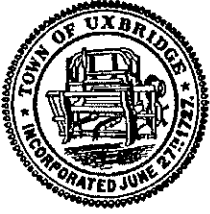


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TOWN OF UXBRIDGE
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BOARD OF HEALTH PUBLIC HEARING MEETING MINUTES
Wednesday, September 20, 2017 at 6:00pm

Minutes of the Uxbridge Board of Health meeting held on Wednesday, September 20, 2017 at 6:00pm in the Selectmen's Meeting Room, 21 S. Main Street, Uxbridge, MA

Present: Michael Morrissette (Chair), Dr. David Tapscott (Vice Chair), Joann Lindenmayer (Member), Kristin Black (Health Agent) and Jay Talerman (Special Town Counsel)

Call to Order: 6:22 PM (Delay notice posted at 6pm)

OLD BUSINESS:

175 South Street, Richardson-North Corporation – Soil Importation Permit Application

Discussion: K. Black presented the letter from Henry Lane dated September 20, 2017. No one present to represent the project. J. Talerman noted that applicant could substitute the name on the application rather than refile as noted in the letter. Lance Anderson of King Street, asked about third party testing and who was doing it. Jean Ouellette of Mendon St. asked about the where trucks were coming from and had specific concerns with trucks coming from Everett.

Motion: David Tapscott moved to close the public hearing. Seconded by Joann Lindenmayer. The motion was unanimous.

Discussion: Members and Talerman discussed the permitting process and that found the scope of the third party review was within scope of Board of Health. The letter from Henry Lane dated September 20th does not formally withdraw the application. Applicants have not complied with third party review fees and applicants received several notices/requests for compliance. Applicant did not mail notice to abutters.

Motion: Joann Lindemayer moved to deny the application for failure to pay peer review fees and provide notice to interested parties. Seconded by David Tapscott. The motion was unanimous.

Discussion: A discussion continued on MassDEP's ACO process at the site and requirement to comply with local regulations pursuant to the ACO. There was agreement on contacting DEP in an effort of working cooperatively to address local compliance issues.

Motion: David Tapscott moved that the Health Agent and Jay Talerman will work to engage DEP on the project and work in a collaborative way. Joann Lindenmayer seconded. The motion was unanimous.

Discussion: Applicant has right to appeal the denial. If there is need to pursue with court action in the future, that may need to be discussed in executive session.

0/775 Millville Rd, Immanuel Corporation – complaint of soil sheen and imported soil

Presentation: Attorney Lawrence McCarthy, representative for J.H. Lynch & Sons, Inc.(owner) presented the history of the site. Currently no importation is occurring at the site and the owner is waiting on decision on appeal of a zoning determination. There is no decision at the time as to whether importation will resume. He spoke about the Planning Board inspection which he attended and which was related to the recent Board of Health complaint.

Discussion: A discussion continued between members, Attorney Talerman and Attorney McCarthy as to whether third party soil testing would be allowed at the site if the owner would pay for the testing. Attorney McCarthy invited the Board of Health to do a site visit but stated he would not agree to third party testing and would not agree to pay for any third party review. The members and Attorney Talerman questions the usefulness of the visit if third party testing could not be used to determine that the site did not pose a threat to public health. The abatement process under Chapter 111 was briefly discussed. It was eventually agreed the first step in the investigation would be to conduct a site walk with Coneco representatives and Beta Group, although soil testing would not be allowed. Attorney McCarthy raised possible conflict of interest issues with Beta Group, Inc. Board requested the soil data that was given to MassDEP as part of the ACO process to be provided to the Board of Health.

Discussion: Review of Beta Group task order for 775 Millville Rd dated August 2017.

Motion. David Tapscott moved to accept the Beta Group, Inc. task proposal. Seconded by Joann Lindenmayer. The motion was unanimous.

Discussion: Discussion on funding of the task order in the amount of \$3,800

Motion: David Tapscott moved to request the Finance Committee to approve a reserve fund transfer in the amount of \$3,800 to Board of Health professional services. Seconded by Joann Lindenmayer. The motion was unanimous.

NEW BUSINESS:

Municipal Charges Lien warrant article

A table with fees currently in BOH regulations provided and briefly discussed. Board agreed that collection of current fees is not an issue and non-criminal disposition may be a better approach therefore, the BOH would not support the proposed fall town meeting warrant article.

Possible Medical Marijuana Facility

David Tapscott informed the Board of his recent communication with the lawyer of proposed medical marijuana facility and said company may be willing to provide education on drug use including opioid abuse and recreational verses medical marijuana. More information to come in future.

Reminder: MAHB on Training in Marlborough on Saturday, November 18th, 8-4pm

Newly Formed Recycling and Sustainability Committee

David Tapscott presented information and informed members that the newly formed committee will hold its first meeting in the near future.

Review of Best Practices for Municipalities Developing Private Hauler Regulations

Given limited time remaining in meeting, members agreed to postpone discussions and that a notice to permitted haulers in town should be sent to haulers them of date of future discussions in

addition to any public notices that are required. It was also mentioned that Irene Congdon, MassDEP Municipal Assistance Coordinator, be invited to attend as well to help answer questions.

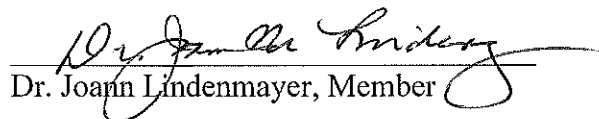
At approximately 7:47pm, David Tapscott moved to adjourn. Seconded by Michael Morrissette. The vote was unanimous.



Michael Morrissette, Chair



Dr. David Tapscott, Vice Chair



Dr. Joann Lindenmayer, Member

11/15/17
Date Approved