



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

**MINUTES
JULY 25, 2012**

**Members in attendance: Kathy Peterson, Chairman; Stanley Andrews; Don Uitti;
Galon Barlow**

Support Staff in attendance: Cynthia Coffin, Health Agent; Lisa Collett, Secretary

Meeting was called to order at 7:03 P.M.

1. ISWM –

• DAN BARRETT – GENERAL UPDATE –

Mr. Barrett stated that the phase 4 constructions, the liner itself, portion of the construction is nearly complete. Mr. Barrett stated that all liner components are in place including drain, sand, all liner material and insulation testing has been done. Mr. Barrett stated that the leachate pumps have been installed and hooked up. Mr. Barrett stated that the liner leak test was to be finished today, July 25, 2012. Mr. Barrett stated that he hopes to submit the authorization to operate at location to DEP early next week. Mr. Barrett stated that he anticipates construction at the entrance, including the scale and the paving to be completed sometime late September of 2012. Mr. Barrett stated that this is a 2 portion project. The liner being the first and foremost part of the project. Mr. Barrett stated that concrete has been poured on the scale and messing up traffic kind of as a filler. Mr. Barrett stated that the concrete is all poured and now must wait 21 days for the concrete to cure because there is so much of it. Mr. Barrett stated that the scale house is 90% complete. The only thing left is wall board and things like that. Mr. Barrett stated that the paving needs to be done. As part of that there will be new gates installed which will probably take the rest of August 2012 and into September 2012 to complete. Mr. Barrett stated that he is looking forward to the completion of this project. Mr. Barrett stated that the public has been very patient and has received very few complaints. Mr. Barrett stated that looking into the future, the phase 2A, 3A final cap project. The landfill major modification and corrective design has been submitted by ISWM. ISWM has received conditional approval from Mass DEP to move forward. Mr. Barrett stated that this project encompasses 12.5 acres and includes the installation of 6

new vertical gas collection wells. Mr. Barrett stated that the plans have been put out for bid. The bid opening is scheduled for August 8, 2012. Mr. Barrett stated that he hopes to have the construction begin early this fall focusing on the installation of the remaining gas collection system. Mr. Barrett stated that when that is done, he will come back before the Board of Health to inform of the plans which include 6 wells and a limited amount of piping. Mr. Barrett stated that a majority of this project was completed last winter. Mr. Barrett stated that those wells are active. Mr. Barrett stated that in the fall of 2012 he will come back before the board with a plan on how to handle the drilling and the potential odor. Mr. Barrett stated that it is worth noting that this is the capping of the valley fill which he has had so much trouble with over the last five years and he is very excited about this project being completed. Mr. Barrett stated that he anticipates the DEP's issuing the authorization to operate into Phase 4. Mr. Barrett stated that it is tuff to say with covering vacations and such but hoping to have that permit by the end of September 2012. Mr. Barrett stated that there is approximately 6 to 8 weeks of air space left on top at the current rate they are filling. Mr. Barrett stated that they are in good shape. Mr. Andrews asked if all the area of 2A and 3A will be capped off. These areas are the ones that had problems in the years past. Mr. Barrett answered yes. Mr. Barrett stated that they are working north by the flare and working south all the way up to the intersection of phase 4 so that is going to include the entire landfill to be capped except for phase 4 and the south slope of 2A and 3A which is very small. Mr. Barrett stated that at that point 90% of the landfill will be capped and have gas extractions in it at that point then they will start with phase 4. **No action taken at this time.**

- **PRESENTATION BY MICHAEL T. LANNAN, P.E. ON RFP'S FOR ALTERNATIVE WASTE HANDLING, LEACHATE MAMAGEMENT AND LANDFILL GAS UTILIZATION.**

Mr. Barrett stated that he feels very confident that the board will be happy with what Mr. Lannan presents tonight. Mr. Barrett stated that he hopes to be able to accomplish and questions and concerns that the board has. Mr. Barrett stated that the board has been given a copy of the report for review already. Mr. Barrett stated that he is hoping to come back to the board in as early as 2 weeks with the final report. Mr. Barrett stated that the drafts are before the board tonight. Members' questions or concerns can be addressed tonight; then the final report can be presented at the next board of health meeting for approval. Mr. Barrett stated that this is still in a preliminary process and feels Mr. Lannan struggled a bit because he had technical questions that the designs have not yet incorporated yet. Mr. Barrett stated that this is very early in the design phase. Mr. Barrett stated that the vendors are not willing to invest any more money into the design of the project until it moves forward a bit more. Mr. Barrett stated that it's important to get Mr. Lannan's questions and the boards questions out on the table right now. Mr. Barrett stated that the board will not be voting on a process, or a vendor or a technology. Mr. Barrett stated that the only thing the board will be voting on is to

allow the process to move forward. Mr. Barrett stated that the next stage of the process is if the vendors pass this next step then he will be able to enter into an agreement to move forward. Mr. Barlow stated that there is nothing on the agenda that states the board will be voting on anything tonight. Mr. Barlow stated that the board will listen to the presentation. Mr. Bassett stated that he understood. Mr. Barrett stated that at the meeting dated April 25, 2012, the Board of Health approved the selection of Mr. Michael Lannan P.E., Vice President of Tech Environmental, to sit in on and participate as a consultant for the Board of Health in the review process for the responses of the RFP's for alternative waste handling technologies, leachate management and landfill gas utilization. Mr. Barrett stated that Mr. Lannan has actively participated in the non-price review of the RFP's with the working group subcommittee. Mr. Barrett stated that the ISWM professional staff and the consultants. Mr. Barrett stated that he would like to turn the presentation over to Mr. Lannan. Mr. Lannan stated that he is part of a firm that specializes in air quality, odor, noise and dust. Mr. Lannan stated that his company focuses on those nuisance type issues across many types of industries. Mr. Lannan stated that his focus is to make sure that there is a great understanding of what is necessary from our stand-point; especially in this case. Mr. Lannan stated that they should talk about the history of the odor problem and if people are sensitized to the odor, then that needs to be worked into the equation. Mr. Lannan stated that there are 3 firms that made proposals. Mr. Lannan stated that 2 of the firms are very specific on what they will supply. Mr. Lannan stated that the Rochem which is the reverse osmosis to deal with the leachate alone and then there was the Shaw proposal which is the drying out of the leachate, evaporating the leachate to reduce the size. Mr. Lannan stated that there is a big cost when associating with leachate so attacking leachate in its virgin form is often very expensive. Mr. Lannan stated that so trying to reduce the amount of leachate is a great idea. Mr. Lannan stated that he came up with ideas that he felt need to be incorporated into a design and permitting process. Mr. Lannan stated that he wants the firms to know that there is an expectation of these ideas happening then everyone will be able to move forward and the board of health is have the assurance that is needed that all the nuisance criteria will be fully managed. Mr. Lannan stated that the third proposal is the Harvest Power one. Mr. Lannan stated that this is a totally different animal from the other two. Mr. Lannan stated that this is a large proposal which will deal with not only the landfill itself but bringing in its own supplemental energy sources to help supplement the gas. Mr. Lannan stated that it is proposed to take the landfill gas and create their own bio gas to create energy from a combined system. Mr. Lannan stated that going back to the Rochem proposal on page 6. Mr. Lannan stated that reverse osmosis is basically taking the leachate and pushing it through filters to get clean water out one side and the stuff remaining on the original side is more concentrated. Mr. Lannan stated that the whole idea is to reduce the amount of volume of leachate that has products that should not be discharged. Mr. Lannan stated that realistically they have a bunch of mechanical systems that will concentrate the leachate so the real odor potential will come from the leachate and the concentrated solution. Mr. Lannan stated that the mechanical

system is very contained with some pumps relative to noise but as long as the noise assessment is complete it should not be a big deal. Mr. Lannan stated that the real concern will be if they concentrate the stuff and its odorless can they put some sort of added odor control technology. Mr. Lannan stated that this can easily be done with this system. Mr. Lannan stated that out of the 3 proposals, this is the one with the least potential for odor in the future therefore will be the easiest to address. Mr. Lannan stated that if the board were to approve to move forward with this option there would not be any concerns and clearly there are no fatal flaws with what is being proposed right now. Mr. Lannan stated that he can go through each item separately or just give a general summary of each item. Ms. Peterson stated that a general summary will be ok. Mr. Andrews stated that he has one question with one piece of the proposal. Mr. Andrews stated after hearing the report about the residuals, where would these go, back into the landfill? Mr. Barrett answered yes. Mr. Andrews asked about the odor control, transporting it back and forth with a cover that would be required. Mr. Andrews stated this will all need to be hammered out. Mr. Barrett stated that was correct. Mr. Barrett stated that he would look into bulking it and at that point doing some odor mitigation efforts whether it is adding lime to it or whatever it takes. Mr. Barrett stated that it is not a lot of volume and is easily handled. Mr. Andrews asked how much volume it is? Mr. Barrett stated that in tons wise it is much better to discuss it in volume because one of the questions that was proposed to Rochem was from an operational stand point, is the concentrate going to take up anymore air space. Mr. Barrett stated the result is it will be very minimal. Mr. Barrett stated that no air space will be taken. Mr. Andrews stated that he is referring to volume transporting from one location up on to the south. Mr. Barrett stated that it will be in an enclosed tank. Mr. Lannan stated that if this does become an issue, there are ways to treat it. Mr. Barrett stated that in Chicago, they are actually using this system. Mr. Barrett stated that the landfill director told him it was nothing and encouraged Mr. Barrett to come out and take a look at the process. Mr. Barrett stated he felt that was not necessary. Mr. Barrett stated that he would be inclined to view some videos to see how the process works. Mr. Barlow asked about how much volume is the landfill looking to process. Mr. Barlow referred to the heavy rain and stated the leachate just sky rockets because of the run off. Mr. Barlow stated that right now it can't be handled and would like to get that number before this goes too far ahead. Mr. Barlow stated that the volume must be worthwhile to do. Mr. Barrett stated that the maximum they are producing right now is 60 million gallons per year. Mr. Barrett stated that in the proposal he request that they design a system to handle that mount. Mr. Barrett stated that he anticipates that the volume will decrease once 2A and 3A are capped. Mr. Barrett stated that there is a 207 thousand gallon storage tank that he can use as a buffer. Mr. Lannan stated that the worst case scenario will be to off load it and move it. Mr. Barlow stated that he does not want to abandon any thoughts of carting it out of there thinking it will all get evaporated because that is not likely to happen. Mr. Lannan stated that he was glad Mr. Barlow brought up evaporation because that is a great segue to the Shaw system. Mr. Lannan stated that the Shaw system is basically a system where they are evaporating the leachate. Mr. Lannan stated

that they are using the energy from the landfill gas to convert the leachate and thicken it to almost to a point of a solid. Mr. Lannan stated that there would be more water then solid but will be more like a solid. Mr. Lannan stated that he has more concerns with this system because they are taking it through evaporation and there is a lot of agitation. Mr. Lannan stated that there is the potential of hydrogen sulfide being omitted from this system. Mr. Lannan stated that he did look into what the potential was and it was not all included in the original spreadsheet so he asked for more information. Mr. Lannan stated that they did talk a little bit about what their sulfide omissions would be. Mr. Lannan stated that the information was readily available in the RFP. Mr. Lannan stated that he is not sure why this was not part of their examination but his feeling is that this is one the drawbacks. Mr. Lannan stated that it may need some sort of auxiliary treatment. Mr. Lannan stated that the other issue he is concerned with is if you are volatilizing all these compounds, what are volatilizing besides just water. Mr. Lannan stated that the air/order omissions from the evaporator are really the number one issue. Mr. Lannan stated that odor potential from the leachate handling is address because there is an enclosure for the system but the tanks do exhaust to the outside. Mr. Lannan stated that there will also be noise impact from this system which has not been fully addressed. Mr. Lannan stated that it is a much larger combustion system. Mr. Lannan stated that he is a bit concerned about the pure tones but there is not any new information yet whether or not it will have a single tone that might become an issue. Mr. Lannan stated that the proposal has been presented at other places and has worked. Mr. Lannan stated that this could work for Bourne but there are a number of other things here to address that. Mr. Lannan stated that he would like to draw the board's attention to item number 3. Mr. Lannan stated that this system will not meet some of the odor criteria that the board is concerned about. Mr. Lannan stated that on the last page on page number 9, talks about the hazardous air pollutants. Mr. Lannan stated that this is an area that needs to be explored. Mr. Lannan stated that generically this has been addressed in the major application to the DEP. Mr. Andrews asked what the similarities are to the Turnkey system. Mr. Barrett stated that it is basically along the same line as the Shaw system. Mr. Barrett stated that either one of the systems that is chosen will be located right up by the leachate tank now. Ms. Peterson asked if the plan is to use all three systems. Mr. Barrett stated no. Mr. Barrett stated that Rochem and Shaw are both buying for the same thing which is leachate treatment. Mr. Barrett stated that further evaluation needs to be done before deciding which of the two for leachate handling. Mr. Barrett stated that Harvest Power is the only comprehensive one which is a little bit different. Mr. Barrett stated that the board may see 2 out of the 3 proposals. Mr. Lannan stated that there is a pretty in depth RFP on the larger system. Mr. Lannan stated that there was a lot said in the report but not a lot of design information. Ms. Peterson stated that there was enough information to give a basic idea and that is all the board is looking for right now. Mr. Lannan stated that after going through the report there was clearly not enough information to determine if there was going to be any flaws at the time. Mr. Lannan stated that they have asked for more information and there was a little bit of a stone wall at

the time with a catch 22 and not giving out too much information until they have a signed contract. Mr. Lannan stated that they did information on how the system would be ducted and so on. Mr. Lannan stated that there are still a number of items that need to be addressed. Mr. Lannan stated that they are very interested in doing what needs to be done to address the concerns of the Board of Health. Mr. Lannan stated that there are a number of things that need to occur and it's important for these to be laid out for them now so that they understand that these need to be worked out along the process. Mr. Andrews stated that Harvest Power was before the board a couple of years ago and did a presentation on the process and after reading through the proposal it was a different animal than what was proposed. Mr. Andrews stated that it was yard waste, food waste etc and now it is coming through as 50% bio-solids. Mr. Andrews asked what bio-solids are. Mr. Lannan stated that bio-solids are wastewater residuals. Mr. Andrews asked what potential if any are there for this to release through any of the digestion process. Mr. Lannan stated that there is a common concern with digesters because they are heated up and this creates a methane gas. There are going to be air quality concerns. Mr. Lannan stated that the digester is not the concern. What is important is how the material is handled before the digester and how the material is handled after the digester; as well as how the gas is combusted and turned into energy. Mr. Lannan stated that the digester itself is very self contained for safety reasons. They are designed to not allow any air infiltration into the system. Mr. Lannan stated that relative to bio-solids the concerns are typically related to metals. Mr. Lannan stated that the metals will not be an issue for this site because they are very low and generally do not release into the air through the processing. Mr. Lannan stated that the concerns here are not the bio-solids. Mr. Andrews asked about the waste that is not turned into a final product that runs back into the landfill. Mr. Lannan stated that the digestate will contain some of the metals and some of those metals will be recycled back into the landfill and those will go through the leachate but there is really no release point for that until it goes to discharge so the reverse osmosis or evaporation is how you would get rid of the liquid end. Mr. Andrews stated that it will just continue in a loop delivered through under the building out into the landfill back to the leachate back to the landfill etc. Mr. Lannan stated that he understands what Mr. Andrews is asking and technically that is true but when you are talking about parts per trillion levels when things are circulating and we are not talking about half is metal and half is sludge. Mr. Lannan stated it is not like that, these are very very very trace amounts. Mr. Lannan stated that in some cases lower than what is in drinking water. Mr. Barrett stated that Mr. Andrews brought up to good point and they are looking at the concentration and certainly other forms of landfilling namely bioreactors have seen that type of activity. The more circulated the more concentrated they get. Mr. Barrett stated that these are trace amounts, very small trace amounts. Mr. Barrett stated that one of the components in the RFP's was we need to talk about what that concentration factor is going to be over a length of time. In other words, are we going to be subject to any increase? Mr. Barrett stated that the last thing he wants is the leachate become difficult to dispose. Mr. Barrett stated that the consideration is in there. Mr. Lannan stated that it is very

important if they go that route that they demonstrate that there will be no harm to any of the solid waste or the leachate or the air. Mr. Lannan stated that they will need to do that demonstration that they wouldn't have to do if they didn't have bio-solids. Mr. Lannan stated that it's a decision they will make whether it's worth it to them. Mr. Andrews stated that as far as odor control, they have not addressed all the potentials on delivery and the process at this time. Mr. Lannan stated that they have provided an air flow diagram which is a pencil sketch with a single line of duct work running through the system over to the odor control systems. Mr. Lannan stated that there are 3 optional ways for the odor control to work. Mr. Lannan stated that it is a conceptual drawing because this is at a conceptual phase. Mr. Lannan stated that the good thing about it is that they have every process that they talked about in their proposal and everyone was inside the building and everyone of them had a duct pickup to the primary system and everyone one of them was enclosed with a secondary system for capturing fugitive odors from this process. Mr. Lannan stated that a truck comes in, dumps something that more of a solid into a bin, the hatch opens, there is going to be some release into the room. How that is all fits together is yet to be determined but they are willing to do it. Mr. Lannan stated that this is not a fatal flaw. Mr. Lannan stated that if they are willing to do it they understand that anything that comes before you better have that in it or else they will not get approved. Mr. Lannan stated that frankly they know they need to do that stuff for odor control. Mr. Barlow stated that when talking about the compost, the tonnage that Harvest Power may take from the landfill to have something somewhere we are not going to increase the tonnage just to have something else over there. Mr. Barlow stated that Mr. Lannan may want to look at how the balance of tonnage is going to work because we have already sold the tonnage to the landfill. Mr. Barrett stated that through the process as we work through with the working group and at the joint meetings he has always mentioned that as we move forward with these, we have positioned ourselves through traffic studies reconstruction at the entrance structure meeting with DOT we may ask to increase the tons. Mr. Barrett stated that he will not ask for an increase of tons going into the landfill but will ask for an increase into the facility in and out. Mr. Barlow stated that this needs to be looked at more carefully because if you plan on trucking in sludge it generally does not smell that great and the idea of hauling it all the way down MacArthur Blvd. because you increased the tonnage and they are going to close that. Mr. Barlow stated that there are a whole lot of things to be considered here. Mr. Lannan stated that the board has hired the right guy for this job. Mr. Lannan stated that he absolutely agrees with Mr. Barlow's concerns. Mr. Barrett stated that one of the reasons why we said this on April 25, 2012 that was kind of a hurried up process too but we asked for quotes to get a consulting engineer for the board of health and Mike popped up on the radar because of his extensive background in solid waste as well as bio-solid, composting etc. That is why he is here tonight. Mr. Barrett stated that he is fully aware of these operations, should they move forward, Harvest Power for example, should that process move forward we are more than likely as part of that opening and re-opening of that site assignment will include an increase in tons. Mr. Barratt stated that they have

already been to Cape Cod Commission preliminary meeting, MEPA, Himself and Phil Goddard, and brought these issues up. Mr. Barrett stated that he has gotten a feeling from most of the people that all the work that they have done, the traffic studies that are already done, and the infrastructure that is being put in now can accommodate should we choose to move forward. Mr. Barlow stated that he appreciates that and just wants to put it in because the DEP and the Cape Cod Commission didn't care what goes up and down MacArthur Boulevard but the Board of Health is going to hear it. Mr. Barlow stated that the board deals with all the odor issues, any of the nuisances so he wants to how that is going to be addressed along with everything else. Ms. Peterson asked if there can be separate tonnage, ours and theirs? Mr. Barrett stated that yes, what will end up is thought MEPA who will regulate the tons into the facility as they do now. Mr. Barrett stated that the way the permit reads now is that they can do 825 tons of waste in the gate variously managed. Mr. Barrett that that is everything, recyclable, everything. Mr. Barrett stated that the DEP stated that you can only put up to 600 tons per day on average not to exceed 700 tons on any given day, not to exceed 4900 tons on a 7 day period, not to exceed 219,000 tons per year. Mr. Barrett stated the he would not change that he is not looking to boost the landfill. Mr. Barrett stated that he has the landfill pretty much set as the board knows and what is happening for the next 10 years. Mr. Barrett stated that if he were to come back to the board for an increase in tonnage it would be the result of one of these projects, to service on of these projects. Mr. Lannan stated just to summarize, the bottom line is that we are at the point where they are going to include the right things if the board adopts these criteria as they need to do this in the final design before they get approval or as a condition of the final approval that we can make the facility work for the board. Mr. Barlow stated that tonnage to him is a big issue. Mr. Barrett stated that is part of the permitting process that he will go through probably within the next 6 months. Mr. Barrett stated that in order to move through MEPA and site phase 6, he and Phil Goddard went back up there last year and sat down with them in a preliminary basis before he put the RFP's out. Mr. Barrett stated that he did not want to go into this RFP process without knowing that everyone was in the boat. Mr. Barrett stated that is why he had all the joint meetings, he formed a working group which has all the stake holders on that committee, went back to Cape Cod Commission, and it's good to see everything moving forward. Mr. Barrett stated that he feels it was wise for the landfill, under Phil Goddard's direction, to go back to everyone and lay the ground work now to be able to take additional tons. Mr. Barrett stated that if they decide to go with one of these projects that accepts bio-solids? That is just one point, one facet that they need to look at. Mr. Barrett stated that the trucks are running up and down the road every day. Mr. Barrett stated that he knows he can deal with it. Mr. Barlow stated that the concerns with the traffic issues and the turn that most of the people use, the idea of taking that turn away is not going to work. Mr. Barrett stated that he did not want to get to deep into that discussion this evening but did state that there was a preliminary discussion about that and he came up with ways to elevate that problem without closing the turn-around. Mr. Barrett stated that he believes that is solvable and it is in the boards hands. Mr.

Barlow stated that he does not think that this board wants to do anything to encourage the state to close the turn-around. Mr. Barlow stated that as long as Mr. Barrett understands that. Mr. Goddard stated that the trucks that are coming now are predominantly ash. Mr. Goddard stated that they are coming in 100 yarders with 30 tons per load which will, estimating, reduce the truck count by something like 25 – 30%. Mr. Goddard stated that is a positive impact. Mr. Barlow stated that residents contact the Board of Health with their thoughts about closing that. Ms. Peterson asked what is next. Mr. Barrett stated that relative to the Board of Health, most likely given the questions that Mr. Lannan has presented, it appears that the board is comfortable and if there are any other questions or anything that the board would like to see in a final report. Mr. Barrett stated that the report submitted is a draft. Mr. Barrett stated that he would like to come back before the board in 2 weeks to accept Mr. Lannan's final approval. Mr. Barlow stated that was too soon. Ms. Peterson stated that she disagrees, and the parties will not give any more information from what the board has now until they go further into the process. Mr. Lannan stated that was correct. Ms. Peterson stated that in 2 weeks if the board gives Mr. Lannan an ok it is merely for them to go forward and to ask for going into business with one or two or three of these companies, then they start presenting to the various boards their more detail proposals. Mr. Barlow stated that he was under the impression that Ms. Peterson is still waiting for more information from Harvest Power or is it that they are not willing to give more information until the board goes further into the process. Mr. Lannan stated that he has asked twice already and feels he has gotten all he can get at this point and it's because they do not want to devote too much more design time until they have a signed contract. Mr. Lannan stated that they also need to get some confidentiality things in place before they can give out more of their proprietary information. Mr. Barrett stated that by allowing this to move forward and accepting this report allows this to go to the next stage with more information provided. Mr. Andrews asked if Mr. Lannan will be continuing to work with Mr. Barrett through the whole process. Mr. Barrett stated that once the process moves and the board accepts or declines Mr. Lannan's final approval, he in visions that allows the process to move forward. Mr. Barrett stated for example if the report gets approved by the board, ISWM goes through the RFP process which involves the Board of Health and the working group and move forward. Mr. Goddard stated that they have Green Seal Environmental who work with Harvest Power present at tonight's meeting. Mr. Goddard stated that they are here to listen to the boards concerns to bring feedback back to Harvest Power. Mr. Goddard stated that the subcommittee of the working group will make their final report to Tom Guerino as the Chief Procurement Officer and then will go to an award. The next stage will be a notice to proceed/interim development agreement. Mr. Goddard stated that there will be a whole litany of conditions to partner with them. Mr. Goddard stated that ISWM will then be the proponent along with Harvest Power that would have the power to say all bets are off if correct information is not received. Mr. Goddard stated the next thing to starting a site lease and that does not get signed until the Board of Health approves any modifications to the site assignment. Mr. Goddard stated that is approximately 1

year or more from now after all the other permitting is complete. Mr. Goddard stated that there is still a long way to go. Mr. Goddard stated that by September or October there should be an interim development agreement. Mr. Goddard stated that they are still waiting to get counsel on board and a specialist counsel that is approved by the selectmen. Mr. Goddard stated that should Harvest Power get awarded the project, they need to come back for a re-modification and then them, as a client who has to put money in escrow so that the board of health can hire their own private consultant that is managed away from ISWM. Mr. Goddard stated that the board can choose to use Mr. Lannan or pick someone else. Mr. Goddard stated that ISWM is removed from that. Mr. Goddard stated that ISWM chose Mr. Lannan at this stage which is more of an informal process. Mr. Andrews stated that as soon as the report is done and the board accepts his final report, then the board is done until a proposal comes before us. Mr. Barrett stated that was correct and at which time the board will be able to choose who they want to continue with the project. Ms. Peterson stated that the board has been very up front with this all along and would like someone such as Mr. Lannan and wants counsel. Ms. Peterson stated that the board will not go one step further in the process until this is done. Ms. Peterson stated that she is still not sure how all the paperwork will be handled because all the paperwork cannot be carted back and forth but that is for down the road. Ms. Peterson stated that she remembers the last site assignment change which was a bit ridiculous. Mr. Goddard stated that they will do whatever it takes to get the information to the board. Ms. Peterson stated she would like everything to go through Ms. Coffin first and she will see to it that the board gets what they need. Ms. Peterson asked if there was any interest in have a workshop with Mr. Lannan prior to the two weeks from now. The board responded no. A workshop is not necessary. Ms. Peterson stated that the board will not be taking any questions from the audience tonight. Ms. Peterson asked who the representatives are from Harvest Power. Rick Wirsen stated that he works with Harvest Power initially to do a waste shed analysis where they would get the material. Mr. Wirsen stated they are the conductors of permitting how you take Cape Cod Commission, MEPA, working with the town how they wrap it all together to get it through. Mr. Wirsen stated that they are certainly not the technical experts with respect to this technology and Harvest Power is the proprietary. **No action taken at this time. Continued to the next meeting dated August 8, 2012.**

- **Discuss and possible vote regarding Covanta's request to dump ash in the landfill until 4:00pm on Saturdays and from 7:00am until 12:00 pm on Sundays –**

Mr. Barrett stated that he is requesting that the board of health consider the extension ash load acceptance from 12:00 pm on Saturday because the scale closes at 12:00 pm on Saturday and is wondering if they can continue accepting ash from 12:00pm until 4:00pm Saturday and then on Sundays mornings from 7:00am until 12:00pm. Mr. Barrett stated that these times are already in the permit. Mr. Barrett stated that he does not anticipate there being any adverse

impacts on the neighbors, neighborhoods etc. Mr. Barrett stated that he is talking about a small number of loads. Mr. Barrett stated it just give another option for meeting their contractual obligations to ISWM. Mr. Barrett stated that the contract was signed and when retro to January 1 of 2012 and did not actually start accepting ash in the volumes necessary to meet that requirement until April/May. Ms. Peterson asked if Mr. Barrett has the personnel. Mr. Barrett stated that he does. Mr. Barrett stated that they are open on these days anyway. Mr. Barlow stated that residents cannot go to the landfill on Tuesdays but ISWM is asking for more commercial traffic on Sundays too. Mr. Barrett stated that he would like to maintain the Tuesday schedule to be able to get things done. Mr. Barrett stated that all the services that are offered by going to the landfill are offered 7 days a week until Labor Day. Mr. Barlow stated that Mr. Barrett may want to consider not closing the residential drop off area as part of a trade off. Mr. Barrett stated that he would consider that but he would strongly suggest to allow ISWM to continue doing what they are doing because that time is used valuably having that extra operator. Ms. Peterson asked for a vote to allow. **Mr. Uitti made a motion to allow the landfill to accept ash on Saturdays and Sundays. Saturday until 4:00 pm and Sunday 7:00 am until 12:00 pm. Mr. Andrews seconded the motion. All in favor and the motion PASSES.**

2. **POCASSET MOBILE HOME PARK – Receiver Attorney Chuck Sabatt – Update on park septic system and court case** – Mr. Sabatt stated that in the last few months there have not been any major issues with the septic system per se. Mr. Sabatt stated that there have some blockages in some lines here and there which were cleared so the system has been generally operating. Mr. Sabatt stated that on a larger scale however, one major event has taken place and that is that the leaching trenches that were installed last year around March and April 2011 have now begun to show signs of failure. Mr. Sabatt stated that these have been examined on a weekly basis by Bill Gilpin who goes out and pumps where needed and files a report with the status of the distribution boxes in each of the pits. Mr. Sabatt stated that Mr. Gilpin has determined that they are near failure because of the levels that he has observed. Mr. Sabatt stated that 2 months ago he was out at the site with Ms. Coffin for the board of health, Brian Dudley for the DEP, Brian Gasha from VSC, Bill Gilpin and ultimately Peter Valerie. Mr. Sabatt stated that the purpose of the meeting then was to plan ahead for this eventuality because they knew that these were not going to last. Mr. Sabatt stated that at that time Mr. Dudley felt that rather than forging it with construction; he suggested that Brian Gasha prepare some plans for some additional leaching trenches. Mr. Sabatt stated that it so happened that failure of the system is upon us. Mr. Sabatt stated that he was out there yesterday July 24, 2012 with Ms. Coffin, Bill Gilpin and Peter Valerie and looked at various structures and Peter Valerie is going to go in this week at Ms. Coffin's suggestion to exam the trenches again. Ms. Coffin stated that before the spend a lot of money to put in new trenches, and has known trenches to fail because particulate gets in the holes if they are at the bottom of the pipes, so she suggested that maybe look at one of the trenches to be sure because if they are clogged, they can be jetted out but she wants to see if the stone is really saturated and dirty and if it is, then she knows that they need to replace everything. Ms. Peterson asked what Ms. Coffin's thoughts are on this. Ms. Coffin stated that she feels there may be solids in the

pipe because there was an awful lot of water going in there and there are only 5 30X40 foot trenches. Ms. Coffin stated that she has seen a house fail in 3 years with similar failure. Mr. Sabatt stated that he will fund that with money he has or through borrowing from Barnstable County or a combination of the two. Mr. Sabatt stated that he did speak Brian Gasha and asked that he please get to the plans as soon as possible. Mr. Sabatt stated that whatever needs to be done, he will do. Ms. Coffin stated that this is not a panic situation but just trying to stay ahead of the game because there are 13 leach pits and still have 8 pits that are dry. Ms. Coffin stated that it is not like all of the pits are full like before there are still 8 pits so there is still time before a problem. Mr. Sabatt stated that he feels they are on top of it from what he can gather and has contingency plans to alleviate the system if they need to do that. Mr. Sabatt stated that in terms of the case, the attorney general's office filed a very extensive motion 3 or 4 months ago seeking some alternatives either some substantial penalties against Mr. Austin or seeking sufficient funding to finance a closure of the park should that be the courts ultimate decision. Mr. Sabatt stated that finally seeking as an alternative in order that he provides sufficient funding to reconstruct the septic system. Mr. Sabatt stated that there was a hearing on June 21, 2012 on this motion on before Judge Macleod at Suffolk Superior Court. Mr. Sabatt stated that Judge Macleod has been on the case as least since February 2011. Mr. Sabatt stated that the legal question is that she has the authority to order Mr. Austin to cease and desist operations because she can determine that there has been a violation of the health statues and regulations. Mr. Sabatt stated that she can also order Mr. Austin to provide sufficient funding to finance the closure of the park. Ms. Peterson asked if that will be ordered. Mr. Sabatt stated that he is not intimately involved or reviewed the disclosures that were made but Mr. Austin has been ordered to make financial disclosures which he has done to the attorney general's office. Mr. Sabatt stated that all of Mr. Austin's assets are frozen by injunction which is in effect. Mr. Sabatt stated that the park itself is an asset along with the land that it sits on. Mr. Sabatt stated that there are assets that are sufficiently available to finance should that become necessary. Mr. Sabatt stated that what is interesting it that the attorney general's office has given Judge Macleod authority to order that the system be re-built. Mr. Sabatt stated that he sensed that if Judge Macleod can find away to have the system rebuilt then she will do it. Mr. Sabatt stated that this is only a guess on his part based on what he saw at the hearing. Mr. Sabatt stated that it would not surprise him either if Judge Macleod concluded that the park should be closed and order Mr. Austin to provide the financing over the next two years. Mr. Sabatt stated that either of these options are on the table. Mr. Sabatt stated that Judge Macleod has not ruled out ordering Mr. Austin to provide the financing to reconstruct the system. Mr. Sabatt stated that he does not know when a decision will be made. Mr. Sabatt stated that the hearing was June 21, 2012 which is a little over 30 days since they were last in court. Mr. Sabatt stated that he would expect a decision to be made within the next 30 days then he will know where they stand with the future of the park. Mr. Sabatt stated that he feels they are getting close to some sort of definitive answer but not sure when it will be but feels it will be fairly soon. Mr. Sabatt stated in summary, he can report that he is staying on top of the major issues at the park and are continuing to address it. Mr. Sabatt stated in the summary that there is sufficient funding to address the problems that they have at least for the foreseeable future. Ms. Peterson asked if any questions from either the board or the audience. Ms. Peterson stated that there is really

nothing to say. Mr. Sabatt stated that as far as the status of the case, they are pretty much where they have been. Mr. Sabatt stated that its making progress but it is very hard to know where it is going. Mr. Sabatt stated that it is a very difficult unprecedented legal set of questions. Mr. Sabatt stated that the questions are what is the extent of authority of the courts, how will it all be implemented etc. Ms. Peterson stated that she supposes Mr. Austin's side will appeal. Mr. Sabatt stated that was the concern. Mr. Sabatt stated that he made a recommendation to the most efficient thing to do, if the objective is to try to rebuild the system, would be to have the property appraised and sell it. Mr. Sabatt stated that the price could be adjusted less the cost for the improvement. Mr. Sabatt stated that there might be a small net that might be paid to Mr. Austin. Mr. Sabatt stated there would be a commitment from the new owner to rebuild the system and that would be the solution. Mr. Sabatt stated that it would not relieve any penalties that would be imposed by the government which is another story. Mr. Sabatt stated that there was resistance from Mr. Austin's side and that Mr. Sabatt is not sure that the court has the authority to order that the park be sold but the court does have the authority to order Mr. Austin to repair the system. Ms. Peterson asked what the procedure will be for Mr. Austin to pay his fines. Ms. Peterson asked if Mr. Sabatt as the receiver pays the fines that have been levied against Mr. Austin. Mr. Sabatt stated that no, Mr. Austin is responsible for paying his fines. Mr. Sabatt stated that Mr. Austin may be facing both very substantial penalties and the obligation to provide the funding for closure of the park or reconstruction of the septic system. Mr. Sabatt stated that if Judge Macleod orders Mr. Austin to repair the system, they may appeal. Mr. Sabatt stated that they are less likely to appeal a closure then they would an order to rebuild the system. Mr. Sabatt stated that if there is an appeal, that will delay things to some extent. Mr. Sabatt stated that this question came up at the residence meeting just the other day, if there were an appeal, Mr. Austin would have to ask the court to stay the order. Mr. Sabatt stated that the fact that you stated an appeal does not in fact stay a court order. Mr. Sabatt stated that Judge Macleod may not do that based on the urgency of the circumstances. Mr. Sabatt stated that the order can go into effect and Mr. Austin may be ordered to comply as he pursues his appeal which might effectively render the appeal mute at that point. Mr. Sabatt stated that is will be an interested scenario regardless of which direction Judge Macleod goes in. Mr. Sabatt stated that it will be complicated no matter what direction this turns. Ms. Peterson stated that then to add into this Mr. Austin's age will be a factor. Ms. Peterson stated that if there are no other questions, then she would like Mr. Sabatt before the board again sometime in October. Mr. Sabatt stated that if there is a decision sooner then he will come before the board at that time. Mr. Pacheco stated that there has been talk about rebuilding the system. Mr. Pacheco asked if rebuilding the system versus a treatment plant, is it an option to make the whole operation minimally acceptable that the plant or system. Mr. Sabatt stated that he means a treatment plant. Mr. Sabatt stated that the DEP wants a wastewater treatment plant put in. Mr. Pacheco stated that will not include the road work and all. Mr. Sabatt stated that is does include the road work. Mr. Sabatt that that all would have to be accomplished. Mr. Sabatt stated that the only question that Judge Macleod had was whether or not the water system would be included in this project. Mr. Sabatt stated that he suggested to Judge Macleod that the water system would also be a health issue and somehow fall with the amid of what Judge Macleod has to order. Mr. Sabatt stated that if Judge Macleod orders the rebuild of the system then the

water system would also be ordered. Mr. Pacheco asked if the sewage treatment plant are virtue of whatever technologies they are using need water. Mr. Sabatt stated that is a whole different issue. Mr. Sabatt stated that the issue is whether Judge Macleod orders the treatment plant; the roadways can easily say will all be part of the project. Ms. Peterson stated that they would try to tie in the water delivery system. **This item has been CONTINUED until the meeting dated October 10, 2012 unless new information is received by Mr. Sabatt.**

3. **TOBACCO REGULATIONS – Cynthia A. Coffin – Discuss and possible vote on revised tobacco regulation** – Ms. Coffin asked if the board would like to hear item #4, Hill Street first. Ms. Peterson stated that was ok.

2 HILL STREET – Bracken Engineering for Linda Gudas and Mike Sayler – Request variances – Mr. Basinski from Bracken Engineering stated that on behalf of Mike Sayler and Linda Gudas, the project site is 2 Hill Street in Patuisset and there is an existing single family house lot. Mr. Basinski stated that the resources area within 150 feet of the property is Hen Cove in an AE flood zone and the associated coastal bank. Mr. Basinski stated he is requesting a waiver for a new septic system on the property closer than 150 feet to the coastal bank. Mr. Basinski stated that the applicants are proposing to demolish the existing dwelling and construct a new house. Mr. Basinski stated that the system has been cited as far east on the site as possible. Mr. Basinski stated that he is providing only a 52 foot setback based on the lot shape and size. Mr. Basinski stated that based on the project there is a reduction in the total number of bedrooms of the dwelling which will result in less nitrogen loading. Mr. Basinski stated that it's a 9.4% reduction. Mr. Basinski stated he does not feel the project is any more detrimental to what currently exists there today. Ms. Peterson asked how many bedrooms are being proposed. Mr. Basinski stated there will be 4 bedrooms. Mr. Basinski stated that there 3 bedrooms per the assessor records but there are actually 5 bedrooms. Mr. Andrews asked where the extra bedroom is on the plan. Mr. Basinski stated that it is in the basement which is not actually finished. Mr. Andrews stated that is why the ejector pump is down there. Mr. Basinski state that was correct it is for the future. Ms. Coffin stated that the key here really is with the board which was talked about before is what the actual resource is which is Hen Cove. Ms. Coffin stated that it is a bank by definition and there is a house on the other side of the road. Ms. Coffin stated that she does not feel there is a problem because the resource itself is over 155 feet away. Ms. Coffin stated that she feels this is ok and they are reducing the number of bedrooms. Mr. Andrews asked if the limit of bedrooms will be 4. Mr. Basinski stated that the room in the basement is really not intended to be a bedroom so technically there would be 5. Ms. Peterson stated that as long as there is a cased opening of 4 feet or more then it will not be considered a bedroom. **Mr. Andrews made a motion to approve the system with the variance of 92 feet of a coastal bank to a 98 foot variance. Mr. Andrews added to his motion a 4 bedroom system and the plans are dated June 25, 2012 received by the Board of Health on July 16, 2012 for 2 Hill Street. Mr. Andrews added to his motion the architectuals received July 16, 2012. The dates are May 25, 2012 submitted to the office. Mr. Uitti seconded the motion.** Ms. Coffin stated that the way it is approved right now, the applicant could actually put a bedroom in the basement without the 4 foot cased opening. Ms. Coffin stated that the board approved a 4

bedroom system so the cased opening should be addressed. Mr. Andrews stated that there are 3 bedrooms upstairs so the basement will make 4. Ms. Coffin asked if the board is ok with approving the 4 bedroom system. Ms. Coffin stated that at some point she will be receiving a building permit which will show a bedroom down in the basement. Ms. Coffin stated that the architectuals are being approved without showing the 4th bedroom. Ms. Coffin asked if the board wants to put a limit on number of bedrooms. Ms. Peterson stated that the room is supposed to be a game room and a bedroom. Ms. Peterson stated that if it is going to be a game room there is going to need to be a 4 foot cased opening. Mr. Basinski stated that he would rather have the bedroom approved. Mr. Coffin stated that on the architectuals being approved tonight does not show a bedroom in the basement but would prefer to see the bedroom shown on the plans. Mr. Andrews stated that as long as a building permit comes in with only one bedroom then they are still ok. Ms. Coffin asked if when the calculations were done, were the whole basement included as a potential bedroom. Mr. Basinski stated just one little section shown on the plan was calculated as a bedroom. Ms. Coffin stated that she understood. **All in favor and the motion PASSES.**

4. **Tobacco Regs – Cynthia A. Coffin – Discuss and possible vote on revised tobacco regulation** – Ms. Peterson stated that she hoped the board members had a chance to go over the regulation. Ms. Peterson stated that she spoke with Ms. Coffin earlier and because it is on the agenda for discussion and possible vote there is something that she would like to see put on the regulation. Ms. Peterson stated that she would like to beef up the board's ability on what the board can do if they find out people are smoking where they are not supposed to be. Ms. Peterson stated that she would like to be able, right off the bat, to take the tobacco license away without any fines or warnings etc. Mr. Barlow stated that it is kind of being the judge and the jury and feels if someone is caught smoking where they are not supposed to be smoking then the agent or the inspector can bring the person before the board. Mr. Barlow stated that he would not revoke the license because they would be saying they are guilty before they are heard before the board. Ms. Peterson stated that she just wants the ability to pull the license after a hearing. Mr. Barlow stated that if it turns out that the person is actually guilty, and then the board should be able to revoke the license. Ms. Coffin stated that on page 6 on number 2 under D it says following the third offense within the same 18 month period, the board of health shall suspend or revoke. Ms. Coffin stated that it can be changed to say upon the first offense and take out within the same 18 month period. Mr. Andrews reads out loud the regulation. Ms. Peterson stated that she would like to see it on the first offense. Mr. Collett asked if the board is talking about selling illegally or smoking on the premises. Ms. Peterson stated smoking on the premises. Mr. Collett asked what if a person is smoking in a location that is not licensed with the board of health. Ms. Peterson stated that if people are smoking where they are not supposed to be smoking. Ms. Peterson stated that if there is not enough beef in the wording then the people doing it don't care. Mr. Collett asked what license is Ms. Peterson referring to that the board of health has the authority over. Ms. Peterson stated the board of health license. Ms. Coffin stated that Ms. Peterson is speaking about the food permit. Ms. Coffin stated that on number one deals with selling of tobacco products. Ms. Coffin stated that they may need an

additional regulation to deal with establishments that hold a food license and say something about that. Mr. Barlow stated that if the board is now referring to the food license then he can't have anything to do with it anymore. Mr. Barlow stated that it should apply to all licenses, barber shops, hair salons etc. Ms. Coffin stated that the board of health has not right to do that. Mr. Barlow stated that they do get permits though. Ms. Coffin stated that they do not. Ms. Peterson stated that is should say any board of health permit that is issued to an establishment may be revoked. Ms. Coffin stated that the tobacco license if there is a violation anytime there is a sale the board relinquishes their license for 30 days. Ms. Coffin stated that the second offense the license if relinquished for 7 days then the third offense is for 30 days. Ms. Coffin stated that it is also stated that any person who violates the regulation is fined. Ms. Peterson stated that maybe to add into there, any board of health permits may be revoked. Mr. Andrews stated. Mr. Collett suggested he provide the proper wording for what the board wants. Mr. Barlow stated that this should go on the next agenda for this one specific issue and allow time for the board members to get a better look at the regulation. Ms. Peterson asked why this should be voted on then. Ms. Coffin stated that she does not want the board to vote on the regulation tonight. Ms. Coffin stated that it is just to start it up. Ms. Coffin stated that Mr. Collett brought this forward months ago and she sent him a draft and incorporated everything except the pharmacy issue because the board is not in favor of that. Ms. Coffin stated that she took the electronic cigarette regulation and the existing board of health regulation and some of what Mr. Collett brought forward and pushed them all into one regulation. Ms. Coffin stated that this is really just for discussion. Mr. Barlow stated that on the agenda is states discussion and possible vote. Ms. Coffin stated she always says possible vote with a discussion. Ms. Peterson stated that she is comfortable with the draft regulation. Mr. Collett stated he was comfortable and also Mr. Barlow. Ms. Peterson asked Mr. Collett to provide the board with the proper wording and to make sure he understands what the board wants him to do. Mr. Collett stated that he could do that. Mr. Andrews suggested the wording to be in violation of these regulations may result in loss of any licenses or permits issued by the board of health. Ms. Peterson added without warnings. Mr. Collett stated that there are no warnings allowed. Ms. Peterson stated that if you are holding a food license and you are smoking in that establishment and you are consciencously doing it then you deserve to lose your food license. Mr. Collett stated that the board already has the authority to do this. Ms. Peterson stated that she still wants it added to the regulation. Mr. Collett stated that the board is not obligated to issue fines and it says may suspend or revoke already. Mr. Collett stated that the board of health could simply delete that third offense clause and put it after the first offense in the regulation. Mr. Collett stated that if this is done once then it does set precedence. Mr. Collett stated that it is not very complicated. Ms. Peterson stated that it is well known that smoking is not allowed in establishments and if you are found smoking in an establishment consistently inside a building you need to have some teeth to able to take the license. Mr. Uitti asked if there is anything in the regulation that states you need to be so many feet from a doorway when smoking outside. Ms. Coffin stated there is not. Ms. Peterson stated that is someone is outside having a cigarette that is there business but if they are smoking in the building then there is a problem. Mr. Collett stated that Barnstable has a 20 foot buffer zone for municipal buildings. Ms. Coffin stated that it appears that one and two under D applies to tobacco

sales. Ms. Coffin stated that she would like to change to say following the third offense the board and revoke the tobacco permit entirely. Ms. Peterson stated once the regulation are published and people see the board is serious about it, it kind of takes care of any unpleasantness. Ms. Peterson stated this way the board is not singling anyone out. Ms. Coffin stated that she feels the fine is almost better because if you hit people in their pocket it going to be more effective. Ms. Coffin stated that she can revoke a food license but then does she go padlock the door? Ms. Peterson stated yes if you have to. Ms. Coffin stated it is a lot easier to collect a fine. Ms. Peterson stated that is has already been proven that second hand smoke kills people and you cannot smoke in a building.... end of story. Ms. Peterson stated it is not the boards rule or law, it's fact. Mr. Barlow stated that in the past there have been problems and the health inspector brought that establishment before the Board. Mr. Collett said that if the Board receives complaints we can definitely use due process to address the issue. The regulation will be tightened up. Ms. Coffin asked the members if the regulation could state something like...for those establishments that hold a Board of Health permit, the Board of Health reserves the right to hold a hearing and revoke said license(s) for any violation of these rules and regulations.” She will amend the tobacco regulation to include this statement. Ms. Peterson stated that no action would be taken at this time. She also asked if there were any comments from the audience. This item will be continued until August 8th.

5. Approve minutes of June 13, 2012. Mr. Barlow made a motion to approve. Mr. Uitti seconded the motion. It was a 3-1 vote to approve as Mr. Andrews abstained.
6. Approve minutes of July 10, 2012. Mr. Barlow made a motion to approve. Mr. Uitti seconded the motion. It was a unanimous vote to approve.

Mr. Andrews made a motion to adjourn. Mr. Uitti seconded. It was unanimous. The meeting adjourned at 8:55 PM.

Respectfully taped and typed by,

Lisa M. Collett
Secretary

Reviewed and approved by

Cynthia A. Coffin
Health Agent

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Don Uitti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk