

2010 Meeting Notices

Vol. 5

Education Committee
Finance Committee
Board of Health

SDW
9/6/17

Town of Bourne Education Committee Meeting

Thursday, April 1, 2010

**2:00 pm in the Bourne High School Professional Library,
75 Waterhouse Road, Bourne , MA 02532**

Agenda:

- 1. Review of applications for the Spring 2010 grant cycle and selection of grant recipients**

Submitted 3/30/10

Patricia Parker
Chairman-Town of Bourne Education/Scholarship Committee

2010 APR 30 AM 11 44
TOWN CLERK'S OFFICE
Bourne, MA 02532



Barry H. Johnson
Town Clerk

June 2011

Education Committee
Patricia Parker
P.O. Box 572
Cataumet, MA 02532

Town Clerk
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext 505



Wendy J. Chapman
Asst. Town Clerk

To : All Boards and Committees

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, the minutes for all meetings should be filed with the Town Clerk's Office. We have enclosed excerpt from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

Minutes missing

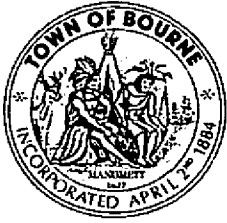
2010 04/01

Your attention to this matter would be appreciated.

Sincerely,

Wendy J. Chapman
Asst. Town Clerk

Town Clerk



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$201,540

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, January 25, 2010 at
7 PM at the Jonathan Bourne Library.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Budget discussion
4. Ethics Law – Barry Johnson
5. Quorum bylaw discussion
6. TA Comment
7. Selectmen Comment
8. Public Comment
9. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele W. Ford
Chairman
January 17, 2010

BOURNE, MASS
TOWN CLERK'S OFFICE
2010 JAN 19 PM 10 56

**Finance Committee meeting minutes of January 25, 2010
Jonathan Bourne Public Library
Bourne, MA 02352**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, Bill Locke, Jeff Perry, George Slade

Excused: David Ahearn and John Redman

Guests: Linda Marzelli, Finance Director

Members of the press: Diana Barth, Falmouth Enterprise and Paul Gately, Bourne Courier

Meeting called to order
7:00 pm

Approval of minutes

H. DeWaltoff moved and seconded by M. DeCicco to approve minutes of November 30, 2009 as submitted. **Vote 10-0.**

Reserve Fund Transfers

None at this time.

Budget discussion

TA Guerino will present Budget Message next week. Linda Marzelli handed out Proposed Operating Budget.

Selectmen are committed to be represented at FinCom budget discussion meetings.

Department Heads will be asked to provide FinCom with information in advance before meeting.

School Committee and UCT to discuss budgets on the same day.

DNR budget presented to the FinCom next week.

State Ethics Law

New Conflict of Interest Law in effect. On line test to be taken by March 1, 2010 giving copy of receipt to Barry Johnson. Barry Johnson, Town Clerk was appointed by the Selectmen as Ethics Liaison.

New member

David Ahearn is the new member of the Finance Committee.

BOURNE, MASS
TOWN CLERK'S OFFICE
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Quorum bylaw discussion

Discussion held and there is a consensus of putting another Article in the Town Warrant. More discussion on what the number should be at a later date.

A proposed bylaw stating BOS and FinCom can designate articles that are essential for STM and ATM, to be sponsored by the Town Moderator.

TA comment

None at this time.

Selectmen comment

None at this time.

Public comment

None at this time.

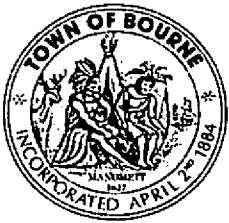
Other

Chm. Ford reviewed important upcoming dates. ATM will be held on May 3, 2010.

Adjournment

E. Ripley moved and seconded by G. Galusha to adjourn. **Unanimous vote.** Meeting adjourned at 7:32 pm.

Respectfully submitted – Lisa Groezinger



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$201,540

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, February 1, 2010 at **7 PM** at the Jonathan Bourne Library. The meeting will be a joint meeting with the Board of Selectmen.

1. Reserve Fund Transfers
2. Budget discussion and review
 - a. Overview by Town Administrator
 - b. Council on Aging budget
 - c. Department of Natural Resources budget
 - d. Department of Public Works budget
3. Quorum bylaw discussion
4. TA Comment
5. Minutes of previous meetings
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

2010 JAN 29 AM 9 26
TOWN CLERK'S OFFICE
BOURNE, MASS

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Michele W. Ford
Chairman
January 27, 2010

**Joint Meeting of February 1, 2010
Finance Committee and the Board of Selectmen
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, John Redman and George Slade. Jeff Perry – excused.

Board of Selectmen - Don Pickard, John Ford, Mary Meli, Stephen Mealy
Member excused: Jamie Sloniecki

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Rickie Tellier, DPW; Tim Mullen, DNR; Sandra Vickery, Council on Aging and several members of the public

Meeting called to order
7:00 pm

Reserve Fund Transfer

M. Mastrangelo moved and seconded by G. Galusha to transfer the amount of \$19,000 to the Veterans' Memorial Community Building Salaries Account. **Vote 10-0.**

Budget discussion and review

Overview – TA Guerino

Town is in the midst of contract negotiations with an estimated March completion. Final budget numbers are subject to change moving forward.

Increase of 2% based on original appropriation from last year OR increase of 2.96% based on last Special Town Meeting reducing School and Town budget.

Free Cash balance - \$4.9M

Stabilization Fund balance - \$3.5M

Fuel line items are up – bid this year will be higher

Capital – minimal requests

Health insurance – continues to be funded in accordance with State and Federal Statute.

Discussion

Succession Planning – Department Heads reaching retirement age over the next few years.

BOS/FinCom – review policies and reserves to growth.

TOWN CLERK'S OFFICE

2010 FEB 11 6 33J 0102

Motions to be made available at Town Meeting for people to pick up vs. printing in Voter Handbook. Motions can be posted on the Town website.

Meeting with companies re: health care insurance in the future.

Schedule – Joint Meetings

2/8 – Police, Fire @ Community Bldg;

2/22 – Fin Department, ISWM @ library

3/1 – Schools @ Community Center

3/8 – General government, Library, Capital, Community Director (Lisa Plant) @ library

3/18 – Final date for articles with complete language.

4/12 – printing warrant

DNR budget – T. Mullen

Budget is \$5,000 (in expenses) less than last year.

No salary cuts. DNR does not expect to cut people back. Some cutbacks on some maintenance (equipment, etc.).

Realigning of mooring fee structure, which could result in about a \$6,000 increase in revenue.

TA Guerino commented on Shellfish Propagation program and is strong. Looking into purchasing relay stock to support the said program.

Discussion

Water testing in recreational areas; Suggestion to put resident shellfish permit monies into the Shellfish Propagation revolving account.

Council on Aging budget – S. Vickery

Fuel Assistance – assist any age group (increase from last year)

Service Delivery – people at lower end of the scale

Transportation – includes maintenance, repairs and gasoline costs

Budget reduced by \$4,000 from original request - coming out of Transportation

Newsletter cost assistance would be a request from the department; outreach hours (additional 10 hours); transportation driver (\$16,000) = approximately \$70,000/year.

DPW budget – Rickie Tellier

Budget is 2% increase. Budget as is will provide services while not losing any personnel. Overtime is limited to climate conditions.

Selectmen comment

BOS consensus of appreciation of participating tonight.

Public comment

Jim Mulvey commented on tidal flow and residency re: pollution.

Other business

Budget process – suggestion that it helpful to include the previous fiscal year's actual expenditures.

Adjournment

H. DeWaltoff moved and seconded by J. Redman to adjourn. Meeting adjourned at 9:30 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.

Quorum bylaw discussion

E. Ripley moved and seconded by M. DeCicco to amend the Quorum bylaw and change to 100. Vote 9-2 with opposing votes from H. DeWaltoff and G. Galusha.

TA comment

Minutes of previous meeting

E. Ripley moved and seconded by G. Slade to approve minutes of January 26, 2010

**Joint Meeting of February 1, 2010
Finance Committee and the Board of Selectmen
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, John Redman and George Slade. Jeff Perry – excused.

Board of Selectmen - Don Pickard, John Ford, Mary Meli, Stephen Mealy
Member excused: Jamie Sloniecki

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Rickie Tellier, DPW; Tim Mullen, DNR; Sandra Vickery, Council on Aging and several members of the public

Meeting called to order
7:00 pm

Reserve Fund Transfer

M. Mastrangelo moved and seconded by G. Galusha to transfer the amount of \$19,000 to the Veterans' Memorial Community Salaries Account. **Vote 10-0.**

Budget discussion and review

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Free Cash balance - \$4.9M

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Fuel line items are up – bid this year will be higher

Capital – minimal requests

Health insurance – continue to be funded in compliance with State and Federal Statutes

Discussion

Succession Planning – Department Heads reaching retirement age over the next few years.

BOS/FinCom – review policies and reserves re: growth.

2010 FEB 12 PM 1 25
TOWN CLERK'S OFFICE
BOURNE, MASS

Motions made available at Town Meeting for people to pick up vs. printing in Voter Handbook. Motions can be posted on the Town website.

Meeting with companies re: health care insurance in the future.

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2/8 – Police, Fire @ Community Bldg;

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3/18

4/12 – printing warrant

Council on Aging budget – S. Vickery

Fuel Assistance – assist any age group (increase from last year)

Service Delivery – people at lower end of the scale

Transportation – includes maintenance, repairs and gasoline costs

Budget reduced by \$4,000 - coming out of Transportation

Newsletter cost assistance would be a request from the department; outreach hours (additional 10 hours); transportation driver (\$16,000) = approximately \$70,000/year.

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TA Guerino commented on Shellfish Propagation program and is strong. Looking into purchasing relay stock to support the said program.

Discussion

Water testing in recreational areas; putting resident monies into a revolving account to protect marinas and shellfish.

DPW budget – Rickie Tellier

Budget is 2% increase. Budget as is will provide services while not losing any personnel. Overtime is limited to climate conditions.

Quorum bylaw discussion

E. Ripley **moved** and **seconded** by M. DeCicco to amend the Quorum bylaw and change to 100. **Vote 9-2** with opposing votes from H. DeWaltoff and M. Mastrangelo.

TA comment

Minutes of previous meeting

E. Ripley **moved** and **seconded** by G. Slade to approve minutes of January 26, 2010.
Vote 8-2 with abstentions from D. Ahearn and J. Redman.

Selectmen comment

BOS consensus of appreciation of participating tonight.

Public comment

Jim Mulvey commented on tidal flow and residency re: pollution.

Other business

Budget process – helpful to include the previous year expended budget.

Adjournment

H. DeWaltoff **moved** and **seconded** by J. Redman to adjourn. Meeting adjourned at 9:30 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.

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Finance Committee and the Board of Selectmen
Jonathan Bourne Library
Bourne, MA 02532**

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Member excused: Jamie Sloniecki

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Rickie Tellier, DPW; Tim Mullen, DNR; Sandra Vickery, Council on Aging and several members of the public

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2010 FEB 23 AM 8 49
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BOURNE, MASS

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TA comment

Minutes of previous meeting

E. Ripley **moved and seconded** by G. Slade to approve minutes of January 26, 2010. **Vote 8-2** with abstentions from D. Ahearn and J. Redman.

Selectmen comment

BOS consensus of appreciation of participating tonight.

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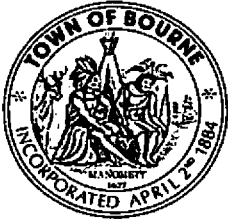
Other business

Budget process – helpful to include the previous year expended budget.

Adjournment

H. DeWaltoff **moved** and **seconded** by J. Redman to adjourn. Meeting adjourned at 9:30 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

**24 Perry Avenue
Buzzards Bay, MA 02532**



Reserve Fund: \$182,540

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, February 8, 2010 at 7 PM at the Community Building. The meeting will be a joint meeting with the Board of Selectmen.

1. Reserve Fund Transfers
2. Budget discussion and review – Community Center, Police Department, Fire Department
3. Minutes of previous meetings
4. TA Comment
5. Selectmen Comment
6. Public Comment
7. Any other business that may come legally before the Committee

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Michele W. Ford
Chairman
February 2, 2010

2010 FEB 2 PM 10 54
TOWN CLERK'S OFFICE
BOURNE, MASS

**Joint Meeting of February 8, 2010
Finance Committee and the Board of Selectmen
Bourne Veterans Memorial Community Center
Buzzards Bay, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, John Redman and George Slade. Jeff Perry – excused.

Board of Selectmen – John Ford, Jamie Sloniecki, Stephen Mealy, Don Pickard and Mary Meli,

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Finance Director; Earl Baldwin, Police Chief; Dan Doucette, Acting Fire Chief; Lisa Plant, Community Building Director and several members of the public

Meeting called to order
7:00 pm

Reserve Fund Transfer
None at this time.

Budget discussion and review
Community Building – Lisa Plant
Council on Aging and Recreational programs reviewed as well as duties.

There are currently two (2) full-time employees. One part-time employee will be added.

Fee-based use of building implemented to cover utility usage; weekend usage discussed.

Current budget has little monies for maintenance. Wear and tear issues will need to be addressed in the near future.

Police Department – Chief Earl Baldwin
Budget total is \$3,466,132

Monies taken from override used to hire four (4) officers. All monies are reflected in the current budget. There is one officer left to hire.

Revenue generated between \$102,000 - \$109,000.

Issues relative to overtime and how different pieces related to holidays, differentials, etc. are subject to negotiations.

RECEIVED
TOWN CLERK'S OFFICE
FEB 8 2010

Organizational chart – 1 Administrative position is vacant and 1 Operations Lt. position is vacant. A total of 47 employees are in the Police Department.

Fire Department – Chief Dan Doucette

Total budget \$3,270,543

The fuel total is \$14,950 - half the budget, halfway through the year.

Revenue generated - Ambulance FY09 was about \$917,000; Permits \$20,855 annually.

\$477,000 - TA recommendation for department overtime.

Organizational chart – 5 vacancies. Costs will not be available until after the union negotiations.

Minutes of previous meeting

B. Grant **moved** and **seconded** by H. DeWaltoff to approve minutes of February 1, 2010.

Unanimous vote.

TA comment

Discussion on getting more of a handle on contract negotiations, policies; HR Director. FinCom support for Selectmen's budget to include funding for a HR Director. TA Guerino stated Accounting, Finance Dept. Assistance, and Engineer are three (3) positions the Selectmen are reviewing.

Selectmen comment

None at this time.

Public comment

None at this time.

Other business

Next meeting - 2/22 at the library.

FinCom to read Joyce Report on ISWM suggested.

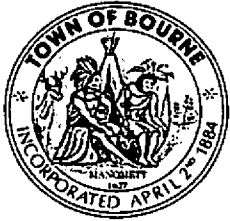
Selectmen/FinCom workshop to review said report for bigger picture issues in the future.

Adjournment

J. Redman **moved** and **seconded** by M. DeCicco to adjourn. FinCom adjourned at 9:30 pm. **Unanimous vote.**

D. Pickard **moved** and **seconded** by J. Sloniecki to adjourn. Selectmen adjourned at 9:30 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

**24 Perry Avenue
Buzzards Bay, MA 02532**



Reserve Fund: \$182,540

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, February 22, 2010 at 7 PM at the Library. The meeting will be a joint meeting with the Board of Selectmen.

1. Reserve Fund Transfers
2. Budget discussion and review – Finance Department; ISWM
3. Minutes of previous meetings
4. TA Comment
5. Selectmen Comment
6. Public Comment
7. Any other business that may come legally before the Committee

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Michele W. Ford
Chairman
February 15, 2010

2010 FEB 16 AM 9 46
TOWN CLERK'S OFFICE
BOURNE, MASS

**Joint Meeting of February 22, 2010
Finance Committee and the Board of Selectmen
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, John Redman, Jeff Perry and George Slade.

Members excused: Bill Grant and Bill Locke

Board of Selectmen - Don Pickard, John Ford, Mary Meli, Stephen Mealy
Member excused: Jamie Sloniecki

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Dan Barrett, ISWM; and several members of the public

Meeting called to order
7:00 pm

Reserve Fund Transfer

H. DeWaltoff **moved** and **seconded** by G. Galusha to transfer the amount of \$11,540 - the balance due on School audit. **Vote 10-0.**

G. Galusha **moved** and **seconded** by M. DeCicco to transfer the amount of \$15,000 to the Tax Title Account. **Vote 10-0.**

Budget discussion and review

Finance Department – Linda Marzelli

Sufficient funding (\$65-\$80k) in budget for proposed Accountant position (supplemental request) to free up Finance Director to do planning, budgeting, etc. This would free up 60-65% of her time.

Organization chart shows one position currently not filled, pending on Human Resource position.

Collector's salary is up due to the upgrade to an Assistant Collector's position.

Finance Director salary up 6%.

TA Guerino stated all departments eventually have PC and equipment purchased through, the IT Department (Data Processing). Fire and Police are not included.

Assessor's decrease is due to a two-phase process for revaluation, using consultants.

TOWN CLERK'S OFFICE

2010 MAR 2 8 22 AM

Selectman Mealy suggested a future workshop with Selectmen, FinCom and the School Committee to discuss questions raised tonight in addition to what is being done differently in the School business office..

In conclusion, the Finance Director stated the HR position would be a top priority over the Accounting position, if given a choice.

ISWM – D. Barrett

\$7,049,649M budget with a total of 26 employees. Vacant and acting positions are budgeted as presented by organizational chart.

Single source recycling being discussed within department, and with the Cape Cod Commission.

An organizational chart reflecting proposed reorganization of ISWM requested.

Department is weaning the Town off of Shared Costs reimbursements - began last year.

TA Guerino is suggesting Phil Goddard be promoted to a new Assistant General Manager position in the future.

ISWM Business Plan - needs to be updated. (ISWM working group):

- What is the expectation on what ISWM should be paying for?
- What are the alternatives?
- Overview timeframe - D. Barrett will take to the next step.

Breakdown of ISWM Contracted Services reviewed – a list of contract holders requested for the FinCom.

Salary Breakdown by Cost Center reviewed.

Public comment

Bill Ridegan commented on profit of the landfill – TA Guerino stated that as the current budget stands and as the current trend on revenue stream remains constant, landfill is not in a deficit situation for FY10.

Minutes of previous meeting

Tabled to the next meeting.

TA comment

None at this time.

Selectmen comment

None at this time.

Other business

H. DeWaltoff **moved and seconded** by G. Galusha nominates John Redman as the FinCom representative to the Landfill Model Working Group. **Unanimous vote.**

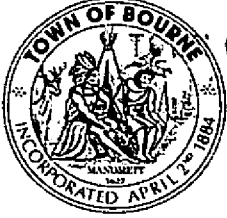
Adjournment

M. Mastrangelo **moved and seconded** by J. Redman to adjourn. FinCom adjourned at 9:50 pm. **Unanimous vote.**

D. Pickard **moved and seconded** by S. Mealy to adjourn. Selectmen adjourned at 9:50 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.

2010 FEB 24 AM 10 51



CLERK'S OFFICE
Bourne, MA 02532

TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532



Reserve Fund: \$156,000

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, March 1, 2010 at 7 PM at the Community Building. The meeting will be a joint meeting with the Board of Selectmen.

1. Reserve Fund Transfers
2. Budget discussion and review – Schools – Bourne & UCT
3. Minutes of previous meetings
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Elinor Ripley
Vice-Chairman
February 23, 2010

**Joint Meeting of March 1, 2010
Finance Committee and the Board of Selectmen
Bourne's Veteran's Memorial Community Center
239 Main Street, Buzzards Bay, MA 02532**

Finance Committee: Mary Jane Mastrangelo and Elinor Ripley, Co-Vice Chairmen; ;
David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, Bill Locke, Jeff
Perry and George Slade – **Member(s) excused:** Michele Ford, Chairman and John
Redman

Board of Selectmen - Don Pickard, Mary Meli, Stephen Mealy and Jamie Sloniecki –
Member(s) excused: John Ford, Chairman

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Kevin Farr, UCT Superintendent; Ed Lafluer, Bourne
Superintendent; Edward Donaghue Business Manager; Richard Lavoie, chairman, and
several members of the Bourne School Committee and School Administration and
members of the public

Meeting called to order
7:00 pm by Elinor Ripley

Reserve Fund Transfer
None at this time.

Budget discussion and review

Upper Cape Cod Regional Technical School – Kevin Farr

Total proposed Foundation Budget FY11 is \$10,788,418, a slight increase of \$10,767,891
from FY10. [*This budget includes Health Insurance*].

- Projected reductions to Foundation Budget - (Chp. 70, Ant. Interest Rev.,
Deferred Tuition Rev., etc.) - Net foundation budget proposed FY11 - \$7,529,808
- Transportation - Proposed FY11 - \$356,621
- LPN Program – Proposed FY11 - \$343,708
- Capital Budget - Proposed FY11 - \$424,870
- Costs unique to a regional school budget - (snow removal, employee benefits,
building insurance) - \$2,111,619

2010 MAR 9 AM 10 59
TOWN CLERK'S OFFICE
JOHN F. FARR

Bourne Public Schools – Richard Lavoie and Edmond Lafluer

FY2011 – Anticipated Total budget is \$21,899,504, an increase of 1.88% from FY10. Budget presentation is working on \$20,865,000 as requested by TA Guerino. (*Health Insurance is not included in this budget*).

This budget is based on the current proposed Town budget numbers. If the state aid budget is lower adjustments will be needed on both sides (town and schools).

Approval of minutes

H. DeWaltoff **moved** and **seconded** by E. Ripley to approve Finance Committee minutes of February 8, 2010 as amended. **Vote 9-0-1** with abstention from J. Perry.

H. DeWaltoff **moved** and **seconded** by B. Locke to approve Finance Committee minutes of February 22, 2010 as submitted. **Vote 8-0-2** with abstentions from B. Grant and B. Locke.

TA comment

None at this time.

Selectmen comment

None at this time.

Other business

None at this time.

Adjournment

D. Pickard **moved** and **seconded** by J. Sloniecki to adjourn. Board of Selectmen adjourned at 9:02 pm. **Unanimous vote.**

H. DeWaltoff **moved** and **seconded** by G. Slade to adjourn. Meeting adjourned at 9:10 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.

**Joint Meeting of March 1, 2010
Finance Committee and the Board of Selectmen
Bourne's Veteran's Memorial Community Center
239 Main Street, Buzzards Bay, MA 02532**

Finance Committee: Mary Jane Mastrangelo and Elinor Ripley, Co-Vice Chairmen; ;
David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, Bill Locke, Jeff
Perry and George Slade – **Member(s) excused:** Michele Ford, Chairman and John
Redman

Board of Selectmen - Don Pickard, John Ford, Mary Meli, Stephen Mealy and Jamie
Sloniecki – **Member(s) excused:** John Ford, Chairman

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Kevin Farr, UCT Superintendent; Ed Lafluer, Bourne
Superintendent; Edward Donaghue Business Manager; Richard Lavoie, chairman, and
several members of the Bourne School Committee and School Administration and
members of the public

Meeting called to order
7:00 pm by Elinor Ripley

Reserve Fund Transfer
None at this time.

Budget discussion and review

Upper Cape Cod Regional Technical School – Kevin Farr

Total proposed Foundation Budget FY11 is \$10,788,418, a slight increase of \$10,767,891
from FY10. [*This budget includes Health Insurance*].

- Projected reductions to Foundation Budget - (Chp. 70, Ant. Interest Rev.,
Deferred Tuition Rev., etc.) - Net foundation budget proposed FY11 - \$7,529,808
- Transportation - Proposed FY11 - \$356,621
- LPN Program – Proposed FY11 - \$343,708
- Capital Budget - Proposed FY11 - \$424,870
- Costs unique to a regional school budget - (snow removal, employee benefits,
building insurance) - \$2,111,619

2010 MAR 22 PM 1 15
TOWN CLERK'S OFFICE

Bourne Public Schools – Richard Lavoie and Edmond Lafluer

FY2011 – Anticipated Total budget is \$21,899,504, an increase of 1.88% from FY10. Budget presentation is working on \$20,865,000 as requested by TA Guerino. (*Health Insurance is not included in this budget*).

This budget is based on the current proposed Town budget numbers. If the state aid budget is lower adjustments will be needed on both sides (town and schools).

Approval of minutes

H. DeWaltoff **moved** and **seconded** by E. Ripley to approve Finance Committee minutes of February 8, 2010 as amended. **Vote 9-0-1** with abstention from J. Perry.

H. DeWaltoff **moved** and **seconded** by B. Locke to approve Finance Committee minutes of February 22, 2010 as submitted. **Vote 8-0-2** with abstentions from B. Grant and B. Locke.

TA comment

None at this time.

Selectmen comment

None at this time.

Other business

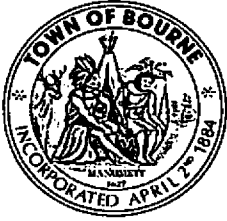
None at this time.

Adjournment

D. Pickard **moved** and **seconded** by J. Sloniecki to adjourn. Board of Selectmen adjourned at 9:02 pm. **Unanimous vote.**

H. DeWaltoff **moved** and **seconded** by G. Slade to adjourn. Meeting adjourned at 9:10 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

**24 Perry Avenue
Buzzards Bay, MA 02532**



Reserve Fund: \$182,540

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, March 8, 2010 at 7 PM at the Community Building. The meeting will be a joint meeting with the Board of Selectmen.

1. Reserve Fund Transfers
2. Budget discussion and review – General Government; Library; Capital Budget
3. Minutes of previous meetings
4. TA Comment
5. Selectmen Comment
6. Public Comment
7. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Elinor Ripley
Vice-Chairman
March 2, 2010

2010 MAR 4 PM 9 45
TOWN CLERK'S OFFICE
Bourne, MA

**Joint Meeting of March 8, 2010
Finance Committee and the Board of Selectmen
Bourne's Veteran's Memorial Community Center
239 Main Street, Buzzards Bay, MA 02532**

Finance Committee: Co-Vice Chairmen Elinor Ripley and Mary Jane Mastrangelo;
David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, Bill Locke, Jeff
Perry and George Slade.

Members excused: Michele Ford, John Redman

Board of Selectmen - Don Pickard, Stephen Mealy and Mary Meli.

Member excused: John Ford

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Town Clerk, Barry Johnson;
Patrick Marshall, Library Director; and several members of the public

Meeting called to order
7:00 pm

Reserve Fund Transfer
None at this time.

Budget discussion and review

Library – Patrick Marshall

Budget request - \$579,070

Correction on final budget changes - Wages for Hourly Employee should read \$21,363
not \$14,000 per by TA Guerino.

Brief overview of the library and the services it provides to the public.

Town Clerk – Barry Johnson

Budget request - \$87,654

Fees not raised this fiscal year. Under storage and records, the possibility of using the
Cody School to store Town records suggested. [\$14,000 more in revenue for dog
licenses as office being aggressive with DNR].

Election and Registration

Budget request - \$70,950

Increase due to three (3) elections, as well as the 2010 Census and the Town census.

Also to move precinct from Hoxie to the Sagamore Fire Station.

TOWN CLERK'S OFFICE
2010 MAR 23 PM 2 48

Selectmen's budget

Budget request - \$3,800

Town Administrator's budget

Budget request - \$9,600

Finance Committee

Budget request - \$5,700 (includes Mass. Municipal dues)

Independent Audit

This is the second year for this budget.

Legal

Budget request - \$12,000 (includes Town Counsel; Schools)

Discussion re: HR Director position being beneficial for labor issues.

Postage & Copy

Machine and postage.

Conservation Commission

Budget request - reduction due to Hourly Rate from \$22,000 to \$14,730.

Planning Department

Budget is increased by \$380 from previous year. Consultancy for updating and revising (technical) Zoning Bylaws.

Planning Board - March 15, 2010 meeting.

Engineering

Budget remains the same.

Economic Development

Budget increase - consultancy for matching State grant for 40D permitting; Growth Incentive Program; other economic initiatives.

Town Hall Maintenance

Budget increased to \$18,000 based on the *btu* price.

Town Buildings Maintenance

Budget does not include Cody School.

Buzzards Bay Action Committee - Skip

Telephone - Skip

Capital Improvement – MJ Mastrangelo

Budget request - \$28,541,964

Includes 5-Year Plan (Police Station, Pocasset Station 4, Buzzards Bay Station, Peebles School and DPW).

DNR request of \$125,000 not included for restoration projects, as it requires Town Meeting vote.

Discussion on department requests not spent, having monies dragged over. TA Guerino explained there are preventive measures in place.

Public comment

None.

Minutes of previous meeting

J. Perry **moved** and **seconded** by H. DeWaltoff to approve minutes of March 1, 2010 as submitted. **Vote 8-0-2** with abstentions from B. Grant and B. Locke.

TA comment

None at this time.

Selectmen comment

None at this time.

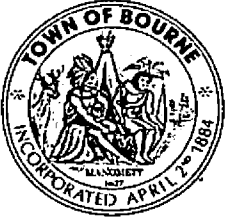
Other business

FinCom/ISWM working group and updating ISWM Business Plan - no firm action has been taken. TA Guerino will put a plan together moving forward (different methods on how long, what derive for revenue, want for revenue, etc.). Before workshop, TA Guerino will come back with date.

Adjournment

H. DeWaltoff **moved** and **seconded** by G. Galusha to adjourn. Meeting adjourned at 9:40 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

**24 Perry Avenue
Buzzards Bay, MA 02532**



Reserve Fund: \$182,540

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, March 15, 2010 at 7 PM at the Library.

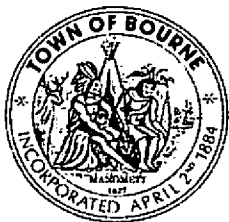
1. Reserve Fund Transfers
2. Budget discussion and review – Planning Board; Energy Committee
3. Article review
4. Minutes of previous meetings
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Elinor Ripley
Vice-Chairman
March 9, 2010

2010 MAR 11 PM 2 20
TOWN CLERK'S OFFICE
Bourne, MA 02532



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$156,000

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, March 22, 2010 at 7 PM at the Library.

1. Reserve Fund Transfers
2. Budget discussion and review
3. Article review
4. Minutes of previous meetings
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

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Michele Ford
Chairman
March 18, 2010

2010 MAR 18 AM 10 32
TOWN CLERK'S OFFICE,
BOURNE, MASS

**Joint Meeting of March 22, 2010
Finance Committee and the Board of Selectmen
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Mark DeCicco, Hal DeWaltoff, Glenn Galusha, Bill Grant, Jeff Perry.

Excused : Bill Locke, John Redman and George Slade

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; several members of the public.

Meeting called to order
7:00 pm

Reserve Fund Transfer
None.

Minutes of previous meeting

J. Perry moved and seconded by H. DeWaltoff to approve minutes of March 8, 2010.

Vote 8-0-1 with abstention from M. Ford.

Budget discussion and review

Article 32 – Chapter 41, Section 105 – Trustees of Soldier's Memorials

No one objected to adopting Chapter 41, Section 105 but E. Ripley and several members of the Committee took issue with transferring control of the Community Building itself to the Trustees.

Mary Fuller, Estelle Blake, Ted Hatch, Gary White, Don Morrissey, Arnold Carr, Dick Montgomel clearly objected to this provision.

Joe Carrara, Sr. stated that the Trustees want to be more involved in day-to-day activities in the building – taking more responsibility from TA Guerino of direct supervision.

TA Guerino will forward copy of Chapter 41, Section 105 as well as Selectmen minutes relative to the above discussion to the Finance Committee members.

Article 1 – Regularly required authorizations
Standard language.

Article 2 – Elected official salaries

Includes Town Clerk, Moderator and Board of Selectmen.

TOWN CLERK'S OFFICE
2010 MAR 31 PM 4 10

Article 3 – Regular annual expenses

Changes in budget re: loss in overall State Aid (4% reduction - \$197,000 is Chapter 70 Aid; and \$50,000 General Aid). UCT enrollment raised.

Article 4 – Sewer Department

Department budget.

Article 5 – State Aid Highway (Chapter 90)

Accept and expend monies.

Article 6 – Reserve Fund

Recommended to be \$250,000 again this year.

Article 7 – ISWM

Departmental budget not yet finalized.

Article 8 – Committee reports

Reports of committees.

Article 9 – Revolving fund

Added a new Community Building fund.

Article 10 – Capital Outlay

Article 11 – Quorum

FinCom. Will include a chart listing other towns in the Voter Handbook.

Article 12 – Articles by Lottery

Changes rules of lottery which state that the FinCom and BOS designate those articles essential for conduct of Town business to include Special Town Meeting. Change to Bylaw Committee as sponsor.

Article 13 – Appointments

Change to Bylaw Committee as sponsor. Changing to 90 days and awaiting Town Counsel opinion.

Article 14 – Re-appointment - Committees

Change to Bylaw Committee as sponsor. Require 75% attendance to be reappointed to any Town committee.

Article 15 – Salary Administration Plan

Consider next week.

Article 16 – Long term solid waste related agreements

Subtle change by proposing expanding to include companies. TA Guerino will seek Moderator review.

Article 17 – New access road - Technology campus

ATM by petition. Construction of road by private company – at conclusion of project Town would take control of road. *[Chm. Ford will recuse herself from vote as she is a member of the BFDC].*

Article 18 – Fire Chief position from Civil Service law

Article 19 – Shellfish propagation

\$20,000 to replace lost state funding - may come from the Revolving fund next year.

Article 20 – Zoning Bylaw - Interim Egress Control

Planning Article.

Article 21 – Section 4260 Affordable Housing

Planning Article.

Article 22 – Section 2490 Back lot division

Planning Article.

Article 23 – Section 2480 Lot shape

Planning Article.

Article 24 – Section 3460 Wind Energy Conversion Systems

Planning Article.

Article 25 – Business Licenses

Bylaw sponsored by Town Clerk.

Article 26 – Community Preservation Committee – Operating expenses

Article 27 – Community Preservation Committee

Article 28 – Section 2711 and Section 2752 – Technology campus

Planning Article.

Article 29 – Section 2744b) Technology campus

Planning Article.

Article 30 – amend Section 4300 by adding Section 4335 – building height

Planning Article.

Article 31 – Section V-Definitions – Technology Campus

Planning Article. Revising definition of Technology Campus.

TA comment

None.

Selectmen comment

None.

Public comment

None.

Other business

Article Assignments

1 – G. Galusha

2 – H. DeWaltoff

3 – M. Ford

4 – B. Grant

5 – J. Perry

6 – M. DeCicco

7 – MJ Mastrangelo

8 – D. Ahern

9 – G. Galusha

10 – MJ Mastrangelo

11 – M. Ford

12, 13, 14, 15 – E. Ripley

16 – H. DeWaltoff

17 – G. Galusha (coordinate with G. Slade)

18 – B. Grant

19 – D. Ahern

20, 21, 22, 23, 24 – G. Slade

25 – E. Ripley

26, 27 – M. DeCicco

28, 29, 30, 31 – G. Slade

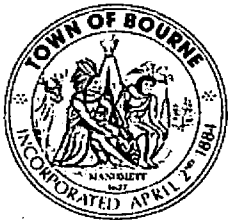
32 – H. DeWaltoff

Next meeting – CPA; some Planning Articles. Written comments in to E. Ripley by Friday, 4/9/10 the latest.

Adjournment

E. Ripley **moved** and **seconded** by G. Galusha to adjourn. Meeting adjourned at 9:00 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$156,000

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, March 29, 2010 at 7 PM at the Library.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Article review - Planning; CPC
4. Vote articles
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

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Michele Ford
Chairman
March 23, 2010

TOWN CLERK'S OFFICE
Bourne, MA 02532
2010 MAR 24 AM 9 34

**Meeting of March 29, 2010
Finance Committee
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Hal DeWaltoff, Mark DeCicco, Glenn Galusha, Bill Grant, Jeff Perry and George Slade.

Member(s) excused: Bill Locke, John Redman – excused

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Coreen Moore and Chris Farrell, Planning Board, Sallie Riggs (BFDC); Barry Johnson, D. Ellis, R. Anderson (CPC); Sue Ross, Bourne Housing Partnership; and several members of the public.

Meeting called to order
7:00 pm

Reserve Fund Transfer
None.

Minutes of previous meeting
D. DeWaltoff moved and seconded by G. Galusha to approve minutes of March 22, 2010 as submitted. **Vote 6-0-1** with abstentions from G. Slade.

Special Town Meeting Warrant
Article 1 – Railroad Crossing at Monument Beach
Article 2 – Waterways Repair and Upgrade
Article 3 – Marine Over. Zoning Bylaw
Article 4 – B@ Extension, Zoning Bylaw
Article 5 – CPC Repairs to Bourne Historic Center
Article 6 – Close Out Old Town Meeting Articles
Article 7 – Amend Articles 3 and 7 of 2009 ATM
Article 8 – Unpaid Bills

Articles to be reviewed by FinCom.

Budget Amendments

TA Guerino review - total budget \$51,127,521; New Fiscal 2011 Sources & Uses of 13.
Funds distributed along with an update of individual budget adjustments

Free Cash - new certification will be approx. \$2.6 million after FY12 Budget and the RFR 0102
Stabilization Fund stands at \$3.8 million. **Article Review**

Article 20 – Zoning Bylaw - Interim Egress Control

Planning Article. Extend another 10 years (14 lots).

Article 21 – Section 4260 Affordable Housing

Planning Article. Allows building on certain non-conforming lots to create affordable housing.

Article 22 – Section 2490 Back lot division

Planning Article. Refining bylaw restrictions (abutters, drainage, maintaining vegetation, fire safety).

Article 23 – Section 2480 Lot shape

Planning Article. New shape factor formula.

Article 24 – Section 3460 Wind Energy Conversion Systems

Planning Article. Incorporates concerns expressed by citizens and separates requirements for commercial and residential properties for clarity purposes.

Article 25 – Business Licenses

Bylaw sponsored by Town Clerk.

Purpose of Article is to identify who is operating a business, and making sure they are licensed - mirroring State law.

Article 26 – Community Preservation Committee – Operating expenses

CPC unanimously recommended \$30,000 for administrative and operating expenses.

Article 27 – Community Preservation Committee

CPC unanimously recommended projects:

1. Bourne Housing Affordable Trust – Affordable Housing Specialist - \$51,500
2. Bourne Housing Authority – upgrade electrical service - \$100,000
3. Bourne Housing Authority – filed but withdrawn; wanted to concentrate on the electrical upgrade; enough funding to continue into the next fiscal year
4. Historic - \$20,000 to continue binding of permanent records; storage
5. Preservation – \$5,592 for restoration of the foundation of the Briggs-McDermott House
6. Capital Outlay
 - a. \$100,000 - Town Hall restoration and preservation (windows and gutters at Town Hall);
 - b. \$22,689 – Archives, continued digitization of records and restoration

Article 5 of Special Town Meeting:

Historic Center Repairs – waiting to know amount, coming out of Undesignated Funds
[Chm. Ford recused herself from discussion of the 5 Planning Articles below:]

Technology Campus in Bournedale Overlay District is proposed to create jobs; reduce dependence on seasonal businesses, and create revenue by increasing commercial tax base.

Article 28 – Section 2711 and Section 2752 – Technology campus
Planning Article. Zoning language.

Article 29 – Section 2744b) Technology campus
Planning Article. Reduce or eliminate 200-foot setback except areas environmentally sensitive or areas near residential areas.

Article 30 – amend Section 4300 by adding Section 4335 – building height
Planning Article. Requesting new section building height in Bournedale Overlay District (some buildings would exceed the limit of 40 foot height restriction).

Article 31 – Section V-Definitions – Technology campus
Planning Article. Revising definition of Technology Campus.

Article 17 – Road to Technology campus
See if Town would take a road. This Article is contingent upon passing of Article 28.

E. Ripley asked Sallie Riggs and Coreen Moore to recommend order in which these five Technology Campus Articles should be considered at Town Meeting.

Vote Articles

Annual Town Meeting

Article 8 – committee reports

M. DeCicco **moved and seconded** by B. Grant for a favorable recommendation. **Vote 10-0.**

Article 9 – revolving funds

H. DeWaltoff **moved and seconded** by G. Grant for a favorable recommendation. **Vote 10-0.**

Article 5 – Chapter 90

H. DeWaltoff **moved and seconded** by J. Perry for a favorable recommendation. **Vote 10-0.**

Article 6 – Reserve Funds

H. DeWaltoff **moved and seconded** by G. Galusha for a favorable recommendation of \$250,000. **Vote 10-0.**

Article 7 - Revolving Funds(?)

H. DeWaltoff **moved and seconded** by G. Galusha for a favorable recommendation. **Vote 10-0.**

Article 11 – Quorum

E. Ripley **moved and seconded** by B. Grant for a favorable recommendation. **Vote 10-0.**

Article 12 – Bylaw Lottery

H. DeWaltoff **moved and seconded** by G. Galusha for a favorable recommendation.
Vote 10-0.

Article 13 – withdrawn

Article 14 – Committee re-appointment

G. Galusha **moved and seconded** by H. DeWaltoff for a favorable recommendation.
Vote 10-0.

Article 15 – Salary Administration Plan

Deleting bylaw.

H. DeWaltoff **moved and seconded** by G. Galusha for a favorable recommendation.
Vote 10-0.

Article 19 – Shellfish Propagation

J. Perry **moved and seconded** by H. DeWaltoff for a favorable recommendation of \$20,000. **Vote 10-0.**

Assign STM Articles

Article 1 – J. Perry

Article 2 – MJ Mastrangelo

Article 3 – G. Slade

Article 4 – M. DeCicco

Article 5 – B. Grant

Article 6 – H. DeWaltoff

Article 7 – M. Ford

Article 8 – G. Galusha

TA comment

None.

Public comment

None.

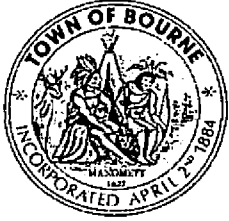
Other business

Chm. Ford noted Charter Review Committee to be appointed after Annual Town Meeting. FinCom will appoint a member.

Adjournment

H. DeWaltoff **moved and seconded** by G. Galusha to adjourn. Meeting adjourned at 9:45 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$156,000

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, April 5, 2010 at 7 PM at the Library.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Article review - STM
4. Vote articles – Annual and STM
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

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Michele Ford
Chairman
March 30, 2010

TOWN CLERK'S OFFICE
APR 1 2010

2010 MAR 31 PM 12 23

**Meeting of April 5, 2010
Finance Committee
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo; David Ahern, Hal DeWaltoff, Mark DeCicco, Glenn Galusha, Bill Grant and George Slade.

Member(s) excused: Bill Locke, John Redman, Jeff Perry

Members of the press: Diana Barth, Bourne Enterprise

Guests: TA Guerino; Linda Marzelli, Financial Director and Jim Mulvey.

Meeting called to order
7:00 pm

Reserve Fund Transfer
None.

Minutes of previous meeting

B. Grant moved and seconded by H. DeWaltoff to approve minutes of March 29, 2010 as submitted. **Vote 9-0.**

Sources and Uses

Weekly changes occur. Town budgeted an 8% increase; came in at 12% for County Retirement, totaling \$91,000. (Document dated 4/5/10).

Budget Amendments

Everything to date (document dated 4/5/10). \$51M total doesn't count County Assessments.

Police and Fire overtime -- reduction incorporated last week by the Selectmen (\$200,000 into each Fire and Police OT account). In process of bringing Fire Department, less Inspector position, to full complement. Discussion to put some OT in the hands of the FinCom by adding an additional \$175,000 to the Reserve Fund. Several questioned whether it was appropriate to ask the Finance Committee to be responsible for monitoring ongoing overtime expenditures in the two Departments, but it was finally agreed to establish a separate "earmarked" Reserve Fund to be called upon only for unusual and unanticipated expenses. The final vote was 6-3.

Chm. Ford requested of TA Guerino a written report on any overtime funds needed from the segregated Reserve. If a request is denied, it would have to go to a Special Town Meeting. E. Ripley requested a monthly report of what has been spent in each department and G. Galusha suggested that the Chiefs supply the monthly reports.

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TOWN CLERK

Discussion held. There were some concerns re: FinCom getting into operations. TA Guerino stated this should go on for a year and not become a policy.

School Department budget reductions due to the increase of \$91,000 for our County Retirement assessment.

Human Resources position is currently included in the new budget.

FinCom would like to see the new organizational chart for ISWM. TA Guerino will obtain chart for FinCom.

G. Galusha inquired about Fire and Police union contracts. If both departments reduce leave time, the Town will reduce OT budgets.

Special Town Meeting – Article Review

Article 1 – Railroad Crossing at Monument Beach

Actual numbers not available (FinCom to vote 4/12/10) – come from Stabilization as a one-time special expense.

Article 2 – Waterways Repair and Upgrade (Red Brook Harbor)

\$125,000 contingent on grant funding.

Article 3 – Marine Overlay Zoning Bylaw

Presentation next week.

Article 4 – B2 Extension, Zoning Bylaw

Article 5 – CPC Repairs to Bourne Historic Center

CPC doesn't have amount. E. Ripley reviewed the three (3) scenarios for the roof she heard from the Selectmen's meeting. B. Grant to get an amount so FinCom can explain the costs; and to ask for a timeline on work to be done in the next Fiscal Year.

Article 6 – Close Out Old Town Meeting Articles

Numbers will be rather small and available by next meeting

Article 7 – Amend Articles 3 and 7 of 2009 ATM

Article 3 (Snow & Ice - \$201,298.82) to come out of the Group Health Insurance appropriation; Article 7 ISWM – numbers ready for 4/26/10.

Article 8 – Unpaid Bills

TA – Mass. Municipal Assoc.; Fire Department (Coastal Motors); Police (Coastal Motors); Police Emerald Physicians Svc.; ISWM (Coastal Motors); Sewer Department (Coastal Motors); DNR (Staples) for a total of \$3,698.37.

Vote Articles – Special Town Meeting

Article 1 – Railroad at Monument Beach

Defer until 4/12/10

Article 2 – Repair and Upgrade

G. Galusha **moved** and **seconded** by M. Mastrangelo for a favorable recommendation on Article 2 in the Special Town Meeting Warrant. **Vote 9-0.**

Article 3 – Bourne Zoning Bylaws

Defer until 4/12/10

Article 4 – Zoning Bylaws

Extending B2 zone at St. Theresa's church.

E. Ripley **moved** and **seconded** by M. DeCicco for a favorable recommendation on Article 4 in the Special Town Meeting Warrant. **Vote 9-0.**

Article 5 – Bourne Historic Center

Next week.

Article 6 – Town Meeting Articles

Next week.

Article 7 – Article 3 and Article 7 of 2009 ATM

Defer until 4/26/10.

Article 8 – Unpaid Bills

E. Ripley **moved** and **seconded** by H. DeWaltoff for a favorable recommendation on Article 8 in the Special Town Warrant. **Vote 9-0.**

Vote Articles – Annual Town Meeting

Article 2 – Elected Officials Salaries

Next week.

Article 3 – Regular Annual Expenses

Next week.

Article 4 – Sewer Department

Next week.

Article 6 – Reserve Fund

E. Ripley **moved** and **seconded** by G. Slade for a favorable recommendation of Article 6 in the Annual Town Warrant in the total amount of \$425,000. **Vote 6-3.** (Ahern, DeWaltoff, Mastrangelo).

Article 7 – ISWM

Defer until 4/26/10.

Article 16 – Long Term Solid Waste Agreements

E. Ripley **moved and seconded** by M. Mastrangelo for a favorable recommendation of Article 16 in the Annual Town Warrant. **Vote 9-0.**

Article 17 – New Access Road – M. Ford recused herself

E. Ripley **moved and seconded** by G. Galusha for a favorable recommendation of Article 17 in the Annual Town Warrant. **Vote 8-0.**

Article 18 – Removal of Fire Chief from Civil Service

Defer to 4/26/10.

Article 20 – Section 3343 Interim Egress Control

H. DeWaltoff **moved and seconded** by G. Galusha for a favorable recommendation of Article 20 in the Annual Town Warrant. **Vote 9-0.**

Article 21 – Section 4260 Affordable Housing

E. Ripley **moved and seconded** by G. Galusha for a favorable recommendation of Article 21 in the Annual Town Warrant. **Vote 9-0.**

Article 23 – Section 2480 Lot Shape

H. DeWaltoff **moved and seconded** by B. Grant for a favorable recommendation of Article 23 in the Annual Town Warrant. **Vote 9-0.**

Article 22 – Section 2490 Back Lot Division

H. DeWaltoff **moved and seconded** by D. Ahern for a favorable recommendation of Article 22 in the Annual Town Warrant. **Vote 9-0.**

Article 24 – Section 3460 Wind Energy Conversion Systems

B. Grant **moved and seconded** by H. DeWaltoff for a favorable recommendation of Article 24 in the Annual Town Warrant. **Vote 9-0.**

Article 25 – Business Licenses

E. Ripley **moved and seconded** by H. DeWaltoff for a favorable recommendation of Article 25 in the Annual Town Warrant. **Vote 9-0.**

Article 26 – CPC – Operating Expenses

H. DeWaltoff **moved and seconded** by G. Slade for a favorable recommendation of Article 26 in the Annual Town Warrant. **Vote 9-0.**

Article 27 – CPC

Defer to next week or 4/26/10.

Article 28 – Section 2711 & 2752 Technology Campus – M. Ford recused herself
H. DeWaltoff **moved** and **seconded** by B. Grant for a favorable recommendation of Article 28 in the Annual Town Warrant. **Vote 8-0.**

Article 29 – Section 2744 b) Technology Campus – M. Ford recused herself
H. DeWaltoff **moved** and **seconded** by D. Ahern for a favorable recommendation of Article 29 in the Annual Town Warrant. **Vote 8-0.**

Article 30 – Section 4300 add Section 4335 – M. Ford recused herself
G. Slade **moved** and **seconded** by H. DeWaltoff for a favorable recommendation of Article 30 in the Annual Town Warrant. **Vote 8-0.**

Article 31 – Section V Definitions – Technology Campus – M. Ford recused herself
H. DeWaltoff **moved** and **seconded** by D. Ahern for a favorable recommendation of Article 31 in the Annual Town Warrant. **Vote 8-0.**

Article 32 – Chapter 41, Section 105 – Trustees of Soldier's Memorials
Article 32 is withdrawn.

FinCom written comments due Friday, April 9, 2010 to E. Ripley.

TA comment

None.

Public comment

None.

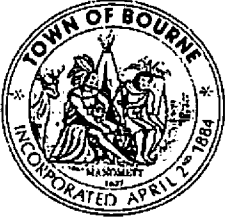
Other business

Chm. Ford will not be at next week's meeting.

Adjournment

G. Galusha **moved** and **seconded** by H. DeWaltoff to adjourn. Meeting adjourned at 9:30 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$156,000

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, April 12, 2010 at 7 PM at the Library.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Article review - STM
4. Vote articles – Annual and STM
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele Ford
Chairman
April 6, 2010

2010 APR 7 AM 9 05
TOWN CLERK'S OFFICE

**Meeting of April 12, 2010
Finance Committee
Jonathan Bourne Library
Bourne, MA 02532**

Finance Committee: Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo, Co-Vice Chairman; David Ahern, Mark DeCicco, Glenn Galusha, Bill Grant, Bill Locke, Jeff Perry, John Redman and George Slade.

Member(s) excused: Michele Ford & Hal DeWaltoff

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; Selectman Ford; and several members of the public.

Meeting called to order
7:00 pm

Minutes of previous meeting

B. Grant moved and seconded by M. DeCicco to approve minutes of April 5, 2010 as submitted. **Vote 7-0-3** with abstentions from B. Locke, J. Perry and J. Redman).

M. Mastrangelo moved and seconded by G. Galusha to amend minutes of April 5, 2010 to indicate on Articles 17, 27, 28, 29, 30 and 31, a vote of 8-0.. **Vote 7-0-3.**

Reserve Fund Transfer
None.

Budget Discussion - changes

TA Guerino stated a new number for the Upper Cape Regional Tech for a total of \$100,000 (removing \$49,973 from budget in number of locations [gasoline, re-certification, Council on Aging, Recreation]). Overall 12% increase.

**Article Review – STM and Annual
STM**

Article 1 – Railroad at Monument Beach

Safety signals at Railroad at Monument Beach in the total amount of \$84,000 from Stabilization.

Article 2 – Waterways Repair and Upgrade (Red Brook Harbor)

Scott Zeien, Kingman Yacht Center owner, and John Whitman – change of zoning of marina and 5-acre parcel to protect Red Brook Harbor at no expense to the Town. Planning Board final vote 5-4 in favor of Article.

TOWN CLERK'S OFFICE
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Article 5 – Bourne Historic Center

CPC come before TM asking for an appropriation in the net amount of \$100,000. No exact numbers are available at this time.

Article 6 – Town Meeting Articles – close out of old Town Meeting Articles

Defer to 4/26/10.

Annual Town Meeting

Article 2 – Elected Officials Salaries

Moderator new salary - \$541; Selectman - no change at \$1,500; Town Clerk raised to \$34,490 for a total of \$52,535 (2% increase).

Article 3 – Regular Annual Expenses

E. Ripley commented that the Finance Department is badly in need of additional support staff. The Finance director was to serve as Town Accountant for one year and we are now going into the eighth year.

Article 4 – Sewer Department Budget

Total of \$779,080

Article 10 – Capital Outlay

Next week (4/26/10).

Article 17 – Fire Chief

Discussion on Civil Service pros and cons..

Article 26 – CPC (formerly Article 27)

\$648,996 from FY2011 estimated CPA revenues and \$25,113 from Community Preservation Fund undesignated fund balance – a total of \$674,109.

Vote articles – Annual and STM

Annual Town Meeting

Article 2 – Elected Officials Salaries

J. Redman **moved** and **seconded** by D. Ahern for a favorable recommendation of Article 2 in the Annual Town Warrant. **Vote 10-0.**

Article 3 – Regular Annual Expenses

Next week (4/26/10).

Article 4 – Sewer Department

G. Galusha **moved** and **seconded** by D. Ahern for a favorable recommendation of Article 4 in the Annual Town Warrant. **Vote 10-0.**

Article 17 – Fire Chief removed from Civil Service

M. DeCicco **moved and seconded** by D. Ahern for a favorable recommendation of Article 17 in the Annual Town Warrant. **Vote 8-2** with (opposing votes from B. Grant and G. Slade).

Article 26 – CPC (formerly Article 27)

M. DeCicco **moved and seconded** by G. Galusha for a favorable recommendation of Article 26 in the Annual Town Warrant. **Vote 10-0.**

Special Town Meeting

Article 1 – Railroad Crossing at Monument Beach

J. Perry **moved and seconded** by D. Ahern for a favorable recommendation of Article 1 in the Special Town Warrant in the amount of \$84,000 from Stabilization. **Vote 7-1-2.** (Opposing vote – Redman; abstentions - M. Mastrangelo and G. Galusha).

Article 2 – Waterways Repair and Upgrade (Red Brook Harbor)

M. DeCicco **moved and seconded** by J. Redman for a favorable recommendation of STM Article 3. **Vote 10-0.**

TA comment

None.

Public comment

None.

Other business

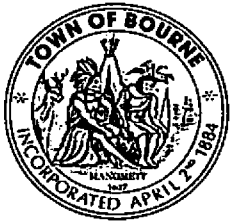
None.

Adjournment

J. Redman **moved and seconded** by G. Galusha to adjourn. Meeting adjourned at 9:05 pm. **Unanimous vote.**

Respectfully submitted,

Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

**24 Perry Avenue
Buzzards Bay, MA 02532**



Reserve Fund: \$156,000

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, April 26, 2010 at 7 PM at the Library. The meeting will be a joint meeting with the Board of Selectmen and will be a public hearing on the FY11 budget.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Public hearing – FY 2011 budget
4. Vote articles – Annual and STM
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele Ford
Chairman
April 16, 2010

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TOWN CLERK'S OFFICE

Meeting of April 26, 2010
Joint Meeting
Finance Committee & Board of Selectmen 2010 MAY 5 AM 10 02
Jonathan Bourne Library
Bourne, MA 02532 TOWN CLERK'S OFFICE

Finance Committee: Michele Ford; Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo, Co-Vice Chairman; David Ahern, Mark DeCicco, DeWaltoff, Glenn Galusha, Bill Grant, Bill Locke, Jeff Perry, John Redman and George Slade.

Board of Selectmen: John Ford, Chairman; Jamie Sloniecki, Vice Chairman; Stephan Mealy and Mary Meli, Clerk

Members of the press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: TA Guerino; Linda Marzelli, Financial Director; and several members of the public.

Meeting called to order
7:00 pm

Minutes of previous meeting

J. Redman moved and seconded by J. Perry to approve minutes of April 12, 2010 as submitted. **Vote 8-0-3** with abstentions from M. Ford and H. DeWaltoff and Bill Locke

Reserve Fund Transfer

H. DeWaltoff moved and seconded by J. Redman to approve Reserve Fund Transfer for Veterans Benefits in the amount of \$13,409.00. **Vote 12-0.**

Public hearing – FY2011 budget

Chm. Ford opened and then closed the public hearing as there was no further discussion on the FY2011 budget.

Vote articles – Annual and STM

Finance Committee vote - E. Ripley moved and seconded by H. DeWaltoff to approve essential Articles 1, 2, 3, 4, 5, 6, 7, 9 and 10 in the Annual Town Meeting Warrant. **Vote 12-0.**

Selectmen vote - Selectman Sloniecki moved and seconded by Selectman Meli to approve essential Articles 1, 2, 3, 4, 5, 6, 7, 9 and 10 in the Annual Town Meeting Warrant. **Vote 5-0.**

FinCom vote - E. Ripley moved and seconded by G. Galusha that the Finance Committee approve the FY11 Budget as presented and printed in the Town Meeting Warrant - \$50,930,917. **Vote 11-0-1** with abstention from B. Locke.

Annual Town Meeting

Article 7 – ISWM Budget

E. Ripley **moved and seconded** by B. Grant for a favorable recommendation of Article 7 in the Annual Town Meeting.

ISWM Budget Discussion - Chm. Ford stated that one of the priorities of the Selectmen is to determine an ISWM 5-year plan. Selectmen, Finance Committee and the Board of Health meeting on 5/11 to discuss and decide how long the Town wants the landfill to last and what we want it to provide for the Town..

FinCom vote - ATM Article 7 - Vote 11-0-1 with abstentions from B. Locke.

Article 10 – Capital Outlay

M. Mastrangelo **moved and seconded** by J. Redman for a favorable recommendation of Article 10 in the Annual Town Meeting Article 10. **Vote 12-0.**

Article 26 – CPC

M. DeCicco **moved and seconded** by H. DeWaltoff for a favorable recommendation of Article 26 in the Annual Town Meeting Article 26. **Vote 12-0.**

Special Town Meeting

Article 5 – Bourne Historic Center

E. Ripley **moved and seconded** by M. Mastrangelo for a favorable recommendation on Special Town Meeting Article 5 - \$125,000. **Vote 12-0.**

Article 6 – Town Meeting Articles – close out of old Town Meeting Articles

E. Ripley **moved and seconded** by H. DeWaltoff for a favorable recommendation on Special Town Meeting Article 6 as outlined. **Vote 12-0.**

Article 7 – Town Meeting Articles – amend Article 3 of 2009 Town Meeting

E. Ripley **moved and seconded** by B. Grant for a favorable recommendation on Special Town Meeting Article 7 as outlined. **Vote 12-0.**

Special Town Meeting Article 1 – Railroad Crossing at Monument Beach

J. Perry **moved and seconded** by H. DeWaltoff for a favorable recommendation on Special Town Meeting Article 1 in the total amount of \$88,312 from Stabilization.

Railroad Crossing Discussion – For the record, E. Ripley stated she was quoted in both newspapers as abstaining from the vote on said Article and that she did vote in favor of the Article as it addresses a public safety issue; TA Guerino stated that it makes sense for the Town to look favorably on said Article and if Article is not approved, the hopes of the Town's gaining easement will be virtually eliminated. limited; Lengthy discussion ensued among Finance Committee members and Board of Selectmen.

FinCom vote – Reconsider Special Town Meeting Article 1

J. Redman moved and seconded by G. Galusha to reconsider Special Town Meeting Article 1 vote. **Vote 12-0.**

FinCom vote - Special Town Meeting Article 1 –

Vote 8-1-3 Mark DeCicco – abstention – M. Mastrangelo and B. Locke, G. Galusha.

Selectman vote - Selectman Mealy moved and seconded by Selectman Sloniecki to reconsider Special Town Meeting Article 1 vote for a total of \$88,312. Vote 5-0.

Other business

Chm. Ford will update Article tracker for Selectmen and the Finance Committee.

TA comment

There will be a Special Town Meeting in the fall on the ISWM wastewater issue.

Selectmen comment

None

Public comment

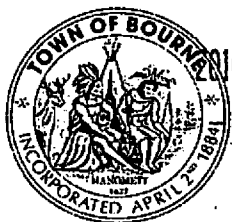
None

Adjournment

J. Redman moved and seconded by H. DeWaltoff for Finance Committee to adjourn. Meeting adjourned at 8:10 pm. **Unanimous vote.**

Selectman Sloniecki moved and seconded by Selectman Meli for the Selectmen to adjourn. Meeting adjourned at 8:10 pm. **Unanimous vote.**

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532



Reserve Fund: \$142,591

Revised MEETING NOTICE

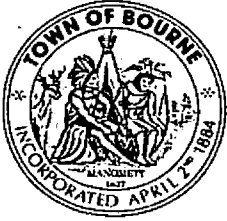
The Finance Committee will hold a public Meeting on Monday, May 3, 2010 at 6:00 PM at the High School Professional Library.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Re-vote articles (as needed)
4. TA Comment
5. Selectmen Comment
6. Public Comment
7. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele Ford
Chairman
April 26, 2010



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$142,591

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, May 3, 2010 at 6:30 PM at the High School Professional Library.

1. Minutes of previous meetings
2. Reserve Fund Transfers
3. Re-vote articles (as needed)
4. TA Comment
5. Selectmen Comment
6. Public Comment
7. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

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Michele Ford
Chairman
April 26, 2010

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TOWN CLERK'S OFFICE

**Finance Committee Meeting Minutes – May 3, 2010
Bourne High School – Professional Library
Bourne, MA 02532**

*****2010 JUL 13 PM 1 22

FinCom Members: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo, Co-Vice Chairman; Mark DeCicco, Hal DeWaltoff, George Slade, Jeff Perry, Glen Galusha, John Redman, David Ahern, Bill Locke, Bill Grant

Guests: Selectmen Ford, Mealy, Meli and Pickard; TA Guerino; and a few members of the public.

Meeting called to order
6:05 pm.

Approval of minutes

J. Redman moved and seconded G. Galusha to approve minutes of April 27, 2010 as submitted. **Vote 11-0.**

Reserve Fund Transfers

None

Article Vote – Annual Town Meeting

Article 7 – Snow & Ice Transfer from ISWM

E. Ripley moved and seconded by J. Redman to reconsider previous vote that the sum of \$7,474,669.00 be authorized to be expended for the operation of the Integrated Solid Waste Management Enterprise Fund as follows:

Salaries and Wages	\$1,746,494.00
Expenses	\$5,303,175.00
Reserve Fund	\$ 25,000.00
Host Community Fee	\$ 400,000.00

And we further move that the sum of \$1,720,639.00 be transferred to the General Fund to offset the ISWM Enterprise Fund indirect expenses and in order to meet this appropriation, we further move the sum of \$9,195,308.00 be raised from receipts from the ISWM Enterprise Fund for the purpose of this article. **Vote 9-1-1** (opposed: M. Mastrangelo - abstention: B. Locke).

M. Mastrangelo expressed there being a need for an ISWM Financial Policy.

E. Ripley **moved** and **seconded** by B. Grant for a favorable recommendation on Article 7 on the Annual Town Warrant. **Vote 6-4-1** (opposed: G. Galusha, M. Mastrangelo, D. Ahern and J. Redman - abstention: B. Locke).

Article 15 – Committee Bylaw

No reconsideration of the FinCom previous vote. E. Ripley is in favor of amendment if it is made.

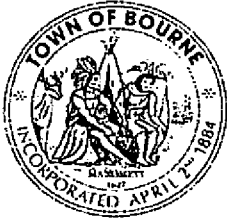
Discussion held on Article 16.

The FinCom meeting will remain in session until the conclusion of the 2010 Special and Annual Town Meeting.

Adjourn

E. Ripley **moved** and **seconded** by H. DeWaltoff to adjourn. Meeting adjourned on Day 3 of Annual Town Meeting - May 10, 2010 at 10:45 pm.

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Reserve Fund: \$250,000
\$175,000 (earmarked for Police & Fire overtime)

MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday July 12, 2010 at 7 PM at the Jonathan Bourne Library.

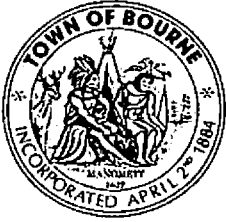
1. Minutes of previous meetings
2. Finance Committee reorganization
3. Reserve Fund Transfers
4. Year end closeout business
5. TA Comment
6. Selectmen Comment
7. Public Comment
8. Any other business that may come legally before the Committee

Residents are welcome and encouraged to attend our meetings.

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Michele W. Ford
Chairman
June 10, 2010

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TOWN CLERK'S OFFICE



TOWN OF BOURNE

Finance Committee

**24 Perry Avenue
Buzzards Bay, MA 02532**



Reserve Fund: \$250,000
\$175,000 (earmarked for Police & Fire overtime)

Amended MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday July 12, 2010 at
7 PM at the Jonathan Bourne Library.

1. Announcement regarding video recording and transmission of meeting
2. Minutes of previous meetings
3. Finance Committee reorganization
4. Reserve Fund Transfers
5. Year end closeout business
6. ISWM Business Model Working Group update and discussion
7. Work Group discussion
8. Topics for future discussion
9. TA Comments (for informational purposes only)
10. Selectmen Comments (for informational purposes only)
11. Public Comments (for informational purposes only)

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele W. Ford
Chairman
June 16, 2010

TOWN CLERK'S OFFICE
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Finance Committee Meeting Minutes – July 12, 2010
Jonathan Bourne Public Library
Bourne, MA 02532

FinCom Members: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo, Co-Vice Chairman; Mark DeCicco, Hal DeWaltoff, George Slade, Jeff Perry, Glen Galusha, John Redman, David Ahern, Bill Locke, Bill Grant

Guests: Linda Marzelli, Financial Director; Steven Lamarche, Superintendent of Schools; Ed Donohhue, School Business Manager

Members of the Press: Paul Gately, Bourne Courier; Diana Barth, Bourne Enterprise

Documents:

- Town of Bourne Chapter 77, of the Acts of 2006, Section 1 Municipal Transfers of Appropriations (3 pages)
- Request for Transfer from Reserve Fund for bus \$47,812.00; Insurance Settlement Handout (7 pages)

Meeting called to order
7:00 pm.

Announcement regarding video recording and transmission of meeting
Chm. Ford stated that due to the new Open Meeting Law, video recording and transmission of meeting will continue.

Minutes of previous meetings

G. Galusha moved and seconded M. DeCicco to approve minutes of May 3, 2010 as amended. **Vote 11-0.**

Finance Committee reorganization

DeWaltoff moved and seconded by Redman to nominate Mary Jane Mastrangelo as Co-Vice Chairman. **Unanimous vote.**

Galusha moved and seconded by DeWaltoff to nominated Elinor Ripley as Co-Vice Chairman. **Unanimous vote.**

Mastrangelo moved and seconded by Redman to nominate Michele Ford as Chairman. **Unanimous vote.**

Redman moved and seconded by DeWaltoff to nominate Elinor Ripley as the Finance Committee's Appointee to the Bylaw Committee. **Unanimous vote.**

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JAN 10 2011

Ripley **moved** and **seconded** by DeWaltoff to nominate Mary Jane Mastrangelo and John Redman as the Finance Committee's Appointees to the Capital Outlay Committee. **Unanimous vote.**

Reserve Fund Transfers

DeWaltoff **moved** and **seconded** by Grant to approve the transfer of \$6.61 from the Reserve Fund to Engineering Department Salary. **Unanimous vote.**

Ripley **moved** and **seconded** by DeWaltoff to approve the transfer of \$50.00 from the Reserve Fund to the Waste Water Advisory Committee Salary. **Unanimous vote.**

Locke **moved** and **seconded** by Grant to approve the transfer of \$100.00 from the Reserve Fund to the Efficiency Committee Salary. **Unanimous vote.**

DeWaltoff **moved** and **seconded** by Grant to approve the transfer of \$100 from the Reserve Fund to the Waste Water Expenditure. **Unanimous vote.**

Galusha **moved** and **seconded** by DeWaltoff to approve the transfer of \$234.41 from the Reserve Fund to the Council on Aging Salary (Supervisors). **Unanimous vote.**

Galusha **moved** and **seconded** by Ripley to approve the transfer of \$650 from the Reserve Fund to Archives (to be reimbursed by the Historical Society after closing books). **Unanimous vote.**

Mastrangelo **moved** and **seconded** by Galusha to approve the transfer of \$1,189.06 from the Reserve Fund to Other Internal and Tax Returns. **Unanimous vote.**

Mastrangelo **moved** and **seconded** by Redman to approve the transfer of \$1,263.85 from the Reserve to Salaries for Checkers (ATM). **Unanimous vote.**

Mastrangelo **moved** and **seconded** by DeWaltoff to approve the transfer of \$1,119.08 from the Reserve Fund to Veterans Expenses. **Unanimous vote.**

Mastrangelo **moved** and **seconded** by DeWaltoff to approve the transfer of \$3,228.90 from the Reserve Fund to Town Meeting Expenses. **Unanimous vote.**

Mastrangelo **moved** and **seconded** by DeWaltoff to approve the transfer \$7,288.17 from the Reserve Fund to Unemployment (unemployment extensions). **Unanimous vote.**

Mastrangelo **moved** and **seconded** by DeWaltoff to approve the transfer of \$3,963.89 from the Reserve Fund to Tax Title Filings. **Unanimous vote.**

Mastrangelo **moved** and **seconded** by DeWaltoff to approve the transfer of \$9,064.75 from the Reserve Fund to FICA and Social Security. **Unanimous vote.**

Mastrangelo **moved and seconded** by DeWaltoff to approve the transfer of \$9,877.99 from the Reserve Fund for LIUNA Pension Fund and LIUNA Employee Fund. **Unanimous vote.**

Mastrangelo **moved and seconded** by DeWaltoff to approve the transfer of \$16,564.61 from the Reserve fund to Health Insurance. **Unanimous vote.**

Legal Expenses are HR related: School Department, Bidding Issues in the School, Fire Dept., etc. TA Guerino stated for the record, while a lot for Legal Counsel, Bourne is substantially less compared with other communities.

Mastrangelo **moved and seconded** by DeWaltoff to approve the transfer of \$87,889.68 from the Reserve Fund to Legal Expenses. **Unanimous vote.**

TA Guerino stated Reserve Fund Transfers total \$142,591.00.

Reserve Fund Transfer – School Department

School Dept. looking to transfer \$47,812.00 to purchase bus for the 2010 – 2011 School Year, replacing recently burned bus. \$26,162 was received by the insurance company (Hart Insurance).

Mastrangelo stated Capital Outlay will need to delay the replacement for burnt bus, however their position would probably be in favor of said transfer purchase.

Ripley **moved and seconded** by Mastrangelo to approve the transfer of \$47,812.00 from the Reserve Fund to the School Department. **Unanimous vote.**

Year end closeout business – Linda Marzelli

Memorial Community Building - Expenses to Salaries
\$4,667.18

DNR – Salaries to Expenditures
\$17,000

Sewer – Expenses to Salaries
\$2,667.57

ISWM – Salaries to Expenses
\$75,000

Police Dept. – Salaries to Snow & Ice OT -\$51,792.00
Fire Dept. Salaries to Snow & Ice OT - \$21,894.57
Total of \$73,686.57

Police Dept. - Salaries to State & City Assessments
\$48,208.00

Fire Salaries – Unemployment - \$12,711.83
DPW - Salaries to Unemployment - \$40,000
Reserve Fund Transfer - \$7,288.17
Total \$60,000.00

TA Guerino reminded the FinCom that the Year end Closeout Business is less than \$275,000 on a \$53M budget.

DeWaltoff **moved** and **seconded** by Mastrangelo to approve the transfers as presented.
Unanimous vote.

ISWM Business Model Working Group update and discussion - John Redman
June 3 – Q&A presentation

June 10 – Plankton Power (Wellfleet, MA) presentation on ISWM cap gas making bio diesel – bio fuel center. Even when closes, landfill could generate some revenue to the Town. In addition, can help reduce costs.

June 15 – Brightfields Development on solar panels at the Landfill. Bob Schofield Energy Committee brings a lot of expertise for said meetings.

July 22 – Follow-up Commonwealth Resource Mgmt – making more presentations.

August – presentations from Harvest Power and National Grid.

A firm requested to meet with Committee with regard to the take over of the General Management of ISWM facility in the future.

Redman will update FinCom at the next meeting, if applicable.

Work Group discussion

Chm. Ford stated that in keeping with new Open Meeting Law - moving forward, any meetings having two (2) or more members of the Committee present, post the agenda and take minutes.

In advance of meetings, Chm. Ford will send out an email to remind members of any items to put on the agenda.

Topics for future discussion

Chm. Ford stated "Topics for future discussion" section will be put at the end of meeting agendas in the future.

Galusha will contact Selectmen Chm. John Ford with regard to the Group Insurance Commission on behalf of the FinCom.

TA Comments (for informational purposes only)

Senate President and Chm. of Weighs and Means were able to get through some pothole money in the amount of \$1.7M; Governor has reduced to \$1.3M.

Selectmen Comments (for informational purposes only)

None.

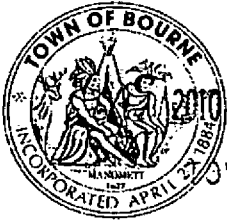
Public Comments (for informational purposes only)

None.

Adjourn

Redman **moved** and **seconded** by DeWaltoff to adjourn. Meeting adjourned on at 8:40 pm.

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532



Reserve Fund: \$202,188

\$175,000 (earmarked for Police & Fire overtime)

MEETING NOTICE

The Finance Committee will hold a public Meeting on Tuesday, August 24, 2010 at 7:00 PM at the Bourne Veterans Memorial Community Center.

1. Attend meeting of the Board of Selectmen

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele Ford
Chairman
August 10, 2010



Barry H. Johnson
Town Clerk

Town Clerk
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext 505



Wendy J. Chapman
Asst. Town Clerk

June 2011

Finance Committee

Elinor Repley

P.O. Box 630

Monument Beach, MA 02553

To : All Boards and Committees

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, the minutes for all meetings should be filed with the Town Clerk's Office. We have enclosed excerpt from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

Minutes missing

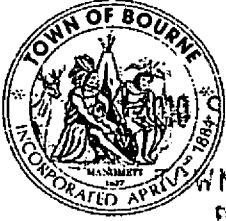
2010 08/24

Your attention to this matter would be appreciated.

Sincerely,

Wendy J. Chapman
Asst. Town Clerk

Town Clerk



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532



Reserve Fund: \$202,188

\$175,000 (earmarked for Police & Fire overtime)

MEETING NOTICE

Note: This meeting is being recorded for television replay. If anyone in the audience is audio or video taping, they need to acknowledge it at this time.

The Finance Committee will hold a public Meeting on Monday, October 4, 2010 at 7:00 PM at the Bourne Library.

1. Approve minutes of previous meetings
2. Reserve fund transfers
3. Finance director updates
4. Review and vote Special Town Meeting Warrant articles, as appropriate
5. Report from Capital Outlay Committee, as needed
6. Report from Bourne Landfill Business Model Working Group, as needed
7. Team assignment discussion and assignment
8. Topics for future agendas
9. TA comments (for informational purposes only)
10. Selectmen comments (for informational purposes only)
11. Public comments (for informational purposes only)

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Michele Ford
Chairman
September 21, 2010

**Finance Committee Meeting Minutes – October 4, 2010
Jonathan Bourne Public Library
Bourne, MA 02532**

FinCom Members: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo, Co-Vice Chairman; Mark DeCicco, Hal DeWaltoff, George Slade, Jeff Perry, Glen Galusha, John Redman, David Ahearn and Bill Locke

Member(s) excused: Bill Grant

Guests: Tom Guerino, Town Administrator; Linda Marzelli, Finance Director; Jim Mulvey

Members of the Press: Paul Gately, Bourne Courier; Diana Barth, Bourne Enterprise

Documents:

- Draft Warrant for October 25, 2010 Special Town Meeting – 5 pages
- Gerard D. Perry email dated September 22, 2010 re: Free Cash Approval Notification for Bourne (1 page)
- Town of Bourne Free Cash Balances (1 page)
- Stabilization Fund Balances (1 page)
- Standard & Poors' Bourne General Obligation – Note (5 pages)
- Bill Locke handout re: Wastewater (1 page) – for informational purposes

Meeting called to order
7:00 pm.

Announcement regarding video recording and transmission of meeting

Minutes of previous meetings

DeCicco MOVED and SECONDED by DeWaltoff to approve minutes of July 12, 2010 as submitted. Unanimous vote.

Ripley MOVED and SECONDED by Ahearn to approve minutes of September 14, 2010 as submitted. Vote 8-0-3 with abstentions (DeWaltoff, DeCicco, Mastrangelo and Slade).

Reserve Fund Transfers

None at this time.

Finance Director updates

Chm. Ford stated being deferred to the presentation to the Selectmen at their meeting of October 26, 2010.

2011 JAN 25 AM 9 28
TOWN CLERK'S OFFICE

Town Meeting Articles review – TA Guerino

Article 1 – Special Police Officer Drew Lonergan

Article needs to be re-voted to for D. Lonergan to come on the Civil Service List in January.

Ripley MOVED and SECONDED by Mastrangelo for a favorable recommendation of Article 1 of the Special Town Meeting Warrant. UNANIMOUS VOTE.

Article 2 –Three Mile Look Project

Bids to complete project came to \$45,000 - \$85,000. Estimating \$45,000 more to complete project. Once bids are in, exact numbers will be given for Town Meeting vote.

Discussion held on the need of the pathway to the canal. It is one more access to the canal for walking, wheelchair and bikes. This is part of the revitalization of Buzzards Bay Project - Growth incentive zone.

B. Johnson stated that the Community Preservation Committee (CPC) is recommending plans as presented.

Chm. Ford inquired when said project will be completed. It is projected for next Spring.

The Finance Committee will vote Article once final numbers are in.

Article 3 – Bourne Zoning Bylaws

Site plan review for gas stations. Selectmen will still maintain authority to provide for any permits that require underground fuel storage tanks. This will be before the Planning Board tomorrow evening. TA Guerino requests FinCom defer until after the Planning Board meeting of October 5, 2010.

Article 4 – Junk Sales

Bylaw Committee has voted said Article. Article was proposed by the Police Department to provide an additional tool to enforce the law. This bylaw would require reselling businesses to hold onto items for 30 days before they can be resold for police to check for stolen merchandise.

Discussion held on enforceability~~the practicality~~. Ripley ~~stated there is not much of a change from the current bylaw~~. Mastrangelo wondered if this includes consignment items – TA Guerino stated that it doesn't apply in this case.

Discussion on wording with regard to obtaining ~~an~~ Social Security numbers.~~N~~. Government issued ID wording was suggested. FinCom will vote at a later time.

Article 5 – School Department

To appropriate sum of money for the purpose of accepting proceeds from insurance for the loss at the school department (school bus fire).

Redman MOVED and SECONDED by Perry for a favorable recommendation of Article 5 of the Special Town Meeting Warrant that \$21,650 go back into the Reserve Fund. UNANIMOUS VOTE.

Article 6 - Stabilization Fund

Town appropriate, borrow or transfer from available funds a sum ~~of~~ money to the Stabilization Fund or take any action in relation thereto. This transfer will come from Free Cash and replaces funds appropriated at the May Special Town Meeting for the construction of a permanent railroad crossing at Monument Beach.

Ripley MOVED and SECONDED by Redman for a favorable recommendation of Article 6 of the Special Town Meeting Warrant to appropriate \$88,312 from the Stabilization Fund. UNANIMOUS VOTE.

Article 7 - FY2011 Annual Budget

Available funds to supplement FY2011 annual budget as voted under Article 3 of the 2010 ATM. TA Guerino reviewed the line item amounts totaling \$429,375.

A proposal of \$75,000 to Police Department salary (regular budget) and \$75,000 for Fire Department Overtime is included in the total amount request.

Fire Department has already expended \$190,000 since July 1, 2010 in Overtime. Other expenses were reviewed (vacation time and recent hurricane preparedness). Department is trending at \$720,000 for budget, but will be trimmed down in the future.

TA Guerino recommended the Town look at a staffing solution to off-set the use of some overtime, but stated it will not eliminate the ~~problem~~most solution. This department will always have vacancies and injuries, resignations, someone in training, etc.

Mastrangelo requested a Fire Department cost comparison of cost spent minimum ending hours to cover - what is the cost covering in OT vs. cost of one additional person per shift from TA Guerino.

TA Guerino stated the Selectmen are looking at the cost numbers of the current ambulance system vs. the cost of a privatization system.

Mastrangelo suggested ~~mmarized~~ that \$175,000 is in the Reserve Fund for Fire overtime ~~OT be~~ transferred to the -put in budget for Fire Department overtime budget ~~OT~~ since the Police Department is not likely to need additional overtime funding. We could then add an additional -Take \$125,000 tofor Fire OT. These additions combined with the -and put into Fire OT for a total of \$300,000. This includes the original budgeted amount of \$2500,000 would bring -bringing the total budget toof \$500,000.

TA Guerino will discuss with Town Counsel asking whether such a transfer would require ~~with regard to transfers requiring~~ a Town Meeting Vote.

Article 8 – Employment contracts

Town Administrator authorized to enter into an employment contract with the Human Resources Director.

Ripley MOVED and SECONDED by Mastrangelo for a favorable recommendation of Article 8 of the Special Town Meeting Warrant. UNANIMOUS VOTE.

TA Comments (for informational purposes only)

The Town received a Free Cash certification of \$4.35 M. The next two years will not be easier, but the Town is in a good position to continue to weather, due to the Finance Director, Treasurer and Department Heads. Further discussion will be held in the future.

Assignments

No written comments. Ripley requests verbal comments by October 20, 2010 or sooner.

Article 1 – Bill Grant

Article 2 – Bill Locke ~~—vote at the next meeting.~~

Article 3 – George Slade

Article 4 – Elinor Ripley

Article 5 – Mary Jane Mastrangelo

Article 6 – Hal DeWaltoff

Article 7 – Michele Ford

Article 8 – Jeff Perry

Capital Outlay update – MJ Mastrangelo

Went to BOS that they take action for sale of Hoxie and Coady Schools. They requested an engineer study for Coady School to see if the building is structurally sound, and had some suggestions on how to use the building. The Capital Outlay Committee found this not to be cost effective and hoping the Selectmen move forward as soon as possible.

Landfill Working Group- John Redman

ISWM working group met with five (5) firms to be used at the landfill. All firms could be active for many years after the landfill is closed.

Phil Goddard working on a draft RFP to be presented to the working group for approval. He went on to briefly discuss what the firms plan to do.

Working group indicating support of using Host Fee for some Capital projects to be a benefit to the Town of Bourne.

Selectmen Comments (for informational purposes only)

None.

Public Comments (for informational purposes only)

None.

Next Meeting

October 25, 2010 at 6:00. ~~Articles to vote at Town Meeting.~~

Work Team Assignments

Assignments will be discussed at the FinCom December organizational meeting. Ripley stated thinking about new open meeting laws, if have more than one person assigned to any one of these teams, they have to post meeting, take minutes.

In addition, Ripley requested a FinCom trainee for the Town Meeting protocol.

Locke discussed request to be FinCom representative to the Wastewater planning process. Bill Locke handout (1 page) for informational purposes and to be discussed as a future agenda item. This will be discussed at a future meeting date.

Adjourn

DeWaltoff MOVED and SECONDED by Perry to adjourn. Meeting adjourned on at 8:45 pm. UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.

Finance Committee Meeting Minutes – October 4, 2010
Jonathan Bourne Public Library
Bourne, MA 02532

FinCom Members: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mary Jane Mastrangelo, Co-Vice Chairman; Mark DeCicco, Hal DeWaltoff, George Slade, Jeff Perry, Glen Galusha, John Redman, David Ahern and Bill Locke

Member(s) excused: Bill Grant

Guests: Tom Guerino, Town Administrator; Linda Marzelli, Finance Director

Members of the Press: Paul Gately, Bourne Courier; Diana Barth, Bourne Enterprise

Documents:

- Draft Warrant for October 25, 2010 Special Town Meeting – 5 pages
- Gerard D. Perry email dated September 22, 2010 re: Free Cash Approval Notification for Bourne (1 page)
- Town of Bourne Free Cash Balances (1 page)
- Stabilization Fund Balances (1 page)
- Standard & Poors' Bourne General Obligation – Note (5 pages)

Meeting called to order

7:00 pm.

Announcement regarding video recording and transmission of meeting

Minutes of previous meetings

DeCicco MOVED and SECONDED by DeWaltoff to approve minutes of July 12, 2010 as submitted. Unanimous vote.

Ripley MOVED and SECONDED by Ahearn to approve minutes of September 14, 2010 as submitted. Vote 8-0-3 with abstentions (DeWaltoff, DeCicco, Mastrangelo and Slade).

Reserve Fund Transfers

None at this time.

Finance Director updates

Chm. Ford stated being deferred to the presentation to the Selectmen at their meeting of October 26, 2010.

2010 OCT 28 AM 10 13
TOWN CLERK'S OFFICE
BOURNE, MA 02532

Town Meeting Articles review – TA Guerino

Article 1 – Special Police Officer Drew Lonergan

Article needs to be re-voted to for D. Lonergan to come on the Civil Service List in January.

Ripley MOVED and SECONDED by Mastrangelo for a favorable recommendation of Article 1 of the Special Town Meeting Warrant. UNANIMOUS VOTE.

Article 2 –Three Mile Look Project

Bids to complete project came to \$45,000 - \$85,000. Estimating \$45,000 more to complete project. Once bids are in, exact numbers will be given for Town Meeting vote.

Discussion held on the need of the pathway to the canal. It is one more access to the canal for walking, wheelchair and bikes. This is part of the revitalization of Buzzards Bay Project - Growth incentive zone.

B. Johnson stated that the Community Preservation Committee (CPC) is recommending plans as presented.

Chm. Ford inquired when said project will be completed. It is projected for next Spring.

The Finance Committee will vote Article once final numbers are in.

Article 3 – Bourne Zoning Bylaws

Site plan review for gas stations. Selectmen will still maintain authority to provide for any permits that require underground fuel storage tanks. This will be before the Planning Board tomorrow evening. TA Guerino requests FinCom defer until after the Planning Board meeting of October 5, 2010.

Article 4 – Junk Sales

Bylaw Committee has voted said Article. Article was proposed by the Police Department to provide an additional tool to enforce the law. This bylaw would require reselling businesses to hold onto items for 30 days before they can be resold for police to check for stolen merchandise.

Discussion held on the practicality. Ripley stated there is not much of a change from the current bylaw. Mastrangelo wondered if this includes consignment items – TA Guerino stated that it doesn't apply in this case.

Discussion on wording with regard to obtaining an SSN. Government issued ID wording was suggested. FinCom will vote at a later time.

Article 5 – School Department

To appropriate sum of money for the purpose of accepting proceeds from insurance for the loss at the school department (school bus fire).

Redman MOVED and SECONDED by Perry for a favorable recommendation of Article 5 of the Special Town Meeting Warrant that \$21,650 go back into the Reserve Fund. UNANIMOUS VOTE.

Article 6 - Stabilization Fund

Town appropriate, borrow or transfer from available funds a sum on money to the Stabilization Fund or take any action in relation thereto.

Ripley MOVED and SECONDED by Redman for a favorable recommendation of Article 6 of the Special Town Meeting Warrant to appropriate \$88,312 from the Stabilization Fund. UNANIMOUS VOTE.

Article 7 – FY2011 Annual Budget

Available funds to supplement FY2011 annual budget as voted under Article 3 of the 2010 ATM. TA Guerino reviewed the line item amounts totaling \$429,375.

A proposal of \$75,000 to Police Department salary (regular budget) and \$75,000 for Fire Department Overtime is included in the total amount request.

Fire Department has already expended \$190,000 since July 1, 2010 in Overtime. Other expenses were reviewed (vacation time and recent hurricane preparedness). Department is trending at \$720,000 for budget, but will be trimmed down in the future.

TA Guerino recommended the Town look at a staffing solution to off set, but stated it will not eliminate the cost solution. This department will always have vacancies and injuries, someone in training, etc.

Mastrangelo requested a Fire Department cost comparison of cost spent minimum ending hours to cover - what is the cost covering in OT vs. cost of one additional person per shift from TA Guerino.

TA Guerino stated the Selectmen are looking at numbers of the current ambulance system vs. privatization system.

Mastrangelo summarized that \$175,000 is in Reserve Fund for Fire OT – put in budget for Fire OT. Take \$125,000 for Fire OT and put into Fire OT for a total of \$300,000. This includes the original budgeted amount of \$250,000 bringing the total budget of \$500,000.

TA Guerino will discuss with Town Counsel with regard to transfers requiring a Town Meeting Vote.

Article 8 – Employment contracts

Town Administrator authorized to enter into an employment contract with the Human Resources Director.

Ripley MOVED and SECONDED by Mastrangelo for a favorable recommendation of Article 8 of the Special Town Meeting Warrant. UNANIMOUS VOTE.

TA Comments (for informational purposes only)

The Town received a Free Cash certification of \$4.35 M. The next two years will not be easier, but the Town is in a good position to continue to weather, due to the Finance Director, Treasurer and Department Heads. Further discussion will be held in the future.

Assignments

No written comments. Ripley requests verbal comments by October 20, 2010 or sooner.

Article 1 – Bill Grant

Article 2 – Bill Locke – vote at the next meeting.

Article 3 – George Slade

Article 4 – Elinor Ripley

Article 5 – Mary Jane Mastrangelo

Article 6 – Hal DeWaltoff

Article 7 – Michele Ford

Article 8 – Jeff Perry

Capital Outlay update – MJ Mastrangelo

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Landfill Working Group- John Redman

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Phil Goddard working on a draft RFP to be presented to the working group for approval. He went on to briefly discuss what the firms plan to do.

Working group indicating support of using Host Fee for some Capital projects to be a benefit to the Town of Bourne.

Selectmen Comments (for informational purposes only)

None.

Public Comments (for informational purposes only)

None.

Next Meeting

October 25, 2010 – Articles to vote at Town Meeting.

Work Team Assignments

Assignments will be discussed at the FinCom December organizational meeting. Ripley stated thinking about new open meeting laws, if have more than one person assigned to any one of these teams, they have to post meeting, take minutes.

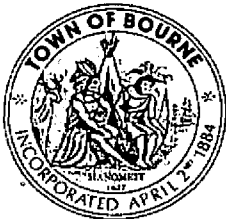
In addition, Ripley requested a FinCom trainee for the Town Meeting protocol.

Locke discussed request to be FinCom representative to the Wastewater planning process. Bill Locke handout (1 page). This will be dicussed at a future meeting date.

Adjourn

DeWaltoff MOVED and SECONDED by Perry to adjourn. Meeting adjourned on at 8:45 pm. UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Finance Committee

2010 OCT 25 PM 5 29
24 Perry Avenue
Buzzards Bay, MA 02532

BOURNE MASS



EMERGENCY MEETING NOTICE

The Finance Committee will hold a public Meeting on Monday, October 25, 2010 at 6:00 PM at the Bourne High School Professional Library.

1. Review and vote Special Town Meeting Warrant articles, as appropriate
2. TA comments (for informational purposes only)
3. Public comments (for informational purposes only)

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel Saturdays after the 1pm showing of the Board of Selectmen's meeting, Saturdays after the 7pm showing of the Board of Selectmen's meeting, and Tuesdays after the 1pm showing of the Board of Selectmen's meeting

Michele Ford
Chairman
October 25, 2010

2010 OCT 25 PM 5 29

TOWN CLERK'S OFFICE

BOURNE MASS

**Finance Committee Meeting Minutes – October 25, 2010
Bourne Professional Public Library
Bourne, MA 02532**

FinCom Members: Michele Ford, Chairman; Elinor Ripley, Co-Vice Chairman; Mark Jane Mastrangelo, Co-Vice Chairman; Hal DeWaltoff, George Slade, John Redman, David Ahern and Bill Locke; Mark DeCicco (arrived at 6:20 pm).

Member(s) excused: Glen Galusha and Jeff Perry

Guests: Tom Guerino, Town Administrator

Documents:

- None

Meeting called to order
6:00 pm.

Review and vote Special Town Meeting Warrant articles, as appropriate
Ripley MOVED and SECONDED by DeWaltoff to designate Article #7 and #8 as essential to running town meeting. UNANIMOUS VOTE.

Article 2 - Open Space 3 Mile Overlook
Expenses provided by Town Clerk, Barry Johnson.

Mastrangelo MOVED and SECONDED by Locke to appropriate \$40,000 to continue and complete the 3-Mile Look project with regard to Article 2 in the Special Town Meeting Warrant. VOTE 9-0. (DeCicco was not present at the time of vote.)

TA Guerino stated project to be completed by December 2010. Chm. Ford stated she would like documentation of completed project.

Article 3 – Bourne Zoning Bylaw re: Permitting
Selectmen were taken out of the process for review, but remain permitting authority with regard to the underground tanks. Currently a dual permitting includes the Selectmen as authority relative to site plan review special permit along with the Planning Board. TA Guerino believes the dual permitting is appropriate. Selectmen voted to support said Article.

Mastrangelo questioned why the process is being changed.

Redman MOVED and SECONDED by Mastrangelo for a favorable recommendation for Article 3 of the Special Town Warrant October 25, 2010. VOTE 4-6

2011 JUN 25 AM 11 08
TOWN CLERK'S OFFICE

Article 4 – Junk Sales

Ripley stated the most significant issue was with regard to the requirement of a SSN, Atty. Troy has no issue with SSN and is prepared to speak on the floor at Special Town Meeting. Voter ID and government-issued photo ID discussed. Police Department responded that it was not really necessary and was happy with the language as it stood. If it does become necessary, the bylaw can be amended.

TA Guerino stated that the Police Department does not believe this will be an issue as the current language. Ripley stated that the Chief of Police is an exofficio member of the Bylaw Committee and there is good representation.

Chm. Ford strongly suggests the Bylaw Committee amend language in the future to include a SSN.

Ripley MOVED and SECONDED by Locke for a favorable recommendation for Article 4 – Junk Sales of the Special Town Meeting Warrant October 25, 2010. VOTE 9-0-1 (Mastrangelo).

Article 7 – Budget Amendments

\$429,375 taken from Free Cash for each individual line items.

TA will come before the FinCom in the near future to request \$175,000 to be taken from the Reserve Fund and placed into the Fire Department OT account. He stated allowing the new Fire Chief to come up with a staffing plan relative to an assistant chief and different staffing levels, as well as funding. Negotiations of a new contract is being reviewed and expects to see a new contract around 18 months. This new staffing plan and funding may be in the Special Town Meeting, a year from now.

Ripley MOVED and SECONDED by Mastrangelo for a favorable recommendation for Article 7 – Budget Amendments of the Special Town Meeting Warrant October 25, 2010. VOTE 10-0.

TA Comments (for informational purposes only)

None.

Public comments (for informational purposes only)

None.

The FinCom meeting will remain in open session until the adjournment of Special Town Meeting.

Adjourn

DeWaltoff MOVED and SECONDED by Locke to adjourn. Meeting adjourned on at 9:01 pm at the close of the STM. UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.



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 13, 2010

Time:

7:00 P.M.

Place:

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

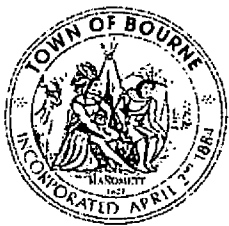
AGENDA ITEMS:

1. Pocasset Mobile Home Park-Update for Residents
2. 204 Phillips Rd-Trevor Meyer for Rodger and Diane Ouimet- request for waiver to use existing septic system for proposed renovations
3. Approval of Minutes dated December 2, 2009 and December 9, 2009
4. Other Business-ISWM update

Signed: *Kathy M. Bungers*
Title: Secretary
Date: January 7, 2010

BOURNE MASS
TOWN CLERK'S OFFICE

cc Board of Selectmen/Town Clerk
2010 JAN 7 PM 2 17



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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2010 JAN 28 AM 10 29
TOWN CLERK'S OFFICE
BOURNE, MASS

MINUTES

January 13, 2010

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 7:10 P.M.

Ms. Peterson stated that there was a problem with the posting of tonight's meeting but Ms. Coffin spoke with the Town Clerk, Barry Johnson, who said that the agenda had been stamped in and the Board of Health had met all requirements for a public meeting so the meeting could go forward.

1. **Pocasset Mobile Home Park-Update for Residents-**Ms. Coffin stated that there were not any residents from the Pocasset Mobile Home Park at the meeting but wanted to give the Board an update. Ms. Coffin stated that Peter Valeri had been let go and the Park has hired Capewide Enterprises as their new system inspector. Ms. Coffin stated that the park did not have anyone to do the inspections in November and December. Ms. Coffin stated that she went out and they did an inspection on January 7th and the system is in worse shape than it was before. Ms. Peterson asked why Peter Valeri was let go. Ms. Coffin stated that Mr. Austin got very upset the last time they were all out at the Park for an inspection and let Peter go after that. Ms. Coffin stated that Capewide pumped out six or seven of the pits and took 26,000 gallons out of the park. Ms. Coffin stated that an affidavit should be coming and the Attorney General's office should be filing for summary judgment within the next week or so. Ms. Coffin stated that the office received a call from a resident complaining of a backup but she could not get in touch with Rick Damon or the attorney Joe Cavanaugh. Ms. Coffin stated that she called Capewide who fixed it but it was not a septic backup it was a grease trap clog underneath the residents sink. Ms. Coffin stated that they have replaced about 20

ft of line on 4th Ave which were all root bound. Ms. Peterson asked about the problem at the Park during a recent snowstorm where no one plowed the park and residents could not get out. Ms. Coffin stated that she was out of the office that day but the secretary had spoken with the Town Administrator who had spoken with Tracy Triplett from the Attorney General's office. The DPW could not go in and plow unless there was an emergency because Mr. Austin stated that he would sue the Town if they came in to plow the park. Mr. Damon eventually rented a plow and the snow was plowed. Ms. Coffin stated that Mr. Damon told her he was looking to purchase a plow for any future storms. Mr. Barlow asked if Ms. Triplett had said that any of the \$10,000 that was set aside for pumping could be used for snow removal. Ms. Coffin stated that it was not part of the injunction and could not be used for that. Ms. Peterson stated that Ms. Coffin should ask Ms. Triplett if that could somehow be added. Mr. Andrews asked why the Park went two months without any inspections. Ms. Coffin stated that she does not know why the Attorney General's office did not pursue that but she thought that the attorney, Joe Cavanaugh, told them he was collecting bids to hire someone and they might have given him a grace period. Mr. Andrews asked if Mr. Barlow could give the Board any information regarding the conference call he and Ms. Coffin had with the AG's office. Mr. Barlow stated that the AG's office would appreciate it if the Board of Health did not deny re-issuing the Park's license. Mr. Barlow stated that the Board does have authority to set conditions on the license. Mr. Barlow stated that they might want to put a condition on the license that the Board reviews it every three or four months. Ms. Coffin stated that she sent a letter to Joe Cavanaugh requesting that he and Mr. Austin attend the meeting on January 27, 2010 for a hearing to discuss the license. Ms. Coffin stated that she has not issued a license for this year, as there are outstanding violations. Ms. Peterson stated that Mr. Austin could care less what the Board says and she did not like the way he handled the situation with the snow storm and not letting anyone plow for the residents. Ms. Peterson stated that she is concerned because if they close the Park down the residents will have nowhere to go. Ms. Peterson stated that they were hoping that the State would have it taken care of by now. Mr. Barlow stated that after the conference call he is not sure that will happen anytime soon. Ms. Peterson stated that the Board realizes the State is trying but it will be at least another two years before this is resolved. Ms. Peterson stated that they are really between a rock and a hard place because they do not want to put the residents out on the street. Mr. Barlow asked if Ms. Coffin normally sends out a license application to Mr. Austin. Ms. Coffin stated that yes, she does. Mr. Barlow stated that they don't want him to not renew his license because then he will win by default. Ms. Coffin stated that they would mail out the license application tomorrow. Mr. Barlow stated that the Board might want to set some conditions to the license. Mr. Andrews stated that that was what the hearing on January 27th was for and that paying and applying for a license is not an issuance of a license. Mr. Andrews stated that having a posted meeting for the discussion of the license would be the way to put any conditions on the license. Ms. Peterson stated that the policy the Board has states that anyone can apply for a license but if you are in violation for more than six months of the year you then have to come

for a hearing to let the Board know when you plan to correct the violations. Ms. Peterson stated that she does not think Mr. Austin will show up for the meeting and then do you pull the license? Mr. Andrews stated that he wanted to wait for the hearing to discuss that possibility. Ms. Peterson stated that it was up for discussion now and history shows that Mr. Austin does not jump for anyone's authority. Mr. Barlow read from the Manual of Laws and Regulations Relating to Boards of Health which stated *The local board of health is responsible for licensing motels and manufactured housing communities under MGL 140 Section 32B. The board shall at once notify the DEP of the granting or renewal of such a license and said department shall have jurisdiction to inspect the premises to determine that the sources of water supply and the works for the disposal of the sewage of such premises to determine that the sources of water supply and the works for the disposal of the sewage of such premises sanitary. The Board of Health may adopt rules and regulations to enforce this statute.* Mr. Barlow stated that they should discuss it before the hearing so the Board is not going in blind. Mr. Andrews stated that they do not have to make any decisions at the next meeting. Ms. Peterson stated that they should know going in to the meeting what they want to discuss. Ms. Peterson stated that the Board has the authority to close the Park because Mr. Austin is in violation right now but she would not put 200 people out on the street because that is not the answer. Mr. Barlow stated that they should adopt some specific rules and regulations specifically for licensing mobile home parks so they get better control. Ms. Peterson stated that she would like to see the contracts in writing stating whom they should call in an emergency or to get the park plowed or pumped. Ms. Peterson stated that she wants to know who they call to put people up or bring water in when it fails because it is in such bad condition. Mr. Andrews stated that it would be similar to the action plan they had started with ISWM. Ms. Peterson stated she does not just want a plan she wants to see the contracts. Ms. Coffin stated that she has a copy of a contract signed by Cape wide but not by Mr. Austin. Ms. Peterson stated that she wanted to see a contract that had been signed by Mr. Austin. Mr. Barlow suggested that they contact Mr. Ethier, Wareham Board of Health, to see what their policy is regarding their trailer parks in relation to violations. Ms. Peterson stated that she was told by Mr. Ethier that they would fine a Park \$100.00 per day but they do not force them to pay. Ms. Peterson stated that the fine is there should something happen then the Town could collect some of the money it is owed because it is very expensive to deal with these type issues. Mr. Barlow stated that according to the regulations *the DEP has jurisdiction to inspect the premises to determine that the sources of water supply and the works for the disposal of the sewage of such premises are sanitary. The Board of Health may adopt rules and regulations to enforce this statute.* Ms. Peterson stated that Mr. Austin is in violation and she has always been an advocate of imposing a fine but she is not sure that will work with him right now because at 93 years old Mr. Austin does not seem to care what happens. Ms. Peterson stated that getting the signed contracts for the repair work and pumping might prevent Mr. Austin from firing the workers as he has repeatedly done in the past. Mr. Barlow stated that it would not help the Attorney General's case if they were to refuse to issue a license to Mr. Austin. Ms. Peterson

stated that it doesn't help the case either by sitting for a year and not doing anything about it. Mr. Barlow stated that the most important thing is that they have the \$10,000 in escrow for pumping and repairs and general maintenance of the system. Ms. Coffin stated that they might have to end up pumping every week. Ms. Peterson stated that she does not think it's right to hold peoples licenses hostage like they did with the Parrot. Ms. Peterson stated that the Board held his license hostage and told him that he would put the system in which he did under duress and without a lot of funding. Ms. Peterson stated that it bothers her that Mr. Austin knows that they will not put the residents out on the street and it is very frustrating. Ms. Coffin stated that the Board could issue fines up to \$200.00 a day. Ms. Peterson stated that she wants copies of the contracts so they know who to call when there is a backup and also a contract with a motel or hotel in case they have to put any of the residents up in an emergency. Ms. Peterson stated that tonight they would not take any action on Pocasset Mobile Home Park. Mr. Barlow stated that at the next meeting on January 27, 2010 they would put it on the agenda for Mr. Austin and his attorney to come in for a hearing regarding the license. Mr. Andrews stated that Mr. Austin had not been sent a license renewal application. Ms. Peterson stated that he would know that his license had expired without being sent an application. Mr. Barlow stated that he should be sent a letter stating that his license had not been renewed yet and the Board of Health would like him to come in for a hearing. Ms. Coffin stated that she had already done that.

2. **204 Phillips Road-Trevor Meyer for Rodger and Diane Ouimet-request for waiver to use existing septic system for proposed renovations.** Mr. Meyer stated that 204 Phillips Road is not on the ocean side but across the street. Mr. Meyer stated that the owners purchased the home about five years ago and have since retired and would like to make it their year round home. Mr. Meyer stated that it is basically a cottage and they would like to winterize it. Mr. Meyer stated that they are not adding any bedrooms but are adding a three- season room on the back of the house, which will be built on top of the existing deck. Mr. Meyer stated that it will remain a three- bedroom house and the first floor will stay the same. Mr. Meyer stated that on the second floor they would add a bathroom and remodel the existing bathroom and bring the bedrooms out to where the existing storage rooms used to be. Mr. Meyer stated that the existing septic system comes out in the back and is pumped to a concrete leaching field in the front of the house. Ms. Peterson asked if this was the property on the Sandwich-Bourne line. Mr. Meyer stated that it was one house back from that. Mr. Meyer stated that this house is in Bourne. Ms. Coffin stated that the system went in for the house the way it is now and that that the leaching is only 80 ft to the wetlands, which is the Sagamore marsh. Ms. Coffin stated that the proposed increase in bedroom square footage is 120 percent with the work that is being proposed. Ms. Coffin stated that in her opinion this plan would require an alternative septic system. Ms. Peterson asked if they had thought about that at all if the Board were to make an alternative system a requirement. Mr. Meyer stated that he was an architect and not a civil engineer. The builder of the proposed renovations was in the audience and stated

that as far as cost goes that requirement would probably be a deal breaker. Mr. Barlow stated that they have to understand that the existing septic system was basically installed for a cottage in 1998. Mr. Barlow stated that they want to make it a year round home and make the bedrooms bigger but the septic system has to meet the same requirements that everyone else has to today. Mr. Barlow stated that they had the same issue on the same marsh right down the street and the Board required them to have pressure dosing. Ms. Coffin stated that they had to redo their whole leaching. Ms. Coffin stated that they have a policy when the system doesn't meet all the regulations that it should and this one falls below. Mr. Barlow stated that they have set a precedent in this neighborhood and will probably be looking for some sort of upgrade. Mr. Barlow stated that there are all types of different upgrades. Mr. Andrews stated that there might be a discrepancy in the architectural as the address listed was 177 and not 204. Mr. Meyer stated that it is lot 177 and the address is 204 Phillips Rd. Ms. Peterson stated that she remembers the home that was right on the Sandwich-Bourne line where they completely gutted the interior of the home. Ms. Coffin left the meeting to get the folder on that property. Mr. Barlow stated that in addition to gutting the home at 204 Phillips Rd they are also going to take the second story off and adding a full size second story. Mr. Meyer stated that they are not raising the roof just adding dormers. Mr. Barlow stated that he does not have a problem with what they are doing as long as they have a septic system to fit it. Mr. Meyer stated that the neighbors are very happy with the proposal as this house does not look very good compared to the houses on either side of it. Mr. Barlow stated that he couldn't imagine anyone thinking that that house looked terrible but that was not the issue. Mr. Barlow stated that they want to make sure the septic system fits the neighborhood and that they stay consistent. Ms. Peterson stated that they cannot ask a neighbor to put in an alternative system and then not require the same of them. Ms. Coffin returned with the file and stated that in the neighbors house at 206 Phillips Road the Board did not require them to change their septic system but they did not do as much renovating as the Ouimets plan to do. Ms. Peterson stated that this house was right next-door and reading from the file *there was substantially no change to the number or size of the existing bedrooms or dwelling*. There was also a two-bedroom deed restriction placed on the property. Ms. Peterson stated that the changes to that home had been a new roof with gable extended to meet the first wall of house, new insulation, new electrical, new forced hot air heating system, relocate bathroom, new kitchen cabinets and flooring, new millwork, three new skylights, three new gas fireplace heaters, 12 x 22 addition to the rear of the home to provide utility room for heater and laundry, new deck. They were told they could not have an outdoor shower. Ms. Peterson asked how the owners would feel about reducing to a two- bedroom home with a two-bedroom deed restriction. Mr. Meyer stated that the Oumiet's plan was to have their sister live with them. Mr. Barlow stated that the increase was huge and asked if they had a problem with losing the three season room. Mr. Barlow stated that it doesn't help on the bedrooms but it does cut down on the increase in space. Mr. Andrews stated that it is the increase in bedroom space that is the issue. Mr. Barlow asked Ms. Coffin what type of alternative system would be acceptable.

Ms. Coffin stated that it was not up to her to tell someone what to do it was up to the Board to tell them if they require an alternative. Ms. Coffin stated that it was a pump system they have now which is pumped to a D-Box and is not pressure distribution. Ms. Coffin stated in order to get the equivalent you would have to do a UV retrofit and an alternative. Ms. Peterson stated that the Board is trying to help them out but they do not seem willing to give anything up to let that happen. Ms. Peterson stated that the people next door to them only have two bedrooms with a two- bedroom deed restriction and did not raise their roof. Ms. Peterson stated that they are planning to do more than just gut the inside. Mr. Meyer stated that he is not the owner and would have to go back to the owner and discuss it with them. Ms. Coffin stated that in her opinion they are requesting a waiver to use the existing septic system so the Board should deny their waiver if they think they should use an alternative septic system and they can come back with a proposal for an alternative system. Ms. Peterson stated they could also continue it without a denial until the next meeting so Mr. Meyer could go back and talk with the owners about the possibility of going down to two bedrooms. Ms. Peterson stated that that does not mean they would get full approval but at least the number of bedrooms would be decreased. Mr. Barlow stated that the new plans should not call a bedroom a den and the Board would like to see a four or six foot cased opening to define a room that is not a bedroom. Mr. Meyer stated that they would like a continuance. Ms. Coffin stated that they would be changing what they are asking for if they are going to come back. Mr. Andrews stated that they could withdraw the request for a waiver and apply for use of a system modified. Ms. Peterson stated that this would give them some time to go back and talk with the owners and the next meeting is within the 45 days for a continuance. **Mr. Uitti made a motion to CONTINUE 204 Phillips Rd until the next meeting dated January 27, 2010. Mr. Andrews seconded the motion. All in favor and the motion is APPROVED.**

3. **Approval of Minutes dated December 2, 2009 and December 9, 2009-Mr. Andrews made a motion to APPROVE the minutes dated December 2, 2009 and December 9, 2009. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
4. **Other Business-ISWM Update-**Ms. Peterson stated they have gone without odors for the past two weeks at the landfill. The most recent plan from ISWM involved the placement of the 30mm plastic cap which is complete securing the cap to prevent it from blowing around and to seal the edges with soil to prevent gasses from escaping followed by applying Posi-Shell to the edges to enhance stabilization and help prevent gas emissions. ISWM is also adding intermediate cover to the outside slope of phase 2A 3A and adding strategically placed diversion burms to divert rainwater runoff. ISWM will then seal the soil area with Posi-Shell. The soil work is about 85% done. Ms. Peterson stated that at this point they are confident that ISWM is working diligently to control the odor issues and will continue to do so until the problem has been abated. There will be a meeting with Mr. Barrett next week, which will include the working groups representative,

Steve MacNally, and they will discuss the progress of the work remaining. Ms. Peterson stated that she spoke with Dave Ellis, who complained about the odors a few weeks ago, and he is very happy with the current workings at the landfill in regards to the odors. Mr. Andrews stated a few weeks without odor is not five or six months without odor. Mr. Barlow stated that he has requested an opinion from Town Counsel regarding sticker fees simply stating *Does your opinion indicate that the Board of Selectmen now sets rates and fees for the disposal of trash and waste at the Town's landfill facility?* Mr. Barlow stated that clarification was in order and they should receive a response soon. Ms. Coffin stated that the VFW has not yet put the system in but are coming before the Board January 27th. Ms. Coffin stated that the septic system has failed and the new one is not in and was not sure if she should send them out their new license. Ms. Peterson stated that they have not been in failure for six months and they have been in front of the Board to discuss the failed system recently. Mr. Barlow stated that they have been following procedure to keep the Board informed and their license should not be kept from them. Mr. Andrews stated that if it had been over six months they would have to stick to the policy that the Board has set in place. Ms. Coffin stated that she does not have any problem giving them their license but thinks that there should be a deadline set on when the system is installed because the pits are overflowing. The only reason it's not on the ground is because the pits are so deep in the ground. Mr. Barlow stated that you cannot hold back their food license because a bar cannot serve alcohol without food and would have to close. Ms. Peterson stated that she believes that it has been less than six months and their license could be issued. Mr. Andrews stated that if had been longer than six months they would have to have a hearing and vote on it. **Mr. Barlow made a motion to issue the food license to the VFW, 180 Shore Rd, Bourne. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Coffin asked if that was no matter what or only if they were within the six-month timeframe. Mr. Barlow stated that it was no matter what because they had discussed and voted on it and the majority of the Board members feel that it has not been six months. Ms. Coffin stated that she had given the Board members a handout on a submittal from Bill Locke on the idea of bathroom facilities on Bassett's Island. Mr. Andrews stated that this idea is something that comes up every year. Mr. Andrews asked if the water at Bassett's Island was tested. Ms. Coffin stated that it was not a town beach and the water is not tested. Ms. Peterson stated that at the Selectmen's meeting the previous night they said it was a town beach and the water was tested every week. Mr. Barlow stated that Bassett's Island is not on the list of town beaches. Ms. Coffin agreed. Ms. Peterson stated that she spoke with Mr. Locke and told him that the Board of Health would not have any authority on buying the facilities and would come to the Board when they are not kept clean or vandalized. Ms. Peterson stated that Mr. Locke knows this idea is not something that would happen anytime soon and would just like some help and guidance on it. Mr. Barlow stated that the water is tested by the State to meet the shell fishing requirements. It meets those requirements on a regular basis and if it meets the shell fishing requirements it would absolutely meet the bathing requirements. Ms. Peterson stated that the

Selectmen seemed very interested in the idea and she thinks the Board should support Mr. Locke where they can. Mr. Barlow stated that he does not agree that there should be toilets on Bassett's Island. Large groups have to go to ConCom and provide portable toilets they put on a barge before they can hold an event. Mr. Barlow stated that Mr. Locke just happens to live across from Bassett's Island and does not like to look across and see all the boats there and if it is made a public bathing beach the boats will not be able to be there. Mr. Barlow stated the boats would then have to stay 200 ft off shore and that is not something he will support. There was general discussion regarding the current and tides in that area.

*Mr. Barlow's
Believe*

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 8:15 P.M. The next meeting is scheduled for January 27, 2010

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

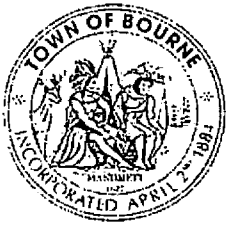
Galon Barlow

Donald Cunningham

Donald Uitti

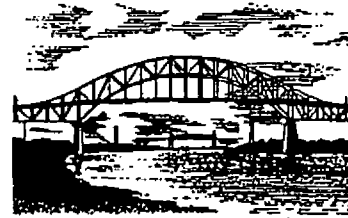
Stanley Andrews

cc Town Clerk



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



MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

January 27, 2010

Time:

7:00 P.M.

Place:

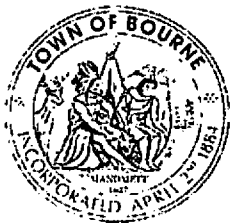
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. VFW-180 Shore Rd- Ed Pesce for Charlie Miller or Warren Silva-Update on proposed septic upgrade
2. 204 Phillips Rd- Continued-Trevor Meyer for Rodger and Diane Ouimet- request for waiver to use existing septic system for proposed renovations
3. 68 Monument Ave-Michael Steller-Request waiver to continue use of existing system with addition of alternative technology system and ultra violet disinfection; and removal of two bedroom deed restriction
4. 485 Circuit Ave-Zachary Basinski for Mr. & Mrs. Kenneth Cheitlin-request for waiver to use existing septic system for proposed renovations
5. 207 County Rd.-Jack Landers- Cauley for Ryan & Elizabeth Poirier-Requesting variance
6. Pocasset Mobile Home Park-Charles Austin and Joe Cavanaugh-Discussion and possible vote on license renewal
7. Stable Regulations- Discuss and possible vote regarding amendments
8. Approval of Minutes dated January 13, 2010
9. Other Business

2010 JAN 21 PM 12 57
TOWN CLERK'S OFFICE
BOURNE, MASS

Signed: *Kathryn M. Burgess*
Title: Secretary
Date: January 21, 2010



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

January 27, 2010

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

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

Ms. Peterson stated that she realizes most of the people in the audience were at the meeting for the hearing on the Pocasset Mobile Home Park, which is item number 6 on the agenda and asked the audience to be patient.

1. **VFW-180 Shore Rd-Ed Pesce** for Warren Silvia-Update on proposed septic upgrade-Mr. Pesce stated that he met with Ms. Coffin to discuss the plans. Mr. Pesce stated that he would like to have another meeting with Ms. Coffin regarding the grease trap. Mr. Pesce stated that Ms. Coffin was adamant about the fact that she is not comfortable signing off with the building inspector on the amount of occupancy until there is a final plan submitted and a septic application signed by a licensed installer which Mr. Pesce agreed was a reasonable request. Mr. Pesce stated that he will sit down with Ms. Coffin and go over the revised plan and she can then recommend approval with conditions. Ms. Peterson asked what kind of conditions. Mr. Pesce stated that this is a septic system to repair what is there now and it is to provide adequate protection and public health for their occupation and usage. Mr. Pesce stated that the design flow is based on water usage so one of the conditions might be that there may be 204 seats that the fire dept and building dept allows for public assembly but there cannot be a 204-seat full service restaurant. Mr. Barlow stepped off the Board at this point as he also holds a food license in town. Ms. Peterson stated that she would like them to be able to have a function with 200 people and be able to serve them. Mr. Pesce stated that holding a function every few months would be allowable based on what he had talked

about with Ms. Coffin. Mr. Silvia stated that it is not their intention to have a full service restaurant. Ms. Peterson asked if Ms. Furtek had anything to say regarding the VFW since Ms. Coffin was still upstairs. Ms. Furtek stated that she would like to know how many customers they had on a daily basis. Mr. Silvia stated that their peak hours are from 4-6 P.M. and you would very seldom see more than 25 people there at any given time. Mr. Pesce stated that he designed the grease trap for 60 seats but might upsize it to 80 seats. Ms. Peterson asked if they were all set with their ServSafe certifications. Mr. Silvia stated that they have one person certified now and are working towards getting more. Mr. Pesce stated that the pub menu is hot dogs and pizza, which are all microwavable, and are served on paper plates. Mr. Pesce stated that the kitchen is primarily used for periodic functions. Ms. Peterson asked if there was anyone in the audience for the VFW. There was not. Ms. Peterson stated that she suggests that Ms. Coffin handle it from here and allow them to move forward with their plans to get everything done and Ms. Coffin can sign off on the final plan. If there are any problems they can come back before the Board. Ms. Coffin asked if there would be a commitment date as to when the system goes in. Ms. Coffin stated that if the VFW wants a building permit for expansion the Board should set a date as to when the system would be in because that is a huge addition. Mr. Pesce stated that they are in the process of getting financing for this project. Ms. Peterson suggested that the Board give them until July 1, 2010. Ms. Peterson stated that they have done everything the Board has asked so far and have come to the meetings to discuss their plans. Ms. Peterson suggested they go through Barnstable County for the funding. Mr. Silvia stated that he has talked to them and they do not give loans for commercial property but he feels confident that their bank will approve their loan. **Mr. Andrews made a motion to table the discussion until the first meeting in July, which would be July 14, 2010. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Mr. Barlow resumed his seat on the Board at this time.

2. **204 Phillips Rd-Continued**-Trevor Meyer for Rodger and Diane Ouimet-request for waiver to use existing septic system for proposed renovations-Trevor Meyer, Davenport Builders, stated that they have done some research since the last meeting and spoke with the homeowners and they would like to modify the request for a waiver to use the existing septic system and add an alternative technology to the system. Mr. Meyer stated that they would like to add a UV light to the pump chamber. Ms. Peterson asked if they had changed the plans of record to show that. Mr. Meyer stated that they would do that. Ms. Peterson asked Mr. Meyer if he would like to continue this until the next meeting. Mr. Meyer stated that he would like to get it done tonight. Ms. Coffin stated that she had discussed the alternative with Mr. Meyer and the UV is to take place of the pressure distribution but they still need an alternative. Just the UV is not nitrogen removal. Ms. Coffin stated that she did discuss with them that without a clarified effluent from an alternative system UV is useless. Mr. Meyer stated that he must have misunderstood that because he thought all they needed was the UV light. Ms. Peterson asked Mr. Meyer if he had spoken with the homeowners about decreasing the number of bedrooms from three to two. Mr. Meyer stated that the

homeowners weren't interested in doing that at this point and wanted them to go forward with an alternative system. Ms. Peterson stated that they will need a revised plan showing an alternative system. Mr. Barlow stated that they should deny this and let them come back with a new plan so everything will be clear. Ms. Peterson stated that they could withdraw and come back. Mr. Meyer stated that they have a meeting with the ZBA on February 3 and asked if not having a decision from the Board of Health would make a difference at that hearing. Ms. Peterson stated that it shouldn't make a difference because they usually ask that the applicants go to all the other boards before coming to the Board of Health. Ms. Peterson stated that if they withdraw they would not have to notify their abutters again. Mr. Meyer signed the withdrawal form and will submit revised plans to the Board of Health office and will return for the meeting on February 10, 2010. **Ms. Peterson stated that they have a motion on the table to WITHDRAW 204 Phillips Rd., which the Board will accept. Mr. Utti seconded the motion. All in favor and the motion PASSES.**

3. **68 Monument Ave-Michael Steller and John Priestly-Request waiver to continue use of existing system with addition of alternative technology system and ultra violet disinfection; and removal of two-bedroom deed restriction-**Mr. Steller stated that he and his wife had purchased the home this past summer. Mr. Steller stated that the previous owners had been before the board before for permission to do some renovating but the previous owners were not willing to make any improvements to the septic design. Mr. Steller stated that the house has never undergone any renovations because there was a two- bedroom deed restriction imposed on the property. Mr. Steller stated that he is before the board to request that they reconsider the two bedroom deed restriction. Mr. Steller stated that if they were to put in a denitrification system using micro fast technology and UV light the nitrogen load would be reduced even with the addition of another bedroom. Mr. Steller stated that the home is on Buzzards Bay so they would need a variance because the leaching field is 80 ft from the top of coastal bank. Mr. Steller stated that the home is a summer home and does not have a sufficient heating system to heat the pipes. Ms. Peterson asked why there were three bedrooms if there was a two-bedroom deed restriction. Mr. Steller stated that the assessors reported that there were three bedrooms but there are only two. Mr. Steller stated that back in 2003 the Board approved a renovation of the home but restricted the build out of the second floor as a loft rather than an enclosed bedroom. Mr. Steller stated that he is requesting the Board allow him to have an enclosed bedroom on the second floor rather than a loft. Mr. Steller stated that he understands the policy of the board and has no problem making improvements to the septic system. Mr. Barlow stated that the loft was required to have an open railing so that it would not be a sleeping area. Mr. Barlow read from the minutes from May 2003-*The Board also required an additional cross-sectional drawing of the loft area to show the open railing to the living room below.* Mr. Steller stated that the consequence of that decision has been to stall the improvement to the septic system so that there is still a higher nitrogen load now than one would have had the project been approved in the past. Mr. Barlow stated that they may have

better technology now. Mr. Steller stated that the existing tank is a 1500- gallon tank so they could leave that tank and the effluent out of the current tank would flow into the denitrification system and they should get a cleaner output. Mr. Steller stated that there is sufficient space on his property to do that. Ms. Peterson stated that Mr. Steller is willing to change the septic system. Mr. Steller stated that he would have been willing to have pressure dosing but there is not sufficient space on the property to do that. Mr. Barlow stated that he wanted to point out that that's why they put the two bedroom deed restriction on it in 2003 because they wanted that area to be left open and not a bedroom at that time. Mr. Barlow stated that whether or not they modify it he wanted to clarify that the Board did not approve it as three bedrooms in the first place they approved it as two with an open loft. Ms. Peterson asked Mr. Steller if he was asking them to remove the two- bedroom deed restriction and then he will put in the new septic system. Mr. Steller stated that yes, that was correct. Ms. Peterson stated that she does not have a problem with giving them another bedroom if he is willing to put in an alternative system. Mr. Priestly stated that Mr. Steller would like to use the same plan that was originally approved which shows the UV light. **Mr. Uitti made a motion to APPROVE the request of a waiver to continue the use of the existing system with addition of alternative technology and UV and removal of the two-bedroom deed restriction at 68 Monument Ave. Septic plan of record is dated April 2, 2003, sheet 1 and 2. The Boards alternative system policy will apply to this approval. The architecturals of record are those dated January 13, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Ms. Coffin and Ms. Peterson explained the process required to record and rescind the deed restriction to Mr. Steller. Ms. Coffin stated that she had a letter from the conservation agent stating that Mr. Steller had filed an application with the Conservation Commission and that the Commission in 2003 approved the same application.

4. **485 Circuit Ave-Zachary Basinski** for Mr. & Mrs. Kenneth Cheitlin-request for waiver to use existing septic system for proposed renovations-Mr. Basinski showed the Board the plans for the two additions to the property. Mr. Basinski stated that the first addition is 10 square feet and the second is 23 square feet. Mr. Basinski stated that the Cheitlin's are looking to swap the locations of the bathroom and laundry room on the first floor and increase the existing square footprint of the master bedroom by three square ft. Mr. Cheitlin stated that the habitable space will increase by 1.4% and non habitable by 12%. Mr. Cheitlin stated that the total area would increase by 3.6%. Mr. Cheitlin stated that the septic system was installed in 2006. It consists of a 1500- gallon septic tank, a distribution box and an infiltrator system. Mr. Cheitlin stated that the project has been approved by the Conservation Commission and will be before the ZBA next week. Ms. Peterson asked if there was anyone in the audience for 485 Circuit Ave. There was not. Mr. Andrews asked what the distance was from top of coastal bank to the edge of the soil absorption system. Mr. Cheitlin stated that it was 109 ft. and was approved in 2006. Ms. Coffin stated that it is below the Board's guideline and seems fairly minimal. **Mr. Barlow made a motion to**

APPROVE the request for a waiver to use the existing septic system for proposed renovations at 485 Circuit Ave. The packet received by the Bourne Board of Health is dated January 14, 2010 from Bracken Engineering. The attached site plan is also dated received January 14, 2010 prepared for Betsy and Kenneth Cheitlin by Bracken Engineering. The architectural are also attached and dated received January 14, 2010. Mr. Uitti seconded the motion. All in favor and the motion **PASSES**.

5. **207 County Rd-Jack Landers-Cauley for Ryan & Elizabeth Poirier-Requesting variance-Mr. Landers- Cauley** stated that in June of 2009 the Board did approve the upgrade of the septic system. Mr. Landers-Cauley stated that the system did have to be pumped with some regularity. Another engineer started this project but for whatever reason the family decided to change engineers. Mr. Landers-Cauley stated that they have been before the Conservation Commission and received approval from them for the installation of a micro fast with pressure distribution. Mr. Landers-Cauley stated that they are primarily requesting the same now but they are requesting to add a second bedroom as their family is growing. Mr. Landers-Cauley stated that the lot is two acres and will be well below the nitrate loading requirements that this Board would expect. Mr. Landers-Cauley stated that the family would like to add a bedroom on the second floor. Right now it is a vaulted ceiling and they would like to enclose a portion of that vaulted ceiling to provide a bedroom for their child. Mr. Landers-Cauley stated that this would increase the habitable space by about 14%. Ms. Coffin asked if he meant bedroom space or habitable space. Mr. Landers-Cauley stated that he is making the assumption that the entire house, 20x22, first and second floor, is habitable space. Ms. Coffin stated that she told Mr. Landers-Cauley that he had to break it down between bedroom space and non-bedroom space. Mr. Landers-Cauley stated that he misunderstood that. Mr. Landers-Cauley stated that they would also like to add a 12x12 mudroom, which would be a net change of 35%. Ms. Coffin stated that she had spoken to him at least three or four times regarding this and the packet she gave Mr. Landers-Cauley clearly gives the table of bedroom and non-bedroom. Ms. Peterson stated that she has questions regarding the Hoot system that Mr. Landers-Cauley is proposing. Mr. Landers-Cauley stated that he had spoken with the Hoot representative who had assured him six months ago that this system was being piloted for de-nitrification. Mr. Landers-Cauley stated that when he called the representative three days ago he was told that they do not have piloting for that particular model. Mr. Landers-Cauley stated that the reps logic was that they are getting 45-50% nitrogen reduction so there should not be a problem with approval. Mr. Landers-Cauley stated that the representative has to provide them with the product he had asserted to or they would ask the Board to approve the additional bedroom with the microfast de-nitrification system. Ms. Peterson stated that it was unclear what Mr. Landers-Cauley would like to do at this point. Mr. Landers-Cauley stated that he would like to know that if they stay with the microfast the Board would approve it or if the representative gives them the product that does de-nitrify the Board would still approve it. Ms. Peterson stated that the Hoot system is not totally approved in Massachusetts and speaking

for herself, she would not want to give an approval without hearing from a representative. Mr. Poirier stated that he did not want to come back and because the Board had approved the micro-fast system the last time and had wanted him to submit architectural he would rather stick with that plan. Ms. Peterson stated that she likes new alternative systems but cannot approve something new if all the plans aren't there. Mr. Andrews asked what system the plans were for that they had in front of them now. Ms. Coffin stated that that was for the Hoot system but the plans that were approved for the microfast system in July of 2009 were also in the file. Mr. Landers-Cauley stated that the Board had approved the house modifications for a two bedroom with the condition that he would put a two-bedroom deed restriction on the property. Ms. Peterson asked Mr. Poirier if he would like to wait a few weeks to get more information on the Hoot system. Mr. Poirier stated that he did not want to wait and would feel more comfortable with the microfast system. Mr. Andrews stated that they had approved the microfast system before and were just waiting for Mr. Poirier to return with the architectural. **Ms. Peterson made a motion to APPROVE the microfast system that had already been approved on June 10, 2009. The architectural of record are dated January 26, 2010. The system that is being approved is dated June 4, 2009, Received by the Bourne Board of Health.** Ms. Peterson asked Mr. Poirier if that was the plan that he was comfortable with. Mr. Poirier stated that yes that was the one with the pump chamber and aerator. Ms. Coffin stated that that was the microfast system. Mr. Poirier responded yes. **Ms. Peterson stated that the Board will require a two bedroom deed restriction on the property and maintenance and testing per the Board's alternative testing policy.** Mr. Landers-Cauley asked if this would include the bedroom and the mudroom. Ms. Peterson stated yes and that is shown on the new architectural. Mr. Landers-Cauley asked if the applicant could ask for a reduction in the testing in two years. Ms. Peterson stated that he could request it but that does not mean that it will be approved. **Ms. Peterson stated that the motion approves a variance of 15 feet from the separation of the septic tank to the edge of the wetlands from 50 ft to 35. A 110 foot variance from the required 150 ft. setback of the leaching facility to the edge of the wetlands and the alternative testing policy which is always in effect.** Mr. Barlow seconded the motion. All in favor and the motion PASSES.

6. **Pocasset Mobile Home Park**-Charles Austin and Joe Cavanaugh-Discussion and possible vote on license renewal. Mr. Rick Damon, head of maintenance for Pocasset Mobile Home Park has accompanied Mr. Austin to the meeting tonight. Attorney Cavanaugh is not present. Mr. Austin then asked to pass to the Board some documents. Ms. Peterson stated that she wanted to make clear that the Board of Health had some questions for Mr. Austin in the hopes that he will answer them. Ms. Peterson stated that after that they would take questions from the audience. Ms. Peterson stated that they would be discussing Board of Health issues only. Ms. Peterson stated that she has not read what Mr. Austin asked to have passed out and does not know if it pertains to the Board of Health at this stage. Mr. Austin stated that he only saw this document from 2003 three days ago

and that they were trying to take over his property then. Mr. Austin stated that there would be a lot of litigation about this. Ms. Peterson stated that Mr. Austin is here to answer questions from the Board of Health and he is well aware that the Massachusetts Attorney General has an attachment on his property. Ms. Peterson stated that whatever the date on that document is, Mr. Austin was required to put in a new septic system. Ms. Peterson stated that she wanted to be clear as to who signed the contract that was presented to the Board tonight. Ms. Peterson stated that Mr. Austin's attorney, Mr. Cavanaugh sent the contract in. Ms. Peterson stated it was an agreement for septic repair and inspection services. She is concerned that there seems to be a problem when anyone comes to the Park and tries to do work that they have to do and is not allowed to. Mr. Austin stated that there is a girl in the AG's office that has a lot to say and there is a man, Christos from DEP, that also has a lot to say and who, with Mr. Pritchard, the former Park manager, arranged all this business without his knowledge. Mr. Austin stated that he had no information at all as to what they did to his property. Mr. Austin stated that they went into the back and they stripped the land. Mr. Damon asked Mr. Austin to quiet down and stated that the Board only wanted to ask him if he was going to put in the new system. Mr. Austin stated no and shouted for Mr. Damon to keep quiet. At this time Mr. Damon got up to leave. The Board asked Mr. Damon to sit down and to let Mr. Austin speak. Ms. Peterson asked Mr. Austin when he planned to put the new system in. Mr. Damon stated that Mr. Austin was not going to put a new system in and will fight it to the end. Mr. Barlow stated that Mr. Austin is fighting with the Attorney General's office and the State. Mr. Austin stated that Mr. Pritchard wanted to put in 85 new lots on his property without telling him and Mr. Austin wanted to know who would pay all those bills for the septic upgrade if not the people that live there. Mr. Barlow stated that that is not what they are here for and there are repairs at the Park that have to be made. Mr. Barlow stated that when Ms. Coffin goes out to the Park for inspections Mr. Austin cannot be yelling at her and telling her to leave. Mr. Barlow stated that Ms. Coffin is only there to protect the residents and that is one of the reasons Mr. Austin is here tonight. Mr. Austin stated that there is not much he can tell them but there will be litigation. Mr. Barlow stated that he understands that and Mr. Austin has a right to fight it. Mr. Austin stated that years ago this whole business was caused by Mr. Pritchard's desire to put in 85 additional units. Mr. Barlow stated that that is something Mr. Austin has to tell the judge. Ms. Coffin stated that the septic is bubbling out of the leach pits. Ms. Coffin stated that what they are here to talk about is the fact that the park is up for relicensure. There are issues that the Board would like some comment on such as the contracts with Capewide. Ms. Coffin stated that Mr. Austin knows through the preliminary injunction that he has to keep the pits pumped if they are overflowing. Mr. Austin stated that he could not hear Ms. Coffin. Ms. Peterson asked Mr. Austin if that was his signature on the contract from Capewide. Mr. Austin stated that he had gone to Lakeville for a hearing. Ms. Coffin stated that that was something that happened a few years ago and the Board was not talking about that meeting. Mr. Damon stated that in regards to snowplowing, he has repaired their snowplow and he bought another plow truck and had an \$1800.00 retainer with Bobcat of Cape Cod. Mr. Damon

stated that he also has Joseph Agrillo Jr. under contract for sanding and salting and spoke with Joshua, the supervisor at Capewide, who will come in to plow if Mr. Damon is unable to. Ms. Peterson asked where the contracts were. Ms. Peterson stated that they have only received one contract and do not even know who signed it. Mr. Damon stated that he is only the maintenance supervisor and does not draw the contracts up, Mr. Austin and the attorney do. Mr. Damon stated that he has a signed contract from Joseph Agrillo for sanding and salting but did not bring it with him. Ms. Coffin brought the contract with Capewide over to Mr. Austin to show him. Ms. Coffin asked Mr. Austin if that was his signature on the contract. Mr. Austin stated yes but he wanted to read it. Mr. Austin stated that it just says that Capewide agrees to provide services to the park. Ms. Coffin stated that it was for the pumpings and the inspections that the State has required. Mr. Austin stated that Ms. Coffin claims those pumpings are necessary but they are very expensive and Capewide came in the other day and charged \$14,400 in one day. Mr. Austin asked who was going to pay these bills. Ms. Coffin stated that she ordered the pumping because the sewage was on the ground. Mr. Austin stated that he understood that, but he knows there has been a lot of sabotage of the septic system. Ms. Peterson stated that Mr. Austin should leave that to the courtroom. Mr. Austin stated that he did not understand what was going on. Ms. Peterson stated that if the Health Agent goes out to the park and sees septic overflowing she has the right to ask for anything to remedy that situation. Mr. Austin stated that they found grapefruit and beer cans and dozens of times diapers have been stuffed in the septic. Ms. Coffin stated that she remembers Bob Pritchard finding towels in the lines and if that is happening that may have something to do with some of the backups in the lines to the mobile homes, but further down at the end of the system the liquid is coming up the top of the pits which has nothing to do with that. Ms. Coffin stated that these pits are not leaching anymore. Mr. Austin stated that someone had broken the key piece in the sewer and let raw sewage run down and plug up the pits and he wants to wash the sides of the pits. Ms. Coffin stated that the pits have to be replaced because they are not working anymore. Mr. Austin stated that they are not working because no one will let him clean them. Mr. Austin stated that Ms. Coffin would not let him clean them either and she doesn't know anything about them. Ms. Coffin stated that she has been doing this job for 24 years. Ms. Peterson stated that the residents have some things to say and the Board has other questions for Mr. Austin. Ms. Peterson asked if anyone had any questions that pertained to the Board of Health. Gail Daniels who lives at 17 First Ave stated that she recently had a six- foot trench dug into her back yard because of a pipe. Ms. Daniels stated that the trench was left open and there are no lights in the park and she could have fallen in. Ms. Daniels stated that she was able to get in touch with Joshua from Capewide who told her that he was fired from that job and is now bringing them to court. Ms. Peterson stated that this was why the Board asked for signed contracts. Ms. Daniels stated that she had called and begged because she had to get out to get her prescriptions and there was a sinkhole. Ms. Daniels stated that Mr. Damon came over yesterday and put stones down so she could get out of her mobile home and get to her doctors appt. Ms. Daniels stated that she was a prisoner in her home for almost two weeks. Ms.

Peterson asked Ms. Coffin if she was aware of this. Ms. Coffin stated that Ms. Daniels had called her at the office and Ms. Coffin stated that she called Rick Capen of Capewide. Ms. Coffin stated that Joshua, of Capewide, then went out and called her to let her know that the day they did the work it was so cold that when they put the hard pack back in it did not set in the hole properly. Ms. Coffin told Joshua that Ms. Daniels was concerned and Joshua stated that he would go back out and take a look at it and would take care of it. Ms. Coffin stated that she did not hear anything else and thought that Joshua had taken care of it. Ms. Daniels stated that it was a big sinkhole. Ms. Coffin stated that now the frozen ground has melted and Joshua should take care of it. Ms. Peterson asked how he could take care of it if Capewide had been fired. Mr. Damon stated that Capewide was not fired. Mr. Damon stated that they are doing another septic repair on Friday at the end of Fourth Ave. Ms. Coffin stated that she did not think that Capewide had been fired. Ms. Daniels stated that she has been at the trailer park for 17 years and has never been late with her rent and does not feel that she is being treated fairly. Ms. Coffin stated that it is hard when repair work is done in the winter. Ms. Daniels stated that she understands that but you don't walk away at 9:00 PM at night and leave a six- foot deep trench wide open with no lighting. Ms. Peterson asked if Ms. Daniels had called the AG's office to report this. Ms. Daniels stated that no she only called Ms. Coffin and Mr. Austin's attorney. Mr. Damon stated that Capewide had come in to do some repairs and had to take down the fence at 17 First Ave. Mr. Damon stated that he found out at 7:55 that night that Capewide had broken a water line. Mr. Damon stated that Capewide filled in the hole and said everything was fine. Mr. Damon stated that the next day when it was light he went over and the yard was a mess. Mr. Damon stated that there was rocks and debris all over the yard and it was unacceptable. Mr. Damon stated that he put in a walkway for the woman and there is a little sinkhole where they fixed the waterline that he is going to fill in. Mr. Damon stated that he only has 61 more days with the Pocasset Mobile Park and he will be done. Mr. Barlow asked Ms. Daniels if her septic was working properly now. Ms. Daniels answered yes. Tony Pucci stated that he has lived in the Park for 25 years and has paid his rent every month. Mr. Pucci stated that this case has gone to the Attorney General's office and asked if it was going now to the DEP. Ms. Peterson stated that it has gone from the DEP to the Attorney General. Mr. Pucci stated that the way he understands it and maybe Mr. Damon could explain it to Mr. Austin is that once this gets into Chapter 21A Section 13 Mr. Austin could be fined \$25,000 per day for what is going on in the Park. Mr. Pucci stated that he has met with lawyers and residents are getting damaged in the park and he is sick of it. Mr. Pucci stated that they are putting their money in and are not getting anything back and someone has to step up to the plate and do something about it. Mr. Pucci stated that he has had a heart attack, a stroke, his eye taken out and his right leg taken off and the streets were not even plowed during a snowstorm. Mr. Damon stated that it was only one snowstorm. Mr. Pucci stated that the streets were a mess and they have been for 15 years. Mr. Damon stated that last year the streets were the best they have ever been. Mr. Damon left the meeting at this time. Mr. Pucci started to leave the meeting also. Mr. Barlow asked Mr. Pucci to come back

so the Board could continue to hear him. Mr. Pucci stated that he is the tenant and Mr. Austin is the landlord and he is supposed to take care of them. Mr. Pucci stated that he came into the park in 1985 and Mr. Austin has been ripping him off every day since then and has been stealing from the residents because he does not take care of his property. Mr. Barlow stated that this is really not the place for this. Mr. Pucci asked when something would be done before someone falls in the sewer and dies or, someone gets murdered in the Park with all the drugs and everything else that is going on. Ms. Peterson asked Mr. Austin if he understood what he was putting these people through by not following through on the septic problems. Mr. Austin stated that he could not understand them. Mr. Pucci asked Mr. Austin if he could see and read. Mr. Pucci stated that he had pictures of Mr. Austin driving through the park that day. Mr. Austin stated that he had driven through the park three times that day and that there are always people there that are on drugs. Ms. Peterson stated that this is not what the hearing is for. Mr. Austin asked Mr. Pucci why he stays at the Park. Mr. Pucci stated that he is disabled and has nowhere else to go. There was heated discussion between Mr. Pucci, other residents and Mr. Austin. Mr. Barlow stated that the Board had to stick to Board of Health Issues and septic issues even though there are a lot of personal issues residents would like to bring up. Mr. Pucci left the meeting at this time. Cindy Carvelho, 2 Fourth Ave, stated that she was fortunate to have moved out of the Park. Ms. Carvelho stated that she has to go back tonight because her neighbor has septic backing up into her house. Ms. Carvelho stated that Mr. Damon could not go over and fix it because he did not want to take off his suit. Ms. Peterson asked if Capewide had been called yet. Ms. Carvelho stated that she had just found out about it before she got to the meeting. Ms. Peterson asked for her neighbor's name and telephone number. Ms. Carvelho stated that her name was Karen Foran at 4 Fourth Ave and gave a phone number. Mr. Austin stated that this was a convenient back up. Ms. Carvelho stated that backups were happening all the time. Ms. Peterson asked Ms. Coffin to call Ms. Foran and Capewide after the meeting regarding the backup. Ms. Coffin stated that she was supposed to call Mr. Damon first and then he is supposed to call Capewide. Mr. Barlow stated that this was a hearing on the license and the license has to be issued because the residents need a place to live. Mr. Barlow stated that the Board could set conditions on the license. Mr. Barlow stated that the residents should try and come up with some simple suggestions that the Board might be able to accomplish to make the residents lives a little easier but they have to relate to safety, health and environmental issues. Mr. Barlow stated that the sewer system upgrade has been taken over by the DEP and the AG's office but that they did inform them that they could put some basic conditions on the renewal of the license. Mr. Barlow stated that they can have Mr. Austin come in every four months or so and give them a progress report. Rosalee Cole stated that she called the Attorney Generals office and spoke with Theresa Walsh who is the Asst. AG of the Manufactured Housing Unit. Ms. Cole stated that Ms. Walsh told her that the residents couldn't be put out of the park if the Board does not renew the license because they are protected by 140 in the manufactured housing law. Mr. Barlow stated that Ms. Coffin and Mr. Barlow had a conference call with the

AG's office and Tracy Triplett stated that she would prefer that the Board of Health issue the license with conditions. Mr. Barlow stated that it would not help the situation for them not to issue the license. Ms. Cole stated that by issuing the license the Board is reinforcing Mr. Austin's poor behavior. Ms. Peterson stated that she wanted to clarify why Mr. Austin was asked to come to the meeting. Ms. Peterson stated that the Board had asked for a signed septic repair contract, which the Board received, but none of the other contracts the Board requested. Ms. Peterson stated that they asked for the snow removal contract, the repair contract for lights, and a number of other contracts that they wanted signed and dated by Mr. Austin but they have not been provided to the Board. Ms. Peterson stated that Mr. Austin has a tendency to say he is going to have something done and then fires the people. Mr. Austin stated that he could not understand what Ms. Peterson was saying. Mr. Barlow stated that Ms. Peterson perceives along with everyone else in the room that when Mr. Austin agrees to have something happen somewhere down the line there is a disagreement and the person originally hired to do the work may find himself seeking other employment. Mr. Austin stated that Mr. Agrillo has already signed for the snow removal. Mr. Barlow stated that they understand that. Ms. Peterson stated that the Board does not have anything in front of them that says that. Mr. Barlow stated that what Ms. Cole is saying is true and the Board could decide not to issue the Park license, but the Board has been advised by the AG's office not to do that. Ms. Coffin stated that Tracy Triplett is the one handling the court case not Theresa Walsh. Ms. Cole stated that she had not talked to Tracy Triplett. Ms. Coffin stated that Tracy Triplett of the Environmental Division, who is filing the case in court, advised them that it was better if they did not refuse to issue the license. Ms. Peterson stated that the Board had asked Mr. Austin's attorney to be here tonight because supposedly Mr. Austin has said that his attorney has the capability to get the things done. Mr. Austin stated that he could not understand Ms. Peterson. Mr. Barlow stated that Ms. Peterson wanted to know why Mr. Austin's attorney was not at the meeting tonight. Mr. Austin stated that he did not want him there. Ms. Peterson stated that the Board wanted Mr. Cavanaugh at the meeting. Mr. Barlow did not see how not issuing the license would help the residents. Mr. Barlow stated that the only way they can help them is if they continue to go forward and set conditions on the license and getting repairs done. Mr. Barlow stated that if they do not issue the permit and the Park ends up closed that could be a disaster and he does not want to do that. Ms. Cole stated that the Board should call Theresa Walsh at the AG's office because she deals with mobile homes. Ms. Coffin stated that she had already spoken to Ms. Walsh and it is a long process to close a Park. Ms. Coffin stated that the Board is dealing with the environmental protection division, which is the Tracy Triplett part. Ms. Coffin stated that the Board has to deal with whoever is filing the case in court. Ms. Peterson stated that they want to get the signed contracts in so they have someone to deal with when these problems arise but is not getting very far with Mr. Austin. Mr. Austin stated that when Ms. Peterson asked him why his attorney was not here he did not understand her. Mr. Austin stated that Ms. Coffin would remember several weeks ago his attorney called Peter Valeri and told him to go to the Park and dig up the main septic line.

Mr. Austin stated that he did not tell him to do that. Ms. Coffin stated that Mr. Cavanaugh told her he had Mr. Austin's approval to do the work. Mr. Austin stated that he did not. Mr. Austin stated that the other day his attorney called Capewide and told them to go up and make those repairs and they tore up that lady's yard and the water line and the whole road. Ms. Coffin stated that the septic was all backed up. Ms. Peterson stated that Mr. Cavanaugh is under agreement with Mr. Austin, and by the Attorney General, to be able to order work to be done. Ms. Peterson stated that the Board is trying to explain to Mr. Austin and that he has to allow these people to do the work. Mr. Austin stated that you don't just toss out thousands of dollars every time you turn around. Mr. Austin stated that the Board couldn't imagine the amount of money that Mr. Pritchard spent. Ms. Peterson stated that they are not talking about Mr. Pritchard they are talking about Mr. Cavanaugh. Mr. Austin stated that Mr. Cavanaugh doesn't know anything about construction. Mr. Austin stated that he worked on that trailer park when it was being built and knows what's in it. Mr. Austin stated that Ms. Coffin was told that the orangeburg was deteriorated but that is just as good as when it was put in except for the tree roots. Ms. Peterson asked Mr. Austin if he was going to let anyone work at the park to fix these problems. Mr. Austin stated that they have three people working there. Mr. Barlow stated that Ms. Peterson means to fix the septic. Mr. Barlow stated that the septic system needs to be replaced because it has failed. Mr. Austin stated that it does not need to be replaced and all it needs is a cleaning. Ms. Peterson asked again if Mr. Austin is going to allow anyone to fix that septic system. Mr. Austin answered absolutely. Ms. Peterson asked when. Mr. Austin stated that he wanted to clean the pits and that is not a hard job. Ms. Cole asked who would enforce the conditions that are put on the license. Ms. Peterson stated that the Board of Health would. Ms. Coffin stated that she wanted the Board to know that Capewide has asked the AG's office to consider some type of treatment and that is in discussion right now. Ms. Peterson stated that she wants Mr. Austin to understand that if the State allows him to clean those pits she wants him to state here tonight that the company hired will be allowed on the property. Mr. Austin asked what people. Ms. Coffin stated that Capewide is working for Mr. Austin now. Mr. Austin stated not anymore after \$14,000. Ms. Daniels asked if they had the right as residents to vote on renewal of the license. Ms. Peterson stated no but that does not mean that they can't put a letter together and sign it and send it to the Board of Health to be taken under advisement. Kathy Vanderly, 14 Second Ave, stated that she is concerned with who would come in and plow and who would come in and take care of the septic if the license was not issued. There was general discussion between the residents about the condition of the park and where their rent money has gone. Ms. Vanderly stated that the only time anything got done was when Bob Pritchard was the manager. Ms. Peterson stated to Mr. Austin that this couldn't be comfortable for him. Mr. Austin stated that it is not comfortable. Ms. Peterson asked him what he was going to do about it. Mr. Austin stated that they are working every day in there. Mr. Austin stated that they have beautiful trees in the park but the roots are getting into some of the pipes. Ms. Peterson asked the audience to please quiet down. Mr. Austin stated that the roots are getting in the

pipes so they will cut the roots and replace the pipe. Ms. Peterson asked Mr. Austin if Mr. Damon still worked at the park. Mr. Austin answered yes, everyday. Mr. Barlow asked Mr. Austin if he lived in the Park. Mr. Austin answered no. Mr. Barlow asked Mr. Austin if he would live there. Mr. Barlow stated that all the people that are here have to live in that Park. Mr. Barlow asked Mr. Austin if he had sewer backup in his house. Mr. Austin answered no. Mr. Barlow stated that the residents have had enough. Mr. Austin stated that the backups are from the residents jamming towels down there. Mr. Barlow stated that they do not want to hear that and they would like to hear the residents give some suggestions as to the conditions on the license. Mr. Barlow stated that some of the residents do not want the Board to issue Mr. Austin a license at all. Mr. Austin stated that many of the residents that have spoken have been withholding their rent for over a year. Ms. Peterson stated that that is not the Boards business. Mr. Damon returned to the meeting at this time and apologized for walking out. Dan Kelley stated that he bought a house at the trailer park last year and would like Mr. Austin to buy it from him because every day he is afraid he will get thrown out. Mr. Barlow stated that this is not a condition they could put on the license. Ron Vanderfelt, Second Ave, stated that he feels if Mr. Austin does not do the repairs he should be a guest of Barnstable County. Ms. Vanderly stated that an obvious condition of the license should be the regular pumpings and that if there is a break in the septic line, someone should be out there immediately. Mr. Damon asked if he could address what Ms. Vanderly stated. Mr. Barlow stated that she has a right to voice her concerns and they do not want any rebuttal from him. Mr. Damon stated that he is also a tenant. Mr. Barlow stated that if Mr. Damon had a suggestion of a condition they would be happy to hear it. Mr. Damon stated that Mr. Austin should be fined. Ms. Peterson stated that she would like to see a \$25,000 fine a week. Ms. Peterson stated that Mr. Austin could appeal it when he gets the work done. Mr. Damon, #1 Second Street, stated that he has had 15 helpers and they have all been fired. Ms. Peterson asked Mr. Damon if he was aware that there is a backup at #4 Fourth Avenue. Mr. Damon stated that he is aware of it and has it under control. Ms. Peterson asked Mr. Damon if Capewide had been fired. Mr. Damon stated that they had not. Mr. Damon stated that he had just spoken to Attorney Cavanaugh and he is sorry he could not make it to the meeting. Mr. Damon stated that he had also called Joshua from Capewide about the backup on 4th Avenue. There was general discussion regarding the summary judgment and the fact that the Board feels the case is further along and that the affidavits have been submitted. Ms. Peterson stated that if it were up to her she would not issue the license because she feels that Mr. Austin will do whatever he wants but the Board is looking for conditions to put on the license. One resident suggested that the conditions are put in writing so Mr. Austin could read them. Ms. Peterson stated that she would like Mr. Austin to sign the conditions in front of the Board at the next meeting. There was general discussion among the residents about setting conditions and how long many of them have lived at the Park. Many of the residents are wondering why DEP has not done anything other than turning the case over to the Attorney General. One resident suggested that the Town declare a state of emergency and take over the Park. David Burg, 9 Second Ave, suggested

that the residents receive a substantial reduction in their rent. Ms. Peterson stated that that is not something that has anything to do with the Board of Health and if the residents are not paying their rent hopefully they are putting it in a bank that shows it is being held in escrow. Mr. Andrews stated that Mr. Austin is upset that the residents are not paying their rent but how would he like it if the Board fined him \$100 for the first instance and \$200 for the second and \$300 for the third and everyday is another violation. Mr. Austin stated that the Board would own the trailer park. Mr. Andrews stated that the Board could fine him that much money for not providing the residents with a proper septic system. Mr. Austin stated that he is doing everything he can. Mr. Andrews stated that he does not believe he is doing anything. Mr. Andrews stated that he keeps firing the repair workers. Mr. Damon stated that the lawyer is not fired but Mr. Austin does fire people every day. Mr. Andrews stated that personally he does not think Mr. Austin cares about the residents of the Park or the Board of Health. Mr. Austin stated that he does care and is in his 97th year. Mr. Andrews stated that he showed little respect to the Agent or the Chair and it was a disgrace. Mr. Damon stated that he had to leave because he had a prior engagement and did not think it would take this long. Ms. Peterson stated that she thought Mr. Damon had said he was going to help the woman with the septic backup. Mr. Damon stated that he was and that was his prior date. Ms. Peterson stated that they could call Capewide and have them there right away. Mr. Damon stated that he quit and told Mr. Austin to find a ride home and left the meeting. Mr. Barlow stated that this is going to court and what happened at the meeting tonight is irrelevant other than the fact that the residents have given them conditions that they feel the Board should put on the license. Mr. Barlow stated that they are going to review this every three month this year. Ms. Peterson stated that they would review it every single month. Ms. Peterson stated that she wanted Mr. Austin to sign the license in front of these people and wants him at the meeting every month. Mr. Barlow stated that so far the conditions are that it will be pumped regularly and repaired whenever it's needed and Mr. Austin is not to stop Ms. Coffin from coming into the Park. Mr. Austin stated that he couldn't understand people when they shout at him. Mr. Barlow stated that they were going to give it to Mr. Austin in writing so he could understand. Ms. Coffin stated that the repairs and pumping are already in the preliminary injunction. Mr. Austin stated that Ms. Coffin could come on the property whenever she wants. A resident stated that he was there when Mr. Austin was swearing at everyone and kicked them all off the property. Mr. Barlow stated that even if he is 97 years old please don't swear and kick Ms. Coffin off the property. Mr. Austin stated that the paper he had passed out earlier was a bid from the same person (Peter Valeri) who accompanies Ms. Coffin through the Park and is her advisor. Mr. Barlow stated that he does not agree with that and is just trying to tell him the conditions and no one is Ms. Coffin's advisor. Ms. Coffin stated that Mr. Valeri was working for Mr. Austin at the time. Mr. Barlow stated that if the repairs are not done immediately they are going to impose some pretty stiff fines on Mr. Austin. Mr. Barlow stated that the State has \$10,000 sitting in escrow and when it is used Mr. Austin has to put more money in to it. Mr. Austin stated that everything he has is for his daughter and granddaughter. Mr. Barlow stated that that is fine but he is

telling him that these are the conditions the Board is going to discuss and probably impose on the license when and if they get him the license. Mr. Austin stated that they do everything they can to keep up with repairs, but it's difficult to keep up with it when people call and complain about the drain in their house. Mr. Barlow asked Mr. Austin if he hears these people when they call and complain. Mr. Austin stated that they call Rick Damon. Mr. Barlow stated that Mr. Damon got mad and left. Ms. Peterson stated that Mr. Austin can say anything he wants about who owns the property but all of the State and all of the Boards documents will be written to Mr. Austin, his daughter and granddaughter and anyone who might possibly have something to do with the Park. Mr. Barlow stated that they are not talking about dollars but about the rights of people to have a decent living existence. Mr. Pucci stated that the previous manager was on his way to improving the roads and get the place right. Ms. Coffin stated that Mr. Pucci was talking about Mr. Pritchard. Mr. Barlow stated to Mr. Austin that Mr. Pucci and a lot of the residents feel that Mr. Pritchard was working in the best interest of Mr. Austin and the residents. Mr. Austin stated that they didn't know what was going on. Mr. Austin stated that he gets a bill for \$16,000 from a CPA and a bill for a backhoe attachment that is \$18,000. Mr. Barlow stated that Mr. Austin has 200 lots and has a lot of money coming in from rent. Mr. Austin stated that he is just breaking even. Mr. Barlow stated that they do not want to talk about the money he just wants the people to be able to flush their toilets. One of the residents stated that she would like to have an on site manager if Mr. Damon leaves. Mr. Austin stated that he could not understand them. Ms. Peterson stated that that is why they wanted his attorney here tonight. Mr. Barlow stated that he is not lobbying for Mr. Pritchard and knows that Mr. Austin thought Mr. Pritchard spent too much money but the tenants in the Park would like to have a qualified manager they can call in an emergency. Ms. Peterson asked Mr. Austin who his park manager was right now. Mr. Austin stated that he was and that Mr. Damon was the maintenance manager. Mr. Austin stated that Mr. Damon was a hard worker. Mr. Mulvey asked if the residents of the park had any type of tenants association with one person in charge. The residents answered that they do not. Mr. Mulvey stated that the Board of Health has done everything that they legally can and enforcement is the problem. Mr. Mulvey stated that the tenants could seek a pro bon attorney willing to take on their cause in the interest of public health and safety. Ms. Peterson stated that the AG has taken over the court case. Ms. Coffin stated that they should still have a tenants association. One of the residents stated that they had an association for 10 years with 62 members and then nobody wanted to pay \$10.00 a year for membership and the residents of the park are the ones who are to blame. One of the residents asked if they could get the stipulations to the license before they left. Ms. Peterson stated that they have not decided on them yet but would have Mr. Austin back in two weeks for the meeting on February 10, 2010. Mr. Barlow stated that everything would be in writing so Mr. Austin can understand it and he will sign it. Ms. Peterson asked the audience to please quiet down. Mr. Barlow stated that the conditions should go before Town Counsel. Mr. Barlow stated the Boards oversight over Mobile Home Parks is very limited by the State. Ms. Peterson stated that there were 20 copies of a document sent by

Tracy Triplett to pass out that states that the cost of the septic cannot be passed on to residents unless the court tells Mr. Austin differently. There was general discussion between the residents and the Board as the residents were leaving regarding the problems at the park. Ms. Peterson stated that the Board would like Mr. Austin to return in two weeks on February 10, 2010. **Mr. Barlow made a motion to take a five-minute recess. Ms. Peterson seconded the motion. All in favor and the motion PASSES. The meeting was called back to order at 9:30 P.M.**

7. **Stable Regulations**-Discuss and possible vote regarding amendments-Ms. Peterson stated that a lot of information had been passed out to the Board members tonight that she would like them to spend time reading but in the meantime Mr. Lopes would like to go over some of the information with them. Ms. Peterson stated that she would like to forego a vote tonight so they can have a chance to read all the new information. Ms. Peterson stated that Ms. Coffin had also previously given them a lot of information. Mr. Paul Lopes stated that he was at the meeting in December to discuss his concerns regarding the changes in the stable regulations. Mr. Lopes stated that he had made some comments that may have caused some disagreement and he wanted to go back and pull all that information together and he would like the members to review that over the next couple of weeks and then reconsider the change that they had made in the regulations. Mr. Lopes stated that he had made a comparison of towns in MA and the various stable regulations. Mr. Lopes stated that the stable regulations before the change are pretty much in line with many of the towns that he had made the comparison to. Mr. Lopes stated that many of the towns have minimum requirements of either acres or square footage for the number of horses that are allowed on a property. Mr. Lopes stated that the issue of nitrogen, manure and urine from the horses that is concentrated on a small piece of property becomes an issue that is not an issue when they are spread out over large areas of land. Mr. Lopes stated that there are differences between private and commercial stables. Mr. Lopes stated that people that have horses often move to renting or charging people to stable horses just to make money to keep their own horse and that exists in every town. Mr. Lopes stated that he hopes the Board would differentiate between a commercial and a private stable in terms of running a business rather than just having a hobby. Mr. Andrews asked if he would consider it a hobby if people boarded a horse in order to keep their own horse for free. Mr. Lopes stated that he would not consider that a hobby because then you have activity seven days a week sometimes 12 hours a day with people riding, grooming and caring for their horse and it virtually becomes a business. Ms. Peterson stated that Bill Clarke is the guru at the Cooperative Extensions and one of the things he said was that every person should have a manure management plan in writing as to how they are going to manage their manure. Ms. Peterson stated that George Heufelder, who runs County Health, is our guru on septic systems and is testing at the septic test site at the base because they feel that horse urine is a problem into the septic system. Ms. Peterson stated that they do not have those figures yet and nothing has been published yet. Ms. Peterson stated that Mr. Heufelder said they

do not just do these things randomly and think there might be a problem so that is why they are testing it. Ms. Peterson stated that they couldn't really comment on it because they don't know how the tests will come out but she does want everyone to be aware of it. Ms. Peterson stated that she has spent a lot of time reading over the informational documents and has highlighted certain areas that the members can look over in the next few weeks. Ms. Peterson stated that when she talked to Mr. Clarke he felt that there should be an acreage requirement per horse and everything that she has read shows that. Ms. Peterson stated that there are a lot of soil analyses in the documents that show that there could be a problem. Mr. Lopes stated that he often gets calls at his job working at Cooperative Extension when they want to renew a pasture and they will start with a soil test and will find out that the urine and the manure build up the nitrogen level where grass would not grow. Mr. Lopes stated that he took five soil samples randomly from the pasture and five soil samples randomly from the paddock and stable areas mixed them together and had a soil test that showed that the potassium levels and nitrogen levels and the salts were elevated around where the horses are concentrated which means that if you keep a horse in a small area then you are asking for that problem to develop over time. Mr. Lopes stated that if you have an acre or two for them to move around the problem is diminished considerably. Mr. Lopes stated that some work was done in the Westport-Dartmouth area about the nitrogen loading in some of the estuaries around the area and they came to the conclusion that 60% of the nitrates in that area were generated by the dairy farms that were in close proximity. Mr. Barlow asked Mr. Lopes if he was talking about the Westport area. Mr. Lopes answered yes. Mr. Barlow stated that that was a different situation altogether. Mr. Lopes stated that his point was that livestock generate urine and manure that results in nitrogen. Mr. Barlow stated that he thinks they are all going to have to read the documents and look at the different local situations that they have existing in town now. Mr. Barlow stated that there are a lot of people in town that have horses and are maintained well and maybe it would be good idea for the Board members to go and take a look at some of them. Mr. Barlow stated that he certainly does not disagree with Mr. Lopes thoughts but would like to take a look for himself. Mr. Barlow stated that Mr. Lopes had done some excellent work and it certainly warrants looking at and maybe the Board would make some adjustments. Mr. Lopes thanked the Board for their time. Mr. Barlow stated that he would ask for a month to review the documents, as he is not going to be at the next meeting. Ms. Peterson stated that they could continue the discussion at the meeting of February 24, 2010. Ms. Peterson stated that they would not take a vote on the stable regulations tonight because there is too much information to process.

8. **Approval of Minutes dated January 13, 2010-**Mr. Barlow stated that on Page 8 of the minutes he would like to address that he had made a statement-*Mr. Barlow stated that Mr. Locke just happens to live across from Bassett's Island and does not like to look across and see all the boats there.* Mr. Barlow stated that he would like that statement to read: *Mr. Barlow stated that Mr. Locke just happens to live across from Bassett's Island and Mr. Barlow believes that he does not like*

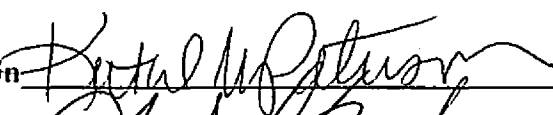
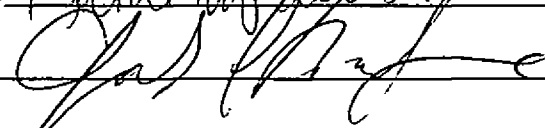
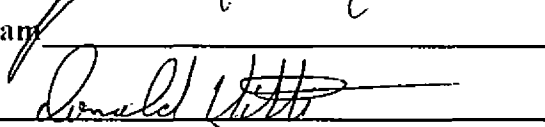
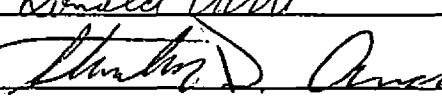
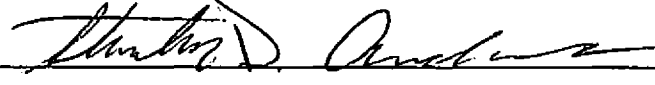
to look across and see all the boats there and if it is made a public bathing beach the boats will not be able to be there. Mr. Andrews made a motion to APPROVE the minutes as amended. Mr. Uitti seconded it. All in favor and the motion PASSES.

9. **Other Business-** Ms. Peterson stated that Mashnee Island Beach Club would be sold probably on Friday. Ms. Peterson stated that it was not official and not on record but the island residents will be buying it. Ms. Coffin stated there will be another flu clinic in Saturday from 10:00-1:00. Ms. Peterson stated regarding the Pocasset Mobile Home Park that what she took from the meeting was that the Board would like to issue the license but with stipulations. Ms. Peterson stated that she would like everyone to take some time and think about what stipulations they would like to add and send them to each other so everyone can take a look. Ms. Peterson stated they have never collected a fine from anyone but she would like to impose a fine and if Mr. Austin ever walked away from the trailer park at least they would be in line to recover some of the money that has been spent. Mr. Andrews stated that they have set fines before with lead abatement and have found that it is a very powerful tool. Ms. Peterson stated that they cannot force Mr. Austin to pay his attorney to come to the next meeting but she would really like the attorney here. Ms. Peterson stated that Mr. Austin is going to read the license word for word along with the conditions put on it in his own voice so it will be on record that he is signing it willingly. Ms. Barth asked if the Board had any authority to ask the AG's office to appoint someone to oversee this if Mr. Austin is not competent. Ms. Coffin stated that she has spoken to Ms. Triplett about this and that decision would have to come through the courts. Mr. Barlow stated, that in his opinion, Mr. Austin did not seem competent tonight to be running the Park.

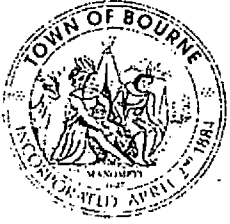
Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 10:00 P.M. The next meeting is scheduled for February 10, 2010

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



Cynthia A. Coffin,
Health Agent

February 9, 2010

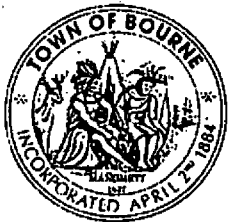
**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



2010 FEB 9 AM 10 01
TOWN CLERK'S OFFICE
BOURNE, MASS

BOARD OF HEALTH MEETING 2/10/10 CANCELLED

The Board of Health Meeting for February 10, 2010 has been cancelled due to the forecast of an impending snowstorm.



**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 10, 2010

Time:

7:00 P.M.

Place:

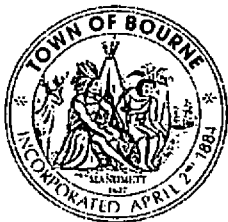
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

2010 FEB 4 PM 1 31
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA ITEMS:

1. Pocasset Mobile Home Park-Continued-Charles Austin and Joe Cavanaugh-Discussion and possible vote on license renewal
2. 61 Harbor Drive-Joseph Palumbo Jr.-Requesting extension on variances originally granted 2/13/08 and extended to February 13, 2010
3. Discussion regarding Bourne Landfill Business Model Working Group
4. Approval of Minutes dated January 27, 2010
5. Other Business

Signed: *Kathy M. Burgess*
Title: Secretary
Date: February 4, 2010



**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 24, 2010

Time:

7:00 P.M.

Place:

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

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TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA ITEMS:

1. **Pocasset Mobile Home Park-Continued**-- vote on license renewal
2. **61 Harbor Drive-Joseph Palumbo Jr.-Requesting extension on variances originally granted 2/13/08 and extended to February 13, 2010**
3. **Discussion regarding Bourne Landfill Business Model Working Group**
4. **Stable Regulations- Continued-Discuss and possible vote regarding amendments**
5. **Alan D. Hanscom, LSP, Beta Group, Inc. – Preliminary meeting with the Board of Health to discuss permitting and site assignment process for proposed handling of fly ash from Mirant-Canal Power Plant.**
6. **Approval of Minutes dated January 27, 2010**
7. **Other Business**

cc Board of Selectmen/Town Clerk

Cynthia A. Coffin
Signed: Cynthia Coffin
Title: Health Agent
Date: February 18, 2010



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

February 24, 2010

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

Support Staff: Cynthia Coffin, Health Agent.

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

1. Pocasset Mobile Home Park – Continued- vote on license renewal—Ms. Peterson stated that the Board of Health had received a letter from Mr. Joseph Cavanaugh, Mr. Austin's attorney, asking that the Board not hold the hearing tonight due to Mr. Austin's illness. Ms. Peterson reviewed Board of Health guidebook and pursuant to MGL 31A)(1a), the Board needs to put off the vote on the license to the next Board of Health meeting. Mr. Cavanaugh has asked for a month's continuance, but Ms. Peterson stated that the item would be continued for two weeks. Mr. Cavanaugh or some other designee can be available for the next meeting if Mr. Austin is still unable to make the meeting. Ms. Peterson went on to make a motion that although this item is not being discussed at tonight at the request of Mr. Cavanaugh, the decision on the license would be made in two weeks, with or without representation from Mr. Austin. Ms. Barlow seconded the motion. It was unanimous. Ms. Peterson read the request from Mr. Cavanaugh to the audience when one Park resident questioned what the letter had stated. Ms. Peterson also stated that the Board would check with Town Counsel to make sure that the Board can continue with the decision on the license in two weeks in light of the request for the month's continuance. Mr. Fucci, audience member, was told that the next meeting would be March 10, 2010. Mr. Barlow stated that the license fee has been paid and the Board of Health is just waiting to make a decision on the conditions to issue with the license.
2. 61 Harbor Drive – Joseph Palumbo Jr.- Requesting extension on variances originally granted 2/13/2008 and extended to February 13, 2010. – Mr. Palumbo

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TOWN CLERK'S OFFICE

stated that due to the bad economy he has not been able to proceed with work on the house and he would like another six-month extension on the existing variances. Mr. Uitti made a motion to grant a six-month extension to the variances for 61 Harbor Drive. Mr. Andrews seconded the motion. It was unanimous. The variance was extended to August 13, 2010.

3. Discussion regarding Bourne Landfill Business Model Working Group – There was general discussion among the Board members regarding the proposed working group. Ms. Peterson is concerned that the working group will take a lot of time and she is not sure that it will be time used wisely. She stated that anyone on this committee from the Board of Health would have to be careful about who he or she speaks to because the Board of Health will ultimately have to vote on one or more of these future proposals. She stated that it may be the Selectmen's decision initially but it will have to come before the Board. She was under the impression that the Town was going to hire someone in the future to do the Town's RFP's and state what the Town was looking for. Ms. Peterson's feels that this is too much of a blanket of an RFP. She doesn't believe that this working group will be able to accomplish what is being asked. She is also concerned that all of the businesses that may have ideas for the future of the landfill will take up a lot of Mr. Barrett's time, and others at the landfill. She would like to make sure that all of the odor issues are truly resolved before more time is taken from Mr. Barrett's day. She is also concerned that the Board does not have the expertise to review any of these proposals. Mr. Barlow stated that while he agrees with everything that Ms. Peterson said, this is still a request from the Selectmen and if anyone on the Board is interested then they should be allowed to serve. Mr. Andrews stated that he does have an interest in serving on the new working group. Ms. Peterson made a motion to appoint Mr. Andrews as the Board of Health member to serve on the new Landfill Business Model Working Group. Mr. Barlow seconded the motion. It was unanimous. Mr. Barlow stated that this group is advisory only and that Mr. Andrews will need to report back to the Board of Health. Ms. Peterson reminded Mr. Andrews that he cannot make any decision or statements for the entire Board.
4. Stable Regulations – Continued –Discuss and possible vote regarding amendments. Ms. Peterson asked if the Board members had the chance to read through all the documentation that was provided at the last meeting. Mr. Barlow stated that he had not read through all of it, but that he had scanned thru it. Mr. Barlow asked what Mr. Lopes was looking for as to changes with our regulations. Mr. Lopes stated that he was concerned with the most recent changes to the stable regulations that reduced the required setbacks. Mr. Lopes stated that the proximity of horses to neighbors create problems. Mr. Lopes felt that with the history of his neighbor, he has concerns that problems could develop with the changes that have been made. Knowing all the other issues with horses, Mr. Lopes decided to come to the Board to reconsider the changes in light of the problems with manure management and nitrogen loading, runoff problems and nuisances that can be presented to neighbors. Mr. Lopes feels that the changes can increase the number

of horses that will now be allowed on small lots. There was a discussion about the original setbacks and the changes made. Ms. Coffin stated that she felt that the revised regulation was a good one, but if the Board wanted to go back to the original setbacks, that would be okay too. Ms. Peterson stated that many towns are really taking a harder line on stable issues. She has a recommendation that any new applicant for a stable license will have to have a manure management plan. She referred to the study being done by George Heufelder at the Otis Test Site to document the effects of horse urine on nitrogen loading and subsequently groundwater. Although the work is not completed as of yet, she stated that the study is being done because that there is a feeling that this horse urine is a problem. She believes that there should be an acre per horse restriction and would like to see this in the future. This would not apply to anyone who already has a permit. Mr. Barlow stated that he would like to see Mr. Heufelder's study as well. Ms. Peterson stated that the study should be completed late spring/early summer. Mr. Lopes was unaware of this study. Ms. Peterson would definitely want to add the requirement for a manure management plan to our regulation. She stated that the revised regulation already requires any applicant to come to the Board of Health for a permit. She will wait for the results of the urine study before she addresses any other changes. Mr. Lopes stated that years ago dairy farms used to spread the manure over the fields, but nowadays manure has to be stored until spring. Farmers also have to have a manure management plan in order to prevent large amounts of run-off in large-scale operations. While one horse is not the same situation, there can still be issues and if the horse is on a small piece of land then the problem is concentrated. Ms. Peterson restated that anyone has to come before the Board in order to have a horse and now the Board will also require a manure management plan and the approval of said plan. She would like to see this item revisited around July. Mr. Andrews agreed with these statements. Mr. Barlow asked what would need to be changed in order to have the regulations go back to what they were before. Ms. Coffin stated that the entire reference to Bourne zoning would be eliminated and the wording would need to go back to where it was before. She feels that the manure management plan is more the key issue and agrees with what Ms. Peterson has stated. Mr. Uitti made a motion to add the requirement of a manure management plan to our regulations and to continue this item for discussion to the Board's first meeting in July. Mr. Andrews seconded the motion. It was unanimous. Mrs. Lopes asked who would follow up to see if the manure management plan was being followed. Ms. Coffin stated that the Town only does inspections of the barns once per year, but if there were complaints regarding manure handling the office would respond to those complaints. Mrs. Lopes also stated that she would like the requirement to be one acre per horse. Mr. Lopes stated that he believes that Bourne's town regulations on stables are very lenient.

5. Alan D. Hanscom, LSP, Beta Group, Inc. – Preliminary meeting with the Board of Health to discuss permitting and site assignment process for proposed handling of fly ash from Mirant-Canal Power Plant. Mr. Hanscom, from Beta Group, representing Louis and Carol Gallo and Sagamore Trucking and Rail. Mr.

Hanscom stated that there is a proposal for Sagamore Trucking and Rail to request a Site Assignment in order to change the current fly ash recovery operation from rail to trucking. Mr. Hanscom handed out a Site Assignment Timeline. As background, in 1993 DEP issued a permit without site assignment since the fly ash from the Mirant Plant was being recycled in order to recover the vanadium that was a component of that ash. At the site of the Gallo facility ash was transferred from roll offs to rail cars and was shipped to an Arkansas recovery plant. Now the Mirant Plant is burning an oil that is very low in vanadium and it is no longer cost effective to ship the ash to Arkansas by rail. The facility would be converted for trucking with the intent to be able to convert back to rail if the need should arise. Mr. Gallo stated that 600 tons of fly ash were handled last year. Mr. Gallo is looking for a three year extension on his contract with Mirant. He stated that he would be lucky to move 2,000 tons in the next two to three years. In 2009, only one load was taken out of the whole plant. Mirant wants to keep Sagamore Truck and Rail in the picture due to their flexibility to handle the waste ash. The company also services the plant in other ways. The facility will need a Site Assignment to load the trucks and ship the material to New Hampshire Turnkey facility. The trucks will come to the site in 5-ton loads in roll-offs and will be trucked out in 25-ton loads in trucks. Mr. Hanscom stated that the operation really is nothing different than what has been operating for the last 15 years. Ms. Peterson asked why site assignment was not required eight years ago. Mr. Hanscom stated that DEP made a determination that the facility was exempt from the site assignment process because of the recovery of the vanadium. Ms. Peterson asked what safeguards were in place to protect the canal. Mr. Hanscom stated that the material comes in very wet with a moisture content of 60%. The material is not dusty at all. There are no air quality impacts and no traffic impacts. There is really no pathway for material to get into the canal. Mr. Gallo stated that the future volume will be almost nil compared to what has been done in the past. Mr. Hanscom stated that a Site Suitability Study will still be done, but it is a less intense permitting process since the tonnage will be under 50 tons. Ms. Peterson is still concerned about the proximity of the canal and would like some information from the Corps of Engineers as to their concerns and opinions. The regulations state that the facility needs to be 100 feet from any property lines, but this cannot be met so all abutters have been contacted. Mr. Hanscom stated that in 1993 there were stipulations for no fugitive dust emissions from the facility and these stipulation will be continued. Also there will be a formal application process and DEP will perform its review. Environmental control issues will be in the formal application. This information will all be provided during the public hearing process for the Site Assignment. Ms. Peterson talked about the last Site Assignment that the Board of Health did and how complicated it was. Mr. Barlow added that the previous Site Assignment was for landfill expansion. Mr. Barlow also asked if there were any private wells near the facility. Mr. Hanscom stated that Ms. Coffin had referred him to the Bourne Water District for this information and it appears that there are not any private wells in the area and that Town water services the lots. Mr. Hanscom stated that the Board of Health would need to retain a hearing officer and that the applicant

would ultimately cover the cost of the hearing officer. There was general discussion about the timeline. Ms. Peterson stated that the Board would contact Town Counsel to see who would be our counsel, who selects that person, and who selects the hearing officer. Ms. Peterson asked what Dave Ellis felt about the project. Mr. Hanscom stated that he has gone over the site suitability criteria with Mr. Ellis and the only issue right now is the setback issue to the abutters' property. Three of four of the abutting property owners have voiced a favorable opinion of the proposal but they are still waiting for comments from the Corps of Engineers. Mr. Gallo stated that the operation will run on weekdays only from 7 AM to 3 PM. Ms. Peterson wanted to make sure that the Site Suitability will be strictly for the fly ash and nothing else and Mr. Hanscom stated that it would be. Ms. Coffin asked what kind of trucks would the fly ash leave in. Mr. Gallo stated that the ash could leave in roll offs too but they would be lined and covered or it could leave in covered trailers. There will be a bladder bag or it will be sealed in some other manner- the Green Seal System. Mr. Hanscom also stated that the facility has a concrete floor and that flaps will be laid over the truck to prevent contact with the ground. Additional paving will also be put down where the tracks are currently in place. At the height of the operation, there will be less than 2 ton per day, but there will be fluctuations. The DEP gave Mirant approval to dispose of the ash at the Bourne landfill but it is corporate policy to not dispose of the ash at any landfill. It was decided that the Board members would do a site walk thru on Saturday, March 6 at 8 AM. Ms. Coffin wondered why the ash couldn't be kept at the Mirant Plant and just shipped in full trucks from that plant. Mr. Hanscom stated that the ash can be kept in a wetter state by using the proposed facility. Also, the Board will go to Bob Troy to find out about the hearing officer and what else the Board needs to do to begin the Site Assignment Process. Ms. Peterson stated that a Site Assignment is a lot of work, but Mr. Hanscom thinks it will only take one meeting to get this completed given the site. Mr. Barlow asked Ms. Coffin to send a reminder to the Board members on March 4th about the March 6th walk thru.

6. Approval of minutes dated January 27, 2010. Mr. Andrews made a motion to approve the minutes. Mr. Uitti seconded the motion. It was unanimous.
7. Other Business. Ms. Coffin told the Board members that all the approved meeting minutes would be put on the Town website. Also she wanted to let the Board know that the office is looking into working with other Towns to possible offer vaccination clinics for Zoster, Hep A, Flu, and Pneumonia. There is a lot of free vaccine available to the local Boards of Health. The only issue will be whether the Towns can use State Public Health Emergency funds to pay the nurses. Mr. Barlow thinks that the Board needs to reorganize. He has been made the President of the Historical Society and will no longer be able to serve as Co-Chair. There was discussion as to who might run for the seat on the Board.

Mr. Barlow made a motion to adjourn. Mr. Uitti seconded the motion. The meeting adjourned at 8:25 PM.

Taped and Typed by Cynthia Coffin for the Bourne Board of Health

Respectfully submitted by the Bourne Board of Health

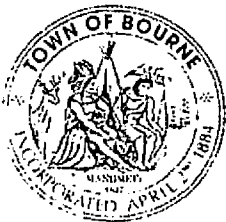
Kathleen Peterson

Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews



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 10, 2010

Time:

7:00 P.M.

Place:

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

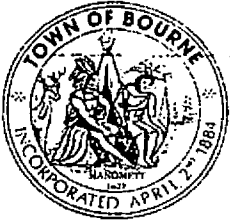
AGENDA ITEMS:

1. Pocasset Mobile Home Park-Continued-- Vote on license renewal
2. Reorganize the Board-Discuss and possible vote
3. Approval of Minutes dated February 24, 2010
4. Other Business

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TOWN CLERK'S OFFICE
10 JEFFERSON RD
BOURNE, MA 02532

Signed: *Kathy Burgess* *AK*
Title: Secretary
Date: February 5, 2010

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 10, 2010

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

Support Staff: Cynthia Coffin, Health Agent and Carrie Furtek, Health Inspector

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

1. Pocasset Mobile Home Park – Continued- vote on license renewal- Ms.

Peterson stated that at the last meeting on February 24, 2010 they were going to vote on the Pocasset Mobile Home Park license but Mr. Cavanaugh, Mr. Austin's attorney, asked for a 30-day continuance. The Board declined and offered him a two- week continuance. Ms. Peterson stated that the Board asked Town Counsel if the Board was within their rights to do that and Mr. Troy agreed that they were and could hold the meeting tonight without granting them the 30-day extension. Ms. Peterson stated that they had a letter from the Bourne Water District dated March 5, 2010 to Pocasset Mobile Home Park regarding the water supply at Pocasset Mobile Home Park. Ms. Peterson read the letter from Ralph Marks, Superintendent of Operations, regarding the possible contamination of the water supply when the septic lines are worked on and the backflow prevention device that has to be installed. *See Attached Letter.* The letter was also sent to Tracy Triplet in the Attorney General's office and Joseph Cavanaugh, Mr. Austin's attorney. The Bourne Board of Health received the letter on March 8, 2010. Ms. Coffin stated that Capewide now has a set of plans that show the water lines but when they initially came in they did some repairs without locating the water lines and ended up ripping up the water line and had to shut off the water throughout the park. Ms. Coffin stated that Capewide has been told now not to dig anything up unless they know where the water lines are. Ms. Coffin stated that according to

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TOWN CLERK'S OFFICE
BOURNE, MASS.

Ralph Marks, the backflow prevention at the street has been an issue with the Park for years but now because the system is so bad they have no choice but to push it. There was general discussion between Ms. Coffin and the Board regarding the fact that the backflow connection should be a condition of the Park's license and done immediately. There was general discussion between the Board and Ms. Coffin regarding the final wording of the conditions. Ms. Peterson read the following conditions that were to be issued with the license for the Pocasset Mobile Home Park.

- 1) As long as the upgrade to the failed septic system at the Pocasset Mobile Home Park has not been completed no new trailers will be allowed on site.
- 2) At any conveyance of the property, as long as the septic system is in failure and upgrade has not been completed, the Park license becomes null and void.
- 3) There will be a fine of \$300.00 per day per trailer affected if there is any overflow of the septic system or backup of sewage, to the ground or to a trailer, that is documented by the Bourne Board of Health where there is not a contractor on site and working to correct the problem within 6 hours of the documented violation(s). An agent of the Bourne Board of Health is to verify any repair or correction before the violation will be deemed corrected.
- 4) A backflow prevention device will be installed between the Town water service and the Pocasset Mobile Home Park water service connection at Barlows Landing Road within seven (7) days of receipt of the license and these conditions.
- 5) The Bourne Board of Health office shall be made aware of all contracts within 12 hours, i.e. park manager, emergency maintenance personnel, pumping contractor, underground sewer repair contractor, or a fine of \$10 per day per trailer will be enforced until such time that proper notification has been given to the Board of Health.
- 6) There will be a competent on-site manager or emergency/maintenance contact at the Pocasset Mobile Home Park. Said manager or emergency/maintenance contact will be available 24 hours/day seven days a week.

Ms. Peterson made a motion to issue the license to Pocasset Mobile Home Park with the abovementioned conditions. Mr. Andrews seconded the motion. All in favor and the motion PASSES.

Mr. Barlow made a motion to have either Mr. Austin or his attorney sign a copy of the conditions so the Board of Health will have a signature of receipt. Mr. Andrews seconded the motion. All in favor and the motion PASSES.

Ms. Peterson then asked if there were any public comments on the conditions. JoAnne Thompson, a resident of the Pocasset Mobile Home Park, asked if they would still be able to sell their mobile home. Ms. Peterson stated that the residents could sell their mobile home and a new owner would be able to occupy that same mobile home. Maggie Burg asked what would happen if the license and conditions were returned unsigned. Ms. Coffin stated that the request for signature would go through Mr. Austin's attorney. Ms. Burg asked if the residents could drink the water at the Park. Ms. Coffin stated that yes; the water was safe to drink. Ms. Burg also expressed her concerns as to who was in charge of management at the Park because she had a tree fall near her trailer. Mr. Barlow stated that the Board had to focus on the sewer issues and the tree falling on her trailer was more a tenant-management issue. Mr. Barlow stated that Mr. Austin has stated that he is the Manager of the Park. Ms. Coffin stated that she will speak to the Attorney regarding this issue and will give him Ms. Burg's address. Ms. Coffin stated that there had recently been a backup in one of the trailers that had nothing to do with the septic system but had to do with the connection that came into the trailer. Ms. Coffin stated that she just wants to make it clear that not every backup or problem is due to the septic issues. Ms. Coffin stated that the Attorney General's office is still going forward with the summary judgment and will be taking depositions very soon. Ms. Peterson stated that she wanted to remind all the residents that it is very important for them to continue calling the Attorney General's office whenever they have a problem. Gail Daniels, First Ave, stated that she had spoken with Mr. Austin's attorney that day and she feels that their biggest problem is who to contact in an emergency. Ms. Daniels stated that all correspondence to Mr. Austin goes to a PO Box. Ms. Daniels is concerned because there is no way to reach Mr. Austin. Ms. Coffin stated that the attorney has told her that Mr. Damon is still the contact person in an emergency. Ms. Daniels stated that she has sinkholes in her yard is concerned that no one is attempting to repair it. Ms. Coffin stated that she would call Capewide to come to Ms. Daniels site to repair the sinkholes caused by the work they did on the pipes. Ms. Coffin stated that now that the ground is thawing Capewide would be able to make the necessary repairs. Ms. Peterson stated that after tonight the fines can be imposed which was why the meeting was so important tonight. Mr. Barlow stated that they could amend the restrictions at any time to include the requirement that the Park has an on site manager available for the tenants 8-10 hours per day, seven days a week. Mr. Uitti suggested that the manager is available 24/7. Mr. Barlow made a motion to require a competent on site emergency/maintenance contact person available 24 hours a day, seven days a week to address health, safety or environmental issues. Mr. Uitti seconded the motion. All in favor and the motion PASSES. Rosalee Cole asked if it could be considered a state of emergency that the backflow device has not been installed. Mr. Barlow stated that the Board of Health already requires backflow prevention devices for anyone that has a private well or Town water. Mr. Barlow stated that this device should have been put in a long time ago and is probably an issue with pipes not getting mapped properly. Mr. Barlow stated that you end up with problems when you don't have a backflow prevention device installed like Wareham has had in the past and can't drink the water. Ms. Coffin stated that her understanding of Chapter 21D is

that she would go out and if there was a violation she would write a ticket for whatever that violation was. Ms. Coffin stated that she would then get a copy to Mr. Austin or his attorney and also to the Town Clerk. If after 21 days he has not come in to pay the fine or appeal the fine it would then go to Court in Falmouth for further action.

2. Reorganize the Board-Discuss and Possible Vote-Mr. Barlow stated that he has some other obligations and is not inclined to serve as Co-Chair anymore. Mr. Barlow stated that the Board is due to reorganize anyway because according to State Law the Board has to reorganize once a year. **Mr. Andrews made a motion to nominate Ms. Peterson to maintain the position as Chairperson. Mr. Uitti seconded the motion. All in favor and the motion PASSES. Ms. Peterson made a motion to nominate Mr. Andrews as Vice-Chair. Mr. Uitti seconded the motion. All in favor and the motion PASSES. Ms. Peterson made a motion to nominate Mr. Uitti as secretary. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

3. Approval of Minutes dated February 24, 2010- Mr. Uitti made a motion to **APPROVE** the minutes dated February 24, 2010. Mr. Andrews seconded the motion. All in favor and the motion is **APPROVED**.

4. Other Business-No other business

Mr. Andrews made a motion to ADJOURN. Ms. Peterson seconded the motion all in favor and the meeting ADJOURNED at 8:00 P.M. The next meeting is scheduled for March 24, 2010

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

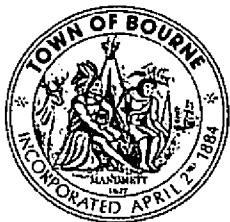
Stanley Andrews

Galon Barlow

Donald Uitti

Donald Cunningham

Cc Board of Selectmen/Town Clerk



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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:

March 24, 2010

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7:00 P.M.

Place:

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Lower Conference Room
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Buzzards Bay, MA 02532

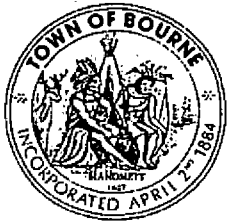
AGENDA ITEMS:

1. I.S.W.M.-Dan Barrett- General Update
2. 76 Circuit Ave-John Santangelo-Request waiver to use the existing septic system for proposed renovations
3. 207 County Rd-Jack Landers-Cauley for Ryan & Elizabeth Poirier-Requesting variance
4. Approval of Minutes dated March 10, 2010
5. Other Business

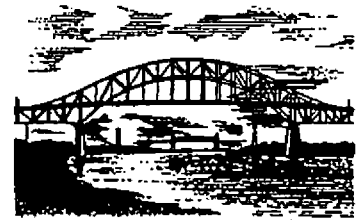
2010 MAR 18 PM 1 44
TOWN CLERK'S OFFICE
603-759-0679

Signed: *Kathy M. Burgess*
Title: Secretary
Date: March 18, 2010

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

March 24, 2010

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

Support Staff: Kathy Burgess, Secretary

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

Ms. Peterson asked Mr. Barrett if he or anyone minded if ISWM was moved further down on the agenda as the other two items would not take long to hear. Mr. Barrett stated that he did not mind at all.

1. **76 Circuit Ave-** John Santangelo-Request waiver to use the existing septic system for proposed renovations-Mr. Santangelo stated that he bought the house in November and would like to remove two walls to open up the view and is not changing the footprint or adding any square footage. They are adding windows on the front of the house and a new door. Mr. Santangelo stated that the septic was installed in 2007. **Mr. Barlow made a motion to APPROVE the request for a waiver to use the existing septic system for renovations at 76 Circuit Ave submitted and received by the Bourne Board of Health March 18, 2010. The plans were also received by the Bourne Board of Health March 18, 2010. Mr. Uitti seconded the motion. All in favor and the motion is APPROVED.**
2. **207 County Road-**Jack Landers-Cauley for Ryan & Elizabeth Poirier-Requesting variance-Mr. Landers-Cauley stated that he is proposing to take the original design from Carmen Shay that was approved by the Board and modify it. Mr. Landers-Cauley stated that they are going to a different size pump chamber which will be a circular 500 gallon pump chamber rather than the 1000 gallon and is putting the SAS so it is now 50' from the wetlands so they would not have to get a

variance from the State. Mr. Landers-Cauley stated that that is really the only change. Mr. Landers-Cauley stated that this system is going to be completely below ground with a vent pipe and no mound. Ms. Peterson asked if the two-bedroom deed restriction had been recorded yet. Mr. Landers- Cauley stated that it had not because the plan had changed but he will request a new letter from Ms. Coffin and then record the deed restriction. Mr. Barlow asked why Carmen Shay had proposed a 1000 gallon pump chamber on the original plans. Mr. Landers-Cauley stated that they only need a 500 gallon pump chamber and does not know why Mr. Shay chose the 1000 gallon. Mr. Landers-Cauley stated that that one item alone was another \$800 and this design is the same size pump just a smaller chamber. **Mr. Uitti made a motion to APPROVE the variance of 100 feet from the Soil Absorption System to the wetland. The septic tank is less than 50' (41') to a wetland and the SAS is less than 10' from a property line (3' and 8') and the applicant is intending to install an Innovative and Alternative system. Plans submitted and received by the Bourne Board of Health March 18, 2010 and revised on March 17, 2010. A two year maintenance program is required as well as a two bedroom deed restriction. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

3. **ISWM-Dan Barrett-General Update-** Mr. Barrett passed out packets that they had presented to the Board of Selectmen and Fin-Com. **Odors:** Mr. Barrett stated that there have been no official odor complaints recorded at the facility in the past several months. The progress on placing intermediate cover has been slowed by the weather and the inability to get soils resulting from the continued building slow down. Mr. Barrett stated that they are not as far along as they would like to be but they have made great strides and the odors have remained in check. Recently soils have become available and they have been accepting and placing them. They plan to resume spraying Posi-Shell within the next two weeks weather permitting. Mr. Barrett stated that they have had some prime odor days such as cold nights and warm days. There have been some calm winds and NE winds and there has been a 1 or 2 on the DEP odor scale on the highway. Mr. Barrett stated that they continue to adjust the system as needed. **Current Operations:** Mr. Barrett stated that they have taken in 1500-2000 yards of soil in the last 2-3 weeks which will continue. The entire North slope is covered with intermediate cover. Mr. Barrett stated that their next move to intermediate cover would be to the South slope. Most of their active operations are going to be focused in the North for the next 2-3 months. Mr. Barrett stated that the operations staff has done a great job considering the increase in tonnage over the last few weeks along with the heavy rain. Mr. Barrett stated that they are concentrating filling operations in the North end of Phase 2A/3A Stage II. They want to get this area to finish grade by early summer to accommodate final cover. The final cover is part of this years' Capital Outlay request going before Annual Town Meeting and will include the installation of eight new vertical gas extraction wells. Mr. Barrett stated that they will draw up the plans and DEP will take a look at them and ISWM will put it out to bid contingent upon Town Meeting approval. They hope to get it finished by the end of November or early December. Mr. Barrett stated that it is a small cap,

about four of five acres of plastic, but the 8-9 extraction wells will be key for them. **Capital Outlay:** Mr. Barrett stated that he would be referring to the handout that was distributed to the Fin-Com and Board of Selectmen for approval. Mr. Barrett stated that Item #5, the liner, will be postponed until the fall at the request of Fin-Com, Selectmen and the Town Administrator mainly for fiscal reasons. Mr. Barrett stated that he had proposed it now so that everyone could take a look at it so they can have the option to move in to Phase 4 if they have to. Mr. Barrett stated that if for some reason Stage 1 has a resurgence of hydrogen sulphide production, they don't have any scientific basis for that assumption, they want to be prepared for it if that happens. Mr. Barrett stated that they are about 1 ½ years-2 years away from actual need so when the committees asked them if they could survive with postponing it until the fall ISWM said they could. Mr. Andrews asked if working on Phase 4 would mean they wouldn't have to work near the offending cell. Mr. Barrett answered yes, that it gave them another option. Mr. Barrett stated that they will be out of that offending cell for about another 1 ½ -2 years. The anticipation is that the hydrogen sulfide will have long since dissipated. Mr. Andrews asked if Mr. Barrett could get them copies of the data that shows that the hydrogen sulphide levels have gone down. Mr. Barrett stated that he did not bring any with him but would get some to Ms. Coffin and then come back to a meeting to discuss it. Ms. Peterson stated that Mr. Barrett would not have to come back to discuss it as he has enough on his plate now. Mr. Barrett stated that the first item on the Capital Outlay is the upgrading of the flare skids. The current flare skid has been in service since 2000 and is the flow rate is reaching capacity of that particular unit. Since 2000 the number of installed vertical wells has grown to approximately 58, along with the installation of several horizontal collection systems. In addition, they anticipate installing at least 8 new vertical wells when the north slope of Phase 2A/3A is capped this year. This growth has more than doubled their landfill gas flow rate and the current flare skid will no longer be capable of managing the projected volume of landfill gas. ISWM is requesting the purchase of a new flare skid package that will include a new flare, blower, knock-out pot if needed and associated appurtenances to be the primary method of managing landfill gas. The current flare skid would then serve as a backup. Mr. Barrett stated that they are including enough money to cover the installation of all components required to make this system work such as electrical work and pipe connections. This article will also include a new 100 kw three phase generator that will be used for emergency back-up power to supply electricity to the blower and other critical landfill systems. Without power the blower stops functioning and the risk of off-site odor migration increases substantially. Mr. Barrett stated that the generator will also handle all the leachate pumps so if the power goes down the generator will come on and the leachate pumps come on and the flare keeps going. The existing flare is 10 years old and is running fine but they would probably not get enough money if they were to try and sell it. Ms. Peterson asked if Mr. Barrett thought that everything would be approved. Mr. Barrett stated that Capital Outlay, Board of Selectmen and Fin-Com all supported it. Mr. Barrett stated that the North Slope article also includes a lot of other things. Mr. Barrett stated that they included horizontal gas collectors

which they are required to install. Mr. Barrett stated that they also have some extra money built into this article to handle any unanticipated odor events. If there are no odor issues they will not have to borrow the money. ISWM is requesting that this article fund the engineering/design project management/CQA and construction costs associated with the installation of a final cover system, including vertical gas collection wells and associated appurtenances, for the north slope of the Phase 2A/3A landfill. Further, ISWM is requesting that funds from this article be used for any and all odor mitigation activities and projects associated with the Phase 2A/3A landfill in general. Such projects will include installation of horizontal landfill gas collections systems, interim capping in selected areas, the use of intermediate cover materials such as Posi-Shell or soils, electrical work or other infrastructure improvements, odor suppressants or deodorants and any associated engineering efforts thereto. Mr. Barrett stated that there is a map included in the packet that shows where the capping will take place. Mr. Barrett stated that the site infrastructure improvement article is a little complicated. Since its inception ISWM has been constructing infrastructure as part of a long range site master plan that would afford the best array of future development options at the site. These have included expanded power lines. A new water main, new roads and a new residential recycling center. The last major areas that need improvement are the entrance scale relocation and the relocation of the residential recycling center. The last major areas that need improvement are the entrance scale relocation and the relocation of the residential recycling center. These improvements will dramatically improve the operational efficiency and safety of the traffic flow at ISWM and provide the residents with a new drop-off facility. Most of the work in the new residential recycling center has been completed however some items remain such as building a new Swap Shop, line painting, guardrails, and electrical and phone lines. It is imperative that we finish the relocation so that we can complete the long delayed Phase 1D reclamation which is required by the MA DEP which will also allow them to construct Phase 4. The scales have been in service since approximately 1998 and have been worn severely especially the decking and railings. ISWM intends to utilize \$250,000 in bonding previously approved under Article 270 of the 2006 Annual Town Meeting. Additionally, the technology employed is not as durable and is more difficult to maintain than other technologies that ISWM is considering. The scale house is an old trailer that is also wearing out and needs to be upgraded. Moving both these systems to a new location would not be prudent and ISWM recommends replacing them with permanent upgraded facilities. ISWM is requesting the purchase of new scales inbound and outbound a new permanent scale house with all associated appurtenances such as a bathroom, electrical, phone, signage, gates and fencing. Additionally, this article would fund the realignment of the road pattern at the entrance and will include new pavement, line painting, guardrails and other appurtenances associated with improving traffic management. Finally, this article will address the remaining punch list items at the residential recycling center including utilities, a new swap shop, guardrails, line painting and other miscellaneous appurtenances. The total project cost is estimated at \$500,000 and they have borrowed and paid back most of \$250,000

from 2006. The biggest improvement from the resident's point of view will be the realignment of the gate and scale which will be a lot safer without having traffic crisscross as they leave. Ms. Peterson stated that Mr. Barlow had to leave the meeting early and would like him to hear what Mr. Barrett has to say regarding the temporary tonnage increase before he leaves. Mr. Barrett stated that ISWM would like to put forward for the Boards consideration a temporary tonnage increase of 500 tons per day. Recently they have seen tonnage into the facility increase sharply. Mr. Barrett stated that these increases were the result of reduced intake capabilities at the SEMASS facility and increased waste generation due to the recent flooding. Anticipating historical trends of lower waste production this time of year ISWM agreed to accept waste from two excavation/cleanup projects. These two projects are large and could generate as much as 500 tons per day of waste. So in the interest of serving a regional need we would like to accommodate both situations. We anticipate that this condition will only last for a short time and we would place an end date of May 21, 2010 on this increased acceptance rate. If approved by the Board of Health this increase would have to be reviewed and approved by MADEP, MEPA and the Cape Cod Commission. Ms. Peterson stated that she understands that Mr. Guerino has agreed to get Mr. Barrett an engineer immediately. Mr. Barrett stated that they are in the process of getting that done now. Ms. Peterson stated that Mr. Guerino should be congratulated for coming up with the funds to do that. Mr. Barrett stated that they will put forth the job description and the Board of Selectmen will want to discuss it. Ms. Peterson stated that it was her understanding that they would get someone in for the interim. Mr. Barrett stated that Mr. Guerino did tell him to get someone in temporarily and Mr. Barrett is going to try and get someone that he knows is interested and unemployed right now to come in. Ms. Peterson stated that she does not think it's a good idea to discuss a tonnage increase without the proper personnel. Ms. Peterson stated that they cannot take personnel from the odor issues and the other daily operations. Ms. Peterson asked if Mr. Guerino was going to fill the other openings at the landfill. Mr. Barrett stated that yes he would and when they sat down with Fin-Com and the Board of Selectmen they designed their salary scale around what was contained in the Joyce report. Mr. Barrett stated that the flow chart included doing away with the Operation Manager's job and the Environmental coordinators job. Mr. Barrett stated that the chart had a General Manager and Asst. General Manager and a site engineer who would handle all landfill operations which would be the recycling center, crew chief, maintenance crew chief, and landfill crew chief. Ms. Peterson asked if the engineering job would be only for the landfill. Mr. Barrett stated that yes that is correct. Ms. Peterson asked if they were going to bring in a dump truck because they were having problems. Mr. Barrett stated that their budget had been severely cut last October and he was concerned that they would have funds available if anything came up and also to get them through to the end of the year. Mr. Barrett stated that after conferring with the Town Administrator it has been determined that their financial status is pretty good on the receivable side. Mr. Barrett stated that they are right on the money on their expenses. Mr. Barrett stated that at the end of eight months they are 67% through the year and had expended 66% of

their budget. Mr. Barrett stated that they may go to special Town meeting to raise their expense budget. Mr. Barrett stated that the money is available to them right now if they have to rent the trucks. Mr. Barrett stated that if they were to run into a major odor issue right now they would have to rent some off road trucks to move the dirt. Mr. Barrett stated that they would only have to rent the trucks for a few weeks. Ms. Peterson asked if they had the money and personnel for the cover. Mr. Barrett stated that they did and is happy that they have turned a corner on the construction end and is seeing a lot more dirt becoming available. Ms. Peterson asked the other Board members what their thoughts were on the request for a tonnage increase. Mr. Andrews stated that he was concerned whether they had the personnel to handle it. Ms. Peterson stated that she thought they would be able to handle it if they hire the engineer immediately. Mr. Barrett stated that he would liken this to when they went from 12-1500 tons during the SEMASS event where they handled that with no issues. Mr. Andrews asked where these excavation projects were from. Mr. Barrett stated that one was from Plymouth. Mr. Barrett stated that it was an old rubber factory that stopped producing rubber in 1936 and they had ponds where they had pumped the rubber effluent and it sat there for the last 70 years. Mr. Barrett stated that it was like a powder now and is mixed with sand. They worked with DEP and tested it. Mr. Barrett stated that it didn't come under a soil policy so all it basically is is sand and will be going in as MSW and getting buried. Mr. Barrett stated that the other job is from the expansion at the JFK Memorial Library. Mr. Barrett stated that it's about 15,000 yards that was an old landfill. Mr. Barrett stated that it was named Columbia Point and it had been picked up and moved in the 1970's. Mr. Barrett stated that there is a lot of decomposed compacted dirt in it which makes them comfortable with it because it's similar to Phase 1D when they excavated that. Mr. Barrett stated that they need that additional volume to get the North Slope built up. Ms. Peterson asked with this tonnage increase if it would lead to the same problems that ISWM is experiencing now. Mr. Barrett stated that they are seeing mostly basement cleanups but will not be taking any sheetrock. Mr. Barlow stated that he believes that they are selling the landfill for nothing and are not getting anywhere near what it is worth to the point that people will drive 60 miles to come here rather than go somewhere else. Mr. Barlow stated that the landfill is getting filled up for short money and it has to stop. Mr. Barlow stated that he would rather consider putting a lower daily limit on it and raising the fee because he is not comfortable subsidizing this. Mr. Barlow stated that residents of Bourne are paying disposal fees so that people who live on the South Shore pay less of a disposal fee. Mr. Barlow stated that in the past year the tonnage fees coming into the landfill have dropped 20-25% and the fees for residents have doubled. Mr. Barlow stated that he has supported the landfill since the day it came into Town. The deal was that ISWM would provide free disposal for residents and it doesn't do that anymore. Mr. Barlow stated that if you want to go to the swap shop it costs you \$30.00 to get through the gate. If you want to recycle it costs you \$30.00. Mr. Barlow stated that this is absolutely wrong and he will not support it at Town Meeting. Mr. Uitti asked how much they were paying to bring in the material from Boston. Mr. Barrett stated that the JFK job was coming in at \$30 a ton. Mr. Barlow stated that

it cost \$38 a ton to bury it. Mr. Barrett stated that that was not correct. Mr. Barlow stated that if they bring it in at \$30 that is significantly lower than the \$60 they were getting a year ago. Ms. Peterson stated that that is due to the economy. Mr. Barlow stated that when the recession is over and the dump is full what are they going to do. Mr. Barrett stated that if you bring it in at \$30 a ton you have to look at the concentration of the material. Mr. Barrett stated that this material is coming in at 1900-2000 pounds per cubic yard. MSW comes in at about 1250 compaction rate so you are almost doubling and 30 quickly turns into 55 when you compare it to MSW. Mr. Barlow asked if he was correct in saying that they are driving from Boston to the landfill because they are getting a super deal. Mr. Barrett stated that yes they are giving them a good deal. Mr. Barlow stated that they are selling the landfill for nothing and they should let them go somewhere else. Ms. Peterson stated that it is a regional landfill and is not just a Town of Bourne landfill. Mr. Barlow stated that he understood that but they have to think about the people of the Town of Bourne. Mr. Barlow stated that the Bourne residents bought into this thinking that they would have the ability to get rid of their trash for free. Mr. Barlow stated that a lot of people live in condos, townhouses or dead end streets and have to pay \$30 to get rid of their trash and it's not right. Mr. Barlow stated that he is very disappointed in what has happened in the last six months. Mr. Barlow stated that anytime the Town gets a little bit ahead some crises comes up and if the landfill had to cap it right now they would not have enough money to do that. Mr. Barrett stated that they do have enough money and that ISWM has given the Town of Bourne 17.5 million dollars in the last ten years. Mr. Barrett stated that he is tasked by his bosses who are the Board of Health, Board of Selectmen and Town Administrator Tom Guerino to take a look at the financial picture and offer options. Mr. Barlow stated that it has been made very clear that the only boss ISWM has is Mr. Guerino and the Board of Health can't even tell them to do anything without going through him. Mr. Barrett stated that when the Board of Health asks him to do something he does. Mr. Barlow stated that that was not true. Mr. Barlow stated that they asked Mr. Barrett to do several things in November and none of them were done and he can bring in a list of the things they asked him to do. Ms. Peterson stated that Mr. Barlow was referring to the handout that they give out at the landfill and the fact that Town counsel advised Mr. Barrett on what should be included on it. Mr. Barlow stated that the Board had asked for specific things to be done that were not done. Mr. Barlow stated that it is a big problem if the Board of Health asks Mr. Barrett to do something and he doesn't. Mr. Barrett stated that he does the best he can to accommodate everyone. Mr. Barlow stated that the Board of Health gave Mr. Barrett the authority to adjust the fees up and down and now they have to rescind that since the opinion from Town Counsel says they do not have the authority to do that. Ms. Peterson stated that they are not going to rescind anything tonight. Mr. Barlow stated that when he asked for clarification on that opinion it was very clear that the Selectmen set the fees for disposal at the landfill. Ms. Peterson stated that she did not agree and that the clarification was for the financials for the landfill only which does not include setting the tonnage rate. There was general discussion among the Board members regarding the site assignment and the

opinion of Town Counsel. Mr. Andrews stated that he would go to the landfill and look at the site assignment. Mr. Barrett stated that in many Towns he has seen the same issue between the Selectmen and the Board of Health. Ms. Peterson stated that she believes that Mr. Barlow is upset about the fees that have gone up at the landfill and is mixing apples and oranges. Mr. Barlow stated that the Board of Health does not have any authority to set any fees at the landfill. Ms. Peterson disagreed. Mr. Barlow stated that he asked for clarification of that opinion. Ms. Peterson stated that Mr. Barlow did not ask for clarification but asked for clarification as to the amount you would pay for a sticker. Mr. Barlow stated that he simply asked who sets the disposal rates. Ms. Peterson stated that she disagreed and stated that that is not what Mr. Barlow asked. Ms. Peterson stated that she would talk with Town Counsel. Mr. Barrett stated that he would like to discuss rates and tonnage before Mr. Barlow has to leave the meeting for another appointment. Mr. Barrett stated that public waste management is all reporting that their annual volume rates are down 35-40%. To survive they are cutting expenses and dropping tipping fees on the landfill side. On the residential side they are cutting staff and dropping the rate to pick it up. Mr. Barrett stated that his plan is not to sell the Town of Bourne short and that he takes pride in running profitable well run facilities. Mr. Barrett stated that his goal is to take in as much volume to take in the revenue that he needs to make his budget and not any more. Mr. Barrett stated that he is taking the JFK job is dense material and you double the price. Mr. Barrett stated that there are MSW jobs out there that you can get \$40-\$45 a ton but he does not want to do that. Mr. Barrett stated that he is looking at the budget every day to see how much material he has to take to make his budget and wants the Board to be rest assured that he is not giving it away. Mr. Barrett stated that all he is trying to do is run the facility to the best of his ability and achieve the goals the Town has asked him to reach. Mr. Barlow stated that he is trying to represent the people of the Town of Bourne and those people would like the landfill to last a long time and provide for their trash disposal. Mr. Barlow stated that if it is half full right now and it will no longer provide for trash disposal because the fees have changed. Ms. Peterson asked if that meant you couldn't bring your trash there anymore. Mr. Barlow stated that it means that you have to pay \$30.00. Ms. Peterson stated that other towns are paying \$150-\$200. Mr. Barlow stated that the other towns don't have to deal with any liability associated with a landfill. Mr. Barrett stated that his job is to present options and the Boards choose what they want to do. Mr. Barrett stated that he asked the DPW if they were picking up a lot of trash on the side of the road and Mr. Tellier told him they should discuss it. Mr. Barrett stated that he told Mr. Tellier that he was asking because Mr. Barlow is concerned about it and ISWM wants to make the appropriate adjustments. Mr. Barlow asked why ISWM should give up men to go pick up stuff on the side of the road. Mr. Barrett stated that they are working on the business plan because there are a lot of decisions that have to be made regarding the life of the facility. Mr. Barrett stated that he wanted the Board to rest assured that they are not giving anything away and are doing what they need to do to maintain the level of service that the Town requires. Mr. Barlow asked how much ash they were taking. Mr. Barrett stated that they were taking 200 tons

a day at \$15 a ton. Mr. Barlow stated that when people talk about the value of the landfill they talk about \$55-65 a ton. Ms. Peterson asked if the value of the landfill had ever been professionally evaluated. Mr. Barrett stated that it had not but they are working on that right now. Mr. Barlow stated that he disagreed with that and thought it had been assessed before. Mr. Barlow stated that the bottom line was that the Town cut the price for non-residents and then doubled the price for residents and he hears that every day from people. Ms. Peterson stated that she believes that Mr. Barlow has mixed things up in the discussion regarding the landfill. Mr. Barlow stated that all he knows is if you go to the swap shop it costs \$30.00 to get in and that his son-in-law had to pay \$30 to recycle plastic on Saturday. Ms. Peterson stated that you have to divide that into 365 days a year. Mr. Barlow stated that there is 1000 tons of ash coming into the landfill. Mr. Barlow stated that the Board of Health approved it and thought it was going to be used for daily cover but they do not use that kind of weight for daily cover. Mr. Barrett stated that they also came back and asked for approval for disposal of some of that as well. Mr. Barlow stated that he understood that and this was not anything personal to do with Mr. Barrett. Mr. Barlow stated that he believes the only financial question that is pertinent to the Board of Health is if there is enough money there to cap it and close it up if they had to. Mr. Barrett stated that yes there was enough money. Mr. Barrett stated that he would love to have a discussion on the business plan and how the business is operated. Mr. Barrett stated that due to the economy he and many others are not happy with the way business is running but they are all trying to survive. Mr. Barlow stated that the residents of Bourne are shareholders in the landfill and if they are not getting the benefits from it then they don't need it and will pay to send it down the road. There was general discussion regarding the expense of trash pick up without a landfill. Mr. Barrett stated that they pay the DPW right now about \$900,000 for the trash and recyclable pick ups. Ms. Peterson stated that they will consider the tonnage increase when ISWM gets more personnel.

4. **Approval of Minutes dated March 10, 2010-Mr. Barlow made a motion to APPROVE the minutes dated March 10, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
5. **Other Business-Mr. Andrews wanted to give an update on the Pocasset Mobile Home Park. Mr. Andrews stated that Ms. Coffin had called him last Thursday to tell him that she had received an anonymous complaint that there was some pumpout and discharge on the ground. Ms. Coffin had photographed and documented the fact that there was waste on top of the ground. Mr. Andrews stated that he and Ms. Peterson looked at it at 6:00 PM that evening, March 18, 2010. Mr. Andrews stated that is was a violation of the Park's license. Mr. Andrews stated that Ms. Coffin should notify the Park personnel as well as the attorney that the six hour timeframe had started at 3:00 PM that afternoon which would mean that the project had to be manned by 9:00. At this time Mr. Barlow left the meeting as he had another appointment. Mr. Andrews stated that on Friday morning they received a call that there were people near the fields again**

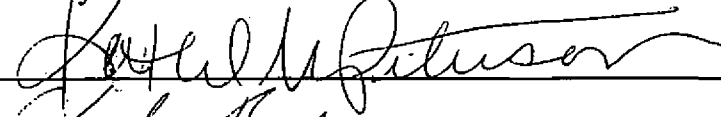
and Mr. Andrews went to take a look as Ms. Coffin was at a conference. Mr. Andrews stated that he witnessed a discharge by a pump from pit to pit on the ground. Mr. Andrews informed the park owner, Mr. Austin, that he could not be discharging waste on the ground and that it needed to be cleaned up. Mr. Austin instructed the park manager, Rick Damon, to immediately get a pump truck there and hand dug around the pits that were affected which were pit#11, 12, and 4. They removed the material from around those pits and put clean material in. Mr. Andrews stated that he received a call around noon that they had cleaned up the area and the first truck had left and the second truck was pumping. Mr. Andrews stated that he stopped by around 12:15 PM and they had cleaned up the area and had two pits pumped dry and informed him that they would have four trucks pump that day and four more pump the next day. Mr. Andrews stated that they have since received confirmation from attorney Joe Cavanaugh that they pumped all 13 leech pits down for a total of 22,500 gallons. Mr. Andrews stated that Mr. Austin was in violation but after they talked to him he cleaned up what needed to be cleaned up. Mr. Andrews stated that they could suspend the fine for 45 days since he cleaned it up right away and provided that he continues abiding by the license. Ms. Peterson stated that the Park has six hours to respond after they are notified of a violation. Mr. Andrews stated that Mr. Austin seemed a little misinformed and maybe did not receive the information until the next day. Mr. Andrews stated that he is fine with suspending the fine and found Mr. Austin to be pleasant to deal with at that time. Ms. Peterson stated that she wanted to add one more thing regarding the landfill. Ms. Peterson stated that Mr. Barrett has been working very hard along with the BOH, BOS, and the Town Administrator to try and get the landfill on the right track. Ms. Peterson stated that the question that was asked of Town Counsel was if the BOH could set the fees for residential drop off. There was general discussion regarding the wording of the request and the fact that not all the Board Members had a chance to read the wording of the request before it went to Town Counsel. Ms. Peterson stated that the request did not have anything to do with the fees set for tonnage which is under the site assignment and comes under the Board of Health. Ms. Peterson stated that the Board of Health has to support Mr. Barrett. Mr. Andrews stated that he has always supported Mr. Barrett but is upset by the increase in sticker fees. Ms. Peterson stated that the Board of Health made it clear that they do not agree with those fees but cannot take up the Selectmen's fight on those increases and have to let it go. There was general discussion regarding the fact that the Board of Health's phone number has not been posted on the front gate because management was instructed not to. Ms. Peterson stated that they need to take the discussion of what it costs the residents to use the landfill off the table because it is the Selectmen's fault not the Board of Health's fault. Ms. Peterson stated that, for the record, she wanted it to be noted that the Board of Health did not agree with those fees being doubled. Ms. Peterson stated that they can make all the financial decisions they want but nothing will get done at the landfill without the Board of Health's approval. Ms. Peterson stated that if Mr. Barrett gets the help he has been promised immediately maybe the Board should entertain the idea of the tonnage increase until May 10th.

Ms. Peterson made a motion to adjourn. Mr. Andrews seconded the motion. All in favor and the meeting was adjourned at 8:25 PM. The next meeting is scheduled for April 14, 2010.

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson



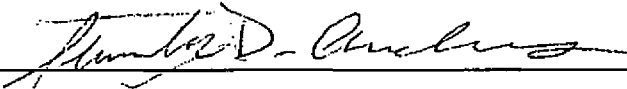
Galon Barlow



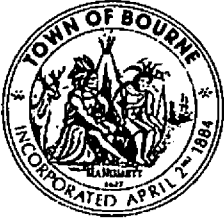
Donald Cunningham

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:

April 14, 2010

Time:

7:00 P.M.

Place:

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

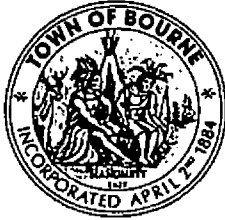
AGENDA ITEMS:

1. Pocasset Mobile Home Park-Update for Residents
2. 34 Benedict Rd-Request for waiver to use the existing septic system for proposed renovations (actually variance request for leaching facility that needs to be moved.)
3. Approval of Minutes dated March 24, 2010
4. Other Business

2010 APR 8 PM 3 10
TOWN CLERK'S OFFICE
BOURNE, MASS

Signed: *Kathy M. Bugas*
Title: Secretary
Date: April 8, 2010

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:

April 14, 2010

Time:

7:00 P.M.

Place:

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

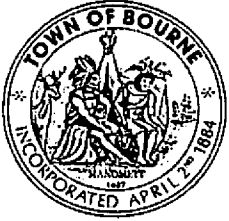
AMENDED AGENDA ITEMS:

1. **ISWM-Discuss and Possible Vote on tonnage and odor issues**
2. **Pocasset Mobile Home Park-Request for waiver to use the existing septic system for proposed renovations**
3. **34 Benedict Rd.-Barbara Frappier for Kevork Tinkjian-Request for waiver to use the existing septic system for proposed renovation**
4. **Other Business**

Signed: *Ratny m Bungen*
Title: Secretary
Date: April 13, 2010

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TOWN CLERK'S OFFICE

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

April 14, 2010

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

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

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

1. **ISWM-**Ms. Peterson stated that she wanted the other Board members to know that she added this item to the agenda on Tuesday, April 13, 2010 as she had some things to discuss. Ms. Peterson stated that she would like everyone to know that Mr. Barrett had stepped down as General Manager the morning after the last Board of Health meeting. Ms. Peterson stated that he is going into Operations at the landfill but wanted to compliment Mr. Barrett on how hard he has worked and feels that the Town will be at a great loss with him stepping down. Ms. Peterson stated that she does not know how or when he will be replaced. Ms. Peterson stated that she had a short meeting with Mr. Guerino where no options were offered. Ms. Peterson stated that she feels the time has come that the Board of Health has to assert their legal authority in a more aggressive manner and that she would like to schedule an early morning meeting midweek to discuss the landfill and possibly take a vote. Ms. Peterson stated that the Board has extended their hand to any member of any of the Boards since February trying to get the landfill under some kind of direction and feels they have been cut off from communication. Ms. Peterson stated that she believes that Mr. Barrett and his staff did a fabulous job with what they had to work with and feels that the time has come for the Board of Health to do what they think is necessary to do for the health and welfare of the Town of Bourne. Ms. Peterson stated that at this special meeting they can also put conditions on increases or decreases such as staffing, financials, monies allocated for trucking, cover, and odor issues. Ms. Peterson

stated that she wanted the Board members to have the weekend to think about the impact that this will have on the Town should they choose to do so. Mr. Barlow stated that he does not agree with everything that Ms. Peterson is saying. Mr. Barlow stated that his understanding was that Mr. Barrett wanted to be Operations Manager because he enjoyed that position and that Mr. Barrett's recommendation was that the Town hires a General Manager for the landfill. Mr. Barlow stated that he listened to the Selectmen's meeting last night and Selectmen Ford indicated that this was the first they had heard about Town Counsels opinion that had been issued in January. Mr. Barlow stated that he believes that Mr. Ford wants to put together a meeting of the Finance Committee, the Selectmen and the Board of Health. Ms. Peterson stated that they have been trying to meet with them since February and the only meeting she is aware of them wanting to have is on a five year plan. Ms. Peterson asked what good is a five year plan if you can't take care of what they have now. Ms. Peterson stated that she had a long conversation with Dave Ellis from DEP yesterday. Mr. Andrews stated that Mr. Guerino eluded something at the Selectmen's meeting in his report that Ms. Peterson had had a conversation with Mr. Ellis. Ms. Peterson stated that, for the record, she did not have any conversations with Mr. Guerino and Mr. Guerino did not contact her with regards to Dave Ellis. Ms. Peterson stated that Mr. Ellis contacted her because Mr. Guerino did not accept his phone call at the time that Ms. Peterson spoke with Mr. Ellis. Ms. Peterson stated that Mr. Ellis is very concerned with the operations at the landfill. Mr. Andrews stated that those are the same concerns that the Board of Health has. Mr. Barlow stated that everyone should think about the situation and maybe take a ride over to the landfill and look at the whole situation. Ms. Peterson stated that the communication between the Boards has stopped. Ms. Peterson stated that they have repeatedly asked for personnel to address the problems at the landfill. Ms. Peterson stated that Mr. Barrett is on vacation right now but she would like him to be at any meeting that they have because as of right now he is still in charge at the landfill. Ms. Peterson stated that Mr. Barrett has done a fabulous job at the landfill and there is no reason for him to step down and he deserves the opportunity to be General Manager. Mr. Barlow stated that he is not inclined to go up or down where the tonnage is concerned. Mr. Barlow stated that right now they have about 200 tons of ash a day coming in for short money that they are using for daily cover. Mr. Andrews stated that they have a lot of different soils coming in right now. Mr. Barlow stated that that goes against their daily tonnage coming in and it drives the value down. Ms. Peterson stated that she has been woken up three times in the last week sick to her stomach from the odor. Mr. Andrews stated that it is very strong around 6:00-6:30 in the morning. Mr. Andrews stated that it is the sulphur odor again. Ms. Peterson stated that she believes it is time for the Board of Health to assert some of their legal authority over the landfill if they cannot get any communication. Ms. Peterson stated that she has met with Mr. Ford and Mr. Guerino but does not get any cooperation there. Ms. Peterson stated that Mr. Ford is a very smart man but whatever he is being told must be different than what she is being told. Mr. Barlow stated that there seems to be a big communication gap that has been going on for 2 ½ years and it has to come to an end. Mr. Barlow stated that he is very

curious about the odors they are experiencing now because it is not the flare that burns off the hydrogen sulfide; it goes through a scrubber, so the water absorbs the hydrogen sulfide. Ms. Peterson stated that they also have some litter issues coming up again. Mr. Barlow stated that the Board of Health can set tonnage at the landfill and address health, safety and environmental issues on the site but as far as telling personnel what to do they have to go through Mr. Guerino. Ms. Peterson stated that they will hold a special meeting on the landfill and would love to have the Selectmen come and anyone else that would like to attend. Ms. Peterson stated that they will have the special meeting on Wednesday, April 21, 2010 at 7:30 A.M at Bourne Town Hall.

2. **Pocasset Mobile Home Park-Update** for residents-There are no residents from Pocasset Mobile Home Park in the audience. Ms. Coffin stated that the water district was on site when they installed the back flow preventor last Tuesday. The plumber will go back on Friday, April 16th because there is a valve that needs to be adjusted to increase the water pressure. Ms. Coffin stated that she has been notifying the residents of these procedures through the reverse 911 system. Ms. Coffin stated that she had her deposition through the Attorney Generals office last week. They have filed an amended preliminary injunction in regards to pumping schedules and making monies available but Ms. Coffin has not seen it yet. She believes there is a date set in June for the summary judgment. Mr. Barlow asked if there were any fire hydrants in the park. Ms. Coffin stated that she does not believe there are.
3. **34 Benedict Rd-Barbara Frappier for Kevork Tinkjian-Request** for waiver to use the existing septic system for proposed renovations-Ms. Coffin stated that it is actually more of a variance request. A repair went in for this property in Dec 2009. Even though there was an engineered plan Bousfield installed the system off the property. They would like to move the system back onto the property where it was supposed to be and do some renovations over the garage. Mr. Greg Soorinian, Rescom Architecturals, is here for Barbara Frappier. There are two neighbors at the meeting to see what the Tinkjians are planning. There are four abutters to the property but only proof of mailing for two. Mr. Soorinian stated that Ms. Frappier had dropped off the information to him and that was all that was included. Ms. Peterson stated that the discussion could not go forward without all the abutter notification cards. **Ms. Peterson made a motion to CONTINUE 34 Benedict Road until April 28, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
4. **Approval of Minutes dated March 24, 2010-Mr. Barlow made a motion to APPROVE the minutes dated March 24, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
5. **Other Business**-Ms. Coffin stated that there was an incident with a baseball team that had stopped at the McDonalds on MacArthur Blvd. A number of the students got sick the next day. Ms. Coffin stated that she has been in touch with a number

of parents but there is no proof of any food borne illness from McDonalds yet and DPH is investigating. Ms. Coffin stated that Mr. Guerino asked her to write a letter for the Selectmen regarding the moratorium on the herbicide spraying from NSTAR for one year. Ms. Coffin stated that she has only received two complaints about the spraying but will support the one year moratorium so that more information can be collected. Ms. Furtek stated that she has been checking the seating numbers of local restaurants along with her inspections. **Mr. Andrews made a motion to ADJOURN. Ms. Peterson seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 7:36 P.M. The special meeting is scheduled for Wednesday, April 21, 2010 at 7:30 A.M. The next regular Board of Health meeting is scheduled for April 28, 2010**

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

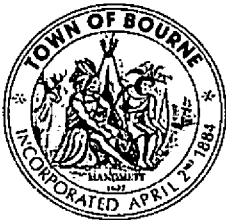
Galon Barlow

Donald Cunningham

Donald Uitti

Stanley Andrews

cc Board of Selectmen/Town Clerk



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Cynthia A. Coffin,
Health Agent

SPECIAL MEETING NOTICE

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

Schedule of Meeting

Date:

April 21, 2010

Time:

7:30 A.M.

Place:

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

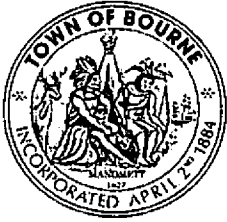
AGENDA ITEMS:

1. ISWM-Discussion and Possible Vote

Signed: *Kathy M. Burgess*
Title: Secretary
Date: April 16, 2010

cc Board of Selectmen/Town Clerk

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BOARD OF HEALTH
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Cynthia A. Coffin,
Health Agent

MINUTES

April 21, 2010

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice-Chairperson; and Galon Barlow
Also in attendance were Town Administrator, Tom Guerino, Selectmen John Ford, Jamie Sloniecki, Stephen Mealy and Donald Pickard, and Finance Committee member Mary Jane Mastrangelo

Support Staff: Cynthia Coffin, Health Agent

Call to Order: Meeting called to order at 7:30 A.M.

1. **ISWM-Discuss and possible vote-**Ms. Peterson thanked everyone for coming and apologized for the early hour of the meeting. Ms. Peterson stated that Mr. Barrett is having some technical difficulty with printing some reports that are needed for the meeting and would be a little late. Ms. Peterson stated that the Board of Health has problems with the landfill. Ms. Peterson stated that there have been two changes in management in the last year. Ms. Peterson stated that she is questioning the fact of what is going to be different for the next general manager to handle that the last two could not. Ms. Peterson stated that the Town has to get together and figure out how to run the landfill. Ms. Peterson stated that the Board of Health again is put in a situation where they are completely blocked out of any decision to do with the landfill regardless of whether it has to do with finances or the health and safety of the Town. Ms. Peterson stated that anything that has to do with the landfill has to do with the Board of Health. Ms. Peterson stated that the Board of Health does not tell them where to buy any of their supplies and everyone understands that but the Board of Health does set the tonnage and has all the decisions on health and safety. Site assignments in a landfill are how a landfill is run. The Board of Health oversees the site assignments. Ms. Peterson stated that every time there is a landfill discussion

there are problems and they need to find out why so they don't have to call emergency meetings. Ms. Peterson stated that Mr. Barrett has been asking for things for over two years. He has been asking for help and also for a five year plan. Ms. Peterson stated that Mr. Barrett produced a five year plan that no one paid any attention to. Ms. Peterson stated that everyone is at fault here and Mr. Barrett needs their support and if they cannot support Mr. Barrett how are they going to support a new general manager. Ms. Peterson stated that they did not support Brent Goins or Dan Barrett and now they are in a crisis situation at the landfill. They do not have enough help to run the landfill and they need an engineer. Mr. Barrett was on vacation and she asked ISWM for the list of contracts, their start and end dates and the expected tonnage coming into the landfill. Ms. Peterson stated that she also asked for the daily tonnage taken in from January 1, 2010 to date. Ms. Peterson showed the audience what she received. Ms. Peterson stated that it was not what she asked for and the answer she got was because Mr. Barrett was not there. Ms. Peterson stated that those figures should have been available by the click of a button and they are regulated by authorities far bigger than themselves. Ms. Peterson stated that they have to be able to tell someone what they took in for tonnage on a certain day and the only tonnage information she received was for last Friday. Mr. Guerino stated that he did not know that Ms. Peterson had requested that information. Mr. Barlow stated that he did not ask for any landfill information but that this has been going on for the last 2 ½ years. Mr. Barlow stated that the communication between the Board of Health, Board of Selectmen and the Town Administrator is almost non-existent. Mr. Barlow stated that they have all been side stepping the issue and Mr. Barrett has been caught in the middle. Mr. Barlow stated that when the Board of Health asks for information they are told that it is not Mr. Barrett's job to get the information and to ask the Town Administrator because Mr. Barrett answers to the Town Administrator. Mr. Barlow stated that they have to set a clear and concise path so that the Board of Health can make good decisions based on accurate information. Mr. Barlow stated that he is not pointing the finger at anyone and this meeting was so they could establish some sort of chain of communication between the Board of Health, Board of Selectmen, Town Administrator and the landfill. Mr. Barlow stated that the Board of Health has oversight over the landfill and the TA has oversight over ISWM. Mr. Barlow stated that if the Board has a question ISWM may not be comfortable giving them an answer because ISWM does not want to offend the Board of Selectmen or the Town Administrator so the BOH doesn't get an answer. Mr. Barlow stated that in November they had a discussion about lowering the tonnage and then found out that a deal had been struck with SEMASS to take extra trash in January which the BOH did not know about. Ms. Peterson stated that it has been two years now and the BOH does not believe the odors are under control yet. Ms. Peterson stated that she received a call from Dave Ellis, DEP, who told her that there are problems at the landfill. Ms. Peterson stated that she knows there are problems and is worried. Ms. Peterson stated that she is worried that Dan Barrett is stepping down and the BOH cannot make decisions regarding the landfill without the cooperation of all the other Boards and the TA. Ms. Peterson stated that Mr. Barrett had put

together a presentation for them and his employees. Mr. Barrett stated that due to the weather excess tonnage has been an issue for them which the Board of Health has been upset about. Mr. Barrett went over the packets with the audience. They contained current contracts and tonnage information. Mr. Barrett stated that they now have a spreadsheet that tells them exactly what tonnage has come in and what type of material has come in. Mr. Barrett stated that a few months ago they were thinking about asking for a tonnage increase but have decided that that is not a good idea operationally right now. Mr. Barrett stated that there have been some questions regarding a few of the jobs they have taken on recently. One was a sizable job for the JFK library in Boston. Mr. Barrett stated that they decided to take that job because historically the months of January, February and March are slack in tonnage and only average 150-200 tons daily. Mr. Barrett stated that they took the material for a relatively low price because they needed the volume to get the North Slope built up so they can cap it and get the gas system in it. Mr. Barrett stated that the density of the material and the volume it consumes also makes a big difference. Mr. Barlow stated that a ton is a ton no matter how it comes in. Mr. Barrett stated that on an economic basis the JFK material is just as good as MSW coming in. Mr. Barrett stated that there were some questions on the annual tonnage. Pricing was an issue. Mr. Barrett stated that they went out and got some material for \$45 a ton. At that time, it was Jan or Feb of 2009. Mr. Barrett stated that the only way to get them in to augment the fiscal situation they were in was to give them a contract at a reasonable number over a short period of time. Ms. Peterson stated that the Board of Health also cares about the finances at the landfill and they should all be on the same page working together trying to make the most money for the Town. Mr. Barrett stated that the contracts total in fiscal 2011 is only 14% of their total capability. In year two it jumps up to 17%. Mr. Barrett stated that he wanted to get where they needed to be but also minimize their impact on their tonnage and airspace consumption. Mr. Barrett stated the contracts are short money but are also short term. Ms. Peterson stated that Mr. Barrett is in place to make these decisions and no one is questioning the prices. Mr. Barrett stated that sometimes he thinks that people don't understand the situation they are in and what they need to do to get it done. Mr. Barlow asked if the 200 tons of ash coming in from SEMASS was included in the 810 tons that was listed on the spreadsheet on January 8th. Mr. Barrett stated that it was not included in that figure. Mr. Barlow stated that what came over the scales that day was probably over 1000 tons. Mr. Barlow stated that that they have to know what they are getting for the landfill space. Mr. Barlow stated that there is a big concern that the landfill is getting filled much faster than anyone anticipated. Mr. Barlow stated that everyone should have the same information and they took in much more than they would normally take in January because of boiler problems at SEMASS and the Board of Health was kept out of the loop. Mr. Barlow stated that if they set a 700 ton limit and it goes above that the BOH wants to know why and what is going on in order to make things happen correctly. Mr. Andrews stated that in the month of January out of 24 operational days they were over their daily tonnage 13 of those 24 days and with the odor issues they were having at the time all their manpower should have been addressing odor issues and not excess

tonnage. Mr. Barlow stated that according to the charter Mr. Barrett works for Mr. Guerino but he can communicate with the Board of Health through the TA. Ms. Peterson asked where the contracts were for Covanta, WSI, and Casella. Mr. Barrett responded that Covanta and WSI did not have contracts with them and were at will customers. Ms. Peterson asked what Covanta brought in in a week. Mr. Barrett responded over 6 days about 400 a day which is cover and ash for disposal. Ms. Peterson asked how much WSI brought in. Mr. Barrett stated that WSI and Cassella were bringing in about 150 each per day. Ms. Peterson stated that with the change in leadership it would be like going back to square one with all these companies. Mr. Barrett stated that it depends on the background of the person that assumes the position and he will be around to help out with the transition. Mr. Barrett stated that they have been notoriously low on their air space consumption over the last few years. Ms. Peterson stated that it still goes back to the communication issue. They were over their tonnage $\frac{3}{4}$ of the time in the month of January and no one on the BOH knew that. Mr. Barrett agreed that that was unacceptable. Mr. Barlow stated that they know why the tonnage is increased and understand that but the circumstance should have been explained to the BOH first. Mr. Barlow stated that the BOH has to have a line of communication with the Selectmen and the Town Administrator. Mr. Barrett suggested that some of the communication could be made through the landfill group that was discussed at an earlier meeting. Mr. Andrews stated that that was a group discussed about a year ago that never materialized. Mr. MacNally stated that the process of communication has been broken in the last two years. There was more open communication in the past and the landfill managers were never prevented from speaking to the BOH. Mr. MacNally stated that he sees this as a power struggle within Town government and the Board of Health is left out of the loop without answers being given in a timely manner. This all affects the ability of the landfill management to do things the way they would like. Mr. MacNally stated that this is wrong and if there are not drastic changes made it does not give him a good feeling about the future of the landfill. Mr. MacNally stated that there is no vision at the landfill right now. Mr. Ford stated that that the Board of Selectmen realizes that there is a communication problem and will put the discussion on the agenda for the Selectmen's meeting for the 27th of April where they will bring up a lot of the points that were discussed this morning. Mr. Ford stated that they would like to make a presentation of everything that has happened at the landfill and to better work together on communication with ISWM, Board of Health and the Board of Selectmen. Mr. Ford stated that the Selectmen do not get involved in the day to day operations; they go through the Town Administrator. Mr. Ford stated that he has a list of the calls he has received over the last few months from the Chairman of the BOH along with BOH members. He has also spoken with Dave Ellis from DEP. Mr. Ford stated that they will air out the miscommunications and find a solution to running the landfill. Mr. Sloniecki stated when they first talked about forming the committee it should have been made mandatory to meet once a week. Mr. Sloniecki stated that the Board of Health not having the tonnage information was a flaw in communication. Mr. Sloniecki stated that having a weekly meeting with the

committee which would include Mr. Barrett, a member of the Board of Health, a member of the Board of Selectmen and possibly Steve MacNally would eliminate the communication problem. Each person that would sit on the committee would know that they were committed to a weekly meeting. Ms. Peterson stated that in the past there was some confusion with the open meeting law. Ms. Peterson stated that since no votes were being taken she thought a member of the BOH could meet with landfill management and a member of the BOS and possibly Mr. MacNally to discuss the landfill issues. Mr. Ford stated that that is not how he reads the open meeting law. Mr. Ford stated that when a committee is appointed by the BOS they cannot be members of that committee, only a liaison. Mr. Ford stated that this should be done with the Town Administrator, the BOH and Dan Barrett. The Board of Health is in a different position. The BOS sets policy and the Town Administrator runs the landfill on a day to day operation. Mr. Ford stated that this committee should consist of Dan Barrett, the Town Administrator, who is his supervisor, and a member of the Board of Health. Mr. Ford stated that if there were a member of the BOS on the committee they would be getting involved in the day to day operation and the charter set up the BOS to set policy. Mr. Ford stated that the Board of Health needs to know what is going on at the landfill on a day to day basis and the key to the communication is the Town Administrator. Mr. Ford stated that the BOS set finances and policy. Right now they are interested in setting up a five year plan so they know what direction they are going in. Mr. Guerino stated that there is a representative from the landfill that attends about 90% of the BOH meetings. Mr. Guerino stated that if there is information that is needed in the two weeks in between meetings that should be disseminated through his office or through Mr. Barrett. Mr. Guerino stated that they need to figure out a protocol so the BOH gets the information that they need. Mr. Barlow stated that the BOH is not getting the information of what is happening or what is going to happen. Mr. Barlow stated that that fact is reflected in the records they were given that shows that the daily tonnage was ignored. Mr. Mealy stated that if there is anything they can do as a board to facilitate the definition of and the implementation of a better communication system any one of them would be more than pleased to do that. Mr. Barlow stated that the communication was broken off with Mr. Goines when he told the Board of Health that he was working with Mr. Guerino and could not talk to them any more. Mr. Guerino stated that there was never a filter put on any one talking to the BOH. Mr. Ford stated that it is agreed there is a communication problem and it is the obligation of the Town Administrator to straighten it out. Mr. Ford stated that if they can send to the Board of Selectmen exactly what they need they can set it as policy and the TA will follow it. Mr. Ford asked Mr. Guerino if he had any problems with the Board of Health having access to Mr. Barrett or whoever the general manager might be. Mr. Guerino stated that the Board of Health has always been able to go to the landfill but he does not want them telling them what they should be doing on a daily basis. Mr. Guerino stated that information regarding where they're at or what's going in the hole is absolutely under their purview. Mr. Guerino stated that if they need information that they are not getting they need to let him know so he can correct it. Ms. Peterson stated that no one on

the Board of Health has ever told anyone at the landfill what to do on a daily basis. Mr. Guerino stated that he concurs with that. Ms. Peterson stated that no one is pointing fingers at anyone here. Everyone is at fault with the lack of communication. Ms. Peterson stated that no one calls the Board of Health when they know they are going over tonnage and the Board of Health has to be on board beforehand not after the fact. Mr. Mealy stated that as a member of the Board of Selectmen if there is information the Board of Health would like to have they will work as a Board to establish a policy that is necessary to make sure they get whatever they need on a timely basis. Ms. Peterson stated that they have to help out the current and future general manager because the odors are not under control. Ms. Peterson stated that they were in crisis three months ago and here they are three months later and nothing has changed. Mr. Andrews stated that according to the Joyce Report the number one problem at the landfill is communication followed by manpower, allocation, a general manager and long term policy. Mr. Andrews stated that they have to address these issues now or they will be right back where they are now. Mr. Andrews stated that he has been told that it will be at least a year before they go back on top of Phase 2A/3A. Mr. Andrews stated that according to regulations, because it's an active landfill, it has to be capped. Mr. Barrett stated that it has been temporarily capped, intermediate cover which DEP has recognized. Mr. Barrett stated the cap goes all the way across the top to the East side and ties into the existing final cover. You have the whole East side, the lower side and the South side that is all covered. The west side has Posi-Shell which is intermediate cover. Mr. Barrett stated that he wants everyone to understand that they are not operating out of compliance. Mr. Barrett stated that they had to establish a closure account so if DEP determines there is an issue and have to close something up they have the money to do that. Mr. Andrews stated that these are all the things that they have to look at as a group. Mr. Mealy asked Ms. Peterson where she would like to go from here. Ms. Peterson stated that she likes the idea of Mr. Barrett, the Town Administrator, one or two members of the BOS, and two members of the BOH sitting down once a week not making any decisions, just bringing back the information to the Boards and letting the Board decide what they wanted to talk further about. Ms. Peterson stated that they stopped having Mr. Barrett attend the BOH meetings because he was overwhelmed at the landfill due to the fact of no support. Mr. Guerino stated that the open meeting law may require the weekly meeting to be posted. Ms. Peterson stated that the meetings should be very quick and she would like Mr. MacNally, if he is willing, to stay on as a consultant to the BOH. Ms. Peterson stated that Steve MacNally is the only one, other than Dan Barrett, that has been with the landfill since day one and understands what's going on. Ms. Peterson stated that Mr. MacNally should actually be on the selection committee for the next general manager. Ms. Peterson asked Mr. MacNally if he would like to stay on and help. Mr. MacNally answered that he did not know. Mr. Pickard stated that what he is getting from this meeting is that the BOH needs direct reporting from the General Manager at the landfill on a weekly basis. Mr. MacNally stated that weekly reports are important but the fact is that the BOH should be able to pick up the phone and call Mr. Barrett and ask what is going on and Mr. Barrett should

be able to answer them. Mr. MacNally stated that in the past they used to just pick up the phone and freely talk with each other but that doesn't happen anymore. Mr. MacNally stated that most issues could be resolved just by picking up the phone and it wouldn't have to come to having an emergency meeting. Mr. Andrews stated that they would like to see the gas monitoring reports for the last 2 ½ years, an update on all the demonstration projects, and the plan of operation for preventative maintenance. Mr. Andrews stated that he would like the information brought to the office so it could be mailed in their packets next week. Ms. Peterson stated that she would like to see how much money has been set aside for dealing with emergencies and odor control at the landfill and to make sure they have the proper staff to fulfill it. Mr. Ford stated that they were having a Selectmen's meeting Tuesday night to discuss the landfill and someone from the BOH should be there in case questions come up. There was general discussion about holding a joint meeting between the BOH, BOS and the Finance Committee. Mr. Barlow stated that recently there was an email or letter sent from Mr. Guerino to Mr. Ellis which somehow came back to the BOH. Mr. Barlow stated that there were things mentioned in the letter that the BOH was not even aware of that had a lot to do with the environmental safety of the landfill. Mr. Mealey suggested that the BOH come up with one sheet containing the information that they would like. Mr. Ford stated that they understand that the Board would like to be cc'd on what the Town Administrator does that affects ISWM. Mr. Ford stated that the first control point is the Town Administrators office. Ms. Peterson stated that Phil Goddard has been given a new title which the BOH did not know about. Ms. Peterson stated that they had a little problem with Highland Power last week which was blown out of proportion by Highland Power but that is what got DEP to contact her and Mr. Ford. Mr. Guerino stated that Mr. Ellis, DEP, did not talk to him until later in the day and Mr. Guerino had never heard of Highland Power. Ms. Peterson spoke with Mr. Barrett and Highland Power is only interested in one goal and that is the gas. Ms. Peterson stated that Phil happened to have odors on another part of the landfill and Highland Power didn't understand that equipment would not be made available to him because of meters that were reading on another section of the landfill. Ms. Peterson stated that what came across was Highland Power was told that there was no truck available and there was no one to authorize a vehicle. Ms. Peterson stated that was an example of the problems going on and other people think there are problems as well. Ms. Peterson stated that she wanted to thank everyone for coming. Ms. Peterson stated that they will take all the information Mr. Barrett is going to provide them and take it under advisement so there will be no vote today and they will see Mr. Barrett at the next meeting. Ms. Peterson stated that they understand if they go over on the tonnage but they would like to know beforehand. **Mr. Andrews made a motion to ADJOURN. Ms. Peterson seconded the motion. All in favor and the motion PASSES.**

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 Bourne Board of Health

Kathleen Peterson

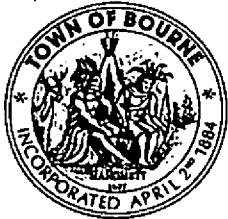
Stanley Andrews

Galon Barlow

Donald Uitti

Donald Cunningham

Cc Board of Selectmen/Town Clerk



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

SPECIAL MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

May 12, 2010

Time:

7:00 P.M.

Place:

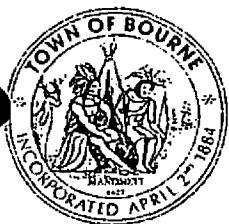
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. ISWM- Discuss & Possible Vote on Tonnage Violations-Requested by Skip Barlow
2. 34 Benedict Rd-Continued-Barbara Frappier for Kevork Tinkjian-Request for waiver to use the existing septic system for proposed renovations
3. 68 Monument Ave-Michael Stelier-Requesting reduction in frequency of required maintenance inspections from quarterly to semi-annually
4. 7 Farnum Rd.- Roberta Ambrosi-Appealing order to correct
5. 204 Phillips Rd.-Trevor Meyer for Roger & Diane Ouimet-Request for waiver to use the existing septic system for proposed renovations.
6. Tobacco Violations- Discuss & Vote regarding \$200.00 fine for second violation in eighteen months-Sale of tobacco to a minor
Cumberland Farms, 435 Shore Rd, Monument Beach, MA
Country Farms, 365 Barlows Landing Rd, Pocasset, MA
7. Tobacco Violations-Discuss & Possible Vote regarding \$100.00 fine for sale of tobacco products to a minor-
Sam's Store-261 Main St, Buzzards Bay, MA
Scusset Beach General Store, 41 Meetinghouse Lane, Sagamore Beach, MA
8. Steve Boyd-Hydros Inc.-Informational Presentation
9. Approval of Minutes dated April 14, 2010 & April 21, 2010
10. Other Business

2010 MAY 6 PM 2 34
TOWN CLERK'S OFFICE

Signed: *Kathy M. Burgess*
Title: Secretary
Date: May 6, 2010



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532**

2010 MAY 32
Phone (508) 759-0615 x1
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TOWN CLERK'S OFFICE



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TOWN CLERK'S OFFICE

MINUTES

May 12, 2010

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

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

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

Ms. Peterson stated that she wanted to start off by saying how diligently the Selectmen, Finance Committee, ISWM and the Board of Health have been working together to try and fix the problems that they have encountered in the past. Ms. Peterson stated that she wanted to thank the Board of Selectmen for taking care of some of the communication problems that they have had.

1. **ISWM-Discuss and Possible Vote on Tonnage Violations-Requested by Skip Barlow-** Mr. Barlow stated that they have never had this problem before so they have to address this issue. Mr. Barlow stated that there are storeowners present tonight that will have to pay fines of \$100.00 for selling a pack of cigarettes to a minor so ISWM has to follow the regulations and guidelines too. Mr. Barlow stated that he has been thinking of setting some penalties; possibly \$1.00 a ton until Ms. Mastrangelo stated at Town Meeting and said that the overage was netting them \$3.15 a ton. Mr. Barlow stated that it apparently this is part of the reason why it was done because they wanted the money to go down another financial avenue. Mr. Barlow stated that running the landfill is not about violating regulations and he believes that the Board of Health should have the authority to fine ISWM if the tonnage limit is violated and that money would go right into the general fund and bypass any other committees. Mr. Barlow stated that the Board of Health is continually getting run over because things happen like odor or tonnage and they let it go by. Mr. Barlow stated that the Board of Health does not

treat ISWM like any other business in Town and they are a business. Mr. Barlow stated that he is not advocating fining them for what has happened but for setting up a policy in case it happens again. Ms. Peterson stated that it sounded reasonable. Mr. Barlow stated that they could discuss it as a Board and possibly draw something up. Mr. Andrews stated that he would propose the Board consider where they could put the funds and what restrictions would be imposed so that the penalty affects them in the same manner that it would be affecting other businesses present at the meeting who violated the regulations. Mr. Barlow stated that he is not trying to benefit the Town's budget but he did ask the TA at the Town Meeting if the BOH fined ISWM if it would go directly into the general fund. Mr. Barlow stated that the TA's response was yes, but ISWM does not have any money. Mr. Barlow stated that he also asked Ms. Mazelli the same questions and she stated that it would go directly into the general fund. Mr. Barlow stated that generally if the BOH does not issue a fine and DEP steps in and issues one the money does not go into the general fund it goes elsewhere. Mr. Barlow stated that they do have the authority to do that and if the BOH does not act DEP can. Ms. Peterson suggested that they put it back on the agenda for the second meeting in June and that will give them time to come up with some proposal if Mr. Andrews would like to put something on paper. Mr. Andrews stated that they could take some suggestions from ISWM as well. Mr. Barrett stated that his track record with DEP is pretty good and what is happening is a good sign of the economy but they are being overrun. Mr. Barrett stated that it is very difficult for them to control it but Mr. Goddard has developed a spreadsheet that they can monitor constantly during the day. Mr. Barrett stated that it is difficult for them to track the tonnage on a daily basis. Mr. Barrett stated that they shut the gate at 10:30 that morning but still have to allow room for their contract waste. Mr. Barrett stated that for one of the dirt jobs they had he estimated the trucks at about 25 tons. One guy came in at 16 then the next at 35 and then one at 40. Mr. Barrett stated that they will lower their expectations. They can take 700 tons into the landfill on any given day and not exceed 4900 over the week so they need to average 600 and at 400 shut the gate which will give them 200 ton for the unforeseen. Mr. Barrett stated that he would much rather do that than have the BOH fine them. Mr. Barlow stated that some of the tonnage actually goes in and then goes out but they have to look at the safety and environmental issues which is why they set the tonnage in the first place. They are also concerned about the traffic flow. Mr. Barlow stated that there are a lot of things that ISWM can do if they want to but the BOH needs to see the plans and approve it. Mr. Barrett stated that they were granted approval at Town Meeting to do the things they need to do which he is very happy about. All the front entrance work will be able to be done now. Two roads going up the East side of the landfill were also approved so the trucks will be able to go all the way up on the blacktop and be weighed. The project will be done in two phases. The area will be brought up to grade late fall or early winter. They will be able to drill and install the gas wells in the winter. Ms. Coffin asked if DEP looks at a day to day tonnage overage. Mr. Barrett stated that DEP reads that they can put 600 tons in the landfill on any given day 7 days a week. Mr. Barrett stated that it is not to exceed 700 tons on any given day not to

exceed 4900 in any given week. Mr. Barrett stated that the DEP looks more at it on an annual basis unless there are issues. Mr. Barlow stated that they will revisit this in a few weeks and set up some type of policy.

2. **34 Benedict Rd-Continued-Barbara Frappier for Kevork Tinkjian-Request for waiver to use the existing septic system for proposed renovations.** Ms. Frappier passed in the green cards that were not available at the last meeting which caused the continuance. Ms. Frappier stated that the septic system was installed last year but part of the system was installed on the neighbor's property so it is not entirely on Mr. Tinkjian's lot. Ms. Frappier stated that part of the project is to relocate the leaching field so it will be totally in the confines of the applicant's property and will be located in the front yard as far away from the resource area as the lot will allow. Ms. Frappier stated that they are asking that the Board allow for the tear down and rebuild of the garage while maintaining the same septic system as it will be smaller than is there now. Greg Sooronian, RESCOM, stated that the existing structure is a first floor garage with a small breezeway. The second floor has stairs, bedroom, some closets and a bathroom. Mr. Sooronian stated that they have been approved by conservation and they are proposing to rebuild it as a family room on the first floor with a bathroom and a bedroom upstairs with a bathroom. The square footage needs to be less than a 25% increase. The existing bedroom is 542 and the proposed will be 545. Mr. Sooronian stated they made the garage into living space which will be a 45% increase in non bedroom space but also includes the staircase. Mr. Sooronian stated that they were increasing the bedroom by 3 square feet. Ms. Coffin stated that the garage is becoming the family bath. Mr. Andrews stated that part of the existing leaching field was installed on the next piece of property and asked when that would be resolved. Ms. Frappier stated that once the project is approved they will do it all at once so as not to dig up the yard more than once. Ms. Peterson asked if there was anyone in the audience with any questions. Joan Delape stated that she lived at 41 Benedict Rd. and asked where exactly the new septic system would be installed. Ms. Frappier showed the plans to Ms. Delape and explained exactly where it would be located. Ms. Peterson asked if Ms. Delape was comfortable with where it was going to be located. Ms. Delape stated that she was and asked about the building of a bridge at the end of the salt marsh that had been before Conservation. Ms. Frappier stated the owners have decided not to do that because of the costs involved. **Mr. Andrews made a motion to grant 34 Benedict Rd. a variance of 98 feet from the required 150 feet of the leaching facility to the edge of wetlands/top of coastal bank. There will be a three bedroom deed restriction placed on the property. The architectural records are those dated 3/18/2010 by RESCOM and received by the Bourne Board of Health on 3/26/2010. Plans dated 3/01/2010 by Warwick and Assoc. and received by the Bourne Board of Health 3/26/10. Mr. Uitti seconded the motion. Mr. Barlow stated they are granting this because it is a pre-existing system that they want properly situated on the lot. All in favor and the motion PASSES.**

3. **68 Monument Ave-Michael Steller-Requesting reduction in frequency of required maintenance inspections from quarterly to semi-annually-Mr. Steller could not make the meeting tonight. Mr. Andrews made a motion to CONTINUE 68 Monument Ave. until May 26th. Mr. Uitti seconded the motion. All in favor and the motion passes.**
4. **7 Farnum Rd. -Roberta Ambrosi-Appealing order to correct-Ms. Coffin stated that the tenant was not notified until that morning and could not make the meeting tonight so the Ambrosi's agreed to continuing it until the next meeting on May 26th. Ms. Coffin stated if the tenant does not attend the meeting on May 26th they will hear the case without her. Mr. Barlow made a motion to CONTINUE 7 Farnum Rd. until May 26, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
5. **204 Phillips Rd-Trevor Meyer for Roger & Diane Ouimet-Request for waiver to use the existing septic system for proposed renovations-Mr. Meyer stated that they have been before the ZBA to request an increase in gross floor area which was granted. Mr. Meyer stated that the gross floor area is 1650 square feet and has revised the plan to accommodate that increase. Mr. Meyer stated that they cut some square footage out of the second floor bedroom and are asking for a waiver to use the existing septic system which is a three bedroom system. Ms. Peterson asked what the problem was the last time they came before the Board of Health. Mr. Meyer stated that at that time they were in excess of 25% square footage of bedroom space and would possibly have to install an alternative septic system. Ms. Coffin stated that the existing system is very close to the wetland. Mr. Barlow asked why the plans say 177 Phillips Rd. instead of 204 Phillips Rd. Mr. Meyer stated that that was a mistake and should say 204 Phillips Rd. There was general discussion between the Board members as they looked over the plans. Ms. Coffin stated that if you are looking at it based on percentages it is definitely under the 25% but it is a big project for that size lot. Ms. Coffin stated that they should impose a deed restriction so no other rooms are added on. Ms. Peterson stated that they have done everything the Board asked of them after the last meeting. Mr. Andrews stated that they added an open deck and reduced the bedroom size. Richard Perry, an abutter to the property, asked if they were just adding a bedroom. Ms. Peterson suggested that Mr. Perry come up and look at the plans and discuss them with Mr. Meyer. Ms. Peterson and Ms. Coffin asked the Ouimet's to point out exactly where the bedrooms and living room were on the assessor's card. Ms. Peterson asked Mr. Perry if he was comfortable with what the Ouimet's are doing. Mr. Perry stated that yes; he was comfortable with the plans. Ms. Coffin stated that there are two green cards that were not handed in. Ms. Coffin stated that after the last meeting the Board did tell them that the abutters would not have to be notified again but that was back in December. Ms. Coffin stated that she will need the proof that they were mailed out. Mr. Meyer stated that he has that in his office and could provide it to her tomorrow. Ms. Peterson stated that they can take a vote with conditions that there would be no issuance and all motions made would be null and void if we do not have proof of mailing.**

Ms. Peterson asked why the words on the plan stated that the existing septic tank may have to be relocated per Town of Bourne inspection. Mr. Meyer stated that that was just a note in case the tank was close to the deck but they are not doing any work back there. **Mr. Barlow made a motion to approve the request for a waiver to use the existing septic system at 204 Phillips Rd, the plans that were received on May 4, 2010 have the address as 177 Phillips Rd. The approval is rescinded if all the green cards or the notification slip that they were mailed out are not received by the Bourne Board of Health by tomorrow May 13, 2010. The architectural were received on May 4, 2010 which also reflects the address as 177 Phillips Rd and the letter of request received on May 4, 2010 which does reflect the correct address 204 Phillips Rd which the Board was told was the same property. There must be a three bedroom deed restriction recorded before the permit is issued. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

6. **Tobacco Violations-Discuss & Vote regarding \$200.00 fine for second violation in eighteen months-Sale of Tobacco to a minor. Cumberland Farms-435 Shore Rd, Monument Beach-Ms. Peterson stated that it is the second violation in 18 months which is a \$200.00 fine which cannot be waived. Mr. Warters, the store manager, and Mr. Vomghart, area sales manager, are both present at the meeting. Ms. Peterson asked what they plan to do so this does not happen again. Mr. Vomghart stated that they are doing everything in their power to prevent this. Mr. Vomghart stated that the manager does the first interview and he does the second interview. They have forms that the employees must read and sign. They also have an employee handbook which states the company policy regarding selling cigarettes to minors. Mr. Warters stated that they also have a monthly test that the employees take through their computer. Mr. Warters stated when they hire new employees they are made aware that they will be terminated if they do not check ID's for cigarette purchases. The employee that sold the tobacco to a minor was let go. Ms. Peterson stated that a third violation would result in a \$300.00 fine and possible revocation of the tobacco license for a few days. Mr. Uitti made a motion to APPROVE the fine of \$200.00 to Cumberland Farms, 435 Shore Rd, 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 Rd-Discuss & Vote regarding \$200.00 fine for second violation in eighteen months-Sale of tobacco to a minor- Ms. Peterson stated that Country Farms had already come by the office to pay the \$200.00 fine. Dashreth Patel, owner of Country Farms, stated that it is a family business and his wife is the one that sold the cigarettes to a minor. Mr. Patel apologized for that and stated that they do take this very seriously. Mr. Uitti made a motion to APPROVE the \$200.00 fine for Country Farms, 365 Barlows Landing Rd, for sale of tobacco to a minor. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
7. **Tobacco Violations-Discuss and Possible Vote regarding \$100.00 fine for sale of tobacco products to a minor-Sam's Store-261 Main St, Buzzards Bay and Scusset Beach General Store, 41 Meetinghouse Lane, Sagamore Beach-**

Jawad Nasr, owner of Sam's Store, and Mohammed Shafique, owner of Scusset Beach General Store, are both at the meeting tonight. Mr. Nasr, stated that he has fired the employee responsible and he has a system on the register that now asks for a date of birth to be entered when any tobacco product is being scanned. He also tells his employees to card anyone under the age of 40. Mr. Shafique also stated that he has bought some new equipment which should prevent this from happening again. **Mr. Uitti made a motion to APPROVE a \$100.00 fine for a first offense to Sam's Store, 261 Main St. and Scusset Beach General Store, 41 Meetinghouse Lane, for sale of tobacco to a minor. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

8. **Steve Boyd-Hydros Inc.-Informational Presentation-** Ms. Peterson stated that Mr. Boyd asked to be put on the agenda on his own time to discuss with the Board of Health what the concept was behind the testing that was done at the landfill. Mr. Boyd stated that he was here partly tonight because of the recent press regarding his company Hydros, and the fact that Hydros was responsible in part for hydrogen sulfide smells at the landfill. Mr. Boyd stated that he wanted to go over with the Board of Health what they are doing, why they did it, why it worked so well and where they stand now. Mr. Boyd stated that tonight he is only talking about the microbial aspects associated with the Town of Bourne ISWM. Mr. Boyd stated that his company, Hydros, is involved with the diagnostics of bacterial fungal and viral diseases in plants, agriculture and sewage treatment. They also have a second company called Micro-mediation and they are involved in bacterial injection into septic systems and restaurants to make the system work better. Mr. Boyd stated that the third company, ESO, is also located on Waterhouse Rd. and they have the patent that he developed that are for the introduction of certain nutrients that go into septic systems. Mr. Boyd showed the Board a slide presentation of the landfill, particularly the North end. Mr. Boyd stated that all the work they did there was in the North End only. Mr. Boyd stated that the gas problem that exists now is in the South end, approximately ½ mile away. Mr. Boyd stated that he had explained this to Mr. Guerino and these bacteria have been in use in various industries for 50-100 years. Mr. Boyd showed the Board Members exactly where the biological experiment runs at the landfill. Mr. Boyd stated that Mr. Goddard approached him telling him that they wanted a simple system to reduce costs and get rid of the odor before it leaves the landfill. Mr. Boyd stated that they proposed to build a bacterial wall across the North End which does not have extraction wells yet. The long term goal was to apply the technology should it work to the total landfill. Mr. Goddard stated that he wanted to clarify that he had gone to Hydros regarding the seagull problem and just happened to ask them what they did there and during the discussion Hydros expressed an interest in working with their leachate. Mr. Boyd stated that they have successfully solved the seagull issue. Mr. Boyd stated that the microbial treatment ended a year ago because they were trying to reduce costs at the landfill. Mr. Boyd stated that they provided them with a weekly data sheet so everyone knows what the gas is doing but it is a very slow process. In the Northern region the gas dropped approximately 21% of what it was at the start in

a little over a year. Mr. Boyd stated in the Southern end, which was not treated, the gas production increased by 4X. Mr. Andrews asked what the color coded areas represent. Mr. Boyd responded that green was low, less than 100. Yellow and blue are about 2500. Red is over 5000-hydrogen sulfide. Mr. Boyd stated that it is a ½ in PVC pipe and is not 14 acres and is not spread all over the place. Several microbe species were used and were designed to compete with the H₂S producers. These were primarily sulfate oxidizers which actually go after the calcium sulfate which is in fines and gypsum. Mr. Andrews stated that Mr. Boyd should break it down a little easier from the chemistry. Mr. Andrews stated that the product they were chasing after was a material in the landfill. Mr. Boyd stated that that was not correct and the product they are going after is something the landfill is getting rid of. Mr. Andrews stated that the bugs were going after the gypsum. Mr. Boyd stated that he would give the Board references and papers that will deal with that. Mr. Boyd stated that you really don't know for sure who is doing what down there at the time. You also have seasonal aspects so what you try and do is have certain oxidizers in this case that are able to use X or Y. In addition to that they have species of bacteria that are actually capable of taking the H₂S and breaking it down precipitating the sulfur as SO₂ and they are after the hydrogens. Mr. Boyd stated that what you are doing with a chemical process is essentially mimicking what you are doing with an enzyme process. Mr. Boyd stated that there were roughly 16 species of microbes that they used all of which were incapable of producing H₂S. Other organisms there, so called sulphate reducers, do have the capability of producing H₂S but they require the opportunity to get at calcium carbonate or in this case sheetrock. Mr. Barlow stated that this is way over their heads and they will probably have to take this to DEP to review this. Mr. Barlow asked what their goal was. Mr. Boyd stated that you have chemical treatments that are purely chemical you have precipitation treatments using biology on outside bioreactors. Mr. Boyd stated that major companies use this process and it is used all the time. Mr. Barlow asked again what the goal was. Mr. Boyd stated that his goal is to produce a system that reduces hydrogen sulfide inexpensively. Ms. Coffin asked if Hydros was involved early on, remembering that there was some type of proprietary issue going on. Mr. Boyd stated that this is totally different than what Hydros is doing. Mr. Boyd stated that the problem has been going on for about 8 years. Mr. Boyd stated that this problem is true of all landfills that have taken in C&D fines. Mr. Boyd stated that it was initially the DEP that forced Bourne to take it. Ms. Coffin stated that she was asking if Hydros came in before or after the landfill had all these issues with the odor. Mr. Boyd stated that they already had the problem and he made the proposal based on RFP from ISWM to try and solve their problem. Ms. Coffin asked what year they started this project. Mr. Boyd stated that it was 2007. Ms. Peterson stated that Mr. Boyd is here because it is very important that they get the information. Ms. Peterson stated that after they get all the information they may want to ask him back to answer questions. Ms. Peterson stated that after the Board listens to Mr. Boyd she believes that they will agree that the bugs did not actually cause the problems. Mr. Boyd stated that the whole system is about 800 gallons per week. Mr. Boyd stated that they are not adding moisture that can even be

measured. Mr. Boyd stated that it is a 600 ft line, ½ inch wide, that forms a ball and prevents the gas from getting to their sample points and reduces the overall hydrogen sulfide level and doesn't take up a lot of space. Mr. Boyd stated that in one day the landfill puts in 20 million times more food than they put in in a year and they are in a 1000 times smaller area. Mr. Boyd stated that the bottom line is that it is almost impossible to realize that this had the ability to go more than a few inches one way or another. Mr. Boyd showed the Board pictures of the system and explained how it worked. Mr. Barlow pointed out that one of the areas that Mr. Boyd was referring to was a serious hot spot for odor. There is a leachate pump there that fails regularly and creates a big problem. Mr. Boyd did not agree. Mr. Boyd showed the Board on the map where they have been sampling for the past three years and explained the graph to them. Ms. Coffin asked what the very high showing on the graph was. Mr. Boyd stated that he was not sure why that was so high but believes it was a mistake. Mr. Boyd stated that, in conclusion, the treatment was only in the Northern region; the levels in the northern region significantly reduced, H₂S in the untreated Southern region increased by 4X, and the original treatment forecast was confirmed. Mr. Boyd stated that the oxidation process of what they were doing with the bacteria functioned and prevented the gas levels from going up. Mr. Boyd stated that every day in a landfill something is being changed so he cannot say they did it but will say they were there doing something at the same time the gas levels went down. Mr. Boyd stated that it was clear that their efforts in that area did not increase any gas. Mr. Boyd stated that they knew gypsum was a problem and the landfill had to stop taking it. It is a very difficult problem from a management point of view. Sealing the system for gas release has been done. Mr. Boyd stated that turning on the drip system and treating the hot area which is the southern end is the cheapest approach to saving money. Mr. Boyd stated that in many other locals where they have facilities that is what they are doing. Mr. Barlow stated that normally when someone wants to do something at the landfill, especially an experiment, the Board of Health is told about it beforehand. Mr. Boyd stated that this is not an experiment. Mr. Barlow stated that as they understood it, this was an experiment that the Board of Health was denied information on was told there was a patent being applied for. Mr. Barlow stated it was very secretive until the past few weeks. Mr. Barlow stated that that in itself leads to a lot of suspicion. Mr. Barlow stated that it was an environmental experiment. Mr. Boyd disagreed. Ms. Peterson stated that they invited Hydros here to explain what they did and are not here to insinuate anything. Mr. Boyd stated that there is no experiment. The work was done as part of a proposal that was granted and they were working in multiple other areas. Mr. Barlow stated that it was bad timing when Hydros started the project or experiment. Mr. Barlow stated that Hydros was working on their project at approximately the same time as there was a significant acceleration of odor issues at the landfill. Mr. Boyd stated that they were taking materials or fines into the landfill multiple ways and then within 18 months they started to fester. Mr. Barlow stated that he agreed with that because while the Selectmen were meeting to discuss ways on how to control the odor the landfill was using daily cover that contained gypsum fines. Mr. Andrews asked if Mr. Boyd could provide references

for the locations where the systems were located. Mr. Boyd stated that he could not provide references. Mr. Boyd stated that he can tell the Board that it is in use elsewhere but has no intention of having anyone from this organization calling them to ask questions. Mr. Andrews asked if there were any whitepapers he could read. Ms. Peterson stated that she had one copy and will have more copies made and sent out to the Board Members by tomorrow. Mr. Boyd stated that he has provided a list with about 20 different references for hydrogen sulfide production at landfills. Mr. Andrews asked if they were doing any projects that were similar to the landfill. Mr. Boyd stated that every project is different but hydrogen sulfide is present at every landfill. Mr. Andrews stated that he was asking if there were any other competitors using the process of microbe technology. Mr. Boyd stated that there are multiple competitors that are doing similar types of thing. Ms. Peterson stated that they have learned that when projects like this take place they need someone to come before the Board of Health and explain the process to them. Mr. Boyd stated that he has met with Mr. Guerino and others several times but did not know where the information was going from there. Mr. Barlow stated that since 2007 the Board of Health has been getting second hand information. Mr. Boyd stated that not one person came to him. Mr. Barlow stated that the Board of Health did not even know he was involved. Mr. Barrett stated that there were references made in January where this was discussed. Mr. Boyd stated that he met with ISWM and others on a fairly regular basis. Mr. Barlow stated that if anything to do with health, safety or environmental goes on at the landfill the Board of Health needs to know about it before it happens. Mr. Boyd stated that that was an internal problem that had nothing to do with him and all he did was sign a contract. Ms. Peterson stated that the press could come by the office the next day to pick up the material that Mr. Boyd had brought with him. Mr. Boyd stated that he wants to protect his reputation and that is why he called to explain to the Board exactly what Hydros does. Ms. Peterson stated that she feels that he did and understands it better now. Mr. Andrews stated that with the literature he has he can look into it more. Mr. Barlow asked if Mr. Boyd was a biologist. Mr. Boyd stated that he has a PHD in Biology, with masters in molecular science. Mr. Barlow asked if when Mr. Boyd made his initial measurements at the landfill if the south end was extremely high. Mr. Barlow asked Mr. Boyd if he used a Jerome meter to measure. Mr. Boyd stated that a Jerome meter can work in a landfill but it is a different scale. Mr. Boyd stated that the hydrogen sulfide levels in the landfill are pretty high and they were using these micrometers that allows them to go out for short money and were able to precisely know where they were all the time. The Jerome meter is a very expensive tool but is not specific. Mr. Andrews stated that Mr. Boyd had mentioned that they did weekly testing on the hydrogen sulfide. Mr. Barlow asked if they were authorized to do this. Mr. Boyd stated that they were not authorized but were doing it as part of the scrubber contract. Mr. Boyd stated that if a line gets broken and oxygen starts coming into the line that would cause problems with the scrubber so they try and check on a daily basis and make sure there are no perforation in the line. Mr. Andrews stated that this was part of the hydrogen removal system they have at the flare. Mr. Boyd stated that that was correct. Mr. Andrews stated that he would like to see a

presentation of that. Mr. Boyd stated that if anyone ever wants to come down and see what they are doing he thinks it would be beneficial. Mr. Barlow stated that as he understood as the project went forward the bacteria was being fed on a regular basis and the food was kept on site at the storage shed that caught on fire. Mr. Boyd stated that that was correct and it was a 50 lb bag that was not expensive. Ms. Peterson thanked everyone for coming and thanked Mr. Barrett and Mr. Goddard for the effort they have put forth.

9. **Approval of Minutes dated April 14, 2010 and April 21, 2010-**Ms. Peterson made a motion to **APPROVE** the minutes dated April 14, 2010. Mr. Barlow seconded the motion. All in favor and the motion **PASSES**. Mr. Andrews made a motion to **APPROVE** the minutes dated April 21, 2010 which was a morning meeting. Mr. Barlow seconded the motion. Mr. Uitti abstained from the vote as he was not at that meeting. All others in favor and the motion **PASSES**.

10. **Other Business-**Ms. Peterson stated that she received an email regarding the communication protocol that she is in the process of working on a response to which she will send out to all board members for corrections or additions before it goes anywhere. Ms. Peterson asked that the Board members sign off on it before it is formally handed in to Ms. Coffin who will review it and have it typed and signed by all Board members and will then go to the Town Administrator, Tom Guerino. Mr. Andrews stated that he attended the Selectmen's meeting and they will be having a meeting of the working group on May 19, 2010 at 4:00 PM. They are also trying to set up some type of workshop for sometime the week of May 25th and have invited the full Board of Health to attend. Mr. Andrews stated that the BOS have also invited FinCom, and Capital Outlay committee. The Board members agreed that Monday May 24th would probably be the only evening that it would work for them. The workshop is on the five year business plan. Mr. Andrews stated that the TA has asked one member of the Board of Health to sit on the interview committee for the new general manager of the landfill. Ms. Peterson stated that she would like to do that if the other members agree. All the Board members agreed. Ms. Coffin stated that she would let Mr. Guerino know that Ms. Peterson would be sitting on the interview committee and to email her any information pertaining to the interviews.

Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting is ADJOURNED at 9:55 P.M. The next meeting is scheduled for May 26, 2010.

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

Respectfully submitted by the Bourne Board of Health

^{Peterson}
Kathleen Burgess 

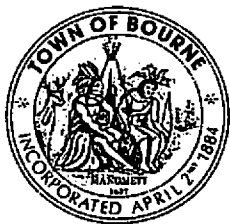
Stanley Andrews 

Galon Barlow 

Donald Uitti 

Donald Cunningham _____

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

SPECIAL MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

May 26, 2010

Time:

7:00 P.M.

Place:

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

AGENDA ITEMS:

1. **68 Monument Ave-Continued-Michael Steller-Requesting reduction in frequency of required maintenance inspections from quarterly to semi-annually**
2. **7 Farnum Rd-Continued-Roberta Ambrosi-Appealing the order to correct**
3. **45 Hope Ave-Don Bracken for Ken & Noreen Jeffries-Request for Title V Variance**
4. **Sagamore Trucking-Site assignment, discuss & possible vote on technical fee and public hearing fee**
5. **Communication Protocol-Discuss & Possible Vote**
6. **Approval of Minutes dated May 12, 2010**
7. **Other Business**

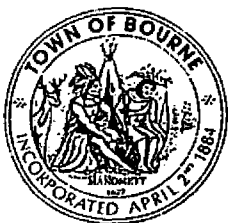
Signed: *Kathy M. Bingen*

Title: Secretary

Date: May 20, 2010

cc Board of Selectmen/Town Clerk

2010 MAY 20 PM 2 25
TOWN CLERK'S OFFICE
Bourne, MA 02532



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

MINUTES

May 26, 2010

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

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

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

Ms. Peterson stated that she would like to welcome the new Board of Health member, Carol Tinkham. Ms. Peterson stated that she would like to apologize for the confusion with the election. The gentleman that ran against Ms. Tinkham thought he had been elected because he was under the impression that Ms. Tinkham had withdrawn from the election. Ms. Tinkham also apologized for the confusion.

1. **68 Monument Ave-Continued-Michael Steller-Requesting** reduction in frequency of required maintenance inspections from quarterly to semi-annually-Mr. Steller stated that last winter the Board had rescinded the deed restriction on his property as they are planning to improve the septic system and by doing that it would result in the decrease in the nitrogen load into the wetlands. Mr. Steller stated that the house is only used seasonally and with the new system he will have to sign a contract with a wastewater manager and they will be responsible for testing and maintenance of the system. Mr. Steller stated that he is asking that the Board allow him to have the system maintained and tested twice a year instead of four times a year since the house is only used in the summer. Ms. Peterson stated that they have had two other requests for reductions. Ms. Peterson stated that the Board likes to see copies of an electric bill that shows the reduction in use over the winter. Ms. Coffin stated that they reduced the others to three but wanted a test before start up and then let it run a month, retest, and then test again before the system is shut off. Mr. Steller stated that he has given them a copy of the water bill which

reflects the previous owners usage and can provide them with an electric bill but does not have it with him tonight. Mr. Steller stated that they have only owned the house since July and there is no heat so the house cannot be used year round. Ms. Peterson stated that Mr. Steller is the one asking for the waiver so the previous owner's records don't matter. Mr. Barlow stated that he would not have a problem with it if Mr. Steller provides Ms. Coffin with an electric bill that shows the usage dropping way down during the off season. Mr. Barlow stated dropping it to three times a year would be a 25% reduction. Mr. Steller stated that the best he could hope for would be to have it reduced to twice a year. Ms. Peterson stated that this is more or less a pilot program but so far they have not had any problems with reducing the testing for a year on the other two properties to see how it works out. Ms. Coffin stated that the only problem she has with the request is the other homeowners have put their systems in and run them for the two years to get the influent and effluent testing and then come in and asked for the reduction in testing. Ms. Coffin stated that this system is not even in yet. Mr. Steller stated that they are not ready to do the renovation for some time but in order to get a building permit you need to have a contract with a wastewater company. The contract is based on the proposed amount of work that they are going to do. Mr. Steller stated that it will be less up front for him if it's twice a year instead of four times a year. Mr. Barlow stated that he did not realize that the system was not in yet. Ms. Peterson stated that she did not realize that either. Mr. Barlow stated that they do not grant waivers on something that does not even exist. Mr. Barlow stated that once Mr. Steller has the system in and has a couple of years behind it they can look at it again. Mr. Steller stated that the point is he is not going to put the septic in until he is done with the renovations because they could run over the tank. Mr. Steller stated that he will have to tie up his money with the contract and may not do the renovation for another year or two. Mr. Barlow stated that they would prefer the septic installed before the renovations are done. Ms. Coffin stated that it is not always done that way. Once they pull a permit and get the wastewater contract then Ms. Coffin can sign off on the building permit and they will have a year to put the system in. Mr. Barlow stated that there have been a few instances where there was a problem getting the septic in after the renovations were done because the money has been spent. Mr. Steller stated that he is not here to debate any of that and that his intention is to do everything correctly but his project will require that the septic go in at the end because of the nature of the job. Ms. Peterson stated that if she had known that the system was not even in yet she does not even think the Board would have heard it. Ms. Peterson stated that she will not approve this request and if the system was in they would not have a problem with the reduction if they were only using it seasonally. Ms. Peterson stated that she does not like to restrict people from doing something with their property but with no track record it would not be consistent with any other homeowner if they were to grant this request. Mr. Uitti stated that he has a problem with the request because the system is not in yet. Ms. Peterson stated that once the system is in and Mr. Steller has a track record the Board has

been allowing reductions. **Mr. Steller withdrew his request for the reduction in the frequency of required maintenance inspections.**

2. **7 Farnum Rd-Continued-Roberta Ambrosi**-Appealing the order to correct- Ms. Peterson stated that they have a letter from Ms. Ambrosi requesting a continuance until June 23, 2010. **Mr. Barlow made a motion to CONTINUE 7 Farnum Rd. until June 23, 2010. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
3. **45 Hope Ave-Don Bracken for Ken & Noreen Jeffries**-Request for Title V variance-Mr. Bracken stated that the homeowners, Ken & Noreen Jeffries are also here tonight. Mr. Bracken stated that the property is located in the Patuisset area and consists of two lots roughly 13,400 square ft. Mr. Bracken stated that the lots are larger than most of the lots in that area and are located within a coastal flood zone. There is also an isolated vegetative wetland in the NE corner of the property. Mr. Bracken stated that this plan has been in front of the Conservation Commission and approved as far as the wetland location and proposed construction. Mr. Bracken stated that it is proposed to demolish the existing four bedroom single family dwelling and the existing garage, which is located adjacent to the wetland, and construct a new three bedroom single family dwelling and a new garage located at the South side of the lot. Mr. Bracken stated that they have moved the location of the garage since the approval from the Conservation Commission so if they see it back on ConCom's agenda it is for that reason. As far as the wetland resource area is concerned it has been approved. Mr. Bracken stated that the house is very outdated with an old foundation and is in need of replacement. The new structure will be a year round structure as is the existing structure. They have received a special permit from the board of appeals to reconstruct the building. The existing septic system consists of a 1,000 gallon tank and a standard leaching pit located to the South side of the existing house. They are proposing a new system with a 1500 gallon tank and leaching trenches made of plastic chambers which will be located at the SW corner of the lot in order to achieve the 150 ft. setback to the isolated wetlands. Mr. Bracken stated that they did set a monitoring well onsite because the groundwater in the area is influenced by the tidal cycles and did notice, as is usual in that area, that there is a significant fluctuation so got the maximum water elevation which is consistent with the other elevations they have in Patuisset. The system will be designed for a 5.2 ft separation to groundwater. Mr. Bracken stated that they are here tonight because they are asking for a Title V local upgrade to reduce the setback to the street line from 10 ft to 5.4 ft and 7ft. Mr. Bracken stated that the reduction they are looking for is to the roadway not to an abutter. There is a reduction in flow from 440 gallons a day to 330 gallons a day which will be a reduction in nitrogen loading. The wetland in the area is not a groundwater wetland it is a wetland that is contained at the surface due to the soil conditions. There is some glacial till down 6 or 7 ft that will have to be removed and replaced with clean sand. Mr. Bracken stated that overall it is a

definite improvement to the property. Mr. Bracken stated that even though they are reducing from 4 bedrooms to 3 bedrooms the overall size of the structure will be increased. The bedroom areas will be increased to 47% and non bedroom to 28%. Ms. Coffin stated that it meets the 150 ft setback and the waiver request is not in an environmental area. Ms. Peterson asked if there was anyone in the audience for 45 Hope Ave. There was not. **Mr. Barlow made a motion to APPROVE the variances for 45 Hope Ave, Map 43.3, Parcel 140. Requesting reduction of soil absorption system location setback to property line (street line) from 10 ft to 5.4 ft. In order to maintain the 150ft setback to the isolated vegetated wetland area at the north east corner of the lot the divergence from full compliance to Title V in accordance with section 15.405. Request received May 13, 2010, septic plans dated March 25, 2010 received May 13, 2010 drawn by Bracken Engineering. Architecturals received May 13, 2010 prepared by Cheryl Perrault. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

4. **Sagamore Trucking-** Site assignment, discuss & possible vote on technical fee and public hearing fee. Alan Hanscom, Beta Group, is representing Sagamore Truck & Rail. Ms. Peterson stated that the response she received after contacting Bob Troy, Town Counsel, was not what she had wanted. Ms. Peterson stated that Mr. Troy suggested a hearing officer but she has not contacted one yet because they are not to that stage yet. Mr. Hanscom stated that the calculations for setting the fees are included in the booklet provided by Beta Group. They calculate the technical fees and the public hearing fees. Mr. Hanscom stated that the technical fee is a maximum of \$3900 and the hearing fee is \$1900. Mr. Hanscom stated that he had a guide to hand the Board Members which is a step by step process that they may find helpful. Ms. Peterson stated that they have been through site assignments before but they had Town Counsel guiding them because it was a site assignment for the Town. Ms. Tinkham asked why they were having a hearing on the fact that they were going to be putting the fly ash on trucks instead of on a train. Mr. Barlow stated that the DEP wants them to get a site assignment. Ms. Peterson stated that site assignments come under the Board of Health and they cannot do without it. Ms. Peterson stated that they have to make sure they have everything they want in the site assignment because there is no going back to add or delete anything. Mr. Barlow stated that they have to come up with a technical fee within 10 days which would be Friday. Mr. Hanscom stated that the regulations provide for these as maximum fees and the Board can charge the applicant a fee and they pay it and then the Board will reimburse the applicant for whatever balance of the fee that wasn't used. Mr. Hanscom stated that this was a very simple site assignment because it is just a continuation of what has happened at the site for the past 15 years. Mr. Barlow stated that they could charge the \$3980 fee and then return what was not used. Mr. Hanscom stated that that was correct or they could choose to waive the fee and charge a technical fee if they did not feel the need for a

technical reviewer. Ms. Coffin stated that if they did waive the fee then they wouldn't be able to hire anyone to review the package and would just have to review it themselves. Mr. Barlow stated that it is already a pre-existing site. Ms. Tinkham asked if there could be any harm to the public by now trucking it on the road as opposed to being carried on the train. Mr. Hanscom stated that the only difference is that they are still going to be loading into the railroad cars but during low production periods they will load onto trucks to be shipped to a licensed landfill for disposal. Mr. Hanscom stated that the reason they are doing this is because they have to handle the small amount of fly ash they are generating and would like to dispose of it as opposed to waiting to fill four or five rail cars and shipping it to Arkansas. When oil prices become low enough they will shift back to oil. The EPA requires low sulphur fuel which also complicates the matter. Mr. Hanscom stated that they have a recycling facility in NY State that will take it at 3500 milligrams which is better for everyone. DEP also sees this as a win win because they are trying to do as much reclamation as they can but they do have to go through this licensing and permit process. Mr. Hanscom stated that if questions are raised by the Board or the public during the process they are obligated to address them so they will still be responding to any technical questions that arise. Mr. Barlow stated that they are just operating as they have been and not doing anything new. The DEP has agreed to it but has asked the Board of Health to do a site assignment just to meet their technical requirements. Mr. Hanscom stated that it was because they do not fall under the exemptions any longer because they aren't reclaiming all the materials. Ms. Tinkham asked if they would be storing it on site while waiting for additional material. Mr. Hanscom stated that it would be stored for possibly days but there is no substantial volume. When they get a truck load they will ship it off to NH. Mr. Andrews asked how many tons a week is the low volume right now. Mr. Hanscom stated that it could be at zero because a lot of the time there is nothing. Right now they are generating less than a truckload. During peak production times there could be 49 tons per day. Mr. Hanscom stated they are looking at half that amount for the whole month right now. Mr. Andrews asked how much each load going out on each truck weighs. Mr. Hanscom stated that the legal limit in NH is 26 tons and the loads that are going out are approximately 25 tons. Ms. Peterson stated that Mr. Barlow had a motion on the table to waive the technical fee with no second but that she would like to have \$1000 for the technical fee just for an emergency or show of good faith. Mr. Barlow stated that he would withdraw his motion. Mr. Andrews stated that he agreed they should have some money set aside in case some expenditures come up but felt that \$3900 was too much. Mr. Uitti suggested \$2000 be collected for the technical fee. Ms. Coffin stated that if they don't use the money the applicant will get it back but someone from the public may have a question that they have to get an independent party to answer for a fee. **Mr. Uitti made a motion to charge Sagamore Trucking \$2000.00 for a technical fee. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Ms. Coffin asked what they had to do as far as the public hearing fee. Mr.

Hanscom stated that there was no timeline for that but suggested not to wait until the last minute to line up a hearing officer. Ms. Peterson stated that she would get in touch with Town Counsel because she did not receive a clear response from him when she first asked about the hearing officer. Mr. Barlow asked if the technical fee would cover a hearing officer. Mr. Hanscom stated there is a separate fee for a hearing officer up to \$1980. Ms. Coffin stated that when the filing came she was surprised that they only had 10 days from filing with the State. Mr. Hanscom stated that he offered to come in to explain the process to the Board and gave Ms. Peterson his contact information if they had anymore questions. Ms. Peterson stated she would let him know as soon as she gets an answer regarding a hearing officer. Ms. Coffin stated that she would expect that they would be doing something sometime in August. Mr. Hanscom stated that Bob Johnson called him and was looking for the waiver request letter they were submitting to Commissioner Byrd. Mr. Hanscom stated that the only waiver they are looking for is the 100 ft property line setback which is shown on the plan. MA Coastal Railroad, The Corp of Engineers, Pairpoint Glass and the gas station have property boundaries within 100 ft. Ms. Peterson stated that they would put Sagamore Trucking on the agenda for the first meeting in July in case there is anything that they need as they should have already scheduled the public hearing by then. Mr. Hanscom stated that if there were any questions in the meantime Ms. Coffin could just send him an email and he will be glad to address it. Ms. Peterson stated that the Board will need some time to look at all the information that Mr. Hanscom has supplied. Mr. Hanscom stated that they should also feel comfortable calling Bob Johnson at DEP.

5. **Communication Protocol**-Ms. Peterson asked if everyone had had chance to look over the communication protocol that Mr. Guerino had sent to them. Ms. Peterson stated that she wanted to make a change to the first paragraph which read *The Board of Health has suggested that they would like to have direct contact with ISWM management without having to first gain permission from the Town Administrator.* Ms. Peterson stated that it should read *The Board of Health will have direct contact with ISWM management.* Ms. Peterson stated that she agrees that someone should be in contact with the TA but does not think that the BOH should have to contact him to tell him they would like to speak with the General Manager of ISWM. Ms. Peterson stated if the TA would like ISWM to contact him after speaking with the BOH that would be up to ISWM and not the BOH. Mr. Andrews stated that regulatory authority gives the BOH direct contact with ISWM management to ascertain any situation that pertains to health, safety and updates on any projects within the facility. Mr. Andrews stated that while talking to Mr. Barrett that day Mr. Barrett told him that all other Boards he has worked with have had direct contact with him and he does not have a problem with that. Mr. Barlow stated that the communication protocol is Tom Guerino's thoughts and they can review them but the BOH is an elected Board and Ms. Coffin is the BOH agent and Mr. Guerino is the Selectmen's agent and should not develop

protocol. Mr. Barlow stated that the BOH should thank Mr. Guerino for his thoughts but the Board of Health should have direct communication with the landfill like they have always done. Mr. Barlow stated that the problem is when the TA tells the landfill management not to tell the BOH certain things. Ms. Peterson stated that she agrees with that. Ms. Peterson stated that the BOH should always be copied on everything to do with the landfill. Ms. Peterson stated that as far as updates to the Board of Health are concerned the Board of Health will decide when they want someone from the landfill to attend a meeting. Ms. Peterson stated that when there is a problem they have requested someone from ISWM come before the Board at every meeting. Mr. Andrews stated that he would like to see a quarterly update by ISWM on their operations. Ms. Peterson stated that there are going to be joint meetings every quarter and that should not be duplicated at the Board of Health. Ms. Peterson stated that anyone is welcome at any Board of Health meeting and anyone is welcome to speak. Ms. Peterson stated that she does not feel that there has ever been a problem with repetitive phone calls to the landfill by Board of Health members and she does not like the idea of someone telling them they cannot go to the landfill and speak with Mr. Barrett if they have a problem. Mr. Barlow stated that no one is going to the landfill and being disruptive and he has driven by there on occasion when there has been a strong odor and Mr. Goddard would explain to him that there is a flare out or whatever the problem might be. Ms. Peterson agreed and stated that she thinks they should leave things as they are without a written protocol. Mr. Barlow stated that there is a state law that gives the Board the authority to visit the landfill at any time. Ms. Peterson stated that the protocol for the Board of Health is to have communication with the landfill whenever they choose to. Mr. Andrews stated that the response from the Board of Health to the suggested written protocol would be that the Board of Health will have open and direct communication with the landfill operations as required by state law. **Mr. Barlow made a motion to support that the response to the written protocol would be that the Board of Health will have open and direct communication with landfill operations. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that the upcoming summit is a joint meeting between the Board of Selectmen, Board of Health, Finance committee, ISWM and George Aronson on Thursday, June 3, 2010 at the Bourne Middle School. Mr. Andrews stated that he believes that the meeting is about the future development of the ISWM business plan. There was general discussion regarding the funds from tonnage overage going into a special account and the fact that the Board would like to discuss the issue at the special summit. Mr. Gately asked if the Board would receive any information on what would be discussed at the joint meeting. Ms. Peterson stated that she would like to formally request that they receive information prior to the June 3rd meeting. Mr. Andrews stated that Phil sent a slide program that was shown at the Selectmen's office which was not any new information. Mr. Andrews stated that if they present that same slide show they have already seen then they should stop the presentation and suggested it be

put on the web site for everyone to see. Ms. Peterson stated that she would like to prepare questions for the material that will be presented. Mr. Barlow stated that everyone has an agenda and they should know what the Finance committee and the Capital Outlay committee would like. Mr. Barlow stated that the Board of Health wants to protect the public health and doesn't want any landfill odors and wants the landfill to run smoothly again. Mr. Andrews stated that they may also discuss how long they want the facility to last. Mr. Andrews stated that that is a major concern with people in town as they don't want to see the landfill full in another seven years. Mr. Barlow stated that if the Finance committee wants to hear the money side of it the Board of Health should go in with their own set of questions.

6. **Approval of Minutes dated May 12, 2010**-Ms. Peterson made a motion to **APPROVE** the minutes dated May 12, 2010. Mr. Andrews seconded the motion. Ms. Tinkham abstained as she was not at the May 12th meeting. All others in favor and the motion **PASSES**.
7. **Other Business**-Ms. Peterson asked if there was anything going on with rabies. Ms. Coffin stated they are not even baiting down this way, they are working more down Cape towards Provincetown. Mr. Barlow stated that he would like to ask the manager, Mr. Woods, of the Buzzards Bay Water District to come in and give the Board a status report concerning the zoning changes adjacent to the public water wells on Bournedale Rd. Copies of the new open meeting laws were distributed to the Board Members. Ms. Coffin stated that the court case with Pocasset Mobile Home Park is still moving forward. Right now they are still pumping the system at least once a month. Ms. Coffin stated that they have been busy with pool openings and all the restaurants are looking good. Ms. Peterson stated that she had received some resumes to review from Mr. Guerino regarding the General Manager's position at the landfill. There have not been any meetings set up yet. Mr. Andrews stated that they have not appointed anyone to sit on the interview committee from the Board of Selectmen yet. There was general discussion about Mr. Barrett leaving the General Manager's position to return to his old position of Operations Manager and the fact that he has done a good job under difficult circumstances and how hard it will be to find a replacement for him. **Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES. The meeting adjourned at 8:20 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

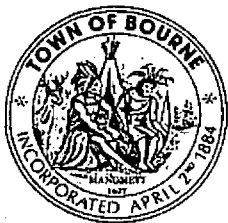
Stanley Andrews

Galon Barlow

Donald Uitti

Carol Tinkham

Cc Board of Selectmen/Town Clerk



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BOARD OF HEALTH**
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Cynthia A. Coffin,
Health Agent

SPECIAL MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

June 3, 2010

Time:

7:00 P.M.

Place:

Bourne Middle School
Library Media Center
77 Waterhouse Rd
Bourne

AGENDA ITEMS:

1. Joint meeting with BOH, Board of Selectmen, Finance Committee and ISWM to discuss Landfill 5 - year plan with George Aronson

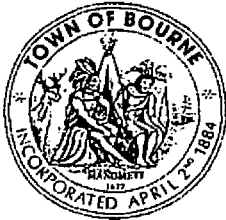
Signed:

Title: Secretary

Date: May 26, 2010

cc Board of Selectmen/Town Clerk

2010 MAY 26 PM 2 09
TOWN CLERK'S OFFICE
BOURNE, MA



Cynthia A. Coffin
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532

Phone (508) 759-0615 x 1

Fax (508) 759-0679



Board of Health minutes 6-3-2010 7:00 PM- Bourne Middle School Library
Joint meeting with Board of Selectmen and Finance Committee
Landfill Summit

Board of Health members present: Kathy Peterson, Stanley Andrews, Galon Barlow, Donald Uitti, and Carol Tinkham. Also present-Cynthia Coffin, Health Agent

Also present were:

Tom Guerino, Town Administrator,
Board of Selectmen: John Ford, Jamie Sloniecki, Donald Pickard and Stephen Mealy

Finance Committee: Mary Jane Mastrangelo, John Redmond, Bill Fox, Michelle Ford and others.

Mr. Guerino opened the meeting. George Aronson gave a presentation to the Board of Selectmen on the Five-Year Plan for the Future of the Landfill and it was decided that a summary of this presentation should be given to the Finance Committee and the Board of Health with discussion after the presentation on goals for the future of the landfill site. The future of the landfill has to be charted that is both safe for Public Health and is financially secure and has the support of the municipality. The staff at the landfill also needs to know that they have the support of the elected and appointed Boards that will have the oversight over the landfill operation.

Mr. George Aronson polled the audience to see what departments/ committees were represented at the table tonight. Mr. Aronson stated that he would review the presentation that had been given to the Board of Selectmen and would try to condense that two hour presentation to about five minutes. He will speak to objectives and process and then turn the meeting over to a moderated discussion to address the questions regarding the future of ISWM.

TOWN OF BOURNE

2010 JUN 24 PM 10 28

ISWM is more than a landfill. It is a transfer station, a recycling center, compost/organics area, basic infrastructure, space for more development, and an area where landfill gas can be available for beneficial use. The whole picture needs to be kept in mind.

Slide 4 shows that the town is now at the 'fork in the road'. Phase 1 is to acquire waste with tips fees that generate cash to meet the targets and to maximize the value of what's there while minimizing business risks. Then Phase II will be the long term development plan for the site. There are lots of ways that Phases I and II will interact.

Slide 5 –The question is where can the Town get stable, long term contracts for waste. The town can fight the market or look for long term contracts from nearby stable sources such as the processed bottom ash from Covanta (SEMASS) which combusts about a million tons per year of solid waste and about 200,000 tons per year end up as bottom ash. That ash needs to go to a landfill. The main landfill now is the Marion/Carver landfill but that has limited capacity. That is why some of the material presently is brought to the Bourne Landfill. The is the possibility that more could be brought to Bourne and this is one of the options that the Town needs to look at. Another opportunity is that in 2015, many of the contracts between the Cape Cod towns and Covanta will expire. Covanta has presented a proposal to the Cape Towns to extend the contracts for another 15 years. Most Towns at this point have not accepted this contract. If Bourne is interested we could accept that waste as an alternative to Covanta and this is the time to explore that opportunity. Covanta as put forth a proposal with a July 1, 2010 deadline but that deadline will probably be extended.

Slide 6 – The Town needs to discuss which option is best. There are four ways to characterize the options. One consideration is an MSW landfill bringing in municipal solid waste versus a 'dirt' landfill which brings in inert material such as ash. The ash has been burned and doesn't have any organic material and is easier to handle in many ways that the solid waste. Another thing to consider is how long the Town wants the landfill to last and what else can be done on the site to extend the life or to replaced the landfill when it is full to capacity. The third question is financial; how much money is the Town, or for what services, is the Town looking to the landfill to provide. The fourth issue is risk and rewards. What would the Town risk for extra value and what would the Town give up for stability?

Slide 7 – MSW vs. dirt. MSW includes materials that decompose. There are organics. There are more issues with gas, leachate, and odors. This material is also less dense and you can get less material into the available space. With a dirt landfill you have less odors, less gas, and less overall effort to do the controlling and it is more dense, but the prices per cubic yard can be less than with MSW. If Covanta offers ash at a higher rate that would be great but that probably won't happen. There will probably be a trade off with the money on one end and the effort on the other.

The basic premise is that the faster we put material into the landfill, the shorter the landfill life. The less you take in, the longer you stretch out the life, but the less revenue comes in up front. Slide 9 – Shows how to compare the waste flows and the potential for financial impacts. There are a lot of opportunities and a lot of challenges as well. The summary slide is Slide 10. The MSW from the Cape Cod towns offers the largest potential for financial reward, but this is not available until 2015. Therefore the Town would need to develop a strategy for long term after 2015 and a strategy to get from today to 2015. With Covanta the Town will get stability but at a reduced value. There will still have to a long term commitment to make that happen. The decision time is now.

The goal and objectives are to identify and understand at an individual level from each Board as to what are the tradeoffs and what are the preferences and what are the priorities, what are the must have decisions on MSW vs. 'dirt' landfill, and all the implications of that, feeling about the life of the landfill, financial goals and what types of risks are the Town willing to take and what are the rewards. After this meeting the Town will have some direction on where it wants to go. The Town professionals needs some direction as to whether to approach Covanta or the Cape Towns or maybe neither. The Town professionals need the direction of the Boards to put forth a proposal based on a consensus. The concerns and issues of each Board need to be addressed as the Town goes forward. Finally the Town needs to agree on methods for approval, monitoring, oversight and communication. These are the issues that are essential. Tonight's objectives are to identify areas of consensus and disagreement; define the subgroup and schedule for follow-up; and agree on how to manage unsolicited vendor proposals. There are a lot of private vendors that feel that they can help out and many proposals are coming forward to the Town at this time. These proposals cannot sidetrack the process. The vendors cannot push the process; the Town needs to be in control. The Town needs to agree on how these vendor proposals will be reviewed. Tonight there should be a moderated general discussion on what the future of the landfill will be.

Mr. Aronson asked the attendees to look at their handout that has some detailed questions for discussion. The first item was regarding the Processed Bottom Ash from SEMASS. John Ford, Selectmen, stated that he believes that it is important that the Town diversify. The Town could go after all the waste on the Cape and then SEMASS could drive the prices down. The could go after the waste on the Cape and also take the bottom ash, especially where we can use the ash for cover. The Town can continue to look for other sources at the same time. Bill Locke (FinCom) asked what Covanta's options were if everyone turns them down. Mr. Aronson said that if the Towns signed with ISWM instead of Covanta, Covanta still has rail access and could go elsewhere for customers. They would look all over the Boston area and maybe could drop prices to bring in customers for further away. It would become a competitive market and they have a great incentive to avoid that happening. Time is an issue and there is pressure on Covanta. If the contracts are not signed, they will need to find other sources. Mary Jane Mastrangelo (FinCom) said that she felt it was imperative that the first discussion be on goals.

The goal part, what do we want ISWM to do for the Town, is the framework for how we will go forward. Whether we want Covanta's ash or MSW will be a process of the business model working group to research, but until the Board of Health and the Finance Committee say that we want ISWM to contribute how ever much money to the Town, to pay for curbside, etc. then the Town has no framework to make decisions. Carol Tinkham (BOH) asked whether there were any environmental concerns regarding taking the bottom ash or MSW. Mr. Aronson stated that the Bourne landfill is designed to take either bottom ash or MSW. Between the MSW and the ash, MSW does have organics and it has the potential to create odors, more leachate, gas and more work to handle, but control can be accomplished if the resources are put into it. MSW does take a bigger cost and a bigger effort. Mr. Goddard stated that the ash is tested regularly and it is homogeneous. Residential trash is well known but it is definitely more heterogeneous. Ms. Tinkham asked if Mr. Aronson had a feeling on which would be better environmentally looking at the bigger picture. Mr. Aronson stated that both could be handled at our landfill with proper staffing and resources, but he stated that the Town has to allocate the resources to get everything done. John Redmond (FINCOM) asked if there wasn't a moratorium on new burning facilities in Massachusetts and asked if this wasn't because the State was not convinced that the burning is environmentally safe. He asked if all these products that are now being burned will be considered environmentally safe five years down the road. Mr. Goddard that his understanding is the main reason for the moratorium is that Massachusetts's Governor and other governors had a mercury initiative to reduce the mercury in the atmosphere. One of the concerns was the mercury containing devices in household trash waste stream that might be volatilized during combustion. To address this the moratorium was put in place in 1990. Mercury is now banned from household trash disposal. The Town of Bourne has a collection program called Universal Waste. The landfill takes mercury thermometers and replaces them with digital thermometers. The intent is to reduce the mercury in household products as well. This includes fluorescent bulbs as well. The SEMASS plant itself has invested new control technologies to remove upwards of 90-95% of mercury emissions coming out of the plant. There may be other technologies down the road too. The regulators have looked at ash and have found it to be very stable. In other states ash is reused as fill and other materials. Massachusetts does not allow this though. The products that are burned in the plant are the same products in household trash anyway. On a relative scale, the ash is a reduced volume of the same products. Mr. Redman stated he thought that the ash collected from the scrubbers at the plants is considered hazardous waste. Mr. Aronson stated that this is not the case. The Covanta plant treats their ash so that it meets standards. There might be an occasional exceedance of a threshold, but nothing that he knows of. There was a discussion about the Salem Plant but it was discussed that this is a coal plant. Mr. Dan Barrett stated that he had worked for SEMASS for a couple of years working their CMW landfill. Their ash has been tested for 20 years. That testing is no longer required by the DEP but they do it anyway. The dangerous materials are combusted and then the volatiles don't exist. When the ash comes to the landfill the VOC's are no longer there. Heavy metals may still be in the ash, but the ph of the ash is adjusted so that nothing will leach out of the ash.

The pH is kept above 7, to a very basic level. He reiterated that other parts of the world use the ash for a variety of uses. The ash is very stable and will not present a long term public health issue. Mr. Goddard stated that the Town was looking at both fly ash and bottom ash. Bottom ash is what is left at the bottom of the grate and it shakes out like gravel material versus the fly ash that is from the electrostatic precipitator. The two types of ash are not mixed. The bottom ash has less volatiles. Mr. Galon Barlow stated that the BOH has looked at the ash situation and the Town is approved to currently take ash. The BOH was satisfied with the testing that had been done on the ash. Mr. Barlow stated that the dollar issue is the big issue. The Town gets its money from the community host fee. He stated that the fee is \$3.15 per ton this year. Mr. Mastrangelo stated that the fee changes every year. Mr. Barlow asked if the Town would get the same \$3.15 whether we take ash or MSW. Mr. Aronson answered yes; but stated that the additional question was whether enough revenue was being generated to cover the all expenses associated with the landfill from the tip fee coming in.

The expenses must include labor and site operation and also monies designated for new cells and future work at the landfill. Monies have to be set aside for closure of any cells too. This all depends on the negotiated price. Mr. Barlow asked if part of the negotiated price could be our disposal of waste at SEMASS. Mr. Aronson stated that it certainly could be. Mr. Goddard showed a handout with priority order of operations which will be factored into the models. Ms. Mastrangelo stated that everyone had to agree on the priorities. Mr. Goddard stated that the host fee is really a tax. It's actually a tax on private facilities and the Town, thru homerule petition, had the legislature pass the law for our facility. This is a benchmark item no matter what model the Town has. Ms. Mastrangelo stated that the host fee and the cost for recycling should be in different categories. Mr. Guerino stated that if the Town generated 6,000 tons of municipal waste in Bourne, and if we used a \$70.00 per ton figure for disposal at our facility, the cost would be \$42,000 were the Town to go to outside for the same type of disposal. This number can be looked at as the discussion goes forward.

Ms. Peterson stated that the five-year plan is great but that the Town needs to get back to whether the Town would support the General Manager when he/she comes to us with choices or options for operation. Ms. Peterson stated that the Town is losing time. The General Manager has to make decisions and come to the Boards for votes. Mr. Aronson stated that the Town needs to know what is off the table before the options for the Town are looked at. Ms. Peterson stated that right now everything is on the table and we are trying to look at the FinCom issues, BOH issues, the Selectmen and there are too many questions. Mr. Sloniecki stated that the Town needs to decide how long do we want the landfill to last. This decision needs to be made. Do we want the landfill to still be there for our grandchildren or do we want to fill the landfill by 2030? Once this decision is made then we will be able to answer other questions. Mr. Sloniecki stated that he would be happy if the landfill could continue until 2040, but maybe the Town would need to take less MSW and pack it solid with processed bottom ash.

He stated further that if the Town could go to 2040, we would be able to preserve curbside pick up for the residents and that is his greatest concern. One FinCom member stated that he felt that the most important issue was not the longevity of the landfill but the profitability. Of course the protection of public health has to be part of the equation. The Town needs to maximize the profitability. Mr. Sloniecki that he agreed with Mr. Barlow's comment about negotiating post closure disposal as part of any contract with SEMASS. Mr. Pickard stated that the Town needed a vision statement. He stated that odor control is key as is curbside pickup, closure and post closure costs. The group needs to get to a point of one vision for the landfill. Mr. Ford stated that the Town needs to protect the future of the landfill especially in light of the different disposal costs comparing transfer stations, SEMASS, and our on landfill fees. Mr. Ford stated that the DOR lets the Town take money out of the enterprise fund for administrative costs. If we were to make more money we might not be able to get more money out of that enterprise fund. The regulations on enterprise fund generally state the fee is supposed to match the use. Town Counsel has to determine whether additional funds could be taken out of the enterprise fund. He would still like to make the money but we have to make sure we have the ability to access that money for other uses. Mr. Aronson stated that one of the questions that needs to be answered is if there is a reserve fund for say post closure disposal, how can that accrue to the Town's benefit. Mr. Aronson stated that in 1987 the tipping fees hit \$70.00. Disposal costs have actually gone down since then in real terms. Disposal costs could actually go down in the future. We need to have a play book that covers all the options.

Mr. Guerino stated that as the Town looks out there is the possibility of expansion of the site with all the required site assignments by the Board of Health. He stated that although there is the July 1 deadline regarding Covanta and the Cape Towns, the County has engaged Camp, Dresser, and McKee to put together a waste analysis for the Cape Towns to see what their options are. It is Mr. Guerino's understanding from talking to the Commission that they will be issuing an RFP on how waste can be handled. He doesn't believe that the July 1 date is as important as it was six months ago. Mr. Aronson stated that the Town would still need to have come to a decision on how we want to move forward in order to respond to an RFP. Bourne could also approach the CCC ahead of the RFP.

Ms. Mastrangelo stated that the Selectmen's office appointed a working group to look at different business models. This working group needs direction on what the Town's goals are especially as they relate to the life of the landfill and the desired monetary gain. She feels that this is one of the things that needs to be decided from tonight's meeting. Mr. Mealy (Selectman) stated that everyone should keep in mind that the Town might not have a landfill in 5 years. The DEP could decide that Bourne can't operate the landfill for as long as we might like to. There might be issues with allowing it to remain open. The Town needs a fall back position. Maybe the Town will decide to turn the landfill into a mega transfer station. In 25 years the Town could have a huge mountain of material depending on a membrane to protect our sole source aquifer. The permit limit of 600 tons per day allows us to bring a lot material into this landfill. It is key that the goal for this landfill is determined first.

The capital issues are what need to be addressed especially looking toward our future. Ms. Mastrangelo stated that we need to find what alternative models would provide the most financial benefit to the Town. Mr. Guerino stated that we need to look at environmental soundness too. Mr. Barlow stated that the landfill is already half full and it's been permitted this way for about 10 years. He doubts the landfill will last until 2040. The Town needs a goal for the second half; to do some projects and get some things done at least to leave our grandchildren something besides a whole in the ground with garbage. A FinCom member asked if Bourne lost the other Cape towns is there other MSW from off Cape Towns. Mr. Aronson stated that right now waste is coming in to Bourne from other than Cape towns. Mr. Barrett is spending a lot of time working on those kinds of contracts. The Town needs to be able to make a long term commitment to take that waste as this will bring us the better prices. We have to provide certainty to those long term customers. The FinCom member stated that it will be important to be able to do our expenditures and to maintain our infrastructures from our landfill revenues.

Ms. Peterson stated that the working group needs to have guidance on what the Town is looking for. Perhaps we should put out an RFP for just recycling to just give us an idea of what comes in. The working group can't be expected to interview every company that comes to the Town with an idea. Mr. Barrett stated that the aquifer issue is addressed by the state of the art landfill design. The Town has monitoring wells all around the site and they are tested quarterly. If a leak was ever found, there is a schedule from DEP to follow. There would be a capping of that area. The theory is 'nothing in, nothing out.' Mr. Barrett is very confident that the leak would be stopped. Mr. Barrett also stated that he has worked in many different Towns. One Town set money aside from the landfill operation and had money in perpetuity from the interest. This is how they paid for their disposal costs. They also had money left over and they started a recycling program and paid for other infrastructure. If the Town wants the operation to last for another 40 years, then this is also another operation. If the Town gives Mr. Aronson the guidance tonight as to how long the Town wants the landfill to last and how much we want the landfill to generate and over what period of time, then Mr. Aronson can create a spreadsheet to show all the options. Mr. Aronson stated that the easy part is running the numbers; the hard part is getting the direction. Mr. Barlow asked again how long people want the landfill to last. Mr. Sloniecki said, 25 years. Mr. Goddard stated that everyone has to take into consideration that the landfill site is a 100 acre site. There are a variety of things that the Town can do. We could fill the landfill in 5 years but we could still do other things to make money for continued operations. Mr. Goddard said that the Town has to decide whether it is an issue that the landfill just needs to be physically open or is it for just monetary reasons. This is the heart of the matter. Mr. Mealy stated that it is more important to decide what we want for the landfill. Mr. Barlow stated that we need to make a decision and not just talk for another hour without coming to any agreement. Ms. Mastrangelo asked why some people are saying that we want the landfill to last for another 25 years. Is it because we want the financial benefit to the Town? If we want 3 million dollars of financial benefit to the Town for 25 years and we could do something for 5 years that would give us the capital that we could live off the interest of for 25 years, would that work.

Therefore the minimum goal would be 25 years of landfill operation unless we can come up with a financial alternative that would provide that financial benefit to the Town for 25 years. Mr. Guerino stated that we need to look at the operation. The Town could take 1000 tons per day, if permitted, and market that tonnage somewhere else, and still make sure that we are not doing 600 tons per day ourselves. We could have the landfill last 10 or 50 years but it depends on the landfill operation. The 'hole in the ground' is only one part of the landfill operation. Mr. Goddard stated that the Town is at a crux right now. We are in the fork in the road with Covanta looking for contracts and we could be an alternative to that. We could partner with the other Towns and then negotiate to get a better deal on the ash with Covanta. ISWM has to negotiate with other parties and the Town needs leverage to do that negotiation. This is the guidance ISWM needs. Is the Town saying that it is okay to put up the air space to take other towns' trash as a negotiating leverage understanding that if it doesn't work out we still have to honor those contracts? Someone asked how long of a contract most municipalities would be looking for? Mr. Aronson answered that some towns have 20 year contracts, but that is not a magic number. North Andover had very high tipping fees and when their 20 year contract was up, nobody signed up with them again. Some people signed 3-5 year contracts just to get out of the contract with Andover. Generally 10-15 years is the common thing. Mr. Barrett stated that the length of the contracts are diverse. The question is do we put up a minimum amount of tonnage. Most towns want to know if we will let them out of that minimum if they are able to increase their recycling. The towns want that flexibility. Mr. Barrett stated that most towns he deals with are looking for shorter contracts now. Mr. Aronson said that the longer contracts in the late 1980 were due to the bankers because you couldn't fund the facilities that were being built without those sources of revenue for the life of the loan. When SEMASS hits 2015 and have paid off of most of their debt, they are in a position to be more flexible. If the Town wants to look at part of the landfill site to put up a new facility to look at the waste coming in, i.e. processing for fuel, anaerobic digestion, etc, that vendor is going to need financing and that vendor will be looking for a long term contract. Mr. Sloniecki asked Mr. Aronson if there was a dollar value he could place on ISWM. Mr. Aronson stated that there is a way to determine this but it is a complicated process. Most of the first offers for vendors are probably low. Michelle Ford (FinCom) made a suggestion that we want an operation in perpetuity providing sufficient revenue to cover up to 100% of the Town's capital requirements on an annual basis, while be operated in such a way to cover it's own expenses; contribute to, if not fully pay for, curbside collection (whether we do it ourselves or pay someone else to do it as part of a contract) and have this done in an operation that spreads some of the financial, contractual, and operational risk so that we are not 100% dependent on 15 Cape Towns for 10 years. In addition it has to be an environmentally optimal solution. There needs to be long term option whether we fill up the remaining air space or not. Mr. Goddard asked for a dollar figure for the 'capital costs'. Ms. Ford stated that it is however the Town decides to apply its capital—to debt service or to pay it up front. Mr. Goddard stated that there is a future buildout design that shows an area that we are getting proposals on for anaerobic digestion, gasification of wood, and similar proposals. We are in a strong position to move forward and look at these other technologies so that we have a diversified mix of income streams.

The scale will be moving and the town will be in a position to manage more tonnage than we are able to handle currently just because of traffic issues. The DPW would have to move. The Cape Towns will go out for an RFP soon and Covanta is moving forward without us. Mr. Goddard said that if the Town was okay with the landfill itself just lasting for another 10 years, but with the site itself could produce money in perpetuity, that helps ISWM and Mr. Aronson develop some bookends on which to develop a long term plan. Ms. Ford said that 100% may be too lofty a goal but we need to fund all our capital projects. We have to plan for building a new DPW, Fire Station, Police Station and if we can use the landfill site as a resource to pay for those costs, while paying for our annual capital needs as well, and still as citizens have trash and recycling curbside pickup, then we will have done well for the residents of the Town. Mr. Aronson said that three key words are 'perpetuity', 'diversification', and 'contribution to capital'. Mr. Goddard stated the host fee we pay is the minimum by law. Ms. Mastrangelo suggested 5% of the Town's operating budget for capital needs. This year that would be 2.5 million but that would increase each year as the operating budget increased. Mr. Goddard stated that it helps to be able to factor in this figure, in addition to the ISWM closure costs, post closure costs, debt service, etc. and to be able to build a model around that. DOR will also have to be involved in these discussions at some point. Mr. Aronson said that at least he now has a financial target so that when the options are put together, he will have figures to work with. Ms. Ford stated that the operational plan has to be diversified enough so that there is a fall back if one piece doesn't work. Ms. Peterson said that to diversify, the Town officials need to make a commitment to give the landfill the resources to make sure that environmentally the town is protected. We have to put the money out to make the money. Ms. Peterson stated that presently ISWM is not operating with the maximum amount of people and we are asking them to go out and develop plans for diversification but we need to be willing to give ISWM enough people to be able to do the job. Ms. Mastrangelo stated that part of the plan will include adequate staffing to maintain the operation for whatever proposal is being made. Ms. Ford stated that the staffing needs could change depending on what the landfill is doing. Mr. Mealy stated that the Town may decide that we don't want to operate a landfill anymore. Mr. Goddard stated that they will proceed with the idea that the Town still wants to have the enterprise fund.

Mr. Redman (FinCom) asked if the Town also should work on a figure for working capital. Mr. Goddard suggested 2 months of operating expenses cash flow. Ms. Peterson stated that the Selectmen need to decide what the Town wants. Ms. Mastrangelo stated that the Town has a policy for free cash and stabilization and we should have a similar policy for ISWM. The Town could say that we want 10% of the operating budget should be held as an unrestricted reserve, not related to the closure reserve, that would be a figure to work with. Mr. Guerino stated that this is similar to what the Selectmen do for the health insurance costs. The Selectmen put together a policy that the Town will have a four months average of what we normally pay on a monthly basis to the health insurance company in the bank so that if we run into high claims we have the cash flow to take care of it. The Town could do a similar policy for the landfill. Mr. Aronson stated that the industry standard is usually 2- 4 months.

It depends on seasonality and other factors. Mr. Goddard said that we should put 3-4 months of working capital and build that into the model. Mr. Goddard stated that there are many vendors coming in. One of the waste streams is biosolids from wastewater treatment plants. This material would not be landfilled but would be used to make energy in other ways. Wastewater plants and treatment is a huge issue on the Cape and could be a tremendous business opportunity, such as with a digester with food waste and it could be self-sufficient. Mr. Mealy stated that nothing should be taken off the table in light of all the technologies out there. Mr. Ford stated that the Selectmen need to talk to the Department of Revenue to see whether we can do everything we want thru the enterprise fund. Mr. Goddard stated that he thinks we can have a higher host fee. Ms. Mastrangelo asked what our goal for the next two year? Mr. Barrett said that most of the alternative technologies will not be developable or operable within the next 5 years. The Town still needs to get out there now and figure out what we want to do in the next 5 years. Mr. Barrett went out to say that, for example, if the Town wanted 5 million, he could get that kind money out of the landfill but it would take care of the air space for 2015 and knock Bourne out of any consideration for any long term contracts for handling Cape town waste. This is just an example. Mr. Barrett stated that Mr. Aronson will start modeling various scenarios. Ms. Mastrangelo stated the Town also needs a short term plan to get us to 2015 if we decide to go that way. Mr. Barrett said that the models will give the Town officials the information on various ways the Town could proceed. The host community fee is the best way to get money back to the community. Mr. Barrett would like to see the Town do that backwards. If the Town were to put 2 million next year in retained earnings after all ISWM commitments are paid in full, then decide how much does ISWM wants to give back to the Town, say 1 million, then turn around and look at how many tons we will take next year, say 175,000—then divide 1 million by 175,000 and it will give you a number that could be attached to the \$3.15 host fee. This would allow the Town to move forward with money in the bank. The only problem will be budgeting for the next year. Mr. Guerino stated that the Town would be a year behind for the first two years but then would be able to estimate based on the volume. Ms. Peterson asked why the group was sitting here when Mr. Barrett already had all this information. Mr. Mealy stated that we are here to address the long term issues. Mr. Barrett stated that the Town has several options. The Town of Bourne is in a tremendous position. We have options for a recycling facility, a transfer station, a landfill, gas to energy production and other land available for other technologies. There is even a piece of land to the south that could be acquired. Mr. Barrett went on to say that if we make a commitment to take a certain tonnage then we better be sure that we can meet our commitment. If we set contracts to take that amount of waste but we don't have to landfill it, we can find ways to divert that waste. We could then become a broker. We can ship it out. There are many options. Ms. Ford stated that this is why she was very careful to say 'the operation' that will be a combination of several components. Not everything should be based on one type of operation. Mr. Goddard stated again that ISWM needs to know, if the Town wants ISWM to go to the other Cape Towns to work on getting agreements to manage their waste and then jointly go to SEMASS to negotiate some type of agreement.

Mr. Locke (FinCom) stated that we should look back to what Ms. Mastrangelo said which was to work within the working group that is already functioning and that a Board of Health member should be part of that group. Mr. Barlow stated that the Town has to stay within the current environmental conditions and tonnage that have already been set for the landfill. Any increased tonnage would have to be approved by the Board of Health. Mr. Barlow stated that the working group already has a member serving on the working group. Mr. Aronson summarized that we have the current limits that the Board of Health has already signed off on, we have an understanding that ISWM will be able to staff up to meet the environmental impacts that need to be controlled, and now have some direction on the financial side, as well as a statement of understanding that nothing is 'off the table' but that the Town would like to see some specific options for further consideration. Mr. Aronson wanted to have a specific subgroup identified that will be the group to review the models and proposals and he also wanted to know how unsolicited proposals would be dealt with. Mr. Guerino stated that Mr. Pickard is chairing a working group that goes through the unsolicited proposals as they come in. The landfill staff and the Selectmen are not being bombarded by these unsolicited requests. Mr. Aronson suggested a standard set of inquiries for every vendor in order to do a better evaluation. Mr. Goddard said that there is a company coming to the Town that wants to talk about solar, another about anaerobic digestion, and another about gasification of wood, but all these have permit issues. The Town needs ISWM input to review any of the proposals. Mr. Pickard stated that he would rely heavily on Mr. Barrett and Mr. Goddard during any review of the proposals. Mr. Pickard stated that there will be a scheduled presentation on June 10th at 7 PM on Plankton Power- taking the carbon dioxide from the flare emissions and using it to grow algae to make biodiesel. On June 15th, 4:45 PM, there is a company interested in placing solar panels on the capped portion of our landfill (as well as others). Mr. Guerino stated that there is also a public utility interested in taking scrubbed gas, the methane, and pipe it directly to the lines feeding homes. Mr. Goddard stated that they have been approved by National Grid. Ms. Mastrangelo said that Mr. Barlow made a point about the existing site assignment conditions and that any proposal will have to include what the Town would need to do as far as permitting and site assignment. Mr. Goddard stated that the option for anaerobic digestion will also be another presentation in the future. Ms. Mastrangelo asked if there is a time frame for evaluating all these options. Mr. Barrett reiterated that while some of the technologies are not available now there are a couple that are ready now. These few require little space and meet the state's moratorium on gas. They could get on line very quickly. The working group will be tasked at looking at all these technologies. Mr. Aronson said that there needs to be a followup to this meeting. Mr. Guerino stated the Selectmen have to discuss this and make a policy decision on who will deal with a follow up to this meeting. There may need to be a separate committee for final review of these technologies. Mr. Goddard stated that years ago when there was a business model when the Town decided to go away from C&D to MSW there was a group of people to look at the pros and cons of different options. Mr. Goddard said that there needs to be a group to look at the figures. Mr. Goddard stated that ISWM needs the latitude to be able to go to the Selectmen in other towns and begin discussions on waste handling. Ms. Mastrangelo said that she thinks the Town needs to do some of the number crunching first.

Then we can deal with presenting a deal to the other towns. We will know our own financial goals. Mr. Aronson said that he does have enough information to start working on figures and goals. It was reiterated that we also need to work on the checklist for company reviews. Ms. Peterson stated that Mr. Pickard's group also needs to know what can be done under the present site assignment. Mr. Goddard requested thru the Town Administrator to the Board of Selectmen that within the next month there could be direction on a group, whether its this group or a smaller subgroup that could meet with Mr. Aronson to start working on the numbers. Mr. Mealy would like Mr. Aronson meet with this same group that has met tonight. Mr. Redman said that he thinks it should be a smaller group at first. He went on to say that oversight and communication are really key and that communication has been lacking and that oversight has been a problem. FinCom really needs a financial report on the day to day operation. The Finance needs a better way to monitor the daily operation. Mr. Goddard stated that the Town had worked with a Mr. Bliss before; he is a CPA. Mr. Redman said that it is hard to review the landfill without some financial reporting tools. Mr. Andrews would like to see the various landfill options presented with a discussion as to the financial benefit versus the community liability. The needs and the protection of the community as a whole should be looked at.

Mr. Goddard suggested that perhaps in a couple months the larger group could be reconvened so that the full Boards can take their votes. Mr. Jim Mulvey (citizen) said, as an observation, that he comes up with two factors – one is uncertainty and one is certainty. The certainty is that the value of the land will only increase. He also feels that the Town should stay flexible because there are too many figures that are not predictable including regulations. The Town needs to be able to change based on changing circumstances. Mr. Mealy wondered if one member from each Board could be on the working group and then the full group could meet in mid July. Mr. Goddard stated that Mr. Pickard's group already has many presentations coming before that group. There was discussion that the next large group meeting could be in late July. There would be a meeting of Mr. Pickard's group before that time. Others could attend this subgroup meeting. Mr. Andrews stated that Mr. Pickard's group is already made up of members of various individual Boards and Committees. There is already membership for the Finance Committee, the Board of Selectmen, the Capital Outlay Committee, and the Board of Health. The members can report back to each of their own Boards. Mr. Goddard stated that there will be some subgroup meeting in late June and then a full meeting of those present tonight around mid to late July. Mr. Ford stated that there should also be a member of the Energy Committee. Ms. Peterson stated that each Board should have an alternate for the working committee. Mr. Goddard stated the Mr. Aronson would be doing a summary of the meeting and getting it out to everyone. Mr. Andrews made a motion to adjourn. Ms. Peterson seconded. It was unanimous. The meeting adjourned at 9:05 PM.

Taped and typed by Cynthia A. Coffin, Health Agent

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow _____

Donald Uitti _____

Carol Tinkham _____

cc Board of Selectmen/Town Clerk



TOWN OF BOURNE

BOARD OF HEALTH
BOURNE, MASS.

June 16, 1972

2010 AUG 16 PM 1 06
TOWN CLERK'S OFFICE

Paul T. Anderson, P. E.
Regional Sanitary Engineer
Southeastern Health Region
Lakeville Hospital
Lakeville, Massachusetts 02346

Dear Mr. Anderson:

The Bourne Board of Health following a public hearing voted to assign as a sanitary landfill site for the use of the Town of Bourne the following area: easterly of MacArthur Boulevard Bounded: Northerly by land of Lura B. Crump, Easterly by the Massachusetts Military Reservation, Southerly by Gardner S. Nightingale, Westerly by the 1962 taking on the easterly side of MacArthur Blvd. said land is composed of 6 parcels comprising approximately 78 acres with the owners as follows: Monument Beach Sportsmans Club, Lawrence B. Killian, Mary C. Peablen, Elwood J. Smalley, Gardner S. Nightingale. All shown on plan entitled "Proposed Dump Site, Bourne, Mass., Scale 1 inch equals 200 feet, August 1966" a copy of which is on file in the office of the Town Clerk.

If there is any further information regarding this matter please be assured of our cooperation.

Sincerely,

George D. Denmark, Chairman
Board of Health
Town of Bourne

GDD/var

06-29-2005 @ 02:11p

TOWN OF BOURNE
BOARD OF HEALTH

In Re Town of Bourne Department of
Integrated Solid Waste Management
Site Assignment
Major Modification for:

25.22-acre expansion located adjacent to existing
Bourne Sanitary Landfill,
201 MacArthur Boulevard, Bourne, Massachusetts

DECISION AND STATEMENT OF FINDINGS

I. INTRODUCTION

On January 28, 2005, the Town of Bourne (the "Town" or "Applicant") submitted to the Massachusetts Department of Environmental Protection ("DEP") an application for Site Assignment Major Modification (the "Application"), entitled Site Suitability for a Major Modification of an Existing Site Assignment, relative to the proposed 25.22 acre expansion located adjacent to the existing Bourne Sanitary Landfill located at 201 MacArthur Boulevard, Bourne, Massachusetts (the "Site"). Bourne Board of Health ("BOH" or the "Board") Exh. 1.

On February 8, 2005, the DEP issued a Determination of Administrative Completeness for the Application (Transmittal # W056973, Site Suitability Report #293-004-C). BOH Exh. 37. On February 16, 2005, public notice inviting comment on the Application was published in the Cape Cod Times. BOH Exh. 38. On February 16, 2005, public notice inviting comment on the Application was published in the Massachusetts Environmental Policy Act ("MEPA") Monitor. BOH Exh. 38. During the twenty-one (21) day public comment period, the DEP received two comment letters. BOH Exhs. 39, 57 and 58. After reviewing the Application, public comment and other available information, DEP issued a Report on Site Suitability (#036-001-B), dated April 19, 2005 (the "Site Suitability Report"). BOH Exh. 41. The Board received the Site Suitability Report on April 20, 2005.

The Site Suitability Report states that DEP's Solid Waste Management Section, upon careful review of the submitted information and public comment, determined that the Application adequately satisfied and complied with the applicable site suitability criteria established in 310 CMR 16.40(3) and (4). See BOH Exhs. 41 at 2,3. Accordingly, DEP found the subject site, referenced as the proposed 25.22-acre expansion in the Application, to be suitable for the proposed solid waste handling and processing, subject to conditions specified within the Site Suitability Report.

PROPERTY ADDRESS: 201 MacArthur Boulevard, Bourne, MA 02553

In accordance with DEP's Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00 *et seq.* (the "Site Assignment Regulations"), the Board is required to schedule a public hearing within thirty (30) days of receipt of the Site Suitability Report. See 310 CMR 16.20(7)(a). The Board commenced a public hearing on May 18, 2005. The Board is required to render its written decision within forty-five (45) days of the start of the public hearing or no later than July 5, 2005. See 310 CMR 16.20(10)(k)(1). This Decision and Statement of Findings is issued by the Board on the basis of the information received as part of the public hearing record in this matter. Pursuant to M.G.L. ch. 111, §§ 150A and 150A1/2, and the Site Assignment Regulations, the Board issues this Decision and Statement of Findings on the Application.

II. STANDARD OF DECISION and TIME OF DECISION

The DEP issued the Site Suitability Report on April 19, 2005, with findings that the Site meets the site suitability criteria set forth in the Site Assignment Regulations. In accordance with 310 CMR 16.15(2), the Board was required, after receipt of the Site Suitability Report, to hold a public hearing pursuant to 310 CMR 16.20 "for the purpose of deciding whether to grant or refuse to grant a site assignment for the parcel of property which is the subject of the [Site Suitability Report]."

The standard of decision for the Board, set forth at M.G.L. ch. 111, § 150A and 310 CMR 16.20(10)(k)(2) is as follows:

A board shall determine that a site is suitable for assignment as a site for a new or expanded solid waste facility unless it makes a finding, supported by the record of the hearing, that the siting thereof would constitute a danger to the public health, safety or environment, based on the siting criteria set forth and established under 310 CMR 16.40.

If the Board reaches a determination to grant a site assignment in accordance with that standard, the DEP Regulations at 310 CMR 16.20(12) further provides the following:

The board may include in any decision to grant a site assignment such limitations with respect to the extent, character and nature of the facility or expansion thereof, as may be necessary to ensure that the facility or expansion thereof will not present a threat to the public health, safety or the environment.

III. SUMMARY OF PROCEDURAL MATTERS

A. Publication of Notice and Opportunity for Comment

After DEP issued a Determination of Administrative Completeness for the Application, the Applicant proceeded to implement the public notice requirements. In accordance with 310 CMR 16.10(4), public notice that the Application had been filed with the Board was published in the

Cape Cod Times and in the MEPA Monitor on February 16, 2005. BOH Exh. 28. During the twenty-one (21) day period following the publication of notice, the public was able to review the application at the Board's office and to provide comment to DEP. The DEP received two comment letters during the public comment period, one from the Cape Cod Commission and another from Waterhouse Properties. BOH Exhs. 39, 57 and 58. Following the close of the public comment period, DEP issued the Site Suitability Report on April 19, 2005. BOH Exh. 41.

Upon receipt of the Site Suitability Report from DEP, the Board initiated public notice in accordance with 310 CMR 16.20(7)(b) and (c). Notice of the public hearing was published in the Cape Cod Times on April 25, 2005. BOH Exh. 60. The Site Suitability Report, the Application and other public records were made available for review at the Board's offices prior to the commencement of the hearing on May 18, 2005.

B. Public Hearing

The public hearing was conducted on May 18, 2005, commencing at 7:00 p.m. Prior to the hearing, and by unanimous vote of the Board in accordance with 310 CMR 16.20(11)(a), the Board formally appointed John F. Shea, Esq. of Moehrke, Mackie & Shea, P.C. to serve as the Hearing Officer. Michael E. Scott, Esq. of Nutter McClennen & Fish LLP served as legal counsel to the Board.

Philip A. Goddard, an environmental manager for the Department of Integrated Solid Waste Management for the Town and Albert Raymond Quinn, a representative of SITEC Environmental, provided testimony at the hearing on behalf of the Town.

Mr. Goddard was sworn under oath, and the hearing commenced with a presentation by the Applicant. The hearing was recorded by a stenographer. No one appeared in opposition. A total of sixty-seven (67) exhibits (identified as BOH Exh. 1 through 67) were entered into and accepted as part of the record. *See* Record of Exhibits (attached). Questions from the Board were answered by Mr. Goddard and Mr. Quinn.

The public hearing was closed on May 18, 2005 at approximately 8:25 p.m.

IV. SUMMARY OF EVIDENCE

A. General Description of the Proposed Modifications

The proposed modification consists of a 25.22 acre parcel of land located adjacent to the existing Bourne Sanitary Landfill (the "Site"). The Application seeks a site assignment for solid waste handling and processing, including but not limited to, transfer operations, processing and handling, composting and recycling. Landfilling and/or combustion use is specifically excluded from the scope of the Application. The location of the currently assigned parcel and Site are shown on BOH Exh. 64.

B. DEP Site Suitability Report Approvals

On April 19, 2005, DEP issued the Site Suitability Report for the proposed modification, including a positive determination that the Site is suitable for the proposed processing and handling of solid waste. The Site Suitability Report also stated that the Site meets the applicable suitability criteria set forth in 310 CMR 16.40(3) and (4). *See* BOH Exh. 41 at 2,3.

C. MEPA Review

On July 24, 2001, the Applicant requested an Advisory Opinion from the Secretary of Environmental Affairs regarding the need to file a Notice of Project Change (NPC) for the proposed site assignment modification. BOH Exh. 13. On August 2, 2001, the MEPA Director determined that there is no requirement that a NPC be filed for the relocation of materials processing, recycling and composting facility to the Site. BOH Exh. 14.

V. CONFORMANCE WITH SITE SUITABILITY CRITERIA

In the following sections, the Board sets forth its findings, based upon the Application and other evidence in the record, with respect to compliance of the Site with the facility specific and general site suitability criteria.

A. FACILITY SPECIFIC SITE SUITABILITY CRITERIA

1. 310 CMR 16.40(3)(d) 1.: Zone I

No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone I of a public water supply;

The proposed site is not within the Zone I of a public water supply. The Applicant submitted a plan entitled "Water Resources Site Plan" depicting regulated water resource areas. No water supply wells are located or are presently proposed to be located within 400 feet of the Site. BOH Exh. 1.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d)1. criteria at this time.

2. 310 CMR 16.40(3)(d) 2.: Zone II

No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well or within a proposed drinking water source area;

The Applicant submitted a plan entitled "Water Resources Site Plan" depicting regulated water resource areas including IWPA's and Zone II in the vicinity of the proposed site. BOH Exhs. 1 and 8. A Zone II exists to the south of the site. The nearest edge of the Zone II is approximately 1800 feet from the waste handling area.

The proposed site is not within the IWPA or a Zone II of an existing public water supply well.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d) 2. criteria at this time.

3. 310 CMR 16.40(3)(d) 3.: Zone A

No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone A of a surface drinking water supply;

The Applicant submitted a "Water Resources Site Plan" depicting regulated water resource areas including Zone A areas within one-half mile of the site. BOH Exhs. 1 and 8. The Site is not located within the Zone A of a surface drinking water supply.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d) 3. criteria at this time.

4. 310 CMR 16.40(3)(d) 4.: Private Well

No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application, provided however, the applicant may show a valid option to purchase the restricted area including the well and a guarantee not reuse the well as a drinking water source, the exercise of which shall be a condition of any site assignment;

The Applicant provided a plan entitled "Water Resources Site Plan" depicting regulated water resource areas including existing private wells. BOH Exhs. 1 and 8. There are no private wells within 500 feet of the Site.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d) 4. criteria at this time.

5. 310 CMR 16.40(3)(d) 5.: Sensitive Receptors

No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area of any other transfer station (greater than fifty (50) tons per day capacity) or any handling facility is within 500 feet from:

- i. an occupied residential dwelling; or*
- ii a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center*

or youth center, excluding equipment storage or maintenance structures.

Included in Appendix C of the Application is a plan entitled "Land Use Site Plan." BOH Exhs. 1 and 7. This plan identifies land uses within one-half mile of the proposed site. There are no occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools or high schools, children's preschools, licensed day care centers, or senior centers or youth centers shown on the plan within 500 feet of the Site.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d) 5. criteria at this time.

6. 310 CMR 16.40(3)(d) 6.: Riverfront Area

Riverfront Area: No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Riverfront Area as defined at 310 CMR 10.00;

A plan entitled "Water Resources Site Plan", included in Appendix C of the Application, indicates no river exists on the Site and the waste handling area will not be within a riverfront area.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d) 6. criteria at this time.

7. 310 CMR 16.40(3)(d) 7.: Groundwater Table

No site shall be determined to be suitable or be assigned as a solid waste handling facility where the maximum high groundwater table would be within two feet of the ground surface in areas where waste handling is to occur unless it is demonstrated that a two foot separation can be designed to the satisfaction of the Department.

The Applicant provided a plan entitled "Regional Groundwater Contour Map", which was included as part of Appendix C of its Application. Exhs. 1 and 5. The Regional Groundwater Contour Map indicates that groundwater elevations at the Site are at least forty (40) feet below the ground surface. Therefore, the vertical separation between groundwater and the waste handling ground surface elevation exceeds two (2) feet.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(3)(d) 7. criteria at this time.

B. GENERAL SITE SUITABILITY CRITERIA

1. 310 CMR 16.40(4)(a).: Agricultural Lands

No site shall be determined to be suitable or be assigned as a solid waste management facility where:

1. *the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or*
2. *the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and*
3. *a one-hundred (100) foot buffer would not be present between the facility and those lands as classified at 310 CMR 16.40(4)(a)1 or 2.*

The Applicant submitted a plan entitled "Land Use Site Plan", depicting land uses in the vicinity of the proposed site. BOH Exhs. 1 and 7. The Land Use Site Plan indicates that the land area of the Site, and the land within one-hundred (100) feet of the Site, is not classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service or deemed Land Actively Devoted to Agricultural or Horticultural Uses.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(a) criteria at this time.

2. 310 CMR 16.40(4)(b): Traffic and Access to the Site

No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors: (1) traffic congestion, (2) pedestrian and vehicular safety, (3) road configurations, (4) alternate routes, and (5) vehicle emissions.

Traffic Congestion

The Record of Exhibits contains a Traffic Impact and Access Study (the "Traffic Study"), dated November 24, 1998, by HAS Corporation. BOH Exh. 18. This traffic study was submitted for the landfill expansion proposed at that time. The study area included Route 28 northbound at the landfill access road intersection and Route 28 northbound at the U-turn intersection from Route 28 southbound. Traffic impacts were later reviewed in 2003 as part the Town's submittals of a NPC with MEPA and a Major Modification with the Cape Cod Commission related to the proposed acceptance of municipal solid waste at the landfill. BOH Exh. 22.

The Town is not proposing to increase the waste tonnage permitted to be accepted at the Site or change the access to the Site. Since the waste tonnage will not increase, there will be no change in traffic volumes. In the Site Suitability Report, the DEP notes that it has not had reports of problems since completion of the Traffic Study and operation of the landfill under "Build" study conditions. However, the DEP did indicate that long delays at the Route 28 southbound U-turn onto Route 28 northbound could lead to queued vehicles exceeding the turning lane capacity and cause traffic to back up onto the main travel lane of Route 28 southbound. To mitigate the potential vehicular safety issues associated with this type of backup, the Department required the Applicant to include in all contracts with haulers a requirement that their vehicles not queue beyond the capacity of the left turn lane at any U-turn on Route 28 southbound or northbound.

As such, trucks are to be instructed to utilize the next available U-turn or rotary for reversing direction. The Board agrees with this finding and the condition imposed by the DEP.

Pedestrian and Vehicular Safety

The expansion area is located south of the existing site assigned 78-acre landfill parcel. Both areas are accessed by the same private driveway off Route 28. Potential conflicts with pedestrians should not arise as pedestrians are not allowed on Route 28. Traffic coming to the site will utilize major highways and will not be traveling through or near congested urban areas, residential neighborhoods or schools where pedestrians would likely be encountered.

Road Configurations

Ingress and Egress to and from the Site is via dedicated deceleration and acceleration lanes on Route 28. The twelve-foot wide acceleration and deceleration lanes were constructed in accordance with a permit issued by the Massachusetts Highway Department on January 14, 1999. BOH Exh. 19. Route 28 is the main thoroughfare in the area and is capable of handling facility traffic without impact.

Alternate Routes

Access to the facility is limited to the Route 28 north bound lane. Route 28 is the main route through the subject area.

Vehicle Emissions

The total approved tonnage at the site will not change. As such, traffic volume will not change and there will be no changes to vehicle emission rates. In order to minimize diesel emissions generated at the adjacent Landfill, the Town has begun implementing Best Management Practices. The Board encourages the Town to continue to take measures to reduce vehicle and equipment emissions.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(b) criteria at this time.

3. 310 CMR 16.40(4)(c): Wildlife and Wildlife Habitat

No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would:

1. have an adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database;

2. have an adverse impact on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database;
or

3. *have an adverse impact on the wildlife habitat of any state Wildlife Management Area.*

On July 17, 2001, the Natural Heritage and Endangered Species Program (NHESP) of the Division of Fisheries and Wildlife issued correspondence stating that a marginal habitat for the rare species Lepidoptera (moths) exists along the eastern boundary abutting the Massachusetts Military Reservation. BOH Exh. 26. The Town has committed to maintaining a buffer along this boundary to protect this habitat. This area contains an area of scrub oak and is twenty-five (25) feet to thirty (30) feet wide on the Town owned side of the property boundary. If this buffer area is maintained by the Town, NHESP stated that it does not appear that rare species will be directly impacted by the proposed project. Id.

In the Site Suitability Report, DEP noted that NHESP also identified nesting areas of Bank Swallows in the area. See BOH Exh. 41. The United States Fish & Wildlife Service ("U.S. F&W") was contacted and it determined that Bank Swallow nesting areas existed in the area but that construction activities may proceed in the nesting area(s) once the birds had migrated in the summer or early fall. The DEP imposed a condition that active nesting areas not be disturbed until it is determined that Bank Swallows present have migrated.

Subject to the conditions set forth in Section VI., the Board has determined that, at this time, the proposals in the Application will have no adverse impact on Endangered, Threatened or Special Concern Species, nor on an Ecologically Significant Natural Community or wildlife habitat, and that the Site meets the 310 CMR 16.40(4)(c) criteria at this time.

4. 310 CMR 16.40(4)(d): Areas of Critical Environmental Concern

No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting:

- 1. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or*
- 2. would fail to protect the outstanding resources of an ACEC as identified in the Secretary's designation if the solid waste management facility is to be located outside, but adjacent to the ACEC*

The Water Resources Site Plan, included as part of the Application indicates that there are no ACECs in the vicinity of the Site. BOH Exhs. 1 and 7. The nearest ACEC is located approximately ½ mile from the Site.

Subject to the conditions set forth in Section VI., the Board has determined that, at this time, the Site is not located in an ACEC and will have no adverse impact on outstanding resources of an ACEC, and that the Site meets the 310 CMR 16.40(4)(d) criteria at this time.

5. 310 CMR 16.40(4)(e): Protection of Open Space

No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would have an adverse impact on the physical environment of or on the use and enjoyment of:

1. *state forests;*
2. *state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution;*
3. *MDC reservations;*
4. *lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs; or*
5. *conservation land owned by private non-profit land conservation organizations and open to the public.*

The Land Use Site Plan indicates that there are no state forests, state or municipal parklands, MDC reservations or conservation land owned by private non-profit land conservation organizations and open to the public within 500 feet of the Site. BOH Exh. 7.

In the Site Suitability Report, the DEP notes that the 15,000-acre land parcel located on the Massachusetts Military Reservation adjacent to the Site has been designated as the Upper Cape Water Supply Reserve to protect this area as a drinking water source for the Upper Cape and that this land could be considered open space. BOH Exh. 41.

In the Application, The Town has committed to implementing Best Management Practices (BMPs) to eliminate any potential impacts that facility operations could have on this open space. BMPs for litter control, dust control, and stormwater control will be implemented in addition to maintaining a buffer zone between the facility and the open space on the Massachusetts Military Reservation.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(e) criteria at this time.

6. 311 CMR, 16.40(4)(F): Potential Air Quality Impacts

No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute a danger to the public health, safety or the environment taking into consideration the following factors:

1. *the concentration and dispersion of emissions;*

2. *the number and proximity of sensitive receptors; and*
3. *the attainment status of the area.*

The concentration and dispersion of emissions

The Applicant prepared an assessment entitled, Interim Risk Evaluation and Cumulative Impact Assessment of the Proposed Phased Landfill Development of the Town of Bourne Integrated Solid Waste Management Facility. BOH Exh 31. This assessment examined all current solid waste management activities at the site, plus disposal of municipal waste combustor ash, and a projection of a full landfill build-out that assumed a maximum tonnage of 1,000 tons per day. DEP deemed the general risk assessment approach used in the report to be consistent with DEP guidance. BOH Exh 32 at 2. DEP recommended that this report be approved with certain caveats discussed in its July 1, 2003 review. Id.

The number and proximity of sensitive receptors

Sensitive receptors are considered to be occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools or high schools, children's preschools, licensed day care centers, senior centers and youth centers. The Bourne Middle School and condominiums located on Waterhouse Road are the only sensitive receptors proximate to the Site. All of these receptors are located across Route 28 from the facility and not expected to be adversely impacted by the Site.

The Land Use Site Plan indicates that there are no prisons, health care facilities, elementary schools, middle schools or high schools, children's preschools, licensed day care centers, or senior centers or youth centers within 500 feet of the facility. BOH Exh. 7.

Attainment status of the area

The Commonwealth of Massachusetts, 2003 Air Quality Report states that ozone is the only pollutant for which Massachusetts monitors indicate violations of a standard. Massachusetts is in attainment for the other criteria pollutants, including carbon monoxide, lead, nitrogen dioxide, sulfur dioxide, and particulate matter (including PM10 and PM2.5).

Subject to the conditions set forth in Section VI., the Board has determined that the anticipated emissions from the proposed facility will meet required state and federal air quality standards or criteria and will not otherwise constitute a danger to the public health, safety or the environment and the Site meets the 310 CMR 16.40(4)(f) criteria at this time.

7. 310 CMR 16.40(4)(g): Potential for the Creation of Nuisances

No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors: (1) noise; (2) litter; (3) vermin such as rodents and insects; (4) odors; bird hazards to air traffic; and (6) other nuisance problems.

Noise

In 2001, the Applicant engaged Cavanaugh Tocci Associates, Inc. ("CTA") to conduct a pre-construction Sound Level Survey. BOH Exh. 30. This sound level survey was conducted to quantify and characterize the existing noise environment in the vicinity of the Site. Id. at 2. CTA concluded that the sound levels in the areas surrounding the new parcel will not significantly increase and will remain similar to the levels measured in the pre-construction survey. Id.

Dust

Best Management Practices for dust suppression will be performed for all solid waste operations that will be conducted across the Site. In addition to conducting all solid waste handling operations within an enclosed building, Best Management Practices shall include the following. As part of its current solid waste handling operations, the Applicant will routinely (daily during dry weather conditions) operate a water truck along site roadways to reduce dust. Paved areas, including the access road, will be swept as necessary by the Town-owned street sweeper as necessary to prevent fugitive dust emissions. In addition, the Applicant is considering the installation of misting system in the transfer station, as well as plastic curtains to further control fugitive dust emissions. The Board may request the installation of these items if fugitive dust emissions become an issue of concern.

Litter

All vehicles that will transport materials either to or from the site will be covered in order to prevent incidental littering. All C&D handling operations will be conducted within the enclosed transfer station structure to reduce the chance for wind blown litter. In the residential drop off areas, the waste materials will be directly deposited into a compactor unit or containers. The Applicant currently employs a full-time crew of litter pickers to continually police the site and its vicinity. This practice will continue for all future solid waste handling operations areas.

Vermin

The proposed solid waste handling operations on the 25-acre parcel are not expected to provide suitable habitat or attraction for vermin. C&D materials do not provide a food source, thus is not an attraction for vermin. Municipal solid waste ("MSW") will either be handled within an enclosed compaction unit at the residential area or within an enclosed building if a co-composting operation is built. There appears to be minimal attraction for vermin to this site, based upon the historical landfilling operations on the 75-acre parcel and the lack of the perceivable presence of vermin.

Odors

Odors are typically generated by the MSW stream. MSW will be handled either in a sealed compact unit at the residential area or within an enclosed structure if a co-composting operation is pursued. Both measures should mitigate odors from handling MSW. Currently, the Town operates a composting area on this parcel and routinely turns the windrows to promote rapid breakdown of materials and to eliminate the potential for odors.

Bird Hazard to Aircraft

Birds, particularly gulls, are primarily attracted to MSW. As discussed above, MSW will be managed in a sealed compaction unit at the residential area. The C&D waste stream is not expected to be an attraction for birds. The on-going landfill operations take active and aggressive bird deterrent measures to mitigate their presence around the landfill. These measures have proven to be successful in reducing the gull population in the vicinity of the landfill and will continue to be implemented.

Other

The proposed transfer station will be enclosed within a building. This structure is anticipated to mitigate any potential nuisance conditions that may be associated with the facility.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(g) criteria at this time.

8. 310 C M 16.40(4)(h): Size of Facility

No site shall be determined to be suitable or be assigned as a solid waste management facility if the size of the proposed site is insufficient to properly operate and maintain the proposed facility. The minimum distance between the waste handling area or deposition area and the property boundary for the facility shall be 100 feet, provided that a shorter distance may be suitable for that portion of the waste handling or deposition area which borders a separate solid waste management facility.

A 100 foot buffer will be maintained along the southern, eastern and western boundaries of the Site. The Site is located adjacent to the existing 78-acre site-assigned area. The Applicant currently conducts solid waste handling and processing on the existing site-assigned area. There will be no increase in the volume of waste accepted. The Site will provide a greater operating area for the materials handling and processing operations. As such, the size of the facility will be increased and will be sufficient to properly operate and maintain the proposed facility.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(h) criteria at this time.

9. 310 CMR 16.40(4)(i): Areas Previously Used for Solid Waste Disposal

Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site:

1. *the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the proposed site;*

2. *the nature and extent to which the proposed site may impact the site previously used for solid waste disposal, and*
3. *the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment, taking into consideration:*
 - a. *whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;*
 - b. *whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and*
 - c. *the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.*

The expansion of the proposed solid waste management activities onto the Site provides greater operational flexibility to the Town and is compatible with the current and projected build-out of the landfilling operations conducted on the currently assigned site. The greater area will allow the Town to improve intra-site traffic flow and separate residential traffic from commercial activities.

This site assignment modification and expansion onto the Site will enable the Town to continue to provide regional solid waste management services after the landfill closes.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(i) criteria at this time.

10. 310 CMR 16.40(4)(j): Existing Facilities

In evaluating proposed sites for new solid waste management facilities, the Department and the board of health shall give preferential consideration to sites located in municipalities in which no existing landfill or solid waste combustion facilities are located. This preference shall be applied only to new facilities which will not be for the exclusive use of the municipality in which the site is located.

The Town of Bourne hosts a landfill. Accordingly, pursuant to 310 CMR 16.40(4)(j), the Department and the applicable local BOH shall give preferential consideration to applications for other sites located in other municipalities in which no existing landfill or solid waste combustion facilities exist, should such an application for another site be submitted.

11. 310 CMR 16.40(4)(k): Consideration of Other Sources of Contamination or Pollution

The determination of whether a site is suitable and should be assigned as a solid waste management facility shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as

defined by the Department, and whether the proposed facility will mitigate or reduce those source of pollution or contamination.

A Cumulative Impact Assessment ("CIA") level 2 impact evaluation was completed by the Applicant in order to assess the potential impact of the proposed facility in conjunction with other local potential sources of contamination or pollution. BOH Exh. 31. The CIA was completed in accordance with the Department's Interim Risk-Evaluation Guidance Document for Solid Waste Facility Site Assignment and Permitting ("Guidance Document"). The CIA concluded that there will be no significant impacts to receptors in the vicinity of the site. Id.

Subject to the conditions set forth in Section VI., the Board has determined that the Site meets the 310 CMR 16.40(4)(k) criteria at this time.

12. 310 CMR 16.40(4)(l): Regional Participation

The Department and the board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community participating in a regional disposal facility:

1. *the extent to which the proposed facility meets the municipality's and the region's solid waste management needs; and*
2. *the extent to which the proposed facility incorporates recycling, composting, or waste diversion activities.*

The Town hosts the Bourne Integrated Solid Waste Management Facility landfill, which is a regional disposal facility. The proposed site assignment modification is intended to facilitate construction of waste transfer and processing facilities to complement the existing regional landfill. All solid waste activities proposed for the expanded site assigned area will be regional facilities designed to incorporate waste diversion and recycling.

Pursuant to 310 CMR 16.40(4)(l), the Department and the applicable local BOH shall give preferential consideration to applications for other sites located in other municipalities not already participating in a regional disposal facility, should such an application for another site be submitted.

C. Summary of Findings on Compliance with Site Suitability Criteria

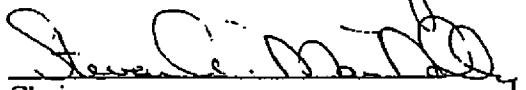
Substantial primary evidence before the Board consists of the information provided in the Application. Additional evidence has been provided in the documents and testimony presented during the Public Hearing. Based upon the evidence in the record, the Board finds that the Applicant has demonstrated compliance with each of the specific criteria set forth in subsection V.A above and each of the general criteria set forth in subsection V.B above, and that the Site Assignment Major Modification does not constitute a danger to the public health, safety or the environment, provided the Applicant and its successors and assigns comply with the Conditions set forth below.


VI. CONDITIONS IMPOSED BY THE BOARD


The Board finds that the Site is suitable for solid waste handling and processing as described in the Application, provided that the Applicant and its successors and assigns comply with the Conditions set forth below. Therefore the Board approves this major modification of the Site Assignment for the Site, and grants the Site assignment, subject to the following conditions:

- i. The additional area herein assigned for the expansion shall include the area of 25.22 acres on land owned by the Town of Bourne, adjacent to the existing sanitary landfill, as shown on site plan included in the Application. BOH Exhs. 1 and 64.
- ii. The Applicant shall comply with all conditions imposed by the DEP in its Site Suitability Report relating to traffic, rare moth habitat and Bank Swallows.
- iii. The Applicant shall implement Best Management Practices to control litter, dust, stormwater and air emissions from equipment, vehicles and operations.
- iv. The maximum daily solid waste tonnage accepted at the combined 103 acre site assigned area shall not exceed 825 tons per day.
- v. The hours of operation at the Site shall be limited to 7:00 am to 5:00pm, seven days a week. No audible equipment shall be used prior to 6:30 am.
- vi. The Applicant shall construct and operate the improvements and activities on the Site in conformity with the Application and the materials submitted herein. The construction details of the proposed expansion shall be determined by the DEP in accordance with review and approval of any Authorization to Construct and Authorization to Operate that may be issued under 310 CMR 19.000.
- vii. The area described in the Application shall be considered a specific use Site Assignment pursuant to 310 CMR 16.21(3) and shall be utilized only for solid waste handling and processing, including but not limited to, transfer operations, processing and handling, composting and recycling. Landfilling and/or combustion use are expressly prohibited. Any solid waste activity other than handling or processing shall not be conducted at the Site except in accordance with a new or modified Site Assignment.
- viii. This Site Assignment shall take effect when recorded at the Registry of Deeds and after a certified copy of the same from the Registry of Deeds is provided to the Board of Health, with all recording fees and charges paid by the Applicant.
- ix. This Site Assignment may be modified, suspended or rescinded for good cause by the Board after notice to the owner and operator and after a public hearing.
- x. The Department of Integrated Solid Waste Management shall have sole operational responsibility for the site assigned areas. The operational responsibility for the site assigned areas shall not be assigned or transferred, in whole or in part, to another party, including an assignment or transfer to another department or board of the Town unless approved by a vote of the majority of the Board at a public hearing. Assignment or transfer shall include but not be limited to a lease, license, or other agreement related to the operation of the site assigned areas.

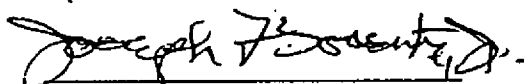
Dated this 27 day of June, 2005


Chairman


Vice Chairman


Member

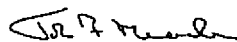
Member

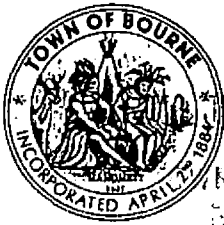

Member

RECORD
SITE ASSIGNMENT HEARING

1439565.1

BARNSTABLE COUNTY
REGISTRY OF DEEDS
A TRUE COPY, ATTEST


JOHN F. MEADE, REGISTER



**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 23, 2010

Time:

7:00 P.M.

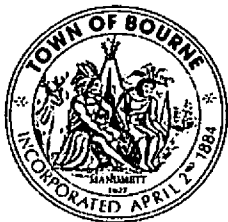
Place:

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

AMENDED AGENDA ITEMS:

1. Doug Karson-Yearly update on Otis Plumes
2. Buzzards Bay Water District-Barry Woods-discussion on the future of town wells
3. Discuss & Possible Vote regarding ISWM tonnage limits and regulations
4. 7 Farnum Road-Continued-Roberta Ambrosi-Appealing the order to correct
5. Schooner Pass, Tradewinds & Great Rock Village Condominiums-Bob Smith-requesting variance to reduce testing of chlorine in swimming pools
6. 441 Shore Rd-Michael & Rebecca Gully- Request to open bakery (building has tight tank)
7. Update on changes to Open Meeting Laws
8. Discuss and vote to nominate Stanley Andrews to the Sewer & Wastewater Committee
9. Approval of Minutes dated May 26, 2010 & June 3, 2010
10. Office Update

Signed: *Kathy M. Binger*
Title: Secretary
Date: June 22, 2010



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 23, 2010

Time:

7:00 P.M.

Place:

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

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TOWN CLERK'S OFFICE

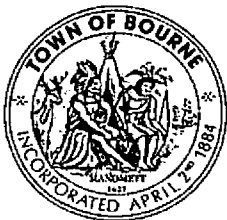
2010 JUN 17 PM 2 19

Signed:

Title: Secretary

Date: June 17, 2010

cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x513
Fax (508) 759-8026**



Cynthia A. Coffin,
Health Agent

**MINUTES
June 23, 2010**

**Members Present: Stanley Andrews; Vice Chairperson, Galon Barlow, Donald Uitti,
and Carol Tinkham**

**Support Staff: Cynthia Coffin; Health Agent, Carrie Furtek; Health Inspector, and
Kathy Burgess, Secretary**

Call to Order: 7:00 PM

1. **Doug Karson**-Yearly update on Otis Plumes-Mr. Karson introduced Pam Richardson, from the Army Environmental Cleanup Program and Paul Markasol from the EPA. Mr. Karson distributed several handouts to the Board Members. Mr. Karson stated that they have been working on validating all private wells and irrigation wells and determine whether they are operational. They have been working on that for the past two years. Mr. Karson stated that according to the Bourne Board of Health water regulation that was amended in 2003 private wells have to be permitted through the Board of Health. Mr. Karson asked if that regulation was still in effect. Ms. Coffin stated that it was. Mr. Karson stated that all decisions have been made and all remedies are in place with the Air Force Cleanup program which is a big milestone for them. Mr. Karson stated that they are dealing with twelve groundwater plumes with eleven having treatment. Nothing has changed this past year. The number of gallons fluctuates with about 14 million gallons a day being treated. Mr. Karson stated that they are doing a lot of work with operation and maintenance on the treatment systems they have on the various plumes. Mr. Karson stated that they have signed a record of decision for CS-19 last year monitoring the plume only. Mr. Karson stated that the computer modeling that went into that record of decision shows that the plume is not going to make it to the base boundary. LF-1 continues to be treated. There are extraction wells along the base boundaries. They are monitoring the plumes beyond that point. The numbers are consistent with what they have seen in the last five years with the level of solvents. Mr. Karson stated that the testing in Squeteague Harbor and Redbrook Harbor was non-detect and has been for many years. The turbines are expected to save \$600,000 per year to offset the electric

cost and offset the emissions from fossil fuel plants. They are hoping to install more turbines soon. Mr. Karson went over parts of the plume booklet and maps with the Board. Mr. Karson stated that he would like the Board members to call him if they ever have any questions and he would like to come back to the Board in September. They are making well determinations and have identified 26 wells in the Town of Bourne and a few of those are being used for drinking water. They include 26 private wells and/or irrigation wells. Mr. Karson stated that he wanted to make the Board aware of six of the wells. 1383 Rt 28A, which is the former Cataumet Garden Center now owned by Bourne Conservation Trust. There used to be an irrigation well there but it is not being presently used. 124 Megansett Rd. is a seasonal cottage. Mr. Karson stated that they have spoken to the owner several times and collected a water supply on June 7th. Mr. Karson stated that you have to go down to the basement and hand pump water which is their drinking water. They should have the test results back in a week or two. 6 Oliver Way is an irrigation well that is only used to provide water to a holding area for fish. Another site is 1236 Rt 28A. Mr. Karson stated that he spoke with the owner and will be there to sample next week. 1349 Rt 28A is an irrigation well which has been tested previously with no detect. Each of these properties is going through a well determination process as agreed to with the Federal EPA and the State DEP and will document in writing as to exactly what they did and contain all the information they have. This information will also come to the Board of Health. Ms. Coffin asked if there is more follow up needed by the Board of Health to determine if certain wells have been decommissioned. Mr. Karson stated that they may need their help with that at some point. Mr. Karson stated that they have done three rounds of mailings, made numerous phone calls and have visited the properties and there are still 11 property owners they cannot get in touch with. Ms. Coffin stated that she would like a list of the addresses where they could not get in touch with anyone. Mr. Karson stated that they will be doing additional determinations on those properties every five years. They will go back every two years to the properties where the homeowner is not using the well to verify that they have not restarted them. Mr. Karson stated that in total there were 70 wells, 26 in Bourne and the rest in North Falmouth. Ms. Coffin asked if the Board of Health should take steps to make sure that the wells that have been decommissioned are not restarted. Mr. Karson stated that if the property owners have told them that their well has been decommissioned they would have to redrill the well to start it again and if they did that they would have to come to the Board of Health to get a permit. Pam Richardson, Army Environmental Commands Impact Area Groundwater Study Program, stated that they have just a few areas of concern in Bourne. They have treated to date more than 2 ½ billion gallons of groundwater and 70,000 tons of soils have been removed. No private or public water supplies are affected. They have five groundwater treatment systems in place. Ms. Richardson pointed out the areas on the map that had the highest levels of contamination which were dealt with first. Ms. Richardson stated that they are working towards finishing their investigations and will be finished with the rest of their installation treatment systems within the next year. Ms. Richardson stated that the most recent decision document included two sites that

are of interest to Bourne. The NW corner where groundwater contamination is located off base towards the canal and the western boundary which is already gone. They will monitor the NW corner and will have to determine if there are any private wells in the areas of Schooner Pass and Port of Call. Ms. Richardson stated that there is one irrigation well that they still sample in that area. Schooner Pass is on town water. Mr. Karson stated that last year there was a question about how long it was going to take for the uncapped portion of the landfill 1 plume that doesn't have treatment to get to the drinking standard of five. Mr. Karson stated that he asked his technical team to look into the modeling and they have reported to him that TCE concentrations in the Northern low will decline to the MCL by 2025 and in the southern low PCE will be below the MCL by 2034. That is the area that is west of Route 28. The reason the concentrations are so low is because they are measuring the contamination down about 100-150 ft below ground surface and as the water reaches Squeteague and Redbrook Harbor it comes up and combines with clean water and the concentrations, which are roughly about 15 in that well near the harbor, decrease to about 2. Mr. Barlow asked if they had any idea how much the code volume of the contamination there is to come. Mr. Karson stated that he could provide him that information. There are estimates done based on what they are seeing for concentrations. Their models are 3 dimensional so they can calculate what volume of water is contaminated. Mr. Barlow asked Mr. Karson to please send that information to the Board when he has it. Mr. Karson agreed.

2. **Buzzards Bay Water District-Barry Woods-discussion on the future of town wells-**Mr. Andrews stated that Mr. Woods has come in to discuss the future of town wells and the future need and requirements for the community. Mr. Woods, Water Superintendent, stated that there was a study done back in the 80's that indicated the need for a fifth well. Based on the study the district opted to wait but when Route 25 came through it changed the dynamics of one of the wells that would have been the fifth source for the district adjacent to wells 3 and 4, which is under the overpass on Bournedale Rd. Because of the recent changes through the 90's it is a well which would have to be researched and also go through a number of new approvals. For the last year and a half they have looked at the area to see if it could be looked at as a future source. Mr. Woods stated that as the water sources get older they have to have a back up. Water conservation effort has been able to reduce some of the need in the community and last summer was helpful because of all the rain. Mr. Woods stated that it is a fine balance to make sure that you have enough supply available during the critical time periods with all of the Main St. businesses and also Mass Maritime Academy. DEP is looking at per capita and per day figures and are looking at allocations. Mr. Woods stated that it is his opinion and that of the consultants that they do need an additional well. Mr. Andrews stated that in the calculations it can be seen that MMA is continuously expanding. Mr. Andrews asked if Mr. Woods had taken into his calculations the growth at MMA and also the new zoning on Main St. Mr. Woods stated that they have looked at it but do not have the figures on it. Mr. Woods stated that that is a problem because a lot of the information in the town does not

flow freely to them. Mr. Woods stated that he has come before the Board of Health before to get information on the potential wastewater treatment plant that could be built in Bournedale and eventually maybe discharged into one of the zone 2's. Mr. Woods stated that he hoped there would be cooperation between the town Boards and the District that as downtown Buzzards Bay is revitalized and the businesses all of a sudden have to find a certain amount of volume of water. Mr. Andrews asked if through conservation alone does Mr. Woods foresee being able to cover all the water needs for the expansion of Main St. Mr. Woods stated that he does not believe so. Mr. Woods stated that he is hearing wastewater projections but not raw water projections. Mr. Andrews asked if there was anything the Board of Health could do to help him with that. Mr. Woods stated that he believes that if they could be included in some of the discussions regarding new development in Town they would be in a better position to see what kind of impact it would have on the district. Mr. Woods stated that it is difficult to get the State to permit new sources but the land that they have in between wells 3 & 4 on Bournedale Rd would be what they would want to look at. Mr. Andrews asked if they would have to supply water to the potential new Technology Park. Mr. Woods answered yes and he has been told that there would be parking for 1700 vehicles. Mr. Woods stated that according to the consultants working on the wastewater the majority of the activities that would take place there would be very limited on water supply. Mr. Woods stated that that is hard to say because it is green technology but they do have to worry about future water supply and at the same time not block progress. Mr. Woods stated that he has been in the business for 40 years and this is the first time he has been in a community where there is not any emergency interconnection from anyone else. Mr. Woods stated that a lot of communities have a partner on one side or the other where you could have an emergency interconnection. They are looking at the possibility of an emergency interconnection with Onset. Mr. Andrews stated that their future expansion is limited to the parcels they have or the possibility of approaching the Town about the parcels on the 122 acres. Mr. Woods stated that there has been no formal application to the Town but they agreed that if they couldn't get a well approved if there was still land available in the Town parcel or any other abutters up on the crest of Bournedale they may have to revert to looking for additional sources if at all possible. Mr. Barlow stated that looking at the zoning maps since the 1960's all that area has been considered the Buzzards Bay Water District recharge or reserve area and he does not believe that the recent zoning has changed that. Mr. Woods stated that a few years ago he had spoken with Tighe and Bond who told him that a change had been made because of the development of the Bournedale School. Mr. Woods went over a map with the Board and stated that the area near the school is still a potential water supply. Mr. Barlow stated that based on the changes made at Town Meeting that land is now zoned for medical and bio-medical research facilities and he does not believe that he would want that going into the groundwater adjacent to his drinking water. Mr. Andrews asked if Mr. Woods could provide Ms. Coffin with a copy of the map. Mr. Woods stated that he would get a copy to Ms. Coffin. Mr. Andrews asked what the Board could do to help Mr. Woods. Mr. Woods stated that it would be

helpful if the Board would notify him if there were any developments that came before them. Ms. Coffin stated that Mr. Woods should develop a working relationship with the Town Planner because she is the one who gets the plans first and the Board of Health is usually the last office that is contacted. The developers always start with the Town Planner. Ms. Coffin stated that she will speak with Coreen Moore, the Town Planner about sending agendas to Mr. Woods. Mr. Barlow stated that the Board of Health has the authority to oversee what happens with the drinking water in Bourne. Ms. Coffin stated that she agrees with that but the Board of Health does not get the information on new developments before the Town Planner does. Mr. Barlow stated that the Town Planner who is planning these developments should come to the Water District and the Board of Health first to make sure there is water available. Mr. Andrews suggested having the Town Planner come to a meeting along with the water districts to discuss some type of plan so that everyone knows when a development is proposed. Ms. Barth asked if it was possible to have an emergency connection with Plymouth. Mr. Woods stated that that was not possible because Bourne actually supplies some water to Plymouth because they do not supply water to the area that abuttes Buzzards Bay such as Bourne Rd. Mr. Woods stated that in the 1960's the district had legislation passed that they could provide water to about 400-450 homes off of Head of the Bay Rd. in South Plymouth. Ms. Barth asked if Mr. Woods had any worries about providing water to the existing developments. Mr. Woods stated that no, not with the actions the district, corporate and the public have taken to conserve water. Mr. Barlow asked if the Town was approaching their permit levels during the summer on what they can pump. Mr. Woods stated that the first few years he was here they were within 100,000 gallons of going over the permit on a daily basis. The State will allow you to average the permit restrictions out so they were fortunate during the winter to have reduced the amount they were using. Mr. Barlow stated that some time ago the wells in the Dry Cedar Swamp area off Bournedale Rd. pumped more water than is permitted now. At that time a local landowner's pond was pumped dry and the landowner sued the water district in excess of one million dollars and the people who used the Buzzards Bay water district had to pay for that. Mr. Barlow stated that it does not make sense to him to put pressure on the Water District to exceed the levels and draw the ponds down again so that they would have to pay this landowner money again. Mr. Barlow stated that he would be more inclined to pressure the Town to use some of the Town land near the school rather than for a sewer plant but for water because it is much more important to have drinking water than it is necessarily to have a sewer plant. Mr. Barlow stated that a sewer plant is only going to service future development. MMA has their own sewer plant. Mr. Woods stated that he realizes that there has to be growth and hopes that Buzzards Bay is revitalized but believes the district should be looking out at the next 20-25 years. Ms. Coffin stated that she will talk to George Tribou, plumbing and sewer inspector, about contacting Mr. Woods when any new business is hooked up to town sewer on Main St. Ms. Coffin stated that with new construction there is always a letter attached from the Water Dept stating that they will supply water to that address. Ms. Coffin suggested that something like that may be set up even for businesses or homes

hooked up to sewer. Mr. Barlow stated that he has had people tell him in the Heather Hill area that they have very low water pressure and asked if that was related to how much the stand pipe by the school has for water. Mr. Woods answered no, when the district was formed there was not intent to have water provided that far and it's just the hydraulics of it. Many of those homes have their own booster pumps. The Board thanked Mr. Woods for coming in.

3. Discuss and Possible Vote regarding ISWM tonnage limits and regulations- Mr. Andrews stated that he would like to continue this until the next meeting when the Chairperson, Ms. Peterson is here to discuss it. Mr. Barlow made a motion to CONTINUE the discussion regarding ISWM tonnage limits and regulations until the meeting on July 28, 2010 so that the Board will have enough time to discuss possible regulations. Donald Uitti seconded the motion. All in favor and the motion PASSES.
4. 7 Farnum Rd-Continued-Roberta Ambrosi-Appealing the order to correct- Ms. Coffin stated that the Ambrosi's sent a letter of request to be removed from the agenda because the tenant vacated the property. Ms. Coffin stated that she had a little problem with the way the letter was worded from Ms. Ambrosi and spoke with Ms. Ambrosi today. Ms. Coffin stated that the Board of Health did a proper inspection and that the Board would probably make a motion to have the property re-inspected before it is rented out again. Mr. Andrews stated that the inspection was done by Carrie Furtek. Ms. Furtek stated that she had received a call from the tenant stating that she had had some flooding and requested an inspection. Ms. Furtek stated that she did an inspection and there was flooding in the garage and damp floors in the basement. The electrical socket in the upstairs second bedroom was not working. Ms. Furtek discussed the issues with the homeowner. Ms. Furtek stated that Ms. Ambrosi took out the rugs that were moldy and requested that Ms. Furtek do a re-inspection but would prefer if her husband was there. Ms. Furtek stated that the homeowners were concerned because the tenant was being a little hostile and kept turning off the pump. Ms. Furtek stated that during the re-inspection the landlord and tenant had a little confrontation but then everything seemed fine and Ms. Furtek left. Ms. Furtek stated that they had not fixed the issue with the garage. There is a slanted driveway so when it rains all the water goes into the garage. Ms. Furtek stated that the homeowners requested a hearing before the Board to appeal the order to correct. Ms. Coffin stated that the homeowners would like to evict the tenant. Mr. Andrews stated that his concern was that Ms. Furtek went out and did an inspection and found violations and all the violations had not been corrected by the time of re-inspection. The tenant was not cooperating and would not move her furniture so that the water damage could be fixed. Ms. Coffin stated that she was instructed to take over for Ms. Furtek because the tenant had complained that she was not doing the inspections properly. Ms. Coffin stated that before another tenant goes in there the property should be inspected. Mr. Andrews asked if the Ambrosi's have contacted her for a reinspection since the tenant left. Ms. Coffin answered no, they have not. They had to wait for the tenant to leave before they could do the work and are not sure

if they will rent it out again. **Mr. Barlow made a motion to notify the Ambrosi's that the property be inspected by the Health Agent or Health Inspector and all repairs are completed before the property is rented again. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**

5. **Schooner Pass, Tradewinds & Great Rock Village Condominiums-Bob Smith-requesting variance to reduce testing of chlorine in swimming pools-** Dick Paret, an employee of Bob Smith's and a certified pool operator, is here to represent Mr. Smith. Mr. Paret stated that they are asking for a variance on a safety issue. Mr. Paret stated that there is a requirement by the State for commercial pools to be tested four times a day. Mr. Paret stated that their pools are residential with a very low bather rate and are not much different than a pool someone might have in their backyard. Mr. Paret stated that for the past seven years he has been in charge of testing those pools four times a day. Mr. Paret stated this would be very important if it was in a health club or was a spa. Mr. Paret stated that the tests are redundant and safety would not be affected at all if they only tested once a day. Mr. Paret stated that the bather use is very low and therefore not causing any stress on the water. Mr. Andrews asked if the records on the pool were turned into the Board of Health office. Ms. Coffin stated that they are looked at during the pool inspections before the pools open. Mr. Andrews asked if the condo logs had been up to date. Ms. Furtek stated that she inspected them two weeks ago and the pool testings were accurate. Mr. Andrews asked if there had been any issues with the pools over the last five years. Ms. Coffin stated that Great Rock Village had had their pool closed for two or three years because they couldn't keep it up. Ms. Coffin stated that she has a problem with Mr. Paget's request. It is considered a semi-public pool under the code and there is no way for her to regulate how many people are using it. On a sunny day the sun can deplete the chlorine very quickly. Ms. Coffin suggested that they reduce the hours the pool is open if they don't want to test four times a day. Mr. Paret stated that they are open now 8:00AM-8:00 P.M. Ms. Coffin stated that testing once a day is not protecting public health. Mr. Paret stated that they have a track record for years of stability. Ms. Furtek stated that she realizes it is a financial strain to test 4 times a day, once is not enough. Ms. Furtek suggested testing three times a day. Ms. Coffin stated that maybe one of the residents there could test for them. Mr. Paret stated that most of the residents are working all day. Mr. Paret stated that he would have to go to the Board of Trustees to see about reducing the hours of the pools. Mr. Barlow stated that Mr. Paret might want to consider withdrawing and going to talk to his Board of Trustees about limiting the hours the pool is open. Mr. Paret stated that he will **WITHDRAW** his request at this time.
6. **441 Shore Rd-Michael & Rebecca Gully-Request to open bakery (building has tight tank)-**Ms. Coffin stated that this building was formerly a furniture store and then Village Market. The property has a tight tank so Village Market could not have any seating because you cannot increase the flow to a tight tank. Ms. Coffin stated that Mr. Gully's request is similar to Village Market and there will be no sit down eating. Mr. Gully stated that his main focus would be more cakes

and pastries. Mr. Gully showed the Board documents of the previous deed restriction which was removed when Village Market closed. Mr. Gully stated that he would not have any problems following the same restrictions that Village Market had followed. Ms. Coffin stated that she does not see a problem with it as it is a similar operation, there will be no seating and there will be the same restrictions as they had on the other property. Mr. Barlow asked if the Board would reinstate the deed restriction. Mr. Andrews stated that they would have to reinstate the deed restriction and also hold the same amount of money in escrow. Mr. Gully stated that he believed that amount was \$500.00. Mr. Andrews thought that figure was correct. Ms. Coffin stated that when Ms. Downing owned Village Market the Board stated that she could sell canned goods, dry goods, beans, pasta, olives, pickles, rice, coffees, teas, cheese, and desserts. Ms. Coffin stated that those desserts were going to be pre-made. Mr. Gully stated that he believed those desserts were made on site but only for orders made ahead of time and that is what he plans to do himself. Ms. Coffin stated that she wanted to make sure of exactly what Mr. Gully had in mind. Mr. Gully stated that he didn't think he would be a full service retail store but more desserts and possibly sandwiches. Mr. Barlow stated that you couldn't walk into Village Market and order a sandwich. Everything was already pre-made. Mr. Gully stated that his items would be pre-made and stored in a display case. Nothing would be made to order. Mr. Gully stated that most cakes would require 48 hours. Ms. Coffin stated that she would rather Mr. Gully tell the Board exactly what his goal is so the approval is made for that. Ms. Coffin stated that if they are not specific then things tend to get out of hand and then they start selling pizza. Mr. Andrews asked Mr. Gully if he was fine with the items he specified selling in his letter. Mr. Gully stated that he is not the current owner of the property but wanted to get approval to sell baked goods before he decided to buy the property. Mr. Gully stated that his wife was not with him tonight but there would probably be a few items they may want to try which may help to bring in business. Mr. Barlow stated that the previous markets focus was on pre-prepared foods. Mr. Barlow stated that he also has a restaurant license in Town and is going to step off for the remainder of the discussion. Mr. Gully stated that they may make wrap sandwiches and label them and put them in the display case but they would not be made to order. Ms. Tinkham asked why they could not make sandwiches to order. Ms. Coffin explained that at one time there was a furniture store at this location and the septic system failed. There was not enough room on the property so they put in a tight tank and the code states that you cannot have any increased flow to a tight tank so technically it should not have been any more than a retail store with 75 gallons per 1,000 sq ft. Ms. Coffin stated that when Village Market opened it was supposed to be just a retail store but then a kitchen went in. Ms. Coffin stated that she checked with DEP and a kitchen would not be allowed because that would be increased flow. Ms. Coffin stated that they wanted her to be able to operate but it would not be a full sit down restaurant. Ms. Coffin stated that there is also a parking problem with this location. Ms. Coffin stated that the Board decided with Village Market that as long as everything was pre-prepared it would be okay. Mr. Andrews stated that it should be the same license as the one that Village Market held. **Mr. Uitti made a**

motion to APPROVE 441 Shore Rd for use as a bakery and to hold the same restrictions and financial considerations on the license as the previous owner at Village Market had. Ms. Tinkham seconded the motion. All in favor and the motion PASSES. Mr. Barlow stepped back onto the Board at this time.

- 7. Update on changes to Open Meeting Laws-**Ms. Coffin stated that some of the new changes include more detailed minutes and the posting of the agenda 48 hours in advance. Those are things already being done by the Board of Health. Ms. Coffin stated that you have to be careful when getting together with other people and discussing anything because that could be considered a meeting. All the new changes are in the packets received from Town Counsel, Bob Troy, that were distributed to the Board Members.
- 8. Discuss and vote to nominate Stanley Andrews to the Sewer & Wastewater Committee-** Mr. Uitti made a motion to nominate Stanley Andrews to the Sewer & Wastewater Committee. Mr. Barlow seconded the motion. All in favor and the motion PASSES.
- 9. Approval of Minutes dated May 26, 2010 & June 3, 2010-** Mr. Barlow made a motion to APPROVE the minutes dated May 26, 2010. Mr. Uitti seconded the motion. All in favor and the motion PASSES. Mr. Barlow made a motion to APPROVE the minutes of the landfill summit dated June 3, 2010. Mr. Uitti seconded the motion. All in favor and the motion PASSES. Mr. Andrews stated that he received a brief summary of the landfill summit meeting from Mr. Goddard but it was just a very brief summary. Mr. Barlow stated that they had asked them to look at ash and if there was any hope financially of bringing in ash. Mr. Andrews stated that he believes that Mr. Aronson is working on different groups of modeling. Mr. Andrews stated that they will take everything on a case by case basis. Mr. Andrews stated that it is all what is in the best interest of public health that determines what goes into the landfill. Mr. Barlow stated that in prior years ISWM would come to the Board of Health and show them what they wanted to do ahead of time but that does not happen anymore. Mr. Barlow stated that there are not any standing regulations that say that they are not supposed to do anything without the Board of Health's approval. Mr. Barlow stated that the verbal agreement they had with them was followed for years. They will discuss this further at the next tri-board meeting which will be held possibly at the end of July.
- 10. Office Update-** Ms. Coffin stated that the words Office Update will replace Other Business because of the changes to the Open Meeting Laws. Ms. Coffin stated that only items that are listed on the agenda can be discussed at meetings. These changes to the open meeting laws go into effect on July 1, 2010.

Mr. Uitti made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the meeting is ADJOURNED at 8:55 PM. The next meeting is scheduled for July 14, 2010

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson _____

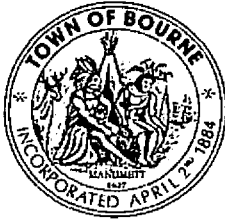
Stanley Andrews _____

Galon Barlow _____

Donald Uitti _____

Carol Tinkham _____

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:

July 14, 2010

Time:

7:00 P.M.

Place:

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

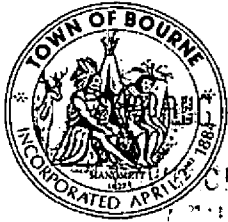
AGENDA ITEMS:

1. Pocasset Mobile Home Park-Update for residents
2. 38 Wianno Rd-Dan Aguiar for Richard Mastria-Amend Architecturals of Record
3. 61 Harbor Drive-Barbara Frappier for Joseph Palumbo-Request to change from Microfast to Hoot system
4. Discuss & Possible Vote regarding ISWM tonnage limits and regulations
5. Sagamore Trucking Update
6. VFW Update
7. Approval of Minutes dated June 23, 2010
8. Office Update

2010 JUL 8 PM 12 08
TOWN CLERK'S OFFICE
BOURNE, MA 02532

Signed: *Kathy M. Burgess*
Title: Secretary
Date: July 8, 2010

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 14, 2010**

**Members Present: Stanley Andrews; Vice Chairperson, Galon Barlow, Donald Uitti,
and Carol Tinkham**

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

Call to Order: 7:00 PM

- 1. Pocasset Mobile Home Park-Update for residents-** Ms. Coffin stated that the case had gone for summary judgment in June and has been continued until September. Rick Damon is no longer General Manager of the park. Scott Kelly has taken over as General Manager. The system was inspected again on Monday, July 12, 2010. Ms. Coffin stated that the tank levels were a little higher but the pits were about the same; levels were about 6-8" below grade. They are still pumping once a month and Ms. Coffin stated that she is witnessing two inspections per month. Ms. Coffin stated that Mr. Austin has fired his attorney, Joe Cavanaugh. The new attorney is Jeremy Carter from Hyannis. Ms. Coffin stated that she believes this is to delay the court proceedings. Ms. Coffin stated that she has offered her help to the AG's office if they need her to write any type of letter that will help the judge take notice of the situation.
- 2. 38 Wianno Road-Dan Aguiar for Richard Mastria-Amend Architecturals of Record-**Mr. Aguiar stated that they were before the board in December of 2009 requesting the use of the existing septic system for renovations being made to the property. The Board approved the request and that allowed them to increase the non-bedroom space and decrease the bedroom square footage. It was an existing four bedroom design and the new design would be dropping it down to a three bedroom design. Since that approval the Mastria's have hired a new architect. Mr. Aguiar stated that the new design did increase some square footage. They are still maintaining the reduction in bedrooms from four to three. Mr. Aguiar stated that the new additions are a new entrance foyer, reworking the staircase and some additional closets. Mr. Aguiar stated that the original square footage of the bedrooms was 689 square ft and was approved with a 12% decrease and 601

square ft. The new proposal brings the square footage up to 747 square ft of bedroom space with three bedrooms which is an 8.3% increase. Mr. Aguiar stated that that is a 25% percent reduction in flow to the system. Mr. Aguiar stated that Ms. Coffin pointed out to him earlier that the numbers that they had in their original letter were inaccurate. The square footage is accurate the percentage is inaccurate. Mr. Aguiar stated that the numbers he used came from the architectural drawing. They had an existing 960 sq ft of non bedroom space and they had proposed 1371. The architectural plans called for that to be a 30% increase but Ms. Coffin pointed out that it was actually 43%. The new architect came up with his square footages and added it to the 30% increase. Mr. Aguiar stated that if the increase had been written correctly it would bring it up to 67%. Ms. Coffin asked, looking at the plans, if the covered porch and the screen porch were part of that significant increase. Mr. Sooronian, the architect from Rescom, answered that they were not. Mr. Sooronian looked at the plans with the Board Members and showed exactly what was being added. Mr. Sooronian stated that the room sizes didn't change they are just adding a foyer and stairs. Ms. Coffin stated that she has compared the two plans and can see that it is mostly the addition of the foyer. Ms. Coffin stated that she would have been concerned if that 67% was because of the living room or dining room getting bigger but that is not the case. It is non-habitable space and there is a reduction of bedrooms from four to three. **Mr. Barlow made a motion to APPROVE the new architectural plans for 38 Wianno Road for the continued use of the existing septic system providing there is a three bedroom deed restriction recorded before the building permit is issued. The plans were submitted June 21, 2010 drawn by Rescom Architectural. Mr. Utti seconded the motion. All in favor and the motion PASSES.** Mr. Aguiar stated that they will revise the plans with the correct percentages on them and hand them in to Ms. Coffin.

3. **61 Harbor Drive-Jack Landers-Cauley for Joseph Palumbo-Request to change from Microfast to Hoot system-**Mr. Landers-Cauley stated that the applicants were before the Board in 2008 requesting an increase in daily flow from three bedrooms to five bedrooms. Mr. Landers-Cauley stated that the Board, based on the current plan, agreed with the condition that a Microfast was installed. Since then the Board has also granted an extension that will expire in August, 2010. Mr. Landers-Cauley stated that they would like to ask for relief from utilizing the microfast and going to a Hoot system. The reason being is to reduce the maintenance expense of a Microfast system. Mr. Landers-Cauley stated that he was speaking with Ms. Frappier who told him that at one time the Board considered secondary coastal banks the same as primary coastal banks. Mr. Barlow stated that the Board of Health waited for Con-Com to make the decision on that. Ms. Coffin stated that they have done a few jobs in areas similar to this one where they felt that the secondary bank was a bank by definition only and did not require alternative technology and voted that a number of times. Ms. Coffin stated that they did not do this on 61 Harbor Drive because the applicant proposed a Microfast system and the Board will always take it if it is offered. Mr. Landers-Cauley stated that maybe he should go to the Conservation Commission because

the standard definition of a coastal bank is having a vegetative resource at the toe of the bank and that is how you make the primary distinction between a primary and secondary bank. Mr. Landers-Cauley stated that generally secondary banks are in coastal habitats like a barrier beach which this clearly isn't. Mr. Landers-Cauley stated that areas like Bassett's Island would have those types of characteristics and does not understand why Con-Com would call the area on Harbor Drive a secondary coastal bank. Mr. Landers-Cauley stated that he hoped the board would reconsider the use of any AI technology and just go with the pressure distribution. Mr. Landers-Cauley stated that if they do not feel comfortable with that maybe they would consider going from the Micro fast to the Hoot system. Mr. Barlow stated that they offered the Board the Micro fast for the project and he is not personally familiar with the Hoot system. Mr. Landers-Cauley stated that the Hoot and the Micro fast are essentially the same. The hoot has better performance standards for other things than Micro fast because of the treatment process. Ms. Coffin stated that Mr. Landers-Cauley should not mislead the Board. The hoot system is not approved for nitrogen removal. Mr. Landers-Cauley stated that Hoot is not certified for de-nitrification within Massachusetts. The Hoot system does have de-nitrification properties which are very similar to Micro fast. The Hoot has slightly better treatment standards for total spent solids (TSS) and biological oxygen demand (BOD). Mr. Landers-Cauley stated that when you are looking at it from an engineering performance they are basically identical. Mr. Landers-Cauley stated that Microfast has the denitrification certification and Hoot does not. Mr. Landers-Cauley stated that he has spoken with the Hoot representative who told him that when he applied for the certification in MA he did not include denitrification. Mr. Landers-Cauley stated that he had to withdraw an application before the Board because the Hoot representative had not even started the process for denitrification approval. Mr. Landers stated that at that time he submitted technical data that showed that they do have the same denitrification characteristics. He has not spoken to that rep in the last three months. Mr. Barlow asked if George Heufelder from the County has been looking at the Hoot. Ms. Coffin stated that she believes he has but it does not have State approval. Ms. Coffin stated that she tends to agree that the leaching system is actually over 150 ft from the primary bank which is where the resource is. Ms. Coffin stated that she knows the Board hates to go without having an alternative when they can have one but she would suggest if the Board did approve the Hoot they do it with the condition of similar testing and maintenance so they could get some data on it and would know if it was actually doing anything for denitrification. There is two years of testing influent and effluent twice a year and then there is quarterly maintenance for the life of the system. Mr. Landers stated that their primary reason for coming to the Board was to try and eliminate the yearly escalating costs of maintenance. Mr. Landers stated that there would really be no benefit for them to have Hoot versus Microfast if they still had to do the testing. Mr. Landers stated that if the Board would decide that if they have two years successful testing they could eliminate the testing and maintenance that would be what they would want to go with. Ms. Coffin stated that with any alternative it has to be tested during the year to make sure it is

working properly. Mr. Landers-Cauley stated that he agrees with that but they have a system that is over 200ft away from a coastal bank and the placement of the secondary coastal bank by the Conservation Commission makes it difficult for people in town to apply who have these topographic glitches. Mr. Landers-Cauley stated that he would like to go back to the Conservation Commission to see if they would reconsider calling this a secondary coastal bank. Mr. Andrews stated that it is the policy of the Board of Health to require maintenance and testing of alternative systems. Ms. Coffin stated that they are already doing pressure distribution with the Microfast and it would also be pressure distribution with the Hoot. Ms. Coffin stated that she agrees with the problem of the secondary bank on Harbor Drive but the proposal for nitrogen removal was originally brought to them so why would the Board say no to it. Ms. Coffin stated that she believes the Board should require some type of data on the Hoot system. Ms. Coffin asked if the Hoot could be sampled like a Microfast is sampled. Mr. Landers-Cauley stated that yes it could and Hoot did provide him with technical data and he will copy that data and give it to Ms. Coffin. Mr. Landers-Cauley stated that they have a two year testing cycle and had to demonstrate to the state of Texas what the characteristics of the effluent were. Mr. Landers-Cauley stated that Hoot has been around for over 20 years and they have put in 20,000 units. They do a lot of work in Georgia, Texas, Louisiana and Alabama. Ms. Coffin stated that she has never seen this type system and asked what made it similar to Microfast. Mr. Landers-Cauley stated that there are blowers and a settling tank. When the effluent comes in it is aerated and goes into the next chamber. Basically, it is oxygenated like Microfast but some of the effluent is recycled so it can energize the biomass. It runs through the system twice where Microfast only aerates it once. Ms. Coffin asked where the blower was located. Mr. Landers-Cauley stated that they have the option as long as it's located within 100ft uphill of the actual tank. Ms. Coffin stated that she understands that they do not want to pay the cost of maintenance four times a year but when they are approving something that is not an approved alternative they have to have some type of maintenance to make sure the pump is working and a blower hasn't gone out. Mr. Landers-Cauley stated that he would like to continue the meeting and get some more data for the Board on the Hoot system. He would also like to speak to Con-Com to see if they will take the delineation of the resource area under consideration. Ms. Coffin stated that she believes that the Board already agrees with Mr. Landers-Cauley that that is already a secondary bank and is a bank by definition only. Mr. Barlow stated that any one of them can drive out and see that it is high and is not a problem and at one time they were going to put a system across the road to meet Conservation guidelines. Mr. Landers-Cauley stated that there was an original submission of nitrate loading calculations that showed 7.5 and asked if they came back with a proposal that breaks it down to 5 can they consider an alternate design. The guidelines of the community are at or below 5 parts per million. Ms. Coffin stated that Microfast was going to bring it down to 3.6 which would cut it in half. Mr. Landers-Cauley stated that he was speaking to the homeowners who told him they were going to have a different paved area and less lawn which could all influence the final decision for nitrogen loading. Mr. Landers-Cauley asked if they came up

with a proposal that shows that it's 5 parts per million can they eliminate some of this and just stay with pressure dosing. Mr. Barlow stated that he was getting too hypothetical and they need more information on the Hoot system. Ms. Coffin stated that what they are saying is the Palumbo's don't really want to install the Hoot either if they don't have to. They do not want to have the maintenance expenses. Ms. Coffin asked if there was an approved architectural. Mr. Landers-Cauley stated that there was not. Mr. Barlow stated that nothing was ever done and the existing home is still there. There are three bedrooms now. Mr. Landers-Cauley stated that the Palumbo's did not want to buy the property if they were held to only three bedrooms so that is why they put the original proposal before them. Mr. Barlow stated that they have to meet the environmental standards that they follow. Ms. Coffin stated that maybe it would be better for them to come back requesting variances from the secondary coastal bank with the proper architectural. Mr. Landers-Cauley stated that if he goes back to Con-Corn and they say it isn't a secondary bank their submission for a notice of intent changes dramatically. Ms. Coffin suggested that they come back with a drawing of the new house otherwise he will have to come back to the Board again. Mr. Andrews stated that when they apply for the building permit for a new house they will have to come before the Board of Health to use an existing system that was approved unless they are planning to put the system in before the house is built. Mr. Palumbo stated that it was his plan to put the septic in first because the Board has been so gracious to extend it more than once for them. The latest extension will expire August 13, 2010. Mr. Andrews asked if they would like to come back for the meeting on August 11, 2010. Mr. Barlow stated that they would either need another extension or have some more information for the Board. Ms. Coffin stated that if their request changes to submit another letter to the BOH. Mr. Landers-Cauley stated that he would like to come back on August 11. **Mr. Uitti made a motion to continue 61 Harbor Drive until August 11, 2010. Ms. Tinkham seconded the motion. All in favor and the motion PASSES.**

4. **Discuss and Possible Vote regarding landfill tonnage limits and regulations.** Mr. Barlow stated that the wording on the agenda was incorrect and should say landfill tonnage rather than ISWM tonnage. **Mr. Barlow made a motion to CONTINUE Item #4 until August 25, 2010 when there is a full board available. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
5. **Sagamore Trucking Update-** Ms. Coffin stated that State law has changed and DEP will probably not be doing site suitability reports any longer. Ms. Coffin stated that she is waiting to hear from DEP if this case would be considered grandfathered but has not heard back yet. Ms. Coffin stated that she has spoken with someone from BETA group and DEP has yet to make a determination that the application is complete. That delays the time frame from the possible public hearing being held in mid August. Ms. Coffin stated that she spoke with Kathy Peterson and Phil Goddard about who they had used when they did the site assignment for the landfill. John Shea was the hearing officer at the time who

happens to be the person who sent the client advisory to ISWM. Ms. Coffin stated that it is her understanding in this case that their representation will be Brian Wall. Everything has been submitted to him and he has all the information. Ms. Coffin stated that she had to make a separate request for the Board to be able to contact Town Counsel. The Town Administrator wants any requests to go through the Selectmen's office for approval before contacting Town Counsel. She does not have the signed approval yet but expects it soon. Ms. Coffin stated that she assumes that when it is time for the public hearing the Board will take a vote to have John Shea as the hearing officer as they have used him before. Mr. Andrews asked if there was a timeline on it. Ms. Coffin stated that there is but the review from DEP should have been done by the beginning of March. Ms. Coffin stated that she is a little confused because the Dept of Health review is supposed to take 60 days which would take it to May and the town public review would be in August but everything has been delayed because DEP hasn't taken the first step. Ms. Coffin wasn't sure if they can go forward without DEP. BETA group has said nothing can be done until DEP has made their decision so that is what they are waiting for now. Ms. Coffin has contacted Bob Johnson who told her that DEP was trying to make a decision and she has not heard back from him yet.

6. **VFW Update-** Ms. Coffin stated that the system is not in yet but has been put out to bid. Ms. Coffin stated that they pumped the system about 6 weeks ago. It was up into the risers but not on the ground and not backing up. Ms. Coffin stated that there is a proposal for some type of affordable veteran's housing on that site but the new system would have to be in before that went forward. **Mr. Barlow made a motion to have another update on the project on November 10, 2010. Mr. Uitti seconded the motion. All in favor and the motion is APPROVED.**
7. **Approval of Minutes dated June 23, 2010-Mr. Uitti made a motion to APPROVE the minutes of June 23, 2010. Ms. Tinkham seconded the motion. All in favor and the motion PASSES.**
8. **Office Update-**Ms. Coffin stated that the office has received some phone calls regarding an odor from Picture Lake. There is grass die off that DPW was trying to clean up on the edge of the shore but there is too much to keep up with. The odor is from organic decaying but Ms. Coffin will have a sample taken from the area where that vegetation is. Ms. Coffin stated that all the beaches have been doing well but she is concerned after the hot weather and recent rain. Ms. Coffin stated that the summer sanitarian comes in once a week and has been doing between 7 and 9 restaurant inspections every Monday. They will also be doing some pool inspections. Ms. Coffin stated that there have been a lot of housing complaints the past week. Ms. Coffin stated that there is nothing on the agenda for the next meeting right now. Mr. Andrews proposed not having another meeting in July and holding the next meeting August 11, 2010. All members were in agreement. **Ms. Tinkham made a motion to hold the next meeting on August 11, 2010. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

Mr. Uitti made a motion to ADJOURN. Ms. Tinkham seconded the motion. All in favor and the meeting is ADJOURNED at 7:50 P. M. The next meeting is scheduled for August 11, 2010.

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson _____

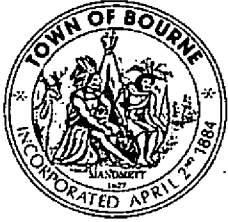
Stanley Andrews _____

Galon Barlow _____

Donald Uitti _____

Carol Tinkham _____

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

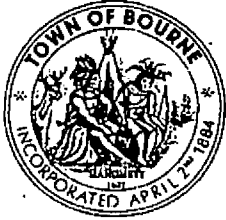
There is no regularly scheduled Board of Health meeting on Wednesday July 28, 2010.
The next scheduled meeting date is August 11, 2010.

Thank you,

Kathy Burgess
Board of Health Secretary

TOWN CLERK'S OFFICE
JUL 27 2010

2010 JUL 27 AM 11 20



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:

August 11, 2010

Time:

7:00 P.M.

Place:

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

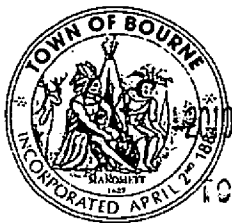
AGENDA ITEMS:

1. **ISWM-Dan Barrett**-General update on operations; Phase 2A/3A; horizontal gas collector
2. **61 Harbor Drive-Continued-Jack Landers-Cauley** for Joseph Palumbo-Request to change from Microfast to Hoot System
3. **70 Old Dam Road-Barbara Frappier** for Tom & Pam DeNapoli-Requesting waiver to use existing septic system for proposed renovations/additions
4. **4 Pine Lane-David Tipping**-Requesting waiver to use existing septic system for proposed renovations to comply with Board of Health policy
5. **6A Main Street**-(At request of Health Agent & Health Inspector) Discuss and Possible Vote regarding outstanding housing code violations
6. **11 Andrea Road**-(At request of Agent) Discuss & Possible Vote regarding outstanding housing code violations
7. **Approval of Minutes dated July 14, 2010**
8. **Office Update**

TOWN CLERK'S OFFICE

2010 AUG 5 PM 11 08

Signed: *Kathy M. Bungers*
Title: Secretary
Date: August 4, 2010



**TOWN OF BOURNE
BOARD OF HEALTH**

24 Perry Avenue

Buzzards Bay, MA 02532

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Cynthia A. Coffin,
Health Agent

SEP 13 AM 10:03
TOWN CLERK'S OFFICE

**MINUTES
August 11, 2010**

Members Present: Kathleen Peterson; Chairperson, Stanley Andrews; Vice Chairperson, Galon Barlow, and Carol Tinkham

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

Call to Order: 7:00 PM

Ms. Peterson stated that they would take the second agenda item, 61 Harbor Drive, first as Mr. Barrett, ISWM, has not arrived yet.

- 1. 61 Harbor Drive-Barbara Frappier for Joseph Palumbo-Request to change from Microfast to Hoot System-**Ms. Frappier stated that she would like a 30 day extension of the variance as they are working on other approaches. **Mr. Barlow made a motion to extend the variance for 61 Harbor Drive for Joseph Palumbo and extend it to 30 days from today.** Ms. Peterson stated that there would not be another meeting in August. Ms. Peterson stated that the next meeting will be September 8, 2010 so they may need a little more than a 30 day extension. **Mr. Barlow stated that he would amend his motion to a 45 day extension. Mr. Andrews seconded the motion. All in favor and the motion is APPROVED.** Ms. Frappier stated that she was not sure if she should re-file or continue until the next meeting. Ms. Coffin stated that the variances are already in place. Ms. Coffin stated that the request that came before the Board was a request to replace the Microfast with the Hoot. They are looking at another type of proposal. Mr. Barlow stated that he believes that Mr. Palumbo was looking for something that had less testing. Ms. Coffin stated that she has been talking to them about the coastal bank issue so they want to take a step back and look at it. Mr. Andrews stated that they would have to come back and file for a new variance if they propose a different system. Ms. Peterson stated that they should extend the existing variance and modify the motion to 60 days. Ms. Frappier stated that that would give her enough time to be put on the agenda for the next meeting on Sept 8 and will know if they are going to go forward with the old variance or re-file for a new one. The present variance expires on August 13,

2010. Ms. Coffin stated that she does not want their variance to expire before she is able to re-file for the next meeting. **Mr. Barlow withdrew his motion and Mr. Andrews withdrew his second to that motion. Mr. Andrews made a motion to extend the current variance for 61 Harbor Drive for sixty days. Ms. Tinkham seconded the motion. All in favor and the motion PASSES.**

2. **ISWM-Dan Barrett-General update on operations; Phase 2A/3A; horizontal gas collector-**Mr. Barrett stated that they have had a couple of odor complaints recently. One was on July 31, 2010. Mr. Barrett stated that it was a cold night with a calm breeze which is prime odor conditions. Mr. Barrett stated that he came down and looked over the site and also did the odor loop through the neighborhoods and didn't find anything. The resident that complained thought they were still burning wood at the landfill because the odor was a strong wood burning smell. Mr. Barrett stated that he assured them they were not burning wood. Mr. Barrett stated that he also received a complaint on August 5, 2010 from the Brookside area. The resident complained of a strong garbage odor that she noticed just one night. Mr. Barrett stated that he rode around the neighborhood and then checked for a breach in the cover. Mr. Barrett stated that they have some interceptor trenches that are clay lined in the cell for catching water that is potentially going to run off the site. Mr. Barrett stated that they placed lime in the clay lined trenches and has not had any further complaints. **Landfill Fire Report-** Mr. Barrett stated that on the morning of July 4, 2010 Town staff noticed smoke coming from the landfill. It was a surface fire that was extinguished in about an hour. Mr. Barrett stated that he was out of town but the fire was in an area that they had filled two days prior. They dug it out and the fire dept kept an eye on it overnight but felt it was still active so they dug it out the next morning and sealed it. There has been no problem since then. On July 19, 2010 there was another surface fire in the capped Phase 2 area of the landfill adjacent to the flare in the north east corner of the site. The smoking material was extracted and wet down with water and class foam. The foam was mixed with water then sealed with wet clay. There have been no further problems. Mr. Barrett stated that they have plenty of dirt for cover and plenty of clay to fill the holes. Both water trucks are loaded up 24/7. **Phase 2A/3A North Face Cap Project-**Mr. Barrett stated that he came before the Board last year to let them know they were going to go for the North Face cap. This is a four acre cap on the North slope which connects the old Phase 1 ABC to Phase 2. They have filled the valley. They will be at final grade in the spring. Mr. Barrett stated that they are going to cap that section and are going to do this project in phases. Mr. Barrett stated that they are going to go pre-bid meeting in Sept 1. Bid opening on Sept 16 and they anticipate construction to start the first week in November. Mr. Barrett stated that the first thing they are going to do is build an access road up the East slope facing the base. They have final cap in there and are going to build a permanent road that the trucks can use to get in and out. Once that is done the contractor will switch over and they will put in a horizontal gas collector like the three they have put in on Phase I to prevent odors. This fourth one will be put in as a precautionary measure. Mr. Barrett stated that they have put it in with the permit to DEP. The

collectors have been very successful and they work. Mr. Barrett stated that from there it will be mid winter and there will be nine permanent vertical wells going in the North end. Mr. Barrett stated that they have never had any odor issues there. The odor issues were in the South end which is now capped and actively collecting. In the spring that area will be up to final grade and they will come in and lay down the plastic. Mr. Barrett stated that they are giving the contractor until the middle of June to get it all done. Mr. Barrett stated that putting the road in will allow them to shut off the Southern road that they are using now which is also a drainage nightmare. Mr. Barrett stated that they will use the odor control measures that they used last year. The area where they had problems drilling last year was like a balloon. They had to close the drill rig down a few times because there was so much gas. Mr. Barrett stated that they will not see that this time because there is not as much gas pressure build up as they had in the South end of stage one. Mr. Barrett stated that the hydrogen sulfide concentration of the inlet to the flare is down substantially. They have places where they can sample the gasses coming out of the latest cell. Once they stopped taking all the fines and everything that was contributing to the production of hydrogen sulfide the area that they checked was substantially lower in hydrogen sulfide. They are seeing steady decline of H₂S at the end of the flare. Mr. Barrett stated that all contractors intending to bid on this job will be made well aware of the sensitivity of the Town to potential odor problems particularly with work associated with the gas collection system expansions. At the pre-bid meeting they will be distributing a copy of the daily construction checklist along with the instructional memo that they used successfully on last years project. Ms. Peterson stated that she would like to see at the end of the checklist a sign off of an ISWM management member whenever they shut down the job or stop for the day. Ms. Peterson stated that it should say who walked the site, their name and job title. Ms. Peterson stated that on the closeout she would like the manager of the construction on that day to also walk with the ISWM manager and to sign the sheet as well stating that they walked it and everything was closed up. Mr. Barlow stated that the change in roads falls under the site assignment which has to be approved by the Board of Health. Mr. Barlow stated that it did not have to be an engineered plan but a plan of what they are doing so the Board of Health has it for their records and they can vote to approve the traffic change and traffic plan. Mr. Barlow stated that they all appreciate Mr. Barrett putting this off until after summer because it could have been a big nuisance problem with the increase in population over the summer. Mr. Andrews stated that they had problems with the last contractor leaving open trenches. Mr. Barrett stated that they did have issues but the checklist helped. Mr. Barrett stated that they can pick and choose contractors to a certain extent. Mr. Barrett stated that they have contractors that they like and have worked well with in the past. Mr. Barrett stated that he is aware that it is not always the cheapest guy that is the best and they are going to work towards getting somebody that they are comfortable with. Ms. Peterson stated that she believes that signing the checklist at the end of the day will help. Mr. Barlow stated that choosing a contractor is up to the Town Administrator. Mr. Barrett stated that ISWM cannot choose the contractor but they can suggest somebody they can trust and work well

with. After the problems they had last time they do not want to go through that again. Mr. Andrews asked if they had a full odor control document. Mr. Barrett answered that they did. Mr. Andrews stated that they are talking about putting roads in, opening up trenches, and pouring afterwards with a project that will run 9 months. Mr. Barrett stated that the well installation should only last 1-2 months. Mr. Andrews stated that the potential is there for problems over an 8 month period. Mr. Barrett stated that you have to remember that when they did the last project they drilled in the hole and it was literally like a balloon. The alarms went off and the neighbors complained about the odors. Mr. Barrett stated that they are not in the same position this time; the odors are under control right now. Mr. Barlow asked what the two big piles at the landfill were that you can see from the bridge. Mr. Barrett stated that it is 10,000 yards of soil coming off a project on Rt. 128. Mr. Barrett stated that he took it because he is a little nervous about soil availability. Mr. Barrett stated that it is there for intermediate cover and to cover the North slope. They have to have dirt in case there are any odor issues. It also compacts the waste and makes more air space. Mr. Andrews stated that they should do a review of this project before anything is sent out. Mr. Barlow stated that they need to see a plan so they know exactly what is going on. Mr. Barrett stated that the plan is 99% done and has been submitted to DEP. Ms. Peterson stated that any addendums the Board may add would be things like signoffs and maybe the fire dept coming to check on things. Mr. Andrews stated that the Board does need to review the plan and approve it. Mr. Barrett stated that they would put a package together and give it to Ms. Coffin and he will attend the next Board of Health meeting which is Sept 8, 2010. Mr. Andrews stated that he would like to see on the checklist is a go no go range. Mr. Andrews stated that the guy on the site would not know what a good range was and what wasn't. Mr. Barrett stated that he would add that to the checklist. Ms. Peterson stated that Mr. Barrett and his staff have done a good job at the landfill and everyone is working hard.

3. **70 Old Dam Road-Barbara Frappier for Tom & Pam DeNapoli-Requesting waiver to use existing septic system for proposed renovations/additions-**Ms. Frappier stated that the applicant is proposing a two story barn addition attached to the garage on the Eastern end of the house. Off the back of the kitchen is an addition with bow windows. Ms. Frappier stated that the applicant has said that the barn is for a workshop and storage only. There will be no habitable space in the barn. There is no increase in flow; it is a five bedroom system and a five bedroom house. Ms. Frappier pointed out to the Board members where the closest resource area is on the map. Ms. Peterson stated that this proposal sounds a lot like the Barrett home at 95 Old Dam Rd down the street where the Board required that the homeowner keep open access from one floor to another in the garage with no ability to achieve privacy on the second floor and that the room be used only for storage. Mr. Andrews stated that looking at the plans it looked like you can walk right through to the attic space. Ms. Frappier stated that there is a passageway. Ms. Peterson stated that maybe they should make a site visit. Ms. Coffin stated that she does not think that would be necessary because the percentages are okay as long as they make the restriction of a pull down staircase

or non accessible opening. Ms. Coffin stated that she could do a walk through when finished. Ms. Peterson stated that she wants to remain consistent and there are two other homes on Old Dam Rd that had similar construction. Ms. Frappier stated that the revised architectural will show no access from the second story of the existing dwelling to the second story of the new barn. There was general discussion regarding the minutes of March 2005 from the Board of Health meeting regarding the Barrett's property at 95 Old Dam Rd. Ms. Peterson reading from the minutes, *a minimum of a four feet cased opening which would include a four foot wide stairway leading up into the family room. There will be a railing as opposed to a solid wall and there will not be a door.* Mr. Andrews stated that he believed that was a different situation. Mr. Andrews stated that their concern is making this habitable space. Mr. Andrews stated that he wants to make sure that the area can't be accessed from the main house so that it couldn't be converted into bedrooms. Ms. Coffin stated that it has to be open because there is a door at the bottom. Ms. Coffin stated when she reviews plans that have a storage access on a garage it has to be open bottom to top so it couldn't be turned into a bedroom. Ms. Frappier stated that she will have architectural that accompany the building application that reflect no passage from the second floor of the main house to the second floor storage space over the garage. Ms. Peterson stated that they would give Ms. Coffin the discretion to sign off and to make sure that there are revised architectural. **Mr. Andrews made a motion to APPROVE the waiver for the continued use of the existing septic system at 70 Old Dam Rd. for the proposed garage addition with storage above and a kitchen expansion. The new architectural are to be delivered to the Health Agent. The new architectural will show that there is no direct access from the existing structure to the second story storage area over the garage and there will be open access from the lower level garage to the storage area. This is to maintain the policy the Board of Health has to remain consistent with similar residences in the same area. Mr. Barlow seconded the motion with the amendment that the Health Agent has the authority to reject the revised plans if needed. Mr. Andrews seconded that amendment. All in favor and the motion is APPROVED.**

4. **4 Pine Lane-David Tipping-Requesting waiver to use existing septic system for proposed renovations to comply with Board of Health policy-**Ms. Coffin stated that she wanted to explain that Mr. Tipping came in to talk to the Conservation Agent and Ms. Coffin happened to overhear him saying that he had bought the property. Ms. Coffin stated that she spoke with Mr. Tipping and he had no knowledge of the history of the property. Ms. Coffin stated that she discussed the situation with Mr. Tipping. Ms. Coffin stated that he did some excellent research on past history of the property to show the number of bedrooms that had been there. Ms. Coffin stated that if you look at the overall picture and took out the fact that at one point it was an illegal addition, that what he was proposing, if you looked at the existing house, the Board might approve the waiver of the existing system and an alternative may no longer be necessary. Ms. Coffin stated that she believes that the fact that illegal additions had been done

may have tainted the issue in the past. Ms. Coffin stated that she has looked at the plans and thinks it's a reduction in the number of bedrooms and a much better layout than what's presently there. Mr. Tipping stated that he purchased the property in foreclosure and he was given an existing title v inspection report dated December 2009 and was under the assumption that everything was fine. Mr. Tipping stated that the first floor is basically going to stay the same. On the second floor one bedroom will remain. The smaller alcove room in the back will be used as an office with no door and no closet. Mr. Tipping pointed out the rooms on the plans to the Board Members. Mr. Tipping stated that on the third floor the previous owner had put dormers on the house without the proper building permits. He expanded four feet on each end of each room and then went up about five feet. Mr. Tipping stated that there will be two bedrooms on the third floor. There will not be a bathroom on that floor. Mr. Tipping stated that the property will have one and a half baths and three bedrooms. Mr. Andrews stated that the room being proposed as an office does not have a 4 foot opening. It's 3ft 7inches. Ms. Coffin stated that structurally there is not a way to make it 4 feet. Ms. Coffin stated that they have discussed possibilities but the room is very small and there will be no door or closet. Ms. Peterson asked if there was anyone in the audience there for 4 Pine Lane. There was not. Mr. Barlow asked if all the neighbors had been notified. Mr. Tipping stated that they had and handed in the green cards. Mr. Tipping stated that he has also met with the building inspector and they went over everything he has to do to bring the building up to code. **Mr. Andrews made a motion to APPROVE the request for a waiver to use the existing septic system at 4 Pine Lane. The architectural are dated received July 14, 2010. There will also be a three bedroom deed restriction on the property. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**

5. **6A Main Street-(At request of Health Agent & Health Inspector) Discuss and possible Vote regarding outstanding housing code violations-** The parties involved came to the front of the room to take their seats. They included: William Staples; general contractor, Mike Penner; owner, Sue Penner; owner, Rachel Tonge; tenant, and Ryan Greene; tenant. Ms. Peterson stated that the Board of Health office is very liberal before they have someone come in before the Board of Health. Ms. Peterson stated that they are not going to discuss anything to do with rent because that is not a Board of Health issue. Ms. Coffin stated that she feels that they are at a standstill. There have been efforts on both sides but feels they have been stuck in the middle. Ms. Furtek conducted the original inspection on June 3, 2010 and things are still not resolved. Ms. Coffin stated they would like to agree on some dates while everyone is here to get the work done that is needed. Ms. Furtek stated that she received the request for an inspection from the tenant, Rachel Tonge. Ms. Furtek stated that there were several outstanding issues but the most important was a lead paint issue. A lead specialist inspected and gave Ms. Furtek a copy of the inspection report. Ms. Penner stated that they have a copy as well. The Penner's requested the inspection be done. There was lead on the outside sill of two of the bedroom windows and on the door to the basement.

Ms. Furtek stated that they were under the impression that the tenants were moving which delayed things a little bit. Once the tenants decided to stay they tried to move forward with the repairs. Ms. Furtek stated it may have been miscommunication but the repairs did not get done. Ms. Furtek stated that she did another inspection August 4, 2010 and there were some other issues that had not been placed on the first list. Ms. Peterson stated that she would like to see three dates chosen and would like the tenants to be away from the house on those three dates so that the Penner's contractor can come in and work. Ms. Peterson stated that at the end of the three days she would like to have the health inspector have access to the house with all of the parties present and everything to be signed off. Ms. Peterson stated that this will end here and the office does not have the personnel to be spending so much time on this. Mr. Andrews asked if the owners had disagreed with any of the violations that were found. Ms. Furtek answered no they had not. Ms. Peterson stated that they are at a standstill because the landlord says they cannot get in the house to do the work and the tenants say they are not showing up to do the work. Ms. Furtek stated that she would like to see all the violations taken care of at once rather than have the 30 days put on to the latest violations. Mr. Barlow asked if there were any children living there. Ms. Tonge stated that she has a two and four year old living there. Ms. Tonge stated that things had not been proceeding with repairs. Ms. Tonge stated that on the two days they had appointments no one showed up. Ms. Tonge stated that she is a stay at home mother and would be home to let them in even though the Penner's told Ms. Furtek that they could not gain access. Ms. Tonge stated that it was very frustrating because they want these items repaired and it was not true that they are not letting them in. Ms. Tonge stated that she does not want her children in this environment with things that could potentially hurt them. Ms. Peterson stated that she believed it was not only that Ms. Tonge was not letting them in but she also was said to have a problem with who was doing the repairs. Ms. Peterson stated that she is not saying who is right or wrong but after tonight all those issues will cease. Mr. Barlow stated that it is not the Boards issue whether they have another place to live or not. They have two small children that are in a house that has lead within their reach and that's what they want to address. Mr. Barlow stated that Ms. Tonge has to let them in and address the problem. Mr. Penner stated that all he would like to do is get the schedule so they can get the repairs done as fast with as little inconvenience to the tenants as possible. Ms. Furtek stated that she called the State Lead Control and spoke with Linda Dube. There is a one day course for the agent who is going to be doing the moderate de-leading. Ms. Furtek stated that Bill Staples gave her the name of the person doing the de-leading which is Henry Donovan. There was general discussion regarding the new lead laws which don't go into effect until January 1, 2011. Ms. Coffin stated that anyone who is not a certified de-leader has to take the one day course to do any de-leading. Mr. Staples stated that he would need about seven days to complete the repairs. Ms. Peterson asked Ms. Tonge and Mr. Greaney if they would allow this contractor to come in and do the work. Ms. Tonge stated that they are willing to work with them whenever they need to come in. There was general discussion regarding the fact that the rooms are very small and everything must be moved out of them

before they can do the work. Ms. Peterson asked if they could finish a room in one day and get their belongings back in. Mr. Staples answered no. Ms. Tonge stated that they would like the floors and the window done at the same time so they didn't have to move their things more than once. Mr. Staples stated that the ceiling is the item that will take at least three days to repair. Ms. Penner stated she has not seen the ceiling but asked if it could be patched and brought up to code. Ms. Furtek stated that the ceiling is bowing. It may be a structural issue. Mr. Staples stated that the house was built in the 1950's and on a 60 year old building the joystes are going to bow. Ms. Peterson suggested they leave the ceiling for the end. There was general discussion regarding different options to use to repair the ceiling. Ms. Penner stated that the tenants lease will be up on December 14, 2010 at which time they will be asked to terminate the lease. Mr. Barlow stated that the de-leading is the most important issue. Ms. Penner stated that the lead is on the outside of the windows. Ms. Coffin stated that maybe the building inspector could take a look at it to make sure it was structurally safe. Ms. Peterson stated that she would like to go over the list to see what has been repaired.

- *Tiles lifted in kitchen floor-not repaired*
- *No heat in the first bedroom-not supplied-There is no electrical socket in that bedroom.* Ms. Peterson asked Ms. Tonge how long they have lived there. Ms. Tonge stated that they have lived there since December and did not notice that there was not a heater in that room when they looked at it.
- *Locks on the bulkhead-have been repaired but the bulkhead is still leaking*
- *Refrigerator leaking-tenants did not want the new refrigerator the landlords supplied them because it was too small. It is a 27 inch refrigerator.* Ms. Coffin stated that they are creating a problem with the leaking because it is getting into the floor. Ms. Peterson stated that if the Penner's want to put that new refrigerator in there then the tenants have to accept it because the other one is a health code violation.
- *Bulkhead not attached to cement-it was not repaired correctly and is still leaking*
- *Holes on the right side of the house where insulation can be seen-Mr. Staples was not clear on that issue. Ms. Tonge showed pictures of the holes.*
- *Holes in tiles in front of bathroom-not repaired*
- *Basement stairs not bolted in- repaired*
- *Wall between two bedrooms not properly sealed-Ms. Coffin stated that at one point it was a one bedroom house and this wall is a temporary wall. It was decided that Mr. Staples will put some molding along the top to seal the wall.*
- *Cracks in paneling inside the house-Mr. Staples stated that it is 60 year old knotty pine. Ms. Coffin stated that the Penner's have the right to appeal any of these items and she will take a look at it again to determine if it is a health hazard. Ms. Tonge stated it is not knotty pine but fake paneling. Ms. Peterson stated that the holes and cracks in the paneling should be fixed.*
- *Attic door not properly sealed-Ms. Coffin stated that this is not a serious health risk but the door is not closing as it should and there is a potential for dust.*
- *No railings on the front steps-repaired*
- *No railings on the back steps-repaired*
- *Screens on both windows do not fit tightly-new windows coming*

- *Electrical wiring in basement should be looked at by a licensed professional-repaired*
- *Alarm system for surrounding units connected to tenants electricity-will be repaired tomorrow by licensed electrician with a permit*
- *Bedroom size is too small for two occupants 9 1/2 ft by 8 1/2ft –Ms. Coffin stated that she is not sure how to handle it. Board could grant variance. It should be 100 sq ft for two occupants. It's possible that it may be grandfathered.*
- *Front door has opening on bottom and side-not repaired*
- *Basement insulation leaking in area where window was at one time-not repaired-The Penner's agree to take a look and see if there is a window there and make it weather tight.*
- *Front door has no kick plate. Water damage could occur-not repaired*
- *Holes in eaves in building on left side of house-not repaired*
- *Door does not close in basement-repaired*
- *Cabinets do not close in kitchen-not repaired*
- *Cracks in foundation-repaired*
- *Floor under refrigerator is rotted-Need new refrigerator which has already been offered*
- *Linoleum tiles need to be resealed-not repaired*
- *No screen in door-not repaired*

Ms. Peterson stated that they will pick 7 dates that the repairs can be made. Ms. Peterson stated that the repairs will be made from 8:00 AM-4:00 PM. Ms. Tonge stated that she will be available any time as long as she knows in advance. Ms. Peterson stated that if the contractor needs additional days that will be arranged. Ms. Tonge agreed. Randy Jenkins, contractor, and Bill Staples, contractor, came forward to look at the calendar to pick the dates. Ms. Peterson stated that they will be on the agenda for the next meeting which will be on Sept 8, 2010. Ms. Peterson stated that the Board is asking them to go in and correct all the items listed to the best of their ability which is agreeable to both parties. Ms. Coffin stated that they will have the building inspector come with them and inspect when everything is repaired so they can both sign off at the same time. The repairs should be finished by Sept 8, 2010 and the inspection will be done by Sept 7, 2010. Mr. Staples stated that he would like to start Monday August 16, 2010 and is requesting 10 days to finish. Ms. Tonge stated that Ryan Greaney has to help his mother move and will not be there that day to move the furniture. Mr. Staples stated that he would move their things out. Mr. Greaney stated that he did not want anyone touching his things and left the meeting at this time. Mr. Staples stated that he could start on Tuesday instead. Ms. Coffin suggested Mr. Staples start on the smaller repairs on Monday. Mr. Staples and Ms. Tonge agreed. Mr. Staples stated that he will be working outside the home on August 12 and 13th and is requesting to get access to the inside on Monday August 16, 2010. Ms. Peterson stated that she would like Mr. Greaney back at the meeting so he can agree to the dates. Ms. Tonge left at this time to get him. **Ms. Peterson stated that the meeting would take a five minute break. Ms. Peterson reconvened the meeting at 9:00 PM.** Ms. Peterson stated that Mr. Greaney, one of the tenants, has left and will not be returning to the meeting. Mr. Barlow stated that it is a stalemate if they cannot gain access to the home to make the repairs. Ms. Tonge stated that she is

more than willing to let them come in. Ms. Peterson stated that without both Ms. Tonge and Mr. Greaney agreeing to the dates on tape they are at a stalemate. Ms. Tonge stated that she cannot get Mr. Greaney to return. Ms. Peterson stated that she thought they were being more than fair in trying to resolve this issue and doesn't understand why he would leave. Ms. Tonge agreed. Ms. Peterson stated that since they don't have any choice because Mr. Greaney does not want to have any further business here they will just deal with Ms. Tonge. Ms. Peterson stated that on Monday, August 16, 2010 Ms. Tonge will allow Mr. & Mrs. Penner's workers in without the Penner's presence to work in the house. Ms. Tonge agreed. Ms. Peterson stated that on Tuesday, August 17, 2010 the bedroom will be emptied by Ms. Tonge and Mr. Greaney and the work in there will be done. Mr. Staples agreed. Mr. Staples stated that they will do the bedrooms and the windows at the same time. Ms. Peterson stated that they should forget about the windows and the lead for a minute and asked Mr. Staples how long he would need to repair everything else. Mr. Staples answered 2 days. Ms. Peterson stated they will give him 3 days to get everything else done. Monday, Tuesday and Wednesday for the repairs and tentatively schedule Thursday for the bedrooms and windows. Ms. Peterson stated that she has a problem with where the tenants will go during the repairs. The lead is in both windows of the bedrooms. Mr. Staples stated that he would be able to replace the windows in one day. Ms. Peterson stated that if it will take more than one day to do the Penner's are responsible for putting the tenants up in a hotel. Ms. Penner stated that she has no problem putting them up. She has already checked with the lead inspector but if the tenants are not paying rent they will just deduct it from the rent that they owe. Ms. Peterson stated that they are not here to discuss rent issues. Ms. Peterson read aloud the regulations from the Commonwealth of MA on who can do the deleading work that was received on June 16, 2010. *Under these laws only a licensed de-leader can do high risk work such as scraping or stripping lead paint, repairing more than a small amount of chipping or peeling lead paint so it can be repainted. Besides the de-leaders, property owners and their agents who take a one day course can do moderate risk de-leading work such as removing windows, peeling lead paint so it can be repainted and any surface of a house as well as repairing small amounts of chipping. Lead safe renovators, trained and licensed, may also be hired to moderate risk de-leading. Finally, low risk de-leading work can be done by all people who can do high and moderate risk de-leading work and also owners and their agents including contractors who have completed the CIPV low risk booklet. Low risk de-leading means covering surfaces, capping baseboards, removing doors, cabinet doors and shutters, and applying siding. Property owners and their agents may also do structural repairs and lead dust cleaning for interim control.* Mr. Staples stated that he will have to call in Mr. Donovan to replace the windows because Mr. Staples has not taken the course. Ms. Peterson stated that Mr. Staples will call the Health Agent the next day with dates for Mr. Donovan to replace the windows. Mr. Andrews stated that right now they are scheduling for next Thursday and Friday August 19 & 20. Mr. Andrews stated that they would plan for the week of the 23rd if Mr. Donovan is not available earlier. Ms. Tonge stated that would be fine as long as someone notifies her. Ms. Tonge stated she would like 24 hours notice. Ms. Peterson asked the Health Agent and Inspector, the Board Members, the Penner's and Ms. Tonge if they all felt that this was enough time to make all the repairs before the meeting on Sept 8, 2010. All parties agreed. Ms. Coffin suggested that pictures be taken of the

repairs and she would like an update of the work being done. Ms. Peterson stated that on Sept 8, 2010 both parties will be fined daily retroactive to tonight's meeting, August 11, 2010 if all of this does not get rectified. Ms. Peterson stated that if Ms. Tonge does not let them in to do the repairs she will be fined \$100.00 a day. If the Penner's do not make the repairs they will be fined \$100.00 per day. **Mr. Andrews made a motion to CONTINUE 6A Main Street and have findings at the next meeting on Sept 8, 2010. The dates of repair will be started on August 13, 2010. They will work from 8:00 until 4:00 PM. The repairs will be done by Sept 7, 2010. Ms. Tinkham seconded the motion. All in favor and the motion PASSES.**

6. 11 Andrea Road-(At request of Health Agent) Discuss & Possible vote regarding outstanding housing code violations-Ms. Coffin stated that it has resolved itself. The tenants have moved out and the house is on the market for a short sale. There is no one living in the home. **Ms. Peterson made a motion to cancel 11 Andrea Road. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

7. Approval of Minutes dated July 14, 2010-Mr. Andrews made a motion to APPROVE the minutes dated July 14, 2010. Ms. Tinkham seconded the motion. Ms. Peterson abstained because she was not at that meeting. All others in favor and the motion PASSES.

8. Office Update-Ms. Coffin stated that she has been working on the Town Report. Ms. Coffin stated that the number of restaurant inspections have gone way up. She is very proud of Ms. Furtek. The summer sanitarian has been very helpful.

Ms. Coffin stated that she gave a presentation to the Selectmen about the notification process for the water department if there were ever any problems with the water.

Ms. Coffin stated that they had a presentation at the Selectmen's meeting last night from Plankton Power regarding algae biodiesel. Mr. Andrews stated that Plankton Power is looking for a letter of intent stating that the Selectmen would be interested in moving forward. That would allow Plankton Power to spend some money to do engineering work and design a set of plans to bring before the Board of Health. Mr. Andrews stated that this is one of the technologies they have been looking at with the working group. Plankton Power does not plan on running any operation on the facility. They want to capture the exhaust and take it to Woods Hole and utilize it there. If that was successful, a few years down the road, if they built a plant on Otis, they would pipe the exhaust from the effluence which is the carbon monoxide that comes off the system. Ms. Coffin stated that they want to come back when that plan is formulated. Ms. Peterson stated that she is not in favor of that. Ms. Peterson stated that she does not want to go forward with anything until they have a General Manager in place. Mr. Barlow stated that they can't do anything without coming before the Board of Health. Ms. Peterson asked why Plankton Power was looking for a letter of intent. Mr. Andrews stated with that letter they then could spend engineering dollars and put a plan together to present. Mr. Barlow stated that he believes that they do not want to end up where they were before with another experiment at the landfill. Mr. Andrews stated that there is no experiment happening at

the landfill. Mr. Barlow stated that he understood that there wasn't right now. Mr. Andrews stated that all their intent is to capture the exhaust off the flare and put it in a bottle. Mr. Barlow stated that they can come to the Board of Health and explain it to them. Mr. Andrews stated that they want to know from the Selectmen that they are interested in looking at the process. Mr. Andrews stated it is a letter of interest. Mr. Barlow stated that if something of interest comes before the working group they then come before the Board of Health. Ms. Coffin stated that they are not at that point yet. Ms. Peterson stated that she thought the three best would be submitted to the working group. Mr. Andrews stated that it was depending on which technology seemed most feasible then they would put out a letter of request for multiple companies to bid. Ms. Peterson stated that they should get the landfill under control with a general manager and then worry about sending out letters of intent. Ms. Peterson stated that that was her personal feeling. Ms. Peterson stated that the Selectmen can send out a letter of intent if they want but she does not agree with it. Mr. Andrews stated that if they get to the point that they have blueprints the Board of Health will look at them. Mr. Barlow stated that the last time the Town Administrator and the Selectmen authorized an experiment in the landfill it never came before the Board of Health. Ms. Coffin stated that that is not what they are asking right now. They are not approving anything right now. Mr. Barlow stated that the Board of Health needs to know what is going on at the landfill. Ms. Coffin stated that the Selectmen agree with that. Mr. Andrews stated that they offered to bring in the Power Point presentation. Ms. Peterson stated that she did not want to see the presentation. Ms. Peterson stated that they are not at the stage of looking at a presentation yet. Ms. Peterson stated that there is not a General Manager or an RFP. Mr. Mulvey stated that he would suggest that what they are proposing will not interfere with the landfill but to protect the Board's public interest in landfill operation maybe the Board should have them in anyway. Mr. Mulvey stated that it would show that the Board is still maintaining an interest in that operation whether it directly involves the board or not. Ms. Peterson stated that she disagrees with that because under the site assignment the Board of Health has full approval of anything that happens at the landfill. Mr. Mulvey asked if this new procedure came in would they would have the power to veto it. Ms. Peterson and Mr. Andrews answered yes. Ms. Peterson and Mr. Andrews stated that the Board of Health would have the final say. Mr. Mulvey stated that his own view is that the proposal is to capture whatever is not burned off the flare, compress it, and take it off site. Ms. Peterson stated that this Board just does not want to have another situation like the WERC proposal. Ms. Peterson stated that at the joint meeting of the Finance Committee, the BOH, and the Selectmen, it was stated that a group would be put together, of which Mr. Andrews is the Board of Health representative, and that this group would entertain any proposals from groups wanting to do business with the Town. The group would then sit down with all the Boards and give a synopsis of each group they met with, why they felt the technologies were worth review, and then one presentation would be made to all parties. The RFP's would then come forward. Mr. Andrews stated that all the Selectmen wanted to know was if the Board wanted to see the PowerPoint presentation regarding the Plankton Power proposal. Mr. Mulvey stated that it seems that the whole thing hasn't been properly approached and that there should have been a joint meeting of BOS, BOH, and Finance. Ms. Peterson stated that she just feels the proposal is not at a stage to come before the BOH yet. Ms. Coffin stated that the BOS and Town Administrator just wanted

to make sure that the BOH was included and that if the BOH had any issues they could state them. Ms. Peterson feels that the proposal is being rushed. Mr. Andrews stated that they are looking at the technology not the company. Ms. Peterson brought up a presentation by a Mr. Cashman. She stated that it is important to look at the company too to make sure that the company has the money to back up their proposal. Mr. Andrews and Mr. Mulvey stated that it is just a letter of interest. Ms. Coffin stated that this is just an early presentation and not a presentation for approval. Ms. Peterson stated that the first thing that they should be looking at is getting a General Manager. It is too early to hear anything. The Board of Selectmen has the authority to give them a letter of intent, but the Board of Health will hear the proposal later and will have the final sign off on whether that particular technology will be approved for work at the landfill. Mr. Andrews stated that the BOH is not ready to see anything until the company has a blue print to present and Ms. Peterson wants to see the RFP first. She wants to see all the financial statements as well. Mr. Barlow stated that he thought that the working group would be making a presentation to the other Boards about all the technologies considered. Mr. Andrews reiterated that the BOS and the Town Administrator wanted to make sure that the Plankton Power presentation was brought to the Board of Health. If the Board doesn't want to look at it, then this is what they have decided. The Board of Health wants to hear from the working group in October.

Ms. Peterson stated that under the Site Assignment the BOH has the final authority regarding any technology or process that is going to be done at the landfill. Mr. Barlow stated that the landfill is not a test site for all these technologies. Ms. Peterson stated again that the BOH will have the final approval. Ms. Peterson stated that the BOH has a very good working relationship with the BOS and have for some time. Ms. Peterson feels that the BOH has to be very careful because the BOH will be putting the rules and regulations into place and so the Town has to be very sure about whom they want to have work with the Town. Ms. Tinkham stated that the BOH did ask to be informed. Mr. Barlow said that Mr. Goins used to bring in the plans before the Board, but recently the BOH has not been seeing the plans and things have happened that the BOH did not vote on. Ms. Peterson stated that the Site Assignment is on record with the Registry of Deeds and everyone should read it. Ms. Peterson reiterated that Mr. Andrews has already seen the preliminary proposal and the BOH will hear the presentation by the Working Group. Mr. Aranson is supposed to put the technologies on a matrix and designate which ones will work for the landfill. Mr. Andrews asked if there were any further comments and there were none.

Mr. Barlow commented that the Water District presented a Cape Cod Commission map that showed the water district reserve areas and that the BOH may want to look at setting standards, such as nitrogen removal and tertiary treatment, in those areas for the protection of the water drinking source. This should be discussed at the second meeting in September.

Mr. Andrews made a motion to adjourn. Ms. Peterson seconded. It was unanimous. The meeting adjourned at 9:50 P.M. The next meeting is scheduled for September 8, 2010.

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

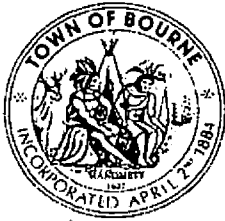
Stanley Andrews

Galon Barlow

Donald Uitti

Carol Tinkham

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:

Sept. 8, 2010

Time:

7:00 P.M.

Place:

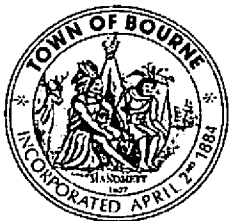
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. ISWM-Dan Barrett-Review of plans for Phase 2A/3A North face cap project & horizontal gas collector installation (possible vote)
2. 6A Main Street- Continued-(At request of Health Agent & Health Inspector) Discuss and Possible Vote regarding outstanding housing code violations
3. 61 Harbor Drive- -Barbara Frappier for Joseph Palumbo-Request variance with installation of pressure distribution system
4. Cape Cod Nails-160 MacArthur Blvd.-Danny Tran- Failure to renew tanning license
5. Knights Inn-114 Trowbridge Rd-Rupal Patel-Failure to comply with pool/spa regulations-possible revocation of spa license
6. 2 Wabash Ave-Donald Bracken for Carl Turgeon-Request informal discussion
7. Permit Extension Act-Discussion
8. Approval of minutes dated August 11, 2010
9. Office Update

TOWN CLERK'S OFFICE
2010 SEP 2 AM 11 14

Signed: *Kathy M. Bungers*
Title: Secretary
Date: Sept 2, 2010



**TOWN OF BOURNE
BOARD OF HEALTH**
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Cynthia A. Coffin,
Health Agent

MINUTES
September 8, 2010

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow, Donald Uitti and Carol Tinkham

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

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

Ms. Peterson stated that she would like to discuss a few ISWM items before moving on to the other agenda items. Ms. Peterson stated that they again have another issue with site assignment authority. Ms. Peterson stated that there have been many attorneys that have stated that the Board of Health has site assignment authority. It is law and it cannot be changed. The Board of Health cannot tell ISWM how much money to spend or when to buy their trucks but they do have control over the site assignment which includes the functioning of the landfill, the future of what they are going to do, compliance issues, and expansion. Ms. Peterson stated that DEP sent a letter with a summary of the amendments enclosed to Chapter 111 150A and the law. Dave Ellis states in the letter; *It is my understanding that these enclosed documents (the law) clearly state, that the authority to grant or rescind Site Assignment resides with the Board of Health.* Ms. Peterson stated that the Board of Health has the authority and the permission to go forward and get their own ruling from their own attorney. Ms. Peterson stated that she is not going to waste the Town's money unless the Board votes in full to do that but it that question has been asked a number of times and the same answer will come back that the site assignment is under the BOH's authority. Ms. Peterson stated that she also spoke with Mr. Ellis regarding the lack of a General Manager at the landfill. Ms. Peterson stated that Mr. Ellis is concerned about the fact that right now there is only an acting General Manager who does not have any help. Ms. Peterson stated that this has been going on for many years now. Fall River is going to be fined hundreds of thousands of dollars due to odor issues. Ms. Peterson stated that, in a direct quote from DEP, it was stated that if Bourne is to have another odor issue Bourne could be fined hundreds of thousands of dollars. Ms. Peterson stated that Mr. Barrett understands the workings of the landfill and should be in place as General Manager instead of acting General Manager but the Board of Health does not

have the authority to make that appointment. That is up to the Town Administrator. Ms. Peterson stated that Mr. Barrett deserves to be General Manager and have the proper help at the landfill so they don't face the possibility of hundreds of thousands of dollars in fines. Ms. Peterson stated that she would like the Board Members to think about whether they want to get an outside opinion from another environmental attorney and charge the Town whatever it costs to get the attorney's thoughts on site assignment. Ms. Peterson stated that site assignment is very clear in the new amendment she has. There are copies on the table for anyone who wants to read it. Mr. Barlow stated that there have been a lot of violations to the site assignment. Mr. Barlow stated that, in his opinion, they should set a date to have a public hearing to bring out what's been going on at the site and to raise, lower or change anything on the site. Mr. Barlow stated that they can invite the Selectmen and the public to discuss any issues they may have. Ms. Peterson stated that she believes what happened at the Selectmen's meeting the night before was because the Board of Health would not entertain Plankton Power. Ms. Peterson stated that the reason they didn't entertain Plankton Power was because they didn't want a situation where another outside source may think that anyone is getting favoritism from the Board of Health. Ms. Peterson stated that if there are three groups that are going to do business with the landfill the Board of Health wants everything signed with the Town which would mean that their backgrounds and financials have been checked by attorneys before the Board of Health steps in and finds themselves in a problem. Ms. Peterson stated that she wants Town Counsel and the General Manager to sit down with the Board of Health on numerous occasions and tell them everything they know about these companies that they might do business with. Ms. Peterson stated that they will not meet publicly with any company that wants to do business until all of that is done and they have gone through the other boards. Mr. Barlow stated that they should advertise a public meeting to further discuss the site assignment which would give the public an opportunity to come in and let the Board of Health know what they think. Ms. Coffin asked what type of site assignment hearing they were considering. Ms. Coffin stated that if it was a site assignment hearing they would need Counsel and a court officer. Ms. Peterson stated that they are not at that point yet because they are not hearing anything for or against expansion. Mr. Barlow stated that they have to have a public hearing in order to make any amendments and that things have changed at the landfill. Mr. Barlow stated that they used to be a C&D landfill and now they are an MSW landfill. Ms. Coffin stated that she does not believe that they are at that point yet. Mr. Barrett stated that if you hear from the public with some ideas or some changes and they decide to make those changes, you would then hold a public hearing with a court officer. Ms. Coffin stated that what they want to discuss next could just be at a regular meeting as an agenda item. Mr. Barlow did not agree. There was general discussion regarding whether or not it was necessary to advertise for a public hearing or just put the discussion on the next meeting as an agenda item. Mr. Barlow stated that Mr. Barrett told them in February that they had numerous violations with tonnage issues which are violations of the site assignment and need to be addressed. Mr. Barlow stated that the way to address them is segregate the different items coming through the gate and decide what's disposal and what's daily cover. Mr. Barrett stated that those violations have been taken care of and he can send over to the office what is considered daily cover and what's considered disposal. Mr. Barlow stated that if it is coming across the scale as ash and they use it for cover but get paid for it to come

across the scale it's trash. Mr. Barrett stated that DEP does not see it that way. Mr. Barlow stated that DEP does not have the site assignment the Board of Health does. Ms. Peterson stated that they will put the discussion on as an agenda item and if Mr. Barlow wants to invite the public to come they will take what they say under advisement and talk about it at the next meeting. If they choose to go into session to review site assignment they will then have another public hearing on it with a hearing officer. Mr. Barlow stated that he does not understand why you would encourage the public to come if nothing was going to be changed. Ms. Peterson stated that she is not changing the site assignment unless there is very good reason to. Mr. Andrews suggested that they put the discussion on the next meeting as an agenda item to review the violations that have occurred over the last 9 months at the landfill. Ms. Peterson agreed. Mr. Barlow also agreed. Ms. Peterson stated that there would be no votes taken with regards to the site assignment at that meeting. Mr. Andrews stated that a vote could be taken to hold a true site assignment hearing. Ms. Peterson agreed. Mr. Mulvey stated that he does not believe that the public understands how complicated a site assignment is. Mr. Mulvey stated that it seems like the crux of the matter is the control of the landfill under the site assignment and what powers the BOH have and what powers the BOS have. Ms. Peterson stated that the site assignment is a license under which the landfill operates which comes under the jurisdiction of the Board of Health. The Board of Health has the responsibility of the site assignment. It is the authority to grant or rescind the site assignment which is the permit to operate the landfill. Mr. Barrett stated before you do anything you have to go to the local Board of Health to apply for a site assignment. The Board of Health, in that document, controls basically everything that goes on as far as times and days of operations, tonnage coming in, material coming in and whatever else the Town feels necessary to control the facility. Mr. Barlow stated that it is the environmental and public health issues associated with the landfill. They want to protect the drinking water, the nuisance of odor and control litter. Public safety coming in and out of the landfill is also a concern. Ms. Peterson stated that the new amendments have given the BOH stronger power and DEP has stated that they will back up whatever the BOH decides. Ms. Peterson stated that it has taken her 9 years on the BOH to understand site assignment and maybe the problems that are arising now are because the BOS are having a problem understanding site assignment.

1. **ISWM-Dan Barrett-Review of plans for Phase 2A/3A North face cap project & horizontal gas collector installation (possible vote)-** Mr. Barrett stated that they received an odor complaint on August 20 from Bayview Campground about 11 AM. Mr. Barrett took a ride over and decided it was a trash smell. The landfill crew was instructed to cover all exposed trash and limit the size of the working phase for the remainder of the day. This was accomplished in an hour and a half. Mr. Barrett stated that he went over to the campground to check with the staff there who told him that the odor was gone in less than an hour. Mr. Barrett stated that on Saturday, August 28, 2010 one of the crew reported trouble with the flare. He noticed some smoke on the side hill. They notified the fire dept, assembled a crew and dug it up and wet it down with class foam and water. They wet down the material they dug out and made an insulation pad. The fire dept used one of their thermal imaging cameras which showed a very small area being impacted. They

took out less than 20 cubic yards. They are going to keep monitoring the area. They checked all the gas wells with no sign of combustion in any of them. Mr. Barrett stated that they have had a few electrical problems with the flare but were back on line within an hour. Mr. Barrett stated that they are planning to buy a newer and bigger flare. The flare they have is fine but after 10 years it is getting towards the end of its dependable life. They will leave that flare on site which will come in handy if they have to turn down because it can run at a lower rate. Mr. Barrett stated that the Phase 2A/3A plans have been finalized. He has made revisions to the daily checklist that the Board requested. Mr. Barrett showed the Board members maps of the site. Mr. Barlow asked if there would be any problems with having to shut down while they install a new flare if they are getting new scrubbers and blowers. Mr. Barrett stated that everything would be new but the old flare will continue to run during the installation. Mr. Barrett stated that he will let the Board know if any unforeseen issues come up where they have to shut down any longer than 3 hours. Mr. Barrett pointed out on the map to the Board where the skid and the flare would sit. Mr. Barrett showed the Board members where the intermediate cover was that they had put on for odor control last year. He pointed out the select waste layer for the stage 2 operation. He pointed out the North side and the Monument Beach Sportsman's Club. Mr. Barrett showed the Board Members where they wanted to cap the connection between Phase 1ABC and Phase 2. They have filled it in and want to tie the two caps together. It's a small area about 3.6 acres. Included along with this project they are proposing to put an access road along the east slope which is currently closed. Mr. Barrett pointed out on the map where they want to run the road on a proper grade to allow trucks to get up and down. This road is engineered with geo-technical calculations. Mr. Barrett stated that access to the landfill now on the South end creates drainage problems for them. They have to control the water runoff. Mr. Barrett stated that operationally the most important thing for them is being able to seal off the South end and eliminate the drainage problems they are having. Also, the current operations are taking place in the North end. Mr. Barrett stated that they want to bring them up to grade which will take them until the middle of December. It's important because this project includes nine new permitted vertical gas wells for gas control. Mr. Barrett stated that that will probably not take place until mid-winter. Mr. Barrett stated that on the Southern end they want to put in a horizontal gas collector in the area that is built up about 30-40 ft. They are producing gas in that area right now. They are able to control it but it will make things easier if they get a horizontal collector in. Mr. Barrett stated that by this time next year the wells should be in. The horizontal collector will be in this fall. They will be in much better shape once this project is complete. Mr. Barrett stated that they want to get the road in right away along with the horizontal collector. While that is going on they are going to bring the Northern end up to finished grade. Sometime in mid December or early January they will begin drilling and putting in what they need to put the gas wells up. In the springtime the contractor will come back and finish the slope. Mr. Barlow asked if they had done anything to try and correct the big drainage problem they had last spring. Mr. Barrett stated that it was a broken pipe that they have fixed

and put an access valve on. Mr. Barlow stated that the way it is designed the plastic liners just funnel the gurry right in there. Mr. Barlow stated that they need something better there because that is a direct connection to the groundwater and that is why they built this whole thing in the first place. Mr. Barrett stated that any water that hits the plastic across the top is clean. Mr. Barlow stated that that issue is the biggest one that has to be addressed because it ties right into groundwater. Mr. Barrett showed the Board members on the map a temporary collection pond that they have put in to collect anything that runs off of that area. They pump it out with their trucks or use Noonan to pump it out. Mr. Barlow suggested that maybe they could line it somehow but stated that it was a very bad design. Ms. Peterson stated that, from what Mr. Barrett is saying, over the next nine months the first three things that need to be done is the access road on the east slope, improving the water runoff on the southern slope, and the horizontal collector. Ms. Peterson stated that then they will want to put in nine wells during the winter. Ms. Peterson suggested that the Board should only concentrate on the first three items only and get those approved and then take more time to look at the nine wells. Mr. Barlow stated that they have to address the issue of the cover that's there now because they can't just fill on top of it because all the run off is going to go over it. Mr. Barrett pointed out on the map the area and promised that he was not going to do anything there until talking to the Board of Health first. Mr. Barrett stated that the area will be protected and showed the Board members on the map where they will put the sand and gravel road to get the trucks across which will protect it. Ms. Peterson asked if the Board members had any questions. Ms. Tinkham stated that she had made a visit to the landfill that day and she now understands more of the operations there. Ms. Peterson stated that she does not believe that the landfill should be given carte blanche for nine months of construction work. She would like them to come back to the BOH in various stages. She would like to see a General Manager at the landfill with the proper help. Ms. Peterson stated that she feels it's very important that they get going on the road at the Southern end and the horizontal collection system. Ms. Peterson stated that she spoke with DEP and they also feel it's very important that they move forward with those three items. Mr. Andrews stated that Mr. Barrett is being pro active with the design and work proposed and believes they should approve getting it done. **Mr. Andrews made a motion to APPROVE the access road, the horizontal collectors on Phase 2A/3A South which covers both phases and the sealing of the end of the valley to prevent any further runoff. Mr. Uitti seconded the motion. All in favor and the motion is APPROVED.** Mr. Andrews stated that he would like to thank Mr. Barrett for presenting the daily checklist and providing the Board with the go-no go numbers. Ms. Peterson asked Mr. Barrett to keep the Board up to date and to give them ample time to get the rest of it approved before he needs it. Ms. Peterson asked Mr. Barrett if he needed any other approvals tonight. Mr. Barrett stated that he did not. Mr. Barrett stated that they fell behind in the last few years but now they are back on top and will stay on top. Mr. Gately asked what Phase 2A/3A was. Mr. Barrett stated that it represents the valley. Mr. Barrett pointed out on the map where Phase 1ABC landfill was that has been capped and closed. He showed where Phase 2 and

Phase 3 were located. Phase 2A/3A is the valley between those two landfills which they are filling in. They have divided into two stages. The Eastern portion was done first and now they are working on the Western side. Mr. Barrett showed Mr. Mulvey on the map where the area is that is permitted for landfill. He also pointed out where the red sky parcel was. Mr. Barrett stated that part of the area is site assigned for landfill and waste handling and the other area is site assigned strictly for waste handling which means they can transfer and do processing but no land filling. Mr. Gately asked how big the valley was. Mr. Barrett stated that it was about 19.5 acres. Ms. Peterson asked if there were any questions from the audience. There were not.

2. **6A Main Street-Continued (At request of Health Agent & Inspector) Discuss and Possible Vote regarding outstanding housing code violations-**In attendance were Sue Penner; owner, and William Staples; contractor. Ms. Coffin stated that Ms. Furtek has been handling most of this case and was out sick today. Ms. Coffin stated that she knows that Ms. Furtek has done numerous inspections with and without Mr. Staples. She has also been accompanied by the building inspector on a recent inspection. Ms. Coffin stated that she spoke with Ms. Furtek before the meeting and everything on the list has been completed. Ms. Coffin stated that Ms. Penner told her today that there were some wall tiles that may need to be redone but weren't on the list. Ms. Coffin stated that Ms. Furtek still has to get a final letter out. There was a complaint made by Ms. Tonge yesterday that the staircase to the attic was not secure but Ms. Furtek told her that she pulled it down and took a look at it and did not see any structural problems. Ms. Peterson asked if Mr. Staples had any problems getting into the house on the agreed upon dates. Mr. Staples stated that they were not enough to mention. Mr. Andrews asked for a recommendation from Ms. Coffin. Ms. Coffin stated that she recommends that the Board find that all issues have been addressed from the two orders of non compliance and the case be closed. **Ms. Peterson made this her motion. Mr. Barlow seconded the motion. All in favor and the motion is APPROVED.**
3. **61 Harbor Drive-Barbara Frappier for Joseph Palumbo-Request variance with installation of pressure distribution system-**Ms. Frappier stated that she appreciated the Board extending their variance. The reason that the project had a de-nite system was because of the presence of a secondary coastal bank. It is well over the 150 from the primary coastal bank and is well over the 150 from the nearest salt marsh. Ms. Frappier stated that they are over 220 ft in both instances. Ms. Frappier stated that the Palumbo's would like to have a system as far away as possible and as good as can be designed but without the burden of having a de-nite system with the pump, electricity and the cost of maintenance and testing. Ms. Frappier stated that they have done almost every septic system on Harbor Drive and she went back to see what had been approved and what the parameters were. Ms. Frappier gave the Board members a list of the properties and how the Board viewed it at that time. Ms. Frappier stated that lot 29 was a new four-bedroom house and the closest resource area was a salt marsh. They have a title V and 162 ft to the salt marsh. Lot 47 is a new house that was 4 bedrooms, title V,

and 174 ft. to the primary coastal bank. The house next door to the Palumbo's was a large addition, serious renovation, increased to 6 bedrooms and title V with no de-nite system and was 200 ft to the salt marsh. The house on the other side of the Palumbo's, number 65, the only one on that side that has micro-fast. That was 90 ft to the top of coastal bank. Number 75 is another remodel with an addition, six bedroom house, title V, no denitrification. Ms. Frappier stated that she is proposing a pressure dose but if you look at the setbacks compared to the other houses along that side of Harbor Drive this would not be inconsistent for the Board to allow a pressure dose system which is better at virus attenuation and is as far away as possible. The secondary bank which was created in the course of making a landform on which to build a house. Ms. Frappier stated that she is asking the Board to consider the installation of this pressure dose system in lieu of the de-nite. Ms. Peterson asked Ms. Tinkham if she had any questions. Ms. Tinkham asked Ms. Frappier to explain what pressure dose was. Ms. Frappier stated that pressure dosing prolongs the life of the system and gets more consistent treatment of the effluent. With a pressure dose all parts of the leaching field are sucking up the water and is more evenly distributed hence better treatment. Ms. Coffin stated that it basically disperses it over the entire leaching all at once and builds the bio-matte quicker which provides better treatment. Ms. Coffin stated that in her opinion 61 Harbor Drive could be approved for a regular title V if the Board agreed. The homeowners are willing to do the pressure distribution to answer the fact that it doesn't meet the 150 to the top of coastal bank. It is giving them a better system than what could presently be put in. Ms. Peterson asked if there was anyone in the audience for 60 Harbor Drive. There was not. Ms. Coffin stated that she believes that this request should be approved. **Mr. Barlow made a motion to APPROVE a waiver from the local regulations of 54' from the 150' setback of the leaching area to the secondary coastal bank. The leaching area is 227' to the nearest wetland of Pocasset Harbor, on the South side of Wings Neck. Mr. Barlow stated that the reason that they are doing this is that Ms. Frappier and the Palumbo's have gone the extra mile to protect the coastal habitat. Plans stamped Received on August 25, 2010, Warwick & Associates, 63 County Rd, N. Falmouth for 61 Harbor Drive, Bourne, MA. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

4. **Cape Cod Nails-160 MacArthur Blvd-Danny Tran-Failure to renew tanning license-** Ms. Coffin stated that this item can be taken off the agenda because Mr. Tran has paid for his license renewal.
5. **Knights Inn-114 Trowbridge Rd.-Rupal Patel-Failure to comply with pool/spa regulations-possible revocation of spa license-**Ms. Coffin stated that Ms. Furtek has been out to talk to Ms. Patel. Ms. Coffin stated that they had problems with the opening inspection of the spa on June 14, 2010. There was a cover on it but no chlorine in it. Ms. Coffin stated that Ms. Patel was going to drain it. Ms. Coffin stated that they came back and did another inspection and everything was okay. The summer sanitarian went out on August 23, 2010 and again the spa had no

chlorine. Ms. Coffin stated that there was another inspection done before the August inspection but she did not have the date as Ms. Furtek, the health inspector, was out sick today. Ms. Coffin stated that they have to get this under control and it should not be up to the Board of Health to come out to inspect and then have to close it. An employee should be testing it four times a day and closing it if necessary. Ms. Patel stated that when they came out for the last inspection the spa was closed because they had to drain it and it takes a while for the chemicals to work after they change the water. Ms. Coffin stated that the employee didn't tell them that if the cover is on the spa no one is authorized to use it. Ms. Coffin stated that Ms. Patel should put a sign on the spa when it cannot be used. Ms. Patel stated that she would do that. Ms. Coffin stated that because of the high temperatures a spa is one of the worst breeding grounds for any kind of bacteria if the chlorine is not being kept up. Ms. Patel stated that the spa has not been open for the last three weeks. Ms. Patel stated that they usually change the water every week. Ms. Peterson asked if Ms. Patel had any logs to show that she is testing the water four times a day. Ms. Coffin stated that they also check the logs during the inspection. Ms. Patel showed the Board the daily logs. The readings on the logs were from 8/13-8/24. They change the water on Sunday night so if there is an inspection Monday morning the reading will be off because the chemicals have not had enough time to work. Ms. Coffin stated that the chlorine reading should be between 1-3. Ms. Peterson stated that this problem has occurred at least twice with the spa and if it happens again they will have to issue a fine. Ms. Peterson stated that this is a serious offense and is asking Ms. Patel to keep impeccable records and would like them sent weekly to the Board of Health office until December 1, 2010. Ms. Peterson stated that there should also be a few unannounced inspections. A third violation would constitute a \$300.00 fine. Ms. Coffin asked if the employees behind the counter were also trained to take care of the spa. Ms. Patel stated that they were trained as she is not there all the time. Ms. Patel stated that she is the only one that is authorized to put the chemicals in the spa. Ms. Peterson stated that she understands that it is hard to watch all the employees all the time but you have to make sure this doesn't happen again because the fine would be \$300.00 per day retroactive to tonight's meeting. Ms. Patel stated that she understands that and wants the Board to know that they close the pool and spa during the winter. **Mr. Andrews made a motion to CONTINUE until December 1, 2010 with the stipulation that if any other spa violations occur there will a \$300.00 per day fine. Mr. Uitti seconded the motion. All in favor and the motion is APPROVED.**

6. **2 Wabash Ave-Donald Bracken for Carl Turgeon-Request informal discussion-**Mr. Bracken, Bracken Engineering, stated that Mr. Turgeon and his wife bought the property in 2006. In 1992 a new septic system was installed to replace a couple of cesspools. This property is at the corner of Circuit Ave and Wabash Ave. The Hen Cove beach is right across the street and to the Northeast they had a coastal geologist locate and flag a coastal dune area near the property. The existing septic system consists of a 1,000 gallon tank and pump chamber into an infiltrator system. In 1992 they constructed it high enough in a mound

situation. The rest of the property is down around elevation 8 and this is up around 12 or 13. Mr. Bracken requested that Ms. Coffin come out and look at the system because when the system was approved in 1992 the house had two bedrooms. After 1992 and before the Turgeons bought the property one of the bedrooms was eliminated and converted to closet and washer dryer space. The Turgeons would like to go back and construct a second floor addition to reconstruct the second bedroom along with a hallway and bathroom. Mr. Bracken stated that he has included preliminary first floor plans and second floor plans for the Board Members. Mr. Bracken stated that presently it is a ranch style home with one living area. Mr. Bracken stated that he would like the Board's opinion on honoring the existing two bedroom system that is there. Mr. Bracken stated that the assessor's have re-evaluated it since the bedroom was removed and shows that it is a one bedroom. Before they make application and designs they would like the Board's opinion. Mr. Barlow asked if it technically was a three bedroom system. Ms. Coffin stated that the design itself, under the old title V code, says three. Ms. Coffin stated that under the new calculation it might be two. Mr. Bracken stated that when he inspected the leaching system with Ms. Coffin there was an inspection port and it was dry. They also installed a monitoring well and monitored the water level. It was in for over a month and had some extreme fluctuations but did find out that that system is 4.2 ft above the water table. Ms. Peterson stated that the only problem she could see was that it only had a 1000 gallon tank. Ms. Coffin stated that for existing properties they will allow a 1000 gallon tank up to four bedrooms. Ms. Peterson stated that at least they are only asking to make it a two bedroom and not a three. Mr. Barlow stated that they are asking to put a second story on a house that is on stilts and up pretty high already. Mr. Andrews asked if the porch had a doorway to it. Mr. Bracken stated that there was a sliding door that goes out to the porch. There is also a three season room on the Southeast corner that would stay as a three season room. Ms. Coffin stated that they generally require all three walls in a three season room to have windows. Mr. Turgeon stated that all three walls are completely glass. Mr. Barlow asked if they would meet the 35 ft height limit once they put the second floor on. Mr. Bracken stated that they have looked at that and Sean Bissonett, the architect, has come up with a plan so they will meet the 35. Mr. Bracken stated that when you look at the house when it's done it won't look like a full two story addition because of the height requirements. Mr. Bracken stated that he will be going to the Board of Appeals for further discussion because it is a non-conforming structure. Mr. Barlow stated that this is only an informal discussion and they will have to go out and take a look at the neighborhood because there will be other requests for this on future upgrades. Mr. Bracken stated that they are looking for direction and the plan right now is 702 sq ft total and will be increased by 59% which will bring it up around 1150 which is still pretty modest in that neighborhood on an 8000 sq ft lot. Ms. Coffin stated that if you looked at this as a two bedroom house and they had not taken away the existing bedroom it is over the 25% they usually look at. Mr. Bracken stated that Mr. Turgeon is aware of the Board's policy but in this case they have a coastal dune area with the existing system only 30ft from that. They would be looking at a 120ft variance from that

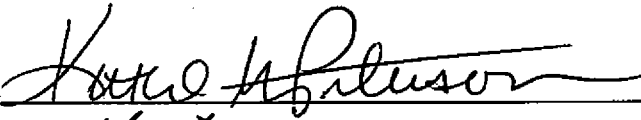

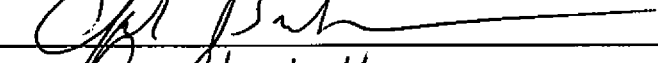
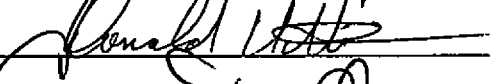

dune but Mr. Bracken believes that it would be consistent with the Board to allow that based on the type of resource area that it is. They understand that they are not 150ft from the marsh in the back but the system could be relocated so they are 150ft from that marsh and they are over 200ft from Hen Cove so the only variance they would be looking at is to the coastal zone. Mr. Bracken stated that he does not know if that would make a difference as far as the de-nite and the pressure dosing because it wouldn't be any benefit to the coastal dune. Mr. Turgeon is aware in order to keep the system he will have to upgrade it somehow. Mr. Bracken stated they could relocate it or leave it where it is and put in the de-nite and leave the leaching system and pump chamber alone. Ms. Coffin stated that she knows they hate to move it but if they could get it the 150 and then offer pressure distribution it would move it outside the 150. Mr. Bracken stated that in the long term that might be less expensive than doing the de-nite. Ms. Coffin stated that she has walked the site and the dune is not the resource that they have to worry about. Mr. Barlow stated that they would like to see a better situation than what is there now. Ms. Peterson stated that they cannot say yes or no on a preliminary hearing. Ms. Peterson asked Mr. Turgeon if he had any questions. Mr. Turgeon did not.

7. **Permit Extension Act-Discussion-**Mr. Andrews stated that he went through this and found a lot of issues. Ms. Coffin stated that she tried to take it to the Health Agents coalition but they told her it's not worth trying to change it because it is a state statute. Ms. Coffin stated that Title V permits under the code are good for three years. Ours are only good for a year so anything that expired in 2008 we have already renewed twice. Mr. Andrews stated that if they approve something in July it is good for three years from that date. Ms. Peterson stated that, from reading the document, it looks like if someone went into failure the permit could be forced because public health trumps whatever economic savings this will make. It may be a little bit of coverage for the Board of Health. Ms. Coffin stated that the State does not want to put a financial burden on anyone but the Board most often just extends a variance without a financial obligation to the homeowner so she does not believe this will be a huge problem. There are only about 10 septic permits a year that people let expire and renew. Ms. Coffin stated that she still wants people to come in after an extension expires, or even speak to them over the phone so no engineer or cost will be involved. Ms. Peterson agreed with that suggestion. Mr. Andrews asked if anything after August 15 is still included in the extension. Ms. Coffin stated that she does not know how they picked the timeframe but it is only for permits and extensions made from August 2008-2010.
8. **Approval of Minutes dated August 11, 2010-**Mr. Andrews made a motion to **APPROVE** the minutes of August 11, 2010. Mr. Barlow seconded the motion. Mr. Uitti abstained as he was not at that meeting. All others in favor and the motion is **APPROVED**.
9. **Office Update-**There are no office updates at this time.

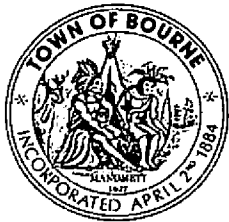
Ms. Peterson made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES. The meeting adjourned at 8:45 PM. The next meeting is scheduled for September 22, 2010.

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson 
Stanley Andrews 
Galon Barlow 
Donald Uitti 
Carol Tinkham 

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:

Sept. 14, 2010

Time:

6:30 P.M.

Place:

Bourne Middle School
Library Media Center
77 Waterhouse Rd,
Bourne, MA 02532

AGENDA ITEMS:

1. Joint meeting with Board of Selectmen, Finance committee, Energy committee and ISWM for an update of progress from futures/business model committee

cc Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: Sept 2, 2010
2010 SEP 2 PM 11 15
TOWN CLERK'S OFFICE



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

TOWN CLERK'S OFFICE

BOURNE, MASSACHUSETTS

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

Sept. 22, 2010

Time:

7:00 P.M.

Place:

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

AGENDA ITEMS:

1. Discuss and Review Site Assignment
2. Discuss and Review Poultry Regulations
3. Discuss Restrictions or Limitations in Water District Zone
4. Approval of Minutes dated Sept. 8, 2010
5. Office Update

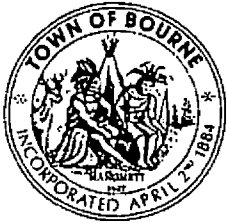
cc Board of Selectmen/Town Clerk

Signed:

Title: Secretary

Date: Sept 15, 2010

Kathy M. Burgess



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:

Sept. 22, 2010

Time:

7:00 P.M.

Place:

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

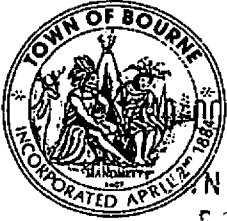
AMENDED AGENDA ITEMS:

1. Discuss and Review Site Assignment
2. Discuss and Review Poultry Regulations
3. Discuss Restrictions or Limitations in Water District Zone
4. Discuss & Vote to nominate Stanley Andrews to the Wastewater Advisory Sub-Committee
5. Approval of Minutes dated Sept. 8, 2010
6. Office Update

cc Board of Selectmen/Town Clerk

Signed: *Kathy M. Burgess*
Title: Secretary
Date: Sept 20, 2010

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TOWN CLERK'S OFFICE



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
September 22, 2010

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow, Donald Uitti and Carol Tinkham

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

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

1. **Discuss and Review Site Assignment-**Ms. Peterson stated that they had put this discussion on the agenda with hopes that they would have spoken with Town Counsel before the meeting but Ms. Peterson and Mr. Andrews will not be meeting with Town Counsel until next week. Ms. Peterson stated that she would like the Board Members to get any questions they may have for Mr. Troy to either herself or Mr. Andrews by Friday morning. Ms. Peterson stated that the Board Members will see the questions before they go to Mr. Troy on Tuesday for the meeting. Ms. Peterson stated that the questions will be emailed to them sometime over the weekend just so they are aware of what Town Counsel is being asked. Ms. Peterson stated that she believes that they should hold off any discussion on the landfill until after their meeting with Town Counsel. **Ms. Peterson made a motion to put this item on the agenda for the next meeting to review and discuss non-compliance at ISWM. Mr. Uitti seconded the motion. All in favor and the motion is APPROVED.** Ms. Peterson stated that she would like to move agenda item #2 down as the discussion regarding poultry regulations was put on the agenda, by her request, for review only. Ms. Peterson stated they would move this agenda item to #4.
2. **Discuss Restrictions or Limitations in Water District Zone-** Ms. Coffin stated that when Mr. Barlow requested this discussion be placed on the agenda she copied the existing zoning regulations for uses and restrictions in a water resource district for reference. Corinne Moore, Town Planner, plotted out a map for the Board Members of the different water districts and zones of contribution of the wells throughout the town. She also included the State regulations on any water

district that has to drill a well and also a letter from Ms. Moore stating that if there are any future discussions she would like to be a part of those discussions. There are extra copies for anyone in the audience that would like to look at the map. Mr. Barlow stated that there has been discussion about a sewer plant next to the Bournedale Elementary school. This has been a concern to the residents of Buzzards Bay because of the effect of the water quality of a sewer plant in that location. The water district officials came before the BOH and expressed their concern. The BOH met with an engineer who was working for this project who explained to them that it would not be tertiary treatment and that on a scale of a Volkswagen to a Cadillac this plant would be a Volkswagen and would not remove any significant contaminants other than human waste. Mr. Barlow stated that they had some concerns about that and the water district came back before the BOH and discussed it with the Board again. Mr. Barlow stated that he believes that the BOH had some authority over drinking water and could set some standards for groundwater injection and since that time he has talked to a few different people from DEP. Mr. Barlow stated that he spoke with Jeff Gould out of the Lakeville office of DEP and was told by him that if the BOH were to hire Town Counsel or bring in outside council they could probably develop some regulations and some standards for the level of contaminants that could be put into the groundwater. Mr. Barlow stated that he also spoke with someone from the Cape Cod office of DEP who basically told him that they will apply for a permit and DEP will give them the permit and listen to comments but they generally won't change anything which is the opposite of what Mr. Gould told him. Mr. Barlow stated that apparently DEP has the authority and the BOH could set standards and end up in a court battle. Mr. Barlow stated that it will be up to what the Board would like to do. They can meet with Town Counsel and set some standards for wastewater in a water resource district. This wouldn't be the first sewer plant in town in a water district reserve area. There are several in different areas. Mr. Barlow stated that they would not hold the old ones to the same standards as the new one but someone has to step up and start addressing the issues. Mr. Barlow stated that they have to talk to Town Counsel before they go forward. Mr. Barlow stated that he lives in Buzzards Bay and is concerned about the water quality for his grandchildren and everyone else in town. Ms. Peterson asked Mr. Barlow what question he would like to ask Town Counsel. Mr. Barlow stated that he would ask Town Counsel if he would work with the BOH to set standards for waste water disposal and within the Town or water district reserve areas. Ms. Coffin stated that, in her opinion, that question is not something a counsel would develop it is more an environmental engineer that would develop that. Ms. Coffin stated that when you set standards you have to base the standards on some kind of study or science. She is concerned about what the local BOH could do that the State hasn't already done to protect the drinking water all across the State. Mr. Barlow stated that the State hasn't done that and the Towns have the opportunity to set higher standards than the State. The reason for the attorney was to make sure that they do it correctly. Mr. Barlow stated that he believes that the water district will provide them with any information they can so they should make some effort to protect the drinking water. Ms. Tinkham stated that she

believes they should contact someone from the Cape Cod Commission who knows the scientific basis and use that with an attorney to make sure that everything is written legally and correctly. Mr. Andrews stated that he believes they should use Town Counsel for guidance on how to proceed and how to continue to make sure they have covered everything. Ms. Peterson stated that they have to have the approval of Town Counsel to hire outside engineers which they will do when it gets to that point. The BOH will require their own engineer to guide them in the decision making process. They do not want to be stopped halfway through and be told they can't do it. Ms. Peterson stated that they need the authority and then they have to decide what company would be best for the BOH. Ms. Coffin stated that the BOH does not have any money to pay for this. Ms. Peterson stated the Town would have to pay for it. Mr. Andrews stated that the fact that the Board of Health is not funded is a problem they run into all the time. Mr. Andrews stated that they are protecting public health but are not funded to do any research. Ms. Coffin stated that if an applicant came in to build a plant, part of that application would be that the applicant provides funding to hire someone to evaluate their proposal and the BOH could also put conditions on the proposal as well. Ms. Coffin stated that they could set the same conditions on each project that came in rather than doing a blanket regulation that covered the entire town. You could also put those restrictions on individuals depending on their location but every concern may be different. Ms. Coffin stated that they have to be careful if they decide to do this across the board or look at each case individually. Mr. Andrews stated that right now they are looking at it as far as water resource area. Ms. Coffin stated that that is a very huge area throughout the town. Ms. Peterson stated that they realize that this is not a small undertaking and it is not something that will happen right away but if they don't start thinking about it they will get to the point that they have lost control of it. Ms. Coffin stated that there is a limit on what the technologies can deliver and the Cape Cod Commission is already calling for 5 parts per million which is half of what the State calls for and she believes the protections are already there. Mr. Andrews stated that as far as pharmaceuticals goes they haven't done anything. Ms. Peterson asked the audience if they had any questions. John Riha (audience) stated that he agreed with the Board and would like to hear from someone in the medical profession for their input as to the end result. He is concerned that this will be left up to an engineer. Ms. Peterson stated that when there were odor issues with the landfill the Board asked people from the public to sit in on the meetings with Dan Barrett and the Selectmen which kept the Board and the public up to date. Ms. Peterson stated that if there were two or three people that wanted to sit in with the Board of Health on this issue they would love to have them and then everyone would be informed. Ms. Peterson suggested that they might consider contacting different colleges that may be studying wastewater issues and might be able to take on some of these ideas. Mr. Barlow stated that if they don't do something then they will have to put the removal of pharmaceuticals on each well head which is being talked about all over the Cape. This would change the burden from the person who uses the sewer from paying to get rid of the pharmaceuticals to the person who purchases the water. Once all the different

pharmaceuticals are injected into the groundwater what doesn't get recovered stands a good chance of reaching the coastal habitat and they have no idea what it will do there. Mr. Mulvey(audience) suggested having the superintendent of the Buzzards Bay Water District, Mr. Woods, in again since he has a deep interest in the future of water for the area. Mr. Mulvey also stated that there is a coalition that protects the aquifer which involves Wareham, Carver, Plymouth and Bourne. Brendan Mullaney, Conservation Agent, was at one time the town's representative on that aquifer association and he may be of some help. There is also a hydrologist at UMASS who was involved with the hydrology of that area when the Nightingale development was underway who would possibly have some input as well. Ms. Barth (Bourne Enterprise) stated that in Sandwich there was a pharmaceutical collection, which she thought was a good idea, so people could dispose of their unused medications. Ms. Coffin stated that there were grants provided through the State to set up the collection sites through the police depts. Ms. Coffin hopes to be able to set something set up for next year as this year there was too short of a notice. Ms. Coffin stated that you have to consider that less than 10% of the town is on sewer or is on a wastewater treatment plant. Everybody's individual homes where people take any kind of medications are putting them into their individual septic systems. Mr. Barlow stated that a typical home sewer system is not injecting directly into the groundwater. Ms. Coffin stated that it is doing the same thing that a leaching system of a sewer plant is doing. It's still going to filter beds like other septic systems. Mr. Barlow stated that they have to start somewhere and if you are going to have a large sewer plant handling a large amount of residences that is the place to start. Karen Runyon (audience) asked if the EPA would get involved in the groundwater issue at all and could the EPA be of help in forming regulations. Ms. Peterson stated they all have regulations that have to be adhered too. The town is allowed to tighten the regulations. No one would try to deny someone doing something but at least they would have to come and discuss it with the town to get approval. Mr. Barlow stated that he is concerned because there was a treatment plant put in at Brookside and at Bourne Manor that they did not address and he doesn't want to let another get by. Hendrik Luecke (audience) asked if the Board was going to evaluate other health impacts from this project other than the water issues. Ms. Coffin asked what other issues Mr. Luecke was referring to. Mr. Luecke stated that he was concerned with the proposed wind turbines. Ms. Peterson stated that nothing has come in front of the Board of Health with regards to the wind turbine project. Ms. Coffin stated that she sat on a small committee that did a presentation along with Mr. Ingersoll, Corinne Moore, and John Littman but it was just a general discussion and no Board of Health issues came up at that meeting. Ms. Peterson stated that it seems to be picking up a lot of steam lately. Mr. Barlow asked the audience if there was something on that subject that they would like the Board of Health to think about. Mr. Luecke stated that the residents were very concerned about the health risks to the people living nearby the proposed site of the turbines. Ms. Peterson stated that the Board of Health would have a hearing but they do not have the project in front of them. The Board of Health does not have a regulation regarding wind turbines so she is not sure if they could have a hearing. Ms. Coffin

stated that she would look into what air quality standards there are under the State regs. Mr. Andrews stated that they are a little off topic now and would refer to Ms. Coffin to get some more information for the Board. Ms. Peterson stated that she believes that the wind turbine project is something the Board would have to approve but they have to look into it further. Mr. Barlow stated that if the public feels there are health issues they should document it and get information from other wind turbine locations and provide the Board of Health with that documentation. Ms. Peterson stated that she would like to visit a location where there are five or six turbines. She is not against wind power but she would like to hear what five or six in one small area sound like. Mr. Luecke stated that there are not five or six wind turbines so close together and this size in a residential area anywhere. Mark Hebb (audience) stated that they are here to try and understand the formal process of coming in front of the Board as concerned residents of the abutting neighborhood. Mr. Hebb stated that they feel that the wind turbine project has a very negative impact on the water resource area. Ms. Peterson stated that this is a very legitimate concern and she believes it should be part of the water district review. Mr. Barlow stated that it was an area of critical environment concern for many years but has been rezoned and changed but is still the same place. Ms. Peterson suggested that maybe they could form a small committee to work on the water resource district. Mr. Hebb asked what the process was for the residents to come before the Board to discuss the potential health risks of the project. Ms. Peterson stated that they just have to submit their request in writing before the agenda is posted a week before the meeting. The Board meets every second and fourth Wednesday of the month. They can submit their request to the Board of Health office. Ms. Tinkham asked what the Boards goal was this evening in discussing the restrictions in the water district zone. Ms. Peterson stated that it is just a start but it has shown that the public has a lot of concerns and it all has to do with wastewater and general drinking water. Mr. Barlow and Ms. Peterson gave their contact numbers to the audience members if they needed any help or had any questions bringing this issue before the Board in the future. Ms. Tinkham asked if the Cape Cod Commission would have any involvement in the issue of the sewer plant or the wind turbines. Ms. Coffin stated that according to a letter from the Town Planner, Corinne Moore, they will have a lot to say about the wind turbine project. Ms. Coffin stated that she is not sure about the plant because it would have to meet certain thresholds to get before the commission. Ms. Peterson stated that things can get very drawn out if the commission gets involved. Ms. Tinkham stated that the commission has the funding to hire engineers, etc. Ms. Peterson stated that this will be one of the items they would like to discuss with a consultant. Ms. Peterson stated that she does not believe that this is an expense that should be denied the Board of Health. They are elected to protect the health and environment in the Town of Bourne. Mr. Barlow stated that in his opinion, the reason they should begin immediately setting standards is because if they don't start the process anyone who gets a permit in before the standards are set will not have to follow those standards for that particular project. Mr. Barlow stated that he does not believe a groundwater discharge permit has been applied for because the Board of Health has 30 days to

comment when a permit is applied for. Ms. Peterson stated that they would put this issue on the agenda for discussion on October 13, 2010. Mr. Luecke asked if a permit is applied for would the Board of Health be able to hold them off while they set the new standards. Mr. Barlow stated that they have to apply for the groundwater discharge permit from the DEP and the Board of Health could not stop them. Ms. Peterson stated that she disagrees with that because DEP is stepping back from governing Boards of Health and allowing them to set the conditions and are backing the Boards more and more every day.

3. **Discuss & Vote to nominate Stanley Andrews to the Wastewater Advisory Sub-Committee-** Mr. Andrews stated that this is a group that the Board has nominated him to for the last two years. Mr. Andrews stated that it is his understanding that they have changed the charge of the committee so they would like the vote they took in June re-affirmed for a new appointment. **Ms. Peterson made a motion to nominate Stanley Andrews as the Board of Health representative to the Wastewater Advisory Subcommittee. Mr. Uitti seconded the motion. All in favor and the motion PASSES.**
4. **Discuss and Review Poultry Regulations-**Ms. Peterson stated that she would like to review the poultry regulations and make sure everyone is in agreement. Now is the time to work on them before an issue comes up. Ms. Coffin stated that the only complaint she ever gets involving poultry is the roosters. Ms. Peterson stated that maybe in November they would discuss the poultry regulations again after everyone has had a chance to review them. Ms. Coffin stated that neighbors complain about the noise from the roosters. She will do some research to see what regulations other Towns have regarding the noise.
5. **Approval of Minutes dated September 8, 2010-Mr. Andrews made a motion to APPROVE the minutes dated Sept. 8, 2010. Ms. Tinkham seconded the motion. All in favor and the motion PASSES.**
6. **Office Update-Pocasset Mobile Home Park-**Ms. Coffin stated that she had finished revisions to the affidavit but they are not ready yet for summary judgment. They are still pumping out the pits. Ms. Coffin stated that they go out twice a month to inspect. Once they have a ruling Ms. Coffin stated she will put it on the agenda to update the residents. **Reverse 911-**Ms. Coffin stated that they are converting the present 911 system over to a web based system. It will give them access to 500 lines to start but will progress to 25,000 lines over the next few months. With the present system there is only access to 8 lines and the cost is the same. Ms. Coffin stated that the police dept and DPW has also been involved in the training. **Allergen notifications-**Ms. Furtek has been to a training regarding the new regulation which requires restaurant menus to include a notice to patrons to make sure they notify their server if they have any food allergies at all. The food handlers will also be required to complete training. Most restaurants are not aware of the new regulation which is supposed to take affect sometime in October. The office plans to send an email to all restaurant management to make

sure they are aware of the new regulation. **Flu Clinics**-Ms. Coffin stated that the schools do not want to do their own clinics so she is trying to get money for the VNA and the MRC to run the clinics like they did last year. The clinic dates have been set for the seniors who are 65 and older. Ms. Coffin stated that there was quite a bit of H1N1 vaccine from last year that they had to dispose of because it wasn't used.

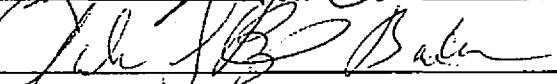
Ms. Peterson made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting was ADJOURNED at 8:50 PM. The next meeting is scheduled for October 13, 2010.

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

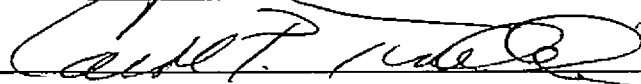
Respectfully submitted by the Bourne Board of Health

Kathleen Peterson 

Stanley Andrews 

Galon Barlow 

Donald Uitti 

Carol Tinkham 

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

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TOWN CLERK'S OFFICE

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

October 13, 2010

Time:

7:00 P.M.

Place:

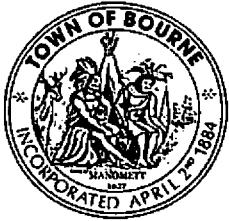
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 11 Little Bay Lane-Dennis Mascetta for Pamela Rosengard-requesting waiver to use existing septic system for proposed renovations/additions
2. Discuss and Review non-compliance at ISWM
3. Discussion on Restrictions or Limitations in Water Resource District-Continued
4. Report of Working Group on ISWM Technologies-Stanley Andrews
5. Approval of Minutes dated Sept. 22, 2010
6. New Business

Signed: *Kathy M. Burgess*
Title: Secretary
Date: Oct. 7, 2010

cc Board of Selectmen/Town Clerk



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

**MINUTES
October 13, 2010**

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow, and Carol Tinkham. **Members Absent:** Don Uitti

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

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

Ms. Peterson began the meeting by extending the Board's congratulations to Dan Barrett for his appointment as General Manager of ISWM. Ms. Peterson stated that Mr. Barrett is very deserving of the position and has been a great help to the Board of Health. The Board looks forward to Mr. Barrett bringing them into the next phase of the landfill.

1. **11 Little Bay Lane-Dennis Mascetta for Pamela Rosengard-Requesting waiver** to use existing septic system for proposed renovations/additions-Mr. Mascetta stated that Dr. Rosengard hired a contractor from Boston to do some renovations to his property at 11 Little Bay Lane. The contractor did the work without the proper permits and left the job unfinished when Dr. Rosengard passed away. The heirs of the property contacted Mr. Mascetta to finish the project. Mr. Mascetta stated that he met with the Building Inspector, Roger LaPorte, at the property to go over it. Mr. Laporte stated that the current plan would be acceptable as long as the proper permitting was completed. Mr. Mascetta stated that the addition is roughly 11 x 21. The Assessor's Dept went to the property and determined that there are three bedrooms in the dwelling. One room in the basement has a 3 1/2 ft. cased opening. Mr. Barlow was concerned that the opening was not at least 4 ft. Ms. Coffin stated that that room already existed and they are not adding bedroom space. The addition will have windows, a rear slider to the outside deck, and a slider to the kitchen. Brendon Mullaney, Conservation Agent, submitted a letter confirming the edge of wetland delineation. Mr. Mascetta is requesting a waiver to continue the use of the 1000 gallon tank and existing leach pit. Ms. Barlow asked if the Board had approved the use of a 1000 gallon tank before. Ms. Coffin stated that she allows 1000 gallon tanks to remain as long as there are not more

than four bedrooms. The existing leach pit is 139 ft. to the top of bank. The addition will result in an 11% increase in non-bedroom space. Ms. Coffin stated that Michael Bessey, installer, used a transit to verify a 5.9 ft separation from the bottom of the leach pit to groundwater. **Mr. Barlow made a motion to allow the continued use of the existing septic system at 11 Little Bay Lane for the construction project shown on the plans received by the Bourne Board of Health on October 5, 2010. These plans were drawn by Dennis Mascetta-Bay Builders. No further work is to be done on this property unless it is approved by the Board of Health, as stated by the red stamp on the septic permit. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

2. **Discuss and Review non-compliance at ISWM-**Ms. Peterson stated that they should postpone this discussion because they have not received anything back yet from their meeting with Town Counsel. Ms. Peterson stated that it was a very interesting meeting. Ms. Peterson stated that Mr. Troy felt there had been some misconceptions and that things may go a little smoother now that Mr. Barrett is the General Manager at ISWM. Ms. Peterson stated that there is to be a joint meeting between the BOH, BOS and Town Counsel but she did not know the specifics of that meeting. Ms. Peterson suggested putting off the discussion until December so they could process the joint meeting. Mr. Barlow stated that the non-compliance issues relate to public safety and the site assignment and the violations need to be addressed. Mr. Andrews stated that they should initiate a review no later than the first Board of Health meeting in December. Mr. Barlow agreed. Ms. Peterson stated that she would contact Town Counsel and Selectmen Ford to request all information by the November 10th meeting. **Mr. Barlow made a motion to CONTINUE the discussion until the meeting of November 10, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
3. **Discussion on Restrictions or Limitations in Water Resource District-Continued-**Mr. Barlow stated that he had received a significant amount of information from Barry Woods and has not had a chance to read it all. Mr. Barlow would like copies made for all the Board Members. Mr. Barlow would like to continue this discussion until the first meeting in January so all the Board Members have a chance to read the information.
4. **Report of Working Group on ISWM Technologies-Stanley Andrews-**Mr. Andrews stated that there were six different technologies presented to them at the landfill working group meeting.
 - Enhance algae growth to produce biodiesel at off site-facility utilizing flare or engine emissions. CO2 and other nutrients are fed to algae which are then converted to biodiesel. R&D process to reach commercial operation.

- Generate electricity from solar PV on closed landfill. Installation of PV arrays on portions of the closed landfill. Impacts on operations, landfill cap, and storm water control systems.
- Produce biogas from anaerobic digestions of organic materials. Management of source separated organics such as food waste and yard waste. Economics of scaled-down systems.
- Treat landfill gas to pipeline quality. Treatment of landfill gas to pipeline quality that requires installation of skids with specialized equipment to compress and purify the gas. Gas collection system impacts; high oxygen/balance gas; economics of scaled down system.
- Convert C&D wood waste to singes to produce bodies and waxes. Gasification of wood to singes (CO & H) which then go through a chemical treatment process to convert the hydrocarbons into bodies, naphtha and industrial waxes. Tail gas (hydrogen) could be used for on-site power needs. Technology transfer to US regulatory/economic environment
- Produce syngas to dry biosolids-Gasification of biosolids reduces moisture content using energy produced during the process. A byproduct will be a high quality soil amendment that can be sold.

The Board Members thanked Mr. Andrews for his report and commended the good work he has done and thanked him for all the time he has put into it.

5. **Approval of Minutes dated Sept. 22, 2010-Mr. Barlow made a motion to APPROVE the minutes dated Sept 22, 2010. Mr. Andrews seconded them. All in favor and the motion PASSES.**
6. **New Business- Reverse 911-**Ms. Coffin stated that she did a test of the new web based reverse 911 system. It can notify 14,000 homes in about 4 hours. That is much quicker than the other system she used which would take about 3 days to notify all homeowners. Ms. Coffin stated that it was the first time using it and there are a few small kinks to be worked out. **Pocasset Mobile Home Park-**Ms. Coffin stated that Mr. Austin has hired a new attorney. She still inspects the pits twice a month. There was general discussion regarding the possible opening of a bakery at 441 Shore Rd. Ms. Peterson stated that they had been very strict with the previous owner and she wants to remain consistent and make sure that the new owners do not sell anything more than they are permitted for. Ms. Coffin stated that she would read through the past minutes of that meeting to determine whether the owners should come back before the Board before opening.

Mr. Barlow made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the meeting adjourned at 7:58 P.M. The next meeting is scheduled for November 10, 2010

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

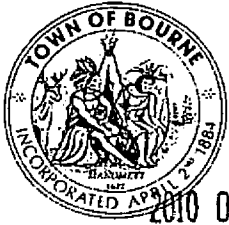
Stanley Andrews

Gallon Barlow

Donald Uitti

Carol Tinkham

cc Board of Selectmen/Town Clerk



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

2010 OCT 21 PM 1 38
TOWN CLERK'S OFFICE

BOURNE, MASS. MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Date:

October 27, 2010

Time:

7:00 P.M.

Place:

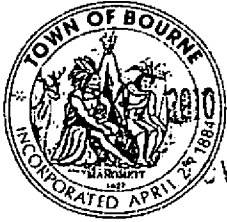
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 7 Cape Cod Lane-Michael Borselli for Randy & Joanne Walsh-requesting waiver to use existing septic system for proposed renovations/additions
2. Alan D. Hanscom, Beta Group-update on Sagamore Trucking and permitting process
3. Approval of Minutes dated October 13, 2010
4. New Business

Signed: *Kathy M. Burgess*
Title: Secretary
Date: Oct. 21, 2010

cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**

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Buzzards Bay, MA 02532

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Cynthia A. Coffin,
Health Agent

**MINUTES
October 27, 2010**

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow, and Don Uitti. **Members Absent:** Carol Tinkham

Support Staff: Kathy Burgess, Secretary

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

7 Cape Cod Lane-Michael Borselli for Randy & Joanne Walsh-requesting waiver to use existing septic system for proposed renovations/additions-Mr. Walsh stated that Mr. Borselli, his engineer, would not be attending the meeting. Ms. Peterson asked Mr. Walsh for the green cards which are proof of abutters notification. Mr. Walsh stated that he did not have them. Ms. Peterson suggested that Mr. Walsh call Mr. Borselli and she would move this discussion further down on the agenda while he did that.

- 1. Alan D. Hanscom, Beta-Group-update on Sagamore Trucking and permitting process-** Alan Hanscom, Beta Group and Louis Gallo, Sagamore Trucking, are in attendance for this discussion. Mr. Hanscom stated that they were here to discuss the site assignment application that they had submitted in May. Mr. Hanscom handed out a proposed permitting schedule and a site suitability check list. Mr. Hanscom stated that DEP is no longer involved with the site suitability review process. That has been assigned to the local Boards of Health. Mr. Hanscom stated that he has listed the criteria and whether or not the application meets that criteria. Mr. Hanscom stated that up until noon today they were under the assumption that the only non-compliant item was the 100ft setback from the adjacent property line. Mr. Hanscom was under the impression that this would be assigned to the Board of Health for review and a possible waiver. Mr. Hanscom stated that, based on a discussion with Dave Ellis that morning, there was a dept. head meeting in Boston where DEP changed their mind and they are now going to take responsibility for a waiver and request for review. Mr.

Hanscom stated that the letter they wrote to the DEP commissioner still stands and that is something they will follow up with DEP and have them review their request for the waiver for the 100 ft setback. They still need the BOH to go forward with the review of the application and see if they can get the review and the appropriate notifications in the paper and get the public hearing set. Mr. Hanscom handed out a proposed permitted timeline for the project. Mr. Hanscom stated that they would assist the Board in any way they can to help meet the schedule. Ms. Peterson stated that she has contacted Bob Troy, Town Counsel, and asked who is going to handle the review. Ms. Peterson stated that she believes it will be Brian Wall but she is not sure. Ms. Peterson asked Mr. Hanscom if he was sure he was all set to go and then she would contact Town Counsel again. Mr. Hanscom stated that he was all set. DEP has been very lax in getting any guidance out to anyone. Ms. Peterson stated that Town Counsel has received everything the Board has on the site assignment and asked that the items received at tonight's meeting be sent as well. Mr. Hanscom asked who Brian Wall was. Ms. Petersons stated that he is Bob Troy's associate. There was general discussion regarding a date to have Mr. Hanscom return. Mr. Hanscom stated that a public hearing will not have to be held until February. Mr. Hanscom stated that there are some notices that have to be filed in the local paper which advises the public that this application has been submitted. Mr. Hanscom stated that he would take care of those notifications. Ms. Peterson asked if everything was 100% complete. Mr. Hanscom answered yes. Ms. Peterson stated that she could only go as fast as Town Counsel would go and also stated that she had already asked for outside counsel and had been denied. She was told that Town Counsel was handling it out of their office. Mr. Hanscom stated that the first deadline that comes up is the Board's review of their application to see if it is complete. The Board has 21 days from tonight to do that which would be November 17, 2010. Ms. Peterson stated that she could put Mr. Hanscom on for the next meeting which is November 10, 2010 but it is going to be a lengthy meeting as there is a discussion scheduled that night for the wind turbine project. Mr. Hanscom stated that he understood that. Ms. Peterson stated that this is provided that Town Counsel looks at all the information that has been submitted. Mr. Barlow suggested that since the Selectmen are the ones who authorize outside council maybe Ms. Peterson should contact Mr. Ford to request outside council. Ms. Peterson stated that she had already made that request. Mr. Barlow suggested that since there is a timeframe involved maybe Ms. Peterson could ask him again. Ms. Peterson stated that she would leave a message in the morning telling Town Counsel that it had to be reviewed by them by November 10th. Ms. Peterson stated that she would also like Dan Barrett to review it. Mr. Andrews asked about the feedback Mr. Hanscom had received by Mr. Ellis on whether DEP was going to be considering the waiver on the 100ft setback themselves. Mr. Hanscom stated that Mr. Ellis informed him that he was told at a meeting that morning that DEP is going to have the responsibility for any waiver request on the site suitability. Mr. Andrews asked to have something in writing sent into the office stating that fact. Mr. Hanscom agreed. Ms. Peterson stated that Mr. Hanscom could return to the Board of Health meeting on November 10 and asked what date they would need the

hearing officers by. Mr. Hanscom stated that it would be around the first or second week in February. Mr. Andrews stated that as soon as they make the site suitability determination the hearing would have to be within the next 30 days. Ms. Peterson stated that she would get this information to Mr. Troy's office. Ms. Peterson stated that Mr. Troy has the authority to approve an attorney for the Board if his office is too busy but after her conversation with him about a month ago she feels confident that Brian Wall will most likely be the attorney for the Board of Health. Mr. Hanscom stated that he would return on November 10th but if there were any questions before then the Board should not hesitate to call him. Ms. Peterson stated that Mr. Wall would probably have to meet with the Board of Health before the meeting on Nov 10th. Ms. Peterson stated that she has only sat through one site hearing and even though this one is on a smaller scale they still have to follow the same guidelines.

2. **7 Cape Cod Lane-Michael Borselli for Randy & Joanne Walsh-Mr. Walsh** stated that he was not able to contact his engineer, Mike Borselli. Ms. Peterson stated that the Board will not be able to hear their request without their green cards which proves abutters notification. Ms. Peterson stated that they will have to return with the green cards on November 10, 2010. There was an abutter to Mr. Walsh present at the meeting who wanted to speak but Ms. Peterson apologized and stated that they were not able to discuss it at all without the green cards. **Mr. Andrews made a motion to CONTINUE 7 Cape Cod Lane until the meeting on November 10, 2010. Mr. Barlow seconded the motion. All in favor and the motion PASSES.**
3. **Approval of Minutes dated October 13, 2010-Mr. Andrews made a motion to APPROVE the minutes dated October 13, 2010. Mr. Barlow seconded the motion. Mr. Uitti abstained as he did not attend that meeting.**
4. **New Business-Mr. Barlow** stated that he attended a wind turbine meeting last week and it does appear that there may be some health issues. There is a request from some Bourne residents to discuss their concerns regarding the wind turbine project at the next Board of Health meeting on November 10, 2010.

Mr. Andrews made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 7:25 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

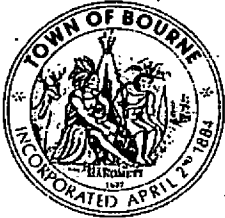
Stanley Andrews

Galon Barlow

Donald Uitti

Carol Tinkham

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:

November 10, 2010

Time:

7:00 P.M.

Place:

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

AGENDA ITEMS:

1. ISWM-Dan Barrett-Discuss and possible vote regarding gas extraction wells construction approvals
2. 7 Cape Cod Lane-Continued-Michael Borselli for Randy & Joanne Walsh-requesting waiver to use existing septic system for proposed renovations/additions.
3. 47 Cove Lane-Thomas LeBlanc-Requesting extension on variance
4. Alan D. Hanscom, Beta Group-Continued-discussion on site assignment re: Sagamore Trucking & Rail
5. Informational session regarding proposed wind turbine project
 - a) Residents of Bourne
 - b) New Generation Wind, LLC
6. Update on Working Group-Stanley Andrews
7. Approval of Minutes dated October 27, 2010
8. New Business

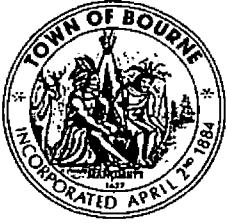
BOURNE
TOWN CLERK'S OFFICE

2010 NOV 4 PM 2 51

Signed: *Kathy M. Burgess*
Title: Secretary

Date: November 4, 2010

cc Board of Selectmen/Town Clerk



Cynthia A. Coffin,
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**

2010 DEC 9 PM 3:30
TOWN CLERK
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679



**MINUTES
November 10, 2010**

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow, Don Uitti and Carol Tinkham

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

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

Ms. Peterson stated that she would take the agenda items out of order as Mr. Barrett has not arrived yet.

1. **7 Cape Cod Lane-Continued-Michael Borselli for Randy & Joanne Walsh-requesting waiver to use existing septic system for proposed renovations/additions-**Mr. Walsh handed in his green cards but there was not a green card for the Pocasset Heights Association who are abutters to the property. Mr. Walsh stated that he did not have the white slips as proof of mailing. Ms. Peterson stated that Mr. Walsh would not have to notify abutters again but should withdraw because it would be past the 45 days before the next meeting is held. Mr. Walsh stated that he would like to come by the office before the next meeting to go over everything he should bring since the person he has hired has not been able to attend the meetings. Mr. Walsh withdrew his request.
2. **ISWM-Dan Barrett-Discuss and possible vote regarding gas extraction wells construction approvals-**Mr. Barrett stated that there has been a couple of odor issues over the last few months. ISWM received a complaint on October 21, 2010. There was a severe drop in gas flow due mostly to the dry weather conditions. It took a few days to get it under control after turning the blower down. On November 3, 2010 they received a few calls and found some water had gotten into the main header of the flame plug. They took it apart and got it up and running. They reported that to the Board of Health along with DEP. The final design on the

new flare should be coming in the next week or so. They will submit it to the BOH when they receive it. The north face capping project is going well. They don't anticipate doing any gas work until early December. The first thing they will work on is the horizontal collector which the BOH approved in September. They are working now on the eastern access haul road which will allow them to get to the top and seal off the south end. Mr. Barrett stated that his main reason for coming to the meeting tonight was that ETL has asked him if they could begin working on the permanent portion of the gas extraction system which is nine vertical wells approximately 1200 ft. of gas piping. Mr. Barrett stated that they have gone over all the documentation and revised the checklist at the Board's request. Mr. Andrews stated that the Board has approved two phases of the project and asked how many other phases he was looking for approval on tonight. Mr. Barrett stated that the only thing they are looking at is the gas extraction permits. Mr. Andrews asked if they were going to be able to get the horizontal wells in and capped before working on the vertical wells. Mr. Barrett stated that they would do the horizontal wells first. Mr. Andrews stated that that area of the landfill is starting to produce gas and he would like the Board to state the fact that the horizontal wells go in first as part of the approval. Mr. Barlow stated that he went by to look at the area they discussed at the last meeting and would like Mr. Barrett to take a look at it when it is raining. Mr. Barrett stated that they have and over the last two weeks they have put in Posi-shell and covered the entire South end. The drainage is set up so it drains first into a pond and settles the silts out of it. It then drains into a second pond, settles the silts out of it again and then drains into the lower pond. Then they seal off the upper ponds. The upper ponds eventually will collect the leachate that will come down from the road and redirect it. Mr. Barlow stated that they could talk about that at another time. Ms. Peterson asked if there had been any litter issues. Mr. Barrett stated that the litter is very well contained and they have been able to mow which will be good for the vegetation. Mr. Barrett stated that they have turned the flare down to a point that they can accommodate the expansion and then turn it back up again. Mr. Barrett stated that the next big issue is the south end. **Mr. Andrews made a motion to APPROVE the installation of nine vertical gas wells on Phase 2A/3A North with an early December timeframe provided the previously approved horizontal gas collection system is installed first and that all the stipulations and checklists set forth are abided by. Ms. Tinkham seconded the motion. All in favor and the motion PASSES.** Ms. Peterson and the Board Members thanked Mr. Barrett and congratulated him on his promotion to General Manager of ISWM.

3. **47 Cove Lane-Brad Bertolo, JC Engineering, for Thomas LeBlanc-Requesting extension on variance-**Mr. Bertolo stated that he is requesting the extension on a prior approval to construct a bedroom and septic system with four variances to the wetland setbacks. The property has been before the Board numerous times for extensions of the original approval. Mr. Bertolo stated that he is requesting the extension of the permit that was granted by Governor Patrick for all permits and variances that were in effect between 2008 and 2010. The setbacks

that were approved previously were a variance down to 75.1 ft for the setback between the wetland and the septic system. That was the closest portion of the system to the wetland. As part of the original approval they combined the three lots to help with the nitrogen loading which was calculated to be about 3 parts per million. The current landowner lives in North Carolina and it is his purpose to permit a house to sell. It has taken many years to find a buyer and the neighbor, Thomas LeBlanc, has made an offer to buy the property. Ms. Peterson stated that the variance expired on May 27, 2009. Mr. Barlow stated that if this goes forward there will be no changes and the approval will be as is. Mr. Andrews asked how far out they have to extend the approval. Ms. Coffin stated that they get two years from the date of the last expiration so the variance would be good until May 2011. Mr. Barlow stated that this is also for a different person. Ms. Coffin stated that the variance goes with the property. Ms. Peterson stated that if they have not moved forward by May 2011 the variances will cease and desist and they will have to reapply from the start. Mr. Barlow stated that the Board did approve the project with the variances because they were comfortable with it then and are still comfortable with the project and the location. **Mr. Barlow made a motion to extend the variance that has expired on 47 Cove Lane to the maximum amount of time that has been allowed by the Patrick Administration's new oversight on regulations which will expire on May 27, 2011. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

4. **Alan D. Hanscom, Beta Group-Continued-discussion on site assignment regarding Sagamore Trucking & Rail-**Mr. Hanscom stated that they supplied the Board a few weeks ago with an updated permitting schedule and a site suitability checklist to help review the completeness of the application. That started a 21 day period for the Board to review the completeness of the application. Mr. Hanscom stated that with a vote from the Board deeming it complete they would then place an ad in the Bourne Courier which would start a 60 day process for the site suitability review by the Board. Mr. Hanscom asked if there were any questions on the application. Ms. Peterson stated that she contacted Town Counsel and again formally asked them to review the project knowing that the vote had to be taken by today. They were also sent a letter from the Board of Health stating what conversations took place and the dates they took place. Ms. Peterson stated that she was granted a meeting with Bob Troy on Monday which was later cancelled by Mr. Troy. Mr. Troy felt that they did not need to meet in person and he would review in house and let the Board know. Ms. Peterson stated that she told him she needed to know by November 9, 2010 and did not hear anything from him. Ms. Peterson stated that she then asked Ms. Coffin to look into it and to her credit and that of the office staff they completed looking at the project. Ms. Peterson stated that she asked Town Counsel if the Board accepted it as it stood would they have any recourse if it was decided to do a traffic study or anything like that. Ms. Peterson stated that Craig from Mr. Troy's office told her that he did not have the authority to answer that. Ms. Peterson also asked if the \$2000.00 that was to be put into escrow was sufficient and he told her that he didn't have the authority to tell her that either. Ms.

Peterson stated that she has tried very hard to get the information and apologized that she has not been able to. Ms. Peterson stated that the Board of Health will be making the decision on their own. Mr. Andrews stated that he would like Ms. Coffin to clarify a paragraph in her letter which stated that there are no public wells within the 400ft area but doesn't see a map to show that. Ms. Coffin stated that that section should be revised because there is no actual mapping of the private wells but they did address it another way which she would explain later in the meeting. Ms. Coffin stated that she took the site suitability report that they submitted and spoke with Bob Johnson from DEP and asked him what the normal procedure would have been if DEP were doing it. The determination of completeness is just to say that the Board has enough information within the application in order to then take it and review what statements have been made in the site suitability report and agree or disagree with those statements. Ms. Coffin stated that everything is based on Mass General Laws Chapter 150-A 1/2 which is the solid waste site suitability criteria and 310 CMR-16 which is the site assignment regs. Ms. Coffin stated that the packet she has given the Board contains the criteria under 150 A 1/2 and the criteria for solid waste handling facilities which is everything addressed in the report. Ms. Coffin stated that she has gone through every item but there are two issues that they should discuss if they decide to go forward. Ms. Coffin stated that in the meeting back in May the Board had requested \$2000.00 for the technical fee. Ms. Coffin stated that she does not believe that that has been given to the Town. Ms. Coffin stated that the Board would probably feel more comfortable to have a consultant go over the site suitability report and the Board should vote on the maximum of the \$1990.00 for the public hearing fee. Ms. Coffin stated that criteria 1-3 is showing maps of the public water supply. The private wells were located by showing the public properties within the 500ft radius and they sent letters to those properties to verify they were on town water and then checked with the water dept and verified that there are no private wells serviced in that area. Ms. Coffin stated that they have to show that a transfer station that handles less than 50 tons a day is 200 ft from dwellings, prisons, and health care facilities which attachment 11 shows. Ms. Coffin stated that it cannot be in a riverfront area which it is not. Ms. Coffin stated there were not any groundwater maps submitted but she spoke with the town engineer and the facility is 16ft above sea level which is a good indication that there is not a problem. Ms. Coffin stated that it was up to the Board whether they feel comfortable with that. There is a map attached which shows they meet the criteria because there is no lands classified as natural resources or conservation area. They are under the MEPA threshold. They have shown there are 6 trucks coming in daily and maximum of two trucks leaving the site. There is a general statement which states that there is no increase in traffic due to the location. There is a map showing there are no problems with wildlife habitat. It is not in or close to an ACEC. Ms. Coffin stated that there was a map that showed limited open space which was Keith Field and the Army Corp land along the canal. There are statements in the submittal that answers no to the question asking if any of these resources would be impacted. Ms. Coffin stated that she did not know if the Board needed any more of a detailed answer than that. The submission reported that

there were no air quality impacts saying that no site emissions would exceed the standard air quality. The report stated that the trucks would use low sulfur fuel and the fly ash would be in a wet state. It is stated that there will be Best Management Practices'. Ms. Coffin stated that there is a list of BMP's but the Board will need more than a list and will want to see a detailed breakout like they did for the landfill of how certain issues would be addressed. The report states that there should not be any nuisance or noise issues. The facility is enclosed so that would limit the noise. Operations are only during working hours. There have not been any noise complaints in the 15 years the facility has been running. There is no litter expected. There are no expected odor issues with fly ash. It will not attract birds. Ms. Coffin stated that any approvals should condition that all trucks entering or leaving are fully contained and covered. It is in the report but Ms. Coffin feels it should be reiterated. Ms. Coffin stated that there is a waiver before DEP because they cannot meet the 100 ft. setback to the property line. Ms. Coffin stated that she spoke with Bob Johnson, (DEP) who stated that he does not know if DEP will decide on the waiver or if they will turn it over to the Board of Health. Ms. Coffin stated that based on everything except for the BMP's and the open space issue she feels that the application is complete. Mr. Hanscom stated that even during the 60 day review process they will still be open to answering any questions that may arise. Mr. Hanscom stated that he will make sure the \$2000.00 fee is paid promptly. Mr. Hanscom stated that they do not believe the groundwater flow maps are necessary; the solid waste handling floor is at least 3ft higher than the seasonal high groundwater. Mr. Hanscom stated that there are no impacts now on open space. The only thing changing is the fact that instead of trains leaving the transfer station there will be loaded trucks. There will be a maximum of two per day leaving the facility. Ms. Peterson stated that Dan Barrett reviewed the report and was very clear that the Board should have an engineer review it for them. Mr. Andrews stated that that is what the technical fee is for. The engineer will be working for the Board of Health and will sit down with them to go over the application. Mr. Hanscom stated that the list of BMP's will be updated in detail for the new transfer operation of the trucks. They will still have the ability to transfer by rail. Mr. Hanscom stated that if there is anything that comes up during the Board's review they would like to amend they will not be tied into the original approval. Ms. Peterson asked if any of the Board members had any questions at this time. Mr. Barlow stated that they were just approving the completeness of the application at this time. Mr. Andrews stated that he believes the Board should set the rate for a hearing officer at this time. Mr. Hanscom stated that they do not have to do that tonight. Tonight is for taking a vote on the completeness review so they can put the ad in the local paper and start the 60 day review period. Ms. Coffin stated that she would rather they vote on the technical fee tonight so they don't have to worry about it if they want to hire someone soon. The maximum hearing fee is \$1990.00. Ms. Peterson stated that the vote today will be contingent on the money being put in escrow for the technical review. **Mr. Andrews made a motion to accept the application for the site assignment for Sagamore Truck & Rail as complete which will start the review process. The Board will reserve the right to hire a consultant and the owner will cover the**

maximum amount of \$1990.00 for hearing fees and \$2000.00 to be put into escrow for technical review. Mr. Utti seconded the motion. All in favor and the motion PASSES. Ms. Peterson made a motion to take a five minute recess. Mr. Andrews seconded the motion. All in favor and the motion passes.

5. **Informational session regarding proposed wind turbine project-**Residents of Bourne and New Generation Wind, LLC-Ms. Peterson stated that the Board is only interested in the health and environment of wind power but need information about it. Ms. Peterson stated that there will be many meetings regarding wind power and they will get more information each time. Ms. Peterson stated that they are very far away from any voting and the Board of Health is the last vote they will get. There are many more Boards before them they will have to go through. Ms. Peterson stated that when the time comes for a vote to be taken the Board wants to be as informed as anyone else. They understand that there will be differences of opinion and they are just going to listen. Ms. Peterson stated that they do not even know if they will ever have to vote but if it does come to that time the Board of Health will know everything there is to know about health and welfare regarding wind power. Ms. Peterson stated that both sides have to let the other speak or she will stop the meeting. Ms. Peterson stated that the residents of Bourne requested to be on this agenda so they will go first. Hendrik Luecke, Mirasol Drive, stated that he was there representing Citizens for Responsible Wind Energy. Ms. Peterson stated all presentations made should include six copies for all the Board members and the Board of Health office. Mr. Luecke thanked the Board for having him at the meeting tonight. Mr. Luecke stated that they are concerned about the health impact that noise and low frequency sound will have on the residents. They are also concerned about shadow flicker and the future water supply. Mr. Luecke stated that they have many other concerns but will only discuss the concerns tonight that will involve their health. Mr. Luecke stated that New Generation Wind proposes to install 7 industrial wind turbines. The wind turbines will have a height of 492 ft. from the base of the wind turbine to the tip of the rotor blade. They will generate a total of 17 megawatts. Six of the wind turbines are 2 ½ megawatts and one is 2 megawatts. Mr. Luecke stated that the setbacks that the most recent plans show is that the wind turbines are as close as 800 ft. to residential areas. Mr. Luecke stated that, according to the environmental notification documents provided to the Cape Cod Commission by Atlantic Design Engineers representing New Generation Wind, that there will be noise levels of roughly 50-54 decibels wind speed and some neighborhoods will experience up to 40-50 hours of shadow flicker per year. Mr. Luecke stated that it is well known that wind turbines can cause stress and annoyance and that some people may suffer sleep disturbance. Mr. Luecke then gave a power point presentation. Please see attached. The presentation gave information on the different decibels of sound and showed studies that have been done in Europe focusing on the health risks of high sound decibels and the annoyance of the sound of wind turbines and how that annoyance affects people. Ms. Coffin asked how many turbines were used for that study. Mr. Luecke stated that he did not know. Ms. Peterson stated that those are the types of question they will look into

more thoroughly in future meetings. Ms. Coffin stated that she used to live on an air force base but after a few years she didn't notice the sounds of the airplanes as much. Ms. Coffin asked how long the turbines in the study had been there. Mr. Luecke stated that he would look into that. Mr. Luecke stated that some people have experienced sleep disturbances at a sound level of 35 decibels. Mr. Luecke stated that the applicant has said that they can expect 50-54 decibels from the proposed wind turbines. Mr. Luecke stated that another concern is that the wind turbines are running 24-7 and can be heard more clearly at night. Mr. Luecke stated that to sum up the presentation studies have shown that wind turbine noise is more annoying than any other community noise, annoyance is directly correlated to noise levels, the louder wind turbines are the more annoyed people become and according to the World Health Organization annoyance is an adverse health affect. Mr. Luecke stated that according to the World Health organization sleep disturbances are an affect of nighttime noise and can lead to mental disorders, stress and many other health and emotional problems. Mr. Luecke stated that in 1999 the World Health Organization established guidelines for nighttime noise and community noise where they recommend is a noise level of 30 decibels as an average to protect against sleep disturbance. In 2009 they published nighttime noise guidelines in Europe and recommended that the population is not exposed to noise levels over 40 decibels. Mr. Leucke stated that he wanted to point out that what the applicant is proposing will generate noise levels to 50-54 decibels which is 2-3 times as loud as the levels the WHO established. Mr. Leucke stated that he also has copies of studies done by two doctors which he will make available to the Board regarding the symptoms some people experience such as dizziness and vertigo all relating to problems with their ears from noise related to the turbines. Mr. Leucke stated that the study also showed that even noise that cannot be heard can also harm the ears. Mr. Barlow stated that it was an excellent presentation but in order for them to make decisions they cannot go on second hand information. Mr. Barlow stated that the Board needs copies of the studies and that it is not fair to anybody to accept second hand information. Ms. Peterson stated that this is just a beginning so they know where to start and they can discuss what they would like to have for the next meeting after both sides have made their presentations. Jerry Sylvestri, (audience) stated that he is not for or against the project but would like to know what studies have been done in the United States. Mr. Sylvestri stated that he has stood at the base of the wind turbine at the Mass Maritime Academy and was not bothered by the sound. Mr. Sylvestri also questioned if the height of a wind turbine made any difference in the noise level. Mr. Leucke stated that there was a study that was conducted in Mars Hill, Maine. The study is being prepared for publication. Mr. Luecke stated that these results were part of a press release that the researcher gave out in July of this year. In the study people were exposed to 28 wind turbines that were spread out over a ridge line. The wind turbines were smaller at 1.5 megawatts but they created a noise level of 52 ½ decibels which is what they are being told to expect in Bourne. Ms. Peterson asked if the Board of Health in Mars Hill had weighed in on that at all. Mr. Luecke stated that the Maine Medical Society has called for more research into that area because of these results. Mr.

Luecke stated that 22 people that lived within 3500ft were exposed to the wind turbines. Ms. Peterson asked what the closest home to the wind turbines would be in Bourne. Mr. Luecke stated that it was 800ft. Mr. Luecke stated that the study found that 82% of the people reported chronic sleep deprivation. 41% reported chronic headaches, 59% reported stress, 77% reported persistent anger, 36% reported depression and 95% reported that their quality of life has been reduced by the wind turbines. Mr. Luecke stated that at the same time the control group that lived 3 miles away was unaffected. Mr. Luecke stated that part of the area where the wind turbines are supposed to be built right now is designated as a potential public water supply area by the Cape Cod Commission. Mr. Luecke stated that the Cape Cod Commission asked the Buzzards Bay Water District to undesignate the area and in September the Water District voted not to do that because they feel that this project could hinder their capability to develop well sites in the future. Mr. Luecke stated that there is no doubt that industrial wind turbine noise cause's annoyance, stress and sleep disturbance. There is established medical science that annoyance, stress and sleep disturbance causes adverse health effects. There are other indications that the low frequency noise from the wind turbines have an impact on the sensory system but there is more research needed on that. Mr. Luecke stated that they believe that the project as it is proposed poses a risk to the health of the citizens of Bourne. Based on some of the findings that were done internationally the Japanese ministry of environment just announced a four year study into the adverse health effects associated with wind turbines and the Maine Medical Assoc. passed a resolution calling for more independent studies and more authoritative guidelines. Mr. Luecke stated that the Board of Health made it very clear to him that they would not be taking any vote today and he understands that there is a lot more research that needs to be done. Mr. Luecke asked that the Board of Health send a letter to the Cape Cod Commission telling them that the Board of Health is investigating this issue and ask that the Cape Cod Commission does not make any ruling or any approvals until the Board of Health finishes their review. Ms. Peterson stated that the Board would take that under advisement. Ms. Peterson stated that New Generation Wind LLC would now speak about their proposed wind turbines. John Lipman, Lipman Development Strategies, stated that he is the consultant on the New Generation Wind Project. Mr. Lipman stated that the residents here have many different views and they should all be heard. Mr. Lipman stated he is here to explain the process as far as the regional and local level works and how all the comments will be incorporated into that process. Mr. Lipman stated there are three levels of review. The state process which has already gone through MEPA review. Mr. Lipman stated that they are now before the Cape Cod Commission. Subsequent to that there will be the local review. The local review has been halted. Mr. Lipman stated that it is good that the Board of Health is willing to hear about the project but there should not be any decision making and the idea is to have the CCC review the project first then make some conditions and then hand it off for local review in which several more hearings can be conducted. Mr. Lipman stated that they are just asking that the Board of Health give that process a chance to work and to participate in that process. Mr. Lipman stated that the

Commission is coming up on its third public hearing which will take place Monday November 15th at 6:00 PM at the Bourne High School Library. Mr. Lipman stated that they have heard many concerns about the project regarding things like noise and shadow flicker and other health related impacts. Mr. Lipman stated that they realize the seriousness of the concerns but they are not here to discuss that at this time as they are preparing for the CCC review where there will be experts who will come before them to speak about economics and health issues. The public will also have time to give testimony at that hearing. Mr. Lipman stated that the commission decision will likely contain many unique conditions that will control further development and the operation of the project. Mr. Lipman stated that before a local permit was applied for Ms. Coffin suggested that they address nighttime acoustic conditions. Mr. Lipman stated that as a result of that request New Generation Wind project has spent a great deal of time and money to come up with an addendum to the acoustic study that had already been done that takes into account these concerns and that will also be presented at the hearing. After the commission process is complete the project will undergo local review. Mr. Lipman stated that the Town has a Wind Energy Conversion Systems Bylaw. The bylaw was guided in part by Town Planner Coreen Moore who has put a great deal of time into drafting it. Mr. Lipman stated that it was a bylaw that has been on the books since 2007 and was revised in 2010. Mr. Lipman stated that Philip Herr also has lent a lot of planning assistance to the town. Mr. Lipman stated that it is important to stress that nobody who wrote the bylaw was connected to the wind industry. In 2010 both the planning board and the finance committee voted unanimously in favor of the bylaw and it was adopted by voters without any changes. Ms. Peterson stated that the planning board, the finance committee, or the selectmen have any bearing on the Board of Health. The Board of Health holds its own hearings and strictly adheres to the health and environment. Mr. Barlow stated that they know that the wind turbine bylaw went through with the green environmental part and was not discussed and there was not a public meeting held about wind turbines. Mr. Barlow stated that it was on the agenda but it was all under the heading of one item and there was not a discussion about any one part. This is a public health issue and the Board would like more information. Mr. Andrews stated that this is the first step for the Board to educate itself so they can make a responsible decision if a decision has to be made. Mr. Barlow stated that if the permit goes through it is good for 25 years so they do not want to make any mistakes or make the same mistakes Falmouth made. Mr. Lipman stated that the review is very thorough and there are very strict conditions in the bylaw that address things like shadow flicker, visual impact, electro magnetic interference, and lighting impacts among other factors. Mr. Lipman quoted from the bylaw *if noise levels are found to have exceeded allowable limits the enforcing person, (the building inspector) shall correct violation. If the noise violation is not remedied within thirty days the Wind Energy Conversion System shall remain inactive until the noise violation is remedied which may include relocation or removal of the turbine.* Mr. Lipman stated that they are very much aware of the financial burden that can fall upon them and the protection in the bylaws requires them to act in a way that is consistent with the

State and local bylaws. Ms. Peterson asked if Mr. Lipman knew if at any time the process of a site assignment could be attached to this project. Under a site assignment there are certain guidelines that have to be followed. Ms. Peterson stated that a nuclear power plant, a small ash facility and a landfill all have to have a site assignment. Mr. Lipman stated that he did not know the answer to that but knew that because it was a special permit the planning board can put on any number of additional conditions that goes beyond what is in the bylaw. Mr. Barlow stated that he believes it is within the Board of Health's right to set a definition of what they feel is a residential wind turbine and what they feel is an industrial or commercial wind turbine. Mr. Lipman stated that there has been some discussion about financial risk but this project is not receiving local funding and the financial risk falls entirely on New Generation Wind. They must comply with the Cape Cod Commission, the Board of Health, and all Town regulations. If any turbine is out of compliance at any time it has to be shut down. Mr. Lipman stated that they want to address any concerns there are and would like everyone to keep in mind that the Town adopted the bylaw to promote clean energy but it is not without its impacts and concerns which will be addressed through the regulatory process. Mr. Lipman thanked the Board for hearing him. Jerry Ingersoll, New Generation Wind, stated that yesterday he spent the day in Plymouth at the Manomet Science Center seminar on social implications on wind power. Mr. Ingersoll stated that there were people there with some very innovative strategies to achieve harmony between the two camps and hopes that before they are through they will be talking with each other rather than against each other. Ms. Peterson stated that she would like to hear the public comment at this time. Mr. Barry Funfar, (audience) stated that he is a resident of Falmouth and the residents of Bourne are very lucky to have the Board of Health willing to discuss the turbine project. Mr. Funfar stated that he has put in a formal complaint against the Falmouth Health Agent because he will not talk to him. Mr. Funfar stated that he has letters from his medical providers about the fact that the turbine has adversely affected his health and the health board will not have a meeting with the public. Mr. Funfar stated that he has had his attorney contact them and they will not cooperate with him. Mr. Funfar also attended the seminar in Plymouth but said it was very pro wind turbine. He also attended a three day seminar in Canada on the detrimental effects of industrial wind turbines. Mr. Funfar stated that he had no choice in becoming a neighbor of the wind turbine in Falmouth. Mr. Funfar stated that the wind turbine is 1.65 megawatts and 397ft tall. Mr. Funfar stated that the most important thing he can tell the residents is that they would not want to live within 1.25 miles of a giant industrial wind turbine because it would make life unbearable. Mr. Funfar stated that the taller they are the more noise they make. Mr. Funfar stated that the garden that was once his sanctuary is now a turbine torture chamber and that if you have any type of medical condition you are more susceptible to the noise and annoyance of the turbines. Mr. Funfar stated that he suffers from PTSD and was advised by his doctor to move as he is very sensitive to noise and cannot stand the added stress. Mr. Funfar stated that nobody would build a wind turbine if not for the huge government subsidies, generous tax write offs, renewable energy certificates,

forced bybacks from the utilities and hidden fees on electric bills. Mr. Funfar stated that the turbines should be kept at least 1.25 miles away from anyone's home and just tonight the neighborhood group from Falmouth is trying to warn neighbors at meetings in Wareham, Brewster and Bourne. Mr. Barlow asked if the sound carried further when there was fog outside. Mr. Funfar answered that he was not sure that it was stronger but he has observed at 1662 ft it does not make any difference which way the wind is blowing. Jerry Sylvestri, (audience) asked why there was not more study done in certain areas on the sound impacts. Mr. Funfar stated that there was quite a bit of information on the internet about different studies. Ms. Peterson stated that they were going to stay away from internet and listen to real facts and real people. Mr. Barlow stated that there are more regulations on chickens than there are on wind turbines. Charles Kleekeamp (audience) stated that he is a resident of Sandwich and is a retired electrical engineer. He is a past director of Clean Power Now which is an advocacy group for renewable energy. Mr. Kleekeamp stated that he does not have any financial or employment relationship with any wind turbine project. Mr. Kleekeamp stated that every megawatt of wind energy will offset a megawatt of energy from a fossil fuel power plant. Mr. Kleekeamp stated that he would be happy to go into more detail at another time. In this particular wind farm, according to the emission rates, some 11,000 pounds of sulfur dioxide would be reduced per year and several thousand pounds of nitrogen oxides per year both of which affect the health of individuals. It would avoid 16 tons of carbon dioxide emissions from fossil fuel power plants every year which is the equivalent to taking 4,000 automobiles off the road. Mr. Kleekeamp stated that there is no ideal source of electricity and there are benefits and there are detriments. Mr. Kleekeamp stated that it would be up to the Board of Health to decide which they prefer in terms of the benefits of wind versus fossil fuel generation. The current bylaw in Bourne acknowledges and complies with the State bylaw of 10 DBA above ambient. Mr. Kleekeamp suggested that an expert the Board could contact is Dr. McKooney who is a physician from MIT. Ms. Peterson stated that she would like to remind everyone that the Cape Cod Commission hearings have nothing to do with this Board of Health. Ms. Peterson stated that they are just trying to understand all of the information. Thurman Dean, 25 Mirasol Dr, Pilgrim Pines, stated that he is an environmentalist and a proponent for wind energy but thinks that the responsible thing to do is to site wind projects in places that do not have adverse health affects to residential or educational institutions. The proximity of the project is too close to their residential homes. 800 ft is very close and is too close to the Bournedale Elementary school which was built only two years ago. Mr. Dean stated that there have been numerous studies one in which was done by a pediatrician, Dr. Pairpoint, in Franklin County New York. She concluded in 2007 that low frequency wind turbine noise causes a number of health conditions. Mr. Dean stated that the National Academy of Sciences conducted a study in 2007 entitled Environmental Impacts of Wind Energy Projects. In this study the Academy recognizes the negative health impacts associated with industrial wind turbine noise when those turbines are in close proximity to residential areas. Mr. Dean stated that 800 ft is in close proximity to a residential area and his concern is the

proximity to the residential neighborhood and the elementary school. According to Dr. Pairpoint low frequency noise from industrial wind turbines will affect between 5-24% of the population in and around the wind project. The people most affected by those health problems are children and the elderly. Mr. Dean stated that he is asking the Bourne Board of Health to consider the potential impacts of the site of this wind project and to take into account the proximity of the project to the Bournedale Elementary School and the Pilgrim Pines residential neighborhood. Mr. Dean stated that his vested interest in this is not his property value but his health and his children's health and the health of his community members. Neil Anderson, a Falmouth resident, stated that there were not any public hearings in Falmouth regarding the wind turbine there. Mr. Anderson stated that he was an energy star certified home builder and for the past seven months has been forced to become an expert on wind turbine noise. He lives 1,320 ft from Falmouth's wind turbine. Mr. Anderson stated that his wife immediately started experiencing headaches and pressure in her ears. Mr. Anderson stated that his symptoms manifested about two months later. There is a pressure that is felt as well as the low frequency noise. Mr. Anderson stated that he has been to a doctor for anti-anxiety medication and invites anyone to come to his house in Falmouth to listen and feel the effects of the wind turbine. Ms. Peterson asked how tall the turbine in Falmouth was. Mr. Anderson answered 397 ft. Mr. Anderson lives on Blacksmith Shop Road in Falmouth and would ask that people call him before coming to his home and he would be happy to provide any of his medical information to anyone that would like it. He has been to the doctor more times in the past three months than in the last three years. David Stockham, 18 Mirasol Drive, stated that he works 1,500 ft from the web turbine in Falmouth and inside his building he can feel the pressure waves when the turbine is facing in their direction. Mr. Stockham stated that if he can feel it inside the building it is more than the leaves on the trees blowing. Bill MacGinnigan, Glacier Way, Bournedale, stated that he has been here for 10 years and when he started researching this issue what was most compelling to him was the human factor that communities are running from these industrial turbines which should be offshore and not 800ft. from their homes. Lydia Manter, 50 Clarissa Joseph Rd, Bourne, stated that her house would be about 4000 ft from the closest turbine. On November 9, Ms. Manter and her family spent an over an hour at Mr. Anderson's home. Ms. Manter read the letter to the audience about her experience that day. Please see attached letter. Ms. Manter is very concerned about the effects she felt from being so close to the turbine and stated that she would not be able to live like that. John Rehr, 51 Mirasol Drive, stated that he would like to commend the Board of Health for taking the actions they are taking and putting the effort into this. Mr. Rehr also wanted to thank the residents of Falmouth for coming and sharing their experiences with having only one turbine. Mr. Rehr stated that they are talking about 7 turbines in Bourne and all of them would be between 1300-3000 ft. of his home. Mr. Rehr stated that he has submitted information to the Board which shows the heights of the turbines along with other information and whitepaper studies. Mr. Rehr also urged everyone to visit Mr. Anderson's home in Falmouth. Mr. Rehr stated that he has been to the study with Dr. Nissenbaum

who is the researcher who conducted the study in Maine. Mr. Andrews asked Mr. Ingersoll for the manufacturer's type and model number of the turbines. Mr. Ingersoll stated that he would forward that information in to Ms. Coffin. There was general discussion regarding when to hold the next informational meeting. Mr. Barlow stated that he believes that there is still more information to be had and they will need all that information to make a decision. Mr. Barlow stated that on a foggy night with a light Northeast wind you can stand in the parking lot and hear the fog horn in Sandwich. **Mr. Andrews stated that he would like to make a motion to continue the informal session to the second meeting in January and for the Board to try and pull some independent information in themselves and share that information with each other through Ms. Coffin. Mr. Barlow seconded the motion. All in favor and the motion PASSES. The informational meeting will be held on January 26, 2011.** Ms. Peterson stated that she would like both sides at the next meeting if possible and thanked everyone for coming tonight. Ms. Peterson stated that there would be a five minute recess at this time.

6. **Update on Working Group-Stanley Andrews-**Mr. Andrews stated that at the last working group meeting they did a recap of the different technologies and asked a lot more questions on the proposal by National Grid on piping the gas out. George Aaronson, the consultant for ISWM, had a lot of questions that he asked National Grid and they are expecting to have the response to those questions in January. Mr. Andrews stated that Mr. Aaronson and the ISWM staff have been very diligent. They are trying to get to the point of developing a document on a request for proposal. There is a meeting on November 17th at the Upper Cape Tech School where the Town Selectmen and ISWM are presenting to other communities in the region as a possible solution to the regional disposal needs. Mr. Andrews stated that the ISWM department would like to know that the Board of Health supports the ISWM staff in trying to possibly lease out property on the facility. They would like the Board of Health's opinion in a letter form stating that the Board of Health agrees that they should look at alternative funding methods for their facility but not approving anything in particular. It would just be a letter saying that the Board approves of the avenue they are now working towards. Mr. Barlow stated that they do not know what the avenue is so it is a hard thing to agree to. Mr. Andrews stated that they want to know whether the Board supports the work that is being done towards looking at potentially leasing portions of the second piece out to do alternatives. Mr. Barlow asked if he was talking about portions of the acreage that is not site assigned as landfill. Mr. Andrews answered yes. Mr. Barlow stated that he does not believe that the Board of Health ever opposed that. Mr. Andrews stated that they are not looking for any approvals of any technology or facility but just that the Board supports them. Mr. Barlow stated that he believes that they have always supported the idea that there were other technologies available at the landfill but they want to review them before they go forward. Ms. Peterson stated that she talked with John Ford this week and they wanted a letter that the Board supports the idea of them speaking to the various towns. Mr. Andrews stated that that was not what he is presenting and that

was something different. What he is presenting is from the working group and asks that the Board supports the request of company's new proposals utilizing different portions of the landfill. Ms. Peterson asked if Mr. Andrews supported it. Mr. Andrews stated that he supports the work that the group has been doing. Mr. Andrews stated that it is being directed by Mr. Barrett and they have a vision to make the site conform to the means of what the communities need and solid waste as a region. Mr. Andrews stated that they are looking to hear that the Board of Health still stands behind the landfill and they are looking to diversify a little bit in the other end of the facility. **Ms. Peterson made a motion to APPROVE that the Board of Health formally support Dan Barrett and the landfill in their pursuit of RFP's for future uses of landfill activities on the 25 acre site. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that she would like to see all of the Board Members at the meeting on November 17th as a show of support. Ms. Peterson stated that there is an upcoming meeting with the Selectmen and Town Counsel. Ms. Peterson stated that this was brought about by the fact that when she went to Town Counsel to ask questions they were told that they could not have any answers to their questions until Town Counsel met with Selectmen and the Board of Health. Mr. Andrews was also there. Ms. Peterson stated that the meeting is scheduled for November 30th and the meeting is not the Board of Health's meeting but is Town Counsel Bob Troy's meeting. Ms. Peterson stated that she believes that it may go into executive session because it is before the Selectmen's meeting. Mr. Barlow stated that he does not think they should vote to support anything to do with additional waste at the landfill until the Board has open access to Town Counsel. Ms. Peterson agreed. Ms. Peterson reiterated that she will confirm the date of the meeting but that it is not a Board of Health Meeting and that Mr. Andrews was also present and will confirm that it is not a Board of Health meeting. Mr. Andrews stated that Mr. Troy requested that he have a meeting with the two Boards so that he could hear from both Boards before he answered questions that the Board of Health has. Mr. Barlow stated that this is a serious problem.

7. **Approval of Minutes dated October 27, 2010-Mr. Uitti made a motion to APPROVE the minutes dated October 27, 2010. Mr. Andrews seconded the motion. Ms. Tinkham abstained. All others in favor and the motion PASSES.**
8. **New Business-**Ms. Peterson stated that she would like to know what would happen if there were a chemical emergency out at the base and what the chain of command would be. She is concerned that it is very close to the landfill. Ms. Peterson stated that she would like to find out if the Hazmat team would contact the Board of Health if there was any kind of chemical spill on the base and what the procedure would be. The Board signed the yearly acknowledgement of ethics training. Ms. Coffin stated that she is holding a flu clinic for the general public next week. Ms. Coffin stated that the last inspection was not good at the Pocasset Mobile Home Park. Mr. Austin told Mr. Gilpin that he is not going to pay for any more pumping. The attorney general's office will look into it and contact the attorney. The pits are up to the top. Ms. Peterson stated that she would like the

fines to be applied starting from the date Mr. Austin refused to pump the pits. Mr. Barlow made a motion to institute the fines as stated in the order of conditions at the Pocasset Mobile Home Park. Mr. Uitti seconded the motion. All in favor and the motion PASSES. Ms. Peterson stated that the fine is \$300.00 a day for not pumping and \$10.00 per trailer per day. Ms. Coffin stated that there is not a backup at the trailers right now. There was general discussion regarding the wording of the condition set with the license. Ms. Coffin stated that John's Capeside Diner in Sagamore is not sure if they will open this year as there is an environmental concern on their property that they have contacted DEP about. Ms. Coffin has contacted DEP as well. She has spoken with Gerard Martin who stated that there is no issue with gasses in the restaurant. There are no final answers at this time. Ms. Furtek stated that one of the housing complaints she has had is a foreclosure and is owned by a bank that she is having a hard time getting in touch with. Ms. Peterson stated that she could give her the attorney information listed on the foreclosure papers which would help her get in touch with them.

Mr. Andrews made a motion to ADJOURN. Mr. Barlow seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 10:23 P.M. The next meeting is scheduled for December 8, 2010.

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

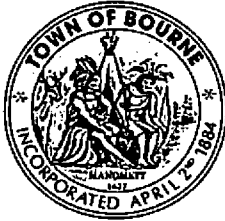
Stanley Andrews

Galon Barlow

Donald Uitti

Carol Tinkham

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

SPECIAL MEETING NOTICE

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

Schedule of Meeting

Date:

Tuesday
December 7, 2010

Time:

6:30 P.M.

Place:

Bourne Veterans Memorial
Community Center
239 Main St.
Buzzards Bay, MA 02532

AGENDA ITEM:

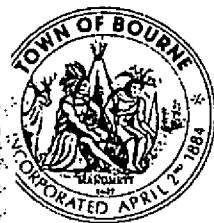
1. Joint meeting with Board of Selectmen regarding roles, responsibilities and contracts

cc Board of Selectmen/Town Clerk

TOWN CLERK'S OFFICE

2010 NOV 29 PM 3 39

Signed: *Kathy W. Burgess*
Title: Secretary
Date: November 29, 2010



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



Thia A. Coffin,
h Agent

SPECIAL MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

Time:

Place:

Tuesday
December 7, 2010

6:30 P.M.

Bourne Veterans Memorial
Community Center
239 Main St.
Buzzards Bay, MA 02532

AMENDED AGENDA ITEMS:

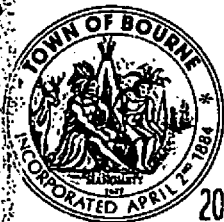
1. Board of Health and Board of Selectmen discussion with Bob Troy regarding roles and responsibilities (6:30)
2. Board of Health and Board of Selectmen-recap of Solid Waste Forum at Tech School and summary of recent Cape Cod Commission Solid Waste Advisory Committee meeting of 12-1-10 (7:45 estimated)

TOWN CLERK'S OFFICE

2010 DEC 3 PM 9 01

Signed: *Kathy M. Burgess*
Title: Secretary
Date: December 3, 2010

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



2010 DEC 2 AM 10:51

Cynthia A. Coffin,
Health Agent

TOWN CLERK'S OFFICE

MEETING NOTICE

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

Schedule of Meeting

Date:

December 8, 2010

Time:

7:00 P.M.

Place:

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

AGENDA ITEMS:

1. **ISWM-Dan Barrett**-Discuss and possible vote regarding odor monitoring

2. **7 Cape Cod Lane-Michael Borselli for Randy & Joanne Walsh**-requesting waiver to use existing septic system for proposed renovations/additions.

3. **2 Central Blvd-Hobie Iselin**-Requesting waiver to use existing septic system for proposed renovations/additions

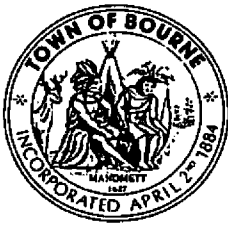
4. **Pocasset Mobile Home Park**-Discuss and Possible Vote regarding 2011 park license/conditions

5. **Approval of Minutes dated November 10, 2010**

6. **New Business**

Signed: *Kathy M. Burgess*
Title: Secretary
Date: December 2, 2010

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
December 8, 2010

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; and Galon Barlow. **Members Absent:** Don Uitti and Carol Tinkham

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

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

1. **ISWM- Dan Barrett-Discuss and possible vote regarding odor monitoring-**
Ms. Peterson stated that the Board is not pointing fingers but is asking if they can somehow get better at monitoring the odor issues so that they do not have to hear about an odor problem from the residents before they hear it from ISWM. Mr. Barrett stated that they have had issues for the last 6 weeks due to the fact that they are producing more gas. It is requiring more attention from the well field technicians. Mr. Barrett stated that he met with the technicians Monday morning and told them that they have to change a few things. They have altered their goals for methane in the wells and are going for a little less methane which will put a little more vacuum on the well field. As the well field picks up and starts producing more gas they have to do that, especially at this time of year. Mr. Barrett stated that the problems that developed over Thanksgiving were mechanical as well as adjustments. There was a tear in the temporary cap and had temporarily folded it over and it got worse. They folded it over because they knew they were going to be digging in there putting in the horizontal collector. They patched it but the wind caught it and pulled it back a little bit which created odor. On November 25 the problems were more well adjustments and on November 30th the issues were more mechanical problems which were corrected over the next few days. They continue to check the wells daily seven days a week. Some of the odor is coming out of the area that the horizontal collector will go in. They have started the horizontal collector today. The road construction has been finished up. Mr. Barrett stated that they did a little digging today and went

through all the protocols. Everyone knows what to be done and there will be no hesitation shutting the job down if there are odors that can't be controlled. Mr. Barrett stated that this job will only take two weeks and then they will go into the permanent wells in the North End. Mr. Barrett stated that it appears to him that the calling is working. He had three or four calls from residents over the last six weeks. They were able to have the well field technician there in less than half an hour and within two hours the odor was gone. Mr. Barrett stated that he had two calls from Brookside on November 19th. The residents felt bad about complaining because they hadn't had to call in over a year. Mr. Barrett urged them to continue to call anytime there is an odor issue. Mr. Barrett stated that the installation of the horizontal collectors is probably going to eliminate 70% of the issues they are seeing right now. Mr. Barlow stated that on Thanksgiving Ms. Peterson, Mr. Barlow and Mr. Andrews responded to the complaint from Mr. Warncke but if it were not for the email contact the Board would not have known about the issue. Mr. Barlow stated that they would like to see it on line. The Board would like to see what's going on and are available at times to go over to the landfill and take a look. Mr. Barrett stated that they do not like to tie the Board Members up. Mr. Barlow stated that it was frustrating to have a resident complain on Thanksgiving night and the Board did not know they were having odor problems until that complaint came in. Mr. Barlow and Mr. Andrews did make an odor loop. Mr. Andrews stated that their response time has been good. Mr. Andrews stated that on Thanksgiving night he contacted Mr. Goddard and 20 minutes later the technician came and was working on the problem. Mr. Barlow stated that he believes everyone knew that when they drilled the gas wells they would have this issue which is why they didn't want to do it during the summer time. Mr. Barrett stated that the problem is that the gas is starting to produce again. They were down as low as 700 SCFM two weeks ago but are back up to 800 now. Mr. Andrews asked if that was because the summer was dry but then recently there was a lot of rain. Mr. Barrett stated that that was exactly what it was. Mr. Andrews asked if there was a way they could look at the weather conditions and adjust the vacuum accordingly. Mr. Barrett stated that you have to react to the well as it is that day. If you increased the vacuum you would increase oxygen and there would be potential for fire. Mr. Barrett stated that you have to increase monitoring and are doing that late in the afternoon and early in the morning with routine maintenance in between. Ms. Peterson asked if they had a back up plan for when they do start drilling. Mr. Barrett stated that they have instructed the contractor to hook it up from the vacuum end first. When they start drilling they will hook them up as quickly as they can. Normally they drill all the wells and then hook them up but this time they will have the pipe crew right behind the driller. They also have a biocide which is similar to Lysol and the material degenerates within a couple of hours. They spray it which kills the odor and they had a lot of luck with that the last time. Mr. Barlow asked if they could expect more inversions like they had on Thanksgiving night. Some of the neighborhoods were affected by odor but then some in between them were fine. Mr. Barrett stated that the inversions will absolutely be there but the gas is the problem and the inversions will go on no matter what. Mr. Barrett stated he will give the Board

official notice but he believes they will start digging for the horizontal tomorrow. Mr. Barlow stated that they have put it off as long as they can and it has to be done. Mr. Barrett stated that if it is done correctly there will be no odor. They have done 8 or 9 projects since Mr. Barrett has been there and only two have caused problems. Those problems were in the bad area that is now capped. Mr. Barrett stated that the good news is when they changed the waste streams they eliminated 90% percent of the stuff that was creating hydrogen sulfide and are now taking gas samples out of the Stage 2 and the hydrogen sulfide content is about 25% of what it was everywhere else. Ms. Peterson stated that they would see Mr. Barrett in January and thanked him for coming.

2. **7 Cape Cod Lane-Michael Borselli for Randy & Joanne Walsh-requesting waiver to use existing septic system for proposed renovations/additions-Mr. Walsh is representing himself and all green cards have been counted.** Mr. Walsh stated that there is a very small bedroom 8x6.4 ft with a kitchen next to it and a large dining room. Mr. Walsh stated that they would like to put the kitchen and dining room together and incorporate the two rooms as shown on the plan to be a bedroom. Mr. Walsh went over the plans with the Board. Ms. Coffin stated that the septic was issued for a two bedroom system with a 1500 gallon tank and a field that was installed in 2001. Ms. Coffin stated there were not inspection ports back in 2001 so she could not inspect the field but did go through the house with Mr. Walsh quite a while ago to verify the number of rooms. Ms. Coffin stated that there was one room upstairs that was called a bedroom which was basically open right into the dining area. The bed basically fit in the room and nothing else. You couldn't even walk around the bed. There was a bedroom downstairs with a half wall but Ms. Coffin is not sure whether the assessor's ever made a decision if it was a bedroom by definition. Mr. Walsh stated that at the time everyone agreed that it was only one bedroom. Mr. Walsh stated that the bedroom upstairs is only 69 square ft and is supposed to be 75 sq ft. Ms. Coffin stated that it is probably undersized under the code. Ms. Coffin stated that for her purposes there were two bedrooms and that basically the bedroom that is there now is being made bigger on the first floor. The kitchen that was there is now being moved out into the dining room. Ms. Coffin stated that it is really an interior swap and there is no increase in square footage and no additional sleeping areas. There are no environmental setbacks just property line setbacks. Ms. Peterson asked if there was a deed restriction in place yet. Ms. Coffin answered no and it is just basically Title V issues. Ms. Coffin stated that there was an abutter to Mr. Walsh that is concerned about an abandoned cesspool that had not been filled in. Ms. Coffin stated that Brett Ellis was going to take a look at it but had not heard back from him. Dave Cruise came forward and stated that he owns 9 & 10 Cape Cod Lane. Mr. Cruise gave drawings of the property to the Board. Mr. Cruise stated in 2001 the Town approved a new system for Mr. Walsh and at that time Mr. Cruise came to the Town because he was interested in buying the property and was told that it was a one bedroom house and there is nothing anyone could do to make it more than a one bedroom house. Ms. Peterson stated that no one can really say that. Mr. Cruise stated that Ms. Coffin and the assessor's gave him that information. Ms.

Coffin stated that she did not say that. Ms. Peterson stated that if Mr. Cruise wanted to be heard this evening then they would keep it to fact and what might have been said is not going to be brought up tonight. Mr. Cruise agreed. Mr. Cruise stated that the plan shows the existing cesspool on his land and this fact has not bothered anyone in Town since 2001. Mr. Cruise stated that it was his understanding that the rule is that you have to fill in an abandoned system for safety reasons. Ms. Coffin stated that it should be filled in. Ms. Coffin stated that she talked with Mr. Ellis after Mr. Cruise brought it to her attention. Ms. Coffin stated that she never heard from Mr. Cruise until recently about this issue that happened in 2001. Ms. Coffin stated that she thought this may actually be on the land that belongs to Pocasset Heights Assoc. Mr. Cruise stated that the assessor's map is incorrect and it is on his land. Ms. Coffin stated that Mr. Ellis told her that there was no way for him to easily get to it and did not think it was an issue and had disconnected the pipes. He was going to go out and check it to see if there was a way to fill it in but Ms. Coffin has not heard back from him. Mr. Cruise stated that on the engineers plan it is not on the Association land but if it turns out to be he is on the Board of Directors and they would like it filled in for safety reasons. Mr. Cruise stated that you have an existing cesspool on the coastal bank which was left there and now Mr. Walsh will be moving. Mr. Walsh stated that he will not be moving. Ms. Peterson stated that it does not matter if Mr. Walsh is moving or not. Mr. Cruise stated that he just wants to be on record that the Town had approved what Mr. Walsh wanted to do and he left an existing cesspool either on the association land or his land and he wants to hold the Board responsible if some kid runs up the hill and falls in the cesspool. Mr. Cruise stated that he wants to make sure that he is not liable. Mr. Barlow asked Mr. Cruise why he didn't accept responsibility for filling in the cesspool if it was on his land. Mr. Cruise stated that when Mr. Walsh bought the house and installed a new septic he assumed that they would take care of the cesspool that was on his land. Ms. Coffin stated that abutters are not notified when septic permits go out and what should have happened is that the pipes should have been disconnected and the pit should have been filled in by Bousfield which is general procedure. Ms. Coffin stated that if the Board moves forward then part of the approval be that the cesspool be filled in if it hasn't been. Mr. Andrews asked if part of title V was that it be crushed or filled which means no destruction of the soil but the tank would be filled. Ms. Coffin stated that usually they will crush it in place because it doesn't settle as much. Mr. Andrews stated that that would have been the responsibility of the contractor. Ms. Peterson asked if they knew for sure whether or not it was filled in. Mr. Walsh stated that it has not been filled in and he believes that it is a dangerous area to get to with a machine but if it came up as an issue Mr. Ellis told him he would take care of it. Mr. Walsh stated that he always believed the cover was on his property. Mr. Barlow stated that Ms. Coffin is going to contact Brett and ask him to fill it or crush it if he can. Mr. Andrews asked if it was the contractor's responsibility to either crush or fill the tank and if it should have been done as part of the project can they require that he go back and take care of it. Ms. Coffin stated that she has already spoken to him about it and she is pretty sure he will go back and do that. Mr. Andrews suggested setting

a time line on getting it taken care of. Ms. Peterson stated that they could set a timeline on getting a response back from Mr. Ellis but cannot answer further than that. Mr. Andrews stated that they will continue looking at this and will get it remedied. Mr. Cruise asked if this was going to become his responsibility. Ms. Peterson answered that nobody knows whose responsibility it is right now. There are no contracts in front of the Board saying who did it, when it was done or the layout of the land. Mr. Barlow asked if Bousfield comes out to fill it in will Mr. Cruise let him on his property to do that. Mr. Cruise stated that it is a hard area to get to and you will not be able to get a machine out there. Ms. Peterson asked again if Mr. Cruise would allow anyone on his land to take care of it. Mr. Cruise stated that he would allow them to do that but it is a coastal bank and it is in a very hard spot to get to. Mr. Cruise stated that he doesn't want someone falling in there and suing him. Mr. Andrews stated that they are going to address it and it will not be forgotten about. Ms. Peterson stated that they will all work together on this and work towards some sort of resolution. Mr. Andrews stated that the issue with the tank is a separate issue which they can address with the contractor. Ms. Peterson stated that Mr. Cruise has come to two meetings very agitated about the fact that the Board might allow more work to be done on the property before the tank is taken care of. Mr. Barlow suggested approving it pending the filling in of the cesspool. Mr. Walsh stated that he honestly did not know it was on Mr. Cruise's land and he would like it taken care of as well. **Mr. Barlow made a motion to APPROVE the waiver request to use the existing septic system for 7 Cape Cod Lane for Randy & Joanne Walsh. Plan was dated February 27, 2008 and received September 15, 2010 by the Bourne Board of Health. The system was updated in 2001 and the old cesspool which is located on the neighbor's property must be filled in to Mr. Cruise's satisfaction and the Health Agent's satisfaction before any work can be done. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that there is a two bedroom deed restriction that was recorded in 2001 with the same owner so that is already in place. Ms. Coffin stated that Mr. Walsh hired Bousfield to do the work so there is nothing from preventing him from getting in touch with Bousfield himself. Mr. Walsh stated that he would call him tomorrow and promised that he would not do any work until he gets the okay from Ms. Coffin.

3. **2 Central Blvd-Hobie Iselin-Requesting waiver to use existing septic system for proposed renovations/additions-** Mr. Iselin stated that it is a 560 sq ft. cottage. It has been winterized since 1949 with a cesspool type septic system which was replaced with an ultra violet system in 2003 as required by the Board of Health. Ms. Coffin stated it was an alternative system. Mr. Iselin stated that he would like to build up a floor onto the house. It is comprised of 560 sq ft of living space. The system as required was built to accommodate three bedrooms. Mr. Iselin stated that he agrees with and supports the premise of limiting the building footprint within the buffer zone. His proposal is to build up and not out. Mr. Iselin stated that although the proposed plan complies with the guidelines that were in use seven years ago for sq footage of living area it exceeds those guidelines for

the increase in bedroom space. This is primarily because the existing bedrooms are tiny which you can see on the plan. Ms. Peterson asked if he wanted to stay at two bedrooms. Mr. Iselin stated that he wants to stay at two bedrooms, and add a bathroom on the second floor. There is no change in the footprint of the house. Mr. Iselin stated that the real issue is the proximity to the buffer zone. Ms. Coffin stated that it is the edge of wetlands. Mr. Andrews asked what the inspection requirements were for an alternative system in 2003. Mr. Iselin stated that they inspect it twice a year. Ms. Coffin stated that the discharge perimeters they were having a little trouble meeting nitrogen. The last nitrogen testing was done in 2005 and is no longer required. There have been three inspections in 2010. Ms. Coffin stated that Mr. Iselin was not required to put in the alternative system at that time. Mr. Iselin stated that he felt it was the best way to go even though it was not a requirement of the Board. **Mr. Andrews made a motion to APPROVE the request for a waiver to use the existing septic system for proposed renovations at 2 Central Blvd. The architectural were dated November 3, 2010. Received by the Bourne Board of Health November 26, 2010. A two bedroom deed restriction will also have to be filed before the permit is issued. Mr. Barlow seconded the motion. All in favor and the motion PASSES.** Mr. Andrews stated that even though it is not a requirement anytime Mr. Iselin would like to do a test for nitrogen the Board would be happy to have that information. Ms. Coffin agreed and will help Mr. Iselin get that information.

4. **Pocasset Mobile Home Park-Discuss and Possible Vote regarding 2011 park license and conditions.** Seth Roman, attorney with Wilkins and DeYoung, is representing Charles Austin who is not present at the meeting. Donald May, Mr. Austin's accountant, is also in the audience. Ms. Coffin stated that the Board of Health had a hearing last year on the renewal of the park's license because of the issue with the septic system. Ms. Peterson handed Mr. Roman a copy of last year's license along with the set of conditions. Ms. Coffin stated that the office has not received this year's application from Mr. Austin yet but she would like to review the conditions as the septic issues have not been resolved. Ms. Coffin stated that they have been conducting the required twice monthly inspections with the licensed pumper Bill Gilpin. About a month ago due to heavy rains there was an overflow and it was pumped out right away. Ms. Coffin stated that she went to the park about a week ago and pit #11 was overflowing. Mr. Gilpin took a few loads out and in the interim was instructed by Mr. Austin to pump the three tanks out once a month. Ms. Coffin stated that she has been checking the system and on December 6, 2010 liquid was pouring out of pit #11 on top of the ground in about a 60 ft area. Ms. Coffin stated that she called Mr. May who told her he was meeting with Mr. Austin that day. Ms. Coffin also contacted Mr. Gilpin but only Mr. Austin has the authority to have him come out to the park to pump. Ms. Coffin stated that she also contacted Mr. Roman. Mr. Austin did contact Mr. Gilpin and the situation was rectified within the six hour time frame. Ms. Coffin stated that Scott Kelly used to be the 24 hour park contact but she is not sure now who it is she is supposed to call if there is a problem. Ms. Coffin stated that the AG has filed for an emergency because there was another overflow and only the tanks are being pumped now. The pits were

being pumped at least once a month but that is not happening anymore. Mr. Andrews asked when that ended. Ms. Coffin stated that that was supposed to end in September but Mr. Austin pumped them in October too. Mr. Andrews asked how many overflows there were while the pumping was happening once a month. Ms. Coffin stated that there weren't any that she could remember. Ms. Coffin stated that the AG has scheduled a court date for this Friday for an emergency addendum to the preliminary injunction to try and get the monthly pumping reinstated. Mr. Roman stated that there would be a hearing in Boston on Friday in which the AG is asking that all the prior conditions stay in effect and also that additional conditions be imposed. They are asking that it go from a once a month pumping to a mandatory twice a month pumping situation and also as needed. Mr. Roman stated that the summary judgment motion will probably be heard within the next few months. Ms. Peterson stated that the Board of Health has conditions that are imposed on the license for the Park. One of the conditions of the license is that there is always a contact for a 24 hour maintenance person but Ms. Coffin is having a problem contacting someone. Ms. Peterson stated that Mr. Austin can be charged \$10.00 per day per trailer for not providing a telephone number. Mr. Roman stated that that was understood. Mr. Roman stated that he would give Ms. Coffin all the current contact numbers but could not do that tonight. Mr. Roman stated that part of the problem is that Mr. Austin is 98 years old and some of the people he has put in place as managers of the park have not acted in his best interest. Mr. Roman stated that thanks to some work done by the accountant Mr. May some of that has been uncovered and there is an effort to get a more permanent and reliable managerial staff in there. Scott Kelley is still an emergency contact but they are working to get a more formalized management system in place before the end of the year. Ms. Peterson stated that that is not good enough and the Board understands Mr. Austin and as much as she respects Mr. Roman and his firm Mr. Austin tends to fire his attorneys and park managers frequently. Mr. Andrews stated that that is why one of the conditions of the license is that Mr. Austin has to notify the Board of Health within 12 hours of any change in management. Mr. Roman stated that he does not want the Board to misunderstand what he was saying and that Scott Kelly is still an emergency contact person. Mr. Andrews asked who the Park Manager was and who the pumper and underground sewer repair person was. Ms. Coffin stated that Bill Gilpin was the underground repair person and she believes that Gallo is still under contract for underground repair. Mr. Roman stated that he would verify that for the Board. Ms. Peterson stated that the Board would give him 24 hours to get this information because Mr. Roman took the time to be at the meeting for Mr. Austin. Mr. Barlow stated that the Board wants the six conditions to be kept up and does not want any sewage on the ground. Mr. Barlow stated that it is really bad when Ms. Coffin goes down there and there is 60 ft. of raw sewage on the ground. Mr. Barlow stated that the Board is doing the best they can to make sure that the residents have acceptable living conditions and that this system is at least kept pumped out. Mr. Barlow stated that the previous pumpers along with Mr. Gilpin have done a good job but it is a constant battle. Mr. Andrews stated that he believes the Board has been very reasonable in giving Mr. Austin time to react when there are problems. Mr. Andrews stated that he would rather levy the fine than give Mr.

Austin 24 hours to give them contact information and believes that 12 hours is plenty of time. Ms. Coffin stated that when Mr. Damon was the assistant park manager Mr. Austin had stated that he was the park manager himself but Ms. Coffin cannot get hold of him to ask him about that. The phone number for him is not working. Karen Forand (audience) stated that it has been a year and can understand that the Board of Health needs a contact but so do the residents. Ms. Forand stated that when Mr. Kelly came in as contact person the residents did not know who he was and the residents did not get any information about him. Ms. Forand stated that they were all there when the Attorney General's office spoke at the church with the same problems that haven't changed in a year. Ms. Peterson stated that if an emergency happens in the middle of the night they have nothing to go on but they can call the fire dept who has Ms. Coffin's number. Ms. Forand stated that she does not want to call the fire dept. for a septic issue. Ms. Peterson stated that the Board of Health office did have the 24 hour contact person as Scott Kelly. Ms. Forand asked how many of the conditions that Mr. Austin had adhered to. Ms. Peterson stated that up until the last six weeks he had been following the conditions. Ms. Peterson stated that she has spoken to Town Council about imposing the fines if the conditions are not kept up. Ms. Forand thanked the Board of Health for all the help they have given the residents. Rosalee Cole (audience) stated that she read in the paper that the residents should contact Mr. Austin's attorney if they have a problem but the residents are never sure who the attorney is. Ms. Peterson suggested a 24 hour answering service be put in place for the residents as an amendment to his present license and as a condition of his new license. The residents would call that line only with septic or Board of Health issues. There was general discussion regarding the service and if it was possible to have it go through the Board of Health office. Ms. Peterson stated that the Board of Health was not going to take over Mr. Austin's responsibilities by being a 24 hour contact. Ms. Peterson stated that she does not mind the residents calling her or the Board of Health at any time but it will be Mr. Austin who will provide a 24 hour contact number. Ms. Coffin stated that it is not properly posted but Scott Kelley is the 24 hour contact person. Mr. Roman stated that it is already a condition of the license that there is a 24 hour contact person and suggested that they add to that condition that Mr. Austin has the responsibility of posting this information for the residents to see. Mr. Andrews stated that there should also be a fine imposed if Mr. Austin does not properly post the information. Mr. Roman stated, that with all due respect to the Board, they do not want to be left with Mr. Austin simply refusing to renew his license which would cause further problems. Mr. Roman stated that the more conditions placed on the license the more complicated the situation will get. Mr. Barlow stated that he understands Mr. Roman's position but the issues of the residents and of the Board of Health need to be addressed. Mr. Barlow stated that it can be kept simple but there has to be a bulletin board or a sign in the park by the entrance which says who the park manager is and his contact number. It is the responsibility of Mr. Austin to change the information immediately whenever there is a change in management. The residents need a number that they can contact if there is a problem. Mr. Barlow stated that if there is not a manager at any time then there should be Mr. Austin's phone number or his attorney's phone number on the sign. Ms. Cole stated that she

personally feels that Mr. Austin should not be given his license. Ms. Cole stated that she is not afraid they would be thrown out of the park because it would be tied up in court for years and then they could live there and not have to pay rent. Ms. Peterson stated that that is not their concern tonight. Ms. Cole asked if Mr. Austin would be fined. Ms. Peterson answered yes. Mr. Roman stated that he does not believe there has been any violation of the conditions at this point that would allow them to fine Mr. Austin. Mr. Roman stated that Mr. Austin has complied with each condition. Ms. Coffin stated that the Board does not know who the park manager is. Ms. Coffin stated that she does agree that Mr. Austin took care of the overflow within the six hour timeframe but there is still not a name or contact number for a park manager and the number Ms. Coffin has to contact Mr. Austin is not in service. Mr. Barlow stated that it is a condition of the license to notify the Board with any changes to park manager, emergency maintenance personnel or changes to any contracts within 12 hours. Mr. Roman stated that he believes that the Board is aware of the contracts in place right now to the extent that Mr. Kelly may not be the official park manager or his duties may have been curtailed at this point. Mr. Barlow stated that he would like the Board to have a copy of the contract for the snow plowing for the Park. Ms. Peterson stated that Mr. Austin has stated that he was the park manager but his number has been disconnected and there is no way to get in touch with him. Mr. Roman stated that the conditions do not state that Mr. Austin's phone number must be provided only that contracts be provided. There was some disagreement with that statement by the audience and the Board. Ms. Peterson stated that they seem to be at a standstill with regards to the wording of the conditions. Ms. Forand asked if the residents of the park could have a contact number for someone to call if they have to. Mr. Roman stated that that was not an unreasonable request and he would make sure that that is taken care of. Charles MacDonald (audience) stated that he is concerned that no one will answer their call even if a number is provided. Ms. Coffin stated that she understands everyone's frustration but they need to come to some sort of resolution and move forward on the conditions. Ms. Coffin stated that she would like to have a flat fee added to condition number 3 to further clarify the fine if there is an overflow. Mr. Andrews stated that if you look systematically at the system anything downstream to a trailer would affect that trailer. Ms. Coffin stated that she disagrees and is just asking for a flat fine if there is an overflow. Ms. Coffin stated that she realizes that Town Counsel has ruled that the wording is fine on that condition but she is just requesting that there be an additional condition. Ms. Peterson stated that they have already received an opinion from Town Counsel that Mr. Austin can be fined up to \$300.00 per trailer per day for any overflow in the system. Mr. Barlow stated Ms. Coffin is asking now if the fine could be set more reasonably because a judge could say that fee is unreasonable if it went to court. Mr. Barlow stated that he is not sure but suggested they could say that the fine would be \$1000.00 a day on the leaching or \$300.00 a day per trailer if there is a trailer that is leaking. Ms. Coffin stated that she would like to have something that is more clarified so that some judge does not think that what they are doing is arbitrary or capricious. Ms. Coffin stated that, in her opinion, the way it is written by saying that \$300.00 per day per trailer affected may not be reasonable. If the leaching is bubbling out of the ground over 1000 ft

away and is just on the ground and is not directly affecting any trailer, residents could still flush their toilets. Ms. Coffin stated that she just wants to make sure that the fine will stand up once they get to court. Ms. Peterson stated that she has learned not to contradict an attorney and also that they are paid for their legal *stupidly* opinion and their license stands on their legal opinion. Mr. Barlow stated that even if the leaching facility is overflowing and everyone's septic is working okay he still believes they should hold him accountable because sewage is running over the pits. It may not be affecting the trailers but is still running all over the place in the back and he should be fined for that. Mr. ~~Andrews~~ *Andrews* stated that they could consider Ms. Coffin's suggestion by separating the leaching from the trailers. Ms. Forand asked why nothing has changed in a year and what exactly the summary judgment was. Mr. Roman stated that the summary judgment is basically asking the judge to find that Mr. Austin is liable. Once that finding is made the AG would ask for specific sanctions such as fines and installation of a new system. The AG's office has done what they can and it is now in the court's hands. Cindy Carvalho (audience) stated that she understands Ms. Coffin's point of the leaching overflowing and that it may not directly affect their trailers but the whole septic issue in the park is affecting the value of their trailers. Ms. Carvalho stated that the trailers are their homes and they cannot sell them because of all the septic problems in the park and she would love to see Mr. Austin fined. Ms. Coffin stated that she had not thought about the value of their homes in the park and that the septic issue is directly affecting that. Ms. Cole asked why people could still move into the trailers. Ms. Peterson stated that the Board has stopped Mr. Austin from having people move into his trailers but they have not stopped the residents from being able to rent their trailers out because they do not want the residents to lose any income. Mr. Andrews stated that the condition actually reads that he cannot put in any new trailers. Ms. Coffin stated that they will have to make a change to that condition as well so Mr. Austin cannot continue to rent existing trailers to new tenants. Mr. Andrews stated that he believes that the only way to prevent Mr. Austin from renting out an existing trailer right now is for Ms. Coffin to deem it uninhabitable. Ms. Peterson stated that she wanted to look over the minutes from the license hearing. There was general discussion regarding the size of the lettering which shall be posted on the sign at the entrance of the park with contact names and numbers for the residents. Bill Whittier (audience) stated that he thinks all the residents should be notified by certified mail with all contact numbers for management. Ms. Peterson stated that the Board would take that under advisement. Ms. Peterson stated that as she is looking over the minutes from last year's March 10th license hearing they are sitting here now discussing the same thing almost word for word. **Ms. Peterson stated that she would like to make an amendment to the 2010 license to require posting of either the park manager and his 24 hour phone number or the 24 hour number of emergency maintenance personnel. These names and numbers are to be displayed on a waterproof and weather tight sign at the entrance to the park in 3 inch lettering. Mr. Barlow seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that whatever number Mr. Austin posts that person must be available 24/7. Ms. Peterson stated that anytime no one answers at that 24 hour number the Board of Health would like to be notified. Ms. Peterson

stated that they would like to give Mr. Roman until Friday December 10, 2010 to speak with Mr. Austin and decide who the contact would be and to post the information. Mr. Roman stated that he just wanted to be clear that this was an amendment to the 2010 license. Ms. Peterson answered yes. Ms. Peterson asked Mr. Roman if he intended to apply for the 2011 license for Pocasset Mobil Home Park. Mr. Roman answered yes. Ms. Peterson stated that she would like to ask Mr. Roman to have this done by the first meeting in January as there are some lengthy meetings coming up after that. Ms. Coffin stated that last year they had the hearing to put the conditions on the license even though Mr. Austin had already paid for the license because there were outstanding issues with the septic. Ms. Peterson stated that she does not believe that Mr. Roman or the Board expects the conditions to expire when the new license comes up. Ms. Peterson stated that there may be some changes but the conditions will stay with each license. Ms. Coffin stated that she is concerned that someone may think that the conditions went with the license and when the license expired the conditions would too. **Mr. Barlow made a motion that the conditions on the license continue that were voted on March 11, 2010. All six conditions will remain except for condition #4 which was referencing the installation of a backflow prevention device which has already been installed. The amendment that was added earlier tonight will become the new number 6. Mr. Andrews seconded the motion. All in favor and the motion PASSES.** Ms. Peterson stated that she is going to give Mr. Roman some time to speak with Mr. Austin about applying for the 2011 license. Once Mr. Austin applies for the new license the Board will hold a hearing. Ms. Peterson stated that she hoped it would be before the next meeting on January 12, 2011. Ms. Cole stated that she is having a problem with the plumbing system and what can they do about updating the plumbing. Ms. Cole stated that they shut all the water off when they have to fix something. Ms. Peterson stated that she thought they were having the same issue in Mashpee and would look into it. Mr. Roman stated that the situation was a little different as Mashpee was having a water pressure issue in the mobile park there. Ms. Coffin stated that the water pressure met the standard code at the Pocasset Mobile Home Park. Mr. Andrews stated that if they shut the water off again without notifying the residents they should call the Board of Health. One of the residents stated that his ice maker was ruined after his water was shut off without notice. Mr. Roman stated that he understands the resident's frustrations. Ms. Peterson stated that she is asking Mr. Roman to help the Board with these issues. Ms. Peterson stated that she would like to get through this issue and maybe in the spring they can pick up the problem of the plumbing. Ms. Peterson stated that the Board will stay on top of this and thanked the residents for coming.

5. **Approval of Minutes dated November 10, 2010-Ms. Peterson made a motion to APPROVE the minutes dated November 10, 2010. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**
6. **New Business-Mr. Andrews stated that he received notification that the Sewer Commissioner's Wastewater Advisory Committee that the Board nominated him to will be having their first meeting on December 15, 2010. Mr. Andrews would like**

to present his information from that group and the ISWM business model group at the meeting on January 12, 2010. Ms. Peterson stated that she would like to formally tell the Board Members that she will take on the role of getting representation and trying to sort through the information and bring forth the materials that would potentially be Board of Health issues regarding wind turbines for the Board members to read. Mr. Andrews asked for an update from Town Counsel with the site assignment application. Ms. Peterson stated that Mr. Andrews was there at the time that Town Counsel told them that he had to get the information from SITEC, of which the Board just received tonight. He will let them know when he wants to meet with them on the questions and doing the site assignment. Ms. Coffin stated that she believes a date should be set for the public hearing. Ms. Peterson stated that she told Mr. Troy that they needed to meet immediately on this. Ms. Peterson asked Ms. Coffin to send the SITEC report to Mr. Troy and ask him to meet with them as soon as possible. Ms. Peterson stated that they also spoke to him about counsel for the Buzzards Bay Water District and for wind turbine regulations. Mr. Barlow is going to put together some draft suggestions and will be the contact person for this. Ms. Peterson will handle the wind turbines and Mr. Andrews the landfill. There was general discussion regarding the information coming in for the wind turbines and the fact that the consultant that is hired will be working for the Board of Health. Ms. Coffin stated that if the Board has concerns that there are health issues that are not reasonably addressed and they can base it on a regional impact they can request that this project be referred to the Cape Cod Commission for a designation for a DCPC which would put a moratorium on the project to get more information on it. Ms. Peterson stated that that is why she would like their own legal counsel to give them the correct information.

Ms. Peterson made a motion to ADJOURN. Mr. Andrews seconded the motion. All in favor and the motion PASSES. The meeting was adjourned at 9:26 PM. The next meeting is scheduled for January 12, 2011.

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson

Stanley Andrews

Galon Barlow

Donald Uitti

Carol Tinkham