

**BOARD OF HEALTH MINUTES  
JUNE 1, 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, Fred Kenyon, Daniel Kane, Richard Berube, Director, and Joanne White, Recording Clerk.

**ACCEPTANCE OF MINUTES**

Mr. Kane made a motion to accept the Meeting Minutes of April 6, 2009. Mrs. Giroux seconded. Three (3) voted in favor. One (1) vote abstained (Mr. Kenyon).

Mr. Kenyon made a motion to accept the McFarland Cascade Iron Horse Park Special Meeting Minutes of April 13, 2009. Mr. Reader seconded. So voted unanimously.

Mrs. Giroux made a motion to accept the Meeting Minutes of May 4, 2009. Mr. Kenyon seconded. So voted unanimously.

**CORRESPONDENCE**

**Billerica Energy Center – Billerica Watchers Group – Noise Control Engineering**

Mrs. O'Rourke stated the first item under correspondence is the Billerica Energy Center.

Mr. Berube explained that included in the Boards package is two (2) articles of correspondence regarding the Billerica Energy Center. One of the articles is to the Executive Office of Energy and Environmental Affairs from the Billerica Watcher's Group. The Watcher's Group is requesting that a comprehensive review of their concerns be addressed prior to the acceptance of the Final Environment Impact Report submitted by DG Clean Power/Montgomery Energy Billerica Power Partners for the application of the Billerica Energy Center. Mr. Berube commented as you can see from the report the Billerica Watcher's Group has several issues that they would like addressed. The Billerica Watcher's Group has retained Noise Control Engineering, Inc. to review and comment on any potential noise

impacts from the proposed Billerica Energy Center project.

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

Mrs. Giroux asked Mr. Berube if a date has been determined when the Billerica Energy Center project would come before the Board.

Mr. Berube replied he did not have any idea at this time.

Mrs. O'Rourke replied she thought at this time the project was on hold.

Mr. Kane stated how long could the project be on hold since they have already submitted the application. I thought there was a requirement that when an application was submitted a hearing had to begin within ninety (90) days.

Mr. Berube replied the time starts once the hearing is opened.

Mr. Kane asked can they hold off for as long as they want. At what point does the application become null and void?

Mr. Berube replied the Board can ask them to withdraw their application until they are prepared to come forward for a public hearing.

Mrs. Giroux asked if we ask them to withdraw their application does that mean the entire process will start over again.

Mr. Berube replied the process has not really started.

Mrs. O'Rourke commented the only department the applicant has started the process with is the Conservation Commission.

Mr. Berube stated a review of the project has not started with the Board of Health.

### **Billerica Lions Club Carnival**

Mrs. O'Rourke stated the next item is the Billerica Lions Club Carnival.

Mr. Berube explained that the Billerica Lions Club sent a letter thanking the Board of Health for their support and help with the recent Carnival fundraiser. The Lions Club expressed their appreciation for the Board of Health's support in the past and wishes to continue this joint venture.

**Philip Newfell - McFarland Cascade**

Mr. Berube explained that Town Meeting Representative, Philip Newfell submitted a letter commenting on McFarland Cascade Iron Horse Park concerns. He also included a Fact Sheet regarding the Hazardous Substance Pentachlorophenol. Mr. Berube stated the Fact Sheet explains the health affects it could have within the work place.

Mrs. O'Rourke asked the Board Members if they had an objection to McFarland Cascade's Progress Report being the first item under Board of Health Business.

The Board Members did not object.

**BOARD OF HEALTH BUSINESS**

**McFarland Cascade Progress Report**

Mrs. O'Rourke stated the next item is McFarland Cascade's Progress report. Mrs. O'Rourke passed around some pictures that were taken at the site. Mrs. O'Rourke asked Mr. Berube who took the pictures.

Mr. Berube explained that Health Agent, Phavy Pheng took the pictures on Friday, May 29, 2009 when Phavy and I visited the site to see what was happening. As you can see from the pictures there are a lot of empty bins and the number of poles has been reduced. I spoke with Steve Glennon, Operations Manager and he informed me that there has been greater than 30% reduction in the current stock. McFarland Cascade still has not received any new shipments.

Mrs. O'Rourke commented that the progress report states that the poles treated with the new formulation are expected to arrive on or about May 30, 2009.

Mr. Berube replied as of Friday, May 29, 2009 they have not received any new shipments.

Mr. Reader asked how many poles are currently on site.

Mr. Berube replied approximately 2,000. Mr. Berube explained that he met with the Department of Environmental Protection (DEP) at the site and they plan on coming back at a later date to take some soil samples for testing.

Mr. Kenyon asked can air sampling be done.

Mr. Berube explained that the owner of the Iron Horse Park property contacted him and informed me that the Environmental Protection Agency (EPA) was going to do some testing at the site. However, the testing is mainly for asbestos but they will take into account other hazardous materials.

Mr. Reader asked do you know when DEP and EPA plan on visiting the site.

Mr. Berube replied he was not sure, but he would let the Board know when they contact him.

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

Mr. Kane stated that he is glad that both DEP and EPA have finally responded.

Mr. Reader asked Mrs. O'Rourke if the Department of Public Works has cleaned out the catch basins.

Mrs. O'Rourke replied that she went to the site of the catch basins with Abdul Alkhatib, the DPW Director and the catch basins were clean. Abdul told me that even if there was something in the catch basins the smell would not travel throughout that neighborhood.

#### **Mosquito Control**

Mrs. O'Rourke stated the next item under Board of Health Business is Mosquito Control.

Mr. Berube explained that Central Mass Mosquito Control has provided the Board with a copy of the Aerial Mosquito Larval Control Program. Anyone that has an issue with mosquitoes and would like to have their property sprayed can contact Central Mass Mosquito Control at 508-393-3055 between 7 a.m. and 3:30 p.m. or by e-mail at [cmmcp@cmmcp.org](mailto:cmmcp@cmmcp.org).

Mr. Reader asked Mr. Berube if the briquettes have been put in the catch basins yet.

Mr. Berube replied he did not know, the catch basins are usually cleaned out before the briquettes are put in. He does not know when DPW has scheduled the catch basins to be cleaned. The clean out usually occurs in late spring or early summer.

#### **Billerica Substance Abuse Committee**

Mrs. O'Rourke stated the next item is the Billerica Substance Abuse Committee. Mrs. O'Rourke explained that the Board of Health received a letter from Bernard and Eleanor Hoar stating that they can no longer serve on the Billerica Substance Abuse Prevention Committee because of other conflicts. Mrs. O'Rourke asked Mr. Berube if someone from the Board of Health has to be on the committee.

Mr. Berube replied not necessarily.

Mrs. O'Rourke asked if someone from the Board is interested in being on the Substance Abuse Committee.

Mrs. Giroux expressed an interest in being on the committee.

Mr. Berube explained that he would send a letter to the Board of Selectmen Secretary, Michael Rosa informing him that the Board has appointed Sandra Giroux to the Billerica Substance Abuse Committee.

### **H1N1 (Swine) Flu Update**

Mrs. O'Rourke stated the next item is the H1N1 Flu update.

Mr. Berube explained the H1N1 Swine Flu activity has been on the decline. As far as influenza it has been higher than normal for this time of the year. The recommendations of the CDC (Center for Disease Control) and the State are that anyone that has a fever and flu like symptoms should stay out of work or school for a minimum of seven (7) days in order to prevent the spread of the flu. Most of the confirmed cases are adolescents.

Mr. Reader asked how many confirmed cases have there been in Billerica.

Mr. Berube replied there have been two (2) confirmed cases in Billerica, one child and one senior.

Mrs. O'Rourke asked if any of the Board Members has any questions.

The Board Members did not have any questions.

### **Water Conservation Commission Update**

Mrs. O'Rourke stated the last item under Board of Health Business is the Water Conservation Commission Update. Mrs. O'Rourke asked Mr. Kenyon if he would update the Board.

Mr. Kenyon explained that at the Water Conservation meeting held on May 20<sup>th</sup>, 2009 the committee discussed that Article 28 on the Town Warrant passed at Town Meeting. The beginning of the process will be to set up fees for the water conservation policies. John McGovern, Water Superintendent informed the committee that the Town must meet the Department of Environmental Protection (DEP) 65 gallons/per person/per day limit. John also explained that in dry periods it is estimated that 500,000 gallons a day of purified, chlorinated, fluoridated water is used on lawns via automatic sprinkler systems. In 2008 we only used about 62 gallons/per person/per day. Ed Campese, was present at the meeting. He talked about the Billerica Watcher's Group concerns regarding the proposed power plant. Don Gadbois, from the Billerica Watcher's Group is a new member of the Water Conservation Committee. The Billerica Watcher's Group has a lot of knowledge about the flow of the river. They have concerns regarding the water that will be needed for the proposed gas fired power plant. Currently the Town is allowed 5.34 million gallons of water a day but we only use 4.39 so we are not using .95 million gallons per day. That is pretty close to the limit. The concern that we have is that when we need the water the most the river is least able to handle the draw. That is a problem.

Mr. Kenyon stated that at the next meeting the committee is going to discuss how the water conservation fees are going to be issued and handled.

Mrs. O'Rourke asked who is going to administer the water fees.

Mr. Kenyon replied he does not know at this time. Mr. Kenyon explained that a developer would have to post a bond of some type for water conservation. Mr. Kenyon gave an example that with that fund the Town would have the money to reimburse a portion of the cost to a resident if he chooses to buy a water efficient appliance to stimulate water conservation.

Mr. Reader asked at a cost to the builder.

Mr. Kenyon replied yes.

Mrs. Giroux asked if a resident wants to change all their utilities for water conservation purposes, they could get reimbursed.

Mr. Reader asked is it legal.

Mr. Kenyon replied it passed at Town Meeting.

Mrs. Giroux asked has the Attorney General passed this article.

Mr. Kenyon replied not yet. At the next meeting the committee is going to discuss if it is reasonable and what the requirements would be.

Mrs. Giroux asked is there a fine if a resident is watering their lawn on the wrong day.

Mr. Kenyon replied yes there is a fine if you water on the wrong day. It is only a warning for the first offense, for the second offense there is fifty dollar fine and for a third offense and every offense thereafter there is a one hundred dollar fine. If you have a problem you can call John McGovern or the DPW office and they will follow up on the complaint.

Mrs. O'Rourke asked who is enforcing the water mandate.

Mr. Kenyon stated you can call the Department of Public Works and someone will go out and check it out. In 2008 DPW gave out 50 tickets for watering on the wrong day.

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

The Board Members did not have any questions.

**7:45 p.m. Kenneth W. Mathews – 183 River Street – Continued Hearing**

Mrs. O'Rourke stated the first item on the agenda is Kenneth Mathews, 183 River Street, continued hearing.

Attorney James Dangora, Sr., Shea, Dangora and Nelson identified himself. Attorney Dangora explained that Mr. Mathews is continuing his effort to clean up his property. Richard Berube, Director of Public Health visited the property at 183 River Street the other day and observed the work that has taken place. There have been no new complaints. The car that Rich wanted removed from the property has been removed. The trash barrels have been moved from the front yard to the back yard. The dirt pile is going to be used to back fill around the pool. Ongoing efforts are being made to comply with the Board's request.

Mr. Berube stated that Mr. Mathews is continuing to make progress. There have not been any new complaints since last year. Mr. Mathews has also made quite a few improvements to the property. A new fence has been constructed and the house has been painted. He is continuing to get rid of some of the items on the property. Mr. Mathews is making a good faith effort to clean up his property. At this point I do not see any reason to continue the hearing. Mr. Mathews is continuing to make an effort to clean up his property.

Mrs. O'Rourke asked is the orange fence still around the pool.

Mr. Mathews replied the fence around the pool is now chain link. We cleared out behind the back of the pool area and it is enclosed. The Building Department came out and inspected the pool so that we could get an occupancy permit. The electricity was upgraded. We have installed self-closing gates and alarms on the porch doors.

Mrs. O'Rourke asked about the storage of the commercial equipment in the yard.

Mr. Mathews explained that the two commercial air compressors and the truck bed that was frozen to the ground last fall have been taken to a storage facility in Lowell. The unregistered mustang that was out back has also been taken to Lowell. The entire yard has been cleaned out. The truck bed is sitting on an axle waiting to be put on my son's truck. It is viable and not rusty.

Mrs. O'Rourke asked is that your son that does landscaping.

Mr. Mathews replied yes and explained that he operates out of North Chelmsford and has a storage facility in Lowell. That is where he will be storing his equipment versus in the past when he was storing the equipment at 183 River Street.

Mr. Berube explained that if you saw the property last fall and looked at it now you would see the major improvements that Mr. Mathews has done to his property. Mr. Mathews has made a good

faith effort to clean up the property. I spoke to Mr. Mathews on Friday, May 29, 2009 and he explained to me his plan for cleaning up and maintaining his property.

Mrs. Giroux asked is the car still out in front of your property.

Attorney Dangora replied the car has been removed.

Mrs. Giroux asked when was the car moved.

Mr. Mathews replied this morning, Monday, June 1, 2009.

Mrs. Giroux stated the reason she was asking was because she drove by the house this weekend and there has definitely been some improvement, however, the car was still out there.

Mr. Berube explained the reason the car was not moved sooner was because of all the work that was being done in the back yard. They did not want the car to be in the way.

Mr. Mathews explained we were scraping the back of the house and we did not want to over spray on the car.

Mrs. O'Rourke asked is the car registered.

Mr. Mathews replied no, it is an antique mustang and we are trying to restore it. However, I have been interrupted by several other projects.

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

Mr. Kenyon stated that he has driven by the property and the car was still out in front of the house. The property still needs a lot of work.

Mr. Mathews explained that he intends to put in a new lawn. The driveway also needs to be replaced.

Mrs. Giroux asked can the Board continue the case for a little while longer.

Mr. Berube explained that the Board of Health has not received any new complaints since last year. I do not see a reason to continue the case. If the Board of Health receives any new complaints then we can reopen the case.

Mrs. Giroux made a motion to close the hearing. At this time, the Board of Health shall take no further action. However, you need to continue the maintenance of your property in a clean and sanitary manner to prevent any complaints in the future.

Mr. Kane seconded. So voted unanimously.

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

The Board adjourned at 8: 05 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk