

The meeting was called to order at 7:00 p.m., by Chairman, Al Holman. Also in attendance were; Member, Richard Robinson; Member, Richard Desjardins; and Asst. Public Health Officer, Diane Tiernan.

Town Manager, Blythe Robinson was also in attendance.

Minutes were reviewed from the previous meeting held on 9/25/14.

**Motion one** – Richard D. made a motion to accept the minutes with corrections. Richard R. seconded the motion. Al made the motion unanimous. Minutes were approved with corrections.

Vouchers were reviewed and signed.

A septic design was reviewed for 101 High Street, Eric Barker.

**Motion two** – Richard D. made a motion to approve of the design and Richard R. seconded the motion. Al made the motion unanimous. Design was approved.

A septic repair permit for 33 Grove Street, Theresa Girard was reviewed.

**Motion three**– Richard D. made a motion to approve of the design and Richard R. seconded the motion. Al made the motion unanimous. Design was approved.

A septic partial repair for 40 Mechanic Street, John Fahey was reviewed.

**Motion four** - Richard D. made a motion to approve of the permit and Richard R. seconded the motion. Al made the motion unanimous. Permit was approved.

An application to renew a funeral director permit for Kenneth Pederson was reviewed.

**Motion five** - Richard D. made a motion to approve of the permit and Richard R. seconded the motion. Al made the motion unanimous. Permit was approved.

Diane showed the Board a book she ordered from the Commonwealth Police Service, Inc. that has all rules and regulations that pertain to animals. Diane stated the book will be kept in the office and can be utilized by the Selectmen as well. The ACO has his own copy.

Richard R. asked Diane if the Board is being kept up to date on the Enterovirus and Ebola. Diane stated that the town nurse has participated in all of the conference calls and has copies of all information sent from the state and federal government. Board suggested we scan some of the material and put it on the website.

Diane asked permission to take comp. time if she works overtime. She stated there is no extra money in the salary accounts to cover meetings and any extra hours. Board agreed that taking comp time is okay. Blythe asked that it be taken within a couple of weeks after performing the overtime.

7:30 p.m. Jon Deli Prescoli, Mike Poselli and Doug Pizza of the G/U rail yard and pellet operation arrived. Al stated the Board suggested holding this meeting to discuss the rail yard complaints that we recently received in the office. Senator Moore previously requested a meeting be held with the group of concerned residents along with DEP in Worcester. Only one of the Board of Health members was asked to attend. We instead requested the meeting be moved locally and to invite Jon and Michael to attend as well so that all

questions could be voiced and all BOH members could be present. Unfortunately, Sen. Moore is unable to attend, but the Board made the decision to hold the meeting anyways.

Al asked Jon what is happening with the noise mitigation process. Richard R. stated when he was there on 9/22; he knew there was a problem with the soundproofing overheating the pumps. Did the exhaust fans get hooked up? Michael stated the sound proof material came in and the contractor installed it on the three walls of the housing. The first time we ran it, the motor blew. It creates a lot of heat. To prevent the motor from overheating, we left the one wall off, but put everything else on that we can while waiting for the fan motors to come in. He is happy to report that the fans came in and were installed today. When standing on Maple Avenue, it was very difficult to hear any noise coming from the pellet operation. He understands the neighbors wanted the problem to be fixed immediately, but he wanted to make sure it was done right. The soundproof material is literally absorbing everything. Al asked if there was some way to test the system so that you don't blow another motor. Michael stated they will, but this system will vacuum the air instead of blowing it, it will do a better job at soundproofing. Michael suggested this will help the residents on Glen Avenue as well.

Richard D. stated he took readings over on Glen Avenue at one of the homes that was complaining of the noise and only found operational readings of 3 over the ambient at that time. He has also taken readings in the evening which were all over the place to do interference from one of the neighbors.

Al stated the neighbors arguments are based upon it being a factory when the reality is it's a trans loading operation. Jon confirmed that the pellets are delivered by a rail car, packaged and then delivered by a truck. Al asked if the R.R. goal is to run the operation 24/7. Jon stated the demand is there. Al stated the noise complaints occur with the evening operation. The ambient at night is very low. We need DEP to confirm measurements late at night.

Jon stated that the rail road is preempted; any preclearance has been invalidated through the judge's decision in Grafton. There is nothing DEP or any local authority can do. That does not mean we can't work together. Richard R. stated the noise is not a preclearance issue. The neighbors are claiming the nuisance and noise violation. Jon stated only the fire safety regulations apply to him and those must apply to everyone. Richard R. stated that both he and the DEP agreed there was no noise violation following our last meeting at the rail yard. The loudest noise was the trucks coming through. Jon stated that he will work as close as he can with the BOH and will conform with everything that is humanly possible, but this is a rail yard. He also works with Lee Dillard Adams of DEP on both the Grafton and Upton issues and finds she is fair, which makes him want to work together; he does not want things to be adversarial. He feels it's a mistake to not include him in the meeting with Senator Moore. To exclude the person who can make things better is a disaster. He will try to do everything he can to address the issues. Richard D. stated that is why we included you tonight, so that we could talk openly about concerns. Richard D. stated that he recalls OSHA being present at the pellet operation for an inspection and they were extremely pleased about how the dust collection worked. Jon was asked if he had a copy of that report. Jon stated no, he only gets

something in writing when there is a violation. Jon also stated his track is inspected by both the RFA and OSHA more often than rail roads with 100 miles of rail. It's due to all the calls they get. Even the FRA admitted they were over inspecting, but he always passes with flying colors. He does have copies of those reports. They only violation he has had related to a broken step on one of the cars. The decision in Grafton by the STB was unanimous. Grafton has appealed, which will be the town of Grafton vs. the US Government. These legal decisions are going to be the energy decision throughout America.

Blythe asked if there was any sense of when the STB might take up the Upton case. Jon stated no, you can't get any definitive information. Blythe asked if we could do another inspection next week when the repairs are final. Michael stated that once they quieted down the motors, they noticed another noise they could now hear from the silos, so they purchased more soundproofing material and are going to tweak those as well. Jon stated at some point we will have exhausted all the avenues. There is no dust from the pellet operation, if there were, OSHA would have shut it down.

Jon stated Upton received the award to perform the repairs to the crossings in Upton. Grafton did not. Upton's crossings were all approved because of the relationship we have with Upton. It's in everyone's interest to work together. The town does not benefit from litigation.

Jon stated he is doing everything he can for the Board and will continue to do so because of the relationship he has with all the Boards in town. He does not do it because of the complaints. The money he spent in Grafton for mitigation could have gone to other works like he is doing in Upton.

All agreed to complete a late evening inspection of the rail yard once all the worked is completed, hopefully within a week. Only one Board member would attend along with DEP, Blythe and Diane or Trish.

Al thanked everyone for coming.

**Motion six** - Richard D. made a motion to adjourn and Richard R. seconded the motion. Al made the motion unanimous.

8:39 meeting was adjourned.

Respectfully Submitted,

Diane Tiernan  
Asst. Public Health Supervisor