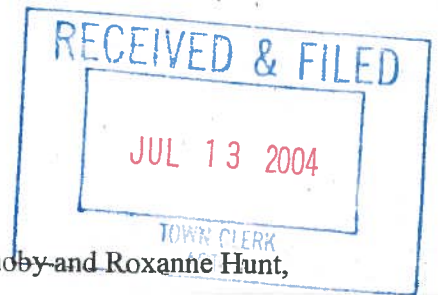


Acton Board of Health – Minutes

January 26, 2004

Room 126, Town Hall



Board Members Present: William McInnis, Chairman, Mark Conoby and Roxanne Hunt,
Cathy Block, Associate and Joanne Bissetta, Associate.

Staff Present: Doug Halley, Health Director, Brent Reagor, Health Agent &
Sheryl Ball, Secretary.

Others: Mark Burrell, Esq., Andrew & Ginger Hobson, Denise
Theodores, Rosalie Berry, Craig Forester, Jonah Laufer, Greta
Eckhardt, Jim Okun, Doug Wilkins, Esq and Mary Michelman.

The meeting was called to order at 7:36 p.m.

Hearing – Rex Lumber

Mr. Forester, representing Rex Lumber, 840 Main Street, updated the Board as to the status of the noise complaint. Mr. Forester stated that he has received the final design plans and has authorized the lagging to be manufactured. Mr. Forester stated that, pending adverse weather conditions, the lagging should be installed on February 7, 2004. Mr. Forester stated that he went to the plant that is manufacturing the lagging and obtained samples which he brought tonight to show the Board. Mr. Forester stated that the lagging will be made from the heaviest vinyl and will be installed on the cyclones and some of the exterior ducts. Mr. Forester stated that the drawings have been approved, funding is in place, product is being manufactured and installers have been lined up on an accelerated schedule. Mr. Forester stated that he anticipates delivery of the lagging sometime this week. Mr. McInnis asked why the lagging would not be installed this week when the product arrives. Mr. Forester stated that the installers on an accelerated schedule would not be able to install the lagging until February 7, 2004 and also he needs time to take the equipment down for ease in installing the lagging. Mr. Forester stated that his course of action after the lagging is installed will depend on the outcome of the preliminary Injunction Hearing scheduled for Thursday, January 29, 2004. Mr. Halley stated that Mr. Forester contacts him on a daily basis with updates.

Ms. Ginger Hobson, 3 Blueberry Path, stated that Rex Lumber's sound consultant, Acentech, Inc., suggested that a muffler be installed on the 75 horsepower fan and asked why a muffler was not being installed. Mr. Forester stated that after the results of the Health Department's sound testing and the letter from Doug Halley, dated 8/21/2003, he contacted Michelle Delemarre, DEP who provided a list of contractors who could recommend a solution and they are proceeding ahead with the consultants recommendation. Mr. McInnis asked Ms. Hobson if they had contracted a sound consultant to do their own monitoring. Ms. Hobson stated that they had hired Noise Control Engineering, Inc. to conduct sound monitoring on December 16 & 17, 2003. Ms. Hobson also stated that the Town refused to do testing and Rex Lumber refused to give anyone their test monitoring results so she felt that she should hire her own consultant. Ms. Hobson stated that the results from the noise consultant that she hired showed levels between 17 and 30 decibels over ambient levels. Mr. Hobson stated that the sound monitoring consultant measured levels from Rex Lumber and Concorp parking lots. Mr. Conoby asked if they had permission to enter private property. Andrew Hobson stated that they had not requested permission to enter the Concorp property. Mr. Conoby then stated that he would recuse himself from further discussion on the matter due to a potential conflict of interest and left the room. The Hobson's asked what areas the Town of Acton conducted their testing, of August, 2003. Mr. Reagor indicated on a map of Rex Lumber's property where he measured sound levels and also stated that he was in the direct line of sight of the dust controlling equipment and was approximately 130' within Rex Lumber property line.

Mr. Laufer questioned what the next step would be if the installation of the lagging does not work. Mr. Laufer asked if we could ask for additional information from Rex Lumber. The Board stated that they could issue a show cause order. Mr. Forester stated that his goal is to resolve the nuisance. Mr. McInnis stated that the Board would find an acceptable resolution. Mr. McInnis stated that the lagging should be installed by the Board's February 9, 2004 meeting. If it is not the Board could issue a show cause hearing for their next regularly scheduled meeting on February 23, 2004. On a motion made by Mr. McInnis, seconded by Ms. Hunt, the Board unanimously voted to continue the hearing until February 9, 2004.

Mr. Conoby returned to the meeting.

Hearing – WR Grace

See Court Reporter Minutes.

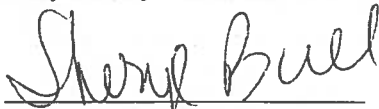
Other Business

- WR Grace – Mr. McInnis asked staff to schedule irrigation well moratorium vote for the February 9, 2004 meeting.
- Representative Eldridge – Representative Eldridge has asked to be scheduled for the February 9, 2004 Board of Health meeting.
- Article 5 Revisions – The Board was asked to review the proposed revisions to Article 5 for discussion at a future Board meeting.
- Title 5 Inspections and Repairs Comparisons – Information was provided to the Board showing the analysis of Title 5 inspections and the Onsite Wastewater System Repair Permit. It was stated that some homeowners choose to have a voluntary Title 5 which is not required under code to be submitted to the Board of Health. These voluntary Title 5's that fail would not be reflected in the analysis.

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to go into Executive Session at 8:49 PM for the purpose of discussing pending litigation and will only return to the public meeting to adjourn. Roll call taken. Ms. Hunt – Aye. Mr. Conoby – Aye. Mr. McInnis – Aye.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to adjourn at 9:20 PM.

Respectfully Submitted,



Sheryl Ball, Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health