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TOWN OF BOURNE
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TOWN OF BOURNE BOARD OF HEALTH

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Terri Guarino
Acting Health Agent

MINUTES June 24, 2015

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

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

1. **ISWM – Dan Barrett – Single Stream Recycling Update, Discuss and Possible vote – Mr. Barrett was not yet present for the meeting so the board agreed to move onto the next item.** – This was heard as item number 3. Mr. Barrett was present for this meeting. Mr. Barrett stated that on June 10, 2015 they discussed the possibility of a Single Stream Recycling Station. During that time Mr. Barrett applied to DEP under a general permit to recognize a change in operation. DEP has indicated that they are in support of this project. They will waive the 30 day waiting period associated with a general permitting process if the Board of Health agreed with the operation. The speed up here is that there is an opportunity for ISWM to pick up 5 towns on Cape Cod. Mr. Barlow stated that he has never seen single stream recycling and asked if Mr. Barrett could briefly explaining the process. Mr. Barrett stated that single stream recycling is everything you recycle now separating bottles, cans and paper, cardboard, chipboard etc. will from now go into one container. The group they are looking to work with now is Harvey and Son. There are two reasons why ISWM is bringing this forward. One is because the town is looking to go single stream. It is a lot more efficient, a lot less dangerous then having the guys out there trying to sort at the curb. It is cheaper. It typically tends to increase recycling rates. DPW has purchased two single stream trucks. Each resident will receive one container. What ISWM is concerned with right now is if they were to go single stream, they would need some place to take it. Obviously that takes the bailer out of operation. They would need to either take it to a transfer station to consolidate or take it up themselves in a smaller truck to a processor. This will give them some opportunity to make some additional money. It is also an opportunity for town to have some place to dump their single stream. The down side of ISWM going in alone is when the recycling markets get tuff, which they are, the first thing the bigger companies do is tell the smaller companies that they are not needed any

more and can no longer handle their recycling. If they are consolidated with 5 other towns it will be more difficult to get turned away. The opportunity to get involved is here now and the town should take advantage of it. Mr. Barlow stated that the town will not have a processing facility on site. The town will just receive it and transfer it. Mr. Barrett stated that was correct. Mr. Uitti asked if all recycling will be in one bag with no sorting. Mr. Barrett stated that was correct. Mr. Barrett stated that there will be no commitment and they will not be signing any contracts so if it looks like it is not working out then they just simply stop single steaming. Ms. Peterson asked who will be purchasing the containers for the residents. Mr. Barrett stated that will be discussed at the next town meeting but ISWM will be purchasing the containers. Mr. Barlow stated that it does make a lot more sense to have all the recycling in one bin. The labor for picking up trash is disappearing. Mr. Barrett stated that not a lot of people know this but solid waste has always been OSHA's top five most dangerous jobs. The town pays a lot out in insurance and he is just trying to mechanize it. Ms. Peterson asked what will be done about odor from this project. Mr. Barrett stated that Mr. Andrews had 3 questions for which he has no answers for. Ms. Peterson asked that Mr. Andrews share his questions. Mr. Andrews stated his questions are, what is going to be done about odor, what is the timing of when it can be done and when do they move into the building. Mr. Barrett stated that what he can do immediately is that he has 3 complete misting systems. One is in the bailer building working now. One is on the road way going up and then there is a backup in case one of the other two systems goes down. They have a third system that they can put into the bailing building temporarily while they get Global in there to get it done. Mr. Barrett stated that he does not anticipate that taking too long. Once he gets a hold of Global, it could be done in a week. Mr. Barlow stated that the residents already recycle this material and now they want to single stream recycle. Why would that cause more odor? Mr. Andrews stated that there will be more odor because of the 5 other communities from down Cape that are not as diligent as we are here in Bourne. Mr. Barlow stated that if the other communities are not as diligent then ISWM can tell them if they do not clean up the recycle then they are out. Mr. Andrews stated that by the time that happens, it smells and the residents in the area are complaining. Mr. Barrett stated that it is something that ISWM will need to take care of. Ms. Mastria stated ISWM could sent out some best practices to the towns that will participate and just hope that they follow them. Ms. Peterson stated that she would like something signed by the towns that are going to join that they are to stay on the best practices. Mr. Barrett stated that he can also work with the company that is doing the processing, Harvey and Sons, because when they receive stuff like that, they are not happy. Mr. Barrett stated that the other thing the DEP launched on them is that they want to include in the permit that single streaming recycling will not count as solid waste against the towns daily tonnage limit. Mr. Barrett just wants the board to be aware of that. Mr. Barrett stated that he was pretty surprised by that and is not sure how he is going to handle it. DEP is a function of MEPA. Mr. Barrett stated that they are looking at a small scale thing. Only about 30 to 40 tons per day. He is hoping to build on that. The long range plan would be kind of like the transfer station.

They would start small, develop this and maybe in 2 to 3 years it develops into something big enough where they can afford to bring the capital money forward to add onto the existing transfer station. That is the goal. Ms. Peterson stated that the board will not meet again until the end of July and asked Mr. Barrett if he would like to come back before the board with an update on this. Mr. Barrett stated he was looking to get a vote tonight but can return in July with an update. **Mr. Barlow made a motion to support this contingent upon the fact that Mr. Barrett supplies the board with a plan that is acceptable to address the odor. Mr. Andrews added to the motion to have this continued until Mr. Barret provides this plan within 7 days. Mr. Barlow stated that was fine. Mr. Andrews seconded the motion. It was unanimous.**

2. **6 FOURTH AVE – CONTINUED from June 10, 2015 – Terri Guarino - Failure to correct violations from housing inspection conducted on March 27, 2015 – Property owned by Sergio Souza** – Ms. Guarino stated that there aren't any updates since the last meeting however late this afternoon she received a call from the contractor who stated he had pulled the building permit. Over the phone Ms. Guarino was told the work would be completed by the 29th of June. Mr. Figueiroa stated that he is the licensed contractor hired for this project. Since he was hired, he informed Mr. Souza that he could only do the job in June. Mr. Figueiroa stated that he has just been diagnosed with Lyme's Disease and has been sick and unable to work. Mr. Figueiroa had another doctor appointment and has been cleared to go back to work. He is certain he can have the work completed by June 29, 2015. Ms. Peterson asked what Mr. Souza has contracted him to do. Mr. Figueiroa stated that he has a list which includes steps, change a door, floor inside. He did not have the list with him at the time of the meeting so was not sure what else was on it. Ms. Peterson asked what kind of guarantee the board can get that the same thing will not happen because what has happened now is the health department has had to deal with these same issues constantly. Mr. Figueiroa stated again that he can guarantee that all the work will be completed by June 29, 2015. Mr. Barlow stated that the back door does not open and does not work right and then when you come out of that door, the steps were built right up to the door and there is no landing. That is not to code and it is not acceptable. Mr. Figueiroa stated that everything will be brought up to code. Ms. Peterson stated that the last time the work was supposed to be done, the tenant said she could vacate the property so they could work. Since the work was not completed, they must work around the tenant's schedule which will mean that they will work during the day and she should be able to come home at night. Mr. Souza stated that yesterday he tried to contact the tenant to let her know they were coming to work but she did not answer or phone. Ms. Kalkanis stated that she is insulted after that last statement. She stated that she is sick and tired for being blamed for Mr. Souza's nonsense. Ms. Kalkanis stated that she is a pretty easy going person and is very easy to contact. Ms. Peterson asked Mr. Souza how he tried to get hold of Ms. Kalkanis. Ms. Peterson asked if she could see Mr. Souza's phone to prove he tried to get hold of her. Ms. Kalkanis stated that she did not have her phone but wished she did because her phone will show no call from Mr. Souza.

Mr. Barlow stated that issue is not the phone. The work needs to get done. No more excuses. Ms. Peterson asked what day they will be showing up. Mr. Figueiroa stated that it will be this Friday, the day after tomorrow. Ms. Peterson asked what time. Mr. Figueiroa stated around 8:30am. Mr. Barlow stated that if someone from the board drives by the property around 8:30am will he be there working. Mr. Figueiroa stated yes. Mr. Uitti stated that he lives right next door practically so he could do the drive by. Ms. Peterson stated that on Friday afternoon, she would like Mr. Souza to call the Health Office by 3:00 pm and tell them what has been completed. She also wants Mr. Figueiroa to tell them what the next date and time is that he will arrive again. Ms. Mastria stated that it should be the next business day. Ms. Mastria asked if there was a way to prioritize for the tenant so that the work is done in the least intrusive way. Ms. Guarino stated that is should be discussed right now. Ms. Kalkanis stated that she is usually out of the house on Monday, Wednesday and Friday from 8 am until 2 pm. Mr. Figueiroa stated that he will be there on both Friday and Saturday. Ms. Kalkanis stated that they did come and try to fix the door for about 1 and ½ hours but now, when it rains, there is a huge puddle in the hallway from the door not working correctly. Ms. Peterson reiterated again that on this Friday, Mr. Figueiroa will show up at 8:30 in the morning and showing up on Saturday. Mr. Uitti will do a drive by and other board members will be doing drive by inspections for those 2 days. Also a list must be submitted to the office showing what has been completed each day. Ms. Mastria suggested that the door get fixed on Friday because Saturday rain is expected. Mr. Andrews stated that Mr. Souza is still being fined every day. He is not setting a very good case for an appeal of these fines by not getting these things done. Mr. Barlow stated that the first priority should be the door, the stairway and the landing. This is really a public health risk. Ms. Kalkanis stated especially with the electricity issue that she had for the first 5 months living there. Mr. Barlow stated that the electricity has already been fixed. Ms. Kalkanis stated yes. Ms. Peterson asked Mr. Figueiroa if he was comfortable stating that the work will be completed by June 29, 2015 because that is the time he will be given. Ms. Mastria asked at what time on Monday, June 29, 2015, will the work be completed. Mr. Figueiroa stated it will be done before the end of the work day. **Mr. Barlow made a motion to take no action at this time. This will be discussed at the next Board of Health meeting and hopefully it will be all done. Mr. Andrews seconded the motion. It was unanimous.**

3. **24 CENTRAL BLVD – CONTINUED from June 10, 2015 - Request of Health Agent to discuss situation regarding abandoned property – owners are George, Frank and Lauren Hitchcock – This item is also taken out of order** – Ms. Guarino stated that unfortunately, there has not been any change. There have been some phone calls but that is all. Ms. Gibbs stated that they now have a signed purchase and sales agreement. Mr. Hitchcock stated that the Purchase and Sales Agreement is contingent upon getting a building permit. If all that goes through than the closing will be July 16, 2015. The new owner will be in contact with the Building Inspector. Mr. Andrews asked about the trailer and

the nephew. Ms. Gibbs stated that the trailer is still there as well as the Nephew. Ms. Gibbs stated that the nephew is aware that he needs to be off the property by July 1, 2015. Ms. Peterson stated that the board wants him out tomorrow. Ms. Peterson asked if the police could go out and arrest for trespassing. Ms. Gibbs stated no because one brother did sign something allowing the nephew to stay on the property. It's a civil matter and they can't make them leave. Ms. Mastria asked if the brother, Lauren Hitchcock, who is allowing the nephew to stay on the property could sign something else stating the nephew needs to vacate the property immediately. Then he can be evicted. Ms. Peterson stated that the board wants a letter signed by Mr. Lauren Hitchcock by tomorrow. At that point the owners can call the police regarding trespassing. Ms. Guarino stated that one issue when she was there last which was about one week ago the nephew Shane was working on the trailer. He was working on the axel so one of the wheels was removed. Ms. Gibbs stated that she believes the axel has been fixed. Ms. Guarino stated that it should be able to be moved now. Mr. Andrews stated that it can be moved without an axel. It can be towed. Mr. Barlow suggested that there be witnesses when Mr. Lauren Hitchcock signs the letter because he is ill. Ms. Guarino stated that after speaking with Roger Laporte, She thought it was just a notification that the buyer needs to pull a permit to demolish the building immediately. It is going to take a while to get the actual building permit. Ms. Guarino asked how the trailer will get removed if the nephew is refusing to leave. Mr. Andrews stated to just have it towed off the property. Ms. Gibbs stated that they will not have any money to hire someone to tow the trailer until after the 3rd of July. Ms. Peterson stated that this is not the board's problem to have the trailer moved. It is the Hitchcock's problem. Ms. Peterson stated that the Board of Health is ordering Mr. Hitchcock to remove the trailer. Mr. Hitchcock asked supposed they get a buyer that will buy the land. Ms. Peterson stated that the board can't get involved in that. She suggested Mr. Hitchcock speak to an attorney. **Mr. Andrews made a motion to CONTINUE this item until the next meeting with the fines continuing to accrue. Mr. Uitti seconded the motion. It was unanimous.**

4. **GENERAL DISCUSSION – Terri Guarino – General discussion of local board of health regulations, schedule of licenses and fee, brief update –** Ms. Guarino stated that some towns have adopted and changed their tobacco regulation smoking age from 18 years to 21 years. Mr. Andrews stated that someone from the tobacco board should be requesting a hearing. Ms. Guarino stated if the board is interested in a discussion she will have it arranged. Ms. Guarino stated that any local regulation that the board may be interested in she can get information to them. Ms. Guarino stated that some towns have cesspools as an automatic failure for Title 5 inspections. Ms. Peterson stated that she would like to see that change because people are using it as a loop hole to get through transferring there property with a cesspool. Ms. Guarino stated that if a septic fails a Title 5 inspection they have the 2 year time period to upgrade the system. Either the seller or the buyer can assume that responsibility. She has heard of other towns initiating a fee after the 2 year time expires if they have not yet

upgraded the system. Which can be enforceable. Mr. Andrews stated if Ms. Guarino has programs like that the board would like to see them presented to the board in black and white and bring it up for discussion again. Mr. Andrews stated that he has reviewed the recommendation submitted to increase the fees but what he does not see is some of the markups but it does not show what some of the other communities are charging as well. Mr. Andrews stated that he would also like to see justification as to why these fees are being increased. How much time and effort is involved to justify the increases. Ms. Peterson stated that she feels that the first inspection fee should definitely be \$50.00 and if the agent has to go back out then it should be \$150.00. This should also apply to housing inspections. Mr. Barlow stated that he agreed. If the reinspection fee is significantly higher, people would be more inclined to have it done and over with. Ms. Guarino stated that the reinspection fee can be challenging to enforce because of different situations. Mr. Barlow stated that could be left up to the agent's discretion. Mr. Andrews stated that if Ms. Guarino goes out on an inspection and has found something wrong. Then she goes out to re-inspect and it is still wrong then the next reinspection should be charged \$150.00 before she can sign off that it's been corrected. Ms. Guarino stated that would work for Certificate of Compliance for septic systems but for housing issues, she is out re-inspecting frequently. They fix one thing and she goes out to look at it. Then another issue will be addressed and fixed and she goes out to inspect that again. Mr. Andrews stated if there is a time limit for the issues to be corrected and the time has run out but the issues have not been addressed or fixed then the \$150.00 fee is appropriate. Mr. Andrews stated that in Wareham, they pay an annual inspection fee for all their rentals. Ms. Peterson stated that then property owners will claim they are renting to family members to avoid the fee. The office does not have a time or the personnel for that. Mr. Barlow stated to have Ms. Guarino think these over again and resubmit for discussion at a later date. Ms. Peterson stated that she agrees with paying \$1.00 per page for copies of the Board of Health regulations because that is what they charge at the Registry of Deeds. Ms. Guarino moved on to discuss the meeting minutes. Ms. Guarino stated that how they are done now is a transcript is rather obsolete. Very few departments in any town still require transcript minutes. Per open meeting law, it is not a requirement. Per town charter, it is not a requirement. Per Town of Bourne bylaws, it is not a requirement. They are extremely time consuming. Ms. Collett is very far behind right now and will not have an opportunity to be able to catch up. The office has constant interruptions and distractions so trying to listen and type word for word is very time consuming. Mr. Andrews stated that his concern is that he has worked on several committees in town and where they transferred over to condensed minutes, shortened, abbreviated, you lose the intent of the discussion and the information. Mr. Andrews stated that he has heard read back in legal opinions, minutes that were kept meticulous back in the 1950's, that brought out the clear intent of why something was done. Condensed minutes leaves up interpretation for someone else later on. Ms. Guarino stated that when she is going through old files at the counter with a resident and she is flipping through 6 pages of minutes to try to get the point. Mr. Andrews asked if the audio version

of the minutes would still be available. Ms. Collett answered yes, it is downloaded onto the computer. Mr. Andrews stated that as long as that remains maintained then he would feel better about this issue. Ms. Guarino stated that the minutes are stored on a drive and she could even copy them to a flash drive if someone requested them. The audio minutes last forever. Ms. Guarino stated that the minutes will be typed with main, key points of the meeting which will reduce the time it takes to type them verbatim and will be beneficial for everyone. Mr. Andrews stated that he would like to see that written as policy before the board votes on it. Ms. Peterson instructed Ms. Guarino to add this to the next meeting to take proper vote on it. Ms. Peterson stated that the board should immediately state that the minutes not need to be transcribed. Ms. Mastria agreed. Ms. Mastria stated that the times anyone would need to go back and listen to the minutes of a meeting are going to be so infrequent. Ms. Mastria stated that it is important to have the audio version of the minutes but the time consuming efforts to have to type word for word is so obscure. Mr. Andrews stated that the minutes from the Wind Turbine Regulation were extremely long and tedious. One of the meetings went from 7:00 pm until 11:00 pm. Those minutes and the way we kept them supported the board in discussion regarding the regulation. Ms. Peterson stated that the board can always request a set of minutes to be verbatim at any time. Ms. Guarino stated that the joint inspections have been going very well. Just the other day she went out with Building Inspector, the Deputy Fire Chief and the Fire Chief to a motel on Scenic Highway. It was a good experience for the hotel manager and all who participated in the inspection. Ms. Guarino stated that the office has been very busy and trying to keep up with all the seasonal openings. Ms. Peterson stated that swimming pools are an issue to be put on an agenda. The board needs to be very clear and maybe put something in the newspaper as to what size pool needs a fence. Ms. Guarino stated that they all need a fence. Ms. Peterson stated that the regulation needs to be made clearer. Mr. Uitti stated that he has a swimming pool regulation book that he would be happy to share with the board. Ms. Guarino stated that she does receive a lot of calls from people because they don't understand the fence regulation. Ms. Peterson stated that she is seeing big inflatable and easy installation pools going up all over town with ladders in them with no one home. This is a huge safety issue. Ms. Peterson stated that the regulation should read, if there is a pool bigger than a wading pool then you must have a fence. Mr. Andrews stated that it should also include hot tubs and swim spas. Mr. Barlow suggested a public service announcement might be helpful. Ms. Guarino suggested to have the retail stores that sell these pools also have something posted informing the consumer that there is a town regulation they must abide by before even purchasing the pool. **No action was taken. Discussion only.**

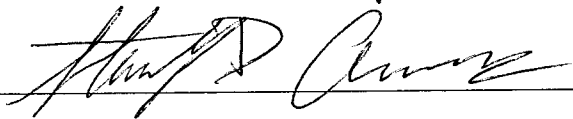
Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 8:03 PM.

Taped and typed by Lisa Collett, Secretary

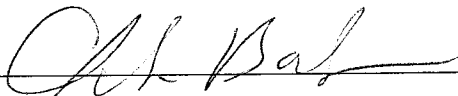
Kathleen Peterson



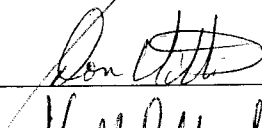
Stanley Andrews



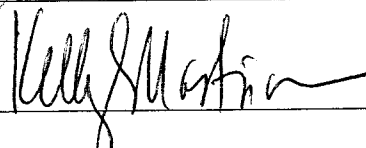
Galon Barlow



Don Uitti



Kelly Mastria -



cc Board of Selectmen/Town Clerk