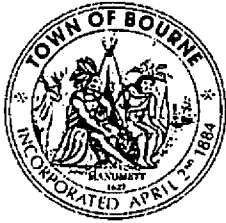


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4-30-07

2009

**Board of Health
Historical Commission
Housing Authority
Housing Partnership
Human Services**



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

January 14, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

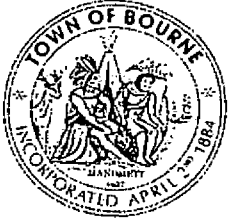
1. I.S.W.M.-Brent Goins or Dan Barrett-discuss and possible vote
General update regarding odor issues
Acceptance of Cohasset Water Treatment Plant residuals
Notice of project change – landfill gas-to-energy project
2. 39 Phillips Road-Joseph Cheney-requesting waiver to continue use of existing system for proposed renovations
3. 23 Wali Street-Arcangela Maffeo-Request hearing regarding previously approved alternative technology septic system
4. 63 Bellavista Drive- Thomas & Kathleen McDonald-Requesting second extension on title transfer upgrade
5. Approve minutes dated November 12, 2008, December 10, 2008 and December 17, 2008.
6. Other Business

2009 JAN 14 PM 8
TOWN CLERK'S OFFICE
BOURNE, MASS

Signed: *Kathy M. Burgess*
Title: Secretary
Date: January 7, 2009

Cc Board of Selectmen/Town Clerk

2009 JAN 14 PM 8
TOWN CLERK'S OFFICE
BOURNE, MASS



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



MINUTES 9

January 14, 2008

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Also in attendance were: Selectmen John Ford and Stephen Mealy; Town Administrator Tom Guerino and ISWM's Dan Barrett

Call to Order: Meeting called to order at 7:00 P.M.

1. **I.S.W.M.-Dan Barrett** with update regarding odor issues-Ms. Peterson opened the meeting by asking the audience members to listen to what Mr. Barrett had to say regarding the landfill odors first and then she would open the floor for questions. Mr. Barrett handed a report update to the Board Members. Mr. Barrett stated that they had had some odor problems Monday night (Jan 12, 2009) into Tuesday morning (Jan 13, 2009). They had spent the whole day Monday into Tuesday night evaluating the well field and checking out where the weak spots were. Mr. Barrett stated that they had some pump problems, which have been ongoing, but have been taken care of now but are still on high alert to keep moving and checking the spots where they think the odor problems will occur. The recent wet weather has made it difficult for them to place cover on the side slopes and some top areas of the active cell. They hope to accomplish this by the middle of next week weather permitting. Mr. Barrett stated that the rebuilding of the main gas blowers has been completed and will be picked up tomorrow. Installation is scheduled for Saturday morning and they hope to have it online by Saturday afternoon. That will allow them to increase vacuum to the landfill. Mr. Barrett stated that they have had a problem recently with the curve blower they had been using. They have had the main blower rebuilt. Mr. Barrett stated that their plan is to turn the blower on Saturday and let it sit for a few days, go back Monday or Tuesday and adjust the well field. They have a well driller scheduled to come in

2009 JUN 29 PM 12 51
TOWN CLERK'S OFFICE
BOURNE, MASS.

Monday, January 19, 2009 and drilling should begin on Tuesday. They plan to keep everyone posted on the progress via the web page. Mr. Barrett stated that they are going to install four vertical wells, they have been able to speed that project up. Piping should also begin on Tuesday. The estimated completion date for these projects is about two weeks but they hope to get some of the vertical wells going before that. Mr. Barrett stated that they don't usually put in vertical wells until they close the landfill but because of the odor issues they are going to go for the vertical wells now, which allows them to draw pressure off the bottom of the landfill. Right now the gas is pushing out the sides and pushing out the top. Mr. Barrett stated that they have horizontal collectors collecting off the top 50-60 feet of the landfill and they need to get down into the bottom 50-60 feet and drawing gas off that. As they are doing that they will continue intermediate cover, which will help as well. Mr. Barrett stated that he is looking forward to the installation of the vertical wells because, due to past experience, they usually make a big difference. Mr. Barrett stated that they have three things in their favor: the installation of the blower, the installation of the piping, and the installation of the vertical wells all to be completed, weather permitting, in the next few weeks.

At this time, Ms. Peterson asked for any comments from the public. Ken Pearson, a resident of Monument Beach, stated that he drives by the landfill quite frequently and the odor is horrible. Mr. Pearson stated that he understands there will be problems from time to time but this has been going on for a long time and feels that there is no end in sight stating that he is worried about property values in the area. Mr. Pearson stated that Mr. Barrett has always answered his questions for him but is always told that it would be only a few more weeks but wonders if there is ever going to be a handle on it. Mr. Barrett stated that Mr. Pearson is right and it has been a very tough time for the landfill and will continue to pursue every avenue available to them to take care of the problem. As they continue to install wells and improve the gas system and move closer to capping that section eventually there will be an answer because it will be capped. Mr. Barrett stated that they have to move as quickly as they can to alleviate the problem now and cannot wait for capping to take place to take the stress off neighbors. Mr. Pearson asked if the capping was the answer to the odor problem. Mr. Barrett replied yes, they have consulted with biologists and have found that it is a national problem and some of the materials that they have been taking in have been eliminated. The temporary cover they put on it will entomb and seal the area they are currently filling in that contains that material. They have completely switched their covering operation and are going to move forward with installing the gas wells ahead of time. Mr. Barrett stated that the long-term solution is minimizing the amount of material they take into the facility that is going to create this problem. Ted Baukman, a resident of Harbor Hill, stated that he has been on the Cape for many years and is sure there is a good effort being made to rectify the problem. Mr. Baukman stated that he was acquainted with someone who was involved with closing down landfills. Mr. Baukman asked if it was true that the Town, once this problem is under control, wants to continue to accept material from other towns. Mr. Barrett answered yes. Mr. Baukman asked if they felt they could do that

without a problem. Mr. Barrett replied yes. Mr. Baukman stated that he thought it was great to have a meeting like this but thinks this needs to be brought under control very quickly because it has become a concern to him and many other people. They need some indication when ISWM feels confident they are going to get there and if not maybe they have to talk about closing the landfill if that is at all practical. Mr. Barrett stated that that is a point well taken but the philosophy of the ISWM management is to stay quiet and just be an asset to the Town but obviously that is not working right now and to close the landfill and pull out all stops would not work. Mr. Barrett stated that at some point they would say they are not successful and just cap off the area they are in. Landfills are built in specific cells and can be capped. The area they are in now is a specific cell and is probably about a year and a half to two years away from closure but they can get in there close that cell and be done with it. The moist material going into the new cell will no longer contain gypsum and the other things that have caused them the problems now. Mr. Barrett stated that their goal is to be an economic benefit to the Town and get in there and find out what's wrong and fix it so they can keep the landfill running to fill that cell up and cap it. If all things fail and they are here two to three months from now they can cap it. Mr. Baukman stated that he hears they are trying to deal with it but it could be another year or two before the odor is gone. Mr. Barrett stated that they can stop the odor very quickly from that particular cell but are trying to maximize the airspace contained in that cell for the economic benefits of the Town by getting whatever problems they have under control. However, the Board is going to draw the line in the sand at some time and tell them to cap it at which time they will cap that cell and move forward. Susan Brown, a resident of Brookside, stated that they have also spoken with Mr. Barrett who has been very helpful answering their questions but this is now a health issue. Mrs. Brown stated that the odor wakes her up at night and makes her sick to her stomach and she does not want to listen to economic problems. Mrs. Brown stated that it is embarrassing when she has company in her home and this has been going on for years. Mrs. Brown stated that she couldn't have her windows open during the summer months because the odor is so strong and would like to give her bills for the air conditioner she has to run to the Town. Ms. Peterson then read some names of residents that have complained about the odor on the Town Website. *Dan Warnycke, Cotuit Rd, Kathleen Villemure, Tradewinds, John O'Neil, Brookside, Bill Wallace, Turnberry Rd, Village Drive, Waterhouse Rd, Colony Ave, Clay Pond Rd, Harbor Hill, Shaker Drive, Buzzards Bay rotary, Head of the Bay Rd* are among some of the residents that have complained. Mr. Barlow suggested to Mr. Barrett that he explain the process they have changed at the landfill in the last month concerning ground cover. Mr. Barrett stated that they transfer construction and demolition debris and the company that transfers that for them also brings them garbage. Intertwined in that deal was that the people bringing in the garbage and taking out the C&D also process so they had fines. Mr. Barrett stated that everyone in the business wants to get rid of their fines and part of their business model to start out with was the acceptance of those fines. Mr. Barrett stated that they have cut down the amount of fines they are taking by 80 percent in the last year but they were still business

obligated to accept that material but finally have said no more. The material they have gone to now is another alternative daily cover that Mr. Barrett has a lot of experience with and is called auto shredder residue. Cars are taken and run through a big shear where the dashboards and seats come out. They then take that material and grind it down to a ½ inch minus and add proprietary materials to it, which makes an alternative daily cover. Mr. Barrett stated that this material is more dense, it doesn't rot or compost and doesn't create any odors. Another positive to that particular material is that it will increase the compaction rate and increase the air space because that material compresses. Mr. Baukman stated that he feels that the question is is the Town so dependent on the income that they can't consider the fact that the landfill has to be closed despite the great effort of Mr. Barrett and are we at a disadvantage being the only Town taking materials from other towns. He would like it resolved soon. Mr. Pearson asked where the debris came from that goes to the landfill. Mr. Barrett responded that it comes primarily from Southeastern MA but occasionally they will get something from another state but 70 percent comes from Southeastern MA. They are currently working to consolidate it and focus more on Cape waste. Mr. Pearson stated that the odor is not only near the landfill but is traveling across the bridge. Mr. Barrett stated that hydrogen sulphide is a very dominant gas and is detected at very low levels. They have been experimenting for the last year and a half on bacterial treatment of the landfill but has come to the point now where they just can't accept that material anymore. Mr. Guerino stated that on Friday night it was cold and there wasn't a problem but on Saturday it was cold and Saturday night into Sunday morning there was a big problem. Mr. Guerino asked what the variables were that were happening that three or four nights are good and then they get a run of bad nights. Mr. Guerino stated that he knew that wind is a factor but the wind was blowing westerly the whole weekend so his question is some days under very similar conditions they have very different reactions. Mr. Barrett stated that the variables involved in tracking landfill gas and how it behaves is mind-boggling. What happened Saturday night into Sunday was a mechanical problem that was corrected but relative to weather Monday night and last night (Tuesday) was a vintage night for landfill gas due to air inversions. Warm air coming over cold air and cold air coming over warm air traps the gas down near the surface. There is high humidity and the gas just wants to settle and go along the ground. Mr. Barrett stated that hydrogen sulphide is heavier than air and will stay at the bottom of the ground, which is why the residents can smell it at Brookside because it comes through right by the campground and settles right down into the Brookside valley. Mr. Barrett stated that temperature inversions are the biggest problem for them and a northeast wind is troublesome for them. Mr. Guerino stated that they are working toward up to three 250 kilowatt turbines, which is not something that will happen tomorrow. The people that are living with this cannot live with this anymore, which is obvious by the amount of phone calls and the concerns of the residents. Mr. Guerino asked that when they get the turbines up and running, they will be in the next cell anyway by the time that gets going, will those extraction systems they have that pull that up to the flare that help to mitigate a lot of the issues they are currently having? Mr. Barrett stated

that yes it definitely will. They are a little way away from that point but when it happens it will mitigate it and go out and get every inch of gas it can possibly get but requires a lot more attention and staffing but as they grow the gas problem will get better. At this time, Ms. Peterson asks for questions from the Board Members.

Mr. Andrews stated that he heard about the failure of a piece of equipment from a replied email from a selectman. Mr. Andrews was upset that he did not hear about this from the regular channels and stated that they had talked about this communication problem in the past and there was a failure in a piece of equipment that caused a leak and it was known throughout the Town but the Board was not notified. Mr. Barrett stated that he doesn't completely know how it works yet but wants to use the web page to keep the neighbors informed of what they are doing. Mr. Andrews stated that there is an odor link on the website now that Mr. Barrett can use anytime he needs to inform the Board members of anything. Mr. Barrett apologized for not doing that. Mr. Andrews asked how long the failure was before they knew it. Mr. Barrett responded that it occurred one afternoon and that particular unit didn't show up during diagnostic testing. They tried a few other things and came back in the morning and went back to that particular pump and discovered that it had failed. Mr. Andrews asked how they detect failures on equipment. Mr. Barrett responded that there are 4 or 5 different steps and is an automated system. The condensate pump had failed. The header line runs around the landfill and goes up and down and at each low spot there is a trap that drains the condensation. As the gas comes up out of the landfill if it's hot when it hits the top of the landfill it condenses and as it travels through the surface pipe it condenses. The water has transferred down to sumps and when the pump fails those sumps seal off the header line which seals vacuum beyond their reach and that's what happened in that instance. Mr. Andrews asked if they receive an automated call when something fails. Mr. Barrett replied no, it is a manual system alarm wise. Mr. Andrews stated that to detect a failure then it is a manual system and how many times a day do employees walk around to check. Mr. Barrett stated that right now they are checking it three times a day during the workday. Mr. Andrews stated that the workday is only one third of the day so for two thirds of the day there is no coverage. Mr. Barrett stated that they have set up a meeting with a consulting engineer on January 21, 2009 to demonstrate some wireless alarm systems. Mr. Andrews stated that they should have 24 hour a day watch right now so that they will be able to report a failure right away instead of a day later or twelve hours later after the neighbors have already smelled the odor. The neighbors don't know the pump failed they just know that the odor is in their backyard. Mr. Andrews stated that if they are too busy working on everything else and handling the C&D that is coming in maybe they should shut that off and have all those operators going out seven days a week on different shifts to watch. Mr. Barrett stated that the condensate pumps have a storage capacity of three days upon failure. Ms. Peterson asked knowing the problems they have been having why isn't someone checking this 24 hours a day? Ms. Peterson asked if Mr. Barrett was spread too thin and stated that they cannot help correct the situation if they don't know what the problem is. Mr. Barrett replied that they have talked

about having someone come in and check the pumps in certain specific areas where they know they are having a problem and is probably not something that would take more than an hour to do. Mr. Andrews stated that last month it was the blower failure and this month is another failure and is it just a lack of maintenance personnel? He doesn't see a contingency plan in place that is going to address any of these issues. Mr. Andrews stated that they should be proactive instead of chasing after it all the time. Mr. Andrews stated that he hasn't seen a plan as to how they are going to mitigate gas exposure or leakage, which is supposed to begin next Tuesday. Mr. Barrett stated that they have it and will give a copy to the Board. Mr. Andrews stated that when they begin drilling on Tuesday they will expose gas and depending on the wind it will affect Upper Cape, Tradewinds and Brookside. It will not just be hydrogen sulphide but methane and everything else escaping from there. Mr. Barrett stated that the drilling plans include weather. If there is a northeast wind blowing they will not drill. Another important aspect of the plan is the driller has specific instructions not to set up and drill on any holes that he cannot finish that day. In the old days they would come in and drill two or three holes and wherever they got to at 4:00 they would stop and that is something they are not going to allow now. They have a steam cleaner with an odor neutralizer in it to go along spraying the trench as they are drilling. Ms. Peterson asked that since Mr. Barrett is the operations manager how is he going to monitor all this. Mr. Barrett responded that he had a very good staff and counts on his crew chiefs quite a bit to handle it. Mr. Cunningham asked if they should hire another engineer. Mr. Barrett stated that given his experience in the business they could probably use another engineer. Mr. Cunningham stated that the DEP had the utmost respect for Mr. Barrett's qualifications but he thinks he is spread too thin. Mr. Barrett stated that this summer alone they had the construction of the residential recycling area, construction of the liner, construction of the transfer station as well as land filling and C&D transfer. There is also advancements going on with the flare, adding a scrubber to it and have done biological and chemical treatment. There are more projects coming in the future. Mr. Andrews asked what their overall plan was for deodorizing, as it is too cold now to use the misting system. Mr. Barrett replied that now they go out during the day with the portable steam cleaner with a big tank on it and add some odorizing mix to that and treat an area. The material will actually stay there for about a week and a half. They have been working with the Fire Chief to get permits to put woodstoves on the outside edges and burned brush and materials they took into the landfill that would normally be composted. Mr. Barrett stated that they tried it and it worked very well. Mrs. Brown stated that that would not mitigate any odors at 3:00 AM if there isn't any one there at that time. Mr. Barrett stated that given its success rate, they would run the wood stoves 24 hours a day. Steven Brown, a resident of Brookside, stated that the odor always seems to be strongest on the weekends and wondered if that was a staffing problem. Mr. Barrett stated that it was just a weather issue and the luck of the draw. Mr. Baukman stated that as property owners they are trying to give them time to correct the problems but would like a time set for a resolution. There was general discussion regarding Mr. Barrett submitting a PID drawing for the Board to review. Mr. Andrews stated that the

Board would like a report on the different biological experiments they have been doing at the landfill to get rid of the hydrogen sulfide. If there are issues concerning patents pending Mr. Andrews suggested going into executive session if need be. Mr. Barrett stated that he would talk to the gentleman they have been working with who has an office on Waterhouse Road. Mr. Guerino stated that he would like to review all the invoices he has from Hydros, the company that the landfill operations have contracted with and has a patent pending on the biological piece, to see if there is a return on the investment that they are putting into that particular piece and when is that return on investment going to come to fruition. Mr. Guerino stated that all of the management at the landfill is carrying a pretty big load right now. Mr. Guerino stated that it is his belief that they have to add a professional to take some of the load off of the Operations Manager and they have the financial ability to do this by moving some things around. Mr. Guerino stated that Mr. Barrett is one of the best in the business but there needs to be an additional body with professional capabilities to help them out and they are prepared to do that if they can afford to do it. Selectman Ford stated that he did not understand why the Board of Health did not have more information on the biological treatment being done at the landfill. He believes that Mr. Barrett should be communicating with the Board of Health before starting these projects. Ms. Peterson suggested that they return to the topic of the odor issue and stated that they have not had a lot of time to discuss other projects with Mr. Barrett because of all the odor issues recently. Mr. Andrews stated that he believes that that experimenting is one of the root causes of having excessive amounts of hydrogen sulfide coming out of the ground. Mr. Barrett stated that he is a geologist not a biologist but would have to say that that was not the case from his knowledge but it is an experiment and they have shown great success with some things and not such good success on others. Mr. Andrews stated that he has had some past experience and there can be some side effects that were not anticipated when doing research such as this. Mr. Cunningham asked what percentage of the landfill were they doing the experiment. Mr. Barrett replied that it was in the active cell right now. Mr. Cunningham asked if they had ever found anything leaking from that general area. Mr. Barrett replied no they had not. Mr. Andrews asked how running that same gas, instead of through a flare but through a combustion machine, would mitigate the odor. Mr. Barrett stated that inherently, it would require a better collection system even though as they continue to add on to the system now the addition of an energy producing entity out there will improve the gas collection system.

Mr. Barlow stated that he has been going over to the landfill every two or three days and observing what's taking place. Everyone is under the gun right now to see that this odor issue is resolved and there is real concern about the hydrogen sulfide gasses. Mr. Barlow stated that he wants Mr. Barrett to continue doing what he has been doing. The horizontal collector is in. The large fan that collects the gas is not online yet. When the larger fan is returned from the repair shop this Friday or Saturday and will be a much larger blower than what they are using right now. They have changed their cover material and are capping two thirds of the top of the mound already. Occasionally, because they are putting hundreds of

tons of clay up there, there will be a breakout on the side of the hill and instead of a liquid coming out a gas will come out and that is what everyone smells. Mr. Barlow stated that Mr. Barrett walks the whole perimeter of the mound and will put 8 to 10 inches of clay on that area and there was probably two acres of fill that they put in there in one day. Mr. Barlow stated that they are doing the best they can at the landfill and are trying very hard to get it under control. Mr. Barlow stated that he has been seeing some results and understands how the pumps work and wishes they had a model for the audience to see. They need a better system to track when a pump fails but they will work on it and right now everyone is working together on a solution to the odor problem. Mr. Brown asked what type of timeframe is realistic for this right now. Mr. Barrett stated that he thinks there will be significant change once they get the vertical wells installed in another two weeks. Also, the installation of the bigger blower. While they are putting in the vertical wells they are also continuing with the intermediate cap that they couldn't get because of the weather. They are going out to bid on another back up blower so they will have two of them. Mr. Andrews asked if Mr. Barrett was saying that he would have a handle on this before spring. Mr. Barrett replied yes. Mr. Brown stated that it was his understanding that 10 percent of the landfill is causing the odor and there is one cell that will be open to collect trash for the next year or so. When that is capped off they will move to another area. Mr. Barrett replied yes. Mr. Brown asked if it was more cost effective to just close the cell off now and move to another area to mitigate the odor. Mr. Barrett stated that they are trying to cap off the area that they are now having issues with even though it is not completely full yet. Mr. Barrett stated that the vertical wells would make a big difference. Mr. Guerino stated that the vertical wells and the horizontal collectors have been on the schedule to do but they have accelerated that schedule in an effort to move things along faster. Mr. Guerino stated that Mr. Ellis from DEP has been helpful in pushing along the permits so they can get these things done faster than they normally would. Selectman Mealy stated that there has been a lot of communication between members of the public and the Board but also thinks that they could spend another two hours talking about what has been done and what could be done. Mr. Mealy stated that the only question anyone in the room needed to be answered was when it will be done. Mr. Mealy stated that he was hoping for some sort of timeline but due to variables such as unknown deliveries of equipment and possible weather problems ISWM may know more in a week or so. Mr. Mealy suggested taking two or three individuals to work with members of ISWM. It could be members of the Board of Health, Board of Selectmen and the Town Administrator to put together a plan that could be presented to the Town as one. Mr. Mealy stated that he thinks the leaders of the Town have to step up and tell everyone what they are going to do and the hardest place to put together a plan is at a public meeting. Mr. Mealy stated that he is trying to answer any emails that he receives but is not sure if the emails are being answered through the public website. Mr. Mealy stated that they should have a plan with a timeline and what is the contingency if this doesn't work and how do they know when it's time to close down this particular cell and move on. There was general discussion regarding getting some help at the landfill for Mr. Barrett. Mr. Cunningham stated

that economics has never been what this Board of Health is looking at and the Board of Selectmen and Town Administrator for years have been looking at mechanisms to make up for any money if and when the landfill closed. Mr. Cunningham asked about the odors possibly coming from some old construction debris. Mr. Barrett answered no, the odors that they currently smell are coming from the active cell, and the gas that is going into the flare is being impacted by the older C&D material and was heavily laden with gypsum. Mr. Guerino stated that he is going to his bosses on Tuesday nights and telling them items have been ordered based on the information that he has received. If there is a problem with a blower or piece of equipment he needs to know that because he doesn't want to give out bad information. Mr. Guerino asked Mr. Barrett to please pass along that request to management at ISWM and he will do that himself in the morning. Mr. Barrett replied to the question Mr. Ford had asked earlier regarding the fact that the Board of Health doesn't know what they are doing at the landfill. Mr. Barrett stated that it has confounded him for years why the communication is not open but thinks that because they are so busy maybe they don't think to notify them and has spent a lot of time recently on the phone with Ms. Coffin and is finding that very helpful. Mr. Barrett stated that his department should be much more focused on communications than they have been and it's not something they are doing intentionally. They have cruised along for so long without issues and then all of a sudden they had some paper issues and then odor issues and they weren't used to talking to the Board of Health. Ms. Peterson stated that ISWM used to come in front of them once a month or every other month but that was when everything was fine at the landfill. Mr. Ford asked if anyone was answering the complaints received through the Town website. Mr. Cunningham stated that it was the landfill manager's job to answer every complaint that came through. Mr. Ford asked Mr. Barrett if that was being done. Mr. Barrett replied that they were trying. Mr. Cunningham stated that he had hoped Mr. Goins would be at the meeting to answer some of these questions. Mr. Barlow stated that Mr. Barrett is the day to day operations manager and Brent Goins is the landfill overseer and manager and he should be answering the complaints and forwarding them to the Board of Health. Mr. Ford asked if there is an engineer that specializes in odor control. Mr. Barrett responded that they can certainly look at that but you would look at someone with solid waste and gas control experience. The odors are the issue that you can smell but the issue is the gas control. Mr. Brown stated that they have had odor issues for about two years at Brookside and have no complaints as far as Mr. Barrett goes. He always takes the time to return their calls and explain things to them. Mr. Barlow asked Mr. Brown if he feels like things are a little better with the changes that have been made in the last month. Mrs. Brown answered no and they are at the end of their ropes. Mr. Brown stated that it may not be as often but when there is an odor it is almost stronger. Mr. Barlow stated that when it is under control for a little while and then smell it again it does seem stronger. Mr. Guerino stated that at the last meeting they were talking about the operations bid they have out and that it was going out to DEP. Mr. Ellis has had it for several days and has contacted him back that he is reviewing it. Mr. Guerino stated that he wants that out for bid next week and it

will help them out a lot in figuring out who goes where but does not mitigate the fact that Mr. Barrett needs some help. Mr. Pearson stated his concern over the trash that is spilled onto the side of the road near the landfill. Mr. Barrett stated that they have a good relationship with the Barnstable County Sheriff's Dept and they come out with their crew to help clean up. The landfill also has a crew that handles that issue as well. Ms. Peterson asked if an engineer is hired will it reduce the number of laborers ISWM has and put jobs like keeping the roads clear of debris to the wayside. Mr. Barrett replied that that job is typically done by their temporary laborers and would not be affected. Ms. Peterson asked what members of the Board of Health would like to work with the Selectmen and Mr. Barrett and would also like to see a resident included in the group. Mr. Barlow asked if Mr. Barrett could devote the time to spend with a working group for one evening to try and come up with a plan and timetable. Mr. Barrett stated that yes it was important enough and they would make the time. It was decided that Mr. Andrews and Mr. Cunningham would represent the Board of Health. Mr. Mealy stated that he could not speak for the Selectmen that were not present at this time but someone from the Board of Selectmen would be there. Ms. Peterson asked if any resident would like to volunteer. No one responded at this time.

Ms. Coffin asked Mr. Barrett if the odor log was still taking place. Mr. Barrett responded that he believed Mr. Goins was taking care of that but has not looked at them and doesn't know what they are registering. Mr. Mulvey asked if the extraction system is in and working and they are extracting the hydrogen sulfide into a turbine and adding oxygen and burning it what is the result after its burned as an exhaust gas or condensate. Mr. Barrett replied that the emission standards whether it's a reciprocating engine or a turbine are the exactly the same as they are for a flare. All the gasses that would be emitted by the raw gas have to be 98 percent destroyed. Mr. Mulvey suggested that any time there is a change in operations at the landfill they come before the Board and inform them for review. There was general discussion regarding the working group visiting the landfill later in the week and it was decided to hold another Board of Health meeting in seven days on January 21, 2009. Ms. Peterson asked again if any resident would like to be a part of this working group. Mr. Brown volunteered. **Ms. Peterson made a motion to hold off making any decisions regarding the landfill until Wednesday January 21, 2009 so they could get a report from the working group. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

Acceptance of Cohasset Water Treatment Plant residuals-Mr. Barlow asked if there were any residual odors from this material. Mr. Barrett stated no there is not and they accept the same kind of material from the town of Scituate as well. Mr. Barrett stated that they have them go through the special waste permit process even though it doesn't really meet the criteria of special waste and would come in as daily cover but they have them do it anyway. Mr. Barrett stated that they do not use it as cover it goes right for burial mainly because of the moisture content. DEP issues a finding and one of the conditions is to check it for moisture content. Mr. Barlow stated that DEP is the one that permitted the gypsum to come in which caused a lot of the odor problems and want to make sure that this will not

add to a problem they already have. Mr. Barrett stated that it is non-reactive and represents such a minuscule percentage of what they do that it will not affect them that much. **Mr. Barlow made a motion to accept the Cohasset Water Treatment Plant residuals based on the opinion of the landfill manager, Mr. Barrett, that they have no offensive odor. Mr. Cunningham seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that the next landfill item-Gas to Energy project-would be put off until the meeting on January 28, 2009. Ms. Peterson stated that she expects Mr. Barrett to continue working on the odor issue 24 hours a day and hopefully by this time next week everyone in the building can say that there were no odors all week. Ms. Coffin asked if the snow cover helps to keep the odors down. Mr. Barrett stated that before the snow there was a lot of frost and that always helps to keep the odors down. Ms. Peterson thanked the audience members for coming to the meeting. There was general discussion amongst the Board members and Ms. Arcangela Maffeo, a part-time resident of Wall Street, regarding the fact that she had not heard anything about the problems at the landfill because she is a summer resident and was asking for a general update

2. **39 Phillips Road- Joseph Cheney-requesting waiver to continue use of existing system for proposed renovations-** Joseph Cheney stated that he would like to do some renovations on a property he would like to purchase on Phillips Road. The property had a new septic installed in March of 2008 and are not going to change the footprint of the house, only add square footage. Mr. Cheney stated that he would like the Board's approval to use the existing system and move forward. Ms. Coffin stated that she reviewed the dimensions of the plan for the purpose of the square footage and it is an 11.7 percent increase in the bedroom space and a 67 percent increase in non-bedroom space. The garage is being converted into an art studio and library office, which all opens up to the lower floor and is not considered a bedroom and that is why the non- bedroom space is such an increase. Ms. Coffin stated there are two bedrooms going above the garage and basically it will be four bedrooms. Ms. Coffin stated that it is over the 50 percent increase in non-bedroom space. The septic that went in in 2008 and went in for the upgrade alone. The only issue that makes it a waiver is that the existing leaching is only 112 feet to top of coastal bank. The septic plan is on file to look at. Ms. Coffin stated that she spoke with Brendon, the Conservation Agent, and there were coastal bank issues at Sagamore Highlands where it sometimes was a huge drop but this is a slightly different area and is a little bit lower. It is 22 at the point where the septic system sits and drops down to an 8 at the rock wall top of coastal bank delineation and then there is another almost 100 ft to mean high water. Ms. Coffin stated that where it is not bedroom renovations and where the actual resource is over 200 ft and she has talked to Brendon extensively about it and the beach is considerably further away. Ms. Peterson asked if the garage was being turned into the studio. Mr. Cheney stated that the garage was a drive under and is just capped on top right now so it will go on top of that and tying back into the house. Ms. Coffin stated that he is adding two stories over the garage and would explain the almost 70 percent increase. Mr.

Cheney stated that it is tying the first floor in and tying the bedrooms in the second floor. There are four bedrooms in the existing footprint. Ms. Coffin asked what the dimension of the library opening was. Mr. Cheney replied it was at least a 4 ft cased opening. Ms. Coffin asked about the opening into the art studio and if it had pocket doors. Mr. Cheney stated that it is open with columns and there are no pocket doors. There was general discussion between the Board Members and Mr. Cheney as they looked at the plans. Ms. Coffin stated that the existing system is in the ground and they would like to continue the use of that system that was put in to finish these renovations. Basically, the septic system doesn't meet the 150 ft setback to coastal bank although it does meet the 200ft to mean high water. **Mr. Andrews made a motion to grant a waiver to continue use of the existing system on 39 Phillips Road, Sagamore Beach. Referenced architectural received by the Bourne Board of Health on December 11, 2008. The distance from the resource is very typical of the Sagamore Beach area and the system is a new system. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

3. **23 Wall Street-Arcangela Maffeo-Request hearing regarding previously approved alternative technology septic system-**Ms. Maffeo stated that she is looking for a further extension and a change in the system. The Board had previously approved a Presby system. Ms. Maffeo stated that she has spoken with a gentleman that told her that there are other systems that the State has approved that are more cost effective and wouldn't have to have a generator to run it. Ms. Coffins stated that the Presby is not what the issue was. The Presby was what was approved as part of the septic system; the Septi-Tech was the alternative technology system. Ms. Maffeo stated that she is not against putting in a new alternative system but is not in favor of putting in a system that would require a generator. Ms. Maffeo stated that she uses the property as a summer property and as a future retirement home. Mr. Barlow stated that they understand that but are here tonight for an extension on the Presby system and if she wants to change it she has to have some sort of plan for them to look at. Mr. Barlow stated that they have to grant an extension on what they have in front of them. Ms. Coffin stated that Ms Maffeo has not asked for an extension yet. Ms. Maffeo stated that she is here to ask to change the system. Ms. Peterson asked if she knew what kind of system she wanted. Ms. Maffeo replied no she did not and has spoken with an engineer who explained to her that there were other kinds of systems out there such as nitrogen removal systems. Ms. Peterson asked if the renovations had been completed. Ms. Maffeo stated that other than the electrical, yes. The building has been completed and the building permit signed off. Ms. Peterson asked how that was done without a new septic plan. Ms. Coffin stated that they just have to have a permit but are not supposed to get an occupancy permit. Ms. Coffin stated that she does not believe that the building inspector does occupancy permits on renovations or additions, only new construction. Mr. Barlow stated that generally the septic system is the first thing to get done. Ms. Coffin stated that no, that is not always true. Mr. Cunningham stated that they could come in, get a permit, build their house and say the heck with us. Ms. Coffin stated that that is what's

happening right now. Ms. Coffin stated that they get their maintenance agreement, deed restriction, they apply for their septic permit, building permit gets signed off and they do the work. Ms. Coffin stated that the septic permit is not issued until the building permit is issued and if you want the septic to go in first you can say that but a lot of times the house goes in first because you work out of your foundation and put your holes in. Ms. Coffin stated that she does not know of any time that the septic goes in before the house is built or constructed. Ms. Coffin stated that you can make that a condition but she has been there for 22 years and it has never been that way. There was general discussion amongst the Board members and Ms. Coffin regarding the permitting procedure and if it should be changed. Ms. Maffeo stated that she wants to be able to research it further to be able to find a more cost effective system. The initial plan when she went out to bid was \$23,000 to put in the septi-tech system. Ms. Coffin stated that she is afraid that the gentleman Ms. Maffeo spoke with may be misleading her. Ms. Coffin stated that when she spoke with him she got the impression from him that he thought that Ms. Maffeo did not need an alternative system. Ms. Coffin stated that she is afraid that the Board will grant her an extension and then she will come back and she does not know what kind of alternative system he is going to put forward that will not cost her at least \$15,000. Ms. Peterson stated that she is not comfortable doing anything until she has something for the Board to look at. Mr. Cunningham stated that if she wants to change something she has to bring them a plan and they will be happy to look at it. Ms. Coffin stated that the issue is that her variance expired the 28th of December. Ms. Peterson asked how long it would take for her to get something together for them to look at. Ms. Peterson stated that they have no problem looking at something but is not going to give her a long time to get something together. There was general discussion amongst the Board Members and Ms. Coffin about how long of an extension to grant. Ms. Coffin stated that they have already had a year to put in the system and a six - month extension. Mr. Barlow stated that as far as he understood that with a renovation the septic was done before the work on the house. It is an existing home. Ms. Coffin stated that it does not always happen that way. Mr. Barlow stated that it may not, but the majority of the Board perceived that it did and are now finding out that that is not the case and would like to see an upgrade or another nitrogen loading system in that location. Mr. Barlow referenced a property on Pine Lane that they put two bedrooms on the third floor and were made to take the stairway out because they had not done the septic upgrade and did the addition and now can't get onto their third floor. Ms. Peterson stated that she is uncomfortable going 90 days without Ms. Maffeo coming up with a new nitrogen removal system that she likes and it is going to have to be a nitrogen removal system because that is what they approved. Ms. Peterson suggested that she call Barnstable County, Kendall Ayers or George Heufelder, and they will give her mountains of information to look at. Mr. Cunningham stated that it is their policy given the location of her home to require the nitrogen loading system. Mr. Barlow stated that if anyone else on Wall Street came before the Board to do renovations they would be required to do the same thing. Mr. Barlow stated that they have to remain consistent with everyone and are trying to do nitrogen

removal a certain distance from the local ponds and bays for their protection. Mr. Mulvey asked if the Bio-Clear and the new ones that are on board have to be approved by the State. Ms. Coffin stated that they have already had general use approval. They are only looking at the variance to their 150 setback regulations and the Board approves those under general use but all those alternatives have already been approved by the State. Ms. Peterson suggested the first meeting in March that Ms. Maffeo return with a plan. Ms. Coffin stated that she should return in February. Ms. Peterson suggested February 25, 2009 to return which should give her enough time to contact some people and return with some information. Ms. Peterson stated that it will involve all new drawings and plans and does not know how much less expensive it will be. Ms. Maffeo stated that her point was that this system required a generator and where she is not there most of the time she was afraid something would go wrong. Mr. Barlow stated that if there is no one in the house he doesn't know why she would need a generator and have allowed some people that have proved to the Board they are not there a lot of the time to shut the system down for a time. They can turn it on a month or so before they come down and run it. Ms. Coffin stated that it is just a matter of turning the electricity on. Mr. Cunningham asked if there was a generator on the plans she had brought them before. Ms. Coffin stated that Septi-Tech's do not have generators. Mr. Barlow stated that the reality is there has to be some sort of alternative system there and there are several different types to choose from if she is not happy with that one. Ms. Peterson stated that the Barnstable County Health Dept. has a site out at Otis where she can actually go out and look at the different systems and they will explain to her how they work. Ms. Coffin gave Ms. Maffeo the number to the Barnstable County Health Dept. Ms. Peterson stated that Ms. Maffeo should return with a plan on February 25, 2009 but Ms. Maffeo was concerned with that date as it is Ash Wednesday. It was decided that she should return on March 11, 2009. **Mr. Andrews made a motion to grant an extension for the nitrogen removal system for the property at 23 Wall Street until March 11, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

4. **63 Bellavista Drive-Thomas & Kathleen McDonald-requesting second extension on title transfer upgrade-**Ms. Coffin stated that there was a title transfer failure in 2006. There was an original extension until October 2008. The upgrade that was supposed to take place still hasn't. The long-term plans were to rebuild the house. Ms. Coffin stated that it wasn't a failure due to separation to groundwater but a failure for capacity and wasn't overflowing. Ms. Coffin stated that this was not a high priority. Mrs. McDonald stated that they spend the summer on Massasoit Ave and bought the property on Bellavista Drive as a retirement home and is very lightly used. Mrs. McDonald stated that they rent it out for eight weeks in the summer time during July and August. It is not their primary or summer residence and has not had any septic problems. Mrs. McDonald stated that they would like to put off installing a new system so they don't have to put in another new system when they rebuild the home. Mr. McDonald stated that they had planned to start already but when the economy

turned they couldn't sell their other house. They had originally had Warwick & Assoc. look at where they could put it to put it in now but anywhere they put it so it was out of the way they would have problems getting approved. Mr. McDonald stated that if they put it anywhere else it would be in the way when the rebuild the house so they would have to tear it up. Mr. Cunningham asked if the original inspection was 2004? Ms. Coffin stated that she thought it was 2006 but looking further realized it was in 2004. Ms. Coffin stated that they have had two extensions now. Ms. Peterson asked when they last time was they had to have it pumped. Mr. McDonald replied that they haven't had it pumped and it has never overflowed. Ms. Coffin stated that a lot of the failures are just based on capacity and they can go for two or three years but once it's a failure it's a failure. Mr. Barlow stated that the cost of the system is going to increase and if Ms. Coffin feels they should have some extra time that's fine but eventually the other homes in the area will start to upgrade and they will have to hold their feet to the fire. Mr. Cunningham stated that he was worried about this as well especially since they had already been given extensions and title transfer for that home to be occupied is supposed to be upgraded. Mr. Cunningham stated they are renting the property out and if one of their neighbors were to come to the Board and complain they would have to do the same thing for them. He understands their situation but they have already extended it for a long period of time. Mr. McDonald stated that they would like to get a new design and begin tearing it down within two years. Ms. Coffin asked if they were worried about the size of it or if they have any idea of a footprint. An engineer would only have to know what the dimensions of the final house would be and then make setbacks from that foundation. It seems possible that something would be able to go in if you have a basic foundation. Ms. Coffin stated that they would not make them take that out once they put the new house in but they would have to make sure it was sized for the correct number of bedrooms. Mr. McDonald stated that the house was on a hill and the beach is down below. The system is down below the house and in order to put the system up it is a very small area and will limit what you can do. Ms. Peterson asked if they gave them until September would they have some kind of idea of what they are planning. Mr. McDonald stated that they would have to start working on it and start designing something. Mr. McDonald stated that the system is not failing or even wet. Mr. Cunningham stated that that was not the point, and they are setting a precedent that they shouldn't. That is the way the regs are written and the house is being used. Mrs. McDonald stated that they thought if they put it in they would have wasted \$20,000 because they would have to move it. Ms. Coffin stated that it depends on where you are putting the house and with that lot they have to make sure there is no coastal bank issue because you have to be 150 feet away and then find out it has to be an alternative system. Mr. Uitti asked if they were going to tear the house down and build a new one. Mr. McDonald replied that it was a block foundation and they were going to tear it down and rebuild. Mrs. McDonald stated that it was three bedrooms upstairs and two bedrooms downstairs. The downstairs is a walk out basement. Mr. McDonald stated that the home has five bedrooms and three bathrooms. Mr. Barlow stated that they would have to do a site visit. Ms. Coffin stated that that is a bad place for

a septic system. Mr. Barlow stated that he needs a better understanding of this issue and would like them to come back with some type of engineered plan. Ms. Peterson stated that the Board would like to see them back in September with some type of plan to move forward. Mr. Barlow stated that they are not saying they have to be done by then but have something started by September. **Mr. Barlow made a motion to extend the title transfer at 63 Bellavista Drive until September 2009 to give the owners an opportunity to begin to develop a plan to replace the existing system. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

5. **Approve minutes dated November 12, 2008; December 10, 2008 and December 17, 2008-**Mr. Andrews made a motion to approve the minutes dated November 12, 2008. Mr. Barlow seconded the motion. All in favor and the motion **PASSES.**
Mr. Barlow made a motion to approve the minutes dated **December 10, 2008.** Mr. Andrews seconded the motion. Mr. Cunningham abstained from the vote, as he was not present at the December 10th meeting. All others in favor and the motion **PASSES.**
Mr. Andrews made a motion to approve the minutes dated **December 17, 2008.** Mr. Barlow seconded the motion. All in favor and the motion **PASSES.**
6. **Other Business-**Ms. Peterson asked who was going to attend the meeting at the landfill and when that would be. Mr. Andrews stated that Mr. Guerino would be letting them know the next day when the meeting would take place. Ms. Coffin asked that they let her know when that would be as well.
Marijuana Bylaw- Ms. Coffin stated that she was sent an email by the Police station stating that they would like to have a bylaw that would help them issue fines in regards to people smoking in the restaurants. Ms. Coffin stated that she researched the regulations and sent an email to Chris Farrell (Bourne Police Dept) Ms. Coffin stated that anything that is ignited, the way the State regulations are written, is prohibited. As far as the Board of Health is concerned she believes they are covered. Mr. Andrews stated that the State Attorney General's Office has already had a ruling on this because the Town of Framingham was trying to do it and they kicked it back. Ms. Coffin stated that the Police might have to do something as far as ticketing goes. Mr. Andrews stated that they have the ticket ability but have to buy a special book and is on the reference material that was sent to them.
Bassett's Island- Ms. Coffin asked if the Board Members had any problems with her signing off on the occupancy permit. Everything is in and operational, the well test came up saline but its fine. None of the Board members had a problem with the occupancy permit.
Attorney Robert Troy- Ms. Coffin stated that Attorney Troy issued a letter and the Board Members have a copy. Ms. Coffin stated that the letter states that they don't have to do anything. Mr. Cunningham stated that the letter did not answer their question. Mr. Barlow suggested that they meet with Mr. Ethier at the water

district, who has been sick recently, but they can meet with him when he is feeling better.

66 Sagamore Road- Ms. Coffin stated that Dennis Maschetta has been before the Board before. The septic is pretty far away from the water but has the 150 ft setback stamp. There are two stories, all he is doing is taking the roof and raising it from a 6ft 8-inch height to an 8 ft. Ms. Coffin stated that he already has an occupied second floor and is not making anything more habitable. Ms. Coffin asked if they wanted this before them as a hearing. Mr. Barlow stated that he cannot recall ever having anyone before them to raise a roof. It was decided that a hearing before the Board was not necessary.

There was general discussion regarding the issue of when the septic systems should be installed and it was agreed that they would address this issue at a later time.

Mr. Andrews made a motion to ADJOURN. Mr. Cunningham seconded the motion. All in favor and the meeting adjourned at 9:45 P.M.

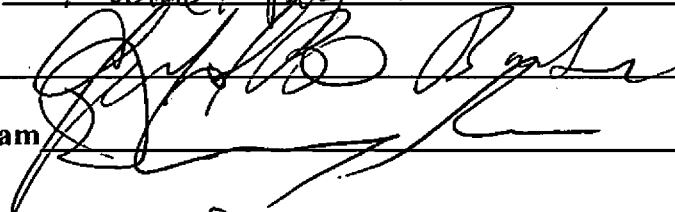
Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson



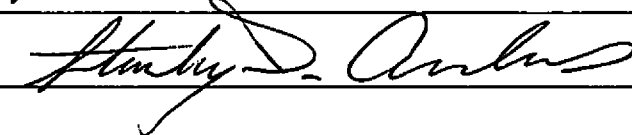
Galon Barlow



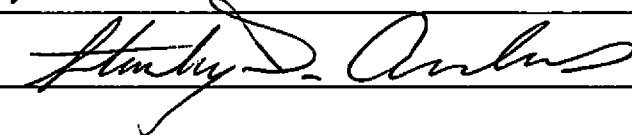
Donald Cunningham



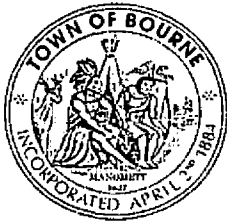
Donald Uitti



Stanley Andrews



Cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

January 21, 2009

Time:

7:00 P.M.

Place:

Selectmen's Meeting Room
Bourne Veterans Memorial
Community Center
239 Main St, Buzzards Bay

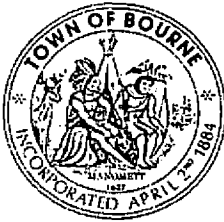
AGENDA ITEM:

1. I.S.W.M.-Brent Goins and Dan Barrett- Working group report and plan of action for mitigation of landfill odors.

BOURNE, MASS
TOWN CLERK'S OFFICE
JAN 15 2009

cc: Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: January 15, 2009



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
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Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

MINUTES

January 21, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Also in attendance were: Selectman Jamie Sloniecki; Town Administrator Tom Guerino and ISWM's General Manager Brent Goins and Operations Manager Dan Barrett

Call to Order: Meeting called to order at 7:00 P.M.

1. **I.S.W.M.-** Ms. Peterson stated that this is a meeting on the Bourne Landfill odor response. It is a special meeting of the Board of Health, Board of Selectmen, Town Administrator, and ISWM and is on the landfill odor only. Ms. Peterson stated that there was a working meeting attended by Mr. Andrews, Mr. Cunningham, Mr. Guerino, Mr. Ford, Mr. Barrett, Mr. Goins, Ms. Coffin, and Mr. Brown was there as the representative for the general public. The landfill was asked to make its presentation first. Handouts were available for the audience and the Board members. Mr. Goins introduced himself as ISWM's General Manager and turned the discussion over to Dan Barrett, ISWM's Operations Manager. Mr. Barrett stated that at the working group meeting, attendees asked ISWM for dates that various stages of the odor mitigation plan would be accomplished. Mr. Barrett referred to the handout. The response schedule is the actions to be taken over the next couple of months with definite dates for completion. The first item is the gas extraction well installation. This will occur Jan. 21 to Jan. 27. These are the four vertical wells to be installed and should relieve a lot of the pressure that is causing the gas to escape out the side slopes and part of the top. It is his experience that vertical wells have a huge impact on

2009 JAN 29 PM 12 54
TOWN CLERK'S OFFICE
BOURNE, MA

gas control. The vertical wells are not usually installed until the cell is closed and is at final grade. In this instance, ISWM is installing the wells now and they will be built so that they can be extended as the filling continues until final capping. Next will be the well piping installation. This will be the piping to connect the vertical wells to the gas extraction system. This should take two to three weeks. The well driller will take 2-3 days. The wells are all ready and should be done Saturday or Sunday and the pipe contractor will work simultaneously and it will take two to three weeks to complete that installation. As the piping is installed the wells will be connected one by one, to get the system partially on line. The fourth point is to install the reconditioned blower. That is scheduled for January 22nd and should take 2-3 hours. Once the blower is online, it should restore a greater amount of vacuum to the landfill and to the wells. More vacuum will be applied to the horizontal collectors already installed and the new vertical wells. Once this work is done work will continue on balancing the well fields. This work is ongoing. Adjustments require rebalancing with any addition of a well or piping. Once the vertical wells are in, within a month to a month and a half the well field should be balanced. The misting system is mostly complete. The existing system has been extended by 20 heads and they are adding a new system on top of the landfill. The electric service has been run to that new system. Water line is also being run to feed that system. The next important section is to complete the filling of the portion of the landfill that is currently operational. Mr. Barrett showed the members the landfill map and orientated them on the project. The working area that contains the odors will be filled to an intermediate grade and that area will be capped so that the gases cannot escape. It will take about a month, month and a half to fill that area in. Concurrently, all the other appropriate gas work will be taking place. The completion date for the filling of that area is the middle of April. ISWM will fill and cap as they go along. The capping will be ongoing. The weather is a huge factor on the progress. Another ongoing project is the wood burning. Fifty-five gallon drums are now being used but there is work to get larger containers. This seems to be very effective to control the odors. Mr. Barrett then went over each individual slide, which expands on everything previously stated. Mr. Barrett showed the members the location of the wells and the horizontal piping on a map he had available. He reiterated that balancing of the wells would be ongoing, probably weekly. The well installation will have third party engineer oversight. Each day before any well installation there will be a meeting between the engineer, the drilling supervisor, the piping supervisor and Mr. Barrett. They will look at weather, wind direction and speed, staffing, odor control supplies, and equipment available. The job on a well will not be started unless that well can be completed that same day. Mr. Barrett discussed the flare station blower again and spoke on its installation. With the blower in place the well field will be balanced so that the gas will be drawn into the middle and everything will work more efficiently. The backup blower is only a 10 hp motor. The main blower is a 30 hp blower. The backup blower will be replaced. They will purchase a rebuilt blower that the Town can hopefully purchase in about three weeks. Mr. Barrett repeated the work on the misting system. As the valley is raised the misting system is portable and it can be raised as well. The misting

system does not work well below 40 degrees. It starts to freeze around 30 degrees. ISWM has a portable system that sprays an odor neutralizer that seems to help. The smokers are a new idea and they are experimenting with better ways to affect these smokers, as they seem to be very effective. Completion of the filling of the cell and the installation of the piping will go hand in hand. The sooner the cell can be capped the better. The cover material is an asphalt based soil material. It is very low maintenance and very impermeable to the gas. As long as weather permits, covering will continue daily. Mr. Barrett stated that in the month of December ISWM took in and spread 11,000 cubic yards of material for cover. He stated that he has an excellent crew. Where emissions are identified, the cover is repaired as is necessary.

Ms. Peterson asked if any of the other members of the working group had anything to add. Mr. Andrews stated that the completion date of April 24, 2009 is about 12 weeks away and everyone should understand that certain parts of the project have to be completed before other parts can be started. The intermediate cap for the whole cell is also going on at the same time. Mr. Barrett stated that everyone should see gradual improvement as they go along. Mr. Andrews asked what their plan was for replacing components that fail that they don't have on the shelf? Mr. Barrett responded that they are in the process of making an inventory of the items with the longest lead-time. They are taking a look at what is available in the area and also putting some inventory on their shelves. Mr. Andrews stated that once anything in their system goes down 6-8 hours later they have odors escaping so in order to prevent that they will be looking at shelving all these parts or making them locally available to them so they will have them available. Mr. Andrews asked Mr. Barrett to let the Board know when they have that component list complete. Mr. Cunningham asked for specific dates as to when things would be completed and if the benchmarks could not be met the Board was not going to keep giving them more time, they would stop, cap and move on. Mr. Barrett agreed and stated that one of the suggestions made by the working group was to communicate information through the IT personnel at the Town Hall so that all updates could be posted on the Town website. Ms. Peterson asked how many days this week the odor was detected. Mr. Barrett responded that their biggest problem with odor was Monday down in the Cotuit area. Ms. Peterson stated that they had discussed at a previous meeting having the fire dept contact ISWM if they detected any odors and asked if Mr. Barrett had set that up yet. Mr. Barrett stated that he spoke with Joe Carrara from the Bourne Fire Dept. and Joe had contacted him on Monday and told him where there were some odor issues. Ms. Peterson asked if that was on a log that they could all look at. Mr. Barrett answered yes. Ms. Peterson stated that everyone is working very hard but they have heard the same things from ISWM since December 1 and there is still an odor issue. Ms. Peterson stated that Mr. Barrett had told the Board the blower would be in and it still isn't and that the barrels would be lit 24 hours a day and they were only lit for 3 days last week for about 12 hours a day. Ms. Peterson stated that she is starting to lose patience with ISWM management because they are not following through with the things that they promised they would. Mr. Barlow suggested that some of

the residents might want to speak now because the comments he has are a lot like the comments that Ms. Peterson had just made.

Susan Brown, a resident of Brookside, stated that she wants a date that everything will stop and be done with if they cannot get the odors under control. Ms.

Peterson stated that the final date ISWM has given is April 24, 2009. Ms. Brown asked if no matter what the delays were would they still cap it and be done with it by April 24th? Mr. Barrett answered yes. Ms. Peterson stated that it wasn't as simple as just saying they would cap it by April 24th. Mr. Cunningham asked how long it would take if they starting capping it right now. Mr. Goins responded two weeks. They are stockpiling materials in the event that they have to do that. Mr. Cunningham asked if there was still a place to take trash if they began to cap. Mr. Goins answered yes. Ms. Brown asked if the odor would be gone in two weeks if it were capped. Mr. Barrett answered yes with the installation of the wells.

Capping is ongoing and is about 75% capped right now. Mr. Barlow stated that there has been an ongoing landfill in Bourne for the past 40 years and this has never happened before. Mr. Barlow stated that ISWM would not have let this happen if they could have seen it coming and are trying to deal with it as best they can but believes that no one really knows what happened to cause this problem. They had big hopes that when they put the horizontal collectors in it would solve the problem but it didn't. Hopefully the vertical collectors will help. Mr. Barlow stated that he drives over the bridge by the area where the odor is strongest and the odor makes him sick to his stomach. Everyone is disappointed and they want to give ISWM every opportunity to fix the problem but closing the dump tomorrow would not fix the problem. Mr. Barlow stated that they are going to put a bigger blower on the flare and that should make a big difference and everyone is trying to work together to move this forward. Mr. Barlow stated that he does not agree with the idea of bringing in more trash to fill the cell and get it done quickly because he does not advocate putting more garbage that smells on top of garbage that already smells. He thinks that they should just maintain what they are taking in now and stay at that level, about 300 tons a day, take care of what they have coming in and get it under control. Ms. Peterson asked if having someone there 24 hours a day to check on the equipment every 3 hours had taken place yet. Mr. Goins stated that that is not in place yet. Ms. Peterson stated that that was also supposed to have taken place as well as the fire burning barrels and was very annoyed that they had not followed through with what they had said they would. Mr. Guerino stated that what he took out of the meeting last week was the burning and the hiring of additional engineers to help the Operations Manager. Ms. Peterson stated that they were also supposed to have someone there 24 hours a day checking on the equipment. Mr. Guerino asked how many lineal feet would there be with the addition of the 20 additional heads. Mr. Barrett stated that they put them about every 15 ft. Mr. Barrett stated that the extension on the top of the landfill is going to start out at 30 because of the way it's set up and will drop down over the edge and as they build up the edge will extend it. Mr. Guerino asked if they capped tomorrow, and that is not saying he is an advocate of that at this point, would they still need to install the gas extraction systems. Mr. Goins answered yes if you capped it and didn't install gas collection equipment in that

landfill and apply vacuum to it it would build up pressure. Mr. Guerino stated that they all have to figure out a way not to depend on the weather patterns to keep this issue from bothering residents in Town. Selectman Sloniecki asked if after they install each vertical will they balance the well-field so they can take advantage of having each one in. Mr. Goins stated that they have to put piping on to it but the plan is to try and hook those wells up as quickly as they can after each one is installed. There was general discussion about the process of installing the wells and the areas on the map where the odors were escaping from and what areas have been capped. Once the wells go in then they would put a final cap on. Mr. Guerino asked if it made any sense to utilize the high- density clay that they got from Boston on the side slopes where the gas is trying to break out. Mr. Barrett stated that the problem with the clay is every time it rains it washes away and then the clay is wet for two or three weeks and you can't get the machines on it. Ms. Peterson asked if they had starting having someone go in at the end of the day and check the site and go down the checklist making sure that everything had been done that was supposed to be done and keep a log of these checks. Mr. Barrett replied that yes, they had their first meeting this morning. Ms. Peterson felt that this plan should have already been in place before that morning. Ms. Peterson asked why they had not started burning in the barrels as they had discussed at the last meeting and was there any money problems or staffing problems that would prevent them from starting this procedure at 6:00 AM the next morning. Mr. Goins stated that there were not any problems to prevent them from doing that. Mrs. Brown stated that she felt this was not being taken seriously and she was at the meeting a week ago where they had agreed to a 24- hour watch and burning in the drums and they have had three bad nights since last Wednesday. Mrs. Brown stated that she should be able to call someone at 3:00 in the morning when she is woken up by the stench in her house. Ms. Peterson stated that she does not think the voicemail is working and if there is someone at the landfill 24 hours a day checking the instruments and logging the information they should also be able to answer a phone call at 3:00 AM. Mr. Barlow stated that with the holidays they have missed a few meetings but are back on this now. They had submitted a gas response plan to the Board on December 11 but they have not discussed it or voted on it yet but they will. Mr. Barlow stated that he has read it and, as far as he is concerned, its not even worthy to throw in his trash can, it's a joke.

Mrs. Brown asked if anyone on the Board lived over the Bridge near Brookside. Ms. Peterson stated that she lived behind her. Mrs. Brown stated that the odor is in her house and on her clothes. Ms. Peterson suggested that someone from ISWM should go to Mrs. Brown's home at 3:00 AM when she is woken up from the odor. Ms. Peterson stated that she wanted Mr. Goins to help them believe that all these things were going to take place and that he is taking them seriously. Ms. Peterson suggested that Mr. Goins give the Brookside residents his cell phone number so they can contact him at 3:00 in the morning when they are woken up by the odor. Mr. Goins then gave them his cell phone number and Ms. Peterson told the residents to call him when the odor is making them sick. Ms. Peterson stated that ISWM is working very hard but to them they are not seeing it. Mr.

Barlow stated that they have a plan with dates on it and they expect to see these things happen in a timely fashion and in his mind they are already three weeks behind. They were promised that the horizontal collectors would be in by Christmas Eve and that the odor would be under control by the first of the year. Everyone is disappointed and there are schools, nursing homes and businesses over there. There is an exercise club that leave its doors wide open because of the odor. A lot of the members are moving down to Falmouth and the business is losing customers, which is not good. This is not good for the Town. Mr. Andrews stated that there was a discussion this evening regarding a log every 3 hours on checking the equipment and also on the burning in the barrels and he would like a copy of those logs with signatures brought to the Board for next Wednesday's meeting (January 28). Mr. Barlow stated that he wanted all complaints made forwarded to the Board of Health immediately. Ms. Coffin stated when she gets a complaint at the Board of Health she goes to the website under landfill odor and passes along an FYI along with the complaint and that goes to everyone and the landfill should do the same. Mr. Guerino stated that not everyone has access to a computer and he suggested to Mr. Barrett and Mr. Goins that in addition to the updates put on the web they submit a PSA to the Courier and the Enterprise on a weekly basis. Mr. Guerino suggested that they might want to put something on one of the three government education access stations the Town has through cable. Ms. Peterson stated that she just wants to make sure that everyone is in agreement as to what was decided this evening. Mr. Barlow stated that he is not prepared to accept this whole schedule. He is prepared to accept their dates for what they are going to do. Gas well extraction, well piping, and install reconditioned blower. They are going to extend the misting system which indicates to him that the odor is going to keep going on. Mr. Barlow asked what the completion of filling phase 2A/3A stage one south meant. Mr. Barrett stated that would bring it up to grade and allow the water to drain off it properly. If they were to cap it now they would end up with a big hole in the middle and it wouldn't drain. Mr. Barlow stated that all they were going to work on tonight were the gas extraction system. Getting rid of the odor. Mr. Barlow stated they are agreeing to the vertical collectors being installed and hooked up and adjusted. They are not agreeing to accept any more trash than is coming through that gate on average right now. They are accepting about 300 tons a day and could go up to 700 because they have not lowered their ceiling but they don't want that to happen. They want them to deal with it and take the Town's trash and the little bit of trash they have coming in to offset the overhead of running the landfill and get it squared away. **Mr. Barlow stated that he would make a motion to approve ISWM's gas collections system as proposed tonight. Mr. Barlow stated that they are agreeing with the timetable they have been given and want the ventilation system and the 24 -hour coverage of the landfill. If they are going to burn the fires they have to have somebody there. You have to have someone there to monitor the condensate pump.** Mr. Barlow stated that they know what they have to do and if there is someone with nothing to do they can pick up the trash on the backside that's all over the place because they are going to hear about that next. There is a lot to be done to get this back in shape to what

it was 4 or 5 years ago but he has a lot of faith that it can be done. Mr. Uitti stated that if the dates aren't met they will have to close that phase. Mr. Barlow stated that that's what they will have to do and it will get warmer and there won't be any frost on the ground and it will get worse. Ms. Peterson stated that Mr. Goins and the staff he has put together is capable of doing this but asked that they don't agree to things tonight that they are not going to do. Ms. Peterson asked Mr. Goins if he was agreeing to do all of these things. Mr. Goins answered yes starting tomorrow. **Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

Ms. Peterson stated that all they can do is work on it every week. ISWM has given them a date, they are working on things and there is another Board of Health meeting next Wednesday, January 28, 2009. Mr. Barlow asked that people make sure that they keep notifying the Board of Health when there is an odor because if no one calls they become complaisant and think the odor is gone. Ms. Peterson asked Mr. Goins if he would have the logbooks for them next Wednesday. Mr. Goins answered yes. Ms. Peterson stated that it helps them time wise if the residents call and let them know so they can look at the log and say what time and what dates the odors were strongest. They would also like to be contacted as the odor issue gets better. Mr. Guerino stated that along with getting the odor under control they are also trying to look at the science on this and trying to figure out why this happening. They are looking at it from an engineering, scientific and construction aspect. Mr. Guerino stated that he wanted people to be aware that this is not a single pronged approach to try and mitigate this. Ms. Peterson thanked everyone for coming and stated that everyone appreciates the landfill when it doesn't smell. Mr. Goins stated that historically the biggest thing that takes a solid waste facility down is an odor problem. Mrs. Brown stated that she was disappointed with the outcome of the meeting. Mr. Barlow stated that if they close the landfill the odor would still escape. Ms. Coffin stated that they are hoping that with the finishing of the wells in the next few weeks and the installation of the blower there will be an improvement and if not she is sure the Board would step in and that would be within the next three weeks. Ms. Peterson stated that everyone is trying and she would like to give them an opportunity to get everything installed and solve this problem. To close the landfill or even that portion of it is a huge undertaking and if it can be fixed why would they. Mr. Barlow stated that it is very difficult to pinpoint where an odor is coming from but as he was walking the landfill the ISWM crew found it and are right on top of it. It will take a little time to get it under control. Mrs. Brown stated that she wants to hear dates not just a few more weeks and what if they encounter problems. Mr. Barlow stated that the planning group did allow for problems. Ms. Peterson asked Mrs. Brown if her husband, who was part of the working group, came home after the meeting at the landfill and said he felt that they had put some effort into putting this together. Mrs. Brown replied yes. Mr. Cunningham stated that Mr. Brown's input was very important to them. Mr. Guerino stated that if Mr. Brown was here now he would say if this plan gets off track and is not working according to plan based on what they outlined tonight, fill it with dirt and cap it. Mr. Guerino stated that they are trying some other business practices that will make

this landfill more stable in its operation over the long haul and these types of problems are hurting the business plan as well on many different fronts. Mr. Gately asked how big the cell was and how long has it been in operation. Mr. Barrett answered that stage 1 is 11 ½ and they went in there April 2005. **Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** The meeting adjourned at 8:30 P.M. The next meeting is scheduled for January 28, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

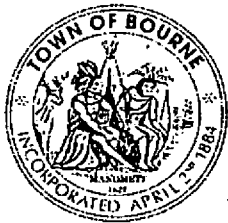
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

Cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

January 28, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

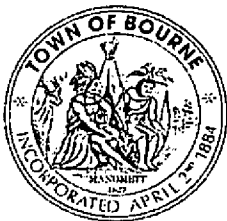
AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update regarding odor mitigation-status of well installation and blower installation
2. Notice of project change-landfill gas-to-energy project-discuss and possible vote

BOURNE, MASS
TOWN CLERK'S OFFICE
2009 JAN 22 PM 3 00

Signed: *Kathy M Burgess*
Title: Secretary
Date: January 22, 2009

Cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

January 28, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AMENDED AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update regarding odor mitigation-status of well installation and blower installation
2. I.S.W.M-Brent Goins or Dan Barrett- Notice of project change-landfill gas-to-energy project-discuss and possible vote
3. Approve minutes dated January 14, 2009 and January 21, 2009
4. Other Business

2009 JAN 23 PM 1 27
TOWN CLERK'S OFFICE
BOURNE, MASS

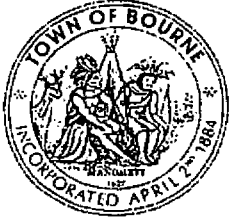
Signed:

Title: Secretary

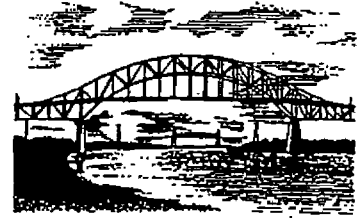
Date: January 22, 2009

Kathy M. Burgess

Cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

January 28, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Cunningham, and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

- 2009 FEB 12 AM 9 51
1. **I.S.W.M.-Dan Barrett-General update regarding odor mitigation-status of well installation and blower installation-**Mr. Barrett handed out an update to the Board Members. Mr. Barrett stated that last Thursday they started drilling and were able to complete two wells. They weren't able to drill Friday due to some equipment problems but finished drilling on Monday and all four wells are in. The piping contractor, while the drilling was going on, was focused on moving the drill cuttings to the active base to keep the odors down. As of Tuesday he was installing the pipe. Mr. Barrett stated that they have run into a few problems such as the heavy frost, which is deep in the intermediate cover, which they have to cut through, which magnifies the odor issue. They are spraying the material down as they are digging it out and are burying it and are putting dirt back in the hole. The blower has arrived and was installed late Friday afternoon. Mr. Barrett stated that they balanced it Friday night and then let it sit and run over the weekend. Mr. Barrett stated that they saw some improvement in the well field and with the odor situation over the weekend. Monday and Tuesday they ran into a little problem because they were digging and had to cut the cover back open again. Mr. Barrett stated he was in the well field today (1/28/09) to do a little more balancing. They have increased the blower speed by 200 standard cubic feet per minute and is

going to turn it up tomorrow by another 100 standard cubic feet. Mr. Barrett stated that they are hoping to get the first well on line next week. They have drilled the wells and they are, as they anticipated, very high in hydrogen sulphide. They will get some vacuum applied to them, which will create a path of least resistance to the wells and stop it from wanting to get out the slopes. Construction will take a little time. They have to build benches on outside slopes to support the equipment so they can put the pipe in. As they are able to they will connect the wells one at a time and get them online. Mr. Barrett stated that that should make quite a bit of difference in what they are trying to accomplish. They have had personnel on site 24 hours a day 7 days a week since last week. They are continuing to experiment with the fire barrels by moving them around to different places and trying different styles. Ms. Peterson asked if he felt the odor issue had improved. Mr. Barrett responded that he spoke with the Browns regarding Monday night where they had an issue. Mr. Barrett stated that the digging was probably the cause of the problem. They got some fresh material in and went up and rolled the ditches with the compacter, which breaks it up into small chunks, and then they put fresh material over it to seal it up. Mr. Barrett stated that the landfill doesn't have strong pressure but does have the odor from the gas. After drilling on Friday by Monday they could still see the gas coming up around that well and could smell it. They sealed it up again and the sooner they get vacuum on the better it will be. Mr. Barlow stated that he has been stopping by the landfill once and awhile and following their progress. He thinks they are moving forward and in the right direction. Ms. Peterson asked the Browns how the smell was as compared to a week ago. Mrs. Brown answered that the barrels are not camouflaging as much as she thought they would and are just making two different smells. Ms. Peterson stated that once the campgrounds open you would smell the woodsy smell anyway. Ms. Peterson asked if Mr. Barrett thought the barrels were helping. Mr. Barrett stated that they are burning tonight and he thinks they help. Mrs. Brown stated that there was odor Friday night 1/23/09, Monday night 1/26/09 and Tuesday 1/27/09. Mr. Guerino stated that Monday night after leaving Town Hall he could smell the odor. He drove down Waterhouse rode by Brookside and Tradewinds. He drove up into the high school where the odor wasn't too bad. Mr. Guerino stated that the odor was worse at Town Hall. Mr. Brown stated that it seems as the night goes on, the odor gets worse. Mr. Guerino stated that by 10:00 P.M. he could no longer smell it at Town Hall. Ms. Peterson asked why it got worse later in the evening. Mr. Barrett stated that as the sun sets the air slow downs. Friday night they were moving barrels around late in the afternoon because they could smell material heading out the front gate. Mr. Barrett stated that when he left at around 7:00 P.M. that evening he couldn't smell anything but thinks that the air settled down later in the evening. Monday night they cracked it back open again and sealed it up as best they could and Tuesday they were digging again but the digging should only last for about two weeks. Mr. Guerino stated that he wanted to update the Board that he received a draft position description for the engineer tech assistant that they have talked about. Mr. Guerino stated that DEP had gotten back to him with a lengthy list of comments relative to the RFP for the operations study, which was very helpful.

Mr. Cunningham asked if the position would be a new hire. Mr. Guerino stated that they like to hire from within when they can but if the qualifications aren't there then they will go outside. Mr. Guerino stated that that should be ready to go out in early March. They are looking for more than just balancing the wells. Ms. Coffin asked if the February 11th date still looked okay as far as the well field installation even though there have been a few days of bad weather. Mr. Barrett replied that they were still on schedule. Mr. Barrett replied that they had met with a consulting engineer last Monday. They need better data acquisition of the flare for DEP reporting and better alarm and monitoring of their systems. Mr. Barrett stated that there is Wi-Fi- that connects the landfill to Town Hall and also connects a series of information gathering points on their site along with cameras, which is good news because that is already 30-40 percent of their costs already taken care of. The engineer will forward a proposal to Mr. Barrett. Mr. Barrett stated that they really need to monitor the flare and pumps and this is not a huge system. They also need to monitor the leaching tank as well. Ms. Peterson asked Mr. Barrett if he had any logs for the Board. Mr. Barrett replied that he didn't have them because Brent was out with a broken ankle and he was handling that. Mr. Guerino stated that they have been making the log. Mr. Guerino stated that he wanted Mr. Barrett to make sure that anything with a contractor or electrical went out to bid. Mr. Barrett stated that they would definitely put it out to bid but are just looking for someplace to start right now.

2. **I.S.W.M-Dan Barrett-Notice of project change-landfill gas-to-energy project-discuss and possible vote-**Mr. Barrett stated that when they filed the original environmental impact report 10 years ago production of landfill gas was not specifically mentioned. They found major comprehensive plan approval for the site air permit for the Mass Dept of Environmental Protection. They requested that they obtain clarification from MEPA. MEPA suggested they file a notice of project change, which they did. The comment period closed January 13 and the only comment received was from the Dept of Marine Fisheries who filed a no recommendation. Mr. Barrett stated that this plan represents a power plant with five reciprocating engines that allows them room to start out small and expand as their facility grows. Mr. Barrett stated that DEP read over the original environmental impact report and said all it mentioned was gas control, it didn't mention specifically generating electricity. These days with emission standards getting stiffer they wanted MEPA to review it and make sure they were comfortable with what they were proposing. Mr. Barrett stated that after reviewing it no one, including MEPA, had a problem with it. Mr. Barrett stated that he believes it now goes over to the Cape Cod Commission who will ask them to file a minor modification through them. Phil Goddard does all the work with the Commission. They are closing out the final draft of the feasibility study that they did through the Mass Technology Collaborative. They should have a final copy soon. Their recommendations will help them move forward with the next step to acquiring the technologies to make it go. Mr. Barrett stated that they had talked about micro turbines. The type of gas that they have and the amount of gas that they have may make the micro turbines not the best route for them to take.

Commonwealth Resource Management is doing the feasibility study and they suggested reciprocating engines. Mr. Barrett stated that that is really not a big deal but everyone was focusing on turbines. The reciprocating engines are a little bit lower technology and are a little less finicky and they will run. The five reciprocating engines that were put into the overall air permit gives them a lot of flexibility in emissions. Mr. Barrett stated that that is like a 4.8-megawatt power plant. Given the size of the facility and the quality of gas there he does not anticipate it getting any bigger than that. They will put one or two engines on line and then they will have a flare as a backup. As they grow, you bypass what you can't burn into the flare and soon you get to the point where you can add a third and fourth engine in. Typically, landfill gas peaks production five years after closure and then levels off for 10 years and starts to decline. Ms. Coffin asked when it gets to that point would you have to dig into the landfill to make a connection. Mr. Barrett answered that the connection is already there; you just hook onto the backside of the flare and pipe it over to the plant. However, as the landfill grows you are going to be digging trenches and drilling more wells so it's a constant battle that you have to watch and maintain. Mr. Barrett stated that the fact that they have stopped taking gypsum since November would do a lot to control the odor in the future. Mr. Guerino stated that the last he knew it was three 250 kilowatt turbines that they were going to be putting in and would like to discuss it with Mr. Barrett further at another time. Mr. Barrett stated that he is trying to keep the Board informed and is not talking about specifics. The five-engine plant, 4.5 Megs is basically an emissions standard that they cannot exceed. Mr. Barlow stated that they are asking them to capture as much gas as they can and they are coming back with a plan that might generate electricity but basically to gather the gasses up and use them. Mr. Barlow feels they are moving in the right direction. There was general discussion between Mr. Andrews and Mr. Barrett concerning their flow rate of gas. Ms. Peterson asked if any one else had any questions for Mr. Barrett. Mr. Barrett was excused and until further notice someone from landfill management will attend every Board of Health meeting. Mr. Barrett stated that he will contact Ms. Campbell to continually update the website. Ms. Peterson asked the Browns to contact the Board of Health to let them know if there is an odor or the odor has lessened.

3. **Approve minutes dated January 14, 2009 and January 21, 2009**-Mr. Barlow made a motion to approve the minutes dated January 14, 2009. Mr. Andrews seconded the motion. All in favor and the motion **PASSES**. Mr. Andrews stated that the minutes of January 21, 2009 needed a date correction on the second page. The date for installation of the blower was typed as February 22, 2009 and should have been typed as January 22, 2009. The correction was made. Ms. Peterson made a motion to approve the minutes dated January 21, 2009 as amended. Mr. Barlow seconded the motion. All in favor and the motion **PASSES**.
4. **Other Business**-Ms. Coffin stated that the DPH and the Emergency Preparedness requires that all Board Members have ICS 100 and MIM 700 training. Ms. Coffin stated that she could get 5 computers in the Board of Health Office and download

the course and they could all take it together. The Board Members think this is a good idea. Ms. Coffin left the room to get the course that she had printed out for the Board Members.

Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the meeting was ADJOURNED at 7:45 P.M. The next meeting is scheduled for February 11, 2009

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

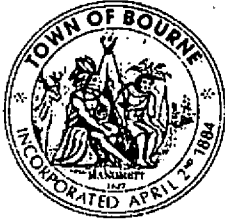
Galon Barlow

Donald Cunningham

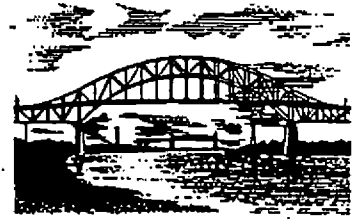
Donald Uitti

Stanley Andrews

cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
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Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

February 11, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

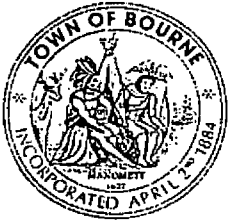
AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update regarding odor mitigation
2. 47 Cove Lane-Request third extension on variances originally granted Sept. 28, 2005
3. Approve minutes dated January 28, 2009
4. Other Business

2009 FEB 5 AM 11 35
TOWN CLERK'S OFFICE
BOURNE, MASS

Signed: *Kathy M. Burgess*
Title: Secretary
Date: February 5, 2009

cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

February 11, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Also in Attendance: Town Administrator Tom Guerino and Selectman Stephen Mealy

Call to Order: Meeting called to order at 7:05 P.M.

1. **I.S.W.M-Dan Barrett-General update regarding odor mitigation-**Mr. Barrett stated that he had talked to Mr. Goins, who was recovering from surgery on a broken ankle. Mr. Goins sent his apologies for not being able to attend the meeting. Mr. Barrett stated that the vertical wells are installed and online. All the header lines, valves and condensate traps are in and operational. They are in the process of balancing the vacuum in the well field, which can take some time. Intermediate cover has been placed on top areas that have reached intermediate grade. There is approximately one and one half acres of Phase 2A/3A Stage I South that needs to be raised to grade before intermediate cover can be completed. That is the area of the landfill that is active and has odor issues. The side slope still needs some work but weather issues have prevented them from doing it. They are focusing mostly on the top right now. The bigger blower is back online. The blower was designed so it could be changed to accommodate more vacuum. By increasing the vacuum it will increase the flow and will increase their control over the well fields. Mr. Barrett stated that they were instructed by the Massachusetts Department of Environmental Protection to stop using the burn barrels as of February 10, 2009. They have been operating 24/7 for the past two weeks. They are going to look into whether there is a chance to obtain some sort of variance.

from the regulation given their unique circumstance. Mr. Barlow asked if there was some sort of exemption they could get if they put a refrigerator rack over the open stove and put a hamburger on it and call it a cooking stove. Mr. Barrett stated that he spoke with someone about that at DEP but would like to go for the variance and not stir anything up. Mr. Barrett stated that they have had burning barrels at other landfills that he has worked at but was told by DEP that they have changed the regulations within the last two years. Mr. Barrett stated that he would speak further with Dave Ellis at the DEP about the issue. Odor loops throughout the neighborhoods surrounding the landfill conducted by ISWM will continue. This is one component of the Administrative Consent Order with penalty issued to ISWM by the DEP. Discussions between ISWM and DEP regarding the final language and requirements of the ACOP will conclude soon resulting in the issuance of the final document, which they need to get signed. Mr. Barrett stated that they are currently in discussion with the DEP regarding the opening of the new residential drop off area and the transfer station. Dave Ellis and Dan Connick came out and toured the facility and were very pleased with what they saw. Mr. Barrett stated there is a few things they want them to change on the new area as far as blocking and fencing but they are very minor. They also toured the baling area and were very impressed with that. Mr. Barrett stated that that all leads to DEP being happy and with a few adjustments thinks they would be able to issue authorization to operate, which will get them into the new transfer station. Ms. Peterson asked if the stopping of the burning would contribute to the odor issue. Mr. Barrett thinks they have better control of it now and the reduction in odor complaints is a reflection more of the additions to the well field and to the flaring system as opposed to the fires. Mr. Barrett stated that there is no doubt that the fires helped them and he will continue to pursue that and try and get that reestablished. Mr. Mealy stated that he has received calls from residents saying that the fires were good and liked the smell of the wood burning. Mr. Barlow stated that it is in the paperwork that they will allow an exemption for a cooking stove. Ms. Peterson stated that she spoke with DEP that day and they said no burning barrels. Mr. Barrett stated that he would speak to them again on that issue. Ms. Coffin suggested that Mr. Barrett update the website to reflect the fact that the wood burning has stopped for the time being. Mr. Barrett stated that Monday morning and Wednesday morning were prime odor days. Monday morning he took a ride around and there was a little odor but they were already digging and installing condensate sumps. Mr. Barrett stated that he took a ride to Brookside and one of the residents that he spoke with there stated that he really enjoyed the wood burning smell and was very happy. Mr. Barrett stated they are in pretty good shape. They still have a ways to go and would like to modify the blower and get some more vacuums out of it but are making progress. Mr. Barrett stated that through the Cape Light Compact project they are going to supply ISWM free of charge with a variable speed drive unit for their blower. It senses how much vacuum that you need and it will slow down and speed up on its own saving energy. It would be a substantial savings. Mr. Barrett stated that when he ran power plants he would give anything for a variable speed drive unit and it was very difficult without them. This will react up and down to the changes in the well

field. Mr. Barrett stated that he spoke with the engineer and he is hooking up a SCADA (System Control and Data Acquisition) for free. It will allow real time monitoring of the blower and the VSD. Mr. Andrews asked if the rise in temperatures would allow the use of the misters. Mr. Barrett stated that they have been installing them but have not got them running yet. It has still been too cold but they hope to get them running tomorrow. Mr. Barrett stated that his first priority tomorrow would be to get the area cleaned up around the stoves so that DEP would know that they have appropriately extinguished the barrels. Mr. Andrews was concerned that without the wood burning to cover the odor there would be a problem if the misters were not operational. Mr. Barrett stated that if everything goes well and if they can shift the transfer operation into the transfer station where it belongs they can move the landfill operation down into the north end. Mr. Barrett stated that their priority is to get the transfer station up and running. Once that is up and running they will get the authorization to operate on the liner. Mr. Barrett stated that they will move down the hill in about a month or two and feels that they have been making progress on the odor. Ms. Peterson asked what they would do in the immediate future if they found out, now that the burning has stopped, that the wood burning was masking about 50 percent of the odor. Mr. Barrett stated that they are going to get the misters going as soon as the weather allows. Mr. Andrews asked if they had the machines doing the intermediate cover patching on the slopes. Mr. Barrett replied that they have done some but it was very icy up there. Mr. Barrett replied that the leaks were coming from the sides but they got about 60 or 70 percent of them last week. Mr. Barrett stated that they wanted to discuss the possibility of lowering the disposal rate. The down turn in the economy has slowed the rate of solid waste production, increasing competition for waste and resulting in downward pressure on disposal rates. The lower limit right now is \$60.00 per ton. Mr. Barrett stated that \$45.00 would give them a range to operate with. Ms. Peterson asked Mr. Guerino and Mr. Mealy what they thought of that figure. Mr. Mealy stated that they are supporting it and they are competing with \$35.00 up the street and have to start getting things back into the front gate again. Mr. Barrett stated that the intent is to offer a more competitive rate allowing the Department to bring incoming flow rates back to a level more reflective of previous years. There was general discussion amongst the Board Members and Selectman Stephen Mealy and Town Administrator Tom Guerino about the possibility of accepting a potential whale carcass if they were asked to, but it was decided, because of the odor issue, that this would not be a good time for the landfill to do that. Mr. Barrett stated that they always tell the stranding network and the National Marine Life Center that they will help them whenever they can depending on where they are at the landfill. Mr. Guerino stated that while Mr. Goins has been recovering from surgery on his ankle he has been in daily contact with Mr. Barrett. Mr. Barrett has been very helpful providing Mr. Guerino with any information he needs concerning the landfill. Mr. Goins is expected to return within the week. **Mr. Barlow made a motion to adjust the lower end of the sliding scale that is used for the ISWM tonnage fee to be set at \$42.00. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Barlow stated that he knows

that number is well above the break even point and if they have to look at it again they will need to know the break even number because they don't want the Town to run a deficit on the landfill because they set the price lower than what it costs to handle it. It's not at that point yet. Mr. Barrett stated that they have a general idea of what that number is but are going to sharpen it so they know exactly what it is and are well above it. Mr. Gately asked how the pricing scale worked. Mr. Barrett answered that it was based on volume. If you have a bigger customer that can bring you more waste they will get a better price. Mr. Barlow thinks that this is the lowest they can go right now. Mr. Barrett stated that there are some different angles and approaches that they can take to make it more attractive because it may be a little bit higher than they are paying with their competitors down the street.

2. **47 Cove Lane-Requesting third extension on variances originally granted September 28, 2005-**Mr. Barlow wanted to clarify that Richard Clarke was the applicant. Last year the applicant was John Harding who has passed away. Doug Clarke, brother of Richard Clarke, has also passed away. Reflected in the minutes dated September 26, 2007 it refers to Doug Clarke as Doug Harding. Mr. Barlow wanted to make that name correction from Doug Harding to Doug Clarke. The correction was made. Ms. Peterson stated that the problem she has with all these extensions is that everyone is talking about the economic turmoil but this is not a new purchase and the lot will change. Ms. Coffin stated that the variances that they granted were only for that set of plans and that set of architectural and will not really hurt to extend it. Mr. Andrews stated that 3 ½ years ago the maintenance contract was not what they ask for now. It is a vacant lot and the deed restriction is on file. Mr. Andrews suggested asking for a two- year maintenance contract with the extension. Mr. Barlow thought they could be grandfathered because the deed restriction has been filed. Ms. Coffin thought that you could amend it if you wanted to. Ms. Peterson stated that she wanted to know what their intentions were three months from now. If they are not going to do anything in three months time she would like them to come in and tell the Board they are not going to do anything in 2009 and they can withdraw their application. The original request is going back to 2005. One of the brothers wanted to build a house on the lot but passed away and the other brother now would like to sell the lot. **Mr. Andrews made a motion to grant a three month extension for variances at 47 Cove Lane and add that the maintenance contract be for two years from date of service. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
3. **Approve minutes dated January 28, 2009-**Ms. Peterson made a motion to approve the minutes dated January 28, 2009. Mr. Barlow seconded the motion. All in favor and the motion PASSES.
4. **Other Business-** Ms. Coffin stated that because of funding issues the county may not be able to retain the program that tracks the contracts of the alternative systems. Ms. Coffin stated that she sat on a subcommittee that has decided to try a

fee based system, with Board of Health support, and every operator would be charged a fee based on the number of units they have on the Cape. There are forms to be signed by the Board that basically says that the Board recognizes that they require oversight and wastewater operators are required to report to Carmody. It also says that Barnstable County uses the database to insure O& M and the Board recognizes the need to continue it and in order to have a long term funding mechanism to support the County staff member they endorse the plan to charge operators an annual fee based on the number of systems operated. Ms. Coffin stated that she does not know how they will be able to continue unless this plan goes through. Ms. Coffin stated that she thinks the annual fee will be about \$25.00 but isn't sure. Ms. Coffin stated that the Town of Bourne has about 60 or 70 alternative systems where some other Towns have about 300. The County is doing a good job keeping track of the contracts and will send letters when a contract is cancelled. They will step in and try and get the homeowner to sign up again before contacting the Board of Health. This is a tracking system for the alternative systems. They track the inspections and effluent testings and will let them know if anyone is out of compliance. The Board felt it was a worthwhile program and signed their support.

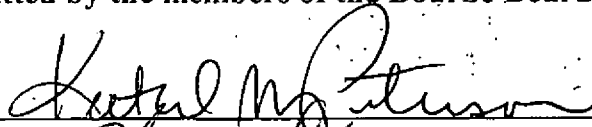
Ms. Coffin also suggested trying to do the ICS training at the next meeting if the agenda was light.

Mr. Andrews made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the motion PASSES. The meeting adjourned at 7:46 P.M. The next meeting is scheduled for February 25, 2009.

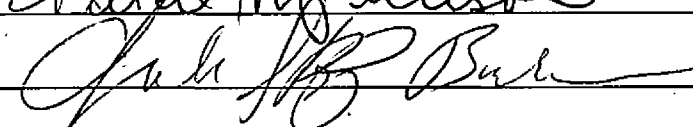
Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

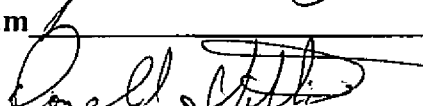
Kathleen Peterson



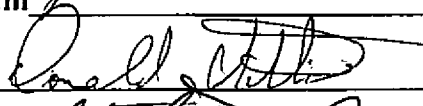
Galon Barlow



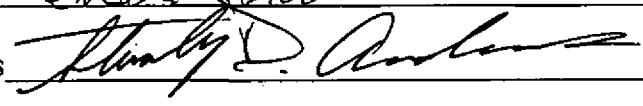
Donald Cunningham



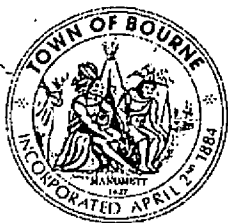
Donald Uitti



Stanley Andrews



cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

February 25, 2009

Time:

7:00 P.M.

Place:

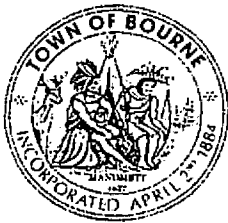
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update regarding odor mitigation
2. Nick's Pizza-Hearing regarding repeat food code violations
3. Approve minutes dated February 25, 2009
4. Other Business
5. ICS 100 Training

2009 FEB 19 PM 12 12
TOWN CLERK'S OFFICE
BOURNE, MASS

Signed: *Kathy M. Burgess*
Title: Secretary
Date: February 19, 2009



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

February 25, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, Lisa Plante, Health Inspector and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **I.S.W.M.-**There is no one to represent ISWM at this time so Ms. Peterson moved to the second agenda item.
2. **Nick's Pizza-Hearing regarding repeat food code violations- Fontini Tsonis,** owner-Mr. Barlow excused himself and stepped off for this discussion as he is a restaurant owner and holds the same licenses as Ms. Tsonis. Ms. Peterson asked Lisa Plante, the health inspector, to give her report. Ms. Plante handed the Board Members a list of all inspection dates and violations since January 2008. Ms. Plante stated that Nick's Pizza has had numerous repeat violations over the last year and a half. The summer intern, Jeff McCauley, and Ms. Plante have been to Nick's on numerous occasions. There have been anonymous complaints as well. Ms. Plante stated that her last inspection was February 24, 2009 and most of the violations have been corrected. As of February 4, 2009 the violations were all still ongoing. Mr. Uitti stated that these were very serious violations. Ms. Coffin stated that the inspectors always try and work with the owners and the employees of a restaurant and do not want to have anyone come before the Board but when there are repeat violations there is no choice. Ms. Peterson is concerned about the number of repeat violations and hoped that the cleaning done before the Feb 24 inspection would continue. Ms. Tsonis stated that she has been in business for 33

years but is not a good boss. She has had problems telling her employees to follow direction and cannot find good help. Ms. Tsonis stated that the lid to the container of mushrooms was underneath it but when it's busy they don't put it back on and that's why it was uncovered. The vegetables are in the walk in cooler, which has to be cleaned. Ms. Tsonis stated that she wants to take the fence off around the dumpster, which she never wanted in the first place, because there is not enough room to get in there and clean around it and the birds are always around it. It is a zoning requirement to have the fence. Ms. Peterson stated that she can understand problems like that but with every inspection the floors were dirty and greasy, bathrooms were dirty, the sandwich prep area was dirty, the tinfoil that lined the shelves was old and dirty, there were no thermometers and the microwave was always dirty. Ms. Tsonis stated that they use the microwave all day long and sometimes things overflow when they use it. Ms. Tsonis stated that they clean the microwave and floors are cleaned every night but when it's busy during the day sometimes things fall on the floor. Ms. Peterson stated that the Board understands that but the inspectors can tell the difference between old dirt and new dirt. Mr. Andrews stated that every time Nick's was inspected Ms. Tsonis was given a list of the violations. Mr. Andrews asked Ms. Tsonis what policies she has set in place so the violations don't reoccur. Ms. Tsonis stated that her employees were young and don't pay attention. She is there seven days a week and has made a list of duties for her employees to follow. She has asked the drivers when they come in to check the bathrooms and the tables. Ms. Tsonis stated that when she gets deliveries on Monday and Fridays she has her employees put them in smaller boxes in the cooler. All the policies have been posted for the employees to see. Mr. Andrews stated that the inspector wrote up violations and it has taken Ms. Tsonis a year to put up written procedures for her employees. Ms. Tsonis stated that they have different employees all the time and this hasn't continued for a year. Ms. Peterson stated that it has continued and every time an inspector came, no matter what time of day it was, there were violations. Ms. Peterson stated that they have inspected Nick's 10 times and this cannot be taken lightly and it will be up to the Board now to figure out what they can do so this does not continue at all. Ms. Peterson stated that it is totally unacceptable to this Board. Ms. Tsonis asked how many inspections there were. Mr. Andrews counted the inspections and stated that there were some anonymous complaints but there were 7 inspections in almost 14 months. Ms. Coffin suggested that all of Ms. Tsonis's employees take the ServSafe course and be certified. Ms. Peterson stated that most of the employees are kids and it's not up to the kids to make sure things are kept clean it's up to Ms. Tsonis. Ms. Coffin also suggested a fine be put in place. Ms. Peterson stated that she does not agree with a fine and her suggestion is that Nick's is visited whenever Ms. Plante can and if there is one violation they are closed down immediately. Ms. Coffin stated that there could be a violation even if a hand washing sign is ripped from the wall. Ms. Peterson stated that she doesn't care what the violation is, if there are any she should be closed. Ms. Coffin stated that she thought that was a little extreme. Ms. Tsonis stated that she has been there 33 years and has never had a customer complain. Ms. Tsonis stated that where the food area is it's clean and the food is

fresh. There may be a can open for a few hours but the cans are galvanized. There might be a pepperbox uncovered on the floor but she doesn't understand how these violations are extreme. Ms. Tsonis stated that she has had state inspections before and this is ridiculous. Mr. Andrews suggested that they look at some type of probationary plan. Mr. Uitti agreed. Mr. Andrews stated that Ms. Tsonis has been in business a long time and is a fixture on Main Street but the violations are serious and their main concern is public health. Mr. Andrews stated that he believes that they should request some type of formal training for her employees even if it's just going through her procedures on the list with them. Ms. Peterson asked Ms. Plante if she has seen these written procedures. Ms. Plante stated that she has not. Ms. Tsonis stated that she just had a talk with all the employees and that she had a list before but after a while they don't follow it. Mr. Andrews stated that Ms. Tsonis has to make sure that her employees conform so that she doesn't end up back in front of the Board of Health. Mr. Uitti stated it only takes a minute to cover something back up and not to leave any food out in the open. Ms. Tsonis stated that the dough has to rise and cannot be covered. Ms. Plante stated that her main concern was because the pizzas were uncovered and there was a plastic container with cheese in it sitting in the sauce on top of a ready to cook pizza. Ms. Peterson stated she suggests a probation period of 6 months to a year. She also suggests unannounced twice-monthly inspections. Mr. Andrews agreed and stated that if there are discrepancies between what Ms. Tsonis sees as serious violations then maybe the health office could assist her and show her on site how to be in compliance. Mr. Andrews stated that he would like to see a list of the procedures the next day. Ms. Tsonis stated that she has stacked the pizzas around in a circle (staggered) for 35 years. The pizza pans are wiped clean. Ms. Coffin stated that she should put some parchment paper over the pizzas. Ms. Tsonis agreed that that was not a problem to do. Mr. Andrews stated that they would like to see a resolution so that Ms. Tsonis does not have to come back and they can protect the public at the same time. Ms. Plante agreed to assist Ms. Tsonis and get a copy of her procedure list to the Board Members. Mr. Uitti asked if every day that she opens up were the floors clean and the bathrooms clean. Ms. Tsonis answered yes, everything is mopped up. Mr. Uitti asked if they were dirty by noontime. Ms. Tsonis answered yes because the drivers go out through the kitchen and get the floors dirty. Ms. Coffin stated that the service area in the front is also very slippery and greasy and you have to clean the tables off to sit down. Ms. Peterson stated that things are different now and people are aware of these things. The State has made the Boards of Health extremely cautious and Ms. Plante has been in training and Ms. Coffin has been with her. Ms. Peterson stated that the State is coming down very strictly on all the Boards of Health in the State to bring every restaurant to code completely. Ms. Peterson stated that she has eaten at Nick's herself and realizes that Ms. Tsonis has been in business for a very long time and would be willing to work with her but would need 100 percent cooperation. Ms. Tsonis agreed. **Mr. Andrews made a motion that Nick's Pizza House be given 6- months probation with twice monthly unannounced inspections. By close of business tomorrow (February 26, 2009) the Board of Health should be in receipt of written procedures and how they are administered to the**

employees. The Health Agent or Health Inspector will assist Ms. Tsongis with a stacking method of the pizzas in the refrigerator. Mr. Uitti seconded the motion. All in favor and the motion PASSES.

I.S.W.M.-Dan Barrett-update regarding odor mitigation- Mr. Barlow has returned to the Board for the rest of the proceedings. Mr. Barrett stated that they had two minor episodes, one of which was due to construction and caused some odors over at Brookside, which was taken care of quickly. The other one was tracked down to covering operations in the landfill and was taken care of as well. Placement of intermediate cover continues as areas of the active cell reach the appropriate grade. They have only been able to do limited cover work on the slopes due to weather conditions. The slopes are all covered but do need to be re-graded. The flare has been running at a high rate of availability. They have installed an autodialing system that alerts them when it goes down. This enables them to react faster to potential outages that would result in odor releases. They continue to do routine annual maintenance and make appropriate upgrades. ISWM has received approval from the Cape Light compact to receive full funding for the installation of a Variable Frequency Drive unit to attach to the flare blower. This equipment will regulate the power supply to the blower so that it receives only the power it needs to operate instead of always running at full power regardless of the current need. This will save on energy consumption and allow the flare to operate much more efficiently. Included in this package is a Supervisory control and Data Acquisition System (SCADA). This system will be expandable and allow them to monitor and control several parts of the gas system, resulting in better odor control and management. Mr. Barrett stated that that was a pretty big step for them and are very impressed with it. With the addition of the new horizontal collectors and vertical wells the flow rate has increased substantially. This has required a lot of balancing within the well field. They are making headway but are still making adjustments based on ever changing readings with their focus being to maintain as much vacuum in the active cell as possible. Odor loops conducted by ISWM employees continue 24/7. This process is part of the Administrative Consent Order issued to ISWM by the Mass. Dept of Environmental Protection. The misting system is intact and installed; it just needs to be hooked up. The current system that is available now has been running for four or five days this month as weather permits. They are still looking at alternative organic anti-freeze. It's biodegradable and non-toxic and can be used to keep the system going. Ms. Peterson stated that there had been an odor complaint from Ms. Segal, a resident of TradeWinds. Mr. Barrett stated that he had called and left a message for her. Mr. Barrett stated that he had spoken to Mr. Brown; a resident at Brookside, on one of the days there was an odor issue. That was one of the days that they knew where the odor was and took care of it. Ms. Peterson stated that the day Ms. Segal called the landfill she spoke with one of the landfill employees. Ms. Peterson stated that the employees of the landfill should not be answering questions from the residents. Those questions should

be directed to Mr. Barrett or Mr. Goins. Mr. Barrett agreed and stated that that issue would be discussed at their weekly meeting. Mr. Andrews stated they were a little behind on the estimated completion date for extending the misting system and asked how much longer that would be. Mr. Barrett stated that the biggest problem right now was waiting for the slope to thaw out. If they get a couple of good weather days it will only take a couple of days to install the misters. Mr. Barrett stated that he would update the website. Mr. Andrews asked if there had been any progress made with DEP concerning the burning barrels. Mr. Barrett replied that they have not changed their minds. Mr. Andrews asked how the filling of Phase 2A/3A was coming along. Mr. Barrett replied that it was coming along slowly. They have dropped their rate and have picked up their MSW intake marginally. They are still resolving who they want to come in and what kind of agreement they want to settle on with them. Mr. Barrett stated that he would like to see the tonnage pick up a little bit by the middle of next week. Mr. Barrett stated they are about seven weeks from completion. Mr. Andrews asked if they were not able to bring enough in to cap it off at the present rate what does the fill time look like. Mr. Barrett replied in another 4 weeks it would be full. Ms. Peterson asked if the odor logs were being kept to date. Mr. Barrett replied yes. Ms. Peterson asked if the equipment logs were being kept up and if the equipment was being checked every 3-6 hours as they had discussed. Mr. Barrett stated that he would make sure that is done. Ms. Peterson asked if there had been any trash problems. Mr. Barrett stated that there was a little trash on the east slope that morning but it had been taken care of. They are going to contact the Sheriff's dept and they will bring out seven guys and they will take a walk through to collect any trash. ISWM has met with Covanta Energy, SEMASS to discuss the use of Processed Bottom ASH from their municipal waste burner in Rochester as daily cover and select waste layer. This material is fairly benign, has no odor and works well as a stable cover material. SEMASS has been using this material at the Carver Marion Wareham Landfill since 1986 with no adverse effect on health or the environment. There is plenty of data to support the use of this material and if the Board would like Covanta is willing to come to a meeting to discuss this issue. ISWM feels very strongly that this is a safe alternative daily cover and asks for the Board's consideration. Ms. Peterson asked why the landfill hadn't been using it before. Mr. Barrett stated it was more of a business issue. They are trying to build a relationship with SEMASS that would be mutually beneficial to both of them. Mr. Barlow stated that he would not have a problem talking with them but would also like to talk to the former Board of Health chairman, Steve MacNally who had had some thoughts on this subject in the past when he was on the working group. Mr. Barrett stated that SEMASS would rather work with them than have them be a thorn in their side. If they could come into some kind of agreement with SEMASS maybe they could see a little more of a steady flow into their facility. Mr. Andrews asked if they were going to use this material as daily cover. Mr. Barrett answered yes, and as selective waste layer on the new liner. Ms. Diana Barth asked Mr. Barrett if the Administrative Consent Order had

been finalized. Mr. Barrett replied that it is getting close. There are still some issues to discuss. They are talking about different meters that they want to use that DEP is reviewing. Ms. Barth asked if there would be any fines with this order. Mr. Barrett replied that there would be a penalty. Mr. Barrett stated that he would have Kenneth Ryan, the environmental manager, put together some information for the Board to review before the next meeting. Ms. Peterson stated that Mr. MacNally should also be given the information and be invited to the next meeting as well. Ms. Coffin stated that it should also include some sampling data. Mr. Barrett stated that to put this in perspective, it is allowed to be used as daily cover and is used around the state as a gas-venting layer on liner systems. When you cap a landfill, the last layer before the cap is a permeable layer of material, usually sand, but the state has been promoting this material for that purpose. Mr. Barrett stated that the final feasibility study has been written and submitted to the Mass Technical Collaborative for approval. It is a 150 -page document, which gives different scenarios for their potential gas production. It looks at the point that they could easily run a one to two megawatt operation and because of the type of gas that they have would probably be reciprocating engines instead of a turbine. The next step would be their suggestions and then it runs through the wheels at ISWM and then the Town decides what they want to do. There are several options available to them to use that gas and put it to work. They are also in the process of approving their site wide air permit, which is one of the few in the state that is going to conglomerate the entire facility. That is the route DEP is taking now. Mr. Barrett stated that they were able to take a look at the New Bedford Waste Facility. It used to be that all the air discharge permits were separate. Included in the air permit is a maximum case scenario looking at emissions for a 5-megawatt reciprocating engine facility. Once they get the permit they can install those machines up to 5 megawatts. Ms. Peterson thanked Mr. Barrett for coming.

3. **Approve minutes dated February 11, 2009-Ms. Peterson made a motion to approve the minutes dated February 11, 2009. Mr. Barlow seconded the motion. All in favor and the motion is APPROVED.**
4. **Other Business-**Ms. Coffin stated that Archangela Maffeo, of 23 Wall Street, who is supposed to come to the next meeting on March 11, 2009 with a plan for her alternative septic system cannot make that meeting and will be scheduled for March 25, 2009. Ms. Coffin stated that Scenic Park wants to install a prefabricated pool at the park and will probably be close to 6 feet deep. They are not sure if the pool will also be open to the public. They are wondering if the Board of Health will require lifeguards. In the past, they have had lifeguards at the tidal pool. Ms. Coffin stated that if it is open to the public there should be lifeguards. Mr. Barlow stated that he does not know how much authority they have because it's federal property but thinks that they do have some authority and that pool will have a lot of use

and it would be stupid not to require lifeguards. Ms. Peterson agreed. Ms. Coffin stated that the Park does not seem to have a problem with requiring lifeguards. Mr. Andrews suggested they attend the next Board of Health meeting. There was general discussion amongst the Board Members regarding the large amount of people that use the Park and the future plans for the pool area. Mr. Mulvey stated that he does not think that the Board of Health should take responsibility for this decision but should be up to The Recreation Authority. Mr. Barlow stated that they would work together with them and address what is best for the general public.

Ms. Coffin stated that there have been more abandoned properties lately due to the hard economic times. Ms. Coffin stated that she is afraid there will be more restaurants with food violations due to the economic times as well. Mr. Gately asked, in general what was the problem with Nick's. Ms. Coffin Stated that under the code food has to be properly covered, there were thermometers continuously missing so there was no way to check the temperatures. Mr. Gately asked if anyone could get sick. Ms. Coffin stated that if you're not following the code there is always the potential for a health risk. It means people aren't doing their job. Ms. Coffin stated that when they do an inspection in the middle of the day they understand that things will be greasy and dirty but an inspection was done at 10:30 A.M. before they were open and the bathrooms were dirty, the floors were dirty and food was uncovered. There were also many repeat violations.

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting was ADJOURNED at 8:17 P.M. The next meeting is scheduled for March 11, 2009

ICS 100 Training-The meeting was adjourned and the Board Members went upstairs to the Board of Health office for the ICS 100 Training

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

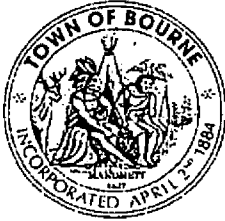
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

Cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

March 11, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

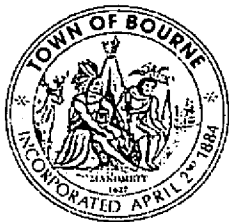
AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update regarding odor mitigation
2. I.S.W.M-Brent Goins or Dan Barrett- Discuss and possible vote regarding acceptance of processed bottom ash from SEMASS
3. Bourne Scenic Park-Discuss and possible vote regarding requirement of Lifeguard(s) for new Scenic Park pools pursuant to 105 CMR 435.23
4. Bourne Scenic Park-Discuss and possible vote regarding variance to 105 CMR 435.03 12(d)
5. 14 Nye Lane-Edward & Marie Doyle-Request waiver for renovations/additions
6. 23 Spurr Road-Don Bracken for Paul & Linda Powers-Request variances
7. 21 Wallace Point-David Martin for Maura Cutting-Request variances
8. 42 Wings Neck Rd.-Beth Ann Timson-Request waiver
9. 144 Clay Pond Rd-Jeff Bailey-Request variances to horse regulations
10. Approve minutes dated February 25, 2009
11. Other Business

BOURNE, MASS.
TOWN CLERK'S OFFICE

12 01 11 5 00 PM 2009
Signed: *Kathy Burgess*
Title: Secretary
Date: March 5, 2009

Cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

March 11, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

- 1. I.S.W.M.-Dan Barrett and Brent Goins-General update regarding odor mitigation-**Mr. Barrett gave a progress report on the schedule that was presented at the January 21, 2009 meeting. Mr. Barrett stated that the gas extraction wells are in. Well piping installation is complete. The installation of the reconditioned blower is complete. Balancing the well field is ongoing. Mr. Barrett stated that any changes made to the well field takes time to balance and they are still trying to get it to where they want it to be. They change it on a weekly basis according to where the odor problems are coming up. They have extended the existing misting system with sprayers and the installation of the new misting system is about 75% complete. They have electric up the hill and have water about ¾ of the way up the hill but due to weather have not been able to complete that. Filling phase 2A/3A Stage 1 South is 95% complete. They are a little bit behind on the capping due to weather but is about 85% percent completed. Wood burning has been discontinued by order of DEP and the odor loops continue 24/7. There have been some prime odor days recently but no problems and they have been able to keep it under control. Mr. Barlow stated that he spoke with Mrs. Warncke who stated that they are very pleased with the way the odor issue has been handled. Mr. Barrett stated that the final copy of the Administrative Consent Order had been signed by the Board of Selectmen and will be returned to the Massachusetts Department of Environmental Protection. It was a consent order with penalty but the Board does

2009 MAR 27 PM 4 01

not have copies of it yet. Mr. Barrett stated he would get a copy to them. Mr. Barlow asked if this was the final Administrative Consent Order. Mr. Barrett answered yes. Mr. Barrett stated that once the consent order is signed by DEP they would like them to walk the landfill once a week with their gas meter to try and pick up hot spots in the landfill including the slopes and on top. They would like that done once a week for thirty days. They are also requesting them to monitor the wells for vacuum temperature, methane, oxygen, and nitrogen levels. Ms. Peterson asked if they were doing that now anyway. Mr. Barrett responded that they were doing that weekly but DEP wants it stepped up. They also want the odor loops continued for 30 days. Mr. Barrett stated that that ties up about 3 men a day but they will continue odor loops longer if there are any problems. They would also like them to establish an odor hotline. Mr. Barrett stated that they have been looking into an answering service. That service would be in effect for six months depending on how things are going. Ms. Coffin asked what the status of the remote monitoring SKADA system was. Mr. Barrett responded that they are still in the process of getting everything in order to install the variable frequency drive unit on their blower and once that's in the SKADA will be in. It will take a little while after that to get everything hooked up.

2. **I.S. W. M.-Brent Goins and Dan Barrett-Discuss and possible vote regarding acceptance of processed bottom ash from SEAMASS-**Mr. Barrett stated that at the February 25, 2009 meeting of the Board of Health ISWM asked the Board to consider the acceptance and usage of SEMASS Processed Bottom Ash (PBA) as daily cover and Select Waste Layer. The Board asked to be supplied with some written information describing the ash prior to this meeting and asked if a representative from SEMASS could come to this meeting to field questions regarding the characteristics and usage of PBA. Mr. Barrett stated that tonight Ken Ryan, a P.E. from Covanta Energy, is here to answer questions and discuss any concerns the Board may have. Mr. Barrett stated that Mr. Ryan is a landfill-engineering expert and is very knowledgeable. Mr. Barrett stated that he has worked with ash before. The consistency of the material is like a gravel material. Mr. Ryan has brought in a sample to show the Board. Mr. Ryan stated that it is a course granular material. It is the heavy stuff that falls through, as the waste is combusted so all the organics are destroyed during the combusting process and what's left is this course granular material. Mr. Ryan stated that it is a very workable material that they use as daily cover. It is permeable material meaning since it has so many holes in it water and air can move through it pretty rapidly. You can use it as gas venting layer, on landfill closure projects, and it makes great roads. Mr. Barrett stated that it does not have any organic content therefore it will not compost or smell and they won't have to worry about it as they have with other alternative daily covers. Mr. Barrett stated that it is permeable and will work well as a select waste layer. Mr. Ryan stated that they gave the Board data showing that testing had been done on it. It comes up as non-hazardous on all the testing that they do. It goes into their CMW landfill now along with the fly ash and bypass waste. They sample the leachate coming out of there on a quarterly basis and no results have ever come up with anything hazardous in it. Mr. Barlow

asked if they were wetting it down with water or leachate. Mr. Ryan stated that at different times it goes through different stages but is wet down with leachate. Mr. Barlow asked if they would be getting back the same leachate that they have already sent and does it become more volatile as time goes on. Mr. Ryan stated that no, they don't see a change in the leachate characteristics over time. Ms. Peterson stated that she had Ms. Coffin call the Boards of Health that have dealt with this in their towns. Ms. Coffin stated that she spoke to Karen Wolega, the health agent in Rochester, who said that Rochester hadn't used it in a long time but that it was going to Carver. Ms. Coffin spoke with Bob Tinkham, the health agent in Carver, who said that he had no problems with the material and thought it was excellent. They had no odor problems and would take more if they could but they are done and don't have any need for it. Ms. Peterson asked Mr. Goins what was wrong with it. Mr. Goins responded that nothing was wrong with it. Mr. Barlow stated that he had read material that said it was almost like concrete and does it come denser than the sample they have. Mr. Ryan stated that it comes like the sample but if you put a bulldozer on top and roll over it it will set up after time. Ms. Peterson asked Mr. Goins if he liked it. Mr. Goins responded that yes, and in fact, he once ran a landfill as a consultant and has had a lot of experience with the material and has evaluated the material periodically for many years and doesn't have a problem with it. Mr. Goins stated that they had sent the Board a fact sheet about the TCLP test so they might understand what that is all about. Mr. Goins stated that this is benign material. Mr. Barlow stated that he would suggest that before they start using it they take a sample of the leachate they are shipping off and put it away somewhere so a few years down the road they can see how compatible they still are. Mr. Goins stated that when they are talking about moisture in the material they can't accept anything with liquids that leak out of the material or fail what they call a pink filter test. There is no liquid in this material it is basically just damp. Mr. Barrett stated that they test their leachate quarterly and monitor it always for everything. Mr. Barrett stated that if they take the ash and in six months they see a difference then that will be the first thing they point to. Mr. Goins stated that when you look at the contaminants in the leachate the levels are surprisingly low and he has not seen anything that might raise a red flag. Mr. Mulvey asked if there would be a written agreement with SEMASS for the material. Mr. Goins stated that there would be a written agreement. Ms. Coffin asked if they would have it in covered trucks when they haul it in. Mr. Goins answered that yes, it has to be. Mr. Barlow stated that they wanted to make sure it was moist so there wouldn't be any dust blowing. Mr. Barrett stated that this material, by the process it goes through when produced, is damp. **Mr. Barlow made a motion to approve the use of processed bottom ash for daily cover provided the same level of odor continues to come from this material with the leachate they are now using. Also, for select waste layer as well and whatever else the landfill personnel may feel will fit into their daily use at the landfill.** Mr. Uitti seconded the motion. All in favor and the motion PASSES.

3. **Bourne Scenic Park-Discuss and possible vote regarding requirement of lifeguard(s) for new Scenic Park pools pursuant to 105 CMR 435.23-**
4. **Bourne Scenic Park-Discuss and possible vote regarding variance to 105 CMR 435.03 12(d)-Barry Johnson & John Morrill, Scenic Park Supervisor-**

Barry Johnson stated that he is here, along with John Morrill, Scenic Park Supervisor, representing the Bourne Recreation Authority. Mr. Morrill stated that they are looking to install two one piece fiberglass pools which will be the biggest amenity the Park has seen in some time. Mr. Johnson stated that they are hoping to have the bid out by the end of the month with the bid opening around the end of April with the project completion around June 15, 2009. Mr. Johnson stated that it is an aggressive schedule but a doable schedule. Mr. Johnson shows the plans to the Board Members. Mr. Johnson showed the Board where the fence is and stated that everything will be enclosed by the fence. Mr. Johnson showed the Board where the existing bathhouse is located. Mr. Johnson stated that the requirement is that they need to go through the bathhouse in order to enter the pool complex. They would like the Board to give them a variance from that requirement because they have the pool facilities within 25-30 ft. of the entrance to the pool complex. Mr. Johnson stated that Mr. Morrill has a plan to possibly include some outdoor showers that would be installed on the side of the building in addition to what is already there, if necessary. Mr. Johnson stated that the length of the pools is about 40 feet with a maximum depth of 6 feet or less. They are asking for the variance because the existing pool bathroom is so close to the complex. Mr. Johnson stated that they have also been discussing the need for lifeguards. They have always had lifeguards on duty. They had two lifeguards daily at the old site and are planning to put the lifeguard stand between the two pools so they will be able to view both pools interchangeably. They are planning to put on two lifeguards for the season and the hours of operation will be 9-5. Ms. Peterson asked if they were considering renting out the pool at night for parties. Mr. Johnson replied no, that they allow them to rent the pavilion and the tent but not the pool. Ms. Peterson stated that she does not see a problem with this. The place she stays in North Carolina does not require an entrance through the changing house; you enter through a side gate. Mr. Andrews asked if there was access from inside the pool area to the bathroom facilities. Mr. Morrill stated that they are going to orientate the walkways that are currently in front of the bathhouse to the pool area but it will be outside the gate. Ms. Peterson asked if they were talking about one lifeguard per pool. Mr. Morrill answered yes. Ms. Coffin stated that she didn't have a problem with that based on what they had before but she wanted to let them know that, seeing that the bather load is 49 bathers per pool, the regulations suggest one lifeguard for each 25 bathers which would be four. Ms. Coffin stated that that does seem like a lot considering the pools are so close together but wanted to let them know what the suggestions are in the state regs. Mr. Morrill stated that he also tried to calculate according to the depth of the pool. Mr. Morrill stated that for 5 ft and below you need 15 square feet but they wouldn't have much depth because it's 6 feet at its deepest point so they're sloping from the low end to the deep end. Ms. Peterson stated that she personally feels that 4 lifeguards would be too many. Mr. Barlow stated that this is a

Recreation Authority project and they will spend whatever money they have to to man this because it will be a big draw to the Park. Mr. Barlow stated that the Park doesn't make money, it just puts it back into the Park so if it turns out to be really popular they will probably hire a few more lifeguards. Mr. Morrill stated that they are thinking about those things and will address them when the time comes. Mr. Barlow stated that he thinks they do a good job running the park and has every confidence that they will have enough lifeguards. Mr. Morrill stated that he has gone through the CMR's with a fine tooth comb and understands all the signage and everything they have to do and has already signed up for the CPO class in May. They are trying to be proactive with safety. Mr. Barlow stated that they realize they are on Federal property but the Board appreciates them coming before them and discussing these items with them. Diana Barth asked for a description of the pools. Mr. Morrill stated that they are going out to bid and showed her the plans. Mr. Morrill stated that they are looking into saltwater filtration, which is very popular right now. It is freshwater that has a saltwater treatment. Ms. Peterson made a motion requiring a minimum of two lifeguards at Bourne Scenic Park with the possibility of adding additional lifeguards as needed. Also, granting a variance on the entrance to the pool from the existing regulation, which states that you have to enter the pool through the pool bathhouse. The Board will authorize the variance to enter from one of the gate openings referenced on the plan received by the Bourne Board of Health March 11, 2009. Bourne Scenic Park Swimming Pool Project, proposed swimming pool location plan. Plan dated March 9, 2009, drawn by Coastal Engineering. Mr. Barlow seconded the motion. All in favor and the motion PASSES.

5. **14 Nye Lane-Robert Parady for Edward & Marie Doyle-Request waiver for renovations/additions-**Mr. Parady is an attorney for Edward and Marie Doyle, who own the property at 14 Nye Lane. Mr. Parady stated that they are requesting a waiver from the Board to be allowed to use an existing three bedroom septic system in connection with a proposed expansion project of the current property. Bousfied installed the system in 2006. It was a very recent installation put in by the prior owner just before the Doyle's acquired the property. Mr. Parady stated that the existing house is a typical 1960's ranch style home with 3 bedrooms and an attached garage. Mr. Parady stated that the proposal is being done on the same footprint as the current house with the only difference being to the change to the exterior deck. Mr. Parady stated that the main house is being expanded on the exact same footprint as the existing house but is going up to a two- story house. It is still a three -bedroom house which is what the current system was designed for. The revised plan will have 3 rooms on the first floor- a master bedroom, kitchen, family room and a full bath and the second floor will have two bedrooms and a full bath and the lower level basement will remain unchanged. The existing garage will remain unchanged except for the structure of the roof which will provide storage space in the attic with a pull down access. The existing deck will be modified and extended to the full length of the house an additional 10 feet. Mr. Parady stated that on the site plan the system that was installed in 2006 is 150 feet

beyond the resource area. Ms. Coffin stated that when the system went in in 2006 there was no mention of a coastal bank so the resource was the coastal beach area and the system was designed to be outside of that 150. Later on in discussions it was brought up by the conservation agent that the previous conservation agent might not have looked at the true bank by definition. Ms. Coffin stated she didn't want to approve something and have someone question why they didn't have to worry about a coastal bank. Ms. Coffin stated that it was about a 30 percent increase, which isn't much, and since the actual resource is the beach she did not have a problem with their request. Ms. Peterson stated that the Doyle's have the newest system in that area. Ms. Coffin stated that this is also pressure distribution, which is a benefit as well. Ms. Peterson stated that the system they have is a benefit to the Town. Mr. Barlow stated that there are similar projects in the area that they didn't require nitrogen removal because it was so high and this area is also high as well as considerably back from the coastal resource. **Mr. Barlow made a motion to accept the request of a waiver to use the existing septic system at 14 Nye Lane. Site and sewage plan done for Bousfield received by the Bourne Board of Health February 20, 2009. The architectural for the Doyle residence at 14 Nye Lane received by the Bourne Board of Health February 20, 2009. They will keep the same number of bedrooms just put a second floor on the house. They will allow the continued use of the existing septic system because it is consistent with other projects in the neighborhood because the land is high and the distance from the coastal habitat is acceptable. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

6. **23 Spurr Road-Jay McKinnon for Paul & Linda Powers-Request variances-** Ms. Coffin stated that this lot has been split in half and is 19 & 23 Spurr Rd. They are only dealing with 23 Spurr Road tonight. Mr. McKinnon, Bracken Engineering, stated that the property is located at 23 Spurr Road, map 37.4 and a portion of parcel 53. It shows as lots 71 & 72. Mr. McKinnon stated that it is currently a three-bedroom house two stories with the three bedrooms upstairs. Non-bedroom space downstairs. The lot is serviced by cesspools, which is located in the rear. This lot at one time had been a section of 23 & 19 and is separate lots. Number 19 septic system is also a cesspool, which is also located on their lot. They are currently submitting two separate plans one for each building. They would like to put on a one-story addition on the family room with no bedroom increase and also provide a new title v septic system with local upgrade approval. The lot falls within the AE flood zone, elevation 15. Buzzards Bay is located to the North with an associated coastal bank, which is the top of the seawall. Mr. McKinnon showed the Board members on the map where the 150 ft setback was. The existing cesspool is approximately 136 ft from the coastal bank. Mr. McKinnon stated that they are proposing to upgrade the septic system for a three-bedroom design using aggregate free leaching chambers in a field configuration and to minimize the setback to the 150 ft coastal bank. They are looking for a five-foot local upgrade approval waiver from the lot line to the south and 7.5 foot setback to the westerly lot line. They are proposing a 1500-gallon septic tank and

a 1000-gallon pump chamber. Groundwater is fairly high so they need to increase separation to groundwater to 4 ft and provide concrete block type retaining walls approximately two feet tall at the highest section and then taper off to no wall toward the building. The existing building is on piles; the setback to the building proposed would be 5.9 ft. Mr. McKinnon stated that this was the best alternative they could come up with and in addition to local upgrade for lot lines they are requesting a reduction of the soil absorption system leaching area. They are allotted to a 25 percent reduction per local upgrade approval and they are proposing a 24.4 percent reduction in order to keep the septic system outside the 150 ft setback no closer than 5 feet to the lot lines. Mr. McKinnon stated that the first floor additions would be about a 20 x 24 addition and they are going to enclose an existing porch. They are also constructing a new 10x10 deck with steps. Mr. Barlow asked if Mr. McKinnon was also working on the septic system next door. Mr. McKinnon answered yes, that is also a mounded system. They are outside the 150 -foot set back. Ms. Coffin stated that they are not going to be near each other. Mr. Barlow stated that he was worried about the groundwater issue in that area. Ms. Coffin stated that she doesn't think it's right to try and do an addition and then ask for a reduction in the size of the leaching. The plan is a little misleading as the plan says flow provided is 330. Maybe that is a typo but they need 330 but are only providing 264. Ms. Coffin stated that that is only 70 – gallons shy but believes that there is a way, without reducing the size of the leaching, with variances on the strip-out. Mr. Barlow stated that there are a lot of septic systems in that area that will be coming before them in the next few years and they would like them as efficient as they can have them. Ms. Coffin stated that if there was no other way to design then she believes the Board should be giving reductions to the leaching but if there is any other possibility she doesn't believe they should give a reduction for the size of the leaching field. Mr. McKinnon stated that they did look at possibly doing a conventional field within two feet of the lot line all the way around, and a 150 ft buffer setback zone but couldn't come up with the full 330 gallons for that either. Mr. McKinnon stated that they did another aggregate free leaching system in a field configuration sliding the system down further which did get them a septic system that didn't need a 24.4 percent reduction with a conventional size for 330 gallons per day. It does go closer to the lot lines and the strip out wouldn't be a full five feet but it was something they could do with a 2-½ foot strip out. Mr. McKinnon showed the Board Members the plan for that as well. Ms. Peterson asked why one over the other. Mr. McKinnon answered basically it would be the strip out. They are maintaining five feet to the lot line and can go closer under a local upgrade as well. Ms. Coffin stated that she is looking long term but would hate to say that long term they had undersized the system. If they knew they were only going to have two people in there for the rest of the life of the system maybe it wouldn't be an issue. Ms. Coffin stated that she has an issue in reducing the leaching facility size when there is another alternative. There was general discussion between Ms. Coffin and the Board regarding what type of other systems there are in that area. Ms. Coffin stated that she wasn't sure but thought a lot may be older Title V. Ms. Coffin asked if with the other strip out would it be the same size retaining wall.

Mr. McKinnon answered yes. Ms. Coffin stated that they would have to be certain that they didn't create any run off problems with the abutting properties. Mr. Andrews asked if they had brought in two separate plans. Mr. McKinnon answered that he brought in a revised plan in case they wanted to go with the reduction, which is something they don't normally do, but if that was what Ms. Coffin thought was beneficial to increase the leaching area they could go along with it. Mr. Barlow stated that the reality was that they might only get one shot at this in the next twenty years and thinks they should go for the best they can get. Ms. Coffin stated that there was a letter from an abutter in support of the project. The letter was from Mr. Wayne Berube, of 34 Spurr Rd., Pocasset, MA. **Mr. Andrews made a motion to approve the variances for 23 Spurr Road, which are a 5- foot variance from the required 10-foot setback of the leaching facility to the property line and a 7-foot variance from the required 10-foot setback of the leaching facility to the property line to the south. The plan date is February 3, 2009, revised March 11, 2009. There is to be no increase in run off to the abutter's property. Architecturals of record by SPB Design dated August 25, 2008, received by the Bourne Board of Health on February 17, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

7. **21 Wallace Point-Mike Borcelli for Maura Cutting-Mike Borcelli, Falmouth Engineering, is here to represent Maura Cutting. Mr. Borcelli stated that the existing dwelling is a three-bedroom and is proposing to do some improvement and renovations to the house that would require local upgrade approval. The existing septic system is a cesspool that is located about 25 ft from mean high water adjacent to Buttermilk Bay. It's a standard type cesspool with an approximate depth of 5-6 ft. Ground surface elevation of 12. It is very close if not below ground water at the bottom of the cesspool. They are proposing to install a Title V system as far as possible from the coastal bank and mean high water, which would place the system between the existing house and Wallace point Rd. It would be a flow diffuser system 16ft by 28ft and a 1500- gallon septic tank, which would all be placed between the house and Wallace Point Rd such that the closest point of the S.A.S was 74 ft from the top of the coastal bank. Mr. Borcelli stated that they believe there is no practical way to get it further from the coastal bank however it is a vast improvement over the existing cesspool and there is no increase in bedrooms. This septic system will also only have a two -foot effective depth and is at a higher elevation. The ground surface where this will be installed is at about 19 and is a two -foot depth system the bottom at which is at elevation 15 so is probably at 10-11 ft about groundwater. Mr. Borcelli stated that they have listed the variance required on the plan. Ms. Coffin stated that they do not have to worry about #7 on their list as that is just Title V and the tank does not have to be 150 ft away. Mr. Borcelli stated that they are planning to put in a continuous poly barrier around the edge of the leaching field. Mr. Borcelli stated that the only changes being made are interior renovations and alterations that change and update the floor plan. This will also trigger the requirement to meet flood standards and they will no longer be able to have storage in the basement because**

they are in a flood zone. The architectural plans (sheet A1) show storage area on the second story, which is a loft that they will use for storage area. The rest of the interior renovations just change and upgrade bathrooms and closets. Bedroom square footage existing is 366, proposed 311. Non-bedroom goes from 854 to 909. Non-habitable storage space on attic space is 209. Ms. Coffin stated that because there is a variance to the 74-foot setback and it is only a two-bedroom home and they are putting in a three-bedroom system she suggests issuing a two-bedroom deed restriction. **Mr. Andrews made a motion to approve the variances requested for 21 Wallace Point Rd. 2' feet from the property line where 10' was required-an 8' variance. 4' from the foundation wall where 20' was required-a 16' variance with a poly barrier. 74' from the coastal bank where 150' was required- a 76' variance. 4' from a water service where 10' was required-a 6' variance sleeving the water service to prevent cross contamination. Locate septic tank 2' from the property line where 10' was required-8' variance. Locate septic tank 3' from foundation wall where 10' was required- a 7' variance. Plans are dated January 22, 2009, Received by the Bourne Board of Health February 20, 2009. Architecturals by David Sharff, dated December 8, 2005. Received by the Bourne Board of Health March 5, 2009. There is also a two-bedroom deed restriction on the property due to the system being so close to the coastal bank. Mr. Barlow seconded the motion particularly with a 76' variance based on the fact that there is a two-bedroom deed restriction.**

8. **42 Wings Neck Rd.-Beth & Chris Timson- Request waiver-**Mr. Timson stated that they were before the Board before to move a wall between a bathroom and bedroom. At that time, they had a plan that showed the current porch along the back of the house. They have decided that that is not what they want. They have a different configuration that they would like now. There is a neighbor, Ms. Minerva, present at the meeting because she is concerned with the runoff that she now has from the Timson's yard. Mr. Timson stated that they couldn't get the landscaping done before the winter weather set in. Mr. Timson stated that his landscaper assured him that he was their first job this season. Mr. Timson stated that Mrs. Minerva is having water runoff because their system is mounded. He has spoken with her and has told her that he will make sure that is corrected. They plan on putting a small wall next to the septic field so they have a flattish area so it will run off into the front of the house instead of towards Mrs. Minerva's house. Ms. Peterson stated that they should talk about the waiver first and then address Mrs. Minerva's issues. Mr. Timson stated they found that they need an area to eat their meals. They had been eating on the porch but it was fairly cold there with a lot of bugs. They would like to cover an area of the porch. Mr. Timson stated that they had initially planned to make one of the pre-fabbed glass rooms but they are in a velocity zone and do not have hurricane glass. Mr. Timson showed the board a Wall Planner design (Exhibit A) to show that their plan is to have more than 50 percent window space on every wall that encloses the porch. They are going to lose the existing back door so the main entry to the house will be through the additional covered porch, which will be the eating area for the kitchen. Mr. Uitti

asked if there would be a cellar at all. Mr. Timson answered no. Mr. Timson stated that he feels that this would not be considered a bedroom at all because of all the windows around the room and it is the main entry of the house. They would like to have a room where they can have their family over for dinner that would accommodate a large table. Ms. Coffin stated that her only concern was the existing system was only 85 feet to the wetlands. It is over the 50 percent increase in non-habitable space but it is also because the house is so small it doesn't take much to make it over that amount. Ms. Coffin stated that she is happier having it all glassed in because it will mitigate the possibility of future changeover to any other kind of use. Ms. Coffin stated it is a gray area but at some point they have to say that its only 85 ft away and it is a small house but they can't just keep adding more and more to it. Carol Minerva, who lives at 9 Mariners Lane, is an abutter to 42 Wings Neck Rd. She stated that she is concerned about the runoff from the septic system and has taken pictures to show the Board. There was general discussion between Mrs. Minerva and the Board Members regarding the pictures and where exactly the water comes from. Ms. Coffin stated that when she spoke with Bevilacqua, the installer, he had mentioned to her that they would try and put a ditch with some stone in it at the base of the slope when they finished grading but they have not done that yet. They don't meet the slope requirements so they do have to address that and Ms. Coffin stated that she feels they are willing to do that. Mr. Timson stated that he has a good relationship with Mrs. Minerva and he intends to keep it that way. Mr. Barlow stated that Mr. Timson has to keep his runoff on his property. Ms. Peterson stated that she hopes Mr. Timson will address Mrs. Minerva's concerns before he begins anything else. **Mr. Uitti made a motion to approve the waiver for 42 Wings Neck Rd. to use the existing septic system for their addition and enclosed porch with a three- bedroom deed restriction. Wall planner submitted to show over 50 percent windows in enclosed porch received by Bourne Board of Health, March 11, 2009. Plans received by the Bourne Board of Health on March 4, 2009. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

9. **144 Clay Pond Rd.-Jeff Bailey-Request variances to horse regulations-**Ms. Coffin stated that Mr. Bailey has had a barn on the property for a number of years. Last year he constructed a new stall stable without a building permit. There was already a stable there but he put a new one up. Ms Coffin stated that originally, she didn't make an issue of it because there was already a barn there but then the abutters had a concern about the manure that had been stockpiled. Ms. Coffin stated that Mr. Bailey agreed that that was a problem and has taken care of it. Ms. Coffin stated that she spoke with the building inspector, Rodger LaPorte, who stated that Mr. Bailey is too close to the abutter's property and may have to go to the appeals board. Ms. Coffin stated that the Board has to grant their variance from the 50 required so it makes the other one make sense. Mr. Bailey shows the barn and fencing and is asking variances to the abutter's properties based on the house setbacks and the property line setback. It is a new barn but it is not a new stable per say because the horses have been there for a number of years but it is a new structure. Ms. Coffin stated that unfortunately they are looking at it after the

fact. Mr. Bailey stated that he has made some mistakes. Mr. Bailey pointed out on his drawings where the shed was and the two pre-existing stables. Mr. Bailey stated that there was a four-stall barn there when he bought the property 10 years ago. The fencing was there as well. Mr. Bailey stated that he carried on with the way he was doing things because if "things weren't broken he wasn't going to fix it". Mr. Bailey stated that the two pre-existing stalls were falling down so he took those two down and put up two brand new stalls, which were more pleasant to look at. The fence that was pre-existing was made out of 2x4's so he took that down and put up a new white fence. Mr. Bailey stated that he has admitted that he has made some mistakes. He was putting the manure in a corner and twice or three times a year would come in with a truck and haul it out. He has been doing it that way for 9 years. There was a complaint and Ms. Coffin told Mr. Bailey to start bagging the manure. Mr. Bailey stated he started bagging it and up until December was taking it over to Cavossa's every week. Once the winter came he couldn't get up the hill there because of ice. Mr. Bailey stated that they started stacking the bags but has cleaned it all up and assures the Board that he will not let that happen again. Mr. Bailey stated that the problem is that he has already built everything but has spoken to Mr. LaPorte and hopes to get it all squared away. The barn itself has been there for over thirty years. Ms. Peterson stated that they have had other issues in Bourne with people who own animals that have not been cleaning up after them and the abutter's have had horrendous times with flies and smells and have been back and forth in front of the Board of Health. Ms. Peterson stated that the Board of Health has to take a stand on those because they cannot allow that because it's not fair to abutter's to have to deal with that. Ms. Peterson stated that what Mr. Bailey had with the 40-50 bags of manure that were left there was unacceptable and he should have hired someone to take the bags away if he couldn't do it himself. The health hazards far exceed what they allow. Peter & Jane Doyle, abutters to Mr. Bailey, live at 146 Clay Pond Rd. Mr. Doyle stated they are concerned because being directly adjacent the prevailing winds bring any odors to them and the new barn that was constructed is directly on their property line. Mr. Doyle stated that they looked at the regulations that this Board promulgated in 1978 and realized that they are very strict. Mr. Doyle stated that the building code states that any structure needed to be 15 ft from the property line but the Board of Health codes state that a structure needs to be 50 ft. and it also is quite precise saying what kind of material the floor has to be made out of to make sure any kind of structure that is going to house animals is going to stand the test of time. Mr. Doyle stated that given the fact that this was built without any building permits he is not sure that it conforms to any of those codes. Ms. Coffin stated that the construction part of those regs don't make any sense for the barns that are being constructed today. Mr. Barlow stated that their concern is the odor and the setbacks. Mr. Barlow stated that Mr. Bailey would have to go to the Appeals Board to get the variance on the specific location of the building. He can leave it there unless the building inspector makes him move it. Mr. Bailey stated that this is the first time since he's been there that he has ever had a problem. Mr. Bailey stated that Mr. Doyle is the second person to move into that house and not one person has ever complained to the Board of Health. Mr. Doyle stated that he

only knew about the barn being on his property because there was a man surveying along his property line because someone had complained to the building inspector about the building. Mr. Barlow stated that they couldn't deal with property line issues only the odor issues. Mr. Doyle stated that he went to Ms. Coffin to complain about the strong odor and asked what he had the right to expect knowing that he had bought a home next to people who had horses. Mr. Doyle stated that Ms. Coffin told him he had the right not to be smelled out of his home and gave him a copy of the regulations. Mr. Doyle stated that this was back in July. Ms. Coffin stated that it was okay after she spoke with Mr. Bailey up until the winter. Mr. Barlow stated that there had been horrible odor issues in that part of town over the winter associated with something completely different. Mr. Doyle stated that they were aware of that but saw about 100 bags of white kitchen bags stacked with horse manure in them. Ms. Peterson asked if they had had an abnormal amount of flies last year. Mrs. Doyle answered, yes. Ms. Coffin stated that she thought the bagging of the manure would help and does think it's a huge improvement but thinks there should be a restriction to no more than the amount of horses he has now. Ms. Peterson stated that she noticed that Mr. Bailey had bags of manure on the street and how long does he intend to leave them there. Mr. Bailey replied that it doesn't even last a couple of hours there. Ms. Peterson stated that they have already had a complaint on this issue at another property and would like to be more proactive on it. The last time they had odor issues they let it work out with hopes that it would get better but it never did and they are still complaining and there are still odor and fly issues. Ms. Peterson stated that she would rather get in front of this rather than wait. Mr. Bailey stated they had a very minimum amount of flies last year. Ms. Peterson stated that she suggests that Ms. Coffin, the Board and the Building Inspector get together. She would like to see some sort of time period before they grant this variance and specifically go through a whole summer to make sure that Mr. Bailey understands to keep this area cleaned up and make sure no more complaints come in. Mr. Barlow stated that he is inclined to continue it until September. Ms. Coffin stated that they are creating a problem because basically, if the Board doesn't do anything one way or another, Roger cannot give him permission to do anything different and neither can the appeals board so that would mean that the barn and horses would have to go away. Mr. Barlow asked if they would need a variance for the animals. Ms. Coffin stated that you would just condition the variance. Mr. Andrews stated that it could be set up so that they would get immediate notification from the abutters if they have an issue. Ms. Coffin stated that even if the building inspector grants the variance and three months from now there are problems the Board could say you can't have horses here anymore. Mr. Bailey asked what is going to be acceptable and stated that he throws lime down and has been bagging everything. Ms. Coffin stated that it shouldn't be an issue if he keeps everything picked up the way he is supposed to. Noelle, who also lives at 144 Clay Pond Rd with Mr. Bailey, stated that she picks everything up every morning and afternoon and cleans the stalls every morning and at night and picks it up three times a day seven days a week. Noelle stated that she takes care of her horses and they are not being neglected and has not had any flies since they have been bagging the

manure. Mr. Barlow stated that there are a lot of people in town that have horses and they have to make an extra effort to keep it clean and neat and they routinely grant waivers for horses. Ms. Peterson stated that when you buy property next door to people who own horses you have to expect that you are going to smell a horse. Mr. Barlow stated that they have had the horses for years and cannot expect them to give them up. Mr. Barlow stated that Mr. Bailey made a mistake and built too close to Mr. Doyle's property line but that will have to be resolved somewhere else. They want to deal with him getting rid of the manure and any other issues that are associated with the horses. Mr. Andrews stated that he thinks they should issue the variance and if there are any problems he can be brought before the Board again. Mr. Andrews stated that it looked like he tried to improve the conditions for the horses by putting up a new building and it doesn't look like he's that much off of the property line than he was before. Mr. Doyle stated that the Board is rewarding someone who has built something without regard for the rules. Ms. Peterson stated that she would like to speak with the building inspector to see if everyone can come to a decision to put this off for a few months. Ms. Peterson stated that she agrees that it is rewarding someone who has received a cease and desist from the building inspector and a letter from the Board of Health. Ms. Coffin stated in her opinion it was wrong but if he had not done that and came before the Board today to see if they would give him a variance to put the barn up. What would the issues be that the Board would have to deal with other than manure? Ms. Coffin stated that if he was here to say he would like to take the two stalls down and put up a new two stall barn and would like to be 13.9 ft off the property. Mr. Barlow stated that they would have said then that he would have to be 15ft, and they wouldn't have said 50 ft but maybe 25 ft or so but that is not the case and cannot change what has already happened. Mr. Andrews stated that he realized that Ms. Peterson has some issues with this. Ms. Peterson stated that she has an issue with the fact they are going to give him a variance when, at the same time, he gets a letter dated February 18, 2009 about the building and February 10, 2009 he has 40-50 bags of manure sitting there. Mr. Andrews stated that he is before them for a variance because of the letter from the building inspector. Ms. Peterson stated that they all don't have to agree but she is going on record now as saying that they have had issues in this Town every single time they go lightly on the people that say they will clean it up. There was general discussion between Ms. Peterson and Ms. Coffin about what other issues in Town there may have been. Ms. Peterson stated that she would like to go on record as saying she would like to somehow put this off to get through the summer months. Mr. Andrews suggested that Ms. Coffin do periodic unannounced inspections and extend the variance so he can continue with the other processes. If they see at some point that there is something lacking in the reports he will have to appear before the Board along with any abutters that may wish to appear. Ms. Peterson asked if Mr. Bailey had any type of working contract set up with Cavossa as to how many bags he can drop off. Mr. Bailey stated that he could go over there any time he wants. Ms. Peterson stated that he shouldn't exceed 10-12 bags on the property. Ms. Coffin stated that they are about 15- gallon trash bags. Mr. Barlow stated that when you have animals you have to have a lot of concern for your

neighbors. Mr. Andrews made a motion to grant the following variances: A 120 foot variance from the required 200 foot setback of the stable to the dwelling at 146 Clay Pond Road; a 112 foot variance from the required 200 foot setback of the stable to the dwelling at 11 Colony Ave; a 75 foot variance from the required 200 foot setback of the stable to the dwelling at 9 Colony Ave; a 65 foot variance from the required 200 foot setback of the leaching facility to the dwelling at 142 Clay Pond Rd; a 47 foot variance from the required 50 foot setback of the stable to the rear property line; and a 37 foot variance from the required 50 foot setback of the stable to the property line to the east. There was general discussion between Mr. Doyle and Mr. Andrews regarding the measurements. Mr. Andrews stated that they were using certified plot plans to show the measurements. **The Health Agent or Inspector shall perform two unannounced visits per month for the next six months and submit reports until Sept 1, 2009. They are not to exceed (10) 50-pound bags of manure and they are not to exceed two horses on the property.** Mr. Uitti seconded the motion. Ms. Peterson was opposed. **All others in favor and the motion PASSES.** The Board thanked the Doyle's for coming and if there is any nuisance caused by odor or flies the Board would like the Doyle's to call the Board of Health office right away. There was general discussion concerning the regulations and the fact that they are outdated.

- 10. Approve minutes dated February 25, 2009-Mr. Barlow made a motion to approve the minutes dated February 25, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

Other Business-Ms. Coffin stated that Lynda Costas, director of the Cape Cod Medical Reserve Corp, has drafted a letter of agreement for a community-based program, which says that the MRC shall cover the town of Bourne in the Cape & Islands Health Agents Coalition. It is expected that the Cape Cod Medical Reserve Corps will assist the Bourne Board of Health and its Health Department by supporting MRC recruitment and continuation of pre-credentialed medical and non-medical volunteers who may be available for deployment to respond to public health events and emergencies in Bourne. Ms. Peterson and Mr. Barlow signed the letter of agreement.

There was discussion amongst the Board Members and Ms. Coffin about implementing filing fees for hearings before the Board. Possibly a \$25.00 or \$50.00 fee was discussed. It was decided to put it on the agenda for a future meeting.

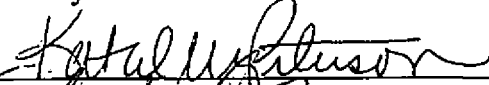
Ms. Coffin told the Board Members about the new Town website that should be up and running in a few weeks. Each department can post their own pages pertaining to their department. Mr. Andrews thought it would be a good idea to post the minutes and have a page where the BOH members could log in for information.

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting was ADJOURNED at 9:40 P.M. The next meeting is scheduled for March 25, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson



Galon Barlow



Donald Cunningham

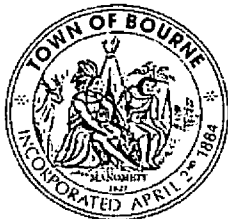
Donald Uitti



Stanley Andrews



cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

March 25, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update regarding odor mitigation
2. 23 Wall Street-Arcangela Maffeo-Hearing regarding previously approved alternative technology septic system
3. 9 Depot Road-Barbara Frappier for Ben Alien-requesting variances
4. 21 Wallace Point Road-Request to amend architecturals of record and deed restriction
5. Approve Minutes of March 11, 2009
6. Other Business

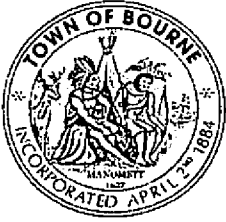
Signed:

Title: Secretary

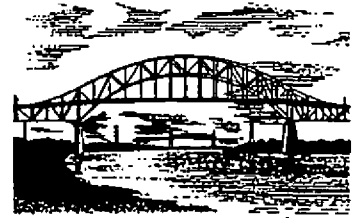
Date: March 19, 2009

Cc Board of Selectmen/Town Clerk

BOURNE, MASS.
TOWN CLERK'S OFFICE
MAR 19 11 33



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

MINUTES

March 25, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **I.S.W.M-Dan Barret-General update regarding odor mitigation-**Mr. Barrett stated that the new misting system is now in and operational. The filling of Phase 2A/3A South is now complete. Mr. Barrett stated that they have moved their transfer station on top of the last lift that allows them to fill in the North end. Mr. Barrett stated that that is a sensitive area and they don't want to mess around with anything up there but were forced into it. They are hoping to have the Authorization to Operate for that transfer station within the next week or two and that is the only permit they are waiting for to get into the transfer station. Mr. Barlow asked if that would include the recycling area or just the transfer station. Mr. Barrett stated that that is just for the transfer station. The DEP decided to split those two facilities up. They will receive a separate ATO for the recycling area.
Litter update: Mr. Barrett stated that they have had 40-50 mile an hour winds out of the West. They have switched around and come directly out of the North and have caused some problems with litter. Mr. Barrett stated that they received an email from Mark Begley, Executive Director of the Environmental Management Commission at Camp Edwards regarding the litter along their boundary. Mr. Barrett gave a copy of the email to the Board Members. A litter net in the northeast corner of the facility had been ripped out of the ground and allowed litter to be deposited on MMR property. ISWM staff secured the net and picked up some of the litter on Friday March 20, 2009. They made a more permanent

repair to the net on Monday, March 23, 2009. The high winds experienced during the first two days of this week made it difficult to get all the litter on the MMR cleaned up. Mr. Barrett stated that it was tough for the guys to work because of all the sand blowing. Mr. Barrett stated that they got it cleaned up and he emailed Mr. Begley, who was happy. They still have a little more to do and will get the bucket truck out there. Ms. Peterson stated that Mr. Barrett had told her that the litter problem was under control at the last two or three meetings. Ms. Peterson asked if the litter was under control or not. Mr. Barrett stated that it is under control but, speaking to Mr. Ellis this week, he stated that with 40-50 mile an hour winds it is hard to keep it under control. Ms. Peterson stated that they knew these winds were coming. Mr. Cunningham asked how often they are going around the perimeter. Mr. Barrett responded twice a week but when the winds are high he goes out every day. Mr. Cunningham stated that he spoke with Mr. Begley this week and the pictures that he looked at showed litter that had been there for more than a week and Mr. Begley did not seem very happy to him. Mr. Barrett stated that he had not seen those pictures and emails Mr. Begley every few months. They do a walk through every fall and spring with a picket line and go through the dense underbrush and pick everything up. Mr. Cunningham stated that Mr. Begley had talked about one corner near the gate where there is nothing to block the litter. Mr. Barrett stated that they had fence there years ago but it has deteriorated and ISWM will put their own fence there now. Ms. Peterson asked what they were doing about the litter on Route 28 because from where the landfill starts up to McDonalds is a mess and she believes that it is from the landfill. Ms. Peterson stated that she has driven up and down the north and south bound sides and it is embarrassing. Mr. Barrett stated that they had the sheriff's dept. out there and then his own guys out there twice last week. Mr. Barrett stated that he is not making excuses but when they get a West wind it blows the garbage out of the industrial park and across the parking lot into the road and it is physically impossible for the landfill litter to get onto the southbound lane but they go out and pick it up anyway. Ms. Peterson asked if he was keeping a log on the litter. Mr. Barrett stated that he keeps the log twice a week and on weeks like this he keeps it daily. Ms. Peterson asked for a copy of the log. **Processed Bottom Ash Update:** Mr. Barrett stated that an agreement has been reached with Covanta Energy for delivery of Processed Bottom Ash from the SEMASS facility to the Bourne Landfill for use as Daily Cover and Select Waste Layer, pending approval by the Massachusetts Department of Environmental Protection. Ms. Peterson asked when that agreement had been reached. Mr. Barrett stated that he believes the Town Administrator had signed off on it last week. Ms. Peterson stated that she did not get any response, other than that it would be considered, to have a Board of Health member present at those meetings and now, all of a sudden, the agreement is signed. Ms. Peterson stated that nothing the Board of Health says seems to make a difference. Mr. Barrett stated that he would give them a copy of the signed agreement when he gets it. Ms. Peterson stated that they sent a letter stating they would like a member from the Board of Health there because of all the odor issues. Mr. Barlow stated that he doesn't recall them discussing or voting on that. Ms. Peterson stated that they did not vote on it. Mr. Barlow stated that

they don't make the contracts the Town Administrator does. Mr. Barlow stated that they had an opportunity to review the Bottom Ash, smell it and touch it and have decided to accept it but they don't get to make the contract. Mr. Cunningham asked if there had been any odor complaints. There was one complaint a few weeks ago. There are two permits pending; the Authorization to Operate to get into the transfer station and the Authorization to Operate to get on the new liner. Mr. Andrews asked if the C&D they are processing is on top of the cap that was just completed. Mr. Andrews asked if they were going to have to do more work on top of that cap afterwards. Mr. Barrett stated that they would have to clean it up and straighten it out. Mr. Andrews asked what the status of the slopes was. Mr. Barrett answered that they are ready to go. Mr. Andrews asked how much longer they had on the upper north end before it will be capped. Mr. Barrett replied that it would be about three months. Mr. Cunningham asked if they still had men working 24 hours a day. Mr. Barrett answered yes. Ms. Peterson asked if they were keeping the logs for the pumps and the equipment. Mr. Barrett stated that that was all included in the odor loop. Mr. Andrews asked about the status of the answering service. Mr. Barrett stated that Mr. Goins is in the process of approving it. It is not active because the DEP has not signed the consent order yet. It will be a separate phone number that ISWM will give out to their abutters and also post in the newspaper. Mr. Barlow asked if Mr. Barrett could give them a plan to get a handle on the litter issue. Mr. Barlow stated that they couldn't keep saying they're sorry; they need to address the issue. Mr. Andrews stated that once they developed a plan with the odor mitigation they saw true progress that they could track and that is what they should do now. Ms. Peterson stated that they have been through this before and they have had a plan before. There was general discussion amongst the Board Members regarding the plan they had in the past and coming up with a more proactive plan. Ms. Peterson is concerned that there will be more fines. Mr. Cunningham stated that it is not possible to stop every piece of litter from going somewhere but with the previous plan ISWM was supposed to find the litter before anyone else did. Ms. Peterson suggested they take a look at the Administrative Consent Order from DEP, which states what they should do regarding the litter. Ms. Peterson read from the ACOP document: *Within (30) days of the receipt of this order the respondent shall engage the services of a third party Massachusetts Registered Professional Engineer, experienced in solid waste management to evaluate all existing litter control fence and inspect the landfill property and inspect all off-site property previously impacted by windblown litter and submit a summary report. The report shall state whether additional litter control fence is deemed necessary, provide complete details of any recommendations for additional fencing, and report on on-site and off-site litter conditions. Within (45) days of this consent order, the respondent shall submit a schedule for implementation of any recommendations by the third party engineer. Immediately upon the receipt of this order, the respondent shall implement all elements of the facility waste ban compliance plan as conditionally approved by Mass DEP on May 18, 2006. The penalty was \$6520.00.* Ms. Peterson asked if ISWM had done all these things. Mr. Barrett replied yes, the Waste Ban Plan has been updated and reviewed and approved by DEP. The report

from the engineer, Ray Quinn, from Sitec Engineering, has been done and is in draft form. Mr. Quinn has noted some things they have to do and they are working on it now. Ms. Peterson stated that the order states that portable fencing used for litter control at the active Landfill area was inadequate to prevent litter from blowing outside the working area. Mr. Barrett stated that they just built a new net. One of the mechanics they just hired worked with Mr. Barrett before at another facility and is very good at building the nets. Mr. Andrews asked Mr. Barrett to highlight what the Sitec report is looking for. Mr. Barrett stated that they want to make sure the nets, particularly on the eastern boundary, are maintained regularly. They also want the litter nets updated to reflect the one that they just built. Mr. Barrett stated that all the suggestions made by the third party engineer are in the process of being implemented. Mr. Andrews asked if they were short manpower between the odor issues and now the litter issues. Mr. Barrett stated the relief they hope to gain when they no longer have to do the odor loops would help them out significantly. Right now that ties up to three men a day. Mr. Andrews stated that it makes it hard to implement the requirements for litter control when they are short manpower and asked what they plan to do to rectify that seeing that the odor loops are not going to end anytime soon. Mr. Barrett stated that they have temp help but they cannot operate the bucket trucks. Ms. Peterson asked if anyone had recently been laid off. Mr. Barrett stated that they have laid off two laborers. Mr. Barrett stated that the odor loops are required by the ACOP 24/7. Mr. Andrews asked when the hockey nets would be complete. Mr. Barrett stated that they are struggling with that and hopes to be done with that in a month or so. Mr. Barlow asked if they are going to be able to get out there and get it cleaned up. Mr. Barrett answered yes and they will address the MMR's concerns and he will call Mr. Begley tomorrow. Mr. Barlow stated that the wind would only get worse. Mr. Barlow stated that the Board is aware of the great burden Mr. Barrett has right now but they don't want to see another fine come in from the DEP for litter on the base. Mr. Andrews stated that there are issues that have to be taken care of between odor control and litter control and they are short manpower. Mr. Mulvey (audience) stated that this can't be the only landfill with litter control problems and asked what the other facilities do to control it. Mr. Barrett stated that everyone does the best they can and the regulators look at it at how soon you deal with a situation like they had this week. 40-50 mile an hour winds are difficult to handle. Using the standard operation procedure, which they were doing this week, is to cover as you go. If they start at 7 they cover by 9. There was general discussion about the problems with the lightweight plastic bags and possible future sorting of the non-biodegradable material. The working group has been trying to find alternative disposal options. Mr. Cunningham stated that according to Mr. Ellis, from the DEP, this problem is not unique to them and ISWM is doing everything that is requested of them by DEP. Mr. Barrett stated that they can do it better. Mr. Gately, the Bourne Courier, asked if there was anything that the general public could do to help with the plastic bag issue. Mr. Barrett stated that there is a movement that is trying to eliminate the plastic shopping bags. Ms. Peterson stated that they would put it on a future agenda to try to come up with some ideas for the Town of Bourne to better control the plastic

bags. Ms. Peterson stated that it is all well and good that other landfills have a problem with litter as well but they haven't just received a fine from DEP. Mr. Andrews stated that they don't want to let this go on week after week. Ms. Peterson asked what Mr. Barrett can do between now and the next meeting on April 8th to get the litter under control. Mr. Barrett stated that the biggest thing they are working on is the portable fence. The gentleman they just hired has rebuilt one the way he and Mr. Barrett had designed them years ago and is working perfectly. They have 8 or 9 more to bring in and retrofit but they have just finished the transmission back in the roll-up truck so they will start on the fences tomorrow which will go a long way to help them out. Basically the hockey nets, which are 20 feet wide, can be put together and moved as the wind changes. The closer they are to the working phase the more paper they stop. They also have plans to put up more of the American wire fence that they have used temporarily across the top of the landfill. Mr. Barrett stated that they would put in some more of that by April 8th. To address Mr. Begley's concerns directly, they will start stringing the fence up around the gate that they had problems with. Ms. Peterson asked why we don't use the prisoners to help with the work. Mr. Barrett stated that they use them as much as they can. The last time they used them was a few weeks ago. Mr. Barrett stated that they have a good working relationship with them and they have done a lot of work for them. Mr. Barrett stated that his contact at the Sheriff's dept. gave him the name of someone to contact who handles the road details. Ms. Peterson suggested they contact Plymouth County as well as maybe someone from the Americorps program or an intern that could help to run this. Mr. Barrett stated that they have an email into the Sheriff's Dept to help set up an agreement with them. Mr. Andrews asked how many of the nets would be built by April 8th. Mr. Barrett stated that the structures are already built they just didn't include the components that he wanted on them. If they can get the mechanics free long enough they will get them done. Mr. Andrews stated that the priority should be to control the litter. Mr. Barrett stated that he hopes to have eight of the nets retrofitted and complete by April 8, 2009. Ms. Peterson asked if they were going to replace the employees that were laid-off. Mr. Barrett stated that he believes that once the economy turned around they would be re-hired but they have landed a few contracts and hopes to bring them back once their revenue improves. Mr. Cunningham stated that he would like to see better control along the bottom of the fences because when the wind blows they are lifted up and the litter blows through. Ms. Peterson stated that there should be a lot of help from the prison available now because they are no longer working at the Barnstable Garden Center. Mr. Andrews asked what requirements they would like from Mr. Barrett before the next meeting on April 8th. Ms. Peterson stated that they would like a standard procedure for the hockey nets, eight should be completed by April 8th, the Sitec report and how they are doing to address the issues in the report, a report on who they are going to get to pick up the litter, the logs, and a timetable for the litter preventative measures. Mr. Andrews stated that he would like to see a draft of the Sitec report as soon as possible and also a timetable on the repair of the fencing as well as the fence extensions. Mr. Andrews asked if they needed to take a vote on this. Ms. Peterson stated that there is nothing to accept tonight so

there is no need for a vote. Ms. Peterson stated that she would also like Mr. Barrett to send her a copy of the correspondence with the Sheriff's office. There was general discussion regarding the issue of the landfill hiring someone to help ease the workload of Mr. Barrett and the fact that that has not been done yet.

2. **23 Wall Street-Arcangela Maffeo-Hearing regarding previously approved alternative technology septic system-**Ms. Coffin stated that she is going to handle this item for Ms. Maffeo who is not at the meeting. Ms. Coffin stated that she spoke with Ms. Maffeo, as well as Peter Valeri, the installer, and Mark Flaherty, the engineer. Ms. Maffeo has signed a contract with Peter Valeri and has applied for a betterment loan from Kendall Ayers at the County. They are asking for a 45-day extension from today's date, which would be May 9, 2009, to allow for the complete installation of the alternative system that was previously approved. **Mr. Barlow moved to grant the extension for the variances for 23 Wall St. for 45 days from today (May 9, 2009). Mr. Andrews seconded the motion. All in favor and the motion is APPROVED.**

3. **9 Depot Road-Jack Landers-Cauley for Ben Allen-Requesting Variances-**Mr. Landers-Cauley stated that Mr. Allen would like to convert the existing garage and a portion of the main house to an office. There would be no change in the footprint. They would like to put a dormer on the garage to make it an office and also an entranceway between the house and garage. In addition to that he wants to put a lean-to against the garage for storage. Mr. Landers-Cauley pointed out on the plans what exactly they wanted to do. There are highlighted areas on the plans, which show the existing and the proposed. Mr. Landers-Cauley stated that the square footage of the existing building is 2738 square feet. The square footage of the proposed first and second floor is 3302 with a net change of 564 square feet. Of that 564 the lean-to, or non-habitable space, is 128 and on the second floor is 436. Ms. Peterson asked if the first floor was over the garage. Ms. Coffin stated that it is beside the garage and she has done a walk through of the home. Ms. Coffin stated that she told the owner the office had to be open in some manner. The office will be like a loft. There was general discussion about the headroom of the storage area. Mr. Andrews stated that, according to the architectural, it looked like it was full height to walk through. Ms. Coffin stated that if that room was a concern they might have to do something with a cased opening. Ms. Coffin stated that they should not have both doors. Mr. Barlow agreed and stated that they should have a cased opening between the storage unit and the office. The assessor's card says there are three bedrooms but there are four. Ms. Coffin stated that there is one on the first floor and three on the second. The septic is built for four bedrooms. Ms. Coffin stated that it is not necessarily a hydraulically connected wetland it is more of a drainage wetland. **Mr. Uitti made a motion to grant the variances at 9 Depot Road. Plans dated Received, Bourne Board of Health, March 13, 2009. Second set of plans Received, Bourne Board of Health, March 19, 2009. Variance from 310 CMR 15.211 of 7.54' from the required 10' setback of a septic tank to a crawlspace or slab**

foundation. Variance under the local regulations of 47.3' from the required 150' setback of a SAS to a wetland resource area. Waiver to allow the continued use of the existing septic tank in conjunction with an addition to the existing dwelling and an upgrade of the soil absorption system. Cased opening required between the office and the storage area. Mr. Barlow seconded the motion. All in favor and the motion **PASSES**.

4. **21 Wallace Point Road-Request to amend architectural of record and deed restriction-**Ms. Coffin stated that at the last meeting the engineer never presented a diagram of the basement and there is a bedroom in the basement. The assessors went out and confirmed that there are two bedrooms on the first floor and one in the basement. They had done a two- bedroom deed restriction because they had granted such a large variance on the setback to the wetland. Ms. Coffin stated that they should require a three- bedroom deed restriction if they are still okay with the work. The septic is properly designed for a three bedroom. Looking at the minutes from March 11, 2009, which had not yet been approved, it was stated that it was a three- bedroom dwelling. Ms. Coffin stated that neither she nor the engineer caught that. Ms Coffin stated that the floor plans they had before them only showed the first floor and they only saw two bedrooms so when they voted on the deed restriction they voted on a two-bedroom restriction when the house actually had three. Ms. Coffin stated that she wanted to make sure they couldn't add any more bedrooms than they presently had, thinking they only had two bedrooms when they actually have three, and that is why she suggested a two bedroom deed restriction. Mr. Andrews asked if the reduction in square footage for the bedroom space from 366 to 311 was for the two bedrooms on the first floor. Ms. Coffin stated yes. Mr. Andrews stated that there were not any calculations in there for the third bedroom in the square footage in the septic design. Ms. Coffin stated that that is staying the same and if you look at the percentages it is still a reduction in the square footage and wouldn't change the calculations for the septic system, which is already a three-bedroom system. There was general discussion about the reason the variance was granted due to the fact that there was going to be a two-bedroom deed restriction. Mr. Barlow stated that it was an oversight and they don't want to deny them the use of their three bedroom home. Ms. Coffin stated that if it were an existing three bedroom coming in with a result in reduction of bedroom square footage and only a 10 percent increase in non bedroom space it would have been in their policy to approve it. Mr. Barlow stated that they did get a good increase on the septic system from a cesspool. **Mr. Barlow made a motion to change the number of bedrooms on the deed restriction for 21 Wallace Point Rd from two bedrooms to three bedrooms based on the fact that their policy in the past has allowed three bedroom homes on this variance in similar situations. Add to the architectural a single sheet Received by the Bourne Board of Health, March 18, 2009 which requests another bedroom in the home.** Mr. Uitti seconded the motion. All in favor and the motion **PASSES**.

5. **Approve the minutes of March 11, 2009-Mr. Barlow made a motion to approve the minutes dated March 11, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
6. **Other Business-**Ms. Coffin stated that Mezza Luna would be opening this week. Ms. Coffin stated she had inspected the kitchen of the new elementary school. The kitchen is beautiful. She has gone by Mr. Bailey's home on Clay Pond Road and everything looks good. Lisa Plante inspected Nick's pizza and everything looked outstanding. Ms. Coffin stated that she met with the medical reserve corp. members on Monday and is still working on getting volunteers.

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting is ADJOURNED at 8:30 P.M. The next meeting is scheduled for April 8, 2009

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

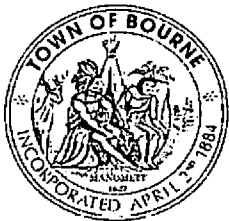
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

April 8, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update
2. 99 Phillips Road-Stephen Rodolakis-Request variance extension
3. Tobacco Violations-Discuss and vote on \$100.00 fine for sale of tobacco to a minor:

Pocasset Country Market-303 Barlows Landing Road
Tedeschi #200-105 Trowbridge Road
Bay State Liquor Mart-4 Barlows Landing Road
Country Farms-365 Barlows Landing Road
Bourne Sunoco-282 Main St.

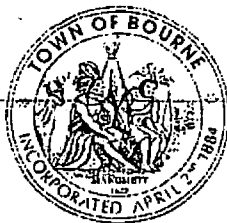
4. Tobacco Violations-Discuss and vote regarding \$100.00 fine for violation of Section 6 of the local tobacco regulations-
Cape Cod Filling Station- 156 Main Street
Pocasset Auto Service- 810 MacArthur Blvd
5. Approve Minutes of March 25, 2009
6. Other Business

BOURNE, MASS
TOWN CLERK'S OFFICE

2 APR 11 03

Signed: *Kathy M. Burgess*
Title: Secretary
Date: April 2, 2009

Cancelled



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

<u>Date:</u>	<u>Time:</u>	<u>Place:</u>
April 8, 2009	7:00 P.M.	Bourne Town Hall Lower Conference Room 24 Perry Avenue Buzzards Bay, MA 02532

AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update
2. 99 Phillips Road-Stephen Rodolakis-Request variance extension
3. Tobacco Violations-Discuss and vote on \$100.00 fine for sale of tobacco to a minor:

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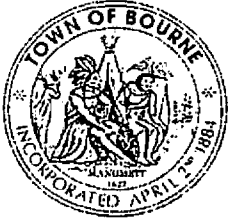
Cape Cod Filling Station- 156 Main Street
Pocasset Auto Service- 810 MacArthur Blvd
5. Approve Minutes of March 25, 2009
6. Other Business

BOURNE, MASS.
TOWN CLERK'S OFFICE
2009 APR 2 PM 11 03

Signed: *Kathy M Burgess*
Title: Secretary
Date: April 2, 2009

Cc Board of Selectmen/Town Clerk

*Kathy
Ricardo
Norma*



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

April 22, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update
2. Tobacco Violations-Discuss and vote on \$100.00 fine for sale of tobacco to a minor:

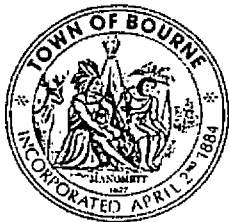
Pocasset Country Market-303 Barlows Landing Road
Bay State Liquor Mart-4 Barlows Landing Road
Country Farms-365 Barlows Landing Road
Bourne Sunoco-282 Main St.
3. Tobacco Violations-Discuss and vote regarding \$100.00 fine for violation of Section 6 of the local tobacco regulations-

Cape Cod Filling Station- 156 Main Street
Pocasset Auto Service- 810 MacArthur Blvd
4. Variance Fees-Discuss and possible vote
5. Amend Stable Regulations-Discuss and possible vote
6. Approve Minutes of March 25, 2009
7. Other Business

TOWN CLERK'S OFFICE
BOURNE, MASS
2009 APR 16 PM 11 36

cc Board of Selectmen/Town Clerk

Signed: *Kathy M Burgess*
Title: Secretary
Date: April 16, 2009



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

MINUTES

April 22, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, Lisa Plante, Health Inspector and Kathy M. Burgess, Secretary

2009 MAY 14 AM 11 35
TOWN CLERK'S OFFICE
BOURNE, MASS

Call to Order: Meeting called to order at 7:00 P.M.

1. **I.S.W.M.-Dan Barrett -General update-** Mr. Barrett updated the Board on the progress report of the schedule that was presented to them at the meeting on January 21, 2009. Mr. Barrett stated that the only item they have left to complete is the capping of the odor- producing cell. The transfer station is now open and will allow them now to get up there and cap the top. Mr. Barrett stated that there has been bad weather and equipment issues and they are not moving along as quickly as they had hoped but they are working on it. Mr. Barrett stated that the DEP has given them permission to discontinue the 24/7 odor loops with the stipulation that if there are any continuing odor issues the 24/7 odor loops will be brought back. This will free up four men for ISWM. Mr. Barrett stated that they have implemented a 24- hour hot line that residents can dial using the office number and the answering service will contact Dan Barrett or the next person on the list if there are any complaints. They have been using it for about 3 weeks now and it is working well. Mr. Barrett stated that they spent most of last week working on the cap but still have quite a ways to go. They have made some breakthroughs balancing the well fields, which has been an ongoing project. Mr. Barrett stated that this has been a very tedious and time-consuming project. They spent 12 hours there on Saturday trying to balance it with a strong NE wind. Mr. Barrett stated that he was beeped by the answering service Saturday afternoon

regarding an odor but the odor was gone when they went to check it. Mr. Barrett stated that he believes it was gone due to the adjustments they had made that day. Mr. Barrett stated that he called the residents that had complained about the odor and they told him it was gone. Mr. Barrett stated that the NE wind was still blowing at the time so whatever they did to balance it was what worked. Mr. Barrett stated that they are happy with the progress they have made to date but every day is a battle and they just have to make sure the machines keep running. Mr. Barrett stated that moving into the transfer station cut their litter exposure by at least 50 percent. There have been some pretty strong winds over the past few weeks but everything is cleaned up. Mr. Barrett stated that Sitec did a tour and gave them a list of things that needed to be done. Mr. Barrett stated that he would send a copy of the report to the Board. Mr. Barrett stated that they have addressed the items that Sitec requested. Mr. Barrett stated that the repair of the litter fences has been made. The extensions are done but they have not finished capping them yet. Mr. Barrett stated that they have five or six of the portable nets done. Now that they are in the transfer station they don't need as many of the nets, they will have twelve all together. They have seven that are operational now. Mr. Barrett stated that they have been patrolling for litter along the neighboring properties. They are limiting the size of the operating and working phase. They are working on a lower area but are working toward getting the authorization to operate in the new cell, which will put them out of the wind. They have been using daily and intermediate cover as needed to control litter during windy conditions. They have denser cover material that they use when the wind is blowing. They are still using the auto shredder residue and have not accepted any ash from SEMASS yet. Mr. Barrett stated that they are waiting for approval from DEP so they can use it as daily cover. Mr. Barrett stated that they could take it and dispose of it whenever they want; it's just considered a solid waste. They want to use it as daily cover so they need permission for that. Mr. Barrett stated that DEP sped up the process to get them into the transfer station and doesn't think they will take too long to give their permission to use the ash as daily cover. Mr. Barrett stated that the only thing outstanding on the checklist is to get the extensions complete and finish the temporary litter nets. Mr. Barrett stated that the nets should be complete by next week but the extensions will take a little longer; they are struggling with that a little. Mr. Barrett stated that he would contact Ms. Coffin every Monday to go over what correspondence she has received to make sure that everything is kept up to date. Mr. Andrews stated that it looked like Mr. Barrett has been keeping up with all the schedules and that Mr. Barrett has been doing a good job. Mr. Andrews stated that he had a comment about the link to the landfill not being on the front page of the website anymore. Mr. Guerino responded that he did not realize that was the case and would contact IT to make sure that it was put back on the home page. Mr. Andrews stated that he would like the press to publish the hot line number so residents could call if they had to. Mr. Barrett stated that every call that comes in to the hot line would also email him and the office so there are hard copies of every call that comes in. Ms. Peterson asked if the selectmen signed off on discontinuing the odor loops because she thought the selectmen and the Board of Health were the ones that decided to start them. Mr. Guerino stated

that the selectmen have not signed off but they have received a copy of that report. Ms. Peterson stated that she doesn't remember that being on a Board of Health agenda. Ms. Peterson stated that she just wants to make sure that everything is voted on that should be so that nothing is left hanging. Mr. Barrett stated that the reason for discontinuing the loops was the manpower issue and DEP felt comfortable freeing up the manpower because of the hotline. Ms. Peterson stated that she understands that, but the Board did vote on the odor loops so they will have to either suspend them for now or continue it to a meeting in the future. Mr. Guerino stated that according to the ACOP the suspension of the 24/7 odor loops calls for the reinstatement of the loops if there are any problems. Mr. Barlow stated that what Ms. Peterson is saying is that the Board needs to vote to suspend the odor loops. **Mr. Barlow made a motion to suspend the Board of Health ordered 24/7 odor loops until there are any further problems.** Mr. Barrett stated that he wanted to recap that he does an odor loop every morning when he comes in. If he detects an odor he will check machines and balancing and that will continue until the odor is gone. If they run into a problem on a weekend they do the same thing. **Mr. Barlow amended the motion to suspend the Board of Health order concerning odor loops made on January 21, 2009 after the joint meeting with selectmen as long as they continue to follow the standards set by the DEP. Mr. Andrews seconded the amendment. All in favor and the motion PASSES.** Mr. Dan Warncke, a resident of Cotuit Road, stated that he called in to report that there was an odor problem recently that woke them up around 1:00 AM. Mr. Warncke stated that the problem is not as significant as it was and is happy to see they are still on top of it but that the problem is still there. Ms. Peterson stated that there had been another complaint from a woman saying she had been very ill from the odor that day as well. Mr. Barlow asked if the odor was the same as it was before. Mr. Warncke stated that yes, it was and it is hydrogen sulfide. Mr. Warncke stated that it has only been a couple of times since January that he has noticed an odor. Mr. Barlow stated that they are doing a lot better but there have been just a couple of issues when they are trying to move from one cell to another. Mr. Warncke asked if this would be resolved before the summer weather is here so they can open the windows in their home. Mr. Barrett stated that they have made some serious strides. There was a NE wind last week and Mr. Barrett stated that he called some of the neighboring residents and they had no odor complaints. Mr. Barrett stated that there are alarms on the flares but he would still like residents to call the hot line if there are any odor complaints. Mr. Barrett stated that the cell they are capping off right now is the last place that contains the waste stream that is bothersome to them. They are not accepting it anymore. Ms. Peterson told Mr. Warncke that it is important for residents to call so they can enter it into the log which could help them figure out where the odor is coming from. Ms. Peterson stated that there was an article in the newspaper regarding five different gasses that can cause problems at a landfill. Ms. Peterson stated that it was not an article regarding the Bourne landfill but landfills nationally and there are five gasses they are going to say are not acceptable to be put out. Ms. Peterson stated that she assumes the landfill will be proactive on that issue. Mr. Barrett stated that they absolutely would and they test the gasses before

they enter the flare so they know exactly what's in it. Typically landfill gasses are 40-55 percent methane and usually 40-45 percent CO2. Mr. Barrett stated that that leaves you with a varying 5 percent amount, which will be oxygen, nitrogen and usually may be some carbon monoxide. Mr. Barrett stated that the rest of it is what they call the "nasties" and that is the five gasses they were talking about in the newspaper. Mr. Barrett stated that they have been around forever and the DEP is starting to buckle down. Mr. Barrett stated that the leader is hydrogen sulfide because it is the most noticeable. Mr. Guerino stated that he wanted to update the Board on the operations study. Mr. Guerino stated that they let the contract out about a month ago to Joyce Engineering out of Richmond and Roanoke Virginia. There were two bidders on the job. SCS out of NY and Joyce Engineering both met the criteria and Joyce Engineering met the price proposal. Mr. Guerino stated that the team leader on the project is Tom Flanagan who spent most of the week at the landfill meeting with Dan. Mr. Flanagan will be back in a week to finish up interviews with all levels of employees at the landfill. They are looking at everything from where the trucks are and how they are being utilized to how the gas system is being monitored and to make recommendations on how some of the procedures can be modified. Mr. Guerino stated that he expects a preliminary report from them where there will be a public airing of the report to the BOS and the BOH will be invited to that meeting as well in the next 3-4 weeks. Mr. Guerino stated that everything should be completely wrapped up by the end of the fiscal year. Mr. Guerino stated that the ISWM staff has been putting in a lot of time. Mr. Guerino stated that Mr. Barrett has been keeping him in the loop regarding potential trash customers and they are going next week to speak with a potential client. They showed the Cape Cod Commission the operation last Friday as a regional possibility as they look forward to putting out an RFP for the county's waste. Mr. Guerino stated that they are bringing in more and the numbers are getting better each month.

2. **Tobacco Violations**-Discuss and possible vote on \$100.00 fine for sale of tobacco to a minor-**Pocasset Country Market, 303 Barlows Landing Road**-Ms. Peterson stated that on March 25, 2009, during a compliance check with the Barnstable County Tobacco Control Program someone at Pocasset Country Market sold cigarettes to a minor. Paris Patel, owner of Pocasset Country Market, stated that he has owned the store for over 11 years. Mr. Patel stated that he has reprimanded the employee and assures the Board that this will not happen again. Ms. Peterson suggested that Mr. Patel inform his employees that they can be fined for the violation as well as the storeowner. **Mr. Uitti made a motion to fine Pocasset Country Market \$100.00 for the sale of tobacco to a minor. Mr. Barlow seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that the fines will increase by as much as \$200-\$300 if there are any more violations in the next 16 months. Mr. Patel stated that he understood that. **Bay State Liquor Mart, 4 Barlows Landing Road, Pocasset**-Fred Jones, the owner of Bay State Liquor Mart, stated that it was his wife that had sold the tobacco to a minor. Mr. Jones stated that his wife does not normally work the

counter. This is the first offense for Bay State Liquor. **Mr. Barlow made a motion to fine Bay State Liquor Mart \$100.00 for the sale of tobacco to a minor. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Country Farms, 365 Barlows Landing Road, Pocasset-There is no one at the meeting tonight to represent Country Farms. **Tedeschi #200, 105 Trowbridge Road-Glen Scanlan, District Manager, and John Warren, Manager,** are here to represent Tedeschi's. Ms. Peterson stated that she has seen employees at Tedeschi's card people who purchase cigarettes. Mr. Warren stated that he tells his employees when school is out and when to be extra careful. Mr. Scanlan stated that he has copies of their store policies of how they train their employees to check ID's and he also has a form with the information on the offending clerk. Mr. Scanlan stated that it is the store policy that the fine be paid by the general manager of the store. Ms. Peterson stated that she would like the manager to inform the employees that they can be fined as well. Mr. Warren stated that the employee was suspended for five days. There was general discussion regarding the use of an electronic scanner that some stores have in place to scan ID's for purchases of tobacco and alcohol. **Mr. Uitti made a motion to fine Tedeschi #200-105 Trowbridge Rd.- \$100.00 for the sale of tobacco to a minor. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Bourne Sunoco-282 Main St.-Lensoor Java, the owner, is representing Bourne Sunoco. Ms. Peterson asked Mr. Java if he had any plans in place to prevent this from happening again. Mr. Java stated that he came to the Board of Health office the next day because he was very concerned and wanted to apologize. Mr. Java stated that he was very ashamed this happened because he has a strict compliance procedure in place. **Mr. Andrews made a motion to fine Bourne Sunoco, 282 Main St, \$100.00 for the sale of tobacco to a minor. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

3. **Tobacco Violations- Cape Cod Filling Station-156 Main Street-Raymy Nesme, owner, is representing Cape Cod Filling Station.** Ms. Plante stated that the Board of Health received a report from the Barnstable County Tobacco Control Program regarding an inspection at the Cape Cod Filling Station that was done on March 24, 2009. Ms. Plante stated that the violation was smoking inside the garage area. This was their second offense. Ms. Plante stated that she did an inspection in Sept 2008 and issued a verbal warning to them at the time but did not document it. Ms. Coffin stated that there is a homeless man that is at the station quite often and he is the one that was smoking during the last inspection, not an employee. Ms. Plante stated that an employee that was smoking inside the building committed the first violation in September. Mr. Barlow stated that he goes to the filling station quite often and the homeless man is there all the time and Mr. Barlow appreciates the fact that Mr. Nesme is trying to help the man but the homeless man has been causing quite a bit of trouble for the business. Ms. Coffin stated that she might try and work with Mr. Nesme at some point to try and get the homeless man a place to go. **Ms. Peterson made a motion to CONTINUE this for six months and should there be any other infractions it**

would be their second offense and the fine would be very steep. **Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Nesme stated that he does not allow anyone to smoke inside the building. Ms. Plante stated that there is also a lot of trash in and around the area of the dumpster behind the filling station. Mr. Nesme stated that he had the area all clean and someone else brought old mattresses and trash and dumped them there. Mr. Nesme stated that he called the container company and they brought him a new container with a lock on it. Ms. Coffin suggested that he put up a "NO DUMPING" sign in the area. Ms. Peterson asked Mr. Nesme if he understood that he would be on probation for six months for the smoking violation. Mr. Nesme agreed. **Pocasset Auto Service-810 MacArthur Blvd**-James Champani, manager of Pocasset Auto Service. Ms. Plante stated that the inspection report done by the County stated that Pocasset Auto Service did not have the DOR license posted during their inspection on March 24, 2009. Ms. Plante stated that this is their second offense, as they also did not have the DOR license during her inspection in December of 2008. Mr. Champani stated that that issue has been addressed and he is also guilty of smoking inside the building. Ms. Plante stated that this is the first offense on record of smoking inside the building but the second offense of not posting the DOR license. Mr. Champani stated that he has sent the paperwork in along with his payment for his DOR license and expects to have it shortly. Ms. Peterson asked if he had a copy of the application. Mr. Champani stated that he thought he did and would send a copy to the Board of Health Office. **Mr. Uitti made a motion to CONTINUE for six months and if there are any other violations it would be their second offense and a fine would be issued. A copy of the application sent to DOR should be sent to the Board of Health Office.** **Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Ms. Coffin stated that they try and give people a grace period but realistically, if you don't have the DOR license you should not be selling cigarettes. Ms. Coffin stated that if the Board of Health goes in and you do not have the DOR license and feels that you are not trying to comply they would take away your right to sell cigarettes. Ms. Coffin stated that it is very important not to let the DOR license lapse. Ms. Peterson stated that Mr. Champani should send a copy of the application to the Board of Health Office within seven days. Ms. Plante stated that she could call the State to check as well. Ms. Peterson stated that if the application has not been sent in Mr. Champani would have to come back before the Board in two weeks. **Pocasset Country Farms**-There is still no one present at the meeting to represent Pocasset Country Farms, 365 Barlows Landing Road. There was general discussion regarding the fact that they were the only violators that did not come to the meeting. Ms. Plante stated that she would go by the store the next day and find out why they did not come to the meeting and tell them to come to the meeting on May 13, 2009 or their license to sell cigarettes could be suspended.

4. **Variance Fees-Discuss and Possible Vote**-Ms. Coffin stated that she is suggesting a \$25.00 fee for the variance fee. Mr. Andrews asked how much it costs to mail out the packets. Ms. Coffin stated that it is usually around \$5.00 per

packet plus the time it takes to put everything together. **Mr. Barlow made a motion to charge a \$25.00 filing fee for any variance request or waiver request that comes before the Board of Health. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** There was general discussion regarding whether or not the request had to be posted.

5. **Amend Stable Regulations-**Ms. Coffin stated that she looked at the setbacks from Middleboro and another Cape town but they didn't say anything about a property line setback. Ms. Coffin stated that she looked at the things that she considers the most serious. Ms. Coffin suggested that the Board read the new regulations over and consider them because they are less restrictive. Mr. Barlow stated that he had read them and liked them. Ms. Coffin stated that the present regulations were written in 1978. There was general discussion regarding the regulations that other Towns may have and the size of stalls that should be required. Ms. Peterson stated that the Board should put this subject on the agenda for the second meeting in June. **Ms. Peterson made a motion to move amending the stable regulations until the meeting of June 24, 2009. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
6. **Approve the minutes of March 25, 2009-**Ms. Peterson made a motion to **APPROVE the minutes of March 25, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
7. **Other Business-**Ms. Coffin stated that there have been some issues with the house on Old Plymouth Road. Ms. Coffin stated they had been denied a building permit but the owner took down some siding from the house, which may have contained asbestos. Ms. Coffin stated that she has been in touch with DEP. Ms. Coffin stated that there is a meeting scheduled with the residents of the Pocasset Mobile Home Park on Tuesday, May 12, 2009 at 6:30 P.M. at St. John's Hall. Ms. Coffin plans to attend along with the Attorney General's Office and DEP. Ms. Peterson stated that she feels that it's important that the Board Members attend the meeting. Ms. Coffin stated that she would send the Board Members bullet points from the Attorney General's Office of what they plan to discuss at the meeting. Ms. Coffin stated that it is more an informational meeting that the Attorney General's Office wanted to update the residents. Ms. Coffin stated that she has some issues with the meeting, as she believes neither the DEP nor the Attorney General's Office will have enough answers for the residents.

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting was adjourned at 8:30 P.M. The next meeting is scheduled for May 13, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

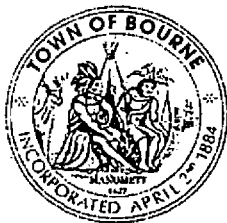
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

May 13, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

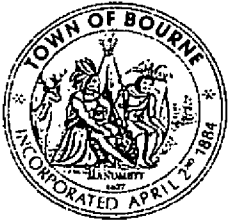
AGENDA ITEMS:

1. I.S.W.M. -Brent Goins or Dan Barrett-General update
2. Nick's Pizza-Request by Health Agent to remove from probation
3. 623 Head of the Bay Road- James Lavelle & Ellen Costigan-Request variance extension
4. 47 Cove Lane-Richard Clarke-Request variance extension
5. Country Farms-365 Barlows Landing Road-Discuss & Vote regarding \$100.00 fine for sale of tobacco to a minor
6. 4-6 Wilson Ave-Paul Bisceglia-Sanitary Code Violation-Request by Health Inspector
7. Approve Minutes of April 22, 2009
8. Other Business

2009 MAY 6 PM 2 48
TOWN CLERK'S OFFICE
BOURNE, MASS

cc Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: May 6, 2009



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
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Cynthia A. Coffin,
Health Agent

MINUTES

May 13, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; and Donald Uitti

Support Staff: Cynthia Coffin, Health Agent

Call to Order: Meeting called to order at 7:00 P.M.

1. **Country Farms-365 Barlows Landing Road-Discuss & vote regarding \$100.00 fine for sale of tobacco to a minor-**Ms. Peterson suggested moving Country Farms up to the first agenda item as it would be a quick discussion and vote. Dashrath Patel was present at the meeting as the owner of Country Farms. Mr. Patel stated that he was on the telephone while his cousin was at the register. Ms. Peterson asked Mr. Patel what kind of programs he had in place to prevent this from happening again. Mr. Patel stated that it is a family business and it is usually either himself or his wife at the register and this is their first offense. Ms. Peterson suggested that Mr. Patel inform his employees that they can be fined as well as the store- owner. **Mr. Uitti made a motion to fine Country Farms \$100.00 for the sale of tobacco to a minor. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
2. **I.S.W.M.- Dan Barrett-General Update-**Mr. Barrett stated that the cap is 99 percent completed. Mr. Barrett stated that the odor hot line has been working very well. Mr. Barrett stated that they have not received many calls. Mr. Barrett stated that they received an odor complaint on Thursday, April 30, 2009 at 8:19 PM. The resident said she had a slight odor from the landfill on her deck at about 3:00P.M. and it was gone by 5:00 P. M. She was concerned about a constant banging noise she was hearing while sitting on her deck. She thought it might be the bird control she had read about us using in the newspaper. Mr. Barrett stated that he assured her it was not coming from the landfill, all bird control operations

stop at 4:00. PM. Mr. Barrett received a call on Wednesday May 6, 2009 from the Bay View Campgrounds located to the west of the landfill on the west side of Route 28. The Operations Staff noted that they had accepted a load that was particularly odorous material, and responded by covering it up quickly. Mr. Barrett called the campground back to check and they said it had cleared up. Mr. Barrett stated that it was trash odor. Last night, Tuesday May 12, 2009 and this morning Wednesday May 13, 2009 they received several calls regarding odors. The calls came from the area north and west of the facility. A landfill employee checked on the facility at around 10:00 PM last night and everything appeared to be functioning properly. Mr. Barrett stated when he drove the odor loop this morning he noticed odors north and west of the facility. The problem was reduced gas flow through the flare caused by a blockage in the flame arrester. The experimental gas scrubber currently being used at the flare changes the characteristics of the gas and can result in some excess water collecting in the system. The operations staff immediately shut down the flare, removed the arrester and cleaned it. They also drained all areas in the piping system that could collect water, further impeding flow. The flare was back online and the flow rate was fully restored in approximately two hours. In order to prevent this from happening again they are going to upgrade and automate the water removal system on the knockout pot at the flare. Right now it's just a gravity drain system. They are going to throw a pump on there so it is automated so it pumps every half hour or so. They are going to look into buying another flame arrester. They are a little pricey but they are like cassettes, you just pull them out and slide another one in. If they have an extra one they can just slide the other one in while they clean the existing one. Mr. Barrett stated that on Tuesday night April 28, 2009 the Bourne Fire Department responded to a report of a glow in the north end of the landfill. Upon arrival the fire fighters found an area approximately forty feet by forty feet glowing. They immediately applied water and a fire retardant called "wet-water." The fire was extinguished in about one and one-half hours. Deputy Chief Kingsbury did a post fire investigation, it was his opinion that this fire was a surface fire, most likely started by a spark or cigarette that smoldered and was re-ignited by the wind. The next morning the operations staff evaluated the condition of the daily cover and decided to add dirt to the area. Weather conditions at that time were very dry and they felt they needed to add to the fire barrier to decrease the potential for fire. Ms. Peterson stated that they did a good job and were very lucky that there were no problems but the order of notification for the Board of Health is the Fire Dept first and then the Board of Health and then whomever else they may have to notify. Ms. Peterson stated that the odor loops were a Board of Health order not a DEP order and the Board of Health comes before the DEP when it comes to the daily operations on these types of issues. Ms. Peterson stated that they found out about the fire from the newspaper. The Town Administrator informed the Board of Health office but Ms. Peterson stated that is not how they want things to happen in the future. Mr. Barrett apologized and stated that he understood that. Mr. Barrett stated that litter continues to be a challenge but they feel they have it under control. They have settled on a portable net design and have four new ones and one refurbished one.

in place at this time. They still have four more to refurbish, and feels this will be done in the next two weeks. They have requested an extension from the DEP on installation of the pole extensions along the northern access road. MA DEP conducted an unannounced inspection this morning paying particular attention to the litter situation. They were satisfied that they had done everything they said they would relative to the Administrative Consent Order. Mr. Barrett stated that there are extensions in place but he is not happy with them. Overall, DEP was happy with the appearance of the site and the area of the Mass Military Reservation that had previously been impacted by litter. Ms. Peterson stated that Route 28 looked better the last time she went by there. Mr. Barrett stated that they have an ongoing permit from Mass Highway so they can occasionally go out and clean up. They also go with the Sheriff's Dept as well when they are available. Mr. Barrett stated that he prefers to go out when the Sheriff's Dept is available because they are more visible with the lights on the truck and the orange suits. Ms. Coffin stated that she was behind a truck with plastic bags blowing out of the truck. It was a truck from down Cape but is making the landfill look bad because people think the trash on the side of the highway is always from the landfill. Mr. Barrett stated that as part of their permit all trucks have to be swept out and the tarps put back in place before they can leave the landfill. Mr. Barlow asked if the trash had been the cause of the most recent odor incident. Mr. Barrett stated that no, it was the scrubber. It was a mechanical problem. Once they figured it out, they got it back up and running. Mr. Barlow stated that now that the odors happen only once in a while people really react immediately to an odor. Mr. Barlow stated that they have done a good job and hopes they can keep at it. Ms. Peterson stated that there was a complaint from Picture Lake that afternoon on the website. Mr. Barrett stated that now is the time of year that they will be susceptible to odor complaints but are just from the low tide. Mr. Barrett stated that having the transfer station open is working out very well for them. Having the transfer station open is also helping them control the litter. The residential drop off area should be finished by the end of July. Mr. Guerino stated that the office at the landfill has been shorthanded and Mr. Barrett and his staff have been working very hard.

3. **Nick's Pizza-Request by Health Agent to remove from probation-**Mr. Barlow stated that because he does own a restaurant he would sit because of necessity (There are only three Board Members present) for the explicit purpose, as stated in the agenda, to remove the restrictive probationary inspections. Mr. Barlow stated that if the discussion goes in any other direction he would have to step off. Ms. Tsonis stated that she wanted to know why she was put on probation in the first place and why now they are willing to remove her from probation. Ms. Coffin stated that she put this on the agenda after Ms. Tsonis requested that Ms. Coffin come to Nick's Pizza to meet with her. Ms. Coffin stated that she cannot turn back the clock nor is she going to change anything that the health inspector put in her report. Ms. Coffin stated that Ms. Tsonis told her that she felt that her customers were concerned about the fact that the restaurant was on probation and was a detriment to her operation. Ms. Tsonis stated that she also wants a public apology from Ms. Peterson and the Board. Mr. Barlow stated that the discussion

was starting to go in another direction and he did not want to have to step off and would like to give the Board an opportunity to rescind the probation. Mr. Guerino stated that Ms. Tsonis should let the Board deal with the issue on the probation tonight and if she has other concerns she should address those at another meeting when there is a full Board present. Mr. Guerino stated that if Mr. Barlow has to step off the Board then the Board of Health would not be able to act on the probation issue tonight. Ms. Peterson stated that if they continue to talk about this they would have to cancel the hearing on this subject tonight. Ms. Peterson stated that they are going to talk about releasing the probation on Nick's Pizza and why she was placed on probation in the first place because Ms. Tsonis stated that she did not understand why she was placed on probation. There was general discussion regarding the fact that Mr. Barlow may step off and continue the discussion until the next meeting. Ms. Tsonis stated that she wanted an apology from the Board of Health. Ms. Coffin stated that the Board is not going to apologize for doing their job. Ms. Peterson stated that when Ms. Tsonis was before the Board on February 25, 2009 they discussed the violations for almost an hour. There was general discussion between Ms. Tsonis and Ms. Coffin about the inspection reports and the reasons for the probation. Ms. Tsonis was very upset about the inspections and Ms. Peterson stated that they will continue the discussion at another time when the health inspector is present but they will end the discussion for now and kindly asks Ms. Tsonis not to say anything else about it at this time. Again, there was general discussion between Ms. Tsonis and Ms. Coffin about the amount of inspections done and the inspection reports themselves. Ms. Tsonis feels that her inspection reports do not match what the Board Members have. Ms. Coffin stated that they only summarized the reports so they would be easier for the Board to read through. Ms. Peterson read through some of the inspection reports to show Ms. Tsonis that they were the same. Ms. Tsonis again stated that they were not the same. Ms. Coffin asked Mr. Guerino if he had any advice for them as Town Administrator. Mr. Guerino stated that he suggested that the Board consider a 30-minute workshop prior to a meeting where the white papers can be matched up to the yellow papers of the inspection reports. Mr. Guerino stated that the Board and Ms. Coffin are being very clear and he understands what they are saying but the discussion may not be necessarily interpreted correctly. Mr. Guerino stated that he doesn't know if it can be done at this point but suggests that the Board look at only the probation issue without any other discussion to talk strictly about the probation issue tonight and set up another meeting for a half hour prior to the next Board of Health meeting where the reports can be compared and everyone can be on the same page without having feelings escalate. Mr. Guerino stated that what Ms. Coffin and the Board of Health are trying to do tonight is to review the progress that has been made since the time of the probation being enforced and trying to get that removed so that Ms. Tsonis's clientele is not going to be disturbed that she is on probation and know that all the outstanding issues have been cleared. Mr. Guerino stated that he understands that Ms. Tsonis has some concerns with the outstanding issues but if they can get by and remove the probationary piece tonight she will have the opportunity to tell her clients the probation has been removed and the Board of

Health can set up an additional time where Ms. Tsonis can sit down with them in a workshop session and compare notes and keep tempers down and the discrepancies can be worked out. Mr. Guerino stated that the Board couldn't act on anything tonight if this continues to go outside the realm of the agenda because there are not enough Board Members present. Mr. Uitti asked if Ms. Tsoni had met most of the conditions. Ms. Coffin stated that yes; she has met all the conditions. **Mr. Uitti made a motion to remove the probation from Nick's Pizza. Ms. Peterson seconded the motion. Mr. Barlow abstained out of necessity because he is also a restaurant owner.** Ms. Peterson stated that the probation is removed and if Ms. Tsonis would like to meet with the Board again please contact Ms. Coffin in the office and they would be happy to sit down and match up the yellow sheets to the white sheets so Ms. Tsonis could see that the actual report was not changed and she can check off the items on Lisa Plante's list and, in fairness to Lisa, she can see that nothing was added in or deleted. Ms. Peterson thanked Mr. Guerino, Town Administrator.

4. **623 Head of the Bay Road-James Lavelle & Ellen Costign-Request variance extension-**Ms. Coffin stated that the house has been demolished and is under construction and is going forward. The variance had expired on May 14, 2009. Mr. Lavelle is asking for a 90-day extension. **Mr. Uitti made a motion to grant a 90-day extension at 623 Head of the Bay Road, Buzzards Bay. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
5. **47 Cove Lane-Richard Clarke-Request variance extension-**Ms. Coffin stated that this is a little complicated because the variance has been extended five times and has again expired on May 11, 2009. Kathy Burgess called and spoke to Mr. Clarke who told her that he would send a letter of request before the meeting. Ms. Coffin stated that he has not sent anything and the only letter she has is the letter from January 18, 2009 when the Board granted the last extension, which has just expired. Ms. Coffin stated that she has some serious concerns. The property is up for sale and the variance has been extended five times without any work being done on the property. Ms. Coffin stated that she feels they should deny the extension. Ms. Peterson stated that she thinks Mr. Clarke should be sent one final letter stating that if he doesn't have something for them for the next meeting that his permit will expire. **Ms. Peterson made a motion to CONTINUE 47 Cove Lane until the next meeting on May 27, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
6. **4-6 Wilson Ave-Paul Bisceglia-Sanitary Code Violation-**Ms. Coffin stated that this has been removed from the agenda as the issue has been resolved.
7. **Approve Minutes of April 22, 2009-Mr. Uitti made a motion to APPROVE the minutes dated April 22, 2009. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
8. **Other Business-**Mr. Gately asked what type of probation Nick's Pizza was removed from. Ms. Coffin stated that Nick's Pizza was removed from probationary inspections that were to take place twice a month for six months. Ms. Peterson stated that Nick's Pizza was removed from probation due to the fact that they have repeatedly met all of the Board of Health's conditions.

Ms. Peterson made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 7:55 P.M. The next meeting is scheduled for May 27, 2009.

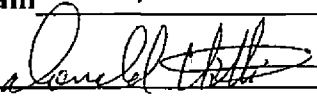
Taped by Cynthia Coffin for the Bourne Board of Health
Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson _____

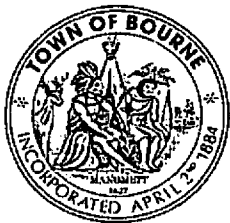
Galon Barlow _____ 

Donald Cunningham _____

Donald Uitti _____ 

Stanley Andrews _____

cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

May 27, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

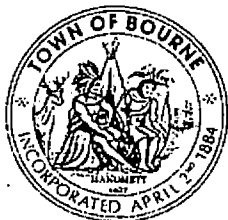
AGENDA ITEMS:

1. I.S.W.M. - Dan Barrett-General update
2. 47 Cove Lane- CONTINUED-Richard Clarke-Request variance extension
3. 16 Sagamore Road-Dennis Mascetta for Graham Morgan-Request Waiver
4. Approve Minutes of May 13, 2009
5. Other Business

cc Board of Selectmen/Town Clerk

Signed: *Katny m Burgess*
Title: Secretary
Date: May 21, 2009

2009 MAY 21 AM 10 58
TOWN CLERK'S OFFICE
BOURNE, MASS



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
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2009 JUN 11 AM 11

TOWN CLERK'S OFFICE
BOURNE, MASS



MINUTES

May 27, 2009.

Members Present: Galon Barlow, Co-Chairperson; Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **47 Cove Lane- CONTINUED-Richard Clarke-Request variance extension-** Ms. Coffin stated that Mr. Clarke had been contacted more than twice asking him to send a letter of request but the Board of Health office has not received anything from him. Mr. Clarke was also sent a letter from Ms. Coffin telling him the Board would give it until this meeting but still nothing was sent to the office. **Mr. Andrews made a motion to take NO ACTION on the expired variance for 47 Cove Lane since there was no request from the owner. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Mr. Andrews stated that Mr. Clarke has been on the agenda for the past two meetings and he has not contacted the office at all.

2. **16 Sagamore Road-Dennis Mascetta for Graham Morgan-Request Waiver-** Mr. Mascetta, the builder, is present at the meeting along with Mr. Morgan, the property owner. Mr. Barlow stated that he wanted to show them a letter the Board of Health had received from a neighbor that had some concerns about the parking during the construction process. Mr. Barlow stated that the Board of Health does not address parking issues but wants Mr. Mascetta and Mr. Morgan to be aware of these concerns. Mr. Mascetta stated that they would like to enclose about 245 sq. feet under an existing porch. There is a sunroom that is enclosed space right now and they would like to take part of that sunroom and expand the dining room in the existing house so the dining room is big enough to accommodate their family. Mr. Mascetta showed the Board Members the

plans and pointed out the renovations. Mr. Mascetta stated that there are no changes on the second floor at all. Mr. Mascetta stated that there would not be any changes to the unfinished basement either. Ms. Coffin stated that the existing septic system was installed in 1996. Ms. Coffin stated that she took a look at it yesterday, May 26, 2009 and it was bone dry with no problems. Ms. Coffin stated that there is a huge horizontal set back and the percentage of the square footage in the non- habitable space is about 26%. Ms. Coffin stated that she went into the house to take a look and sees no problems. **Mr. Uitti made a motion to grant the request for a waiver to use the existing septic system at 16 Sagamore Road. The existing house has 3 bedrooms. Plans dated, Received, Bourne Board of Health, May 21, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Barlow stated that he wanted them to keep in mind the parking concerns of the neighbors during the project.

3. ISWM-Dan Barrett-General update-Mr. Barrett stated that the 24- hour hot line continues to work very well. Mr. Barrett stated that they have struggled with odor the last few days. They had been digging up areas on the slopes and patching it and the weather was not cooperating. They had been waiting for two or three months to get out there and the weather was dry when they started. Mr. Barrett stated that they received a complaint on Saturday from Bay View Campground but when he got there about an hour and half later the odor was gone. Mr. Barrett stated that that meant the odor was not gas it was trash. They had a couple loads of clamshells from a processor. Mr. Barrett stated that they called the processor and reminded them that they were not allowed in the landfill after noon on Friday. Mr. Barrett stated they were new customers and were not aware of that rule. Mr. Barrett stated that there was an odor complaint on Friday night. One of the landfill employees did an odor loop and the winds were out of the SW at 12 mph. The sulphur odor was down by the marsh, which is where the complaint came from. Mr. Barrett stated that there are issues on certain parts of the slopes, for example where they put in that permanent gas well collection system. They are going to dig it up in patches and repack it and bury it again. Ms. Coffin asked if they could just cover it without digging it up. Mr. Barrett stated that it would not seal if it were not dug up first. Mr. Barrett stated the communication network worked perfectly regarding a Finback Whale coming into the landfill. Mr. Barrett stated that they got a call from the stranding network on Thursday May 21. Mr. Barrett stated that he called Mr. Guerino and they discussed their options. Mr. Guerino called the Board of Health Members to see what they thought. Mr. Barrett stated that Ms. Peterson called him at about 8:00 Thursday night to tell him that the Board Members had been informed and it was moving forward. Mr. Barrett stated that they took into consideration it was Memorial Day weekend and it was a 30-foot whale that weighed about 10 tons. It was an endangered species and researchers wanted to perform a necropsy. It was determined that if the whale were to be brought in it would have to be before noon on Friday. The researchers decided they could not work that fast due to high winds and rough surf and asked if they could bring it in on Tuesday morning May 26. They agreed as long as proper storage was arranged. The whale arrived early Tuesday morning and was buried without incident except for the fact that it arrived earlier than expected. There was general discussion about the fact that no one else wanted to take the whale and then it had arrived too early and had to sit on the truck in

front of the landfill. Mr. Barrett stated that he spoke to the Stranding Network about that issue and made them well aware that it was unacceptable to have the whale sitting on the truck waiting because they arrived too early and they were very apologetic about that. Mr. Guerino stated that they looked at the policy that was adopted a few years ago and he contacted the Board Members himself to discuss accepting the whale as it was a little bigger than usual but was also an endangered species. Handling the discussion internally rather than through the Cape Cod Stranding Network worked very well. Mr. Barrett stated that they also had to consider where they were at the landfill. Mr. Barrett stated that because it was a Tuesday morning rather than a Friday afternoon they were able to dig a deeper hole. Mr. Barlow stated that they had refused the acceptance of a whale in January as they were working on the recovery system at the landfill. Mr. Guerino stated that they are currently without a business manager at the landfill and are negotiating a final agreement with the former General Manager so the staff at the landfill is very light right now. Mr. Guerino stated that they have to look at the budget and figure out a way to get a few more guys back in there. Mr. Guerino stated that he expects to have an accountant there three days a week within the next two weeks. Mr. Gately asked how deep a hole you have to dig to bury a whale. Mr. Barrett stated that because of the necropsy the whale was pretty cut up but they dug a hole about 10 feet deep. Mr. Barrett stated that he was not happy that it arrived about an hour early but it was put back in an area that they could have 13 feet of trash over it by the end of the day. Mr. Gately asked how many requests they usually get for a whale disposal each year. Mr. Barrett stated that in the nine years that he has been here they probably average one every two years. Mr. Guerino stated that their policy is to take up to 4 ton a year and that's why he wanted both Boards to know that this whale was bigger than they usually take. Mr. Barrett gave an update on ASH. Mr. Barrett stated that they are still working with Mass DEP to make sure they have all the information to complete the minor modification that allows ISWM to accept the material as daily cover. MA DEP requested a letter of support for the project from SEMASS and more analytical data to complete their file. This will be handed in tomorrow for their review.

4. Approve Minutes of May 13, 2009-Mr. Uitti made a motion to APPROVE the minutes dated May 13, 2009. Mr. Barlow seconded the motion. Mr. Andrews ABSTAINED, as he was not present at that meeting. Minutes were APPROVED.

5. Other Business-Pocasset Trailer Park-Ms. Coffin stated that the preliminary injunction has been filed to try and get Mr. Austin to come to some agreement. The Attorney General's office is collecting the affidavits now. There was another back up last week that has been repaired. Ms. Coffin stated that she would document the incident and forward it to the Attorney General's office. Mr. Andrews suggested putting the Pocasset Mobile Home Park on the next agenda to update the residents on any new information that may have been received. Quahog Republic- There was general discussion about the septic issues and the determination of actual seating. The septic system has not failed yet. Mr. Barlow stated that, informally, the Board Members support Ms. Coffin's position. BassAckwards Race- Ms. Coffin stated that there are over 200 people that attend this event on Bassett's Island. Mr. Mullen, Director of DNR, mentioned having some type of

toilet facility available. Ms. Coffin stated that she told him there should be something available where there is that many people. Mr. Barlow stated that there have been other events in the past where the Town required a Bouse House. Ms. Coffin stated that she would require they provide at least one Bouse House. She will contact Kingman Marina who is in charge of the race.

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 7:43 P.M. The next meeting is scheduled for June 10, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson _____

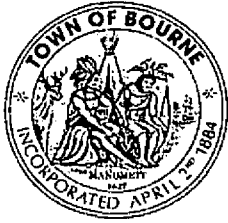
Galon Barlow _____

Donald Cunningham _____

Donald Uitti _____

Stanley Andrews _____

cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

June 10, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

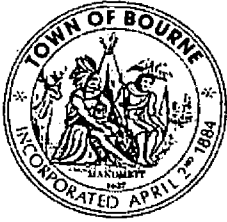
1. I.S.W.M. - Dan Barrett-General update
2. Pocasset Mobile Home Park-Update for Residents
3. 80 Megansett Rd-Failure to upgrade from failed title transfer inspection June 14, 2006
4. 207 County Road-Carmen Shay for Ryan and Elizabeth Piorier-Request Variance
5. Approve Minutes of May 27, 2009
6. Other Business

BOURNE, MASS
TOWN CLERK'S OFFICE

2009 JUN 4 PM 2 04

cc Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: June 4, 2009



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
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2009 JUN 25 PM 3 34
TOWN CLERK'S OFFICE
Bourne, MA 02532

MINUTES

June 10, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **ISWM- Dan Barrett –General Update-**Ms. Peterson congratulated Dan Barrett on his promotion to acting General Manager/Operations Manager of the landfill. Mr. Guerino stated that they have also contracted on a part time basis, Bob Bliss, an accountant, to work three days a week. Mr. Barrett stated that on May 30 and May 31st power was out, they were alerted from the flare. Mr. Barrett stated that they responded and got the power restored but had some mechanical issues on the startup which resulted in some odor issues. Ms. Peterson asked what they had done to prevent that from happening again. Mr. Barrett stated that they have never had it shut off in an emergency situation before so they updated the controls and kept checking it. Mr. Barrett stated that they had to do some excavation on the top of the landfill. They had put it off as long as they could and alerted the Board of Health office on Monday June 8, 2009 that they would be doing excavation work in the landfill, which may lead to some odors blowing off site. The work upset their collection system for about a day and a half. Mr. Barrett stated that they received complaints on Monday night into Tuesday. They recovered the area where they had done work the previous day and continued covering the entire area with more intermediate cover. Hydros Environment also treated the area with odor reducing compounds. Mr. Barrett stated that litter is under control, as of today. Mr. Barrett stated that he has not seen any litter on inspections and none have been reported on the MA DEP required bi-monthly inspections. They continue to install additional fencing and make upgrades to the portable nets. Mr.

Barrett stated that they received final approval, with conditions, on the Minor Modification application to accept Processed Bottom Ash (PBA) produced at the Covanta, SEMASS Waste to Energy Facility in Rochester, MA. One of the conditions is that they notify the Local Board of Health and the appropriate regional office of the MA DEP thirty days prior to using any PBA. Mr. Barrett stated that with the Boards permission, ISWM would like to request a waiver of this condition since this has already been reviewed and approved by both the MA DEP, Southeast Regional Office and the Bourne Board of Health. Mr. Barrett stated that the permit limits the use of ash to alternative daily cover, which is all they wanted to use it for anyway. Mr. Barrett stated DEP wanted to keep the amount to about 200 ton a day. Mr. Barlow stated that, concerning the litter issue, if Mr. Bagely at Otis has a complaint he should contact the Board of Health and not go directly to DEP. Mr. Barlow stated that the last time he complained the landfill received a fine from DEP because Mr. Bagley never contacted the Board of Health first. Mr. Barrett stated that he was going to make a courtesy call to Mr. Bagley to see if everything was okay as far as the litter goes but would also reiterate to him to call the Board of Health first if there are any further litter problems. Ms. Peterson stated that she would also like to see something sent to DEP stating that the Town should be given the chance to work out the issue first before DEP steps in. Mr. Andrews asked Mr. Barrett if he was looking for a formal vote on the request of a waiver to the condition that ISWM notify the BOH and MADEP 30 days prior to using any Processed Bottom Ash. Ms. Peterson asked what it would mean for the landfill if they took a formal vote on this. Mr. Barrett responded that it would speed up the process. Right now they are relying on the auto shredder residue as cover. It's better to have a steady source and the PBA is good material. Mr. Cunningham stated that all concerned parties including the Board of Health have approved using the PBA. **Mr. Barlow made a motion to waive the thirty-day notification for using the Processed Bottom Ash. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Mr. Andrews asked about the link to the odor complaint on the Town Website. Mr. Guerino stated that the link is on two places, the notice section and the landfill section of the website. Mr. Andrews stated that people have told him it is hard to locate. Mr. Guerino stated that the website is still a work in progress but they will put the link on the front page if there are any more complaints. Mr. Guerino stated that they have had some layoffs at the landfill recently but based on Mr. Barrett's recommendations they have recalled both of those employees that had been laid off. Mr. Mulvey asked if Mr. Barrett could envision a situation where it would justify the expense of a stand by generator so that it could power the gas system. Mr. Barrett stated that they are looking at that as they move forward with the power plant idea, which they hope to move along quickly once they get their full staff back.

2. **Pocasset Mobile Home Park-Update for residents-**Ms. Coffin stated that Tracey Triplett, from the Attorney Generals office, had sent an email with an update for the residents. Copies were handed out to the residents at the meeting. Ms. Coffin stated that the AG's office has filed a preliminary injunctive relief,

which is a set of conditions that are required in the interim to make sure the park is maintained and that any septic issues will be addressed until the repairs are made. Ms. Coffin stated that they held a hearing on May 28, 2009 which Mr. Austin, the park owner, did attend. Ms. Coffin stated that the court ordered that Mr. Austin hire a contractor to inspect the system monthly and report to the Board of Health and DEP. He also has to have a contract with a licensed pumper so that if a call comes in to the Board of Health or the Park Manager he would be on call to do pump outs. There would also be a licensed installer that could do the repairs on site. Ms. Coffin stated that she was told that Mark MacNally would be the installer and the inspector but has not seen any contract yet. There was general discussion between the park residents and the Board regarding the fact that when there is a problem, they can't get in touch with the Park Manager, Rick Damon, who doesn't always answer his phone. Ms. Peterson stated that if they cannot get Mr. Damon they should contact the Board of Health. Ms. Coffin stated that she would then get in contact with Mr. Austin's attorney, Joe Cavanaugh. Ms. Coffin stated that if they cannot get anyone to do the work the DEP also has the authority to get the work done as well. Mr. Austin was required to keep \$10,000 in an account just for the repairs and pumping as needed. Ms. Coffin stated that if there was an issue during the weekend the residents could call the Bourne Police Dept. and they could get in touch with her. Ms. Coffin stated that the AG's office is working towards doing the installation of the system and the piping but a contract has not been signed for that. Ms. Coffin stated that if Mr. Austin does not comply they will have to go back to court for summary judgment which would force him to comply or issue him a fine. There was general discussion regarding the courthouse where the proceedings were held, which was Suffolk, and the amount of the judgment from the preliminary filing. Ms. Peterson stated that it is important that the residents understand that there is the \$10,000 in place in escrow to keep the systems pumped but it's not completely worked out yet as to who will respond to the calls. Ms. Coffin does have a call into the attorney and should have answers as to who has signed any contracts. The residents have a lot of concerns about the conditions of the roads inside the park. Mr. Cunningham stated that that is really not a Board of Health issue. Mr. Barlow suggested that the residents contact the representative from the Attorney General's office, Theresa Walsh, to express their concerns regarding the roads. There was general discussion amongst the residents and the Board Members regarding the residents concerns with a possible rent increase to cover the cost of septic upgrades. The Board suggested to the residents that these are the type of concerns they should discuss with the Attorney General's Office. Ms. Coffin stated that the civil action number for the case in Suffolk Superior court was 09-2124. Ms. Peterson stated that the residents could go on line and search on the government website for the chapter or could go into Suffolk Superior Court and get a copy. Ms. Coffin also stated that she could make one copy for them at the office and then the residents could make copies for any other residents that wanted one. Mr. Andrews stated that they should schedule another resident update on July 8, 2009. Ms. Coffin stated that she would bring any information she has to the meeting on July 8th.

3. **80 Megansett Rd-Failure to upgrade from failed title transfer inspection June 14, 2006-** Ms. Coffin stated that she had written a letter within the two year time frame to the Bishop-Megansett family but never got a response. Ms. Coffin stated that she thought if she put it on the agenda she would get a response. Mr. Bishop did then contact her. Mr. Bishop told her that he had contacted Warwick Assoc. and had wanted to make major renovations to the house and didn't want to install one system and then have to do something else for the renovations. Ms. Coffin stated that she would like to continue this until a future meeting. **Mr. Barlow made a motion to CONTINUE until the meeting dated July 8, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
4. **207 County Road-Carmen Shay for Ryan and Elizabeth Poirier-Request variance-** Mr. Shay stated that this property has a failed septic system that they would like to repair and upgrade. Mr. Shay stated that their biggest problem is that there is an existing two -foot wide drainage ditch, which constitutes a wetland. Mr. Shay stated that it is a large lot at approximately two acres. Because of the wetlands about 90% percent is undeveloped. Mr. Shay stated that there is an existing septic tank with two leeching galleys that were installed in the 80's that have failed. Mr. Shay stated that they are proposing to replace that with a new 1500 gallon Microfast 0.5 De-nite unit, UV disinfection, a pump chamber and a 20x15- leeching field, which will accommodate two bedrooms. Ms. Coffin stated that if the system was a pressure distribution field they did not need a UV. Mr. Shay stated that they would eliminate the UV. Ms. Peterson asked what changes there were to the house. Mr. Shay stated that there is not a lot of change to the house itself. Mr. Shay stated that they would like to divide the one bedroom upstairs into two for the two children. Mr. Shay stated they are also proposing to put in a 12x12 mudroom and convert the deck into a three- season room. Ms. Coffin stated that if there are going to be additions they need to see architectural. Ms. Peterson stated that they would need architectural before they can approve the request. Mr. Poirier stated that he will put the renovations off if he has to, he would just like to get the septic approved at this time. Ms. Coffin stated that back in 1987 the BOH gave a variance for a demolition and rebuild but required that it have a one -bedroom deed restriction. Ms. Coffin stated that the system is designed for two bedrooms and if they approve this tonight they are approving it for two bedrooms. Mr. Shay stated that they are going conservatively with the 40 ft setback because they have wetland flagging that was done by LEC. Mr. Barlow stated that it is difficult for them to go forward without architectural. Ms. Coffin stated that they could approve the system and maintain the deed restriction and then have them come back for a variance another time. Mr. Shay stated that he does not believe they had the technology in 1987 like they have now where they could put in a Microfast system which is why they probably required a one bedroom deed restriction at that time. Ms. Peterson stated that it would not jeopardize any other projects in the future if they were to allow him to do the septic system as the property sits, with no alterations until they come for a variance with architectural. Mr. Poirier stated that he agreed. Mr. Poirier stated that he was not planning to go outside the framework of the house. Mr. Barlow

stated that they understand that and they will be comfortable with a septic that is big enough for two bedrooms but if they come back with architectural for something larger the Board would probably not approve it. Ms. Peterson stated that they could draw the architectural themselves. They do not have to be engineered drawings. Mr. Barlow stated they needed existing and proposed drawings. The drawings should show the door openings going into the rooms. Mr. Barlow stated that they should have a 4-ft cased opening or would be considered a bedroom. Ms. Coffin stated that the only problem with the plan is it looks like it's a straight pipe but says that all leech lines to be capped at the ends with PVC but doesn't see anything different than just a straight line. Ms. Coffin stated that they need an elbow sweep for the cap. Ms. Coffin stated that she has written the requirement on the plans. Mr. Shay signed the plan to acknowledge that he understood the change. **Mr. Cunningham made a motion to APPROVE a variance of 15 feet from the separation of the septic tank to the edge of the wetlands. From 50 feet to 35. A 110-foot variance from the required 150-foot setback of the leaching facility to the edge of wetlands. This is to approve the system as amended today; June 10, 2009, referencing the plans prepared by Carmen Shay dated May 27, 2009. Received by the Bourne Board of Health on June 4, 2009. There is also a required two year maintenance contract which requires the first two years testing will be done twice a year for the influent and effluent and then quarterly inspections. After the two years they have to renew the contract for the quarterly inspections. There was general discussion between Ms. Coffin and Mr. Poirier regarding what the inspections consist of and who conducts the inspections. Mr. Shay stated that for the first two years they have to contract with the manufacturer but after that the homeowner can choose his own inspector. Mr. Cunningham stated that no alterations should be made to the home until after the meeting on July 8, 2009 where architectural will be presented for consideration of a variance to a two bedroom. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

5. **Mr. Andrews made a motion to APPROVE the minutes dated May 27, 2009. Mr. Uitti seconded the motion. Ms. Peterson and Mr. Cunningham ABSTAINED from the vote as they were not at the meeting on May 27, 2009. All others in favor and the motion PASSES.**
6. **Other Business-**Ms. Coffin stated that the article in the newspaper reported that there were two confirmed cases of Swine Flu at Peebles School. Ms. Coffin stated that that was incorrect and the cases were not confirmed cases they were only suspected. Ms. Coffin stated that the new summer intern had started last week and would be in the office every Monday to help with inspections. Ms. Coffin stated that there was testing of a baby raccoon for rabies because it was handled by a woman who then wanted the testing done. The test was negative. Ms. Coffin stated that DNR had a cat that killed a bat but the rabies testing was negative. Ms. Peterson stated that she would like a report on the restaurant inspections for the next meeting. Mr. Andrews stated that the new elementary school grand opening

was being held on Sunday and suggested that the Board Members may like to take a look at it.

Mr. Uitti made a motion to ADJOURN. Mr. Cunningham seconded the motion. All in favor and the meeting was ADJOURNED at 8:05 PM. The next meeting is scheduled for June 24, 2009

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

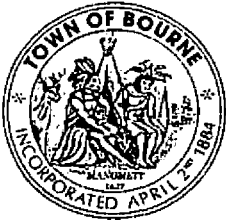
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

June 24, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

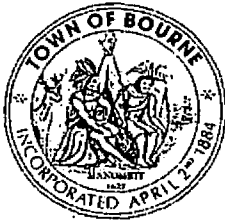
1. I.S.W.M. - Dan Barrett-General update
2. Doug Karson-Annual update on MMR cleanup
3. 510 Williston Rd.-Failure to comply with corrective order issued March 30, 2009
4. Amended Stable Regulations-Discuss and possible vote
5. Approve Minutes of June 10, 2009
6. Other Business

cc Board of Selectmen/Town Clerk

BOURNE, MASS.
TOWN CLERK'S OFFICE

2009 JUN 18 PM 11 35

Signed: *Kathy M. Burgess*
Title: Secretary
Date: June 17, 2009



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
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MINUTES

June 24, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. Dan Barrett, ISWM, has not arrived to the meeting yet so Ms. Peterson decided to move on to the other items on the agenda. **510 Williston Rd.-Failure to comply with corrective order issued March 30, 2009**-Ms. Coffin stated that the original letter sent out went to Ms. Twomey's mother who is listed as the owner of this abandoned property. The neighbors have been complaining that there is a collapsed bulkhead and kids have been breaking in. Ms. Coffin stated that people are also dumping things in the driveway. Ms. Coffin stated that she has spoken with Ms. Twomey who stated that she would clean it up and secure the property but nothing has been done and Ms. Coffin has not been able to get in contact with her again. There has been no response to Ms. Coffin's letter and there is no voice mail to leave a message. Ms. Coffin stated that she would like to continue this for two weeks to try and contact Ms. Twomey again. **Ms. Peterson made a motion to CONTINUE for two weeks and if there is no contact from the property owners the Board may impose a fine. Mr Uitti seconded the motion. All in favor and the motion PASSES.**
2. Approval of Minutes of June 10, 2009- Mr. Barlow made a motion to **APPROVE** the minutes dated June 10, 2009. **Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

3. **Amend Stable Regulations**-Ms. Coffin stated that she has made a few changes to the old regulations and the discussion may take some time if the Board wanted to wait until further in the meeting to discuss it. Ms. Peterson asked why there is only a \$20.00 charge for a stable license. Ms. Coffin stated that it used to be \$10.00 and it doesn't take too much of her time to do a barn inspection. Ms. Peterson stated that she thought the fee would be a little higher. Ms. Coffin stated that she generally does an inspection just once a year unless there is a complaint. Mr. Cunningham asked if amending the regulations now would change anything for current permit holders. Ms. Coffin answered no it would not be retroactive and a lot of the amended setbacks are less. Ms. Coffin stated that she made the compost pile reg a little stricter but a lot of the older regs were somewhat archaic. Mr. Barrett then arrived from ISWM so the Board decided to move on for now to the ISWM update.
4. **ISWM-Dan Barrett-General Update**-Mr. Barrett stated that they had received odor complaints the week of June 15, 2009 and noticed a significant change in the landfill gas concentrations at the flare inlet. Mr. Barrett stated after they analyzed the well field data and investigating the collection system they found a broken pipe on the north side near phase 2A/3A. Mr. Barrett stated that because of the NE winds it was tough for them to decide to dig in the pile and fix it but they did get it done on Friday. Mr. Barrett stated that it took the system a little while to get caught up. Mr. Barrett stated that they also had some issues last weekend. Mr. Barrett stated that he called Mr. Guerino on Tuesday to tell him they were having issues. Mr. Barrett told Mr. Guerino that they were doing the odor monitoring and the testing with the meters and as of last weekend the system was running fine and running as it was designed. Mr. Barrett stated that they had to take a step back and decide what was going on. Mr. Barrett stated that Mr. Guerino told him to contact Joyce Engineering to get whatever help he needed to evaluate the system. They are looking at short-term fixes as well as long-term fixes. They will look at possibly getting the system bigger or redirecting the piping. Mr. Barrett stated they have also contacted the local engineer who designed the system who will take a look at it. Mr. Barrett stated that Joyce Engineering is coming up with some immediate solutions. Ms. Peterson asked what immediate meant. Mr. Barrett answered that he hoped he would have some answers by the end of the week. Mr. Barrett stated that Joyce Engineering would be on site the week after next and Sytec should be getting back to them tomorrow. Mr. Cunningham asked what Mr. Barrett meant by redesigning the piping. Mr. Barrett answered that it was looking at everything in the flare but there are some piping changes in the field that they would like to make but it will have to wait until the weather improves. Mr. Cunningham asked if the equipment needed to be bigger to do the job. Mr. Barrett answered that going forward it would have to be bigger but they hadn't anticipated growing the system 40% in the last six months. Mr. Barrett stated that they had intended to evaluate the system later on in the fall but have pushed that up. Mr. Cunningham asked if the odors they were experiencing were coming from breaks in the landfill or was it all in the pipes. Mr. Barrett stated that the breaks

were a result of the pipes not being configured the right way and not having the vacuum distributed. Mr. Barrett stated that they are patching those as they can. Mr. Barlow asked what they were using for daily cover now. Mr. Barrett stated that they were using auto shredder residue. Mr. Barlow asked why they were using auto shredder residue instead of sand. Mr. Barrett stated that auto shredder residue does a better job. Mr. Barlow stated that when they cut out the auto shredder residue and went to sand only the odor was eliminated. Mr. Barlow stated that the auto shredder residue is mostly man made materials and is not anything you would want to cap with. Mr. Barrett stated that he does not recommend it but he will switch to sand if that is what the Board would like. Mr. Barlow stated that they have to stop the odor. Mr. Barlow stated that he realizes it will be more expensive but the campgrounds are open and summer people are here and they have to do something to stop the odor. Mr. Barlow asked if he felt it was hydrogen sulphide again. Mr. Barrett answered yes he is sure it is. Ms. Peterson stated that July 4th is coming and wanted to know what Mr. Barrett was going to do to make sure that people enjoy the 4th of July. Mr. Barrett stated that the breaks in the slopes are going to get patched whether it rains or not. Mr. Barlow stated that a few months ago everything was under control and asked what had changed. Mr. Barrett stated that these are living, breathing organisms and whatever all of a sudden causes gas to speed up its production he isn't sure. Mr. Barlow stated that they had cut back to 300 ton a day in an attempt to get the odor under control. Mr. Barlow stated that the motion was that they would lift the restriction as long as the odor issues were under control but now they are completely out of control. Mr. Barlow stated that the odor has to be under control by the next meeting or the Board may have to take action. Mr. Barlow stated that the Selectmen are concerned and this will have an affect on the whole community again. Mr. Cunningham stated that a few months ago they had talked about filling and capping the cell and moving on if there continued to be odor issues. Mr. Barrett stated that the area of concern where they had high concentrations of hydrogen sulphide had already been capped. Mr. Barrett stated that he thinks making the improvements to the vacuums within the landfill is what will solve the problem. Mr. Barlow asked Mr. Barrett why he thought auto shredder residue is a better material to use as cover. Mr. Barrett stated that in his experience the wind tends to blow the sand away. Once the trucks drive over it it tends to filter down into the rubbish. Mr. Barlow stated that he knows sand is a temporary kind of cap but it's what they used in the landfill for decades without any odor issues. Ms. Peterson asked why Mr. Barrett did not like the idea of using sand. Mr. Barrett stated that sand is permeable. When they line the landfill they put sand on top of the liner to allow water to drain through. Mr. Barrett stated that they are pushing to get the ash and hope to start using it next week. Mr. Barrett stated that it is a tighter cover and won't sink through. Mr. Barlow stated that he realizes that they get paid to take auto shredder residue and that the sand will cost them money but they want to address the odor issues. Ms. Peterson asked if they could get some extra laborers at the landfill for the next 10 days or so. Mr. Guerino stated that they have called the laid off employees back but have had some management issues lately. Ms. Peterson stated that she is not concerned about the future right

now and would like to get help for Mr. Barrett now to help control the odor. Mr. Guerino stated that if they have to hire extra equipment for the next 10 days or so they should do that. Mr. Barlow asked Mr. Barrett what he was going to do in the next week to stop the odor. Mr. Barrett stated that he is going to change the operation around and get some more cover over the immediate areas. Mr. Barrett stated that some of the complaints he received were trash related which were taken care of instantly. Mr. Barrett stated that they have pulled some of the mechanics to help them clean up the outside slopes and move the dirt a little quicker. Mr. Barlow stated that they have spent a lot of money and Mr. Barrett has put in a tremendous amount of time getting the odor under control since last winter but now is it getting out of control again. Mr. Barlow stated that they have to get it under control in the next week or they may have to consider bringing it under 300 tons a day again. Mr. Andrews stated that at the meeting in Feb. they had talked about getting some professional help at ISWM. Mr. Guerino stated that Joyce Engineering is a huge part of the professional help and they also have an accountant helping with the finances. Mr. Andrews asked about the change in odors and if the increase in gas flow would have anything to do with the bug program they were running. Mr. Barrett stated that for the last seven weeks they have had NE winds so they have not been digging up the pipes or moving the compost around so as not to impact the neighbors. Mr. Barrett stated that when they move the compost around there is a different odor but they have to move the compost from time to time. Mr. Barlow stated that what DEP accepts as daily cover is not always what works for us. Mr. Guerino stated that when they stopped using the bugs the odor went away but it is hard to say what exactly that had to do with the gas flow. Ms. Peterson asked Selectman Sloniecki what he thought about the issue. Mr. Sloniecki stated that he could not speak for the Board of Selectmen but he thought that the issue of cover material needed additional conversation. Mr. Sloniecki stated that he agreed the odor issue must be taken care of by the July 4th holiday but they are looking for a more permanent fix. Mr. Guerino suggested having a televised workshop meeting between the Board of Selectmen and the Board of Health. Ms. Peterson stated that she feels this is serious enough to hold a special meeting next Weds. night with just ISWM on the agenda. Mr. Guerino stated that Mr. Barrett would be on vacation next week. Mr. Barlow stated that Mr. Barrett is running the landfill and he will have to try and get the odors under control. Ms. Peterson stated that they are extremely lucky that Mr. Barrett has stepped in to run the landfill. Mr. Barrett stated that he is grateful that the Boards and the neighbors have been so patient. Ms. Peterson stated that the DEP should speed up the process of delivering the ash. Mr. Barrett stated that he thinks they will see a delivery sometime tomorrow afternoon. Ms. Peterson stated that they could put off a meeting until after the 4th of July when Mr. Barrett returns. Mr. Guerino stated that he and Mr. Barret would put together a mitigation plan for the 4th of July and pass it along to the Board of Health and Board of Selectmen. Mr. Andrews stated that he wanted to make sure that everyone was using the odor hotline. Mr. Barrett stated that the facility needs to move forward and they are having a problem that they need to get under control. Mr. Barrett stated that they have the engineers coming out and are going to go over it and take a look at the

pipng. The immediate fixes will be increased cover and placement and a change in the type of cover they are using. The long range planning is very important. Mr. Barlow stated that it was under control for a while and that is what is frustrating. **Mr. Barlow made a motion to take NO ACTION for the next two weeks to give ISWM an opportunity to get the odor issue under control. If it is not under control by that time the Board may have to consider other options. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

5. **Doug Karson-Air Force Installation Restoration Program-Annual update on MMR cleanup-**Attending the meeting along with Doug Karson is Chris Fairly who is representing the Army Cleanup Program at Otis and Ellie Grillo from DEP. Mr. Karson stated that he has a handout for the Board Members which includes three pages of talking points, an updated plume map, map for CS-19 and LF1 and chemical spill 23. There are also sampling locations of Red Brook Harbor and Squeteague Harbor. A copy of this handout is attached. Mr. Karson stated that there is 12 groundwater plumes associated with the program and 11 have treatment and one is under investigation (CS-19). Mr. Karson stated that 61 of the 80 source areas have been delisted from the US EPA Superfund list. Mr. Karson stated that they have investigated them and cleaned up some of them and others did not have any contamination. Mr. Karson stated that operation and maintenance is the biggest part of the money that will be spent, which will be about 15 million a year. Mr. Karson stated that all final decisions and remedies would be in place by the end of 2009, which is a huge milestone for them. Mr. Karson stated that they would continue to monitor the area to make sure that there are no areas within the plume that are being used for public water supply. Ms. Peterson asked how often the monitoring was on the different plume. Mr. Karson stated that it might be a yearly sample of select wells or quarterly or twice a year. Ms. Coffin asked how much it normally moved within a year. Mr. Karson stated normally the plume would move a foot and a half per day. Mr. Barlow stated that he was concerned about the future population of that area. Mr. Karson stated that all the plumes would be claimed by Mother Nature if nothing were done to treat them. Mr. Karson stated that once the source area clean up has been completed there will be nothing else feeding that plume. That should be completed next year. Mr. Karson stated that based on their model it will not get past the base boundary and by the time it gets there it will be drinking water quality. Ms. Peterson asked if they recheck the margins on a regular basis. Mr. Karson stated that they sample the wells on the boundaries of the plumes as well as within the plumes. Mr. Karson stated that they continue to monitor the cap system at the landfill plume that was installed in 1997. Results are still looking very good. Mr. Karson stated that seep sampling results at Red Brook Harbor were all non-detect or below the reporting limit. Seep/Surface water sampling at Squeteague Harbor: Surface water was non-detect. PCE was detected at one seep location, which is down from last year. Mr. Karson stated that progress is being made but it is a big plume. This problem is going to continue but it is much better than it was 10 years ago. Mr. Karson stated that they have done two mailings to verify private wells in the Cataumet area. They have sent out to 470 homeowners and received back 279

responses. They have identified 43 private wells. Ms. Coffin asked for a copy of that list. Mr. Karson stated that he would get it to her. Mr. Karson stated that they would cap the wells free of charge for the homeowners who do not want to continue using well water. Mr. Karson stated that this includes only the homes inside the footprint of the plume and does not include Scraggy Neck. Mr. Karson stated that this water is not used for drinking water but only for irrigation. Mr. Karson stated that the foundation is all ready and they are just waiting for the turbine to arrive. The location is on base property in Bourne ½ mile east of Rt 28. The 1.5-megawatt turbine is expected to reduce electricity by 30%. Startup is expected sometime in September. Ms. Fairly stated that she wanted to update the Board on what the Army program is doing at the base. Ms. Fairly stated that they are responsible for the pollution except for CS-19 on the upper 15 thousand acres. They have been out on the base since 1997. Ms. Fairly stated that since 2002 their goal has been to get treatment systems in place and now have five systems treating the plumes with the highest levels of contamination and those that were headed towards water supply systems or had migrated off base. Most of those are in the SE range area. Ms. Fairly stated that they have a monitoring system that is annually but certain wells are biannually and some are three times a year. Ms. Peterson asked if Ms. Fairly thought that was enough. Ms. Fairly answered yes. Ms. Fairly stated that the systems that they have in place have already cleaned 1.5 billion gallons of water. They are cleaning 2.8 million gallons of water per day. They are looking at the plumes that they don't have systems on yet. Ms. Fairly stated that two of those that have special interest to Bourne are the NW corner and the Western Boundary. Ms. Fairly stated that last month they presented the feasibility studies for those areas and will be presenting the remedy selection plans in August and will have public comment opportunities and will keep the Board informed at that time. Ms. Fairly stated that they have already seen the levels of contamination decrease and they expect it to flush into the canal in about seven years. Ms. Fairly stated that the monitoring wells are showing everything below 2 parts per billion which is the state standard for groundwater. Ms. Fairly stated that they will be putting out the feasibility study report on the central impact area in September and have the public comment period sometime in December. Mr. Cunningham asked if they have identified the source areas. Ms. Fairly stated that the area known as Tank Alley had a lot of old tanks that were targets and artillery was fired in at those. Ms. Fairly stated that where each one of those were sitting is a source area. Mr. Cunningham asked what would happen if the source is not removed. Ms. Fairly stated that it would continue to put out low-level contamination. Ms. Fairly stated that it is very low-level contamination most of which are below the 2 parts per billion. Ms. Fairly stated that so far they have had all the funding come through that the need to continue what they are doing. They are now using robotics to clear and check for any possible unexploded ordnates. Mr. Barlow asked if they knew if they remove the nitrogen from the sewage that runs in the piping from the Falmouth gate to the leeching facility that is 7 ½ miles away. Ms. Coffin stated that it was a treatment facility. Ms. Fairly stated that you can go to their website for any additional updates or information.

6. **Stable Regulations**-Ms. Peterson suggested that they continue this discussion until the next meeting in July to give the Board Members time to read through the new regulations. Ms. Coffin stated that the current regulations were from 1978 and are written more for a city. Mr. Barlow asked if this applied to more of residential stables and not farm like Ingersoll's Farm. Ms. Coffin stated that they are grandfathered but they have to worry more about residential stables where other homeowners will be impacted. Mr. Barlow suggested clarifying a residential stable as opposed to a commercial stable. **Ms. Peterson made a motion to CONTINUE until the next meeting on July 8th. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
7. **Other Business-Pocasset Mobile Home Park**-Ms. Coffin stated that they did the monthly inspection last week. Ms. Coffin stated that she ordered them to pump the leach pits.

Mr. Andrews made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 8:45 P.M. The next meeting is scheduled for July 8, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

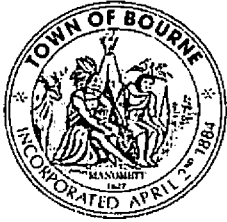
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Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

July 8, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

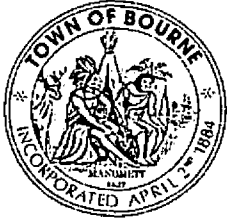
AGENDA ITEMS:

1. I.S.W.M. - Dan Barrett-General update
2. Pocasset Mobile Home Park-Update for Residents
3. 80 Megansett Rd- Continued-Failure to upgrade from failed title transfer inspection June 14, 2006
4. 510 Williston Rd.-Continued-Carol Twomey for Mary Batstone failure to secure abandoned property
5. 61 Harbor Drive - Joseph H. Palombo, Jr. - Request for another six month extension on variances originally granted on 2-13-2008 and extended to 8-13-2009
6. Amend Stable Regulations-Continued-Discuss and Possible Vote
7. Approve Minutes of June 24, 2009

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TOWN CLERK'S OFFICE
BOURNE, MASS
[Signature]

cc Board of Selectmen/Town Clerk

Signed:
Title: Health Agent
Date: July 2, 2009



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

July 8, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

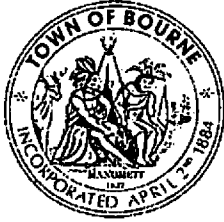
AGENDA ITEMS:

1. I.S.W.M. - Dan Barrett-General update
2. Pocasset Mobile Home Park-Update for Residents
3. 80 Megansett Rd- Continued-Failure to upgrade from failed title transfer inspection June 14, 2006
4. 510 Williston Rd.-Continued-Carol Twomey for Mary Batstone failure to secure abandoned property
5. 61 Harbor Drive – Joseph H. Palombo, Jr. – Request for another six month extension on variances originally granted on 2-13-2008 and extended to 8-13-2009
6. Amend Stable Regulations-Continued-Discuss and Possible Vote
7. Approve Minutes of June 24, 2009

2009 JUL 2 PM 3 45
TOWN CLERK'S OFFICE
BOURNE, MASS.

cc Board of Selectmen/Town Clerk

Signed:
Title: Health Agent
Date: July 2, 2009



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BOARD OF HEALTH
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Cynthia A. Coffin,
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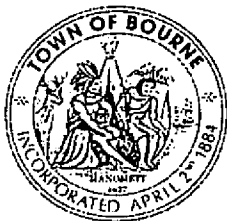
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5. 61 Harbor Drive - Joseph H. Palombo, Jr. - Request for another six month extension on variances originally granted on 2-13-2008 and extended to 8-13-2009
6. Bourne Community Boating, Inc.-Kenneth Legg-Request for waiver of fees for camp licensing
7. Amend Stable Regulations-Continued-Discuss and Possible Vote
8. Approve Minutes of June 24, 2009
9. Other Business

2009 JUL 9 AM 9 59
TOWN CLERK'S OFFICE
DO NOT WRITE

Signed: *Kathy M. Burgess*
Title: Secretary
Date: July 6, 2009

cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

MINUTES

July 8, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy Burgess, Secretary

2009 JUL 23 AM 9 44
TOWN CLERK'S OFFICE
BARNSTABLE, MA

Call to Order: Meeting called to order at 7:00 P.M.

1. **ISWM-Dan Barrett-General Update-** Mr. Barrett stated that on June 30, 2009 ISWM met with SITEC Environmental, the engineer of record for the ISWM facility, to discuss mitigation measures that can be taken immediately to improve the odor situation. This resulted in changes to the surface piping to improve gas flow. The changes were completed on Friday, July 3, 2009. Mr. Barrett stated that they have recorded some improvement in control. Sitec is also looking at making more permanent changes to the underground pipe network. Mr. Barrett stated that Joyce engineering would be on site Tuesday morning July 14, 2009. They plan to be on site to make changes that they feel will improve performance in the short term. They are also developing a plan to overhaul the hardware such as blower size and pipe configuration at the flare as well as underground pipe changes to allow better flow of gas. Mr. Barrett stated that installation of a variable frequency drive unit has begun at the flare this week. This unit will optimize performance of the existing blower system. Mr. Barrett stated that they expect noticeable improvements next week when Joyce begins their work. Mr. Barrett stated that they continue to spread cover material on areas where monitoring is detecting gas at the surface. Mr. Barrett stated that they are eliminating certain waste streams that they have seen coming into the facility. Mr. Barrett stated that with the Fall River landfill closed they have seen more diversion of waste to their facility. Ms. Peterson asked why that landfill was closed. Mr. Barrett answered that they are under construction and will be closed for the next three to five

months. Ms. Coffin asked what kind of waste they are eliminating. Mr. Barrett stated that the most detrimental load was the seafood waste out of New Bedford. Mr. Barrett stated that another improvement they have made is the installation of a variable frequency drive unit for the flare to optimize the performance of the existing blower system. It should be finished this week. Mr. Barrett stated that there should be a substantial improvement in the odor problem within the next two weeks and they will go from there for a long-term solution. Mr. Barlow asked if Mr. Barrett thought the odor problem had improved since the last meeting. Mr. Barrett answered yes. Mr. Barlow stated that when he drives through that area it seems to be a site-specific problem. Ms. Peterson stated that she detected a strong odor at about 5:00 PM that day as soon as she pulled into her yard but had not detected any odors all weekend. Mr. Barrett stated that landfill gas is a living, breathing organism that will sometimes emit gas and sometimes it won't. The key is to get it under control so that it never does. Mr. Barrett stated that right now they are close but they have to get better. Mr. Barrett stated that hydrogen sulfide is a heavy gas and will ride up and drop down at different spots. Mr. Cunningham asked if they would have to dig up the piping to make more permanent changes. Mr. Barrett stated that he is going to wait for the engineers to let him know but there is a location that he wants to dig up. Mr. Barrett stated that there is a manifold system that is about 6 ft long with an 8-inch pipe and has 6 six-inch lines running off of it. Mr. Barrett stated that he doesn't think there is enough capacity there. Mr. Barrett stated that they installed it last winter in less than a day so he believes they can dig it up, make the changes, and cover it back up the same day. Mr. Barrett stated that it is a huge concern but he feels they can do it. Mr. Barlow asked if they could wait till they get a SW wind. Mr. Barrett stated yes, they would. Mr. Andrews asked if they would develop some type of plan before they do that so that the Board could look it over. Mr. Barrett replied that they already have a plan in place that just needs some finishing touches but they will get it to the Board as soon as it's ready. Ms. Peterson asked if they were going to be getting any additional help. Mr. Barrett replied that their big push right now, besides the odors, is to finish up the audit. The audit will prove to facilitate the re-organization of their department. Mr. Barrett stated that Tom Flanigan, author of the report, is coming to the facility along with the gas expert, Brian Stover. They will work together to get the report done and their situation should improve with the completion of that report. Ms. Peterson stated that Mr. Guerino told the Board that he would hire additional laborers at the landfill. Mr. Barrett stated that they have not hired any additional labor help but have redirected some of their guys in house. They have taken two mechanics out of the garage to operate machines to cover and move dirt, which is working out fine. Mr. Barrett stated they have begun taking ash in and are covering the auto shredder residue with the ash. Mr. Warncke, a resident of Cotuit Rd, stated that every time the wind blows from the landfill he has to smell it at his house and that is unacceptable. He would like to know that there is an end in sight. Mr. Barrett stated that they are laying out the schedule now to put an end to it. Mr. Barlow stated that he makes it a point to drive through that area frequently and the odor has gotten a lot better since Christmas but he knows that they have to get it under

control. Mr. Barlow stated that they have reduced the tonnage to 300 tons before and they will do it again if they have to but this is not a good time to do that. Mr. Cunningham stated that with the hiring of the engineers he thinks they are heading in the right direction. Mr. Cunningham stated that they had received an email commenting on what a great staff there was at the landfill. Mr. Barlow asked when the state was going to let them move down into the new area. Mr. Barrett replied that they were about a month away but wouldn't blame that on the state. They are finalizing the Authorization to Operate permit right now. The contractor had a problem when they did the as-built grades on the leaching pipe and had to go back in, dig it up, and move it, which put them about a month behind. Mr. Barrett stated that he anticipates being in that cell by mid August. Mr. Barlow stated that they had hoped to be in that cell by now so they would have a much better handle on the odor issues. The odor issues are associated with that cell they are trying to get out of. Mr. Barlow stated that he realizes they have had a lot of management issues that do not include Mr. Barrett but they have to really get the odor under control. Mr. Barrett agreed. Mr. Barrett stated that the DEP's representative to the Army and the military base, Mark Bagley, sent an email saying that the facility looked much better and the Army was very pleased with their forward movement on litter control. Mary Jane Mastrangelo, a member of the Bourne Finance Committee, asked if there was any type of timeline written down that anyone could have access too. Mr. Barrett stated that there is not anything consolidated yet but he believes that looking through the financial records you could pick out what was done and when. Mr. Barlow stated that the BOH has a timeline they have been working with since December. Mr. Barrett provides the members with bullet points at each meeting and the original timeline was posted on the website. Mr. Barrett stated that he could put something together for Ms. Mastrangelo. Ms. Mastrangelo stated that she would like to know if there was something they needed to plan for regarding the infrastructure to make sure the problem is solved. Mr. Barrett stated when Joyce is finished with their analysis they will be seeing some fairly extensive infrastructure changes. There was a blower in the budget but they will be changing some of the piping that was not in the budget. Mr. Barlow stated that they were starting to get into capital issues but they are here tonight to concentrate on the odor issue. Mr. Andrews asked when the BOH would see a copy of the results from the engineers. Mr. Barrett stated that he would put it out as soon as he gets it. Mr. Barrett stated that they would do an exit report immediately on site as they are leaving. Then they will put together an infrastructure report. Mr. Barrett stated that they should see the preliminary report by next Thursday.

2. **Pocasset Mobile Home Park-Update for residents-**Ms. Coffin stated that she has been notified that the system inspector that will be doing monthly inspections at the park is Mark MacNally. Mr. MacNally did the first inspection about three weeks ago. Ms. Coffin stated that they would go out together every month and pull the covers off the tank and leach pits. They pumped the main septic tank and two of the pits all the way and leveled off the others so that they wouldn't be above the inverts. Ms. Coffin stated that she called Attorney Cavanaugh and told

him they may want to come up with some type of schedule to pump five one week and five another. Ms. Coffin stated that Capewide has been hired to do the pumping but Mark MacNally has the authority to hire whoever will come in if he needs it. Ms. Coffin stated that Tracey Triplett is on vacation until July 13 and has not issued her a summary as to the status of the court case. Ms. Peterson stated that the Board should not answer too many questions from the residents until they hear from the Attorney General's office because they do not want anything to be misconstrued. Ms. Coffin stated that when Ms. Triplett returns from vacation they were going to hold a meeting with the AG's office, DEP and herself but is not sure when that would be. Mr. Andrews asked when Ms. Coffin expects the next update. Ms. Coffin stated that she did not know if they would have the meeting before the next BOH meeting on July 22, 2009. Gail Daniels, a resident of Pocasset Mobile Home Park, wanted to know why they wouldn't have any new information on the septic system until August. Ms. Coffin stated that she would talk to Ms. Triplett as soon as she returns from vacation but they will continue to inspect and keep the levels below the inverts and make any repairs as needed. Ms. Coffin stated that Rick Damon is still contracted to make any repairs and the residents should contact him if needed. Maggie Berg, a resident from Pocasset Mobile Home Park, stated that another resident had a hard time dealing with someone she had called at the Park who had sworn at her when she reported that her toilet was overflowing. Ms. Coffin stated that it is the piping in the park that is the issue because they are so old. Ms. Coffin stated that the residents should contact the Board of Health if something like that happens. Mr. Andrews stated that if Ms. Coffin is not available they can contact the police dept. and they will contact Ms. Coffin. Ms. Peterson stated that the Attorney General has control over this. Ms. Daniels stated that there is the frame of an old trailer near her mobile home that is being covered with brush. Ms. Coffin stated that if they are dumping stuff there she will take a look at it but people have to report these things to her. Ms. Daniels stated that Mr. Damon does not always answer his phone when the residents try to call him. Ms. Peterson stated that they should contact the Board of Health when that happens and it is also important for them to call the Attorney General's office to let them know of any septic problems at the Park. Ms. Coffin stated that if their toilets are clogged, even if they don't overflow, they should call the Board of Health office so she can let the AG know and she can contact Mr. Austin's attorney if they are not getting a response from the Park Manager. Ms. Coffin stated that the residents could call the BOH office to get the contact information for the Attorney General's office. Ms. Peterson stated that it is important for the residents to keep a log of the problems and the time that they occur for future reference.

3. **80 Megansett Rd.-Continued-Failure to upgrade from failed title transfer** inspection June 14, 2006-Ms. Coffin stated that she spoke with Mr. Bishop, the homeowner, and Warwick Assoc. who told her that Mr. Bishop had signed a contract with them for the new septic system and has paid to have the perc done. **Ms. Peterson made a motion to CONTINUE until the meeting on August 26, 2009. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

4. **510 Williston Road-Carol Twomey for Mary Batstone**-failure to secure abandoned property. Ms. Coffin stated that she spoke with Ms. Twomey yesterday and was told that she had secured the bulkhead and had arranged for someone to remove the stove that was left outside by Monday. **Ms. Peterson moved to take NO ACTION at this time.**
5. **61 Harbor Drive-Joseph Palumbo, Jr.**-Request for another six month extension on variances originally granted on 2-13-2008 and extended to 8-13-2009-Mr. Palumbo stated that because of the bad economic times they have not been able to sell the house they are living in now so have not been able to build the new house. Mr. Palumbo is requesting another extension to give them more time to sell their home. **Mr. Barlow made a motion to APPROVE a six-month extension at 61 Harbor Drive until February 13, 2010. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

Mr. Barlow made a motion to re-open the discussion of the landfill odor at this time. Ms. Segal, a resident of Tradewinds, apologized for coming to the meeting late but had questions on the progress at the landfill. The members of the Board updated Ms. Segal on the status of the landfill and gave her the information that Mr. Barrett had given them earlier in the meeting. Ms. Segal stated that the odor had gotten better but has been noticeable again lately. Peter Adams, a resident of Brookside, stated that he is also concerned about the ongoing odor issue. Mr. Adams stated that this problem has been going on from time to time for 3 or 4 years and wanted to know who has the authority to stop it. Mr. Barlow stated that the Selectmen set the policy and the Board of Health has the duty to make sure that the Selectmen's policy is the best it can be relating to the landfill. Mr. Barlow stated they have had a number of meetings on the odor issues and several million dollars have been spent since last December putting in a gas recovery system. They have had problems with a pipe breaking, which is difficult to find underground, and are still working on the cell that they were supposed to be out of by now. Mr. Barlow stated the Board of Health can't run the day to day operations at the landfill but can raise and lower the tonnage that is going in there. Mr. Barlow stated that they are all working together to control this so it doesn't continue to become a public nuisance. There was general discussion between the Board Members and the audience regarding the fact that closing the landfill is a complicated issue and the fact that, following instructions from the State, the material that was accepted in the past is contributing to the odor problem as it is decomposing. The landfill no longer accepts that type of material. Ms. Segal asked if they could have the air quality tested for health hazards. Ms. Coffin stated that the DEP has looked at what is coming off the flares and it doesn't exceed anything at this point. The Board went over the contact procedure with Ms. Segal on how to send any odor complaints through the Town Website. Mr. Gately, The Bourne Courier, stated that if the landfill were to close the Town would be paying for the facility and closure costs for decades. Ms. Peterson stated that there have been 16 years of no problems and then 16 months of odor problems. Ms. Peterson stated that she believes that the odor issue is getting better and would like them to give Mr. Barrett a few more weeks to work on the problem. Ms. Peterson told Mr. Adams and Ms. Segal that

Mr. Barrett is the first item on the agenda at every BOH meeting, which is held the second and fourth Weds of every month. Ms. Segal asked if the DEP were at any of the meetings. Ms. Peterson stated that they would attend the meeting if asked but Dave Ellis would be happy to answer any of their questions if they wanted to contact him at the DEP office.

6. **Bourne Community Boating-Paul Bushueff**-Ms. Coffin stated that she received a letter from Kenneth Legg, President of Bourne Community Boating, requesting a waiver from the licensing fee as most of the camps fees are based on donations. Mr. Andrews asked if the Board of Health waived any fees for any other camps. Ms. Coffin stated that they have not waived any other non-profit camp fees. Paul Bushueff, a representative from BCB, stated that they are a public charity and 80% of all their funds are donated. Mr. Bushueff stated that the camp is a full week program with four days on the water and one day instruction on marine environment. They have a \$70,000-\$80,000 budget and try to provide as many scholarships to the kids as they can afford to. Mr. Bushueff stated that DNR has not charged them for any fees and the Planning Board waived their fees. The DPW launches and hauls their floats. Ms. Coffin stated that the Animal Friends Camp has not been operational for the past few years but they had never requested a waiver of the fees for their non profit camp. Ms. Coffin stated that the fee for the camp license is \$75.00. Mr. Barlow stated that there are many camps licensed in Town but they all pay for their licenses. Ms. Coffin stated that there are about 15 licensed camps in Town. Mr. Cunningham asked if any of their donations come from grants that they apply for from the State or the Federal government. Mr. Bushueff stated that there are certain foundations that have given them money and one grant they have not received because of the tight economy. Most of the donations come from individuals and local businesses. Mr. Barlow stated that it is not about the community support but about setting a precedent for all the summer camps. Mr. Barlow stated that the Town is in financial straits right now and all the other camps pay a fee and he doesn't believe that \$75.00 will be that much of a hardship for BCB. Ms. Peterson stated that BCB has had a lot of legal issues this year and doesn't believe that waiving the fee for just this year would set a precedent. Mr. Barlow also stated that he realizes it is a great program but does not agree with waiving the fee. Mr. Mulvey suggested that a decision like this should be a town wide decision and not a board-by-board issue. Ms. Peterson stated that they only had one other no fee permit which was for Mezza Luna. Mr. Bushueff stated that between the engineering and the bad economy they have had a very bad year. Mr. Barlow asked if all the instructors had been CORI checked. Ms. Coffin answered yes they have. Mr. Barlow stated that the Town is also a non-profit and he does not support this request. There was general discussion among the Board Members regarding this issue and whether it would set a precedent to waive the fee. After further discussion Mr. Bushueff withdrew his request.
7. **Amend Stable Regulations-Continued-Discuss and possible vote-** Ms. Peterson made a motion to **CONTINUE** the discussion on amending the

stable regulations until the next meeting. Mr. Andrews seconded the motion. All in favor and the motion PASSES.

8. **Approval of Minutes-June 24, 2009-Mr. Andrews made a motion to APPROVE the minutes dated June 24, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
9. **Other Business-**Ms. Coffin stated that there was an incident with a dog bite where the dog was euthanized before it could be tested for rabies. Ms. Coffin stated that she advised the victim to speak with his physician about possible treatment. Ms. Coffin stated that there has not been a positive rabies case in quite a while. Ms. Coffin stated that Lisa Plante would have to go to court this week as a witness for the property owner at 186 Main St. who is having a dispute with the tenant. Ms. Coffin stated that the Gray Gables Beach off Gilder Road was closed for two days a few weeks ago due to a high bacteria count. There was general discussion regarding the license for the Pocasset Mobile Home Park. It was decided to put that item on the next agenda for discussion.

Ms. Peterson made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the meeting was adjourned at 8:45 PM. The next meeting is scheduled for July 22, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

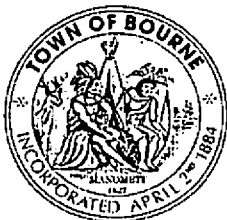
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc town clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
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Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

July 22, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

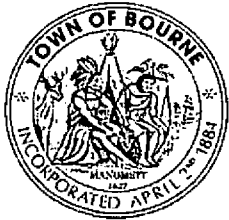
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1. I.S.W.M. - Dan Barrett-General update
2. Pocasset Mobile Home Park-Discuss and Possible Vote regarding license
3. Amend Stable Regulations-Continued-Discuss and Possible Vote
4. Approve Minutes of July 8, 2008
5. Other Business

2009 JUL 16 PM 1 22
TOWN CLERK'S OFFICE
BUZZARDS BAY, MA 02532

Signed: *Kathy M. Burgess*
Title: Secretary
Date: July 16, 2009

cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
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Cynthia A. Coffin,
Health Agent

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Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

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July 22, 2009

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7:00 P.M.

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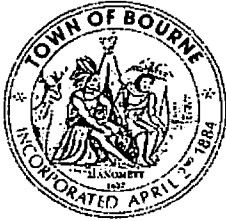
AMENDED AGENDA ITEMS:

1. I.S.W.M. - Dan Barrett-General update
2. 48 Chickadee Lane-Brett Ellis for George & Elizabeth Barrows- Request for extension on variances previously granted March 26, 2008
3. Pocasset Mobile Home Park-Discuss and Possible Vote regarding license
4. Amend Stable Regulations-Continued-Discuss and Possible Vote
5. Approve Minutes of July 8, 2008
6. Other Business

2009 JUL 16 PM 2 45
TOWN CLERK'S OFFICE
BOURNE, MASS.

Signed: *Kathy M. Burgess*
Title: Secretary
Date: July 16, 2009

cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
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Cynthia A. Coffin,
Health Agent

MINUTES

July 22, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

There was general discussion regarding a letter that was sent to Ms. Peterson from the Plymouth/Carver Aquifer Advisory Committee stating that they were looking for a delegate to serve on their Committee from Bourne to replace Brendan Mullaney, who is stepping down. Ms. Peterson asked Ms. Coffin to send a letter to the Committee stating that none of the Board Members are able to serve at this time but would suggest that the Committee contact the Buzzards Bay Water District for a possible candidate.

- 1: **I.S.W.M-Phil Goddard-General Update**-Dan Barrett is on vacation so Phil Goddard attended the meeting to give the Board an update. Mr. Goddard, the ISWM Environmental Manager, stated that they met with DEP on July 15, 2009. The attendees were Dave Ellis, section chief for solid waste in the SE region, Joyce Engineering, a consulting firm out of North Carolina who also had a representative from their Virginia office and who is a landfill gas collection system specialist, Tom Flanagan, and ISWM's engineer from Sytec, Ray Quinn. Mr. Goddard stated that they reviewed what they had been doing that week, what Joyce's assessment of the situation was and what they could do immediately and what they could do in the long-term. Mr. Goddard stated that what they could do immediately, based on Joyce's evaluation after going through the two day walk through of the whole landfill, was to adjust the vacuum and redistributing the fixed amount of vacuum they have to better allocate it towards the problem odors at the top of the landfill. Mr. Goddard stated that under the capped area of the East

slope, they turned the vacuum off and then turned it back up slowly and were able to redistribute that vacuum along the top West slope where they had put in 4 new wells this past winter. Mr. Goddard stated that that has worked well and he has not received any odor complaints this week at all. Mr. Goddard stated that they are working with DEP to get some extra hardware out there. They are looking at implementing 4 new wells to connect the four that were put in this winter in a loop that would go along the Eastern bridge of Stage 1 parallel to the four that went in. Mr. Goddard stated that these would be vertical wells. Mr. Goddard stated that they were also going to get a temporary skid flare unit that will be a supplement to the main flare. Mr. Goddard stated that the goal is to have a short term plan to get more wells out there to deal with the increased vacuum and to have a back up flare if they need it. They are working with DEP to get that done as soon as possible and are working with Tom Guerino, Linda Marzelli and Dan Barrett to get the contractors up and running as soon as possible. Ms. Peterson asked why it took so long before they did this. Mr. Guerino stated that during the course of the operational study they knew ISWM had a problem and then referred a gas expert to them. Once they reviewed his resume, they amended the contract to include him and he was on site within a week. Mr. Guerino stated that this was not a DEP ordered meeting but a DEP attended meeting that they wanted to attend while the engineers were there. Mr. Barlow stated that to tie more wells in they would need more vacuum. Mr. Goddard stated that Joyce Engineering is looking at that issue and they were able to get a lot of inches of vacuum by reducing those that were under the cap where it can't get out and redistribute. If a small blower is required with the temporary skid they will do that. Mr. Goddard stated that, looking at the long- term plan, they would look at the whole system with permanent upgrades to the flare, scrubber and blower so they will be prepared for any additional systems that need to be added down the road. Mr. Goddard stated that they don't have any exact plans yet; Joyce is still reviewing it. Mr. Goddard stated that their immediate focus was what they could fine tune now and come up with a short- term plan as well. Mr. Barlow asked if they had the money ahead of them to do this. Mr. Guerino stated that there is some remaining money for 2A-3A and are trying, along with the Finance Director, to figure if this will tie into what they are doing. Mr. Guerino stated that if that is not available there is something they can do under emergency order if he has sufficient backup to call this an emergency. If all else fails they will have to go to Town Meeting. Mr. Barlow stated that he wants to make sure they don't create an emergency. Mr. Guerino stated that there is a \$250,000 reserve fund within ISWM but they have not seen any numbers yet. Mr. Guerino stated that they may be able to take some from other contracted services within the ISWM budget however, that was reduced substantially from FY09 to FY10 by a couple of million dollars. Mr. Guerino stated that they are all working together to get this done and hopes it won't have to go to Town Meeting. Mr. Guerino stated that the flare system they have today is getting old and will need some repair. Mr. Cunningham asked if they were planning to replace the whole flare. Mr. Goddard stated that it is a nine-year old flare so the next step would be to look at a bigger pipe going into it, a bigger blower and bigger tip to oversize it so they have room to grow into it. Mr.

Andrews stated that this is just the first draft that the engineers have recommended and asked if the engineers follow up drafts will tell the Board step by step what they want to do. Mr. Andrews asked if they would have to have another scrubber with the temporary flare. Mr. Goddard stated that they have talked to DEP about that and because it's temporary and won't be running all the time DEP may give them some dispensation but Dave Ellis is working on answering that question. Ms. Peterson stated that the odor issue is improving and has not noticed any odors during the day but has noticed odor at 2:00 AM the past few mornings. Ms. Peterson stated that she is on Shore Road but is woken up by the odor, which is unbearable. After about 45 minutes it seems to dissipate. Mr. Goddard stated that he would talk to Dan Barrett about the odor in that area. Mr. Guerino stated that they have not had any other odor complaints recently. Mr. Goddard stated that they are in contact daily with Joyce and with ISWM's well-field tech on site who is getting daily readings on all the wells and sending that data to Joyce who analyzes it and comes back with a plan. Mr. Andrews asked if it was ISWM's intention to maintain Joyce Engineering as a consultant for the gas collection systems. Mr. Goddard stated that they are looking at that internally and Joyce Engineering is looking at the department as a whole and what they need to be successful in preventing odors off site. Mr. Cunningham asked if they would hire someone to do the piping. Mr. Guerino stated that they would hire someone to do the well installation. Mr. Guerino stated that he wanted the Board to know that Mr. Goddard, along with Mr. Barrett, has been putting in a lot of extra time at the landfill.

2. **48 Chickadee Lane-Brett Ellis for George & Elizabeth Barrows-Request for extension on variance previously granted March 26, 2008-**Ms. Coffin stated that no one is here to represent the property but Brett Ellis had faxed a letter dated July 22, 2009 requesting the extension. They had the original permit but the owner passed away, assets were frozen and the variance has expired. Ms. Coffin stated that they now hope to have it done by the end of September. **Ms. Peterson made a motion to APPROVE a three-month extension at 48 Chickadee Lane. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
3. **Pocasset Mobile Home Park-**Ms. Peterson stated that she would like to discuss how they were licensed last year and discuss the licensing for next year. Ms. Peterson stated that the Board doesn't vote on the issuing of a license and feels that a license such as Pocasset Mobile Home Park should require a formal vote and shouldn't fall just on Ms. Coffin's shoulders. Ms. Peterson stated that they couldn't do much about it now because they cannot revisit something that has already been done. Ms. Peterson stated that in the future any big licenses should be put on the agenda to discuss and vote. Mr. Andrews asked if Ms. Peterson was recommending they come up with a procedure that they use Town wide. Ms. Peterson stated yes. Mr. Andrews suggested that Ms. Peterson come up with a draft of the procedure. Mr. Barlow stated that unless they are changing things the Board should not have to re-evaluate a license every year. Mr. Cunningham stated that to issue a license the business must comply with regulations and asked if they

could say no if they do not comply. Mr. Barlow stated that that is a question for Town Counsel. Ms. Peterson stated that she does not believe they need Town Counsel at this point. Ms. Coffin stated that it is in the Mobile Home regs that the Board of Health does have the right to suspend or revoke the licensure if they feel there is an issue. There was general discussion between the Board Members regarding compliance and the renewal procedures on licensing. Mr. Barlow stated that when Bourne Manor had a failing system the Board didn't reject their permit but made them pump it and DEP became involved and made them put a system in which took about five years. Mr. Barlow stated that the residents of Bourne Manor didn't have to face being relocated, which is what would happen if their license had been denied. Mr. Cunningham stated that he believes the residents at Pocasset Mobile Home Park would not be evicted if the Board did not renew the parks license. Mr. Barlow suggested they make a site visit when their license comes up for renewal but would find it very difficult not to renew someone's permit that has had it for fifty years without hard evidence that there was a health risk. Ms. Peterson stated that if the Attorney General's office can't correct the situation before the parks license comes up for renewal the Board will have to seriously look at whether they can renew it or not. Mr. Cunningham stated that he agrees with that. Mr. Barlow stated that he does not agree. Mr. Barlow stated that doing that could bring legal issues and the residents could be evicted. Ms. Peterson stated that the license runs from year to year and at the end of that year you no longer have a license. It then has to be renewed and does not feel comfortable issuing him a new license with the park in the condition it is in. The parks license will expire December 31, 2009. Mr. Barlow stated that he believes that the Board should discuss it with Town Council before they do anything. Mr. Guerino stated that given that the Attorney General's office and DEP are taking action against Mr. Austin to put in a new system would it be in the jurisdiction of the Board of Health to deny a permit or grant a permit while there is a judicatory process going on. Mr. Guerino stated that there was a similar situation where the Selectmen were asked to look at certain violations in an area of Town that had been appealed to DEP and the Town is not taking any action on that until DEP has filed a determination. Mr. Barlow stated that the problem he sees with not renewing their license is that the case with the State has against the park owner might disappear. Mr. Cunningham stated that the he does not want the park residents to blame the Board of Health for issuing a license to a park that is in non-compliance. It was decided that Ms. Peterson would come up with a draft procedure to submit to the Board at a later date. **Ms. Peterson moved to take NO ACTION at this time. Don Cunningham seconded the motion. All in favor and the motion passes to take NO ACTION at this time.**

4. **Amend Stable Regulations-Continued-**Ms. Coffin stated that she had a 15 foot setback but was concerned that zoning may not allow a 15 foot setback. Ms. Coffin stated that she had a lengthy discussion with Mike Leitzel, the Town Engineer, and has since amended the regulations. Ms. Coffin suggested that the Board review the changes and continue the discussion at another meeting. Mr. Andrews stated that he thought Ms. Coffin had done great work with the updating

of the stable regulations. Mr. Andrews made a motion to **CONTINUE** amending the stable regulations for 30 days. Mr. Uitti seconded the motion. All in favor and the motion **PASSES**.

5. **Approve Minutes of July 8, 2009**-Ms. Peterson made a motion to **APPROVE** the minutes dated July 8, 2009. Mr. Uitti seconded the motion. All in favor and the motion **PASSES**.
6. **Other Business**-Ms. Coffin stated that Mr. Guerino has requested that the Board formally vote on appointing Stanley Andrews to serve on the Sewer/Wastewater Advisory Committee.

Mr. Barlow made a motion to appoint Mr. Andrews to the Sewer/Wastewater Advisory Committee. Mr. Cunningham seconded the motion. All in favor and the motion PASSES.

Ms. Coffin stated that the health inspector, Lisa Plante, was leaving to take another job on Monday.

Ms. Peterson made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the meeting was ADJOURNED at 8:00 PM. The next meeting is scheduled for August 12, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

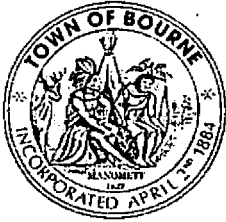
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc town clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**

Schedule of Meeting

Date:

August 12, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

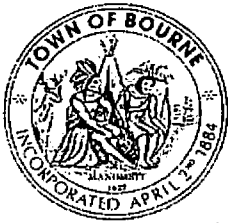
AGENDA ITEMS:

1. I.S.W.M. - Dan Barrett-General update
2. Pocasset Mobile Home Park-Update for residents
3. 623 Head of the Bay Road-James Lavelle-Request for extension on variances expiring Aug 12, 2009
4. Electronic Cigarette Regulation-Discuss and Possible Vote
5. Approve Minutes of July 22, 2009
6. Other Business

RECEIVED
TOWN CLERK'S OFFICE
AUG 12 2009
11 21 AM

Signed: *Kathy M. Angus*
Title: Secretary
Date: August 5, 2009

cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

August 12, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Cunningham, and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent

Call to Order: Meeting called to order at 7:00 P.M.

2009 AUG 27 PM 3 28
TOWN CLERK'S OFFICE
BOURNE, MASS.

1. **ISWM-Dan Barrett-General Update-**Mr. Barrett stated that plans for the expansion of the Landfill Gas collection system developed by Joyce Engineering and SITEC Environmental in conjunction with ISWM staff has been approved by the Massachusetts Department of Environmental Protection. Construction should begin August 13, 2009. Mr. Barrett stated that the project consists of the installation of four vertical collection wells and the piping to connect the wells into the existing system. Mr. Barrett stated that the drilling should take about 3 days to complete. The piping contractor will be Lopes and it should take about two to three weeks to complete the piping. Ms. Peterson stated that she thought they would be receiving more notice before drilling would begin. Mr. Barlow stated that he would also have liked more notice but thinks they have the opportunity now to have the driller on site. Mr. Barrett stated that they just finalized permitting operations with DEP yesterday and they weren't able to have the driller commit until last Friday. Mr. Barrett stated that it was all put together very quickly and if they don't use the driller now he won't be available for another 4-6 weeks. Mr. Barrett stated that it would be three days of drilling which would be Thursday, Friday and Monday. Mr. Barlow stated that he would prefer if it were Monday, Tuesday and Wednesday so it wouldn't be taking a chance on any odors during the weekend. Mr. Barrett stated that he is pretty confident because of the drilling they did last winter that they shouldn't have any problems. Mr. Barrett stated that the contractor would be on site throughout all the excavation to control odors. Mr. Barlow stated that he does not want to stall it but

the Board doesn't want a repeat of any odors getting out of control. Mr. Cunningham stated that if they started something on Friday they should make sure not to leave anything open over the weekend. Mr. Barrett stated that there would not be any trenches or holes left open. Ms. Peterson asked who in ISWM would be the last person to check the job. There were many problems the last time it was left up to a contractor. Mr. Barrett stated that he would check it himself. Mr. Barrett stated that when the work was done last winter there were a few conflicts between the engineer and the contractors. Those have since been resolved and they have told the piping contractor that the engineer has final say. If there is a problem the engineer is to go right to Mr. Barrett. Mr. Barrett stated that they have had some pretty good success recently with the adjustments and repairs they have made to the system. Mr. Barrett stated that there was a complaint Friday night and one Monday morning from the Harbor Hill area. Ms. Peterson asked what emergency plan ISWM has in place if there was a situation like the one in New Bedford. Ms. Coffin asked what situation that was. Mr. Barrett stated that they send quite a bit of demolition to New Bedford Waste processing facility. Mr. Barrett stated that it is a very reputable facility. There was an incident where an employee went out back near a bathroom to get a drink of water and passed out. Another employee went to their aid and he also passed out. A third employee went to check on them and he also passed out. Mr. Barrett stated that they are all out of the hospital now and they are not sure at the facility exactly what happened. Ms. Peterson stated that this would be a good time to review their policy for an emergency situation. Mr. Barrett agreed. Mr. Barrett stated that they have had a few incidents where they have had to exercise their emergency plan and all has worked well. Mr. Barrett stated that he has 8 employees that are Haz-Mat trained and is confident in their emergency plan. Mr. Barrett stated that they are still looking at ways to build up their existing flare system. With all the adjustments to the well fields they have an excess of vacuum where they need it. Mr. Barlow asked if it would be enough to handle the four new wells. Mr. Barrett answered that he thought so. They are going to proceed with permitting a temporary flare. Mr. Andrews asked if they were going to have someone from Joyce Engineering there to help balance the new wells. Mr. Barrett answered yes they would be there. Mr. Andrews asked how close they were to completing the operational audit. Mr. Barrett stated that that they hope to have their draft comments into Joyce by the end of the week, review them next week and then have a draft submitted to the Town Administrator by the end of August or the first week of September. Mr. Barrett stated that this is also a reorganization audit as well as an operational audit. Mr. Barrett stated that this would be a draft that Mr. Guerino and Joyce Engineering can present to the selectmen that they can review together along with the Board of Health. Mr. Barrett stated that they went to the Cape Cod Commission last week for the modification II to their permit through Cape Cod Commission. They took a look at the power plant proposal as well as the flare and the gas treatment proposal. They had to approve it under the direction of MEPA and the DEP. Mr. Barrett stated that their air quality permit has made it to DEP and they have all ruled on it and it will be moving forward. Mr. Barrett stated that the Authorization to Operate on the new cell was put in two weeks ago and they

are starting to get correspondence from DEP on that now. Mr. Barrett stated that they would like to get down into the valley before the winds start blowing in September. Mr. Cunningham asked when the new recycling center would be ready. Mr. Barrett stated that they hope to get in there early in the fall. Ms. Peterson asked how the litter control has been going. Mr. Barrett stated that it has been going well. Mr. Barrett stated that some of the things they did as a result of the ACOP helped them out a lot. Moving into the transfer station also made a big difference. Mr. Gately asked where the new disposal cell would be located. Mr. Barrett stated that it is an extension of the existing valley fill and will be located to the West of the fill they are in now. It's a large sandy area that you will notice as you drive into the landfill on the left. Mr. Barrett stated that the odor hotline is working well and the landfill is staffed seven days a week. The drilling should take about a week to complete but the piping will take two to three weeks. Mr. Barrett stated that the wells would be drilled and capped right away. Mr. Barrett stated that there might be odors when they have to trench around to put the pipes in. Mr. Barrett stated that Lopes is responsible for moving the trash and putting it into the trucks. ISWM will supply the trucks to haul it. Mr. Barrett stated that Lopes could start anytime. There is some piping that needs to be done prior to the wells being put in. The Board and Mr. Barrett are concerned about the potential odors digging the trenches in August but feel that it is best to get it done now rather than chance the winds in October. Mr. Barrett stated that they have let a press release go and they have put an announcement on the website regarding the digging and potential odors. Mr. Goddard is also going to make some calls and send email to his notification group. Mr. Barlow stated that he has every confidence that if the odor gets out of control Mr. Barrett will shut it down and resume the project in September or October. Mr. Barrett agreed and stated that DEP is a big push right now to get this done but they also understand the situation.

2. **Pocasset Mobile Home Park-Update for Residents-**Ms. Coffin stated that she had hoped to have a better update. Ms. Coffin stated that she met with DEP and the Attorney Generals office on Monday for a pre-conference hearing. Mr. Austin and his attorney were supposed to attend. Ms. Coffin stated that late into the meeting they received a call telling them that Mr. Austin had fallen and hurt his shoulder and could not attend. They are trying to reschedule for next week. Ms. Coffin stated that during the meeting they went over the injunction to make sure that everything was getting down that should be. Ms. Coffin stated that Peter Valeri is the new person hired to the monitoring and maintenance on the park. Mr. Valeri has signed a contract but does not have anything back from Mr. Austin at this time. Mr. Damon had an accident at the park a few weeks ago severing one of his fingers but he is still the contact person. If Mr. Damon is not available the next point of contact is the attorney, Mr. Cavanaugh or Ms. Coffin. Ms. Coffin stated that they had hoped to talk to Mr. Austin at the meeting about having a more reliable contact person at the park but hopes to do that when they do meet. Mr. Andrews asked if Ms. Coffin had received any calls recently from the residents saying that they have not been able to contact anyone at the park if they have a

problem. Ms. Coffin stated that she has not had any calls from the residents. Ms. Coffin stated that there was a water line break at the park a few weeks ago that was resolved. Mr. Damon started the repair and Mark MacNally came in and did the rest of the repairs. Mr. Cunningham asked exactly what they have been ordered to do at this point. Ms. Coffin stated that her understanding is that the injunction is a way of getting Mr. Austin to come up with some sort of timetable as to when things would get done. If they don't see that happening then the Attorney General's office has to decide how to proceed. There are different court proceedings they can follow but are not at that point yet but it could be a cumbersome process. Ms. Coffin stated that it is still moving forward but slowly. Mr. Barlow stated that he wanted to clarify something he had read in the Cape Cod Times last week regarding a statement that Mr. Cunningham had supposedly made to the paper. Mr. Barlow stated that it read that the Board collectively knew what was going on regarding Mr. Cunningham working at the Pocasset Mobile Home Park. Mr. Barlow stated that, as far as he knew, the Board had no knowledge of that fact. Mr. Barlow stated that he had no knowledge of Mr. Cunningham working for Charlie Austin and it had not been discussed at any meetings. Mr. Cunningham stated that he has never worked for Charlie Austin. Mr. Barlow stated that what was reported in the newspaper implicates all the Board members. Mr. Cunningham stated that the newspaper that had the largest article and the least amount of facts doesn't even attend the Board of Health meetings. Ms. Peterson stated that Mr. Cunningham has every right to look at a job and decide whether or not he wants to take it. Ms. Peterson stated that Mr. Cunningham had already stated that if he accepted a job at the park he would step off the board. Mr. Cunningham stated that the newspaper wrote that Mr. Cunningham had indicated to them that he worked at the park but that does not mean that Mr. Cunningham actually stated that. Mr. Barlow stated that he wanted to clarify the fact that Mr. Cunningham did not inform the Board of Health. Mr. Cunningham stated that he spoke with Ms. Peterson, Co-Chair of Board of Health, Ms. Coffin, Health Agent, and Mr. Guerino, Town Administrator. Ms. Peterson stated that it was on the agenda for discussion at the upcoming Wednesday meeting but Mr. Cunningham chose not to take the job. Mr. Cunningham asked if he was supposed to come before the Board before he takes any job. Mr. Barlow stated that if it is a job that is before the Board of Health he should. Ms. Peterson stated that it was not before the Board of Health for a vote. Mr. Barlow stated he just wants to clarify that the Board did not support the idea that Mr. Cunningham would be the emergency contact person at the Pocasset Mobile Home Park. Mr. Cunningham stated that he did not know that he should approach the Board for every job he may look at. Mr. Barlow asked Ms. Peterson if she knew that Mr. Cunningham was thinking about taking the position. Ms. Peterson answered yes, and she immediately contacted Ms. Coffin asking her to contact the Ethics Commission to see if there would be any problem if Mr. Cunningham decided to take the job. Ms. Coffin stated that it is really not up to the Board of Health to contact the Commission but is up to the person who is involved that has to contact them. Ms. Coffin stated that she did call the Ethics Board and they told her the same thing. Mr. Cunningham stated that he had

contacted the Ethics Board and received their opinion. Mr. Cunningham stated that everything that is stated in the paper is not always fact. There was general discussion between the Board Members regarding the newspaper article and the public perception of the Board of Health. Ms. Peterson stated that Mr. Cunningham told her on a Thursday about the job and she told him that it would have to go on the agenda for Wednesday and they would discuss it as a full Board and then Mr. Cunningham would tell the Board his decision before it was announced. Mr. Cunningham stated he had decided within four days not to take the job. Mr. Mulvey stated that as a member of the public, reading the press and hearing the discussions at the Board of Health meetings, he is under the impression there may be danger of impartiality. Mr. Mulvey stated that he has heard Mr. Cunningham say that Charlie Austin is a friend of his. Mr. Cunningham stated that his family has known Mr. Austin for a number of years. Mr. Cunningham stated that he does not consider Charlie Austin as a close friend. Mr. Cunningham stated that the integrity of the Board of Health was one of his first concerns and was one of the main reasons he did not accept the job. There was general discussion regarding the license of the Pocasset mobile home park and the fact that it has already been turned over to the DEP. Ms. Peterson stated, because of a flaw in the system that has been brought forward by the trailer park, that she would like to make a procedural change for the office which would mean reviewing any business that is in default or non-compliance for a three month period. Ms. Peterson stated that two weeks ago she put it on the table for discussion that she would like to make a procedural change that would have to come before the full vote of the Board. A license for a business in non-compliance would not be given until they have a hearing before the Board. Ms. Peterson stated that they put restrictions on homes. Mr. Barlow stated that he would like to know, for the record, what kind of restrictions the Board puts on homes. Ms. Peterson stated that they impose deed restrictions for two or three bedroom homes. The homeowners come before the Board if they want to do anything to their house so why should a business be in default and still receive a license before coming before the Board. Mr. Barlow stated that they only come before the Board if they want to change things. Mr. Barlow stated that if they are not too close to the coast or don't have septic issues then Ms. Coffin stamps it. Mr. Barlow stated that Mr. Andrews suggested at the last meeting that Ms. Peterson draft a procedure and bring it before the Board. Ms. Peterson stated that Mr. Austin is not in compliance and should come before the Board of Health before his license is renewed. Mr. Barlow stated that there are 200 residents that live in that Park and would have to be relocated. Ms. Peterson stated that Jaspers had to come before the Board and the people there did not have to be relocated. Ms. Peterson stated that it was a flaw in the procedure brought about by the trailer park that she would like to fix. Ms. Peterson stated that it would be a change that would be put in front of a full five member board and, if in fact that procedural change went forward, it would then be part of what the Board did and would be for all businesses not just for the trailer park. Mr. Andrews stated that he thinks they have digressed from the topic on the agenda and would like to close out the discussion on the licensing and move on to the next agenda item.

3. **623 Head of the Bay Road-James Lavelle-Request for extension on variances expiring Aug 12, 2009**-Ms. Coffin stated that Mr. Lavelle had been approved a variance on 5/14/08 which had expired. Ms. Coffin stated that the Board of Health then granted an extension until 8/12/09. Ms. Coffin stated that they are almost finished with the project and are asking for a 90-day extension. Ms. Coffin stated that she has not been called out on any part of the septic inspection yet but was told that the septic installation would begin within the next two weeks. **Mr. Andrews made a motion to extend the variance for James Lavelle at 623 Head of the Bay Road for 90 days. Mr. Cunningham seconded the motion. All in favor and the motion PASSES.**
4. **Electronic Cigarette Regulation-Discuss and possible vote**- Mr. Andrews asked if the draft sent to them by Ms. Coffin was developed from the existing tobacco regulations. Ms. Coffin stated that yes it was but has heard that the State is working towards their own draft regarding electronic cigarettes. Ms. Coffin stated that there was an ad on TV about the electronic cigarettes. Ms. Coffin stated that there is an ignition system inside the cigarette where it burns off the nicotine. Ms. Coffin stated that the concerns from MHOA are that the studies are not complete and they could still be highly addictive to children. Ms. Coffin stated that she is concerned because the ad stated that you could smoke these electronic cigarettes in restaurants and public places. Ms. Coffin stated that she has sent the draft to Bob Collette at the Tobacco Control Program but has not heard back yet. Ms. Coffin stated that she is trying to get something in place now and if the State comes up with better regs she can just replace them. Ms. Coffin is concerned that there won't be any regs in place and the electronic cigarettes will start to become available in this area. Ms. Coffin stated that they are now available on line. Mr. Barlow stated that he thought they should continue this discussion in a few weeks so the Board has time to look into it and appreciates Ms. Coffin trying to be pro-active.
5. **Approval of minutes dated July 22, 2009**-**Mr. Andrews made a motion to APPROVE the minutes dated July 22, 2009. Mr. Cunningham seconded the motion. All in favor and the motion PASSES.**
6. **Other Business**-Ms. Coffin stated that Bourne Laundromat is going forward to get the septic system fixed. The perc test was done last week. Ms. Coffin stated that it is a DEP approved project but they will keep the Board of Health in the loop. Ms. Coffin stated that she is hoping to have a plan for the installation within the next few weeks. **Flu clinic**- The flu clinics are tentatively scheduled at the Community Building for October 15 and October 20th at St. John's Hall. This is for seasonal flu only. Ms. Coffin stated that the swine flu protocol is totally different than it is for seasonal flu. Pregnant woman and young children will be able to receive the swine flu vaccine. It is a series of two shots. She will be meeting next week with the school administrators and nurses in Barnstable to decide where to administer the vaccine. Emergency response persons will also be

given the vaccine. It will not be administered to the general public. They are hoping to have it available by October. Elderly are also not able to receive the swine flu vaccine. Ms. Coffin stated that they are really going to push the pneumonia vaccine this year. Last year they gave out 100 but she has ordered 300 for this year. **Queen Sewell Pond-** Ms. Coffin stated that she is watching the pond for algae blooms. DPH has a program and they will come and test the pond. They tested last week and according to the guidelines the pond was okay. The guideline is 70,000 and the pond was 11,000. The toxin was less than 1 part per billion. Ms. Coffin stated that she has asked them to come down again because Judy Cox, Beach Supervisor, thought she could see some of the die off around the swim area. **Rabies-**There have not been any local reports of rabies. Ms. Coffin stated that she is working with a resident and his insurance company because the company has refused to pay for the rabies shots he received. **Health Inspector-** Ms. Coffin stated that Carrie should start working by the end of the month if not sooner. Carrie is the summer sanitarian that will take over the full time health inspector position. **Meetings-**Mr. Andrews stated that once he has the floor to speak he would like to complete his words before another Board Member speaks over him. He would like the Chairs to recognize a speaker and give them a reasonable amount of time to speak and thinks the Boards should sit down and come up with a policy that they can start implementing so the meetings are more controlled. Mr. Andrews stated that they should all start being more respectful of each other. Ms. Peterson agreed. Ms. Peterson stated that she had wanted to bring the subject of the licensing up under other business. Ms. Peterson stated that she had some questions for Ms. Coffin regarding the draft protocol for licensing and had hoped to present it to the Board at the next meeting in two weeks. Ms. Peterson stated that this pertains to all businesses that have not been in compliance for a three -month period. Ms. Peterson stated that she feels they should come before the Board to explain why they have not complied. Ms. Peterson stated that it doesn't mean they will not issue the license, it just means that all five Board Members are aware of the situation. Ms. Peterson stated that she is calling it a procedural change unless anyone else has other ideas as to what to call it. Mr. Andrews stated that he believes what she is looking to do is format a new policy. Mr. Barlow stated that he has some questions but will wait until reviewing the formal submission. He is concerned with what exactly non-compliance would mean. Ms. Peterson thinks three months is a fair amount of time for a business to become compliant. Mr. Andrews stated that he does not want the Board to be perceived as anti-business. He feels this will take a lot of discussion and should be worked on maybe in a workshop type setting. Ms. Coffin stated that she agrees with most of this but she wants to reiterate that in the statute it states that if they felt there was a problem with a business the Board has the right to revoke any license at any time. Ms. Coffin stated that she would rather have someone licensed and have to revoke the license than have a business operating without a license. Ms. Coffin stated that she would like to start fining businesses that have multiple violations for critical issues. There was general discussion regarding the unwritten policy that the office follows during routine

licensing procedure. It was decided to add this as an item agenda to discuss at the next meeting.

Mr. Andrews made a motion to ADJOURN. Ms. Peterson seconded the motion. All in favor and the meeting was ADJOURNED at 8:30 P.M. The next meeting is scheduled for August 26, 2009.

Taped by Cynthia Coffin for the Bourne Board of Health

Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson

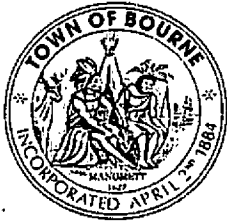
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc town clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

August 26, 2009

Time:

7:00 P.M.

Place:

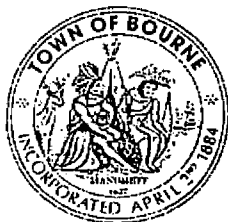
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. Reorganize the Board-Discuss and Vote
2. I.S.W.M.-Dan Barrett-General Update
3. 55 Head of the Bay Road-Tim Bennett for Brian Ciccariello-Request for Variance
4. 35 Old Plymouth Road-Discuss and Vote regarding non-compliance issues
5. Amend Stable Regulations-Discuss and Possible Vote
6. Electronic Cigarette Regulations-Discuss and Possible Vote
7. Policy for license renewal-Discuss and Possible Vote
8. Approve Minutes of August 12, 2009
9. Other Business

2009 AUG 20 PM 1 21
TOWN CLERK'S OFFICE

Signed: *Kathy M. Bungas*
Title: Secretary
Date: August 20, 2009



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
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Cynthia A. Coffin,
Health Agent

2009 SEP 10 AM 10 18
TOWN CLERK'S OFFICE
BOURNE, MA

MINUTES

August 26, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Uitti, and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **Reorganize the Board-Discuss and Vote-**Ms. Peterson stated that there was not a full Board present and she would like to have a full Board before reorganizing. **Mr. Barlow made a motion to CONTINUE this discussion until there is a full Board present. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Coffin stated that she would put this item on the agenda each meeting until there was a full Board present.
2. **ISWM-Dan Barrett-General Update-**Ms. Peterson wanted to congratulate Mr. Barrett on behalf of the Board for doing such a good job at the Landfill. Ms. Peterson stated that she has not received any odor complaints at all during the digging process. Mr. Barlow stated that everyone was pleased at how fast the work was being done and without any odor complaints. Mr. Barrett stated that the wells were dug the day after the last meeting (August 13, 2009). Mr. Barrett stated that when they opened up that project there was a NE wind and they started to have some odor issues so they shut the drilling down. They had two complaints that day. Mr. Barrett stated that the odors had subsided not long after they shut down. They reorganized and started up again the next day and finished the drilling. The digging and piping started Monday and is going well. They have not had any complaints even though they have had some NE winds. Mr. Barrett stated that the men are doing a good job buttoning things up at night and the odor control is spraying while the digging is going on. Mr. Barrett stated that his optimism is guarded because there is gas in there. Mr. Barrett stated that they have been very successful in the well locations and they are very productive

wells. They should be hooked up in a week or two. Mr. Barrett stated that there was a complaint Saturday night, August 22, 2009 from the Sunset Grille on MacArthur Blvd. Two technicians responded, made some adjustments to the system, conducted an odor loop and within the hour reported no more odors in the vicinity of the restaurant. Ms. Peterson asked what had caused the odor. Mr. Barrett stated that they had made some adjustments to the wells and there was one location on top where an operator said there was odor. Mr. Barrett stated that they covered the top and the odor subsided. Ms. Peterson asked how long it took someone to respond to the odor complaint. Mr. Barrett stated that they responded within the half hour. Mr. Barrett stated that he had already left the landfill but was able to watch and assist them on their closed circuit TV system from his home. Mr. Barrett stated that it is a lot of piping but they are on schedule and doing well and, weather permitting, they should complete it on time. Mr. Andrews asked how the permitting on the new cell was progressing. Mr. Barrett stated that Lopes finished addressing some punch list items that DEP had. Mr. Barrett stated that the liner itself was ready to go and DEP was moving forward processing the APO. Mr. Barrett stated that there were some issues with the Administrative consent order for odor that the DEP wants to deal with. Mr. Barrett stated that the DEP doesn't like to have ACO's hanging over their heads when issuing a permit. He is hoping to be in there within the next two weeks. Mr. Barrett stated that Dave Ellis and Dan Connick were onsite Monday and he walked the site with them and they were optimistic that they would be in there within the next few weeks. Mr. Guerino stated that the draft report from the engineering firm that is doing the operations study would be on his desk tomorrow. Mr. Guerino stated that he has to give a lot of credit to Dan, Phil, Paula, Jane and Bob Bliss who have been working hard to get this done. He hopes to have the final report in a few weeks. Mr. Guerino stated that he hopes to have the staffing piece understood by tomorrow so they know what they need to do. Mr. Guerino stated with the hit that the landfill has taken with the economic downturn both with C&D and trash they are currently running short. Mr. Guerino stated that they have put almost a half million dollars into the odor problem. Mr. Barlow stated that the Board is not involved in the finance or the personnel issues. Mr. Guerino stated that they all tie in together. Mr. Barlow stated that they would read it looking for the safety, health and environmental issues. Mr. Guerino stated that he believes they will see a lot on the employee health as well as the public health. Mr. Guerino stated that while they don't have the financial piece of it it all ties into what the Board of Health has their authority over so they need to be as aware as anyone else as to where they are with it right now. Mr. Guerino stated that things are better than they were last year at this time and he and Mr. Barrett are out campaigning at municipalities and will be in Connecticut for a meeting on Monday. Ms. Coffin asked if the Board Members would get the final report electronically. Mr. Guerino stated that the final report would be hard copy. The company will provide him with 15 copies. They will try to get an electronic version as well so they can put it on the website.

3. **55 Head of the Bay Road**-Steven Lake for Brian Ciccariello-Mr. Lake stated that the property is Map 20.1 Parcel 43. Mr. Lake stated that this is currently a lot on Head of the Bay Rd. It is approximately a half-acre lot. It is adjacent to the cranberry bog and the proposed project is to construct a single family dwelling 24 x 28 feet as well as a sub service sewage disposal system and a pervious material driveway to access the house. Mr. Lake stated that the septic system would be an OMNI re-circulating sand filter type with pressure distribution. Mr. Lake stated that he is before the Board because the lot is adjacent to the cranberry bog. The project has gone before the conservation commission but is still open. Mr. Lake stated that the only thing they have agreed on so far is where the boundary line is to the resource area. There was a letter delivered to the Board Members from Brendan Mullaney, Conservation Agent, stating that fact. Mr. Barlow stated that he remembered this project being before the Board at another time because there had been some issues because the bog is a not an abandoned bog but a productive one. Ms. Coffin stated that it had been before them before but they had withdrawn because of a wetland line issue. Ms. Coffin stated that it had been Thomas Roux, from this same engineering firm, Bennett Engineering, that had been before them before. Mr. Lake stated that the septic system that is proposed is only 66' from the wetland line and the Board of Health requirement is 150' so they are requesting an 84' variance. Mr. Lake stated that they are also requesting a variance to the rear property line because they would like to move the system as far away from the resource line as possible. They are requesting a variance from the setback and property line. Mr. Lake stated that they are requesting a variance from 310 CMR 15.211 minimum setback distance - required 10', requested 2.5', variance of 7.5'. Mr. Lake stated that they are using an alternative system for a very small dwelling and have planned to put the building and the septic system on the only place he can see possible on the lot. Mr. Barlow asked if there were any neighbors present that may have concerns or questions. There were not. Ms. Coffin stated that the only concern she has is that they are asking more than the 75', which they normally don't grant. Ms. Coffin stated that it is a large variance considering it's a three- bedroom dwelling. Ms. Coffin suggested that the Board should take a look at the site. Ms. Coffin stated that she realizes they are offering nitrogen removal but had not had a chance to check the nitrogen counts. It is a half -acre and is upland. Ms. Coffin stated that the count of 7, which is pretty low for a half acre, but she has not checked the calculations and is concerned with the degree of the variance. Ms. Coffin stated that at some point you have to say the regulation was written for a reason. Mr. Barlow asked if Ms. Coffin felt that a smaller dwelling and a site visit from the Board would be in order. Ms. Coffin answered yes. **Mr. Barlow made a motion to CONTINUE this discussion until the next meeting on September 9, 2009 so the Board members could make a site visit. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Lake then gave the Board directions to the site.
4. **35 Old Plymouth Rd.**- Discuss and Vote on non-compliance issues-Ms. Coffin stated that this issue has been going back and forth for quite a while. Ms. Coffin stated that she wanted the Board to reconfirm the vote to support the selectmen's

vote that was made quite a few months ago to go ahead with the demolition of the home that was destroyed by fire. Ms. Coffin stated that she believes the Town now has a bid to do the work. Ms. Coffin stated that Jeff Lewis, the homeowner, had called her with an update but she believes it has been over three years and it has gone beyond excuses. Ms. Coffin stated that Andrew Cooney, DEP, has talked to the insurance adjuster and they are now working towards perhaps paying the claim because they cannot prove that it was arson. Ms. Coffin stated that the neighbors have lost faith in the Town because it has taken so long to resolve this issue. Ms. Peterson stated that it had been in today's newspaper that the Selectmen had voted to demolish the house. Ms. Coffin stated that she believes they had voted on that some time ago and the Town Administrator has said that they are now going to move forward. Mr. Barlow asked if anyone lived in the little house that is behind the main house. Ms. Coffin stated that there has been allegations made that someone may move into it but it is not a legal dwelling residence and the Building Inspector did not know of anyone living there. Mr. Andrews stated that there seems to be quite a few issues with the homeowner and the property other than just the dwelling such as old tires left on the property, standing water, boat engine grease and other discarded items. Ms. Coffin stated that she has asked the homeowner, Mr. Lewis to clean up the property for quite a while now with no response from him. He had just called the office today but Ms. Coffin stated that she had not had a chance to return his call. Mr. Barlow stated that that house should be gone by now and the Board of Health supports the order to demolish it but the issues for the Board of Health are addressing the other problems on the property. Mr. Andrews stated that he believes that Ms. Coffin is looking for the Board to reaffirm the vote they took in the Spring to support the Selectmen's decision to demolish the home. Ms. Peterson stated that they also have to address the issue of the cottage in the rear of the property that no one should be living in. Ms. Peterson asked if there was anyone in the audience for this discussion. There was not. **Mr. Barlow made a motion that the Board continues their support of the Selectmen's direction to demolish this building. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Barlow made a motion that the Health Agent put a notice on the door of the cottage in the rear stating that there is to be **NO OCCUPANCY IN THIS DWELLING UNTIL SUCH TIME AS ALL ISSUES WITH THE BUILDING INSPECTOR, BOARD OF HEALTH AND BOARD OF SELECTMEN ARE RESOLVED.** Mr. Uitti seconded the motion. **All in favor and the motion PASSES.** Ms. Coffin asked the Board what they wanted her to do if the order is ignored. Mr. Barlow suggested that the homeowner come before the Board and then take it to court if necessary. **Ms. Peterson made a motion that Ms. Coffin should have a response by the next meeting on September 9, 2009 and they should CONTINUE 35 Old Plymouth Road to take possible vote as to court proceedings if there is no response from the homeowner by the next meeting on September 9, 2009.** Mr. Andrews seconded the motion. **All in favor and the motion PASSES.**

5. **Amend Stable Regulations-Discuss and Possible Vote-**Ms. Peterson asked if the Board Members had had a chance to review the stable regulations. **Mr. Uitti made a motion to ACCEPT the new stable regulations. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Andrews thanked Ms. Coffin for all the work she had done on writing the new stable regulations.
6. **Electronic Cigarette Regulations-Discuss and Possible Vote-** Mr. Barlow asked if anyone had seen anything regarding the electronic cigarettes. Kathy Burgess, Board of Health Secretary, stated that she had seen them for sale at a kiosk in the North Shore Mall. The salesmen were standing around the kiosk smoking the e-cigarettes which were emitting quite a bit of smoke like a regular cigarette. Mr. Barlow stated that no one he has spoken with knows anything about them. Ms. Coffin stated that she wanted to be prepared in case they started making their way down to this area. Ms. Coffin is concerned that people may start smoking the e-cigarettes in restaurants if there are not any regulations in place. Ms. Coffin stated that they can repeal any regulations they accept if anything changes or if the State comes in with new ones. Ms. Coffin stated that Bob Ethier, Wareham Health Agent, is in the audience tonight and asked him if he had any information regarding the e-cigarettes. Mr. Ethier stated that he did not know a lot about the e-cigarettes but thought that trying to do something about it now was a good idea. Ms. Coffin stated that she had given Bob Collette, Tobacco Control, a copy of the regulation about three weeks ago but had not heard back from him yet. Ms. Peterson stated that she is concerned with the fact that they may be able to put marijuana in these cigarettes and they will look like a regular cigarette. Ms. Coffin stated that if they are smoking marijuana in a public place it is violating the law. Mr. Barlow stated that he is not opposed to making a regulation against something that could lead to health issues but he does not know what e-cigarettes are and has not had the time to look into it. Ms. Coffin suggested that the Board Members Google it for more information and thinks this regulation should be passed. Mr. Mulvey stated that he believes that the wording of the existing regulations may already cover this. Ms. Coffin stated that she is concerned about the companies finding a loophole in the regulations. Ms. Coffin stated that she took the existing tobacco regulations and rewrote them. They are three pages long. Ms. Coffin read the information that she had received from the State, which said that in July 2009 electronic cigarettes were introduced for public sale through the Internet and some public places in Boston. On July 22, 2009 MA Food and Drug issued a warning that the analysis of e-cig samples has shown that they contain carcinogens and toxic chemicals such as diatholene glycol, an ingredient in anti freeze. The e-cigarette turns nicotine, which is highly addictive, and other chemicals into a vapor, which is inhaled by the user. These products do not contain any health warnings. Public health experts are concerned e-cigarettes can increase nicotine addiction and tobacco use in young people. These products have not been submitted to FDA for evaluation. FDA is presently being challenged regarding its jurisdiction. Ms. Coffin stated that even though the e-cigarettes are advertised as not emitting harmful smoke they do emit a visible vapor. They have

not received any documentation that this vapor does not contain any harmful chemicals. As far as enforcement, it will be virtually impossible for a customer or business owner to distinguish between regular cigarettes and e-cigarettes. Ms. Coffin stated that they get around the regulation now because you don't actually take a match to the cigarette to light it, it is somehow battery operated or electronically ignited. Mr. Mulvey stated that he was concerned that the regulation would be challenged by the industry and could result in court proceedings. Mr. Barlow stated that they have every right to say, by the Boards own interpretation and assessment; they will treat an electronic cigarette just like any other tobacco product and will regulate it as such. Ms. Coffin read from the literature, which stated that electronic cigarettes were battery-operated devices that contain cartridges filled with nicotine flavor and other chemicals. The battery is ignited and the nicotine is turned into a vapor, which is inhaled by the user. **Ms. Peterson made a motion to APPROVE the draft for the regulation of electronic cigarettes dated August 26, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

7. **Policy for license renewal-Discuss and Possible Vote-**Ms. Peterson stated that this was a proposed discussion for license renewal in the Town of Bourne for any and all licenses that come up for renewal. Ms. Peterson stated that all license renewal applications should have an area that lets office personnel know if they had not been in compliance for three months of the previous year. If so, they should be required to come in front of the Board of Health to discuss their plan to clear the defaults in a timely manner before their license is renewed. Ms. Peterson stated that they would have to come in and discuss with the Board what they are going to do to come into compliance so that the Board of Health are all in full understanding as to why they are not in compliance and how quickly they will come into compliance. Ms. Peterson read from the policy that Mr. Andrews wrote: *Any violation or infraction that is under the review of the Bourne Board of Health that is open more than 13 (Thirteen) days shall be put on the next agenda and stay on the agenda until it has been resolved. When the item is addressed in the meeting of the Board of Health the Board may continue it or call for a hearing of the issue or whatever is allowed under the laws of the Commonwealth of Massachusetts.* Mr. Barlow stated that those policies restrict the Board of Health because at this time they have the right to review anyone at anytime that is not in compliance. They do not have to wait thirteen days. Mr. Barlow stated that if Ms. Coffin tells them that a business may be a public health issue the Board addresses it immediately. Mr. Barlow stated that these policies might give people the opportunity to think they just have to come in and talk about it even though they are in non-compliance and only offers them the chance to give more excuses. Mr. Barlow stated that they have had issues in the past where the Board has had to take immediate issues and believes that the policies given to the Board of Health from the State have worked well. Mr. Barlow stated that the proposed policies are good but the policy they have been using works better because it gives them the power to step right in on any issue immediately. Ms. Coffin stated that she is not sure if a new policy is needed but more of a directive from the Board to the Agent

that if there were something outstanding at the time of renewal they would have to come before the full Board before the license is renewed. Mr. Andrews stated that Ms. Coffin always reaches out to the Board when there is an issue and they should consider what she is suggesting now. Ms. Coffin stated that sometimes three months is too long. Ms. Peterson stated that it should be a policy change to include a businesses license. Ms. Peterson stated that it does not mean a license would not be issued but she wants all the members on the same page. Ms. Peterson stated that there had been an incident in the past with Jaspers Motel. Mr. Barlow stated that the Board kept reducing the number of units they could use because their septic system was failing. Mr. Barlow stated that they had them down to two units before the building was demolished. As the septic failed they could rent less units and when they got down to two units it was their option to either upgrade the septic or demolish the building and they chose to demolish the building. Mr. Barlow stated that they have had a lot of different issues come before them and they didn't have to wait until their license was renewed to take care of it. Ms. Peterson asked if there was anyone in the audience who had any comments to make regarding this issue. Rosalee Cole, a resident of Pocasset Mobile Home Park, stated that she believes the system of the Board of Health is broken down. Ms. Cole stated that the Attorney General's office is taking over where the Board of Health failed. Ms. Cole stated that she does not want to see anyone else in Town go through what the residents of the trailer park have gone through. Ms. Cole stated that the rules and regulations have to be changed. Ms. Peterson stated that this is why she brought up the policy change not only for the trailer park but also for any business in the hopes to fix it so this doesn't happen again. Ms. Coffin stated that there have been a lot of newspaper reports that the Board of Health didn't take any action and she takes offense to that. Ms. Coffin stated that there has been D-Box problems as long as she has been at the Board of Health and she would always get calls from Bob Pritchard, the manager at the time. Most of the calls were dealing with D-Box issues and her and Mr. Pritchard would pull out towels, which had caused overflows. The Board was never fully informed back then because residents would call the manager and he would take care of the problem. About five years ago the State stepped in and looked at the gallonage at the Park and took over, even though the Board still had licensing authority. Ms. Coffin stated that the Board thought they would resolve the issues with the treatment plant going in. Since it's been over five years now it's in the hands of the Attorney General's office. Ms. Coffin stated that it is still a lot of work for this Board discussing it with DEP and the Attorney General's office. Ms. Coffin stated that she does not believe that the Board of Health ever dropped the ball and did what they could in this situation. Ms. Coffin stated that it was her determination to issue the license and if anyone has a problem with that license being issued every year she takes full responsibility for it. Ms. Peterson stated that the Board takes full responsibility. Ms. Coffin stated that the whole time that the Park was operating she wanted to protect the residents by having them labeled as a licensed park, which gave the Board of Health the authority to get out there and do things and make sure that things be done as to not put people at risk. Ms. Peterson stated that her and Mr. Barlow were on the Board when the State took

over the nursing home and they forced Bourne Manor to do exactly what they have asked Charlie Austin to do and Bourne Manor did it. Ms. Peterson stated that when they stepped in to take care of the trailer park she felt that it would work here as well. Ms. Peterson stated that they advised Ms. Coffin at the time to continue with the license because they were working with Mr. Austin. Mr. Barlow stated that Cape Cod Nursing home also had to put in a leaching facility. Mr. Barlow stated that it's an ongoing issue when they cross the threshold of so much capacity of water and the State steps in and makes them upgrade their system regardless if they are having problems. Mr. Barlow stated that they were all very confident that this would be taken care of. Mr. Barlow stated that he is still confident and this has to be addressed and if it goes to court the State will win. Ms. Cole stated that this should have been done years ago and has raw sewage that comes right up into her living room. Ms. Cole stated that she is sure no one would want to live under these conditions and no one had come into the Park to make sure that they should be issued a license. Mr. Barlow stated that he is not defending Mr. Austin but Ms. Coffin has come before the Board a number of times even from back when Mr. MacNally was on the Board. Mr. Barlow stated that Ms. Coffin gives them updated information on the repairs that have been made at the Park and at one time, years ago, the five leach beds out back were thought to be in failure and after a lot of monitoring there may have been three that were working. Mr. Barlow stated that they cannot get in battles between tenants and their landlords. Ms. Cole stated that when it comes to public health the Board of Health should be there representing them. Mr. Barlow stated that he does not disagree with that and the system that is there now has been there longer than most of the people at the meeting. Ms. Cole stated that she has lived there for 20 years and does not want to see anyone go through what they have gone through and thinks that the Boards policies have to be looked at and addressed to see what went wrong here. Mr. Barlow stated that their hope was that the State gets a new septic plan in and gets new sewer lines back to everyone's site. Mr. Barlow stated that they may have to provide a connection but he is not sure of how that will work but they will come back with a solution. Ms. Cole stated that they were digging a few days ago. Ms. Peterson stated that there was no complaint put into the Board of Health and they have all said it numerous times that they have to call the Board of Health when there is a problem before they can take any action. Ms. Cole stated that some people are afraid they will get kicked out of the park if they complain. Ms. Peterson stated that anyone could complain to the Board of Health without leaving their name. At least it will then be on the record and the Board of Health can investigate the problem. Ms. Peterson asked Mr. Ethier how he handles situations such as this with mobile parks in Wareham. Mr. Ethier stated that anything over 10,000 gallons a day triggers a groundwater discharge permit which is handled by DEP. Ms. Coffin stated that the Pocasset Mobile Home Park is over 40,000. Mr. Ethier stated that Wareham has a few trailer parks that have been in the same state as long as Bourne's has. Mr. Ethier stated that their solution is to make sure the owner keeps the system pumped. Mr. Ethier stated that he knows the Bourne Board of Health has been working diligently on this case and these issues are not resolved over night and it can be

frustrating for everyone. Mr. Ethier stated that the residents of Pocasset Mobile Home Park should not be afraid to call the Board of Health because there are laws to protect them from being evicted. Mr. Barlow thanked Ms. Cole for coming to the meeting because most of the residents do not come to the meetings. Ms. Coffin stated that Peter Valeri had contacted her today about a repair that had been done in the front section of the Park. Ms. Coffin stated that there had not been any court date set yet but it is probable that the Board of Health would be subpoenaed to testify. Mr. Mulvey asked if there was a complete engineered plan designed and if everything is ready to go. Ms. Coffin stated yes and the issue is having the owner agree to do it. Ms. Coffin stated that they pump and check the system monthly. Mr. Barlow stated that this was a military trailer park back in the 50's and no one had intended for this to happen. At that time people were not as aware about septic issues. Ms. Peterson stated that even with a change in policy that isn't to say that the Board wouldn't reissue the license again. Ms. Peterson stated that even though it is a public health issue they have to take into account that there are 96 trailers in the Park. Mr. Ethier stated that he had a discussion with the Attorney General's office regarding pulling the permit on a few of the trailer parks in Wareham but after thinking about it he realized that that would leave all the trailers in the Park condemnable. Mr. Ethier stated that the AG's office suggested to him not to pull the license because then the people living there would not have a place to live. Mr. Ethier stated that right now they are just plugging holes, it's a big infrastructure and there are roots in every system, and they are waiting for the State to work it out. Ms. Cole stated that she was not sure the Board had had a conversation with Mr. Austin, owner of Pocasset Mobile Home Park. Ms. Peterson stated that Mr. Austin has told them a number of times he was going to do the work and the Board doesn't have anything else to go on. Ms. Cole asked if Mr. Austin was going to be able to go on for years and years because the Town can't do anything about it. Mr. Barlow stated no, not if the State has their way but Mr. Austin's attorney can always appeal the decision and the legal system in this country can go on and on. Ms. Coffin stated that they were scheduled to have a meeting with Mr. Austin and the AG's office but Mr. Austin cancelled because he hurt his shoulder. They have not rescheduled and Ms. Coffin stated that she believes that is why the AG's office is going to go forward with summary judgment. Mr. Gately asked what the Board would do if in November Mr. Austin is still not in compliance. Ms. Peterson stated that she couldn't say if three people will vote to pull his license but at least Mr. Austin would be before a full board and they can discuss the plans but they also have to consider the 97 families in the trailer park. Ms. Peterson stated that she is not sure that they will get five people to pull his license but believes he should come in for a hearing. Mr. Barlow stated that the septic issues are out of their hands now and under the authority of DEP so they couldn't discuss his license in relationship to the sewer issues. Mr. Barlow stated that any other issues such as public health or nuisance issues at the Park could come before them. Mr. Barlow stated that he doubts that the Board would say they couldn't have their license but would say they would grant the license understanding that the Board wants certain conditions met and set a timetable for the violations to be addressed. Mr. Barlow stated that that is

how they have always done it with other problems in Town. Mr. Barlow stated that it is not to say they can't have their license but there is an order of conditions that the Board wants met by a certain time and it usually works. Ms. Peterson stated that she believes they can discuss the septic issues at license renewal because Mr. Austin is not in compliance with public health. Mr. Barlow stated that they may be able to discuss it but doesn't believe they can do anything about it. **Ms. Peterson stated that she would like to move the policy review for another meeting so everything said at tonight's meeting could be typed out and reviewed.** Ms. Coffin asked if there was some type of final document that the Board wanted. Ms. Peterson stated that it would be more of a policy directive. Ms. Peterson stated that she has everything written down from the last meeting and this meeting and has to cross out what was discussed and what was not discussed and what they want and do not want. Ms. Peterson stated that it will come to the point 13 days or thirty days they will still have to come before the Board. Mr. Barlow stated that they should come before the Board immediately as sometimes there are issues that need to come before the Board right away. Ms. Coffin suggested that the policy say that this does not preclude any earlier hearing or some type of wording like that.

8. **Approve Minutes of August 12, 2009-**Mr. Barlow asked if the tapes were saved after the minutes were transcribed. Ms. Coffin stated that the tapes were usually taped over after the minutes were approved. Mr. Barlow stated that at the last meeting there were a lot of people talking over each other with a lot of interruptions and was just wondering what happened with the tapes. Ms. Coffin stated that legally the tapes don't have to be saved once the minutes are approved. **Mr. Barlow made a motion to APPROVE the minutes of August 12, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

Other Business-H1N1-Ms. Coffin stated that she had attended a conference at Cape Cod Community College with DPH, the Supt. from Randolph that had closed his school last year, a number of school nurses and school superintendents including the Supt. of Bourne Schools and all the Health Agents. Ms. Coffin stated that they want the Towns to concentrate on organizing school vaccinations. Ms. Coffin stated that she is meeting tomorrow with Ed LaFleur, Supt. of Bourne Schools, and the school nurses. She has also invited Mass Maritime Academy and Upper Cape Tech to discuss logistics. Ms. Coffin stated that there is \$178,000 from DPH to the Cape for help with the H1N1 issue. The first target group is pregnant woman, caregivers of children under 6 and children 6 months to 24. Police are not included in this target group yet. Ms. Coffin stated that the list changes every week. Ms. Coffin stated that right now they are being asked to concentrate on the schools. They will be meeting soon to discuss what site they will administer the vaccination from. Ms. Coffin stated that the regular seasonal flu clinics are scheduled for October 15 and October 20. Ms. Peterson asked how extensive they expect the H1N1 to be. Ms. Coffin stated that they have said 90,000 but doesn't understand where the figures are coming from. The state never really addressed it but is afraid of the mutation because when it comes back in the fall it may not be the same as it was in the spring. Ms. Coffin stated that this would be a clinic that you have to run twice because

you get a second shot 21-28 days after the first one. They give you a card and it's up to you to get the second shot when it's due. Over 65 you will only need one shot. They are really pushing the pneumonia vaccine this year and also promote thorough hand washing. Ms. Coffin stated that the seasonal flu vaccine is due to arrive in the next few weeks and the H1N1 vaccine should come sometime in October. Ms. Coffin stated that they haven't even finished the clinical trials yet. Every year the clinics get later and later because the vaccine never arrives when they say it will. Ms. Coffin stated that you could get the seasonal flu and H1N1 at the same time. The schools are concerned because they don't have any kind of consent forms yet and most children have never had a flu shot before and different allergies have to be taken into consideration as well. Ms. Peterson stated that the Board should allow Ms. Coffin a lot of room to make decisions on the subject as more information comes in and she can keep the Board updated.

Carrie Furtek-New Health Inspector-Ms. Peterson stated that she would like Ms. Furtek to attend the next Board of Health Meeting so she can be introduced to everyone. Carrie is working towards her registered sanitarian and was the summer intern through Barnstable County.

Routing slips- Ms. Coffin stated that the VFW would like to hold outside functions but she would like the septic certified and thinks it's an old cesspool that they have. Mr. Barlow stated that he would abstain from this discussion and stepped off the Board. Ms. Coffin stated that the Knights of Columbus also wants to open the hall to functions and she believes they have an old cesspool as well. She is going to look at the septic at the VFW to see if it's Title V before approving anything. Ms. Coffin stated that anything that is change of use or increase of flow requires certification of the septic system. That regulation has been in force for many years. Ms. Coffin stated that she is concerned that there will be problems like there are with Quahog Republic and there has to be consistency.

Town Report-Town Report is due on Friday. She will try and email the Board a copy.

Scenic Park Pools- They were inspected today and look good. Pools are a little smaller than Ms. Coffin expected.

Mr. Barlow stepped back on the Board at this time.

Beaches-Did not have to close Queen Sewell Pond for the first time in three years. State tested for algae. Levels were low. Three beaches were closed this season but reopened the next day. Schools will be inspected within a month of opening. The kitchen of the new school has already been inspected. Going through the elementary school with the Fire dept soon may be used as a potential EDS site. **Mr. Barlow made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting was ADJOURNED at 8:40 P.M.** Ms. Coffin stated that the meeting had adjourned to quickly and there was another item that she had to discuss with the Board.

Mr. Barlow made a motion to re-open the meeting. Mr. Andrews seconded the motion. All in favor and the meeting was re-opened at 8:42 PM. Ms. Coffin stated that Rick Damon was the assistant manager at the Pocasset Mobile Home Park. Ms. Coffin stated that Joe Cavanaugh, attorney for Mr. Austin, called her and asked what the procedure was to obtain a septic installers license. Ms. Coffin stated that it is a provisional license and if someone were to come in with no experience and want to take the test to obtain a license she would bring it before the Board because she would be very

concerned. Ms. Coffin stated that she believes that Mr. Austin is instructing Mr. Damon to take the test in order to make the repairs at the Park and based on what she has seen does not believe that he has the qualifications to do the work even if he passes the test. Mr. Barlow suggested that Ms. Coffin contact Christos Dimisiorius at DEP and explain the situation to him. Ms. Coffin stated that Mr. Damon had attempted to fix a water break and dug up three lines on three streets and broke a lot of pipes and then had to call Peter Valeri, who is licensed and has been hired to do the repairs at the Park, to come in and fix them. The Board Members were in agreement that Ms. Coffin should tell Mr. Damon that she does not feel that he is competent to do that type of work in the Park because there are leaching fields involved even if he passes the test. Mr. Damon may appeal that decision but Ms. Coffin is very concerned if he is allowed to obtain a license. **Mr. Barlow made a motion to ADJOURN. Ms. Peterson seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 8:47 PM. The next meeting is scheduled for September 9, 2009.**

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the members of the Bourne Board of Health

Kathleen Peterson _____

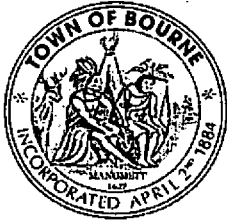
Galon Barlow _____

Donald Cunningham _____

Donald Uitti _____

Stanley Andrews _____

cc Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

September 9, 2009

Time:

7:00 P.M.

Place:

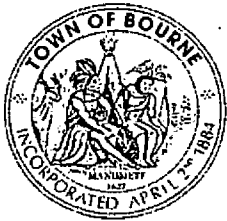
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. Reorganize the Board-Discuss and Vote
2. I.S.W.M-Dan Barrett-General Update
3. Pocasset Mobile Home Park- Update for Residents
4. 55 Head of the Bay Rd- Continued-Tim Bennett for Brian Ciccariello- Request Variance
5. 35 Old Plymouth Rd-Continued-Discuss and Vote regarding non-compliance issues
6. 2 Indian Trail-Request Waiver-Dennis Mascetta for Kevin and Mary Jones
7. Policy for license renewal- Continued-Discuss and Possible Vote
8. Approve Minutes of August 26, 2009
9. Other Business

RECEIVED
TOWN CLERK'S OFFICE
2009 SEP 3 PM 12 37

Signed: *Kathy M. Bungen*
Title: Secretary
Date: September 3, 2009



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

September 9, 2009

Time:

7:00 P.M.

Place:

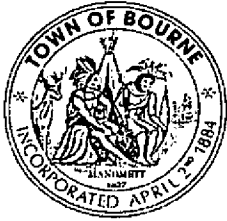
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AMENDED AGENDA ITEMS:

1. I.S.W.M-Dan Barrett-General Update
2. Pocasset Mobile Home Park- Update for Residents
3. 55 Head of the Bay Rd- Continued-Tim Bennett for Brian Ciccariello- Request Variance
4. 35 Old Plymouth Rd-Continued-Discuss and Vote regarding non-compliance issues
5. 2 Indian Trail-Request Waiver-Dennis Mascetta for Kevin and Mary Jones
6. Approve Minutes of August 26, 2009
7. Other Business

2009 SEP 8 AM 10 05
TOWN CLERK'S OFFICE
BOURNE, MA

Signed: *Kathy M. Burgess*
Title: Secretary
Date: September 8, 2009



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
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2009 SEP 28 AM 11 25
TOWN CLERK'S OFFICE
BOURNE, MASS.

MINUTES

September 9, 2009

Members Present: Galon Barlow, Co-Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, Carrie Furtek, Health Inspector, and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **Pocasset Mobile Home Park-Update for Residents-**Mr. Barlow stated that he would take the second item on the agenda first because there was not anyone from ISWM present at this time. Ms. Coffin stated that she did not have a lot to report at this time. Ms. Coffin stated that Mr. Valeri would be doing the pumping at the trailer park this Thursday. They inspected the tanks and leach pits about two weeks ago and will inspect again in another two weeks. Ms. Coffin stated that they were basically about the same as before and still in failure. They are trying to keep the solids out and prevent them from going into the lines and making the situation worse. Ms. Coffin stated that there had been a call from the Park that there had been a backup at #2 Fifth Ave over the weekend. The resident called Mr. Damon and he took care of it. Mr. Barlow asked the audience if they had any questions. Ms. Rosalee Cole asked if the Attorney General's office was getting an affidavit from the past manager of the Park, Mr. Pritchard. Ms. Coffin stated that it was her understanding from Tracy Triplett of the AG's office that they were getting a statement from Mr. Pritchard as part of their filing. Another resident of the Park stated that some of the trailers around her were not in good shape and was concerned about a roof on a trailer that had caved in. Mr. Barlow stated that the residents should contact the Board of Health office and give the address of any trailers they are concerned about and Ms. Coffin would go out and make a site visit as she is the Board's eyes in the field and she will determine what needs to be done. Ms. Cole stated that Ms. Coffin has been great helping them with the ,

issues at the Pocasset Mobile Home Park. Mr. Barlow stated that the residents should keep in touch with the State as well. The residents are concerned that if the license is not renewed they will be homeless. Mr. Barlow stated that that is not the issue they are talking about tonight and cannot promise them anything but does not feel that the Board would put 200 people out on the street just because Mr. Austin is dragging his feet. Mr. Barlow stated that the DEP has taken it over because of the amount of water that goes through the Park and the Board of Health does not have any authority on the septic other than to monitor it and to make sure it isn't running down the street. Mr. Barlow stated that he does not know of any trailer parks that had been closed and the residents thrown out. Mr. Barlow thanked the residents of Pocasset Mobile Home Park for coming and stated that the Board would stand up for the residents any opportunity that they had.

2. **I.S.W.M.-Dan Barrett-General update**-Mr. Barrett stated that G. Lopes construction continues to make progress on completion of the gas system expansion project. Three of the four wells are hooked up and operational. Mr. Barrett stated that he had given the date for completion as the third week in September and he is hoping they will be done by the end of next week. Mr. Barrett stated that the fourth well is scheduled to be brought on line with a temporary connection tomorrow; the final connection should be installed early next week. Mr. Barrett stated that there had been some odor issues over the weekend. Mr. Barrett stated that they had done some extensive evaluation of the well field and early last week was very difficult. They went back and evaluated the system and made some adjustments and had it under control heading into the weekend. Mr. Barrett stated that they only had three complaints over the weekend, which wasn't good but better than it was. Mr. Barrett stated that he was almost home but the flare alarm went off so he turned around and went back to the landfill. Mr. Barrett stated that something had malfunctioned on the scrubber unit and flooded the flare and shut it down. It was back on line within two and half hours but there were some odor complaints. Mr. Barrett stated that they are about 80% complete now with the digging up top and once they finish that they are going re-cover the whole thing again and get away from that area. Mr. Barrett stated they shouldn't have to go up there for another three years. Mr. Barrett stated that they received the Authorization to Operate for the Phase 2A/3A Stage 2 liner expansion on September 2, 2009. They have begun to install the five-foot thick select waste layer and anticipate placing trash in this area within the next two weeks. Mr. Barrett stated that DEP was instrumental in turning around that permit quickly. Mr. Barrett stated that there was a fire in a storage shed owned by Hydros Environmental at the landfill on September 8, 2009. Mr. Barrett stated that Ms. Peterson always asks if they exercise their emergency program to make sure it works. Mr. Barrett stated that they do and the incident yesterday proved that it worked well. Mr. Barrett stated that they have a few firefighters on staff and their own fire truck. They responded and they had their chemical inventory on hand and their Hazmat sheets ready. They had three or four guys from their own staff on scene that are Hazmat trained. Mr. Barrett stated that because of the

chemicals involved they immediately called the fire dept. who responded very quickly. The fire dept. showed up on scene and took control sifting through what was in there and verified all the chemicals they had listed. Mr. Barrett stated that they started to load it out and then started smelling some noxious odors at which point Deputy Chief Cody suggested calling for a Hazmat review. DEP Emergency Response Unit showed up as well and did an extensive search of the area, which was only about 3 or 4 yards of material. There were no hazardous materials found and no noxious gasses detected so DEP cleared them to load the trucks and take them to the landfill. Mr. Barrett stated that they were very happy with how their system worked in an emergency. The DEP and the Fire Dept were also happy with how smoothly everything went. Mr. Barlow stated that the Board of Health office notified him and Ms. Peterson after they were contacted by the landfill and he was then able to get out there right away because everyone followed procedure. Ms. Coffin asked if they knew what had caused the fire. Mr. Barrett replied that it appears to be spontaneous combustion. Ms. Coffin asked if anything had been decided to prevent this from happening again. Mr. Barrett stated that all the chemicals stored in the shed were researched before hand and were compatible with each other. Mr. Barrett stated that when they set up the storage shed Mr. Goddard went in there and said that he wanted to make sure that none of the chemicals were water reactive. All doors were placarded so they knew exactly what was in there. Mr. Barrett stated that they are not really sure exactly what started it but there was nothing in there stored inappropriately that would start a fire. Mr. Barlow stated that the gentleman from DEP who specializes in hazardous waste was very satisfied that all the protocols were followed and nothing had been done wrong. Mr. Barrett stated that he believes his name was Don Murphy, the Emergency Response Coordinator for DEP. Mr. Barlow stated that spontaneous combustion is not uncommon at this time of year and back in the 1930's a barn on Grazing Fields farm blew up that had been packed with hay and in a matter of fifteen minutes it was gone. Mr. Barlow stated that the DEP did not write up the incident at the landfill. Mr. Barrett stated that their response was well coordinated and one of the things Mr. Murphy was impressed by was the preplanning of the layout of that little shed that was done by Phil Goddard. Mr. Andrews asked if they were finished with all operations on top of the area they had been working. Mr. Barrett stated that they should be done with the landfill up there in about two weeks. Mr. Barrett stated that their next step would be to place a six-inch layer of cover on top starting in the South working towards the North. Mr. Barrett stated that in the North end where they haven't covered yet they would add a foot of cover. Mr. Barrett stated that the next operation would be early next spring to put in another horizontal collector up there. Mr. Barrett stated they will also have it close enough to grade that they will be able to cap some of it and will be able to put more vertical wells in there and it will all be done on schedule. Mr. Barrett stated that the final capped area would be the North Slope if they can get up there. Mr. Andrews asked how productive the wells would be. Mr. Barrett answered very productive, in particular a well they stressed to get hooked up located in the southeast corner, well # 55, was not hooked up as quickly as he wanted it to be but they managed to get it hooked up and it is having a huge impact. Mr. Barrett

stated that getting this fourth well on line even temporarily would be very beneficial. Mr. Andrews thanked Mr. Barrett and his staff for the quick notification he gave the Board of Health regarding the fire at the landfill. Mr. Mulvey asked if a new flare would be in operation with the new wells. Mr. Barrett stated that they would evaluate that with Joyce Engineering. Mr. Mulvey asked how they select the garbage that they use on the bottom. Mr. Barrett stated that there is a certain criteria that DEP implemented about 6 years ago. Mr. Barrett stated that you don't want anything sharp or hard that could penetrate the liner in the first five feet of trash. Mr. Barrett stated that in the past SEMASS would send over their shredded waste from time to time but it was like confetti and on windy days very hard to work with. Mr. Barrett stated that he likes to use auto shredder residue, which DEP likes as well. Ms. Coffin asked if they were planning to shut down every Friday to control odor. Mr. Barrett replied that that was the plan but barring any complications they should be finished by the middle of next week. Mr. Guerino stated that he asked Deputy Chief Cody on a scale of one to ten the seriousness of the fire at the landfill and Deputy Chief Cody responded that it was not a serious fire. Mr. Guerino stated that he has received the second draft of the Joyce Engineering Operations Report and is in the process of highlighting areas that are in question. The final draft should be ready in the next few weeks. Mr. Guerino stated that there are some changes in the organizational chart but doesn't look like there will be a net increase or decrease in staff but there may be different types of activities taken by the staff. Mr. Barlow stated that the charter allows the Town Administrator and the Selectmen to participate in any reorganization and no one else. Mr. Barlow stated that if there are any concerns with health, safety or environmental issues that would concern the Board of Health. Mr. Guerino stated that the Board of Health would receive a full report to peruse whatever sections they would like. Ms. Coffin stated that she had some questions for Mr. Guerino regarding 35 Old Plymouth Rd. **Mr. Barlow made a motion to move the agenda item #4 up regarding 35 Old Plymouth Road so they could discuss it before Mr. Guerino left the meeting. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

3. **35 Old Plymouth Road- Continued-Discuss and Vote regarding non compliance issues-**Mr. Guerino stated that he is bringing the recommendation from Town Counsel before the Board of Selectmen at next week's meeting as to how they can proceed from a legal standpoint. Mr. Guerino stated that the bid for the demolition of the fire-damaged home will be let out and they will work on the publication probably in the next two weeks. Mr. Barlow asked if there was anyone there to comment on 35 Old Plymouth Road. Ms. Coffin stated that she posted the letter and Mr. Lewis came into the office when she was not there. Ms. Coffin stated that Mr. Lewis feels that everyone in Town is picking on him and that he has cleaned up the area. Ms. Coffin stated that she has driven by the house and nothing has been cleaned up. Mr. Guerino stated that they have been overly patient with Mr. Lewis and are going forward with plans to demolish the house. Mr. Andrews stated that the Town Administrator is dealing with just the house itself but the Board of Health has other issues with the property. Mr. Andrews

stated that they had discussed this at another meeting and Ms. Coffin had sent a letter to Mr. Lewis with no response. Ms. Coffin stated that Mr. Lewis came into the office when she was not there and he stated that he was working on it. Ms. Coffin stated that the significant items like the tires; motor and propane had not been addressed as of last week. Mr. Andrews stated that in the past when homeowners did not address the issues they were asked to address they were required to attend a Board of Health meeting and would like Mr. Lewis to attend the next meeting on Sept. 23, 2009. Mr. Barlow stated that Mr. Lewis seems not to understand the importance of cleaning up the area and should be put on the agenda so they can go over their concerns with Mr. Lewis. Mr. Barlow stated that maybe if Mr. Lewis comes in he would realize the impact this has had on his neighbors. Ms. Coffin stated that the area has become a dumping ground because of the condition of the property. Mr. Guerino stated that if Mr. Lewis does not do what the Board of Health is requesting the Town could clean up all the debris that was left outside the house. Mr. Barlow asked if Mr. Lewis had been in to talk to the Selectmen at all. Mr. Guerino stated that he has not been in to talk to them in over a year. **Mr. Andrews made a motion that the Board of Health hold a hearing at the next meeting for 35 Old Plymouth Road. Mr. Uitti seconded the motion. All in favor and the motion is PASSED.**

4. **55 Head of the Bay Rd-Continued-Tim Bennett for Brian Ciccariello-Request Variance-**Mr. Barlow stated that this was continued so the Board could do a site visit to see the location of the proposed septic system and to look at the location of the bog. Ms. Coffin stated that the nitrogen calculation figures based on the size of the half- acre lot seemed a little low. Mr. Bennett stated that the calculations came from a spreadsheet that they have used for years. Ms. Coffin stated that she would double-check the figures. Mr. Bennett stated that it was a small house with very little lawn and a gravel driveway. Mr. Bennett stated that it would be a 24 x 28 two- story home with 3 bedrooms. There was general discussion between Mr. Bennett and the members of the Board as they were looking at the plan drawings. Mr. Barlow asked if the system was level with the bog. Mr. Bennett stated that it was not and was up further. Mr. Andrews asked what the elevation difference was. Mr. Bennett stated that there was about an 11 ft. difference. Mr. Andrews asked Ms. Coffin what is the maximum variance she has given on a system without restricting the size of the house. Ms. Coffin stated that usually it is 75 but have given greater on new construction with a composting toilet but it also had a one or two bedroom deed restriction. Ms. Coffin stated that they usually don't approve it for a three bedroom. Ms. Coffin stated that even though they are offering an alternative you have to consider at what point do the regulations have no meaning. Ms. Coffin stated that a variance is a privilege not a right and asking for greater than 75, even though there is an alternative system, is asking for a lot with a three bedroom house. Ms. Coffin stated that they are finding that as they test they are not getting a lot of fives when all the testing is said and done they are meeting the 19 which is what the discharge limit is. Ms. Coffin stated she would have preferred to see a composting toilet here or a smaller house. Mr. Barlow asked if Mr. Bennett would have any problem going back to

the owners with a proposal for a two bedroom instead of a three- bedroom house. Mr. Bennett said he could discuss that with them. Mr. Barlow stated that the septic system proposed is probably the best they could get there. Ms. Coffin stated that in a perfect world the system will do what it is supposed to do but they have to consider they are not all functioning at 100% although the recirculating sand filter is one of the best. Ms. Coffin stated that just because there is alternative technology doesn't mean that it should open up these substandard lots. Ms. Coffin stated that they cannot use a Board of Health regulation as a zoning regulation but they have to look at the long-term efficacy of that system. Ms. Coffin stated that the numbers are saying at the end of that lot what the load will be to the resource area. They are getting it down to 5 parts per million of nitrogen but the reality of what is coming out of the system is really 19 parts per million. Ms. Coffin stated that they are going to reduce the lawn area but the Board is not going to be going back there to check the lawn area. You have to be careful of the future potential. Mr. Barlow stated that he has not heard anyone that is comfortable with this yet and asked Mr. Bennett if he would like to withdraw at this time and come back or would he like the Board to vote on it. Mr. Bennett replied that he would like to withdraw or continue and he will revise the plans. Mr. Barlow suggested that Mr. Bennett withdraw because then they will have another 45 days and they can withdraw the notification of the abutters. Mr. Barlow asked if there were any abutters at the meeting. The only audience members there for this address was the son of the property owner Mr. Ciccariello. Mr. Barlow stated to Mr. Ciccariello that they are giving him the option to withdraw and reapply without notifying the abutters to give them the opportunity to modify the plans to be more acceptable. Mr. Barlow stated that on new construction they normally do not go less than 75 feet. Mr. Barlow stated that it has been set in cement now for at least 10 years. Ms. Coffin stated that the only one they have done was the home on Bassett's Island that has a composting toilet and a deed restriction. Mr. Bennett asked if it was possible to get the septic 75 ft away would that be acceptable. Mr. Barlow responded that it would be a lot more palatable to the Board if they could get the leeching facility 75 feet away. There was general discussion between Ms. Coffin, the Board Members and Mr. Bennett regarding the actual limits of construction on the property and where they may be able to put the septic. **Mr. Andrews made a motion to allow 55 Head of the Bay Road to withdraw without prejudice. They are not required to notify abutters as long as they reapply by the first of the year. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Mr. Barlow stated that if they cannot reapply by the first of the year to contact the Board of Health with an update.

5. **2 Indian Trail –Request Waiver-Dennis Mascetta for Kevin and Mary Jones-** Mr. Mascetta stated that he was contacted by the Jones' requesting a waiver because it was an alteration of interior space that affected a bedroom. Mr. Mascetta stated that since they have a laundry on the bedroom level on the second floor the homeowners would like to get rid of the laundry connection in the basement and move the door into the bathroom proper and they will use it as an office. Mr. Andrews stated, looking at the plans, that the door would have to be at

least a four- foot cased opening. Ms. Coffin stated that it does meet the definition of a bedroom, which would be considered the fourth bedroom. Ms. Coffin stated that she felt they should come before the Board because the property had a red stamp and the system was installed in 1996. Mr. Mascetta stated that there were two bedrooms downstairs and two bedrooms upstairs. Ms. Coffin stated that it has always been a four- bedroom dwelling. The leeching is only 80 ft to what is considered top of bank. Ms. Coffin stated that it is 120 ft to mean high water and is up high on Indian Trail. It is more of a bank by definition and is a .9 % increase in habitable space. Mr. Barlow stated that this is not inconsistent with the neighborhood because of the height of the bank and the distance to the resource. Mr. Andrews asked if the system was designed for four bedrooms. Ms. Coffin answered yes and was installed in 1996. Mr. Barlow asked Ms. Coffin if she had had an opportunity to look at it. Ms. Coffin stated that it's a field so it's hard to inspect but was inspected in 2007. Ms. Coffin stated that if they were adding a bedroom she would have had to inspect it again. Mr. Andrews asked if there was a written report of the title v from 2007. Ms. Coffin stated that because it's a field the report is sort of benign. The report says no signs of hydraulic failure. SAS lies under lawn and maintain landscape. They probably just looked at the distribution box in 1996. They weren't putting inspection ports on fields so all you could really do is look at the D-Box. The report states that there was no evidence of solid carry over, in good condition, level distribution. **Mr. Cunningham made a motion to approve a waiver to use the existing septic system at 2 Indian Trail. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

6. **Approve Minutes of August 26, 2009-Mr. Andrews made a motion to approve the minutes dated August 26, 2009. Mr. Uitti seconded the motion. Mr. Cunningham abstained, as he was not at this meeting. All others in favor and the motion PASSES.**
7. **Other Business- Village Market-441 Shore Rd-** Ms. Coffin stated that Ms. Peterson had contacted her regarding lifting the deed restriction on this property as they were no longer in business. Ms. Coffin stated that if she received a letter this item would be put on the agenda. Ms. Coffin stated that it did not get put on the agenda but Ms. Peterson was hoping to have it discussed under other business. Mr. Barlow stated that it should be put on the next agenda and requested the Board receive a copy of the deed restriction so they could look it over. Mr. Cunningham asked what the deed restriction was on the property. Ms. Coffin stated that she believes the restriction was that they couldn't cook anything on site because they had a tight tank. Mr. Barlow stated that he wouldn't be comfortable lifting a deed restriction without looking over the documents first. Mr. Andrews agreed. Mr. Barlow stated that it should be sent to them in the next packet. Ms. Coffin stated that she would put it on the agenda for the next meeting. **Carrie Furtek- Health Inspector-** Ms. Coffin stated that Carrie had only been there for a few weeks but has done septic, percs, housing and garbage already. Ms. Furtek stated that as a summer intern some of the other towns took her on perc tests to get her ready for her new position as Bourne Health Inspector. **Swine flu-**Ms.

Coffin stated that she sat in on a conference call today with the DPH. There is still no exact date or number of vaccine anyone will receive. Ms. Coffin stated that it is still in the planning stages and hopes to have the HINI vaccine by the end of October. The seasonal flu clinic dates are October 15th and 20th. The HINI vaccine is targeted for high- risk age group of 6 months-18 years of age. Ms. Coffin stated that she has received some of her seasonal flu vaccine but not all of it. Ms. Coffin stated that the County is looking into hiring per-diem nurses to administer the HINI vaccine but everything is still in the planning stages. There are still quite a few issues to be worked out such as parental consent forms and logistics. They are predicting only 20% of the population will want to take the vaccine. Ms. Coffin stated that the State should be providing the funding as the Town and School Dept. does not have the money to provide for the nurses to administer the shots. They may be considering student nurses to administer the shot. VFW-Mr. Andrews stated that the Selectmen had voted to increase their capacity to 205 provided they get the approval from the Fire Dept. and the signoff from the Board of Health. Ms. Coffin stated that she told Mr. Miller that he should come to the Board of Health meeting next week. The leech pits are full up into the risers. Ms. Coffin stated that she does not feel comfortable telling them they can have that number without some kind of commitment that they will do the upgrade. Ms. Coffin stated that she gave them the information of the engineer that had done the perc test a few years ago but a new engineer had called her today. Ms. Coffin stated that she told them that if their intention is to increase the numbers to 300 by having outdoor functions they should design the septic system for that. Ms. Coffin is hoping they will have a plan before them for the next Board of Health meeting. **Mr. Andrews made a motion to ADJOURN. Mr. Cunningham seconded the motion. All in favor and the motion PASSES. The meeting adjourned at 8:25 PM. The next meeting is scheduled for September 23, 2009.**

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson _____

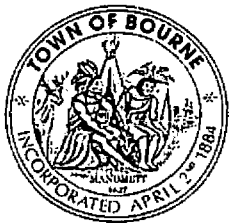
Galon Barlow _____

Donald Cunningham _____

Donald Uitti _____

Stanley Andrews _____

cc town clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

September 23, 2009

Time:

7:00 P.M.

Place:

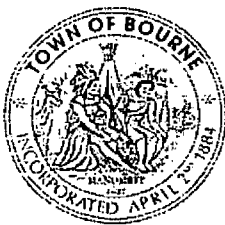
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. Reorganize the Board-Discuss and Possible Vote
2. ISWM-Dan Barrett- General Update
3. VFW- 180 Shore Road-Charlie Miller & Warren Silva-Discussion regarding licensure and failed system
4. 35 Old Plymouth Rd-Continued-Discuss and Vote regarding non-compliance issues
5. Village Market- 441 Shore Road-Jeanne Downing-Discuss and vote on removal of deed restriction
6. License Policy Renewal-Discuss and Possible Vote
7. 73 Mashnee Road-Michael & Margaret Dwyer-Request to amend architectural of record
8. Approval of Minutes dated September 9, 2009
9. Other Business

2009 SEP 17 PM 2 17
TOWN CLERK'S OFFICE

Signed: *Kathy M. Burgess*
Title: Secretary
Date: September 17, 2009



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
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Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

September 23, 2009

Members Present: Galon Barlow, Co-Chairperson; Donald Cunningham, Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, Carrie Furtek, Health Inspector, and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **Reorganize the Board-Discuss and Possible Vote-**Mr. Barlow stated that he would rather have a full board before any reorganizing but would like to **nominate** Mr. Andrews as clerk because they have not had a clerk in over a year. Mr. Cunningham seconded the motion. All in favor and the motion **PASSES**. Mr. Barlow stated that they would wait until they have a full board present before making any other changes.
2. **VFW-180 Shore Road-Charlie Miller & Warren Silva-Discussion** regarding licensure and failed system-Mr. Barlow stated that Mr. Barrett is not here yet so they would move ISWM further down on the agenda. Mr. Barlow stated that he would step off the Board for this discussion as he also holds a food license in Town. Ms. Coffin stated that it came before the Board of Selectmen that originally the VFW had reduced their number to 99 because of the sprinkler system. Once the sprinkler was installed they went back to the Board of Selectmen to get back to their original number, which was 204. They had also been talking about some outside seating. Ms. Coffin stated that she knew they had had trouble in the past and went out to inspect the septic system on September 2, 2009. The leaching was in hydraulic failure. It was not backing up into the ground but the pits are very deep in the ground and the liquid is into the risers. Ms. Coffin stated that she couldn't sign off on the increase because the system is in failure. Mr. Silva, the manager of the VFW, stated that they amended with the Selectmen not to request any outside seating and only request the main floor which the

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TOWN CLERK'S OFFICE
EDMUND S. COFFIN

Selectmen stated would be contingent on Board of Health approval. Charlie Miller, a Board member of the VFW, stated that they had voted to put \$2,500.00 towards hiring an engineer to draw the plans for a new system. Mr. Silva stated that they have hired Joe DiGiano to look at the system and have contacted JC Engineering for perc information because they were the original engineers that had done a previous perc test. Mr. Silva stated that he wanted the Board to know that they were moving forward. Mr. Silva stated that they are asking the Board for permission to go back to their original number of 204 on the main floor. Ms. Coffin stated that she felt it was a relicensure issue that the Board had talked about before and felt the VFW should come before the Board because they are holding a license now and are increasing occupancy from 99 back to the 204 that they originally had but then are going to design for a capacity of 300 for the possibility of future outside seating. Mr. Andrews stated that it looked like they were being proactive in their design. Ms. Coffin stated that she would like some type of timeline as to when the system will go in and that she had given them information about the County Betterment program for a low interest loan. Mr. Silva stated that he has contacted the Betterment program but has not heard back from them yet. Mr. Miller stated that they couldn't pay for a new system without holding the functions to pay for it. Mr. Andrews asked if the leaching was in hydraulic failure. Ms. Coffin stated that yes, the leaching was in hydraulic failure but is not going up into the ground because the pits are about 8ft down. It will probably back up into the business before it goes up into the ground so if the Board approves it it should be based on no back flow to the building and maintenance until it is fixed. Mr. Cunningham asked if they had any idea when work would begin. Mr. Silva stated that they were working on it but did not have any definite dates yet and will work on it as soon as they get the financing. Ms. Coffin asked if they had another plan if the Betterment program falls through. Mr. Silva stated that they will go through their bank if they have to but would rather go through the low interest county loan if possible. Mr. Andrews asked if they would be more comfortable with a 120 day to completion with the condition of not having any back flow into the building. Mr. Cunningham stated that he doesn't feel comfortable saying this would be done a year from now. Mr. Silva stated that 120 days sounds okay because they have already started the paperwork. Ms. Coffin stated that she realizes they will need the funding to do the work but she would like at least some type of commitment plan. They should be able to do it in a month because the perc has already been done. Ms. Coffin stated that she would like to see a permit application come in with a proposed installer before the next Board of Health meeting. Mr. Silva stated that Joe DiGiano is going to do the work for them and will submit a plan to the office within the next week or ten days. Ms. Coffin stated that her only concern was that it has been over a year since the first perc was done and the VFW knew there were issues with the septic long before she looked at it. Ms. Coffin stated that the Board is trying to be reasonable because they realize that they just incurred a big expense putting the sprinkler system in. Ms. Coffin stated that there is not a health threat right now as long as there is not a backup into the building but the potential is there. Ms. Coffin stated that they should have the tank inspected every month and

make sure the liquid levels are not getting any worse so they don't back up into the building. Any licensed pumper could do that and submit a monthly report. **Mr. Cunningham made a motion to give the VFW thirty days to come up with an engineered plan of exactly what they are going to do. They would like a monthly report of the condition of the tank. If there are any backups the approval is null and void. The system is required to be installed within 90 days, which will be December 22, 2009. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

3. **ISWM- Dan Barrett- General Update-** Mr. Barrett stated that G. Lopes construction completed pipe installation on Weds. Sept 16, 2009. They spent Thursday and Friday on clean up and redressing disturbed areas, this will continue for about another week. There is one more connection to be made on the north slope of Phase 2A/3A. They were having trouble getting a special 8 in. valve out of CA so they didn't have it in time to finish. Mr. Barrett stated that the excavation is going to take place in dirt so they will not have to disturb any more of the active landfill. They should get that tied in by Friday. Without that connection the system is still fully functional; the completion of the connection will finish up the continuous loop they are looking for to make the operation of the system that much more efficient. Mr. Barrett stated that Phase 2A/3A Stage 1 has been brought to final grade. Mr. Barrett stated that there were some odor complaints last Saturday night. There were some leachate issues due to the heavy rain and some of the odors were a result of that and some were gas related because they had not yet finished the project. Mr. Barrett stated that they have been doing odor loops inside the cell and they have a Jerome meter as a request of the State. It is a specialized hydrogen sulfide meter that detects very low levels. Phil Goddard has been helping them out with the odor sweeps and they are pinpointing spots where the gas could be escaping and patching it. Mr. Barrett stated that in the audience tonight was Dave Ellis, the Solid Waste Section Chief at MADEP. Mr. Barrett stated that Mr. Ellis has been instrumental in helping them figure out the problems at the landfill. Mr. Barrett stated that the engineer of record, Ray Quinn of Sitec, would go into the steps that they plan to take in the future to make sure that the odors are taken care of once and for all. Mr. Quinn stated that he is the Director of Engineering Services at Sitec Environmental and has been the consulting engineer at the landfill for a number of years. Mr. Quinn stated that he has brought a site plan of the Phase 2A/3A Stage 1 and Stage 2 areas to show the Board. There was general discussion regarding the plan and the location of the wells. Mr. Quinn stated that over the last year they have installed 8 wells along the area that have had problems. These wells have overlapping radius of influence much more intense than the standard type overlaps. Mr. Quinn stated that they have put wells in with the theory more is better. Mr. Quinn stated that they had a fairly stabilized condition through the Spring but feeling that there may be some gas problems developing they installed the four wells. The one drawback to putting in wells is the disruption to the landfill. They were drilling 80 ft. 3ft wide holes and excavating 2000 ft of trench into the active landfill, which has caused recent intermediate odor conditions. Mr. Quinn stated that the standard

intermediate cover is a foot of low permeable soil which they are including but are also adding a synthetic material across the top of the landfill plateau area and a spray on Posi-Shell, which is a concrete fibrous spray on material, that has been well proven in landfill operations for capping. It can be used lightly for daily cover and as you thicken it, they are going to use about ½ inch, it's very applicable to the long- term intermediate covers being very motion resistant and holding in the gas. Mr. Quinn stated that their intent is to initiate this intermediate long term capping in the Southern area where the gas has been more present, primarily because of the materials that have gone into that area, as opposed to the Northern area where over the past several years they have not taken in the C&D material and have not experienced or observed any odor conditions in that area. Mr. Quinn stated that they are going to be working from the South to the North grading and capping to provide the shield to prevent the gas from escaping. Mr. Quinn stated that they expect to get the Southern area done in the next month or two at the most and progressively move to the North. Mr. Cunningham asked if they were getting the vacuum that they have been trying to get. Mr. Quinn stated that it's about at capacity but it has been reported to him that they are maintaining adequate vacuum within these wells to be effective. Mr. Barrett stated that they have been able to pick up residual vacuum at the back of the blower and are up to 35 inches, which is plenty. Across the top and the peak they have 10-12 inches and moving closer to the North getting closer to the blower they are getting 20-25 inches. Mr. Guerino stated that they have a contractor working on an upgrade to the scrubber, which will allow for additional draw and chemical cleaning of the gas before it hits the flare. Mr. Barrett stated that the first goal of Joyce Engineering was to balance the well field, which they did, and then to help establish the additional vacuum that they have now. Mr. Barrett stated that they went from 18 inches in the back of the blower to 35-40, which picked up the efficiency of the system tremendously. The second phase of their project was to take a look at the system itself. They looked at the hardware, the blower and the flare. Mr. Barrett stated that they expect to have a report on it from them in the next three weeks. Mr. Barrett stated that it is working fine now but can use an upgrade. Mr. Guerino asked if the temperature inversions such as freezing and thawing allow the Posi- Shell to move with the Earth as it contracts and expands without cracking. Mr. Quinn answered yes for the most part but there are some wears on it but it is easily repairable. Mr. Guerino asked how long the shelf life was. Mr. Quinn stated a couple of years and reapplication is simple once the base is stabilized. Mr. Quinn stated that the greatest threat to the material is traffic. You have to be prepared to not go in that area or prepare paths to get around the wells. Mr. Quinn stated that they are getting ready to put the Posi-Shell on the steep slope area where they don't have much traffic. Mr. Ellis, DEP, stated that before they put down that cover they will put down an intermediate cover with a base of 12 inches with a material that is similar to a recycled asphalt for a nice smooth surface and then they spray that material on there. Mr. Quinn stated that it is a very well known material. Mr. Cunningham stated that it would help on the side slopes to prevent erosion and the washouts down the side. Mr. Quinn stated that they would make sure everything is graded to drain correctly. Mr.

Cunningham asked if it would hold water. Mr. Quinn replied yes. Mr. Barlow asked if this would address the breakout in the past on the side of the cell. Mr. Quinn stated that this would address both the gas breakout and the leachate outbreak because they are cutting off the water coming into it. Mr. Quinn stated that the gas is not being better contained, there is no path of least resistance to the outside, and the only way is through the collection system. Ruth Dorr, a resident of Brookside, stated that she has been in contact with the Town for about two years regarding the landfill odors. Mrs. Dorr stated that she keeps hearing that the odor will be gone soon. Mrs. Dorr stated that she would like to know when the odor would be gone. Mr. Quinn stated hopefully within the next week or two. Mr. Quinn stated that the work that has gone on the past few months has been disruptive and he feels is the source of the most recent odors. Mrs. Dorr stated that her biggest concern is the fact that she does not know what's being emitted. Mr. Barlow stated that the big issue is the hydrogen sulfide gas. Mr. Barlow stated that the first thing they did was put in a scrubber, which is a barrier of water that they filter the air through and it absorbs the hydrogen sulfide gas. Mr. Barlow stated that a lot of it is just nuisance odor. Occasionally if the scrubber doesn't work properly some hydrogen sulfide escapes, which becomes an issue for everyone and they don't want that to happen. Mr. Barlow stated that they are staying below the Federal standards but they are looking for no odor. Mrs. Dorr stated that they have lived on Wings Neck in Bourne for 20 years and four years ago moved to Brookside. Mrs. Dorr stated that she became very ill with her lungs after moving and the doctors thought it was some type of pollution irritant. Mrs. Dorr stated that she was sick for the whole summer during 2006, which was her first summer living at Brookside. Mr. Barlow stated that it might not have been hydrogen sulfide at that time. Mrs. Dorr stated that she believes that someone must have done some type of report on the emissions and she would like to see it. Mr. Barlow stated that he is sure the DEP has followed it very carefully. Mr. Ellis, DEP, stated that there is a public document and he would get it to Mrs. Dorr. Mr. Ellis stated that there was a landfill in Brockton a few years ago and you could smell hydrogen sulfide in very small concentrations; about 3 parts per billion. Once you get sensitized to it you can pick up that smell just driving down the road when no one else does. Mr. Ellis stated that they did risk evaluations at the landfill in Brockton and had concentrations that were 40,000 parts per million coming out of that landfill surface. They were concerned about all the homes in the area and hired a company to do the risk evaluation of hydrogen sulfide gas by the property lines and they found even at those high concentrations it was not a health risk at all. Mrs. Dorr stated that she would like a copy of that report so she could share it with her neighbors. Mrs. Dorr stated that she does not know whom to believe. Mrs. Dorr asked if any of the Board members were woken up at night by the strong odors. Mr. Barlow stated that he was not but he knows people who are and they are in contact with him all the time. Mr. Cunningham stated that they have also asked the Mass Dept. of Public Health about the possible hazards of hydrogen sulfide and they have to believe what they tell them as well. Mrs. Dorr asked if any of that was in writing. Mr. Cunningham stated that he went on line and found information. Mr. Guerino stated that if you go to the National Institute

of Health on line and go to hydrogen sulfide there will be a lot of information on quantities and parts per million. Mr. Guerino stated that the DPH would probably have information in their Boston office. Mr. Cunningham stated that they have the readings that the landfill has been taking every day. Mrs. Dorr asked if there were problems on the weekends with staffing. Mr. Barrett stated that they are open 7 days a week and someone is always watching but every weekend this summer they have had a NE wind. Mr. Barrett stated that there is a well technician on staff every Saturday and Sunday. Mrs. Dorr stated that the odor was very strong Saturday night. Mr. Barrett stated he realizes that it was very strong that night and they were in the middle of a project that they have now finished. Mrs. Dorr stated that she has spoken with a lot of people and wants to believe everything she is told but it is getting very frustrating. Mr. Dorr stated that they left for Florida two weeks early in October of last year because the odor was so strong. Mr. Dorr stated that he can smell it in his car and it is unacceptable. Mr. Dorr asked Mr. Ellis what he would do if this were a private organization such as BFI. Mr. Ellis stated that they would do exactly the same as they are doing now. Mrs. Dorr stated that this is a terrible thing for Bourne. Mr. Barlow stated that they have been giving the landfill more time so they can develop a system that will address the problem. Mr. Dorr stated that he read in the paper that the budget at the landfill will be cut by a million dollars. Mr. Barrett stated that the million-dollar cut does not come from the remediation fund. Expenses such as C&D export will be among the items that are cut. Mr. Barlow stated that they do not want to get into the financial aspect of the landfill. Mr. Barlow stated that if they were to close the landfill and take no more trash the odor issue would not go away and would continue to decompose and smell bad for many years to come so it would be in the best interest of the taxpayers to help the landfill come up with a solution to control the odors. Mr. Dorr asked what the expected longevity of the landfill was before it was full. Mr. Barlow stated that the selectmen set the policy to have the landfill, the fire dept, police dept and school dept. The Board of Health looks out for public health and is not going to close the landfill but is going to try and make it acceptable. Mrs. Dorr stated that she has been researching this and landfills can be closed by people and that could happen here. Mr. Ellis stated that if the landfill management did not care about the odor issue and was not taking any action the DEP would take enforcement and fine them \$25,000 a day but the landfill personnel and the Town is trying to come up with a solution and that is why they are all here now. Mrs. Dorr stated that she wanted them to understand their level of frustration. Mrs. Dorr stated that she is going to Florida soon but if they come back in May and there are odor issues she will sue the Town. Mr. Barlow stated that there have been things that have happened that maybe the Dorr's did not understand. Mr. Barlow stated that they were originally a C&D landfill taking items such as sheetrock, cement, and wood. Mr. Barlow stated that all of a sudden they were told that they were evolving into an MSW landfill and all that was put in the same place as the C&D materials. Once the sheetrock starts decomposing it creates hydrogen sulfide and it makes it more moist by putting garbage in there as well. Mr. Barlow stated that that created more gas and the whole thing accelerated and became a problem but they are all doing the best they

can to come up with a solution. Mrs. Dorr stated that it is taking too long. Mr. Barlow stated that he agrees that it is taking too long. Mrs. Dorr asked why the landfill had not been given a deadline. Mr. Barlow stated that the Board of Health and the Board of Selectmen together gave them a deadline last winter to develop a plan and to meet the benchmarks as they went along to get the odor under control and they did that. Mr. Ellis stated that the odors had been under control for about a month or so and based on the recommendation from Joyce Engineering they installed four new wells, which took about two months to put in. Those wells are all hooked up now. Usually when you put wells in a landfill they are put on 200ft on center. Mr. Ellis stated that they got them 100ft on center, which will give them a good draw down on the areas where the odors are. Mr. Ellis stated that they had to dig the trenches to connect the pipes but that is all done now. Mr. Ellis stated they should get back to the point when Joyce Engineering came out and balanced the field and not have any odors. Mr. Ellis stated that they are putting intermediate cover down on the South end where they had the biggest problem and are going to put the Posi-Shell on and then at the same time they will hire a liner company to come and put a liner across the whole area that will seal that tarp and will get better draw with the synthetic material on there. Mr. Ellis stated that DEP would have drawn up a consent order to order the landfill to do this but they didn't have to because the landfill was doing it on their own. Mr. Guerino stated that the EPA and the DEP told the Town at the time that it was the standard approved method of disposal of construction and demolition material. Mr. Guerino stated that a year ago they didn't know what the problem was but now they do and were able to put a plan in place with DEP. Mr. Guerino stated that they know the problem and brought the people in to correct it but it is taking a lot longer than anyone expected. Mr. Guerino stated that they understand the frustration of the people at Brookside and their neighbors. Mrs. Dorr stated that her \$500,000 condo is probably only worth \$250,000 right now because of the odor and she would like to see something in writing that says that the air is clean enough to breathe. Mr. Guerino stated that he would get her email address and pass it along to Dave Ellis so he could send her something. Mr. Barlow stated that they had an extreme concern about this last winter and looked at what the problem levels could be and weren't anywhere near that as far as he knew. Mrs. Dorr stated that she believes that but still wants to see it in writing. Mr. Barlow stated that the information is available because they did have some joint meetings with the Board of Selectmen and the Board of Health because it was a big concern for all of them. The Dorr's thanked the Board for their time and left the meeting at this time. Mr. Ellis stated that they should have a consultant that will focus on that field because a successful landfill is one that doesn't stink. Mr. Ellis stated that Joyce Engineering is good and they have to make sure that they are going to be there to do it for them. Ms. Coffin asked if Mr. Goddard had done odor loops with the Jerome meter. Mr. Goddard stated that the Jerome meter is a hydrosulfide detection hand held unit and is very sensitive. Mr. Goddard stated that they are using it at the landfill to identify hot spots. Ms. Coffin asked what kind of readings they were getting at a hot spot. Mr. Goddard stated that they were fractions of a parts per billion which is so low but the odor is strong. Ms. Coffin

stated that that is what the public needs to know is even though the smell is horrific it could still be a fraction of a part per billion. Mr. Ellis stated that a part per billion is like one gallon of milk in the basement of the empire state building. Mr. Goddard stated that the readings he got on site were 1.7 parts per million but that was the higher reading. Most were in the range 500 parts per billion which was lower. Mr. Barrett stated that hydrogen sulfide is detected at extremely low levels and is a magnitude below what is a health risk. Mr. Barrett stated that he told a woman the other day that what you are smelling is not good and is annoying but it will not hurt you physically. Mr. Barrett stated that that is also not the point and they have to fix it. Mr. Ellis stated that the concentrations they have are just a nuisance odor. Mr. Barlow stated that if they can provide Mrs. Dorr with some written information and the fact that they have the Jerome meter and are monitoring it he is sure it would make her feel more comfortable. Mr. Barlow stated that he thinks the system and the first set of wells did work and they are doing okay but if it's not done by May they will be in trouble. Mr. Andrews asked the status on the Joyce report. Mr. Guerino stated that they finished all the revisions and should be going to the Selectmen around Oct. 6th. Mr. Guerino stated that the report is more an operational report focusing on people and what they should be doing and how they can better operate. Mr. Guerino stated that Mr. Goddard has been very helpful in providing Joyce Engineering with the material that they are using.

4. **35 Old Plymouth Rd-Continued-Discuss and vote regarding non-compliance issues-** Ms. Coffin stated that she had been out to the property about a week ago and nothing had changed. Mr. Lewis had come in to the Board of Health office that day to let the secretary know that he was in the process of cleaning the property up before the meeting. Mr. Lewis, owner of 35 Old Plymouth Rd, stated that the motor and tires and debris is now gone. Mr. Lewis said the propane tanks are gone and he put the asbestos shingles inside the shed in the back sealed in containers. Mr. Lewis stated that he has hired Banner to remove the asbestos but is waiting for an estimate, as money is an issue. Ms. Coffin stated that Mr. Lewis just cleaned the area today so she will have to go tomorrow to take a look at it. Mr. Lewis brought pictures in to show Ms. Coffin. Ms. Coffin stated that looking at the pictures it looks much better. Ms. Coffin asked how many asbestos barrels were there. Mr. Lewis stated that there were six. He locks the shed where they are kept. There was general discussion between the Board Members and Ms. Coffin as they looked at the pictures. Ms. Coffin stated that by looking at the pictures it looks like he has done a remarkable job cleaning up but to make sure that the asbestos does not disappear. Mr. Lewis stated that it is in the shed and will not move. Mr. Barlow asked Mr. Guerino if he had any concerns. Mr. Guerino stated that the Board of Selectmen has authorized and instructed him to move forward with the demolition of the property. Mr. Guerino stated that he met with Town Counsel today and he has contracted with Environ-Science to prepare a mitigation plan. The Town has already spent over \$3000 on that. Mr. Guerino stated that they have been given the notice to proceed relative to creating the demolition plan

and getting the bid specs out. Mr. Guerino stated that Town Counsel would be notifying Mr. Lewis and Mr. Dupuis, who was Mr. Lewis' attorney but Mr. Guerino is not sure if he is still his attorney. They have sent certified letters to the property but they always come back. Mr. Guerino stated that there is an article on the special Town Meeting to appropriate the money to assist in the demolition of the homestead and remove the asbestos according to a plan put forward by the certified company. Mr. Guerino stated at that point there would be a lien placed on the property. Mr. Guerino stated that the Town has been very patient and have worked as much as they can. Every time they try to do something Mr. Lewis says he will clean it up. Mr. Guerino stated that he knows he is working hard but at this point the Board of Selectmen has pretty much ordered him to get that place taken down. Mr. Barlow asked if Mr. Lewis should contract with an asbestos removal company and get that taken care of. Mr. Guerino stated that as long as they get a plan and know where it goes and he has a manifest of all the materials and it's done by a company that is authorized and licensed to take that material it would make his life a lot easier but, as of today, after the meeting with Town Counsel they are moving forward to take the property down. Mr. Barlow stated that the Board of Health's concern is that the property is safe and environmentally friendly and is not a detriment to the neighborhood. Mr. Barlow stated that their biggest concern was that it was cleaned up and the Board is happy that Mr. Lewis has done that. Mr. Lewis stated that he has never tried to hide the asbestos and is doing everything that is asked of him. Mr. Guerino stated that that was not true. Mr. Barlow stated that they are not here to hear his disagreements with Mr. Guerino but are here to address the public health issues. Mr. Lewis stated he only finds out what is going on with the property by reading it in the newspaper. Mr. Barlow stated that the Board of Health has found it more convenient to leave letters on the door for him. Mr. Guerino stated that along with the asbestos is a burnt building there that is a hazard in itself. Mr. Barlow stated that he understands that and knows it is coming down. Mr. Barlow stated that the Board of Health stands behind the Board of Selectmen and the Town Administrator in demolishing the building. Mr. Lewis stated that he applied for a permit to demolish the building but then was told that he had to take care of the asbestos issue. Mr. Lewis stated that he is just waiting for one more price and then will remove the asbestos. Mr. Lewis stated that the Town is acting like he has not done anything to address the issues. Mr. Barlow stated that they have waited a long time for Mr. Lewis to clean up the property but they are happy he did it. Ms. Coffin stated that the building inspector couldn't issue a building permit because there was asbestos in the dwelling. Ms. Coffin stated that if Mr. Lewis hires someone to remove the asbestos properly then the Town could sign off on the permit as long as he does it in a timely manner. Ms. Coffin stated that the house has been burned for 4 years now. Mr. Lewis stated that it has been a long time and it took the State 4 years to give him the results of the test from the fire. Ms. Coffin stated that she understands there was also some sort of confusion with the insurance company but the residents in that area need it cleaned up and if he can do that that's great but if not the Town is going to step in and do it. Mr. Barlow asked Ms. Coffin if she was satisfied with what Mr. Lewis had cleaned up. Ms.

Coffin stated that looking at the pictures it looked like the tires, propane tanks and the engines were gone but she is going to re-inspect tomorrow. **Mr. Andrews made a motion to take NO ACTION at this time until Ms. Coffin can give them an update at the next meeting. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Coffin stated that she would update the Board at the next meeting under Other Business unless there is a problem and then she will put it on the Agenda.

5. **Village Market-441 Shore Road-Jeanne Downing-Discuss and vote on removal of deed restriction-** Mr. Barlow stated that Jeanne Downing was not at the meeting but she has sent the Board a letter. Mr. Barlow stated that he had stepped off when the deed restriction was placed on the property and he is going to step off again now. Ms. Coffin stated that the Board had requested a copy of the recorded deed restriction when the subject was brought up at the last meeting. Ms. Coffin stated that she went through the file and did not have a copy that ever got recorded. Ms. Coffin stated that Kathy, the Board of Health secretary, asked Ms. Peterson, who works at the Registry of Deeds, if she could fax a copy of the recorded deed restriction but had not received one yet. Mr. Andrews stated that they had decided not to address this issue at the last meeting until they had a copy of the recorded deed restriction. Mr. Cunningham asked why there had been a deed restriction put on the property. Ms. Coffin stated that they had a tight tank and they couldn't increase flow to the tank and was going to do food service. Ms. Coffin stated that they allowed Ms. Downing to prepare food but not have any seating. Ms. Coffin stated that evidently the business has closed and is up for sale. Mr. Cunningham stated that the Board should remove the deed restriction since she is not doing that type of business anymore. Mr. Andrews asked if the Board knew what the deed restriction actually said. Ms. Coffin stated that they were supposed to record the letter she had written to Ms. Downing. Ms. Coffin stated that she did receive a notice of agreement from Ms. Downing on July 12, 2006, which does not show that it had been recorded. Ms. Coffin stated that it read *On June 29, 2006 The Board of Health of the Town of Bourne, acting pursuant to 310 CMR 15.260 approved the installation of a 5,000 gallon "tight tank" on property located at 441 Shore Road. Such approval was issued subject to certain conditions and restrictions which are set forth in the decision, a copy of which is attached as Exhibit A, which is the letter from Ms. Coffin to Ms. Downing dated June 29, 2006, the undersigned owner and applicant agrees that no change in said use may occur on the property which would result in an increase in the flow of gallons per day into said tight tank which would be greater than the flow resulting from the use which has been approved in said attached decision.* Ms. Coffin stated that this was the document that was supposed to be recorded but isn't sure if it was recorded. Mr. Andrews asked if they installed a 5000-gallon tight tank. Ms. Coffin stated that the 5000- gallon tight tank was already installed when Ms. Downing bought the property. Mr. Andrews asked if it was a sealed tank that needed to be periodically pumped. Ms. Coffin answered yes. Mr. Andrews asked if the required pumping was listed in the approval. Ms. Coffin

stated that she may have dropped the ball because it states in the letter that *The Board of Health must be given a copy of the signed operation maintenance agreement from a licensed septage hauler which describes the method and frequency of pumping of said tight tank. Quarterly reports from the septage hauler will be submitted in addition to the normal reporting and there will be a \$500.00 cash bond in escrow.* Ms. Coffin stated that looking through the file she did find a contract with Gary Wing in July about pumping the tight tank. Mr. Andrews asked if she had received any quarterly inspections since June of 2006. Ms. Coffin stated no, she only received the normal pumping records that she gets from the haulers reports but nothing specifically on that site. Ms. Coffin stated that her only concern removing the deed restriction is that someone will buy the property and then think they can open a restaurant. Mr. Andrews asked if the deed restriction stated that they couldn't increase the flow. Ms. Coffin stated that she believes the letter specifically stated that the allowed uses on the property would be for the retail store, and then lists certain types of foods. Cakes and pies could be pre-made and there will be no food prepared to order and there will be no seating in the establishment. Ms. Coffin stated that they didn't have any food made to order but did sell pre-made foods and sandwiches that were made off site. Ms. Coffin stated that they were not functioning as a restaurant and that's what the restriction was. Ms. Coffin stated that hopefully the new owner will come in and start a DBA and the Board of Health will find out what's going in there. Mr. Andrews asked if the deed restriction would raise a red flag to any potential buyers. Ms. Coffin stated that it would if they researched it but she does not have any proof right now that it was ever recorded. Mr. Cunningham asked if the deed restriction was removed wouldn't a new buyer have to come before the Board. Ms. Coffin stated that yes, legally for a license they would. Mr. Cunningham stated that he believes that leaving a restriction on is just making it harder for a resident to sell a piece of property. Mr. Andrews stated that they would be lifting a deed restriction according to a book and page having no idea what that is. Ms. Coffin stated that she does not have a recorded copy. Mr. Andrews stated that he does not feel comfortable lifting a deed restriction without having a document with a book and page number in front of him. Mr. Andrews stated that we should be able to get a copy of that document from the Registry of Deeds. Mr. Andrews asked if the applicant could provide us with a copy. Ms. Coffin stated that Ms. Peterson is the one that has been dealing with this and Ms. Coffin has had no contact with the applicant. Mr. Cunningham stated that he did not have a problem with lifting the deed restriction and could probably get a copy from her. Mr. Andrews stated that he did not have a problem lifting it but would like to know what he is lifting. Mr. Cunningham stated that whatever restriction the Board of Health put on on that date should be lifted. Ms. Coffin stated that maybe she could go on her computer and look it up. Mr. Cunningham stated that there was not time for that right now. Mr. Cunningham stated that they should make a motion to rescind whatever deed restriction the Board of Health put on 441 Shore Rd in June of 2006 and give her back her \$500.00 cash bond that had been put in escrow. Mr. Andrews stated that he would still like to see a copy of the original deed restriction. Ms. Coffin stated that they could take the vote and state that there

is a condition that as long as they get a copy of the deed restriction. Mr. Cunningham stated that he would like to make the motion that whatever the Board of Health put the restriction on to make this a food service store be removed and give Ms. Downing back her \$500.00. Mr. Uitti seconded the motion. No further discussion. Mr. Andrews was opposed. The motion **PASSES** with a vote of two to one. At this time Mr. Barlow stepped back on the Board.

6. **License Policy Renewal-Discuss and Possible Vote-Mr. Andrews moved to table this discussion to the next meeting because of the late hour. Mr. Cunningham seconded the motion. All in favor and the motion PASSES.**

7. **73 Mashnee Road-Michael & Margaret Dwyer-Request to amend architecturals of record-**Ms. Coffin stated that this may be a little confusing but she requested that the Dwyers come before the Board of Health. Ms Coffin stated that in February 2008 Mr. Dwyer came before the Board of Health with a proposal to install an alternative system with proposed renovations to the dwelling. Ms. Coffin stated that the Board should have a copy of the original approval, which shows on the first floor a study and a bedroom, and on the second floor two bedrooms. There was general discussion between Ms. Coffin and the Board members regarding the plans. Ms. Coffin stated that on Sept 10 or 11th she received a complaint from the building dept. that they had received from Vincent Michienzi that this property had added a bedroom with skylights to the third floor. Ms. Coffin stated that she went out to the property and went through the building. It was Mr. Dwyer's understanding, according to the assessors, that the room on the first floor was not a bedroom so basically he went through and added a bedroom onto the third floor which was supposed to be just attic space. Ms. Coffin stated that by definition there are four bedrooms in that dwelling and only a three bedroom septic system. Ms. Coffin stated that she told Mr. Dwyer that he needed to amend the architecturals and somehow remove a doorway so there are only three bedrooms in the dwelling. Mr. Andrews asked if there was a revised set of architecturals. Ms. Coffin stated that Mr. Dwyer had not submitted any. Ms. Coffin stated that there is a third story that is not being shown on the original plans. Mr. Cunningham stated that the architecturals of record are dated revised December 31, 2007. Ms. Coffin stated that those are the ones that were originally approved. Mr. Barlow asked Mr. Dwyer if they had made their attic into a bedroom. Mr. Dwyer stated that they based their remodeling on the fact that the assessors told them they had two bedrooms. Mr. Dwyer stated that the bedroom that is shown on the first floor is only 80 square feet. Mr. Dwyer stated that in that room they have the electrical panel, irrigation, and ductwork for a vent for the bathroom. Mr. Dwyer stated that it is the only dry place they have for storage for their storm windows. Mr. Dwyer stated that the assessors came in in 2007 and told him that it was not a bedroom because it was too small and too close to the front door. Mr. Barlow stated that their definition is different than the assessors or

the building dept and that room does meet the definition of a bedroom according to the Board of Health. Mrs. Dwyer stated that they did not know that. Ms. Coffin stated that when this came before the Board in 2008 that room was designated as a bedroom and the contractor called it a bedroom when he came before them. Mr. Cunningham stated that there is now a bedroom on the third floor and the architectural they approved only showed a first and second floor. Mr. Cunningham stated that the Dwyer's took their attic space and made it into a bedroom that was not approved. Mr. Cunningham stated that the plans they approved are the ones on record on the deed restriction. Mr. Barlow stated that the reason there is a deed restriction is because you are only allowed a certain number of bedrooms for that particular septic system. Mr. Barlow stated that they need a plan for the new bedroom that was built and a plan to find a way to get rid of one of the bedrooms. Ms. Coffin stated that she had asked Mr. Dwyer to bring a plan of which room he planned to remove the door from and put up a four foot cased opening. Mr. Dwyer stated that he thought he was supposed to come before the Board tonight and then they would tell him how much would have to be cut back. Mr. Dwyer stated that there is no room to cut into the bedroom on the first floor because it is too small and is a retaining wall. Mr. Dwyer stated that he does not know how they can call it a bedroom because it's a closet that holds all the mechanicals. Mr. Andrews stated that because it fits their definition of a bedroom if Mr. Dwyer were to sell the house today someone else could come in and use that room as a bedroom. Mr. Dwyer asked why in the same Town is there not the same definition of what a bedroom is. Mr. Andrews stated that there are a lot of different codes and standards and the contractor should have known them. Mr. Barlow stated that what they are trying to do now is to find a solution. One of the solutions they came up with last year was to remove a staircase from the third floor and put in a pull down staircase and that was the end of it when homeowners were being belligerent and did not want to address the issues. Mr. Andrews stated that they are trying to give the Dwyer's an easy out if they would submit the architectural for the third floor and a drawing that shows the four foot cased opening. Mr. Dwyer asked what the Board of Health's definition of a bedroom was. Ms. Coffin stated that it was any room that offers minimal seclusion. Ms. Coffin stated that it is usually a minimum of 70 square feet under the building code. Mr. Barlow stated that a cased opening meant no doorway. Mr. Barlow stated that this has to be addressed because it was brought forward to them. Mr. Barlow asked if any of the Board members had a solution for the Dwyer's. Mr. Uitti stated that the simplest solution would be to put a header in with a four -foot cased opening in. Mr. Barlow stated that they are just trying to give the Dwyer's a few options. Mr. Dwyer stated that his contractor went bankrupt and he has lost \$25,000. Mrs. Dwyer stated that they couldn't put a four-foot cased opening in the first floor bedroom because it's a bearing wall. There was general discussion regarding putting in the cased opening in that room and whether or not that was an option. Mr. Barlow stated that they have to talk to a builder and come up with a plan to bring back before the Board. Mr. Barlow stated that they have to address the issue because there is a deed restriction for a certain amount of bedrooms. Mr. Dwyer asked if the builder should know the difference between the Board of

Health and the Assessors Dept. Mr. Barlow answered absolutely. Mr. Cunningham stated that that really does not have anything to do with this. Mr. Cunningham stated that when Mr. Dwyer came before the Board the deed restriction was what they were approved for and nothing on the third floor. Mr. Cunningham stated that when they came before them to put a septic system in they always put in their motion of approval the dates of the architectural and those are the plans they were supposed to follow. Mr. Cunningham stated that now they have chosen to put a bedroom upstairs, which violates the deed restriction. Mr. Cunningham stated that they are willing to say let's try and make this dwelling a three bedroom again and do not want to see the Dwyer's go through anymore expense but something has to be done. Ms. Coffin stated that there might be an issue with the building inspector as well because he told her to let him know what she found out because he may feel that the Dwyer's did more than the building permit allowed. Mr. Andrews stated that the Board would like to see the architectural of the third floor and the deed restriction would have to be updated to the newest architectural. Mr. Dwyer stated that when the final inspection was done the third floor was there and a rough floor was down. Mr. Cunningham stated that it was just a rough floor with no walls or drywall. Mr. Dwyer stated that they were waiting to see if they had enough funding before they finished it. Mr. Barlow stated that this is not the first time that this has happened and he believes that Ms. Coffin was pretty straightforward in telling Mr. Dwyer that the number of bedrooms on a deed restriction has to fit the structure and the septic system. Mr. Dwyer stated that the first floor was just flipped to the third floor. Mr. Barlow stated that they need to see those plans and the changes that were made. Mr. Barlow stated that the Board is going to give them an opportunity to come back before them. There was general discussion between the Board and Ms. Coffin about future possible meeting dates. Ms. Coffin stated that she doesn't see any reason why the Dwyer's couldn't have some type of plan by October 28, 2009. Mr. Barlow asked if the Dwyer's could make some type of decision by then and come back before them to let them know what the plans were even if it's just a handwritten plan. Mr. Dwyer stated that they would do that. Mr. Cunningham stated that the plans have to match what is on the deed restriction. Mrs. Dwyer stated that they would come back October 28th and asked if Ms. Coffin would like the plans before that. Ms. Coffin stated that if they had the plans earlier that would be great but if not they could just bring the plans with them to the meeting. Mr. Dwyer asked if they could get a contractor to take down that wall to 48 inches would that be acceptable. Ms. Coffin stated that she would still need a plan and an inspection. Ms. Coffin stated that if they can get a permit through the building inspector to do the work and remove the casing and she can verify it then on October 28th they can submit a plan of the work that was done and it can be referenced on the deed and the Dwyer's would be done. Mr. Barlow stated that Roger will also want a plan of the third floor for the building dept. Mr. Dwyer stated that the contractor that started the job got halfway through and walked away but he assumed that he had given the building dept the plans. **Mr. Andrews moved to table the discussion until the meeting of October 28th, 2009. Mr. Cunningham seconded the motion. All in favor and the motion PASSES.**

8. **Approval of Minutes dated September 9, 2009-** Mr. Uitti made a motion to **APPROVE** the minutes dated September 9, 2009. Mr. Cunningham seconded the motion. All in favor and the motion **PASSES**.
9. **Other Business-**Ms. Coffin stated that it is very possible that she will have to cancel one of the two seasonal flu clinics because they have stopped production of the seasonal flu vaccine to concentrate on the H1N1 vaccine. Ms. Coffin stated that they have basically set up some tentative dates in the middle school and elementary school for mid October and then again in November because they are not sure when the H1N1 vaccine will arrive. Ms. Coffin stated that the first round would be for children 6-18. As more vaccine is available they will hold a general population clinic. Peter Meier stated that the Planning Board would be looking at the storm water regs soon. Ms. Coffin stated that the Board of Health does not have a local storm water reg and the storm water committee decided that the storm water regs would better sit with the Planning Board. Ms. Coffin stated she was part of that storm water working group and the only thing they ever adopted was an illegal discharge operation. Ms. Coffin stated that Mr. Meier could send the Board copies and they will take a look at it so they are kept up to date. **Mr. Uitti made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 8:50 PM. The next meeting is scheduled for October 14, 2009**

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson _____

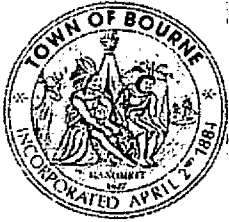
Galon Barlow _____

Donald Cunningham _____

Donald Uitti _____

Stanley Andrews _____

cc town clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

October 14, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

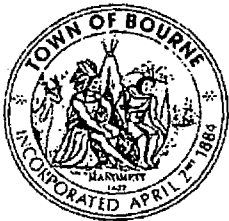
1. Reorganize the Board-Discuss and Possible Vote
2. ISWM-- General Update- May be by notes only
3. Pocasset Mobile Home Park-Update for Residents
4. 35 Bell Buoy Rd-Barbara Frappier for Bruce Herman-Request waiver for the continued use of existing septic system
5. 55 Head of the Bay Rd.-Tim Bennett for Brian Ciccariello-Request for Variance
6. License Policy Renewal-Discuss and Possible Vote
7. Approval of Minutes dated September 23, 2009
8. Other Business

BOURNE MASS
TOWN CLERK'S OFFICE

2009 OCT 8 PM 2 22

cc Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: October 8, 2009



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
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Fax (508) 759-0679



MINUTES

October 14, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

1. **Reorganize the Board-**Ms. Peterson stated that there is not a full board tonight to do any reorganizing but wanted to congratulate Mr. Andrews who was elected clerk at the last meeting. Ms. Peterson stated that this item should be left off the agenda until there is a full board present, which may not be until January.
2. **I.S.W.M.-General Update-** Ms. Peterson stated that there is no one from ISWM present at the meeting but Mr. Barrett had sent some notes to update the Board. There were two odor complaints received on Friday October 9. The Board members did not receive the email notification regarding the complaints. Ms. Coffin stated that the office would check the Town website link to make sure it was working properly. Ms. Peterson stated that everyone has been working very hard at the landfill but every time the Board lightens up a little bit no one attends a meeting and she doesn't want it to become like it was last Fall. Ms. Peterson stated that Mr. Barrett deserves a vacation but someone else should have come to the meeting in his place. **Ms. Peterson made a motion to request that there be a representative from ISWM at all Board of Health meetings until the Board is sure that the odor problems have been completely taken care of. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Ms. Coffin stated that she would send ISWM a letter regarding the motion. Ms. Peterson stated that she wanted Ms. Coffin to let them know that they are not accusing them of anything but with all the problems they have had the Board wants everyone on the same page. Mr. and Mrs. Brown, residents of Brookside, were in the audience to comment on the landfill odor problem. Ms. Peterson

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TOWN CLERK'S OFFICE
BOURNE, MASS.

asked the Brown's if they had been in contact with anyone at the landfill. Mrs. Brown stated that they have talked to Mr. Barrett many times. Ms. Peterson asked if they thought any progress had been made. Mrs. Brown stated that they will go a week without any odor but this has been going on for almost a year and she does not consider that progress. Mrs. Brown asked if there was going to be any discussion on closing the landfill. Mr. Barlow stated that there is not anyone at the meeting from ISWM so they would not be discussing that tonight. Mr. Barlow stated that the Board is very disturbed with the odor problems and one way or another it will come to an end. Mrs. Brown stated that with all the money that has been spent and all the technology they have used it is still where it was a year ago and it is time to talk about closing it. Mr. Barlow stated that the Selectmen set the policy to have the landfill just like they set the policy for any other department in Town. The Board of Health has the duty to get the odor issues under control not to close the landfill. Mr. Brown asked what had been done since the capping. Mr. Barlow stated that they have put in four more vertical wells and had a trench to close them, which is what caused the odor, but it is what they had to do to get it done. Mr. Barlow stated that they are trying to get the new cell under control and get the old cell so it doesn't smell anymore. Mr. Barlow stated that none of the Board members are environmental engineers but they are trying to get the issues to DEP and to the experts to try and get it solved. Mrs. Brown stated that it must be very bad for businesses in that area. Ms. Peterson stated that the Browns missed the beginning of the meeting but that the Board had made a motion and were not very happy that no one from the landfill had come to the meeting. Ms. Peterson stated that she understands Dan Barrett is not in town but if there isn't anyone else to answer questions then there is a problem. Ms. Peterson stated that they have asked that a letter be sent to find out why there was not anyone at the meeting especially when there have been resident complaints. Ms. Peterson stated that they are upset that they did not receive any copies of complaints from the landfill link because there may be a problem with the website. Ms. Peterson stated they always call the landfill when they get a complaint so they have to find out what is wrong with the landfill link. Ms. Coffin stated that she does not think that closing the landfill will take care of the problem because it's an old section of the landfill that they are trying to close. It looks like they still haven't gotten that final long term intermediate cap on and until that is done they will still have potential breakouts and that is probably what they are smelling now. Ms. Coffin stated that the rain washes off what they put on the side but the reality is they are moving on to getting it capped off. Ms. Coffin stated that she knows it's slow progress but at least it's progress. Ms. Peterson stated that she is only speaking for herself but feels that the progress could move a little quicker and the residents have put up with it long enough. Mrs. Brown stated that the odor is always on a weekend and wonders if anyone is at the landfill during the weekends. Mr. Barlow stated that they have a Jerome meter, which identifies hydrogen sulfide gas, but it is not only hydrogen sulfide gas but nuisance odors as well. Mr. Barlow stated that the Browns should attend a Selectmen's meeting and tell them how frustrated they are with the landfill. Ms. Peterson stated that she is concerned that when Bay View Campground closes for the season the smell will be even stronger because the

campfires will not be burning. Ms. Frappier asked how other towns deal with the odor in their landfills. Mr. Gately stated that Bourne has had a landfill for 17 years and to only have an odor issue the past few years is not a bad track record. Ms. Peterson stated that the type of material that DEP told them to take in causes the odors. Mr. Barlow stated that they were a C&D landfill taking in wood and cement and sheetrock and then all of a sudden they became a garbage dump and it was a change that they were not geared up for. Mr. Barlow stated that it is the sheetrock with the garbage on top that creates the hydrogen sulfide. Mrs. Brown stated that the State should be helping the Town pay for the odor problems. Ms. Peterson stated that they really do not know the answer to that but that it is probably time for another public meeting with the Board of Selectmen, which they will try and schedule right away. Mrs. Brown stated that she does not call in to complain because she is tired of calling. Ms. Peterson stated that Mrs. Brown should notify the Board of Health even if she just goes on line to log her complaint. Mr. Andrews stated that three weeks ago at the last BOH meeting the engineer working on the landfill went over a presentation of a concrete cap, which will encapsulate the whole area. Mr. Andrews stated that it looks like they are still working towards that with the Finance Director so to really push getting that done Tuesday night at the Selectmen's meeting would be the place to go. Ms. Peterson stated that tonight their hands are tied because there is no one here to answer their questions. Mr. Barlow stated that normally there is someone from ISWM along with the Town Administrator at the BOH meeting to answer questions from the residents. Mr. Barlow stated that the Board of Health cannot really answer all the questions they have and they are just trying to keep things healthy and not a nuisance. Mr. Barlow stated that he knows it is a nuisance to the Browns but it is a lot less of a nuisance than it was two years ago. Ms. Peterson stated that she doesn't care where they are there should have been someone from ISWM at this meeting and all they can do is inform them that they expect someone at every BOH meeting. Ms. Peterson stated that they would arrange a meeting with the BOH and the BOS and then contact Mrs. Brown with information. Mrs. Brown stated that her telephone number was 508-759-3475. Ms. Peterson asked if any other Board Members had any answers for the Browns. Mr. Andrews suggested that they should attend the Selectmen's meeting on Tuesday night. The Board thanked the Browns for coming to the meeting as they left. There was general discussion about the residents of Brookside being upset and how closing the landfill would not solve the odor issue.

3. **Pocasset Mobile Home Park-Update for Residents**-There are no residents from the Mobile Home Park in the audience. Ms. Coffin stated that she does not have any new updates from the Attorney General's office. They are still filing for summary judgment. Mr. Andrews stated that it has been two months with nothing new from the AG's office. Mr. Andrews stated that a letter should be sent to the AG's office because the BOH is on the front lines with the residents and should be kept in the loop with updates prior to the first meeting of the month. Ms. Peterson suggested that someone from the AG's office attend the next BOH meeting because they have promised the residents updates at the first meeting of

every month. Ms. Coffin stated that the AG's office would not have any new updates for them because they have not been able to move forward. Mr. Barlow stated that summary judgment could take a long time. Ms. Peterson stated that she would like to call the owner of the Pocasset Mobile Home Park and inform them that they will be fined by the BOH \$300.00 per day until the system gets put in. Ms. Peterson stated that she realizes that that is a lot of money and the Town will never get it but she does not see any other way to force him to do any work until they start fining him. Mr. Andrews asked if the BOH office had been notified of any problems at the park in the last three weeks. Ms. Coffin stated no. Mr. Andrews asked what the procedure is if there is an issue. Ms. Coffin stated that she has asked them to let her know when any repairs or problems come up. As far as she knows there have not been any repairs needed. Ms. Coffin stated that they have done the most recent monitoring and pumped out the main tank and half of the leach pits taking out about 18,000 gallons. She has not had any calls from anyone regarding any backups. Mr. Barlow asked if the residents that had come to the last meeting ever called the office with any complaints or information regarding abandoned trailers. Ms. Coffin stated that they have not contacted the office at all. Mr. Barlow stated that because they have turned the sewer over to DEP he does not think they could fine him over that but there are other issues that are constantly coming up in the Park that they can use as an issue. Mr. Andrews agreed and stated that there are nuisance issues that were brought up at a public meeting regarding the demolished trailers in the woods. Ms. Coffin stated that she has been over there and it is all cleaned up. The residents were supposed to call the office and let her know if there were any others but they have not contacted her. Ms. Peterson stated that the only thing Mr. Austin seems to understand is money and the best way to get his attention would be by fining him. Mr. Barlow stated that they were getting off the issue and it's not about how the owner feels it's about getting the sewer system fixed. Mr. Barlow stated that he knows they may not want to discuss it with Town Counsel but he may give them the guidance that they may need. Ms. Peterson stated that they should discuss it with Town Counsel. Ms. Coffin stated that she could make a request to Tom Guerino but that Town Counsel's rate recently went up to \$185.00 per hour. Mr. Andrews stated that he would move to request an executive session with Town Counsel as to where they can go with the subject. Ms. Peterson asked why an executive session and why can't he just give them a written statement one way or the other. Mr. Andrews stated that he didn't think they could get something from him in writing. Ms. Peterson stated that they could ask. Mr. Barlow stated that they do need some guidance. Ms. Coffin stated that Town Counsel would need a lot of documentation to get his head around this. Ms. Peterson suggested having DEP come to a meeting with the BOH the first meeting in December regarding this issue to tell them that the BOH would like to start fining Mr. Austin and why they might not want them to before they call in Town Counsel because it would take too long for Town Counsel to respond. Ms. Coffin asked if she wanted DEP or the Attorney Generals office at the meeting. Mr. Barlow asked what the name of the woman was that spoke at the meeting they had with the resident of the Mobile Home Park before. Ms. Coffin stated that it was Theresa Walsh from the AG's

office but she does not have anything to do with the filing. Ms. Peterson stated that the Town of Bourne prevails in dealings with him so why doesn't the Board of Health issue him a letter stating that they have had no updates from him or his lawyer with regards to what they are going to do and want him to attend the next BOH meeting. Ms. Peterson stated that they should not have to go through the DEP or the AG's office to speak to the owner of the Pocasset Mobile Home Park. Ms. Coffin stated that she thought that was a good idea. Mr. Barlow stated that it was his understanding that the State is taking him to court and he is appealing the decision. Ms. Coffin stated that no, they have not even gotten that far yet. They are trying to get the summary judgment filed without a huge trial to get the judge to agree that the owner is not doing anything and get him to do it by a certain date. Ms. Coffin stated that they have to issue the judgment and he has to ignore it and then they can potentially talk about receivership. Mr. Andrews stated that he would like to withdraw his motion. Mr. Andrews stated that Theresa Walsh was the attorney from the AG's office to do with mobile home parks and manufactured homes in MA. Mr. Andrews stated that he believes they are getting a little hung up on specifically the sewage system and what they need to address is the periodic backups and the day to day issues the residents there are having. Mr. Andrews stated that they should mandate to the owner and his agents every time they do a repair or snake out or clean out that they notify the BOH. Ms. Peterson stated that they would also like them to come in and let the Board know when they plan on replacing some of their problems. Mr. Andrews stated that he believes that there is a fine line on what they can ask them and does not think the Board can ask them when they plan on replacing the sewer system because that is in the hands of the AG's office now. Mr. Andrews stated that the Board can ask them what they are doing to maintain and how they are addressing the nuisances regarding the backups. Ms. Peterson stated that they have restaurants such as the Parrot that they have asked specifically when they are putting in a new system. Mr. Andrews stated that that was a system that they had jurisdiction over. Mr. Andrews stated that the flow rate at the Pocasset Mobile Home Park is such that the Board does not have jurisdiction over it, which is why the DEP is now involved. Ms. Coffin agreed. Ms. Coffin stated that it is not a Title V system but if there are septic issues that deal with the operation of the Park she believes that they still have a handle on some of that. Mr. Barlow stated that they are back to where they began the discussion and they need to know specifically where they are and what they can do. Ms. Coffin stated that she does not think the AG's office will tell the Board what they should or should not do. Ms. Coffin stated that Bob Troy may be able to, but it will take awhile to get anything out of him and doesn't see a problem with asking Mr. Austin and his attorney to come in to discuss this. Ms. Coffin stated that the re-licensure is coming up in January and does not feel it would be outside their realm of responsibility to ask them to come in to a meeting. Mr. Mulvey asked Ms. Coffin if she felt the AG's office were dragging their feet in pushing for the summary judgment. Ms. Coffin stated no that the wheels just turn very slowly in the system. Mr. Gately stated that a summary judgment would avoid a trial in a busy court. Ms. Coffin stated that this is not the only case the AG's office is working on and they want to make sure

they have all their ducks in a row and all the affidavits are up to date so the judge doesn't turn it down. Ms. Peterson stated that that is why she would like to move forward with anything the Town of Bourne can do because the State could walk away at any time and say that it is the Board of Health's problem. Mr. Barlow stated that he does not think the State can do that because of the amount of water the Park uses and his biggest concern is that they don't do anything to upset the apple cart heading towards the summary judgment. Mr. Barlow stated that they have given it to the State and they are spending their money to take care of it and we are not paying Town Counsel to take them to court. Ms. Coffin stated that maybe she could get the Attorney General's office and DEP along with the Board of Health to sit down in a room together to discuss the issues. Ms. Peterson stated that they could even do it as a conference call. Mr. Barlow stated that they should do something. **Ms. Peterson made a motion to CONTINUE Pocasset Mobile Home Park until the next meeting on October 28, 2009. Mr. Andrews seconded the motion. All in favor and the motion is PASSED.** Ms. Coffin stated that she would call the AG's office and DEP to try and arrange a joint meeting.

4. **35 Bell Buoy Rd-Barbara Frappier for Bruce Herman-Request waiver for the continued use of existing septic system-**Ms. Frappier stated that this property has come before the Board in the past. Ms. Frappier stated that back in May of 2008 they were doing renovations on the interior of the house and because they were rerouting the plumbing in the kitchen the Board felt that it warranted an upgrade of the septic system to a new system. Ms. Frappier stated that the system is as far away from Hen Cove as lot constraints would allow. Ms. Frappier stated that the Herman's would like to remove a section of the house and replace it with something sturdier. Ms. Frappier stated that what the builder would like to do is take off the old section that is on a slab and put in a four foot crawl and rebuild that section. Ms. Frappier stated that the end result, as far as square footage, would be a reduction of 76 square feet of habitable space and there is no increase in bedrooms. Ms. Frappier stated that they are asking the Board to allow them to remove part of the existing home and replace it with something more substantial and well built using the existing system that was put in in 2008. There was general discussion between the Board and Ms. Frappier regarding the existing and proposed plans. Ms. Peterson asked if they had done a site visit at one time. Ms. Frappier stated that yes they had done a site visit before. Ms. Frappier stated that the Board of Appeals has approved the plan but it still had to go before Conservation. Ms. Coffin stated that it appeared on the plan that a room that was marked as a living room before is now marked as a bedroom. Ms. Coffin stated that if the assessors were to go in to look at the house and there was a walkway all the way through, even if it's an old existing house and it's a three foot that is all open it is not a bedroom. Ms. Frappier stated that Ms. Coffin made them design it as a bedroom when the new system went in. Ms. Coffin stated that she did not go through the existing house and did not make anyone design anything and it was whatever the assessors had for the number of bedrooms. Mr. Andrews asked how many bedrooms the system was designed for when it was put in in 2008. Ms.

Coffin stated that she believes it was four but did not have the septic permit with her. There was general discussion about the fact that there were not any architectural drawings included for the second floor. Mr. Andrews stated that he was not very comfortable going forward without the plans for the second floor. Ms. Coffin stated that the letter sent states that it is a four bedroom but does not tell her what the layout is. Ms. Frappier read from the letter dated April 18, 2008 from Warwick & Associates, which stated the existing house being renovated, *will continue to meet a four bedroom criteria*. Ms. Coffin stated that she understands that Ms. Frappier is saying that the living room was a bedroom but she can't prove that they would have called it a bedroom because she had never walked through the whole house. Mr. Barlow suggested that Ms. Coffin should do a walk through and see what would be considered a bedroom. Ms. Peterson stated that Ms. Frappier is saying that this was a bedroom and was counted as a bedroom. Mr. Andrews stated that they don't have the second floor architectural drawings of what's there to back it up. Ms. Coffin stated that she could go through the house as it is now and if there are three bedrooms and this living room, which is a bedroom, and they are now reconfiguring it by making it 76 square feet smaller then it really wouldn't be an issue. Ms. Coffin stated that the Board could do an approval predicated on that or they could continue it until she does the inspection. Mr. Andrews stated that they should have the architectural drawings here before making an approval. Mr. Barlow stated that, not that he doesn't think they need the architectural drawings, but he is certainly willing to accept Cindy going into the house and counting the bedrooms in place of them. Mr. Barlow stated that she has done it before without an issue and if this is a priority issue that has to get moving forward he trusts Ms. Coffin's judgment. Ms. Frappier stated that she had to go before Conservation tomorrow and if that is an option available to her she would like to avail herself of it. Ms. Coffin stated that they approved it before for a four-bedroom home with that kitchen renovation they did and they put in a new system and they gave them a waiver. Ms. Coffin stated that she just wants to understand that if she goes in and there are three bedrooms in the story and a half home and there is a fourth bedroom and the overall area is smaller then it's okay to sign off on if that's what the Board votes on. Ms. Frappier stated that she would have the builder draw up a second floor plan for the Board's records. **Mr. Andrews made a motion to APPROVE the request for the use of the existing septic system that was installed in 2008 for renovations at 35 Bell Buoy Road. Architectural drawings received by the Bourne Board of Health on September 29, 2009 and dated June 6, 2009. The site plan revised Sept 14, 2009 by Warwick & Associates. The approval is contingent upon a site visit by Ms. Coffin and receipt of the second floor plan indicating the existing bedroom delivered by the owner before the issuance of any permits. Mr. Barlow seconded the motion. All in favor and the motion is APPROVED.** Ms. Peterson asked Ms. Frappier if she understood that if that is not a bedroom it will have to come back before them. Ms. Frappier stated that she understands that.

5. **55 Head of the Bay Road-Tim Bennett for Brian Ciccariello-Request for Variance-**Mr. Bennett stated that this is new construction by the cranberry bog

off Head of the Bay Rd. in Buzzards Bay. Mr. Bennett stated they have filed with Natural Heritage as this area is in box turtle habitat and did a study with a botanist who found no turtles. Mr. Bennett stated that it is a single- family residence with a very limited footprint due to zoning setbacks and it's the biggest rectangular shape they could get in there at 28x24. Mr. Bennett stated that the septic system is located 76 feet from the wetland line. Mr. Bennett stated that Conservation has basically agreed with the wetland line continued on the approval from the Board of Health. Ms. Peterson stated that they don't normally approve anything until after it has gone through Conservation. Ms. Coffin stated that the Conservation Agent, Brendan Mullaney has submitted a letter to the Board of Health stating that the Conservation Commission had determined the wetland delineation accurate. Mr. Andrews stated that this has been before the Board before but Mr. Bennett withdrew in order to extend the distance from the wetlands line to the soil absorption system. Mr. Andrews stated that on one plan it shows the reserve area to the left and the plan he has for approval shows that it has shifted and he is wondering what the difference is. Mr. Andrews stated that they have 150- foot setback and they typically don't give a variance for more than 75 feet. Mr. Bennett stated that they are two and half feet off the property line and he moved the reserve area to conform to the required setbacks and the actual system design is the one filed with the permit. Ms. Peterson asked Ms. Coffin what her thoughts were on this. Ms. Coffin stated that she thought it was a horrible place for a house. Ms. Coffin stated that it is great to move it further away so they don't have to ask for as much of a variance but would have liked to see it come back as a two bedroom and smaller leaching. Ms. Coffin stated that the fact that it is a nitrogen removal system is a good thing but if it weren't for alternatives they wouldn't be looking at putting a house in a place like this. Ms. Coffin asked what the actual leaching was. Mr. Bennett stated that it was pressure distribution. Ms. Coffin stated that it looks like its four chambers and doesn't look like a field. Mr. Bennett stated that it is a field of laterals with pressure distribution. There was general discussion regarding the design of the system. Mr. Bennett stated that he agreed that the plan view was not quite representative of the system. Mr. Barlow stated that the plans don't reflect what the profile is. Ms. Peterson stated that seeing this house on that lot doesn't bother her but does want to see everything correct on the plans so they know exactly what's going there. Ms. Peterson asked how dead set the owners where that the home be a three bedroom. Mr. Bennett stated that the property owners would like to use it as a vacation home and are pretty dead set on a three- bedroom home. Mr. Bennett stated that if it were a condition of approval they may consider a two-bedroom but it would certainly affect the resale value of the house and the usability of it as a vacation home. Mr. Andrews asked if this was proposed as a seasonal use home. Mr. Bennett replied no, it is proposed as a year round house but the owners don't plan to live there year round. Mr. Andrews stated that in the short term these alternatives don't like to be turned on and turned off. Ms. Peterson stated that it the policy of the Board of Health to leave them on. Ms. Coffin stated that the measurements are wrong because if the system is indeed a 12 x 38 that isn't what's scaled on there so the variance requested will be more than 74 ft. Ms. Coffin stated that if she goes

from the property line and goes 12 feet the line will be another two feet over so they are really asking for more than 75 ft. Ms. Coffin stated that they are five feet shorter than the actual width. Mr. Bennett stated that the two plans came from two different CAD piles, which is rather confusing. Ms. Coffin stated that she realizes that this has been back and forth but does not think the Board can look at his plan for approval because it's not accurate. Mr. Barlow stated that he does not think they will see a smaller house and is wondering if pumping the wastewater wouldn't be such a big deal if the leach bed were on the other side where the future reserve area is and would be further away from the wetland. Ms. Coffin stated that according to the engineer there is a hill there. Mr. Barlow stated that he doesn't see a lot of support for the project the way it is when it could be significantly better. Mr. Andrews stated that they are looking to protect the resource. There was general discussion between the Board members and Mr. Bennett regarding different suggestions as to how best to protect the resource. Mr. Barlow stated that rather than voting Mr. Bennett has the option to withdraw and resubmit rather than taking the chance of being denied. Mr. Bennett asked if there was the option to continue subject to him providing accurate plans and moving the leaching system as far away from the resource area as possible. Ms. Peterson stated that the next meeting is October 28th. Mr. Bennett stated that he will not be there but he could send one of his associates. Ms. Coffin asked why the house couldn't be on the left and the septic on the right where it could be almost 100 feet away. Mr. Bennett stated that they did try that option but there wasn't room due to zoning and there is a very steep hill there. Ms. Coffin stated that you can do what you need to do on a lot to build on it and they could get that system almost 100 feet away. Mr. Barlow stated that this situation will come up again because of the location and size of the area and the Board has to be conscience of the fact that what they do there they will have to do somewhere else and they should try and get the best they can. Mr. Bennett stated that he would be happy to come back with two scenarios. Ms. Peterson stated that all they are looking for is the best scenario and doesn't think what they have before them is the best Mr. Bennett can do. Mr. Andrews stated that what he is looking for is the document to represent what it truly is and to maximize the distance to the resource. Mr. Barlow stated that it should be to scale and the components should be in organized fashion. Ms. Coffin stated that she is confused as to why the house can't go to the other side of the lot and have the septic be further away. Mr. Bennett stated that the house touches the zoning setbacks on three corners but he will look at it further. **Ms. Peterson made a motion to CONTINUE this until October 28, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

6. **License Policy Renewal-Discuss and Possible Vote-**Ms. Peterson stated that they need a full Board present for this discussion.
7. **Approval of Minutes dated September 23, 2009-**Mr. Andrews made a motion to **APPROVE** the minutes of September 23, 2009. Mr. Barlow seconded the

motion. Ms. Peterson abstained, as she was not at that meeting. All others in favor and the motion PASSES.

8. **Other Business-**Ms. Coffin stated that they have new tentative dates scheduled for HINI school flu clinics. The dates and arrival dates of the vaccine keep changing. The vaccine is not due to arrive now until mid to late November. The seasonal flu clinic for 65 and older are scheduled for Oct 15 & 20th. There are only 440 doses so there may not be enough for both clinics. Ms. Coffin stated that they should decide when they would like to hold a meeting in November because the second Weds is November 11 is Veterans Day and the fourth Weds. is November 25 which is the day before Thanksgiving. Ms. Peterson suggested holding a meeting on November 18, 2009. Ms. Peterson stated she is hoping to have a meeting with the Selectmen before that. **Mr. Barlow made a motion to schedule one Board of Health meeting on November 18, 2009. Ms. Peterson seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that she would send an email to the Selectmen to try and schedule a meeting with them concerning the landfill. Mr. Barlow wondered why they had not received a copy of the study from Joyce Engineering of the landfill yet. Mr. Barlow stated that they could also discuss that with the Board of Selectmen. Mr. Andrews stated that it was discussed at the previous nights Selectmen's meeting and all the Selectmen had a copy of the draft and he believes that Joyce Engineering would be meeting within the next few weeks to go over it with the Selectmen. Mr. Andrews stated that he is interested in seeing what Joyce Engineering recommended about switching manpower around for reassignment at the landfill. Ms. Peterson stated that that was a good point but when meeting with the Selectmen she would like to find out first what they intend to do about the odors. Mr. Barlow stated that he is concerned that they have not received a copy of the draft yet but they cannot go to far without the Board of Health so they will have to talk to the Board sooner or later. Ms. Peterson stated that whenever there is not anyone from ISWM at the meeting all hell breaks loose and it doesn't sit well. Ms. Coffin stated that there is a resident on County who had some issues with his neighbor concerning a kennel and is now concerned that they will want horses as well. The preexisting regs had made it more difficult for her to get a variance to have a horse. The resident has been to the Town Administrator with his concerns. Ms. Coffin stated that she told the resident they would take a look at it or he may want to have a hearing before the Board because he is concerned because there is no restriction on the number of horses his neighbor may be able to have. Ms. Peterson stated that it is something the Board should take a look at because not having any restrictions on the number of horses a resident can have can bring problems. Mr. Andrew stated that if a resident has expressed a concern he should write a letter addressing his concerns and the item would be put on the agenda. Ms. Peterson stated that it should be put on the agenda anyway so it can be public record that the Board is considering limiting the number of horses per acre. There was general discussion in regards to what meeting it would be discussed and was then decided to put it on the agenda for the meeting on October 28, 2009. Mr. Barlow stated that there are a number of people in Town that have

a lot of horses that keep the area very clean and there are no problems and many of them have 4H members that enjoy working with them. There was general discussion regarding how many horses is a reasonable amount. Ms. Peterson stated that the resident who is concerned should document his concern on his neighbor having a kennel and does not think that this issue is going to go away. Ms. Coffin stated that the appeals board has the kennel license and the Board of Health has the kennel regs. The appeals board would have to have a hearing to grant a kennel license and under that kennel license the Board of Health enforces the regulations.

Mr. Andrews made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the meeting was adjourned at 8:45 PM. The next meeting is scheduled for October 28, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health.

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

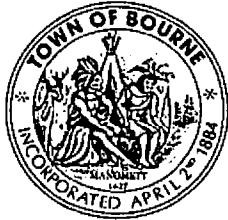
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc town clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

**POSSIBLE EXECUTIVE SESSION AT THE REQUEST OF THE TOWN
ADMINISTRATOR-6:00 P.M.-DRAFT DOCUMENT OF LANDFILL OPERATIONAL
STUDY**

Date:

October 28, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

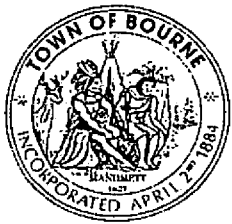
AGENDA ITEMS:

1. I.S.W.M.-Dan Barrett-General Update
2. V.F.W.-Charlie Miller or Warren Silva-Update on proposed upgrade
3. 73 Mashnee Road-Continued-Michael & Margaret Dwyer-Request to amend architectural of record
4. 55 Head of the Bay Rd-Continued-Tim Bennett for Brian Ciccariello-Request for Variance
5. Stable Regulations-Discuss & Possible Vote to Amend Stable Regs
6. License Policy Renewal-Discuss and Possible Vote
7. Approval of Minutes dated October 14, 2009
8. Other Business

2009 OCT 22 AM 11 56
TOWN CLERK'S OFFICE
BOURNE, MASS.

Signed: *Kathy M. Burgess*
Title: Secretary
Date: October 22, 2009

cc Board of Selectmen/Town Clerk



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
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MINUTES

October 28, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

There was general discussion between the Board Members and Town Administrator, Tom Guerino regarding the request of Mr. Guerino to hold Executive Session to discuss the draft of the landfill operations report. Ms. Peterson asked why Mr. Guerino has asked them to go into Executive Session. Mr. Guerino stated that the report included personnel issues. Mr. Guerino stated that if the Board of Health, as a separately elected Board of the Town feels there are items in the draft report they can comfortably discuss outside those areas that he has brought up and discussed with Counsel he thinks they should do that. Mr. Barlow stated that he did not see anything in the report that would require them going into Executive Session. Mr. Barlow stated that he has read the report and does not see a legal or contractual issue related to this Board. Mr. Guerino stated that there may not be another opportunity to discuss it with the consultant from Joyce Engineering who is at the meeting tonight and he feels that it is important that the Board of Health give their thoughts and additions to the report before the final document is put forth. Ms. Peterson asked Mr. Guerino if he had any problems with the Board of Health discussing anything in the report with Joyce Engineering in public that doesn't relate to personnel. Mr. Guerino stated that the Board of Health is a separately elected Board of the Town voted by the people and if they believe that there is no need for an Executive Session relative to that report then they can handle it as an elected Board. Mr. Guerino stated that he has given them the thought process that they went through last week and if it isn't germane to what the Board of Health deals with relative to this report then he has no problems or concerns with the judgment the Board will have. Ms. Peterson asked how a report pertaining to the landfill with all of the pages that it contains ever got written without anyone speaking to the Board of Health about it whatsoever. Ms. Peterson stated that they had only received 34 pages of the report before tonight when they received the full draft copy and wondered how they expected her to read the full draft copy at this

time. Mr. Andrews had requested a full copy earlier in the week but it was late in the day of Town Meeting so he was not able to obtain one. Mr. Barlow stated that seeing this full report right before the meeting he would withdraw his statement that he has read the report. Ms. Peterson asked Mr. Andrews if having not seen the report would he still like to go into Executive Session. Mr. Andrews stated that now that he has all the addendums he could probably get the answers he needs through those so he would say no to Executive Session. Mr. Barlow stated that he does not want to go into Executive Session at this time. Ms. Peterson stated that she would abstain, as there are only three Board Members present so she does not have to vote. Ms. Peterson asked if anyone would like to make a motion to end a proposed executive session. Mr. Guerino stated that they would not need a motion, as they are not going to go into executive session.

Call to Order: Meeting called to order at 7:10 P.M.

1. **I.S.W.M-** Mr. Barrett suggested that Ms. Peterson move on to other agenda items as to not hold up any audience members and ISWM would give their update later on in the meeting.
2. **V.F.W.-Charlie Miller or Warren Silva-Update on proposed upgrade-**Ms. Peterson stated that the Board of Health had received a letter from Edward Pesce, stating that he has been retained by the VFW for engineering services in repair of their septic system. They are requesting an extension until November 30, 2009 to complete the engineered plan and submit to the office. Ms. Peterson asked if they had to withdraw. Ms. Coffin stated that no, they were coming back before the Board because it had been continued and they were scheduled to come to tonight's meeting with a plan for the upgrade. They are asking the Board to extend the deadline another two or three weeks until the next meeting November 18, 2009. Ms. Coffin stated that they had been given 30 days to come up with a plan and 90 days to install. Ms. Peterson stated that they have done everything the Board has asked them to do and thinks they should give them until the second meeting in December. Mr. Barlow stated that he has recused himself from this discussion. Mr. Andrews stated that they have kept the Board up to date and have kept the process moving forward and asked when the meetings in December would be held. Ms. Coffin stated that the meeting would be held on December 9th. **Mr. Andrews made a motion to have them come back before the Board on December 9th to give the Board an update and submit engineered drawings. Ms. Peterson seconded the motion. Both in favor and the motion is APPROVED.**
3. **73 Mashnee Rd. -Continued-Michael & Margaret Dwyer-Request to amend architectural of record-**Mr. Dwyer stated that they have submitted a revised plan of the remodeling as requested with a four- foot opening thus precluding it from being considered a bedroom. **Mr. Barlow made a motion to accept the amended plan for Michael & Margaret Dwyer, 73 Mashnee Road, Received October 13, 2009. Mr. Andrews seconded the motion and added that there should be a building permit issued and signed off by the building dept. and**

then an inspection by the Health Agent confirming that the work has been done. All in favor and the motion PASSES.

4. **55 Head of the Bay Road-Continued-Tim Bennett for Brian Ciccariello-Request for variance-**Ms. Peterson stated that they have received a letter from Bennett Engineering respectfully requesting to continue the hearing until the next meeting on November 18, 2009. Ms. Coffin stated that it would be 41 days from their date of request. **Ms. Peterson made a motion to CONTINUE 55 Head of the Bay Rd. until November 18, 2009 and if they cannot appear on that date it will be denied. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
5. **Stable Regulations-Discuss & Possible Vote to Amend Stable Regs-** Ms. Peterson stated that she had a problem with the fact that they did not specify the number of horses an owner could have in the stable regs. Ms. Peterson stated that she would like to make a motion to amend the stable regs to say that an owner could have up to two horses without coming in front of the Board of Health. Ms. Peterson stated that they want to make sure that someone doesn't have more horses than they can take care of. Mr. Barlow stated that it should be up to two horses only in a residential zone. Ms. Peterson stated that she thinks neighbors should be at least sent a green card to notify them that more than two horses are being moved into their neighborhood. Mr. Andrews stated that he would like to see a draft from Ms. Coffin so they can formally vote on it at the next meeting. Mr. Andrews stated that he doesn't want to restrict anyone that may be in a residential area and have a 10 - acre lot that they can only have two horses. Mr. Barlow stated that they could always come to the Board with a request. Ms. Peterson agreed. Ms. Peterson stated that she just wants the Board to be aware as well as the neighbors when there will be more than two horses moving into the neighborhood. Ms. Coffin stated that she had spoken to Mrs. Lopes, who is worried about her neighbor possibly getting horses, and asked her to fax over her concerns but had not received anything yet. Ms. Coffin stated that Mr. and Mrs. Lopes had gone to the Town Administrator with their concerns regarding the revised regulations. Ms. Coffin stated that Mrs. Lopes told her that they would like the regulations revised back to the previous setbacks, which were 200 ft. from a residential dwelling and 50 ft. from a property line. Mr. Andrews stated that he would have liked the Lopes to attend the meeting to talk to the Board about their concerns. Ms. Coffin stated that they do not want any horses on their neighbor's property at all and are upset that the new revisions will allow their neighbor to have horses. Ms. Peterson asked if there was anyone in the audience here for the stable regulation discussion. There was not. Ms. Peterson stated that she is not in the business of denying anyone having a horse but thinks the neighbors should be made aware if that is going to happen. Ms. Coffin stated that she could put in the draft regs an additional line that will state that there will be no more than two horses in a residentially zoned area unless there is approval granted from the Board of Health after a formal hearing. Ms. Peterson stated on the new stable regs they did not put a limit to the amount of horses and she thinks that was a mistake

on their part. Mr. Andrews stated that it is different when you are looking at a densely populated neighborhood such as Puritan Road than it is a rural area where someone has to come in and ask special permission to have more than two horses if they have a 10 or 15 acre piece of property. The decision would be up to whatever Board Members may be sitting on the Board at that time. Ms. Coffin stated that you could say that if the lot is less than one acre there will be no more than two horses. Mr. Andrews stated that that is what he is looking for. Ms. Peterson stated that you should expect to come before the Board of Health if you are planning to have more than two horses. **Ms. Peterson made a motion to CONTINUE this until the meeting on November 18, 2009 when they can add an addendum to the regulation regarding the number of horses and vote on it. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

6. **I.S.W. M. -Dan Barrett-General Update-**Ms. Peterson stated that ISWM would replace License Policy Renewal as agenda item #6 as there was not a full Board present for the License Policy Discussion- Mr. Barrett stated that ISWM was able to secure financing and make arrangements to acquire cover material and an installation contractor to cover Phase 2A/3A Stage 1. On October 19, 2009 Terrafix Environmental U.S.A. Inc. began deploying 30mil flexible membrane liner (FML) on the Stage 1 area. They started in the South end, where most of the odors are being detected, and are working their way to the north. Mr. Barrett stated that the plan is to cover the South slope all the way to the ground and then from about 100 ft north of that on the west slope and then cover the entire top as the other slopes are already covered. Mr. Barrett stated that they will be covering the inside slope with trash as they move up. Mr. Barrett showed the Board Members some pictures along with a sample of the material being used to do it. Mr. Barrett stated that they received an odor complaint on October 19, 2009, the day the installation began. Mr. Barrett stated that this plan was developed rather quickly when they were able to get a contractor with material. Mr. Barrett stated that Terrafix suggested using this material they had left over from another job. Mr. Barrett stated that this material is exactly like the liner and cap material that they used in the final process. Mr. Barrett stated that it is welded together and is much more durable and UV resistant. Mr. Barrett stated that they were lucky to get it but there are some downfalls to it. There is no texture to it and it's very smooth. Mr. Barrett stated that they are not anticipating putting any soil materials over these slopes. Mr. Barrett stated that DEP stated they wouldn't do it anyway but because it's smooth they would have a difficult time if they were going to do that. Mr. Barrett stated that it is a pretty good-sized job and they had expected to complete it in two weeks but have had a weather issue ever since they came in. Mr. Barrett stated that they got the entire southern slope done and a little part of the top done this week. They have had high winds and the rolls are 22 feet wide, which can be dangerous if the wind gets under it. Mr. Andrews asked how they put the two pieces together roll to roll. Mr. Barrett stated that they overlap them a foot and do wedge welding which is a hot wedge with track wheels on it and they run both pieces of the plastic through either side of the wedge. On the other side are two wheels that roll the heated area together and seals it. Mr. Barrett stated

that if they were going to do a liner or a cap there is much more stringent quality control done on that. Mr. Barrett stated that when they build a liner they will do that wedge welding and they'll stop at the end of each seam and weld the ends together and put a basketball air pump in between the spaces and seal the ends and pump it up. It will weld and form together. Mr. Barrett stated that if they go around a gas well they'll wrap the plastic around it and take rolls of the plastic material and run it through a hot gun and it's like hot gluing it together and they will vacuum box test all that. Mr. Barrett stated that typically on a cap they use a 40 ml material, which is 10 ml thicker than that which is pretty non pliable and is tougher and more resistant to puncture. What they are seeing with this material where it's a little softer the collection system is actually pulling in on the vacuum it's actually sucking the material right into the slope, which is a good thing and is what they want to see. Mr. Andrews stated as long as there isn't anything sharp. Mr. Barrett stated that if there is they go over it and back lay it and dress it before they lay it down. Mr. Barlow asked if they intend to do the whole mound with this material. Mr. Barrett stated that they were going to do the top, which is about 9.2 acres, and the side slope they are doing is another two acres. It will drape 25 ft. over the East and West slope particularly on the East slope there is final cap there already so there is virtually no gap between existing final cap and the temporary intermediate. Mr. Barrett stated that on the West side they are going down 25 ft. and then they are going to be filling up against it. Mr. Barlow asked if that was it for this cell and were they going to that next lift. Mr. Barrett stated that they were going to complete that lift but were not going to go there for three to five years. Mr. Barlow asked if they were abandoning the spray on technique they had talked about. Mr. Barrett stated no, the spray on comes later. The Posi-shell is like cement. You spray it down which works very well but it doesn't hold up very well if you are going to walk on it and drive on it. Mr. Barrett stated that they are going to deploy all this and do all the running around on it they have to and then come back at the end and seal all the side slope areas that are exposed that don't get covered with plastic and will be covered with Posi-Shell which will tie it all in. Mr. Barrett stated that the Posi-Shell machine would be rented for three months in case they have any issues and if they have to go back for any repairs it will be there. Mr. Barlow stated that they saw the Posi-Shell in Nantucket. They were using it to cover their existing plastic. Mr. Barlow stated that he was not that impressed with it. Mr. Barlow stated that if they were doing the whole mound and sealing it up they might have the opportunity to catch the gas. Mr. Barlow stated that they have been taking some real heat in the last few weeks. More than ever before. Ms. Peterson asked if at any point they knew about this material. Mr. Barrett stated that there are many people giving him advice from other facilities free of charge because of the interest that the landfill has garnered. Mr. Barrett stated that this was introduced to him when he was calling other facilities to see what they were using. Ms. Peterson stated that she was not totally comfortable with this but they will listen. Mr. Andrews stated that this was the system that the consultants had talked about at a previous meeting, the dual system with the Posi-Shell. Ms. Peterson stated that she was not at that meeting. Mr. Barlow stated that no one did come in with a proposal for this and he happened to go to the landfill

the other day and it was there. Mr. Barrett stated that at a previous meeting they laid out a plan and showed them exactly where it was going. Mr. Barlow stated that he was not aware that it was going to be there like that. Ms. Coffin stated that if there is gas escaping what can be done once its trapped under the plastic. Mr. Barrett stated that they would start covering it with 6-8 inches of sand. They will start doing that gradually and will also start building roads to get the trucks out there. Mr. Barrett stated that they would put tires roped together down the side slopes. Ms. Peterson asked what happens to the slopes. Mr. Barrett stated that they just stay there. Ms. Coffin asked if they adjust the well field if there is gas that is detected underneath this. Mr. Barrett answered yes. Mr. Barrett stated that he has seen a twelve-foot high bubble at another facility that they had to cut and let it settle and then haul dirt over it to hold it down. Mr. Barrett stated that the benefit they have is the gas collection system, which is actually a seal. Mr. Barrett stated that if they start seeing air pockets or gas bubbles then they have a problem with the gas well. Mr. Barrett stated that the good news is that they have eight new wells in that area. Typically, you space wells about 200 ft apart. Mr. Barrett stated that some of theirs at the landfill are less than 100 ft apart. Ms. Coffin asked if something happened and gas that might have been dissipating into the air that is now contained would be at higher risk for an explosion hazard. Mr. Barrett stated that if that happened someone who is trained to handle that would cut it. Mr. Barrett stated that that would contain it but then they would have to figure out why that happened and correct it. Ms. Coffin stated that she was concerned that that might be dangerous to landfill employees. Mr. Barrett stated that any time gas is contained it is dangerous and is on their minds all the time. Mr. Barrett stated that they have a no smoking policy and gas monitors in their buildings. They don't have any drain lines going under the ground and coming up on their floors. Mr. Barrett stated that Posi-Shell has been around for a while but it is always being developed and improved. Mr. Barrett stated that they are looking for intermediate cover so they will come out and train you and suggest how you should use it. They have come a long way with it in the last few years and are adding fiber to it to make it more pliable. Mr. Barrett stated that it is not perfect but a lot of landfills use it. Mr. Barrett has used it at another facility where they covered a 700 ft high slope that was 1000 ft long. Mr. Barrett stated that it was a lot of work but it held up for about two years without too many issues. Mr. Barrett stated that they are not trying to accomplish that but are trying to tuck in what they have and seal it. Mr. Andrews asked Mr. Barrett if the two complaints they received on the 19 and 26th were phone call complaints. Mr. Barrett responded yes. Mr. Andrews stated that they would like to receive a notice of those complaints so the Board is aware when the landfill receives phone call complaints as well as through email. Mr. Barrett agreed. Ms. Peterson stated that it has been a year since the odor issue started and she does not want to go any further until the odor issues are 100 percent under control. Ms. Peterson stated that she is at the point now to stop all commercial traffic at the landfill. Ms. Peterson stated that she wants to know from landfill management why at this point she should not put that out on the table. Ms. Peterson stated that she is not happy with the fact that they are still dealing with the odor issues and the fact that they are talking about

going into Executive Session to talk about something that was never discussed with the Board of Health in the first place. Mr. Barrett stated that they have taken a systematic approach to the problems but understands the Boards frustrations. Mr. Barrett stated that they have done every possible odor control measure that they could think of. Mr. Barrett stated that they have called in Joyce and Sitec and have talked to people at BFI and in Waste Management and everyone is kind of scratching their heads at the problem. Mr. Barrett stated that stopping commercial traffic is not necessarily going to help the odor problem. Mr. Barrett stated that the areas that are creating odors right now have not received waste in six months or better. Ms. Peterson stated that she realizes Mr. Barrett has bent over backwards making calls and dealing with people but wants to know how they are going to stop it. Mr. Barrett stated that they are not doing anything else but working on the odor problem. Mr. Barlow stated that the odor issues are nothing new and they have been going on for seven years and people are really tired of it. Mr. Barlow stated that they are doing everything they can to get this under control but it is out of control and people ask him what the heck are they doing building another one next to it. Mr. Barlow stated that they had to do something completely different because this is not working. Mr. Barlow stated that he had compiled some of the comments he had received from people over the last few weeks and read them to the audience: *The structural design of the full cell, the one that has just been finished, particularly the method of components of the completed cell are of concern and one of the concerns is the current practice of filling and using shredder residue for daily cover which allows easy passage of liquids and gasses through the cell.* Mr. Barlow stated that the more full the cell gets the more pressure there is and the more odors can rise up through. Mr. Barlow stated that those aren't yesterdays odors they are odors from years ago. Mr. Barlow stated that the current design allows this to happen so they have to do something different. *The same design allow for the odors to flow up from deep within the decaying mass following the same route created by the down flow of the liquids that are considered leachates. When it rains the leach ate goes through the mass, opens it up and the odors come up again.* Mr. Barlow stated that he thinks their idea of capping and catching it all is fine but was there something that they could have done before that. Mr. Barlow stated that they are not going to go through this for seven years. Mr. Barlow stated that there is no sand in that mound at all, just plastic and garbage. Mr. Barlow stated that every time they hit it it shifts a little bit and moves and the odors escape. Mr. Barlow stated that that is a big issue and they have to address that in the next cell and they have to come up with a different way to go forward. **Mr. Barlow stated that he would like to make a motion stating that the Board should immediately lower the daily tonnage limit coming into the landfill to 350 tons per day six days per week inclusive of all trash, construction debris and recyclables that come across the scale. Adequate daily cover of sand will be used to cover the daily disposal work area at the end of the day preventing odors from emanating from the work area. Daily tonnage will be adjusted at 50-ton increments from this point forward limited to a maximum of 100 tons per 8-week period. The daily tonnage will not be raised until there is 8 weeks of stability with**

odor related issues and may be adjusted lower should current odor issues persist. Ms. Peterson seconded the motion with discussion. Ms. Peterson stated that she feels this motion needs some discussion. Mr. Goddard stated that that would have a devastating financial impact on them. Mr. Goddard stated that if he understood it correctly it would mean that the total end flow at the site would immediately be reduced from a max of 825 right now to 350. Mr. Barlow stated that they are not bringing in 825 now anyway. Ms. Peterson asked what they were bringing in now. Mr. Goddard stated that they are bringing in below that amount now. Mr. Barrett stated that between C&D and MSW they were doing about 427 tons in June, July and August. It has gone down a bit since then. Mr. Barlow stated that last spring they went down to the 300 tons for about a month and a half and then the Board voted to raise it. Ms. Peterson asked Mr. Barrett if he thought this would help get the odors under control because she doesn't think they realize that the Board cannot have this nuisance going on. Ms. Peterson stated that she does not want to stop progress but they have given support for so long and it is time to take action. Mr. Barrett stated that in constructing a landfill you couldn't seal each individual area that you fill every day. Mr. Barlow stated that they have to understand where the Board is coming from and they can discuss that another time. Mr. Barrett stated that he does understand and realizes that he works for the Board but wants to caution the Board that limiting the tonnage at this point would severely hamper their ability to exist. Mr. Barlow stated that they are not trying to hamper the landfill's ability to exist. Mr. Goddard stated that they are trying to tell the Board that they just went through Town Meeting where their budget was reduced 2.3 million dollars. Mr. Goddard stated that the plan they have in place will manage to keep everyone there to do the day to day operations but will have to make major adjustments through this fiscal year but are still doing the cap on the theory that was the source of the offensive odors that have been a problem for a long time and sealing that area off. They are into the new cell that doesn't have any of the same contributing factors of the old cell that they are sealing off so they would be starting a whole new area that would be separated out. Mr. Goddard stated that every dollar they bring in is a dollar they have to pay Joyce Engineering, to pay Posi-Shell to give them materials to have on site for three months to react to hot spots. Mr. Goddard stated that they are taking MSW in on the new cell not C&D fines. Mr. Barlow stated that this is not a money issue but a public health issue and about getting control of these odors. Mr. Goddard stated that he understands that but the final area is graded and shaped and being sealed up and with the eight new wells that Joyce is working with them on they have vacuum and it will largely increase the efficiency of those wells. Mr. Goddard stated that that is the area of the source of the odors and it is not a soil cap and is a much different situation to work with. Mr. Barlow stated that he hopes this works but in August they were told that they had to drill four more wells and it would solve the problem. Mr. Barlow stated that they have heard it many times. Mr. Barlow stated that people want to know why they are building another one next to it. Mr. Barrett stated that they have identified the offending source of the odors and have eliminated it. They are not taking in that material anymore. Mr. Barrett stated that they will still make methane gas but methane gas by itself doesn't have

an odor. Mr. Andrews stated that he can see some of Mr. Barlow's reasoning for cutting back on the tonnage which would be to remove some of the personnel that they have on different functions and addressing them to the current situation. Mr. Andrews stated that he has asked the same question for the past eight months; do they have enough manpower. Mr. Andrews stated that if they closed the recycling area a few more days a week it would free up a lot more manpower to work on the issue and the problems than reducing the tonnage on a temporary basis but they cannot tell them to close those areas. Mr. Barrett stated that with the budgetary adjustments that they had to make they are going to be making some operational changes as well which will free up a few people. Mr. Barrett stated that a contractor does the major portion of the work they are seeing in the capping because they are not capable of doing that; landfill operators don't typically do that so they really don't need to free up any people to accomplish this task. Mr. Barrett stated that when the Posi-Shell goes down it would probably take two to three guys to do that. Mr. Barrett stated that his plan is to take the two to three guys he has moving soil now and free them up to spray Posi-Shell while they are finishing up the plastic cap. Mr. Barrett stated that he has four people dedicated right now but could have five. Mr. Andrews stated that the capping of that area and the containing of these odors has to be the number one priority over recycling. Mr. Barlow stated that they are off the discussion of the motion. Mr. Barrett stated that he would suggest to the Board that reducing the tonnage will not help the odor situation. Mr. Barrett stated that if he had a litter problem or bird problem reducing the tonnage might help but the odors are all contained in 2A/3A Stage 1 and they are not filling in there. Mr. Barrett stated that he appreciates the Board's observance of the fact that they may be a little short-handed but he would rather hire a few temporary guys or a contractor to help them finish up that job which is what Mr. Guerino and the Selectmen had suggested. Mr. Barrett stated that tonnage is down right now anyway. Mr. Barlow stated that they are selling cut rate tons that are worth 2/3 of what they were two years ago and probably 2/3 of what they will be two or three years from now. Mr. Barlow stated that he is willing to amend his motion to cut it down to 4 weeks rather than 8, which would give them the opportunity to get the odors under control and make a lot of people happy. Mr. Goddard stated that what they are asking is total site tonnage which limits anything they do with C&D which is in and out and has nothing to do with the landfill and is a source of finance. Mr. Barlow stated that he is willing to pull the C&D out because it doesn't go into the landfill and doesn't smell bad but will go 350 tons of straight trash. Mr. Goddard stated that as the Board's employees they are trying to let them know that they are on the cusp of finding out what they can do long term at the site and how to remove MSW from the landfill. They are trying to form a business plan and are trying to form a team with the Town and the Administration to get away from relying on the landfill. Mr. Goddard stated that they have just gone through a very difficult process to salvage the fiscal year and they have to get the odor issue under control or they will be shut down by the DEP. Mr. Goddard stated that that is all dependant on a very complex and delicate mix in a very competitive marketplace in a down economy to survive. Mr. Goddard stated that if the Board takes these actions they would have to adjust

their operations to live within those means and report back to their Administrator as to what they have to do to live within those means. Mr. Goddard stated that that would severely impact their financial ability to do things and that the contractors are doing what they need to do and if they had two extra laborers available he doesn't know if there is anything they could do to help the contractor any faster. Mr. Goddard stated that he just wants them to understand that its not as though they will free up folks to go and do something that they're not doing now. Mr. Goddard stated that they want to solve this as fast as the Board does and DEP is on them telling them that they will shut them down if they don't do the cap. Mr. Barrett stated that they are currently working on requesting filling rates, filling schedules and capping schedules. Mr. Barrett stated that DEP wants to know what they are doing and how they are doing it as a result of the odor issues. Mr. Barlow stated that it has gone beyond a nuisance and people have put up with it in Town for seven years now. Ms. Coffin stated that they might have had issues in the past that were sporadic over the last seven years but does not think that there have been any huge issues until the last year. Ms. Coffin stated that she has been here for 23 years and maybe her memory is wrong but she does not remember sitting here for years and years having these issues except maybe sporadically. Ms. Coffin stated that her opinion is that the Board is being reactionary to the public's complaints about the odor. Ms. Coffin stated that she could understand it if it would help to correct the problem, but if it is only going to further impede the operation of the landfill and maybe their ability to do the work financially how will that action be positive. Mr. Barlow stated that the sentence he did not read because it wasn't part of the motion was *that the Board of Health create their own advisory group for the explicit purpose of reviewing the handling and disposal burial practices associated with MSW and making further recommendations to the entire Board for their consideration.* Mr. Barlow stated that the reason is because he is not inclined right now for them to fill a cell next to the one that they already know is out of control. Ms. Coffin stated that they have already been told numerous times that the problems that are in that cell are caused by the material that they were taking in and that is what created the problem. Ms. Coffin stated that they are not taking that material anymore and she doesn't think they are listening to what is being said by the people that are working with this every day. Mr. Barlow stated that he does not agree and its not just hydrogen sulfide that you smell it's the garbage as well. Mr. Goddard stated that he thought that the Board of Selectmen and the Board of Health were meeting in joint session on November 9th. Ms. Peterson stated that that was not going to happen on that date. Mr. Goddard asked if their intention was to have a joint meeting at some time. Mr. Barlow stated that maybe eventually. Mr. Mulvey stated that since the hydrogen sulfide should not be a problem in the new cell maybe that might be the answer to the people that are complaining to the Board is the fact that they are building a new cell and it will be designed so they don't have the problem that they are having now. Mr. Barlow stated that they have not seen any evidence to support that. Mr. Barrett stated that maybe they can write up a document to present to the Board explaining the steps they have taken to reduce the production of hydrogen sulfide in the new cell. Mr. Barrett stated that they could also take a sampling of

that area to tell them the quality of the gas coming out of that area as opposed to what's coming out of the problem cell. Mr. Barlow stated that Ms. Peterson is willing to go to 500 tons a day on the MSW and that would be an amendment to the motion. Ms. Peterson stated that that is reducing them 200 tons, which is what they have coming in now unless they have something major coming in down the road that the Board does not know about. Mr. Barrett stated that it is worth recognizing they are working diligently to meet their financial obligations to the top and it is not easy. Mr. Barrett stated that they have things they are working on right now to increase the tonnage and help them meet that goal. Mr. Barrett stated that that might never happen but they hope it does and this would severely hurt their ability to do that. Ms. Peterson stated that she thinks they have done a marvelous job financially towards the Town and a good job at the landfill but does not see that they have substantially tried to work with the Town regarding nuisance problems and that is why they are at this point. Mr. Barrett stated that it is perceived that he is not doing his job. The Board disagreed with that. Ms. Peterson stated that he should not take it personally. Mr. Barlow stated that it is not about Mr. Barlow or Mr. Goddard but that it is the way it was built and it smells and has been out of control for a year. Ms. Peterson asked how much longer they were expected to wait. Mr. Barrett stated that he hates to tell them every week that it will get better but in his 25 years in the business they have done 16 times more to that cell than any other facility he has worked at. Mr. Barrett stated that he hates not being able to solve this problem and this has peaked the interest of people throughout the country. Mr. Barlow stated that they need to know that the new cell is not going to be a clone of the old one. Mr. Mulvey stated that he is suggesting respectfully through the chair that if the motion is accepted as designed now for immediate implementation to reduce the tonnage it will put an immediate severe financial burden on the landfill and is a very serious thing. Mr. Mulvey stated that he suggests the Board defer on that motion and give the administration at ISWM a chance to come forth with the documentation they talked about. Ms. Peterson asked just how long they were supposed to ask residents such as the Browns at Brookside to wait for the odors to be controlled which is now a nuisance to the Town. Mr. Barlow stated that if the landfill is only taking in about 350 tons a day right now the Board is really not asking them to reduce anything but are saying that they want to get the odor issue under control. Mr. Barlow stated that the Board of Health needs to create their own people; hopefully Steve MacNally will sit with them, to sit down with ISWM and figure out a new direction and to prohibit this from happening again. The Board agreed that forming a working group was a good idea. **Mr. Barlow stated that he is willing to withdraw his motion to reduce the tonnage but wants to try and get away from the big issues that they have been having.** Ms. Peterson withdrew her second on the motion. **Mr. Barlow made a motion that the Board of Health creates their own advisory group for the explicit purposes of reviewing the handling of and working with the disposal burial practices associated with Municipal Solid Waste and making further recommendations to the entire Board for their consideration.** Mr. Barlow stated that they would like a representative from ISWM and would also like to bring

back Steve MacNally who has participated on working groups any time there has been one. Mr. Barlow suggested that Mr. Andrews or Ms. Peterson might also like to participate. Ms. Peterson stated that she thought that Mr. Andrews was much more knowledgeable about the infrastructure than she was. Ms. Peterson stated that the addition of Steve MacNally was great because of the history and he has always been fair and always keeps the Board of Health as his first concern. **Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Mr. Andrews stated that he would like to know if this group could evaluate whatever they can from people in the industry outside the town of Bourne. Mr. Barlow stated that he is sure Mr. Barrett would be willing to work with Mr. Andrews on that. Ms. Peterson suggested that a member of the press might also want to be part of the working group. Mr. Andrews stated that he had no problem with the group keeping accurate and open meeting notes and posting the meetings. Mr. Andrews stated that someone from the office may also want to sit in as a non-voting member of the group. Ms. Peterson stated that they could get all the particulars of the working group together and discuss it at the next meeting. Mr. Barlow stated that there should not be any more than five people on the group. Ms. Peterson stated that this group is to make recommendations to the Board of Health for their consideration for the future operation of the landfill. Ms. Peterson stated that the financial aspect of the landfill is not the Board of Health's concern and she agrees with Mr. Barlow on the reduction of tonnage but is willing to give them a very short amount of time to come up with what the difference will be with the new cell that will not cause the same issues as the old one to become such a nuisance to the Town. Mr. Barlow stated that the working group can sit down and work it out and come back to let the Board know how they are going to handle things. Mr. Goddard stated that he understands that the Board wants to be pro-active with this new cell. Ms. Peterson asked if Mr. Barlow would like to have an emergency meeting to set this group up or could it wait until the next meeting on November 18, 2009. Mr. Barlow stated that he was willing to wait until the first of the year and let everyone get together, take some time and come back with some concrete information on what they are going to do differently in that cell to control the problems that they have had. Mr. Barlow stated that if they keep piling stuff up in a cell that is not that stable they will have a hard time keeping it from leaking so if they address it now it would help. Mr. Barlow stated that the Board is certainly not trying to put anyone out of business. Mr. Goddard stated that they appreciate the leeway. Ms. Peterson stated that as far as the draft report from Joyce Engineering goes there are a few items in it that the Board Members might want to discuss with the consultant from Joyce Engineering, Brian Stuever. Ms. Peterson reminded the Board not to ask any questions pertaining to personnel. Mr. Andrews stated that he was referring to page 22 of the report and wanted to know how much of the gas management plan was in place at this point in time. Mr. Stuever stated that it was a multi-faceted plan. There are currently procedures that will train on-site staff to balance the landfill gasses and the guys are picking it up very quickly and getting a good grip on how to balance that system. Mr. Stuever stated that the master plan will set benchmarks when additions to the gas system need to be undertaken based on the development of the landfill itself to make sure

the infrastructure is in place ahead of time to be able to collect all the gasses in there before it becomes a nuisance. Mr. Andrews asked if the master plan would take into account that if a cell is being built slowly the gas collection is going to have to go in early. Mr. Stuever stated that those are the horizontal collectors, which go in as you are filling. Mr. Andrews stated that they had put verticals in before it was up to final grade. Mr. Stuever stated that that was because there weren't sufficient horizontal collectors installed in the previous ones because they weren't required to. Mr. Barrett stated that there was no previous requirement and these are fairly new to DEP and they have agreed to every 40 or 60 ft. Mr. Goddard stated that this is part of their air permit that is pending with DEP and the plan is to do every 60 ft. Mr. Goddard stated that it is also part of the plan to connect to leachate clean out areas with vacuum. Mr. Andrews asked if they used a different lift height in this last cell. Mr. Stuever stated no, they weren't required earlier to put in horizontal collectors it was only fill it up and come back and put the vertical ones in. Mr. Stuever stated that the master plan will have in place and they have agreed to do through the State is every 60 vertical feet, which is like fingers that go throughout the entire waste and you can begin pulling gas off them within as little as 10 ft. of trash. Mr. Andrews stated that this is from lessons learned at other facilities. Mr. Stuever stated that the solid waste industry is constantly changing and his company has been in it for 30 years now. This is a recent trend to get at this gas sooner and a lot of it is for financial reasons but it also helps keep odors under control. Mr. Andrews stated that the master plan should be a high priority on the gas collection because it relates directly to the odor issues that they just spent an hour and half on. Mr. Stuever stated that they are already under contract for it. Mr. Andrews stated that in the observations section it was made quite clear in the document that as they went into the trash transfer there was a heavy amount of deodorizer. Mr. Stuever stated that too much was being used and they have been in there when no suppression system was on at all and there were no odors. The suppression system is mostly for the control of dust in a debris transfer station to keep the dust down. Mr. Stuever stated that the amount of deodorizer was a bit overbearing when you walk in and there is also a significant expense when buying that material. Mr. Andrews stated that he doesn't want people going into the new recycling area with a strong smell of deodorizer in the air. Ms. Peterson stated that referring to page 21 she was totally against their recommendation on taking the dewatered treatment plant sludge in return for treatment of leachate. Mr. Stuever stated that it is a generally accepted practice in the industry that is highly relied on. Mr. Stuever stated that the dewatered sludge could be a source of methane that can be used in the gas system. Ms. Peterson stated that the odor from the dewatered treatment sludge is worse than what they are dealing with now. Mr. Stuever stated that it depends on the nature of the process that it is coming from because every wastewater treatment plant process is different so it depends on the material that the sludge is being created from. Mr. Stuever stated that it is a generally accepted practice because they are able to offset costs. Mr. Stuever stated that some things that they have recommended sites to do if they have a load of sludge coming in that a specific area be dug for it where it can be placed and buried. Mr. Barlow stated that they knew an

operational study was being done as to who did what at the landfill and that was all they were told. Mr. Barlow stated that they then received a little report last week that consisted of 34 pages for them to review. Mr. Barlow stated that no one from Joyce Engineering ever came and talked to the Board of Health or discussed with the Board their thoughts on increased tonnage or dewatered sludge or any other recommendation in the draft. Mr. Barlow stated that was a huge mistake and knows it wasn't Mr. Stuever's mistake but he does not see any increase in tonnage happening in this Town unless they wipe out the whole Board. Mr. Barlow stated that an industry standard is based on places to make money and they are not doing this to make money; it's a convenience to residents and the residents are not very happy right now. Mr. Stuever stated that he would disagree with that because his firm represents more municipalities than they do private sites. Mr. Stuever stated that the purpose of his trip was to talk to the Board of Health. Mr. Stuever stated that the point of the evaluation was for them to come in and use their expertise to look through the operations and the site. As they got into this process the scope changed because they saw underlying administrative problems with the facility. Mr. Stuever stated that a lot of it boils down to communication between the Boards and the landfill. That is the fundamental problem that they see as a problem here. Mr. Stuever stated that they need to meet on a regular basis and there should be a committee from the Board of Selectmen that they should all be involved in. Mr. Barlow stated that they have had that committee for years but the Town Administrator has not called a meeting in two years so the information flow has been cut off from everybody. Mr. Barlow stated that the administration at ISWM is doing the best they can based on the scenario they believe has happened but all the separate Boards are out here catching a lot of flack. Mr. Barlow stated that their biggest issue has been odor and they have to come up with a plan and he thinks that there are enough guys that are familiar with it and can sit down and come up with a plan that is reasonable and won't cost a billion dollars and will address the issue. Mr. Barrett stated that he openly admits that the communication between the Board of Selectmen, Board of Health, FinCom and himself has been lacking to say the least. Mr. Barrett stated that he thought it was a good idea to form the working group and they had talked about it before. Ms. Peterson stated that she wanted to make it clear that this group was for the Board of Health because the ones that are formed Town wide doesn't go anywhere. Mr. Barrett agreed and stated that as you read through the report the continuing theme is communication. Ms. Peterson stated that she would like to be part of the working group if it could be done at night. Mr. Barlow stated that the committee would consist of Ms. Peterson, Mr. Andrews, Mr. MacNally, Mr. Barrett and Mr. Goddard. Mr. Stuever recommended that someone from the Board of Selectmen also sit on the committee to keep the lines of communication open. Mr. Barlow stated that they would prefer to keep the group small for right now. Mr. Stuever stated he understands that complaints about the odors are coming in but what they are doing with the impermeable cap are one of the most aggressive remedial measures that you can do and they should consider letting it get done. Mr. Stuever stated that there has only been one complaint since they started that. Mr. Barlow stated that there have been several complaints but the residents aren't reporting

them. Mr. Andrews stated that they don't use the hot line or the website. Mr. Stuever stated that the owner of his company who teaches classes all over the country in operations of these sites said to look at it as a Tupperware container and they are sealing the top of the container now. Ms. Peterson stated that she also wanted them to understand that it isn't that they don't want to work with the BOS but the Board of Health has other issues other than the Selectmen have. The BOS has personnel and financial issues, and what the BOH is responsible for far outweighs that in their eyes. Ms. Peterson stated that they are the operating Board for the landfill and they have had problems with that before and that is why they have to take the landfill back now. Mr. Barlow stated that it is nothing that Mr. Barrett or Mr. Goddard did wrong. Mr. Stuever stated that he has been at hundreds of landfills and this site is one of the most innovative municipal sites he has ever been to. Mr. Stuever stated that the tonnage number would be leaving the report at the request of the Selectmen. Mr. Stuever stated that it would not all be going into the landfill there will be alternate technology that will be utilized out there. Mr. Stuever stated that these guys are running a very innovative process and are very involved for a municipally owned landfill. Ms. Peterson stated that this is the time in a down economy when they should come to the Board and they want to support them but they can't until they get to the next stage. Mr. Stuever stated that he agrees and that in the three times he has been here he has noticed a drastic improvement and also looking at the data coming out of the gasses there is a significant improvement. There was general discussion regarding the odors and the trash trucks going down MacArthur Blvd and the odors resulting from that. Mr. Goddard stated that they were not currently permitted to take sewer sludge. Mr. Barlow stated that they were aware of that. Ms. Peterson stated that she would like Mr. Stuever to come back after they get everything working and have the landfill back under the Board of Health's direction to discuss the things that he would like to see the landfill undertake. Mr. Barlow stated that it is difficult for them to comment on a draft report and he has no doubt that the people who asked them to do the draft report, which was not the Board of Health, are going to go through the report and take quite a few things out. Mr. Stuever stated that there have actually been very minor changes from the Board of Selectmen and the report should be finalized next week. Mr. Stuever apologized that the appendix had not been included in the first copy but what the Board of Health had received was the meat of the report and even though the appendix was substantial it was just old information. Ms. Peterson stated that they probably never received that old information and that is what the problem is. Mr. Stuever stated that he would leave his business card with the Board members and they could contact him with any comments on the report. Mr. Barlow stated that a lot of what he saw in the report had to do with increased tonnage and it is not likely to happen with this Board even though this Board is very pro-landfill. Mr. Barrett stated that the Board is very pro-landfill and the Board's statements and opinions were voiced verbatim at the Selectmen's meeting last week and what Joyce Engineering was trying to bring up is that they are looking at alternative technologies. Mr. Goddard stated that it simply lays for the various decision makers what you have as an asset and what things you could do with it and the next step is to update the

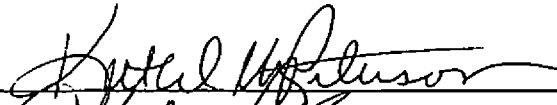
business plan. There was general discussion regarding the new technology that might be available and the lack of public knowledge about how the landfill works. Ms. Peterson asked when the last public open house was at the landfill. Mr. Goddard stated that it was a year ago and the decision not to have another one was made internally. Mr. Barlow stated that they just mined out one cell and why couldn't they do that in a closed cell. Mr. Stuever stated that that was not a good idea. Mr. Barrett stated that when they did that back in the 60's and there was no odor it was because everything that would rot was gone. Mr. Barrett stated that modern landfills are now encapsulated and there is not a whole lot of rot going on. Mr. Barlow stated if you had a cell and just put garbage, no plastic and bury it with sand and leave it to decompose naturally would it still be like that in twenty years. Mr. Barrett stated that the cell that was mined successfully back then was because there wasn't nearly the amount of chemicals present in that cell in the 60's that is present in houses today. Mr. Barrett stated that it will also create groundwater issues and it would be creating a big compost bin. Mr. Barrett stated that DEP requires you to capture the water off of your compost facilities. Mr. Stuever stated that what they are stating is a modern bioreactor and that is where leachate is recirculated. Mr. Stuever stated you couldn't put waste on the ground with no liner underneath it. Mr. Barlow stated that he was talking about having a liner on the bottom. Mr. Stuever stated that he had dealt with landfills trying to mine their waste and the odors that come out are uncontrollable. Mr. Stuever stated that mining something like the size of the Southern end of the landfill would take a year and a half to two years and would all be open at that time and you could not collect gas. Ms. Peterson suggested that unless there are direct questions for Mr. Stuever they move the meeting along due to the late hour. There was general discussion regarding the Town website and the landfill hotline. Ms. Peterson stated that she wanted to thank Mr. Barlow for doing a great job putting together this discussion tonight and would like to extend an invitation to Mr. Stuever to meet with them anytime. Mr. Stuever stated that they understand the problems from top to bottom and everyone from the Board of Health and Selectmen to the Town Administrator have done a great job filling them in. Mr. Barlow stated that they will get the issues squared away but will need a little time. Mr. Barlow stated that he wanted to apologize to Mr. Barrett but the Board cannot go into executive session to do anything when the landfill doesn't really know where they are going. Mr. Goddard stated that the analysis to get those answers is what is discussed in the report and that is what they are hoping to work on with the Board of Health and the Board of Selectmen and the Town Administrator to carefully analyze the options so that there is a process and a consensus. Mr. Barlow stated that they need some semblance of a plan with some type of evidence that might have caused the problem in a certain area and this is how we are going to address that problem. Ms. Peterson stated that Mr. Andrews and Mr. MacNally are very knowledgeable of the landfill and will be a help to the working group. Mr. Goddard stated that Mr. MacNally is an excellent resource and is happy to work with him. The Board thanked Mr. Stuever, Mr. Barrett and Mr. Goddard for coming.

7. **Approval of minutes dated October 14, 2009**-Ms. Peterson made a motion to **APPROVE** the minutes dated October 14, 2009. Mr. Andrews seconded the motion. All in favor and the motion **PASSES**.
8. **Other Business**-There was general discussion regarding getting the H1N1 flu vaccine hopefully by the end of November and setting up clinics as soon as it comes in. Ms. Coffin stated that Mass Maritime Academy has had about 20 students out sick but only two confirmed cases of influenza A. Ms. Coffin stated that none of the school nurses have reported any high number of absences. Ms. Peterson stated that the Board of Health has to keep on top of any outbreaks and keep the public informed. There was general discussion regarding the school policy to keep children home if they are sick and what the Town will do if there is an outbreak at Town Hall. Ms. Coffin stated that she feels that people are getting a little panicked and this is just like the seasonal flu. Ms. Peterson stated that they would like to be pro-active and some children have ended up in the hospital and that makes parents very concerned. Ms. Coffin stated that if there is a lot of staff out sick that's when the schools will talk about possible closure. Ms. Peterson stated that in her opinion if there is two confirmed cases in a school the school should close for the day and bleach everything down. There was general discussion regarding whether or not the schools should close if there are confirmed cases of H1N1. Mr. Barlow stated that he wanted to say before the meeting adjourns that he is adamant about keeping tonnage down. Mr. Barlow stated that the landfill was not built to subsidize the Town forever and it shouldn't be used that way. Mr. Barlow stated that the Board of Health is the only one that is going to rein it in and hopes that the Board Members will stick with him on that. Mr. Barlow stated that if the Town Administrator manages to sell a couple of towns the idea that the landfill will take their trash they will end up with 500 tons a day in addition to what they have now and then the Board of Health will be told that they have to raise the tonnage or the Town will go broke. Mr. Andrews stated that reading through the draft he was very discouraged that a lot of it was being done to subsidize the Towns budgets and the Town should be living on it's own means. Ms. Peterson stated that she will back Mr. Barlow up 100% and that it's time that the Board of Health reaches out their arms and says that the landfill comes under the jurisdiction of the Board of Health and until the Board of Health is comfortable they will not go any further and right now the Board of Health is not comfortable. **Mr. Andrews made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the motion PASSES. The next meeting is scheduled for November 18, 2009. The meeting was adjourned at 9:35 P.M.**

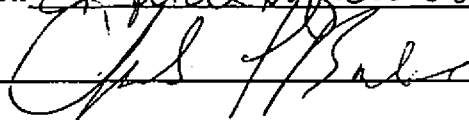
Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson



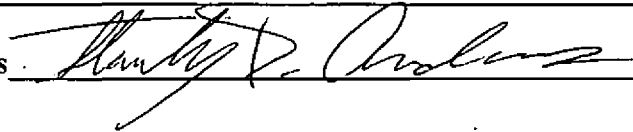
Galon Barlow



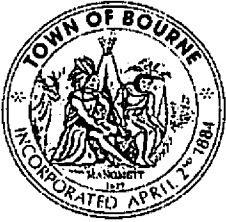
Donald Cunningham

Donald Uitti

Stanley Andrews



cc town clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

November 18, 2009

Time:

7:00 P.M.

Place:

Selectmen's Meeting Room
Bourne Veterans Memorial Building
Community Center
239 Main St.- Buzzards Bay

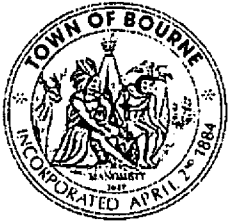
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TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA ITEMS:

1. ISWM-Dan Barrett-General Update
2. Pocasset Mobile Home Park-Update for Residents
3. 55 Head of the Bay Road-Continued- Tim Bennett for Brian Ciccariello-Request for Variance
4. 180 Scraggy Neck Road-Jack Gillis for Stephen Bisson-Request to amend architectural of record for cottage on property
5. Amend Stable Regulations-Discuss and Possible Vote
6. License Policy Renewal-Discuss and Possible Vote
7. State Ethics Training-Discussion
8. Approval of Minutes dated October 28, 2009
9. Other Business

Signed: *Kathy M. Burgess*
Title: Secretary
Date: November 12, 2009

cc Board of Selectmen/Town Clerk



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
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2009 DEC 11 AM 10 53
TOWN CLERK'S OFFICE
BOURNE, MASS

MINUTES

November 18, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Don Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:09 P.M.

1. **ISWM-Dan Barrett-General Update-**Ms. Peterson stated that Steve MacNally has accepted the Board of Health's invitation to sit on the landfill-working group along with Stanley Andrews and Dan Barrett. Ms. Peterson stated that she thinks the three of them together will do a fabulous job and hopefully when the group starts Mr. Barrett won't have to come to all the Board of Health meetings because he will be in constant contact with Mr. Andrews and Mr. MacNally. Mr. Barrett stated that Terafix has been putting down the flexible membrane liner on the intermediate cap project. They completed the layout of the 30 ml intermediate cap today and basically covered the South slope, the southern portion of the western slope and the entire top. Mr. Barrett stated that the wind and weather delayed them but it came out very well. Mr. Barrett stated that they do have a lot more welding to do which will probably take them to the beginning of next week. Mr. Barrett stated that that will allow them time to get out on it and put dirt on it to anchor it down. They don't want to cover the entire area and will leave some of the plastic exposed. They will build roads so they can get in and out. Mr. Barrett stated that the next step is to place the Posi-Shell, the spray on concrete, and that should be done by the end of the month. Mr. Barrett stated that he thinks they have seen some improvement in the odor issue over the last few weeks, particularly in the South end. They are still working on the well adjustment process and will continue to do that as time progresses. Mr. Barrett stated that he sent an email that day regarding the flare shutdown. Mr. Barrett stated that they have to do routine maintenance on the main blower which runs 24/7 365 days a year. They took it down today and will change the bearings in it tomorrow, which

only takes about an hour. Mr. Barrett stated that they would have the back up blower running which appears to be working fine. Mr. Barrett stated that tonight is a prime odor night because it is cold and calm. They were trying to put this off until they had better weather conditions but did not see anything in the foreseeable future. Mr. Barrett stated that they are also adding a primary scrubber to the existing gas treatment system. They will shut it down at 7:00 AM tomorrow morning and it should take about 5-7 hours. Ms. Peterson asked if it would be back on before Mr. Barrett leaves tomorrow. Mr. Barrett stated yes, they don't foresee any problems and they have made provisions if something goes wrong. Mr. Andrews asked if there was a local site they could visit to see what the Posi-Shell looks like. Mr. Barrett stated that the closest place now was in New Bedford and he can arrange it if Mr. Andrews wanted to make a site visit. Mr. Andrews asked if the Board would receive at least a week's notice before the Posi-Shell is applied. Mr. Barrett stated that yes and he would know the schedule tomorrow and would give the Board a copy of the schedule when he gets it. Ms. Peterson asked if there were any questions from the audience regarding the landfill. There were none. Mr. Barlow stated that he had taken a look and the area that was the most offensive has been covered up and it does seem to be working pretty good and hopes that whatever they have to do to it will be done by the weekend. Mr. Barlow stated that he thinks they have done a good job getting the odors under control. Mr. Barrett stated that they still have to get a lot more dirt moved up there and get it secured and tuck in the edges and then get the Posi-Shell on. Mr. Barrett stated that he wanted to give an update on the sticker policy for 2010. Mr. Barlow stated that he wanted to explain that up until seven or eight years ago all the fees policies and regulations for the landfill were developed by the Board of Health and every year the brochure with the stickers were handed out it was printed on them *Bourne Board of Health regulations for the Town landfill*. Mr. Barlow stated that they had a Selectman at that time that wanted some control over the landfill and somehow this came about. Mr. Barlow stated that he was on the Board of Selectmen at that time and the BOS approved it, which they shouldn't have done. Mr. Barlow stated that the Board of Health chairman who told him that the BOS were getting involved where they didn't belong took him aside at that time. Mr. Barlow stated that it wasn't a big issue at the time because they weren't raising any fees or making any changes at the landfill. Mr. Barlow stated that this really is a Board of Health issue and under Mass General Laws Chapter 111, Section 31, has the authority to control the fees and everything in the recycling area and the landfill. Mr. Barlow stated that after some discussion after their last meeting they are going to go back in that direction and he would like to go on with last year's policies, which are the policies they have had for years and are the Board of Health policies. Mr. Barlow stated that if there are issues the landfill would like to change they bring it to the Board one at a time so they can be discussed and can amend the regulations as time goes on. Mr. Barlow stated that tonight he thinks the Board of Health should simply change the heading on the regulations brochure to reflect the fact that they are the Bourne Board of Health ISWM recycling center regulations and fees and are adopted on this date under the authority granted by Mass General Laws

Chapter 111, Section 31. Mr. Barlow stated that these regulations and fees should remain in effect until amended or rescinded by the Bourne Board of Health. Ms. Peterson stated that she believes that is why there are so many problems because somewhere it has been forgotten that the Board of Health is the one that makes the changes and she does agree with Mr. Barlow. Ms. Peterson stated that she was not aware of the changes that had been made and would have contacted the landfill right away if she had known. Ms. Peterson stated that the fees are to be changed by the Board of Health only. Mr. Barrett stated that in defense of his department they only follow the directions they are given. The Board agreed with that. Mr. Barrett stated that they are tasked with running the facility as best they can environmentally and fiscally. Mr. Barrett stated that they only propose options and the Board either approves them or disapproves them. Ms. Peterson stated that the Board would be happy to hear from ISWM if they want to go on the next meeting agenda and explain the reasons why the fees should be changed. Ms. Peterson stated that at the moment the Board had not been given any reasons why they should be changed. Mr. Guerino stated that he does not agree or disagree with that but since he came to Bourne in February of 2005 and a year prior to that it had been standard fare that this issue came before the Board of Selectmen. Mr. Guerino stated that over the last 4 1/2 years the Board of Health has never questioned the Board of Selectmen every year it has come before them so this year they had no reason to think any different. Mr. Guerino stated that he wanted it to be understood that he is not disagreeing with the Board of Health but there was nothing done relative to policy from the Selectmen's perspective that has not been done since 2005. Mr. Guerino stated that in 2005 there was a discussion about raising the fee to \$25 a year and Mr. Lafarge moved that it be split to \$25.00 over a two-year period. Mr. Guerino stated that there is nothing on the record saying that the Board of Health had any questions with that back then. Mr. Guerino stated that he does not want the Board of Selectmen taken to task for doing something that had been standard fare for the last five or six years. Mr. Guerino stated that if this needs to go to the Board of Health he does not think the Board of Selectmen will have a problem with that but does not think that people should be chastised for following a policy that has been the case since his tenor and before his tenor. Mr. Barlow stated that the Board of Health has the authority and the responsibility and when something goes wrong at the landfill the Board of Health takes the whipping. Mr. Barlow stated that when the fee structure came up the last time it was doubled it was put on the Board of Health not the Board of Selectmen. Mr. Barlow stated that Mark Tirrell and Bill Griffin came to the BOH and explained why they wanted the fee to go up and the BOH raised it and they took severe criticism for it and eventually the BOS took it and doubled it into two years because people thought it was a lot of money. Mr. Barlow stated that he thinks it should be put back to the BOH where the authority is. The State gives the BOH the authority to set the fees. Mr. Barlow stated that he is probably the most responsible because he sat on the Board of Selectmen knowing it should have been with the BOH but he could not have gotten three people to vote with him at that time. Mr. Barlow stated that this is the first significant change there has been. Mr. Guerino stated that understanding the

statutory responsibility the BOH depicts here this evening and since the BOS has been doing it rightly or wrongly he would suggest that the BOH ask for a declaratory opinion from Town Counsel to affirm what the Board of Health knows. Mr. Barlow stated that he would ask Mr. Guerino under what authority have the BOS generated the regulations. Mr. Barlow stated that they are not regulations but policies. Mr. Guerino stated that it is not something he has ever looked at because it has always been done that way. Mr. Barlow stated that they are the BOH regulations and the Selectmen have attached their name to the BOH regulations before Mr. Guerino came to Town and the fact is that nothing has changed for several years. Mr. Barlow stated that now there are big changes and the BOH is not going to sit back and let that happen. Ms. Peterson stated that she does not need to hear from Town Counsel on this because it is under the Board of Health authority but if Mr. Guerino wanted to contact Town Counsel he could. Mr. Barlow stated that they certainly don't want to embarrass anyone but the fact is that the proposed changes are significant and if the Board of Health doesn't step up who will? Mr. Guerino stated that for the record he would just affirm it with Town Counsel. Mr. Barlow stated that this is nothing against this Board of Selectmen or the Town Administrator. Mr. Guerino stated that he understands this and that they were just following a policy that had been in place for at least five years. **Mr. Barlow made a motion that the Bourne Board of Health ISWM Recycling Center Regulations and Fees are adopted on November 18, 2009 under the authority granted by Mass General Laws Chapter 111, Section 31. These regulations and fees shall remain in effect until amended or rescinded by the Bourne Board of Health.** Ms. Peterson stated that Mr. Barlow has made notations on the ISWM brochure as to how it is to be written up. Mr. Barlow stated that on the brochure he has marked that the price for the compost bin has been raised to \$25.00 and \$7.00 for the recycling bin because the cost on those bins had gone up. **Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Peterson asked if the landfill wanted to be put on a future agenda to discuss the landfill fees. Mr. Guerino suggested that they wait until they get the opinion from Town Counsel. Mr. Barrett stated that their problem is timing. Mr. Barlow stated that the Board of Health regulations do not expire. Mr. Barlow stated that they stand until they amend them or rescind them and the landfill should note that on the printing of the brochures. Mr. Goddard stated that the stickers are annual stickers and usually go on sale mid-December. If there are logistical issues then they can allow the 2009 stickers to be valid for an extra month. Mr. Barlow stated that they should not date the new ones that are printed because they have not changed their regulations for ten years so there is no sense printing a new color every year. Ms. Peterson stated that she understands their point and realizes the landfill did not know this would come under the Board of Health but it is the end of November and they should have come before the Board of Health a month ago to discuss this. Mr. Goddard stated that they would have an amended draft for the meeting December 9th for the Boards approval. Mr. Guerino stated that all of the Board of Selectmen are new within the past few years and they were just following what they thought was procedure. Mr. Barlow stated that he understands that and has discussed this

many times with one of the selectman. Mr. Barlow stated that increasing the fees is a very touchy subject right now in Town. Ms. Peterson stated that maybe down the road the Board will agree with the increase but they have to look at it first.

2. **Pocasset Mobile Home Park-Update for Residents**-Ms. Coffin stated that she does not have any updates in writing and does not believe that there are any residents from the Park in the audience tonight. Ms. Coffin stated that she did another inspection about three weeks ago and the pits are about the same. Ms. Coffin stated that they think there might be some root blockage in the pipe leaving the tank. They pumped everything out and rechecked it and it was about the same. Ms. Coffin stated that she has talked to the DEP and the Attorney General's office and they have asked her to keep them updated. Ms. Coffin stated that she asked the AG's office if they could take the money that is in escrow and order Mr. Austin to fix the pipe but after some research the AG's office felt that it was outside of the language of the injunction. Ms. Coffin stated that the money in the escrow account is just for pumping. Ms. Coffin stated that they are still slowly progressing with the summary judgment. Ms. Coffin stated that she is not receiving any complaints from the residents and would love to have pictures from them for the court case. Ms. Coffin stated that there was a backup in one of the distribution boxes a few weeks ago and Mr. Damon snaked the line and it was fine. Ms. Coffin stated that she told the AG's office that the Board was very interested in sitting down with them and discussing this. Ms. Coffin stated that it is a little complicated but the AG's office are basically the attorneys for DEP and that Ms. Coffin is a witness for DEP so they do not feel comfortable talking about it with the Board. Ms. Coffin stated that DEP recommended that the Board of Health do a local order on repairing a pipe if the tanks are full or there are backups but they would rather the Board does not address the wastewater treatment plant or the Park's license. Ms. Coffin stated that she is frustrated because the State has taken over the project because of the gallonage but now there are little things that need enforcing and they hand it back to the Board of Health. Ms. Coffin stated that they could also do some enforcement under the Housing Code. Ms. Coffin stated that under the injunction they can snake the lines and can do the pumping if things overflow. Ms. Coffin stated that her fear is that this will not be resolved until there is something on the ground, which is what she does not want to happen. Ms. Coffin stated that she is hoping that something will be filed by the first of the year.
3. **55 Head of the Bay Rd-Continued-Tim Bennett for Brian Ciccariello-Request for Variance**-Mr. Bennett stated that this proposal is for a single three bedroom home on a half acre lot that is adjacent to a cranberry bog therefore nitrogen sensitive. Mr. Bennett stated that the last time they were before the Board they had asked him to revise the plan and tweak the system location to get it as far away as possible from the cranberry bog. Mr. Bennett stated that he has gotten it 84 feet away with the leaching system and the reserve area is 83 ft away. Mr. Bennett stated that they were 76 feet away before. There was general discussion regarding the plans. Mr. Barlow stated that this is normally more than

they would allow on a lot like this but Mr. Bennett has gone to the extreme to address the issues. Mr. Barlow stated that normally the Board would have gone for a two- bedroom home rather than a three but Mr. Bennett has gone the extra mile. The Board agreed. **Mr. Barlow made a motion to approve the variances requested for 55 Head of the Bay Road. 83 feet from the required 150' setback was requested; a variance of 67'. 5 feet from the minimum setback distance CMR 15.211 is requested from the required 10 feet; a variance of five feet. There will be a three-bedroom deed restriction on the house. The on site sewage disposal plan is dated revised November 12, 2009 by Bennett Engineering. The Bourne Board of Health received the architectural on November 12, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

4. **180 Scraggy Neck Road-Jack Gillis for Stephen Bisson-Request to amend architectural of record for cottage on property-**Mr. Gillis stated that on April 23, 2003 a 12-bedroom system was approved and installed. On October 14, 2008 approval was granted for the 9-bedroom main house and 2-bedroom cottage. On November 14, 2008 approved a new set of drawings showing 7 bedrooms in the main house and a two-bedroom cottage for a total of 9 bedrooms. Mr. Gillis stated that he would like to request the articles of record be approved for 6 bedrooms in the main house and three bedrooms in the cottage for a total of 9 bedrooms that will be supported by the previously approved 12 bedroom septic system. Ms. Coffin stated that she has gone over the plans with Mr. Gillis in the office and he has done a good job summarizing all the plans. Mr. Gillis stated that the Board has already approved the main house for six bedrooms and the changes are in the cottage with a three- car garage with three bedrooms above it. Mr. Gillis stated that the property will stay within the family and will not be rented out and they would be willing to support that with documentation at the registry of deeds if the Board would like them to. Mr. Gillis stated that it is all the same property even though there are two addresses. **Mr. Barlow made a motion to accept the amended request for architectural record to be amended at 178, 180 Scraggy Neck Rd. Received by the Bourne Board of Health on November 6, 2009. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
5. **Amend Stable Regulations-Discuss and Possible Vote-** Ms. Coffin stated that August 26, 2009 over a period of two – three months she had rewritten the stable regulations and Mr. Lopes came in to the office after that and had requested that the Board of Health reconsider these changes as he has a potential problem with a neighbor possibly having a barn. Ms. Coffin stated that the regulation themselves have stayed the same but she included an application for any license should include a two scale plan of the house lot, stable pasture and all setback distances clearly designated on said plans including setback to lot lines and abutters dwelling. Ms. Coffin stated that she also added that licenses would be limited to two horses per lot unless written approval is obtained by the Bourne Board of Health after a public hearing with notice to all direct abutters. Ms. Coffin stated

that after discussing it with Ms. Peterson they decided that anyone requesting a stable should come for a hearing before the Board of Health. There is not that many and even if they meet the setbacks there is still an opportunity for any abutter to come in and voice their concerns. Ms. Coffm stated that the regulation would state that any applicant for a stable/barn license must request a hearing before the Board of Health with proper notification of abutters whether or not all setbacks of this regulation can be met. Ms. Coffin stated that this would only be for any new stables or barns. Ms. Coffin stated there are about 25 existing stables right now. Paul and Marilyn Lopes stated that they live on County Road where they have a situation that has developed over the last three years. Mr. Lopes stated that one of his neighbors has ignored some of the existing Board of Health regulations on another issue and when they realized that the horse regulations had changed they were shocked to learn that their neighbor could have horses right next door to their house. Mr. Lopes stated that he has worked for the University of MA for thirty years as an agricultural extension specialist and they deal with stable and horse problems that come up from time to time. Mr. Lopes stated that the changes that were made in the regulations were pretty dramatic. Mr. Lopes stated that the Board has separated the barn and the corral from the stable itself that a lot of Towns do not do. Mr. Lopes stated that the setback is 100' from an occupied dwelling but the pasture and paddock can be within 50 ft. from an occupied dwelling which was changed from 200ft. Mr. Lopes stated that the property line setback went from 50 to 15 and there was no limit on the number of horses until hearing the change tonight and there was no minimum lot size. Mr. Lopes stated that most importantly there was no definition from what is a private and a commercial stable. Mr. Lopes stated that a lot of people board horses at their stables due to expense and then it becomes a commercial enterprise and he is concerned that that will take place in his residential neighborhood within 50 ft of his bedroom window. Mr. Lopes handed the Board Members a fact sheet that is available in his office concerning the manure problems and water quality and how much manure one horse generates. Mr. Lopes stated that in one ton of manure there could be 11 pounds of nitrogen and two pounds of phosphorous. Mr. Lopes stated that the Board of Health should be looking at some of the public health issues associated with horses. Mr. Lopes stated that the traditional buffers that existed that were 100 or 200 ft are good buffers to keep separated from the neighbors but now it's 50 ft or as little as 15 ft and that is a big concern to him and is asking the Board to reconsider the setbacks. Mr. Barlow stated that they appreciate Mr. Lopes coming in and the Board would take some time and consider his thoughts. Ms. Peterson stated that they should adopt the changes tonight and maybe in January consider the points that Mr. Lopes brought up. Ms. Peterson stated that she is concerned with the licenses coming up and doesn't want to see someone slip in and receive a license without coming to the Board of Health first. Mr. Andrews stated that the Board of Health has had several meetings to get to this point and wouldn't be able to address the setback concerns at this meeting. **Ms. Peterson made a motion to accept the stable regulations changes as presented tonight. At its regular meeting on November 18, 2009 the Bourne Board of Health, Pursuant to Massachusetts General Laws,**

Chapter 111, Section 31 and Section 155, voted to amend its existing Horse and Ponies (Stable) regulations dated August 26, 2009 with the following: *Application for the license shall include a to-scale plan of the house lot with stable, pasture and all setback distances clearly designated on said plan, including setback to lot lines and abutter's dwellings. Any new applicant for a stable (barn) license must request a hearing before the Board of Health, with proper notification of abutters, whether or not all setbacks of this regulation can be met. Licenses will be limited to 2 horses (ponies, etc.) per lot, unless written approval is obtained from the Bourne Board of Health after a public hearing with notice to all direct abutters.* Mr. Andrews seconded the motion. **All in favor and the motion PASSES.** Ms. Peterson stated that they could put this on the agenda for January to discuss the information that Mr. Lopes has provided. Ms. Peterson stated that she would like to take a look at the setbacks in Plymouth, Pembroke and Hanover. Ms. Coffin stated that she just wanted the Lopes to know that the regulations that existed before in almost every instance variances were granted coming right up to the lot line. Ms. Coffin stated that it should go on a case by case basis if they come before the Board of Health before receiving a new license and then any neighbors could express any concerns they may have. Ms. Coffin stated that the manure is not allowed to be kept on the premises so there should not be a nitrogen issue. Ms. Coffin stated that they have spent a lot of time working on the regulations and these three additions to the regulations will offer more protection. There was general discussion between the Lopes and the Board members regarding the possibility of their neighbors getting horses. Ms. Coffin stated that that is why this regulation will give the Lopes the opportunity to come in and go over the plans and discuss it with the Board of Health before the license is issued. Mrs. Lopes stated that her neighbor is running a kennel without a permit and is concerned she will do the same thing with horses. Ms. Coffin stated that the kennel is under the zoning jurisdiction. Mr. Gene Witcher, County Rd, asked if the Board of Health oversaw the regulations regarding a kennel. Ms. Coffin stated that if a determination is made by the building inspector and the appeals board makes a decision and grants someone a kennel license they have to run that kennel by the Board of Health kennel regulations. Ms. Coffin stated that she cannot enforce the kennel regulations against their neighbor because legally she does not have a kennel and it's up to the building inspector to shut her down from operating a kennel that she should not have. There was general discussion regarding the problems the neighbors are having regarding the barking dogs and the number of dogs that are in the house. Mr. Lopes stated that Tim Mullen, Dept of Natural Resources, has been very helpful but no one in the system seems to be able to do anything about their neighbors dogs. Ms. Coffin stated that the building inspector is trying to get her before the appeals board to get a kennel license, which she refuses to do. Ms. Peterson stated that maybe they should call the Board of Health when the neighbors know there is more than three dogs in the house. Ms. Coffin stated that it is not up to the Board of Health. Ms. Coffin stated that the zoning regulations state that you have to have a kennel license if you have more than three dogs so that is when the kennel regulations kick in. Ms. Coffin stated that she has been

out there before and was told that the dogs were not hers. Ms. Coffin stated that she could document the complaints but still feels that the building inspector has to do something about it. Mr. Barlow suggested the neighbors call the MSPCA because Ms. Coffin has so many other health issues in town and not enough staff to investigate every complaint about the dogs. Ms. Peterson stated that if this neighbor does come before the Board of Health to request a stable license all these complaints regarding her dogs would be taken into consideration before granting her a license. Ms. Peterson stated that they would put this discussion on the agenda for January 27, 2009.

6. **License Policy Renewal-Discuss and Possible Vote-**Ms. Peterson stated that *Starting with 2010 license renewals those requesting a license that have not been in compliance for a period of 6 months or more will need to come before the board for a hearing. In doing this the board will be able to determine when the licensee will be in compliance before the license is renewed.* Mr. Andrews stated that he thought six months was a long time when they can have an establishment before the board at any time if there are problems. Mr. Barlow stated that he does not have a problem with this policy as it is not specific and does not preclude them from bringing anyone in at any time. **Mr. Barlow made a motion to accept the policy beginning with the 2010 license renewals that any business that has not been in compliance with the Board of Health rules and regulations will have to come before the Board of Health for a hearing. In doing this the Board will be able to determine when the licensee will be in compliance before the license is renewed. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Coffin stated that there are not any restaurants out of compliance at this time. Ms. Coffin stated that the Pocasset Mobile Home Park could be an issue with licensure. Ms. Peterson stated that Mr. Austin and his attorney need to come before the Board of Health in January. Mr. Barlow stated that the policy does not say they have to be in compliance but says that in doing this the Board will be able to determine when the licensee will be in compliance before the license is issued. Mr. Barlow stated that they are going to allow them to tell them when they are going to be in compliance and hopefully that will do something. Mr. Gately asked if Mr. Austin along with his representative would have to come before the Board before he gets a license to operate for 2010. Ms. Coffin answered yes. Mr. Gately asked what would happen if a restaurant owner did not appear before the Board of Health. Ms. Coffin stated that you could revoke or suspend a license with a hearing. Mr. Barlow stated that if they determine that it is a public health issue they could stop it. Mr. Barlow stated that if DEP tells them they can do something about fixing a line at the Park they will but the Board does not want to do anything to interfere in the case against the Park. Ms. Coffin stated that the AG's office has told her that they do not want the Park without a license. Ms. Coffin stated that she believes she has an email from the AG's office that says that they would prefer that Board of Health not take action.

7. **State Ethics Training**-Ms. Coffin stated that everyone on a Board and all staff members have to review the mandatory training which can be done on line through the ethics commission. Ms. Coffin stated that when the board members get their certificates to submit them to her so the office could turn them into Barry Johnson in the Town Clerks office.
8. **Approval of Minutes dated October 28, 2009**-Mr. Andrews made a motion to **APPROVE** the minutes dated October 28, 2009. Mr. Barlow seconded the motion. All in favor and the motion **PASSES**.
9. **Other Business**-Mr. Andrews stated that he stopped by the H1N1 Clinic last week and it was very well organized and wanted to thank Ms. Coffin and the office staff for all their help in putting it together. Ms. Coffin stated that there will be another one scheduled for December 12, 2009 and will be extended to children 2-18 and high risk adults and will also include the children from the first clinic that require a second dose. This clinic will also include all the Bourne schools including the Upper Cape Tech.

Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES. The meeting adjourned at 8:51 PM. The next meeting is scheduled for December 9, 2009.

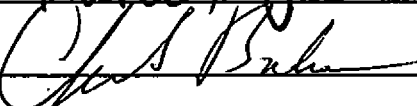
Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the Bourne Board of Health

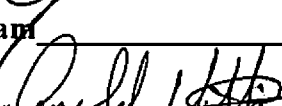
Kathleen Peterson



Galon Barlow



Donald Cunningham



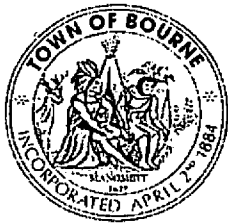
Donald Uitti



Stanley Andrews



cc town clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

December 2, 2009

Time:

7:00 P.M.

Place:

Selectmen's Meeting Room
Bourne Veterans Memorial Building
Community Center
239 Main St.- Buzzards Bay

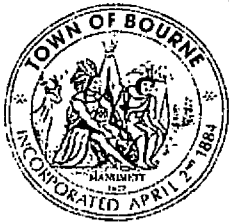
AGENDA ITEMS:

1. ISWM – Discuss and Possible Vote regarding all relative ISWM issues

2009 NOV 27 AM 11 10
TOWN CLERK'S OFFICE
BOURNE, MASS

cc Board of Selectmen/Town Clerk

Signed: *Cynthia A. Coffin*
Title: Health Agent
Date: November 26, 2009



**TOWN OF BOURNE
BOARD OF HEALTH**
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Buzzards Bay, MA 02532
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Cynthia A. Coffin,
Health Agent

MINUTES
December 2, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Don Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent and Kathy M. Burgess, Secretary

Call to Order: Meeting called to order at 7:00 P.M.

ISWM-Discuss and Possible Vote regarding all relative ISWM issues- Ms. Peterson stated that this was going to be a brief meeting to discuss a few items relative to the landfill. Ms. Peterson stated that she wanted to say right up front that some people may have been upset thinking they were not invited to the meeting. Ms. Peterson stated that she wanted to make a formal invitation to anyone that wants to attend any of the Board of Health meetings that pertain to ISWM. Ms. Peterson stated that these are public meetings and are posted and she does not believe that the Board has never not recognized any other Boards and welcomes them to any Board of Health meeting. Ms. Peterson stated that the office should continue to send the agenda to the Selectmen and include the planning board as well. Mr. Andrews stated that when the BOH met with the BOS about a year ago it was decided then that ISWM would be on the agenda for every BOH meeting. Ms. Peterson stated that she just wanted everyone to know that anyone is welcome at any meeting to speak or voice any concerns they may have. Mr. Barlow stated that he had made two requests of Town Counsel because there had been some consideration as to who has oversight over the landfill. Mr. Barlow stated that he had submitted two questions from Town Counsel. Mr. Barlow stated that one of the questions was whether the BOS have the authority to change Board of Health regulations and the other was what is the proper statute to authorize the Board of Health to set rates, amounts, and conditions when establishing landfill regulations. Mr. Barlow stated that the Board of Health goes under Chapter 111, Section 31, which is what they have always gone under and he just wanted an answer from Town Counsel reiterating that that's the one they should go under. Mr. Barlow stated that he has some concerns but would let Mr. Barrett give the Board his update first. Mr. Barrett stated that they had received 5 complaints on November 19, 2009 pertaining to odors the night of November 18. The outage of the gas

recovery system he mentioned at the last meeting was successful but went two hours longer than planned. It took approximately two days for the system to recover. Mr. Barrett stated that Ms. Coffin suggested that the next time they do something like that she could help by using the reverse 911 systems to notify the neighbors as to what is going on and how long it will last. Mr. Barrett stated that they are also developing an email list for the same purpose. Mr. Barrett stated that they also received a complaint for the Cotuit Rd area on Saturday November 21, 2009. They made adjustments to the system and contained the problem. Intermediate Cap project-Mr. Barrett stated that the installation of the 30 ml. HDPE intermediate cap is complete. They have been focusing on soil placement over the cap as ballast and as road base. Mr. Barrett stated that the Posi-Shell equipment began arriving on site late last week. Mr. Barrett stated that the staff is adequately trained and they started spraying today. Mr. Barrett stated that they have more dirt work to do and have to put in some inversion burms for erosion control. Mr. Barrett stated that the good news is that they were able to get the Posi-Shell in early but the bad news is that they are not quite ready for it yet. Ms. Peterson stated that she just wanted to let them know that they have done a really good job at the landfill in the last few weeks. Mr. Barrett stated that they had received some results from the well tech and Brian Stuever of Joyce Engineering. Mr. Barrett stated that they had gone over them and things were looking better. Mr. Barrett stated that there was a hint of an odor this morning north of the gate along route 28. Mr. Barrett stated that they went out and made some adjustments. Mr. Barlow asked if the odor was hydrogen sulphide. Mr. Barrett answered that it was just straight landfill gas and was not out of the problem area. Mr. Barrett stated that the Board of Health had formulated the working group or oversight group at the last meeting. Mr. Barrett stated that Mr. MacNally and Mr. Andrews came up on the 24th and sat down with him and Mr. Andrews laid out what it was the Board wanted to accomplish. Mr. Barrett stated that it was a good meeting. Mr. Barrett stated that Mr. Andrews met with Mr. Guerino who was happy with the results and information Mr. Andrews had given him. Ms. Peterson asked why Mr. Andrews passed along information to Mr. Guerino from a Board of Health oversight group meeting before giving it to the Board of Health. Mr. Andrews stated that he went to get the forms that he needed to fill out to get an interpretation from Town Counsel. Ms. Peterson stated that she would prefer to see the landfill oversight group move forward instead of involving themselves in the political end of it because that is being taken care of as they speak through Town Counsel. Ms. Peterson stated that they could discuss at the next meeting what the oversight group thinks about the Joyce Engineering report and what they like about it and what they would like to see the Board of Health adopt from that report. Ms. Peterson stated that Mr. Andrews is very familiar with it and Mr. MacNally has also read it from cover to cover. Ms. Peterson stated that she thinks there are things in there that could help the landfill move forward. Mr. Barlow asked if Mr. Andrews had requested an opinion from Town Counsel. Mr. Andrews stated that he just requested the forms so they could fill them out. Ms. Peterson stated that she just wants to make sure they follow the procedures correctly. Mr. Barlow stated that if the Board is in a dispute with the Town Administrator you don't have to get permission from the Town Administrator to request something from Town Counsel and if you can't get to Town Counsel then you go to the Attorney General. Mr. Andrews stated that he agreed with Ms. Peterson's recommendation to go over the Joyce report. Mr. Barrett agreed as well. Ms. Peterson

stated that the landfill has been stagnant for so long and that the landfill is worth too much and has to move forward. Mr. Barlow stated that his interpretation of the working group was that the first thing they were going to look at was that they would not create another cell next to the cell that is the problem cell. Mr. Barlow stated that that issue should be addressed first to find out what the problem was. Mr. Barlow stated that there was a lot of speculation that it was gypsum but that is only speculation and there were other problems involved and they should find out exactly what went wrong in that cell and devise a plan not to do it in the next cell because the community won't put up with this for another seven years. Mr. Barlow stated that people have had it and would have no problem paying \$100.00 and sending it to SEMASS. Mr. Barrett stated that that is what they discussed at the meeting on the 24th. Ms. Peterson stated that she would like to see Mr. Barrett relieved of having to constantly come to the Board of Health meetings and going over with 25 people what is happening at the landfill. Ms. Peterson stated that Mr. Andrews loves the landfill and Mr. MacNally is a great addition to the group. Mr. Barrett agreed that it is a good oversight group. Mr. Barlow stated that he wants to address the confusion issue because some people call it the recycling area but it is not the recycling area. Mr. Barlow stated that it is the residential drop off area. Mr. Barlow stated that it is the disposal area for people who don't have free trash pickup like people who live in condos and townhouses. Mr. Barlow stated that it is the residential trash disposal site, which should be reflected on the sign as you are going in. Mr. Barlow stated that where it says *Town Of Bourne Recycling Area* it should say *Town of Bourne Residential Disposal Area or Residential Drop off Area* so people understand that that is not just for recycling. Mr. Barlow stated that it is where people dispose of things, especially paint and batteries and refrigerators. Mr. Barlow stated that if it is an issue of too many televisions or refrigerators rather than charge everyone more money it would be wise to limit the items coming in. Mr. Barlow stated that it was not fair to tell residents that they can only bring in two batteries but CBS disposal that comes in the gate on the other side may dump five or six batteries out of their dumpster every day. Mr. Barrett stated that DEP has a pretty extensive wasteband program. Mr. Barlow stated that he saw someone today put a battery in a dumpster on a truck that was going to Bourne. Mr. Barrett stated that they have to pick them out. Mr. Barlow stated that it defies logic to charge people that live in this Town more money but say that the people in Wareham that come in commercially get one third off. Mr. Barrett stated that they get charged by the item. Mr. Barlow stated that they lowered the rate of commercial tonnage across the scale by approximately one third from what it was last January. Mr. Barrett stated that was for regular trash but they didn't drop any rates on the wasteband items so they get charged every time a battery comes out. Mr. Barlow stated that that is if they get caught. Mr. Barlow stated that the sign should reflect that it is the residential drop off area and that it should say Bourne Board of Health and have the Board of Health's phone number as well. Mr. Goddard asked if they wanted to call it the Residential disposal area or drop-off area. Mr. Barlow stated that it should reflect either drop-off or disposal. Mr. Barrett stated that they refer to it as the drop-off center internally. Mr. Barlow stated that he was at the landfill today and saw that someone had dropped off a bunch of mattresses and they might want to limit them to one a trip. Mr. Barrett stated that it is \$15.00 a mattress. Mr. Barrett stated that they do not charge the residents who come into the drop-off area only someone commercially is charged. Mr. Barlow stated that if it is an issue then they should just limit the bulky items

to one per trip. Mr. Goddard stated that they didn't want their employees to be in a confrontational situation with people at the gate about how much they are bringing in. Mr. Barlow stated that if people are warned and they continue to bring too many items they should take their sticker off and tell them to come to the Board of Health. Mr. Barlow stated that they have the authority to take the permit off. Mr. Barrett stated that they are tasked with operating the facility as efficiently as they can and will change whatever the Board would like them to. Mr. Barrett stated that it is not that simple on a Saturday when many residents are dropping off items to tell them they have too many items. Mr. Barlow stated that they cannot have people bringing in refrigerators from other towns. Mr. Barrett stated that the sticker plan they had come up with giving people two stickers for two items was a pretty good one. Mr. Barlow stated that most people did not agree and the Board might just want to say a certain amount each visit. Mr. Goddard stated that that would create innumerable confrontational situations and put too much stress on their staff on the weekends. Mr. Goddard stated that he thinks they can set a reasonable limit per item per year, which would work much better. Mr. Barlow stated that they might be able to look at that further down the road but what they have been doing now has been working very well because you don't find furniture or mattresses tossed on the side of the road. Ms. Peterson asked how much it cost the landfill to get rid of a refrigerator that is dropped off. Mr. Barrett stated that it was about \$20-\$25 by the time they handle it and remove the CFC's. Ms. Peterson stated that she is trying to figure out why they want to raise the fees. Mr. Barrett stated that in fiscal year 2010 they budgeted \$20,000 to get rid of electronics and CRT's thus far into less than half the year they have already spent \$33,000. Mr. Barrett stated that they budgeted \$10,000 for freon removal of white goods and are already at \$10,270. Ms. Peterson asked why they budgeted so low. Mr. Barrett stated that they go by the best estimate and commodities change day to day. Mr. Barrett stated that they are doing pretty good on tires. They budgeted \$10,000 and are at \$6,700. Mr. Goddard stated that they have seen a huge influx in the last few years on TV sets because of the new flat screen models and there are probably a lot of people that bring the sets down here from other Towns to get rid of them. Mr. Barrett stated that he does not want his staff in confrontation with any residents at the gate. Mr. Barlow stated that the regulations were written in the first place to get people to bring their things to the landfill rather than drop them off in Monks Park or in the Town Forest. Mr. Barlow stated that people are voluntarily bringing their things to the landfill and he does not want to charge people more for doing something good. Ms. Peterson asked how many refrigerators are coming in from other towns that are changing the figures in the budget. Mr. Barrett stated that they don't track the refrigerators that they pick out of the trash coming in. Ms. Peterson stated that that could mean that it isn't just from residents. Mr. Barrett stated that he doesn't have any hard data on it with him but maybe about 150. Mr. Andrews asked if when restricted wasteland is dumped do they charge the hauler. Mr. Barrett answered yes and the guys will call in on the radio and say what they had which goes into the scale and is typed in and logged into the computer. Mr. Barlow stated that if Mr. Barrett is happy with the way things are then they do not have a problem with keeping it that way. Mr. Barlow stated that if they want to come back during the year and try to adjust one thing at a time rather than trying to do everything in one night that would be fine. Mr. Barlow stated that the Board likes to have some time to think things over before a decision is made. Ms. Peterson stated that she still does not understand how they

can be so far off the budget from last year. Mr. Barrett stated that he can provide them with the figures but they were trying to reduce what they call leakage. Mr. Barrett stated that when he came there 10 years ago it was a free for all and there were things getting dumped up there all the time. Mr. Barrett stated that they worked really hard at it for two or three years and soon it was manageable. Mr. Barrett stated that part of the structure was to try and reduce some of the leakage by issuing tickets. Mr. Barrett stated that if they gave someone four tickets and he has his tires changed and brings up four tires. Mr. Barrett stated that he wasn't sure how many times a person would replace any of the items on the bulky items list and that is what they are trying to reduce. Mr. Barrett stated that maybe it is not a good idea and if the Board of Health doesn't like it they will back away from it. Mr. Barlow stated that they would ask him to back away from it for now and bring it back as one item per agenda to a future meeting. Ms. Peterson stated that obviously they have a reason for going to the BOS to have the fees raised. Ms. Peterson stated that she has never heard the exact reason and are not there to oversight their financial end but it is all very clear that all of this comes under the Board of Health. Ms. Peterson stated that all of this comes under site assignments, which comes under the Board of Health. Mr. Barlow stated that it is all in the 2009 Guidebook that the Board had received. Ms. Peterson asked what they are losing the most money on right now. Ms. Peterson stated that they cannot just raise everything and people would expect a small increase of maybe \$5.00 now and then but they do not expect double. Mr. Barrett stated that they have revamped their accounting to get a better handle on what's going on and recyclables is hurting them. Mr. Barrett stated they are in no way ready to back away from that but are trying to balance things out a little. Mr. Barrett stated that they would like to raise the rates to reduce their expenses but also to maybe deter people from bringing the extra items in. Mr. Barrett stated that he does not want people to leave things on the side of the road somewhere either but to watch people come in with three or four refrigerators at a time is frustrating. Ms. Peterson suggested that if people come in with extra items like that they are told that the first one is free but the others they have to hand over a check right then and there. Mr. Goddard stated that the policy from 2009 was from eight years of experience of trying to strike a balance between the best host services for residents and running a facility. Mr. Goddard stated that he would rather leave things as they are than to try and get into midstream adjustments and confusion at the gate. Mr. Goddard stated that they have tried to track down where people are coming from when they bring in, for example, seven computers but don't have the time or the staff to get into confrontational situations. Ms. Peterson stated that after the odor issues the residents have put up with for a year doubling the fees just doesn't make sense. Mr. Barlow stated that everyone is aware that last year there was nothing coming into the landfill because the fees were too high before the Board of Health lowered it considerably. Mr. Barlow stated the Town gets the \$4.00 off the top as the community host fee whether or not its \$30.00 or \$60.00 a ton. Mr. Barlow stated that its not fair to the residents to double their fee and then tell them they cannot come to the landfill on Tuesdays but the commercial haulers can. Mr. Barlow stated that he lived in the Town when they had dump stickers and it cost a lot more money to send the guys out from DPW to clean up the things thrown by the side of the road than it does to handle it at the landfill. Mr. Barrett stated that they would retract their request and leave things as they are. Ms. Peterson stated that she is more than willing to discuss why they would like to raise the fees at the next

meeting. Ms. Peterson stated that she would not be opposed to a small increase if that would help them. Mr. Barlow stated that the definition of fees that they have to work from by law is *such fees that are distinguishable from taxes in that they are charges in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of society*. Mr. Barlow stated that the fee that they charge couldn't be tied to disposal of commercial refrigerators or commercial batteries or any of those types of items. Mr. Barrett stated that last year they collected on 5900 tickets, \$84,000, and spent \$267,000 in labor to man the facility. Ms. Peterson stated that these are the figures that the Board would like to see so they can understand why they want to raise the fees. Mr. Goddard stated that it is not financially solvent in and of itself and it is not their intention to do so. Mr. Goddard stated that they are an enterprise fund and do not rely on the tax base and have to make it work within their revenues and are trying to balance it all out. Mr. Goddard stated that they just had a major budget reduction and it is their job to try and make it work. Mr. Goddard stated that if they add up all the direct labor and expenses it is clearly not financially solvent for that particular operation and costs them way more to run it but it is a benefit for the residents. Mr. Barlow stated that ISWM has spent the whole year dealing with odor problems and has had a double crew running and it has cost them a lot of money to do that. Mr. Barlow stated that he understands that the odors are a big issue but does not think the residents are willing to give up the residential disposal area. Ms. Peterson stated that she would like to know what other towns charge to drop off bulky items. Mr. Barrett stated that he would get that information to the Board Members. Ms. Peterson stated that she would like them to be able to come in and request an increase but have everything in front of them in black and white so they can discuss it. Mr. Barlow stated that residents would not be happy with any type of increase right now. Mr. Barlow stated that the Board would like them to get some signage to reflect the Board of Health phone number and that it's a residential drop off area. Mr. Barlow stated that they also need a report on the bugs that were put into the cell as to what actually happened. Mr. Barlow stated that they would like a general outline of what was put in there and what the results were so it can be put in the Board of Health records to cover the last year and a half of what has been going on. Mr. Barlow stated that they would need a solid outline of what took place to get rid of all the speculation because they were told that it was a patented process and a patent had been applied for. Mr. Barlow stated that he doesn't care if a patent had been applied for or not but the fact is the Board of Health has to know what happened on that site because it is an environmental issue. Mr. Andrews stated that the facility was referenced in the Joyce report as an innovative facility. Mr. Andrews stated that he would like to see the information on the other innovative technologies that are used such as the sulphur scrubber. Mr. Andrews stated that it was his understanding that it was a one of a kind thing that no one else has and the Board of Health should have the information. Ms. Peterson stated that that information does not have to come to them by the December 9th meeting but maybe by the last meeting in January or the first meeting in February. Mr. Goddard stated that they would be meeting with the vendor on Friday and they could prepare something for the Board. Mr. Barlow stated that he knew they were upgrading their computers at ISWM and wondered what they would be doing with their old monitors. Mr. Goddard stated that they would hang on to them for a while until they figure out what their staffing needs are. Mr. Goddard stated that when and if they decide

that they are no longer needed they will be recycled at the drop off area. Mr. Barlow stated that the Board wanted to thank Mr. Barrett and Mr. Goddard for coming in to the special meeting but they wanted to establish some framework because there has been a lot of confusion recently. Mr. Barlow stated that he realizes that it's hard on ISWM hearing from all these different sources but the Board of Health wanted them to know the direction they need to move in for safety, environmental and public health reasons and that is why they are here tonight. Mr. Goddard stated that he wanted to thank the Board for the opportunity to work with the oversight group. Mr. Barlow stated that both he and Ms. Peterson would participate in that group from time to time as well. Ms. Peterson stated that she did not receive notification of the last meeting but would like to be notified of any future visits they will be making to the landfill so she can arrange to go. Ms. Peterson stated that they should take advantage of the knowledge that Mr. MacNally has but he will not want to waste his time and he will want to get in there and get things accomplished.

Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the meeting was adjourned at 8:04 P.M. The next meeting is scheduled for December 9, 2009.

Taped and Typed by Kathy M. Burgess for the Bourne Board of Health

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

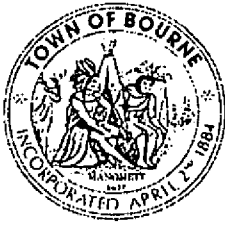
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

December 9, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

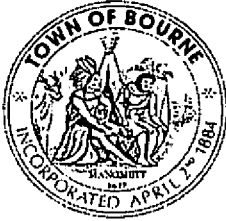
2009 DEC 3 PM 2 12
TOWN CLERK'S OFFICE
BOURNE, MA

AGENDA ITEMS:

1. ISWM-General Update
2. Pocasset Mobile Home Park-Update for Residents
3. 38 Wianno Road-Daniel Aguiar for Richard Mastria-request to use existing septic system for addition
4. VFW-180 Shore Rd-Charlie Miller or Warren Silva-Update on proposed upgrade
5. 7 Bennets Neck Drive-Don Bracken for John McLaughlin-Request Variance
6. Jerry O'Brien, WERC. LLC- Informal discussion on proposal for public, private, partnership with ISWM
7. Approval of Minutes dated November 18, 2009
8. Other Business

cc Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: December 3, 2009



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
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Cynthia A. Coffin,
Health Agent

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

December 9, 2009

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AMENDED AGENDA ITEMS:

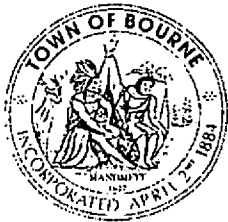
1. ISWM-General Update
2. ISWM-Discuss & Possible Vote Regarding additional ash
3. Pocasset Mobile Home Park-Update for Residents
4. 38 Wianno Road-Daniel Aguiar for Richard Mastria-request to use existing septic system for addition
5. VFW-180 Shore Rd-Charlie Miller or Warren Silva-Update on proposed upgrade
6. 7 Bennets Neck Drive-Don Bracken for John McLaughlin-Request Variance
7. Jerry O'Brien, WERC. LLC- Informal discussion on proposal for public, private, partnership with ISWM
8. Approval of Minutes dated November 18, 2009
9. Other Business

2009 DEC 9 AM 11 37
TOWN CLERK'S OFFICE
BOURNE, MASS

Signed: *Kathy M. Burgess*
Title: Secretary

cc Board of Selectmen/Town Clerk

Date: December 9, 2009



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



Cynthia A. Coffin,
Health Agent

MINUTES

December 9, 2009

Members Present: Kathleen Peterson, Co-Chairperson; Galon Barlow, Co-Chairperson; Donald Uitti and Stanley Andrews

Support Staff: Cynthia Coffin, Health Agent, Carrie Furtek, Health Inspector, and Kathy M. Burgess, Secretary

1. **ISWM update-** Ms. Peterson stated that Mr. Barrett would not be before the Board this evening as he was dealing with addressing the odor issue. There have been several odor complaints over the last few days. Mr. Barrett and others have been at the landfill since early yesterday morning working to try and fix the problem. Mr. Barrett is waiting for a gentleman from Brockton who runs three power plants who has offered to help out with the problems that the landfill is facing regarding the odors. The problem has been identified but Ms. Peterson feels that enough time has been given to address the issues. She feels that Mr. Barrett should be given at least until the weekend to see what things can be done to correct the problems. Mr. Barlow stated that he was at the landfill and that ISWM has put down a plastic cap over a large portion of cell 2a-3a, which is the area identified that is causing the odor problem. The next step is to apply a posi-shell layer but this has been delayed due to the weather. The plastic cap is affected by the high winds we have had recently and odors have been released. Once the posi-shell has been applied then the odors should stop. **Mr. Barlow made a motion to allow the placement/construction of a 50- foot silo that is necessary in order to complete the work on the posi-shell.** The silo is only temporary. **Mr. Andrews seconded the motion. It was a unanimous approval.** Mr. Barlow stated that it would probably take at least two weeks to complete the work. This temporary cap should contain the odors. The Town does not want to put on the final cap at this time. Ms. Barth asked if the gypsum wallboard is still what has been determined to be the cause of the odor and if this will dissipate over time. Mr. Barlow stated that the wall board has been found to be the cause of the problem. The hydrogen sulfide is supposed to decrease after the first couple of years. Mr.

Barlow stated that there have been about 15 complaints within the last few days although not all of them have come from the complaint line.

2. **Discuss and possible vote regarding acceptance of additional ash at the landfill.** Ms. Peterson stated that the ash is used to contain odors. The Board has had the approval of ash in front of the Board before. The ash is from SEMASS. In the past it was mixed with auto shredder residue to use as daily cover. Ms. Peterson stated that Mr. Barrett had called and requested that the board approve the use of additional ash. **Mr. Uitti made a motion to approve the request to allow additional ash. Mr. Andrews seconded the motion. It was unanimous.**
3. **Pocasset Mobile Home Park update-** Ms. Coffin gave the Board a brief update. She met with the Joe Cavanaugh, Mr. Austin's attorney, Brian Dudley of DEP, Rick Damon, and Peter Valeri at 8 AM at the park on December 2nd. A previous inspection of the system had shown that the liquid level in the main tank was above the inlet and outlet of the tank and was higher than it had ever been before. This indicated that there might be a clog in the line. When it was reported to the AG's office, Tracy Triplett contacted Mr. Cavanaugh and it was determined that an inspection of the outlet waste line would be the best way to determine the problem. Mr. Cavanaugh set up the appointment for the inspection. The inspection revealed that there were solids in the pipe and that there was also most likely a bend in the pipe as one point located had no pitch. At the completion of the inspection there was an incident with Mr. Austin, who showed up and ordered everyone off the property, but Mr. Cavanaugh contained the situation and the holes were eventually filled in. The AG's office was informed of the results of the inspection and is now working with DEP to determine what will be done to address the pipe issue. In addition there will be a conference call among DEP, the AG's office and the Board of Health Chairs on Monday, the 15th.
4. **38 Wianno Road – Dan Aguiar for Richard Mastria-request to use existing septic system for proposed addition-**Mr. Aguiar, from SITEC Engineering, stated that the existing dwelling at 38 Wianno Road is four bedrooms and the proposal is to reduce the number of bedrooms to three. The Mastrias would like to build a small addition to the second floor of the existing home. The 2002 septic system is a four- bedroom system. The proposed addition will be located above the kitchen area of the existing dwelling. The work will result in the decrease in the number of bedrooms to three bedrooms. The nitrogen calcs show a 13% decrease in nitrogen with the proposal. There will be a 12% decrease in bedroom square footage and a 30% in non-bedroom square footage. The 2002 system required variances to the coastal bank. The request is to allow the continued use of the system for the proposed renovations. There is no increase in the footprint of the existing dwelling. The current home has about half of a second floor. This work will finish off the rest of that second floor. Mr. Barlow asked if the proposal had been before the Conservation Commission already and Mr. Aguiar stated that it had not. Ms. Coffin reminded the Board that when the septic system went in in 2002 the plan had to go before the Conservation Commission for approval. Ms.

Coffin stated that when Mr. Aguiar files with the Conservation Commission if there are any changes to the determined wetland or top of bank lines it would negate the plan in front of the Board now anyway. Ms. Peterson stated that ordinarily the Board would require the applicant to have gone before the Conservation Commission before they come to the Board of Health but since the plan for the septic went before ConCom in 2002 she will allow the request to proceed. **Mr. Barlow made a motion to approve the request for a waiver to continue use of the existing septic system at 38 Wianno Road for proposed additions as outlined in the letter and document packets received by the Board of Health November 17, 2009. He also moved that a three- bedroom deed restriction be placed on the property/dwelling.** Ms. Coffin asked what was being approved as the floor plans submitted show a couple of options for the second floor. Mr. Aguiar stated that section A1.1 could be removed. There will be no den area on the second floor. That section was removed from the submission. **Mr. Barlow continued that the bedroom square footage would be reduced from 688.9 square feet to 601.4 square feet with a decrease of 12.7 % in bedroom space, that the bedrooms will be reduced from four to three, and that the non-bedroom space will be increased from 960.5 square feet to 1371.4 square feet with an increase of 30%. The existing septic plan was approved on 3/11/2002. Mr. Andrews seconded the motion. It was unanimous.**

5. **VFW- 180 Shore Road** – Ed Pesce of Pesce Engineering appeared before the Board of Health with Warren Silvia of the VFW. Mr. Pesce gave the Board an update on the work on the new plan for the upgrade of the septic system. The proposal is to upgrade the leaching facility and add a grease trap to the system. The challenge with this design is that the facility is not truly a fully functioning restaurant and a septic design based on the number of possible seats as required by Title 5 will be costly and unnecessary for the type of use of the facility. Mr. Pesce based the design on water use records. The average of water use records over the last three years was 209,000 gallons. The VFW is requesting a return to the 205- seat occupancy that was previously held before the issue with the sprinkler system and the inspection that revealed that the septic was in failure. Mr. Silvia also had records that indicated from 1988-1989 there was a license for 215 seats. The current permit is for 99 seats (occupancy) but the current request is 205. In 2006 the facility was permitted for 215 again. This is the occupancy permit from the building department. Plans for the upgrade actually started several years ago but funding the project became an issue. Mr. Pesce found other water use records from earlier years, which also indicate a flow of 217,000 gallons per day as the highest use. Title 5 will allow the use of water use readings as long as the gallons per day is then multiplied by 200% for design purposes when the type of use is not specifically referenced in Title 5. Therefore Mr. Pesce hopes to revise the plans within a week to reflect the most reasonable water use and present a plan to the Board of Health office. He just wanted to give the Board members an update on the project. The other issue was the grease trap design. Mr. Silvia presented the menu to Mr. Pesce to help in determining the potential grease

production from the facility. On Tuesday nights there is a prime rib dinner where there is a seating of 25. The plates were hand washed and disposable roasting plates were thrown out in the trash. Ms. Furtek reminded Mr. Silva that if the plates and dinnerware are hand washed they need to use an approved sanitizer as part of the wash, rinse and sanitize operation. The Saturday kitchen work is about three hours with a pub menu and plates and plastic. Food is cooked in the microwave. All functions and funeral collations are with disposable dishes, utensils and pans. Most nights there is only a pub menu. There will be upgrades to the kitchen as well. Generally daily occupancy is about 25 people. Mr. Pesce decided to design the grease trap for 60 people as a daily max. Mr. Barlow stepped off the Board for the rest of the discussion. Mr. Pesce stated that there was no request for a vote tonight anyway. Ms. Peterson stated that she appreciated all the work being done by the VFW to address the failed system. Mr. Andrews agreed. Mr. Pesce will revise the plans for final submission to Ms. Coffin. He hopes to have application made before Christmas. He can always return to give the Board an update in January. Ms. Coffin stated that she needs some type of documentation for restricting the use to the pub menu in general so that the operation does not become a full restaurant type use. The Board will be updated on January 26th although work on the plan will proceed with the office. **Mr. Andrews made a motion to allow the VFW until January 26th to update the Board on the septic upgrade. Mr. Uitti seconded the motion. It was unanimous.**

6. **7 Bennets Neck Drive – Don Bracken for John McLaughlin- Request variance.** Mr. Barlow returned to sit on the board. Mr. Bracken stated that the request tonight was for variances to the setback of the leaching area to a wetland resource/ top of coastal bank. A similar plan was approved back in 2002. The original approved variances have expired. The new proposal is for a reduced-sized house. The site is two properties, lot 21 and lot 109, that are in the same ownership. Lot 109 is almost totally a wetland area. There is a bordering vegetated wetland that comes into lot 21. There is also a coastal bank issue on the lot. Across the street there is also a saltwater marsh and another coastal bank related to that marsh but it is only a coastal bank by definition. The leaching reserve area is only 75 ft to the coastal bank across the street, so a 75- foot variance is needed. In addition, the leaching is 142 feet from the bordering vegetated wetland so the request is an 8- foot variance from this resource. The design has been changed from the 2002 request. The leaching system is now a two foot wide leaching trench system with a Septi Tech alternative technology system for nitrogen removal. The leaching system will only be 11 feet from the foundation instead of the required 20 feet so they are proposing an impervious barrier. Mr. Bracken also stated that for new construction with Septi Tech systems the DEP has allowed a 50 % reduction in the size of the leaching facility, so he is requesting that reduction as well. Mr. Bracken stated that it would not stop the project if the Board requires a full size system. The project has been approved by the Conservation Commission at its meeting last week, so the resource area delineations have been confirmed. The nitrogen loading, because of the two

properties, is under 2 ppm. The ground water direction is heading southwesterly. The groundwater flow is not going in either one of the directions toward the resources. The design is still for three bedrooms. Mr. Andrews asked Ms. Coffin if she had any comment on the proposed reduction in the size of the leaching facility. Ms. Coffin stated that she did not have a copy of the DEP approval letter but that she did know that a reduction in the size of the leaching facility was allowed for upgrades but that she would have to see if it is for new construction as well. Personally, Ms. Coffin does not think it is appropriate in the case of a new construction to ask for variances and also ask for a reduction in the size of the leaching facility. There is no problem with space limitations when you are building a new dwelling. She stated that the system should be fit on the property as normally required and that then you layout the house on the lot. Mr. Bracken stated that he did not have the approval letter with him. Mr. Bracken restated that it is approved for new construction based on scientific evidence that the effluent going into the system is not the same as it would be for a regular title 5 system. Ms. Coffin stated that with the reduction you are taking a chance as the design is based on the flow coming from the home and while the effluent may be clearer, the flow may still be the same from the house based on 55 gpd per person. Ms. Peterson asked Mr. Bracken if he was comfortable with the system. Mr. Bracken stated that he was comfortable with it. Ms. Coffin stated that the Board of Health approved the project before for this lot with the Septi Tech but the leaching was designed for normal Title 5 flow. Mr. Bracken stated that they could extend the leaching to size it for normal design but it would place part of it under the driveway. Ms. Peterson stated that it wasn't much of a reduction, but Ms. Coffin restated that it was a 50 % reduction. Mr. Barlow said that Mr. Bracken had stated that it didn't really make a difference either way. Mr. Barlow said that it was a good project before and it was with a regular flow design. Mr. Bracken stated that at the first hearing a reduction in the size of the leaching was not allowed. Mr. Barlow stated that a half was a big reduction. Mr. Andrews stated that the applicant was looking for a 75- foot variance from the 150-foot setback and in addition wanted to be able to have ½ the normal sized leaching. Ms. Peterson asked why the reduction in size was made. Mr. Bracken stated that he is working in the best interests of his client and he is already putting in a more expensive septic system and that the State allows this type of reduction. Mr. Bracken stated that he feels comfortable with the proposed system. Ms. Peterson asked Mr. Bracken to come back before the Board with the information. Mr. Andrews asked why the reserve area was designed for full size. Mr. Bracken stated that the DEP requires that it must be shown that a standard sized system can fit on the property. Ms. Peterson would like to read the data before she makes a decision. Mr. Bracken suggested that the Board vote on the plan with the stipulation that the leaching system be a full sized system and he will speak to his client to see if he would rather come back and ask for the leaching reduction again. Ms. Peterson suggested getting the Board the information and taking a continuance. Mr. Bracken stated that his client just might want to move forward. Mr. Barlow stated that because of our 45 day time frame for action the applicant would have to resubmit this request. Mr. Bracken restated that he would prefer that the Board

approve the variances with the plan revision for a standard size leaching and he will come back only if his clinic still wants the reduction in the leaching size. Mr. Barlow stated that he would be more comfortable with this proposal than he would be with a proposed system in an area like Patuisset because the wetland behind this lot is only a wetland by definition. Ms. Coffin stated that there is also a wetland across the street that is only 75 feet away. Mr. Bracken stated that the system is actually 175 feet from the actual salt marsh. Mr. Coffin apologized for the misstatement. Mr. Barlow stated that the Board needs to be consistent. Ms. Coffin commented that consistency is not a reason for an approval or a denial and that is just her opinion. Ms. Peterson stated that she does not like to shoot something down immediately just because the Board has never seen it before. Again, Mr. Bracken stated he would have no problem for an approval subject to a resizing of the system without the leaching reduction. Ms. Peterson asked whether he would rather come to the next meeting with more information about the reduction in the leaching system. Ms. Coffin stated that the submission of the DEP approval letter would only confirm what Mr. Bracken has already stated, that the reduction is allowed for new construction and she does not doubt the validity of Mr. Bracken's statement. She is only saying that she doesn't think that a reduction of the leaching should be allowed in this case where variances are being granted. Ms. Peterson restated that she would still like to see more information as this type of request will probably be before the Board again. Mr. Barlow would like to see a plan with a full sized leaching system and to have more time to consider the leaching reduction. Mr. Barlow stated that Ms. Coffin had a good point regarding the variances in this instance. Mr. Bracken restated again that he has no problem with doing the regular leaching size. He is quite sure that someone else will be before the Board to request the reduction and he may come back to the Board after he speaks with his client. He would rather walk away from the meeting with an approval from the Board subject to a redesign for a full sized leaching system. Mr. Barlow would like to see some documentation as to why a half size system is sufficient. Ms. Peterson asked if someone would make a motion to approve the plan with a full sized system with the knowledge that Mr. Bracken might be back before the Board with the requested reduction after he submits some material regarding the reduction and after he speaks to his client. **Mr. Andrews made a motion to approve the septic system for 7 Bennets Neck Drive received by the office on November 12, 2009 dated May 28, 2002 revised November 5, 2009. The variances are a 75 foot variance from the required 150 foot setback of the leaching facility to the top of coastal bank/wetlands; an 8 foot variance from the required 150 foot setback of the leaching facility to the edge of a bordering vegetated wetland; a 9 foot variance from the required 20 foot setback of the leaching to the foundation with the installation of a vapor barrier along the foundation; and for the installation of a Septi-Tech denitrification system. Mr. Utti seconded the motion. It was a unanimous vote to approve. Mr. Andrews amended the motion to include the condition that the septic leaching be redesigned for a full sized system. Mr. Barlow seconded the amendment. It was unanimous. Ms. Coffin is concerned about the architecturals. She stated that it looks like all**

the applicant did was white out the door on the dining room and that it does not have a 4 foot cased opening. Mr. Bracken initialed the plans so that the dining room will have a four foot cased opening. Ms. Peterson stated that the Board could amend the septic plan of record at the meeting in January and that the work can proceed as long as the system is full sized.

7. **Jerry O'Brien, WERC LLC.**- An informal discussion with the Board regarding a public/private partnership with ISWM. The speakers for the LLC introduced themselves. Ms. Peterson stated that she would like some background before the presentation begins. Mr. O'Brien stated that WERC has been before other Boards and before the Selectmen to make a presentation of their proposal to operate in a partnership with the Town to run the landfill. They are not looking for the landfill to be sold but to have a partnership in the operation. They want to bring business experience, professional management, new technology, and capital investment, the things that are inhibiting the Town from moving forward with some aspects of the landfill. Mostly WERC is most interested in what the Board of Health expects from the management of the landfill. They would just like to give an overview of the LLC. Ms. Peterson stated that she had been on the Board of Health and was surprised that the company had been in touch with so many committees and Boards and she has never even heard of the company. The Board never even received any background material on the company. Mr. Barlow stated that Mr. O'Brien had contacted him about his proposal and Mr. Barlow suggested that the company come before the Board of Health for an informal discussion. WERC is interested in getting feedback from the Board members. WERC stands for Workers Energy Reclamation Company. The company is comprised of experienced business executives and professionals in waste management. Mr. Fiore is with Fiore recycling and is an essential part of WERC's operation. There is also the president of the Framingham Cooperative bank who supports Mr. Fiore's work. WERC also has Patrick Engineering as a key element; Mark Chabot is their representative. There is a wide combination of skill sets and experience. They have the ability to make a capital investment in the landfill. They will provide almost 65 million dollars to the town over a 15- year period. The company will work at ways to expand the life of the landfill. Presently the expected life of the landfill is in question but hopefully 10-12 years. Initially WERC would provide the Town with 1.3 million dollars as a current estimate on the capital assets presently at ISWM. Mr. Barlow stated that the Board of Health really needs the environmental issues to be addressed. The Board is not necessarily interested in the financial part. Mr. Barlow listened to the presentations that were before the other Boards and he stated that some things would need to be changed from what WERC is proposing, such as bringing in trash during the night. Mr. Barlow stated that the company said that they would like to increase tonnage coming in and he is concerned with how this might affect traffic. The Board of Health would have to vote on any increase in tonnage. Another LLC member stated that an increase in tonnage would not necessarily increase traffic as material could be brought in 100- yard trucks. He sees clients in MSW market as well. They would like to bring the traffic into the landfill so

that it doesn't affect normal traffic on the highway. Mr. Barlow stated that he also wants to hear about white goods and how collection would be made. Mr. O'Brien stated that curbside pick up and recycling would still continue for the residents. He also stated that they would like to expand hours of operation at the facility and to provide pick up of items on request. Mr. Andrews is concerned that increased tonnage would mean that the landfill would fill up quicker. Mr. O'Brien stated that this is not necessarily the case. They would work to maximize recycling in a variety of ways one of them being single stream recycling with sorting at the landfill. They would like to construct an energy producing facility so less will go into the hole at the landfill. Certain areas of the landfill might also be mined by utilizing the materials already onsite. The current process of recycling does not encourage the high percentage of recycling that Bourne should be doing. The technology is there to separate the recycling at the landfill itself. The company would like to bring a MRF into the ISWM facility. Mr. O'Brien said that educational tours would be provided for the residents to show just how the recycling is being done. The company would make sure that there are routine meetings with all Boards including the Health Department so that there is good communication at all times. Present ISWM employees would be retained if they desired to be. The DPW facility will need to be moved, but the Town was going to do that in the future anyway. Mr. O'Brien reiterated that the company is really interested in finding out what the Board of Health concerns are going to be before the company takes over. Mr. Andrews would like to know just where this company has done work before. He hasn't seen this type of information to this point. There was general discussion about the future of the landfill, waste to energy work and WERC's desire to investigate the landfill further to make sure that it is suitable for what the company wants to do. Mr. O'Brien stated that the company has brought together various resources to try and come up with a long-term plan for the best future of the landfill. The company would like to see the landfill be in a position to become a competitive market in 2015. Mr. O'Brien restated that this is not the meeting where they will be discussing any proprietary information about their plans and processes. Mr. Andrews would just like to see other documentation to show where increased recycling has been achieved with WERC's ideas and processes. The Board would like to see other Towns that WERC has worked with. Mr. Uitti asked what other towns had WERC been involved with. Mr. O'Brien answered Leominster, Fitchburg, and Gardner are the current facilities that WERC is involved with. Ms. Coffin asked if WERC partnered with the Town would the residents still be able to get free trash pick up and curbside recycling. Mr. O'Brien stated that WERC would still fund the DPW pickup of trash and recycling. Mr. O'Brien stated that in most towns people pay a management company to operate a landfill, but WERC members are Town of Bourne residents and would like to see the landfill be one of the best with new technologies. Ms. Peterson asked if the WERC members were of the opinion that the Town was not using the landfill to its capability. Mr. O'Brien stated that this was certainly a part of it, but there are also economic issues that WERC could better address due to their financial backing. There is a significant business opportunity in the landfill. WERC will be able to put the financing into the

operation of the landfill and take the financial burden off the Town and taxpayers. Ms. Coffin wanted to know who would be getting the profits from the increased recycling, etc. Will it be the Town over the long term or will it be the LLC? Mr. O'Brien stated that there would be benefits for all parties. He went over the financial gains with the proposed plan. One of the other members went over some of the information on the power point and discussed the costs to the Town and revenue issues—costs and benefits. Mr. Barlow asked what WERC would do for the health and environmental issues that the Town is facing with the landfill. Mr. O'Brien stated that they have looked at the issues that the Town is facing. WERC needs to work on a communication plan. They feel that a problem was created by some methodology, which then created the odor problem that is being seen now. Mr. O'Brien feels that there are alternatives to address the problems of today. The company needs more information to tell the Town what it can do now. There was a discussion about past practices, the taking of gypsum, and other issues. Mr. O'Brien stated that by capping a landfill, the odor does not go away and will have to be addressed at some point. The LLC has not met with Dave Ellis of DEP but they have met with Dan Barrett. There was discussion again about the Board of Health participation in the executive session that is being proposed. Mr. Andrews said that the Board would need to be involved if there were any processes coming into the town that might affect the health and environment of the residents. Ms. Peterson stated that the Board of Health might not need to do another site assignment based on the proposed operations. WERC stated again that they would provide a complete package to address the issues that were brought up today. Mr. Barlow is also concerned about the rising costs of disposal for the residents and how this could lead to illegal dumping. He would like to see some way to address this. There was some discussion on the burying of whales. Mr. O'Brien stated that this should not be something that the town keeps doing unless there are certain conditions that are met for the disposal. The town shouldn't be taking 10 day old carcasses. Ms. Peterson stated that she believes that consultants might need to be hired to help the Board review WERC's proposal and Mr. O'Brien stated that WERC would pay for this type of consultation. It was discussed that the documentation provided to the Board needs to be confidential and for Board members only. The Board members discussed the importance of the landfill to the Town of Bourne. Mr. O'Brien does not feel that there are any other companies that could offer the town what WERC can. WERC discussed that the company has some expertise in the gas and odor issues that the Town is dealing with and they feel that they could provide some real help with these issues. Mr. Farrell of the Planning Board stated that any proposed work would have to be approved by the Cape Cod Commission and that the Planning Board might have limited input. Mr. Barlow stated that he was aware that the company wanted to have an executive session with the Board of Selectmen but he was not sure that the Board of Health would want to be a party to that kind of meeting as there are only certain reasons that the Board is allowed to go into executive session. Ms. Peterson stated that she would like Steve MacNally to be part of any discussions regarding any work at the landfill. There was some discussion regarding the executive session and how some proprietary information might be brought

forward at that time. Mary Jane Mastrangelo of the Finance Committee stated that there would be some problems with trying to evaluate the proposal within the confines of the open meeting law if the material is only presented in executive session. She feels that the presentation needs to be structured so that material can be brought forward to the public and that proprietary information is kept separate but still allows the town enough information to bring to the residents. The Board members and WERC agreed. Mr. O'Brien stated that one of the main goals of the company is to bring in the waste, process it and adding approved components to that waste and then getting it to the facilities that have the need for that type of waste. Ms. Peterson asked that Mr. O'Brien provide some written literature to the Board members through the office. One would also need to be given to Mr. MacNally as well. There was general discussion of how the information would be disseminated to the various Boards and to the public as well. WERC will get back to the Board with more information in the near future.

8. Mr. Uitti made a motion to approve the minutes of November 18, 2009. Mr. Andrews seconded the motion. It was unanimous.

Other business. Ms. Coffin mentioned that there would be another H1N1 clinic on Saturday the 12th and that 600-800 people were expected. There will be another clinic on the 22nd and a seasonal flu clinic on Dec. 17. Ms. Coffin reminded the Board members to fill out their ethics commission receipt forms and to take the tests. Mr. Johnson, Town Clerk, needs the forms by Dec. 28th.

Ms. Peterson made a motion to adjourn and Mr. Barlow seconded the motion. The meeting was adjourned at 9:50 P.M. The next meeting is scheduled for January 13, 2010.

Typed by Cynthia A. Coffin for the Bourne Board of Health

Respectfully submitted, by the Bourne Board of Health

Kathleen Peterson

Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc Board of Selectmen/Town Clerk

BOURNE HISTORICAL COMMISSION
30 Keene Street
Bourne, MA 02532

10 Briarwood Lane, Monument Beach
January 6, 2009

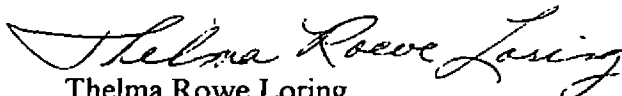
CHAIRMAN Donald Jacobs opened the hearing at 10:00 AM and read the statement as to purpose of the hearing.

Members present: Susan Abbe, Jean Campbell, Donald Ellis, Thelma Loring, Mary Reid and William Wright, Jr. and Associate Members Jack MacDonald and Judith Riordan

Property owner William Keating introduced the contractor, John Marini who described the proposed renovations.

Donald Ellis made the **motion** to approve request as submitted; seconded by Susan Abbe; **carried**. Neighbor Jean Campbell recused herself and abstained from voting.

There being no further business, the hearing was adjourned at 11:10 AM.


Thelma Rowe Loring
Secretary/Treasurer

2009 JAN 30 PM 10 16
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held January 6, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 10 Briarwood Lane, Monument Beach. MA Assessors Map 34, Parcel 25. Seven permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Donald Ellis, Sue Abbe, Mary Reid and Jean Campbell.

The request was to add a 16' x 40' two story addition to the dwelling.

An in-depth discussion ensued regarding this request and it was decided that the addition would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 JAN 8 AM 10 31
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

TOWN OF BOURNE

Board, Committee or Commission

Historical Commission

Schedule of Regular Meetings

Date

Time

Place

January 20, 2009 9:00 AM

**Jonathan Bourne Historic Center
30 Keene St, Bourne**

Agenda Items

General Commission business

AT 10:00 AM

Notice of Special Meeting (include Date, Time and Place)

Notice of Cancellation of Meeting (Specify Meeting Being Cancelled)

Signed


Thelma Rowe Loring

Title **Secretary / Treasurer**

Date: **December 31, 2009**

C: Town Clerk

2009 JAN 5 PM 3 32
TOWN CLERK'S OFFICE
BOURNE, MASS

BOURNE HISTORICAL COMMISSION

**30 Keene Street
Bourne, MA 02532
January 20, 2009**

Meeting called to order at 9:25 AM by Chairman Donald Jacobs.

Present: Donald Ellis, Thelma Loring, William Wright, Jr and Associate Member Judith Riordan

Excused: Susan Abbe, Jean Campbell

Absent: Mary Reid, Associate Member Jack MacDonald

Treasurer's report: motion made by Donald Ellis to accept as printed, seconded by William Wright, Jr ; carried.

Secretary's minutes: motion made by Donald Ellis to accept as printed, seconded by William Wright, Jr ; carried.

Chairman's report:

1. Burial Hill clean-up: letter was sent to the tribal council re the scope of the work to be done and by whom.
2. National Register: MA Historical Commission requests much information on two of the structures; will meet with Corinne Moore re this.
3. Mr. Ellis and Mr. Colin Robin have drawn up plans for moving the small monuments from West End Rotary and their places around the flagpole at Town Hall.

Discussion as to transferring slides on the villages and the canal to DVD for future power point presentations.

5. Files pertaining to the town are being given to the Archives

6. Commission has a book on the Civil War; will discuss possible donation to the Archives.

Mrs. Riordan brought up the matter of the 2014 Cape Cod centennial celebration and that the Commission, Archives and the Historical Society should be part of the committee as each group has many resources on the entire canal development.

Mr. Ellis discussed status of CPA funding, plus the proposed project to preserve the Swift Memorial Church's slate roof and the Soldiers & Sailors monument steps.

There being no further business, the meeting was adjourned at 10:25 AM.



Thelma Rowe Loring
Secretary/Treasurer

BOURNE MASS
TOWN CLERK'S OFFICE
2010 FEB 17 AM 10 39

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 68 Red Brook Harbor Road
Assessors Map 47.4, Parcel 14, 14.2

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to rebuild mechanics shed.

DATE & TIME: Tuesday, January 27, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
January 14, 2009

BOURNE, MASS
TOWN CLERK'S OFFICE
2009 JAN 5 PM 11 35

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing

A public hearing was held January 27, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 68 Red Brook Harbor Road, Cataumet. MA Assessors Map 47.4, Parcel 14.2. Five permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Donald Ellis and Mary Reid. Also in attendance were Patty and Bruce Parker.

The request was to rebuild the mechanics shop on the existing footprint.

An in-depth discussion ensued regarding this request and it was decided that the addition would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 JAN 30 AM 10 15
TOWN CLERK'S OFFICE
BOURNE, MASS.

**HISTORIC COMMISSION
PUBLIC MEETING NOTICE**

2009 FEB 13 PM 3 28
TOWN CLERK'S OFFICE
BOURNE, MASS

Date: Tuesday, February 24, 2009

Place: Bourne Historic Center on Keene Street

Time: 10:00 am

Agenda Items

1. Minutes of previous meeting(s)
2. To hear applicants for Historic Funding from the CPC Fund to present projects before the Commission. Commission must make recommendation to full CPC at mandatory Public Hearing in April 2009:
 - a. Town Clerk – requesting \$15,000 to bind & re-bind permanent records; install additional shelving in Clerk's vault; purchase artifactual storage containers
 - b. Town Clerk – Town Clerk requesting \$18,000 to place Town Clerk documents in an electronic format; microfiche/laserfic
 - c. Pocasset Village Association – requesting \$6,100 for Pocasset Community Center Roof replacement project
 - d. Swift Memorial United Methodist Church – requesting \$125,000 for the restoration of Historic slate roof
 - e. Massachusetts Coastal Railroad – requesting \$87,753 for the rehabilitation of Buzzards Bay Interlocking Tower
3. Next meeting date
4. Other business before the committee

Chairman, Historic Commission

MEETING NOTICE

TOWN OF BOURNE

Board, Committee or Commission

Historical Commission

Schedule of Regular Meetings

Date

Time

Place

March 17, 2009

9:00 AM

**Jonathan Bourne Historic Center
30 Keene St, Bourne**

Agenda Items

**General Commission business
Conversion of slides to DVDs
CPA projects**

Notice of Special Meeting (include Date, Time and Place)

Notice of Cancellation of Meeting (Specify Meeting Being Cancelled)

Signed

Thelma Rowe Loring
Thelma Rowe Loring

Title **Secretary / Treasurer**

Date: **March 2, 2009**

C. Town Clerk

2009 MAR 3 PM 3 17
TOWN CLERK'S OFFICE
BOURNE, MASS.

BOURNE HISTORICAL COMMISSION

**30 Keene Street
Bourne, MA 02532
March 17, 2009**

Meeting called to order at 9:02 AM by Chairman Donald Jacobs.

**Present: Susan Abbe, Donald Ellis, Thelma Loring, Mary Reid, William Wright, Jr
and Associate Members Jack MacDonald and Judith Riordan**

Secretary's minutes accepted as printed.

Treasurer's report accepted as printed.

Chairman's report:

1. Town Fund Report, dated 2/28/2009 showed a balance of 36 cents as a result of Town Treasurer charging a share of the installation of the fire alarm to the Commission instead of CPA funds; had not received correct balance as of 3/16/2009.
2. Meeting w/ Mr. Guerino:
Burial Hill: discussed the clean-up and work will not be undertaken without tribal council approval.
Architect: he was holding a meeting with the architect; no word received by today.
3. Slides to DVDs: would like to use some town fund money for this money.
4. National Register: \$22,500 has been approved for PAL to do the work.

Motion: Donald Ellis made the motion that a letter be sent to the Tribal Council for a response by May 1st 2009;
Susan Abbe seconded; **carried.**

Donald Ellis:

1. Series of CPC meetings with various town departments will be held and that Town Meeting is May 4th 2009.
2. Reviewed articles for Town Meeting that were approved at last hearing, February 24th 2009 and that the Town Counsel has ruled favorably re the church, community building and the switching tower requests.
3. Reviewed the plans that Colin Robin drew up for moving the small monuments from West End Rotary to an expanding square around the Town Hall flagpole.

Donald Jacobs:

Discussed with Mr. Guerino that CPA funds be used for the gutter work necessary on the Historical Center and that the roof and cupola work be paid for from the Town Fund Article.

Donald Ellis:

Requested projects for next round of CPA from the commission and the society.

Jack MacDonald:

Attended a slate roof conference that was very informative.

There being no further business, the meeting was adjourned at 10:05 AM.


Thelma Rowe Loring
Secretary/Treasurer

BOURNE, MASS.
TOWN CLERK'S OFFICE
2009 MAR 23 PM 12 59

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held April 14, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 15 Chapel Ave. Monument Beach. MA Assessors Map 30.4, Parcel 222. Seven permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Donald Ellis, Sue Abbe, Jean Campbell and Mary Reid. Also present was David Arnold.

The request was for exterior modification of converting existing space to an open porch. Also to remove a bedroom and add a bathroom.

An in-depth discussion ensued regarding this request and it was decided that the addition would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

BOURNE, MASS
TOWN CLERK'S OFFICE
2009 APR 15 PM 10 20

emailed 4/6/09

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 5 Park Street
Assessors Map 43.3 Parcel 198

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to demolish and rebuild house.

DATE & TIME: Tuesday, April 28, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
April 8, 2009

2009 APR 7 AM 11 27
TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 475 Shore Road
Assessors Map 30.4, Parcel 264

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is for a 5'x10' bump out.

DATE & TIME: Tuesday, April 28, 2009 at 10:45 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
April 15, 2009

2009 APR 7 AM 11 27
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing

A public hearing was held April 28, 2009 at 10:45 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 475 Shore Road, Monument Beach. MA Assessors Map 30.4, Parcel 264. Five permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Donald Ellis and Sue Abbe. Also present was Joe Carty.

The request was build a 5' x 10' Bump Out for kitchen and turn one upstairs bedroom into a bathroom.

An in-depth discussion ensued regarding this request and it was decided that the addition would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 APR 30 PM 9 49
TOWN CLERK'S OFFICE
BOURNE MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

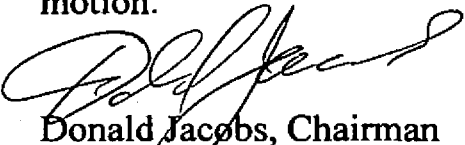
Public Hearing

A public hearing was held April 28, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 5 Park Street, Pocasset. MA Assessors Map 43.3, Parcel 198. Five permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Donald Ellis and Sue Abbe. Also present was John McGrath for the applicant.

The request was demolish the present dwelling and construct a new two story single family dwelling on the same footprint of existing structure.

An in-depth discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 APR 30 PM 9 48
TOWN CLERK'S OFFICE
BOURNE, MASS.

MEETING NOTICE

TOWN OF BOURNE

Board, Committee or Commission

Historical Commission

Schedule of Regular Meetings

Date

Time

Place

May 19, 2009

9:00 AM

**Jonathan Bourne Historic Center
30 Keene St, Bourne**

Agenda Items

CPA projects

Building repairs

2009 MAY 4 PM 2 57
TOWN CLERKS OFFICE
BOURNE, MASS

Notice of Special Meeting (include Date, Time and Place)

Notice of Cancellation of Meeting (Specify Meeting Being Cancelled)

Signed

Thelma Rowe Loring
Thelma Rowe Loring

Title **Secretary / Treasurer**

Date: **May 1, 2009**

C: Town Clerk

BOURNE HISTORICAL COMMISSION

**30 Keene Street
Bourne, MA 02532
May 19, 2009**

Meeting called to order at 9:12 AM by Chairman Donald Jacobs.

Present: Susan Abbe, Donald Ellis, Thelma Loring, William Wright, Jr and Associate Member Judith Riordan

Excused: Jean Campbell, Mary Reid

Absent: Associate Member Jack MacDonald

Secretary's minutes: Secretary distributed corrected minutes; **Motion** made by Donald Ellis, seconded by Susan Abbe, to accept corrected minutes as printed. **Carried.**

Treasurer's report: motion made by Susan Abbe, seconded by Donald Ellis, to accept as printed. **Carried.**

Chairman's report:

1. DVDs received of the slides conversion; to purchase a suitable storage container.
2. Met with architect at the Center and went over needed work.
3. CPA requests: would like \$50,000 for Center repair and \$25,000 for 4 buildings for National Register nomination.

Donald Ellis:

Discussed CPA requests that might be needed for use by Center personnel and for the type of handicapped approved lift that needs to be installed.

There being no further business, the meeting was adjourned at 10:00 AM.

Thelma Rowe Loring

Thelma Rowe Loring
Secretary/Treasurer

2009 MAY 27 PM 1 09
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 16 Sagamore Road
Assessors Map 4.1 Parcel 151

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is for a total renovation of the house.

DATE & TIME: Tuesday, May 26, 2009 at 10:30 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
May 13, 2009

2009 MAY 12 PM 4 22
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 23 Spurr Road
Assessors Map 37.4, Parcel 53

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is for a 20'x24' addition with deck.

DATE & TIME: Tuesday, May 26, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
May 13, 2009

2009 MAY 9 AM 11 02
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held May 26, 2009 at 10:30 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 16 Sagamore Road. Sagamore Beach, MA Assessors Map 4.1, Parcel 151. Six permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Donald Ellis, Sue Abbe and Mary Reid.

The request was to construct a new front porch size 7'6" x 46' and construct a new roof over porch in Phase 1 of plan. Phase 2 is to install 5 new exterior windows and 1 new exterior entrance door. Also to enclose covered porch area of 165 sq ft.

An in-depth discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.


Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 MAY 27 PM 10 18
TOWN CLERK'S OFFICE
BOURNE, MASS

30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held on June 2, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 23 Spurr Road Pocasset MA Assessors Map 37.4, Parcel 53. five permanent members of the Historical Commission were in attendance Donald Jacobs, Sue Abbe, Donald Ellis, William Wright and Thelma Loring. Also present was assoc. member Judith Riordan. Appearing for the applicant was Kevin Goulding.

The request was to construct a 20' x 24' wood frame addition with a 10' x 10' deck

An in-depth discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 MAY 31 PM 34
TOWN CLERK'S OFFICE
BORNE, MASS.
2009 JUN 3 AM 11 42
BORNE, MASS.
TOWN CLERK'S OFFICE

AS

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS

2009 MAY 19 PM 3 28

LOCATION: 105 Main St.
Assessors Map 23.2, Parcel 77

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to demolish the movie theater.

DATE & TIME: Tuesday, June 9, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
May 27, 2009

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 294 Head of the Bay Road
Assessors Map 15 Parcel 26

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to demolish the house.

DATE & TIME: Tuesday, June 9, 2009 at 11:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
May 27, 2009

2009 MAY 20 AM 10 01
TOWN CLERK'S OFFICE
BOURNE, MA 02532

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held on June 9, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 105 Main Street, Buzzards Bay MA Assessors Map 23.2, Parcel 77. Six permanent members of the Historical Commission were in attendance Donald Jacobs, Donald Ellis, William Wright, Thelma Loring, Mary Reid and Jean Campbell Also present were assoc. members Judith Riordan and Jack MacDonald. Appearing for the applicant was Vincent Michienzi.

The request was to demolish the structure at 105 Main Street, Buzzards Bay.

An in-depth discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: "To grant the petitioners request."

The Bourne Historical Commission voted unanimously to approve the motion.


Donald Jacobs, Chairman
Bourne Historical Commission

2009 JUN 10 PM 1 29
TOWN CLERK'S OFFICE
BOURNE, MASS.

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing

A public hearing was held on June 9, 2009 at 11:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 294 Head of the Bay Road, Buzzards Bay MA Assessors Map 15, Parcel 26. Six permanent members of the Historical Commission were in attendance Donald Jacobs, Donald Ellis, William Wright, Thelma Loring, Mary Reid and Jean Campbell Also present were assoc. members Judith Riordan and Jack MacDonald.

The request was to demolish the structure at 294 Head of the Bay Road, Buzzards Bay.

A discussion ensued regarding this request and it was decided as no completed application had been received by the commission and as the applicant was not present, the hearing would be cancelled. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded to cancel the hearing without a finding.

The Bourne Historical Commission voted unanimously to approve the motion.


Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 JUN 10 PM 4 26
TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 55 Saltmarsh Lane
Assessors Map 43.1, Parcel 91

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to add an observatory.

DATE & TIME: Tuesday, June 23, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
June 3, 2009

2009 JUN 4 PM 2 21
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held on June 23, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 55 Salt Marsh Lane, Pocasset, MA Assessors Map 43.1, Parcel 91. Six permanent members of the Historical Commission were in attendance Donald Jacobs, Donald Ellis, William Wright, Thelma Loring, Jean Campbell and Sue Abbe. Also present was assoc. member Judith Riordan. Also present was Shawn Bissonette for the applicant.

The request was to add an observatory to rear of second floor of existing garage.

A discussion ensued regarding this request and it was decided that requested observatory would not be harmful to the area. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded to grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

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2009 JUN 32 PM 1 04

TOWN CLERK'S OFFICE
Bourne, MA

MEETING NOTICE

TOWN OF BOURNE

Board, Committee or Commission

Historical Commission

Schedule of Regular Meetings

Date

Time

Place

July 21, 2009

9:00 AM

**Jonathan Bourne Historic Center
30 Keene St, Bourne**

Agenda Items

General Commission meeting

Notice of Special Meeting (include Date, Time and Place)

Notice of Cancellation of Meeting (Specify Meeting Being Cancelled)

Signed

Thelma Rowe Loring
Thelma Rowe Loring

Title **Secretary / Treasurer**

Date: **June 30, 2009**

C: Town Clerk

BOURNE HISTORICAL COMMISSION

**30 Keene Street
Bourne, MA 02532
July 21, 2009**

Meeting called to order at 9:18 AM by Chairman Donald Jacobs.

Present: Susan Abbe, Jean Campbell, Thelma Loring, Mary Reid and William Wright, Jr

Excused: Associate Member Judith Riordan

Absent: Donald Ellis and Associate Member Jack MacDonald

Treasurer's report: motion made by Susan Abbe, seconded by Mary Reid, to accept as printed. Carried.

Secretary's minutes: motion made by Mary Reid, seconded by Susan Abbe, to accept as printed. Carried.

Chairman's report:

1. Budget for 2009- 2010 received
2. Building repairs: architect has not sent out any bids as yet.

Motion made by Susan Abbe, seconded by Mary Reid to adjourn meeting at 9:28 AM.



**Thelma Rowe Loring
Secretary/Treasurer**

BOURNE HISTORICAL COMMISSION
TOWN CLERK'S OFFICE

2009 JUL 24 PM 2 39

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

TOWN CLERK'S OFFICE
Bourne, MA 02532

2009 AUG 5 PM 3 34

LOCATION: 105 Scraggy Neck Road
Assessors Map 51.4, Parcel 8

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is for a two-story 8'x10' addition.

DATE & TIME: Tuesday, August 25, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
August 12, 2009

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing

A public hearing was held on August 25, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 105 Scraggy Neck Road, Cataumet, MA Assessors Map 51.4, Parcel 8. Seven permanent members of the Historical Commission were in attendance Donald Jacobs, Donald Ellis, William Wright, Thelma Loring, Jean Campbell, Sue Abbe and Mary Read.

Also present was assoc. member Judith Riordan and Allison Cook the applicant.

The request was to add a two story 8 x 10.6 ft. addition for two bathrooms.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

RECEIVED
TOWN CLERK'S OFFICE

2009 AUG 27 AM 10 01

MEETING NOTICE

TOWN OF BOURNE

2009 AUG 31 PM 1 58
TOWN CLERK'S OFFICE
ST. JOHN'S BOURNE

Board, Committee or Commission

Historical Commission

Schedule of Regular Meetings

Date

Time

Place

September 15, 2009 9:00 AM

**Jonathan Bourne Historical Center
30 Keene St, Bourne**

Agenda Items

**Historical Center work / bids
General Commission meeting**

Notice of Special Meeting (include Date, Time and Place)

Notice of Cancellation of Meeting (Specify Meeting Being Cancelled)

Signed

Thelma Rowe Loring
Thelma Rowe Loring

Title **Secretary / Treasurer**

Date: **August 29, 2009**

C: Town Clerk

BOURNE HISTORICAL COMMISSION

**30 Keene Street
Bourne, MA 02532
September 15, 2009**

Meeting called to order at 9:03 AM by Chairman Donald Jacobs.

Present: Susan Abbe, Jean Campbell, Donald Ellis, Thelma Loring, William Wright, Jr
and Associate Member Judith Riordan **Excused:** Mary Reid
Absent: Associate Member Jack MacDonald

Barry Johnson, Town Clerk,

1 - presented a draft of an Executive Order for revised Archives Committee plans that he presented to the Board of Selectmen in August and, at his request, no action was taken by them. He asked the Commission to discuss this plan and report back to him.

2 - brought photos of the Raleigh art that is on the ceilings in his home that was at 36 County Road, Bourne. They were given to the Archives.

Chairman's report:

Bids for the restoration, preservation, etc. to the Center have been made available, and opening of the bids is for tomorrow.

Donald Ellis read a proposed article for the October Special Town Meeting in which it is asked for \$25,000 of the CPA funds that might be necessary to finish the above work.

Susan Abbe announced her resignation, and the Commission members said that she will be missed. She will still support the work of the Commission as needed, but will not be able to continue on as a member.

Jacobs and Ellis will man a table to sell books at the BSHP Harvest Festival this coming Saturday, 9/19.

Donald Ellis has reviewed CPA projects with the Commonwealth to determine their accuracy.

Chairman Jacobs declared the meeting adjourned at 9:50 AM.


Thelma Rowe Loring
Secretary/Treasurer

TOWN CLERK'S OFFICE
2009 SEP 17 AM 11 59

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 81 Sandwich Road
Assessors Map 24.2, Parcel 4

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to replace a one-story addition with
a two-story addition in same footprint.

DATE & TIME: Tuesday, Oct. 13, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
Sept. 30, 2009

2009 SEP 22 AM 10 55
TOWN CLERK'S OFFICE
DOCKENESS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing


A public hearing was held on October 13, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 81 Sandwich Road, Bourne, MA Assessors Map 24.2, Parcel 4. Seven permanent members of the Historical Commission were in attendance Donald Jacobs, Donald Ellis, William Wright, Thelma Loring, Jean Campbell, Jack MacDonald and Mary Read.

Also present was assoc. member Judith Riordan and Filippo Ambrosi the applicant.

The request was to remove existing one story addition and replace with a two story addition on the same footprint.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

TOWN CLERK'S OFFICE
BOURNE, MASSACHUSETTS

2009 OCT 15 PM 10 24

2009 SEP 28 PM 1 39
TOWN CLERK'S OFFICE
BOURNE, MA 02532

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 434 Williston Road
Assessors Map 4.1, Parcel 171

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to demolish a building on the
Town of Bourne historic inventory.

DATE & TIME: Tuesday, Oct. 20, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
Oct. 7, 2009

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing

A public hearing was held on October 20, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 434 Williston Road, Sagamore Beach, MA Assessors Map 4.1, Parcel 171. Six permanent members of the Historical Commission were in attendance Donald Jacobs, Donald Ellis, William Wright, Thelma Loring, Jean Campbell, and Mary Reid.

Also present was assoc. member Judith Riordan and Atty. Robert Parady for the applicant.

The request was to remove the structure.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.


Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 OCT 21 PM 12:31
TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 74 Old Head of the Bay Road
Assessors Map 14 Parcel 40.1

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is for new chimneys, siding. Building
is on the Bourne Historic Inventory.

DATE & TIME: Tuesday, October 27, 2009 at 10:30 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
October 14, 2009

2009 OCT 9 PM 3 13
TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 35 Bell Buoy Road
Assessors Map 43.3, Parcel 250

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to remove rear addition on slab and
replace on smaller foundation.

DATE & TIME: Tuesday, Oct. 27, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
Oct.14, 2009

2009 OCT 9 PM 3 13
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

Public Hearing

A public hearing was held on October 27, 2009 at 10:30 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 35 Bell Buoy Road, Pocasset, MA Assessors Map 43.3, Parcel 250. Six permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Jean Campbell, and Mary Reid. Also present was assoc. members Judith Riordan and Kathy Harding.

As neither the applicant or his agent were present the hearing was recessed until Tuesday Nov. 3, 2009.

The recessed hearing was opened at 10:00 a.m. and the applicants agent Donald DuBerger was present.

The request was to remove addition over slab and rebuild a smaller addition over a four foot foundation.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

BOURNE, MASS
TOWN CLERK'S OFFICE
OCT 28 2009

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532

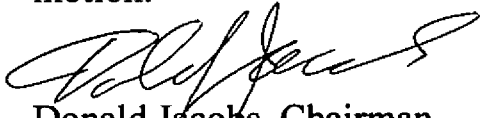
Public Hearing

A public hearing was held on October 27, 2009 at 10:30 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures" Location of subject property 74 Old Head of the Bay Road, Buzzards Bay, MA Assessors Map 14, Parcel 40.1. Six permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Jean Campbell, and Mary Reid. Also present was assoc. member Judith Riordan and the applicant Susan Anderegg.

The request was for complete restoration of the structure.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 OCT 30 AM 10 13
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held on November 10, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures." Location of subject property 6 Elm Ave., Monument Beach, MA Assessors Map 30.4, Parcel 134. Seven permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Jean Campbell, Donald Ellis, Mary Reid and Jack Macdonald. Also present was the applicant Henry Milliken and his contractor Kenneth Sundman.

The request was to build a 23'6" x 10' sun porch on the front of dwelling.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 NOV 12 PM 10 11
TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

2009 OCT 22 PM 3 35
TOWN CLERK'S OFFICE
BOURNE, MASS

LOCATION: 1 Wing Road
Assessors Map 43.2, Parcel 13

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to add a screen porch on existing
deck.

DATE & TIME: Tuesday, November 10, 2009 at 10:30 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
Oct.28, 2009

2009 OCT 22 PM 3 35
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 6 Elm Avenue
Assessors Map 30.4, Parcel 134

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property **has** been deemed a
historic "Significant Building" as **defined** in the bylaw.
Determination whether the building **should** be preserved
will be made. Project is to add a **sun-porch**

DATE & TIME: Tuesday, November 10, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are **welcome** and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should **appear** at the hearing.

Bourne Courier Publishing Dates:
Oct.28, 2009

MEETING NOTICE

TOWN OF BOURNE

Board, Committee or Commission

Historical Commission

Schedule of Regular Meetings

Date

Time

Place

November 17, 2009 9:00 AM

**Jonathan Bourne Historical Center
30 Keene St, Bourne**

Agenda Items

Demo Delay Hearings

Historical Center work update

General Commission reports

Notice of Special Meeting (include Date, Time and Place)

Notice of Cancellation of Meeting (Specify Meeting Being Cancelled)

Signed



Thelma Rowe Loring

Title **Secretary / Treasurer**

Date: **October 29, 2009**

C: Town Clerk

BOURNE, MASS.
TOWN CLERK'S OFFICE

2009 NOV 2 PM 4 03

BOURNE HISTORICAL COMMISSION

**30 Keene Street
Bourne, MA 02532
November 17, 2009**

Meeting called to order at 9:12 AM by Chairman Donald Jacobs.

Present: Jean Campbell, Donald Ellis, Thelma Loring, Jack MacDonald, William Wright, Jr
and Associate Member Kathryn Harding
Excused: Mary Reid, Associate Member Judith Riordan
Guest: Diana Barth

Treasurer's Report: Donald Ellis made a motion to accept and approve the report of submitted.
Seconded by Jack MacDonald and carried unanimously.

Secretary's Minutes were accepted as printed.

Chairman's report:

1. Repairs to Jonathan Bourne Historical Center:

He and Jack MacDonald met with the foreman and the architect. The gutters are solid and savable, and the downspouts are to be examined by a copper expert for possible repair.

2. Asked Donald Ellis to report on Soldiers and Sailors Monument, who once again described its condition of the monument sitting on a solid shaft and the cement steps crumbling and tilting towards the shaft.

Mr. Jacobs is amendable to releasing CPA funds back to the CPC, and gave Mr. Ellis permission to do so.

3. Town Hall repairs: the front of the original building (main section): inspected by Donald Ellis and Jack MacDonald w/ following report: the gutter needs to be replaced; the windows (large on 1st floor and the rounded windows on 2nd floor) probably will need restoration work. The rest of Town Hall is of a much later date than 1914, when the original section was built.

Mr. MacDonald inquired about the stone pillars on the corner of Douglas Ave. and County Rd, Monument Beach, as to whether they are on private property now (originally on the Fields estate.)

Mr. Ellis:

1. CPA: 2 projects were not allowed on Town Meeting and hopes to add to the next meeting's agenda:

Town Archives request for proper storage material, etc. for the glass negatives collection

Bourne Society for Historic Preservation request for funds to replace sills at the Briggs-McDermott house.

2. Repair to front steps at the Jonathan Bourne Historical Center: Mr. MacDonald will contact a stonemason regarding this matter.

3. Aptuxet Trading Post Museum: glitch that W9s were not submitted has now been rectified, and paper work is now done.

Mr. Ellis has been appointed the liason between the project and Town Hall.

There being no further business, Chairman Jacobs declared the meeting adjourned at 9:50 AM.


Thelma Rowe Loring
Secretary/Treasurer

BOURNE HISTORICAL COMMISSION
TOWN CLERK'S OFFICE
2009 FEB 17 PM 10 39

2009 NOV 16 PM 3 18
TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS
LOCATION:

22 Hope Ave
Assessors Map 43.3, Parcel 121

PROPOSAL:

Bourne General Bylaws Section 3.14 - Demolition of Historic Structures. The property has been deemed a historic "Significant Building" as defined in the bylaw. Determination whether the building should be preserved will be made. Project is to demo and rebuild porch.

DATE & TIME:

Tuesday, December 8, 2009 at 10:00 A.M.

PLACE:

Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town Hall from 8:30-4:30, Monday - Friday. 508-759-0615. Written comments in advance are welcome and should be sent to Coreen Moore, Town Planner. All persons desiring to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
Nov. 25, 2009

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held on December 8, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures." Location of subject property 22 Hope Ave., Pocasset, MA Assessors Map 43.3, Parcel 121. Five permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Jean Campbell, Donald Ellis. Also present was the applicant Curtis Shippee and his contractor Paul K. Bettencourt.

The request was to remove existing porch and erect new porch on same footprint.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.



Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 DEC 11 AM 11 20
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 19 Penobscot Avenue
Assessors Map 43.3, Parcel 150

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to demo and rebuild garage.

DATE & TIME: Tuesday, December 15, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing:

Bourne Courier Publishing Dates:
Dec. 2, 2009

2009 NOV 30 PM 2 58
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA 02532


Public Hearing

A public hearing was held on December 15, 2009 at 10:00 a.m. hearing was held pursuant to Town of Bourne general bylaw Section 3.14 "Demolition of Historic Structures." Location of subject property 19 Penobscot Ave., Pocasset, MA Assessors Map 43.3, Parcel 159. Five permanent members of the Historical Commission were in attendance Donald Jacobs, William Wright, Thelma Loring, Jean Campbell, Donald Ellis. Also present was Donald Dubeager for the applicant.

The request was to remove existing garage and erect new garage on same footprint.

A discussion ensued regarding this request and it was decided that the request would not be detrimental to the historical or architectural heritage of the Town of Bourne. The chairman closed the discussion after all had had an opportunity to speak. A motion was made and seconded: To grant the applicants request.

The Bourne Historical Commission voted unanimously to approve the motion.


Donald Jacobs, Chairman
Bourne Historical Commission

Copies to: Town Administrator, Town Clerk, Building Inspector, Planning Board, Town Planner, Petitioner, Historical Commission

2009 DEC 17 PM 11:32
TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE
Bourne Historical Commission
PUBLIC HEARING NOTICE

LOCATION: 159 Presidents Rd
Assessors Map 26.1, Parcel 144

PROPOSAL: Bourne General Bylaws Section 3.14 - Demolition of
Historic Structures. The property has been deemed a
historic "Significant Building" as defined in the bylaw.
Determination whether the building should be preserved
will be made. Project is to demo and rebuild porch.

DATE & TIME: Tuesday, December 22, 2009 at 10:00 A.M.

PLACE: Bourne Historical Center
30 Keene Street
Bourne, MA 02532

Plans may be viewed at the Planning Board office at Town
Hall from 8:30-4:30, Monday - Friday. 508-759-0615.
Written comments in advance are welcome and should be
sent to Coreen Moore, Town Planner. All persons desiring
to be heard on this matter should appear at the hearing.

Bourne Courier Publishing Dates:
Dec. 9, 2009

2009 NOV 30 PM 2 58
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Historical Commission
30 Keene Street
Bourne, MA

The Public Hearing to be held on December 22 2009 pertaining to property at 159 Presidents Rd.
was canceled at the applicants request.


Donald Jacobs, Chairman

rd

2010 MAR 8 AM 10 56
TOWN CLERK'S OFFICE
BOURNE, MASS

Housing

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on January 21, 2009 at 8:00 a.m.. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Paula McConnell, Peter Meier

Members Absent: Arthur Wills, Michael Blanton

Others Present: Barbara Thurston, Executive Director

Meeting convened at 8:10 a.m.

Mr. Meier made a motion to accept the minutes of the meeting held on December 17, 2008. Motion seconded by Mr. Olson. Unanimous vote.

Treasurers Report

Ms. Thurston presented the Board with the treasurer's report for the State and Federal programs for November, 2008. Motion made by Mr. Meier to accept the Treasurer's report. Motion seconded by Mr. Olson. Unanimous vote.

Program Update:

Continental Apartments has two vacancies. Handicapped has one vacancy. Family has one vacancy.. Roland Phinney has no vacancies. Section 8 has 76 leased and one issued. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Resident Report:

No residents were present

Old Business:

Ms. Thurston informed the Board that she spoke to Varn Philbrook, the engineer that will be inspecting Continental Apartments. He has proposed doing an initial walk-through inspection to provide a means to quantify the Scope of Work needed for assessing the existing usage and structure and then coming to the Board with recommendations. The initial inspection will cost \$1,000. Motion made by Mr. Meier to approve the \$1,000 initial inspection. Motion seconded by Mr. Olson.

Ms. Thurston informed the Board that DHCD will be conducting an inventory inspection on January 22nd. They have hired a private firm to do the inspections.

The new boilers at the handicap development are being installed. About half have been completed.

Window replacement at Roland Phinney has been completed. Ms. Thurston recommended approval of final interim payment of \$25,748.80 and retaining fee of \$5,876.90 once all final paperwork has been submitted. Motion made by Mr. Meier to approve payments. Motion seconded by Mr. Olson.

Ms. Thurston informed the Board that she contacted DHCD to let them know that we wanted to open the wait list for 705 and she was told by Laura Correia, our new asset manager, that we would have to wait 30 days for approval by DHCD.

Ms. Thurston advised the Board that she has been cleaning out files and has submitted a request to the State for approval to destroy 23 boxes.

Ms. Thurston provided the Board with copies of the audited financial statement prepared by Hurley & O'Neil. There were no findings.

2010 FEB 1 AM 8
TOWN CLERK'S OFF
BOURNE, MASS

New Business:

Ms. Thurston informed the Board that she has been looking for a new electrician for quite a while because she is not happy with Upper Cape. Last Friday, Al received a call from a tenant who had no electricity. This was after hours. When he arrived he could not find the problem. He called Upper Cape and left a message on their emergency number. They never returned his call. He called Noonan Electric and they came right over. It was the main breaker on the outside. Upper Cape called on Monday to see if we still needed them! Ms. Thurston received a proposal from Noonan Electric of \$93 per hour. Upper Cape charged \$85. Ms. Thurston would like to use Noonan. They are well-established in the community, have a good reputation and are reliable with a 24-hour emergency number that is answered by the on-call person. Motion made by Mr. Meier to hire Noonan Electric as our electrician. Motion seconded by Mr. Olson.

Ms. Thurston informed the Board that Lubelia's computer died and we will need a new one. Our computer technician is ordering a new HP computer and monitor.. It should be about \$1,000.

Ms. Thurston has been trying to reach National Grid for a rebate on the new gas boilers at the handicap development. We should be getting approximately \$1,000 per unit.

Ms. Thurston informed the Board that we have a new tenant representative at Roland Phinney Place. He will be coming to our next meeting to introduce himself.

Community Preservation Act

There will be a meeting of the CPA and they would like us to come before them to let them know what we have been doing with the funds awarded to us. Barry Johnson will be calling

Ms. Thruston is trying to schedule a meeting with DHCD to visit the site in Sagamore..

Communications/Conferences/Correspondence

MA Legislative Day 2/24/09

NAHRO Legislative Conference 3/16 -3/18

PHADA conference 5/3 - 5/6 Atlanta

NAHRO Summer Conference 7/16 - 7/18 Portland, OR

NAHRO Annual Conference 10/4 - 10/6 - Washington, DC

PHADA Commissioners Conference 1/10/10 - 1/13/10 - Tampa

Next meeting scheduled for February 18, 2009 at 8:00 a.m.

Meeting adjourned at 8:55 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

NOTICE IS HEREBY GIVEN THAT

The Bourne Housing Authority will open its two and three bedroom waiting list for Family/705 housing on Monday, February 2, 2009 at 9:00 a.m. until May 1, 2009 at 4:00 p.m., when the list will close. No standard or emergency applications will be processed after May 1, 2009.

Public notice will be given when the list will open again.

Income limits for the program are as follows:

1 person	\$41,450
2 people	\$47,350
3 people	\$53,300
4 people	\$59,200
5 people	\$63,950

Interested persons may request an application in person or by calling

BOURNE HOUSING AUTHORITY

871 Shore Road, Pocasset, MA 02559

508-563-7485

Office hours: 8:30 a.m. – 4:30 p.m., Monday – Friday

You may download an application at <http://www.mass.gov/dhcd>

Applications will not be sent or accepted by e-mail or fax

Equal Opportunity Housing and Employment

TOWN CLERK'S OFFICE
BOURNE, MA 02532

2009 FEB 6 PM 12 30

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, February 18, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed: *Barbara Thurston*
Barbara Thurston, Executive Director

February 12, 2009

cc: Town Clerk

TOWN CLERK'S OFFICE
BOURNE, MASS.

2009 FEB 12 AM 11 09

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on February 18, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Michael Blanton, Arthur Wills

Members Absent: Paula McConnell

Others Present: Barbara Thurston, Executive Director, Fred Bartholomew, Tenant Representative for Roland Phinney Place

Meeting convened at 8:10 a.m.

Mr. Blanton made a motion to accept the minutes of the meeting held on January 21, 2009. Motion seconded by Mr. Olson. Unanimous vote.

Treasurers Report

Ms. Thurston presented the Board with the treasurer's report for the State and Federal programs for December, 2008. Mr. Meier discussed the interest rate on our accounts. Motion made by Mr. Wills to accept the Treasurer's report. Motion seconded by Mr. Blanton Unanimous vote.

Program Update:

Continental Apartments has two vacancies. Handicapped has one vacancy. Family has one vacancy. Roland Phinney has no vacancies. Section 8 has 76 leased and one issued. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

The Board discussed vacancies. Mr. Blanton inquired about landlord references. Ms. Thurston explained that some landlords are reluctant to submit negative references. Mr. Blanton agreed, but on the other side, some will give good references just to get rid of the tenant. Ms. Thurston discussed credit reports and stated that she uses them mostly for former addressed and judgments from former landlords. It is not a requirement to have good credit for public housing, whereas, in the public sector, it may be.

Resident Report:

Ms. Thurston introduced Fred Bartholomew as the newly-elected tenant representative from Roland Phinney Place. Mr. Bartholomew stated that he was enthusiastic about his new position and has recently sent out a survey to tenants to see what interest they may have. Tenants are interested in dinner theaters on Cape, restaurants, boat trips to the Islands and Boston Harbor, Pawtucket Red Sox, volunteering at the local hospitals and senior center and having guest speakers. Most popular were dinner parties and the least favorable were guest speakers. There is already an entertainment and events committee. There is a rep from each building. The goal is to get more participants. He will also have a column in our newsletter. Mr. Bartholomew stated that he worked in advertising and marketing before retiring here. Mr. Blanton thanked Mr. Bartholomew and told him we would be happy to do anything to help.

Old Business:

Ms. Thurston informed the Board that she is meeting the engineer at Continental Apartments at 10 a.m. today.

Ms. Thurston stated that the installation of boilers at the handicap development is almost complete.

Ms. Thurston informed the Board that Alan Champagne, a modernizations coordinator at DHCD was killed in a skiing accident over the weekend. Ms. Thurston stated that he was wonderful to work with and she will truly miss him.

Ms. Thurston presented the Board with the Certificate of Completion for the window replacement at Roland Phinney Place. Motion made by Mr. Wills to approve the Certificate of Completions and authorize Ms. McConnell to sign it. Motion seconded by Mr. Blanton. Unanimous vote.

Ms. Thurston informed the Board that DHCD finally approved the opening of the wait list and it opened on February 2nd and will close on May 1st. The Board discussed resident preference.

New Business:

Ms. Thurston informed the Board that the gas inspector is now insisting that we pay for permits for installation of hot water heaters, etc. Our plumber stated that they have never required that in the past. Mr. Olson stated that the Melrose Housing Authority had to pull permits for everything and fees were not waived. Mr. Meier made a motion to send a letter to Tom Guerino requesting that the Town continue to waive permit fees. Motion seconded by Mr. Blanton. Unanimous vote.

Ms. Thurston informed the Board that she spoke to the Town Clerk and he stated that we must have handicapped accessibility at our public meetings.

Ms. Thurston informed the Board that she had an inspection at 89 Waterhouse Rd. today for a problem with a hoarder. The tenant rescheduled for March 3rd. The Health Dept. and Fire Dept. will accompany Ms. Thurston.

Ms. Thurston informed the Board that she met with the new fire inspector for the Town and he will be conducting fire drills at the senior developments in the Spring.

Ms. Thurston and Mr. Meier will attend the Legislative Day at the State House next Tuesday.

Community Preservation Act

Ms. Thurston has an appointment on Friday with DHCD and Mass Housing to view the Sagamore property and discuss the potential development.

Motion made by Mr. Blanton to support the CPA applications for the funding of Kerry Horman's position as Affordable Housing Specialist and the application for funding for the B-HOPP program. Motion seconded by Mr. Wills. Unanimous vote.

Communications/Conferences/Correspondence

MassNahro Seacrest 5/17 - 5/20

NAHRO Summer Conference 7/16 - 7/18 Portland, OR

NAHRO Annual Conference 10/4 - 10/6 - Washington, DC

PHADA Commissioners Conference 1/10/10 - 1/13/10 - Tampa

Next meeting scheduled for March 25, 2009 at 8:00 a.m. It will be the annual budget meeting.

Meeting adjourned at 9:12 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

SPECIAL MEETING NOTICE

BOARD: Bourne Housing Authority

NOTICE OF SPECIAL MEETING TO BE HELD:

Date: Monday, March 9, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA 02559**

**Agenda Item: Vote to request funding from the Cape Cod Commission DRI
funds for engineering at Continental apartments**

**Signed: Barbara Thurston
Barbara Thurston
Executive Director**

Date: March 5, 2009

cc: Town Clerk

2009 MAR 5 PM 2 49
TOWN CLERK'S OFFICE
BOURNE, MASS

American Recovery and Reinvestment Act (ARRA) Formula Grant

**Capital Fund Program
CFP) Amendment**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing**

**The Consolidated Annual Contributions
Contract (form HUD-53012)**

TOWN CLERK'S OFFICE
BOURNE, MASS
2009 MAR 3 PM 9

Whereas, (Public Housing Authority) Bourne Housing Authority (MA110) (herein called the "PHA") and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions

Contract(s) ACC(s) Number(s) B-1666

dated: 9/29/1982

Whereas, HUD has agreed to provide American Recovery and Reinvestment Act (ARRA) assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out capital and management activities at public housing developments in accordance with the requirements of the ARRA including Title XVI general provisions of the ARRA, in order to ensure that such developments continue to be available to serve low-income families:

\$ 105,480 for Fiscal Year 2009 to be referred to under Capital Fund Grant Number MA06S11050109

PHA Tax Identification Number (TIN). On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number _____

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for capital and management activities of PHA developments. This amendment is a part of the ACC(s).
2. The capital and management activities shall be carried out in accordance with all HUD regulations and other requirements applicable to the Capital Fund Program and ARRA and in accordance with the PHA's current 5-year Capital Fund Plan.
3. Subject to the provisions of the ACC(s) and to assist in the capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.
4. The PHA shall continue to operate each development as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP/ARRA assistance for modernization activities and for a period of forty years after the last distribution of CFP/ARRA assistance for development activities. Provided further that, for a period of ten years following the last payment of assistance from the Operating Fund to the PHA, no disposition of any development covered by this amendment shall occur unless approved by HUD.
5. If the PHA does not comply with any of its obligations under this Amendment, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work. In such case, the PHA shall only incur additional costs with HUD approval.
6. By execution of this amendment all PHAs that are PHAS troubled acknowledge and agree to additional monitoring and oversight by HUD and its agents/contractors as deemed appropriate and necessary in order to ensure the proper use of the funds received by this amendment.

7. This grant is conditioned on the acceptance of the PHA to comply with the reporting requirements of the ARRA and the following requirements:
 - a. Funds cannot be transferred to operations or used for rental assistance activities.
 - b. The PHA must obligate 100% of the grant within one year of the effective date. At the one year date any unobligated funds will be recaptured.
 - c. The PHA must expend at least 60% of the grant within two years of the effective date. At the two year date if less than 60% is expended any unexpended funds will be recaptured.
 - d. The PHA must expend 100% of the grant within 3 years of the effective date. At the three year date any unexpended funds will be recaptured.
 - e. Extensions to the obligation and expenditure dates are not permitted.
 - f. The PHA must submit an annual statement and board resolution no later than 21 calendar days from the effective date.
 - g. The PHA shall give priority to capital projects that can award contracts based on bids within 120 from the effective date.
 - h. The PHA shall give priority consideration to the rehabilitation of vacant rental units.
 - i. The PHA shall prioritize capital projects that are already underway or included in the 5-year Capital Fund Plan.
 - j. The PHA must use the funds provided in this grant to supplement expenditures not supplant expenditures from other Federal, State, or local sources or funds independently generated by the grantee.
 - k. The PHA will provide a physical needs assessment, as specified by HUD, using funds from this grant or other Capital Funds.
 - l. Requirements relating to the procurement of goods and services arising under state and local laws and regulations shall not apply to the CFP assistance provided by this agreement.

8. The PHA acknowledges its responsibility for adherence to this amendment.

The parties have executed this Agreement, and it will be effective on 3/18/2009. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development	PHA Executive Director
By _____	By <u>Barbara Shurston</u>
Date: _____	Date: <u>3/2/2009</u>
Title _____	Title <u>EXECUTIVE DIRECTOR</u>

Bourne Housing

**Capital Fund Program
(CFP) Amendment—page 2
To The Consolidated Annual Contributions Contract
(form HUD-53012)**

(SEAL)
Attest:

TOWN/CITY BOURNE

BY: 

TITLE: Asst. Town Clerk

DATE: March 3, 2009

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, March 25, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed:


Barbara Thurston, Executive Director

March 20, 2009

cc: Town Clerk

2009 MAR 20 PM 4 11
TOWN CLERK'S OFFICE
BOURNE, MASS.

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on March 25, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Paula McConnell, Arthur Wills

Members Absent: Michael Blanton

Others Present: Barbara Thurston, Executive Director, Fred Bartholomew, Tenant Representative for Roland Phinney Place. Jack Sullivan, Federal Fee Accountant and Tom Joy, State Fee Accountant

Meeting convened at 8:10 a.m.

Mr. Wills made a motion to accept the minutes of the meeting held on February 18, 2009. Motion seconded by Mr. Meier. Unanimous vote.

Treasurers Report

Mr. Sullivan presented the Board with the balance sheets for February, 2009 for Roland Phinney Place and the Section 8 Program. He then presented the annual budget for Roland Phinney Place. Motion made by Mr. Wills to approve the budget for Roland Phinney Place. Motion seconded by Mr. Meier. Unanimous vote.

Mr. Joy presented the board with the balance sheets for February, 2009 for the State programs. He then presented the budgets for the State programs. Mr. Meier asked what the raises would be this year.. Mr. Joy explained that we went by the COLA which is 3.87%. and the maintenance salaries went up by 10.2% which is determined by the Dept. of Labor. Mr. Meier thought that the public may be upset that we are getting more than some of the police and fire in Bourne. Mr. Joy explained that we had four years in a row where there was level funding and the Town received raises. Motion made by Mr. Meier to accept the budget as presented. Motion seconded by Mr. Wills. Unanimous vote. Mr. Joy then presented the budget for the MRVP. Motion made by Mr. Wills to accept the budget for the MRVP. Motion seconded by Mr. Meier. Unanimous vote.

Ms. McConnell asked if Patricia Grace's program affects us in any negative way. Mr. Joy explained that it does not at this time. However, it may in the future when Ms. Grace retires. Ms. Thurston stated that she would have DHCD reimburse us for any added assessment by the Barnstable County Retirement System.

Ms. Thurston presented the budget to Actual reports for January and February. Motion made by Mr. Meier to accept the Treasurers Report. Motion seconded by Mr. Wills. Unanimous vote.

Program Update:

Continental Apartments has two vacancies. Handicapped has two vacancies. Family has one vacancy. Roland Phinney has no vacancies. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and 50 incoming portable vouchers.

Resident Report:

Mr. Bartolomei, the representative from Roland Phinney Place was present. He stated that the residents were concerned that, due to the financial crisis in the country, would Roland Phinney Place ever be sold for condos. He was assured by Mr. Sullivan that that would not happen. Mr. Bartolomei informed the Board that he has formed an entertainment committee and they have been planning new events. They just went to the Beach House for St. Patrick's Day and are planning to go to the Musical at the High School. They are trying to keep the costs down so that everyone can participate.

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TOWN CLERK
BOURNE HOUSING AUTHORITY

Old Business:

Ms. Thurston informed the Board that the gas boilers are all installed but there is an outdoor sensor that should be installed according to DHCD. Ms. Thurston feels that we do not need them as well as Al Huff, the maintenance man and Tom Hackenson. Ms. Thurston is going to have the representative for the boilers come and discuss the issue. In addition, the plumbing inspector will not issue approval units until they have a relief valve installed. There is a built-in valve but he stated that State Law required an external one. This will mean a change order.

Ms. Thurston informed the Board that she attended Legislative Day at the State House on February 24th. She stated that we told nothing that we did not already know. Guest speakers did not show up, none of our local legislators were available, and DeLeo, the Senate president did not show up. She felt it was a waste of her time.

Ms. Thurston introduced Varn Philbrook, the structural engineer who has done a walk-through inspection of Continental Apartments. He informed the Board of some of his observations and that he would like to proceed with a more thorough inspection. He felt that the building was in very good condition. We will coordinate a time and date with Larry Olson and Al Huff. He also recommended hiring an electrical engineer to check the electrical system in the building. He stated that the inspection would not cost more than \$2,000 and he will send a proposal. Motion made by Mr. Meier to approve up to \$2,000 for his services. Motion seconded by Mr. Wills. Unanimous vote.

New Business:

Mr. Thurston informed the Board that she has submitted Mr. Wills' name to MassNahro so that he may be recognized for his service at the luncheon at the conference in May.

Ms. Thurston presented the Board with the Annual Statement for the Capital Fund Stimulus money in the amount of \$105,000. Motion made by Mr. Meier to approve the amendment. Motion seconded by Mr. Wills. Unanimous vote.

Ms. Thurston called Nancy to ask her if Tom Guerino has recently asked Departments to collect permit fees. I explained to her that we never had to pay and now the plumbing inspector has told our plumber that he has to pay. She spoke to Mr. Guerino when he was finished at his meeting and he said he would tell the plumbing inspector not to charge us the permit fees.

Ms. Thurston informed the Board that she inspected a unit at the handicap development with the Fire Prevention Officer and the Board of Health. There were some issues and both the Fire Dept. and the BOH issued him a letter stating that he had to remove some items and hazards. Ms. Thurston will reinspect the unit to be sure the issues have been addressed.

Community Preservation Act

Ms. Thurston stated that she and Mr. Meier met with Leslie Bos from DHCD and Connie Kruegar from Mass Housing on March 3rd. She provided them with an aerial view of the property on Cape View Way and we discussed some possibilities. Coreen Moore has found the original subdivision plans and Ms. Thurston will forward it to them. They will be looking to form a Development Team.

Mr. Meier stated that there is a public hearing on the CPA application on April 6th. Ms. Thurston stated that Sue Ross will be on vacation and she will be presenting Mr. Horman's application and answering any questions.

Communications/Conferences/Correspondence

MassNahro Seacrest 5/17 - 5/20

NAHRO Summer Conference 7/16 - 7/18 Portland, OR

NAHRO Annual Conference 10/4 – 10/6 – Washington, DC
PHADA Commissioners Conference 1/10/10 – 1/13/10 - Tampa

Next meeting scheduled for April 15, 2009 at 8:00 a.m.

Meeting adjourned at 10:30 a.m.

Respectfully submitted,

Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, April 15, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed:


Barbara Thurston, Executive Director

April 10, 2009

cc: Town Clerk

2009 APR 10 AM 11 25
TOWN CLERK'S OFFICE
BOURNE, MASS

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on April 15, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Paula McConnell, Arthur Wills

Members Absent: Michael Blanton

Others Present: Barbara Thurston, Executive Director, Fred Bartholomew, Tenant Representative for Roland Phinney Place

Meeting convened at 8:10 a.m.

Mr. Wills made a motion to accept the minutes of the meeting held on March 25, 2009. Motion seconded by Mr. Meier. Unanimous vote.

Treasurers Report

Ms. Thurston reminded the Board that we approved the Budget to Actual report for February at the last meeting. Ms. Thurston presented the accounts payable report and the current bank statements to the Board. Motion made by Mr. Wills to approve the Treasurer's report. Motion seconded by Mr. Meier. Unanimous vote.

Program Update:

Continental Apartments has two vacancies. Handicapped has two vacancies. Family has no vacancies. Roland Phinney has no vacancies. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Resident Report:

Mr. Bartholomew reported that tenants are planning a trip to the PAW SOX in May. Mr. Bartholomew will be inquiring if the bus for the senior center is available for rent for trips.

Old Business:

Ms. Thurston informed the Board that the engineer we hired for Continental Apartments is going to be coordinating with Al and Larry Olson to set a date to inspect the building.

There is a change order for the gas boilers at the 689 handicap development. The plumbing inspector is requiring relief valves I to be installed. Motion made by Mr. Wills to accept the change order (#1) Motion made by Mr. Meier to accept Change Order #1. Motion seconded by Mr. Olson. Unanimous vote. Ms. Thurston is authorized to sign the Change Order.

Mr. Olson was concerned about freezing in the boiler rooms. Ms. Thurston stated that the issue has come up and the manufacturer, contractor, engineer and Al agreed that it should not be a problem.

Ms. Thurston informed the Board that there is a problem with the temperature of the showers at the handicap development. They do not seem to be hot enough. The manufacturer's rep, the contractor, engineer and Al will be there tomorrow to see if it can be corrected.

New Business:

Ms. Thurston informed the Board that Meggie Shea has been with the BHA for twenty years. The staff had a small party for her....she did not want a lot of fanfare.

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TOWN CLERK'S OFFICE
BOURNE, MASS

2010 FEB 1 PM 8 32
TOWN CLERK'S OFFICE
BOURNE, MASS

Mr. Wills will be recognized at the Seacrest for his service to the BHA. Ms. Thurston called MassNahro and they think it will be on Monday but will let us know for sure.

Ms. Thurston presented the Board with a letter from the Housing Authority Insurance Group informing us that they are offering a free \$5,000 life insurance policy available to all staff and Board members. The form must be filled out and returned to Ms. Thurston before May 1, 2009.

Ms. Thurston presented the Board with the MASS submission for FYE3/31/2009. Motion made by Peter Meier to accept the MASS for submission. Motion seconded by Mr. Wills. Unanimous vote.

Ms. Thurston informed the Board that HUD is now requiring an environmental review before we can spend any Capital Fund money for Roland Phinney Place. This will start with the 2008 grant. Ms. Thurston stated that the only three housing authorities on the Cape that have public housing are us, Barnstable and Falmouth. She is aware that The Cape Cod Commission conducted the reviews for Barnstable and Falmouth and has asked Paul Ruchinskas to conduct ours and he has agreed to do so.

Ms. Thurston presented the Board with the fee accountant contract for Jack Sullivan. There were some increases in his fees. Motion made by Mr. Meier to accept the proposed contract. Motion seconded by Mr. Wills. Unanimous vote.

The Board discussed the new affordable development at Canal Bluffs and the income limits for qualification.

Community Preservation Act

Ms. Thurston informed the Board she and Mr. Meier attended the CPA public hearing last Monday night. Ms. Thurston was there to answer any questions regarding the request for funding for the Affordable Housing Specialist position. Mr. Meier spoke in favor of the request. There was no opposition from the public.

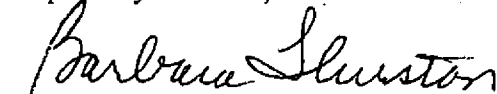
Communications/Conferences/Correspondence

NAHRO Summer Conference 7/16 – 7/18 Portland, OR
NAHRO Annual Conference 10/4 – 10/6 – Washington, DC
PHADA Commissioners Conference 1/10/10 – 1/13/10 - Tampa

Next meeting scheduled for May 20, 2009 at 8:00 a.m.

Meeting adjourned at 9:25 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, May 20, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

**Signed: Barbara Thurston
Barbara Thurston, Executive Director**

May 13, 2009

cc: Town Clerk

2009 MAY 13 PM 4 17
TOWN CLERK'S OFFICE
POCASSET, MA 01909

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on May 20, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Paula McConnell, Arthur Wills, Michael Blanton

Members Absent: None

Others Present: Barbara Thurston, Executive Director, Fred Bartholomew, Tenant Representative for Roland Phinney Place

Meeting convened at 8:10 a.m.

Mr. Meier made a motion to accept the minutes of the meeting held on April 15, 2009. Motion seconded by Mr. Wills. Unanimous vote.

Treasurers Report

Ms. Thurston presented the Treasurer's report to the Board for the month of March. Motion made by Mr. Meier to approve the Treasurer's report. Motion seconded by Mr. Wills. Unanimous vote.

Program Update:

Continental Apartments has one vacancy. Handicapped has two vacancies. Family has no vacancies. Roland Phinney has no vacancies. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Ms. Thurston informed the Board of some of the problems that are occurring regarding eligibility of applicants including criminal records and minor children in the custody of DSS.

Ms. Thurston informed the Board that a tenant has abandoned a unit at the family development. Apparently there was a stabbing at the unit on May 1st and she left on May 2nd. Ms. Thurston has spoken to the police regarding the matter. Ms. Thurston showed the Board pictures of the unit that she had taken on Monday. The unit is in very bad condition. There is trash, filth, damages and the carpet is only 2 years old and ruined.

Resident Report:

Ms. Thurston provided the Board with a copy of the events planned by Fred Bartholomew, the resident representative for Roland Phinney Place. They attended a PawSox game this month and stopped to eat on the way home. They are planning a boat cruise from Onset and a play at the College Light Opera.

Old Business:

Ms. Thurston informed the Board that we have agreed to a settlement for the eviction costs at the family development. If we had gone to court, the judgment would have been minimal due to the fact that the tenant's income is disability checks only.

The structural engineer has inspected Continental apartments and will be submitting a report. Apparently there will be no surprises. Most of the issues are known to us. Ms. Thurston is awaiting proposals from electrical engineers to do a report on the condition of the electrical system.

The contractor has ordered the relief valves and will be installing them at the handicap development and then the Plumbing Inspector can approve it.

Ms. Thurston presented the Board with a proposal from D&V Associates to do inspections for the Section 8 Program. It would result in a \$500 savings to the BHA per year. Ms. Thurston liked the proposal of having the inspections submitted to us over the internet within 24 hours. The Board would like 3 proposals and submit at the next meeting.

New Business:

Ms. Thurston has ordered a bike rack for tenant use at Roland Phinney Place. She presented a draft copy of a policy for the bike rack. Motion made by Mr. Meier to approve the policy. Motion seconded by Mr. Blanton. Unanimous vote.

The Board conducted election of officers. Mr. Olson made a motion to leave the Board as is. Mr. Blanton nominated Mr. Meier for Chairperson. The vote was 2-2 with Mr. Wills not voting. The Board agreed to table the vote for the June meeting.

Community Preservation Act

Ms. Thurston informed the Board that B-HOPP applications are available for qualified applicants for purchase of affordable housing.

Communications/Conferences/Correspondence

NAHRO Summer Conference 7/16 – 7/18 Portland, OR
NAHRO Annual Conference 10/4 – 10/6 – Washington, DC
PHADA Commissioners Conference 1/10/10 – 1/13/10 - Tampa

Next meeting scheduled for June 17, 2009 at 8:00 a.m.

Meeting adjourned at 9:10 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, June 17, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed: Barbara Thurston
Barbara Thurston, Executive Director

June 11, 2009

cc: Town Clerk

2009 JUN 11 PM 4 23
TOWN CLERK'S OFFICE
BOURNE, MASS

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on June 17, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Arthur Wills, Michael Blanton

Members Absent: Paula McConnell

Others Present: Barbara Thurston, Executive Director

Meeting convened at 8:13 a.m.

Mr. Wills made a motion to accept the minutes of the meeting held on May 20, 2009. Motion seconded by Mr. Olson. Unanimous vote.

Treasurers Report

Ms. Thurston presented the Treasurer's report to the Board for the month of April, 2009. Motion made by Mr. Wills to approve the Treasurer's report. Motion seconded by Mr. Olson. Unanimous vote.

Program Update:

Continental Apartments has one vacancy. Handicapped has two vacancies. Family has no vacancies. Roland Phinney has no vacancies. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Resident Report:

No resident representatives were present

Old Business:

Ms. Thurston has left messages with Varn Philbrook, the structural engineer for Continental Apartments. He has not returned her calls.

Ms. Thurston presented the Board with three proposals from electrical engineers for Continental Apartments. The first was for \$3,500 from B.E.R. Engineering. The second was from Jarvis Engineering for \$3,000 and the third was from M.J. Supranovicz Associates for \$2,500. After discussion the Board agreed to hire Jarvis Engineering. Supranovicz did not show up for a scheduled appointment and did not call. Mr. Meier felt that having an engineer from off-cape would be beneficial. Jarvis presented a much more professional packet. Motion made by Mr. Blanton to hire R.P. Jarvis Engineering subject to reference checks. Motion seconded by Mr. Wills. Unanimous vote.

Contractor for the handicap development has ordered relief valves and will be installing shortly so that we can close out this project.

Ms. Thurston informed the Board that Ms. McConnell would like to have her name withdrawn from nomination for Chairperson. Mr. Wills nominated Mr. Meier for Chairperson. Motion seconded by Mr. Blanton. Unanimous vote. Mr. Blanton nominated Ms. McConnell for Vice Chair. Motion seconded by Mr. Olson. Unanimous vote. Mr. Olson nominated Mr. Blanton for Treasurer. Motion seconded by Mr. Wills. Unanimous vote. Motion made by Mr. Blanton to nominate Mr. Olson for Assistant Treasurer. Motion seconded by Mr. Wills. Unanimous vote.

Ms. Thurston advised the Board that MassNahro's Board Member Certification Program consists of 5 half day sessions. They have completed their first Program and will offer another in the Fall.

Ms. Thurston informed the Board that she attended a meeting with the Board of Health and representatives from nursing homes, assisted living, Bourne Oaks, VNA, BC Health Dept. regarding the planning for emergency services

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TOWN CLERK'S OFFICE
BOURNE, MASS

in the event of a biological terrorist event. Dispensing centers were discussed and it will probably be the Senior Center. We will be on the BCBOH list to contact us.

New Business:

Mr. Wills and Mr. Meier will conduct the annual evaluation of Ms. Thurston.

Ms. Thurston presented the Board with the annual Utility Allowance Schedule. Motion made by Mr. Wills to accept the Schedule. Motion seconded by Mr. Blanton. Unanimous vote.

Ms. Thurston informed the Board that she attended a meeting of the Cape Cod Executive Directors and it has come to their attention that the Cape Cod Commission may want to regionalize some Cape housing authorities. None of the eleven directors present at the meeting has been contacted by anyone for the Commission to inform them of this. They apparently have received a grant to hire a consultant to conduct a study on the subject. The Directors have requested to be heard at the July 1st meeting of the County Commissioners. Ms. Thurston provided the Board with a copy of the letter sent to the Commissioners. The Board discussed the advantages of regionalizing purchasing such as refrigerators, computers, stoves, etc. but not administration. Motion made by Mr. Blanton to approve the letter and support the Cape Directors. Motion seconded by Mr. Wills. Unanimous vote.

Community Preservation Act

B-HOPP applications are available for the ready-buyer list.

Mr. Meier stated that there are now three groups in Town vying for CPA funds. He stated that we will need to decide what we will be doing. He is concerned about the DRI money and how it will be decided who is more worthy. Mr. Blanton spoke to the Commission regarding this subject. He was told that they do not care who it goes to as long as it is for affordable housing. The money goes to the Town and they can decide. Mr. Meier would like this on the agenda in a couple of months for review.

Communications/Conferences/Correspondence

NAHRO Annual Conference 10/4 – 10/6 – Washington, DC

PHADA Commissioners Conference 1/10/10 – 1/13/10 - Tampa

Leo Dower – MV- September

Next meeting scheduled for July 15, 2009 at 8:00 a.m.

Meeting adjourned at 9:20 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, July 15, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed: *Barbara Thurston*
Barbara Thurston, Executive Director

July 7, 2009

cc: Town Clerk

2009 JUL 7 PM 3:22
TOWN CLERK'S OFFICE
POCASSET, MA 01903

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on July 15, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Arthur Wills, Michael Blanton

Members Absent: Paula McConnell

Others Present: Barbara Thurston, Executive Director

Meeting convened at 8:10 a.m.

Mr. Wills made a motion to accept the minutes of the meeting held on June 17, 2009. Motion seconded by Mr. Olson. Mr. Blanton noticed a typo under Old Business, Paragraph #2. Should read \$2,500 not \$25,000. Ms. Thurston will correct the error. Motion passed unanimously with correction.

Treasurers Report

Ms. Thurston presented the Treasurer's report to the Board for the month of May, 2009. Mr. Joy was unable to provide the monthly report for them State due to Mr. Sullivan being on vacation. Motion made by Mr. Blanton to approve the federal Treasurer's report and defer approval of the State report until next month. Motion seconded by Mr. Olson. Unanimous vote.

Program Update:

Continental Apartments has one vacancy. Handicapped has two vacancies. Family has two vacancies. Roland Phinney has one vacancy. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

The Board discussed releasing information regarding tenant references. Ms. Thurston explained that tenants are protected under privacy and confidentiality regs. Ms. Thurston will give references with a release from the tenant.

Resident Report:

No resident representatives were present. Ms. Thurston informed the Board that the tenants at Roland Phinney Place recently went on a Dixieland Canal cruise. They are also planning a trip to the Newport mansions.

Old Business:

Ms. Thurston finally heard from Varn Philbrook. He apologized for not getting back to me. He will have a report ready by 7/24/09.

The electrical engineer will be at Continental Apartments today at 9:00. He will be going into every unit. Al Huff will be accompanying him.

Ms. Thurston spoke to the contractor for the handicap units yesterday. He will finish installing the relief valves on the units this week and will have the plumbing inspector go over to sign off.

Ms. Thurston presented the Board with a letter from the County Commissioners. Cape Directors had attended their July 1st meeting. They assured us that they would not be considering a regional housing authority. They apologized several times for not involving us and promised to keep us informed. Cape Directors have invited them to come to our next meeting on July 27th.

Ms. Thurston asked to table the inspection services quotes until next month.

2010 FEB 1 8 32
TOWN CLERK'S OFFICE
BOURNE, MASS.

Ms. Thurston informed the Board that she met with Mr. Wills and Mr. Meier for her evaluation on July 9th. Mr. Meier stated that during the evaluation they discussed giving Ms. Thurston a five-year contract that would include a notice to the Board in the event that she decides to retire. In addition it would include a set percentage for salary increase per year. He suggested that it would be easier, administrative-wise, to do it that way. Mr. Blanton asked Ms. Thurston if she would be comfortable sharing her thoughts about when she would retire. She stated that she would like to be here for at least five more years. Mr. Blanton is concerned that other staff members will be retiring soon and would not want everyone leaving at once. He would like to have some sort of plan in effect. Mr. Meier would like to see cross-training in the event of absences. Ms. Thurston assured the Board that she has confidence in the staff that they are able to run the office when she is absent and she is available 24/7 on her cell phone. Ms. Thurston makes sure that the staff always goes to any available training. Mr. Blanton stated that he would like to have seen more notes. Ms. Thurston stated that she had the original with notes. Mr. Blanton asked if Ms. McConnell should be present to review this. Mr. Meier stated that he had spoken to Ms. McConnell and she had no problem with the Board making the decision. Mr. Blanton would like to review it with Ms. McConnell present. Mr. Blanton would like an Executive Session. Ms. Thurston referred to the Open Meeting law that did not include personnel reviews. Mr. Wills made a motion to table Ms. Thurston's evaluation until the August meeting. Motion seconded by Mr. Blanton. Unanimous vote.

Mr. Meier would like to see a new evaluation form for next year. Ms. Thurston will find some samples to present to the Board.

New Business:

Ms. Thurston informed the Board that we have no more 3 bedroom applicants on the wait list for the family development. We need to open the list as soon as possible. Motion made by Mr. Blanton to re-open the list as soon as possible and keep it open for three months. Motion seconded by Mr. Olson. Unanimous vote.

Mr. Meier stated that the Planning Board took the position not to support the conversion to all rentals at the Canal Bluffs development. It will be going to the ZBA tonight.

Ms. Thurston provided the Board with a copy of a Homelessness plan issued by DHCD. Ms. Thurston is concerned about the leniency involved in changing the eligibility for applicants when as it applies to their CORI.

Ms. Thurston informed the Board that the Town of Bourne charges sewer rates at two units x \$435. If we paid the full rate it would be $435 \times 36 = \$15,660$.

Community Preservation Act B-HOPP

Communications/Conferences/Correspondence
NAHRO Annual Conference 10/4 - 10/6 - Washington, DC
PHADA Commissioners Conference 1/10/10 - 1/13/10 - Tampa
Leo Dower - MV - September

Next meeting scheduled for August 19, 2009 at 8:00 a.m.

Meeting adjourned at 9:35 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, August 19, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed: Barbara Thurston
- Barbara Thurston, Executive Director

August 13, 2009

cc: Town Clerk

2009 AUG 13 AM 9 50
TOWN CLERK'S OFFICE
POCASSET, MA 01909

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on August 19, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Arthur Wills, Michael Blanton, Paula McConnell

Members Absent: None

Others Present: Barbara Thurston, Executive Director

Meeting convened at 8:07 a.m.

Mr. Wills made a motion to accept the minutes of the meeting held on June 17, 2009. Motion seconded by Mr. Blanton. Motion passed unanimously.

Treasurers Report

Ms. Thurston presented the Treasurer's report to the Board for the month of June, 2009. Motion made by Mr. Wills to approve the Treasurer's report. Motion seconded by Ms. McConnell. Unanimous vote.

Program Update:

Continental Apartments has one vacancy. Handicapped has two vacancies. Family has two vacancies. Roland Phinney has one vacancy. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Ms. Thurston informed the Board that the vacant unit at the 689 handicap development has now been leased.

Resident Report:

No resident representatives were present.

Old Business:

Ms. Thurston presented the Board with a copy of the electrical engineer's report. He will be available to attend the next meeting to discuss the results. The Board also discussed [possible sources of funding to update the electrical service.

Ms. Thurston informed the Board that a walk-through inspection was conducted at the handicap development and a list of items to be corrected was given to the contractor. He will be completing the items this week.

The Board discussed Ms. Thurston's evaluation. Mr. Meier would like a new form to use for next year. Mr. Meier had suggested a 4% increase for the next five years. After discussion, Ms. McConnell would like to be able to review the salary each year. Ms. Thurston reminded the Board that there is only 9 months left on her current contract. Motion made by Mr. Wills to go into a new contract effective retroactively to April 1, 2009 for five years at 4% for the first year and negotiate percentage annually at evaluation. Motion seconded by M. McConnell. Unanimous vote.

Ms. Thurston presented the Board with two newspaper ads. One for the automatic door openers at Roland Phinney Place and one for the opening of the family wait list.

New Business:

The Board discussed the possibility of designating no smoking buildings. Ms. Thurston will do further research. Many housing authorities are now doing this. Ms. Thurston will try to have the structural engineer and electrical engineer at the next meeting.

Ms. Thurston informed the Board that she went to training last Monday for the new Capital Funding Plan software that has been developed by DHCD. She was very impressed with the software and noted that it can also be used for the federal development.

2010 FEB 1 PM 9:32
TOWN CLERK'S OFFICE
BOURNE, MASS.

Ms. Thurston provided the Board with an insurance claim that was paid for an incident where a homemaker fell and broke her arm in January, 2008. It was for \$574 for medical expenses.

The BHA has received a letter from a resident on Deseret Dr., an affordable unit. They are requesting to sell their home and the deed rider states that the BHA has first right of refusal. Mr. Wills made a motion to not exercise our right. Motion seconded by Mr. Olson. Unanimous vote.

Ms. Thurston presented the Board with a copy of our SEMAP score. The score was 93.

Ms. Thurston presented the Board with the results of the bid opening for the automatic door openers for Roland Phinney Place. The lowest bidder was Benn Construction from Sandwich in the amount of \$30,845. References were checked by Rick Mahoney and those results were presented to the Board. He recommended that Benn Const. Be awarded the contract. Motion made by Mr. Wills to award the contract to Benn Construction. Motion seconded by Mr. Blanton. Unanimous vote.

Community Preservation Act
B-HOPP

Communications/Conferences/Correspondence

NAHRO Annual Conference 10/4 - 10/6 - Washington, DC

PHADA Commissioners Conference 1/10/10 - 1/13/10 - Tampa

MassNAHRO Board member training September 26th in Natick.

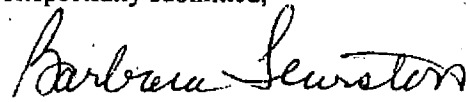
Ms. Thurston and Mr. Meier would like to attend Leo Dauer's conference

Ms. Thurston presented the Board with a copy of a letter to Paul Ruchinskas thanking him for conducting the environmental review at Roland Phinney Place.

Next meeting scheduled for September 16, 2009 at 8:00 a.m.

Meeting adjourned at 9:10 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

Capital Fund 2009 Formula Grant

Capital Fund Program

CFP Amendment

The Consolidated Annual Contributions
Contract (form HUD-53012)

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Whereas, (Public Housing Authority) Bourne Housing Authority (MA110) (herein called the "PHA")
and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions

Contract(s) ACC(s) Number(s) B-1666

dated: 9/29/1982

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out capital and management activities at existing public housing developments in order to ensure that such developments continue to be available to serve low-income families:

\$83,286 - \$ for Fiscal Year to be referred to under Capital Fund Grant Number MA06P11050109

PHA Tax Identification Number (TIN). On File enter if changed since previous CFP Grant

Whereas, HUD and the PHA are entering into the CFP Amendment Number _____

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for capital and management activities of PHA developments. This amendment is a part of the ACC(s).

2. The capital and management activities shall be carried out in accordance with all HUD regulations and other requirements applicable to the Capital Fund Program.

3. (Check one)

a. For Non-qualified PHAs:

(i) In accordance with the HUD regulations, the Annual PHA Plan has been adopted by the PHA and approved by HUD, and may be amended from time to time. The capital and management activities shall be carried out as described in the CFP Annual Statement/Performance and Evaluation Report (HUD-50075.1).

OR

(ii) If the Annual PHA Plan has not been adopted by the PHA and approved by HUD, the PHA may use its CFP assistance under this contract for work items contained in its CFP-Five-Year Action Plan (HUD-50075.2), before the Annual PHA Plan is approved.

b. For Qualified PHAs:

(i) The CFP Annual Statement/Performance and Evaluation Report (HUD-50075.1) has been adopted by the PHA and verified by HUD. The capital and management activities shall be carried out as described therein.

OR

(ii) If the CFP Annual Statement/Performance and Evaluation Report has not been adopted by the PHA and/or verified by HUD, the PHA may use its CFP assistance under this contract for work items contained in its approved CFP 5-Year Action Plan (HUD-50075.2), before the CFP Annual Statement/Performance and Evaluation Report is adopted by the PHA and verified by HUD.

For cases where HUD has approved a Capital Fund Financing Amendment to the ACC (CFP Amendment attached), HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee (Trustee Agreement attached) within 3 days of the due date.

The parties have executed this Agreement, and it will be effective on 9/15/2009. This is the date on which CFP assistance becomes available to the PHA for obligation.

Regardless of the selection above, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the United States Housing Act of 1937, as amended, (the "Act") and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation).

4. Subject to the provisions of the ACC(s) and paragraph 3. and to assist in the capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.

5. The PHA shall continue to operate each development as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities and for a period of forty years after the last distribution of CFP assistance for development activities. However, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any development(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, for a period of ten years following the last payment of assistance from the Operating Fund to the PHA, no disposition of any development covered by this amendment shall occur unless approved by HUD.

6. The PHA will accept the entire CFP assistance amount for this FY. If the PHA does not comply with any of its obligations under this Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

7. Implementation or use of funding assistance provided under this Amendment is subject to the attached corrective action order(s).

(mark one) : ☐ Yes ☒ No

8. The PHA acknowledges its responsibility for adherence to this Amendment.

U.S. Department of Housing and Urban Development

By _____ Date: _____

Title _____

PHA Executive Director

By Barbara Shurston Date: 9/9/09

Title EXECUTIVE DIRECTOR

Capital Fund Program
(CFP) Amendment—page 2
To The Consolidated Annual Contributions Contract
(form HUD-53012)

(SEAL)
Attest:

TOWN/CITY

BOURNE

BY:

[Signature]

TITLE:

ASST Town clerk

DATE:

SEPT 9 2009

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, September 16, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

**Signed: Barbara Thurston
Barbara Thurston, Executive Director**

September 9, 2009

cc: Town Clerk

TOWN CLERK'S OFFICE
POCASSET, MASS.

2009 SEP 9 AM 11 27

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on September 16, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Michael Blanton, Paula McConnell

Members Absent: Arthur Wills

Others Present: Barbara Thurston, Executive Director

Meeting convened at 8:11 a.m.

Mr. Olson made a motion to accept the minutes of the meeting held on August 19, 2009. Motion seconded by Mr. Blanton. Motion passed unanimously.

Mr. Blanton made a motion to go out of order to hear the reports from the electrical and structural engineers for continental Apartments. Motion seconded by Mr. Olson. Unanimous vote. (See Old Business)

Treasurers Report

Ms. Thurston presented the Treasurer's report to the Board for the month of July, 2009. Motion made by Mr. Blanton to approve the Treasurer's report. Motion seconded by Ms. McConnell. Unanimous vote.

Program Update:

Continental Apartments has one vacancy. Handicapped has two vacancies. Family has two vacancies. Roland Phinney has one vacancy. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Resident Report:

No resident representatives were present.

Old Business:

Mr. Meier began by saying that we are looking for the most urgent issues at Continental and the cost that would be attached to it. Mr. Philbrook, the structural engineer, pointed out problem areas and regulatory issues. We are pretty much code compliant except for the handrail issue. This is a safety issue. The roof, including the flat roof and shingled roof, are worn out and need replacement. The tube columns and the base plates need repair. They are rusted. Mr. Olson stated his concerns about the laundry room. Mr. Philbrook recommended moving the laundry to either the office off the Community room or the hallways on either end of the building. Main waste line goes right under both positions. May be a problem with shot offs if there is a leak. There are no sub stops.

Mr. Jarvis felt that the first thing we should do is remove washers & dryers from basement. There are violations Federal Pacific panels should be replaced. Load centers in the apartments should be relocated outside the closets. GFCI receptacles need to be installed in bathrooms and kitchens.

Both Mr. Philbrook and Mr. Jarvis will prepare some cost estimates.

The Contractor is finishing up at the handicap development and should be ready to close the project next week.

New Business:

Ms. Thurston presented the Board with a letter from a home owner of an affordable unit on Tattler Circle informing us that he wants to sell the unit. Motion made by Ms. McConnell not to exercise our right of first refusal on the property. Motion seconded by Mr. Blanton. Unanimous vote.

2010 FEB 1 AM 8 22
TOWN CLERK'S OFFICE
BOURNE, MASS

Ms. Thurston informed the Board that the Cape Directors will be meeting on October 7th to discuss smoking issues in public housing. Pat Grace will be present.

Federal Auditors will be here September 22nd & 23rd.

Community Preservation Act

Communications/Conferences/Correspondence

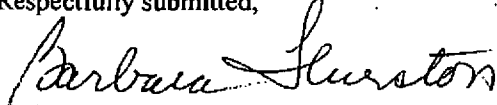
Mr. Meier will be leaving today for the Vineyard for Leo Dower's conference and Ms. Thurston will attend next week.

PHADA Commissioners Conference 1/10/10 – 1/13/10 - Tampa

Next meeting scheduled for October 21, 2009 at 8:00 a.m.

Meeting adjourned at 9:15 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Thurston".

Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, October 21, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed: *Barbara Thurston*
Barbara Thurston, Executive Director

October 16, 2009

cc: Town Clerk

2009 OCT 16 AM 9 38
TOWN CLERK'S OFFICE
POCASSET, MA 01903

Minutes of the Regular Board Meeting of the Bourne Housing Authority, held on October 21, 2009 at 8:00 a.m. at Roland Phinney Place, 871 Shore Rd., Pocasset, MA

Members Present: Laurence Olson, Peter Meier, Michael Blanton

Members Absent: Arthur Wills, Paula McConnell

Others Present: Barbara Thurston, Executive Director

Meeting convened at 8:14 a.m.

Mr. Blanton made a motion to accept the minutes of the meeting held on September 16, 2009. Motion seconded by Mr. Olson. Motion passed unanimously.

Treasurers Report

Ms. Thurston presented the Treasurer's report to the Board for the month of August, 2009. Mr. Blanton had questions regarding the fee accountant fees. Ms. Thurston assured him that they were within budget guidelines. Motion made by Mr. Olson to approve the Treasurer's report. Mr. Meier would like to look into interest rates at other banks. Motion seconded by Mr. Blanton. Unanimous vote.

Program Update:

Continental Apartments has one vacancy. Handicapped has two vacancies. Family has two vacancies. Roland Phinney has one vacancy. Section 8 has 76 leased. There are 11 Dial vouchers leased, 1 Fair Share and no incoming portable vouchers.

Ms. Thurston informed the Board that Falmouth, Barnstable and Bourne will be meeting tomorrow in Barnstable to discuss the DIAL program. We do not seem to be getting our fair share of vouchers.

Resident Report:

No resident representatives were present. Ms. Thurston informed the Board that there was a new annual election at the September cookout and Fred Bartolomei has been reelected to represent tenants at Roland Phinney Place. A group of tenants went to the Vineyard on the Island Queen and spent the day there. They had a wonderful time. Today they are going on a trip to Mohegan Sun. Also tenants were complaining that some of the hallway carpets are looking shabby. Ms. Thurston explained that it is in our 5-year plan but not for a couple of years.

Old Business:

The Board discussed recommendations made by engineers who have inspected Continental Apartments. Al has called electrician and plumber to get estimates to move washers and dryers into hallways. Ms. Thurston stated that our electrician said that we could have stackable washers and dryers and that would eliminate the problem of having them under the electrical panel. Mr. Olson stated that he bangs his head going down the stairs and would like to see them moved. Mr. Meier suggested using Cape Cod Commission money for the project. Mr. Blanton made a motion to authorize Ms. Thurston to allocate funds for moving the washers and dryers. Motion seconded by Mr. Olson. Unanimous vote.

Ms. Thurston presented the Board with a Certificate of Final Completion for the new boilers at the 689 Handicap development. Motion made by Mr. Blanton to approve the Certificate of Final Completion. Motion seconded by Mr. Olson. Unanimous vote.

Mr. Meier made motion to table approval of Ms. Thurston's contract until the November meeting. Motion seconded by Mr. Olson. Unanimous vote.

New Business:

2010 FEB 1 AM 8 32
TOWN CLERK'S OFFICE
BOURNE, MASS

Ms. Thurston informed the Board that an inspector and Joe Hart came to Continental Apts. yesterday to do an inventory for the Capital Funding Plan. They were very thorough and took many measurements of the complex.

Ms. Thurston presented the Board with the 2009 Annual Statement/Five Year action plan for Capital funding. Motion made by Mr. Blanton to approve . Motion seconded by Mr. Olson. Unanimous vote.

Ms. Thurston presented the Board with the new Fair Market Rents. Motion made by Mr. Blanton to approve the rents at 110% of published rents. Motion seconded by Mr. Olson. Unanimous vote.

Ms. Thurston presented the Board with proposals from engineers for Cape View Way. Two engineers did not respond. The only bid was from JC Engineering for \$3,500. Motion made by Mr. Blanton to approve the proposal from JC Engineering. Motion seconded by Mr. Olson. Unanimous vote.

Mr. Meier stated that there will be a joint meeting among the Planning Board, Conservation and Selectmen regarding tax title properties on November 3rd. There are three properties. Mr. Blanton made a motion to request that tax the title property at Old Plymouth Rd. be transferred to the BHA to build an affordable housing unit. Motion seconded by Mr. Olson.

Community Preservation Act

B-HOPP homeowner has moved into her new house.

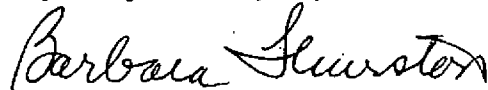
Communications/Conferences/Correspondence

PHADA Commissioners Conference 1/10/10 – 1/13/10 – Tampa

Next meeting scheduled for November 18, 2009 at 8:00 a.m.

Meeting adjourned at 8:50 a.m.

Respectfully submitted,



Barbara Thurston, Ex-Officio Secretary

THIS MEETING WAS TAPE RECORDED FOR THE PURPOSE OF TRANSCRIPTION ONLY

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Wednesday, November 18, 2009

Time: 8:00 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed: Barbara Thurston
Barbara Thurston, Executive Director

November 12, 2009

cc: Town Clerk

2009 NOV 13 AM 9 48
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

TOWN OF BOURNE

BOARD: Bourne Housing Authority

Notice of Regular Meeting

Date: Monday, December 7, 2009

Time: 8:30 a.m.

**Place: Community Room at Roland Phinney Place
871 Shore Rd., Pocasset, MA**

Agenda Items:

Minutes, Treasurer's Report, Program Update, Resident's Report, Old Business, New Business and any and all business that may come before its members.

Signed:

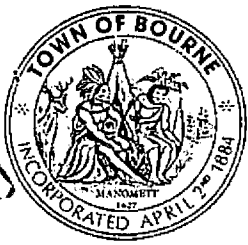

Barbara Thurston, Executive Director

December 3, 2009

cc: Town Clerk

2009 DEC 3 PM 2 45
TOWN CLERK'S OFFICE
BOURNE, MASS

Housing Partnership



**BOURNE HOUSING
PARTNERSHIP
COMMITTEE
MEETING NOTICE**



Date: Wednesday,
January 21, 2009

Time: 5:30 P.M.

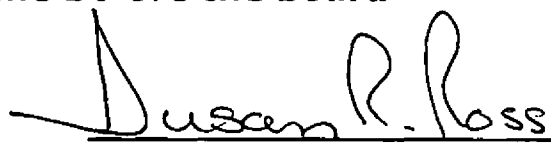
Location: Housing Authority Offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset

TOWN CLERK'S OFFICE
BOURNE, MASS

2009 JAN 14 AM 9 03

AGENDA

1. Minutes
2. Updates of
 - a. B-HOPP program
 - b. Bourne Housing Trust
 - c. Affordable lot
 - d. New BHP members
3. Request for vote relative to B-HOPP program adjustments.
4. Request for vote relative to a request to the Board of Selectmen for use of a portion of the "DRI" funds held by the Cape Cod Commission for affordable housing in Bourne.
5. Discussion and vote on a special permit ordinance for small lot development for affordable homes.
6. Housing Specialist's Report
7. Other business to come before the board


Susan R. Ross

Date: January 14, 2009

Clerk

To: Selectmen's Office

From: Sue Ross

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Housing Partnership meeting
Wednesday, January 21, 2009
5:30 PM Bourne Housing Authority offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset

Agenda

1. Minutes
2. Updates;
 - B-HOPP program
 - Bourne Housing Trust
 - Affordable lot.
 - New BHP members
3. Request for vote relative to B-HOPP program adjustments
4. Request for vote relative to a request to the Board of Selectmen for use of a portion of the "DRI" funds held by the Cape Cod Commission for affordable housing in Bourne.
6. Discussion and vote on a special permit ordinance for small lot development for affordable homes.
7. Housing Specialist's Report
8. Other business to come before the board.

Thank you,

Susan R. Ross

BOURNE, MASS.
TOWN CLERK'S OFFICE
2009 MAR 5 AM 10 06

Meeting of the Bourne Housing Partnership
Minutes

MINUTES
APPROVED
at 2/25/09 meeting

Meeting of January 21, 2009

Time: 5:30 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Frances Anderegg, Barbara Thurston, Coreen Moore, Mary Ellen Wilczynski and Al Hill

Absent: Cindy Coffin

Others present: James Snyder, Volunteer Financial Advisor, Kerry Horman, Affordable Housing Specialist and news reporter Diana Barth

Ms. Ross asked if everyone had reviewed the minutes and if there were any comments.

Ms. Moore pointed out that there were a few errors on page 2 of the minutes. One was a typographical error and in two cases the minutes referred to Shepard Road when it actually should have been Shearwater.

Mr. Horman noted the errors and said that he would correct them for the record.

Ms. Ross asked Mr. Horman to update the committee on the ongoing projects.

Mr. Horman said that the good news on the B-HOPP program was that the funding source from the USDA and which the Town, a local bank, and the USDA combine to make loans to applicants, has now been funded by the US government. He said he was also encouraged by negotiations that are going on now with one of the applicants on a purchase. Mr. Horman continued that he has become more and more optimistic when it comes to the potential for closing transactions because he's finally seen the market price for houses in decent condition drop. Also he said interest rates have gotten lower so that applicants have more buying power and with USDA lending, the B-HOPP subsidy, and assistance through HAC, the chances are getting better all the time the deals will close.

Mr. Horman informed the committee that he had attended an informational session at the Marshfield Town Hall relative to a similar program to B-HOPP that that town was running. He said that they provide a subsidy of up to \$80,000 for three-bedroom house and because of the demographics in their area that they are able to start at a higher great price. He said he also attended a presentation in Amherst put on by nine of the nonprofit affordable housing groups in Western Mass.

He stated that in relation to the agenda item of new members that there was a person willing to serve on the Housing Partnership and that he hoped that that person would be submitting a resume for an upcoming Selectmen's meeting.

Ms. Ross stated that it was her belief that one more at-lodge member could added.

Mr. Horman stated that while the Board of Selectmen had advertised for members to the Housing Trust that to his knowledge no one had shown interest, and that if any committee members had some suggestions as to potential members that he would be happy to contact them.

Ms. Ross moved on to the next agenda item which was issues related to affordable lots.

Ms. Ross raised the issue that an attempt had been made in the past to pass similar legislation but did not get the support of Town Meeting.

Ms. Moore said that she felt that part of the issue was the fact that the previous proposal did not have a minimum lot size and that a minimum lot size of at least 10,000 ft.² should be proposed. She said that the Bourne Housing Partnership, the Planning Board, or any person or entity could propose legislation. She further pointed out that the goal of using small lot zoning for affordable houses was included in the Town's Housing Needs Assessment and Action Plan.

Mr. Hill pointed out that there seem to be a number of lots for which this would work including one that he's aware of in his neighborhood.

Ms. Wilczynski said that while there should be a minimum, each house lot should be reviewed on a case-by-case basis to determine what would be the right size for the particular property. Mr. Hill agreed.

Ms. Moore said that it might reduce some concerns about the impact on schools or town facilities if there were a maximum number of lots designated this way per year.

Ms. Ross also pointed out that since the lots would have to be used for affordable homes, that it does not make economic sense for a private builder to build on the lots without a subsidy similar to that from B-HOPP. She said the number of units would be limited by the need for the subsidy. But, she said, that \$40,000 or so per lot might help some elderly people get by with the help of the sale.

Mr. Horman said that he and Ms. Moore had been working on an outline and that she had provided him with work she had done in the past and a sample ordinance from one of the nearby towns. Mr. Horman provided the committee with an outline that had a number of general principles that might be included in the design of a small lot affordable house ordinance.

The consensus of the committee was that the lots should be approved based upon a special permit review process; that the ZBA would be the likely special permit granting authority; that a minimum lot size should be determine, likely to be about 10,000 ft.²; that some adjustment to dimensional requirements should be allowed within the special permit authority; that only one a lot per property should be allowed to be divided off the original; that the ordinance should be focused on previously subdivided nonconforming lots not large un-subdivided parcels; and finally that this should not be set up in such a way as to be used as an alternative to 40B or used to provide a waiver from health or environmental restrictions.

It was agreed that Mr. Horman and Ms. Moore would work on a draft ordinance consistent with the principles mentioned.

Mr. Horman moved on to items 3 and 4 of the agenda and he provided the committee with a "funding discussion paper". He said that in order to make the B-HOPP program more successful, financial flexibility and relatively small amounts of additional monies were needed per purchase. He said that \$15,000 to \$20,000 per sale would make a great deal of difference.. He said that currently, if an additional \$3,000 or \$4,000 above the current subsidy were needed, he did not have that flexibility.

Mr. Horman also, asked the committee to consider a program in which relatively small subsidies, say \$10,000-\$20,000, could be provided to persons just below the 80% of median income that would not require a deed restriction but would be paid back upon sale of the property. He said it doesn't make economic sense for people to put a deed rider on a property for relatively small subsidies.

The committee was in general agreement that the townspeople would not be in favor of a program which used local funds to subsidize the cost of purchasing a property that would not be put on the subsidize housing inventory list and not giving credit toward meeting the Town's affordable housing goal.

A general discussion occurred relative to the various funding sources available through CPA and DRI funds. It was noted that there was some question as to whether CPA funds could be used for the renovation of properties that were not purchased through CPA funds.

Ms. Wilczynski moved that the Partnership request the use of the upcoming year's CPA funds available for affordable housing be used to assist in the purchase or construction of affordable homes in coordination with the B-HOPP program. The motion was seconded by Mr. Hill and the motion passed unanimously.

Ms. Thurston updated the Partnership on the Sagamore elderly housing project. She stated that it was very difficult now to obtain revenue bond financing for projects such as this but that she was meeting with a representative of DHCD in early February about programs available for the project.

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE

Date

Wednesday,
February 18, 2009

Time

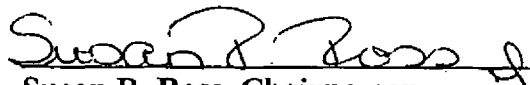
5:30 P.M.

Location

Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset MA 02559

A G E N D A

1. Approval of minutes
2. Welcome Christopher Johnson – new member
3. Updates:
 - B-HOPP program
 - Bourne Housing Trust
 - Affordable lot
 - New BHP members
3. Request for vote relative to a request to the Board of Selectmen for use of a portion of the “DRI” funds held by the Cape Cod Commission for affordable housing in Bourne.
4. Housing Specialist’s Report
5. Other business to come before the Board



Susan R. Ross, Chairperson

Date: February 12, 2009

cc: Town Clerk
Selectmen

BOURNE, MASS. 02539
TOWN CLERK'S OFFICE

2009 FEB 12 PM 2 41

NO QUORUM — NO MINUTES

To: Selectmen's Office

From: Sue Ross

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Housing Partnership meeting
Wednesday, February 18, 2009
5:30 PM Bourne Housing Authority offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset

2010 FEB 22 PM 3 15
TOWN CLERK'S OFFICE
BOURNE, MASS

Agenda

1. Minutes
2. Welcome Christopher Johnson- New Member
3. Updates;
 - B-HOPP program
 - Bourne Housing Trust
 - Affordable lots.
 - New BHP members
4. Request for vote relative to a request to the Board of Selectmen for use of a portion of the "DRI" funds held by the Cape Cod Commission for affordable housing in Bourne.
5. Housing Specialist's Report
6. Other business to come before the board.

Thank you,

Susan R. Ross

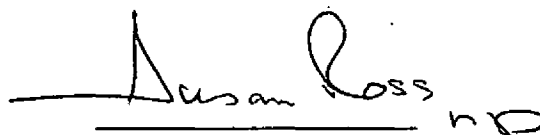
2009 FEB 20 AM 11 34

Meeting Notice
Bourne Housing Partnership
Wednesday, February 25, 2009

Committee: Bourne Housing Partnership
Date: February 25, 2009
Location: Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset, MA 02559
Time: 5:30 p.m.

AGENDA

1. Minutes
2. Welcome Christopher Johnson – New Member
3. Updates:
 - B-HOPP program
 - Bourne Housing Trust
 - Affordable lots
 - New BHP members
4. Request for vote relative to a request to the Board of Selectmen for use of a portion of the “DRI” funds held by the Cape Cod Commission for affordable housing in Bourne.
5. Housing Specialist’s Report
6. Other business to come before the Board


Susan R. Ross

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of February 25, 2009

Time: 5:30 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Frances Anderegg, Barbara Thurston, and Coreen Moore

Absent: Mary Ellen Wilczynski, Christopher Johnson, and Al Hill

Others present: James Snyder, Volunteer Financial Advisor, and Kerry Horman, Affordable Housing Specialist

2010 FEB 22 PM
TOWN CLERK'S
BOURNE, MASS.

Ms. Ross asked if everyone had reviewed the minutes and if there were any comments.

Ms. Anderegg moved that the minutes be approved. Ms. Thurston seconded the motion and the motion passed unanimously.

Ms. Ross asked Mr. Horman to update the committee on the ongoing projects.

Mr. Horman said that the good news on B-HOPP was that one of the applicants has moved forward with a agreement in which she would purchase the affordable building lot and work with a very well respected local builder called the Valle Group to build a three bedroom ranch. He said that the financial package would include a mortgage from the US Department of Agriculture, the \$45,000 subsidy from B-HOPP and participation by a Housing Assistance Corp. at up to \$20,000 which had to be approved by the Cape Cod Commission since it was over their normal commitment level of up to \$10,000. He said that Cape Cod Commission Bourne representative, Michael Blanton was very helpful in getting it approved at a time when one staff member was leaving on vacation and the other was ending their employment at the end of the week. Mr. Horman stated that he had attended the Bourne Committee of the regional Chamber of Commerce on that morning and that he was informed by the Director of the Cape Cod Commission that everything was in place for approval and Mr. Horman said that he had an opportunity at that meeting to thank the Director of the Commission and Mr. Blanton for their help.

Ms. Moore asked Mr. Horman about the new construction project and whether it was best option because there were not other opportunities available?

Mr. Horman responded that the applicant had had a couple deals fall through and that using an affordable lot, with reasonably priced construction, seemed to be the best option. He said that is why the work that he and Ms. Moore were doing on the affordable lot special permit ordinance was so important. Hopefully it would create an ongoing supply of reasonably priced building lots.

Mr. Horman stated that the State had to approve all of these transactions and that he had left a message for Janice Lesniak that day to follow up on a e-mail he had sent at the end of January outlining this project. He said that on two occasions DHCD had waived the requirement of having 1.5 percent of the applicant's own money in the purchase because in both cases the applicants due to struggling through personal circumstances had to use up some of their savings.

Mr. Horman said he was trying to get a meeting with attorney Bob Troy relative to the B-HOPP closing process. He said that it was the opinion of the people in Marshfield that in order for the subsidy not to be considered taxable income to the applicant that in effect that the subsidies were in return for the the deed

restriction required in perpetuity. He said he would like to discuss that with Attorney Troy and that he would try again to get an appointment with him through the Town Administrator's office.

He said that him he wanted to make sure also that there would not be a problem with the Treasurer and that the question of when the B-HOPP monies would go into the project had been asked to him by the USDA representative.

A general discussion occurred and it was the opinion all of the committee in general that the B-HOPP money should go in last just as HAC's money would.

Mr. Horman said that most of the information on the new construction project was in hand and that he expected that the State would want some of the documents for their approval.

Referring back to the issue of the Town's position on the subsidy Mr. Horman said that he was not an attorney, a real estate agent, or a banker, and did not want to have responsibility for those decisions. But he said it seemed to him that the appropriate way to do the transaction is to have the Treasurer set the money committed aside in an escrow and only have it released subject to the property being completed and evidence of the deed rider being in place.

Ms. Anderegg pointed out that the USDA would be unlikely to let the project go ahead without complete assurance that the Town's money was available and held for this purpose.

Ms. Moore offered to discuss it with the Treasurer or to set up a meeting with the Treasurer and Mr. Horman if necessary.

After further discussion relative to the documents to protect the Town of Bourne on the somewhat unique new construction project and for other closings it was generally agreed that a meeting with Attorney Troy was important so the appropriate documents and review process be established with legal counsel. Ms. Moore offered to help set that meeting up.

Ms. Ross suggested that some of the CPA funds set aside for affordable housing could be utilized for Attorney Troy's fees if it were needed to do so by the Town.

Ms. Moore said that she believed that's the way they paid for legal fees when the Town purchased land under the CPA program.

Mr. Horman informed the committee that he was scheduled to meet with the agent of another applicant the following day who felt that they had their eyes very good potential purchase for her. A third applicant had informed Mr. Horman that she had found a house that was affordable to her Wareham, which had always been her first choice. The property was under agreement and it was through the efforts of the B-HOPP program that this applicant got into the US Department of Agriculture program and stated that he was happy for the applicant and that this would free up money for another potential applicant to get a house in Bourne.

Mr. Horman moved on to the agenda item of the Affordable Housing Trust. He said that Attorney Lee Berger had agreed to send in a letter to the Board of Selectmen indicating his interest in being a member of the Trust. Mr. Horman stated that he'd also been in contact with a number of other persons recommended to him by Mr. Berger or others, and as yet he had not been told by any of them that they had decided to move ahead. He said that the issue of whether a member of the Board of Selectmen or the Town Administrator can be on the Trust is still being reviewed by Nancy Sundman.

Mr. Horman said that he had talked to the attorney for the applicant at Adams Street for the affordable lot and it appeared that the issue had passed the appeal process and that the lot would be ready to go shortly if not already. It was generally agreed that purchase and construction on the lot should be handled by the new Bourne Affordable Housing Trust

Mr. Horman moved on to the agenda item #4, a request to the Board of Selectmen to use a portion of the DRI funds held by the Cape Cod Commission for affordable housing in Bourne.

Mr. Horman presented the committee with a document entitled Bourne Market Adjustment Program-Draft, and explained it was to help fill the gap between the B-HOPP subsidy and current market conditions. Mr. Horman first asked if there was a discussion as to the title of the program.

Ms. Ross said that the word GAP fits the purpose of the program and suggested the name be the Bourne Market Gap Adjustment Program. The committee was in general agreement.

The committee recommended after reviewing the draft that the program description should read as follows:

The Bourne Market Gap Adjustment Program (GAP) is designed to help those participating in Town of Bourne funded affordable home purchase programs with the cost of acquisition, closing costs, construction or repairs related to the purchase of a home in return for a deed rider that the property will remain as affordable in perpetuity.

Applicants must meet the same eligibility requirements as required by the Bourne Housing Opportunity Purchase Program (B-HOPP)

Eligible properties shall not include those that are currently designated as eligible under the Commonwealth of Massachusetts Subsidized Housing Inventory. Properties eligible for inclusion shall be those that will add new properties to the Town's Subsidize Housing Inventory that would not be included other than through this action.

Applicants under the GAP program will be eligible for assistance of up to but not more than \$20,000 per unit from this program. Assistance will be granted by majority vote of the Bourne Housing Partnership upon finding that the funds are necessary to complete a transaction for the purchase of affordable deed restricted home and it is determined by the Partnership to be cost-effective and consistent with the goals of providing affordable homes within the Town of Bourne.

Ms. Thurston moved that the partnership seek approval from the Board of Selectmen to request \$60,000 to fund the Bourne Market Gap Adjustment Program as amended. The motion was seconded by Ms. Moore and the motion passed unanimously.

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

2009 MAR 13 PM 2 42

TOWN CLERK'S OFFICE
BOURNE, MASS

BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE

Date

Wednesday,
March 18, 2009

Time

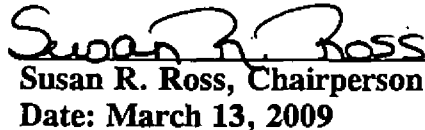
5:30 P.M.

Location

Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset MA 02559

A G E N D A

1. Approval of minutes
2. Updates:
 - B-HOPP program
 1. Bayhead Road
 2. First Come First Serve Phase
 3. B-HOPP II
 - Bourne Housing Trust
 - Affordable lots: Adams St, Shearwater
 - DRI - GAP Program
3. Affordable resale
4. Housing Specialist's Report
5. Other business to come before the Board


Susan R. Ross, Chairperson
Date: March 13, 2009

cc: Town Clerk
Selectmen

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of March 18, 2009

Time: 5:30 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Frances Anderegg, Barbara Thurston, Al Hill and Coreen Moore

Absent: Mary Ellen Wilczynski, and Christopher Johnson

Others present: Kerry Horman, Affordable Housing Specialist

Ms. Ross asked if everyone had reviewed the minutes and if there were any comments.

Ms. Moore can noted typographical errors in the first line of the last paragraph of page 2 which should've read "Mr. Horman said that he had talked to the attorney". She also referred to the wording of the GAP program and said that the paragraph referring to eligible properties might better reflect the intent of the program design to read "Eligible properties shall not include those that are currently designated as eligible under the Commonwealth of Massachusetts Subsidized Housing Inventory."

Mr. Hill moved that the minutes be approved subject to the corrections and amendments recommended by Ms. Moore.

Ms. Thurston seconded the motion and the motion passed unanimously.

Mr. Hill asked Mr. Horman if the Clerk's office had received the minutes of the Partnership meetings.

Mr. Horman responded that they had received minutes of all the meetings for calendar year 2008 and have been provided with copies of all meetings in 2009 up to this point.

Ms. Ross asked Mr. Horman to provide the committee with his updates.

Mr. Horman said that they were currently three persons designated for the five member slots in the Housing Trust. They were Mr. Guerino in his position of Town Administrator, Lee Berger, and Judith Riordan. He said that he had hoped that Ms. Ross would also be willing to serve, creating an important link between the Partnership and the Trust.

Mr. Horman also informed the committee that he had discussed DRI funds with Mr. Guerino and that Mr. Guerino indicated that he did not think that that would be a problem but he said that Mr. Horman should be aware that they may be some interest on the part of the Town of selling some tax title properties on the open market rather than pass on to affordable housing because of the Town's financial situation.

A general discussion occurred among the Committee members relative to use of DRI funds and CPA funds in order to establish seed money and then a revolving fund for the Housing Trust. The Trust could then buy affordable lots, build on them and sell them, with the funds generating the ability to do this on a continual basis. The Committee also discussed the current housing market in the Bourne and the region.

Mr. Horman moved on to the subject of affordable lots. He said that the house lot on Adams Street that had been recommended for approval by the Partnership, and then received a variance from the Zoning Board, had now passed the appeal period and was available for development purposes. He said that it is his understanding that it was the intent of the Partnership that it would be the Housing Trust that would take on the role of acquirer and builder in this case rather than the Partnership or the Housing Authority.

Ms. Ross indicated that it was her hope that the Housing Trust would be responsible for affordable housing on the Adams Street lot as well as the Shearwater lot.

The committee was in general agreement.

Mr. Horman moved onto the subject of the resale and refinance of existing affordable homes. He stated that an affordable property had come on the market and that he had worked with two of the B-HOPP applicants relative to the property. He said in one case the applicant felt that the house was too small for their family needs and that the other applicant made an attempt to purchase the property but another offer had been accepted and the selling agency, which Mr. Horman believed was HAC, was concerned that it would take 60 days to close with a USDA loan and that other offers could close more quickly.

Ms. Moore noted that one of the employees at Town Hall had attempted to purchase the property but also was not successful.

Ms. Ross informed the Committee that Mr. Horman had discussed with her the idea that the Partnership might wish to take on the role of finding an affordable buyer for the resale of deed restricted affordable houses when the deed provides for that alternative. She said typically the Partnership had passed that responsibility on to Housing Assistance Corp.

A discussion occurred on this issue and while each individual resale will give the Committee an opportunity to determine whether it would like to take on the role to find an affordable buyer, it was generally agreed, that because the Committee was very concerned that it be very clear that a fair and equitable process was being used in the resale, generally, it preferred to pass this responsibility onto Housing Assistance Corporation.

Mr. Horman said that he had been having a number of discussions with DHCD relative to B-HOPP and was disappointed in the way in which DHCD seem to be unwilling to put in writing or in an e-mail, confirmation on direction that they had given Mr. Horman in verbal telephone or personal conversations. He noted that when discussing the use of DRI funds in coordination with B-HOPP, he was given a positive response by Kate Racer, Associate Director of the Division of Housing Development of DHCD. But when he followed up within a few days of the meeting with an e-mail to confirm the items covered in a meeting, he received no response. A few more recent efforts to confirm this, along with an effort to confirm statements by Elsa Campbell that it was unnecessary to present them with any marketing plan relative to the "first-come first-served" phase of the B-HOPP program, something Ms. Campbell had affirmed twice with Mr. Horman during a recent telephone conversation, had produced no written or e-mail confirmation. He said that in a response to the discussions on the Lunt project, the e-mail did indicate that the B-HOPP program was approved with the concept of using a variety of sources of funding and it was Mr. Horman understanding that this indicated that the DRI funds could be used as Kate Racer had advised Mr. Horman in August. He said that in his professional experience written confirmation was the norm. Ms. Thurston stated that it was her experience in working with that DHCD for about 20 years that they consistently avoided written confirmation.

Mr. Hill asked if on a first-come first serve process anyone could be included.

Mr. Horman stated that as long as the applicant meets the eligibility guidelines. He while is not getting any direction from DHCD relative to a procedure on the first-come first-served phase, that he wanted to do it with some advertising and fairly.

Mr. Horman reminded the Committee of some of the history of the B-HOPP program and explained to them the process that Marianne Lunt had gone through in order to find an affordable house. He stated that she had been found to be an eligible applicant in the B-HOPP lottery but as a resident of Plymouth she initially attempted to buy a house without a subsidy from the B-HOPP program in Plymouth through a loan from the USDA, but that it fell apart, as did some other attempts. She became convinced that her

best alternative was to participate in the B-HOPP program and buy in Bourne with the B-HOPP subsidy. The first home that she tried to get approval for was rejected by a USDA due to the amount of renovations necessary and the unknowns related to the properties condition. He stated that Ms. Lund had lost her commitment once from USDA and was again under threat of losing the USDA commitment when he proposed to her the idea of considering building on an affordable lot which was available in the marketplace. He said that he had discussed this with all of the applicants that would be likely to use a three-bedroom house but none up to that time had shown any interest in pursuing the building process. Ms. Lund, while hesitant at first, decided that this was her best option, reviewed a number of potential builders and had chosen the Valle Group which had received outstanding recommendations from affordable housing groups on the Cape.

Mr. Horman continued stating that when it appeared that this project had some likelihood of success, he contacted DHCD in the form of a detailed e-mail on January 27, 2009, outlining the entire project and why he thought this was a good option for the applicant and the town of Bourne and he informed the State that as the details became clear he would devise them further. He stated that he had contacted DHCD on February 24 or 25th by telephone asking for what documentation they would be looking for in order to review this project. After he had left his office before the February 25, Partnership meeting, the DHCD representative had left a message indicating surprise that this project was a new construction project and that the DHCD would not approve it based upon the fact that B-HOPP was limited to existing built properties in their opinion.

Mr. Horman stated he attempted to create a conference call in order to discuss the problem with DHCD and since they had indicated that there was some possibility that the property could be approved after construction, Mr. Horman said that he tried to determine from them what criteria they would use to approve the property after construction. Mr. Horman continued that DHCD refused to discuss the matter any further, and stated this in their e-mail to him. Since Ms. Ross was on vacation, Mr. Horman asked for Mr. Guerino assistance in this matter. Currently, it was Mr. Horman's understanding that Mr. Guerino had spoken with Therese Murray's office and that they had been in touch with DHCD.

Ms. Morse said that she had talked to Mr. Guerino and that he had been called directly on March 13 by DHCD and that he had relayed to her a number of issues in which she had been able to correct some misconceptions that DHCD had presented to Mr. Guerino.

Mr. Horman pointed out that at the present time correspondence clarifying some of the issues had been prepared by him for Mr. Guerino and that to his knowledge the status of the project was up in the air. Mr. Horman stated that he had asked the Partnership's lottery consultant, Ms. Karen Sonnarborg, who has extensive experience with DHCD programs and the B-HOPP program, to see if she could obtain from DHCD a clear set of criteria from which they would review the project after construction. But, he said, she was unable to get any further clarification than Mr. Horman had already received.

Ms. Moore said that it was her concern that Ms. Lunt was the one that was getting hurt by this confusion and that three times in the past the Partnership have been able to do new construction projects in which approval was obtained after construction. It was her recommendation that the program be amended so as to specifically include the option to do new construction and to move ahead with the project.

Ms. Ross concurred.

Ms. Moore said that Mr. Guerino told her the DHCD said that they could amend the program. She said in light of that that she thought that the Partnership should amend the program to include new construction and notify DHCD of that.

Ms Moore moved, subject to page 7 of the B-HOPP program as advertised which states that "The Bourne Housing Partnership, with the approval of the Massachusetts Department of Housing and Community Development reserves the right to amend the requirements, terms and conditions of the program as it sees necessary by a vote of its committee members." to amend the B-HOPP program to specifically include

new construction by a vote of the Committee where it finds that such action is in the best interest of the community. The motion was seconded by Mr. Hill and passed unanimously.

A discussion of the Lunt project occurred and the committee expressed its support for the commitment of \$45,000 for the project under the B-HOPP program.

The committee continued to discuss alternatives relative to the combination of various years of CPA funding in coordination with DRI funds.

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

**Meeting Notice
Bourne Housing Partnership
Wednesday, April 15, 2009**

Committee: Bourne Housing Partnership

Date: April 15, 2009

Location: Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset, MA 02559

Time: 5:30 p.m.

AGENDA

1. Minutes
2. Updates and vote on actions as needed:
 - B-HOPP program
 1. Bayhead Road
 2. First Come First Serve Phase (review of marketing process)
 - Bourne Housing Trust
 - Affordable lots: Adams Street, Shearwater Drive
 - DRI – GAP program
3. Housing Specialist's Report
4. Other business to come before the Board

BOURNE MASS
TOWN CLERK'S OFFICE
2009 APR 9 AM 11 23


Susan R. Ross

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of April 15, 2009

Time: 5:30 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Frances Anderegg, Barbara Thurston, Mary Ellen Wilczynski, and Coreen Moore

Absent: Al Hill and Christopher Johnson

Others present: Kerry Horman, Affordable Housing Specialist, James Snyder, Volunteer Advisor

Ms. Ross asked if everyone had reviewed the minutes and if there were any comments.

Ms. Anderegg moved that the minutes be approved, the motion was seconded by Ms. Moore and it passed unanimously

Ms. Ross asked Mr. Horman to provide the committee with his updates.

Mr. Horman said that the Bay Head Rd. project appeared to be progressing. He said at the last meeting there were a number of the items that were up in the air but that DHCD had provided the criteria by which it would approve the project upon completion and that Ms. Moore had been putting together the information necessary for the builder to be assured that the B-HOPP money was available.

Mr. Horman continued that Ms. Ross, Ms. Moore, and he had met with the applicant and the builder along with the USDA on this project. He said that the one unique aspect of that was that if the applicant, Ms. Lunt, was unable to perform at the end of construction that the builder would be at risk because he would not be able to sell the property on the open market because the lot is restricted for affordable housing. He said that solution identified at that meeting was for the Partnership to agree to provide another buyer through a lottery if necessary and that the Partnership would agree to set aside up to \$45,000 (which is the same subsidy as committed to the current applicant) for another buyer. Mr. Horman explained that since the property could be sold by DHCD's formula for affordability at around \$185,000 that the subsidy on a sale to another buyer would be likely to be less than it would be to the current applicant. The price would remain at \$214,000 land and building. This gap would require \$29,000 subsidy rather than a \$45,000 subsidy. Mr. Horman stated that he and Ms. Moore had met with Attorney Bob Troy to give him the information they needed to put together the agreement with the builder and that Ms. Moore had provided the builder with backup information on the building permit and the set aside of the funds from CPA.

Mr. Horman said that the Housing Trust is at the point where there are three members, including Tom Guerino, in his role of Town Administrator, Lee Berger and Judith Riordan. He said that a retired engineer, Stephen Walsh, had been recommended by Al Hill and Mr. Walsh and sent his letter into the Selectmen and that left only Ms. Ross to send in her letter.

Ms. Ross said she'd been very busy and would be getting it in very shortly.

Mr. Horman moved on to the TAP money and he said that the issue that he would like to get the consensus of the Committee on was whether the perk test arrangements and this work should be done prior to the Town Meeting or after the Town Meeting.

After a discussion it was generally agreed that since the Town Meeting was only a few weeks away that it would be better to wait until after the Town Meeting.

Mr. Horman said that the \$60,000 that was from the DRI monies held by the Cape Cod Commission had been approved by Mr. Guerino and it did not require that the Partnership go before the Board of Selectmen for approval. He said Ms. Moore had put together the necessary paperwork and forwarded it to the Cape Cod Commission and that he expected to that to be approved very shortly.

Mr. Horman asked if the Committee would like to have a table at the Town Meeting. The Committee was in favor.

Mr. Horman stated that at the last meeting the Partnership had shown unanimous support for the Maryanne Lunt Project at Bay Head Road but never actually brought it to a vote. He reminded the Committee that because the lot in question had been restricted to an affordable home by the Zoning Board of Appeals, the builder, who will purchase the building lot, would be unable to sell the property at a price that would allow him to recoup his costs and the solution tentatively agreed upon was for the Partnership to agree to allow a subsidy of up to \$45,000 to be committed to an alternate candidate if Ms. Lunt were unable to perform. Mr. Horman suggested that a vote supporting these actions would be appropriate if the Partnership were in favor.

Ms. Wilczynski moved that the Bourne Housing Partnership approve the Bay Head Rd. project for the new construction of a three-bedroom home for applicant Maryanne Lunt and that the Partnership authorize Chairperson Ross to sign an agreement being prepared by the Town Counsel on behalf of the Partnership with the builder of this project, The Valle Group. The Partnership would commit up to \$45,000 to subsidize the purchase of the property by an alternative applicant chosen by lottery conducted by or authorized by the Partnership if applicant Lunt were unable to perform.

The motion was seconded by Ms. Thurston and was approved unanimously.

Ms. Ross raised the concern that twice the Partnership has been in the position of paying for Housing Quality Standard inspections at a cost of almost \$200 each, on properties that the US Department of Agriculture later rejected. She suggested that the HQS inspection should not be done until after the USDA has had a chance to look at the properties.

A general discussion occurred and Ms. Moore moved that the Chairperson, Ms. Ross, be given the authority to determine if the HQS inspection of the property should be carried out concurrently with the lender's inspection or after the lender has first inspected the property. Mr. Thurston seconded the motion and motion was approved unanimously.

Ms. Ross also indicated her concern that when the Partnership voted to set a policy which would allow persons to use the subsidy allowed them for a condominium of the number of bedrooms needed by their family size at a \$20,000 per bedroom toward the purchase of a single-family home with more bedrooms than their family required. She believed that the Committee had taken an action which DHCD would not support. She suggested that the Partnership reconsider that action.

Ms. Moore moved that, after further consideration of the matter, when calculating the maximum subsidy for single-family house that applicants be restricted to not more than \$15,000 per bedroom for the number of bedrooms allowed for their family size. Motion was seconded by Ms. Anderegg and passed unanimously.

Mr. Horman said he was unable to get much guidance from the State on the "first come, first serve" phase of B-HOPP other than he's heard secondhand that you cannot include local preference. He said he would like the guidance of the Committee on the number of items related to the advertising and application policies.

His first question to the Committee was whether applicants should be required to have a full and complete package along with a pre-approval from a lender for a minimum of \$130,000 prior to them being admitted

to the list as eligible, or, should they be allowed to submit a simple application and then later provide the detail under some schedule.

The consensus of the Committee was that applicants should have a completed application with lender pre-approval prior to being eligible for inclusion on the list and then put in order of preference by time of submission.

Mr. Horman asked the Committee it's view on how long once an applicant has been found to be eligible that they should have an opportunity to put together a purchase and sales agreement before they are moved to the back of the line.

The consensus of the Committee was that 60 days would be an appropriate period to put a property under agreement, however, in cases where there has been a concerted effort by an applicant and extenuating circumstances have occurred, the Affordable Housing Specialist, with the concurrence of the Chairperson would have the authority to provide an extension on a case-by-case basis.

Mr. Horman asked for the Committees guidance on its preferences relative to newspaper advertising.

The Committee generally agreed that advertising should be done on a quarterly or four month basis but initially should be advertised once in the Cape Cod Times and a Spanish or Portuguese publication, and twice in a local paper, preferably, The Enterprise. It was noted that Mr. Horman should make sure that he is getting the municipal discount.

It was agreed that the website advertising would occur at the Bourne housing website, CHAPA, and the other housing website that is recommended by the State and that flyers would be placed at Town Hall, the Community Center, the Housing Authority, and that Ms. Moore's planning office would distribute flyers to the mailbox of each of the town departments.

Mr. Horman asked the opinion of the committee as to how those who've shown interest in the past should be notified. It was in general agreement that if Mr. Horman had the e-mail address of the contract to use that, a telephone call could be used if he could make contact, or regular mail in other cases.

Mr. Horman provided the Committee with a draft of the flyer and newspaper ad which he had prepared and asked the Committee for their review and edits. The Committee reviewed the draft on a line by line basis and an edited version was completed.

The Committee agreed that holding public information sessions would not be necessary and that interested parties should contact Mr. Horman directly. The Committee also agreed that application forms should be available at the Planning Department and at the Housing Authority which would provide access for people on both sides of the bridge. The application would also be available in PDF form to download from the website but not to apply on the website.

The Committee was in general agreement that once the advertising and the application were available that applications should be accepted at that time rather than after a set waiting period from the time of advertising.

Mr. Horman was authorized to move ahead with the process.

There being no further discussion, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

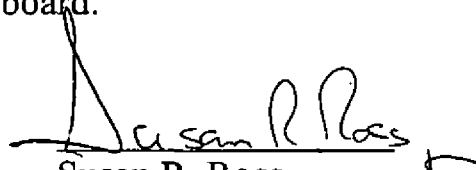
Kerry Horman, Affordable Housing Specialist

Meeting Notice Bourne Housing Partnership

Committee: Bourne Housing Partnership
Date: May 4, 2009
Location: Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset, MA 02559
Time: 5:30 p.m.

AGENDA

1. Vote on Housing Assistance Corporations marketing plan for Pilgrim Pines lottery
2. Other business to come before the board.


Susan R. Ross

2009 APR 29 PM 3 26
TOWN CLERK'S OFFICE
BOURNE, MASS

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of May 5, 2009

Time: 5:30 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Barbara Thurston, Al Hill, Coreen Moore, Mary Ellen Wilczynski, and Christopher Johnson

Absent: Frances Anderegg

Others present: Kerry Horman, Affordable Housing Specialist

Ms. Ross that the only item scheduled for the meeting was the review of the marketing plan and lottery process presented by Housing Assistance Corp. for the four single-family affordable houses now being built at Pilgrim Pines. She said that the Housing Partnership was acting in its role of monitoring agent for this project. She noted that the real estate agent that had previously handled the marketing process was no longer working with the developer and that they had asked HAC to take on this responsibility.

Ms. Wilczynski moved that the Partnership except the marketing plan and lottery process proposed by Housing Assistance Corp. for this phase of the Pilgrim Pines development.

The motion was seconded by Mr. Hill and passed unanimously.

There being no further business, the meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

RECEIVED
TOWN CLERK'S OFFICE

2009 JUL 9 AM 11 41

BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE

Date

**Wednesday,
May 20, 2009**

Time

5:30 P.M.

Location

**Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset MA 02559**

A G E N D A

1. **Approval of minutes**
2. **Updates:**
 - **B-HOPP program**
 1. **Bayhead Road**
 2. **First Come First Serve Phase**
 3. **B-HOPP Phase 2**
 - **Bourne Housing Trust**
 - **Affordable lots: Adams St, Shearwater**
 - **DRI - GAP Program**
 - **TAP funds**
3. **Housing Specialist's Report**
4. **Other business to come before the Board**

2009 MAY 14 PM 1 57
TOWN CLERK'S OFFICE
POCASSET, MASS

Susan R. Ross

Susan R. Ross, Chairperson

Date: May 14, 2009

**cc: Town Clerk
Selectmen**

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of May 20, 2009

Time: 5:30 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Barbara Thurston, Coreen Moore, Mary Ellen Wilczynski, and Frances Anderegg

Absent: Christopher Johnson and Al Hill

Others present: James Snyder, Volunteer Financial Advisor and Kerry Horman, Affordable Housing Specialist

Ms. Ross noted that the fourth paragraph of page 2 of the minutes of the April 15, 2009 was a little unclear as it relates to the agreement between the Partnership and the builder of the house at Bay Head Rd. and thought that the way that the minutes were written the responsibilities of the parties might be confused.

Ms. Moore recommended that the paragraph be amended so that a period be placed after the words "The Valley Group" and the new sentence begin at that point with the words "The Partnership would commit up to \$45,000....."

Ms. Ross asked if there was a motion on the April 15 and May 5 Partnership meetings.

Ms. Moore moved that the minutes for both meetings be accepted as amended.

The motion was seconded by Ms. Wilczynski and passed unanimously.

Ms. Ross pointed out that this meeting was one of the few meetings in which the only items on the agenda related to updates by the Affordable Housing Specialist. Ms. Ross asked Mr. Horman to provide the committee with his updates.

Mr. Horman informed the committee that the Bay head Rd. project was at the point where the builder had secured ownership of the building lot and was ready to move ahead with signing the purchase and sales agreement with our applicant and move ahead with construction. He said that another applicant that he had been working with under the B-HOPP program had been interested in a house that was reviewed and turned down by the US Department of Agriculture because the house needed so much work. He said that he is continuing to work with that applicant.

Mr. Horman informed the committee that he was moving ahead with the first-come first-served phase of the B-HOPP program, that it had been advertised and that there had been some interest, with a few people picking up applications. He advised the committee that the first meeting of the Housing Trust was scheduled for May 29.

He said that he had been pursuing the opportunity to get funding from the Federal Home Loan Bank of Boston but that the organization had sustained nearly \$200 million in losses over the past year and would not be funding their typical programs. He said that the \$60,000 in DRI money from the Cape Cod commission should be available shortly, and he suggested that the \$4,000 in TAP funds should be reviewed by the Housing Trust for acceptance since they own the property that the activities will be performed on and would be liable for repayment.

The Partnership members were in general agreement that the TAP funds should be the responsibility of the Housing Trust.

There being no further business, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

2009 JUN 11 PM 2 49

TOWN CLERK'S OFFICE
BOURNE HOUSING PARTNERSHIP COMMITTEE
MEETING NOTICE

Date

Wednesday,
June 17, 2009

Time


5:30 P.M.

Location

Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset, MA 02559

AGENDA

1. Approval of minutes
2. Review proposal of Housing Assistance Corp. to change Phase III of the Canal Bluffs project from sale of condominiums to rental units
3. Updates:
 - B-HOPP program
 1. Bayhead Road
 2. Phase 2
 - Bourne Housing Trust
 - Affordable lots: Adams St, Shearwater
 - DRI - GAP Program
 - TAP funds
3. Housing Specialist's Report
4. Other business to come before the Board


Susan R. Ross, Chairperson
Date: June 11, 2009

cc: Town Clerk
Selectmen

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of June 17, 2009

2010 FEB 22 PM 3 16
TOWN CLERK'S OFFICE
BOURNE, MASS

Time: 5:35 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Barbara Thurston, Al Hill, Mary Ellen Wilczynski, and Frances Anderegg

Absent: Coreen Moore

Others present: Giselle Gauthier representing Housing Assistance Corp., James Snyder, Volunteer Financial Advisor and Kerry Horman, Affordable Housing Specialist

Ms. Ross asked if there was a motion on the minutes of the previous meeting.

Mr. Hill moved to the minutes be accepted. Ms. Thurston seconded the motion and the motion passed unanimously.

Ms. Ross introduced Ms. Gisele Gauthier from Housing Assistance Corporation and asked Ms. Gauthier to explain the changes proposed for the Canal Bluffs project.

Ms. Gauthier said that HAC would like to change the next phase of the project from 45 condominium units to 45 rental units. She said that the breakdown would be 33-bedroom units and 12 two-bedroom units, all of which would be rented at an affordable price range. She said that the current economic climate along with a recognized need for rental units has convinced HAC that this was an appropriate move.

Ms. Gauthier, addressing concerns expressed by the committee said that the access to Clay Pond Road would be completed before occupancy of this phase and that Housing Assistance Corp. would make every effort to assure high quality management and effective tenant screening.

Mr. Hill moved that the Bourne Housing Partnership send a letter of support for the proposal of Housing Assistance Corp. to change Phase II of its Canal Bluffs project, located off Otis Park Drive, from 45 "for sale" condominium units to 45 rental units" based upon the following conditions and considerations:

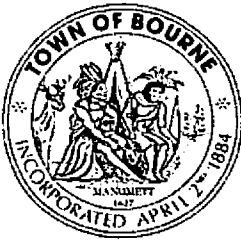
1. That the proposed access road running from the project site to Clay Pond Rd. be constructed and functional before occupancy of the Phase II project.
2. That the rental units will consist of 33 1-bedroom units and 12 two-bedroom units which meet the current significant need for affordably priced small rental units.
3. And, that the Housing Assistance Corp. will maintain high quality on-site management and responsible tenant screening."

The motion was seconded by Ms. Wilczynski and passed unanimously.

Mr. Horman provided a verbal summary of his monthly report. There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist



BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE



Date: **Wednesday,
August 19, 2009**

Time: **5:30 P.M.**

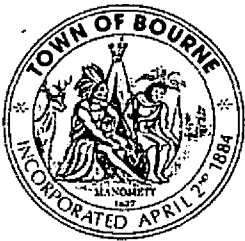
Location: **Housing Authority Offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset**

AGENDA

- 1. Minutes.**
- 2. Vote on request for approval from a B-HOPP applicant for additional subsidy under the GAP program to purchase an affordable home.**
- 3. Vote whether or not the Partnership should recommend to the Town of Bourne to exercise its option under a deed restriction to purchase an affordable home at 55 Deseret Drive or to exercise its option to find a buyer for the property.**
- 4. Updates:**
 - a. B-Hopp program**
 - i. Bay Head Road**
 - ii. Phase 2**
 - b. Bourne Housing Trust**
 - c. Affordable lots: Adams St., Shearwater**
 - d. DRI – Gap program**
 - e. TAP funds**
- 5. Housing Specialist's Report.**
- 6. Other business to come before the board.**

2009 AUG 14 AM 9 43
TOWN CLERK'S OFFICE
BOURNE, MASS.

Susan Ross *SR*
Susan R. Ross
Date: August 14, 2009



BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE



Date: **Wednesday,
August 19, 2009**

Time: **5:30 P.M.**

Location: **Housing Authority Offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset**

AGENDA

- 1. Minutes.**
- 2. Updates of:**
 - a. B-HOPP program**
 - b. Bourne Housing Trust**
 - i. Bay Head Road**
 - ii. Phase 2**
 - c. Affordable lot**
 - d. New BHP members**
- 3. Vote on request for approval from a B-HOPP applicant for additional subsidy under the GAP program to purchase an affordable home.**
- 4. Vote whether or not the Partnership should recommend to the Town of Bourne to exercise its option under a deed restriction to purchase an affordable home at 55 Deseret Drive or to exercise its option to find a buyer for the property**
- 5. Updates:**
 - a. B-Hopp program**
 - i. Bay Head Road**
 - ii. Phase 2**
 - b. Bourne Housing Trust**
 - c. Affordable lots: Adams St., Shearwater**
 - d. DRI – Gap program**
 - e. TAP funds**
- 6. Housing Specialist's Report.**
- 7. Other business to come before the board.**

2009 AUG 14 AM 9 39
TOWN CLERK'S OFFICE
BOURNE, MASS

Susan Ross *SR*
Susan R. Ross
Date: August 14, 2009

To: Selectmen's Office

From: Sue Ross

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Housing Partnership meeting
Wednesday, August 19, 2009
5:30 PM Bourne Housing Authority offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset

Agenda

1. Minutes
2. Vote on a request for approval from a B-HOPP applicant for additional subsidy under the GAP program to purchase an affordable home.
3. Vote whether or not the Partnership should recommend to the Town of Bourne to exercise its option under a deed restriction to purchase an affordable home at 55 Deseret Drive or to exercise its to find a buyer for the property.
4. Updates;
 - B-HOPP program
 1. Bay Head Road
 2. Phase 2
 - Bourne Housing Trust
 - Affordable lots: Adams St, Shearwater
 - DRI – GAP program
 - TAP funds
4. Housing Specialist's Report
5. Other business to come before the board.

Thank you,

Susan R. Ross

2010 FEB 22 PM 3 13
TOWN CLERK'S OFFICE
BOURNE, MASS

**Meeting of the Bourne Housing Partnership
Minutes**

Meeting of August 19, 2009

Time: 5:35 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Barbara Thurston, and Coreen Moore.

Absent: Al Hill, and Frances Anderegg

Others present: James Snyder, Volunteer Financial Advisor and Kerry Horman, Affordable Housing Specialist

Ms. Ross asked if there was a motion on the minutes of the previous meeting.

Ms. Thurston moved that the minutes be approved, Ms. Moore seconded the motion, and the motion passed unanimously.

Ms. Ross introduced the first agenda item which was the approval of the use of GAP funds as an additional subsidy for a B-HOPP applicant to purchase an affordable home.

Mr. Horman presented to the Committee a letter from the applicant's real estate agent indicating that they had done an exhaustive search of the Bourne available housing market and determine that this property was what one of very few if not the only one that was affordable, in reasonably decent condition and available.

Mr. Horman stated that the financial package for the purchase was as follows: approximately a \$180,000 US Department of Agriculture home mortgage, \$10,000 of family gift money to the applicant, \$10,000 from Housing Assistance Corp's first-time home buyer program, \$30,000 from B-HOPP based on a two-bedroom eligibility formula and if approved \$20,000 from GAP. He said that while overall the house was in exceptional condition for a home built in 1977, some repairs were necessary including re-shingling the roof.

Mr. Horman said that a full lead inspection had been done and that no indication of lead had been found.

Ms. Ross stated that lead is going to continue to be a key issue and a general discussion occurred as to the appropriate strategy that the Partnership should use when it comes to lead.

Ms. Ross said in the future we may want to do the lead inspection as the first item of investigation on the property of its built before 1978.

A general discussion occurred as to the breakdown of the finances for the purchase which included a sale price of \$240,000 plus repairs of about \$6,000 in closing costs of approximately \$4,000.

Ms. Thurston moved that the request for \$20,000 of GAP money necessary to complete the Lopes purchase be approved.

Ms. Moore seconded the motion, and the motion passed unanimously.

Ms. Ross pointed out that in the future whenever we're dealing with a lead issue that we would want to get the test done as a first step.

2010 FEB 22 PM 3
TOWN CLERK'S OFFICE
BOURNE, MASS

Ms. Ross raised the next agenda item before the Committee which was the issue of whether the Partnership wanted to exercise its rights under the deed rider for 55 Deseret Drive to either purchase the property or to be responsible for identifying a prospective buyer.

Ms. Thurston informed the Committee that the Housing Authority had not exercised its right to either purchase or market the property in question.

Mr. Horman stated that the Partnership is the monitoring agent and that this sale is not under the review of DHCD because it is a Federal Home Loan Bank Board of Boston funded project. He said it is the Partnership's responsibility to set the resale price in accordance with the formula in the deed restriction. Mr. Horman said that he had reviewed the formula with Bill Reyelt at DHCD, had discussed it with Paul Ruchinskis at the Cape Cod Commission and had contacted CHAPA who works with a number of these deed restrictions. He said he was confident that the resale price of \$197,500 was accurate based on 5.5% interest rate and a 72.5% of median income pricing target.

Ms. Moore moved that the Partnership forego its rights to purchase or to market the affordable house at 55 Deseret Drive but that it retained the rights to approve the marketing agent, price, and buyer of the property.

The motion was seconded by Ms. Thurston and passed unanimously.

Mr. Horman gave a verbal overview of his monthly report.

Ms. Moore informed the Partnership that she was working with prospective developers for the two sites across the street from Town Hall and that she believed that the various parties including the developers and the town's economic development groups are working to create a cooperative development strategy. She stated that wastewater capacity would be an important part of the approval process.

A general discussion occurred on the status of the Canal Bluffs project.

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE

Date

**Wednesday,
October 21, 2009**

Time

5:30 P.M.

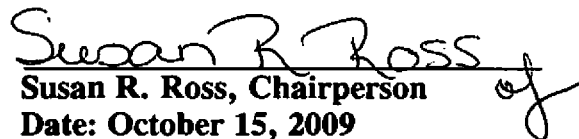
Location

**Bourne Housing Authority Office
Roland Phinney Housing Complex
871 Shore Road
Pocasset MA 02559**

A G E N D A

- 1. Approval of minutes**
- 2. Strategy for units removed from Subsidized Housing Inventory List**
- 3. Re-advertising GAP and B-HOPP**
- 4. Updates:**
 - **B-HOPP program**
 - 1. Bayhead Road**
 - 2. Phase 2**
 - **Bourne Housing Trust**
 - **Affordable lots: Adams St, Shearwater and others**
- 5. Review Goals and Priorities for affordable housing**
- 6. Housing Specialist's Report**
- 7. Other business to come before the Board**

2009 OCT 15 PM 4 00
TOWN CLERK'S OFFICE
BOURNE, MASS.


Susan R. Ross, Chairperson
Date: October 15, 2009

**cc: Town Clerk
Selectmen**

**Meeting of the Bourne Housing Partnership
Minutes
Meeting of October 21, 2009**

Time: 5:35 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Al Hill, and Frances Anderegg

Absent: Barbara Thurston, and Coreen Moore.

Others present: Kerry Horman, Affordable Housing Specialist

2010 FEB 22 PM 3 15
TOWN CLERK'S OFFICE
BOURNE, MASS.

Ms. Ross asked if there was a motion on the minutes of the previous meeting.

Mr. Hill moved that the minutes be waved. Ms. Anderegg seconded the motion, and the motion passed unanimously.

Ms. Ross introduced the first agenda item which was a discussion of a strategy relative to the removal of units from the Subsidized Housing Inventory list by DHCD. Ms. Ross noted that because Ms. Moore was unable to attend and she was the contact person with the State on this issue that it did not make sense to discuss this issue without her.

Ms. Ross also noted that the second item on the agenda of the re-advertising of the GAP and B-HOPP programs is currently under review by DHCD and without their comments it didn't make much sense to discuss that item at this meeting.

Ms. Ross asked Mr. Horman to provide an update for the Committee.

Mr. Horman thanked the committee members for their participation at the Lunt open house and he informed the committee that he had earlier in the day provided the subsidy checks to the attorney for the Lopes closing at Waterhouse Rd.. He said that he had hoped that this would be the first two of many such closings.

Ms. Ross pointed out that she was pleased that one of the closings was for a new house and the other closing was for a existing house demonstrating that the program could be used in both situations.

Mr. Horman said that he had the septic design for Shearwater and was still waiting for Adam Street. He said that the engineer had informed him that for approximately \$1500 more per septic system initially, the system could be installed for a four bedroom home even though only a three bedroom home would be built. The Trust members felt that it would be a wise decision to move ahead and have the septic systems installed for four bedrooms allowing for the opportunity of future expansion.

Ms. Ross explained to the committee members that the way CPA funding for affordable housing has been established the funds are provided to the Bourne Housing Partnership. She said however that under the organization of responsibilities it will be the Bourne Affordable Housing Trust that will responsible for overseeing and managing the building of affordable houses for the Town. She stated that it would be necessary for her to have the authority to approve payments; sign check authorizations, and other forms necessary for the financial aspects of the projects to go through.

Mr. Hill moved that the Chairperson have the authority to sign check authorizations, approve payments and other necessary forms to further projects for affordable housing.

Ms. Anderegg seconded, and the motion in the motion passed unanimously.

Ms. Ross said that it is time that the Partnership reviews its goals and objectives in particular as to the items that were set up through the Housing Needs Assessment and Action Plan that they worked on with

Karen Sonnarborg a few years back. She said many things had been accomplished since then but now the role of securing and building houses will be in the hands of the Trust and the Partnership can focus on creating programs, advising the town on the creation of affordable housing land use regulations, and planning. She said that one of the most important actions that the Town can take is to create a method of special permits to allow for nonconforming lots to be used for affordable housing. She said this is something that the Partnership should be working on.

Mr. Hill pointed out that one of the Partnership's highest priorities should be getting some additional members and the others voiced their agreement with him.

Mr. Hill also suggested that one idea to pursue may be to allow people to build a structure on a nonconforming lot under the agreement that they would rent it as an affordable unit for 15 years or whatever's required and it could serve as a source of income for the owner.

Mr. Horman said that that might be eligible under a 40b project.

Mr. Hill also said it is very disappointing to him that the idea of using accessory dwellings for affordable units has not moved ahead.

Mr. Horman said that the issue that makes that difficult is that in order for the units to count on the Subsidized Housing Inventory List that the owners of the accessory dwellings would not be allowed to rent to family members or to employees and that they would have to go through a similar process that the Housing Authority does in selecting tenants. He said that if the town were willing to move ahead with this without worrying about getting units counted on the Subsidized Housing Inventory List then the accessory dwelling program could move ahead.

The Committee members were in agreement that anything that the town did in that area would need to be counted on the list.

Ms. Anderegg suggested that the town might be able to create a computer list of property owners that had lots that would fit the criteria of nonconforming lots that could be used for affordable building lots and contact those owners.

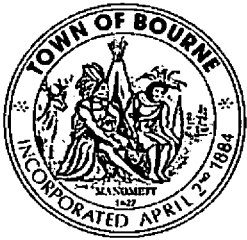
Mr. Horman stated that Coreen Moore had done a lot of work in this area and did have a list of potential properties for affordable housing lots and that he would look into that file.

A general discussion occurred relative to the two methods of providing affordable building lots. One is creating a special permit ordinance, and the other being putting together an agreement with a group of owners of these properties and then submitted it as a 40b project. A discussion continued relative to the type and size of houses related to the Committee's historic concern about concentrating a number of affordable houses in one development and secondly, wishing to build houses within neighborhoods that would continue to bring praise for these units from the citizens. The Committee voiced its opposition to scrimping on the size of houses to save money and get a few more units, something, in the long run that would have a negative impact on the Partnership's ability to continue to build more affordable units.

Ms. Ross asked that the committee members to prepare for next meeting a list of what they feel the Partnership's priorities should be for the next few years.

There being no further business the meeting was adjourned at 6:15 p.m.

Respectfully Submitted: Kerry Horman Affordable Housing Specialist



**BOURNE HOUSING
PARTNERSHIP
COMMITTEE
MEETING NOTICE**



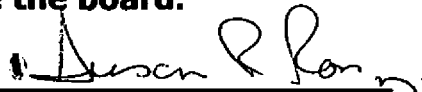
Date: **Wednesday,
November 18, 2009**

Time: **5:30 P.M.**

Location: **Housing Authority Offices
Roland Phinney Housing Complex
871 Shore Road, Pocasset**

AGENDA

- 1. Minutes.**
- 2. Strategy for units removed from Subsidized Housing Inventory List.**
- 3. Review Goals and Priorities for affordable housing.**
- 4. Updates:**
 - **B-Hopp program**
 - i. **Bay Head Road**
 - ii. **Waterhouse Road**
 - **Bourne Housing Trust**
 - **Affordable lots: Adams St., Shearwater**
 - **Re-Advertising B-HOPP and GAP**
- 5. Housing Specialist's Report.**
- 6. Other business to come before the board.**



Susan R. Ross

Date: November 13, 2009

2009 NOV 13 AM 11 34
TOWN CLERK'S OFFICE
BOURNE, MASS.

**Meeting of the Bourne Housing Partnership
Minutes
Meeting of November 18, 2009**

2010 FEB 22 PM 3 15
TOWN CLERK'S OFFICE
BOURNE, MASS

Time: 5:35 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Al Hill, Frances Anderegg, Barbara Thurston, and Coreen Moore

Absent: None

Others present: Kerry Horman, Affordable Housing Specialist

Ms. Ross asked if there was a motion on the minutes of the August 19, 2009 meeting.

Ms. Moore moved that the August 19, 2009 minutes be approved. Ms. Thurston seconded the motion, and the motion passed unanimously.

Ms. Ross asked if there was a motion on the minutes of the October 21, 2009 meeting.

Mr. Hill moved that the October 21, 2009 minutes be approved. Ms. Anderegg seconded the motion, and the motion passed with Ms. Moore and Ms. Thurston abstaining.

Ms. Ross introduced the first agenda item which was a discussion of a strategy relative to the removal of units from the Subsidized Housing Inventory list by DHCD. Ms. Ross noted that Ms. Moore, Ms. Sonnarborg, and Mr. Horman were working to find a solution to the problem.

Mr. Horman noted that the town of Dennis had 66 units removed from the list but a representative of the Housing Authority in Dennis said that she was optimistic that about a third of those units would be very shortly returned to the list.

A general discussion occurred and the consensus was that if the efforts of Ms. Sonnarborg and the others were not successful then assistance from Senator Murray's office and possibly the Governor's office should be sought.

Ms. Ross asked Mr. Horman to provide his update for the Committee.

Mr. Horman informed the Committee that the Lunt and Lopes project applications for inclusion on the subsidized housing inventory list had been sent and that Ms. Sonnarborg was nearing completion of a draft RFP to be presented to the Housing Trust for the Shearwater and Adam Street projects.

Ms. Ross informed the Committee that she, Ms. Thurston and Mr. Horman had met with the owners of 1 Tattler Circle about their potential interest in selling the property. She noted that during that conversation the couple that owned the property emphasized the need for affordable houses to be very energy-efficient and inexpensive to maintain.

Ms. Ross moved on to the next agenda item which was a review of the Partnership's housing goals and objectives.

Mr. Horman stated that a review of the Comprehensive Plan and the Housing Needs Assessment and Action Plan clearly indicates that the Partnership and the Town have accomplished a great deal and have remained focused on the goals presented in these plans. He said that his report focuses on areas that the Partnership may want to reconsider or re-emphasize as it moves forward. He asked the committee members to turn their attention to pages 27 and 29 of the Action Plan.

The committee went through the list of publicly owned properties with potential for affordable housing on page 27 and found that:

- Adams Street had been completed;
- The Housing Authority was working on approximately 30 units at the Sagamore site rather than 16 units
- The 2.49 acre Waterhouse Road would be a good TAP project consisting of a site assessment review.
- Hoxie School, Cody School, the School Administration Building, and the Bournedale new school properties were all about to be considered under a feasibility assessment conducted by consultants of the Town.

Ms. Moore noted that there were, in addition to the above properties, 2 fire stations also being reviewed for alternative uses and that she will be working with the committee who was reviewing the feasibility analysis and would make sure that the Partnership has a role to play in identifying potential opportunities for affordable housing.

The committee moved on to properties that are privately owned listed on page 29 of the Needs Assessment and Action Plan. It was noted that:

- The McArthur Boulevard site was actively been developed by Housing Assistance Corp.
- The status of the St Margaret's St. property and former Jordan Hospital property in Bourne Village had not changed
- Trading Post Corner zoning had been changed to allow mixed use
- CanalSide Commons ha been approved but was on hold
- Sandwich Rd. and Hightower Nursing Home properties needed additional research.

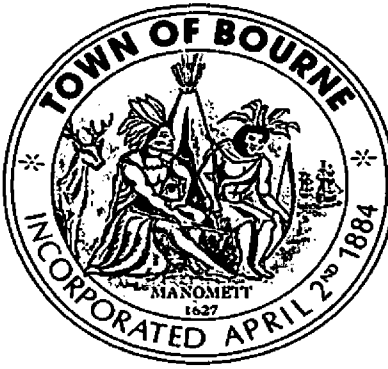
Ms. Moore noted that many of the village centers have had revised zoning to allow for mixed use development.

A general discussion took place about the non-conforming lot by-law for affordable housing and it was agreed that it be discussed in detail at the next meeting.

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully Submitted

Kerry Horman Affordable Housing Specialist



BOURNE HOUSING PARTNERSHIP COMMITTEE MEETING NOTICE

LOCATION: Bourne Housing Authority Offices
Roland Phinney Housing Complex
871 Shore Road
Pocasset, MA 02559

DATE: Wednesday, December 9, 2009

TIME: 5:30 p.m.

AGENDA

1. Minutes
2. Development of a special permit ordinance for the use of non-conforming lots for affordable housing.
3. Updates
 - Bourne Housing Trust
 - Affordable lots: Adams Street and Shearwater and others
 - Re-Advertising B-HOPP and GAP

4. Housing Specialist's Report

2009 DEC 2 PM 11 51
TOWN CLERK'S OFFICE
BOURNE, MASS

5. **Other business to come before the Board.**


Susan Ross, Chairman
March 14, 2007

cc: Town Planner

**Meeting of the Bourne Housing Partnership
Minutes
Meeting of December 9, 2009**

Time: 5:35 p.m.

Location: Bourne Housing Authority Offices, 871 Shore Rd. Pocasset, MA.

Present: Sue Ross, Frances Anderegg, and Barbara Thurston,

Absent: Al Hill and Coreen Moore

Others present: James Snyder, Volunteer Financial Advisor and Kerry Horman, Affordable Housing Specialist

Ms. Ross asked if there was a motion on the minutes of the November 18, 2009 meeting.

Ms. Thurston moved that the minutes be approved. Ms. Anderegg seconded the motion, and the motion passed unanimously.

Ms. Ross moved on to the second item on the agenda which was the proposed nonconforming lot affordable housing ordinance. She said that she and Mr. Horman would be attending the Planning Board meeting of December 10 to discuss with the Planning Board their willingness to appoint a representative to work with the Partnership on developing an appropriate ordinance. She said that the handout that Mr. Horman had given them was essentially an ordinance developed by the Town of Yarmouth which had recently been approved by the Attorney General. She said that Ms. Moore had had an opportunity to review it and make some adjustments to it and that the version that they had was the one with Ms. Moore's changes.

Ms. Thurston asked when the deadline was to get a proposal in for Town Meeting.

Ms. Ross said she thought it was in February.

Mr. Horman added that Ms. Moore had informed him that if we were trying to do that for this spring Town Meeting that we had to move ahead quickly.

Ms. Ross pointed out that along with cooperating with the Planning Board to develop this ordinance that it was important to note that it was one of the key work items under the Housing Assessment and Action Plan and was consistent with the Town's Comprehensive Plan. She asked the members of the committee to refer to the draft ordinance so that they might review the various sections and the Committee discussed a number of sections.

Ms. Thurston moved that the Partnership approve the draft nonconforming lot ordinance as prepared by Ms. Moore for submission to the Planning Board in order for the Planning Board and representatives of the Partnership to develop a final version for submission at Town Meeting.

Ms. Anderegg seconded the motion, and the motion passed unanimously.

Ms. Thurston informed the Committee that the Housing Authority had been given a donation of additional land adjacent to their proposed Sagamore elderly housing site and that the land probably could be used for open space utilization.

Mr. Horman provided a verbal summary of his monthly report. He said that the Trust was in the process of preparing an RFP for the Shearwater and Adam Street lots which the Trust now has title to. He said that Karen Sunnarborg was working with representatives of DHCD on the issue of the properties removed from the SHI list. He said, in a related matter, that the owners of 1 Tattler Circle had indicated their interest in selling their property to the Trust and that the Trust would be moving ahead to complete the acquisition with the hopes of reselling the property to an eligible family with the new universal deed rider. He said this would likely require Housing Authority approval.

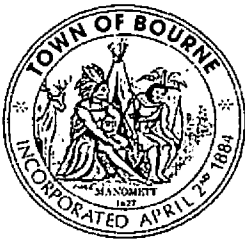
There being no further business, the meeting was adjourned at 6:25 p.m.

Respectfully Submitted

Kerry Horman Affordable Housing Specialist

TOWN CLERK'S OFFICE
POCASSET, MA 01989
2010 JUL 15 PM 1 40

Human Services



Bourne Human Services Committee Meeting Notice



Date: Tuesday
January 27, 2009

Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA

1. Approve minutes of previous meeting.
2. Continue discussion of the development of resource booklet for the Town of Bourne.
3. Any new business that may come before the committee.

Andrew E. Murray ^{Mr}
Andrew E. Murray
January 5, 2009

cc: Town Clerk
Selectmen
Committee: Bombaci, Carr, Morales-Morceau, Murray, Stofa, Tavares, Thurston, Varnerin,
and Vickery

2009 JAN 5 PM 11 17
TOWN CLERK'S OFFICE
BOURNE, MASS

Human Services Committee Meeting

January 27, 2009

Bourne Town Hall

Present: Andy Murray, Ellen Varnerin, Richard Tavares, Barbara Thurston, Lois Carr

Absent: Sandra Vickery, Linda Morales-Morceau, Theresa Stofa, Leona Bombaci

Meeting convened at 3:30

Motion was made by Ellen Varnerin and seconded by Rich Tavares to accept the minutes of the December 16, 2008 meeting.

Andy Murray distributed an invitation that was sent to the committee from the Community Health Center of Cape Cod to attend a needs assessment meeting on February 10, 2009 at 8 a.m. at the Bourne Community Center. Some of the committee members will try to attend.


The human services resource booklet was discussed. Lois Carr showed what has been completed so far- 71 agencies and their information have been entered into the data base. Ms. Varnerin had contacted some additional agencies and that information will also be included. Mr. Murray will contact those members who are absent to see if they have information on their assigned agencies and have them send it to Ms. Carr. A table of contents and important town phone numbers were also discussed for inclusion in the booklet.

Information on the Commonwealth Print Shop which may be a printing resource was distributed. Ms. Carr will follow up with them. Mr. Tavares will also contact the Sheriff's Department about printing of the booklet.

The next meeting will be held on February 24, 2009

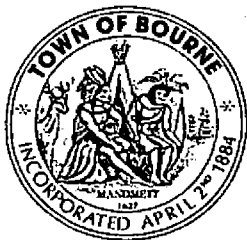
Meeting adjourned at 4:15 p.m.

Respectively submitted,



Lois Carr

2009 FEB 24 PM 4 27
TOWN CLERK'S OFFICE
BOURNE, MASS.



Bourne Human Services Committee Meeting Notice



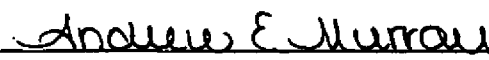
Date: Tuesday
February 24, 2009

Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA

1. Approve minutes of previous meeting.
2. Continue discussion of the development of resource booklet for the Town of Bourne.
3. Any new business that may come before the committee.


Andrew E. Murray
February 20, 2009

cc: Town Clerk
Selectmen

Committee: Bombaci, Carr, Morales-Morceau, Murray, Stofa, Tavares, Thurston, Varnerin,
and Vickery

BOURNE, MASS.
TOWN CLERK'S OFFICE
2009 FEB 20 PM 11 58

**Human Services Committee Meeting
February 24, 2009
Bourne Town Hall**

Present: Andy Murray, Chairperson; Richard Tavares; Ellen Varnerin;
Barbara Thurston; Lois Carr; Theresa Stofa

Absent: Leona Bambaci; Sandra Vickery; Linda Morales-Morceau

Meeting convened at 3:35 PM

Motion was made by Lois Carr and seconded by Richard Tavares to accept the minutes of the January 27, 2009 meeting.

Lois Carr disseminated information from a meeting that she attended on February 10, 2009 regarding services provided by Community Health Center of Cape Cod in the newly opened office in Bourne.

Andy discussed an email that he received from Leona Bambaci in which she requested information concerning the availability of day shelters and supports for at risk population. Committee members were asked to provide relevant information to Andy who will forward the information to Paul Hebert.

Lois contacted Commonwealth Print Shop and is waiting to hear back from Glen regarding an estimate for the costs of printing the Human Services Resource Booklet.

Lois presented a listing of additional agencies for inclusion in the resource booklet. Theresa Stofa volunteered to contact the agencies to obtain relevant information regarding the services that each agency provides.

Team members discussed various formats for the Resources Booklet. It was agreed that the booklet would be 9 inches x 6 inches, approximately 50 pages and that 1000 copies would be printed.

Richard Tavares volunteered to contact the Sheriff's Office and County Press in Lakeville to obtain estimates for the costs of printing the resource booklet.

Andy will contact John Ford to ask that he provide the Committee with an update regarding the Town's Budget and funds available to support the printing of the resource booklet.

The next meeting will be held on Tuesday March 24, 2009 at 3:30PM.

Meeting Adjourned at 4:20 PM.

Respectfully submitted,



Ellen Varnerin

BOURNE, MASS.
TOWN CLERK'S OFFICE

2009 MAR 24 PM 4 20



Bourne Human Services Committee Meeting Notice



Date: Tuesday
March 24, 2009

Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA

1. Approve minutes of previous meeting.
2. Continue discussion of the development of Human Services Resource booklet for the Town of Bourne. (layout and possible funding sources)
3. Any new business that may come before the committee.

Andrew E. Murray
Andrew E. Murray
March 4, 2009

cc: Town Clerk
Selectmen

Committee: Bombaci, Carr, Morales-Morceau, Murray, Stofa, Tavares, Thurston, Varnerin,
and Vickery

BOURNE, MASS.
TOWN CLERK'S OFFICE
MAR 10 2009 4 10 55

Human Services Committee Meeting
March 24, 2009
Bourne Town Hall

09 APR 29 PM 10 45
TOWN CLERK'S OFFICE
BOURNE, MASS

Present: Mr. Andy Murray (Chairman), Ms. Lois Carr, Mr. Richard Tavares, Ms. Ellen Varnerin, and Ms. Linda Morales-Morceau

Absent: Ms. Leona Bambaci, Ms. Barbara Thurston, and Ms. Sandra Vickery, and Ms. Theresa Stofa

Meeting Convened at 3:36 PM

Motion was made by Mr. Andy Murray and seconded by Ms. Lois Carr to accept the minutes of the February 24, 2009 meeting.

Theresa gave Lois the printed list of the 88 facilities that will make up the Human Services Directory. Everyone present was given a copy.

Andy asked if all the facilities we're listing have Emergency Numbers, or 800 Numbers, and, or websites. Lois stated that all have Numbers and some have Websites so that they can be contacted. It was stated that Falmouth Hospital and all other local Hospitals should be listed, because a lot of services that used to be privately run are now offered at the local hospitals. It was stated that the Dept. of Mental health and the Dept. of Mental Retardation are now listed under the Commonwealth of Massachusetts. Andy will bring in a brochure that contains information on a 211 Number, it is a way to find out what services are offered in your area, such as Drug and Alcohol Services, AA Meetings, where Food Pantries are located, etc. Andy stated the service is not fully

functional at this time, but we should add that Number to our booklet.

Lois stated that the Booklet will be about 50 pages when complete, and that 1,000 would be printed and handed out to the community. The format will be a Softcover Booklet with a plastic scrolled binding. The Sheriff's Dept. has offered their services for the printing of the booklet at very reasonable rates.

Richard checked into how much it would be to have the booklet printed locally, the price was about \$840.00 by Town Printing and he received no call back from Commonwealth Printing.

John made the point that now since the Town has a web page, perhaps we should add the booklet information to it, along with sending out the booklets.

The question was raised should we add the Town Seal to the booklet, a picture of the Bourne Bridge was brought up, and should names of the members of the Human Services Committee be placed somewhere in or on the booklet, perhaps on the back page.

Lois asked should the town landfill number be added to the booklet, all agreed that it should. She also stated that the booklet is nearly ready to go to print.

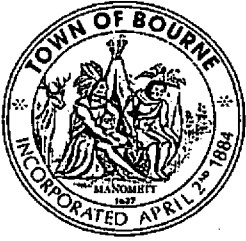
Linda asked to add her Counseling Facility, located at the YMCA in Wareham, to the booklet.

Next Meeting scheduled for April 28, 2009 @ 3:30

Motion to Adjourn-All agreed / Meeting Adjourned at 4:21

Respectfully Submitted By,


Linda A. Morales-Morceau



Bourne Human Services Committee Meeting Notice



Date: Tuesday
April 28, 2009

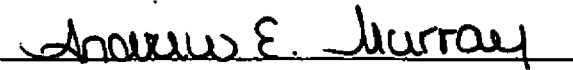
Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

2009 APR 7 PM 3 42
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Approve minutes of previous meeting.
2. Continue discussion of the development of Human Services Resource booklet for the Town of Bourne. (layout and possible funding sources)
3. Any new business that may come before the committee.


Andrew E. Murray
April 7, 2009

cc: Town Clerk
Selectmen
Committee: Bombáci, Carr, Morales-Morceau, Murray, Stofa, Tavares, Thurston, Varnerin,
and Vickery

Human Service Committee Meeting
April 28, 2009
Bourne Town Hall

In attendance: Andy Murray, Lois Carr, Linda Morales-Morceau, Richard Tavares, Barbara Thurston, Ellen Varnerin, and John Ford

Absent: Sandra Vickery, Theresa Stofa and Leona Bambaci

Meeting Convened at 3:30 p.m.

A motion was made by Ellen Varnerin and seconded by Lois Carr to accept the March 24th minutes.

Andy Murray brought up the idea of approaching banks in Bourne to ask for donations to assist with the cost to print our Human Service Book (directory). The banks could obtain the funds from their CRA (Community Reinvestment Account). The Town Administrator will be giving the Human Service Committee \$1,000 to assist with the printing of the books; therefore, it won't be necessary to request assistance from the banks.

Andy wanted to place somewhere in the book the number 211 that will help with calls for resources/services in the Town. It was decided that the # will be listed along with other important numbers on the front inside cover. The Animal Control Officer's number will also be added.

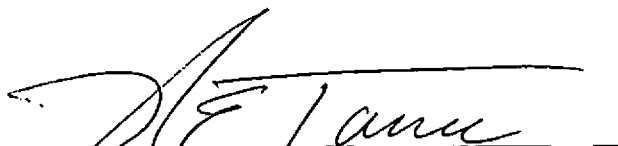
Lois Carr passed out info on the COA Bridging the Years fundraising event to benefit the Supportive Adult Day Program. This program promotes, enhances and enriches social, physical and cognitive skills to help maintain held and independence for participants, while providing respite for caregivers. The fundraising dinner "Taste of Italy Dinner" will be held on May 14th at the Buzzards Bay Eagles, 39 Cohasset Ave, Buzzards Bay. Social Hour will be held from 5-6 p.m. and dinner will be served at 6:00 p.m. Donation is \$8.00.

Andy requested that members of the Committee provide him with any information they may have regarding immigrants living in the Town. Negative results with the Committee at this time.

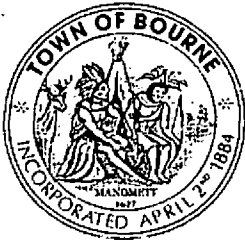
Next meeting scheduled for May 26, 2009 at 3:30 p.m. at the Town Hall, second floor meeting room.

Motion to adjourn by Richard Tavares.
Seconded by all. Meeting adjourned at 4:31 p.m.

Respectively submitted


Richard E. Tavares

TOWN CLERK'S OFFICE
BOURNE, MASS.
2009 MAY 27 AM 8 25



Bourne Human Services Committee Meeting Notice



Date: Tuesday
May 26, 2009

Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

2009 MAY 18 PM 1 44
TOWN CLERK'S OFFICE
BOURNE, MASS.

AGENDA

1. Approve minutes of previous meeting.
2. Continue discussion of the Human Services Resource booklet for the Town of Bourne. (Applications for funding, selecting printer etc.)
3. Any new business that may come before the committee.

Andrew E. Murray ^{mr}

Andrew E. Murray
May 18, 2009

cc: Town Clerk
Selectmen
Committee: Bombaci, Carr, Morales-Morceau, Murray, Stofa, Tavares, Thurston, Varnerin,
and Vickery

MINUTES TO THE MONTHLY MEETING
BOURNE HUMAN SERVICES COMMITTEE
MAY 26, 2009
BOURNE TOWN HALL

Present: Andy Murray, Lt. Richard Tavares, Lois Carr, Barbara Thurston, Ellen Varnerin, John Ford

Absent: Leona Bombaci, Linda Morales-Morceau, Theresa Stofa

Meeting convened at 3:30 p.m.

Motion made by Barbara Thurston to accept the minutes of April 28, 2009. Motion seconded by Ellen Varnerin.

Andy Murray presented an email he has received regarding a mobile crisis team available to children who are MassHealth eligible. It is for mental health or substance abuse needs. It is sponsored by EOHHS and is part of the Governors Children's Behavioral Health Initiative (CBHI). It will take effect on 07/01/09.

The committee discussed funding for the Handbook. Mr. Murray has submitted applications to TD BankNorth and Sovereign Bank for funding for printing under the CRA.

Lois Carr went to the printer who does printing for the Town. He told her it would have to be converted to a PDF file. Lt. Tavares will contact the County Sheriff's Dept. to let them know it will be in the format of the Town Report and see if there is any cost. Lt. Tavares also stated that he talked to Countrywide press and they would do it for \$840 for 1,000 copies.

The committee discussed the design of the cover and if we will be acknowledging the Human Services Committee. It will state that it was prepared by the Committee but will not name the members.

Mr. Murray suggested that we communicate by e-mail to make some final decisions regarding the handbook due to the fact that we will not be meeting again for another month and we want to get this done.

Motion made by Ms. Thurston to communicate by e-mail to all members, prior to the next meeting, in order to make final decisions on the printing. Motion seconded by Ms. Varnerin. Unanimous vote.

Mr. Ford suggested that the committee be on the Selectmen's agenda to give a report when we are ready to go to press.

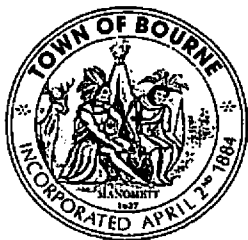
The committee proceeded to work on the final draft for the Human Services handbook. They assigned categories to the 92 agencies in preparation for publishing.

Next meeting scheduled for Tuesday, June 16, 2009

Meeting adjourned at 5:00 p.m.

Respectfully submitted,

Barbara Thruston



Bourne Human Services Committee Meeting Notice



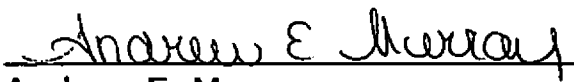
Date: Tuesday
October 8, 2009

Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA

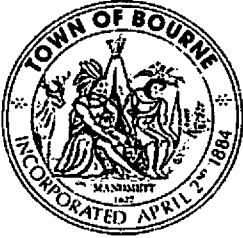
1. Approve minutes of previous meeting.
2. Election of Chairperson for this year.
3. Set time and dates for meeting
4. Any new business that may come before the committee.


Andrew E. Murray
September 10, 2009

cc: Town Clerk
Selectmen

Committee: Bombaci, Carr, Morales-Morcedo, Murray, Taormina, Varnerin, and Vickery

TOWN CLERK'S OFFICE
Bourne, MA 02532
Tel: 508-833-7100
Fax: 508-833-7101



Bourne Human Services Committee Meeting Notice AMENDED



Date: Thursday
October 8, 2009


Time: 3:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA

1. Approve minutes of previous meeting.
2. Election of Chairperson for this year.
3. Set time and dates for meeting
4. Any new business that may come before the committee.

2009 SEP 10 PM 2 00
TOWN CLERK'S OFFICE
BOURNE, MASSACHUSETTS



Andrew E. Murray
September 10, 2009

cc: Town Clerk
Selectmen
Committee: Bombaci, Carr, Morales-Morceau, Murray, Tavares, Thurston, Varnerin, and
Vickery

Bourne Human Services Committee Meeting
October 8, 2009

Present: Barbara Thurston, Lori Carr, Ellen Varnerin, Rick Tavares, Andy Murray

Minutes of the previous meeting were distributed and approved by a unanimous vote.

Motion was made by Mr. Murray that Lois Carr assume the role of Chairperson of the Committee for the next year. Motion was seconded by Lt. Tavares and by unanimous vote, Ms. Carr was elected Chairperson.

Following some discussion, it was decided that the secretary of the Committee rotate from meeting to meeting.

1. Discussion about positive feedback on Human Services booklet – with need to update and print more copies.
2. The Committee should continue attempts to recruit someone to represent the youth of Bourne.
3. Continue efforts to conduct a needs assessment of human service needs and gaps in services to the town residents.
4. Explore and proceed with requests for funding from Human Service Agencies.

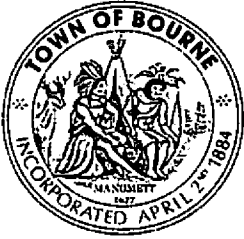
Next meeting – November 10, 2009 at 4:30 p.m.

Motion to adjourn made by be Barbara Thurston and seconded by EllenVarnerin was passed unanimously.

Respectfully submitted,


Andrew E. Murray

2010 MAY 18 AM 6 04
TOWN CLERK'S OFFICE
BOURNE, MA 01939



Bourne Human Services Committee Meeting Notice



Date: Tuesday
November 10, 2009

Time: 4:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA

1. Approve minutes of previous meeting.
2. Status of FY11 Human Services Budget.
3. Change of meeting time and frequency.
4. Recruitment of new members.
5. Any new business that may come before the committee.

Lois Carr *WC*
Lois Carr
October 26, 2009

cc: Town Clerk
Selectmen
Committee: Bombaci, Carr, Morales-Morceau, Murray, Tavares, Thurston, Varnerin, and
Vickery

2009 OCT 26 AM 9 42

**MINUTES TO THE MONTHLY MEETING OF THE BOURNE HUMAN SERVICES
COMMITTEE
NOVEMBER 10, 2009
BOURNE TOWN HALL**

Present: Andy Murray, Lt. Richard Tavares, Lois Carr, Barbara Thurston, Ellen Varnerin, Linda Morales-Moreau, Sandra Vickery Absent: Leona Bombaci

Meeting convened at 4:30 p.m.

Minutes from the October 12, 2009 meeting were read by Mr. Murray. Motion made by Lt. Tavares to approve the minutes. Motion seconded by Ms. Varnerin. Unanimous vote.

Ms. Carr spoke to Tom Guerino regarding the budget. He said to expect to tighten up. She provided the Committee with copies of last year's budget.

Mr. Murray wants to advocate for Human Services to the Town. Ms. Carr will contact FinCom to be sure we are on the agenda and will contact John Ford to discuss. We would like to request level funding.

The Committee discussed changing the time of the meetings to 4:30 to better accommodate members. Motion made by Ms. Thurston to change to time to 4:30. Motions seconded by Mr. Murray. Unanimous vote.

Mr. Murray serves on the Human Rights Commission and has been invited to the November meeting to recruit alternative members (adolescents) from the Upper Cape. One appointment and one alternative for the youth vacancy.

Ms. Carr will check with Debbie Judge to see if the Town advertises vacancies in the Bourne Enterprise.


Town departments must have draft budgets submitted by November 22nd and finals by December 9th.

Mr. Murray would like to conduct a survey of Social Service workers to determine the needs of segments of the population that are not being served such as the younger population (18-55))

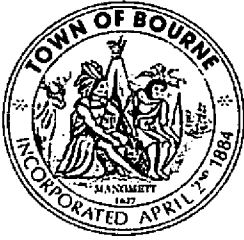
Next meeting scheduled for Tuesday, December 8, 2009 at 4:30

Meeting adjourned at 5:15 p.m.

Respectfully submitted,


Barbara Thurston

BOURNE HUMAN SERVICES
TOWN CLERK'S OFFICE
DEC 17 AM 8 32



Bourne Human Services Committee Meeting Notice



Date: Tuesday
December 16, 2009

Time: 4:30 P.M.

Location: Upper Conference Room
Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

2009 DEC 1 PM 1 45
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Approve minutes of previous meeting.
2. Review and discussion of budget requests.
3. Vote on Human Services Budget.
4. Any other business that may come before the committee.

Lois Carr *LC*
Lois Carr
December 1, 2009

cc: Town Clerk
Selectmen
Committee: Bombaci, Carr, Morales-Morceau, Murray, Tavares, Thurston, Varnerin, and
Vickery

**Human Services Committee Meeting
December 16, 2009
Bourne Town Hall**

Present: Lois Carr, Chairperson; Andy Murray; Barbara Thurston; Sandra Vickery;
Linda Morales-Morceau; Ellen Varnerin;

Also in attendance and observing the proceedings were Jen Chen, Priscilla Stoll and Kerianne Kelleher, 3 students from Bourne High School, who may be interested in filling vacancies on the committee

Absent: Richard Tavares; Leona Bambaci;

Meeting convened at 4:35 PM

Motion by Ellen Varnerin and seconded by Barbra Thurston to accept the minutes of the November 10, 2009 meeting was accepted by unanimous vote.

Lois Carr disseminated information regarding the "Summary of the Conflict of Interest Law for Municipal Employees" along with the "Acknowledgement of Receipt Form" for all committee members to sign. Committee members will be required to familiarize themselves with the law, participate in an online training and receive a certificate of completion.

Tom Guerino, Town Manager, discussed the monies that had been allocated to the committee for the FY11 budget. At this time, he indicated that the budget would be level funded. However, he informed the committee that, depending on state funding, reductions may be necessary in the future. Mr. Guerino recommended that the committee fund the VNA at the same level as in FY10. He also agreed to use monies from his own budget to fund \$650.00 for the second printing of the Resource Handbook.

The committee reviewed and discussed funding requests that had been received from various community agencies.

Andy Murray made a motion that was seconded by Ellen Varnerin to reduce by \$200.00 per agency the amount of monies that had been allocated in FY10 to the Bourne Food Pantry, Gosnold/Thorne Counseling Center and Independence House in order to allocate \$600.00 to South Coastal Countries Legal Services Inc. The motion was defeated by a unanimous vote.

Motion was made by Andy Murray and seconded by Ellen Varnerin to level fund all agencies funded by the committee in FY10. The motion was unanimously approved.

Lois Carr will present the committee's recommendations to Mr. Guerino

Lois Carr and Andy Murray discussed the process for being appointed as a member of the committee with the students in attendance. The students were instructed to inform Mr. Bushy, high school advisor, if they were interested in pursuing appointment to the committee.

2009 DEC 18 PM 11 23

Lois Carr informed the members that the Finance Committee would be scheduling a meeting sometime in February to review the Human Services budget proposal.

The next meeting will be held on Tuesday January 19, 2010 at 4:30PM.

Meeting Adjourned at 5:45 PM.

Respectfully submitted,

Ellen Varnerin