



*Approved  
March 6, 2018*

## Town of Carver, Board of Health

Posted in accordance with the Provisions of M.G.L. Chapter 30A, Section 20B

Board of Health meeting minutes for February 20, 2018, Carver Town Hall, Meeting Room 3

Attendees: Arthur Borden, Chairman; David Lawrence, Member

Also Present: Kevin Fogue, Health Agent

Absent: Eric Mueller, Member

Meeting called to order, by Mr. Borden, at 5:02 PM

### Discussion:

- Update on CMWRRD restructuring by Michael Milanoski:

Mr. Milanoski – Selectmen Dave Robertson is joining us; he is also on the refuse board. John Cotter and Bill Duggan are on as well. I spoke with you about a year ago; we had some concerns with material not belonging to the town being dumped in our name. Mr. Milanoski distributed a copy of a press release. The district tried to bill the town about \$40K. As part of our process, I needed to understand what goes into the bill. The response was "that was what was voted so you have to pay it." I explained that I needed back up in order to pay this bill. They claimed it was private information. I told them I can not process bill without it. Later they indicated they would provide the information but they still have not. I have since spoken with the town of Marion who has also asked and not received back up. Ray Pickles is a consultant who has hired legal counsel suing all three towns. The other towns are getting frustrated as well. We had our first Board meeting in December. Dave had the opportunity to meet with Ray Pickles. During our meeting, we found out that the last audit done by the group was in 2012. As a body, it should be done yearly. We discovered a fund of about \$800K – \$1M. When we asked Mr. Pickles about it; he said it was gone and has no information as to where. In January, the Board was frustrated. Mr. Pickles was authorizing payments without the Board knowing. The Board went forward and stated no more payments unless we sign off on it. The Board also authorized members from each town to manage it. At the next meeting, a check for \$19K was paid by Mr. Pickles, without authorization. The Board then went and terminated any contractual relationship with Mr. Pickles. He was hired to file annual reports. His

contract was already more than 8 years old; the contract can only be 3-5 years. The Board appointed a new Chair and Vice Chair of the district. We then found that Mr. Pickles was paying himself, on top of monthly salary, to go in as an operator of equipment. We asked for his (required) log which he didn't provide. He also charged \$4-5K in mileage reimbursement. There were an additional two checking accounts that were not run through the bookkeeper. He was even writing checks to himself. The numbers are not adding up; we are still in that review process; we will need to audit the last 5 years. The auditor that was doing the books has resigned as Mr. Pickles has not provided information requested for years. As it relates to this; the Board has restructured and put the Town Administrator in each town to "right the ship." Right now, if we were to run the district with 2 facilities and pay for disposal it would come in at about \$2M. We have about three years before we have to pay for garbage, which gives us some time to fix this. We are now meeting with the Board every 2-3 weeks. We have also had meetings with SEMASS. They have provided a detailed list of all the things they have paid for. We are trying to reconcile that. The books are sloppy; there were multiple checkbooks. Going back to SEMASS; in their view, they have been wanting meetings for years. Several years ago, they wanted to extend the time frame for the district ending. We have been led to believe that Mr. Pickles said no to this.

- Acceptance of leaves, brush and manure at the transfer stations:

SEMASS made us aware that the Rochester facility is not supposed to accept animal waste; apparently that's all that is out back. The district voted to not accept any leaves, manure, brush at the Rochester facility. Rochester is now just for disposal of trash. Marion facility is filling up from leaves, brush and sticks. I suspect that may close down by the end of this fiscal year. Apparently under our contract, SEMASS is only supposed to be paying for one facility but they have been helping us out and paying both. They are also saying there is an abuse from Carver and Wareham.

- Request for list of names and addresses of trash haulers customers:

Apparently, some of the garbage haulers (at least 1) are picking up materials in other towns and going to the facility and saying it's from Carver or Wareham. Covanta (SEMASS) occasionally does spot checks and reviews trash (looking at envelopes and such to determine where it came from), resulting in hauler paying tonnage fees. When we get the tonnage reports, they list each company with amount of tonnage and then they pay the town a certain rate, which is about half the rate of paying the tonnage at the facility. Covanta is getting taken advantage of with this. Under your regulations for haulers, we need to take a look at our process for regulations that we have for the town right now. We need to strengthen those regulations and make sure our residents are protected. In section 6, the Board of Health or Agent can investigate and review anything with hauler(s) – you have to be licensed in this town to haul. They have to provide a combined rate from both solid and recycling. Our goal is to make sure that the residents of Carver are not being taken advantage of. We want to make sure they are benefiting from what we have set up. I am not saying it is happening with all haulers; but the only way to find out is to check. After requesting a customer list from haulers, two companies have provided

their list; our preferred hauler and one other. We want to look at the list for reasonability – how many customer's vs how much tonnage.

Mr. Robertson – I just have one thing to add, I had some conversations with Ray, in his office, in Marion – something he told me that bothered him was the stickers. Since I've been on the district, I've been watching this... There are dump trucks with stickers? The intention of this is to provide stickers to residents. These stickers should not be used for commercial/business. Ray told me that he knew of Plymouth families with Carver stickers! The level of mismanagement in the district was beyond anything I've ever read about. We had to ask for the 3 Town Administrators to jump in.

Mr. Milanoski – Mr. Pickles knew what was going on and he did nothing about it. You can run a business and dump for free. The market rate is somewhere about \$75/ton; Carvers preferred hauler pays \$18.50/ ton. Remaining haulers pay \$30 / ton. Carver has 24% of the housing (Carver Wareham and Marion). We are being charged 34%. I am not accusing anyone at this point; but we need to dig through this to make sure we are getting what we have negotiated. I ask the Board to consider that they give the remaining haulers notice that they provide this information or risk losing their hauling permit. Going forward we need to look at our regulations. We can't undo the past; we need to learn from past issues and move forward. .

Mr. Forgue – When the request went out for the customer lists; the main issue that was out there on Social Media was that names were being asked for. Can we do this investigative work with just the addresses? Mr. Milanoski – I feel it's the same; if they only want to give the address, that's fine it's just an extra step for us.

Mr. Lawrence – We sent out one notice? Mr. Forgue – Yes, two have responded; we have three more to hear from. Mr. Borden – I think we need to pursue more – give them a deadline with repercussions. Mr. Forgue – I will also check with other towns to compare their trash hauler regulations.

*Motion to authorize the Health Agent to send a second letter, with a deadline, to provide customer information, by March 1, 2018: Mr. Lawrence*

*Second: Mr. Borden*

*Approved: Unanimous (2-0)*

Mr. Milanoski - Any other questions on the waste district? No other questions heard.

- Board of Health upcoming vacancy and creation of appointed Board Members:

Mr. Borden – I am announcing that I will not be running again, 17 years is a long time. We have stepped back from fostering, as well. We have fostered over 30 kids and adopted 1. Mr. Milanoski – Has anyone pulled papers? Mr. Borden – Not to my knowledge. Mr. Milanoski – We've had this come up in the past for this Board

being appointed vs elected. We really need to think about what's the best solution. I was thinking we could Appoint Art back to the Board! With or without you, we still have to deal with process and variances. If we don't have the people; we could fail. I won't push the issue for appointing the Board; I wanted to bring it up to you all to see if you wanted to vote on it and bring it before the town meeting. Mr. Borden – I think we need to think about it and talk next month. Mr. Milanoski – April 10 is our town meeting – March 6 is the final agenda meeting. If you could have your meeting before then, you could be on the agenda. Whoever is elected at the time a change is made; would continue until their time is done. Selectmen would do final approval of appointments; with my recommendations.

The Board of Health members agreed to hold a special meeting on Tuesday March 6, at 5:00 PM, to discuss this further.

- North Carver Landfill, testing for 1,4 Dioxane:

As a requirement of DEP, the town tested. We targeted 6 homes on Plymouth Street (the church to about Pine City). Only two homes allowed access; the test was run and came in under but the DEP is being cautious and wants bottled water until water line can be brought in. The water line is in the design phase. We did test one home that didn't show anything, coming west we had a couple test positive. If you read the literature, that chemical is actually found in bottled water. The water is being provided on an as needed basis. We will provide them with a check to provide them with enough for a 6-month supply and we will review again at the 6-month time frame. Mr. Milanoski – The testing we did; it is still technically safe to drink; the DEP is just being cautious. This would allow these tenants to hook up to the waterline. We would pay for putting line and putting connection to houses. If they refuse to not connect, the DEP is okay with that.

- Policing/regulations for donation bins:

Mr. Forgue – I looked through our bylaws, we have nothing that regulates that. Mr. Borden – We need to research some other towns to see what they have. Mr. Forgue – There have been a few times that we have needed to address issues; they are typically very responsive. Mr. Borden – If we have a mechanism in place for when/if they aren't, we could make them go away.

- Restaurant inspections:

Mr. Forgue – They are completed; by in large, very few violations. There were a couple of minor violations. I like to return a month or so later to ensure they are corrected.

- Complaint – 245 Tremont Street, accumulating trash and debris:

Laura and Tom McNamara 246 Tremont Street – We are here to follow up with the Board on a 13-month old complaint at a residence across the street from us. Kevin has gone out there. There is a lot of garbage; we are concerned with vermin. Since Kevin's original inspection, there has been additional livestock; mattresses; animal waste. Laura – We moved here in 2011. Shortly after, the owner of 245 Tremont Street put the house

up for sale. There is beautiful history to this property. The house that was sold was purchased in, I believe, August of 2014. We began seeing a slow, steady decline of the property. It's accelerated now. They have a herd of alpaca's; they advertise as a farm. Why were we never sent a letter from the owner regarding this? Now, in 2017, we made our first contact with Mr. Forgue. They are stock piling garbage, what is happening with the animal waste? We were under the impression that since 2017, the Health Agent would keep an eye on the situation. We called Kevin last Wednesday – It is so much worse! Kevin came out on Wednesday; it's even worse today! Dogs, cats, geese, chickens, roosters! Last summer bags of waste were put out front. Now we aren't seeing bags, where is it going? Someone gave them the authority to bring in chickens, since 2017? We are on a well; we are concerned with all of the open garbage and animal waste. If you drive around our area, you will not see piles of garbage anywhere else! People have stopped randomly to express concern over conditions.

Mr. Forgue – In 2017 I received the original complaint. At the time the owner was cited for a couple of violations (trash not in proper receptacles, etc.) At that time there was stuff scattered (unregistered truck, trailer). Also at the time there were 2 or 3 alpacas. Now there are babies and everything; I counted 10. What it looks like now is a lot worse.

Laura – When Barrett owned the property, it was a beautiful historic property. The new owners have destroyed the property. I think they are in the realm of hoarding. Another thing that is really disturbing, they have a baby and I believe she is expecting again. There is windshield washing fluid in the middle of the driveway; I am concerned with the young children. Laura presented pictures to the Board. Also presented was an article about rats and garbage.

Mr. Forgue – I wanted you to present this to the Board. I would like to work, again, on getting this property cleaned up. The previous issue with exposed garbage; within two weeks it went away. It's clear to me that this is still an issue and needs to be addressed.

Laura – Those poor chickens! I never see any cleaning. My concern now is the inside of the house (cat, 2 dogs). They have a little terrier doesn't appear to be licensed. This is not a farm that is set up properly. They have an old horse trailer that is covered in mold and mildew – he gets a U-Haul van when transporting the alpacas.

Mr. Forgue – I would like to go over in the next day or so and do an assessment; determine if there are violations present. Hopefully I can speak to someone there; if not I will have to do a registered letter. Due to the history (prior issues) I can address right away.

Tom – Would the state be helpful in any way? Mr. Forgue – possibly. In Carver, if they have chickens, there should be something showing they applied/received a permit. Mr. Lawrence – Cruelty to animals is a potential issue. Mr. Borden – You should bring the Animal Control officer with you. Mr. Forgue – I will try.

Tom – You have my contact number; let me know if you need me.

Mr. Borden – We need to consider how the *Right to Farm* affect this? If there are any violations, they need to have a time frame to resolve.

Other Business:

Minutes – January 16, 2018:

*Motion to approve minutes of January 16, 2018, as written: Mr. Lawrence*

*Second: Mr. Borden*

*Approved: Unanimous (2-0)*

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Correspondence:

None

Next meeting date:

Our next meeting will be Tuesday, March 6, 2018 at 5:00 P.M.☐

Adjournment –

*Motion to adjourn at 6:31 PM: Mr. Lawrence*

*Second: Mr. Borden*

*Approved: ☐ Unanimous (2-0)*