



TOWN OF WAREHAM

BOARD OF HEALTH
MEMORIAL TOWN HALL
54 MARION ROAD
WAREHAM, MA 02571

Board of Health
Frank DeFelice, Chairman
Glenn Monteiro, Member
Amy Wiegandt, Member
Robert E. Brady, Assoc. Member

Robert Ethier, Health Agent

Telephone: 508-291-3100 x3197

MEETING MINUTES May 2, 2012

MEMBERS

Present: Chairman Frank DeFelice, Amy Wiegandt, Bob Brady

Liaison: Ellen M. Begley

Health Agent: Robert M. Ethier

PUBLIC HEARINGS

Mr. Pacevich dropped off a copy of the Falmouth By-Law which establishes the 12 parts per million.

4:00 Signing of minutes. Mr. Brady suggested the minutes be done at the end of the meeting to accommodate people who are waiting.

Rubbish Haulers Discussion

4:05 First off is the Rubbish Hauler's discussion. If you would like to come up and introduce yourselves.

NICHOLAS: My name is Nicholas Memory. I live in the Little Harbor section of Wareham. I have lived here for about 12 years and I have been a long time recycler. Up until about a few months ago I have been separating my recycling and taking them to the recycle center over by Route 25. (General complaint of no recycling coming to him after repeated calls). No one has called back. Believes that the Town needs to enforce the regulations.

BRADY: Lets talk about the licensing of Trash Haulers.

ETHIER: A regulation for Trash Haulers requires that Trash Haulers provide recycling and submit reports to the Board regarding tonnage and recycling amounts.

BRADY: We need to look at those submittals and compare the numbers. Is anyone here from Allied?

ALLIED: How it was explained to me by the Town of Wareham as far as recycling, we pick up every other Friday for recycling only. We are supposed to be here every other Friday and we are supposed to be picking up recycling. On the trash, we are supposed to pick up five days a week. We have two trucks in the Town of Wareham, five days a week. Now, I am concerned about this gentlemen not getting the service he deserves. Why is this happening. I can not tell you but I will investigate it.

BRADY: Do you know if in your quarterly billing that you notify your customers of that service and its availability?

ALLIED: I will check into that.

BRADY: Well it is part of the regulations and you are licensed by those regulations. So, if it is not, I would suggest, Members of the Board, that it be adhered to. Otherwise then the licensing would be in jeopardy. It is that simple.

DEFELICE: The reason I was asking about the percentages. We know what the price of gas is and the cost of operating vehicles like that. Maybe that is a factor.

ALLIED: That would not be a factor.

BRADY: Right now we have regulations on the books and we have at least one customer, probably more, who are not being provided the service as intended. And if we need to do a better job to encourage recycling, that is another issue too. Nevertheless, there is one customer through your company and I am going to guess that you are probably going to try to resolve that tonight or tomorrow.

DEFELICE: Is it worth the while for the company to recycle?

ALLIED: Yes, absolutely. We are pushing to get more and more areas throughout Massachusetts.

ETHIER: Do you take your stuff to SEMASS?

ALLIED: Yes. We do.

ETHIER: SEMAS also has a back up program that they check the load and there is so much recycling, they get penalized. Is that correct?

ALLIED: That is not true.

BRADY: That is easy enough to find out too.

ETHIER: One of the companies here. My Trash Guys. I believe that recycling is included.

BRADY: Can I ask for our next meeting, at least for the first 4 months of this year, that we get the reports of each of these 4 haulers, so that we can begin to assess volume, number of customers, what kind of volume those customers are generating, how much of it compares with recycling for the same volume of customers and we can probably get a pretty good handle on how many customers are actually recycling. And we should encourage, we should do whatever we can to encourage, more of our community to recycle. But we don't know what the numbers are yet, so we don't know if it is an issue or not. But if it is then we have to come up with a plan to encourage recycling, regardless of the cost of the bag. It is about volume. How much is going into recycling. How much is going into trash. Those should all be pretty well documented if they are giving us those quarterly reports as suggested.

ETHIER: They would benefit. The less you put in to garbage stream of recyclables, the less you have to pay at SEMASS for the trash. So, I don't see why they wouldn't want to do that. In some cases there is a receptacle in the back of the truck and they go around with the same truck.

ALLIED: It is supposed to be separated.

WIEGANDT: Sometimes it is just too much effort for them to separate it unless there is a financial incentive. So, whether the companies do it in various ways, the companies you would think would have an incentive to do it because it is cheaper for you to do it if you recycle things. So, we have two issues. One is education of the public and also making sure that the companies are offering what they said they are going to offer.

ABC: (Mark Oliver) I am the residential manager for ABC. Our recycling is every other week, the same day as your trash. Separate trucks. Our 2011 numbers, we had collected about 2400 tons of trash and in that amount, 250 tons was recycling, which comes out to about 10.5% recycling rate. Not a bad rate for a subscription type service. It is actually a bit better than a lot of municipal contracts. We do have a lot of customers that do not recycle, which we try to encourage to recycle. We have been in contact with them, what their choices are.

DEFELICE: Are they getting any benefits from recycling?

BRADY: What do you mean by choices? Isn't the choice supposed to be trash and recycling?

ABC: That is the choice. They have to choice to recycle or not. We try to encourage them to recycle for a few reasons. The trash is cheaper at SEMASS. It is better for the environment and also

BRADY: So, how do you encourage them?

ABC: We explain what it does for the environment. We send out a letter. There are no separate fees.

WIEGANDT: We use the site because its easier. How do we encourage people to do it? We have bins but it is only every other week and you have to get them out there at a certain time. So instead we take it to the recycling spot.

BRADY: Now, how many customers does that 2400 represent?

ABC: I don't have that. That comes from my operations manager, Jerry Dugan.

BRADY: Each company shall submit to the Board of Health a number of customers to be served. So, we should make sure we are getting those numbers because otherwise we have no way to compare hauler to hauler, unit to unit as to what and how efficient trash has become in Wareham.

DEFELICE: You can come up with the percentage of recycling.

ABC: We are required to do that.

BRADY: Everybody is. That is the only way the get licensed in Wareham.

DEFELICE: Oh, I guess we must have that.

BRADY: He is going to provide them to us at our next meeting. We should have them at least through the first quarter.

MY TRASH GUYS: We offer both curb and (?) service.

BRADY: So, there are different fees for each option. So, you have weekly and every other week and pay as you throw?

MY TRASH GUYS: Since we started the company recycling has always been included with the service.

BRADY: Well it has to be for licensing. Do you know off the top of your head, the kind of volume you are doing in Wareham?

(Interfering noise on tape.)

ABC: I think it is going to be hard to figure out.

BRADY: If we can take your tonnage against the number of customers, we can get a pretty good idea of what people are doing.

ABC: We do about 40 – 50 lbs per customer per week, that is average. And you are talking maybe 5 lbs of recyclables, if you are lucky. It is going to be very, very tough.

DEFELICE: Thank you for coming. Next on the agenda is Sinners & Saints. Is anyone here from there. Oh, there is someone here from Howland Disposal.

HOWLAND: Eben Howland from Howland Disposal. We do encourage recycling and talk to people about it. We have bins for the trash and bags for the recycling. Same trucks. We don't have that much participation in Wareham but in Carver we have separate trucks. The Town of Carver is more aggressive in regard to recycling.

DEFELICE: There is no one here from Sinners & Saints.

4:15 – BOARD OF HEALTH REGULATIONS – DISCUSSION/CLARIFICATION

ETHIER: In 2008 we upgraded, but they are very very old. I think for instance that we need to revise the one on horses and ponies but I think we should talk to someone in the business. We talked about piggies and a person raising a pig in their yard for food. Perhaps we should include the Board of Selectmen on some of these.

BRADY: Well some of them are contradictory to By-laws and I think we need to make those consistent at least. Whether they be simple definitions or actual laws themselves.

ETHIER: The biggest one that we have run into problems with and the police chief has questioned this because they want to help us to enforce the regulation of dogs on the beach. The reason why, I talked to the State, (?) that there were too many dogs on the beach. They weren't using pooper-scooper that was provided. So, the Board after much research, decided to have a regulation not to allow dogs on the beach. We found out later that the Selectmen also had By-law that says, the dogs can be on the beach certain months of the year. So, when the police stopped him or when I go out there, they say well in the regulations from the Board of Selectmen, it says this and it says that we can do it at this time. So, if the Board is going to keep this regulations, then we need to ask the Selectmen to amend that and that way we can give out a ticket, \$50 for those who keep doing the same thing over again, then we can enforce it without any legal issues.

BRADY: Speaking for myself and I am a dog person, I know that there are locations aside of locations that actually encourage dogs and dog owners to take

advantage of that expanse and get their dogs out to exercise. Because there are a lot of classes of dogs that need to get out and exercise and a lot of people's backyards are not necessarily sufficient for that. Cranberry bogs are, beaches are but what the cranberry bog station in particular does, which is owned by the State, is they put out dispensers for doggie bags and so if you choose to take advantage of that opportunity, you peel off a bag and you go with your dog and your dog does its thing and you pick up after it. And they then provide the dispenser and you throw your dogs business away and they dispose of it. That is something that works, trust me, it works. Now, if Wareham wants to reconsider because it sounds to me like the Selectmen have one regulation or By-law or whatever and the Board of Health has a different one, it might make sense to come together and say okay, what can work or not. And maybe it can't but I would be all in favor of saying certain season, certain time of day, why not have dogs be able to exercise and play and socialize on a beach. And maybe its not all of them. Maybe its only one or two of them. But it has to be with the incentive clearly. We can put this on the agenda for more discussion.

WIEGANDT: It's a lot of work to do this whole book and perhaps we should take one section at a time.

DEFELICE: It is the person who knows the By-laws is who we should go to in how to change them and I feel that Bob would be that person.

ETHIER: There are a few thing that need to be looked at and tightened up. I can get this whole packet out to the DEP, everything the Board of Health does has to be sent to the DEP.

BRADY: Talks about the chicken regulation. Questions the wording of the regulations and who enforces or passes judgment on compliance. So, we agree to take a number of sections at a time and move this along.

WIEGANDT: The animal section?

BRADY: Lets go through the say 8 topics.

4:20 OLD BUSINESS

WIEGANDT: I think the biggest is that we had an open meeting – public hearing on the nitrogen. And from my point of view, we listened to a lot of people and what they had to say. I think it became clear that the 12 parts per million is going to be tough to enforce and although we all want the no nitrogen, after listening to everybody and doing research, that is going to be tough. I think we need to continue to move forward with the nitrogen. My second point on the old business is getting some of the things done on old business up on the web site for old and new business. Taking some of our old issues, so that it is there for everybody to see. Under nitrogen, we have links to Buzzards Bay Coalition, other experts that have talked to us. So somebody like me, new coming on board, I can understand things a little more quickly. I think it would be great for the public.

DEFELICE: My say on the nitrogen is that I agree that 19 definitely should be it but the other thing is, I don't believe that Town wide it should be. I think we should put something together and what I would like to suggest is maybe make a

phone call to try and put something together and maybe we can put something together at the next meeting.

BRADY: I think our proposed regulation needs a lot of work. Maybe we should suggest for our next agenda that we go back to that draft and start addressing. I think it is going to need another public hearing.

DEFELICE: It is far too big. I think we need to amend what we got. But I don't think we need another public meeting.

(Further discussion on changing the draft regulation)

BRADY: Discussion on pumping notifications and records.

ETHIER: Discussion regarding set backs and nitrogen reduction formula.

DEFELICE: Anything under Old Business?

WIEGANDT: How about 118 Sandwich.

DEFELICE: I went by it on the way here

BEGLEY: I Mr. Gifford came before the Board. He said apparently they are waiting for legal permission to (?) the lot. The homeowner is my only concern. The company that the Town contracted with is taking everything but...

BRADY: Why did we exclude that?

BEGLEY: I don't know. That was something between the Town Administrator and Mister Gifford.

BRADY: We informed them that they needed a site monitor.

ETHIER: I got three prices. It is not hazardous waste. It is a special waste. There is not hazardous waste on the lot.

BRADY: Separate container, separate disposal.

ETHIER: Right and the companies that I gave to Mister Andrews, you can put in double bags in contractor grey bags. You have to put it in soapy water and put it in the bags and then transport it. It has to be somebody that is licensed to transport it off the property to a landfill. They were going to do it but once they got everything that they wanted off, I don't think they have to money to do the job. So, the Town has to hire one of the companies to get it off there.

BEGLEY: I believe they have hired a company, but the point person for any member of the Board or Mister Ethier would be Mister Gifford.

BRADY: So, the attorneys are finally talking, is that good?

BEGLEY: That is what I would like to believe.

BRADY: Good. So, it is no longer our concern.

JOE: I was at the Town Meeting last night and I brought up the public health responsibilities under Chapter one, eleven, which I gave a copy to Bob last Friday and my interpretation of Chapter one, eleven has come to your meetings numerous times, nobody seems to know who's responsible for this. So, Section One, Twenty-seven B tells you and I that it is the responsibility of the Board of Health and I think the problem is, we have too many people in Town getting involved with stuff that.... We the Town, or you the Board of Health have the authority to go in there and I mean we are just dragging out feet. This is unnecessary. All you have to do it go to court and get permission from the courts after you notify this person, which I assume you did when you condemned the building. And they have a period of 90 days. If they don't correct the problem,

the Board of Health has a right to go after to courts tell them to go in there and clean the property and clean the site and put a lien on the property.

BRADY: I don't think it is that simple, Joe. My interpretation is very different from yours. Unless it is a structure that is inhabited and is subject to a health issue, I don't agree with you. We don't have the jurisdiction. It is now a building code issue. I read the law quite a bit, Joe.

JOE: We have 25 thousand dollars sitting in Inspectionals. Apparently there is grant money. We can get money from the State for this work here. I will bring copies up to you to perhaps put it on the agenda for discussion.

ETHIER: When this 118 Sandwich Road came up and all these other homes that are abandoned in Wareham that are boarded up by past building inspectors, I was being accused by the Town Administrator for not dealing with these buildings. I brought

The number one guy, who wrote Chapter Two of the State Sanitary Code, which Minimum Standards for Fitness for Human Habitation and he said to them at a meeting upstairs, it is the responsibility of the Building Inspector not the Board of Health. The Board of Health gets involved when nobody else is involved. This regulation that he put before us, this One, Twenty-seven B, deals with people that are in the houses now. It is a public health and safety issue and people are living in filth. If you go across the hall to Mister Viveiros office, we have a folder with 250 of these property deemed to endanger that have been cleaned up by the Board because there were people living in the house. There were issues by letter of Order of Condemnation, Order to Correct and they were ordered to vacate. This gentleman who is the Community Sanitation Director, told them upstairs, it is not our problem at the Board of Health to deal with abandoned buildings. It is the problem of the Board of Health to deal with buildings which people live in that are considered deemed to endanger by filth. And that is what we deal with every day. We send out letters every day. We get a lot of compliance. We have 250 in a drawer. These houses that are boarded up, they have X's on them. I e-mailed this regulation that our chairman gave us, to everyone of the Board members and it specifically says what the Community Sanitation Director, who wrote Chapter Two of the State Sanitary Code, said. It says in there, it is the direction of the Building Inspector to clean up these abandoned houses in Wareham. We handle the ones that the people are in, where it is a danger to the people or to their neighborhood. We don't handle abandoned buildings. I don't know how many times I can say it. I have letters that say it. We have talked to the Police Chief. He has talked to Myles Burke and he has talked to Mister Andrews. And he says it is not a problem of the Board of Health. They are to be made safe. Mr. Chairman, you can tell me, you are a building inspector. Made safe regulation deals with your department. You are the ones that have to board it up and make them safe.

DEFELICE: I am inclined to agree with Bob and Bob. The fact of the matter is, I have been touch with the State of Massachusetts, the Board of Building Regulations and I have two State Building Inspectors that are willing to come down here and sit with Bob and sit with our assistant Town Administrator and sit with Myles Burke and tell Myles Burke and tell Myles Burke that it is his

responsibility. This here is the State Building Code where it says, unsafe structures, it is the building inspector's responsibility, not ours. You can have a copy of that. It got taken out of our hands when the Selectmen took it over.

JOE: Has the Board of Health condemned any of these buildings that are listed on the Across the hallway. It's a blight to the neighborhood.

ETHIER: They have been issued Orders of Condemnation. You know what the State guy told the people, you know why Bob has gone down there, because nobody else is doing anything. But as you can see, I don't have time to do this and run around.

DEFELICE: I talked to the State today, the head Building Inspector for the State for this area. He is willing to come down here and sit with Mister Foster, Bob Ethier and you can very well be in on the meeting, to direct Myles Burke that it is his responsibility. And these are the State Inspectors. There is a big difference between unsafe structures and structures that are unfit for human habitation.

BRADY: That is what One, twenty-seven addresses and that's is the jurisdiction of the Board of Health. None of these houses you are discussing or 118 Sandwich Road have any inhabitants.

Further discussion of 118 Sandwich Road.

JOE: Myself, personally, I have put a lot of time into it and I hate to see it just sit for years. It is a blight to the neighborhood. I have passed out all kinds of folders.

BRADY: What is your official capacity in this? Just volunteer?

JOE: I am a volunteer.

DEFELICE: I am going to read a few excerpts from this. Myles Burke needs to have this put on his desk. (Reads from Section).

NEW BUSINESS:

ETHIER: I had an audit from the CDC and the Dept of Public Health yesterday that lasted about 4 ½ hours. It was the Emergency Dispensing Site Plans that we developed for the Town of Wareham. We scored in the lower 90, which is a great score for anyone in Plymouth County. I am happy about that.

BRADY: I think that maybe for our next meeting put on our agenda that maybe we should start doing some water testing, separate from what every one else does. We have a lab at our own waste water control facility for evaluating some of those samples. And I was hoping that we might provide test kits to the schools curriculum and get the kids involved with learning about nitrogen.

WIEGANDT: We had talked about an e-mail going to the Board of Selectmen.

BEGLEY: If there was anything of specific interest, yes. But as the liaison, I can relay. If there are any information you can notify the clerk.

WIEGANDT: We need to move to accept the minutes. I move to accept the minutes.

DEFELICE: Seconded. Accepted unanimously.

WIEGANDT: I make a motion that we adjourn.

Meeting unanimously adjourned at 5:38P.M

Respectfully submitted: Jody Reed, May 14, 2012

Signed and dated: 5/16/12

Frank DeFelice
Frank DeFelice, Chairman

Glenn Monteiro
Glenn Monteiro, Member

Amy Wiegandt
Amy Wiegandt, Member

