



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
www.townofbourne.com/health
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



TOWN CLERK BOURNE

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MINUTES March 13, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow, Jr.; Donald Uitti; and Kelly Mastria via remote participation.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Health Inspector; Carly Cote, Health Inspector, Cassie Hammond, Administrative Assistant.

Meeting was called to order at 6:00 pm

Ms. Peterson asked if anyone was recording at this time no one indicated they are recording at this time.

Mr. Uitti made a motion to call Mrs. Mastria for remote participation. Mr. Andrews second the motion. Mrs. Mastria was called and joined the meeting.

Ms. Carly Cote was introduced as the newest Health Inspector.

1. **55 Gilder Road—Don Sweet, Owner—Continued from March 6, 2019—Title 5 Inspection Requires Further Evaluation by BOH--Property is for sale as a 3 bedroom dwelling. A one bedroom deed restriction was required by the Board of Health as a condition of approval of a waiver for continued use of the existing septic system, permit #38-94, and renovations to the dwelling in 2000. Existing septic system passed inspection on 4/24/18 but number of bedrooms exceeds approved capacity.** Ms. Peterson reviewed the members involved in working on this agenda item: Don Sweet, homeowner, Monique Ward, Realtor, and Peter Valeri, septic inspector and installer. Mr. Valeri, representing the owner and realtor, is present for this agenda item. The owner and potential buyer are all in agreement to install the new Denitrification system. Bracken Engineering has drafted a site plan. This draft was stamped in and distributed for the Board of Health members to review. Mr. Valeri explained that this is a draft plan and it will be updated after the perc test results and further discussions. Ms. Peterson explained we will discuss this evening to establish timelines to have work completed. There was discussion between the Board of Health members, Health department staff, and Mr. Valeri as to what the deed will be amended to and the wording. Mr. Barlow explained why the deed restriction was put in place, as the lot is small. Mr. Valeri questioned the draft agreement not specifying a number of bedrooms. Ms. Guarino clarified there was no number due to no plans being present. Ms. Guarino added to the draft agreement that the amended deed will not exceed three bedrooms. Mr. Valeri asked if the timeline can be established between him and Ms. Guarino. **Ms. Peterson made a motion to amend a draft agreement to start not to exceed three bedroom. The draft site plans were developed and submitted as a show of good faith by the owner and all parties involved. Mr. Uitti seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; Yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**
2. **15 Sanderling Road—Angel Lorena, Owner—Owner is in noncompliance for order to correct violations of State Sanitary Code, 105 CMR 410.00. Owner has requested extension to complete the violations.** Kayla Davis; Health Inspector, reviewed the letter received by the health department requesting a continuance.

Ms. Davis did a re-inspection today and only 13 out of 48 items have been corrected. She continued that a building permit had not been pulled at time of her inspection to begin repairs. She said that since that inspection earlier in the day, the owner came to the building department with a contractor and took out a building permit and showed intent to repair. Mrs. Mastria reviewed concern with less than 50 percent of the violations having been corrected, specifically the items in regard to mold and rot. Angel Lorena, homeowner, and Vinnie Gabriel, contractor, are present for this agenda item. Mr. Gabriel has been hired as a local contractor to review what needs to be corrected, and will ensure the mold remediation is a priority. Ms. Peterson asked if they have received permission to enter from the tenants. Jessica St. Lawrence and David Walsh, tenants, are present for the meeting. Ms. St. Lawrence confirmed they have given permission for contractors to enter the dwelling after 5pm March 13, 2019. Mr. Andrews asked Ms. Angel and Mr. Gabriel their thoughts are on how long it will take to remedy the violations listed. Mr. Gabriel stated he has not been inside so he is unable to make an educated guess on the timeline needed. He continued, saying if the home owner had been notified as these issues arose, they could have been managed. He stated that it is quite an overwhelming list to work on from remotely. Mr. Walsh clarified that the mold issues were brought up by the previous tenant. Mr. Barlow said he would like to give the home owner and contractors' opportunity to get into the dwelling and make repairs. Ms. Peterson again confirmed that the tenants will continue to allow contractors access to the dwelling in order to make repairs to the violations, to which Ms. St. Lawrence and Mr. Walsh agreed. Ms. Peterson asked Ms. St. Lawrence if she will secure the dog at these times of repair and entry to the dwelling. Mr. Walsh and Ms. St. Lawrence confirmed, suggesting they can secure the animal in a bedroom for the time period of inspections and repairs. Mr. Andrews asked what availability the contractor gave as to make the repairs. Mr. Gabriel stated he had not asked this directly, but the contractor he is planning to hire had not indicated an unavailability to work. Mrs. Mastria said since he has not met the contractor or entered the unit he cannot agree to a timeline. **Ms. Peterson made a motion to continue to the next meeting; April 10, 2019 to allow time to get in and view the issues, make timelines, and to keep open communication with the Health Department. Mr. Andrews second the motion and emphasized the need to keep consistent communication with the Health Department. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**

3. **55 Lewis Point Road—Zachary Basinski, P.E. of Bracken Engineering, on behalf of owners, Virginia and Jarvis Peddicord--Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the replacement of the existing septic tank with a MicroFAST de-nitrification unit to accommodate the renovations to the single-family dwelling. Bracken Engineering Request for Continuance. Mr. Barlow made a motion to continue this agenda item to the next meeting, April 10, 2019. Mr. Andrews seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**

4. **924 Shore Road—Earl Young, Owner—Referral from the Building Inspector--Property is in violation of 105 CMR 410.000: The State Sanitary Code, Bourne Board of Health Blight regulations, and M.G.L. c. 111, s.122 which require prompt attention. Possible referral to the Abandoned Housing Initiative. Ms. Guarino; Health Agent, identified when the certified mailings were received, as there were two mailing addresses listed and the Health Department has not heard from the owner of the property. Online records show they were received March 5, 2019. Ms. Peterson reviewed that the Health Department staff cannot go inside the property until they get permission. Mr. Barlow asked if anyone is living there. Ms. Guarino said it is undetermined at this time. She explained there had been a fence surrounding the property somewhat shielding it from view, part of this fence has fallen allowing visibility leading to complaints from neighbors. Ms. Guarino did try to knock on the door, and found there to be 3 front doors, no response at any door. Ms. Peterson said since the owners are not present and have not contacted the office the board spend more time attempting to access. Mr. Andrews made a motion to continue this item to the next meeting; April 10, 2019, in an effort to continue to make contact with the owner and gain access to the dwelling. He continued to say, if the Health Department staff continue to try to gain access with no response by next meeting, this dwelling will be turned over to the Abandoned Housing Initiative. Ms. Peterson second. Roll call vote to**

approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.

5. **Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.** Ms. Peterson made a motion to move this agenda item to number 5 from number 6. Mr. Andrews seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor. Ms. Guarino; Health Agent, reviewed that they have heard some feedback from abutting municipalities and towns which also regulate and require registration and inspections for all rental properties but does not specify short vs. long term rentals. Mr. Andrews clarified that the documents presented do include these differences, and covers daily, weekly, monthly, yearly rentals. Mr. Barlow gave examples of how this could apply. Ms. Guarino said the other alternative would be to specify what the new legislation implies with short term rentals and inspections can be optional with the bylaws and regulations the town decides. Mr. Andrews said he spoke with Wareham and it took 2.5 years to settle and it took much effort and they used outside sources to try and keep up with it. Mr. Andrews asked if the Health Department feels they have the personal in the office now, or will the Health department need additional staff to accommodate this. Ms. Guarino stated they do not have the personal to handle a program of this capacity. Mr. Barlow stated it would be good to take time and review prior to deciding on a regulation. Ms. Peterson said the state has already decided there will be regulations around these rentals, this is the Board of Health's chance to influence what the towns regulations will look like. Mr. Barlow responded this does not have to be the regulation. Ms. Peterson explained these regulations can be changed and brought back in front of the Board of Health as needed. Mrs. Mastria confirmed this should help the town. Ms. Peterson said it will depend on the personal in the office to oversee and at this time the manpower and time allotted is limited. Mr. Andrews reviewed that even if there is a fee charged to the landlords of the rentals this still would not assist the increase of administrative work. Ms. Guarino confirmed this inspectional work would fall under the Health Department. Mr. Andrews said if we do not pull revenue and the selectman do not approve additional staff the Health Department will not have the manpower to support this. Mr. Barlow questioned that if you go to Florida and want to rent your house as a winter rental you have to have your home inspected by the health department yearly. Ms. Peterson confirmed and this is happening state wide. Ms. Guarino reviewed that the office has consulted with a company that does short term rental compliance monitoring and associated services. Host compliance was in attendance at the Massachusetts Health officers Associates Conferences. They offer services to assist municipalities with short term rentals. For example, they offer address identification which uses an algorithm which they run through all the popular search engines to obtain a list of active listings for rental properties within a municipality. They will do compliance monitoring, identifying which of those properties have registered with the town as required, which has received their annual inspection, hotlines for 24/7 complaints that they can field, tax assessment collection forms, tax audit support which other departments within the town may be interested in, and additional services as well. Ms. Peterson said she agrees but as the inspectional department we need to have control first, have the proper personal trained, and then we can utilize the program. Ms. Peterson suggested this be one person. Ms. Davis; Health Inspector, said she spoke with the Wareham Health Department today, and they have one person come in and work 16hrs a week to work on this, along with an existing staff member working a 10hr day on this. In total, they spend about 26hours total and have about 600 rental homes to monitor. Mr. Barlow said this is a large endeavor, and is asking a lot on the Health Department and homeowners. Ms. Cote; Health Inspector, has been contracted to assist with short term rentals in the Town of Wareham in the past, confirmed that in peak season it requires much more than 26hrs a week. **Ms. Peterson made a motion to move this item to the next meeting to continue the discussions. Mr. Andrews seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**

6. **Laura Kelly—requesting to be heard before the Board of Health to discuss Organic Pest Management regulations. Moved to number 6.** Ms. Guarino; Health Agent, stepped off for the remainder of the meeting at 6:37pm. Ms. Laura Kelly; president of POCCA Cape Cod; Protecting our Cape Cod Aquafer. Has gone to 19

towns on Cape Cod and Martha's Vineyard. She explained she will often meet with the selectmen first then she will meet with the Health Department. Ms. Peterson reviewed she had asked Ms. Kelly not use the phrase "public health risk" as Ms. Kelly is not qualified to make that determination. Ms. Kelly agreed, and reviewed that she is not a scientist. Ms. Kelly went over the agencies she has been working with to review and gather research all within the United States, including the Massachusetts Pesticide Board. While attending their conferences she determined it is not set up for the ecology of Cape Cod. She continued, saying she feels they are finding that the state is not willing to move forward to change regulations to protect our drinking water which led her to approaching the towns asking them to volunteer. She understands they cannot ban sale of pesticide products, and reviewed they are often more harmful to bees than people. Feels this issue is not going away and is gaining momentum and feels this can be amended through education. Ms. Kelly explained that she approached the selectman to ask will you volunteer not to use Glyphosate products in town owned land. Ms. Kelly referenced an email from the selectman. Ms. Peterson said she cannot consider this email as more than hearsay due to the Board of Health not receiving this information. Ms. Kelly confirmed she understood this. Ms. Peterson stated she was looking to see more peer reviewed studies. Ms. Kelly said she has half a dozen in the last year. Ms. Peterson reviewed the importance of peer review studies, and how she has spoken with Cape Cod Co-op and UMASS, and one of the things she heard is that The Boards of Health are being asked to write regulations on things that people far above them to go out to test the chemicals and felt The Board of Health may not have the personal to test and manage these regulations. Ms. Peterson reviewed the potential lengthy timeline needed writing these timelines. Ms. Peterson quoted that glyphosate is inert once it dries and does not leach into the soil because it gets completely tied with organic matter up and technically does not dissipate completely upon drying because it is translocating within the plant both stems and roots, which is why it both effective and safe when used properly. Ms. Peterson continued, explaining it is her understanding that Canada banned then overturned it once it was found non-carcinogenic. Ms. Peterson detailed that she has this information available from multiple sources and asked Ms. Kelly if she agreed. Ms. Kelly responded, asking if she could finish her presentation and perhaps it would answer Ms. Peterson's questions. Ms. Kelly explained that 15 countries have banned the sale and use of glyphosate both farmers and personal use. Ms. Kelly identified that Costco has volunteered not to put it not on their shelves, she specified the product as Round-up. Ms. Peterson interjected, reminding her she had specifically requested Ms. Kelly not to use the brand name Round-up due to its legal implications. Ms. Kelly agrees it is very controversial as it is has been used for 30 years, and she encouraged everyone to do their own research. Ms. Kelly reviewed the levels of carcinogens and how it has moved from less harmful to more harmful and third party studies are able to show this, and she is willing to give more abstracts. Ms. Kelly said she heard from the selectmen that all departments responsible for maintaining the town, and verified the Town of Bourne is not using this product. Ms. Peterson agreed it takes someone's passion to change the world. Ms. Peterson reviewed the timeline to write these regulations would be 2-3 years due to the amount of time to research and prepare along with the hearings necessary. Mrs. Mastria confirmed we would need a lot of research to make a decision. Ms. Kelly confirmed she will give more information via the health department office email. Mr. Andrews redirected Ms. Kelly to contact the landfill in regards to her intent to discuss recycling. Mr. Barlow suggested she speak with Phil Goddard to get on the local cable show about an environmental review. Ms. Kelly said her ultimate goal is hoping to have The Board of Health to write a regulation, and offered a team of people to assist with this as she is willing to work and listen and learn together. Ms. Kelly asked if she can add an additional item to the agenda. Ms. Peterson said she will not allow an additional item to be added as was reviewed in previous emails. Ms. Person reviewed the process The Board of Health uses to create regulations, and how The Board of Health cannot make a vote prior to establishing a regulation. Mr. Barlow confirmed this is not something The Board of Health does not want to do, but there is many people The Board of Health would have to work with and this will take a great amount of time to meet and hear from everyone. Ms. Kelly again acknowledged her understanding that Town of Bourne is not using this pesticide. Mr. Barlow stated they would have to work with everyone, not just the town owned land as the regulation would cover the entire town, not specific land. Ms. Kelly stated she will continued to write to the board. Ms. Peterson thanked her for her passion. Ms. Peterson suggested pending with what will happen with the landfill this fall she can come back on the board on hopes some research will have been done by the board. Ms. Peterson said she would like to invite additional speakers at the same time as a learning experience for everyone. Ms. Peterson said this next meeting could

take place in early to mid-fall. Ms. Peterson explained how the regulation could be created and the research that would need go into this. Mr. Barlow said The Board of Health would need to know what Ms. Kelly is wanting to do and why, and everyone impacted would have to be notified and given a chance to attend and be heard at a hearing. Ms. Kelly said she would like to come back in fall, but said the deadline is April 19, 2019 to write a letter. A member of the audience, Lorene Young, shared her enthusiasm to learn more in future meetings.

7. **Approve the Minutes—** Approve the minutes from the previous meeting dated February 13, 2019. The board has not had a chance to review. **Ms. Peterson made a motion to move to the next meeting. Mr. Andrews seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**
8. **Set tentative date for next meeting and adjourn.** April 10, 2019. Mr. Uitti will be available via remote participation.

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. Roll call vote to adjourn: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes; and Ms. Mastria, yes. All were in favor and the meeting adjourned at 7:04 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti via remote vote

Kelly Mastria

