



**Town of Wareham
Board of Health**

Meeting Minutes

April 21, 2010

Campinha: It is 4:05. It is the 21st of April, 2010. This is the meeting of the Board of Health. I am present, Guy Campinha. To my right is Diane Allen. To her right is Tom Gleason and to Tom's right is Lisa Irish. Doctor Gleason to my left is not here tonight. And I am sure he is due shortly. Now moving on. On the agenda, I apologize to Mr. Bass, I am moving CVS, Kevin O'Keefe, to the 4:05 slot. So, if Kevin O'Keefe is here, we are going to move forward with that one.

This is in regard to a violation of State Sanitary Code. I believe it is trash, rubbish behind your facility. I also understand that you are not the owner and that you have someone that is to take care of this for you. And I also understand that it has been an ongoing problem. We would like to know what you have done about it and what we can do in the future. I will pass these photos down. This is the CVS at Main Street. Dr. Gleason is now here. I wanted that on record. Bob why don't you bring the facts to us so that we can get rolling here.

Ethier: Mr. Chairman and members of the Board, we have had some complaints about trash and garbage piling up behind CVS. This is not the first time. I believe the first time it took some time to get compliance. They did clean up. However, it is back in the same state that it was in before. It is not only rubbish, it is the way it is set up. It is blown into the wetlands from the whole parking lot. Dave Pichette from Conservation, is with us. Dave is aware of the problem. I think he has addressed the problem before. We are just trying to get compliance here. I met with the General Manager today, when we went out to take these photos. He has done some policing and some cleanup but I will let him tell you this. He has dealt with the owner in the past. The owner charges CVS for a fee to maintain and police that area, but it never gets done. So, he is here and can probably tell you the story. All I know is that we are having difficulty getting compliance and we were hoping that the owner was here today. It does not appear that he is.

Campinha: Mr. [?].

Unknown: I have had that property for about off and on for about 6 or 7 years as far as responsibility. In that time frame I have had almost a non responsive approach from the land lord if anything. Starting from parking lot lights being out for a period of time to the trash. I know that recently we had a concern and it was brought to my attention that [?]. Our facilities manager got on the phone and tried to contact the land lord and the land lord did not respond to anybody. [?] anybody else from corporate. And we ended up having to self help. Self help means that we cleaned it up ourselves at the expense of the land lord. We are obviously prepared to do that again but we just want you to understand that we want to work with you and we don't want it to be this way and understand the seriousness of it. But we are a management property and we maintain everything that is our responsibility, our back door and our front door, we

maintain that. I honestly feel that the landlord should be held accountable. That fence needs to be reinstated and needs to be put where it belongs and maybe the trash wouldn't get into the wetlands.

Campinha: The trash, interesting point you made, the trash you are saying comes from customers, people driving by to dump rubbish. And CVS and the other stores, are they contributing to the rubbish problem also? They all have the same land lord?

Unknown: It is all by the same land lord. I have not talked to any of the other tenants other than Dunkin Donuts.

Campinha: So there is littering going on from people that don't work there. Why can't the tenants get together on a regular basis, even if you have to hire somebody, you are not going to pay the bill. And we can facilitate that if you need us to help. We can talk to the Board and fire off a letter. He has got to pay for it. He is responsible. I am concerned about the wetland, as much as I am concerned about the debris around. In the interim, I would suggest that you folks police it and then take it out of your rent.

Gleason: I have a question. Why is CVS the only store owner that is here?

Campinha: It is directly behind him.

Gleason: Why is not Dunkin Donuts here? Why is not the cleaners here? You are not the only one. It affects the others too.

Ethier: Most of the garbage generated or the debris that we found was behind CVS and I know that it is very generalized but that is the way I can isolate a problem. If I go to everybody, it just seems like it convolutes the issue. We thought that if we ordered you here, you were the biggest tenant in the whole complex. Maybe we can get more from CVS complaining than we would from Dunkin Donuts or a smaller type operation.

Campinha: Maybe you could all get together and fire off letters off to the landlord stating that you are going to hire someone to do the maintenance there. It should be a group effort.

Ethier: Would you like to hear from the Conservation Agent?

Campinha: Absolutely.

Pichette: For the record, Dave Pichette, Conservation Agent. This is a major concern because it is damaged. Everything just washes under it right into the back. The other problem here is people after hours just drive behind that building and just throw out whatever they have. It isn't just the problem of the tenants at the complex. The of course the major issue is that the owner doesn't a general clean up program so that if the stuff is dumped there on a weekly basis, it isn't getting picked up.

T. Gleason: If he is going to repair the fence, couldn't he put some kind of locked access to that back area behind the building.

Pichette: Well, they need to have it open for the Dunkin Donuts.

O'Keefe: The other thing we had requested was locked dumpsters.

Campinha: Do the other folks have their own dumpsters? Have the police been notified?

Ethier: Lt. Wallace is aware of the issue.

Campinha: Perhaps we can use the law against littering to help and maybe throw up a silt fence to help temporarily.

Ethier: With the permission of the Board, I would like to file in 4th District

Court and bring him in before the Magistrate and let him explain why he can not show up and why he takes so long to respond to each case.

Campinha: That may be the way to go because it is an ongoing problem. In the interim, you do the best you can to keep it clean.

O’Keefe: If I could get an e-mail or a letter from the Board of Health, I will go to my facility manager at the corporate office and we will see if we can repair the fence at the cost of the landlord.

Campinha: I think that is a good idea.

Ethier: Could you just state your names for the record?

O’Keefe: O’Keefe – Manager CVS Pharmacy

DeSouza: DeSouza – Store Manager, CVS Pharmacy

Campinha: Any other comments or questions? Thank you for coming. Moving on, we are going to go back to schedule. Our 4:05 meeting, 14 North Blvd., J. Henry Bass, Chapter II Violation to the State Sanitary Code. You are Mr. Bass?

Bass: Yes.

Campinha: Would you state your name for the record please.

Bass: It is really Henry J. Bass.

Campinha: Dave Flaherty.

Dave: Mr. Chairman, Ladies and Gentlemen of the Board, January 11th I received a complaint, two housing complaints. Mold in the living room. Tenant has respiratory problems. I contacted Mr. Bass by phone and explained the problems to him. He assured me that if there any violations, he would come down and correct them right away. Two weeks after that, there had been some changes but not her. She called me again. In March I sent an Order to Correct.

Campinha: Any questions for Dave. Okay, we will hear from Mr. Bass.

Bass: She was totally content in the house. When she moved there she had no concern until I told her that I was not going to renew the lease. As soon as I said that, she began complaining about everything. I was hoping she would be here today. I had to tell the truth about her lease. She has not paid rent since she gave me a check I gave her notice about the time she contacted you. She had well over three months to find a place. She has been making excuses constantly. I am repairing the place for [?]. But I can’t do that with her there.

Campinha: Did the April or the February

Bass: I had the roof totally redone. It finally stopped leaking. I thought that since she was leaving in March, I would wait to repair everything in the house.

Campinha: It is section 8 housing and passed inspection?

Bass: Yes.

Campinha: If she is in fact leaving then he can address and rehab the home.

Bass: Well, she has had three months.

Campinha: I probably can’t give you any relief regarding the section 8 issues but we need to address the mold problem as long as she is here.

Bass: I had workers go to the house. But they didn’t have a key. It is costing me a lot of money.

Campinha: I don’t have the jurisdiction to tell someone to get out of their house. But you have a legal issue. You are responsible for the property and we have a tenant in an unhealthy environment. Take down the ceiling if you want as long as it is safe and

healthy. I do want to see something done about the mold. While she is there we need to get rid of the mold. Then you can take legal action about the other issues. I will entertain a Motion that he takes care of the problem within 14 days and then everything else is yours. You can pursue it legally.

Bass: Can I have a copy of this meeting?

Campinha: Yes. It is recorded.

Allen: I make a Motion that we give Mr. Bass, 14 North Blvd., 14 days to repair the mold problem and we will re-inspect it.

T. Gleason: Second.

Campinha: So moved. Thank you for your time. Okay, 38 Barker road, Darren M. Meyer.

Ethier: He doesn't seem to be here.

Campinha: Okay. So, we will take that right off. Lets move to 47 Barker Road, J. E. Landers-Cauley, P.E., discussion – Title V. You are, for the record state your name please.

Cauley: I am Mr. Cauley.

Campinha: Mr. Ethier, tell us what is going on.

Ethier: I believe this plan was submitted about nine months ago, about September. It was reviewed. The review was not It was reviewed by someone in the office and it did not catch the difference in the elevation from the top of the existing ground to the top of where the system would be. It is 2 feet. There is quite a difference in elevation. Although this reflects the bottom of the system, you add 2 feet up And I thin what was missed when the plan was reviewed was 12 inch minimum. It kinds of threw him off because he thought that perhaps that was how deep the system was. I actually went out for the final and they system, it looked like the Grand Canyon. It was down there 8 or 9 feet deep. So, I immediately questioned it because under Title V pertaining to Variances. If a system can not exceed 36 inches from the top of the existing ground to the top of the system because the bacteria needs to grow, survive and it needs air to do that. This exceeded the 36 inches to the 72. Now under Title V regulations from 36 to 72 inches would be 6 feet. You can go to your local Board of Health and get a Variance, which was not applied for originally. Now, it exceeded the 72 inches or the 6 feet by 2 feet. So it required a \$200 Fee and the forms to be filled out and appealed to the DEP. I called them and they said I was right. He has to get a Variance from us and it has to be vented. The system didn't have a vent. It was too deep in the ground.

Cauley: I have been on the phone at least 10 times trying to get this straightened out. At the end of the day I don't have a problem applying for the Variance and putting this behind us. I think it is important for this Board to know. We knew there was problems. This is a repair to an existing system. I spent between 4500 and 6000 dollars for this pump chamber.

Campinha: Any comments?

T. Gleason: What does the client want to do?

Cauley: He wants it to go away.

Ethier: I apologize for this. Dave is not an engineer and it was something he missed. I am under the understanding that I can not make Title V any less strict.

Cauley: I am going to go back to the client and say can you accept [?] and then come here for a variance. If he says, no, then the only other course of action is to

apply to DPE for that Variance.

Ethier: I would like to help you with that. I can call the DEP. I don't think they are going to be adverse to giving you a Variance. I think there was a lot of mistakes on both sides but we just need to get it resolved.

Campinha: I agree. Lets call DEP and get going on it to let this woman get on with her life. Here is what we are going to do. We are going to make him apply for Variances. DEP and to the local Board. He is going to try to get the owner to lower it 15 inches. To come in at 6 feet, to apply for a Variance for us. My only concern is are we going to leave the swimming pool there. Motion made and seconded, so moved. Bob are you going to do the Health Agent's Report?

Ethier: I guess I am going to present this 38 Barker Road for Darren Meyer. This on here is. Darren Meyer is a registered sanitarian. All this is is a Variance request for the extra bedroom. This is in a Zone 2 area. We ask that the restriction be put on the plan.

Allen: I vote that we accept that Variance on the stipulation that the plans have written on there that the house remains two bedrooms.

Campinha: Okay. Very good. Seconded. So moved.

Ethier: Health Agent's report: Chapter II Inspections – 3 / Perc Tests – Dave did 2 / Title V Inspections – 12 / Garbage & Nuisance – 10 and we solved a lot of them on the phone. Food Service, we had one complaint at Subway. I went and inspected. It is very clean. Condemnations – 0. Emergency Response – 1 at 195 there was an oil spill. We cleaned it up, mediated it.

Selectman Cruz came to me the other day. He had paid for his Stable permit just a month ago but is going to get out of the business. He wants to be refunded.

Allen: I make a Motion that we do not make a refund to Mr. Cruz nor to anyone in the future.

T. Gleason: Second.

Campinha: Motion made, seconded and so moved.

Ethier: Motel task force inspections: Mr. Andrews made me the chairman of the Motel Task Force Inspections. I have the Gas Inspector, Wiring Inspector, Plumbing Inspector, Police Department, Compliance Officers with me. Everyone makes out a report and sends it to me and I do a cover letter.

I am going to try to take next week off.

I was asked by Mr. Andrews and so was Chief Stanley and himself as well to interview 9 to 11 building officials for the job to take over Ted's position of Building Inspector – Zoning Agent. We went through 9 of the 11 and we came up with this Myles Burke from Lawrence. I guess Mr. Andrews knew him but I did not know that. He was by far the best candidate. We did not converse with each other. We all chose him. He has 18 months to get certifications.

Campinha: Let me ask you this. Did anyone make known that there was a prior relationship between the Town Manager and this candidate for Building Inspector.

Ethier: No. He did not.

Campinha: My only problem with that is that he should have made it known. I think if Mr. Andrews knew the guy, he should have made it known. I had no reason why other than he was the best guy.

Gleason: Is there a conflict of interest?

Campinha: Who is his boss?
Ethier: Mr. Andrews.
Campinha: Okay. Then there is a conflict of interest.
Allen: Was he in on the selection?
Campinha: Yes. He was. I am not saying that there is anything wrong.
Ethier: I just feel set up. Like what's the deal here.
Campinha: Anybody else have anything?
Irish: I guess my appointment ends in June.
T. Gleason: Mine too.
Allen: You just have to go
Campinha: I remember that they just sent me a letter and if I wanted to be re-appointed, just send it in and they did it. I have never been in front of the Board of Selectmen once I have been on.
Allen: You still have to go get sworn in.
Irish: Last meeting we had talked about trash. I saw something on the Selectmen's agenda but I don't know what it was. I think it was about the transfer station.
Ethier: It could have been, they were announcing the hazardous waste day.
Campinha: Could you send a letter to the Selectmen to see what we are doing about the trash. The Board needs some direction from them.
Allen: I make a Motion that we adjourn meeting.
T. Gleason: Second.
Campinha: So moved. Meeting adjourned.

Prepared by: J. Reed
Date: May 3, 2010

Signed and dated: _____

Guy S. Campinha, Chairman _____

Charles S. Gleason, M.D., Member _____

Diane E. Allen, Member _____

Thomas L. Gleason, M. D., Assoc. Member _____

Lisa T. Irish, Assoc. Member _____