

**Board of Health
Public Hearing Minutes
December 8, 2010**

Present: Board of Health Chairman William E. Garvey, Board members Terrence Flynn and Robert Poillucci. Also present were Health Agent Lawrence Perry, Board of Health Supervisor Nancy M. Teser, Board of Health Clerk Jo Lima, and Christine Weston, Recording Secretary.

Chairman Garvey stated that the hearing was being recorded and would be televised at a later date by Comcast.

At 6:00 p.m. Health Chairman Garvey called to order the Public Hearing. Upon motion made by Member Poillucci and seconded by Member Flynn, the Board

VOTED: To open the Public Hearing. Unanimous vote.

Chairman Garvey read the following: "In accordance with Chapter III, Section 31 of the Mass. General Laws and other powers thereto enabling, the Lakeville Board of Health will hold a Public Hearing for discussion on restructuring the dumpster permitting process beginning January 1, 2011." "The Hauler will now be responsible for collecting the dumpster fee and will be required to submit a check directly to the Board of Health bi-annually, along with a list of customers serviced in the Town." "The public hearing will be held on Wednesday, December 8, 2010 at 6:00 p.m. at the Lakeville Board of Health Office located at 346 Bedford Street, Lakeville, MA 02347." Chairman Garvey stated that this notice was advertised in the Thursday, November 18, 2010 edition of the Middleboro Gazette.

Several licensed Residential and Commercial Trash Haulers were present at this hearing.

Health Chairman Garvey said they were trying to eliminate a lot of work for this office by putting the burden on the trash disposal companies. Garvey told the haulers no definite decision would be made this evening; the hearing was only for discussion and input from the haulers, but a change would be implemented on July 1, 2011. The town works on a fiscal year (July 1 through June 30). The Board of Health currently charges \$20.00 for a permanent dumpster permit and \$10.00 for a temporary dumpster permit each year. Chairman Garvey stated right now the applicant comes to the Town Office Building to apply for a permit, but the Board of Health could give the trash disposal companies the application and they could mail it out with their bills. The Board of Health would allow the licensed trash disposal companies to charge up to \$25, so they could receive something for this service, they would only have to send the Town the \$20 fee. Board Member Poillucci said he was looking at this situation a little differently. According to Poillucci, right now there were a lot of illegal dumpsters in Town because of lack of a permit; the trash disposal companies drop the dumpsters leave it up to the homeowner and others to pull the permits. Poillucci said the trash disposal companies send in a customer list to the Board of Health Office twice a year, so the Board could know who has a dumpster permit or who doesn't have one. Poillucci suggested a blanket permit for the first round of dumpsters and then in another six months another permit with a list, it would be based on the honor system. Poillucci noted, on the flip side right now, the trash disposal companies are making the profits and doing the hauling, but a lot of these people don't have the proper permits and they were still servicing them. Poillucci said they have the authority to tell the haulers to remove the dumpsters that are not permitted.

John Porter of Allied Waste Services of Mass LLC (Republic Services) said they were going off the list right now for the Town. Chairman Garvey said they were only talking about permanent dumpsters now. Member Poillucci said they were only trying to get some input from the trash haulers at this time.

A representative from ABC Disposal Services, Inc. said Lakeville had the second highest rate in the area for their licenses; Plymouth's was \$800.00 and Lakeville's was \$600.00, and now they would need to pay \$20.00 to service containers in Town. Member Poillucci said that the haulers would not be responsible for the fee. The Board was only asking them to add the permit fee to their customers invoice. Right now, Chairman Garvey stated that currently their customers were currently paying the Town the permit fee, but their customers would be paying them a \$25 fee directly, and they would then submit a check for the total fees collected to the Town and keep \$5.00 for their services. Don Griffith from ABC Disposal Services, Inc. asked if permits would be prorated. Board Member Poillucci told them that the customer would be paying the full fee. Chairman Garvey stated that if you pay a permit fee for anything, you don't get it back. Mr. Griffith also asked if the town could lower the haulers fees. Chairman Garvey explained that this was a different issue and didn't pertain to the change in the dumpster permitting process which was being discussed at this meeting.

Frade said he didn't have any issue with providing the Board with their customer list of the people that have dumpsters, but the issue of the illegal dumpsters was because of some people not paying for their dumpster permit. Frade believed they really didn't have any authority or enforcement with collecting that fee. According to Frade, if they pay the Town's \$20.00 dumpster fee and the people don't pay them, their only recourse would be small claims court and that's difficult and costly. Chairman Garvey stated if their customer didn't pay them the fee, then the hauler wasn't responsible for it. Frade said the Town would have more enforcement because they could put a lien on the property or in their taxes. Chairman Garvey said they could not put it in their taxes. Member Poillucci wanted to know if people were told they needed a dumpster permit before the dumpsters were dropped. Frade said notices are sent out every year telling the people they need to come to the Board of Health Office to pay for their permit. Frade said they also send out notices reminding their customers when a permit was coming due. According to Frade, when the Board of Health Office called them to let them know that someone was in arrears, they would send out notices telling their customers to come in pay it. Frade said the only problem they have was that they have no recourse if they don't pay it. Frade said they were running very tight with the economy, so if the Town wasn't getting paid, they certainly weren't getting paid either. Garvey remarked if the disposal companies weren't getting paid then they should pull the dumpsters. Richard Frade said his only fear at this time was that they (trash haulers) all have licenses to haul in Town, and the Town has the recourse not renew their permits. He said he had no problem with doing the billing; it was just another thing to do. Poillucci told Frade the trash disposal companies could bill their customers, and if they didn't pay for the permit and their services, then they should pull the dumpster. Poillucci stated that everyone was hurting; the Board of Health before had four (4) full time employees and now they only had two (2) full time employees and one (1) part time employee spending more time chasing the permits. Poillucci believed this could rectify the problem whereas the haulers send out monthly bills, and they send the Board of Health a list of customers anyway. Poillucci noted, then in six months, the haulers could send in an updated list along with a check, to the Board of Health.

Another gentleman from Frade's Disposal, Inc. asked the question; why would the Board think they (Frade's) would get paid if the resident didn't pay the Town for the permit. Garvey told the representative they would have the right to remove the dumpster for non-payment; they would have more teeth than the Town has because they own the dumpster. Richard Frade said the people in this room tonight are complying with the permits, but what about the illegal ones. Frade said he didn't have a problem with the new method as long as everyone was playing on an even field, and if someone will be doing the enforcement when there is an illegal dumpster. He asked what would happen if a new hauler came in and said they would take less for the dumpster fee. Poillucci said it sounded like the companies were aware of illegal haulers in Town and if that was the case, then the Town should know about it. Again, Board members noted they have a lot of dumpster permits overdue for payment. Frade said the only way they would know if someone was delinquent was if they received a call from the Board of Health. Chairman Garvey said they had a list of about 50 dumpsters that have not been paid for.

John Porter of Allied Waste Services of Mass LLC stated they would be more than happy to speak with the customer and take away the dumpster, if they knew who hadn't paid the fee. Porter wanted to know what kind of communication the Town had with their customers. Board of Health Clerk Lima said numerous letters have been sent out to the residents and to the trash haulers about the overdue dumpster permit fees. Board Member Poillucci said they could provide the disposal trash companies with a standard letter stating they have to have a dumpster permit. Poillucci said everyone (homeowners and contractors) else was responsible for pulling different permits in Town except for this group, and at the end of the day the company was making the money. Poillucci said the Board didn't have anyone, the time or the resources to follow up on this like they did before. A representative from ABC Disposal Services, Inc. said it would cost him more to take the dumpster out than pay the \$20.00 fee himself; it's just another thing they have to do.

Chairman Garvey said it shouldn't come out of the hauler's pockets; if they didn't get paid they should tell the customer they have to pull the dumpster. Garvey said numerous letters have been sent out to the residents and trash haulers requesting the dumpsters be removed because of non-payment of the permit fee, but the dumpsters haven't been removed because haulers want to be paid for their service. Board Member Poillucci said he wouldn't expect haulers to submit payment each time someone pays the \$20 permit fee, the haulers could pay it every six months. Chairman Garvey suggested the companies send out notices and applications two months ahead of time to their customers. He told the haulers they wouldn't be paying the Town until July 1st. Garvey said it would be the same application, but the haulers would be sending it out with their invoices. Richard Frade said he didn't have any problem with that as long as there was some consideration. Frade said he didn't want to be held hostage in Town from hauling if someone didn't pay their fee. Poillucci said if the companies send in a list January 1, then that would cover them for six months. Frade noted then the dumpster permit is yearly. Chairman Garvey replied in the affirmative, July 1st through June 30th. Frade asked what about the ones which are in arrears right now. Garvey said they would be history; will be grand-fathered. Member Poillucci again stated if anyone sees dumpsters out there that are illegal, the Board would like to know who the trash hauler companies are and where dumpsters are located. Debra Cavicchi of Lakeville Disposal Services, Inc. asked for a yearly list of the licensed hauler in the Town of Lakeville. Chairman Garvey said he would be glad to supply that list to all the licensed haulers. Chairman Garvey thanked the trash haulers for attending the hearing and their input, and said they would be notified of any changes before July 1st. Chairman Garvey said he would entertain a motion to close the hearing.

Upon motion made by Member Flynn and seconded by Member Poillucci, the Board

VOTED: To close the hearing at 6:26 pm. Unanimous vote.