

## **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 July 12, 2004 Town Hall, Groton, Massachusetts**

Board of Health Members Present:

Dr. Susan

Horowitz, Chairman; Matthew Waterman; Robert Hanninen

Others Present:

Debra Butcher; Benjamin Cutone

Meeting Called to Order:

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

Permits Approved/Signed:

- \*Hidden Valley Road; Lot A5; Tasi Corporation (Robert Lacombe)
- \*Hidden Valley Road; Lot A6; Tasi Corporation (Robert Lacombe)
- \*37 McCarthy Drive; Sean Ramsay
- \*164 Wyman Road; Alex Park
- \*980 Boston Road; Michael Gramolini

Bills Approved/Signed:

- \*Moore's-\$84.35
- \*Atlantic-\$404.80
- \*Bechard Tire Company-\$1,190.00
- \*Mobile Sales & Service-\$90.00
- \*UMass Memorial-\$1625.00
- \*Belmont-\$27.99
- \*Covanta Haverhill-\$4691.52
- \*CCP-\$40.45
- \*CCP-\$232.17
- \*Moison Ace Hardware-\$562.02
- \*ApparelMaster-\$96.60
- \*Buckley Energy-\$202.73
- \*Tessa David, Solid Waste seminar-\$30.00
- \*Groton Electric Light-\$9.63
- \*Groton Electric Light-\$50.93
- \*Groton Electric Light-\$33.06
  
- \*Nashoba Associated Boards of Health (1<sup>st</sup> qtr)-\$5738.75
- \*W.B. Mason-\$155.12

- \*Eastern Bearings-\$57.76
- \*Airgas-\$22.50
- \*Ayer Auto Parts-\$1606.00
- \*Advance Security Systems-\$18.33
- \*R. Lamarre & Son-\$5354.91

Surrenden Farm: Present: Surrenden Team: Joseph Falzone, Larry Beals, Donald Cooper, Ray Lyons, T.J. Stephenson, Joanne Shatkin, Robert Orsi, William Conley; Town/Residents: Joshua Degen, Bruce Easom;

Dr. Horowitz opened discussion by stating that the Town's consultants and attorney would not be present and that the Board of Health would not be making any decisions concerning this property based on the recommendation of Town Counsel. Dr. Horowitz said that the Board has scheduled two available dates for a special meeting (August 3 or 5, 2004) to address this and that all members would be in attendance. All parties agreed to meet on August 3, 2004 at 7:30pm in Town Hall.

Representing his client, Joseph Falzone, Attorney Cooper stated that he had concerns with the process and that it has "slipped into a pattern that they were not happy with" with all the delays. He stated that his client was entitled to a reasonable response time and expected responses to work performed to be faster than a seven week turnaround.

Atty. Cooper complained that reports submitted by his client were well done but timely responses by the Board's consultants have been lacking and questioned why there was a need for a seven week delay. He said that the Town's consultants have given his client nothing in writing for the technical reviews even though his client was paying for their time.

Dr. Horowitz apologized for the Board and stated that it was not the fault of the Board's consultants but the Board's fault for unexpected absences of one of its Board members. She stated that the hearing scheduled for June 28, 2004 was a "fiasco"; however, it was the client who made the decision to cancel once they learned that the full Board would not be present.

Atty. Cooper stated that his client was also unhappy that the meeting tonight was reduced to an informational meeting. Dr. Horowitz responded and stated that it was the advice of Town Counsel to not make a decision without their consultants. She stated that once their consultants had all of the technical data, they would respond with a written response.

She said that their consultants should not be blamed for the delays. She said that the consultants were prepared to give a response at the June 28, 2004 meeting.

Atty. Cooper questioned why the Board's consultants were not present. Dr. Horowitz responded and said that Dr. Sundstrom was willing to attend the meeting, but was out of town and suggested a meeting for June 29, 2004 or July 5, 2004 but due to the Open Meeting Laws and personnel requirements, these dates were not acceptable. Cooper stated for the record that Dr. Sundstrom was seen in town this week. Dr. Horowitz stated that she knew Dr. Sundstrom was at an "out of town" meeting on July 12, 2004. Dr. Horowitz stated that Dr. Sundstrom has other clients and had expected this project to have been resolved on June 28, 2004 and was therefore not available for the meeting on July 12, 2004.

Cooper brought the Board up to date on the testing sites. Dr. Joanne Shatkin and T.J. Stephenson made presentations on the results of the soil sampling at the site which went as deep as 60 inches below the ground. Dr. Shatkin said that the soils closer to the surface contained arsenic but levels decreased at lower depths before increasing again at the deepest levels.

Member Robert Hanninen requested a hard copy of the Power Point presentation.

Atty. Cooper requested that the Board provide his client with a conditional approval based on the technical review and approval of the Town's consultants and legal counsel in order to move forward. Dr. Horowitz stated that no decisions would be made without their consultant's input.

Discussion continued concerning "conditional approvals" in order to proceed with the sampling plan. Dr. Horowitz said that she would like to be able to discuss it with Dr. Sundstrom and legal counsel.

Atty. Robert Orsi, representing the Marion Campbell Trust, made a recommendation to conditionally approve a sampling plan and have the Board's Administrator call Atty. Cooper if the plan receives approval from the town's consultants.

*Member Robert Hanninen made a motion to approve the sampling plan for the western open spaces and roadway sampling plan contingent upon approval from Town Counsel and the Board's consultants. The motion was seconded by Member Waterman.*

VOTE: Matthew Waterman-Aye; Robert Hanninen-Aye; Dr. Susan Horowitz-No  
The motion carried by a majority of the Board.

***Member Waterman left the meeting at 8:45pm.***

The Board signed septic permits and bills.

The meeting adjourned at 8:50pm.

GROTON BOARD OF HEALTH

---

Dr. Susan Horowitz, Chairman

---

Matthew Waterman

---

Robert Hanninen

Respectfully Submitted,

Debra A. Butcher