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TOWN OF BOURNE BOARD OF HEALTH

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TOWN CLERK BOURNE

Meeting MINUTES

September 27, 2023

Meeting was called to order at 05:30 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

1. Attendance.

Board Members in Attendance: William Doherty, Donald Uitti, William Meier, and Barbara Princiotta (Zoom)

Staff Members in Attendance: Terri Guarino, Marlene McCollem, Bryan Bertram (Zoom), Deon Wills (Zoom), Stacey Burgess (Zoom)

2. Public Hearing on amending the Regulation of the Bourne Board of Health Restricting the Sale of Tobacco Products to incorporate modernized U.S. FDA minimum standards, Massachusetts state law and regulations, and update local policy decisions.

The Board revisited their prior discussion during the workshop and summarized what they were conclusively looking for. Ms. Sarah McColgan, the Tobacco Control Program Director of the Massachusetts Health Officers Association, came to the podium to discuss the tobacco regulations.

Miss Guarino asked for clarification on the smoking bar bans, emphasizing that she did not think there was a decision made on that item.

Miss Guarino also brings up that there was written testimony provided to the Board.

Miss Guarino highlighted the new fining structure, questioning if that is the route that they would truly like to take.

Ms. McColgan came back to the podium to discuss the state law and its fining structure. Mr. Doherty and Ms. McColgan discussed the regulations. Miss Guarino provided her input.

Ms. Princiotta states that she would rather wait and take one more look at the regulations so that they do not leave any loopholes. Mr. Meier agrees and states that he would want to postpone the vote. Miss Guarino suggests that the Board reviews that the regulations are adequate and that they encompass everything within the discussion. Ms. McColgan provides more information for the Board on the reasoning behind certain regulations.

Ms. McColgan brought up scanners at registers. The Board highlighted that this is a new topic.

Ms. Princiotta suggests that they create a clean copy of the new changes and additions. Mr. Doherty agreed and emphasized how it may be more effective to vote at a later date.

Mr. Rob Bourne of Bourne Bridge Mobil came to the podium, discussing his opinions as a retailer.

Mr. Paresh Patel of Pocasset Country Market came to the podium. He brought products for the Board to show what they are voting to ban. He discussed his opinion on the new regulations as a retailer and seeing these sales first hand.

Ms. Princiotta discusses how the Board is just looking to ensure that the regulations will encompass the goal of prioritizing health and safety in the community.

Mr. Patel furthers his discussion with the Board.

Ms. Princiotta requests that retailers and audience members submit their opinions in writing for the Board to further analyze and discuss.

Mr. Meier made a motion to continue this item to the next meeting. Mr. Uitti seconded the motion. There was no further discussion. All were in favor, and the chair stated unanimous. The motion passed.

3. Town of Bourne Department of Integrated Solid Waste Management – Discussion on Site Assignment Condition No. 14.

Ms. Princiotta preempts the conversation to discuss this may be encompassed as a state board, not a town board, and that with a lack of counsel, she does not find it appropriate to discuss this now. She states that she is not comfortable with this topic.

Ms. Marlene McCollem, the Town Administrator, came to the podium to explain the site assignment letter and condition 14 of that letter. She explains the letter and the process, presenting the details of this item and the involvement of the Board of Health.

Ms. Princiotta comments that she thinks that the Board needs to reopen the assignment and that she does not think that it is appropriate to discuss from a local level.

Mr. Meier asks Ms. McCollem about the resiliency fund.

Mr. Doherty discusses the likelihood of them voting to rescind condition 14.

Ms. McCollem strongly advised against reopening the site assignment.

Mr. Dan Barrett came to the podium to speak on behalf of Integrated Solid Waste Management (ISWM).

Ms. McCollem explains how Town Meeting decides where the money goes.

Ms. Princiotta requests to still speak. She attempts to make a motion to postpone this discussion. Mr. Doherty as Chair does not recognize her turn to speak or her motion.

Ms. McCollem explains that she is requesting that they rescind Condition 14, and that if they want to sponsor an article to put money into the fund, they have the ability to do so at Town Meeting.

Mr. Meier makes a motion to rescind Condition 14.

Miss Princiotta attempts to speak directly to Mr. Uitti and request that he does not second the motion. Mr. Meier states that she cannot influence another member of the board.

Mr. Meier exits the meeting at 6:27pm.

Mr. Doherty seconds the motion. He opens discussion.

Mr. Meier returns at 6:29pm.

Ms. Princiotta expresses her displeasure with the issue, that there is no legal representation, and that she does not find it appropriate so she would like to postpone the vote to run it by counsel.

Mr. Doherty asked for clarification on the revenue. Ms. Princiotta continues to speak. Mr. Doherty tries to speak with Ms. McCollem to have her explain the town policy.

Mr. Uitti asks if this will benefit the town. Ms. McCollem responds and explains the benefits to the town.

Ms. Princiotta advocates in support of postponing for a week.

Roll Call Vote: Mr. Doherty-yes, Mr. Uitti-yes, Mr. Meier-yes, Ms. Princiotta-no. The motion passes.

Ms. Princiotta stated she was considering tendering her resignation from the Board of Health. Mr. Doherty requested that Ms. Princiotta put her resignation in writing. Ms. Princiotta leaves the meeting.

4. 89 Bellavista Dr – Carmen Shay, R.S., C.S.E, on behalf of owner, Joseph Frew Requesting relief from 310 CMR 15.405 and Bourne Board of Health 150' Setback Regulations for a conventional septic system upgrade.

Carmen Shay of Shay Environmental Services came to the podium as representative of 89 Bellavista Dr.

Mr. Shay presents the project, which is a repair to a failed septic system.

Miss Guarino provides her presentation of the project. She discusses how this is a conventional system, not an I/A system.

The Board inquired about the nitrogen loading on the property.

Mr. Meier suggests that Mr. Shay returns with suitable plans and with an I/A system design.

Keith Barber, a Bourne resident, stated that he submitted comments to the board about this project. Miss Guarino states that she emailed those to the Board, and she provided the Board with a physical copy.

Mr. Meier made a motion to continue this item to October 11, 2023. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.

5. 6 Benedict Rd – Owner, Patrick Ross – Requesting waiver from Board of Health regulations for the continued use of the existing septic system to accommodate renovations to a three-bedroom dwelling.

Patrick Ross of 6 Benedict Rd introduced himself as the owner and representative of the project.

He explained the project background. Miss Guarino presents her understanding of the project.

Miss Guarino describes the details and complexities of the project since it is for continued use of an existing septic system for a renovation. The Board questions if this project and the existing septic will meet the requirements of the Board. Miss Guarino explains the state of the project in regards to the regulations of the Board, explaining the complexity of the project since it is technically not new construction. Miss Guarino explains that she is unsure if Conservation has a role to play in the project.

The Board discusses the setback variances and what the project would require. Mr. Meier discusses how the project is not complete and that the project submission as presented is not adequate. The Board states that they are not comfortable with the existing system and that they are looking for an alternative system in order to better meet their regulations. They stated that they believe the variances should be more comprehensive.

Mr. Ross questions what the kind of system that the Board is looking for, and Mr. Meier explained that they are looking at an I/A system.

Mr. Ross requests a continuance.

Mr. Meier makes a motion to continue 6 Benedict Rd to October 25, 2023. Mr. Uitti seconded. There was no discussion. All were in favor, and the motion passed unanimously.

6. Update on 7-Day Warning Letter dated 9/20/23 – Notice of enforcement of Town of Bourne Board of Health Regulations.

The Board discusses the notice of enforcement that was sent. Mr. Doherty discussed that he has not yet heard from the Governor's office, and that the attorney for Eastern Inn sent a letter requesting additional time to review the Board of Health's enforcement notice.

Miss Guarino explains that she received a letter from the Executive Office of Housing and Livable Communities. Miss Guarino read it for the record, and stated that it was provided to the Town Counsel.

- 7. Approve Minutes – Approve the minutes from the previous meetings dated August 9, 2023, August 23, 2023, September 13, 2023, & September 19, 2023.**

Mr. Uitti makes a motion to approve the August 9, 2023 minutes. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.

- 8. Public comment on non-agenda items and discussion on procedures.**

Mr. James Giles of 10 Harbor Way came to the podium to inquire about the acquisition of a septic installer's license. He is requested to appear at a later meeting and to present this matter as an agenda item.

- 9. Comments from the Board in regard to 9/19/23 joint session with the Select Board re: EA housing, Title 5, and the Cape PHC.**

Mr. Meier states that he understands that the Boards have been left to solve issues but that there is no support from the state.

- 10. Health Agent's report.**

Miss Guarino discusses how she will be attending a Health Agent Coalition meeting on Friday and that she is excited to discuss the topics presented at that meeting.

- 11. Adjourn.**

Mr. Meier makes a motion to adjourn the meeting. Mr. Uitti seconds. All were in favor, and the motion passed unanimously. The meeting adjourned at 7:23pm.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Recording Secretary
Edited by: Stacey Burgess, Administrative Assistant