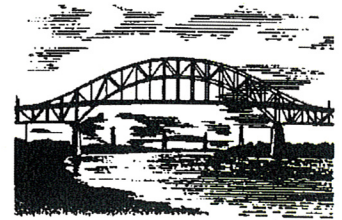


Terri A. Guarino
Health Agent

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



MINUTES September 8, 2021

Meeting was called to order at 05:30pm

Michael Rausch acknowledged he was recording.

RECEIVED
2021 SEP 27 AM 11:25
TOWN CLERK BOURNE

- Members in attendance:** Stanley Andrews, Chairman; Galon Barlow Jr, Vice Chair; William Meier, Clerk; and Barbara Princiotta. **Support Staff in attendance:** Terri Guarino, Health Agent; and Stephanie Fitch, Health Inspector.
- Approve minutes—** approve the minutes from the previous meetings dated May 26th, June 9th, June 23rd, Joint session July 6th, July 14th, and July 28th. Mr. Barlow made a motion to approve all the meeting minutes. Mr. Utti seconded the motion, Miss Princiotta abstained, 4-0-1 and the motion passed.
- Terri Guarino, Health Agent to provide information and updates.** Second positive mosquito sample collected for Barnstable County this summer at Joint Base Cape Cod in Sandwich: One sample of 21 *Culex pipiens/restuans* mosquitoes trapped on Joint Base Cape Cod collected on 8/27 tested positive for West Nile Virus. Testing is only positive or negative, so we don't know how many mosquitoes in the sample were positive. The Cape has got a lot of rain over the past week so please consider this as a reminder to empty standing water in containers on their property and use EPA registered repellents would be appreciated. The Center of Disease Control and Prevention published a new case definition for COVID-19 on August 24th. The major difference is that some cases will be classified as "suspect" cases if conducted at home and not by a Clinical Laboratory Improvement Amendments (CLIA)-certified provider. You may notice a change in how the state reports metrics to include these suspect cases that have this "supportive" laboratory evidence but not considered to be confirmed by a CLIA-certified RNA test or genomic sequencing. Throughout the summer we have been seeing an increase in the number of cases and have about 63 active cases presently with a percent positivity as of last week of 3% which has increased to about 3.4% for this reporting period. We have been utilizing the VNA of Cape Cod for our COVID-19 contact tracing and will be working with the county health department as well since they are in receipt of grant funding. This will cover the costs that the town incurs relative to contact tracing once this is implemented. An ad has been placed in the Cape Cod Times for upcoming hearings to discuss the amendment of our existing Board of Health Title Transfer Inspection Regulations on whether or not cesspools pass inspection. This was done at the request of the Chairman and will be on the September 22nd agenda.
- Daniel Barret, General Manager of ISWM—Updates on Phase 4, Stage 2 and Phase 5 Closure and Utility Project, progress the Leachate PFAS Removal Project, and Status of Expansion Permitting Process.** Mr. Dan Barret was present and gave updates on Phase 4, Stage 2 and Phase 5 including the new flexible membrane liners on the side slopes, two new additional gas wells going in, and the new gas collection system going in on Phase 5 which was entirely ash. Any slopes that need repair from the 6-7" of rain will be completed shortly. Mr. Andrews asked how the leachate collection capacity has been with all of these rain events. Mr. Barret said that it was empty before and that they have been proactive. Mr. Asa Mintz, Operations Manager presented on the PFAS Removal Project which started out in November and ran for a few months. There were steps of filtration and an absorptive media which the PFAS can collect on. It did develop some buildup so they stopped and retooled the

process to see what was fouling the media. They collaborated with the CDC engineers and after some testing it was primarily iron and iron sulfides causing the issue. The second process recommended included aeration and clarification in addition to filtration and treatment. This eliminated the buildup on the treatment media. There are many unknowns but it has been tested at these levels and has been effective and below limits. This is a new process and Bourne is ahead of the game. There will need to be solidification to follow and additional steps in the future. Mr. Meier said that it is great that they are the guinea pigs and if the state and CDC are challenged by this then they really applaud Bourne for leading the way. Mr. Andrews said that they ran 35,000 gallons through this current setup and asked if there have been iterations to the initial system. The clarifier is the second system. The bench test was a small flow rate, then 10 gallons/minute per day, and the landfill could make at a maximum 60 gallons/minute per day so the design could be for up to 100 gallons/minute per day as a rough estimate. Mr. Barret clarified that these methods are for groundwater discharge testing and they are trying to get ahead of the game. Mr. Mintz added that it's been challenging to get the labs to get the results to the lowest results possible. Leachate is such a challenging matrix. Mr. Andrews said the facility has been an excellent test bed for contaminants of emerging concern for landfills, that Bourne has been looking into the future, and that we thank them for that. Mr. Barret added that the Town of Bourne may be cutting edge to solving a major health issue same with the hydrogen sulfite scrubbers. Right now there are two permits moving concurrently; one being the site suitability with MassDEP and, the other being the Cape Cod Commission Process. They have been before the Cape Cod Commission subcommittee for three meetings and are scheduled to go back before them on the 13th of September. From there the subcommittee's findings will move to the full Cape Cod Commission on the 23rd of September. They are typically every two weeks on Thursday nights. Mr. Barret went through the process with MassDEP and the estimated timeline which would make the Board of Health hearing process around Christmas time. There was no further comment.

5. **Rod + Rail—149 Main Street—Owners Matt Hennessey and Jennifer Reid--Requesting issuance of food permit conditioned on the future installation of ADA compliant bathrooms.** Mr. Barlow recused himself for this agenda item. Both Ms. Reid and Mr. Hennessey were present. Mr. Andrews referred to the minutes of the July 14th meeting where the number of toilets was in question not the ADA compliance specifically. There was discussion regarding whether the bathrooms were going to be unisex or gender specific toilet facilities. The plan is to add a third unisex bathroom that meets the ADA standards. The plumbing inspector and building inspector are on board with this plan. Miss Guarino agreed that the restrooms are unisex and were set up that way during an inspection that was conducted on the 26th of August. Miss Princiotta wants to know if it could be completed by December 31st since everything is lined up. Ms. Reid does not think that that timeframe will be feasible for them. Mr. Andrews added that at that same time is your license renewal and that they would like to see the bathroom completed by then and they could have an approval contingent upon preliminary and final inspection by the office. Other committees and boards have nothing to do with the Board of Health. Would like to see the license renewal take place with the new bathroom completed prior to the upcoming calendar year. If they hit extenuating circumstances they could come back before the board. Gakidis and Stewart Design Center is doing the architectural and there is already rough plumbing in place. Miss Guarino asked if a permit in place and construction underway would be sufficient for the 2022 food permit renewal since we ask that they are renewed by December 1st, not the 31st when they expire. Mr. Andrews was not in favor of that. The owners said they would like to open on Friday the 10th of September following all town inspections and approvals. **Mr. Andrews made a motion to grant Rod and Rail the issuance of their food permit and that they continue their work towards their ADA and bathroom count compliance and that that be good for until the end of the year and if more time is needed they can come back before the Board in November. Mr. Uitti seconded the motion, all in favor and the motion passed unanimously.**
6. **To the Rescue K9, LLC – Ken Brady, Owner - Proposing a new Dog Training and Boarding business at 10 St. Margaret's St in Buzzards Bay. Board of Health to discuss new establishment and possibly vote.** Mr. Barlow stepped back on and Mr. Brady went on to state that he has received a conditional use permit from the Planning Board but will go back before the Planning Board tomorrow night for a Special Permit for this business. Mr. Andrews said that any approvals would need to be conditioned on that. Mr. Brady explained his business and that they are not a doggie daycare by any means and are a structured training facility. There was discussion on the

plans to upkeep any dog waste. **Miss Princiotta made a motion to approve To the Rescue K9, LLC subject to the special permit and written policy relative to the waste management. Mr. Uitti seconded the motion. All in favor and the motion passed unanimously.**

7. **67 Lewis Point Rd – Zachary Basinski P.E. of Bracken Engineering on behalf of owner Michael Leary – Requesting relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 1.2 foot ± increase from the 3 foot maximum depth allowance of system components and a 94 foot ± reduction in the required 150' setback from a soil absorption system to a Coastal Bank. Mr. Zac Basinski explained that this was a red-stamped system in 2016 but the homeowners are willing to put in an I/A system even though the leaching is greater than 150 feet away to complete a renovation. This will reduce the total nitrogen to 4.4ppm. Miss Guarino reiterated this. Mr. Basinski also presented floor plans for the three-bedroom home and Mr. Andrews asked to see the master bedroom opened up so that the closet would not be used as a bedroom. Mr. Barlow made a motion to approve the variances requested for 67 Lewis Point Road with the plans amended by the Engineer and to include the alternative testing policy and a three-bedroom deed restriction to the property. Mr. Uitti seconded the motion. All in favor and the motion passed unanimously.**

Chairman Andrews exited the meeting at 6:45PM and turned the meeting over to Mr. Barlow

8. **4 Fabyan Way- Bradley Bertolo P.E. of J.C. Engineering on behalf of owners Cologero and Orietta Cimino- Requesting relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 36.7 foot reduction from the leaching facility to the edge of a Salt Marsh. A 57.3 foot reduction from the leaching facility to a Coastal Bank and 4.5 foot reduction from the leaching facility to the front property line. Mr. Brad Bertolo explained that the system was determined to have H-10 components and to be a failure since it is under a driveway and is structurally deficient. Miss Guarino described that the system is sited as far away as possible from the resource area but is a conventional gravity system, not an innovative/ alternative system. Miss Princiotta asked why the proposed system is not an innovative/ alternative system. Mr. Bertolo explained that the system is still functioning it just needed to be changed to H-20 components. Mr. Barlow said that this is the opportunity of the board to get some nutrient removal. The Board members discussed and agreed. Mr. Bertolo wished to discuss with his clients and review options. Mr. Uitti made a motion to continue to September 22nd. Mr. Meier seconded the motion. All in favor and the motion to continue passed unanimously.**
9. **49 & 53 Maryland Ave – Raul Lizardi-Rivera P.E. of Cape & Islands Engineering on behalf of owner Russell Keeler - Requesting relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 10 foot reduction in the 10 foot required separation from the S.A.S. to a property line. A 129 foot reduction from the S.A.S to a coastal bank and greater than 3 feet of cover over septic components. Mr. Raul Lizardi-Rivera described the project which includes a reduction in bedrooms to rebuild a one-bedroom bungalow on this family compound. This will eliminate a septic system in close proximity to the resource area and combine the two systems into one I/A system as far away from the resources as possible. Miss Guarino said that this provisional system is designed to have less than 11 mg/L of Total Nitrogen and that the owners are fully aware of the operation and maintenance requirements that go along with this technology. Mr. Barlow mentioned the possibility of a seven-bedroom deed restriction. Mr. Meier said he would like to see an impervious barrier where the setbacks are reduced. There was discussion amongst the board members. Miss Princiotta made a motion to approve the variances requested including a 10 foot reduction in the 10 foot required separation from the S.A.S. to a property line, a 129 foot reduction from the S.A.S to a coastal bank, and greater than 3 feet of cover over septic components with the addition of an impermeable liner. Mr. Uitti seconded the motion. All in favor and the motion passed unanimously.**
10. **Set tentative date for next meeting and adjourn—the next meeting will tentatively be scheduled for September 22, 2021 at 5:30pm. Mr. Uitti made a motion to adjourn the meeting. Mr. Barlow Jr. seconded the motion. All were in favor and the meeting adjourned at 7:05 PM.**

Taped & Typed by Terri Guarino, Health Agent

