



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 January 19, 2016.

MEETING MINUTES - December 15, 2015

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

Minutes: Motion made by Mr. Garabedian to accept the minutes of **November 10, 2015**. Motion seconded by Mr. McKeon; the vote was 2-0 in favor. Ms. Criasia abstained.

Food Service Establishment – Sammy’s Restaurant - HEARING: Present for this meeting was Sultan Salahuddin, owner of Sammy’s Restaurant.

Ms. Gniadek informed the Board that this hearing was scheduled due to non-payment of fees owed to the Town for a Quarterly inspection conducted May 9, 2015 and for the installation of equipment without prior approval from the Board. Total fees owed \$300. Ms. Gniadek informed the Board that those fees were paid on November 30th. She further noted that a Quarterly Inspection was conducted on November 20, 2015 and that payment of this \$100 fee has NOT been paid noting that non-compliance fees are due within seven (7) days of notice – the notice was sent on November 30th and is now past due.

Mr. Salahuddin stated that he was going to pay the non-compliance fee with the food permit renewal fee of \$150. Mr. Garabedian stated that he wanted payment for the quarterly inspection tonight. Ms. Criasia agreed. Ms. Criasia asked Mr. Salahuddin why he ignores the Board of Health letters and doesn’t make payment on the fees he owes the Board. Mr. Salahuddin stated that business is tough. Ms. Criasia sympathized but noted that he still has to pay the fees and he is under a quarterly inspection order because he has on-going issues at the food establishment. Mr. Salahuddin stated that he is trying his best. Mr. Garabedian stated that his best is met when the health inspector does her work and does not have to write lengthy reports. Mr. Garabedian further noted that he expects payment of the 2016 food permit fee, \$150, before the end of the month or the Board will close his establishment.

Mr. Salahuddin paid the \$100 quarterly inspection fee. Ms. Gniadek provided him with a receipt.

The Board also reviewed the November 20, 2015 Food Establishment Inspection report for this facility noting four (4) critical violations were cited.

Mr. Garabedian made a motion that if this establishment does not pay its 2016 food permit fee by the end of December then the Board will close its doors. Motion seconded by Ms. Criasia; the vote was all in favor.

Food Service Establishment – King Jade: This matter was placed on the Board of Health agenda at the request of Nathan Ng who, when applying for renewal of his 2016 food permit, questioned when the quarterly inspection order could be withdrawn. Ms. Gniadek reviewed the reports for the past three years and provided the Board with a summary.

Ms. Gniadek informed the Board that when she questioned Ms. Gilchrist, the Health Inspector, on this matter, she was okay with returning this establishment to semi-annual inspections however, she wanted it noted that it is completely in their hands as to whether or not that can continue, and that if they present with multiple critical violations again in the future, then the Board would reserve their right to place them back on a quarterly inspection order.

Motion made by Ms. Criasia to return this establishment to semi-annual inspections noting that if they present with 3 or more critical violations on future inspection reports then the establishment may be subject to the Quarterly inspection order being re-instituted. Motion was seconded by Mr. Garabedian; the vote was all in favor.

Food Service Establishment – Caterer Policy & Registration Form: Ms. Gniadek informed the Board that the office needs to clarify when a permit is required for a catered event. A form for the use of registering for a catered event was presented to the Board for their review. The Board approved the use of this form.

Title 5 Inspection Report – 867 Sutton Street – Needs Further Evaluation: Present for this meeting was Mr. Ken Jorritsma. Mr. McKeon noted that the Title 5 inspection report for this property noted that it “Needs Further Evaluation by the Local Approving Authority” due to the distance of the well from the system. Mr. McKeon noted that the well quality test shows nitrates outside the accepted limits and while this is a trigger for failure of the system, he noted that this area of town is known for high nitrate levels in the private drinking water wells, so if Mr. Jorritsma were to drill a new well on the property he may still have an issue with high nitrates. Mr. McKeon stated that if a new well were drilled outside the 100-foot distance (the existing well is just 38-feet from the system) then even if he were to have high nitrates it would not be a failure trigger for the septic system. It would remain a water quality issue that could be treated but would not be a failure criteria under the Title 5 inspection process.

The Board also reviewed the report and recommendation of Malley Engineering, Title 5 agent to the Board. Mr. Malley recommended that the Board deem the system is in failure.

Ms. Criasia motioned that the system located at 867 Sutton Street is in failure due to the location of the well. Motion seconded by Mr. Garabedian; the vote was all in favor.

Tobacco Youth Access Compliance Checks: Ms. Gniadek informed the Board that youth access compliance checks were conducted on November 14, 2015. Mill House Wine & Spirits sold a pack of Marlboro cigarettes to the youth inspector who is just 16 years old. Ms. Gniadek also wanted the Board to note the comments section of compliance check form for Arcade Package Store. It was noted that the merchant approached car and took pictures of the teenagers and officer and then used foul language to explain his frustration of compliance checks at this establishment. Ms. Gniadek informed the Board that she spoke directly with the owner, he contacted the office, and he explained that the state had just done compliance checks. I informed him that we are not made aware of when those checks are conducted. Ms. Gniadek informed the Board that the Massachusetts Health Officers Association has notified the office that a retail inspection/compliance check conducted as

part of the Food & Drug Administration contract with Massachusetts Tobacco Control Program resulted in a violation at Arcade Package Store.

Mr. Garabedian requested that a Letter of Warning be sent to Mill House Wine & Spirits as this is their first offense. The letter should include a suggestion that they appropriately train their staff. The Board agreed.

Quaker Street Landfill – Fall 2015 Monitoring Report: The Board reviewed the Fall 2015 landfill monitoring report completed by Sovereign Consulting. This report has been provided to the Department of Environmental Protection. No further action necessary at this time.

Citizens' Forum: *No one present for Citizen's Forum.*

Old & New Business: *None*

Correspondence: The following correspondence was distributed to the Board:

- *Memorandum from Rochelle Thomson, Inspector of Animals re: annual barn inspections*
- *Email (November 12, 2015) from Jamie Terry, Emergency Preparedness consultant – regarding recent 24/7 contact drill and response time.*
- *CMMCP – Notice of Mosquito Control meeting on January 13, 2016 at the Northborough Library*
- *Salmon VNA & Hospice – Quarterly Report (July 1, 2015 – September 30, 2015)*

EXECUTIVE SESSION: Chairman McKeon announced that the Board would be going into Executive Session and declared that having an open meeting may have a detrimental effect on the litigation position of the body.

A motion was made and seconded to go into Executive Session under MGL CH. 30A, S.21 #3 – To discuss strategy with respect to litigation – the Board will NOT reconvene in Open Session.
Roll Call Vote: Ms. Criasia/Yes; Mr. Garabedian/ Yes; and Mr. McKeon/ Yes.

Open Session Adjourned: 7:45 PM

Executive Session Convened: 7:45 PM

Executive Session Adjourned: 7:55 PM

There being no further business, motion to adjourn at 7:55 PM was made by Mr. Garabedian and seconded by Ms. Criasia – all in favor.

Attested by,

Jeanne M. Gniadek, Administrator

List of Documents utilized by Board of Health
Meeting Date: December 15, 2015

- A. DRAFT Meeting Minutes
 - 1) November 10, 2015
- B. Food Service Establishments
 - 2) Sammy's Restaurant
 - a. December 8, 2015 Letter – Hearing Re-scheduled (12-15-15)
 - b. November 13, 2015 Letter – re: Hearing (12-1-15)
 - c. Copy of check – payment of \$300 owed – received November 30, 2015
 - d. October 20, 2015 Letter - FINAL NOTICE
 - e. November 30, 2015 Letter – Quarterly Inspection Fee Due for 11-20-15 inspection
 - f. Sammy's Restaurant – Inspection Report – November 20, 2015
 - g. Sammy's Restaurant – Re-Inspection Report – November 21, 2015
 - 3) King Jade
 - a. Email response from T. Gilchrist – December 8, 2015
 - b. Inspection Report Summary Sheet
 - 4) Policy for Caterers
 - a. Event Registration Form
- C. Title 5 Inspection – Needs Further Evaluation
 - 5) 867 Sutton Street
 - a. Title 5 Inspection Report
 - b. Malley Engineering Recommendation to Board
- D. Old & New Business
 - 6) Tobacco Youth Access Compliance Checks
 - a. Invoice
 - b. Compliance Check Forms
 - 1. Mill House Wine & Spirits – sale of pack of Marlboros to youth
 - 2. Arcade Package Store – Comments noted on Form
 - c. MHOA Notice – Arcade Package Store failed compliance check conducted through MTCP
 - 7) Fall 2015 Quaker Street Landfill Monitoring Report – Sovereign Consulting (November 30, 2015)
- E. Citizens' Forum – none
- F. Correspondence
 - 8) Miscellaneous
 - a. Annual Barn Inspection Summary – Rochelle Thomson
 - b. Email Jamie Terry – Emergency Preparedness Drill response time
 - c. CMMCP – 2016 Commission Meeting Dates
 - d. Salmon VNA & Hospice – Quarterly Report (July – September)