

WEDNESDAY, JANUARY 09, 2013
BOARD OF HEALTH
REGULAR MEETING

Robert McLintock Vice Chairman, Victoria Kinniburgh RN, Douglas Brown LPN, Robert Costa.

At 4:35 PM Mr. McLintock called the meeting to order.

Mr. McLintock stated as per MGL C 30A § 20 requires any person recording must notify the Chairperson at the beginning of the meeting. The Town of Seekonk is recording both video and audio.

CONSENT CALENDAR

Consider approval of Regular Session Minutes

- 1) November 14, 2012

Mr. McLintock stated consider the approval of the regular session minutes of November 14, 2012.

Mr. Brown LPN made the motion to accept the meeting minutes as presented, seconded by Mr. Costa and so voted unanimously.

OLD BUSINESS

FY 2013 request for the Annual Disposal Bill exemption - 1135 Taunton Ave Gene & Elaine Baasch

Ms. Elaine Baasch stated she forgot her paperwork.

Mr. McLintock stated you forgot the paperwork.

Ms. Baasch stated my bill.

Ms. Curzake stated Ms. Baasch does have a dumpster on the property on Taunton Ave; it is the last house before Rehoboth. In May we did send out the renewals for the dumpsters, so they would be in by June 30th. I did not receive Ms. Baasch; I sent another one out in July and still did not receive it. On October 4th Ms. Baasch came in and she is looking for an exemption.

Mr. Brown LPN stated what was the deadline to submit.

Ms. Curzake stated June 30th.

Mr. Brown LPN stated June 30th and when did she submit.

Ms. Curzake stated October 4th.

Mr. Costa asked when the second one went.

Ms. Curzake stated July.

Mr. McLintock asked if she had a license before.

Ms. Curzake stated yes.

Mr. McLintock stated the exemption.

Ms. Curzake stated yes.

Mr. McLintock stated she has had that before.

Ms. Curzake stated yes she has, she has been in front of the Board when they first moved in.

Mr. Brown LPN asked if it was sent to 62 Blanding Road.

Ms. Curzake stated yes.

Mr. Brown LPN asked if we have the wrong address on file.

Ms. Curzake stated 62 Blanding Road is the correct address.

Mr. Brown LPN asked why it stated 1135 Taunton Ave.

Ms. Curzake stated that is the address in Seekonk, the house address. They have two houses and the mailing address is 62 Blanding Road.

Mr. Brown LPN asked why there was a four month gap between when it was due and when.

Ms. Baasch stated I never got it and I never got the one in July. When I got this October one I came right in.

Ms. Curzake stated once you received the bill for the annual disposal.

Mr. Brown LPN stated so two of the bills went to 62 Blanding Road and you never got them. And then the other bill went to 1135 Taunton Ave.

Ms. Baasch stated no they all went to Blanding Road. If I got them it is only \$25.00.

Mr. Brown LPN stated this Board has had a long standing policy where people are late submitting their paperwork it usually results in a denial, unless there are extenuating circumstances.

Ms. Baasch stated honest to God, I swear on the bible I never got the paperwork. And there was a point there that I had missing documents from the IRS and the Commonwealth of Massachusetts, but not in July.

Mr. Brown LPN asked how much money would you save by the exemption.

Ms. Curzake stated one hundred and fifty some odd dollars.

Mr. McLintock stated for the exemption.

Ms. Curzake stated for the exemption.

Mr. McLintock stated the one hundred and fifty dollars you would still have to pay if we granted it.

Ms. Curzake stated if you grant her the exemption she owes the capping fee. The landfill capping is \$27.75 and the original bill is for \$180.00, I believe.

Mr. McLintock stated so it is \$207.

Ms. Curzake stated no, it is \$180.00 minus the \$27.75.

Mr. McLintock stated oh minus the \$27.75, so the thing is already built in [inaudible].

Ms. Curzake stated no, the trash bill is \$180 for everyone, never mind her for being late, if she was on time she would only have to pay \$27.75 which is the capping of the landfill. We would exempt \$152.25 would be exempted. Now there are demand fees and interest due. I don't think the collector's office can get rid of the demand fees. I am not sure though.

Mr. Costa asked how much is due.

Ms. Curzake stated as of this billing date it would have been \$194 due December 20. So additional is added on to that.

Mr. McLintock stated this is a bad time for me to be sitting here as chairperson of this committee after what happened the last couple of days. My daughter-in-law wrote a check to someone who lives in Town. I had a conversation with him a day or so ago, he had called to see where the check was, it had been sent out on the 22nd of December from Swansea and he did not get it until yesterday. He called me back yesterday and said he got it today finally. I am not making an argument one way or another but it is unusual, because I have never had that experience here in Seekonk.

Ms. Baasch stated we have two people that pick up the mail, I was not on vacation.

Mr. McLintock stated I do have to say that the policy has been with the Board that if you miss it and so forth you ultimately have to pay it. If you make an exception for one without real good reason, then you need to make exceptions for a lot of people and we can't do that continuously that is why.

Ms. Baasch stated I have circled June 25th and I put Seekonk Board of Health garbage tax due. I didn't get my notice. I wasn't that I did not want to pay it. I wanted to pay it but I forgot and I

wouldn't have gone through this crap and I would not have to pay more money. I have all the paperwork.

Mr. Costa asked if this was supposed to come before the Board before.

Ms. Curzake stated you she had a doctor's appointment and then December.

Mr. Brown LPN stated based on the past practice of the Board, I don't see any extenuating circumstances to grant the exemption, I am sorry for that madam. But we just had a similar situation 2 or 3 meetings ago, where the gentlemen owns an apartment building and he was livid over the situation. I am certainly sympathetic to you.

Ms. Baasch stated well if I had gotten the bill I would have pay the bill and not have to pay more money. .

Ms. Kinniburgh RN stated there are two bills she didn't get, I can understand one but not two.

Mr. Brown LPN stated it is a matter of being fair to everyone coming before us. The only exemption we have ever granted is someone who hospitalized in the hospital after a car crash. That is the only one since I have been here that I remember. The woman was in intensive care unit. Based on the evidence you presented I don't see.

Ms. Baasch stated October when I came in to pay the \$25.00; I asked Denise if I should pay, because it says I was going to be fined and all this stuff. And Denise said

Ms. Curzake stated I don't remember saying that. I would have told you to go to the collector's office because I can't answer for them.

Mr. Brown LPN asked if there is any way we can waive the fines.

Ms. Curzake stated I would have to double check with the Treasurer.

Mr. Brown LPN stated okay.

Mr. McLintock stated that has been the policy and this goes back to June and I don't see any hardship or anything else.

Ms. Baasch stated I didn't get it.

Mr. McLintock stated you knew it was due.

Ms. Baasch stated no I didn't.

Mr. McLintock stated how many years have you had it.

Ms. Kinniburgh RN stated you had it on the calendar.

Ms. Baasch stated I have it on the calendar now, now.

Mr. McLintock stated how many years have you had it.

Ms. Baasch stated a few years.

Mr. McLintock stated a two years and you did not know.

Ms. Baasch stated I had it once and I did get the notice the first time and I did not understand it. I came in and she explained it all to me. And I paid it late, but in October, and this year I didn't get it. Now I circled my 2013 calendar June 25th that it is due.

Mr. McLintock asked if anyone else had any questions.

Ms. Kinniburgh RN made the motion not to grant the request, seconded by Mr. Brown LPN.

Mr. McLintock stated a motion has been made and seconded not to grant the request for 1135 Taunton Avenue, Elaine Baasch.

Mr. Costa stated can we add to waive the fines and fees she has incurred.

Mr. Brown LPN stated that is reasonable.

Ms. Kinniburgh RN stated she is fine with that.

Mr. Brown LPN stated we don't want to penalize you. This issue is we have a responsibility to the other citizens in Town and it is our responsibility to preserve the integrity of the recycling program. So if we don't follow the procedure on the back of the bill then there isn't much we can do to help you.

Ms. Baasch stated I have to pay the garbage disposal bill and this here.

Mr. Brown LPN stated we are trying to find a way to help you with waiving the fines and interest.

Ms. Curzake stated demand and interest.

Mr. McLintock stated you are all fine with waiving the fines.

Mr. Costa and Ms. Kinniburgh RN stated yes.

Mr. McLintock stated all in favor. And so voted 4-0.

**FY 2013 request for the Annual Disposal Bill exemption - 253 No Wheaton Ave
George Lopes**

Mr. George Lopes stated for 16 years I have had Souto and never used Town trash. So there have been times that I have paid it although I have never used Town trash. Now I have this bill here stating you have to have it before October 23rd and I came in by the 23rd. I have a contract for the past 16 years.

Mr. Lopes showed his bill to the Board.

Ms. Curzake stated I believe this is for the financial hardship.

Mr. Costa stated outlined below.

Ms. Curzake stated and then it states alternate vendor exemption landfill capping portion is \$27.75 per unit is due. If you opted to be exempted from the Town trash collection services when applying for fiscal 2013 dumpster permit through the Board of Health if you have an alternate vendor you are being billed for the whole amount per unit please contact the Board of Health. You would have to talk to Chrissy, this is the demand bill and we do not see the bill going out. Dougie do you have your bill.

Mr. Brown LPN stated I believe it is the same thing.

Ms. Curzake stated you will have to ask Chris to explain that part.

Mr. Costa stated when you read that I can't understand that.

Mr. Lopes stated he has had a dumpster since he was 20 years old and I never knew you had to get a permit every year. This is my first year, I got it from Souto.

Mr. McLintock stated you had it for 20 years and you never had a sticker on it.

Ms. Kinniburgh RN stated you never had a permit; well there is something wrong there.

Mr. Lopes stated I never knew and Denise told me that Nellie was supposed to send a thing and I called her and she said absolutely not. I never knew.

Ms. Curzake stated I didn't say that Nellie would call you.

Mr. McLintock stated it doesn't matter he is here now. We can't go back 20 years.

Mr. Lopes stated I have never used Seekonk trash. If I use it I pay for it. I have a dumpster bill every month.

Mr. Brown LPN stated so you must have paid the \$180 bill then.

Mr. Lopes stated I have paid it before because I have come in after October 25th.

Mr. Brown LPN stated they still send the trash bill. So you've paid the \$180 and you still have a dumpster.

Mr. Lopes stated yes because I was always late. I mean after the 23rd you would say you're late and you have to pay for it.

Mr. Brown LPN stated you paid for it on the 23rd.

Ms. Curzake stated he came in on the 17th and last year I do not have a dumpster permit for his address.

Ms. Kinniburgh RN stated has he had a dumpster permit in 20 years.

Mr. Lopes stated no.

Ms. Curzake stated never.

Mr. Brown LPN stated so he is trying to get a permit now.

Mr. Lopes stated I have a dumpster permit now.

Mr. Brown LPN stated so he is trying to do the right thing now.

Ms. Curzake stated he wants the exemption.

Mr. Brown LPN stated so he is trying to do the right thing.

Mr. McLintock stated he doesn't have to pay the fee.

Mr. Lopes stated by the 23rd.

Ms. Curzake stated but then Elaine Baasch can go by that you have to charge principal on that because.

Mr. McLintock stated do you want to check with her.

Mr. Costa stated if you wish to claim an exemption from the annual trash bill for either the following reasons.

Mr. Brown LPN stated he has been paying the \$180 and then on his own he went and got a dumpster. Do you follow me?

Mr. McLintock stated it should have been.

Ms. Kinniburgh RN stated the dumpster should not have been there because it was not permitted.

Mr. Brown LPN stated he did not know and the provider is not going to tell him he needs a permit.

Mr. Costa stated the only way it will come up is if his neighbor called and complained.

Mr. McLintock stated who do you have your dumpster from Souto.

Mr. Lopes stated I have had it since 1995.

Mr. Costa stated Souto does a lot of business in Town they should know that.

Mr. McLintock stated they are still not recycling, and it goes back to 1990, 1989. So you have been paying the regular trash fee.

Mr. Lopes stated I don't use it, I don't have the blue bags, and I don't have none of those.

Mr. Costa stated at this point the way you read that, I read this it says October 23rd.

Mr. Lopes stated this is the time I was on time.

Mr. Brown LPN stated I think the bill says it is due in June; everybody else gets it in on time.

Mr. Costa stated the notice sends out is what they get, but on that bill it say October 23rd.

Mr. McLintock stated if he had paid the regular fee he would have skipped right through again.

Mr. Costa stated it makes no sense.

Mr. McLintock stated even though he has the dumpster there. I guess he doesn't need to do it.

Mr. Brown stated he does not need to pay the \$180.00.

Mr. Lopes stated he has already received the permit.

Mr. McLintock stated you don't stand a shot at getting the money back; I am going to tell you.

Mr. Lopes stated I know that. I owned a port-a-john company in Seekonk and I put a port-a-john at a house I would have to fill out the permit, so that way the Town has the record. Now Souto makes the homeowner pay the town. That way the Town would have the record. You wouldn't have to go through this with so many people.

Mr. McLintock stated I would be surprised if the people bringing in dumpster that are licensed to bring in are not keeping records.

Mr. Brown LPN stated they should send in monthly reports.

Ms. Kinniburgh stated as to how many dumpster you have.

Mr. Brown LPN stated on a quarterly how many clients you have in Seekonk.

Mr. McLintock stated they know where they are, they don't want to lose those things.

Ms. Kinniburgh RN stated how hard would it be for them to do a quarterly thing on the dumpsters.

Mr. McLintock stated they have to have it anyways. Because they have to pick them up.

Ms. Kinniburgh RN stated maybe twice a year.

Mr. Brown LPN stated there is just a lot of confusion.

Mr. McLintock stated either or in this case he has both but was only paying for one. I don't know how you missed the dumpster.

Ms. Kinniburgh RN stated I'm surprised.

Mr. Costa stated nobody has ever called on him and complained on him. It is probably a small dumpster.

Mr. Lopes stated I had a change of address and moved to North Wheaton Avenue and had them bring it over there.

Mr. McLintock stated when the dumpsters are delivered the guys that are delivering don't have that built in to their price.

Ms. Kinniburgh RN stated no, what built in.

Mr. McLintock stated if they have to put a permit on it. How do you have a dumpster without a permit on it?

Mr. Costa stated you call them they bring it.

Ms. Kinniburgh RN stated they bring it. A long time ago I had gotten a dumpster and this was before I was on the Board of Health, that I had to get a permit. I found out after.

Mr. McLintock stated it seems to me it would be easier to deal with the guys who do the dumpsters.

Mr. Costa stated like the port-a-johns.

Mr. Lopes stated I am a plumber and I have to pull a permit to do any work.

Mr. McLintock stated somebody can change that. It might be a better way and then the homeowner I mean those guys are going to be looking for it because they rent them.

Ms. Curzake stated Mrs. DeFontes stated those were the words on them, but it is up to you guys what you want to do. But the dumpsters are fiscal year July 1 through June 30th.

Mr. McLintock stated the dumpsters are what.

Ms. Curzake stated July 1st through June 30th.

Mr. Costa stated fiscal year.

Ms. Curzake stated that is correct.

Mr. Brown LPN stated there is obviously a communication break down here.

Mr. Costa stated unless I am misreading this here. The way I read it I would.

Mr. Brown LPN stated he is trying to do the right thing and get the dumpster exemption, I would make the recommendation we grant him the dumpster exemption based upon the fact that he has already taken out the permit and he is trying to do the right thing. It is not like neglected to pay a bill on time.

Mr. McLintock stated the Town has gotten the money one way or another.

Mr. Brown LPN stated I would make that motion that we grant Mr. Lopes the exemption, seconded by Ms. Kinniburgh RN and so voted 4-0.

Mr. Brown LPN stated please don't be back here next year, next year I will not be so sympathetic.

Mr. McLintock stated if we send out the bills for these to everybody for the dumpster.

Ms. Curzake stated I send out renewals in May to everyone who has a dumpster.

Mr. McLintock stated you knew he had or didn't.

Ms. Kinniburgh RN stated we didn't.

Mr. Costa stated she didn't know he had it so he did not get a notice.

Ms. Kinniburgh RN stated we didn't know he had it.

Mr. McLintock stated let me ask you a question you know that office better than any of us, better than me anyways. Would it not make more sense for us to work with the people bringing in the dumpster in and have them pay the licensing fee? When they drop it because you have no way of knowing if I call Joe Schmoa and tell him I need a 20 yarder and he brings it up he drops it in the driveway and two days later it is full and he comes an picks it up and take it away.

Ms. Curzake stated you are going to have the same problem.

Mr. McLintock stated why.

Ms. Curzake stated the companies are not going to come in and pull the permit. You have a better shot.

Mr. Costa stated but if they don't fine them.

Ms. Curzake stated how do we know, it is the same thing that we are doing to the residents.

Mr. Brown LPN stated we are just playing catch up.

Mr. Costa stated but the only difference is that the homeowner has no idea, I call up I move to Seekonk, I have to clean my garage, okay I get a dumpster. The dumpster company knows you need to pull a permit the homeowner doesn't. So at that point you have some grounds to say listen so and so you knew you needed a permit.

Ms. Kinniburgh RN stated the problem is not just somebody bringing in a dumpster to fill up a load and get rid of stuff at home. These are the dumpsters that people are using instead of the garbage.

Ms. Curzake stated he has had it on his property for 16 years. He knew he needed a permit.

Mr. McLintock stated how does he know?

Ms. Kinniburgh RN stated he knows.

Mr. Brown LPN stated he has one now though.

Ms. Curzake stated that is now but.

Mr. Brown LPN stated we can't punish him now for something that has happened in the past.

Ms. Curzake stated if you want to be fair to everyone, then everyone you said no to technically should have gotten an exemption. I have to play the devil's advocate, I'm sorry.

Mr. Costa stated right if they brought that thing in front of me then I probably would have.

Mr. Brown LPN stated the difference between Mrs. Baasch and him is that Mrs. Baasch received three different demand notices for payment. She claims she only received one. Three went out.

Ms. Curzake stated she received the Town's bill.

Mr. Brown LPN stated right, the difference between him and her is he came in here seeking to get the permit.

Ms. Curzake stated only because he does not want to pay that fee. That is the only reason why.

Mr. Brown LPN stated they are all coming in because they don't want to pay the bill.

Mr. McLintock stated they are paying one way or another. It wasn't that he was trying to dodge it he was actually paying it one way or another.

Ms. Curzake stated everyone pays it one way or another. Because if you don't pay it they put it on they put it on your real estate taxes after so many years. So if you look at that thing, the guy with the apartment building, looks at this statement, I did this before this date.

Mr. Brown LPN stated the difference was that gentleman the guy with the apartment building was the same situation Mrs. Baasch he had been notified several times and that is the

determining factor in all these decisions. If you were aware of the fact that you owed the money and you were late like Mrs. Baasch and you were four months late then that is no excuse for nonpayment.

Ms. Kinniburgh RN stated I can see one going astray but I can't see two going astray.

Mr. McLintock stated I was surprised when my cousin told me about this because I have never seen it. Seekonk has been very good and he went beyond that and went to the post office asked them about it and they said no. So when he came back to me, I said Ronnie it was mailed on the 22nd and he went down there and sure enough don't you know the next day he got it and it was mailed on the 22nd.

**Review of the Preliminary Plan of Subdivision for Jacob Hill Estates.
Due to the Planning Board by January 10, 2013.**

Ms. Curzake stated let me go get that, sorry.

Mr. McLintock stated what is Jacob Hill Estates doing now.

Ms. Curzake stated that is not her, this at Taunton Avenue and Jacob Street. Beth is still out there doing percolation tests. It has been very hard soils.

Mr. Costa stated how come no one is here.

Mr. Brown LPN stated let's table it Mr. Chairman.

Ms. Curzake stated normally what we do is they need two percs and to deep holes per lot. They are in the preliminary phases with the Planning Board and we would like to see sidewalks. That is the normal thing. She is still out there, they don't have all the percs done, they were out there Monday, and they cancelled Tuesday.

Mr. McLintock stated it is not going to cause them any harder if we table this until the next meeting. Do I have a motion to table this until the next meeting?

Mr. Costa stated he has to abstain from this.

Ms. Kinniburgh RN stated I make a motion to table this until the next meeting, the February meeting.

Ms. Curzake stated it had to be a January meeting because it was due to the Planning Board on the 10th which is tomorrow. Normally what we do is say we need two percs, two deep holes per lot and as per their regulations sidewalks. We would like to see sidewalks.

Mr. Brown LPN stated I would like to second Victoria's motion.

Ms. Curzake stated just to let you know the Planning Board can move on to the next phase which is the definitive if we have no comment by tomorrow.

Mr. McLintock stated we should let them know we had to table until the next meeting, their meeting on the 22nd.

Ms. Curzake stated we are meeting on the 23rd. I can go get the plan; it is not a big plan. They are going to call it Palmer River Road, they want to get 11 lots, as you can see there are some test pits but there is not two per lots as per the regulations. This also comes out to Taunton Ave.

Mr. Costa stated you can't access it by Taunton Ave.

Ms. Curzake stated you have to come off Jacob St. They still have 3 more days that they booked to continue the percolations.

Mr. Costa stated how many lots have they gotten.

Ms. Curzake stated there are some wetlands up there, lot B, the perc test from what I hear has failed.

Mr. Costa stated lot B is Cable 9.

Ms. Curzake stated the developer is Mr. Ippolito. There are two of them.

Ms. Curzake stated none of them ever, but we have always requested it. As far as I remember, Aubin Street and one coming up on Lincoln St that they required sidewalks.

Ms. Kinniburgh RN stated we make the request to the Planning Board.

Ms. Curzake stated just to get people out walking.

Mr. Costa stated you know where the golf store is it is right behind it.

Ms. Curzake stated across from DPW.

Mr. Brown LPN stated so it is just up the hill, there used to be a restaurant up there.

Mr. Brown LPN stated we are building a lot of homes in this town.

Ms. Curzake stated Orchard, Logan which is Caleb. We can send a letter to the Planning Board stating you have reviewed it and we need two perc and two deep holes per lot and you request they do not waive the sidewalk requirements.

Mr. Brown LPN made the motion to send a letter as Denise described, seconded by VK and so voted 3 with one abstention.

Mr. McLintock asked for a motion to table the review of the Board of Health regulations 1.0 through 3.0.

Ms. Kinniburgh RN made the motion to table the Board of Health regulations, seconded by Mr. Brown and so voted unanimously.

Review of the Seekonk Board of Health Regulations Section 1.0 Organization of the Board of Health

Review of the Seekonk Board of Health Regulations Section 2.0 Percolation Testing

Review of the Seekonk Board of Health Regulations Section 3.0 Sewage Disposal

HEALTH AGENT'S REPORT

Septic Disposal Plans approved by the Health Agent

1480 Newman Ave
66 Provazza Drive

Barbara Bliss
Niles & Anita Morton

Ms. Hallal was not present for the meeting.

COMMUNITY SPEAKS

BOARD CORRESPONDENCE AND COMMENTS

At 5:15pm Ms. Kinniburgh RN made the motion to adjourn, seconded by Mr. Costa and so voted unanimously.