



TOWN OF BOURNE BOARD OF HEALTH

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Health Agent

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2020 MAY -8 AM 10: 29

TOWN CLERK BOURNE

MINUTES

March 18, 2020

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

Support Staff in attendance: Terri Guarino, Health Agent; Kaitlyn Shea, Health Inspector and Syreeta Amaral, Administrative Assistant

Meeting was called to order at 06:00pm

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

- 1. ISWM Update-- General discussion and update on landfill operations with Daniel Barrett, Operations Manager at Bourne Landfill.** Daniel Barrett was present to speak to the Board about the ISWM update. **See Exhibit A.** Mr. Barrett started by explaining to the Board that phase 6 is 95% complete. All that remains is to finish up the heat tracing installation and to install the indicator level in the tank. MA DEP Southeastern region issued a final authorization to operate for phase 6 on January 17th, 2020. Phase 4 Stage 2 of the project is complete and is at final grade receiving intermediate cover in anticipation of MA DEP review of a modified closure design. Stage 5 is also at final grade and is receiving intermediate cover in anticipation of the MA DEP review of a modified closure design. He expects to submit the modified closure design by early April 2020. Mr. Barrett continued with a request to the Board in regards to changing the start time to 6:00 AM for the delivery of Covanta ash. This will provide a cushion to make adjustments for interruptions in normal operations such as seasonal traffic. He noted further that the new start time will be immediately discontinued if the Board of Health or ISWM receives any complaints. Ms. Peterson asked if there were any questions or comments from the Board. Mr. Barlow Jr. noted that we need to make sure that any odor issues are addressed. Mr. Barrett responded that the existing transfer station has a misting system and clear plastic flaps on the doors that were put in place to address dust and odor issues and that the situation will be monitored continuously. There were no other questions or comments. **Mr. Andrews made a motion to allow ISWM to operate starting at 6:00AM for Covanta ash only on a trial basis unless complaints are made to either ISWM or the Board of Health. Mrs. Mastria seconded the motion. Roll call vote to approve. Mr. Andrews...yes, Mr. Barlow Jr...yes, Mrs. Mastria...yes, Mr. Uitti...yes and Ms. Peterson...yes. All were in favor and the motion passed unanimously.**
- 2. Joe Sullivan on behalf of the Bourne Police Department – Discussion and possible vote on interim wastewater solution for the new Bourne Police Station.** Mr. Andrews asked to recuse himself from this agenda item. Ms. Peterson agreed. Mr. Joe Sullivan who is the project manager was present to update the Board. Mr. Sullivan stated that the initial plan was to have the waste treatment facility up and running 2-3 months ahead of the police station completion but due to the DEP and design requirements it extended the bidding time almost 6 to 8 months. As a result of this the new Bourne Police Station is scheduled to open without the use of the wastewater treatment facility. He requests the ability to use the 10,375 gallon waste water tank as a tight tank until the waste water treatment facility is completed. Using the funds from the Bourne Police building project fund, Mr. Sullivan proposes pumping the tank on a monthly basis and the installation of a solar powered, battery operated alarm system so that the water level is never in jeopardy of rising to critical levels. Ms. Peterson asked if there were any

questions. There were no questions. **Ms. Peterson made a motion to approve the interim waste water solution proposed by Project Manager, Joe Sullivan and approved by MA DEP prior to completion of the wastewater treatment plant. Mrs. Mastria seconded the motion. Roll call vote to approve. Mr. Barlow Jr...yes, Mr. Uitti...yes, Mrs. Mastria...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.**

3. **9 Captains Row – Continued from February 12, 2020 – Zachary Basinski P.E. of Bracken Engineering, Inc. on behalf of owners Marjory Baruch and & Wu-The Hsiang- Requesting a variance to locate a proposed SAS on an abutting facility located at 28 Captains Row (owned by BAG Realty Trust, James Gonet and Larry Bruch, Trustees) pursuant to an easement.** Kelly Mastria asked to recuse herself from the agenda item. Ms. Peterson agreed. Mr. Robert Dewar P.E. of Bracken Engineering was present to update the board on the project. The requested updated easement documents were received by the Health Department on February 26, 2020. In response to a prior question from the Board regarding abutters, Mr. Dewar indicated that there was no impact on direct abutters from an environmental standpoint. Ms. Peterson asked if the Board had any questions on the project. There were no additional questions from the Board. **Mr. Andrews made a motion to approve the project due to the system being more than 150' from the resource and is maximum feasible compliance. As an addition to his motion, the easement for 28 Captains Row granted by the owner BAG Realty Trust, James Gonet and Larry Bruch, Trustees states that the property is to be used for this system and not to be used for any other project. This motion includes required I/A testing agreements and all documents to be recorded in the Barnstable County Registry of Deeds Mr. Uitti seconded the motion. Roll call vote to approve Mr. Andrews...yes, Mr. Uitti...yes, Mr. Barlow Jr...yes, Ms. Peterson...yes. All were in favor and the motion to approve passed unanimously.**
4. **305 Circuit Avenue— Marilyn Powers, Owner--Discussion and possible vote on a request for an extension to upgrade a failed Title 5 system.** Mr. Zach Basinski P.E. of Bracken Engineering was present to speak to the board about the project. Ms. Peterson noted that the Health Department was in receipt of a listing agreement for the property. Ms. Peterson asked who the real estate agent on the listing represented. Miss Guarino replied that Tracy Berestecky who is with Kinlin Grover is representing the sellers who are Elizabeth J Powers, Michael Powers and James Powers. Mr. Andrews asked Mr. Basinski how long he needed to prepare the project. Mr. Basinski replied that he needed 90 days. Ms. Peterson asked the board if they had any questions. There were no questions from the Board. **Mr. Andrews made a motion to approve the extension of the upgrade to the septic system for 90 days. Mr. Uitti seconded the motion. Roll call to approve Mr. Andrews...yes, Mr. Uitti...yes, Mr. Barlow Jr...yes, Mrs. Mastria...yes, Ms. Peterson...yes. All were in favor and the motion to approve passed unanimously.**
5. **146 Jefferson Rd – Gregory Morse of Morse Engineering Co., Inc. on behalf of Matthew Donahue – Requesting a 43.20 foot variance from the Bourne Board of Health 150' Setback Regulations to locate an upgraded leaching field 106.8 feet away from a coastal bank.** Mr. Gregory Morse was present to represent the project. He explained that the system located at 146 Jefferson Rd is a failed system that abuts the Cape Cod Canal on the north side of the property. Mr. Morse continues by adding that the plan includes a new MicroFast denitrification tank, a pump chamber and a pressure dosed leaching field which will be located in the front yard. This places the S.A.S at 106.8 feet within the coastal bank which complies with MA Title 5 requirements but does not comply with the Bourne Board of Health regulations that require the SAS to be 150' foot or further away from the coastal bank. Due to the size of the property this is not possible. Ms. Peterson asked if there were any questions from the Board. Mrs. Mastria added only that she would like to hear what Health Agent Terri Guarino has to say about the system. Miss Guarino stated that the 40 mil barrier listed on the plan was consistent with Title 5 requirements and that this system is a significant upgrade to the existing failed cesspool located on the property. Mr. Morse added that the system was also reviewed and approved by the Town of Bourne's Conservation Committee. **Mr. Barlow Jr. motioned to approve the 43.20 foot variance from the Bourne Board of Health regulations requiring a 150' setback from a leaching field to a coastal bank. Mr. Andrews seconded the motion. Roll call vote to approve Mr. Andrews...yes, Mr. Uitti...yes, Mr. Barlow Jr....yes, Mrs. Mastria...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.**

6. **72 Elgin Rd - Raul Lizardi-Rivera P.E. of Cape and Islands Engineering on behalf of owner Tim Bernard – Requesting variances from MA Title 5 and Bourne Board of Health regulations requiring 50 feet from the septic tank to a fragmented coastal bank and 50 feet from an S.A.S. to a fragmented coastal bank.** Mr. Andrews asked to recuse himself from this agenda item. Ms. Peterson agreed. Mr. Raul Lizardi-Rivera P.E of Cape and Islands Engineering was present to speak to the Board on behalf of the project. Mr. Lizardi-Rivera started by informing the Board that this project is for a new dwelling which will be located at 72 Elgin Rd. It was reviewed and approved by the Town of Bourne's Conservation Committee. Mr. Lizardi-Rivera stated that the property is located within a flood zone which created the fragmented coastal bank. Ms. Peterson asked Miss Guarino for her input on the project. Miss Guarino stated that she has had many conversations with Mr. Lizardi-Rivera about the project and that she believes that this is the best solution for the property. Ms. Peterson asked for clarification on what kind of system will be installed at the property. Mr. Lizardi-Rivera responded that the system will be a conventional gravity system. Ms. Peterson asked if there were any questions from the Board. Mrs. Mastria asked Miss Guarino whether she was ok with this system being a conventional system. Miss Guarino stated that with the vertical separation from groundwater being 9' which is almost double the required amount, she was comfortable with a conventional system being installed at the property. **Mr. Barlow Jr. motioned to approve the variances from MA Title 5 and Bourne Board of Health regulations requiring 50 feet from the septic tank to a fragmented coastal bank and 50 feet from an S.A.S. to a fragmented coastal bank. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Barlow Jr....yes, Mrs. Mastria...yes, Mr. Uitti...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.**
7. **Sam's Food Store - 261 Main St. Buzzards Bay – Penalties for violation of the Family Smoking Prevention and Tobacco Control Act and Board of Health Tobacco Regulations.** Mr. Barlow Jr. asked to recuse himself from this agenda item. Ms. Peterson agreed. Ms. Peterson asked Miss Guarino to inform the Board on the incident which occurred at Sam's Food Store. Miss Guarino started by informing the Board that a notice was signed on September 25, 2019 acknowledging the vaping ban emergency order, the store was inspected and passed on October 25, 2019, and Sam's Store was sent the JUUL pod information as additional clarification on December 20, 2019 by electronic mail. On February 12, 2020, Bob Collette of Barnstable County's Public Health Department conducted an inspection at Sam's Food Store and found them not to be in compliance with the Family Smoking Prevention and Tobacco Control Act by selling JUUL pods. Mr. Jawad Nasar who was present at the meeting stated that he was not aware that he was in violation of any regulations and noted that with all of the confusion concerning the new laws this violation was not intentional. Miss Guarino agreed with Mr. Nasar that there have been many changes in regards to this law within the past months and can understand why he could be confused by the new laws. Ms. Peterson asked if the Board had any questions or comments on the item. Mr. Andrews stated that he asked for the office to resend the information due to the format being incredibly difficult to read. When it was resent to Mr. Andrews he still found it to extremely difficult to follow, Miss Guarino stated that Mr. Bob Collette came into the town hall to discuss and explain the new format. He did admit that the new format was causing some difficulties. Mr. Andrews stated that with the new format it is almost impossible to issue an enforcement order. Miss Guarino agreed with Mr. Andrews. Ms. Peterson asked for any other comments from the Board. Mrs. Mastria, Mr. Uitti and Ms. Peterson all agreed with Mr. Andrews's statement that the document was almost impossible to read. **Mr. Andrews made a motion to find Sam's Food Store at fault for selling the contra banded JUUL pods but not to issue a fine due to the clarity of the violation document provided by Barnstable County and the confusion caused by changes in the law. Mrs. Mastria seconded the motion. Roll call vote to approve Mr. Andrews...yes, Mr. Uitti...yes, Mrs. Mastria...yes, Mr. Barlow Jr...yes and Ms. Peterson...yes. All were in favor and the motion passed unanimously.**
8. **Tobacco Regulations - Discussion and possible vote to amend existing Board of Health Tobacco Regulations pursuant to MGL c. 111, §131.** Mr. Andrews motioned to continue this agenda item due to the poor connection on the conference call. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Andrews...yes, Mr. Uitti...yes, Mr. Barlow...yes, Mrs. Mastria...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.

9. Approve the Minutes— Approve the minutes from the previous meetings dated December 11, 2019, January 8, 2020, and February 12, 2020. Mr. Andrews motioned to continue this agenda item due to the poor connection on the conference call. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Andrews...yes, Mr. Uitti...yes, Mr. Barlow...yes, Mrs. Mastria...yes, Ms. Peterson...yes. All were in favor and the motion passed unanimously.

10. Set tentative date for next meeting and adjourn. Tentative meeting date set for May 13th, 2020

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. Roll call vote to approve. Mr. Uitti...yes, Mr. Barlow Jr...yes, Mrs. Mastria...yes, Mr. Andrews...yes Ms. Peterson...yes. All were in favor and the meeting adjourned at 7:09 PM.

Taped by Terri Guarino
Typed by Syreeta Amaral

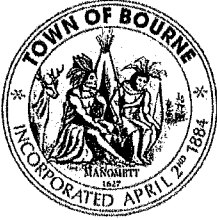
Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____



TOWN OF BOURNE
Department of
Integrated Solid Waste Management



Mailing:
24 Perry Avenue
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(508) 759-0600 Ext. 4

Location:
201 MacArthur Blvd
Bourne MA 02532

TO: Bourne Board of Health

FROM: Daniel Barrett, General Manager
Town of Bourne, ISWM Department

DATE: March 18, 2020

RE: Landfill Update

Phase 6 Construction Progress

Phase 6 is approximately 95% complete, all liner components are complete, the leachate loadout pump station and canopy are complete, installation of permanent electric service to leachate pump station and loadout area is complete. All plumbing connections joining the Phase 6 leachate sump to the force main and new tank are complete. All that remains to be done is to finish up heat trace installation of tank level indicator.

MADEP Southeastern Regional Office issued the Final Authorization to Operate Permit for Phase 6 on January 17, 2020.

Phase 4 Stage 2

Phase 4 Stage 2 has reached final grade and is currently receiving intermediate cover in anticipation of MADEP review of a modified closure design. The modified design will accommodate a proposed vertical expansion on top for the existing landfill footprint as proposed in the Expanded Notice of Project Change (ENPC) submitted to the Massachusetts Environmental Policy Act (MEPA) Group on February 19, 2020.

Phase 5

Phase 5 has also reached final grade and is receiving intermediate cover. Phase 5 will also be considered in the modified closure design. We anticipate submitting the modified closure plan to MADEP in early April of 2020. We have discussed the proposed

modification with them at a previous meeting. We agreed to follow the same design criteria as we did with the modified design on the south slope of Phase 3 Partial Closure Approval dated September 1, 2006.

Permitting Update:

As mentioned earlier we submitted an Expanded Notice of Project Change (ENPC) to the Massachusetts Environmental Policy Act (MEPA) Group on February 19, 2020.

Assuming a positive response from MEPA by early June of 2020, the permitting trajectory has us submitting to the Cape Cod Commission (CCC) by early June 2020 and concurrently we will submit to MADEP for Site Suitability consideration. Assuming a positive finding from the CCC and MADEP we would appear before the Board of Health sometime in mid-September of 2020. These dates are tentative and are dependent on requests for additional information and response timelines associated with each agency's review.

The renewal of the Authorization to Operate (ATO) Permit for the Construction and Demolition (C&D) Transfer Station is due this May (2020). I would like to submit for your consideration the idea of a Minor Modification to the existing permit to accommodate accepting MSW and Single Stream Recycling along with C&D at the transfer station. This would add flexibility for both emergency situations and accommodate future operations.

We would also like to request consideration of a 6:00 AM start time to lengthen the delivery window for Covanta ash. This would provide a cushion to make adjustments for interruptions in normal operations such as summer traffic irregularities. We would ask for a temporary (trial) early opening time starting immediately and lasting through to the anticipated Site Assignment hearings later this year. The trial will be immediately discontinued if the Board receives any complaints regarding the change in operational start time.