



TOWN OF NORTHBRIDGE BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held October 14, 2014.

MEETING MINUTES - September 16, 2014

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

Minutes: Motion made by Mr. Garabedian to accept the minutes of **August 5, 2014**. Motion seconded by Mr. McKeon; the vote was 2-0 in favor. Mr. Chase and Ms. Criasia abstained.

Approval of the August 28, 2014 minutes was tabled to the next meeting.

EAF Linwood Mill – Request for Variance: Minimum Standards of Fitness for Human Habitation: Present for this hearing were Teresa Zingales, Regional Manager of Peabody Properties, and several residents of the Linwood Mill (see attached attendance sheet).

This hearing was held at the request of Peabody Properties seeking a variance from the Board of Health to reduce the heating season required under the State Sanitary Code, Minimum Standards of Fitness for Human Habitation 105 CMR 410.000. This request was made on behalf of a petition from the residents within this apartment building. Ms. Zingales stated that she represented Peabody Properties, the managing company which has a lease with the building owner, to request a variance to allow a reduction in the heating season. She stated residents of the building have requested that the management company pursue this course of action.

She stated that Peabody properties pays for the heating and the AC but that within each unit there is an electric heater that the tenants have direct access to so they can increase the heat in each individual unit if needed should the Board grant the variance request. The residents stated that the electrical heating units do not work, that they never have. Ms. Zingales stated that the units do work and that she can have the maintenance personnel show the residents how to operate their unit.

Many of the residents expressed their desire to extend the cooling season by reducing the heating season requirements. Residents stated that even in winter, they have their windows open. One woman stated that she has snow on her windowsills but that the heat is so excessive that she has to open her windows. Many stated that last September, when there was a stretch of warm weather, the residents were not able to turn on the air conditioning because the management company had already turned the system over to heating.

Ms. Zingales explained that because the State Code requires the provision of heat as of September 15th of each year, they turn their system from AC to heat on that date in order to comply. She stated that they are unable to run both heat and AC at the same time, it is either heat or it is AC.

Ms. Gniadek asked the residents that were present if they understood that if a variance is granted as requested to October 15th and on October 1st it was cold that they, the residents, would not have any recourse to call the Board of Health because the property manager would not be required to provide heat to these units until October 15th. All residents stated that they understood that.

Ms. Gniadek also informed the Board that she received a call from a tenant that was unable to attend this meeting and that this tenant wanted the Board to know that she was in favor of granting the variance. The tenant, Ms. Jean Jette, stated to Ms. Gniadek that she has her windows open and that the unit is still 76 degrees today.

One resident stated that he does not have a problem with his unit, but that his neighbor's unit is excessively hot. The neighbor, identified as Dave, stated that he has the AC on high all summer and that his unit is still very warm. He is unable to cool his unit down so that it is comfortable.

The residents stated that this has been going on for two years and that something needs to be done. Many stated that their units exceed 84 degrees in the winter. Ms. Criasia stated that the code requires that no dwelling shall exceed 78 degrees during the heating season, so if these units are registering temperatures of 84 degrees, then this is a violation.

The Board stated that it appears that this may be an engineering problem with the HVAC system. It was noted that the units do not have control over the temperature other than to have the heat/AC on or off. Mr. Garabedian stated that the tenants should be able to control the heat and AC in their individual units. Mr. Garabedian stated that he was not in favor of granting a variance as this is an issue that needs to be resolved and is not a fix by shortening the heating season.

Motion made by Mr. Garabedian to deny request for variance. Motion seconded by Ms. Criasia. Mr. McKeon asked that the motion be amended to require an engineering study of the HVAC system to determine why the system appears to be functioning inconsistently. The vote on the amended motion was 3-0 in favor; Mr. McKeon abstained.

Housing Court Cases: Ms. Gniadek informed the Board that two cases were being brought to Housing Court for properties located at 7 Prospect Street and 89 Sutton Street. The hearing dates have been set for December 1, 2014.

Title 5 – 50 North Tessier Street: Variance Request: Present for this meeting were Mr. Paul Hutnak, Andrews Engineering, and Mr. Tom Armstrong, property owner. Mr. Hutnak provided the certified mail receipts to the Board as is required for abutter notification. He stated that the septic system has been repaired at this property and that due to the topography the grading over the system now requires a variance as they have exceeded the 3-foot of cover allowed by Title 5. Mr. Hutnak stated that they have 6-feet of cover over the system and it has been vented - the area has been stabilized.

The Board reviewed the report of Malley Engineering which recommends the granting of this variance request.

Motion made by Mr. Chase to grant variance allowing 6-feet of cover over the system. Motion seconded by Mr. Garabedian; the vote was all in favor.

Food Establishment Inspection Report – Whitinsville Golf Club: In accordance with the Board of Health food establishment 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 August 29, 2014 inspection report for the Whitinsville Golf Club food establishment presented with twenty-two (22) violations, seven (7) of which were deemed to be critical violations. Present for this meeting to discuss these non-compliance issues was Mr. Sal D’Amato, President of Whitinsville Golf Club.

Ms. Criasia asked if this establishment was open year round or was seasonal. Mr. D’Amato responded that they are open year round but typically only host functions through the winter months.

Mr. D’Amato asked that the Board give him some time to address the issues noted in the inspection report. He stated that he would be having conversations with the people in charge and assured the Board that these issues would be handled. In reviewing the April 2014 inspection report it was noted that this establishment had only six (6) violations in total, two (2) of which were critical.

Motion made by Mr. Garabedian to table this matter until the Board receives the re-inspection report from the Inspector. Motion seconded by Mr. Chase; the vote was all in favor.

Planning Board – Site Plan Review: 135 Providence Road: The Board reviewed plans for the proposed addition of retail space at 135 Providence Road, the site of the existing Salvation Army Store. Ms. Gniadek informed the Board that she has submitted a review to the Planning Board which indicates that any food establishment that may occupy the new retail space may be required to install an external grease trap. She also noted past concerns with regard to the drop-off area. Ms. Gniadek informed the Board that a temporary measure to abate this nuisance is the installation of concrete columns and chains that will be installed to eliminate the entry of cars into the parking lot when the store is closed. The Board reviewed the plans and offered no additional comments.

Youth Access Tobacco Regulations: This matter was placed before the Board for a determination on whether to consider adopting regulations that would raise the minimum age for purchasing tobacco products from the age of 18 to the age of 21. Mr. McKeon stated that he was not in favor of raising the age. The Board agreed that no action be taken to amend these regulations at this time.

Tom Berkowitz Trucking – Semi-Annual Solid Waste Transfer Station Inspection Report: The Board reviewed the August 15, 2014 semi-annual inspection report for the solid waste transfer station operated by Tom Berkowitz Trucking at 279 Douglas Road as prepared by Fay, Spofford & Thorndike. No issues were noted.

Flu Clinic: Ms. Gniadek informed the Board that the annual flu clinic has been scheduled for Tuesday, October 7, 2014 from 10:30 AM to 12:30 PM and from 4-6 PM. Both clinics are being held at the Senior Center.

Correspondence: *None*

There being no further business, motion to adjourn at 8:30 PM was made by Mr. Chase and seconded by Mr. Garabedian – all in favor.

Attested by,

Jeanne M. Gniadek, Administrator

List of Documents utilized by Board of Health
Meeting Date: September 16, 2014

- 1) DRAFT Meeting Minutes of August 5, 2014
- 2) DRAFT Meeting Minutes of August 28, 2014
- 3) Linwood Mill - Variance
 - a. Notice to Residents re: meeting
 - b. Letter (August 20, 2014) to Peabody Properties re: meeting
 - c. Letter from Peabody Properties (August 6, 2014) requesting variance w/ attachments
 - d. May 2, 2012 DPH Letter re: variances from defined heating season
 - e. Code of regulations governing heat, heating season
- 4) Housing Court Probable Cause Notices for 7 Prospect Street & 89 Sutton Street
- 5) Title 5 Variance Request – 50 North Tessier Street
 - a. Malley Engineering Letter (September 8, 2014) to BOH re: Variance Request
 - b. Andrews Survey & Eng. Letter (August 4, 2014) re: Variance Request
 - c. Notice to Abutters – Abutter Listing
 - d. Code of Regulations governing variance requests under Title 5
- 6) Whitinsville Golf Club
 - a. Letter to Golf Club (September 3, 2014) re: BOH Meeting to discuss inspection report
 - b. Inspection Report dated August 29, 2014
 - c. Food Establishment Inspection Policy
- 7) Site Plan Review – 135 Providence Road
 - a. Memorandum (August 28, 2014) to Planning Board from BOH Administrator
 - b. Planning Board Review Report Form
 - c. Maps of 135 Providence Road site
- 8) Youth Access Tobacco Regulations
- 9) FST Semi-Annual Waste Transfer Station Inspection Report (August 26, 2014)
- 10) Flu Clinic Flyer – October 7, 2014
- 11) Correspondence - None