



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Remote Meeting MINUTES July 27th, 2022

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TOWN CLERK BOURNE

Meeting was called to order at 05:32pm

1. Attendance

Members in attendance: Stanley Andrews, William Meier, and Barbara Princiotta
Support Staff: Terri Guarino, Kaitlyn Shea, Deon Wills, and Viveca Stucke

2. Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.

A. Public Hearing on August 10th, 2022

Miss Guarino highlighted that the office has contacted the Cape Cod Times, and that the legal notice for the Public Hearing on August 10 was posted. She specified that the purpose of amending the septic regulations is to make them more cohesive and straightforward. She emphasized that these regulations date back 20-30 years, so that it is important that they are updated to reflect modern day standards and procedures.

B. Conservation Commission & BOH Filings

Miss Guarino discussed that she has been collaborating with the Town of Bourne Conservation Agent, Stephanie Fitch, so that their boards can work more cohesively regarding permitting and variances. She highlights that they have met with Town Counsel to confirm that shall be done concurrently. Miss Fitch and Miss Guarino have committed to make sure that the administrative records parallel one another so that the processes run more smoothly.

C. COVID-19

Miss Guarino highlights that there was an increase in positivity to slightly over 8%. She discussed that this did not include at-home tests, which have been growing increasingly popular. She emphasizes that Barnstable County is at moderate risk, and that with developing variants, people need to ensure that they are staying safe by getting vaccinated, not gathering in large groups, and utilizing at-home tests. She also introduced how there has been a new vaccine approved as a primary series called "NoraVax", and that it is an emergency use operation for those who are 18 years or older. Miss Guarino discusses that the Cape Cod Times published an article regarding the free COVID tests that the department has which has triggered citizen interest in the resource. She adds that there has been increased traffic at Town Hall due to citizens coming in to pay their taxes and purchase their beach stickers, so Town Hall has been a convenient location for people to obtain

tests. The Health Department has continued distributing them to other departments within the building, as well as providing them to outside sources like the Jonathan Bourne Public Library, the Council on Aging, and the Marinas.

D. Monkey Pox

Miss Guarino updates the board on the spread of Monkey Pox, and how as of July 26, 2022, the case count for the United States was 3,591, with Massachusetts having 96 confirmed cases total. She re-emphasizes that the JYNNEOS post-exposure vaccine is still available to those who live/work in Massachusetts and meet the CDC's eligibility criteria. She states that this is through appointment only, and that there are still only 4 designated health care sites available; Fenway Health in Boston, Massachusetts General Hospital sexual Health Clinic in Boston, Boston Medical Center Infectious Disease Clinic in Boston, and Outer Cape Cod Health Services in Provincetown.

Miss Princiotta inquired about Monkey Pox, and asked for clarification regarding where the highest case counts are, and if it is spreading in cities like New York City and Chicago more rapidly/ Miss Guarino confirmed that, and stated that with most infectious diseases, there is a heightened case count where there is a larger influx of people.

E. West Nile Virus

Miss Guarino highlights that there were West Nile positive mosquitos that were detected in Sandwich, which means that there will be more surveillance into the status for Bourne. She re-emphasizes that people need to ensure that they avoid contracting this disease by wearing bug spray, limiting skin exposure, and avoiding leaving standing water on their property.

F. Public Health Excellence Shared Services Grant

Miss Guarino discussed the Public Health Excellence Shared Services Grant, and how she has been in communication with the Barnstable County Department of Health and Environment, Town Administrator Marlene McCollem, and Town Counsel regarding the usage. She states that this grant is a non-binding agreement, and that she foresees that the majority of municipalities will be participating in this. Miss Guarino highlighted that it is the next step in the field of Public Health and that it will provide a quantifiable benefit for the town. She states with the provision of the grant, she would utilize it for enhanced services to aid our town, specifically in regards to the implementation of a short term rental inspection program.

Mr. Andrews inquired about any other potential services that the grant could be utilized for, and that if there is a written regulation that they could view prior to voting. Miss Guarino states that since Public Health is such a versatile field, the options for the grant are not limited. She emphasizes that the governing board has yet to make a determination on any specific items or limitations, but that since it is a dynamic field, it is difficult to narrow down any specifics. Miss Guarino also highlighted that although the Bourne Health Department is well staffed, other communities are not as fortunate to be able to conduct basic statutory inspections, whereas Bourne just needs an enhanced service such as the short term rental inspection program.

Mr. Andrews states that he has not achieved a comfort level with this grant due to a lack of clarification on the specifics of the grant. Mr. Meier discussed that the additional workload may be over the top, especially considering that there is no specifics on what the grant will encompass. He concurred with Mr. Andrews that he would like to see a written statement or regulation regarding the grant's boundaries. Miss Princiotta stated that she is concerned that the Health Department would be stretched too thin and that she values the time of the employees so she would not want there to be too much pressure on the office.

3. Brief update on certain properties with violations of Title 5 of the State Environmental Code, 310 CMR 15.000, and noncompliance with orders to upgrade sewage disposal systems:

Miss Guarino began by stating that the temporary Administrative Assistant, Viveca Stucke, has been moving this project forward since joining the team, and has worked in collaboration with Deon Wills and Kaitlyn Shea so that the Health Department can track down failed systems which have fallen through the cracks. She states that 5 properties in particular are of concern. Miss Guarino emphasized the procedure that typically these systems fail during a Title V Inspection, the reports are provided to our office, we file them, and then there is an order written to the owner of the property to enforce repair/replacement, and that they are given advice and resources on how to proceed.

A. 26 Massasoit Ave

Miss Guarino reviewed the timeline for this property. She stated that there was an initial inspection on March 20, 2019, and that there was an enforcement letter sent on March 26, 2019 because the system was described as a failed system, and the owner/operator was ordered to upgrade within 2 years pursuant to 310 CMR 15.303 and 15.305. Their failure to upgrade is a violation of 310 CMR 15.024.

Miss Guarino highlights that this property has submitted an application for the board, but that it was ruled as incomplete due to a number of reasons.

Mr. Andrews questioned the notification of the property owner, and how the names differ on the different enforcement letters. Miss Guarino clarifies that the Title V inspection was triggered so that it inherently means that there would be a title transfer.

Mr. Andrews further inquired about the application that was submitted, and Miss Guarino explained that it was in no way Title V compliant and that it could not have gone in front of the board.

Karen West introduced herself as the property owner for 26 Massasoit, to which Mr. Andrews asked for a clarification on the timeline. Miss West stated that she took possession of the property on November 1, 2019. She explained that the emergence of COVID-19 altered her plans and made it difficult to move forward. She states that there has been recent movement, and that her engineer has submitted a permit and plans but that they are now being revised.

Mr. Andrews inquired about who the engineer is, and she stated that she is working with Earl Lantry.

Mr. Andrews also questioned if Miss West was aware of the issue at the property prior to her purchase, and she confirmed.

Mr. Andrews questioned the rest of the board on their preferred timeline. Miss Princiotta states that since plans were already submitted and since the project is still in the process, she would like to see that a set of revised plans is submitted within 2 weeks to 30 days. Mr. Meier agrees and states that the revisions should not be too extensive since the primary work for the project is done. Mr. Andrews concurs that 30 days is a reasonable length of time to submit a completed application to the office. Miss Guarino highlights that within 30 days, the application should be completely scheduled and complete so that the board can consider specific timelines for installation. Miss Guarino emphasizes that since they are planning a tight tank, the processes should not be extensive.

Miss Princiotta makes a motion that 26 Massasoit has to file by August 27, 2022 with a complete application to be put on the agenda. Mr. Meier seconded the motion. Roll call vote as follows: Miss Princiotta- yes, Mr. Meier- yes, Mr. Andrews- yes. Motion passes 3-0-0.

B. 4 Wenaumet Bluffs Drive

Miss Guarino highlights that this property is a very unique circumstance and that it was brought to our attention after B & B Excavation had viewed their records and they had specific questions. Miss Guarino states that she and Deon Wills witnessed the Title V Inspection for the property after discovering that it was such a sensitive area. She states that they determined that the existing septic system had failed due to being less than 50 feet from the Pocasset River, and that they had less than a 5 foot separation from groundwater. She highlights the timeline and that due to

the extended length of time, she does not believe that the original proposed solution for the project would be suitable. She discusses that there was originally a proposition of a Microfast with I/A technology, but believes that due to limited lot area they should move into a different direction such as a tight tank.

Mr. Andrews states that he is comfortable with requiring that they have 30 days to complete an application so that it can be put on the agenda. Miss Guarino concurs and states that she knows that the engineers involved in the project have not been reliable which has contributed to the delays. She also discussed that if they venture down the route of a tight tank then the installation process should not be too lengthy.

Mr. Andrews states that he is bothered that there was a design that was approved prior and that there was no follow through on the installation. He emphasizes the necessity to have this project completed swiftly.

Mr. Meier questions if the property is currently occupied. Miss Guarino explains that to her understanding there is one individual residing in the residence. She also states that there is a large interest in the property which may have affected the occupancy.

Miss Princiotta concurs with the prior discussion and states that she thinks 30 days is a diligent time frame for installation.

Miss Princiotta makes a motion to give 4 Wenaumet Bluffs 30 days to complete an application and be put on the BOH agenda. Mr. Meier seconds the motion. Roll call vote as follows: Miss Princiotta- yes, Mr. Meier -yes, Mr. Andrews -yes. Motion passes unanimously 3-0-0.

10 MINUTE RECESS- Miss Guarino had to discuss an urgent matter with Bourne Fire.

C. 10 Foretop Road

Miss Guarino explained that on January 13, 2014, a Title V inspection was conducted and there was an order to upgrade within 2 years via an enforcement letter sent on January 16, 2014. She explains that after the house was put on market, the office received multiple complaints regarding the status of the house and the property, and how it is a public health concern. She explains that the septic system failed due to how the leaching field is not adequate for the number of existing bedroom's and cannot meet half the days flow. Miss Guarino explained that she and Miss Shea conducted a drive by inspection on 7/26/22.

Mr. Andrews begins by highlighting his disappointment in the inadequacy and danger of this property due to the fencing and pool. He discusses how this has become a matter of danger.

Miss Guarino note that Assistant Health Agent Kaitlyn Shea has left the meeting to deal with an urgent matter with Bourne Fire.

Miss Guarino concurs with Mr. Andrews that this property is a danger, and she highlights that it was a foreclosure and that it is bank owned.

Mr. Andrews inquires with the process of posting the house, and Miss Guarino states that the Building Inspector and Fire Chief have determined that it is safe for entry for emergency personnel which means that it cannot be posted. Miss Guarino states that her intention is to make contact with the abandoned housing authority tell have them aid in the issue.

Mr. Andrews inquires about the process of securing the fence around the house, and if they could approach this internally so that the empty pool does not serve as a danger. Miss Guarino stated that she is not sure of that procedure but that there has been difficulty contacting the owner so any route of communication is limited. She also highlights that the fence was installed poorly and that there was a brick retaining all which has made the structure difficult. Mr. Andrews stated that it does not look safe, and Miss Guarino emphasized that the fence does not meet local regulations. She emphasized that she believes that the next step of contact is to begin issuing fines since there have been no other successful routes of communication. Mr. Andrews concurs with this and emphasizes that the Title V noncompliance is not just the primary issue, but that so is the fence. He discussed the possibility of contacting past contractors that have worked on the property and Miss Guarino explained that this has been attempted.

Miss Guarino discusses how \$300 a day fines can be issued from the administrative level and that she is comfortable with that method until the issue is resolved.

Mr. Meier asks for clarification on if they can contact another department within the town to assist with this issue and to secure the property. He emphasizes his worry for if a young person is to fall in the pool and that he considers this an emergency situation. Mr. Andrews responds that he does not believe that any other departments could be involved.

Miss Guarino states that she will confer with Town Counsel to see the possible routes to resolve this issue. Miss Princiotta questions if they can reach out to the attorney that works for the LLC and if that can be utilized for contact.

Mr. Andrews asked for clarification on the fines, and Miss Guarino explained that it would be a \$300 fine per day and since it would be done through the administrative level they could appeal it to the district court if not paid within 21 days. She explains that she will discuss the situation with town counsel.

Miss Princiotta makes a motion to engage Terri to apply administrative fines and to pursue legal avenue against 10 Foretop to have the pool secured. Roll Call Vote; Miss Princiotta-yes, Mr. Meier-yes, Mr. Andrews-yes, motion passed unanimously 3-0-0.

Mr. Andrews discusses the failed septic that dates back to 2014, and he questions any responses. Miss Guarino states that there has been some contact that has been made but that they were unaware of the issue and it seems that the property has been forgotten about. She states that she is still exploring other routes to communicate with people connected to 10 Foretop Rd.

Miss Princiotta makes a motion to give 10 Foretop Rd 30 days to submit a septic application to go in front of the Board. Mr. Meier seconds the motion. Roll Call Vote: Miss Princiotta- yes, Mr. Meier- yes, Mr. Stanley-yes. Motion passes unanimously 3-0-0.

D. 1384 Route 28A

Miss Guarino discusses that she and Miss Shea had conducted an on-site visit prior to the meeting to gain more insight on the state of the property. She explains that she spoke with the current owners, and that the property is not and has not been occupied. She emphasizes that under the Purchase and Sale agreement for the property, it is to remain unoccupied until the septic is corrected.

Mr. Andrew's reviews the timeline of the property, and questions if they were given 2 years to upgrade or if that circumstance was different. Miss Guarino explained that there was a clerical error on the July 1st, 2022 notice, and that the information reflected in the original letter from April 21, 2021 was correct, and that they were given 30 days to upgrade if the dwelling was occupied, or up to one year if there was no occupancy or water.

Mr. Andrews states that he wishes he could have a further discussion with the owners to gain more clarity of their perspective. He emphasizes that this property is clearly sensitive and not in the best condition and that levying fines is a possibility if there is a further lack of compliance.

Mr. Andrews states that he would like to see this issue resolved swiftly.

Miss Princiotta made a motion to give 1384 Route 28A 30 days to complete an application to be put in front of the Board. Mr. Meier seconds. Roll Call Vote as follows: Miss Princiotta- yes, Mr. Meier-yes, Mr. Andrews-yes. Motion passes unanimously 3-0-0.

E. 74 Pasture Road

Miss Guarino explained that this property is unusual but that there has been recent and consistent contact made regarding the status. She explained that the dwelling on the property was demolished and that the septic was removed but that there was originally no septic abandonment permit that was filled out. She explained that the contractors were very compliant in providing details when contacted and that it seemed to just be an oversight and confusion of procedure. She also emphasized that the property is still empty and that the owners are passionate about keeping the lot empty and that they have no intentions to build on it again.

Mr. Andrews stated that after his review of the property he would like to have further verification on the state of this property and what had occurred because he believes that the situation could have been avoided.

Mr. Meier states that this property is an unusual circumstance since the home and septic were both demolished, but that he can see that the DBox was damaged, and that he is concerned about the well that is on the property. He expressed his concern for adherence to procedures. Miss Princiotta agrees. Miss Guarino explains that this was unfortunately a property that slipped through the cracks due to the confusion of COVID and that she has been in contact with the owner and contractors about the state of the property.

Mr. Meier stated that the pandemic is not an excuse for a lack of diligence, and that there were other routes of communication that were open during the pandemic that he could have explored. Mr. Andrews concurs and he states that the well is an area of concern and that he would like to further investigate the status of it.

Miss Guarino clarifies that the pandemic was not used as an excuse and that it is still prominent as we are still at moderate risk and there are still a multitude of factors that could affect people. She requests that this property be handled internally because she has already been in thorough communication regarding the project and that although the information was provided later than needed, she trusts the work that was done and that it was completed successfully.

Mr. Andrews states that he is willing to waive any fees that the contractors or home owners may face but that he would like to see some field verification of the status of the site.

Miss Princiotta makes a motion to have an employee of the Bourne Health Department conduct field verification of 74 Pasture Rd to ensure that the work has been completed correctly. Mr. Meier seconds the motion. Roll Call Vote; Miss Princiotta- yes, Mr. Meier- yes, Mr. Andrews- yes.

4. Approve the Minutes— Approve the minutes from the previous meeting dated July 13, 2022

Miss Princiotta made a motion to approve the minutes from July 13, 2022. Mr. Meier seconded the motion. Roll Call vote as follows: Miss Princiotta-yes, Mr. Meier-yes, and Stanley Andrews-yes. Motion passes unanimously 3-0-0.

5. Set tentative date for next meeting.

Mr. Andrews and Miss Guarino confirm that the upcoming meeting is August 10th and that it will not be septic related. They emphasize that the meeting will focus on an annual update from ISWM, Title V Regulation changes, and an update from the office staff on what has happened in the last fiscal year.

6. Adjourn.

Mr. Meier made a motion to adjourn the meeting. Miss Princiotta seconded the motion. Roll Call Vote as follows; Mr. Meier-yes, Miss Princiotta-yes, Mr. Andrews-yes. Motion passes unanimously 3-0-0, meeting was adjourned at 6:54pm.

Taped by: Terri Guarino, Health Agent
Typed by: