



## TOWN OF NORTHBRIDGE BOARD OF HEALTH

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*The Northbridge Board of Health approved these minutes at a meeting held September 27, 2012*

### MEETING MINUTES - August 7, 2012

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This meeting was called to order at 7:00 PM by Mr. Paul McKeon, Chairman. Other members present were Mr. Steve Garabedian and Mr. Chris Cella. Ms. Ann Marie Thompson arrived after the reading and approval of the minutes. Mr. Scott Chase was absent. Jeanne M. Gniadek, Administrator, was also present.

**Minutes:** Motion made by Mr. Cella to accept the minutes of **July 10, 2012**. Motion seconded by Mr. Garabedian; the vote was 3-0 in favor.

**Food Service Standards – Subway Restaurant:** In accordance with the newly adopted inspection policy, establishments receiving 3 or more critical violations on the semi-annual food inspection report will be subject to quarterly inspections and will be charged \$100.00 for each additional inspection deemed necessary. The July 20, 2012 inspection report for Subway at 56 Church Street presented with three (3) critical violations. Present for this meeting to discuss these non-compliance issues was Ms. Dimple Desai, owner.

Mr. Cella questioned who Gail Starzyk is and how long she has been employed at the restaurant. Ms. Desai replied that Gail has been with her since she took over the establishment seven years ago & that she had also worked for the previous owner of Subway.

Mr. Garabedian stated that the structure of a Subway restaurant is such that there should not be many violations at all, never mind 3 critical violations. He could not see ordering this establishment to have quarterly inspections.

One of the violations was a clogged mop sink. Ms. Desai demonstrated that it was the sink plug that was a problem and that it was an easy fix to just lift the plug to allow water to drain. Mr. Cella commented that an employee of 7 years should know that yet the report indicates that this employee stated that this happens frequently and that they have to use a plunger to correct the problem.

Ms. Thompson asked if Mr. Garabedian could conduct a spot check of the establishment to see if there is improvement before the Board proceeds with a Quarterly Inspection Order. Mr. Garabedian agreed to report his findings back to the Board at a subsequent meeting.

**Food Service Standards – Sparkleberry's:** Present for this meeting were Greg and Shelly Trussell, owner of Sparkleberry's at 1790 Quaker Street. Ms. Terry Gilchrist conducted an inspection at this gift shop on July 28, 2012 after noticing that the store was advertising a tea tasting and the sale of pre-packaged food items.

Ms. Gniadek informed the Board that Ms. Gilchrist had conducted an inspection of the establishment and did confirm that they were selling pre-packaged food items. She also noted in her report that lemonade prepared from a packaged product was being served and that she could not determine the water source so she was unsure as to where that food product had been prepared.

Mr. Trussell stated that they are seeking a permit to sell pre-packaged foods. A list of vendors was submitted with their plan review application.

Ms. Thompson asked if they understood that they could not serve lemonade. Mr. Cella questioned whether or not they were still selling food products at the store. Mr. Trussell stated that they were as the food inspection report states that they must not continue to sell any food until the owner contacts the Board and applies for a permit. Since they have applied for their permit, they thought that they could still sell food products. Mr. Garabedian stated that until they have a food permit in hand to display at the establishment, they cannot sell any food products and that all food products must be removed from their shelves immediately and put in storage. Ms. Trussell questioned how long it takes to get a food permit. Ms. Gniadek responded that the Board of Health has up to 30 days to conduct a plan review.

Mr. Garabedian agreed to stop into the establishment to determine if it was acceptable for the sale of pre-packaged foods. Meanwhile, Ms. Gilchrist will conduct her plan review and upon approval a Limited Retail Food permit will be issued.

The Trussells were advised to produce a contract for their waste disposal and hand-wash sink. The Trussells explained that the water for the hand-wash sink is purchased from a BJ's type store, like a Poland Springs type water bottle, and that these bottles are easily changed under the sink. An updated workers compensation insurance certificate listing their Northbridge location was also requested as the one supplied only listed their Upton location.

Ms. Trussell asked the Board to tell her what she needed to do to be able to offer drinks as a courtesy to her customers. She stated that she wanted the Board to tell her what to do and not just say that she can't. Mr. McKeon stated that to prepare food she would need a separate permit from the sale of pre-packaged foods. Mr. Garabedian stated that they would need to install plumbing fixtures to handle the cleaning of their containers and utensils. At a minimum they would need a 2-bay sink with proper sanitizer and a hand-wash sink. Ms. Trussell stated that they currently have a refrigerator and the means for boiling water and asked if when Mr. Garabedian visits the establishment if he'd be able to tell them whether or not they could offer the lemonade-type products.

Mr. Trussell questioned whether they could make the product at home. Mr. Garabedian stated that they could absolutely not make the food products at home.

**Title 5: 807 Sutton Street – Bedroom Count Deed Restriction:** Present for this meeting was contractor Jeff Lutton who is seeking a Title 5 bedroom count deed restriction on behalf of the owner of 807 Sutton Street to limit the dwelling to 3 bedrooms allowing the addition of a sitting room and a finished room in the basement. The addition of these 2 rooms brings the total room count of this property to 10 rooms which would require a 5 bedroom septic system. The owner has signed and had notarized a deed restriction form, which upon approval of the Board of Health, can be recorded at the Worcester Registry of Deeds.

Mr. Cella questioned what happens if a realtor lists the house as having more bedrooms. Mr. Lutton replied that the realtor should be checking the deed for any restrictions but agrees that this probably does not always happen.

**Motion made by Mr. Cella to accept a 3-bedroom deed restriction for property located at 807 Sutton Street in Northbridge. Motion seconded by Ms. Thompson; the vote was all in favor.**

**Quaker Street Landfill – Semi-Annual Monitoring Report:** The Board reviewed the semi-annual landfill monitoring report for the Quaker Street landfill.

**Quaker Street Landfill – Monitoring Contract Proposal for FY 2013:** The Board reviewed the contract proposal for semi-annual monitoring of the Quaker Street landfill from Sovereign Consulting. The proposal price reflects the same contract price from FY 2012. The proposal will be forwarded to the Town Manager for signatory approval.

**JOEL Rubbish:** Three being no one present for this meeting to represent JOEL Rubbish and the recently issued Cease & Desist Order a **motion was made by Mr. Cella to proceed with the filing of a criminal complaint if JOEL Rubbish does not adhere to the conditions of the Cease & Desist Order. Motion seconded by Ms. Thompson; the vote was all in favor.**

**Sharps Disposal:** Ms. Gniadek informed the Board that she had heard back from Wal-Mart and that they have indicated that they would carry the mail-back sharps containers as a special order item. We can refer callers inquiring about sharps disposal to their pharmacy. She stated that she has not yet made contact with CVS.

The Board also reviewed notice from the Department of Public Health notifying the Board that they are working to offer medical waste disposal services through the Massachusetts Operational Services Division's statewide contract system. This would allow municipalities to contract with these providers for sharps disposal for events such as household hazardous waste collection days.

**Emergency Preparedness – Designation of Public Information Officer (PIO):** In an effort to update emergency preparedness plans and forms, the Board has been asked to update their Public Information Officer Designation Form. Town Manager Ted Kozak had previously been designated as the public health PIO.

**Motion made by Mr. Cella to designate the Town Manager as the PIO. Motion seconded by Mr. Garabedian; the vote was all in favor.**

**Walmart Organics Program:** Ms. Gniadek informed the Board that Wal-Mart needs a letter from the Board of Health authorizing their organics recycling program. She stated that in October of 2010 the Board granted approval of an Organics Recycling Program for a one-year probationary period. Since that time frame has lapsed, the Board, if agreeable, would need to approve the program once again to allow them to get started. Ms. Gniadek stated that she spoke with Quest Recycling who was to confirm by email all the details of the program, including the hauler, who is believed to be EPS of Vermont.

**Motion made by Ms. Thompson to authorize the Organics Recycling Program at Wal-Mart for a one-year probationary period. Motion seconded by Mr. Cella; the vote was all in favor.**

**510 Sutton Street – Demolition Permit:** Ms. Gniadek informed the Board that the Building Department forwarded a Demolition Permit to the Board of Health for signature. She further stated that she had originally asked the applicant to complete an Application for Abandonment of Septic System but has been informed that the applicant is not willing to do so.

Mr. McKeon asked if we had any information on the septic at this location. A review of both the Board of Health files and Building Department records, which typically date back to the early 1950's, showed no available information regarding the septic system for this location. It was noted that there are wetlands adjacent to this property and the area typically has a high groundwater table. Also, with no records on the system, any future building on this lot would require a new septic system, therefore, the existing system should simply be abandoned.

**Motion made by Ms. Thompson to require the abandonment of the septic system prior to signing off on the demolition permit for this property. Motion seconded by Mr. Garabedian; the vote was all in favor.**

**Correspondence:** The following correspondence was distributed to the Board:

➤ NONE

*There being no further business, motion to adjourn at 8:35 PM was made by Mr. Garabedian and seconded by Ms. Thompson – all in favor.*

*Attested by,*

*Jeanne M. Gniadek, Administrator*

*List of Documents utilized by Board of Health*  
*Meeting Date: August 7, 2012*

- 1) DRAFT Minutes of July 10, 2012 Meeting
- 2) Subway
  - a) Letter to Owner requesting attendance at BOH Meeting (dated July 24, 2012)
  - b) Food Establishment Inspection Report dated July 20, 2012
  - c) Food Establishment Inspection Policy signed and dated by Gail Starzyk on July 20, 2012
- 3) Sparkleberry's – 1790 Quaker Street
  - a) Food Establishment Inspection Report – dated July 28, 2012
  - b) Food Establishment Plan Review Application
  - c) Application for Permit to Operate a Food Establishment
- 4) 807 Sutton Street
  - a) Assessors Filed Card
  - b) Title 5 Bedroom Count Deed Restriction
- 5) Sovereign Consulting – Quaker Street Landfill Monitoring Report dated July 23, 2012
- 6) Sovereign Consulting Quaker Street Post-Closure Monitoring Contract Proposal for FY 2013
- 7) JOEL Rubbish
  - a) Cease & Desist Order dated July 12, 2012 with Proof of Service: Served in-hand on July 31, 2012
  - b) MGL Chapter III; Section 31A
  - c) JOEL Rubbish Timeline
- 8) Disposal of Needles & Syringes
  - a) MDPH – Bureau of Environmental Health – information on statewide contract system
  - b) Email dated July 27, 2012 – Wal-Mart for mail-back sharps containers
- 9) Emergency Preparedness Coalition – PIO Designation Form
- 10) New Business – WalMart Organics Recycling Program Email