

ACUSHNET BOARD OF HEALTH

JANUARY 10, 2023

PRESENT: David Davignon, Inspector  
Robert Medeiros, Clerk  
Joseph Correia, Health Agent  
Patrick Hannon, Assistant Health Agent  
Wanda Hamer, Clerk

ABSENT: Thomas J Fortin, Chairman

NAVISUN ATTENDES: Mark Anderson  
Steve Campbell, Chief Operations Manager  
Rob Bukowski, Civil Engineer w/Western & Sampson  
Melinda Costello, Western & Sampson  
Mark Kalpin, Consultant w/Holland & Knight

RECEIVED  
2023 MAY 23 A 2:53

5:08 P.M.

D. Davignon acting as chairman made a motion to open the meeting, R. Medeiros seconded the motion, all were in favor, motion carries.

APPOINTMENT

Navisun, LLC, project at 550 Main Street, regarding order issued on December 17, 2022. Health Agent Correia addressed the board that on December 8, 2022 we were notified of a discharge of water runoff from the solar site into the neighbor's property at 582 Main Street's shallow well. A test of the drinking well water was taken immediately and tested at Analytical Balance, a certified lab in Massachusetts, and was found to be contaminated with E coli. Discharge of silt from the ponds happened again which turned into another on-site inspection at this property which caused the need to tie this house into the town water. Navisun contracted an installer to connect to the municipal water which is now complete.

Steve Campbell, chief officer, explained that he and Mark Anderson, was on-site on December 8th with Agent Correia and attended the Conservation meeting on December 14<sup>th</sup> when he was told by Assistant Health Agent Hannon that E coli was found in the water sample. They wanted to see the water sample results in order to move forward and didn't because till this day they still have not seen the water sample results. At this time, they were preparing for another storm and when it got here on the 16<sup>th</sup> it just got away from them and unfortunately water did discharge that night. Mr. Campbell stated that is when they got into high gear and contacted everyone that needed to be contacted and within two days the water was connected to the property. They are still dealing with the storm water issue with Conservation and Planning Board, but tonight they are looking for the Board of Health order to be released because they complied with all the orders that the Board of Health issued.

Assistant Agent Hannon spoke up to let the board know that he spoke to Town Counsel and they said to go forward with an appeal hearing because that is the proper procedure. Or course the Board of Health can always do what they want.

Assistant Hannon would like to know if the Board can hold off on a vote until Navisun meets with Conservation and hears the outcome from that. He also mentioned that Navisun has not complied with any of their orders.

Mark Kalpin, counsel for Navisun, would like to mention that they have done everything to satisfy the boards order and are doing the right process. He feels that one order from one department is separate by different regulations. They are here to have the board acknowledge that they did what was asked of them. We agree that we messed up, we are trying our best to comply with each order.

D. Davignon doesn't disagree with most of what was said, however, he feels that a plan, the same plan, should be submitted to every department of existing conditions vs. proposed conditions without manipulating the plans after. We are not sure if while carving out so much of the hill that you may have dug into the water table and that would be worse.

Assistant Hannon explained a little more about what Navisun is doing on the site with a plan not approved by peer review. When the site was visited the work was already done. He wanted to show this example of what they are doing without the right approval.

Steve said he can show emails and phone calls to prove that he has tried to contact the town, nobody has every responded to him. So they had to move forward in order to comply with the orders.

More discussion ensued about the process for filing a plan and how each board approves a plan.

R. Medeiros questioned if the well water was contaminated what does the septic system look like. It just so happens that the owner has sent an email questioning the functionality of their septic system. Steve said "yes" they will pay for a Title 5 inspection of the system and preferred to deal with it now than later.

D. Davignon would like to suggest we post a meeting for two weeks from today for the Appeal Hearing and we hopefully will then have an inspection report in hand and the Conservation meeting will have already happened, that will give us a better idea of what is going on.

Steve and Rob showed the board members pictures of the site and what they have done to correct the issues. They have put straw/mulch/hay on the site and erosion control mats in the basins. More discussion of the retention ponds and overflows being controlled temporarily until orders are lifted and they can discharge some water from the site. These photos are all temporary measures until they can come up with a long term plan. D. Davignon entertained a motion to continue till 5pm on January 24<sup>th</sup> for Appeal Hearing. D. Davignon made motion to continue 2 weeks for appeal hearing. R. Medeiros seconded the motion, all were in favor motion carries.

CORRESPONDENCE

Letter from Community Nurse and Home Care Statistics for November 2022. D. Davignon made a motion to file, R. Medeiros seconded the motion, all were in favor, motion carries.

RECEIVED  
2023 MAY 23 A 2:53

APPROVE SEPTIC DESIGN PLANS/SUBDIVISION PLAN REVIEW

15 Morningside Avenue – John Botelho – G.A.F. Engineering D. Davignon made a motion to approve the plan, R. Medeiros seconded the motion, all were in favor, motion carries. D. Davignon made a motion to allow Agent Correia to sign the plan once we get them in the office, R. Medeiros seconded the motion, all were in favor, motion carries.

APPROVE MINUTES

**December 6, 2022** – D. Davignon made a motion to table till next meeting, R. Medeiros seconded the motion, all were in favor, motion passes.

SCHEDULE NEXT MEETING DATE

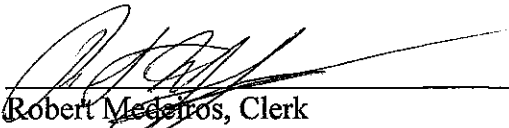
January 24, 2023 5 P.M. for Appeal Hearing.

5:58 P.M.

D. Davignon made a motion to adjourn, R. Medeiros seconded the motion, all were in favor, motion carries.

APPROVED 4-11-23

ABSENT  
Thomas J Fortin, Chairman

  
Robert Medeiros, Clerk

  
David M Davignon, Inspector

RECEIVED  
2023 MAY 23 A 2:53