

Meeting Minutes

June 20, 2012

Members Present: Frank DeFelice, Chairman
Glenn Monteiro, Member,
Amy Wiegandt, M.D. Member

Liaison: Ellen M. Begley

Health Agent: Robert M. Ethier

PUBLIC HEARINGS

4:00 p.m. Signing of Minutes – June 6, 2012

The minutes of June 6, 2012 were reviewed. Dr. Wiegandt made a motion to accept. Mr. Monterio seconded the motion. Minutes approved.

4:05 p.m. Onset Bay Association – Festivals & Farmers Market Discussion

(Transcribed Verbatim)

Ethier: Here is what happened. They came to us and they thought that our fees were a little bit high to operate at a Farmers Market. So, it is \$100 per festival now. We wanted it to go down to \$125 for the whole year. In Bourne if you were to apply for a festival permit or to sell your wares or your goods at a festival, it costs \$40 a whack. So, obviously if you go to six of them, you pay \$240.

DeFelice: You said it used to be \$100 per festival and you were willing to go to \$125 if they had six festivals and they said it was too high?

Ethier: For the year and they said it was too much. Marion charges \$25 and you could go too as many as 6 – 10 in Marion.

DeFelice: At \$25 a whack?

Ethier: At \$25, yes. Same with Middleboro and Carver. It is all \$25.

Wiegandt: This is for the people that are going to be selling their wares at the Farmers Market?

Ethier: Right.

Monteiro: But they still pay a fee to the people who organize the fair?

Ethier: Right but that has nothing to do with us. Our Board of Health fees would be \$100 for the entire, for as many events as you wanted. You would be licensed to do that.

Monteiro: What I am saying is that in the past, we would charge them per event when I was there. Now they want to do it for 6 – 7 events for one fee. They are losing 5 – 6 hundred dollars by the time they go out.

DeFelice: We are but we are willing to do it but they didn't want to take it.

Ethier: Right. They thought it was still too high.

Wiegandt: They thought \$125 was too high for the season?

Ethier: For the season.

Begley: So this fee is not paid by each vendor. This is (?) \$125 for the entire

Ethier: Every person. Onset Bay, anybody that wants to take part in the event would pay the \$100 for the entire year, not \$125 a whack.

Wiegandt: I am confused too. So, if somebody is going to sell their produce there, they have to pay how much per year and how much per event?

Ethier: They have to pay \$125 per event.

Weigandt: Per event. So, if they went every weekend and were selling their wares, then they would in a month have to pay \$500?

Monteiro: It has always been like that. No one ever complained.

Begley: Is that each vendor, that fee?

Wiegandt: That is a lot.

DeFelice: Is that each vendor?

Ethier: Each vendor, yes.

Wiegandt: And in Marion they pay \$25 per event?

Ethier: Right.

Wiegandt: What was this about 6 of them?

Ethier: In Wareham there is 6 – 8 events that everybody always takes part in. So, if you did that 6 times, at \$125, it would be \$750. We are giving them a shot to do it for \$100 for all the events.

Wiegandt: So, we have offered to them

Ethier: Yes, a discount because they

Wiegandt: I didn't understand what you offered. So, you offered \$100 per season?

Ethier: The whole season. You can take as many events in as you want for \$100.

Wiegandt: And somebody doesn't like that?

Ethier: No. Onset Bay Association says it is still too much. But we have to operate. They don't understand that Bourne, Marion, Middleboro, Carver, don't go to every event. Glenn and I go to every event and we have. We checked everyone of the food permits and we check (?). For \$125 they get a lot for their money. The people in Town (benefit from that) money because we make sure they are safe. In other towns they don't do that. They don't attend anything on the weekends.

Begley: (?) They just paid the fee but they were unable to because they got rained out of, they don't have the facilities. So, they don't make that much money.

Monteiro: They make a lot of money.

Ethier: They make tons of money. They have no vendor complaints on that from the Onset Bay Association. They are glad to come to these events because they make a lot of money.

Weigandt: Who did they complain to?

Ethier: Suzanne, when they came in for a permit.

Weigandt: So, that's the \$125 per event.

DeFelice: But you dropped it.

Wiegandt: But you were going to drop it to \$100 a season?

Suzanne: Yes.

Wiegandt: Was this for everybody then or just for Onset Bay?

Ethier: You have to bear in mind also that they told us on the phone that they haven't raised their rates for 20 years. Maybe they feel like they shouldn't raise them because they don't provide anything for that, for the permit, we do.

Wiegandt: Who hasn't raised their rates?

Ethier: Carver, Marion, Middleboro and Bourne.

Wiegandt: How much do they charge?

Suzanne: (Forty) per event.

Wiegandt: And how long have we been charging the \$125?

Suzanne: Since 2008.

Wiegandt: And there's been no problem before?

Ethier: No. So if the Onset Bay is selling anything, I don't know. Are you ladies from Onset Bay?

Begley: Who pulls the permits, Onset Bay Association or each vendor?

Ethier: Each vendor pulls the permits.

OBA: We are not selling anything. We are coordinating it.

DeFelice: I think we understand it. And why are you here. What is your name?

OBA: I am (?), the Vice President of Onset Bay Association and this is (?) the President.

DeFelice: Correct me if I am wrong. It was normally \$100 per

OBA: Per event.

DeFelice: Whoever is there. Bob was saying they are going to \$125 for the whole year. Why wouldn't that be better?

OBA: Well it would be. (?).

DeFelice: It has always been going on for every year at the \$100 and he is making it better. Why are they

OBA: Well I was going through some old records and I came across a document. (?).

Wiegandt: I think that you had said that it was only for people that was selling food. You don't mean just (?), you mean selling lunches and all that ?

OBA: Yes. They are selling breads that they have made and cakes. Some cookies. It is all packaged.

Wiegandt: But it is for people that sell pies that they have made up.

Monteiro: How many vendors do you have? Who gets the money for the space that they are in?

OBA: The OBA.

Monteiro: How much is the space?

OBA: It is \$15 a week and if they sign up for the whole 4 weeks, they get the 4th week free. We were charging them \$20 and they balked at that.

Wiegandt: I don't quite understand it. So, the ones that have to pay that are selling produce or homemade foods, jellies jams, breads they have made, what does the law say? Do we have that in writing? How is it worded? Why do they have to pay and not others because you folks were leading me to

Ethier: The only ones that don't have to pay are the ones that don't sell food. The ones they are talking about are artisans. They wouldn't come to us because it is not food.

DeFelice: I think the thing is this. There is a fee to cover what the Board of Health has to do at these functions. But the big thing I think that we are missing here, I think it is a benefit to the community to have this and to have the vegetables there.

Wiegandt: But it is not just vegetables they said. This is just cooked food that you folks go check to make sure that it is done right. How do we know that it has been cooked in a clean kitchen?

OBS: They all have their food service license. They have their

Wiegandt: So what does the Board of Health have to do to protect the public on this?

DeFelice: I would like to add to that question. What does it actually cost our department, the Board of Health to do that function there?

Ethier: Well first of all, if they are selling breads and cookies, they have to have a kitchen inspection. They can't make this stuff in their house.

OBA: They get that from the State.

Ethier: No, that is not. They need an inspection from us. They can't go out and open up a can (?) selling cookies. It seems to me that what you are talking about is the people that are selling that (?). We have never had complaints from any of the vendors that are, I mean they are making more than \$20.

OBA: This is a Farmers Market.

Ethier: The same vendors come to the Cape Verdean Festival and they sell their jams and their cookies.

Wiegandt: The Cape Verde Festival where some of the folks are selling hot dogs and hamburgers and food. That is not what we are talking about.

Ethier: These people also come to the festivals and they go to Makepeace Festivals and they sell jellies and jams.

Wiegandt: What is the wording of the ordinance or whatever it is called? Do these folks even have to pay? Is this not meant to be for those people who are selling hot dogs and hamburgers and big stuff or is this for everybody?

Ethier: It is the Federal Food Code but they don't set the rates. The Board sets the rates. They voted on these rate changes in 2008. Only because we are short handed, we needed more money in the budget obviously and we are doing a lot for that (?). So, we are here to ask if the Board wants to lower that now.

DeFelice: Correct me if I am wrong Bob but didn't you suggest \$125 a year?

OBA: So, I could get a certificate and it would cover me for all the events, correct?

DeFelice: Right.

Wiegandt: I think we need to be specific too because they may be thinking food handlers because there are the folks that make the jelly. And then there are the

folks that sell the hamburgers and hot dogs and help you fix (?). A little bit different work.

Ethier: There is none. It is just that we make a rate for certain things and section, like the inspections.

Wiegandt: So, maybe we look at, prior to even voting today, is it possible to look at what is out there from other towns.

DeFelice: I don't think it is that big an issue.

Glenn: You had three vendors. How many other vendors did you have that did not sell food?

OBA: A least 4 or 5.

Monteiro: They are going to have different people coming in all year.

DeFelice: Well I think that is how this whole meeting started, that Bob was going to do that. That is what your suggestion to me was going to be.

Ethier: Yes. There are a lot of vendors who come from Boston, New York, from everywhere.

DeFelice: I think personally that \$125 is all right for the small vendor. Now, where do you part from a small vendor to a big vendor? I think that is the question where we realize the problem is. The larger vendor would have to pay a bigger fee. I have no problem with the \$125 fee. You don't really want to get big vendors at these types of things anyhow.

Wiegandt: Do I understand that the research you had done with all the other towns, the least was \$25 per event for Marion?

Ethier: Right.

Wiegandt: And all the other towns were between \$25 - \$40 but those were all per event too?

Ethier: Correct.

Wiegandt: So, if they have 6 events a year, you are getting up to a sum that is comes out to about the same.

DeFelice: I think we are right in the ballpark with the suggestion Bob made. The only problem is the big vendor. We can talk about it.

Ethier: Well, I understand for the littler vendor that it should be lower. Maybe in some of these regulations some of the smaller people fall through the cracks. But we have made exceptions. At the Cape Verde Festival, some of these ladies have been making this Cape Verdean food that they sell on the side of the road and we do a concession for them. It is all cakes and cookies. So, it is not a potentially hazardous food. So, it is not as regulated and we have lowered the cost for them. Because they just can't do it. They sell a hundred of these. So, we lowered it there on a case-to-case basis. But on these other ones, I think Glenn would probably agree that the cost of doing business. Some of these big vendors. They come from Fenway Park down here to sell. I think in that case that the services we offer, we should keep the price that high for those people. They make a lot of money.

DeFelice: I agree but how do we identify them.

Wiegandt: The question is how to differentiate, where is the line between the small vendor and the large vendor.

OBA: (?)

Ethier: That could be a separation there and you base it on the size of the operation. If it is a one person operation or what. But I will have some information at the next meeting for you and then we can go from there. If you want to issue temporary thing for whatever, it is up to you to decide.

Wiegandt: How many vendors are there at the Onset Bay Association?

OBA: Today was the first day. So we don't know yet. We wanted to settle this with the permits for the rest of the season. We ask people to sign up for a month at a time.

DeFelice: I think what we should do and either way you guys go whatever. When we say the temporary permits for a vendor, it is kind of tough because you are going to have people say I don't think we have a problem with for the little guy the \$125 for the year and then do the temporary for the big guy. Just come in one time next week or not allow it or whatever.

OBA: I can tell you the big difference that the vendors will make at like the Blues Festival or the Cape Verdean. They are going to make 10 times if not 20 times what they are making at our Farmers Market.

Wiegandt: Well why don't we make a specific exception for this then while we further investigate. I would recommend we look at a specific exception for this Farmers Market for the season only while we are investigating, while we are learning more and learn what other Farmers Markets do, what are the prices for this season, get you guys going, make the Farmers Market. Then we can investigate throughout the winter too. So, \$125 for season for the vendors at this Farmers Market, leave everything else the way it is right now, the rest of the pricing, this is just an exception while we further investigate.

OBA: So, that would be \$125 to cover all the events, right?

Wiegandt: So, it's not a Farmers Market that happens once a week in a certain place?

OBA: No.

Wiegandt: That is what I was talking about.

OBA: So, you are saying \$125 just for ours?

Wiegandt: Right.

OBA: (?)

Monteiro: In the past when we had a function, it didn't matter which size the vendor was, what he was selling is what was important. So, now you have a lot of people in Onset, Cape Verdeans all day long, 25 – 30 thousand people. Each vendor, no matter what they sell, bananas, apples, or cooked food, they pay \$100 for that space. If they were cooking food, they would need certain things like a Serve Safe and food handlers. \$125. So the cost was \$225 right there. And no one has complained. They made their money.

OBA: That is my point. They have to make so much more than they (?).

Wiegandt: Right. So, then can't you just change it for you Farmers Market. That we have one price for that and that all the others can still be separate.

OBA: (?)

DeFelice: I think that we should just deal with your Farmers Market.

Ethier: I just think that even if Bourne charges \$40 and you have 4 of these, that's \$160 and for the smaller vendors that have more than one event, like yourself.

The Makepeace is only one event. The Cape Verdean is only one event. I think you are saving money even at \$100 if you, less than these other towns would be if you are going to have them throughout the summer.

Monteiro: You just made your \$200 today on the fees that you charge your vendor. There's your fees for you vendors right there.

Alan: The vendors are paying for the fee. They are charging for the table. So they don't even need a permit because they are not selling food.

DeFelice: I would like to act on it, take a vote. You want to make a Motion?

Monteiro: I think we should have more study on it myself.

DeFelice: Is there a second?

Monteiro: I would suggest that maybe next Wednesday Bob or Mister Flaherty could go down and look at the operation and find out exactly what is going on. You have no permits as of now? They don't need any.

Ethier: If I may. How many of these Farmers Markets are you going to have throughout the summer?

OBA: Every weekend until September 19th.

Ethier: Can we say that anyone who has more than 6 events throughout the summer may take advantage of this discount of \$125 for the entire season?

Monteiro: That's a good point because most of them are a one shot deal. I could go along with that.

Wiegandt: So, anybody that has more than 6 events will only pay \$125 for the year? What happens if somebody is doing 3 events?

Ethier: Believe it or not, this is kind of convoluted. They are not the vendors. They are just having something, which they want the vendors to come. Mr. Slavin said it was too expensive.

Begley: I am afraid that we are open ourselves to a lawsuit because I think that you have to clear if you are going to because it people will say it is discriminatory. So, if you are going to casualize it, you are going to have to be very (?) because there may be those that, say someone wants to argue the point because they are going to attend 5 or whatever. I mean how many little baskets of strawberries to you need to sell to break even.

DeFelice: Well, there is a Motion on the floor. Is there a second?

Monteiro: I will second. This is for yours in Onset, you are not moving around?

DeFelice: Do you want to amend it to the 6 or just leave the Motion the way it is?

Wiegandt: I must say that I am confused now with the 6 events. One of them is \$125.

Ethier: How about if you just address Farmers Markets because we have separate things addressed in the whole food code. They are all different. So, lets say Farmers Market, one fee only for Farmers Market, make it \$100.

Wiegandt: Most Farmers Markets are small. I think that is very clear. If we were to do \$125 per year for people that were providing food at the Farmers Market specifically, because that would then separate folks that are selling at the Farmers Market versus some of the other spots and they have one price per year for the folks that are selling at Farmers Market.

DeFelice: First of all there is a Motion on the floor. And we do not have a second. So that's out.

Ethier: It seems to me that some vendors should have come because you are a separate entity, a volunteer organization speaking for the people we have been licensing for years. I just don't see how we can cut a fee based on that. I know you want to separate the two but the fee would be only this for Farmers Market with the stipulations you put on. I think regarding other events, we have to treat that separately at some time.

Ethier: How about if we do all the other events in Wareham, this one all-inclusive fee. You pay \$250 for any other event other than a Farmers Market because you are selling different goods. You are selling hot dogs, you are selling other goods.

Wiegandt: Just to be clear, a Farmers Market for a year for a fee of \$125 per year, produce, jellies, jams, etc. With further study of the general issue at the next meeting so that we have a little bit of time to sort of absorb what we have heard and maybe get other people here that might have some more information for us.

Monteiro: I will second that.

Ethier: Everyone has to come to us to see if their permit is required.

DeFelice: At the present moment it is \$125 per event for everyone else. We are just going with the Farmers Market for now and will decide the rest later.

4:10 p.m. Cathy Phinney – Associate Member - Interview

Ms. Catherine Phinney of West Wareham approached the Board for interview for the position as an Associate Board of Health Member. Ms. Phinney stated she is an R.N. in the emergency room at Tobey Hospital and has been practicing in the health care field for 43 years. Ms. Phinney is looking towards retirement and seeking volunteer opportunity. Ms. Phinney is requesting the Board submit her application the Board of Selectmen along with a recommendation for appointment to the Board of Health.

4:15 Makepeace Neighborhood Fund Grant- Agreement

The Makepeace Neighborhood Fund awarded a grant to the Board of Health in the amount of \$25,000 for "Cranberry Country Smoke-Free Multi-Unit Housing Initiative". Mr. Michael P. Hogan, the Declarant is requesting a signature of agreement from Frank DeFelice, Board of Health, Chairman accepting the terms and conditions of the Foundation's grant and to certify the authority to execute the agreement on the Grantee's behalf. Mr. DeFelice accepted, signed and dated the agreement.

4:20 p.m. Edward Pacewicz – Public Request Information – Discussion

(Transcribed Verbatim)

Pacewicz: Good afternoon, Eddie Pacewicz.

Wiegandt: I think last meeting we were hoping to ask about some of these, we had seen many long requests. And I think since then you have been able to, we have sort of spoken, I think you have gone and been able to get the information you needed, from what I understood. So, I am not so sure that this is necessary now today. Because I think you, am I not correct? You were able to go and look over what you needed?

Pacewicz: Yes, that is correct. That was this afternoon. We looked over the documentation that I had requested and it was very interesting. If you would like me to expand, I would be happy to.

Wiegandt: That is up to you certainly.

DeFelice: Is it going to be involving the Board of Health?

Pacewicz: Yes, all of it.

DeFelice: Then I wouldn't mind having a little expansion on it.

Pacewicz: Okay. First of all just to tell you how this all started and maybe that was the concern. I have some in-laws that actually live out in Ohio and they asked me to check out a campground here in Wareham, Jellystone Campground, Cape Cod. They have three daughters; two of them have some serious medical issues. They wanted me to check it out and make sure (?). And the first thing I did was go to the internet and look at a thing called RV Park Review and put Maple Springs, Jellystone Park in there and I got a bunch of reviews from people who had been there. Some of the reviews stated, "We were there for three days and our sewer backed up. So the next day the owner ended up coming to our site with a backhoe and put in a new leach field. The smell was so bad on our site that we all got out of it was, I'm sorry for the inconvenience." Well, the little that I know is, first of all.

DeFelice: I have to ask him a question. I have rode in there once. I have never been around there. I just recently last year, started going camping because of my grandkids but I thought there was Are you saying that Jellystone Campground has houses with individual septic fields?

Pacewicz: No. No. They hook up these RVs. The campers, to the septic system in the ground. The other campgrounds, you drive up after you go and you pump into some We will get to that too. We have a little of that here too.

DeFelice: So they have individual, you are saying is

Pacewicz: They have sites that have the septic hookup.

DeFelice: That you can just run the pipe right into that drop?

Pacewicz: Take the pipe and put it into the ground. First of all, just seeing that and just with my limited knowledge, one is, it says the owner was there. I know you are supposed to have a license to replace septic systems and supposed to notify the Board of Health of a failed system and you are supposed to get a building permit. Those little (?) required to have. Reading on some other ones here, and it mentions, "Family kids have run on the campground, never any supervision of these kids under 14. The kids also were seen running in and out of the shack, snack shack where the food is prepared. This should be another Board of Health issue. Also an issue if barefoot and touch your arm on any part of the trailer and you get a shock."

Wiegandt: What was that?

DeFelice: Their electricity is messed up, is what he is saying.

Pacewicz: The electricity is not grounded. So, if you are hooked up to their supply of electricity and you touch your trailer, you get a shock if you are barefooted. These are the reviews that I just pulled up. So, I said, well, this is going to take a little more than expected. So, I reviewed some of the requirements for campgrounds and some of the code and Massachusetts regulations that are involved, with campgrounds, semi-private bathing beaches, etc., etc., etc., everything that they have present at the Maple Springs Campground. First of all, the Board of Health issues a permit for a campground and that has been done and has been done in the past. No problem. Board of Health is supposed to inspect the campgrounds. 105CMR4400.

DeFelice: That is a big campground, right?

Ethier: Yes.

DeFelice: What do they expect the Board of Health to inspect?

Ethier: Well, we do You want to let him finish so I can answer.

Pacewicz: There is no inspections in the records that took place at the campground by the Board of Health. There is supposed to be an approval of the sub-surface disposal for sewage at 290 Glen Charlie Road.

DeFelice: If you are saying when they put one in? I don't know what you are saying. I know what a sub-surface is but approval from?

Pacewicz: Approval of the copy, of the approval of the Board of Health or its agent for the sub-surface disposal sewage system located at 290 Glen Charlie Road, exactly the (? question) you asked.

DeFelice: But there's a whole bunch of them.

Pacewicz: There's a ton of them. Okay. Did anybody approve them, looked at them?

DeFelice: Are you saying that they got to be yearly looked at or

Pacewicz: No, just when they are first put in.

DeFelice: Oh. Who knows.

Pacewicz: Copies of two year, permits issued by the Board of Health or its agents for the operation of a semi-public bathing beach. Okay. There is no permits. Not in the past. Not current. And I am not going to go through all of these. I am just hitting the highlights.

DeFelice: That's fine.

Pacewicz: Reports issued to the Wareham Board of Health from the State showing the certified results of all the testing, monitoring and the lab analysis of bathing water. That has been done and it was done prior years. So, that's okay. Board of Health or its agents, if they are not taking samples, document to review showing that the Wareham Board of Health duly authorized a representative or other qualified person to take the water samples at the public beach. No records of that. The Board of Health did not authorize anybody. Yet, the owner did in fact take the samples. A sanitary survey, if it was done then. None done. The requirement for (?) signs being posted at a semi-public beach. There is no record of any signs that have been checked out or anything else. Copy of the disposal system installers permit issued to Brock Tucz or any other employee because we

Wiegandt: What was that? I didn't hear that.

Pacewicz: The disposal system installer's permit. We have a review here that says the owner replaced or installed septic system. Reports for 290 Glen Charlie Road that a failure of the sewage disposal system, you are supposed to notify the Board of Health. It wasn't done. All right? Second (?) and we are going to get to this. Any permits issued to anybody at 290 Glen Charlie Road. There are no permits for a septage hauler permit. The ownership change in 2001 and it was supposed to be all system inspection reports conducted by the Wareham Board of Health or its agent at the time or within two years of (?) of title for the facility served by on site sub-surface sewage disposal system. No records. System inspection within two years of the title change.

DeFelice: I don't know if you have to do it when family goes to family though.

Pacewicz: It went from Paul Tucz to Tucz Enterprises Corp.

DeFelice: So, I am pretty sure that when it is family to family that you don't need to do that.

Wiegandt: I am impressed with the amount of research you have done because a family member is coming to the. It is just interesting that a family member is coming to this Maple Springs Campground. Because if I did all this for my families, I wouldn't have time to get out of the bed in the morning.

Pacewicz: It wasn't the fact that When I saw these reports, that is what kind of generated the, what is going on with this? Okay. You see these things going on. Now, there is supposed to be copies of applications, plans and specifications for the construction to upgrade or expansion of the sewer systems out there at the Board of Health. Now, I saw in your files, they have plans of the whole campground. It involves the property of 150 campsites and two facilities, shower/toilet type facilities that are there. Currently, there is over 400 campsites and there is 4 facilities, shower toilet type things that are there on site. There is nothing in the records that says there was ever any notification of the Board of Health, any plans, any business permits, anything that increased the size of the campground, including increasing the toilets and showers. There is 4 there now, there was two before. And I am sure you are aware of this, (?) plans, modifications, etc, that are required to be there. The Title 5, 310CMR15 rates campgrounds at 90 gallons of waste water per day per campsite. There is 400 campsites there. That is only 36000 gallons of waste water a day, no discharge permits, no nothing. And half of it is located in Zone 2, the recharge area for our drinking water. Okay. And you know the restriction, 440 gallons per acre in Zone 2 per day, that's it. So, we have Zone 2 up there. Never mind the Agawam River that's considered impaired by the State. Okay. Copies of initial inspection required to be conducted in 2001 of the on site sub-surface sewage disposal system. Okay? And that is 310CMR. No record. Okay. Copies of any emergency repair notices submitted to the Board of Health. There are none and we know that there is activity taking place. Here's a great one. 310CMR1500, I requested all system pumping records submitted to the Wareham Board of Health or its agent for the on-site sub-surface sewage disposal system. At this campground, there is a pump out site and a tight tank, which is the septage that comes out of RV, which cannot be put into the ground because it is septage and it is not allowed to be put in the ground. It is supposed to be pumped

out and taken to a facility to be processed. One, 2009, in August, there is one from the Wareham facility for the tank truck pump out from the campground that has the septage (?). The tight tank has been there 10 – 15 years.

DeFelice: You just saw one on our records, is what you are saying?

Pacewicz: (?) If they take it to another facility, they are supposed to notify our facility that they are handling septage from Wareham. Right?

DeFelice: Yes.

Pacewicz: There was one in 2009. What is going on with the tight tank? Is it leaking? Is somebody on top of it? What are they doing with their septage? Can't tell you they have had one pump out over the last 10 or 12 years.

DeFelice: I am going to ask you something. If that doesn't go to Wareham and it goes somewhere else, they are supposed to

Pacewicz: They are supposed to notify Wareham that they are taking

DeFelice: That they have just accepted this amount.

Pacewicz: from Wareham.

DeFelice: Okay.

Pacewicz: That is my understanding. Here's a great one. Certain (?) of copies to you by the Board of Certification (?) drinking water, copies of valid licenses, etc., etc., because they supply water. In 2000 they (?) from DEP that they were not in compliance with the water facilities in supplying water. In 2011 the DEP is still sending them letters saying they are not in conformance with supplying water because they (?) water system. Eleven years and they haven't been in compliance and this is people getting drinking water here in Wareham at this campground and (?).

Wiegandt: So, some of the interests here for Maple Spring was also regarding some of the water and the nitrogen that we went over before from your point of view.

Pacewicz: This has nothing to do with nitrogen, this is drinking water.

Wiegandt: Right but because you are on the water

Pacewicz: I happen to know just some of this stuff with the nitrogen only because of the septic system. That's the first thing that caught my eye because I know you have to go to the Board of Health. I know you have to get the building inspected. You have to be licensed with all these places. It's a problem. That's is what started it as I said in the original review. These people are telling me. They (?) couldn't go in their trailer because the smell was so bad.

DeFelice: You know, I think we got enough Ed. But I want to ask Bob one question. How many complaints have you gotten at the campground?

Ethier: None.

DeFelice: None in the last 11 years?

Ethier: No.

DeFelice: None, okay. Go ahead.

Ethier: We have one and a half secretaries, Dave is here 30 hours a week and me. I can't go around looking for complaints. Most of this stuff Did your people ever stay there after you gave them a good report or a bad report?

Pacewicz: They didn't.

Ethier: They didn't. Okay. How much of this is to discredit me? That's what I would like to know. Because it is not any of my issues here. I can go through this list here. I have spent a lot of time and a lot of money in the Board of Health to get this together for you. I was good enough to get you to come in here and review the reports and see Most of this stuff is DEP. I talked to Jonathan (Holbrook?) 3 weeks ago when this whole fiasco started and he said the drinking water is a public drinking water supply. It is regulated by us. We issue the fines.

DeFelice: When you say, us, it's the DEP.

Ethier: DEP. It is over 36000 gallons. It is the same thing as the trailer parks over in Wareham. That is regulated by them. That is over 15000 gallons. I have sent letters to the head of the DEP, saying, we have got issues in here. The other things, the sanitary survey, we don't do a sanitary survey. If he is talking about drinking water, I mean if he is talking about beach water testing. The only one that does the sanitary survey for that is the State Beach Water Testing Program, not me.

DeFelice: I know that on the Cape it is the same way.

Ethier: Right. Now, let me tell you about the beach water testing program and Suzanne, anybody can vouch for this. My staff can vouch for this and so couldn't the old health agent. And Glenn you probably know this too because you did a lot of beach water testing. I think you were gone when they gave us a map and said

Monteiro: I never did it Used to do his own and he took it to whatever lab. I think he used to take it to Middleboro.

Ethier: Right. Now, here's the whole thing behind beach water testing. They came out with a map. Now, they realized every body was doing it. Some people did it. Some towns didn't even do it. They weren't regulated to do it. So, they got Chris (?) at the DPH and they started a beach water monitoring program. So, two years ago, they came in to us and said, here's a map, here's the Xs, this is where you are going to test in your town. This is what we consider critical testing for beach water testing for beach goers. And this is what the limitations are going to be.

Wiegandt: So, the DPH told you which beaches to go to?

Ethier: Yes. They told us everything.

Wiegandt: So, this beach was not part of it?

Ethier: They never mentioned Maple Park. However, since I have been here and before that, he has been sampling. There is no certified sampler. Anybody can be a sampler.

DeFelice: No. No. I know that.

Ethier: All right. So, they came down and he sampled and he sent us all the reports and he said he saw the reports in the file. So, just recently, they said, now we are going to permit the beaches. And if you see all the signs on all the beaches in Wareham, we paid for that. The Board of Health paid for that, forty dollars a sign and they are stealing them left and right and we have to come up with money to put them up because that is the new regulation. Well, they never did him. They never told me he was on the list. They never put the pinpoint on the map that he was on the list. So, I went over and saw him with the head of the beach water

program, three weeks ago. And I said, he's got signs up here. He is testing in all these places. They okayed everything he was doing, his results. Sometimes, he was testing four times a day. We only test once in one spot and he was testing four different spots. So, he is within the regulations. We are going to permit him like we are permitting everybody else. This is what happened. They said to us, you know from now on, all these associations too, we want them added. And when I took her there, I said, you know, you screwed up because he should have been on your list, not mine. But he was testing. And she said, well it is no (?), (?). You got to give him a permit the same as you started doing last year with the associations. Briarwood, they never We used to test the samples and do it for nothing but then we ran out of money. So now, the Town is sampling for them. We did it again today. We sampled Briarwood and we sampled next to Mr. Pacewicz's house, every week, every Wednesday. And we take the samples to Barnstable but the associations now pay for their stuff themselves. Signs and everything else. Now, disposable system permit. I am a park ranger over at the Scenic Park, I have been for years. There is no septic going in the ground anywhere. We have a dump station, however and I am sure what happened out there was a black water tank. That's a dark water tank, not black water. A grey water tank. That comes out of the trailers and it goes into a little stone area and sometimes they plug up and they dig them up and put stone in there. It doesn't require a permit.

Wiegandt: What was this about he was hooked up to a septic system and they made a new leaching field?

Ethier: Yes. That's what I am telling you about.

DeFelice: He is saying it was just the grey water.

Wiegandt: So, it is not a regular leaching field?

Ethier: Right. It is not going in the ground. I talked to Mister (?), who has been here for nitrogen meetings. He is now in charge of this because we wrote a letter about all of our projects that are being dismissed, if you will, by the DEP. That is Garden Homes North. That is any of these projects that are over 15000 gallons, which he is. Mr. Pacewicz is absolutely right and his research is right. They have been issued a Notice of Non Compliance because apparently, and he told me this himself and I saw it in the record when I was getting them together for Mr. Pacewicz, this guy did not have a certified drinking water thing. He said that he was going bankrupt and he needed to get the samples and he didn't take them. I can't fine him for that. The DEP has to fine him because under the drinking water program, that is their bag. Inspection reports, system inspection reports, we don't inspect it because it is one giant system and that is a pump out station. As far as the reports going somewhere else, I don't call every pump out company and say, hey got any reports for Maple Park. I get only what comes to us through our (?). And we get others that come from other different towns. It just so happens that we didn't see his and I am sorry, it didn't strike a red light for me when I go down there. Zone 2, no permits. You know what, it is all permitted by the DEP. The DEP, I went into it extensively about this project and his request. And he said, don't take any bumps and bruises for us. We are taking enough from the government right now for not doing these systems and we are on it. So, if you want you to bring them before the Board, I would be glad to. As far as signs, he has

been instructed to put on his sign, that this is the hours of operation. It is just like we have here for every other beach in Wareham. So, now, they have put him on the map and because of this and thank you Mr. Pacewicz, but we were getting to that. He is on the map and he is being made to put the sign up and he will get a permit from us next week.

Wiegandt: What was the copy of the sub-surface thing that he needed.

Ethier: That is a discharge permit. It is a discharge permit of 36500.

Wiegandt: That is DEP then?

Ethier: Right. That's a DEP regulation. And you know, we have reports in there. It is not like we don't go there. I have been there for stable inspections every year. Glenn used to do them. Right Glenn? They had horses. We used to do the restaurant over there. We used to do the store. It was always in good shape. There was no contamination. There were no critical violations at all. And while we were there we went through the park and we drove through looking for any violations, to see if the garbage was piled up, to see if it was handled properly and it always was. There are no reports for that.

Wiegandt: So, we, the Board of Health, they have to have a permit from the Board of Health? He said he didn't find

Ethier: They have to have a permit from the Board of Health for their restaurant, their store, for their stable. We don't have a permit that says you can operate a campground. We don't have one.

Wiegandt: He had said something that he couldn't find the permits. We do have permits but they are done in different.

Ethier: There are permits for different things.

Wiegandt: But there is not a general permit just for the campground?

Ethier: Right.

Wiegandt: Which is what you were looking for Mr. Pacewicz, is that right?

Ethier: We do summer camps.

Wiegandt: And then a Board of Health inspection but it has been inspected but are we required every year to go out every year to every campground?

Ethier: Under the State Sanitary Code, we do camps inspections and we could use that form if the Board wants but we have been out there

DeFelice: If you have to do a campground inspection, I mean this is a big place, what do you actually do?

Ethier: Well, in this case, it is a little bit different. When we do campgrounds, make sure they have bathrooms, first aid kits and

DeFelice: General stuff.

Wiegandt: So every campground you are supposed to go out yearly, is that correct, for every campground, to kind of look through and then you document which campgrounds you have gone to and the date when you are done? So, I guess that is what he was saying he could not find. Is that correct? And then the permits also.

Pacewicz: The local Board of Health issues a license to operate a family type campground and the licenses were there. The inspections weren't there. As

far as the government (?). This is right off the web site and the cost. It says a site with electric, water, electric and sewer and cited water view.

DeFelice: This is an advertisement for to get people.

Pacewicz: So, they do have hookups.

Ethier: I would never have been there. I would not have inspected that because it is no my purview.

DeFelice: No, right.

Pacewicz: Oh, wait a minute.

Ethier: I could get into a whole lot more at the next meeting if you would like. I have wasted enough time on this issue.

Pacewicz: I don't think it is a waste of time. It is a requirement done here which I just mentioned to you about inspections that are supposed to take place according to code Massachusetts regulations. There was an inspection that was supposed to take place in 2000.

Ethier: I wasn't here in 2000.

Pacewicz: There are supposed to have been inspections done when there is a change of ownership.

DeFelice: I don't think we can go back. We have got to go forward.

Ethier: Let me explain that too. Over at Garden Homes North, there was supposed to be inspections in the years that end in zero by the DEP and that is in a letter that I wrote, a two page letter to the DEP, to the Commissioner of the DEP, saying in the years that end in 2000, you have never done a Title 5 inspection of the system. You were supposed to do that. It has been ten years now and you have not done one inspection. So, they are aware of it. Those are the people that

....

DeFelice: What I would like, if you wouldn't mind, is you know, we can't go back. So, we want to go forward and we want to make sure.... I would like if you wouldn't mind, what you feel is in violation right now, currently, right now.

Pacewicz: Currently, right now. No problem.

DeFelice: Let us look into it and get back to you, if that's okay.

Pacewicz: I don't have a problem with that. I will say though that this last request took two months. You are supposed to respond within ten days. We have gotten as high as \$600 for this information. The last one was \$245 to review, review the documents. Just review. No copies. \$245.

Wiegandt: What I had understood was initially when I looked at the papers was that there was a lot. I mean just to read through the request, pages of requests. So, just to read through it takes you a day and so I can understand. It is very different if you are asking to come in and review, that makes sense.

Pacewicz: That is absurd. We will see how it all works out.

Monteiro: Let me ask you a question before you leave. You have done all this research. You have for all this information. Are you planning on buying this place?

Pacewicz: No. It started with the family but this area is very, very sensitive. It's a Zone 2. The septic going in the ground and there is also borders on both sides that the river is impaired. The Agawam River. So, we talked about

nitrogen. We talked about regulations. We talked about all of this and this is in a prime location to cause big time problems. And it looks like, don't know that it is but it may be causing some serious problems.

DeFelice: I don't have a problem if you are getting something done with and done properly and if there is problems out there.... So, it would be great since you have done all that work. And we will definitely look into it. Not that we have to make you happy but if it needs to be cleaned up then lets do it.

Pacewicz: You want to make sure it is getting done. I will happy to send you a document. I will go through Bob.

DeFelice: And we will definitely look into it. I will personally look into it. Not that we have to make you happy. You have done a lot of work. If it needs to get cleaned up. (?) whether to send it to DEP, Department of Health or

DeFelice: Well give us that first and then we can get back to you about sending the letter to DEP.

Wiegandt: Some of these issues may be DEP but it may also be some areas that we need to be looking at more carefully. So, you have done a lot of work.

Pacewicz: I will caution the Board though, if there is any type of future requests for review of the documentation or public requests, that you have to take it seriously. You have to respond within the time limit and the idea of trying to interfere with someone getting those records by jacking up the price is not going to be allowed. I can tell you that right now. It is not going to happen. Again, we did hear from them two months later and through a lot of nasty gnashing of teeth and just to let you know, I have already appealed the decision to the State. With all the e-mails, the costs, everything that was involved that took place through this whole arduous process, which it didn't have to be that way and the law is pretty specific. It is very specific. I am just telling you. I have already appealed it to the superintendent of records for the State, including having me to come to this meeting.

DeFelice: It is just a friendly discussion. We are not trying to put you on the spot on anything.

Pacewicz: The way it sounded, to discuss my public request.

DeFelice: Actually, Amy had actually requested for you to come.

Wiegandt: I didn't understand when we looked at all these things. I don't know what Maple Spring was. I didn't know the campground was. I was hoping that last meeting you were here, so I could have asked you just simply the question without asking you to come. You are usually here. I don't know the background of it. I am new. This is pretty, what you said, there is a lot and I didn't even understand the whole request. Just reading through it was overwhelming to me.

Pacewicz: The request is based on the code, Massachusetts regulations.

DeFelice: Thank you for coming in. Bob?

Ethier: I am just wondering. I thought you were representing yourself.

Pacewicz: I am representing myself.

Ethier: Okay, because you started out by saying you were the chairman of the Clean Water Committee.

Pacewicz: That is correct.
Ethier: And that is why Mister Foster told me that I could not,....
Pacewicz: I changed that to myself after a little bit.

4:25 Victor Brier, 260 County Road- Order to Appear

The Board of Health received numerous complaints about odors migrating off Mr. Brier's site located at 260 County Road, West Wareham, on the evening of June 14, 2012. Mr. Brier was issued an Order to Appear to discuss these violations. Mr. Brier contacted the Board, as he was unable to attend. Mr. Brier will be available for the next hearing if necessary. Ms. Deborah Muse of 223 Blackmore Pond Road attended the hearing to speak on behalf of herself and all neighbors complaining in regards to the odor coming from County Road Recycling. Ms. Muse stated on the night of June 14, approximately 5:00 p.m. the odor was so bad they had to go inside and shut all windows. There was a smell of rotten shellfish. She claims the smell is making her and the neighbors sick. Ms. Muse entertains a lot and has many outdoor events planned for the summer. She is worried about this odor and is requesting the Board of Health provide services to improve the general health and social well being of the residents. Ms. Muse stated she does not have anything against Mr. Brier, personally, she feels he is a wonderful man, but feels he needs to be conscientious of his neighbors. The residents hear the trucks dropping off shells from the early morning to the late evening by the sound of beeping trucks and observe the seagulls flying above the piles of shells. After further discussion, it was agreed Ms. Muse will contact Frank DeFelice, Chairman of the Board, the next time the odor is present and he and Mr. Monterio will visit the neighborhood for observation. If necessary, Mr. DeFelice will contact Mr. Brier to appear before the Board at the July hearing.

4:30 p.m. Emergency Dispensing Plans- Discussion

Health Agent, Robert M. Ethier introduced the Emergency Binders, which have been designed for the Middle School, Decas School, Ethel E. Hammond and the Minot Forest School all located in the Town of Wareham. Local Boards of Health in conjunction with the Massachusetts Department of Public Health and meeting requirements of the Center for Disease Control have developed plans to address local public health emergencies. Mr. Ethier briefly explained the binder has been specifically designed to serve as an Annex to the Comprehensive Emergency Management Plan and supplements that document. The binder is designed for ease of use by anyone who may or may not be familiar with the Board of Health Emergency Plans. The binder is divided into sections and each section is color coded and labeled. All members are welcome to familiarize themselves with the contents and are welcome to stop by the Board of Health anytime to do so.

4:35 p.m. Old Business (Transcribed Verbatim)

Ethier: Old Business, I guess I have to tell you about 118 Sandwich Road.

Monteiro: It looks like it is getting cleaned up.

Ethier: No, it is not getting cleaned up. We got bad problems today. So, we went out there and met with the DEP again. He lives in the next town over. So, he is always driving by. He noticed a machine there a week or so ago. And so, he called and I said, well, I haven't got any information because I didn't get any permit or demolition permit. So, I went down and saw Myles on Monday and I said what is going on. He said oh, they are starting to take that stuff out of there. I said, what about the asbestos? He said, I don't know. They were told not to touch it. So, I went over there. There is no more shingles that we identified as asbestos. We couldn't find them. So originally I asked Peter (?) to be here. I went and talked to him and John (?) and we determined that maybe someone took them off the site to save money on the cleanup and the money that would be charged to their bill as the family members. So, this contractor who did it, he says, you know, there is nothing out there and so we went out there again probably Wednesday of last week and we found shingles underneath the machine. So, he has run over (?) a problem and it is a special waste and the biggest thing is, it is a carcinogen and later on it will get you. It doesn't really hurt you now. So, Andrew Cooney says, you need to get somebody out there today. Well, this contractor is from somewhere out near Boston and he says, I got somebody in New Hampshire and that guy never showed up. As of yesterday, Cooney called me, I have been meeting him there every day and he says, I still haven't got a plan for abatement for this stuff that is on the ground. He got a little upset, left a message on Mister Titelbalm's thing that he is tired of the run around that he is getting and that he is going to take action with his commissioner, in so many words. So, today I went out there and he told the contractor, I was not there yet, but the asbestos contractor was there that he got hired from New Hampshire. So, we had the area all roped off and we said, this is where we found the stuff. Andrew said you need to de-con this excavator now. And he goes (?). So, I borrowed a hose from the neighbor lady. And he said now that it is dry, I want you to get the vacuum, a Heppa vacuum, that you have in the back of your truck. I want you to make sure you have nothing on the tracks. I don't have any power. And the lady wasn't home next door. So, Myles had to go buy a generator or rent a generator so this guy could run the thing. Now, the deal was, Andrew told the operator, he told all of us that was there, all of the interested people, that this little pile that was in front the de-con machine has to be picked through by the asbestos people that were here. There was not doubt about this. He went over it three times. And he says Mr. Ethier, you have to stay on here and watch everything. I want to take pictures. I want to make sure that this stuff didn't go off the site or if it is off the site, there is nothing left here. And you do not touch this little pile because it is roped around. You got to go through that by hand. And

he also needs somebody here with water. So, I called the DPW and couldn't get water. They don't have a water buffalo or any of that stuff.

DeFelice: Myles Burke said that the pile was gone. The pictures ...

Ethier: It wasn't gone. It is in the pile. The guys took it and put it in the pile. I have pictures that Andrew took and my pictures that will show, and the pictures with the Board of Survey, the pile is there. We can identify it as the same ones we took a month or two ago. So, Andrew said, you know something, you need to get some water. So, we called the Fire Department and they came down and they wet everything down. But before that happened Myles said and I said, the water truck is not getting here until 1 o'clock. We need to go get lunch. It was hot and we were sweating. At 1 o'clock the truck gets here. Andrew said before you do anything, you can start on this pile and Bob wants to go through that and make sure scoop-by-scoop and make sure it didn't end up in this pile. He goes, yeah, all right, no problem. But don't touch the little pile. I came back 20 minutes later from getting some water and going to the bathroom, the contractor was there. The little pile was already in the truck. Now, we made arrangements to go to Bourne. They said, Bob, and I know the guy, I worked with him in the engineering business. He says, I will dig a big hole. I will water it down when you get there but it can't have any asbestos. I said, the pile we are dealing with, even Andrew said, it shouldn't have any asbestos. It is the one on the left side that is where it should be. Now, he is calling and asking when is the stuff coming here. I showed up and now he's got that little pile that is contaminated on his truck. Andrew calls and says how is it going. I said, not good. I mean they came down here and the contractor jumped out of the truck and threw it in and started taking the other pile and covering it on top. I said, this is no good. You know, I am here to protect the health and safety of the people in the town of Wareham and the neighbor here. You put that load on some polyethylene. He says, you are not going to find a damn thing. The excavator got in my face and the guy jumped on the thing and said, you know the DEP told me it was all right to do this. I said I was right here and he didn't tell you to do that. I will put a stop work order on this and nobody is doing nothing. So, he dumps the truck, there it is, all the asbestos. He got about 4 -5 sheets of asbestos in bags and some others and so I said to Andy, he called, I said, you know, I got asbestos in a small

DeFelice: Where is Myles Burke in all this?

Ethier: He was there but you know, it is after the fact. This guy is a (?) contractor. He was going to bring it to Bourne.

DeFelice: He wasn't the highest bidder. Why did Myles Burke give it to this guy? And he shoved this stuff in to try to hide it. To me it sounds like something is fishy here.

Ethier: Then I said, lets take a bucket out of the big pile. So, I had him wash out the bucket with the fire truck onto the contaminated pile and take it a scoop at a time. I said, don't dump it in the truck, dump it on the ground. He dumps it on the ground inside. I said, you are all done. Andrew calls back and says, you know what, these guys are not only lying to us but they are pulling something. And he told the contractor, he put it on speaker phone and said, I don't know what it going on there, you made a mistake. We tried to help you. I have been here a half a

dozen times. It is not my job. I asked for a plan from the A-1 guy. He never gave it to me and now the Town is going to have to hire an asbestos designer, to design a plan to get that outta there. Now they have to have double lined (?) go in there. I told Mister Tielebalm about it and he was here a little while ago before the meeting.

DeFelice: I don't understand. I asked a number of times in the past, who is the man you go to for this project from here on in and it was Myles Burke and I am hearing everything from you now. I would just like to know, and I am not picking on the guy but he happened to be the guy that was in charge. He was in front of your Board and it was going to be done in a week or something like that and the asbestos pile was gone.

Ethier: He hired guys that most people thought they could trust but the guy is not trustworthy. He didn't have to pay. It was \$290, I sent the invoice. That's all it was to take this off the thing and now it is thousands.

DeFelice: Again, I don't see where the Board of Health has anything to do. I am glad you were there.

Wiegandt: The two things, the money that it is going to cost extra should come from the company that did make the mistake. There should be no question about that. If they made the mistake, it comes from them. They knew it was there. It was deliberately shoved in there. And the Board of Health because it is asbestos and a health thing, you were there.

Ethier: Andrew Cooney, when this started going crazy, I said I think the stuff is in the pile. I don't think anybody took it off the site. DPE and I talked to this owner, Bill black, the brother of the owner and I said, if it comes back on the site in the next couple of days, we will not ask any questions. We will take it away and put it away properly. But if you took it, just have somebody bring it back and then we will treat it the way it is. But that wasn't the case. It was in the front of the truck. I said dump the whole load. They tried to cover it up. The only reason I am out there again is Andrew Cooney says you are the eyes of the DEP and you got to go out there and look and it and I want to see pictures. So, we have more things going on there.

DeFelice: You don't have a choice in the matter but the one that was in charge should have been on top of all this.

New Business (Transcribed Verbatim)

Begley: We received a letter, the Board of Selectmen, received a letter from the Board of Health suggesting, and it is a great suggestion, staggering the years. Could you guys vote on that. I think it would hold a little more weight in the form of a Motion.

DeFelice: I will make a Motion right not. That the Selectmen vote a different person each year, not two Board Members in the same year, for years.

Begley: It would be staggered but I think someone might have a shorter term.

DeFelice: We are done in June. Glenn has a year left.

Begley: You are 2013. So then one of you would be 14 and one of you would be 15 and that would solve the problem. One person will get a two-year term instead of the three. Then I can tell them that you guys did that.

DeFelice: The suggestion is Glenn 2013, Amy 2014 and myself 2015.
Begley: I can bring that back to my board.
Monteiro: I make the Motion.
Wiegandt: I second that.
Begley: All you have to do is, the Board of Selectmen asks for people who are interested and we go through applications and have interviews, etc. It just shouldn't be that it is a rubber stamp.

Site Plan Review

2387 Cranberry Highway -
The Board of Health has no issues with this matter.

Amy Wiegandt moved to close the meeting. Glenn Monteiro seconded. All approved. Meeting closed at 6:20p.m.

Respectfully submitted: Jody Reed, (Verbatim)

Respectfully submitted: Suzanne Burke

June 29, 2012.

Signed and dated: 7/19/12

Frank DeFelice
Frank DeFelice, Chairman

Glenn Monteiro
Glenn Monteiro, Member

Amy Wiegandt
Amy Wiegandt, Member

