

Acton Board of Health

August 25, 2008

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

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

Others Present: Peggy Mikkola, Representative of League of Women Voters, Steve Graham, Esq. and George Hall, Esq.

The meeting was called to order at 7:32 p.m.

Minutes

On a motion made by Mr. Conoby, seconded by Mr. McInnis, the Board unanimously voted to approve the Board of Health minutes dated July 28, 2008 as amended.

SHOW CAUSE HEARING _ QRCC

The Board of Health opened the show cause hearing at 7:50 PM. A representative from Quail Ridge Country Club (QRCC) was not in attendance. Mr. Conoby asked if QRCC was notified. Mr. Halley stated that he met with Ron Peabody, owner of Quail Ridge Country Club who expressed his concerns with the Board's process. The Board discovered that the hearing was scheduled for 8:00 PM. The Board held a recess until 8:00 PM. The hearing was re-opened at 8:00 PM. The Board of Health reviewed and accepted the exhibits into the record. The Health Department provided a list of documents and Mr. Halley reviewed the list and briefly spoke about the additional exhibits. Mr. Graham, representing QRCC stated that he was a bit surprised in regards to the show cause order and has reviewed the new show cause which he has compared to the original. Atty. Graham stated that QRCC never signed the original agreement because they were not in agreement of the financial terms of the mortgage in the settlement agreement and he has had ongoing discussion with Atty. Wilkins. Atty. Graham stated that QRCC agrees to the \$55,000 mortgage, however, they want the mortgage released upon final payment and not have it remain open for possible future violations. Atty. Hall, Town Counsel stated that Atty. Wilkins added language in the mortgage to protect the town for future violations of the allowed

water withdrawal and compared the language to an open equity loan. Atty. Graham stated that QRCC has hired GEO Insight to collect their data and monitor withdrawal limits. Atty. Graham also stated that even if the original agreement was signed QRCC was not in a position to make the payments. Atty. Graham stated that QRCC is currently looking into refinance options and are meeting with the planning Board on September 9, 2008 to pursue one option. Atty. Graham stated that the current lender wants out of the existing loan and will foreclose if the Planning Board does not approve their request for housing with a 9 hole public golf course. QRCC has found a lender willing to lend them the money for that project. Atty. Graham offered to make a payment of \$5000 this evening. The Board deferred acceptance of the payment. Mr. McInnis summarized the ongoing discussions with QRCC stating that the Board has approved the original agreement and the revised agreement. Mr. McInnis suggested continuing this discussion for one month in the hopes that the two parties can come to agreement. Mr. Conoby asked if any other secured obligations have been placed on the site since the delay in signing the agreement. Atty. Graham stated no. Mr. Conoby asked Atty. Graham if the existing lender has agreed to the lien of the town's mortgage. Atty. Graham stated that he needs one week to speak with lender and pointed out that the Attorney General's office has placed fines on QRCC and a similar agreement was reached however they did not add the language for future violations. On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to continue this show cause hearing until September 8, 2008 at 7:30 PM to allow time for QRCC to speak with the lender. The Board also asked that an executive session be scheduled for the September 8, 2008 meeting if needed.

PAC Members

The Health Department recommends approval of the recommended Professional Advisory Committee members. The Board asked if the committee member's appointments should have an expiration and suggested annual appointments. On a motion made by Mr. Conoby, seconded by Mr. McInnis, the Board unanimously voted to appoint the attached Professional Advisory Committee members subject to review and annual appointment each year.

Other –

- WRAC (water resource advisory committee) – Ms. Bissetta stated that WRAC will be presenting the Board of Selectmen with their recommendations in September. One of the recommendations is whether this committee should be continued and if so should it be placed under the Board of Health. The Board was in agreement with this recommendation.
- WR. Grace – Mr. Halley stated that there is a meeting tomorrow evening at 6:00 PM where W.R. Grace will be giving a report of the findings of the health risk study that has been ongoing for about 20 years.

Adjournment

On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to adjourn at 8:38 PM.

Respectfully Submitted,

Sheryl Ball, Health Secretary
Acton Board of Health

Joanne Bissetta, Acting Chairman
Acton Board of Health