



TEAMSTERS LOCAL 25

# GRIEVANCE REPORT

THE TOWN MANAGER RECEIVED



10715

2008 SEP 18 P 2:50

TOWN OF WATERTOWN  
MASSACHUSETTS

Company TOWN OF WATER TOWN Phone Number 617-972-6421  
 Company Address and Location 124 ORCHARD ST. WATER TOWN MA  
 Employee FRANCIS BARRETT Home Phone 978-568-4954 S. No. 8622  
 Department or Classification MEO HIGHWAY Shift 7-330  
 Steward's Name FRANCIS BARRETT Date of Complaint 9/18/08

Date Grievance Discussed With Management By Steward \_\_\_\_\_

Nature of Grievance CREATING OF A HAZZARDOUS WORK PLACE  
POTENTIAL RISING POISONING OF ALL EMPLOYEES  
NOT POSTING NOTICE NOR BARRACADING POISONING  
OF PIGEONS IN SALT SHED  
ALL EMPLOYEES AT RISK

Settlement Desired POST AND REMOVE HAZZARD FROM WORK PLACE

Date \_\_\_\_\_ Signature of Employee \_\_\_\_\_

Date 9/18/08 Signature of Steward Francis Barrett

Disposition of Grievance \_\_\_\_\_





TOWN OF WATERTOWN  
*Office of the Town Manager*

Administration Building  
149 Main Street  
Watertown, MA 02472  
Phone: 617-972-6465  
Fax: 617-972-6404  
www.watertown-ma.gov  
townmgr@watertown-ma.gov

Michael J. Driscoll  
Town Manager

To: Honorable Town Council  
From: Michael J. Driscoll, Town Manager  
Date: September 19, 2008  
RE: Pigeons Treatments at the DPW Yard

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Enclosed please find correspondences from Gerald S. Mee Jr., Superintendent of Public Works and Steven J. Ward, Director of Public Health regarding the subject.

Additionally, please be advised the Director of Public Health spoke to a Channel 5 reporter this afternoon as a follow-up to the attached email. Mr. Ward informed the reporter of his observations outlined in his attached correspondence.

cc: Gerald S. Mee Jr., Superintendent of Public Works  
Steven J. Ward, Director of Public Health



# TOWN OF WATERTOWN

DEPARTMENT OF PUBLIC WORKS


124 ORCHARD STREET

WATERTOWN, MASSACHUSETTS 02472

Tel: 617-972-6420

Fax: 617-972-6402

TO: Michael J. Driscoll  
Town Manager

FROM: Gerald S. Mee, Jr.  
Superintendent of Public Works 

DATE: 17 September 2008

RE: Pigeons Treatments at the DPW Yard

As you are aware, Local 25 has filed informal grievances related to pigeon droppings at the DPW Central Motors bay and the DPW salt shed. The grievances allege that the pigeon droppings pose a health hazard to all the employees.

We have and have had for a long time a serious issue with pigeons nesting inside the building bays. The very high ceilings, large number of nesting locations and safe hiding place from hawks in the area of the DPW and Whitney Hill attract the pigeons. The pigeons seem to be fearless and will fly right under a half open garage door and nest on pipes attached to the ceilings of the garages. We are constantly chasing the pigeons out of the bays. At one point, the pigeons nested above the wall phone and pigeon droppings were landing on the phone and all over the area. The major portion of the pigeon nesting existed in the salt shed itself.

The problem with droppings was so severe that we ended up contacting the Health Dept. Gerry Cody, then Chief Sanitarian, worked with us to develop a plan to clean up the area first and then install screening and pigeon spikes on the entire area inside the salt shed. To do this we used a professional contractor, PSC Environmental Services. The clean up was thorough, extensive and lasted for months. On completion the work was inspected by Mr. Cody of the Health Department. The same contractor, PSC Environmental Services, then installed screening, netting and pigeon spikes throughout the entire interior of the salt shed where there was any potential for pigeons to nest. The total cost for both these processes was in the vicinity of \$ 49,000.

Upon completion, the pigeons started increasing their entrance into the remaining DPW bays, continuing the problem. I again spoke with Gerry Cody and he suggested we utilize the services of a pest control company to deal with this issue. We contacted Waltham Services, Inc., who we use for other services. Waltham Services told us they would need to bate certain areas to control the pigeons. After a short period of bating, the pigeons would leave (yes, at the cost of some pigeons). Waltham Services stated they would use a formal process governed by state regulations for pest control.

In the meantime, the Union again expressed to me their serious concern that the pigeon droppings in a number of areas were harmful to the staff. I informed the Union that we were working with Waltham Services and awaiting the start of their professional

recommendation of how to deal with the pigeons. The Union accepted this as a work in progress, saw a continued effort to address the situation and a grievance was averted.

We also investigated installation of a rubber door for the salt shed to keep the pigeons out. Rubber would be the material of choice as the salt will destroy metal or wood. Hundreds of salt sheds state wide do not have doors and we have seen from the bays in the yard that the pigeons will fly under a door that is half open to gain entry into a bay. We received a verbal quote of \$ 84,000 for a door to the salt shed. It is a costly option when evidence to date is that it can be circumvented.

We then investigated the cost to hang sheeting. Sheeting itself poses concerns for trucks and other equipment entering the shed. The length required for the sheeting stands to make the sheeting unwieldy and dangerous.

Nonetheless, a solution for the salt shed does not address the issue created when the pigeons migrated to the bays.

We have recently spent approximately \$ 900 on an ultra sonic device as a test to keep pigeons away. At best, these work in small areas and would be needed in every single bay if successful. We tried a similar device in the past, which did not work, but thought under the circumstances we could leave no stone unturned. If this device is successful, we would like to use it on a more widespread basis.

Today I again spoke to Waltham Services. The representative confirmed that they did in fact perform all the necessary known filings and received a permit for pest control from the Division of Fisheries and Wildlife, a copy of which is attached. I have attached a copy of the MSDA (Material Safety Data Sheet) for Avitrol Wholecorn, the product used. I confirmed with Waltham Services that they are bating the roof of the DPW building and the ledge of the salt shed, a concrete wall approximately 8' high on which the roof rests. **Waltham Services is not treating the ground areas and they are not treating the contents of the salt shed.**

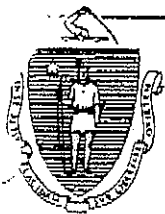
To summarize

- Aggressive treatments are not the option of first choice, however, the action is necessary to protect the health of our employees and staff.
- We initially chose a non aggressive treatment plan and made a very substantial investment (> \$ 49,000) trying to address the situation in a non aggressive manner. The lack of success is driving an increase in the force of the response.
- The Union in my mind would be correct and successful in the grievance process should the Town not aggressively pursue options to minimize risks to the membership, other employees and contractors working in the area.
- We have utilized the services of a regulated professional pest control company.
- Pigeons themselves although part of nature are actually very similar to rodents and require similar measures used for control of rats and mice.

In conclusion, I hope this has shown that these actions were not undertaken lightly, that we have taken many non aggressive steps to try to resolve this matter and that we have invested a substantial amount of funds as well.

We do not look lightly on this situation, but in some cases we are forced to take such actions. Hopefully this demonstrates that we have taken an appropriate course of action.

Please let me know if I can be of further assistance.



# Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

## PEST CONTROL PERMIT

March 16 to November 14

**VALID  
2008**

WALTHAM SERVICES, INC.  
PETER GORMAN  
817 MOODY STREET  
WALTHAM, MA 02453

DATE: 7/29/2008  
PERMIT#: 234.08PCMN

Is (are) hereby authorized, in accordance with the provisions of Section 43, Chapter 131 of the Massachusetts General Laws and in accordance with rules and regulations promulgated thereunder at 321 Code of Massachusetts Regulations, Part 2.10, to expose poison as specified below for the control of nonprotected birds and mammals between the dates of March 16 and November 14 of the year of issue.

The following material(s) only shall be used under this permit:

**AVITROL**

*This permit is valid only for application of the above material(s) at the following location between the dates of March 16 and November 14:*

**TOWN OF WATERTOWN, 120 ORCHARD STREET, WATERTOWN**

The following company operators are qualified to operate under this permit:

**ROBERT RHODES 01240, PETER GORMAN 17745**

Permittees operating under authority of this permit shall carry a copy thereof on his person at all times and shall display said copy if challenged by an agent of the Director.

This permit, unless sooner revoked for cause, shall expire on November 15 of the year of issue.

Wayne F. MacCallum, Director

Division of Fisheries & Wildlife

251 Causeway Street, Suite 400, Boston, MA 02114-2104

Phone: (617) 626-1590 Fax: (617) 626-1517 Web: [www.masswildlife.org](http://www.masswildlife.org)

An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

**PRECAUTIONARY STATEMENTS**

**HAZARDS TO HUMANS & DOMESTIC ANIMALS**  
**CAUTION:** Harmful if swallowed. May cause irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

**ENVIRONMENTAL HAZARDS**

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

This pesticide is toxic to birds and fish. Wildlife feeding on treated bait may be killed. Do not contaminate water by cleaning equipment or disposal of waste. Do not feed to livestock or poultry. Do not mix with grain for livestock or poultry feed.

**DIRECTIONS FOR USE**

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

**USE RESTRICTIONS**

Do not apply to food or feed crops. Do not use where stored food or feed (such as grain or meat) might become contaminated.

Avitrol must not be exposed in any manner that may endanger desirable and protected bird species. If there is a question of such hazard, consult local, state and federal game authorities before undertaking bird management with Avitrol.

Investigate local laws that may prohibit the use of any toxic chemical in bird control.

Applicators shall wear gloves and use a scoop when mixing, applying and broadcasting this product.

**STORAGE & DISPOSAL**

Do not contaminate water, food or feed by storage or disposal.

**Storage:** Store only in original container in a cool, dry location inaccessible to children and pets. Store apart from food or animal feed and protect against rodent penetration of the carton. Store apart from other pesticides, fertilizers, food or feed that may cause cross-contamination of odor or insect infestation.

**Pesticide Disposal:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

**Container Disposal:** Fiber Drums with Liners: Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in sanitary landfill or by incineration if allowed by State and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

**RESTRICTED USE PESTICIDE  
DUE TO ACUTE AVIAN TOXICITY**

For sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.



**WHOLE CORN**

Active Ingredient: 4-Aminopyridine	0.5%
Inert Ingredients:	99.5%
Total	100.0%

Avitrol is a poison with flock alarming properties used for the control of Feral Pigeons in, on or in the area of structures, feeding, nesting, loafing and roosting sites, in such a way that a part of a flock may react and frighten the rest away. Birds that react and alarm a flock usually die.

**NOT FOR USE IN NEW YORK STATE WITHOUT NEW YORK STATE TECHNICAL BULLETIN, AVITROL #X FOR AVITROL WHOLE CORN.**

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

**FIRST AID**

Have label with you when obtaining treatment advice.

If Swallowed	<ul style="list-style-type: none"> <li>Call a poison control center, doctor or 1-800-424-9300 immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by the poison control center or doctor.</li> </ul>
In Eye:	<ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center, doctor or 1-800-424-9300 immediately for treatment advice.</li> </ul>

**PREBAITING DIRECTIONS**

This product must not be applied where nontarget birds are feeding. Careful observations of the birds' feeding habits must therefore be made to establish proper feeding locations and to determine that nontarget birds are feeding on the prebait. Prebaiting with untreated grains of the same composition as the Avitrol carrier is usually essential to the effective deterrence of the birds with Avitrol. The exact prebaiting technique employed will vary depending on the birds' location and the surrounding environment. The locale should be studied for a period long enough to ascertain the birds' habits in the area. Proper prebaiting and treatment with diluted Avitrol grain will minimize the chance of bird mortality while producing the optimum conditions for the desired results. Pigeons will feed from roof tops as well as from the ground. Feed acceptance from trays will normally require more time.

**DILUTION DIRECTIONS**

Avitrol treated grain should be thoroughly mixed with untreated grain of the same composition as the Avitrol carrier at the dilution ratios indicated below. For the control of Pigeons with Avitrol, a dilution ratio of one part treated to twenty-nine parts untreated can be used in most situations. However, where other bird food is available, this ratio may need to be adjusted to a one part treated to nineteen or fourteen parts untreated, or even lower. No dilution ratio less than one part treated to nine parts untreated is recommended.

**BAITING DIRECTIONS**

To obtain minimal mortality, the distribution of Avitrol should be limited to scattered spot placements that will provide feeding opportunities only for the necessary number of target birds. After the birds' feeding pattern has been established through prebaiting, replace untreated bait with diluted treated bait only at sites where the target birds are actively feeding. Do not apply treated bait to inactive feeding sites. Where uneaten bait may be a hazard to other birds or animals, it should be picked up at the end of each day. Pick up and dispose of dead birds by burial. This product must not be applied where nontarget bird species are feeding. During the first few days, baiting with Avitrol may require successive applications until control is obtained. Note that retreatment may also be necessary after rainfall.

Manufactured By  
**AVITROL CORPORATION**  
7644 East 46th Street  
Tulsa, Oklahoma 74145-6370  
(918) 622-7763 • (800) 633-5069  
EPA Reg. No. 11649-7  
EPA est. 11649-OK-1

**SPECIMEN LABEL**

**Notice: Buyer and/or user assumes all risks of use and/or handling of these materials contrary to label instructions.**

TOWN OF WATERTOWN  
Board of Health



Steven J. Ward, M.P.H., C.H.O.  
Director of Public Health

Administration Building  
149 Main Street  
Watertown, MA 02472  
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Barbara D. Beck, Ph.D., Chair  
John H. Straus, M.D., Clerk  
Carl N. Brownsberger, M.D., Member

To: Michael J. Driscoll, Town Manager

From: Steven J. Ward, Director of Public Health

Date: September 19, 2008

Re: Pigeon Treatments at the DPW Yard

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As you are aware the Health Department has recently been involved with pigeon exclusion efforts at the DPW yard. The exclusion methods undertaken involve the installation of screens and spikes throughout the interior of the Salt Shed. Prior to the installation of the screening and the spikes a thorough cleaning of the salt shed was undertaken throughout the affected areas of the salt shed.

Unfortunately these methods have not been as successful as anticipated regarding the exclusion of pigeons from the Salt Shed. Accordingly, DPW has retained the services of Waltham Services, Inc. to bate certain areas in an efforts to control pigeon nesting. As a result of the concerns of employees regarding the use of the Avitrol (a poison to control Feral Pigeons) an inspection of the Salt Shed was conducted by the Steven Ward, Director of Public Health, Gerald Mee, DPW Superintendent and Douglas Smith, Operation Manager of Waltham Services, Inc. on Thursday, September 18, 2008 at 4 PM. This inspection revealed the following:

- Approximately 3 pigeons noted roosting in the salt shed on electrical conduit near the ceiling lights
- Corn treated with Avitrol noted on a top of the De-icing Tank (top of the tank is approximately 14 feet high) and treated corn was also placed on the roof of the Central Motors building (the roof is approximately 20 feet high)
- The floor areas near the main door of the salt shed and certain aspect of the walls were noted to have pigeon excrement and feathers. Theses areas need to be cleaned and sanitized

Based on these observations it was determined that there is no exposure of the chemical treated corn to any employee working in or near the Salt Shed or Central Motors building. Given the location of the treated corn there is no concern that the poison will be admixed with the salt in the shed or be found on any street, sidewalk or storm drain in town. In addition, Mr. Douglas Smith stated that the poison was applied by licensed applicator, with appropriate permits and in the correct formulation and that these applications are a common practice when dealing with Feral Pigeons in commercial settings.