

Board Meeting.....December 6, 2016.....12:00 Noon

Board Members Present: Dr. Thaddeus A. Figlock, Chairman
 Dr. Joseph F. Nates, Board Member
 Dr. Bruce E. Bodner, Board Member

Staff Present: Heather L. Gallant, Adam Vickstrom, Kevin Duquette, Daniel Syriala, Daniel Ross,
 Jessica Ferreira, Eileen Boudreau, Lillian Tetreault, and Kendra Motta.
 Kathleen Driscoll, absent

Motion: By Dr. Nates for approval of the minutes from the November Monthly Board Meeting.
Seconded: By Dr. Bodner

The Board had a request from the DPW Commissioner (to move out of order on the Agenda) and to be heard earlier under:

Old Business:

c. Updates on vertical expansion of Landfill by Odor Study Committee

Present: Mr. Fred Cornaglia, DPW Commissioner
 Mr. Jack Hamm, DPW
 Mr. Bill Potochniak, from Tighe and Bond
 Dr. Wayne Bates, from Tighe and Bond

Mr. Hamm submitted to the Board for their review the Draft Report for the Sludge Odor Evaluation. The representatives from Tighe and Bond will give a presentation of this draft report and give the Board Members a few weeks to review this report and to convey any questions to them and they will incorporate them into the final report, which they will bring into the January Monthly Meeting. This odor report addresses one of the four issues in the Board's decision and the other three are related to how they process and handle the sludge. They have implemented a number of items. At next month's meeting, they will lay out exactly everything they have done about the process of handling of the sludge. At that point, they will ask the Board to consider on revoting their restriction prohibiting the sludge from being inserted into the Landfill.

Mr. Bill Potochniak gave a presentation:

1. They looked at the existing transfer route that the trucks take from the treatment plant to the Landfill.
2. How they handle the sludge at the Waste Water Treatment Plant, what happens to it after it is dewatered, where it is stored, and how it is stored before they take it to the Landfill
3. They got quite a few odor complaints from the Board of Health so they looked at the last three years and looked for trends on that data.
4. They went to the Landfill itself and looked at how they dispose of the sludge at the Landfill, what happens when the truck arrives, where it is sent and how long the process takes and what exactly they are doing.
5. They also looked at some alternative shipping routes to see if there is some way to avoid some of the higher populated areas
6. They also looked at some odor mitigation alternatives

The Tuesday after the holiday they knew they would have some containers stored at the Waste Water Treatment Plant so unannounced they went along the route and followed some of the trucks from the Waste Water Treatment Plant to the Landfill, to make sure they were following the pre-approved route, look if there were any stops made, see if they could identify any odors along the route. They did see some noticeable odors when they were behind the truck. The odors were more prevalent when the truck was emptied and on the way back from the Landfill. That day was a rainy day and that can impact odors on the sludge condition.

They went to the Waste Water Treatment Plant on that same day to see how they are handling the sludge. The sludge was dewatered inside the building and it looked dry and the odor was not overly powerful. Once the sludge is dewatered in roll off containers and is taken outside and stored and is not covered, that could bring some impact on wet weather conditions. The majority of the odor complaints are within a mile and half radius of the Landfill. There was also a direct correlation between wind directions.

They went to the top of the Landfill with Waste Management. The trucks are on-site and are taken immediately to the top. They have trash stockpiled waiting. They dumped the sludge and then immediately covered it and there was no noticeable odor on that day they were there. There are a variety of cover options to keep the sludge dry.

The sludge age and the condition has the most impact on what they noticed for odors.

They were using a liner that was much smaller that couldn't be pulled over the top of the sludge. Getting the sludge up there and getting it covered with trash and mixed immediately is very big to eliminate odors in and around the Landfill.

There are some recommendations that they think could be implemented immediately at a very low cost to the City.

1. Use an alternative truck route
2. Cover the roll off containers – either using a different liner or purchasing hard covers
3. Evaluate the sludge delivery schedule – focusing on what would be the best time of day to transport so the impact to the residents is minimal

The City has implemented larger liners which can be pulled over the top and secured and in the effort to keep it dry.

If the liners do not provide adequate odor control, they looked at hard covers as another option which is a little more costly. They can be opened and closed by one person. They have a dome top to keep water from settling on it.

Another option is a hard cover tarp; it is a roll up tarp that one person again could do that on their own. There is a lot more detail and information in the report for the Board to review.

Mr. Jack Hamm reported they require that all the trucks stay on the route. All the trucks on the truck routes have a GPS. They bought larger liners so now the sludge can be covered. They are still concerned about water getting in when they are stored outside. They are looking at a more rigid type cover in addition to the liners.

They are doing unannounced inspections at the treatment plant.

Next month they will lay everything out and everything should be implemented by then.

Sanitary Inspectors Monthly Report

The Sanitary Inspectors submitted their monthly reports for the Board's review.

Daniel Syriala reported he will be starting the Septic Hauler Truck inspections this Thursday. He has been doing a lot of septic inspections. Mr. Syriala also reported he has been preparing and studying for the Registered Sanitarian Exam coming up.

Daniel Ross reported he just finished up with a long ongoing case in Housing Court since May. Everything has been going well.

Jessica Ferreira reported she has been receiving in the renewals and doing the permitting for Tobacco and Food.

There were a couple of complaints from Big Wong Restaurant. After investigating, the Salmonella case was not from there.

She has been inspecting food vendors for a couple of temporary events; The Lighting of the Green. She is working on a FOG (fats, oil, and grease) regarding Kinfolks on Dean Street in containing this in a proper manner. She is waiting for the owner to write up what he is doing with it currently.

She opened up a few new establishments:

Tex Barry's on Main Street has a new owner.

Matthew Mission out of First Parish Church inquired on cooking breakfast. They settled on Continental Breakfast only as the church is not set up properly to do regular breakfast.

Eileen Boudreau reported there have been a few hot water issues upon her inspections. At the re-inspections, they are always fixed. Finding the water just isn't hot enough.

Lillian Tetreault, Part-time Public Health Nurse reported there is only one dose left on the Flu Vaccine. It went very well. She is working on the paperwork for reimbursement and has submitted it. The active Tuberculosis case has been closed; he has completed his treatment.

Kathleen Driscoll, Public Health Nurse submitted her monthly report for review.

Adam Vickstrom, Assistant Executive Director submitted his monthly report for review. Mr. Vickstrom reported he is going to be mailing out the renewal applications for the Septic Installers Permits and will be working on renewing those for 2017. There were a couple of inspections this month for HAZMAT due to a change in ownership. Advise them on how to properly store their items.

Assisting inspectors with any issues they have.

Attended various meetings

Heather L. Gallant, Executive Director submitted her monthly report for review.

Ms. Gallant reported everything has been going well.

Attended various meetings

Attended/participated in the graded exercise drill at TEMA

Old Business:

Western Bristol County & Foxborough Tobacco & Alcohol Prevention – Update

Ms. Marilyn Edge, present:

Ms. Edge reported all the inspections continue to go well; no issues.

Ms. Edge will be out with surgery for a minimal of six weeks and in her absence any questions or concerns Ms. Gallant and Ms. Ferreira will be dealing with Sara Leroux, her inspector, who has been working with Ms. Edge for a few years.

Medical Marijuana Update:

Ms. Gallant reported with the past election, recreational marijuana was legalized; we will be getting more information coming about that. Ms. Gallant will update the Board and keep them posted as they implement the rules and regulations for the shops as well as the home use and home growing. She will forward any information as soon as it comes out.

Dr. Figlock questioned if we have a dispensary for medical marijuana in the City or is that on a physician's prescription? Ms. Gallant reported they were looking into doing a dispensary but one has not been built or completed yet. The City side was waiting on the election as to how they were going to go forward with the medical regulations.

Appointment of Executive Director

Dr. Figlock reported at the last monthly Board Meeting they had conversations with the Assistant City Solicitor and they did not determine whether the appointment establishes a contract or not.

Atty. Jason Buffington, City Solicitor, present:

Dr. Figlock would like clarification that could be pertinent to their business at hand.

His question is does the appointment of the Executive Director constitute a contract? Atty. Buffington stated he didn't believe it would. Dr. Figlock questioned if the Director serves at will as an employee?

Atty. Buffington stated if the Board has a specific question that it would like him to answer regarding that, he would be happy to receive those questions and do the pertinent research and provide them with an answer. Atty. Buffington reported that the law is clear under Chapter 111 Section 27 that the Board of Health has the authority to appoint its agents and employees. Under that Statute, the Board could appoint an Executive Director for any term that it would deem appropriate. The Board is empowered to promulgate regulations that would govern the administration of its affairs and the administration of its personnel. He suggests that the Board at some point in time to look into doing that. He doesn't think that in fact the Board has not done that yet thus far would in any way impact the Board's ability to today appoint an Executive Director to whatever term it deems appropriate.

Dr. Figlock reported that there has in the past been a lack of communication with the Board and with the Department of Public Health and they have been doing a very good job. He would consider that there is a lot of work to be done as far as communication between the Board and the people who do the work.

Motion: By Dr. Figlock that they make an appointment for one years' time in which they can establish mission and vision statements and clarify the relationship between the Board, the department, its members and the City of Taunton Management Agency to which the department is a member and the Board itself is not a signatory.

Motion: To continue the work of the Executive Director but establishes a more effective line of communication.

Dr. Nates stated he has received a personal letter charging one of our employees with integrity and failure to do the job to its faith. He feels this should be kept in office business only. With such a dilemma unanswered he has abstained from voting for this position until this matter is clarified and

brought to light. He kept this quiet until the present time. There are many charges of failure to communicate with the Board, failure to notify the Board, and other charges this office has answered letters that were directed to the Board that the Board never answered but were answered indirectly.

The City Solicitor stated as a matter of fundamental fairness if a member of the Board were to receive information about an employee that the Board Member in any way deemed possibly credible, that the appropriate thing to do would be to notify the employee give the opportunity to the employee, notice to investigate, opportunity to respond as a matter of fairness.

Atty. Buffington reported he has worked frequently with the staff particularly the Sanitary Inspectors, Mr. Vickstrom and Ms. Gallant and he has always been very impressed with their professionalism and he thinks they do a great job and he wants on a personal level to let the Board know this.

Dr. Nates questioned if it would be inappropriate to meet with this party behind closed doors and kept the dirty wash within their own closet or is he obligated to bring this out in an open meeting?

The City Solicitor stated he thinks he is prevented from bringing this out in an open meeting without giving someone the open meeting law which this Board is obligated to follow and it carries substantial penalties for failure to follow it. The Open Meeting Law requires charges or complaints are going to be discussed in an Open Meeting, that the person who is subject to those complaints be given 48 hours notice in writing along with an explanation of their rights. It is something he would help the Board do to provide that notice. He assists other Boards in matters like that. Any member of the Board can contact him and he would discuss what steps should be taken. It is up to the Board to decide if they want to have a meeting to discuss that. If more than one member of the Board decides to participate in that discussion, than the Open Meeting Law would require that to be done at a meeting that is publicly noticed in advance. The individual involved has the right to insist that the discussion takes place in Executive Session. That person also has the right to have that meeting in open session if that person decides that's the case.

There is nothing to prevent one member of the Board meeting with the staff member to discuss that. It does not involve the Open Meeting Law because it does not involve a discussion of Board business among a quorum of a Board.

The Attorney General's Office is quite frequently writing decisions finding Board Members in violation of the Open Meeting Law because there have been discussions orally, in person, via email between two members. Anytime two members of a Board are together and they are discussing business of the Board, that is a problem. One member of the Board meeting with an employee is fine if more than one member of the Board wants to meet with the employee, they need to set it up correctly and it will probably result in Executive Session, which will be behind closed doors but that is up to the employee involved.

Motion: By Dr. Bodner to reappoint Heather Gallant as the Executive Director for a year. Dr. Nates stated he will not vote for her until this is clarified. Dr. Figlock seconded the motion.

Dr. Bodner questioned if he could or could not read the letter?

The City Solicitor responded that the Open Meeting Law primarily concerns the deliberation among a quorum of Board Members. A deliberation is essentially, any communication amongst Board Members. When a Board Member provides another Board Member with a document, he should refrain from in any way expressing his opinion about it in any place other than a publicly notice meeting.

New Business:

Appointment of the New Chairman for 2017

Motion: By Figlock for appointment of Dr. Nates for Chairman of the Board of Health for the year 2017. **Seconded:** By Dr. Bodner. Dr. Nates accepted the appointment.

The Financial Statement is enclosed for the Board's review.

Dr. Nates stated he would like to make a statement.

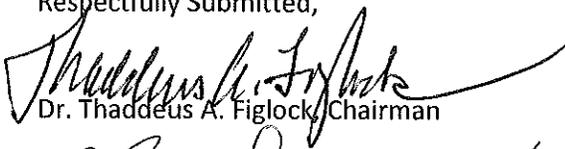
He has the greatest respect for the inspectors and our employees. He has always tried to see that they get benefits that will do them plus. He stated he has championed sick leave, he has championed vacation time with pay, he has championed retirement, he has championed maternity leave with pay and when conditions allowed and our employees were unable to meet the requirements of employment because of physical capabilities, he has gone out of the way to get additional help for them. We are a Board of three members with a State Charter, not a City Charter. We have the authority to hire our employees, to fire them, to make rules and regulations and in return our duty is one primarily to offer the City of Taunton the treatment of health. He hopes that while he has served here that has been his main purpose and intent. We do not generate enough money to be an enterprise system and to be self-supporting but in return for our services to the City, the City makes up the difference between what we generate and what our cost of operating is. We do not have any contract and we have never signed a contract with any union. To belong to a union is not a requirement of the Board of Health. I have respect for unions. I don't disrespect them. They play an important part in our country. But I want you to know from where we are coming from as a Board.

Schedule Next Monthly Board Meeting:

The next monthly Board Meeting is scheduled for Tuesday, January 3, 2017 at 12:00 noon.

Motion: By Dr. Nates for adjournment of the meeting.

Respectfully Submitted,


Dr. Thaddeus A. Figlock, Chairman


Dr. Joseph F. Nates, Board Member


Dr. Bruce E. Bodner, Board Member