

BOARD OF HEALTH MINUTES
October 1, 2012

Marie O'Rourke, Chair, called the meeting to order at 7:00 p.m. Also in attendance were Robert Reader, Vice Chair, Sandra Giroux, Secretary, Daniel Kane, Richard Berube, Director and Joanne White, Recording Clerk. Mike Grady was absent.

ACCEPTANCE OF MINUTES

Mrs. Giroux made a motion to accept the Meeting Minutes of September 10, 2012. Mr. Kane seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Health Department Activity Reports

Mrs. O'Rourke stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the month of September have been included in the Boards package.

Mr. Berube stated the first report is from Health Agent, Phavy Pheng. Mr. Berube explained that he would highlight a few of the complaints on Phavy's report.

The probate matter at 78 Pinedale Avenue is going to trial. The hearing is scheduled for November 5, 2012. If this matter is not resolved at Probate Court the Board of Health will have to set a deadline and force Todd Mitchell to go forward with the sewer connection or vacate the premises. This matter has dragged on long enough.

Mrs. Giroux asked have there been any other mold problems on Fardon Street recently.

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Mr. Berube replied not that he can recall. There could have been another issue but it has been resolved. The issue that remains is minor (referring to 51 Fardon Street). The owner has a medical problem and has requested additional time to correct the remaining violation. All the major issues have been taken care of.

Mrs. O'Rourke commented that the hoarding case on 483 Middlesex Turnpike has been going on for a long time.

Mr. Berube replied that these hoarding cases never go away.

Mrs. O'Rourke asked for details regarding that case.

Mr. Berube explained that the owner's attorney sent a letter stating that the Board of Health could not enter the property at 483 Middlesex Turnpike without permission. We have not received permission from the owner or his attorney, therefore we have not been able to enter the property. This case will probably be going to court.

Mrs. O'Rourke asked how the Board of Health heard about this hoarding problem.

Mr. Berube explained that in March 2011 during the flood event, the Fire Department responded to a call that there was an oil leak in the basement and the owner was pumping water from his basement into the yard. The Department of Environmental Protection was involved along with the Board of Health and the Police Department.

Mr. Reader complained about the bagsters in town. Mr. Reader stated that he has seen a lot of bagsters in Town. How long is a resident allowed to keep a bagster on their property?

Mr. Berube replied that he is working on that issue.

Mrs. O'Rourke asked about the junk and debris at 72 Forest Park Avenue and how the overgrown vegetation violation was corrected.

Mr. Berube replied that the Health Department cannot make anyone take care of their property. However, this complaint refers to the lack of maintenance of the in ground pool.

Mrs. O'Rourke asked how was that taken care of.

Mr. Berube replied that the pool was drained and covered.

Mr. Reader asked about the three (3) new complaints at 36 Sterling Road (Empire Recycling).

Mr. Berube explained that Phavy reviewed the surveillance tapes and the complaints were valid. The last time Swanson Meadows met with Empire Recycling they worked out an agreement. Swanson

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Meadows will be dropping their lawsuit against Empire Recycling. Hopefully it may impact Empire Recycling's appeal of the Board's order.

Mr. Kane asked if Empire Recycling is being fined for the violations that were confirmed by the surveillance tapes.

Mr. Berube replied no because of the ongoing litigation. We can't charge them for the same violation. Once this matter is resolved if there is another complaint then we can fine them for that complaint.

Mrs. O'Rourke asked about the noise complaint at 36L Montbatten Road. Does this problem take place during the day?

Mr. Berube explained that the Health Department received a complaint about the noise from a mulching operation that was taking place at a residential property. Phavy Pheng investigated and could not find any evidence of mulching activity taking place at that address. However, the people that live there work for a landscaping company.

Mrs. O'Rourke asked about the odor complaint at the Bakers Commodities facility.

Mr. Berube explained that occasionally there is a complaint regarding the odor from the Bakers Commodities facility but they are right on top of any problems that occur.

Mrs. O'Rourke asked if the Board Members had any questions regarding Phavy Pheng's report.

Mr. Berube stated the next report is from Health Agent, Gary Courtemanche.

Mr. Berube explained that Gary is conducting site inspections at the Parker Elementary School for the installation of the drainage system. We discovered that the Parker School is using the ABC material in the driveway parking lot just like at the Lynnway Auto Auction. Deloury was providing the ABC material. We have informed them that they can no longer use that material.

Mrs. O'Rourke asked is the Lynnway Auto Auction all set.

Mr. Berube replied that he was doing a final site inspection on Thursday, October 4, 2012.

Mr. Berube explained that Gary accompanied Phavy on a re-inspection regarding the junk and debris at 2 Carmena Road. This complaint came from the Town Managers office. The property looked like a junk yard. A great deal of the junk and debris has been removed.

Mr. Berube explained that under Ongoing Activities it explains about Crescio on Billerica Avenue.

Mr. Reader asked what does the pile of junk on the property owned by David Crescio consist of.

Mr. Berube replied granite slabs.

Mr. Reader asked what is he going to do with the granite slabs.

Mr. Berube replied Mr. Crescio was planning to use the material as fill on that property.

Mr. Reader asked does that property need to be filled in.

Mr. Berube replied yes, but he cannot use the granite slabs for fill.

Mrs. O'Rourke asked if Crescio might bring the debris up to the Irish American Club and dispose of it there.

Mr. Berube explained that he could not do that. He needs to dispose of the material at a legal disposal facility and submit proof of disposal to the Board of Health. Mr. Crescio has until October 9, 2012 to remove all the material. He has removed the asphalt that was dumped there. If he does not get rid of the rest of the material by October 9, 2012 then I will discuss this matter with Town Counsel and file this matter in Superior Court.

Mrs. O'Rourke asked the Board Members if they had any questions regarding Gary's report.

The Board Members did not have any questions.

Mrs. O'Rourke stated the last report is from the Public Health Nurse, Christine West.

Mr. Berube explained that most of Christine's activities are routine except for the Fall Flu Clinics that are scheduled next month.

Mrs. O'Rourke asked the Board Members if they had any questions regarding Christine West's report.

The Board Members did not have any questions.

Proposed Flu Clinic Schedule

Mr. Berube explained that the Flu Clinic schedule is included in the Board's package. The Flu Clinic schedule will be advertised in the Billerica Minuteman and also posted on the Town of Billerica website.

Mrs. O'Rourke asked the Board Members if they had any questions regarding the flu clinic schedule.

The Board Members did not have any questions.

Adoption of the Proposed 2013 Board of Health Meeting Schedule

Mrs. O'Rourke stated the next item is the proposed 2013 Board of Health Meeting Calendar.

Mr. Berube asked if the Board Members had any questions or comments.

Mrs. Giroux requested that the meeting time change from 7:00 p.m. to 7:30 p.m.

Mrs. O'Rourke replied that they could discuss that at another time.

Mr. Reader made a motion to adopt the Proposed 2013 Board of Health Meeting Calendar.

Mrs. Giroux seconded. So voted unanimously.

Mosquito Control Program Update

Mrs. O'Rourke stated the last item under Board of Health Business is an update regarding the Mosquito Control Program.

Mr. Berube explained that the West Nile Virus and Triple EEE are still hot topics in the news. Fortunately, there have been no further discoveries in Billerica. With the temperatures dropping the mosquito activity should dwindle. All the recreational fields have been sprayed a second time. Spraying is no longer effective with cooler temperatures in the evening.

Mrs. O'Rourke asked the Board Members if they had any questions about mosquito control.

The Board Members did not have any questions.

7:15 p.m. Town of Billerica – Wastewater Treatment Facility & Pump Station – Request Waiver of Regulations for work within the Flood Plain

Mrs. O'Rourke stated the last item on the agenda is Town of Billerica, requesting a Waiver of Regulations for work within the Flood Plain at the Wastewater Treatment Facility and Pump Stations.

Steve Mach, Project Engineer with Woodard & Curran, identified himself. Mr. Mach explained that the project includes work at the Wastewater Treatment Facility (WWTF) and 6 pump stations throughout town. The pump stations that will be upgraded are located on Lake Street, Monson Street, Marshall Street, Nashua Road, Ilford Road and Richardson Street. The work at the pump stations will be in the existing pump station buildings. All of the pump stations will receive new electrical service from the utility pole to the station as well as a new emergency generator that will be located on site. The one station that will be different is the Richardson Street station where we will be replacing approximately 300 feet of gravity interceptor sewer upstream of the station. All of these sites are previously developed.

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The Wastewater Treatment Facility upgrades include demolition of existing settling tanks, installation of new larger settling tanks, replacement of existing equipment and piping within existing buildings and installation of buried piping and conduit related to the treatment of municipal wastewater. The work associated with the WWTF and Richardson Street Pump Station will occur within both the FEMA and the Green Engineering floodplains. The work associated with Lake Street Pump Station and Marshall Street Pump Station will occur within the FEMA Flood Plain, but not the Green Engineering Flood Plain. The work associated with Nashua Road Pump Station will occur within the Green Engineering Flood Plain, but not the FEMA Flood Plain. The remaining pump station work will occur outside both floodplains. This project was recommended by the Town's Comprehensive Wastewater Management Plan (CWMP). This is the first phase of the treatment plant upgrades associated with that plan and the second phase of the pump station upgrades associated with that plan. This plan was accepted by the State and the Town of Billerica in the last year. Mr. Mach asked the Board Members if they have any further questions.

Mrs. O'Rourke asked how are the settling tanks being demolished.

Mr. Mach replied the contractor will excavate around the tanks, brace the soil with a piling and sheeting system and demolish the tanks and then haul them off site for disposal.

Mrs. O'Rourke asked when the work is being done on the pump stations will there be any disruption of service in that area of town. Will there be any other problems?

Mr. Mach replied no service will be interrupted. We will be installing permit by-pass connections at all of the pump stations to allow the contractor to by-pass the existing wet wells during construction. The service will not be interrupted. The contractor will be responsible for providing by-pass operations.

Mrs. O'Rourke asked will there be any backup when the work is being done at the pump stations.

Mr. Mach replied no, the contractor will be required to provide the by-pass and make sure the pump station remains open.

Mrs. O'Rourke asked what contractor will be used.

Mr. Mach stated that the project will be put out for public bid. The lowest responsible bidder will be awarded the contract.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mrs. Giroux stated that the Letchworth Avenue Wastewater Treatment Facility is mentioned in the proposal, however you did not mention that when you explained the project.

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Mr. Mach clarified that the Letchworth Avenue Wastewater Treatment Facility is included in the project.

Mr. Reader asked is all the equipment being replaced in these pump stations. Are you doing anything to the pump station structures?

Mr. Mach replied that we are not rebuilding the structures. We are replacing pumps, valves, piping, new instrumentation and providing new emergency generators at the site.

Mr. Reader asked when was the last time anything was done at the pump stations.

Mr. Mach replied it varies by station. A lot of the stations were built in the 1960's or 1970's. Richardson Street was the most recently upgraded station approximately ten (10) years ago.

Mrs. O'Rourke asked if the Richardson Street pump station has anything to do with the new Parker Elementary School.

Mr. Mach replied that he did not think so.

Mrs. O'Rourke asked are all the pump stations fenced in.

Mr. Mach replied yes.

Mrs. O'Rourke asked has there been any vandalism to the pump stations that you know of.

Mr. Mach replied that he has seen some vandalism. A lot of the stations have security screens on the windows to protect them. All of the stations have a chain link fence that is locked.

Mrs. O'Rourke asked in the future are there any plans to eliminate any pump stations that you know of.

Mr. Mach replied that he did not think so.

Mrs. O'Rourke asked the Board Members if they had any further questions.

The Board members did not have any questions.

Mr. Berube explained that there has been vandalism at the pump stations. People have illegally dumped trash and debris by the pump stations. The Wastewater Division has done a very good job in cleaning up the areas. If the Town had followed through with the master sewer plan in the 1970's they probably could have eliminated some of the pump stations that we have.

Mrs. O'Rourke asked how many pump stations do we have in Billerica.

Ms. Lorraine Sanders, Superintendent of the Wastewater Division replied there are twenty-six (26) pump stations in Billerica.

Mrs. Giroux made a motion to grant the Waiver of Billerica Health Regulations, Chapter 5, Section 5.5.005 (1) (2) to allow the construction of upgrades to the Town's Wastewater Treatment Facility (WWTF) and six (6) pump stations, located in or within one hundred (100) feet of the Flood Plain based upon the following facts and subject to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request, and as per plan submitted by Woodard & Curran for the Billerica Department of Public Works, is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1)(2).
- 2) The applicant proposes to construct upgrades to the Letchworth Avenue Wastewater Treatment Facility (WWTF) and six (6) pump stations. The WWTF upgrades include demolition of existing settling tanks, installation of a new settling tank, replacement of existing equipment and piping within existing buildings and installation of buried piping and conduit related to the treatment of municipal wastewater. The pump station upgrades include the rehabilitation of the Ilford Road, Lake Street, Marshall Street, Monson Street, Nashua Road and Richardson Street Pump Stations and replacement of approximately 300 feet of gravity interceptor sewer upstream of the Richardson Street Pump Station. Some of the work sites fall within the FEMA and Green Engineering Flood Plains. However, the proposed work is limited to previously disturbed/developed areas.
- 3) The WWTF and Pump Station Upgrade Project is necessary for the maintenance of the municipal sewer system and regulatory compliance. Furthermore, this project is recommended by the Town's Comprehensive Wastewater Management Plan (CWMP).
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment, and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Standard conditions number 2, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 25 in accordance with the Board of Health regulations and Special Conditions:

- A) All construction must be in accordance with plans submitted for review and approval, prepared by Woodard & Curran, dated September 2010 and stamped by Thomas F. Hazlett, RPE#46482.

- B) Erosion and sediment control measures shall be implemented and maintained in all areas disturbed by construction activity including but not limited to construction and waste material storage areas. Erosion and sediment control structures shall be installed prior to beginning construction.

Mr. Kane seconded. So voted unanimously.

Open Microphone

Mrs. O'Rourke asked if anyone was present for open microphone.

No one was present for open microphone.

Mr. Reader made a motion to adjourn. Mrs. Giroux seconded.

The Board adjourned at 7:30 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk