

**BOARD OF HEALTH MINUTES**  
**APRIL 6, 2009**

Marie O'Rourke, Chair called the meeting to order at 7:30 p.m. Also in attendance were Robert Reader, Vice Chair, Sandra Giroux, Secretary, Daniel Kane, Richard Berube, Director, and Joanne White, Recording Clerk. Fred Kenyon was absent.

**ACCEPTANCE OF MINUTES**

Mrs. Giroux made a motion to accept the Meeting Minutes of March 9, 2009. Mr. Kane seconded. Three (3) voted in favor. One (1) vote abstained (Mrs. O'Rourke).

**CORRESPONDENCE**

**Paige Impink - Billerica Power Plant**

Mrs. O'Rourke stated the first item under correspondence is the Billerica Power Plant articles that Paige Impink has provided the Board with.

Mr. Berube explained the correspondence is relative to the proposed power plant. There are a few articles questioning the necessity for a power plant in the current economic climate where other proposed projects have been either been delayed or put on hold.

Mrs. O'Rourke asked the Board Members if they had read the correspondence and had any questions or comments.

Mr. Kane asked does anyone know when the applicant for the proposed power plant will come before the Board.

Mrs. O'Rourke replied the proposed power plant is on hold because of the economy and also our usage is down.

Mr. Kane stated they have already submitted an application so how long is the application good for before they would have to reapply.

Mr. Berube replied there isn't a time restriction. The applicant has requested that the project be delayed.

Mr. Reader asked have they submitted an application.

Mr. Berube replied the applicant submitted an application for a variance several months ago.

Mr. Kane asked if they submitted the application and the paperwork before the stormwater regulation was adopted would they have to comply with the rules of the stormwater regulation or can they be exempt.

Mr. Berube replied they would not be able to avoid the stormwater management regulations because there is a great deal of wetlands involved.

### **BOARD OF HEALTH BUSINESS**

#### **Billerica Energy Center (BEC) – Energy Facilities Siting Board (EFSB) Final Decision**

Mrs. O'Rourke stated the first item under Board of Health Business is the final decision from the Energy Facilities Siting Board (EFSB) regarding the Billerica Energy Center.

Mr. Berube explained that included in the Board's package is a copy of the final decision from the Energy Facilities Siting Board. A concerned resident has dropped off a black binder containing information concerning the Pipe Line Accident Reports from all over the country. The concern is that there might be some pipeline accidents with the construction of the power plant.

Mr. Reader asked what kind of pipeline accidents does the book refers to. Are they referring to the Tennessee pipeline?

Mr. Berube replied all pipeline accidents throughout the country. The book is located in the Board of Health office for any of the Board Members to review at their convenience.

### **Nomination of Inspector of Animals**

Mrs. O'Rourke stated the next item under Board of Health Business is the Nomination of Inspector of Animals. Mrs. O'Rourke asked did we only have one applicant who applied for the position of Animal Inspector.

Mr. Berube replied the Board of Health is only charged with nominating the Inspector of Animals. In accordance with the Massachusetts General Laws Chapter 129, Sections 15 and 16 each city and town is required to nominate one or more Inspectors of Animals each year. The completed form was due back to the Bureau of Animal Health by April 1, 2009. Mr. Berube explained he submitted the paperwork and nominated Diane Allen Murphy as the Inspector of Animals. I am requesting the Board ratify the nomination.

Mrs. O'Rourke asked is this position advertised.

Mr. Berube replied no.

Mrs. O'Rourke asked why.

Mr. Berube replied the Board of Health only nominates the Inspector of Animals. The Board of Health does not hire the individual. The Animal Inspector is not under the Board of Health's direct control.

Mrs. O'Rourke asked whose control is the Animal Inspector's position under.

Mr. Berube replied the Town Managers office. The position is not in our budget or part of our departmental structure.

Mrs. O'Rourke asked did the Town Managers office advertise this position.

Mr. Berube replied no, the nomination papers come directly to the Board of Health office.

Mr. Reader asked who is the current Inspector of Animals.

Mrs. O'Rourke replied Diane Murphy. The reason I am asking about the position is because a comment was made to me that paperwork has never been seen for that position and they did not know if they could apply for that position. Mrs. O'Rourke stated that she always thought the Board of Health hired the Animal Inspector.

Mr. Berube replied the Board of Health does not hire the Inspector of Animals. She is the dog officer. In addition to being the dog officer, she also inspects animals on behalf of the Board of Health. She inspects horses and any animals that the Board of Health determines may be a threat to public health. If the Board does not feel comfortable with her filling this position we could request that the Town Manager hire someone else for this position.

Mrs. O'Rourke replied that Dede does a great job she just wanted to know if this is a posted position because someone has asked why they have not seen any paperwork.

Mr. Berube stated he would like the nomination ratified.

Mrs. Giroux made a motion to ratify Diane Allen Murphy as the full time Inspector of Animals in Billerica.

Mr. Reader seconded. So voted unanimously.

**Water Conservation Committee Update**

Mrs. O'Rourke stated the next item is the Water Conservation Committee Update.

Mr. Berube explained that Mr. Kenyon is out sick however he has sent the Board a copy of the meeting minutes from the Water Conservation Meeting held on Wednesday, March 18, 2009.

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

The Board Members did not have any questions.

**Mosquito Control Program**

Mrs. O'Rourke stated the next item is the Mosquito Control Program.

Mr. Berube explained that included in the Boards package is a copy of the memo from Central Mass Mosquito Control regarding the 2009 Larval Control Program. The program is targeted for the week of April 20, 2009 for the aerial larvicide spraying in Billerica. As soon as all the information has been finalized it will be published in the local papers, on BATV and the Billerica website.

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

Mr. Reader asked are the storm drains cleaned out.

Mr. Berube replied yes.

Mr. Reader asked when is that done and who cleans them out.

Mr. Berube replied the cleaning is done through the Department of Public Works, however I think some of it is down under contract services. It is usually done in late spring early summer.

**Burial Permit Fees**

Mrs. O'Rourke stated the last item under Board of Health Business is the Burial Permit Fees. Mrs. O'Rourke explained that she read the information regarding the court case and the reply from Town Counsel, Patrick Costello. Mrs. O'Rourke asked Mr. Berube if he would update the Board.

Mr. Berube explained there was a court case in Attleboro where a funeral home challenged the Town of Attleboro claiming that burial fees were not legal and considered improper taxes. The funeral

home won their case. It is in now in appeals court. We have not heard anything from the Attorney General's office. We are going to wait for the decision from the Superior Judicial Court. Patrick Costello, Town Counsel has advised us to refrain from charging burial fees. I just wanted to let the Board know that the Health Department will no longer charge a burial fee until this has issued been resolved.

Mrs. Giroux asked how much the Board of Health has collected in fees this year.

Mr. Berube replied he does not know off hand.

Mr. Reader asked how much a burial fee is.

Mr. Berube replied ten (10) dollars.

Mrs. Giroux asked do you think the Health Department will have to pay back what has been collected this year.

Mr. Berube replied no.

**7:45 p.m. McFarland Cascade – Iron Horse Park – Continued Appeal Hearing for Notice of Violation/Order for Correction**

Mrs. O'Rourke stated the next item on the agenda is McFarland Cascade Continued Appeal Hearing for the Notice of Violation/Order for Correction.

Robert Fitzgerald, Goodwin Procter Counselors at Law identified himself. Mr. Fitzgerald introduced Steven Glennon, Operations Manager from McFarland Cascade. Mr. Fitzgerald explained that he was representing McFarland Cascade. Mr. Fitzgerald thanked the Board for the continuance and their patience over the past ninety (90) days. We have been investigating a lot of things and have highlighted them in the three (3) reports that we have submitted to the Board each month. I would like to summarize the high points of the investigation. Then I will answer any questions that anyone may have.

Mrs. O'Rourke thanked Mr. Fitzgerald for all the work that has taken place and the reports that have been submitted to the Board of Health office.

Mr. Fitzgerald explained the treatment of the poles consists of the mixing of one chemical with diesel. McFarland requested and received samples of the test results of the diesel material. The laboratory determined that the sulfur content was extremely high compared to what is typically used. At McFarland's request the pole supplier is now ordering and receiving ultra low sulfur diesel. Previously, the sulfur concentration that is being used is 4,500 to 5,000 parts per million. The ultra low sulfur diesel is guaranteed to be below 15 parts per million. The second part of the mixture is the pentachlorophenl. McFarland has been working directly with the supplier to alter the formulation of it.

That is the solvent that has some odor when standing next to it. They have changed the formula and a small sample has been shipped to the supplier in Mississippi. It will be mixed with the diesel and applied to the poles. That process is currently being done. It is a small sample and the odor is lower than what has been experienced. Both the low sulfur diesel concentration and the pentachlorophenol change are now going into the production process. The poles being treated with the new mixture should start arriving in Billerica the end of May. It takes that long for the inventory to be drawn down and the new product to get into the system. On the operation side McFarland has agreed to reduce the inventory by about 15%. From January 30<sup>th</sup> to mid February there hasn't been a delivery to the facility. Deliveries resumed the end of February. While the new product is being introduced McFarland is going to maintain lower inventory.

Mrs. O'Rourke asked when you say you lowered the inventory how many poles is that.

Mr. Fitzgerald replied 15% below the normal inventory.

Mr. Glennon replied the normal inventory is approximately 2,500 to 3,300.

Mr. Fitzgerald explained that in March a weather system was installed on the top of the building. The report from TRC, the Environmental Consultant concludes that there is no definitive relationship between the wind patterns and the timing of the complaints from the neighborhood and the timing of the fresh deliveries to the facility. Nothing definitive has been determined from that analysis. The poles with the new treatment should be arriving at the facility by the end of May. These poles should reduce the odor of what is currently being smelled. Mr. Fitzgerald stated that he would answer any questions that anyone may have at this time.

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

Mrs. Giroux asked have there been any new complaints.

Mr. Berube replied since the January 12, 2009 Board of Health meeting there has been quite a few complaints. Health Agent, Phavy Pheng is present to explain about the complaints that have been received. Ms. Pheng has followed up on all those complaints. Mr. Berube stated all those complaints have been forwarded to McFarland Cascade as well. As Mr. Fitzgerald mentioned there is a chart in the last report correlating those complaints to the conditions that were found.

Mrs. O'Rourke asked Ms Pheng if she would like to give a report.

Phavy Pheng, Health Agent for the Billerica Board of Health identified herself. Ms. Pheng explained since the meeting in January, the Board of Health has received at least 3-4 odor complaints a week. Ms. Pheng explained when she received the complaints she would check them out. I would drive around Ashdale Road, Burnham Road, Carriage Road, Oxford Road, Whitegate Road, and High Street and check out the complaints. Sometimes I could verify the strong odor and sometimes I could not smell anything. The odor is stronger when a new shipment of poles is delivered. The shipments are

usually delivered on Tuesday night and Friday afternoon. I receive most of the complaints Wednesday mornings and then on Monday mornings.

Mrs. O'Rourke asked about the rail cars.

Ms. Pheng explained the poles are shipped on rail cars. I have visited the site and verified the shipment of the rail cars. Sometimes I can smell the odor at the site. Sometimes I can smell the odor in one area and not in another. Sometimes I can smell the odor in the area of Ashdale Road and Carriage Road but not on Whitegate Road. It is very hard to determine where and when you would smell the odor.

Mrs. Giroux asked is the smell the same or is it getting worse or are the neighbors just more aware of the smell.

Ms. Pheng replied it is the same smell and the residents are more aware of it.

Mrs. Giroux asked in the resident's opinion is the smell worse.

Ms. Pheng stated some days it is worse.

Mrs. Giroux asked what the weather condition is on those days.

Ms. Pheng replied the smell is worse when the weather is warmer.

Mrs. O'Rourke asked does rain have anything to do with the smell.

Ms. Pheng explained that she visited the facility and the neighborhood this afternoon, Monday, April 6, 2009 while it was raining and she did not smell anything. Sometimes when it is cold, I have smelled the odor. Unless someone calls in a complaint and I immediately check it out, it is very difficult to time when the odor may be strong.

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

The Board Members did not have any questions.

Ms. Pheng mentioned that she lives in Lowell. One day I was driving to my daughter's house in South Lowell and I could smell the same odor that I have smelled in Billerica. I thought I was crazy because how could the smell travel that far. Three days (3) later I was driving on the Lowell connector and saw fifteen (15) rail cars on the Lowell train tracks loaded with the poles.

Mrs. O'Rourke stated that she was going to open up the hearing to the audience. Mrs. O'Rourke asked the audience to please state your name and address.

Carole Legro, 5 Ashdale Road North Billerica, identified herself. Ms. Legro stated that she agrees with Ms. Pheng about the inability to determine a pattern. The smell is definitely worse when it rains because there are patches on the ground that get soaked and the odor is stronger. I travel back and forth to Lowell everyday to work and I can smell the same odor. I travel by train into Boston one night a week. Last week when I came home from Boston the odor was so strong that the people getting off the train ran to their cars. It was very interesting to watch how the people reacted to the strong odor. The odor is very strong and is extremely sickening when it is that strong.

Bob Stanton, 7 Whitegate Road identified himself. Mr. Stanton stated that he thinks the reason that the odor is stronger in certain areas has to do with wind patterns. When the wind blows northeast towards the Whitegate Road area the smell is strong in that area. When the wind blows south-southwest towards the Carriage Road area the smell is strong in that area. Not every morning but sometimes when my wife goes out the backdoor she can smell the odor. When I left my house at 6:45 p.m. to attend this meeting I could smell the odor. Mr. Stanton asked is there any other business in Iron Horse Park that could emanate that type of odor.

Mrs. O'Rourke stated that question was asked at our last meeting and I don't think there is any other business in Iron Horse Park that would create that odor. There is a lumber company.

Mr. Glennon replied the only other business in Iron Horse Park is BNZ Materials.

Mr. Stanton asked what do they do.

Mr. Berube replied BNZ produces drywall.

Mr. Stanton asked do they coat or burn anything or use chemicals.

Mr. Berube stated steam is released from the process of pressing the boards.

Mr. Stanton asked do they work all night.

Mr. Berube replied no.

Mr. Stanton stated when you drive down any street after they have replaced a telephone pole you can smell that same type of odor. I am very concerned about that type of odor. I have lived in Billerica for 15 years and this problem only started about a year and a half ago. Something has to be done.

Mr. Berube explained that he has directed Ms. Pheng when she visits the facility to pay attention to the other businesses that operate in Iron Horse Park to see if there are any other potential sources that could be emanating an odor. So far nothing else has turned up. McFarland Cascade talked about the high sulfur content in the diesel fuel. From reading these reports it seems like this problem started when the supplier changed to the high sulfur content in the diesel fuel. It correlates to when all the complaints started to come into the Board of Health office. That is probably the major factor as to why the odor is



so strong. The smell will probably exist until they switch over to the low sulfur diesel fuel, but that will not occur until May.

Mr. Stanton asked with all this diesel fuel on the poles what is it doing to the ground.

Mr. Berube replied when the poles come in they have already been treated and are relatively dry. I have asked that same question of DEP and EPA and they do not seem to be overly concerned. DEP has visited the site and they have not taken any action. I have not heard from EPA. I have sent them a few emails and called then several times and they do not seem to be overly concerned.

Cindy Dussault, 20 Carriage Road identified herself. Ms. Dussault explained that on days when it is damp I can smell the odor inside my house. I am very concerned because if the odor is seeping into the ground it will be coming into my house.

Mark Sampson, 4 Carmel Drive identified himself. Mr. Sampson explained that he smelled the odor this morning. One thing we have benefited from is all the snow we have had this winter. In the month of January the odor was very minimal because of all the snow. With all the melting that has been going on the smell is back worse than ever. My car even smells when the heater is turned on and the windows are closed. Mr. Sampson asked about the follow-ups from the January 12, 2009 Board of Health Meeting. One of the questions was regarding the permit to store the poles.

Mrs. O'Rourke replied that she was informed that McFarland Cascade did not need a permit to store the poles.

Mr. Sampson asked about getting a copy of the MSDS Sheets from before the smell started in April 2008 and the most recent MSDS Sheets.

Mr. Fitzgerald replied that the MSDS Sheets were included in the first report that was submitted to the Board of Health.

Mr. Sampson asked if the first report that McFarland Cascade provided to the Board could be added to the minutes.

Mr. Berube replied he would look into it or put them on the Town of Billerica website.

Mr. Sampson stated the last item he wanted to talk about was the pentachlorophenl. Mr. Sampson explained that the research he has done on the chemical side is that the diesel is not as bad as pentachlorophenl. I hope the employees are wearing masks while handling this stuff. Everything I have read about the pentachlorophenl causes major problems with respiration.

Mr. Glennon explained it is hazardous when it is a solid substance and is being handled at the treatment facility. It is not hazardous after the poles have been treated. EPA tests the substance and they would not let us use it if it was hazardous. EPA tells us what we can use.

Mr. Sampson asked who are the suppliers that treat the poles.

Mr. Fitzgerald replied it is confidential business information.

Melissa Smith, 19 Carriage Road identified herself. Can anyone guarantee that our children playing outside are not going to be affected by this strong odor? Some days the smell is so strong that it hits you in the face when you open the doors. We have lived in Billerica for 14 years and I have three (3) children. They want to play outside and I do not know if it is safe for them to play outside.

Mrs. O'Rourke suggested that the residents that experience the smell should write letters to DEP and EPA and maybe they would take some action. DEP and EPA do not seem to be concerned that the Board of Health is looking into the situation and has requested assistance. McFarland Cascade is doing their part as best as they can. Maybe the neighbors should form a group and send their letters to DEP and EPA. Maybe then the residents would get some results.

Mr. Sampson asked is there a particular person that we should address these letters to.

Mr. Berube replied that he has been in touch with Representative Greene's office to see if he can get DEP or the EPA to take some action. I have had discussions with DEP and provided them with some information. Hopefully DEP will respond.

Mrs. O'Rourke commented that DEP has not responded up to now. These people have a legitimate concern. There are small children in the neighborhood. Maybe if they all signed a petition and had a spoke person represent them and talk to someone from DEP or EPA, maybe they would get some results. They would not think that the Board of Health is just being hysterical over the situation.

Mrs. Giroux stated that maybe each person should send a letter so that there would be multiple letters complaining about the problem.

Mr. Sampson asked are you recommending that we copy Representative Greene on the letters.

Mr. Berube stated if you would like to take the Chair, Marie O'Rourke's recommendation and forward the letters to the Board of Health office I will make sure they are forwarded to the appropriate people. I will make sure they are forwarded to Representative Greene's office, DEP and EPA.

Mrs. Palermo stated nothing seems to be getting done. We have been complaining. I am elderly when I smell the odor I get headaches, nausea and feel very dizzy. You might be doing something behind the scenes but we are not seeing any results. We know that the odor is still there.

Mr. Reader asked Mrs. Palermo what do you think the Board should do.

Mrs. Palermo replied she had no idea, that is the Boards job not hers. That is why you are on the committee.

Mrs. O'Rourke replied the Board has instructed and asked McFarland Cascade to provide a report every month and they have done so. As far as I can see they are doing the best they can. McFarland Cascade does not like this situation either. Even though they have not found a solution yet, they are being good neighbors because they are working on the problem and reporting on their progress. Mr. Fitzgerald has provided a written report to the Board on what is being done.

Mr. Reader explained they are getting a supply of poles with the new formula in May. Do you think McFarland Cascade should remove all the poles from the property at Iron Horse Park until May?

Mrs. Palermo replied yes, I think they should remove all the poles from Iron Horse Park.

Ms. Legro stated this is an emergency. We have been addressing this problem since January, 2008. We can not open our windows. You can't live inside your home.

Mrs. O'Rourke stated you say this is an emergency, where are the rest of the residents in your neighborhood.

Ms. Legro stated so if only two of us showed up does that mean the problem does not exist.

Mrs. O'Rourke replied no. That is not what I meant. We have to give McFarland Cascade a chance to come up with a solution. McFarland Cascade has been in business since 1969 and something has happened to their process and they are trying to do the best they can to correct the problem. This Board is trying to do the best they can for the residents.

Ms. Legro replied the report is excellent. The report explains my symptoms because I am allergic to sulfur. Now I understand that. These poles are coming through on trucks in our residential area and if you are driving behind them you smell the odor for at least five (5) to ten (10) minutes. The poles are not covered.

Mr. Berube explained they come in by rail cars and are moved by trucks.

Mr. Sampson explained that he found it interesting that his neighbor was complaining about the exact same symptoms of inhaling an odor. I found this write up on the internet from International Chemical Safety Cards. It causes coughing, dizziness, drowsiness, headaches, lathe breathing and a sore throat. It is not just in its solid form that it causes problem. I was copied on the report that was sent to the Board of Health from the Westfield, MA Board of Health because I wrote to them and asked what their findings were with the McFarland Cascade facility. I was amazed at how many poles were stored at that facility. Only six (6) dozen poles are stored in Westfield, MA. There are over two thousand (2,000) poles stored in Iron Horse Park. We smell 30 times more of the odor than in Westfield. I do not know if there are any problems in the Taunton/Raynham area because they have not responded to my request.

Kayleen McNulty, 13 Burnham Road identified herself. Ms. McNulty stated that she has two questions. The first question is how are the new poles going to be stored when they arrive? At the last meeting they said the poles would be piled on top of each other. So that would mean the old poles will always be on the bottom.

Mrs. O'Rourke asked Mr. Fitzgerald to explain how the new poles would be stored.

Ms. McNulty asked are you going to make sure all the old poles will be used first because at the last meeting you stated that they would just keep piling up the poles on top of each other.

Mr. Glennon explained when we met in January we told you we would take the new ones out first because it was all the same solution and we thought those poles may have the strongest smell. Now the old poles will go out first so that we can deplete the inventory. We will store the new poles with the new diesel solution in a different area. As we go forward with the new poles we will deplete the old poles first.

Ms. McNulty stated her second question is about the permit for the storage of the poles.

Mrs. O'Rourke replied McFarland Cascade has a contract with National Grid. McFarland Cascade stipulated that they needed to have twenty-five hundred (2,500) poles at the facility at all times.

Ms. McNulty asked has the Town of Billerica issued a permit to this facility to store the poles.

Mrs. O'Rourke replied they do not need a permit.

Ms. McNulty asked is this something we can address and who would we address this issue with?

Mr. Berube explained that he spoke with Building Inspector, Milton Kinney and according to him a permit is not required. The business has been in existence since 1969 and they are grandfathered.

Ms. McNulty stated so they can store fifteen thousand to twenty thousand poles there.

Mr. Berube stated the site is not large enough to store that many poles.

Mr. Minor stated they will try to store more poles.

Ms. Legro stated this company changed hands a year ago. There should be new rules. It changed its practices. A permit should be required.

Mrs. O'Rourke stated that she asked that question and was told that a permit was not required.

Jim Minor, 13 Burnham Road identified himself. Mr. Minor stated that nothing has changed since the meeting January 12, 2009. Mr. Minor asked if the residents could get a copy of the report.

We do not know what is in the report. Mr. Minor stated that he contacted someone from DEP. Besides the pentachlorophenl there is another chemical that can be used in diesel, which are both very bad. We don't know what is in the report. I can't understand why there is no permit process in the Town of Billerica for this type of operation. The Town of Billerica requires that lumber yards have a permit to stack material but we can not require that McFarland Cascade has a permit for pole storage.

Mrs. O'Rourke stated the Building Inspector told me that McFarland Cascade did not need a permit.

Ms. Legro stated at the last meeting the Board of Health was going to check the proximity of the storage of poles at the other sites to residential areas and the proximity of complaints and how many poles are stored and how close the poles are to the residents.

Mr. Berube replied as Mark Sampson stated, in Westfield only store six (6) dozen poles are stored. The poles were across the street from a residential neighborhood and they moved the poles approximately eight hundred (800) feet away. That resolved the problem.

Ms. Legro stated maybe the poles could be moved to where there are no residents.

Mr. Berube replied the facility is already eight hundred (800) feet away from most of the residents.

Ms. Legro replied but there are many more poles at this facility.

Mr. Sampson stated in the letter from Westfield, they also referenced that their first request was to move the poles two thousand (2,000) feet away.

Mr. Berube replied they were not able to accomplish that. Mr. Berube explained the other town is Raynham and that is where the dog track used to be. That is a huge site with hundreds of acres and there was no problem with moving the poles to another area.

Mrs. O'Rourke asked the audience if they all lived within a radius of each other.

The audience replied yes.

Mr. Minor stated when I was handing out flyers to the residents, for the January meeting, the neighbors told me they had been through this a number of times and nothing had been resolved. That was a long time ago. Maybe there were other issues from the Superfund Site. I don't know if that is the reason why people are not present tonight.

Mrs. O'Rourke stated she has been on the Board of Health for twenty (20) years and I don't remember anyone complaining about this.

Ms. Legro asked is there a plan to clean up the existing sites where the chemical is on the ground in back of Brunswick Estates. It smells everytime it rains.

Mrs. O'Rourke asked is that McFarland Cascade's property.

Ms. Legro asked why the six areas would be as long as the poles and why the poles would be put there if it is not their property.

Mr. Glennon stated he did not know what property Ms. Legro is referring to.

Ms. Legro explained in the back of Brunswick Estates along the train line.

Mr. Reader asked on which side of the tracks.

Ms. Legro replied on the Brunswick Estates side.

Mr. Glennon explained he is on the opposite side of the train tracks. McFarland Cascade does not have any property on the other side of the tracks.

Ms. Legro explained there are the Burnham Road homes, the property and the tracks. The property between the Burnham Road homes and the tracks has some spots of black matter.

Mr. Glennon replied those spots are probably from the railroad ties.

Marion Galinos 16 Burnham Road, identified herself. Ms. Galinos explained that last year work was being done at the railroad and many railroad ties were there around that time could there be a correlation. Our house abuts that area.

Mr. Sampson stated that one of his neighbors is a police officer and was patrolling the Iron Horse Park area and he noticed a lot of railroad ties being stored there as well. Maybe some of the smell is coming from the railroad ties as well as the poles.

Mrs. O'Rourke asked Ms. Pheng if she has ever gone down by the railroad ties.

Ms. Pheng explained that she walked that site once with Carole Legro but she would rather not go there again.

Mr. Reader asked how many railroad ties are stored there.

Ms. Legro stated she did not know how many railroad ties are stored there. Ms. Legro explained that she has lived in Billerica a long time thinks that in the past there was an odor from the railroad ties. However the odor is different than what we smell now.

Mrs. O'Rourke explained that Mrs. Giroux has a couple of questions she would like to ask.

Mrs. Giroux stated her first question was about getting rid of the old poles first, which has already been answered. Can we independently test the soil? DEP is not doing anything so can we have the soil tested ourselves.

Mr. Berube asked what do you want to test the soil for.

Mrs. Giroux asked for chemicals that may be in the soil causing the odor and shouldn't be there.

Mr. Berube replied there are probably chemicals in the soil.

Mrs. Giroux asked could that be part of the problem.

Mr. Berube replied Iron Horse Park is part of the Superfund Site so there could be anything in the soil. You could spend hundreds of thousands of dollars testing the property. It is a matter of what you are looking for.

Mr. Sampson asked I thought we would be looking for the chemical pentachlorophenol.

Mr. Minor commented does it matter what chemical we are looking for in the soil.

Mrs. Giroux asked is it possible for the next month or so to remove all these poles from the site and send them to the other sites and wait for the new poles to come in with the low sulfur formula. Then bring the new poles in and see if the smell still remains. Would it be possible to do that from the company's standpoint? You have property in Raynham, Westfield and Taunton. Is it possible to separate these poles and store the old poles at those sites?

Mr. Glennon replied we do not have enough space at the other properties.

Mrs. Giroux asked doesn't Raynham have enough property to store the poles.

Mr. Fitzgerald stated we only lease a small section at the Raynham facility.

Mrs. Giroux asked could you remove the majority of the poles to see if that would alleviate some of the smell. Then there would be a very low supply of poles that you could get out first. I would hate for you to do all this work with the poles and find out the smell is coming from the ground.

Mr. Glennon stated that he would like to be able to remove the poles to see if the smell remains and is not coming from the poles but from something else. I am not sure if that can be done. I have to check with my superiors.

Mrs. Giroux asked can you look into it and call the Board of Health office.

Mrs. O'Rourke stated she thinks the smell is coming from the ground.

Mrs. Giroux agreed and stated if the poles were moved to another location then the ground could be cleaned and we could go forward.

Mr. Sampson asked Mr. Glennon if you can't move the poles out in six (6) weeks how many more months are we going to have to deal with this smell. If you can't move the poles then we could be talking about this odor until April 2010.

Mr. Kane asked how long will your current inventory last with no further shipments coming in.

Mr. Glennon replied for my customers we need a three (3) months supply.

Mr. Kane stated so it would be three (3) months before the entire current/old pole inventory would be depleted

Mr. Glennon replied we could get rid of all the poles in six (6) weeks if I shutdown the business.

Mr. Kane stated if someone hits a telephone pole or an electricity pole and a new one is needed we would be upset if there wasn't one available to replacement it. We need to find a balance. Maybe you could decrease the inventory by 15%.

Mrs. Giroux stated she is trying to find a balance. I do not want to put McFarland Cascade out of business nor do I want to put the residents out of their homes.

Mrs. O'Rourke asked how many acres McFarland Cascade is leasing in Iron Horse Park.

Mr. Glennon replied four (4) acres.

Mrs. O'Rourke asked are there poles on all four (4) acres.

Mr. Glennon replied currently there are poles on all four (4) acres.

Ms. Legro stated that is not what you said at the last meeting. Ms. Legro stated at the January 12, 2009 Board of Health meeting you stated only  $\frac{3}{4}$  of the land had poles on it.

Mr. Glennon stated the four (4) acres are not fully stocked with poles. There has to be room to drive a tractor trailer in and take the poles out of the bins.

Mrs. O'Rourke asked Mr. Glennon if there was a way to move the poles the furthest away from the residents but still be on the site.

Mr. Glennon replied I could not move the poles because of the way the land is laid out.



Mrs. Giroux stated she thinks the odor is coming from the soil under the pile of poles. When the ground gets wet and it is warm that is when the smell is worse. If you could move the poles to another area then you could clean out the area and then move the poles back in.

Mr. Reader asked are the poles covered.

Mrs. Giroux replied they tried covering the poles.

Mr. Glennon replied the poles were covered through December 2008 and there were still complaints. The odor was just as strong.

Mr. Reader asked were the poles completely covered.

Mr. Glennon replied there were tarps all over the poles.

Mr. Berube explained when the poles are completely covered there is no way for the off gassing to escape. So when you take the tarps off the odor is worse.

Mr. Reader asked are you sure the odor is coming from McFarland Cascade.

Mr. Sampson stated this problem started when the poles with the high sulfur content were brought in a year ago.

Tom Smith 19 Carriage Road, identified himself. Mr. Smith asked is the report that was given tonight the final report from the consultant. Does that last progress report include the full scope of the work?

Mr. Fitzgerald explained we agreed to submit three progress reports one in February, March and April. The environmental consultant included two reports one in the March report and one in the April report. At this point we do not have any plans to submit any additional reports.

Mr. Smith asked what is the scope of work of the consultant.

Mr. Fitzgerald stated we have discussed with the Board what the consultant was going to do. I not recall if there was a specific scope of work.

Mr. Smith stated he has not seen any reports. Does the report include the health effects some of the chemicals may have on the residents? Does it include soil testing?

Mr. Fitzgerald replied the work that was done was primarily to determine whether the poles were the result of the odor complaints. The analysis was around the atmospheric conditions and the timing of the complaints versus the weather conditions.

Mr. Minor stated that he remembered from the last meeting that the ground was supposed to be tested. McFarland Cascade was supposed to hire a consultant to perform the test.

Mrs. O'Rourke replied that was not a requirement.

Mr. Minor asked could we ask McFarland Cascade to test the water and the ground.

Mrs. O'Rourke stated we could ask them to do the testing.

Ms. Legro asked could we have them test the air quality.

Mrs. O'Rourke stated that she would allow one more question.

Ms. Smith stated she did not feel confident with McFarland Cascade testing the ground or the water or the air because they would benefit from the test results. I would feel better if an independent consultant did the testing.

Mrs. O'Rourke explained that the owner of the property would have to give the Town permission to go on their property to do the testing.

Mr. Sampson asked if a letter was sent to the owner of the property requesting permission to go on their property for the purpose of testing the soil.

Mr. Berube replied that he sent a letter to the owner of the property and he has not responded.

Ms. Legro asked if the letter was in the minutes.

Mrs. O'Rourke explained we do not include correspondence in the minutes.

Ms. McNulty asked shouldn't a business reply be sent to the Town of Billerica.

Mr. Berube replied you would hope that they would cooperate and respond but sometimes they choose not to get involved.

Mr. Minor stated what is the next step.

Mr. Sampson stated that in the March 2009 minutes we discussed that and Mrs. O'Rourke asked why the Board of Health couldn't have an independent consultant test the ground and water.

Mrs. O'Rourke replied that is correct but I was told we needed to get permission from the owner to go on the property.

Ms. Legro stated we discussed that at the last meeting that permission needed to be obtained from the owner of the property.

Mrs. Giroux replied we are trying to make that happen.

Ms. Legro asked if we don't get a response from the owner of the property what is the next step.

Mrs. O'Rourke replied that she did not know. Mrs. O'Rourke asked Mr. Berube to comment.

Mr. Berube replied the primary concern is the air quality. We have the progress reports from McFarland Cascade and there is a great deal of information in the reports. There are some conditions that seem to be a factor as to why there is an odor problem. There is a high sulfur content in the diesel fuel. McFarland Cascade is making an effort to change the formula of the pentachlorophenl so that is doesn't cause an odor. They are making an effort to address the problem. I think this is going to resolve the matter. It is just a question of how they are going to implement this plan. I think we should turn the meeting back over to McFarland Cascade and give them the opportunity to explain what they are proposing to do with the information they have.

Ms. Legro stated that isn't the question. The question is what do we do if we don't get a response from the owner of the property. Are you saying that we do not need to pursue that right now because we need to see what McFarland Cascade is going to do first?

Mr. Berube replied we are dealing with McFarland Cascade because they operate the facility.

Ms. Legro stated that Mr. Berube said that he sent a letter to the owner of the property and did not get a response. My question is what do we do when they don't respond and where do we go from there.

Mr. Berube stated that he could try to contact the owner of the property again to see if they respond. There is no guarantee that they are going to return a phone call or respond to another letter.

Ms. Legro asked what do we do if we can't get permission to go on the property to get the samples that are necessary for testing. Where do we go from here when we have a problem like this happening? Who do we go to next if it isn't the Board of Health?

Mrs. O'Rourke suggested DEP and EPA.

Ms. Legro explained that she has already tried that personally and did not get any response. What do we need to do next?

Mrs. O'Rourke replied I do not have an answer for you. Personally, I would like to see the facility stripped of all the poles that are currently there. Then clean out the land and wait until the poles being treated with the new chemicals arrive because I don't think the smell is coming from the poles. I

think the odor is coming from the dirt that is saturated with the chemicals.

Ms. Legro stated that is what we believe. Why isn't that happening and where do we need to go or who do we need to talk to so that it happens.

Mrs. Giroux explained that Mr. Glennon is going to look into how quickly he can have the poles removed. We have to give him at least a business day or two to work on that because that was not one of our previous requests. I know you are frustrated because you have been dealing with this problem for a long time.

Ms. Legro stated that she heard Mr. Glennon say that he could not move the poles.

Mrs. Giroux replied the Board has asked Mr. Glennon to find a better alternative to see how quickly he can move the poles to another location. The Board would also like to see if there is a way to move the poles faster than three (3) months because the area needs to be cleaned out before the new poles arrive.

Ms. Legro asked do we have your word that you will do that.

Mr. Glennon stated that he would do whatever he could to help out. I am here to represent the company.

Mrs. O'Rourke stated that is not the answer. Can you move the poles?

Mr. Glennon replied he could not answer that question on the spot. I will do whatever I can to help out. I will present that to my superiors and will report back to Richard Berube, Director of Public Health in a day or so. It is not my company I can't make that decision.

Mrs. O'Rourke stated that she understood that.

Ms. Legro asked would your superiors be willing to do lease land somewhere so that the poles could be moved.

Mrs. O'Rourke replied that we would have to give Mr. Glennon the opportunity to find out what can be done. Mr. Glennon knows how important this situation is to the residents. Mrs. O'Rourke asked Mr. Glennon to express the Board's and the residents concerns to his superiors. Hopefully they will agree.

Mr. Fitzgerald explained McFarland Cascade has taken this situation very seriously. They have not discounted any of the complaints and feel that the complaints are all legitimate. McFarland Cascade has taken significant steps to go to their suppliers and ask them what can be done as quickly as possible. Then introduce the new formula into the production process as soon as possible. I know it is frustrating. McFarland Cascade does not want to relocate all the poles only to find out a month later that the problem

is gone. They are doing the best that they can and are going to implement those changes as quickly as they can. By May, the new poles will be arriving and we will respond to the request to come up with a plan to remove the existing poles as quickly as possible.

Mrs. Giroux stated if you put the new poles on top of the old problem you are going to have the same smell. The dirt has to be scraped down and removed before you can put new poles on top. Even if you have to move the poles to a different location on a temporary basis to clean up the area before you put the new poles down. If you put the new poles on top of the pile you will still have the smell.

Mr. Fitzgerald replied there is no evidence that the ground is the source of the problem. We heard that when you drive behind trucks that have the poles on them the odor is the same. Our sense is that it is the poles and not what is on the ground.

Mrs. Giroux stated what is on the poles is seeping into the ground.

Mr. Fitzgerald stated there is very little that drips from the poles into the ground. The poles are tacky. It is not like a liquid substance it is very tacky.

Mrs. O'Rourke stated at this time we are going wrap this up because we could be talking about this problem all night.

Mr. Smith asked could the owners name and contact information be public information so that could be read into the transcripts so that we know who owns that property and how to contact them.

Mrs. O'Rourke replied it is not a secret. Mrs. O'Rourke asked Mr. Fitzgerald who owns the property.

Mr. Glennon replied Eastern Terminals.

Mr. Berube replied the owner is Eastern Terminals and their office is in Cambridge, Ma.

Mr. Sampson stated that his concern is that we could be perpetuating a problem if we don't perform due diligence and clean up the ground. I would recommend that tarps be put down before the newly treated poles arrive so that in case the smell is not gone at least it does not go into that ground that has just been cleaned. I can't imagine any chemical rolling off of these poles and not going into the ground.

Mrs. O'Rourke stated there must be someone that can tell McFarland Cascade how the poles should be stored. They are not just unloaded from a rail car and stacked.

Mr. Glennon explained the poles are in bins. There is a pole going across each end on the ground and then the poles are stacked on top.

Mr. Kane stated the poles are stacked like a stack of wood.

Mr. Berube confirmed that the owner of the property is Eastern Terminals or the Massachusetts Lumber Company, located at 929 Mass. Avenue, Cambridge, MA.

Ms. McNulty asked is there a contact person or someone that you would direct a letter to.

Mr. Berube replied there isn't a contact persons name on the Assessor's card. The information came from the Assessor's office.

Mr. Minor asked who you addressed your letter to.

Mr. Berube replied To Whom It May Concern.

Mr. Kane stated this is a Superfund Site, so EPA should monitor it continuously for ground quality runoff and soil testing. When it became a Superfund Site, they had to file a record of ground assessment.

Mr. Berube replied not necessarily on this particular lot.

Mrs. O'Rourke asked why.

Mr. Kane explained because contiguously they may have done testing in other areas within the site but not on that specific four (4) acre property. Mr. Kane asked is it still being monitored by EPA as a Superfund Site.

Mr. Berube stated that he did not believe that this particular lot is part of the Superfund Site.

Mr. Minor commented it is on the website as a Superfund Site.

Mr. Berube explained Iron Horse Park is a Superfund Site but not every lot in Iron Horse Park is active.

Mr. Reader asked of the ones that are active are they being monitored continuously.

Mr. Berube replied he did not know what EPA is doing. I do not know what is going on at the current time however ongoing cleanup efforts are being proposed.

Mr. Kane explained if you already have an active Superfund Site and if their property is part of the Superfund Site or contiguously or surrounded or partial surrounded by the active Superfund Site is there some other way rather than the generic DEP or EPA route for assessment. Is there some other way we can use the Superfund route to look at assessing ground water runoff?

Mr. Berube replied that was one of the first things we tried to do. Mr. Berube stated that he contacted Don McElroy and got no response. I raised the issue regarding ground contamination and both DEP and EPA were not concerned at all.

Mrs. O'Rourke stated DEP and EPA were not concerned about the problem in Woburn and it became a movie.

Ms. Smith stated the smell is terrible but I am more concerned with the health risks.

Mr. Minor stated that he talked to Ed Boronski at DEP in Wilmington, MA. Mr. Boronski stated that he has not been contacted by anyone from the Billerica Board of Health office and did not know what I was talking about. All he did know was Iron Horse Park is a Superfund Site. He was unaware that this problem has been going on.

Mr. Berube stated that he did not know who Mr. Boronski is but he talked to a number of individuals at the Northeast office and I do not know how they communicate with each other. I have talked with several people that would be involved with this particular problem. I have sent them information about this problem and they have never gotten back to me or taken any kind of action to help out.

Mr. Minor asked did he give you any of the information regarding what I had talked to him on Friday afternoon.

Mr. Berube stated that he did not talk to Mr. Boronski.

Mrs. O'Rourke commented to Mr. Berube that maybe he should try again to contact someone from the Northeast office in Wilmington again.

Mr. Berube asked Mr. Minor who is Mr. Boronski. What department does he work in?

Mr. Minor replied he is a chemist. I talked to a couple of people and they explained what they think the poles are being treated with.

Mr. Berube asked what division does Mr. Boronski work for.

Mr. Minor replied that he does not know. It was very easy to get information on Friday afternoon after 4:00 p.m. He told me that he was going to try to contact someone in the Board of Health office. I do not know if that has happened. He told me he was unaware of this problem.

Ms. Pheng stated that is not true because she went to a DEP Conference on February 19, 2009 in Wilmington and spoke to a number of people inquiring about who was in charge of odor and noise problems.

Mr. Minor stated that he would try to get more information for Mr. Berube regarding who he talked to.

Ms. Pheng stated that she talked to Thomas Natario, a representative of DEP and explained to him about the odor problem at Iron Horse Park. Tom Natario informed Ms. Pheng that he would call the Board of Health office to schedule an appointment for a site visit. Tom also explained to me that DEP has different people that respond to specific problems.

Mr. Berube asked Mr. Fitzgerald now that McFarland Cascade has submitted all these reports to the Board what is the plan.

Mr. Fitzgerald replied that the plan is to maintain the reduced inventory and put together a responsive request about relocating some poles to another location. Then introduce the two (2) new chemicals for the poles. By the end of May the poles that arrive at the site will be treated with the new chemicals.

Mr. Berube asked how long are you going to maintain a reduced inventory. Is it temporary?

Mr. Fitzgerald replied it is temporary assuming that the new poles do not cause an odor. The expectation is that the new poles will not cause any odor problems in the neighborhood. In that case there would be no reason to keep the inventory suppressed. Then the inventory would go back to its historic level. We will have to wait and see what happens.

Mr. Berube asked when the new inventory comes in, how are you going to distinguish between the new inventory and the old.

Mr. Glennon replied we would have to keep the inventories separate. We will look into moving the poles to another site or area.

Mrs. Palermo stated that she thought they were going to clean the area under the poles.

Mr. Stanton stated that there is a window of opportunity to get some testing done when they get rid of some of the current poles. I don't think that is being good neighbors if they don't get the ground water tested before the new poles arrive. I would like to see someone from this Board apply pressure so that they test the ground water when they get rid of some of the current poles. When the new poles arrive they are just going to store them on top of what is there now. Then we would have another Superfund Site in the making.

Mr. Fitzgerald stated at the January 12, 2009 meeting, we discussed the ground sample that Ms. Pheng had taken and had tested.

Ms. Pheng replied the water that collects below the pile of poles was runoff from the rain. I took a sample to be tested and the result came back negative. When I first investigated this case I was



became very concerned because below the pile of poles I found a grease/oil buildup. I called Mr. Berube and he contacted DEP right away informing them that it was an emergency. They came and looked at the grease/oil spot and said because it is not a new oil release, it is the Board of Health's responsibility.

Mr. Berube asked is it possible that McFarland Cascade can contact the owners of the property and initiate soil testing.

Mrs. O'Rourke asked can this Board order the owners of the property do the testing.

Mrs. Giroux stated that she would make that motion.

Ms. Legro stated she thought that it had been decided that independent testing should be done.

Mrs. O'Rourke replied the problem is that permission is needed from the owners of the property. Mrs. O'Rourke asked can this Board order McFarland Cascade to contact the owners of the property for testing the ground.

Mr. Berube replied the best approach is for McFarland Cascade to get permission from the owners of the property so that samples can be taken and tested.

Mr. Fitzgerald replied we can discuss soil testing with the owner of the property but I think the issue for us is it reasonable for us to go forward with this testing.

Mrs. O'Rourke replied yes, the Board of Health is going to order the testing.

Mr. Fitzgerald asked on what basis are you requesting that the soil testing be done because the information and discussion we have had is about the poles. The smell is coming from the poles. It has been said several times that when driving behind a truck that is transporting poles the odor is very strong. The soil is not transported with the poles.

Ms. Smith stated you can satisfy everyone's concern by just simply testing the ground.

Mr. Sampson asked has anyone seen the ground under the poles since the poles have been in that location. How do you know if there is a concern unless you move 3,300 poles and test the ground? Move the poles and then we will come and look at the ground.

Mr. Fitzgerald stated the concern is reasonable. The poles have been a target of the odor and everyone's concern.

Mr. Sampson stated it is a health risk.

Mrs. Giroux stated the Board is asking nicely before it is an order.

Mr. Sampson stated I have been reading about the nasty chemical that is causing the odor. So relieve our anxiety and let us test the ground. If there is nothing to worry about then the neighbors will be relieved.

Mr. Whitegate stated if you are a good neighbor that is the least you can do.

Mr. Fitzgerald replied that he would talk to the owner of the property and report back to the Board.

Mrs. O'Rourke stated if you could do the testing without this Board making it an order if not this Board will order it and then it will have to be done. Mrs. O'Rourke asked what is the Board's pleasure?

Ms. Legro stated why doesn't this Board just make the testing an order. It is only going to prolong this. I know it sounds like we are applying pressure, because we live there. If any or you lived there you would be concerned because it is a serious health risk going on. So if McFarland Cascade gets permission from the owner of the property the ground will be tested.

Mrs. O'Rourke asked Mr. Berube what is his suggestion.

Mr. Berube stated the reason why we targeted the poles is because these complaints started to come into the Board of Health office in early 2008. The poles have been there since 1969. You are making an assumption when you say that the ground is causing the problem. We do not know that the formula has changed.

The audience stated before there was only a few poles stored there.

Ms. Minor stated you changed the formula since a year and a half ago.

Mr. Glennon replied we did not change the formula, the supplier did.

Mrs. O'Rourke asked where do we go from here. What is the Board's pleasure? Mrs. O'Rourke asked Mr. Berube what he suggests.

Mr. Berube explained that the intent of the original order was to provide the Board with a new plan of correction. Part of the order was that the Board advised McFarland Cascade to hire an environmental consultant, which they have done. They have provided us with all the progress reports and information that was required. They have told us what they are planning to do with the new formulation of the low sulfur diesel fuel. The Board would like to see something in writing that addresses some of the other issues that have been raised. We do not want this to be dragged out any longer than necessary. In May part of the plan should be to remove some of the poles from the site to see if that will reduce some of the odor. In the meantime talk to the owner of the property to see if they would allow soil testing. I do not know if they will agree to place a cap on the inventory, so that this problem does not occur in the future.

Mrs. O'Rourke stated Mr. Glennon informed us that the contract reads that McFarland Cascade has to keep a certain amount of poles on hand at all times.

Mr. Minor asked when the contract runs out with Nationalgrid.

Mr. Glennon replied in two (2) years for Nationalgrid and three (3) years for Verizon.

Mr. Minor asked is this an ongoing contract or isn't it negotiated.

Mr. Glennon replied it is negotiated.

Mr. Minor asked is anyone from the Town present for a permit when McFarland Cascade is negotiating the contract.

Mr. Kane replied because they negotiate the contract it does not mean they issue a permit.

Ms. Legro stated you might have a contract with these companies but they do not tell you where to store the poles. If you can look at keeping them in other places that might be useful.

Mr. Kane asked is there any way you can stop incoming shipments until the chemical change is shipped.

Mr. Glennon replied that he could not answer that question at this time.

Mr. Kane stated we are looking at how to decrease the inventory. We potentially identified the source of the problem which is the high sulfur diesel fuel. However, you are continuing to ship in the poles with the high sulfur content. This plan is a good starting point. Let's stop bringing in more problems until we have a potential solution. Let's stop making the problem worse. If it works, then we can bring back in the normal inventory. We have identified that the source of the problem, now is there anyway of stopping the shipments until the new supply is available and that would be one month closer to having all the old poles gone and the new poles in.

Mrs. Giroux asked is it possible to take all these questions back to your superiors with the Board's friendly request for permission to do the soil testing and then come back next week. That way we will all know next week versus May that the friendly request is gone and now we are going to make it an order. Is it realistic for McFarland Cascade and everyone else to come back in one week that is five (5) business days? That way we are not waiting another month.

Mrs. O'Rourke asked Mrs. Giroux if she wanted to request a special meeting on Monday, April 13, 2009.

Mrs. Giroux replied yes.

Mr. Berube stated so you want to continue the hearing until next Monday so that McFarland Cascade will have the opportunity to get answers to the questions that the Board Members and the residents have.

Mrs. Giroux asked is five (5) business days feasible. They have made a great faith effort. Is it possible to meet next Monday, April 13?

Mr. Glennon replied that he would call the corporate office tomorrow because they are on west coast time and then he will call Mr. Berube on Tuesday, April 14 and let him know if the meeting on April 13 is feasible.

Mrs. O'Rourke asked Mrs. Giroux if that is her recommendation.

Mrs. Giroux replied yes.

Mrs. O'Rourke asked the other Board Members if that was agreeable to them.

The other Board Members agreed.

Mr. Kane asked will there be enough time to post a special meeting.

Mrs. Giroux stated we will know tomorrow if a special meeting can be held on Monday, April 13, 2009.

Mr. Berube asked Mrs. Giroux if she was making that motion. Mr. Berube stated as soon as we know about the meeting it will be posted on the website.

Mr. Fitzgerald stated that he would notify Mr. Berube as soon he talked to McFarland Cascade's corporate office.

Mrs. Giroux made a motion to schedule a special meeting on Monday, April 13, 2009 at 7:30 p.m. so that all the questions that the Board and residents have would be answered. The first question is whether the poles can be moved to another site. The second question is whether permission will be granted to go on the property and do the testing without having to issue an order. And last request is to have all other questions answered that have been raised tonight.

Mr. Kane seconded. So voted unanimously.

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

The Board adjourned at 9: 10 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk