

BOURNE BOARD OF HEALTH

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| In the Matter of: |) | |
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| TOWN OF BOURNE |) | Public Hearing on Application for Major |
| INTEGRATED SOLID WASTE |) | Modification of Site Assignment |
| MANAGEMENT FACILITY |) | Application No. 21-SW38-0001-APP |
| _____ |) | |

ORDER ON SCHEDULE AND ON PRESENTATIONS
FOR CONTINUED PUBLIC HEARING

On February 8, 2022, Counsel for the Applicant, the Board of Health, the Ten Citizen Group and the Hearing Officer participated in a conference call to address certain recent developments that require revision of my February 4, 2022 Order on Schedule and Protocols for Continued Public Hearing. Specifically, the Order required a “hard stop” at 11:00 p.m. for the February 16, 2022 continued public hearing, essentially providing eight (8) hours for receiving evidence from the Review Engineer, the Ten Citizen Group and the Applicant, and examination of witnesses. The Board also expressed a preference to not to require another continued hearing. The Board, the Parties and the Hearing Officer are very mindful of the compressed time for the Board to deliberate on and issue its written Decision by March 21, 2022.

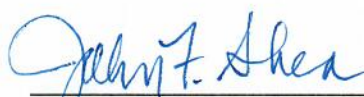
Counsel for Board reported that the Stenographer availability is limited to four (4) hours on February 16, 2022. More important, the Board wants to close the hearing and avoid holding another continued hearing, given the statutory and regulatory deadline for issuance of its Decision. Each Counsel pledged to complete presentation of evidence and questioning of witnesses to meet the new 8:00 p.m. “hard stop.” The Hearing Officer will have very brief closing instructions. The agreed upon Protocol and Schedule for the continued hearing is hereby ordered as follows:

1. The Review Engineer and Ten Citizen Group shall file and serve electronically the Report and Prefiled Direct Testimony by close of business on **February 9, 2022**.
2. The continued Public Hearing, approved by the Board at the February 2, 2022 commencement Hearing, shall occur on **February 16, 2022**, starting at **4:00 p.m.** It shall be conducted by Zoom. The Agenda shall be posted under the Open Meeting Law.
3. The Order of Presentation shall be as follows:
 - (1) The Applicant shall have its witnesses, Daniel T. Barrett and A. Raymond Quinn, available for examination by Counsel for the Ten Citizen Group (and others), and for rebuttal testimony.
 - (2) The Registered Participant, Steven MacNally, shall present testimony. He shall not be required to submit to cross-examination, unless the Hearing Officer determines it is “necessary in the interest of full and fair hearing and an adequate Record,” pursuant to 310 CMR 16.20(9)(d)(1) and (2).
 - (3) The Review Engineer shall present testimony on its Report, and be subject to examination by the Board, Counsel to the Board, the Applicant and the Ten Citizen Group, and the Hearing Officer.
 - (4) The Ten Citizen Group shall present its witness(es), who may be examined by Counsel to the Applicant, Counsel to the Board, the Board, and the Hearing Officer.

- (5) The Parties shall present direct and rebuttal testimony, examination of witnesses, and argument in an efficient manner so as to complete the evidentiary portion of the hearing on February 16, 2022.
- (6) The Hearing Officer shall offer brief closing instructions.
- (7) The Board by motion and roll-call vote shall close the Public Hearing.

Thank you in advance for your commitment and hard work.

So Ordered,



John F. Shea, Esquire
Hearing Officer

Dated: February 9, 2022

SERVICE LIST
(Via E-Mail)

Michelle N. O'Brien, Esq., Counsel for the Applicant
Steven Torres, Esq., Counsel to the Board
Lisa L. Gianelly, Esq., Counsel to the Ten Citizen Group Authorized Representative
Terri Guarino, Health Agent (*original by first class mail*)