



TOWN OF SOUTHBRIDGE

July 22, 2021 Board of Health Meeting Veteran's Room @ 6:00 pm
6:15pm Continue Public Hearing: Amendment Regulation: Storage and Disposal of Solid Waste
6:45pm Continue Public Hearing: Amendment to the Board of Health Fee Schedule
7:00pm Public Hearing Request for Septic Variance 66 Breakneck Rd

Agenda #1- Open Meeting- 6:09pm

Agenda #2- Roll Call

- E. Stephen
- R. LaRochelle-excused
- A. Postale
- N. Duffey

RECEIVED
TOWN CLERK'S OFFICE
2021 SEP -3 AM 8:20
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

Agenda #2- Re-Organization- Motion made by A. Postale to postpone the re-organization until all members are present; Motion is 2nd by N. Duffey:

Roll Call

- A. Postale-yes
- N. Duffey-yes
- E. Stephens-yes

A. Postale
N. Duffey
E. Stephens

Motion postponed by a unanimous vote of all present 3-1 excused (LaRochelle)

Agenda #3- Accept Meeting Minutes

a. May 13, 2021 Discuss previously approved minutes- A. Pelletier explains a draft May 13, 2021 meeting minutes were presented with a recommendation for an amendment to the minutes. The Board accepted and approved the amendment to the May 13, 2021 minutes however, in reviewing the video/audio it is believed the original draft minutes were correct. The Board was asked to review the May 13, 2021 recording.

Discussion:

Motion was made by A. Postale to restore the May 13, 2021 amendment to original minutes and accept the draft as written; 2nd made by N. Duffey:

Roll Call

- E. Stephens-yes
- A. Postale-yes

A. Postale

N. Duffey-yes

Motion accepted unanimously by members present 3-1 excused (LaRochelle)

b. June 10, 2021- A. Pelletier explains the June 10, 2021 draft meeting minutes are not available (computer error).

Motion to table the June 10, 2021 meeting minutes made by A. Postale and 2nd by E. Stephens:

Roll Call

N. Duffey-yes

A. Postale-yes

E. Stephens-yes

Motion passes unanimously by members present 3-1 excused (LaRochelle). June 10, 2021 minutes tabled.

Agenda #4- Citizens Forum- Resident M. Doyle questions the low flying planes and possible mosquito spraying. A. Pelletier responds he is not aware of any spraying activity nor has not been informed of any spraying activity. E. Stephens states there has been activity due to life flight, helicopters and possible military training in within the area.

Resident Doyle questions the status of the plastic bag ban. E. Stephens states the plastic bag ban is in place and if there are any issues notify the department.

6:15pm Continuation Public Hearing: Amendment Regulation: Storage and Disposal of Solid Waste opens at 6:20pm

A. Pelletier explains at a previously held BOH meeting, the Board voted to table the Public Hearing due to failure to provide the Final Draft Regulation of the Storage and Disposal of Solid Waste. A. Pelletier states the bulk of the changes to the regulation was to clarify the fee to replace the toter (s) and to better define a qualifying dwelling as 6 units per parcel NOT per structure.

NOTE: Should the Board vote to accept the Amended Storage and Disposal of Solid Waste Regulations, A. Pelletier has prepared a clean set for the Board to sign.

Motion made by A. Postale to adopt the Amended Storage and Disposal of Solid Waste Regulations; 2nd by N. Duffey:

Roll Call

N. Duffey-yes

E. Stephens-yes

A. Postale-yes

Motion passes unanimously by members present 3-1 excused (LaRochelle)

Board acknowledges July 22, 2021 as date adopted.

Motion to close the Public Hearing made by N. Duffey; 2nd by A. Postale

Roll Call

E. Stephens-yes

N. Duffey-yes

A. Postale-yes

Motion passes unanimously by members present 3-1 excused (LaRochelle).

Public Hearing closed at 6:30pm

Agenda #5- COVID-19- A. Pelletier reports

a. Update- A. Pelletier reports a 55% vaccination rate however, at this time the COVID numbers appear to be in comparison to last year's numbers. This may lead to a possible spike later in the fall. A. Pelletier states the CTC requires to ask about vaccination. A. Pelletier indicates as of July 1st, there were 19 cases and of those 19, 6 have been vaccinated; 4 within the same family; two deaths; the others did not answer the question or their cases were closed. In the last 14 days, the town has had probably 17 or 18 cases reported. A. Pelletier will continue to monitor the vaccine date; determining the status on the vaccine as the Delta variant appears to be twice as contagious.

A. Pelletier encourages the vaccine with opportunity to get vaccinated utilizing the pharmacies, the vaccination van and or the hospital.

Agenda #6- New Business

a. Vote to appoint A. Pelletier as Representative of the PHEP- A. Pelletier explains the Public Health Emergency Preparedness meet regularly and have opportunities to attend training as part of emergency preparedness. A. Pelletier encourages Board members to attend the emergency preparedness annual conference hosted by PHEP. Further information can be found on the Mass Health Officers Association (MHOA) web page.

NOTE: Should the Board appoint A. Pelletier, an appointment letter will be prepared. The appointment letter is to be signed by the Chair subsequently, submitted to PHEP.

Motion to appoint A. Pelletier as Representative of the PHEP is made by A. Postale; motion 2nd by N. Duffey;

Roll Call

E. Stephens-yes

N. Duffey-yes

A. Postale-yes

Motion to appoint A. Pelletier as Rep to PHEP passes unanimously by present members 3-1 excused (LaRochelle)

b. Discuss/interpretation of Site Assignment Condition #39- A. Pelletier presented a request from a potential occupant of the "Blue Building" through the Town Planner requesting an interpretation of condition #39 of the Site Assignment dictating traffic to the landfill be limited to 7am-5pm. A. Pelletier reads condition #39 verbatim (see attached). A. Pelletier stated the site assignment referred to the landfill facility and the processing facility separately throughout the document and sought confirmation from the board that Condition #39 was intended to limit traffic to the landfill facility only. Following discussion, the consensus of the Board interprets the intent was to put this restriction on traffic to the waste disposal area exclusively, not to other locations of the combined Site Assignment areas.

6:45pm Continuation Public Hearing: Amendment to the Board of Health Fee Schedule opens at 6:48pm

A. Pelletier explains the amended fee schedule reflects the set fee for the toters in the Solid Waste Regulations of \$50.00 for replacement of a trash container and \$60.00 for replacement OR additional recycling container. Additional trash containers will not be available for purchase.

Motion to accept the Amended Fee Schedule herein forthwith made by A. Postale; 2nd by E. Stephens:

Roll Call

N. Duffey-yes

A. Postale-yes

E. Stephens-yes

Motion to close the Public Hearing made by A. Postale; 2nd by N. Duffey:

Roll Call

E. Stephens-yes

A. Postale-yes

N. Duffey-yes

Motion passes unanimously by members present 3-1 excused (LaRochelle). Public hearing closed at 6:53pm

b. Discuss/interpretation of Site Assignment Condition #39- To begin, A. Pelletier reads in verbatim, Condition #39 (see attached) explaining the landfill was site assigned in 1979 was

the old Corriveau farm which encompasses the landfill, the scale house; the blue building and the small square triangle.

Discussion:

Consensus of the Board; Condition #39 does not apply because it is longer a trash processing facility

Interpretation will be prepared and submitted to the Board.

7:00pm Public Hearing Request for Septic Variance 66 Breakneck Rd opened by E. Stephens at 7:21pm

A. Pelletier explains he was the Board of Health agent on site for the assessment of a perc test and deep hole test. A very shallow water table was discovered thus adding significant cost to the system. DEP Title V allows the Board to consider the cost as a hardship. Presby systems are allowed with BOH approval to go down to a 2ft off set. The request is to reduce the required 4 ft separation between the bottom of the soil absorption and seasonal high ground water to 2 feet.

Motion made by A. Postale to allow the request for variance at 66 Breakneck Rd; motion 2nd by N. Duffey

Roll Call

E. Stephens-yes

A. Postale-yes

N. Duffey-yes

Motion passes 3-1excused (LaRochelle)

Motion to close the public hearing made by E. Stephens; motion is 2nd by N. Duffey

Roll Call

A. Postale-yes

E. Stephens-yes

N. Duffey-yes

Motion passes unanimously 3-1 excused (LaRochelle). Public hearing closed at 7:27pm

Agenda #7- Old Business

a. Blight-

Idlewood St- A. Pelletier reports there is a potential buyer interested in purchasing, cleaning and putting it up back on the market. A. Pelletier advised the potential buyer

should he succeed in the sale and once it is cleaned up the department will need access to go through and assess possible structural damage.

215 Hamilton St- A. Pelletier reports no current update. The Building Inspector was asked to contact the owners (Bank) for an update. Will report at the next BOH meeting.

495 South St- The Court approved alternative service however, the owner who is listed at 495 South St did not appear before the Court. The Town respectively asked the Court for 30 days to order the owner to demolish the dwelling. The order to demolish and or repair has been posted and mailed to both the South St address and P.O. Box. Upon failure to correct by the owner, with permission by the Town Manager, A. Pelletier will invite the Council to visit the conditions of 495 South St. It will then go before council to request approval for the demo.

361 Worcester St- A. Pelletier reports potential buyer working with Bank. Further update at next BOH meeting.

318 Main St- An Order to the bank to install a fire alarm system, clean the interior and board and secure the property has been sent. This order includes prior to any occupancy, it will need BOH approval.

14 South St- E. Stephens request A. Pelletier to contact owner and clean as well as maintain this property.

66 Central St- A. Pelletier states new owner is restoring the two family and on the left side an office area with minimal storage space.

b. Discuss & Vote on the Public Health Excellence Shared Services Grant- A. Pelletier states he and other south-central towns were approached by CMRPC (Central Mass Regional Planning Commission) for an opportunity to join in on a \$300,000.00 grant to promote regional public health services. This is a three-year grant. The individual will begin with a public health study and move onto focusing on proactive/preventative programs. Currently working on an IMA (Inter Municipal Agreement) with the Town of Webster and a 30 day "Get Out of Clause". The Town of Webster will be the host agency and should the Board vote on this it will be going before the Town Council. Board members are encouraged to attend the Council meeting for support.

Motion was made by N. Duffey to accept the signed commitment; motion 2nd by E. Stephens:

Roll Call

A. Postale-yes

N. Duffey-yes

E. Stephens-yes

Motion passes 3-1excused (LaRochelle). NOTE: A. Pelletier suggests Board Member Duffey become an active participant in the PHESS committee.

c. Update on well water concerns at 555 Pleasant St- E. Stephens explains the property owner did not have a well test thus nothing to report. A. Pelletier states per the Boards request, Anna Smith, Landfill Monitor completed some research on these wells. At the time of the last meeting, the wells were undergoing DEP's approval. One of the wells testing methods have been approved. Currently, we await equipment to test the well. The primary purpose is to determine ground water flow. Results of the well test is expected to be received by September/October.

Agenda #8- Chairman Announcements- No announcement

Agenda #9- Health Director Announcements- A. Pelletier reports through a grant the Southbridge Health Department has home compost bins and rain barrels at a cost of \$25.00 each with a limit of 2 per household while supplies last. Also, the 2021 Recycling Dividend Program Grant application was submitted on July 12, 2021. We anticipate an award between \$11,000 - \$18,000 for Solid Waste Programs already in place.

Agenda #10- Board Members Announcements-

- a. N. Duffey- no announcement
- b. A. Postale- no announcement

Agenda #11- Schedule Next Meeting- September 9, 2021 at 6:00pm

Agenda #12- Adjournment- Motion made to adjourn by N. Duffey; 2nd made by A. Postale

Roll Call

E. Stephens-yes

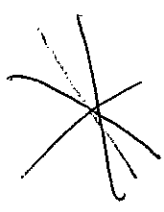
A. Postale-yes

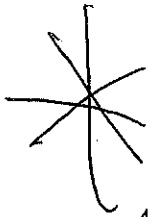
N. Duffey-yes

Motion passes unanimously 3-1 excused (LaRochelle). Meeting closed at 8:01pm

PENDING: Body Art Regulations
Marijuana Permitting

mitigation measures that can be employed. The Board may require additional mitigation measures and/or limitations on the Landfill Facility operations following a hearing pursuant to 310 CMR 16.22(1). The inspection and recordation of bird counts shall continue for as long as waste is accepted at the Landfill Facility. All bird counts shall include birds that are roosting on inactive areas as well as those near the active face. The numbers of birds shall be recorded at several times during the day (morning, midday and at closing). As part of the inspection, the Applicant shall record weather conditions including temperature, wind, and precipitation and any control measures being implemented at the time. The counts and other information shall be provided to the Board or its designee, with copies maintained on-site for inspection by the Board of Health and the Landfill Monitor. The Landfill Monitor should continue to make a qualitative determination whether the number is either a nuisance or potential problem with air traffic.

37. Controlling habitat. Since gulls will generally not roost on grassed areas and are attracted to large open spaces, the Applicant shall immediately vegetate with hydroseeding any area that has reached final grade or will not be active for six months. The areas shall be maintained as high grasses until the final cap is constructed. The Applicant shall not allow any ponded water areas on the Combined Facility (Processing Facility and Landfill Facility) as these are potential nesting areas for birds, excluding any surface water structures required by a federal, state or municipal agency. Areas that are capped shall be mowed to maintain a height of at least ten inches to not be attractive to resting birds.
38. Prior to the acceptance of MSW over that allowed in the Existing Site Assignment, the Applicant shall prepare a Bird Management Plan to be submitted to the Board, Airport Manager and Airport Commission, for each party's review, comment and approval, which may include, in addition to the frequent and prompt application of cover material, more intensive bird control programs such as (a) operational controls to reduce the potential for birds to congregate, (b) habitat controls to alter the landfill environment to make it less attractive to gulls, such as the installation of monofilament line, (c) harassment methods developed to scare birds, and (d) lethal methods developed to support harassment methods.
39.  Except for equipment maintenance vehicles and emergency vehicles, the truck traffic to the Landfill Facility shall be limited to the hours of 7:00AM to 5:00PM, Monday through Friday, and 7:00AM to 12:00PM on Saturday. There shall be no truck traffic to the Landfill Facility on Sunday except for service and emergency vehicles. Except for truck traffic from the Processing Facility, all truck traffic to the Landfill Facility and Processing Facility shall utilize only the prescribed traffic route: State Route 131 to Pleasant Street to Barefoot Road. Upon completion of the



Access Road, all truck traffic to the Landfill Facility and Processing Facility, with the exception of vehicles collecting waste in Southbridge, shall utilize said Access Road.

40. Until the Access Road is open and available for use, the Applicant shall limit the number of trucks using Pleasant Street to carry waste to the Landfill Facility to 82 round trips per day (average), with a daily maximum of 90 round trips per day, less the number of trucks used to carry waste to the Processing Facility. The daily average shall be calculated based on a one week period.
41. Any contracts the Applicant may make with any third party regarding the transport of waste to or materials from the Landfill Facility, including without limitation, any parent, subsidiary or affiliate of the Applicant, shall include a copy of the Applicant's written policy regarding spills, leakage, litter control and abatement practices, and the designated haul routes imposed by this Decision, or any other decision of the Board. The policy shall be subject to the review and approval by the Board. Prior to approving the policy, the Board shall solicit input from the Charlton Board of Health and the Sturbridge Board of Health. The Board shall consider and incorporate in its comments or approval of the policy any reasonable recommendations of the Charlton Board of Health and the Sturbridge Board of Health that do not contradict or contravene comments of the Board or provisions in this Decision.
42. Penalties for deviation from the Applicant's written policy regarding spills, leakage, litter control and abatement practices, and the designated haul routes shall be as follows:
 - a. First Offense: One (1) month suspension of access rights for the driver involved in the infraction.
 - b. Second Offense: Permanent suspension of access rights for the driver involved in the infraction. The driver may petition the Board for reinstatement after one year has passed from the date of the second offense.

If a company's drivers commit more than three offenses in a one year period,⁵ the company's access rights shall be permanently suspended. Notwithstanding the foregoing, the suspended company may petition the Board for reinstatement.
43. The Applicant shall develop a designated haul route map to be distributed to all drivers by fax, mail and hand out.

⁵ The three offenses can be a combination of three drivers making one offense, or one driver making two offenses and one driver making one offense.

The proposal is being made to bring in a glass processing operation into what was previously used as a construction and demolition processing facility ("blue building") across from the Landfill. We've compiled the following information from the existing records on the site to provide the BOH the information in order to make an informed decision on whether or not to support the project. The biggest question seems to be whether or not the Board considers the "Landfill Facility" and "Processing Facility" separate facilities; and with the Landfill Facility now closed (currently being capped), the Processing Facility remains as part of the Southbridge Industrial Park.

- The 1999 Site Assignment Mod renamed the Site Assigned Area as the "Solid Waste Management Area" to allow for "processing". **(2008 Site Assignment Hearing, Exh. 8) (testimony pg. 78-79).**
- The 2007 Landfill Extension Agreement (**Contract**) definition: the "Solid Waste Management Areas: shall mean the Landfill Facility, the Processing Facility, and certain adjacent properties, all as show on Exhibit E hereto."
- **Exhibit B** of the "Contract" shows the Landfill Facility as part of the "Solid Waste Management Areas."
- The Landfill Facility and Processing Facility are both on Site Assigned Land (2008 Site Assign. Testimony, and SJC Judgement.) **SJC Decision.**
- The Hours of Operation for the *Landfill Facility* appear to originate in the 1999 Site Assignment Settlement Agreement (which also outlined the tonnage limits to both facilities, amongst other conditions.) **Settlement Agreement from the 1999 Site Assign. Hearing.**
- The Hours of Operation for the *Landfill Facility* were also noted in the 2007 Landfill Extension Agreement (contract). **Pg. 11 of Contract.**
- The Hours of Operation for the *Landfill Facility* were amended slightly in the **2008 Site Assignment Mod (Condition 39)**, to reduce operating hours on Saturdays to 7:00am – 12:00pm.
- The Landfill Facility and Processing Facility are permitted by DEP separately.
- The **most recent Operating Permit for the Landfill Facility** notes "Hours of Waste Acceptance" 7:00am-5:00pm, Monday-Friday, 7:00am-12:00pm on Saturdays.
- The **Most Recent Operating Permit for the Processing Facility (pgs 8-9)** listed hours of waste acceptance: Monday-Friday, 7:00am-5:00pm, and 7:00am to 12:pm on Saturday, with waste processing hours from 6:00am to 10:00p, Monday through Saturday subject to adjustment by the Town of Southbridge, if necessary, should any noise or nuisance conditions warrant.
- The **2008 Site Assignment Modification** references the Landfill Facility almost exclusively. The only references to the Processing Facility concern the re-allocation and restrictions on tonnage, # of trucks, and truck traffic to the facility via a designated truck route.
- I did not find a definition of "Landfill Facility" or "Processing Facility" in the Site Assignment testimony directly; only that they are both on Site Assigned land.

