just that they don't comply. Mr. Andrews stated that the Board of Health has no enforcement ability with that. Ms. Collett stated that she doesn't understand why this is being discussed. Mr. Andrews stated because the board had policy and the policy should be followed. Ms. Collett stated that the policy may not always be able to be followed. Ms. Peterson stated that with an emergency when the policy can't be followed, within 48 hours, you will inform the board as to why the policy was not followed. It's very simple. If there are any questions what so ever, a simple phone call, and an email to inform the board. Ms. Collett stated that her concern has more to do with the work load. There are some board members that will request information to be done during the work day. Ms. Collett stated that her obligation is to Ms. Guarino and to the residents of the Town of Bourne and then to the Board of Health. So if there is something that a board member may need, it may not be able to be provided immediately. Mr. Barlow stated that this is not what this discussion is about. **Ms. Mastria seconded the motion. It was unanimous.**

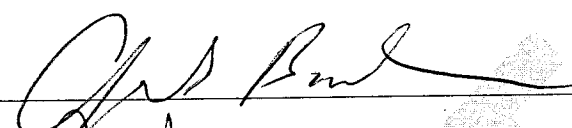
- 4. APPROVE THE MINUTES FROM April 13, 2016. CONTINUED until the next meeting dated May 11, 2016**

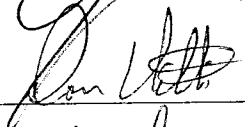
Ms. Peterson made a motion to adjourn the meeting. Mr. Andrews seconded the motion. It was a unanimous vote and the meeting adjourned at 8:04 PM.

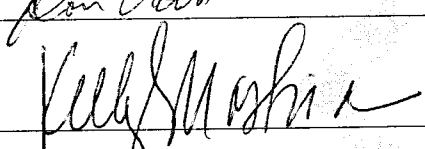
Taped and typed by Lisa Collett, Secretary

Kathleen Peterson 

Stanley Andrews _____

Galon Barlow 

Don Uitti 

Kelly Mastria - 

cc Board of Selectmen/Town Clerk