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Sept 29, 1987
Bethany Brown
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Acton Board of Health
Minutes of Meeting
September 1, 1987

This meeting was held in the 300 wing faculty lounge at the RJ Grey JHS to be closer to the Selectmen's meeting.

Board members present: Daniel Costello, Chairman, Charlotte Sagoff, George Emmons, Richard Oakley. Staff present: Doug Halley, Director, Carol Holley, Clerk. Guests present: Dick Dolan and FJ Ratta, pumpers.

The meeting opened at 7:07 p.m. with Mr. Costello's remark on the update on Upper Blackstone. If the contract is executed this evening and hand carried, there will be immediate approval. However, in case there were problems, Mr. Costello felt that all pumpers' licenses should be pulled and then reinstated.

Mrs. Sagoff moved that the Board of Health declare an emergency. Mr. Emmons seconded. Mrs. Sagoff amended her motion to state that the emergency was due to the closing of the Greater Lawrence Sanitary District with regard to out-of-district haulers. All voted in favor.

Mr. Emmons moved to adopt "plan A" of the Upper Blackstone Contract for a one-month period after all appropriate spaces in the Upper Blackstone contract relative to Acton had been filled in.

Mr. Stephens arrived at 7:12. Mr. Costello suggested that the motion be amended to state "as long as the emergency exists". Mrs. Sagoff seconded. Mrs. Sagoff asked Dick Dolan about the plan, and he replied that the pumpers would prefer to use Greater Lawrence. Plan A referred to Upper Blackstone. It was noted that all pumpers must come to the Board of Health for a permit. This Board of Health needs to approve all the facilities and the facilities and their Board's of Health must agree to accept the septage. Per query of Charlotte Sagoff, there is no minimum amount for Upper Blackstone. Mr. Emmons asked about Town Counsel's review prior to the adoption of the plan. This was considered too time consuming under the circumstances. Mr. Stephens asked about the charging of fees. Per query of Mrs. Sagoff, Dick Dolan stated he did not yet know how much he will charge for a pumping until he sees how long the trip will take. All voted in favor of plan "A".

7:20 p.m. Mr. Emmons moved to adopt the procedure that \$35.00 be charged - \$1.00 for administrative costs and \$34 for Upper Blackstone. Mr. Halley suggested that the Board of Health approve other facilities and the pumpers will have to show their agreements with another facility and they will be given the permit for administrative fee.

Mr. Dolan asked about how he can be charged for 1,000 gallons when that is not necessarily the amount of the pumping. Mr. Costello asked if it would be better for the Board of Health office to bill the pumpers. Mr. Costello asked about increasing the administrative fee and for the Town to bill the pumpers. Mr. Ratta recommended streamlining the permitting policy. Mr. Emmons reminded the Board that they had just endorsed a permitting procedure. Mr. Dolan noted that on Saturday, he made 8 trips for a total of 60,000 gallons to Greater Lawrence. Mr. Costello recommended Mr. Halley set up the permitting procedure. Mr. Halley agreed to issue a booklet with a finite number of tickets per day or period. Types of slips to be used were discussed. Mr. Stephens likened this process to a manifest system for shipping hazardous waste. The Board of Health agreed that the Director will be responsible for details of the administration of this process.

A motion to approve the alternate disposal sites of Upper Blackstone, Fitchburg, Leominster and Wayland/Sudbury was made by Mr. Emmons. Mrs. Sagoff seconded and all voted in favor.

Mr. Ratta stated that by qualifying more than one facility the Board had made a positive move for all concerned. He expressed pride with the Acton Board of Health.

Mr. Emmons moved to rescind the pumpers' permits temporarily. These will be reinstated when the agreements are ratified and pumping slips are up to date. All voted in favor.

A motion to recommend to the selectmen and Town Manager that they execute all necessary documents was made by Mr. Emmons. Mr. Oakley seconded and all voted in favor.

7:40 p.m. Mrs. Sagoff moved to adjourn to meet jointly with the Selectmen. Mr. Stephens seconded. All voted in favor.

7:41 p.m. Joint meeting with Selectmen in Conference Room. Mr. Costello reported to the Selectmen that the Board of Health had voted to:

1. Declare an emergency
2. Recommend signing contract
3. Approve various sites as approved disposal sites
4. Adopt plan and procedure required for Upper Blackstone contract.

Mr. Gilberti asked about why the pumpers' permits were pulled. Mr. Costello related the legal requirements of the situation. Mr. Costello stated, per query of Mr. Hunter, that funds could be transferred to the Health Department "outside contract" budget line. Seed monies believed necessary for this procedure were estimated at about \$20,000. Mr. Costello explained the admission procedures for Upper Blackstone to the Selectmen. Per query of Mrs. Tavernier, Mr. Halley stated that the Wayland/Sudbury facility might waive the requirement for Town relationships. Mr. Gilberti asked if this would be a short term setup. Mr. Halley stated that it was assumed at this point that Greater Lawrence would be opening up in about 30 days. Mr. Halley stated that DEQE is also pressuring Upper Blackstone to allow shorter term contracts.

Mr. Dolan stated that he got the sense from DEQE that the Greater Lawrence treatment plant is a business that will lose about a million dollars if they keep the haulers out.

Mr. Gilberti noted that if the N. Andover Board of Health does not approve them, maybe Acton could not get back in. It was also noted that the State could override North Andover. This scenario was debated by Selectmen because of Home Rules and Regulations.

Mr. Kostro asked about what happens if reciprocal Boards of Health do not approve of Acton septage. Mr. Halley noted that this is the first time Acton has actually had to try to comply with the paperwork, and the results were unknown.

Mr. Ratta related the list of Towns offered contracts by Upper Blackstone, and their reply rate, and chided Acton for slowness in responding. Mr. Hunter countered that the Selectmen did not like the open-ended five year contract, and the 30 day contract was a new option to them. Mr. Ratta noted that the 30 day contract was extendable.

Mrs. Sagoff and Mr. Dolan noted that monies from out-of-town pumpers help subsidize the expenses to the Town with the treatment facility. Mr. Ratta said that acceptance of out-of-town wastes has to be written into the charter of a treatment facility.

Mr. Halley related the procedure employed by Mr. Dufours with the Leominster plant.

Mrs. Tavernier asked if the Millbury Board of Health had approved the arrangement yet. Mr. Weeks asked what needs to be done to sign a contract that evening. Mr. Hunter noted that a motion to direct the Town Manager was needed and Mr. Weeks so moved, and moved to approve a reserve fund transfer in the amount of \$20,000. Mr. Fingerman of the Finance Committee was consulted on accounting procedures.

Appropriate short, medium and long term solutions to the septage problems were discussed by the Selectmen and representatives of SEA consultants. It was noted that without appropriate septage disposal, the 20 year plan would prove faulty.

After more discussion, the Board of Selectmen voted unanimously in favor of Mr Weeks' motion.

Long term recommendations were then discussed.

Respectfully submitted,

Carol Holley
Carol Holley, Secretary

Signed and approved:

Daniel Costello
Daniel Costello, Chairman