

TOWN OF GROTON

Groton Board of Health

173 Main Street

Groton, MA 01450

(978) 448-1120

FAX: 978-448-1130

e-mail: dbutcher@ci.groton.ma.us

MEETING MINUTES

January 18, 2005

Town Hall, Groton, Massachusetts

Board of Health Members:

Dr. Susan Horowitz, Chairman; Matthew Waterman; Dr. Robert Hanninen

Others Present:

Debra Butcher; Ben Cutone

Meeting Called to Order:

Chairman Horowitz called the meeting to order at 7:30pm.

Minutes:

None

Permits Signed/Approved:

- *69 Raddin Road; Norbert Beck (component repair)
- *244 Forge Village Road; Lot 5; Cranston Construction
- *245 Lowell Road; Gibbet Hill LLC

Bills Signed/Approved:

- *Apparel Master-\$96.00
- *Casey & Dupuis-\$212.86
- *Rick Lamarre & Son-\$5163.84
- *Shattuck Oil-\$65.21
- *Moison Ace Hardware-\$216.73
- *Shattuck Oil-\$127.32
- *Covanta Haverhill-\$6977.76
- *Airgas-\$23.26
- *Ayer Auto Parts-\$113.16

Ongoing Emergency Preparedness Planning: Present: William Shute

The Board of Health members received a memorandum from James Garrefffi, Director of the Nashoba Boards of Health asking for the Board's assistance in securing an emergency dispensing site in the event that a mass vaccination was necessary. The Board requested that Mr. Shute be present for the discussion.

Mr. Shute stated that he spoke with the school district about making one of the schools a dispensing site and they had no problem allowing this for our community.

January 18, 2005 meeting minutes

Page 2

Health Agent Ben Cutone stated that one building would be sufficient in order to serve approximately 10,000 people in 48 hours. Mr. Cutone stated that once the Board chose a location, Nashoba would

contact them by letter.

The Board felt that the Groton Middle School was the best location because it was situated in the middle of Town. They felt that the high school would be their second choice. Member Matthew Waterman made a motion to contact the Groton Dunstable Regional School District to have the Middle School as the Emergency Dispensing site for the Town of Groton. The motion was seconded by Member Hanninen and approved unanimously.

Surrenden Farm: Present: Atty. Donald Cooper; Atty. Robert Orsi; William Conley

The hearing was recorded by a stenographer hired by the applicant for Surrenden Farm.

Chairman Horowitz stated that the Surrenden Farm applicant requested permission to be present and asked if either Board member had any problem with granting their request. Members Hanninen and Waterman stated they did not.

Attorney Cooper began discussion by stating that they still did not have the questions and said that his client is in the same position that they were in on January 3, 2005 when they expressed frustration about not having the questions. He said that his client thought the questions were going to be submitted in December and that didn't happen either.

Attorney Cooper stated that the Board of Health voted on January 3, 2005 to submit the Board's position statement. He said that on that date that Chairman Horowitz was very clear that this action needed to get done quickly and the Board of Health voted unanimously to have Attorney Doneski put the package together and submit it to the D.E.P. Atty. Cooper stated that he contacted Atty. Doneski on January 6, 2005 to inform him that they would be getting their position statement to them and submitted it to Atty. Doneski on January 7, 2005 with the understanding that the package would be sent out. He said that when he talked with Atty. Doneski, he learned that new information had been obtained. Atty. Cooper informed him that his package had already been submitted based on the Board's January 3, 2005 vote and he would be very angry if the Town had not submitted their filing. Atty. Cooper said that he then learned that the Town's consultants have revised their position statement based on new information about the Boutwell School.

Atty. Cooper asked the Board why the report was not submitted to the D.E.P. based on their vote of January 3, 2005. He asked if the Board was in agreement that it took a vote on January 3, 2005 authorizing their consultants to respond to the new language that had been drafted by the Board's consultants and authorized Atty. Doneski to package the questions for D.E.P. He asked if that was the vote the Board took. Member Hanninen replied "yes". Atty. Cooper asked if the Board had met after January 3, 2005 and before tonight. Chairman Horowitz stated "no". Atty. Cooper asked if the vote still stood. Member Hanninen said "yes".

January 18, 2005 meeting minutes

Page 3

Atty. Cooper said that he learned on January 13, 2005 that the Board was not going to send the material to the D.E.P. because there was a revision. He asked if each member of the Board knew that that decision was made. Atty. Doneski directed the Board of Health not to engage in this "colloquy" with Atty. Cooper but was free to answer if they choose to. He said that he spoke with Chairman Horowitz and he was told that there was additional information for the package. Atty. Doneski said that he spoke with Atty. Cooper and told him that he wouldn't submit any additional information until Atty. Cooper had a chance to review it.

Chairman Horowitz stated that she was acting in the best interest of the Town. She said that this whole process was not a contest on who had the last word. She said that her interest was in the public health and well being of the citizens of Groton. She said that Atty. Doneski spoke with Atty. Cooper and he didn't want to do anything until the applicant could meet with the Board. Atty. Doneski stated that he had a discussion with Atty. Cooper on January 13, 2005 and he said he would

submit the position statement with the new material but didn't want to do that without the opportunity for Newbury Development to respond. Atty. Cooper stated that the position statement should have been submitted in accordance with the Board of Health's vote of January 3, 2005.

Discussion continued regarding the timeline of when information was obtained and agreed upon. Atty. Cooper stated that he thought the agreement reached on January 3, 2005 was that both sides had gone far enough and the data was going to be submitted and he wasn't aware that the vote had changed. Member Hanninen stated that the vote still stood and that the statements as they existed should go to Paul Locke of the D.E.P. Chairman Horowitz asked if the new information should be included. Member Hanninen felt the Board should "not turn back the clock". Chairman Horowitz asked the other Board members if they would take a vote "tonight" and whatever is on paper now should be sent in tomorrow (1/19/05).

Atty. Robert Orsi felt there wasn't additional information. He said that the reports were discussed in 1999 as part of the discussions concerning Gibbet Hill, Orchard Hill and Angus Hills and said that Chairman Horowitz sat in at those hearings as an opponent of those projects.

Chairman Horowitz stated that most of the data in the reports was incorrect and she said that she had a major question about the background levels of arsenic in Groton and felt the reports submitted in 1999 were incorrect.

Member Waterman said that he was very frustrated with the whole process and said that it has come to the point where he doesn't even read his emails any longer because within a couple of hours, they're outdated. Mr. Waterman said that the Board decided that they would submit any additional questions as an addendum to the package. Member Hanninen agreed with that.

Member Waterman made a motion to submit the packages with the new material as of January 18, 2005 and send it to Paul Locke. The motion was seconded by Member Hanninen and voted unanimously. Member Waterman requested a hard copy of the submission for the Board's records.

January 18, 2005 meeting minutes

Page 4

FY06 Solid Waste and Board of Health Budgets: Present: Bruce Dubey

Solid Waste – Mr. Dubey stated that he would need to increase his expense line from \$41K to \$50K to cover the costs of purchasing trash bags. He also needed to budget for Capital Planning money to cover the costs of repairs to the baling building. He budgeted for approximately \$30K and will increase that number if preliminary proposal costs come in greater than that. He needed to increase his Tipping Fee line item to cover the additional costs of disposal fees under the new contract with Covanta.

Board of Health – Debra Butcher said that the only line item to be changed is for "Consulting/Engineering" costs for an additional \$1K to cover costs for arsenic testing. The Board voted unanimously to increase that line item. She said that all other budget items were level funded.

Compost Fees: Present: Bruce Dubey

Mr. Dubey recommended that the Board allow him to deny access to landscapers for the disposal of compost due to lack of room for their large volumes of material. He said that he would allow residents access only. The Board agreed to this proposal, however, the subject would be revisited if complaints come up due to any hardship issues for landscapers.

Oversight and Regulation of Health Impacts of Development of Non-Subdivision Lots

The hearing was recorded by a stenographer hired by the applicant for Surrenden Farm.

Chairman Horowitz stated that Town Counsel has given their opinion that the Board of Health can adopt a regulation concerning the health impacts of development of non-subdivision lots, approval not required lots and commercial projects. She asked for the Board's comments.

Member Waterman asked where Chairman Horowitz was proposing to put the regulation or is she calling it a policy? Chairman Horowitz proposed amending the Board's current septic regulations and adding this language to them.

Member Waterman said that he wasn't concerned about the testing process required under this language, only the remediation part. He said that he has a problem with the Board proposing something that the State has done nothing with. He stated that he didn't want to write a regulation that was not enforceable. Chairman Horowitz asked why? Member Waterman felt that it was too ambiguous and just didn't see where it could be enforced. Chairman Horowitz felt it could be enforced through the Building Inspector's office and if it concerned septic systems, Health Agent Ben Cutone could enforce it. She felt that it needed the Board's attention.

January 18, 2005 meeting minutes

Page 5

After a brief discussion, the Board of Health voted unanimously to send the draft to Town Counsel for his comments and to conduct a public hearing in late February/early March.

OTHER BUSINESS

318 Main Street

Chairman Horowitz asked for the status of this project. Health Agent Ben Cutone stated that this site was a registered 21E site so they were under the jurisdiction of the DEP. Chairman Horowitz asked if the site has been remediated. Mr. Cutone stated that he would check the status on the website and report back.

Oak Ridge 40B Comprehensive Permit

Member Matthew Waterman recused himself from the discussion.

The Board discussed this site and requested that the following comments be submitted in preparation of the Zoning Board of Appeals' meeting of January 21, 2005:

1. The Board requests that the ZBA allow the Board of Health to discuss their comments immediately as members need to leave promptly at 9am.
2. The Board of Health would like to reiterate again that they would like the entire sewage disposal system constructed on the Littleton parcel.
3. Water mounding calculations need to be determined for the sewage disposal system where it is proposed at this time.
4. The Board of Health requires that the primary and reserve areas be constructed separately. If there is a decrease in proposed units, the sewage disposal system has to be site away from the detention basin and drainage swale.

Member Hanninen made a motion to send these comments to the Zoning Board of Appeals. The motion was seconded and approved unanimously.

Health Lawns flyer - Member Waterman requested that the flyer be sent out to town residents.

Transfer Station Fees - The Board requested that the price list for disposal costs be posted on the website and in the local newspapers. Ms. Butcher will contact Connie Sartini to do an article on the Transfer Station.

February Board of Health Meetings

The Board agreed to meet on Monday, February 7th and Tuesday, February 22nd.

The meeting adjourned at 9:20pm.

GROTON BOARD OF HEALTH

_____	_____	_____
Dr. Susan Horowitz	Matthew Waterman	Robert Hanninen

Respectfully Submitted,
Debra A. Butcher