

Acton Board of Health

November 5, 2007

Members Present: William McInnis, Chairman, William Taylor, Member, Mark Conoby, Member, Joanne Bissetta, Member and Phil Alvarez, Associate voting for Pam Harting-Barrat.

Staff Present: Doug Halley, Health Director and Sheryl Ball.

Others Present: Steve Graham, Atty., Doug Wilkins, Atty., and Peggy Mikkola, League of Women Voters Representative.

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

Minutes

On a motion made by Mr. Alvarez, seconded by Dr. Taylor, the Board unanimously voted to approve the Board of Health minutes dated September 24, 2007 as written.

On a motion made by Ms. Bissetta, seconded by Mr. Alvarez, the Board unanimously voted to approve the minutes of October 22, 2007 with amendments.

Variance – Show Cause Hearing

Mr. McInnis called the hearing to order. Atty. Graham addressed the Board and outlined agreement between Town counsel and Quail Ridge Country Club. Atty. Graham stated that the details have been worked out and the settlement agreement was fashioned after the agreement with DEP. Atty. Graham stated that Quail Ridge has proposed to pay \$55,000 total fine as a mortgage payment to the Town to be made within 90 days of the approval or the denial of an application for a senior residential housing for a portion of the golf course presently pending with the Planning Board. Atty. Graham also discussed outstanding debts that Quail Ridge currently owes and stated that the mortgage payment to the town is the best that they can offer to

us. Quail Ridge also agrees to adhere to the current withdrawal requirements pursuant to the Permit and also agrees to report all water withdrawal on a weekly basis. Quail Ridge is concerned with conducting a study to address the implications of the large amount of water withdrawals and stated that any results would be qualitative not quantitative results. Mr. Halley stated that he has consulted with O'Reilly, Talbot and Okun regarding a study showing the interaction with water as it is withdrawn from the bedrock wells and stated that it is a science as to what happens to the levels of water and perhaps more information may be gained that would allow for additional water drawdown. Atty. Graham stated that no complaints from area residents have been received regarding the water that has already been withdrawn. The Board expressed concern with Quail Ridge exceeding the limit of the drawdown of water in the future. Quail Ridge has retained the services of Geo-Syntech to look at compliance issues and further stated that if the senior housing were to occur the amount of water needed for a nine hole golf course would be much more than the senior housing would require. Doug Wilkins, Town Counsel has exchanged documents with Atty. Graham and stated that the fines can be broken down as to what is a gift and what is part of the SEP. Atty. Wilkins further stated that a mortgage offered by Quail Ridge for the fines is the best way to secure the payment of fines due to the current financial status. Mr. Graham stated that the principals of Quail Ridge are beyond their limit as they have invested millions into this project. Mr. McInnis questioned whether the \$55,000 could include a \$5000 cash payment which could be used to fund the study of groundwater. Atty. Graham stated that he thought Quail Ridge could provide \$5000 in January and they could finance the balance with the mortgage. The Board asked the time frame for the balance and was told that the balance would be paid by June 1, 2008. Mr. McInnis polled the Board and everyone agreed to obtain the \$5000 in January to fund the study with the remaining \$50,000 to be divided into a \$30,000 SEP payment and \$20,000 fine which will be paid by June 1, 2008. Atty. Graham stated that he will pass this information onto his client and get back to us. Atty. Wilkins stated that the Board should continue the show cause hearing until December 10, 2007 to allow time for the settlement agreement to be drawn up. On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to continue the show cause hearing until December 10, 2007 at 7:30 PM.

Vote for Chairman

Mr. McInnis stated he would like to relinquish chairmanship to Dr. Taylor. On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to appoint Dr. Taylor to chairman to the Board of Health through the balance of this fiscal year ending June 30, 2008.

Adjournment

On a motion made by Dr. Taylor, seconded by Mr. Alvarez, the Board unanimously voted to adjourn at 8:43 PM.

Respectfully Submitted,

Sheryl Ball, Health Secretary
Acton Board of Health

William McInnis, Chairman
Acton Board of Health