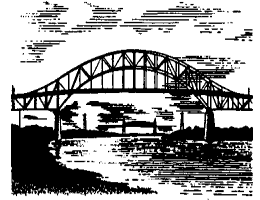


**TOWN OF BOURNE
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Cynthia A. Coffin,
Health Agent

MINUTES
September 14, 2011

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice-Chairman; Don Uitti; Galon Barlow; Carol Tinkham

Support Staff in attendance: Cynthia Coffin, Health Agent; Carrie Furtek, Health Inspector; Melissa Chase, Secretary

Meeting was called to order at 7:03 PM.

1) ISWM update- Daniel Barrett

Mr. Barrett presented the Board members with a written update of the agenda items (*attached at the end of the Minutes*). He began by stating that Landfill Working Group (WG) would be having a group meeting on Tuesday, Sept 20 to go over the final phases and take a look at what it is that wants to be accomplished. There will be 2 articles on Special Town Meeting in October referring to the Requests For Proposal (RFP). Two require Town Meeting approval; one does not.

A) Land Lease RFP update : There are 2 parcels outlined on the map. These were both thrown on there to see what they could get after talking to the vendors that had interest in some of the buildings. It does not mean that there will be no recycling; it means the bailing operation may be relocated. The RFP is being looked at by the WG, the ISWM staff, Mr. Aronson (outside consultant) and Town Counsel Robert Troy's office. They are tedious, somewhat long documents; they are not 100% complete yet but very close. Included is a lease, which is also very specific and needs to be vetted out very well before it is issued. The time table for issuing was the end of this year, but hasn't been presented yet to the WG. Mr. Goddard (*ISWM Environmental Manager*) and Mr. Barrett recently went into Boston and met with Massachusetts Environmental Policy Act (MEPA) unit that regulates the tonnage; they are one level above the Department of Environmental Protection (DEP). Phase 4 that is being built this year is the last MEPA approved phase. If there is a phase 5 and the development of a phase 6, MEPA will need to review. Mr. Barrett and Mr. Goddard went to MEPA before submitting anything to them to ensure that they were going to submit everything that would be asked for. The meeting went well; as far as the other development phases go, MEPA wants them to "check in", ensuring that they will keep in touch with MEPA regarding new development. While there, the "road map" needed to achieve the goals intended was figured out, and there

was comment on the potential for the alternative technologies, and whether or not there would need to be another environmental impact report. It does not, at this point, appear that that will be necessary. Everything that is proposed seems to be within the bounds of solid waste. Mr. Barrett and Mr. Goddard will have to go back to MEPA with a notice of project change to address phase 6 and any other potential things being done on the landfill, merely a check in to see how things are going. That will give MEPA a chance to review where the project is; MEPA is happy with progress thus far. There have been 3 notice of project change issued through MEPA, but has not been a full review of the facility, which is what they want to do now. The notice of project change will be issued to MEPA by the end of the year; time will be taken to review that. When the alternative technologies are chosen, they will again review the specifics of those technologies. They didn't want ambiguous reviews, similar to the Bourne Board of Health's request for specific vendors. This review should speed up the process overall, but may postpone the issuance of the RFPs a little bit. One of the things that the WG wanted to do is to make sure that when the vendors are approached, regulatory agencies have already been met with and have given verbal approval for the technologies. When a vendor comes in and invests time and money into a plan for the process; they want to make sure everything has been fully vetted out and are on the right track. This review will go a long way in achieving that with the vendors.

B) Land lease RFP for Landfill Gas Utilization: The approx. .42 acre parcel is not located out on the map handed out by Mr. Barrett, but is located behind the building labeled "garage" (maintenance garage) which is on the border of the Mass Military Reservation. This is the basic area where the parcel for the proposed landfill gas utilization technology is located. It is on the landfill side, on site assigned parcel and that is where the gas utilization will need to go.

C) RFP for Leachate Evaporation: The WG is looking to a vendor to supply the technology for lease/purchase equipment. The best thing about this technology is that it will be a "money saver". The leachate will no longer need to be taken off site for treatment, and it utilizes energy already there. It can be hooked up to a flare or to an exhaust stack on an engine or turbine or whatever the power generating mechanism chosen to go in there is. Mr. Barrett states that they are basically trying to utilize every ounce of the MMBTU value of the gas that they can. There are interesting technologies being developed out there; Mr. Barrett spoke in particular about a hydrofracking (hydraulic fracturing) facilities in Western New York and Pennsylvania. They are coming up with a lot of water and are able to do the evaporation process there. The WG has visited these units and seen the success and put it in their appeal as well. There is still a ways to go to refine the details, but the WG has put in a tremendous amount of time, and is pretty close to something they are "happy to be putting out on the street." The goal is to simply give the vendors something that they can work with, something definite, try to eliminate as many vagaries as possible, and make sure that there is a regulatory pathway that is achievable so that the vendors have the confidence to move forward. The RFPs will be ready to go out either by the end of the year or possibly a bit later if the WG decides to allow MEPA a chance to catch up on their review of the facility. When Mr. Barrett asked for any questions/comments, Mr. Andrews commented that the meeting on Tuesday, September 20 would be a bit more in depth into the RFPs. The goal of the meeting on the 20th will be to allow the Boards to see where the project stands and

answer any questions that have come up since the last meeting, and push the project forward. Ms Peterson questioned why the meetings are being held without concrete things to show. Mr. Barrett said that the WG would be showing what will be brought to Town Meeting as a 15-20 minute presentation explaining what it is that is being done. Mr. Barrett felt that, in his experience, something like this being presented in a Town forum is the first time some people have seen it and they get nervous. The WG is going to try to do their best to disseminate the information through a media campaign before Town meeting, and part of this process is the joint meeting on the 20th, making sure that the Boards are all up to date. The members of the WG have updated their Committees and Boards, but they want to make sure that there are no questions that need to be answered. Ms. Peterson expressed that her biggest concern is the amount of time that it will take once the RFPs go out for the various Boards to look at the different technologies that are being proposed for use. The BOH will not be rushed looking at the technologies that are being brought on. She was hoping that information on those particulars would be made available sooner rather than later. Mr. Barrett assured her that, while the joint meeting may seem a bit redundant, the intent is to maintain contact and allow for any questions to be brought forth, albeit limited questions until the specific technologies are finalized. Mr. Barrett acknowledged that the BOH in particular is “antsy” to see the information on the proposed technologies, as those are the issues they are most concerned with. Mr. Andrews suggested that the timeline that shows issuance of the RFP, how long before they respond, and the amount of time that the group will look at those responses, all the way out through the construction and permitting and all that be brought to the joint meeting. That will show all the groups what the actual timeline is. He said it’s not a 6 month timeline, but rather 12-14 months easily. Mr. Barrett apologized for not bringing it to the BOH meeting, but he had things to add to it specific to the information found out at MEPA. The WG needs to discuss what MEPA had to say, which was positive, but it may be beneficial to hold off a little bit until the first of the year to issue the RFPs. Mr. Andrews suggested again that the base timeline from the WG to be brought out, and reflect that MEPA may push the timeline out 3months, 4 months, etc., but it would at least show the whole process including the regulatory. Mr. Barrett said he was very aware of not dragging things out in the infant stages and tiring everyone out before the meat of the work needs to get done. Mr. Barrett stated that, during the process where the BOH will be examining the technologies, the WG would be happy to assist by bringing the vendors in so that they can help make people comfortable with what is being proposed. Ms. Peterson suggested that perhaps in November that the BOH can sit down with Mr. Barrett to let him know basically what will be wanted, between meeting the companies, reviewing their overall business plan, what they are/are not bringing to the table, where we can go to see examples of what they are proposing for our landfill well before the time that we do business with them. When the time comes that the Selectmen and the Finance Committee and the other committees say they want to do business with the vendors, the BOH will be informed and ready to concur. The BOH wants to know ahead of time what is being looked at and deciding what they are comfortable with before the other committees are feeling that the BOH is holding things up. Mr. Barrett said that the BOH is in a precarious position because they are the ones who will be determining the differences between the actual technologies. Ms. Peterson asked for him to inform the Board of places that the Board could go see technologies that he thinks may be down the

line. It doesn't mean that we are ever going to be doing business with those people, but it would at least give the Board an idea of what it is that they are bring to the table. Mr. Barrett agreed, saying that it would help the WG as well because if there's something in there that the BOH doesn't like, there's no sense wasting a lot of time on it. Mr. Andrews asked if, as part of the RFP, there is certain information that the proposers are required to present as part of the proposal. He felt this information would answer a lot of Ms. Peterson's questions, and wanted to know if that would be the time that the information would be brought to the Board of Health for review. Mr. Barrett stated that it had not yet been established how that was going to work because they haven't really seen what they are going to get yet, but that the BOH would most certainly be the first to "get a shot at it." Ms. Peterson said that, while new technologies are certainly exciting to look at, the BOH does not want to look at a new technology and have to make a decision in 30 days. Mr. Barrett noted that sentiment, and said that would be brought up at the next joint meeting. Mr. Andrews believed that the process showed several months of selecting of technologies, then through the review process they come back a second time for Board review. Mr. Barlow said he felt that the WG was "doing good stuff", but agreed with Ms. Peterson that the information needs to come forward in a timely fashion so that it can be dealt with as best as possible.

D)Phase 2A/3A North Slope Cap Project: Mr. Barrett stated that this project was completed in late May/early June. Vegetation has grown very well. Erosion is very limited. There are already positive effects from it; the gas collection system is much better. There are 9 new wells that were covered with plastic, so there is good gas capture on the north end. There is a little bit of expected erosion which is normal when a cap is built. Mr. Barrett stated that built into the contract of the installer is the provision that they must come back to repair damage until the vegetation is established to the satisfaction of the consulting engineer. He felt that ET& L did a great job and that the job went very smoothly. They adhered to schedules and watched the drilling to make sure nothing was happening that was not within the boundaries set by the BOH. There were no odor complaints during the construction period. The repairs from the recent heavy rainfall are expected to take less than 2 days, and the installer will probably be signed off late in the fall as complete. Ms. Peterson pointed out to Mr. Barrett that the onset of colder night weather tends to be when odor complaints begin, and asked his thoughts. Mr. Barrett said that 8 new permanent vertical wells are being installed in the stage 2 section of the 2A/3A area. Stage 2 will be at finished grade in November. They are planning on going to special Town meeting to ask for funds to be transferred from the closure account into an article so that the wells can be drilled. He hopes to have those wells in by January. Section 2 is the last section of the landfill that does not have permanent wells, and it is time for them. Mr. Barrett stated that there were a couple of minor incidents associated with equipment failures, but overall, there haven't been any official odor complaints on the odor hotline. Mr. Barlow mentioned that it was appreciated that the wells were going to be dug in the winter when the residents find the odor less difficult to deal with, but realized that it has to be done. Mr. Barrett said that they would follow the same procedure: come back before the Board for review of the protocol and then proceed. This is the last spot where there is active collection. Ms. Peterson asked for all the neighbors along MacArthur Blvd (Brookside, the nursing home, etc) to get personal notification that the drilling is going to happen and give them the number for the odor hotline. Mr. Barrett

assured her that they would do that. The engineering cost estimate is done; the design is being done now; they are going to Town meeting to ask for the funding transfer from the closure account. When they get through that process, they will return to the BOH with a finalized timeline.

E)Phase 1D Mining Project: Mr. Barrett stated that this was an arduous task, but the staff is working 14-16 hours a day, 7 days a week to get the project done to accommodate the Phase 4 expansion, as well as running up against the 11th amendment to the ACO to excavate the area. Mr. Barrett said Mr. Ellis is getting impatient and wants the project done, although he is happy with the way things are progressing. Ellis is happy with the drop off area, the odor situation. DEP is supportive of the RFP process, but Mr. Ellis would like Phase 1D project complete. As stated in the update, the project is about 85% complete, and the estimated time for completion is mid to late October. They have encountered a couple of oily soil spots. The protocol for dealing with it was in place and it was quickly dealt with. At all times there is at least 1 individual on the job site that is HazMat trained. They go in, clean it out and do confirmatory sampling to make sure it has all been captured. It gets put on top of the landfill, and samples are submitted to a lab for analysis. The LSP then instructs the team what to do with it.

F)Temporary Tonnage Increase: In preparation for Hurricane/Tropical Storm Irene, in an effort to avoid the problems in March 2010 (trucks were lined up out the gate and people had to be turned away because the landfill was at its daily tonnage limit), the local DEP office was called to ask for a temporary tonnage increase which was ok'd. The MEPA office also ok'd the forms. The Cape Cod Commission reviewed and approved as well. The temporary increase will be valid through September 28, 2011. The CC Commission will be reviewing whether it needs to be adjusted. Mr. Barrett feels that the process of requesting a temporary tonnage increase is now smooth, that they know who to go to for the approvals. Currently there has not been a large increase in tonnage due to Irene; to date the highest tonnage is 875 on September 13 (Mr. Andrews corrected this amount to 856). Mr. Barrett stated that at the beginning of the summer there were 5 days of overage. There were certain materials that were not counted as disposal when they came in, and had to be added to the total afterward, thus putting the total tonnage over. Part of the Phase 4 project is the construction of a new scale, along with new software that will allow the landfill to manage the tonnage better. Ms. Peterson asked if the temporary increase in tonnage would make up for it, if it would all wash at the end of the year. Mr. Barrett stated that it would smooth out; it wasn't an operational issue but a permitting issue that was mistakenly exceeded. Mr. Barlow felt it was not a big concern to the Board at the time, and felt that the landfill did an excellent job with the whole situation. Ms. Peterson asked if there were any other questions from the Board or the audience for Mr. Barrett. Mr. Barrett concluded his presentation to the Board.

Ms. Peterson moved Agenda item 5 up because it was a revisit from an earlier meeting due to a technical error.

5) 290 Barlows Landing Road: Don Bracken for R. Hunter Scott : resubmitted from Aug 10: Discuss and vote on request for variance to install new septic system for proposed renovations/additions

Attending for this item were Don Bracken (engineer); Zack Pazinski (from Bracken engineering); R Hunter Scott (owner).

Mr. Bracken stated that Mr. Scott would like to construct a new 5 bedroom dwelling on an existing lot that he owns, about 3 acres in size. Right now there is a single family dwelling, shop/garage. The main project is a 5 bedroom structure that has already gone through the Conservation process for approval, as well as a septic location, most of which is outside the ConCom's jurisdiction. There are 3 resource areas applicable to the septic system; the first is the salt marsh to the north of the property, abutting Pocasset River; there are also wetlands along the westerly property line; there is a coastal bank in association with the salt marsh in the flood zone at the slope at the northern end. The coastal bank is delineated on the plan as per the DEP definition of a coastal bank. That line, as well as the salt marsh and the flag limit of the isolated wetland, has been reviewed by ConCom. Mr. Bracken said that what is being proposed is install a septic tank and pump chamber in the front of the existing house, and pump the effluent up to the central southern portion of the property, which happens to be the highest point on the lot. This area was chosen because it is outside the ACEC area, far away from the marsh, outside the River area, outside all the buffer zones for the resource areas. Mr. Bracken stated that this location puts the system at 110' from the closest point to the coastal bank, and that is where the 40' variance is being sought. It will be over 200' from the salt marsh, and about 175' from the isolated vegetated wetland. Because of those distances, and because of the location at the high point of the lot, Bracken didn't feel it would be necessary to do pressure dosing or an IA system. Mr. Bracken stated that the Health Agent had brought it to his attention that the Assessor has the shop/garage listed as a 1 bedroom structure. It was approved through the Conservation Commission at the time; the building permit was issued with it having a bathroom equipped with an ejector pump that connects to the existing septic system utilized by the existing single family dwelling. The front house is a 3 bedroom house. It was never intended for the shop space to be utilized as living space. Mr. Scott is a cabinet maker, and the second floor is used as office space, which has expanded to a "man cave" with a sofa and pool table. Bracken feels that from a zoning standpoint, it cannot be considered a bedroom, but rather as an accessory used by any of the single family structures. Mr. Bracken also pointed out that it is allowable to have 2 dwellings on one lot in a situation with this much land area. Mr. Scott is willing to put on a deed restriction that the shop will not be used as a bedroom; he is also willing to remove a bedroom in the front dwelling, adding a deed restriction on that house, making it a 2 bedroom. He will convert one of the small bedrooms to a closet or combine it with one of the other bedrooms, which he feels will fix that issue. The Health Agent found this acceptable. The other issue is that the floor plan shows a bonus room proposed over the garage. Mr. Scott is not sure if he is going to build that room now or in the future or at all, but that is why the system is being designed as a 5 bedroom, to accommodate that possibility. There was some discussion regarding what Mr. Scott/Mr. Bracken refer to as a "storage room" on the second floor, and whether it falls under the definition of "bedroom". The intent of the room is a closed storage room; it has no windows, and doesn't meet the building code of habitable living space. Ms. Peterson felt that it was a reasonable to allow this room to remain as "storage" since they are willing to remove a bedroom from the other dwelling. The system is to be designed as a 5 bedroom and Mr. Bracken pointed out that the room count for 5 bedrooms is 11 rooms total in the house; right now there is only 9, including the bonus room. Ms. Peterson address Mr. Scott, asking if he was willing to case the door in the front dwelling to ensure that it is not

a bedroom, which he was willing to do. Mr. Andrew expressed being comfortable with the proposal, particularly in regards to the addition of the deed restrictions. He did ask for a renewed architectural for the modifications in the front house to be recorded with the office.

Mr. Andrews moved to allow the variance request for 290 Barlow's Landing Road, a variance of 40' of the 150' setback for the soil absorption system to a wetlands recess area/coastal bank. As part of the motion he asked for the permit not be granted until the deed restriction of 5 bedrooms on the proposed new dwelling and 2 bedrooms on the existing dwelling are filed, and the architectural update eliminating the bedroom from the existing house are presented to the office. (The architectural date received July 14, 2011; plan date July 14, 2011; done by Bracken engineering dated June 27, 2011)

Mr. Utti seconded the motion. The motion passed unanimously.

2) Otis Update

Attending for this item were Doug Karson, representing the Air Force Environmental Cleanup Program (AFCEE) and Dave Hall, representing the Impact Area Ground Water Study Program (IAG?)

Mr. Karson began the presentation by giving the Board members each a packet of information. He stated that they are still operating treatment systems. There are 10 plumes that are undergoing groundwater treatment at a rate of 4.3 million gallons per day. There are numerous extraction wells, and he stated he would be speaking specifically about landfill 1 plume. Most of the work of the AFCEE right now focuses on operating the systems, maintaining them, and optimizing them. They are looking at the most efficient way of running the systems to get the most "bang for the taxpayer's buck."

There are 3 color maps provided in the packet that depict the research that has been done over the last few years. Basically, Mr. Karson's job has been to go out and contact the owners of the 482 parcels within the footprint of the Landfill 1 plume. Through multiple mailings, knocking on doors, phone calls the status of the property was established: whether or not there was a private well, if it was operational, and the use of the water (drinking, outdoor watering, etc). It was found that 2 properties that had private well that were used as drinking water and indoor use. The wells were tested back in July and they are clean. A technical evaluation called "project note" that was provided to the BOH back in late May. Ms. Peterson asked Mr. Karson when the wells would be re-tested. Mr. Karson stated that the well is not currently schedule for any future testing. In the project notes, there is an explanation for that conclusion. Many factors were taken into account: the depth of the well, depth of the plume, extensive computer modeling that looked at "worse case scenario". The location was determined to have more than 75' of clean water between the top of the plume and the shallow well screen, so there is virtually no possibility of interaction based on the data. Ms. Peterson asked how, if one of the homes is sold, the new home owner would know that all of this testing was done, if it is recorded at the registry of deeds or if it is recorded with the county, etc. Karson stated that the agreement that they have with the Federal EPA and the State DEP is that all the information would be shared with them, as well as with all the local Boards of Health. There is nothing in the game plan to formally record some sort of legal instrument that says that they did the research. All the properties in the first three categories will go

through another analysis that is commensurate with that 5 year review. The data will be reviewed for changes and the property owner will be notified. If the property owner has changed, the new property owner will receive the information. Ms. Peterson stated that she wasn't comfortable with that, but the issue would be revisited another day. Mr. Karson stated that the 2nd well in question is used as a seasonal home; the water source itself is a hand pump in the basement pumped into buckets for use. This well tested clean in July, and it is remaining in the sampling because there is a possibility that a portion of the plume may, in the future, be drawn up into that pump even though it is a low volume well. Mr. Karson did want to raise for consideration to the Board to revisit the wording in the regulation for private wells. In section 5.0, line item 2 there is wording about not approving wells in the footprint of a plume or in the path of plumes. He felt that might want to be revisited because the technical evaluations show that the wells that are identified are safe to use. He also wanted to make sure the Board knows that the AFCEE is available as a resource. Should anyone come to the Board with a well application in a plume area, they would be able to provide available data of the safety of the area. Ms. Peterson felt that the Board puts people through so much when they are putting in new septic systems and all of the notifications and testing that are required, and the County and the Board has to be notified, they have to enter into agreements. It just seems that there should be something that people can go and see. She felt that someone just moving to Bourne, a real estate isn't going to be immediately forthcoming with the fact that there are plumes in the area. Mr. Karson said that all upper cape realtors were invited to a meeting, and one thing that came out of that was a "Plume disclosure statement" that all the realtors are supposed to be providing. Any realtor that contacts him about a property can get the plume information for that area. Ms. Coffin commented that the section in the well regulations that Mr. Karson referred to was not initially put in because of Otis but rather because of the Town's own landfill plume, so it is not something that would be taken out. There could be possibly be a rewording or a variance procedure added, but it was required by DEP that it be put into the well regulations. Mr. Karson stated that it could perhaps be put under variances to the effect of : "in areas within plume boundaries associated with the base that consideration would be given after consultation with AFCEE." Mr. Karson's next topic was CS-19, a plume containing RDX (an explosive related compound) on the northern part of the base, with its flow path going from the base towards the Bourne Landfill. The most recent computer modeling shows that it will not reach the base/landfill boundary, and will continue to degrade and dilute on its own. It is currently being monitored. LF-1, the landfill plume is still being pumped and treated. The main base landfill has been capped since 1995. The results of harbor and local pond sampling were provided by Mr. Karson. He stated that, basically, harbor sampling is done every year. RedBrook Harbor has a seep location that tested just below the detect limit for TC, up a little from the non-detect from last year. Squeteague Harbor surface water tested at non-detect or below recording limit. PC & TC were detected at one of the seep sampling locations (where groundwater bubbles up from the aquifer) at a level less than last year, which is a good sign. Ms. Coffin asked his opinion as to why there is a variation in the levels; he stated that it is because of the nature of the source. This particular plume is because of the landfill, where stuff was dumped here and there, and so it's kind of a cyclical thing as things decompose. Mr. Barlow asked, in regards to the capped landfill, if there is a lot of rain what happens at the edge of the cap and seep, could that be the

reason for a different concentration. Mr. Karson said that could be a possibility. Mr. Karson wanted to point out that, as you come over the Sagamore Bridge, you will see 2 wind turbines to the right. Those are Air Force constructed turbines, and will be operational by mid to late October. They are 390' from base to the tip of the blade. They estimate that the turbines, when spinning, will generate about 1.5 million dollars a year in savings. Mr. Karson turned the floor over to Dave Hall from the Groundwater Study Program at Camp Edwards. He stated that the program he represents is very similar to the AFCEE, but their area of interest is the northern 15000 acres of Camp Edwards where most of the historic military training occurred. The program has progressed from an investigation stage that began in 1997; 11 plumes have been found. The constituents tracked are perchlorate (solid rocket fuel) and RDX (explosive). The plumes are of various sizes. There are 5 active treatment systems. The decisions have been handed down by EP on several sites, 3 of which are in the Bourne section of the base. The northwest corner has a shallow plume of perchlorate. There are very low levels of perchlorate in the ground water there which is expected to attenuate through natural processes over the next year or two. There is also a deeper needle plume of RDX contamination which is expected to naturally attenuate over the next 10 years or so. The decision for that northwest corner is groundwater monitoring and land use control monitoring. The western boundary area had low level detections of perchlorate. That sampling was "robust" back in 2002-2003, but since state drinking water standard was established at 2 ppb, the water in that area is considered to be of drinkable quality. The decision on the western boundary is to do groundwater monitoring and land use control monitoring. He stated that 2 other areas are the central impact area plume (2200 acre of which 330 acre portion at the center is where artillery targets were concentrated and a lot of ordinance were fired in that area). He stated that there is a fairly low level of RDX contamination, but it is spread over a large area. They are still pending an EP decision on what to do there, but it is expected that they will be installing 3 extraction wells (decision is expected to be handed down next year). The demolition area 1 plume has been being pumped since 2004, at about 500 gal/minute. There is currently an active investigation at the base boundary because of perchlorate contamination detected there. They are actively drilling out on Williams Ave. They have drilled profile borings at 3 locations, preparing to install monitoring wells. Ms. Peterson asked if there was a chance of odor when the extraction wells are dug. Mr. Hall claims that it is more of a noise issue with it being a small neighborhood and rather large equipment. The plumes are 70 feet below the ground, 50 feet below the water table, so there is no real risk of exposure. The houses in the area are all on Town Water. They will continue to monitor the State and Local permitting authorities for any new permits that may be issued. Based on the modeling trend, they expect the plume near Williams Ave to trend to the north-west under Lily Pond; Lily Pond doesn't seem to be well connected to the water table, so they expect the plume to pass beneath it. Mr. Hall says he has been in touch with the receiver at Pocasset Mobile Home Park and is awaiting documentation that will allow them to drill in there to see if the plume has extended that far. He expects the investigation to continue on into early next year. Ms. Coffin asked what the source of the perchlorate off to the west was. Mr. Hall felt that it was from the demolition area 1 site on the base. The contaminate load of most of the base plumes is from open detonation and other demolition operations. When the contaminate was found at the base boundary a year ago, they installed an

extraction well that started pumping in June at the rate of 30 gal/min to cut it off at the base boundary. He says it was a long drawn out process because of the limited access to the areas they need to investigate, so that “slows down the investigation.” Ms. Coffin asked if there were any issues with people in the area that have irrigation wells. Mr. Hall said there is one irrigation well; there has been a monitoring well installed on the property of Hamilton Tree & Landscaping, right on MacArthur Blvd. They found the plume on the far northern edge of his property to be about 45’ below ground, below the water table. Ms. Peterson asked if they had notified the Board of Health that they were installing a monitoring well on the property because of the plume. Mr. Hall was unsure as to how clear the communication was. Ms. Peterson stated that issue would be revisited ASAP at another meeting, possible late October, as an agenda item along with Mr. Karson’s and the issues questioned during his presentation. She stated that the BOH has to know when those monitoring wells are being installed. She said it’s great that they got access from the property owner but they are bypassing the BOH. The County and Town need to know that it’s happening so that all records can be brought up to date. Mr. Hall said that the most recent land use control monitoring information (April 2011) is in the packet he handed out and he supplied the contact information name of Pam Richardson. He said that in the irrigation well there was a trace perchlorate, and that it was still considered drinkable water by state standards. Ms. Peterson asked if there were any further questions. Audience member Mr. Jim Mulvey said there must be some way that a title search prior to a property sale would show a red flag alerting the potential buyer of the possibility of plume contamination. Ms. Peterson asked him to discontinue the question because it pertains to items not on the agenda, but will be brought up at a later dated meeting for discussion. Ms. Peterson thanked Mr. Karson and Mr. Hall for their presentation.

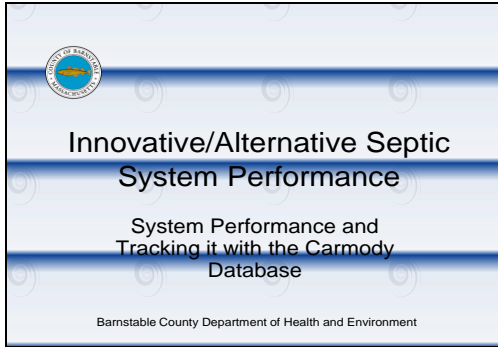
3) Update on alternative systems

Attending for this item were George Heufelder & Brian Baumgaertel from Barnstable County Department of Health and Environment.

(The slide show is embedded in these minutes with side notes; the entire Power Point presentation in a more readable scale can be found at www.barnstablecountyhealth.org under the Alternative Septic Presentations link.)

Mr. Heufelder began the presentation by stating that it is a review of all the alternative septic systems in Bourne. He stated that, as the data is presented, what they hope to accomplish is to show a comparison of how Bourne’s systems are working relative to other Cape systems, as well as to the DEP standard of 19 mg/liter for denitrified systems. This is predicated on the assumption that most nitrogen coming out of a house is 38 to 40, so half of that (50% removal is the least that is expected out of a system) is around 19. It is known that most houses are much more than 40 mg/liter, so when you see a system that doesn’t meet the 19 mg/liter, it cannot be assumed that it doesn’t meet the 50% removal rate. The presentation has also been parsed out by the different technology systems, so it can be seen how different technologies are working. Mr. Heufelder then turned the floor to Brian Baumgaertel for the Power Point Presentation. He is the the overseer of the database as far as who is reporting to it, as well as making sure that there are contracts for the systems.

Slide 1



Slide 2

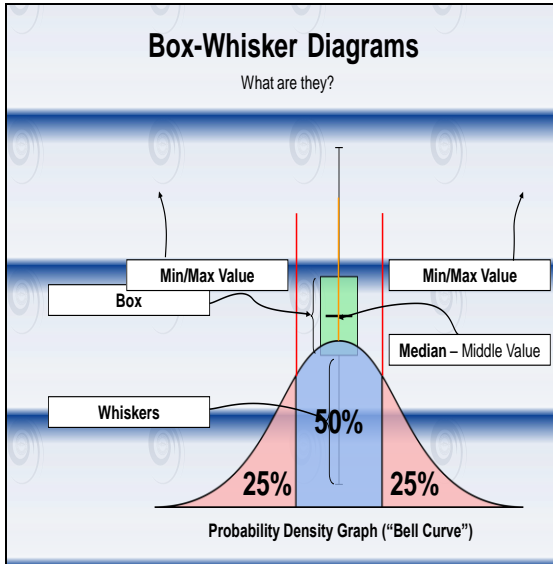
By The Numbers
Permit Breakdown by Town and System Type

Technology \ Municipality	Barnstable	Bourne	Brewster	Chatham	Dennis	Eastham	Falmouth	Harwich	Mashpee	Orleans	P-town	Sandwich**	Truro	Wellfleet	Yarmouth	Total
FAST*	31	76	9	106	127	56	80	13	187	23	18	11	5	37	42	821
Bioclere	3	7	4	10	7	14	10	12	20	8	1	9	1	16	26	148
Singular	1	1	5	10	66	6	14	0	14	2	0	2	0	4	15	140
OMNI Sand Filter	6	8	0	0	0	0	31	0	47	0	0	0	0	0	0	92
Septitech	1	9	0	4	9	22	0	0	0	1	0	1	1	8	1	57
Advantex	2	1	1	2	2	26	0	1	0	2	1	2	2	11	3	56
RUCK	13	6	0	1	1	0	28	0	5	0	0	1	0	0	0	55
Generic Sand Filter	9	2	0	0	1	4	5	0	1	2	0	1	1	7	0	33
Pressure Dose**	0	2	16	0	3	0	1	0	0	0	0	0	5	0	0	27
Waterloo Biofilter	0	0	1	0	0	12	2	0	0	0	0	0	1	5	1	22
Amphidrome	4	0	1	0	1	1	1	0	2	0	0	0	0	3	2	15
SludgeHammer	1	0	1	0	0	0	0	0	5	0	0	0	0	0	1	8
Clivus	0	2	0	0	0	2	0	0	0	1	0	0	0	2	0	7
White Knight	0	0	2	1	0	0	0	0	0	1	1	0	0	1	0	6
Modular FAST	0	0	0	1	0	0	0	1	1	0	0	1	0	0	1	5
Orenco	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	5
Presby	0	3	0	1	0	0	0	0	0	0	0	0	0	0	0	4
Puraflo	0	1	0	0	0	1	0	0	0	0	0	0	0	2	0	4
Nitrex	0	0	0	0	0	1	1	0	1	0	0	0	0	0	0	3
Totals	71	118	40	136	218	145	173	27	285	40	21	28	16	101	93	1522

This slide shows that Bourne has FAST systems for the majority of the systems. These are by far the most common system on the Cape. Ms. Peterson asked why this was so. Mr. Heufelder said this was because it is the lowest capital cost, as well as the ease of the system. It is a single tank so it has a small footprint.

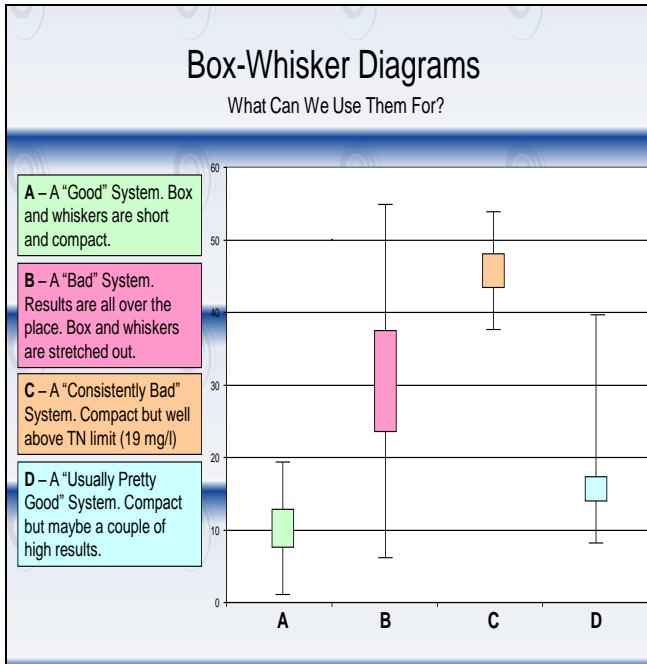
There are a total of 1522 systems on the Cape that are tracked by the Carmody system.

Slide 3



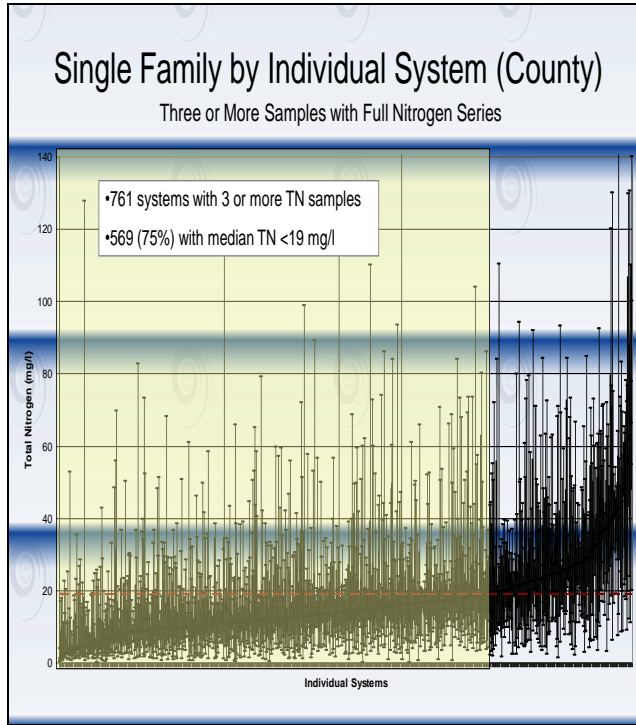
Mr. Baumgaertal said that the information presented would be in the form of "box-whisker diagrams." They are composed of a box and whiskers that can be associated with a bell curve. The line in the center represents the median (which would be the crest of the bell curve). The box represents 50% of whatever the sampling representative is. The whiskers represent the minimum and maximum value (outer values).

Slide 4



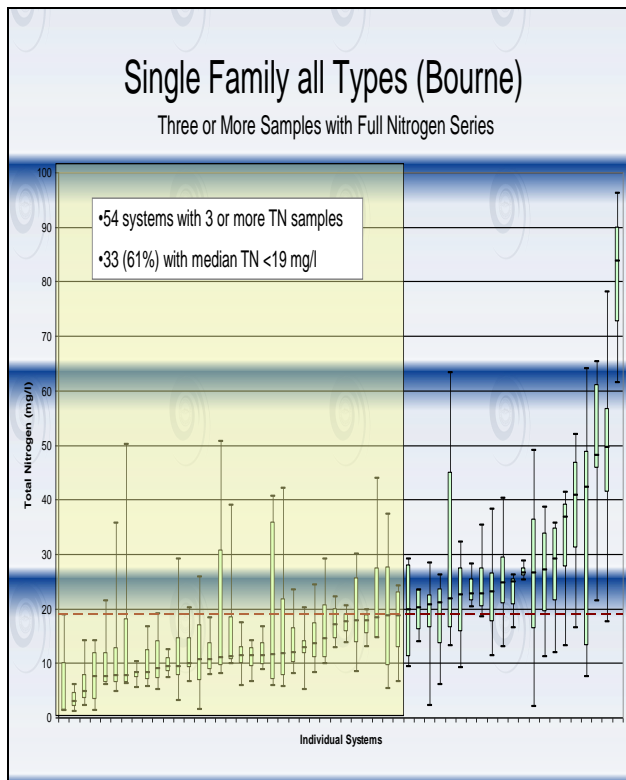
- A) Shows a good system. The whiskers are short and compact, meaning that it is consistently performing in a small range, without much variability in the samples. It is also consistently below the 19 mark.
- B) Shows a bad system. It is stretched out all over the place. The median is well above 19.
- C) Shows a consistently bad system. It is compact, but consistently above the 19 mark.
- D) Shows a usually pretty good system. It is compact. The median is below 19, but there are a couple of high readings.

Slide 5



This represents data from all 15 towns that are sampled combines on one graph. Systems on the left are performing below 19; systems on the right are not performing well.

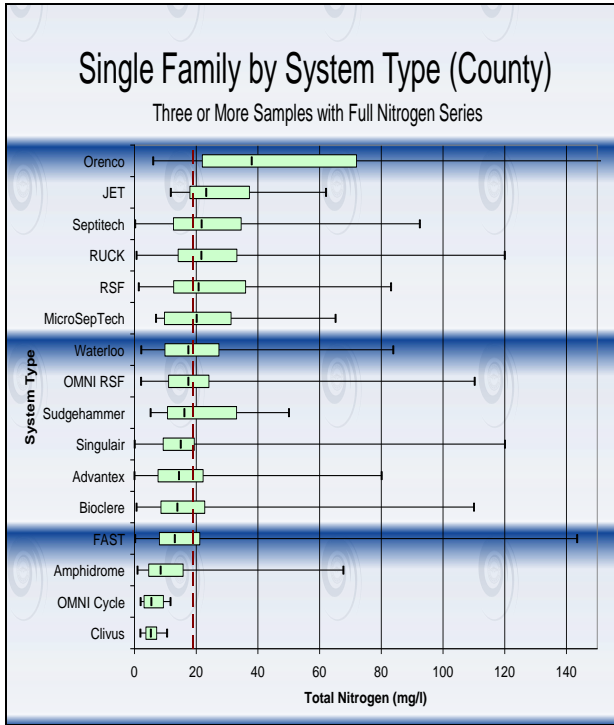
Slide 6



There are 761 single family systems Cape wide that have 3 or more nitrogen samples. 569 of these systems meet the 19 mg/l limit for total nitrogen.

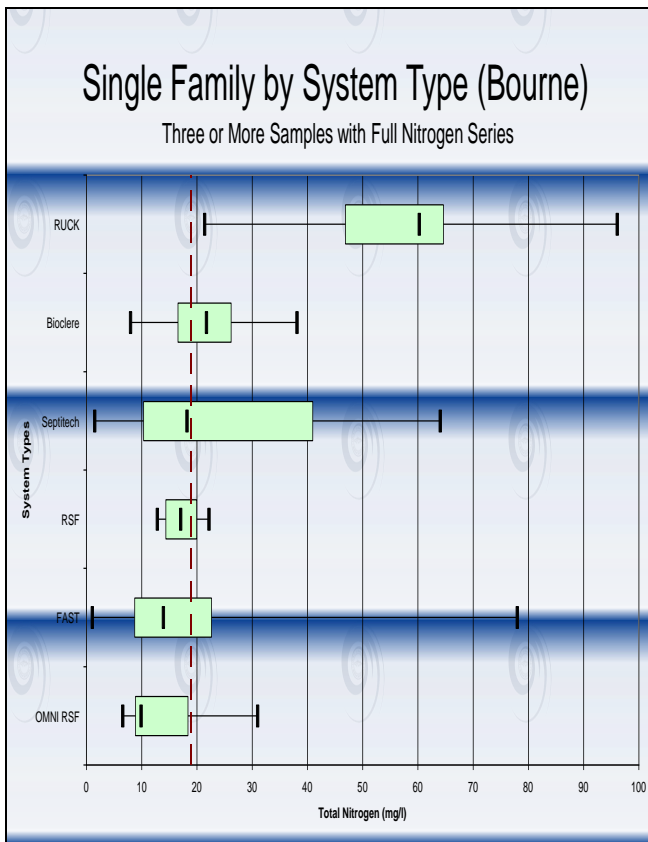
Bourne has 54 systems that have been tracked. 33 of them have a median of 19 mg/l, which means that 61% are meeting the standard.

Slide 7



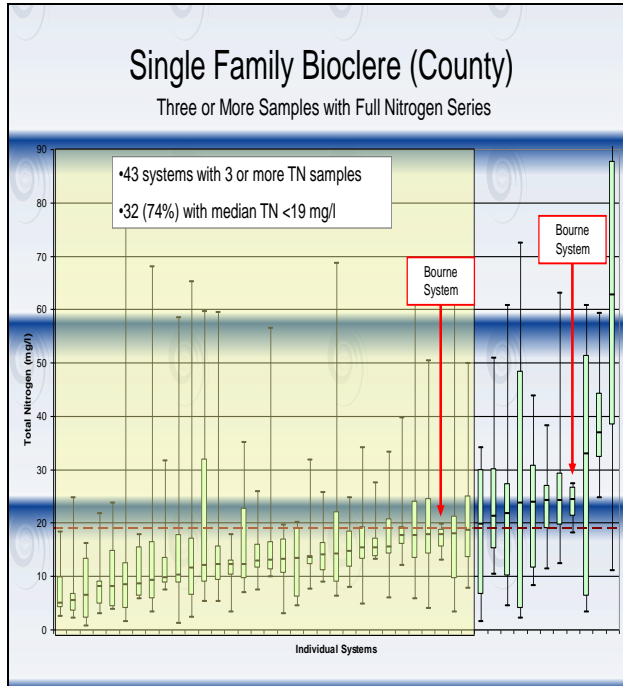
This graph shows a box-whisker diagram of where the technology systems fall performance-wise for the whole county. The ones at the bottom are the systems that generally perform well; at the top of the graph are the systems that are generally performing poorly. Ms. Coffin asked if Sludgehammer system was approved for nitrogen removal. Mr. Heufelder stated that they are not, but they are trying to get approval for it.

Slide 8



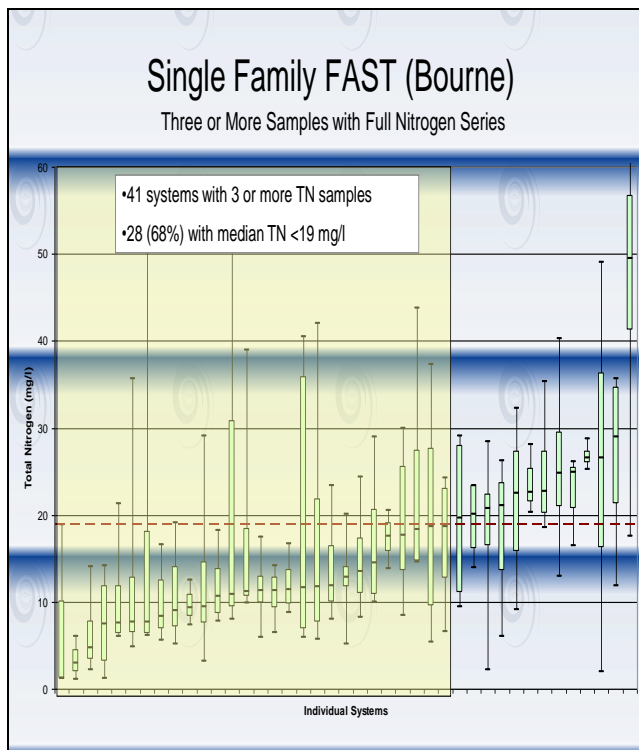
This is the town of Bourne systems. There are only 6 different technology types that had enough data to generate the graph.

Slide 9



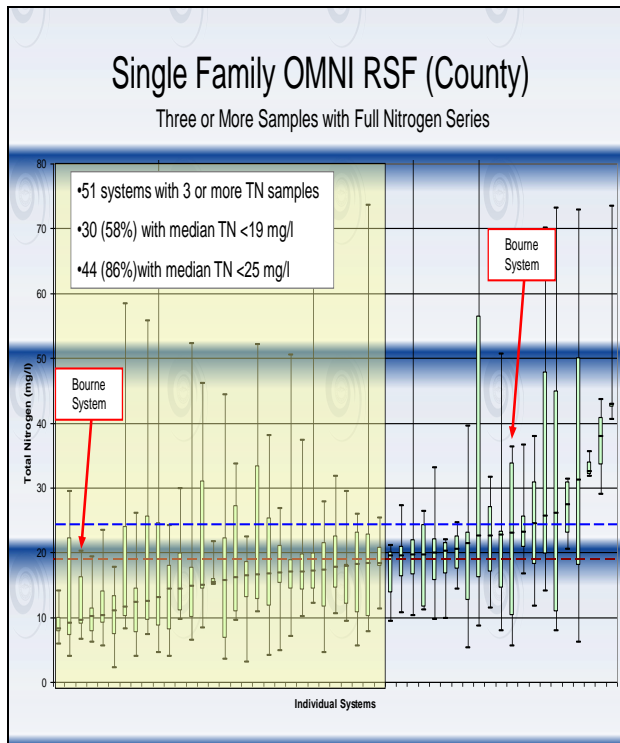
This is the BioClere Data County-wide. The 2 with arrows are Bourne systems. One system meets the standard of 19 mg/l. The other does not.

Slide 10



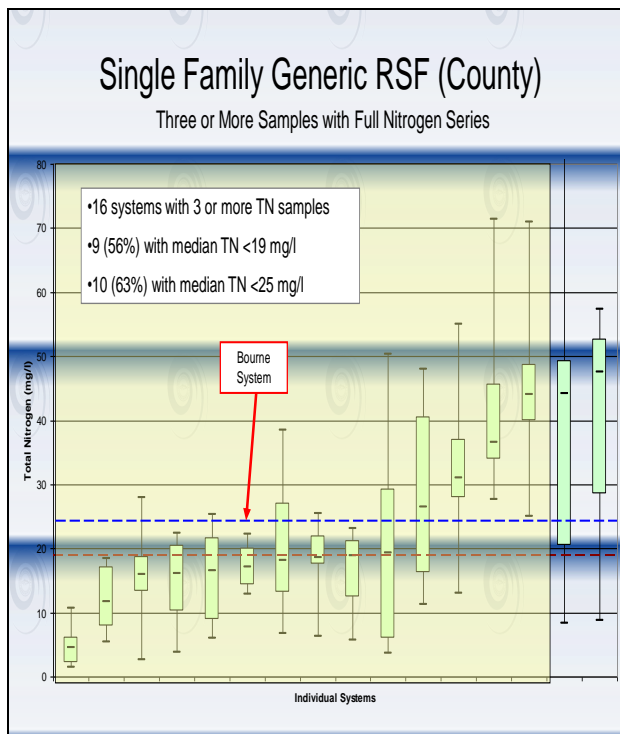
This is a chart for FAST systems in Bourne only. There are 41 systems, with 28 of them (68%) having a median of 19 mg/l or less. The left hand side shows the well performing systems; the right side is not performing well. Ms. Coffin asked if this takes the seasonal startup into consideration. Ms. Peterson stated that they have been asking owners to start their systems a month early than their arrival. Mr. Andrews commented that it would be better if they weren't shut down at all.

Slide
11



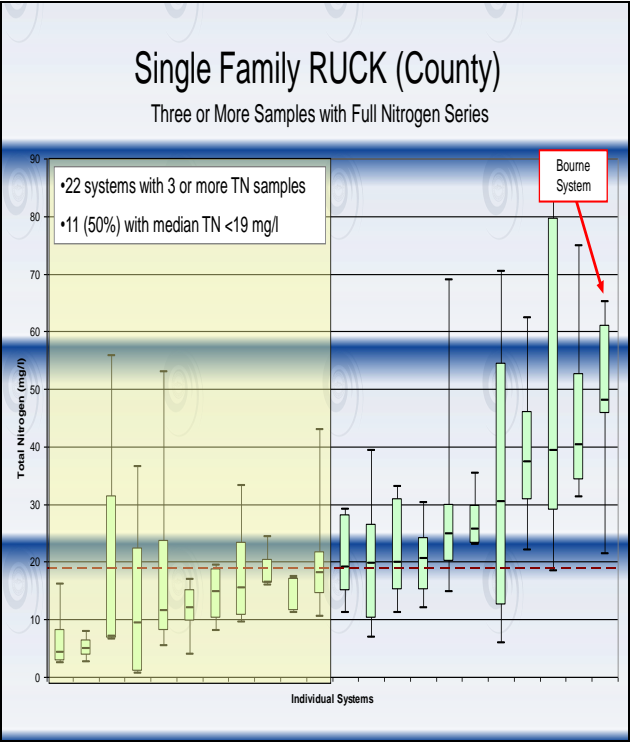
This is county wide OMNI RSF systems. These systems are held to a standard of 25 mg/l. The 2 arrows are Bourne systems. Both Bourne systems are meeting the 25 mg/l standard; 1 is meeting the 19 mg/l standard and is one of the best performing systems in the County.

Slide
12



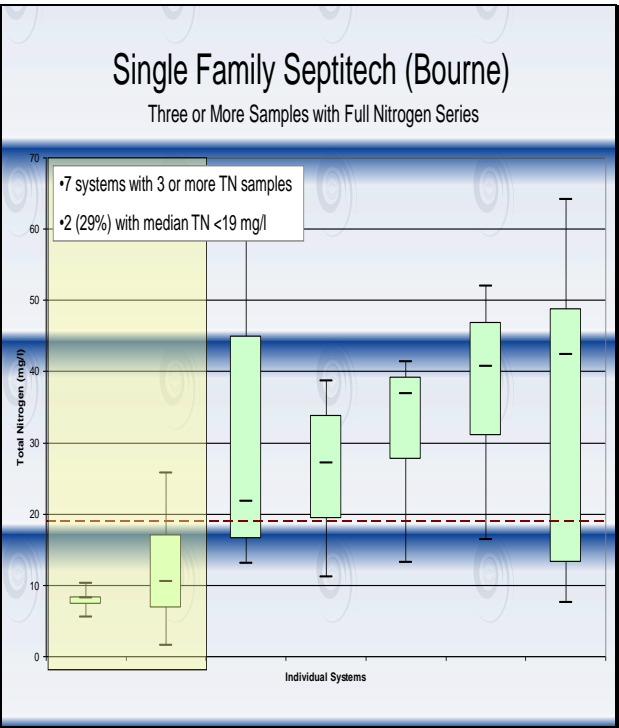
These are Generic RSF systems county-wide. One system for Bourne has arrow. It performed at or below both the 25 mg/l standard and the 19 mg/l standard.

Slide
13



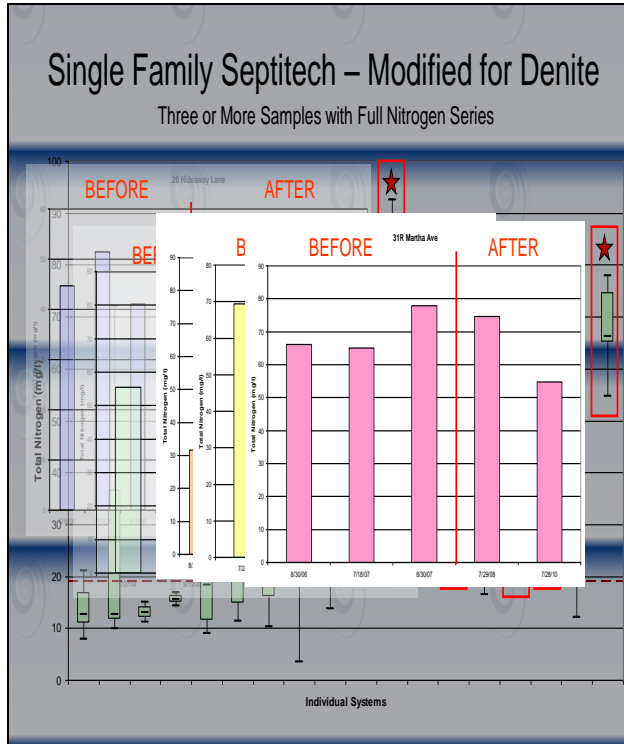
These are RUCK systems county-wide. Bourne has 1 system; it did not meet the 19mg/l standard.

Slide
14



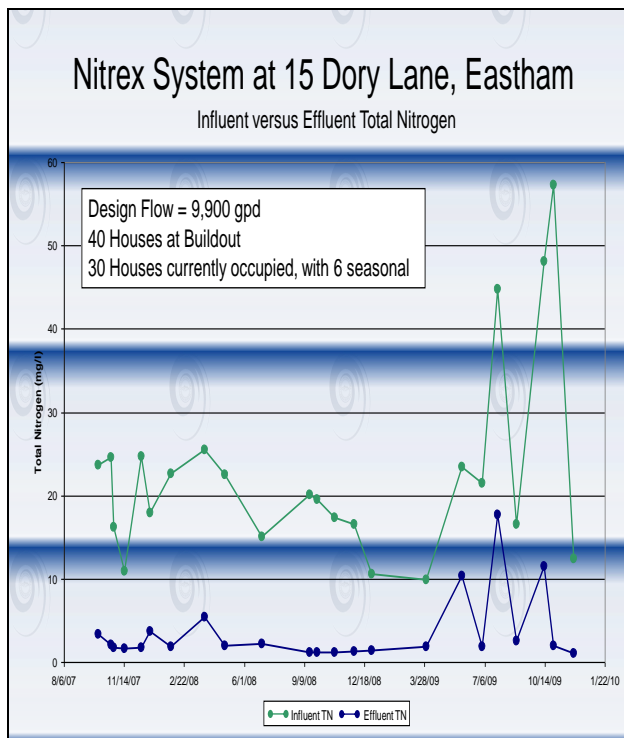
This is SeptiTech systems for the Town of Bourne only. Of the 7 systems, only 2 met the standard of 19 mg/l.

Slide
15



This shows that some of the SeptiTech systems in Eastham have been modified for denitrification. Mr. Baumgaertal wanted to show why there is a little more variability in SeptiTech than you might expect.

Slide
16



This is the Nitrex System in Eastham. Mr. Baumgaertal included this data because there is a lot of talk about Nitrex. The top line shows the influent; the bottom line shows the effluent. Most of the effluent samples are well below the 19 mg/l standard; most are even below 10, averaging 2 to 5 mg/l. Ms. Peterson asked if they liked that system. Mr. Heufelder said he wouldn't say "like". He presents the data because it is a system that is being talked a lot about. It is a passive carbon filter, fairly simple, but goes on the tail end of another treatment system. In this case it is a SeptiTech. As long as you can nitrify the effluent that is given to what is basically a box of proprietary cellulosic material (woodchips), it will perform very well. This material is just provided as information because there is so much talk about it.

Slide
17

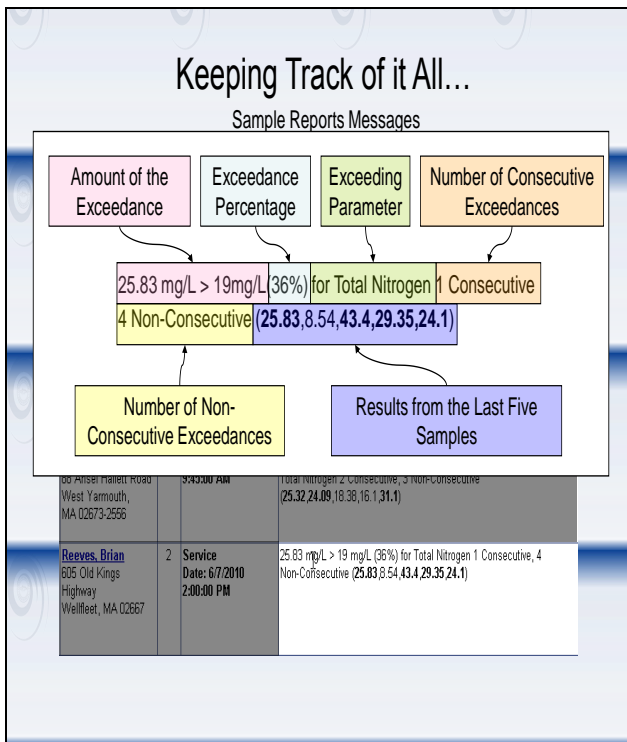
Single Family all Types by System Type

Three or More Samples with Full Nitrogen Series

System Type	Total with 3+ Samples	Total below 19mg/l	Bourne Percentage	Cape-Wide Percentage
All Types	54	33	61%	75%
Bioclere	2	1	50%	74%
FAST	41	28	68%	80%
OMNI RSF	2	1 (2 <25)	50% (100%)	51% (86%)
RSF (Generic)	1	1 (1 <25)	100% (100%)	56% (63%)
RUCK	1	0	0%	50%
Septitech	7	2	29%	33%

This is all of the data basically synthesized into an easier to read chart.

Slide
18



Baumgaertal shows the way that Carmody tracks the data. (*this slide does not accurately show what was presented as it was an active slide that does not translate to print*) They get messages that will pop up when information entered exceeds standards. They can then determine if the individual towns should be notified, or whether it's a "burp" that doesn't need immediate attention.

Slide
19

Keeping Track of it All...					
"Cleaned Up" Sample Exceedance Report					
Town of Eastham Sample Exceedance Report 9/29/2011					
System ID	Home Owner	Municipality	Sampling History	Median	Average
EASam300Sep	Baughman, James and Amanda 300 Samoset Road Eastham, MA	Eastham	19.61 8/26/2011 19.61 8/26/2010 22.56 7/29/2010 41.37 8/28/2009 24.44 7/28/2009 13.73 8/29/2008	21.085	23.55333
EASun093Adv	Bechgaard, Candace 93 Sunset Avenue Eastham, MA	Eastham	26.86 2/2/2011 15.06 7/27/2010 17.05 4/26/2010 27.86 1/28/2010 4.53 8/27/2009	17.05	18.272
EAR06418RSF	Brown, Robert 4180 Route 6 Eastham, MA	Eastham	80.6 11/2/2010 29.31 7/20/2009 40.1 6/9/2008 44.5 10/23/2007 15.3 10/3/2006	40.1	41.962
EACam760FAS	Civila, George 760 Campground Road North Eastham, MA	North Eastham	130.65 11/21/2008 77 6/9/2008 56.7 9/18/2007 23.9 5/14/2007 40 10/3/2006	56.7	65.65
EABri220Bio	Corlin, Kevin 220 Bridge Road Eastham, MA	Eastham	20.46 1/5/2011 37.98 7/19/2010 6.65 1/8/2010 35.84 7/13/2009 21.06 1/2/2009	21.06	24.398

These reports will be synthesized semi-annually and provided to the towns.

Mr. Baumgaertal concluded his presentation.

Ms. Coffin asked if, in the future, that the Board decides to use some of that provided information, should it go back onto the waste water treatment operator that is supposed to be maintaining the system. She asked if systems can be "tweaked". Mr. Heufelder said that they can provide a lot of guidance for that. He felt that as soon as an exceedence happens, particularly a gross exceedence, one way to deal with it is to parse out in the analysis just what kind of nitrogen they get. If most of the total nitrogen is ammonium, there is something wrong with the system. Operators of larger systems will sometimes simply add baking soda (sodium bicarbonate) which may take care of that. There are always some systems that will never operate properly. Sometimes the numbers are thrown off by water usage. If someone is fastidious about water usage and don't flush frequently, the waste can be concentrated, throwing off the numbers. The next point in due diligence when someone has a problem is to get the water usage so there is a record of load. Ms. Coffin asked Mr. Heufelder if there could be a problem making a determination like he was suggesting if the water department can only give a 6 month reading. He said it would have to be averaged, so it may not be actual daily usage, but an average use. If it is a year-round home, that shouldn't be a problem. Seasonal usage presents more of a problem. Mr. Andrews asked if we would be able to determine, through this data, if a system is being shut off. Mr. Heufelder said that if there is a big spike in the data, it generally means that no air is getting to that system, which means the air blower (which is the electrical cost of the system) is being shut off. Mr. Andrews says that it was the home owners' decision to build in such a way that an alternative system as required, so they should have understood the cost. Ms. Coffin felt that it was unreasonable to require year-round running of a system for a seasonal home; she thought it was better to require them to turn the system on a month before they come for the season, and adjust the testing times. Mr. Heufelder believes that a majority of the

systems, shy of a shock, will reduce nitrogen by 50%. To get beyond 50%, it will take an additional carbon source on the tail end of a system, like Nitrex. But they are expensive, and most likely will not be seen on single family residence. Mr. Heufelder said they are beginning to track/test larger cluster systems. They are beginning to require these cluster systems to reach 12 mg/l or less by amending the system because the cost can be split amongst multiple residences. Mr. Mulvey question if a home owner buys an innovative system that functions well, but depends on components that are proprietary for its operation, is that homeowner forever held hostage by that system for replacement components(ie: foam,fabric,etc) that system at whatever cost is charged because the system depends on that component to function. Mr. Heufelder said that all systems require maintenance contracts. There are very few systems in which the media (foam, fabric, sand, etc) is the issue. It is usually the mechanical parts (the pump, the blower) and the homeowner would go to the service provider for that kind of replacement. If the owner has an alternative system, they are bound, regardless of what type of system, to have a maintenance contract for the life of the home. Mr. Andrews asked if the Nitrex system was proprietary on its material. Mr. Heufelder said the material is basically woodchips, and it is proprietary. However, if you do the math, it comes out to about a 20 year replacement, maybe up to even 35 year replacement. But he suspects that when the patent runs out, someone is going to figure out a way to chip up their own old oak tree to replace them. Mr. Don Bracken, Bracken Engineering, spoke up that he had an extremely awful situation with Nitrex out on Nantucket at a property he engineered the plan for. He said that they were required to install a Septitek, Nitrex and a GeoFlow drip irrigation system. They were told by Nitrex that the system would flush itself out, that the effluent comes out black because it takes color from the woodchips. They flushed it for a week and hooked it up to the GeoFlow, which has its own filter. Within a couple days, the filter was clogged. They went 3-4 different filters. The system just wouldn't flush itself. The local BOH allowed them to bypass the system and stay with the Septitek and drip irrigation. There are kinks to work out, obviously, but their concern was if the effluent after 3 months is still clogging filters, what it is going to do a soil absorption system, even if it has drip irrigation. Mr. Heufelder said that the technology is worth looking into, but he personally likes 20 years of data on at least a dozen systems before he will say it works. He stated that the County has produced a valuable report on waste water costing on site systems up to a million gallons a day plan: price per gallon treated, price per pound of nitrogen load, nice series of graphs in the report. He felt this was the best report the County had produced because the homework was done. All sites were visited and questions were asked about how much they paid for engineering, how much for land, how much in monthly electric, continuing through all the capital outlay expenses of maintaining system. Mr. Mulvey commented: look at all the data that shows a good system, but show me a contract that has a non-performance escape clause! Ms. Peterson asked if there were any other questions. Mr. Andrews asked about different levels of access in the County system. Mr. Heufelder said Mr. Baumgaertal is currently working on a web-based system that allows you to plug in a series of filters (ie: all FAST systems in Bourne since 1995), and the graphs and charts of all that data will come up. They are trying to make all the data accessible, and trying to research what's happening in other areas (Chesapeake, Oregon, Pine Barrens, NJ) and trying to find creative ways to make that data available to the Boards as well so they can see how systems work in other areas

of the country. Mr. Heufelder invited everyone out to the test center down by Otis. He said if anyone has an idea between their ears, bring it down! Ms. Peterson said that the Board really did need to make an outing there. Mr. Heufelder said there is a new technology coming onboard that the Board may be starting to see requests for approval called MBR (Membrane Bio Reactor). It used to be so expensive that it was cost prohibitive, but now the technology cost has come down. It is a little power hungry, but the system performs at under 10 mg/l. Ms. Furtek asked if there was anything for pharmaceutical. Mr. Heufelder said that this system was not, but there are systems out there that are being used and researched, with soils based & drip systems seeming to be the most effective at removing those chemical compounds. Ms. Peterson thanked Mr. Heufelder and Mr. Baumgaertal for their presentation.

4) 62 Old Plymouth Road: Gail Spencer: update on progress, continued from August 3 special meeting

Attending for this item were tenants Gail Spencer and Mike Storer, and Matt Braucher, attorney from Ablitt/Scofield, representing property owner Deutsch Bank. Ms. Peterson requested an update from the Health Agent. Ms. Coffin turned the floor to the Health Inspector, Carrie Furtek, because she conducted the inspections that were being followed up on. Ms. Furtek and Ms. Coffin conducted an inspection that day to verify the last of the items. They were able to only access the basement because the tenants were unavailable, and, although there was permission to enter the property, the contractor only had access to the basement. Ms. Furtek did not want to access the living space without the tenants present, so the inspection was done in the basement and from the exterior. After the last meeting (special meeting, Aug3), a letter was written by Ms. Furtek stating : 1) an exterminator need to be hired to remove and dispose of any dead animals in the attic, 2)add a storm window to the second bedroom, 3)fix peeling paint on the exterior of the house, 4)secure the basement sump pump, 5)fix spline on 2nd bedroom window screen. To this point, the peeling paint is not completely finished; dead animals are gone; the storm window is installed; the screen appeared to be fixed; the sump pump has been secured. Ms. Furtek said the only thing outstanding from that original request letter is the peeling paint. Part of the issue of the non-completion was that there had been a change of contractor. All parties were in agreement on the completed/non-completed items. Ms. Peterson addressed Mr. Braucher, asking when the paint would be finished. He said that his understanding was that the painting “would be cleared tomorrow” (Sept. 15). Ms. Furtek said she had spoken with the new contractor from the Griffin Group. The on-site contractor that she spoken with (Chris) and he stated that the peeling paint issue was under the previous contractor, and he had to wait to get the go-ahead to complete it. Ms. Peterson asked again if all parties were in agreement that all of the outstanding violations from the original complaints that were brought to the Aug 3rd meeting have been completed. Mr. Storer said that the basement still has not been sealed. Ms. Coffin stated that the previous contractor tried to put in a curtain drain/French drain system. Because of what was done, it actually makes more water drain towards the house. The attempt to fix was there, but it was not the correct fix for this property. Ms. Peterson asked Ms. Coffin if she felt that the bank/attorneys were making full effort to correct all the violations. She said yes. Ms. Furtek stated that the new contractor had put in a bid to complete the project and was waiting to hear. Ms. Peterson said she wanted it clear that

she did not want the Health office to spend as many hours on this project any more. She felt that the BOH was not here to monitor when contracts are given out. That is not the job of the BOH. Ms. Peterson said that there is now a new letter with new problems. She wanted to put closure to the last letters. Mr. Andrews asked Ms. Furtek about the incomplete paint. She said it had been mostly scraped and primed. Ms. Peterson asked Mr. Baucher to notify the Health office by Wednesday (September 21) that the job is done. He said that would not be a problem. Ms. Peterson stated again that she wants to close out all of the old complaints because all the old letters run on top of each other, and the office spends too much time checking scheduling of the contractors. She told Mr. Baucher that the Board would like to see all the old letters, of which the outstanding item is the paint, with no more time being spent on those old issues. Ms. Peterson began to address the new issues, from an August 23 (foundation problem) and September 9 letter (other issues). Ms. Coffin said that the contractor currently working on the project was putting in a bid to correct the foundation issue. Mr. Baucher asked if someone installed a safety fence as a temporary fix. Ms. Coffin said a safety fence was installed to prevent people from falling in to the trench/pit dug around the foundation. Ms. Peterson reiterated that the BOH is not going to get involved in the contracting. Ms. Peterson addressed the August 23 letter that states that water was entering the basement. She asked Mr. Baucher when the bank would be entertaining bids to correct the water seepage into the basement. He felt that the switch of contractors was part of the hold-up. Ms. Peterson told him that by the first meeting in October (Oct 12) she expects the water issue to be resolved. Mr. Baucher agreed to this. Ms. Peterson asked again about the painting, that it would be done by Sept 21; he agreed. The newest letter, dated Sept 9, was brought to discussion. Ms. Peterson asked why none of the issues had been brought forth in previous letters but are on now. Ms. Coffin stated that it is difficult going in on an inspection to see everything. At the time of the original inspection, the issues weren't seen, or brought up. The section on mold is something that has been brought up before, but Ms. Coffin is still unsure if it is an issue. She put it in the letter this time because it has been brought forth more than once, so she felt someone should look at it. She listed it as "indications of dampness" but can't tell the source or if it is an issue. It is up to them to appeal it or do something about it. Ms. Peterson asked about rotted sections of wood; the Agent and Inspector confirmed that that was taken care of. Ms. Peterson cleared the seal on the window; "indications of dampness" was referred to earlier. Mr. Baucher asked if there was any indication of the source; Ms. Coffin said no. Ms. Spencer said that there had been water damage on the window next to it which had been repainted in January. Ms. Peterson asked if the next item, a dripping external faucet could be repaired by the 21st. Mr. Baucher felt that all of the issues in the September 9 letter should be able to be resolved by October 12. Mr. Barlow said that he and Mr. Utti made a site visit, and on the outside of the house where the indication of dampness is, there was an external issue that could have caused possible water intrusion. Ms. Peterson stated that if the items discussed were not repaired by October 12, there is a potential for a vote to impose a fine on the newest violations, and there will be no further discussion at the Oct 12 meeting by the Board on any subsequent violation complaints. All of the old letters will be considered closed on Sept 21 when the paint is signed off on. All the other items will be closed on October 12. She asked for a motion.

Mr. Utti moved that by Sept 21 the exterior painting will be complete and signed off by the office and the old letters of violation will then be closed. Mr. Andrews seconded the motion. The motion passed unanimously.

Ms. Peterson spoke to Mr. Baucher, saying that by Oct 12, the issues from the Aug 23 and Sept 9 letter would be addressed (water in the basement, exterior water faucet, light fixtures). If not complete by October 12, there is a potential for fining.

6) 50 Rip Van Winkle: Collins Engineering for Kathryn Hanson : Discuss and vote on request for variance to install new septic system for proposed renovations/additions

Attending for this issue was Steve Rumba from Collins Engineering and Mr. Dan Brosnan.

Mr. Utti made a motion to continue this item to the September 28 meeting due to a missing documentation in the required variance filing packet. Mr. Andrews seconded the motion. The motion to continue to Sept 28 passed unanimously.

7) 17 Holly Circle: continued from August 10- housing

Ms. Furtek stated that she did an inspection the week after the last meeting, and everything is finished. The owner and tenant are both happy. She sent a letter of compliance. The file is now closed.

8) Health Agent update/follow-up from Aug 10

~9 Scraggy Neck Road Ext- Carolyn Neal (manure complaints)

Ms. Coffin stated that the horses are now being boarded at Field Crest Farm in Falmouth. She is still working with the MSPCA and Ms. Neal's probation officer because they are still going forward in hopes of not allowing horses on the property again. Ms. Coffin says that MS. Neal is starting to clean up the manure.

~5 Maritime Way (unfenced pool)

Ms. Coffin says the pool came down

~485 Williston (unfenced pool)

Ms. Coffin confirmed that the pool did get covered, although it wasn't until the required day of compliance.

~48 Bay Head Shores (trash complaint)

Ms. Coffin stated that the mattress and other trash have been removed.

Ms. Coffin stated that the 3 she had written the letters imposing a fine, she felt that their compliance overrides the time and effort of taking them to court to try to get the money from them. She asked for permission from the Board to waive their fine because of their compliance. Ms. Peterson stated that she wanted them to come and ask for an appeal to the fine. She felt that the Board cannot institute a fine and then say they won't charge it because they did it. Ms. Coffin said from now on she will just ticket under chapter 21D instead of writing letters. Mr. Andrews asked to put that on for a future agenda item for discussion to change the policy. Ms. Coffin said it is already in the regulations that either fine process can be done and she doesn't see the need for a meeting about it, but she will

put it on the agenda for discussion. She felt that it was better to have the issues in compliance than to try to take the people to court to get the money. She understands that the Board doesn't want to threaten a fine and the not follow through. Mr. Barlow was in agreement with Ms. Coffin that a letter could be sent in light of the fact that they complied, the Board is willing to waive the fine. Mr. Andrews added "provide they come and appeal to the Board". Ms. Furtek asked if a letter of appeal to the Board would suffice in lieu of them coming in person to the Board. Mr. Andrews said if they could justify their appeal in the letter that would be taken into consideration. After some heated debate on whether the fines could be waived, the level of respect of the violators showed toward the Board, whether it was more important to have the issues addressed or take the people to Court to try to collect fine, and the difference between a 21D ticket and a fine letter, it was decided that the matter would be continued to the next meeting so the Board could take some time to think about the issue.

9) Approval of minutes dated August 3, 2011 and August 10, 2011

Mr. Utti made a motion to approve the Minutes dated August 3, 2011. Mr. Barlow seconded the motion. Mr. Andrews and Ms. Tinkham abstained due to absence at the 8/3 meeting. Motion to approve passed by majority.

Mr. Andrews made a motion to approve the Minutes of August 10, 2011. Mr. Barlow seconded the motion. Ms. Tinkham abstained due to absence at the 8/10 meeting. Motion passed by majority.

Mr. Andrews made a motion to adjourn. Ms. Tinkham seconded the motion. The motion to adjourn at approximately 10 pm passed unanimously.

Respectfully submitted

Melissa A. Chase
Secretary

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Don Utti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk