



## TOWN OF NORTHBRIDGE BOARD OF HEALTH

Aldrich School Town Hall Annex - 14 Hill Street  
Whitinsville, MA 01588  
Phone# (508) 234-3272 Fax# (508) 234-0821

*The Northbridge Board of Health approved these minutes at a meeting held June 9, 2015.*

### MEETING MINUTES - May 12, 2015

---

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

**Minutes:** Motion made by Mr. Garabedian to accept the minutes of **April 14, 2015**. Motion seconded by Mr. Chase; the vote was 3-0 in favor.

**Quaker Street, 1405 – Barn Complaint:** Present for this meeting was Melissa Fossbender, owner of property located at 1405 Quaker Street, Northbridge.

Mr. McKeon informed the Board that he and Rochelle Thomson, Inspector of Animals, had met with Dale Dunne, owner of 1423 Quaker Street, to address concerns he has regarding the stabling of animals at Ms. Fossbender's property. Mr. McKeon stated that there appears to be some confusion between old and new regulations. It was agreed that the fencing to the paddock area was too close to the property line – originally the fence was approximately 8-feet from the property line, not meeting the 25-foot setback. Ms. Fossbender has moved the fence but Mr. McKeon stated that it was 23-feet from the property line in one area (another area was 27-feet from the property line).

Mr. McKeon stated that there is a shelter structure in the field. Ms. Fossbender stated that this is not a stall – it is an open shelter allowing the horses to get out of the weather (sun, rain).

Mr. McKeon stated that there is an area in the field that puddles and collects rain water due to the topography. Ms. Fossbender was instructed to discuss with the Conservation Commission the placement of gravel to this area to eliminate any ponding of rain water.

Mr. McKeon informed the Board that there are five stalls and that Ms. Fossbender has 3 horses on the property. He stated that the property was clean and neat and that he and Ms. Thomson did not observe any issues. Ms. Fossbender stated that she continues to remove the manure off site. She utilizes a 9-yard trailer to remove the manure and informed the Board that it is never full so there is never more than 9-yards of manure accumulated on-site prior to removal.

The Board reviewed plans on file for the 1405 and 1423 Quaker Street properties. It was noted that the "proposed" location of the well for 1423 Quaker Street was shown at 81-feet from the property line. (as-built plans are not available for these properties) With the movement of the fence for the corral area to 25-feet off the property line, the estimated distance from the corral to the well is 106-feet, exceeding the required 100-foot setback.

The Board asked that Ms. Fossbender complete the relocation of the fence to meet the 25-foot setback. No further action by the Board was noted at this time.

**Application for Barn Permit – Kwasek and Connors:** The Board reviewed the application of Ms. Carol Kwasek, 210 Sprague Street, and Mr. Patrick Connors, 231 Sprague Street, to keep farm animals (horses) on their properties. Ms. Kwasek has just over 4.5 acres of land; Mr. Connors has over 19 acres of land. Ms. Criasia noted that the plans submitted were not detailed engineered drawings and questioned whether the Board should require more detailed drawings to avoid any confusion in the future.

**Mr. Garabedian made a motion to grant permits to keep farm animals at 210 Sprague Street and 231 Sprague Street. Motion seconded by Mr. Chase; the vote was all in favor.**

**Sparetime Recreation – Failure to Obtain Retail Food Permit:** The Board was informed that the Notice of Probable Cause Hearing regarding the failure of this establishment to obtain a retail food permit has been scheduled at Worcester Housing Court on May 28, 2015 at 2:00 PM.

Ms. Criasia stated that she had visited this facility after the last Board meeting and had noted a coffee pot and a cooler full of soda and water for retail sale. She stated that she did not speak with anyone, simply looked around and left.

**Foppema's Farm – Planning Board Site Plan Review Application:** Ms. Gniadek updated the Board with regard to Malley's review of the drainage from the rinsing of vegetables at the proposed storage building at Foppema's Farm. Mr. Malley has indicated that DEP does not have an issue with the water being returned into an existing drainage ditch as long as there is no use of chemicals or soaps in the rinsing process.

Ms. Gniadek also informed the Board that she has spoken with Mr. Foppema regarding the storage/activities in the workshop section of the building. Mr. Foppema has stated that there will be no storage of chemicals or pesticides in the workshop area and that this area will be completely separated from the food storage area by a wall.

**Ms. Criasia made motion to approve site plan application. Motion seconded by Mr. Garabedian; the vote was all in favor.**

**Board of Health Budget Approval FY 2016:** Mr. McKeon updated the Board on the approvals granted at town meeting including the passage of Articles 9 and 10 which established revolving accounts for food permits and for the compost site. Article 9 for food related items limits expenditures to \$20,000; Article 10 for compost site related matters limits expenditures to \$10,000.

Ms. Gniadek informed the Board that the revolving account funds are spent at the discretion of the Board and asked that they vote to establish rates for the agents that are to be paid through these accounts.

**Mr. Garabedian made motion to set hourly rate for compost site monitor for FY 2016 at \$14.00 per hour. Motion seconded by Ms. Criasia; the vote was all in favor.**

**Ms. Criasia made motion to set restaurant inspector rate for FY 2016 at \$42 per Routine inspection and \$31.50 for follow-up inspections. Motion seconded by Mr. Garabedian; the vote was all in favor.**

**184 Sutton Street & 2029 Quaker Street Complaints:** Ms. Gniadek informed the Board that the Orders to Correct for these properties sent to Ocwen Loan Servicing by Certified Mail have been delivered but there has been no response.

The Board instructed Ms. Gniadek to review this matter with the Town Manager and to seek the opinion of town counsel on how to proceed with securing both properties.

**New Business:** Ms. Gniadek provided the Board with an email from Terry Gilchrist, Health Inspector, regarding an inspection she made at **Sammy's Restaurant** on May 9, 2015. Pictures taken by Ms. Gilchrist were also shared with the Board. The pictures noted food un-covered in walk-in cooler (repeat violation), dirty floors and walls in walk-in cooler, and significant trash and debris in basement. Ms. Gilchrist also noted that when she inspected, the chef preparing food was not certified as a food protection manager nor did he have his Allergen Awareness certification.

**Mr. Garabedian made motion to send letter to Sammy's Restaurant requiring removal of all trash and debris from basement area within five (5) days and to provide to the inspector on date of re-inspection Allergen Awareness certifications for all food management staff as well as proof of enrollment in a Food Manager Certification class for persons-in-charge of the facility and food preparation operations OR FACE IMMEDIATE CLOSURE of the food establishment. Motion seconded by Ms. Criasia; the vote as all in favor.**

*Mr. Garabedian noted that he would accompany Ms. Gilchrist for the re-inspection.*

In other new business, Ms. Gniadek informed the Board that the office has received several phone calls regarding the air conditioning at **Linwood Mill Apartments**. She stated that the residents will likely be petitioning the Board to shorten the heating season allowing the property managers to switch their system over from heat to AC earlier in the spring and to keep the AC on longer in the Fall.

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

- *MAHB Letter re: correspondence from CRR (Coalition for Responsible Retailing)*
- *Coalition for Responsible Retailing Letter*
- *Emails from Barry Gallant re: Smart Meters*

*There being no further business, motion to adjourn at 7:55 PM was made by Mr. Garabedian and seconded by Mr. Chase – all in favor. Next meeting was scheduled for June 9, 2015.*

*Attested by,*

*Jeanne M. Gniadek, Administrator*

**List of Documents utilized by Board of Health**  
**Meeting Date: May 12, 2015**

---

- 1) DRAFT Meeting Minutes of April 14, 2015
- 2) Quaker Street, 1405 – Barn Complaint
  - a. Letter to Fossbender – April 27, 2015
  - b. Letter to Fossbender – September 22, 2014
  - c. Memorandum to BOH from Rochelle Thomson - August 18, 2014
  - d. Memorandum to BOH from Rochelle Thomson – September 16, 2014
  - e. Chart of Number of Allowed Animals based on acreage (201-11E)
  - f. Packet of materials provided to the Town Manager by Dale Dunne
- 3) Application for Farm Animal Permit – Carol Kwasek
- 4) Application for Farm Animal Permit – Patrick Connors
- 5) Sparetime Recreation – Notice of Probable Cause Hearing
- 6) Foppema's Farm – Notes
- 7) Town Meeting BOH Budget
  - a. BOH Budget FY 2016
  - b. Articles 9 & 10 – establishing Revolver Accounts/anticipated revenue & expenditures
  - c. Health Inspector & Compost Site Monitor Salary proposals for Fy 2016
- 8) 184 Sutton Street & 2029 Quaker Street
  - a. Certified Mail Receipt (Ocwen Loan Servicing) (184 Sutton Street)
  - b. Email to Attorney Doneski – April 13, 2015
  - c. Order to Correct – 184 Sutton Street – April 15, 2015
  - d. Certified Mail Receipt (Ocwen Loan Servicing) (2029 Quaker Street)
  - e. Order to Correct – 2029 Quaker Street – April 15, 2015
- 9) Correspondence
  - a. MAHB Letter to BOH re: Coalition for Responsible Retailing
  - b. Coalition for Responsible Retailing
  - c. Emails from Barry Gallant – various dates – re: Smart Meters
- 10) New Business
  - a. Sammy's Restaurant – email and photos