

**TOWN OF NORTHBRIDGE
BOARD OF SELECTMEN'S MEETING
NORTHBRIDGE TOWN HALL
7 MAIN STREET - WHITINSVILLE, MA 01588
October 16, 2023 at 7:00 PM**

PRESENTATION: Certificates of Appreciation presented to the Western Massachusetts Climbers' Coalition [Stephanie Giguere], Access TCA [Matthew Yost], and Omni Control [Peter Bedigian] for their assistance with planning and organizing the "Shining Rock Trail Day" event that was held on September 16, 2023. Many volunteers helped clean up the trails, did trail cutting, hauled lumber, and assembled a boardwalk.

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MINUTES

II. PUBLIC HEARING

III. APPOINTMENTS/ A. By the Town Manager (Vote to Affirm): 1) Jeffrey White, Sergeant [Eff. 11/5/23] 2) Tyler Mitchell, Administrative Sergeant [Eff. 11/5/23]

IV. CITIZENS' COMMENTS/INPUT

V. DECISIONS:

B. REVISED REQUEST: Northbridge Police Association – Holiday Tree Lighting Event and Parade Event [November 25, 2023] / 1) Request to use Memorial Park from 2:45 PM – 5:15 PM [previously 4 PM – 6 PM] 2) Request to close Church Street from Park Street to Main Street 2:45 PM – 5:15 PM [Formerly 4 PM – 6 PM] – Rockdale Common no longer being used/**Present:** Cheryl Tivnan

C. Fall Annual Town Meeting [October 24, 2023] / Vote positions on all warrant articles

D. XForce, LLC dba Friendly Fine Wine & Spirits [Anita Patel, Mgr.], 1167 Providence Road, Suite 7, Whitinsville/Request to transfer the non-alcoholic common victualler license from Friendly Discount Liquors, Inc. dba Macy's Liquors of Whitinsville [Sook Hyunh, Mgr.]

E. Employee Reimbursement Policy / Vote to approve

F. Pine Grove Cemetery Deed / Vote to approve the sale of lots: 1) No. 75B & 76A, Fir Ave., to Brooke Derosiers Lund 2) Lot No. 5B, Walnut Ave. [North] to Lorene Gouin 3) Lot No. 403 and 404, Forest Ave [East] to William S. Oncay

G. Blackstone Valley Veterans' Association/Request to hang a banner across Church Street from Monday, October 30, 2023 to Monday, November 13, 2023 to advertise their annual Spaghetti Supper on November 18, 2023

VI. DISCUSSIONS:

H. Board of Health - Kyoto

VII. TOWN MANAGER'S REPORT

VIII. SELECTMEN'S CONCERNS

IX. ITEMS FOR FUTURE AGENDA

X. CORRESPONDENCE

XI. EXECUTIVE SESSION

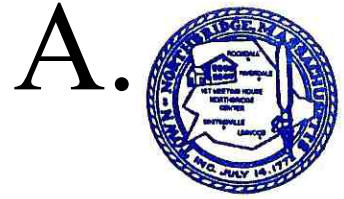
Town Clerk: 2 Hard copies	<input type="checkbox"/>
Web: Post time-stamped copy	<input type="checkbox"/>



TIMOTHY LABRIE
CHIEF OF POLICE

TOWN OF NORTHBRIDGE
DEPARTMENT OF POLICE

1 HOPE STREET, WHITINSVILLE, MA 01588
www.northbridgepolice.com
TEL (508) 234-6211 • FAX (508) 234-9021



To: Adam Gaudette, Town Manager
From: Timothy Labrie, Chief of Police
Subject: Promotion to Sergeant
Date: October 4, 2023

Please accept this as my official recommendation to promote Officers Jeffrey White and Tyler Mitchell to the rank of Sergeant. Both officers performed very well during the entire promotional process and will be an asset to the management team at the Northbridge Police Department. These two new sergeants will replace a vacancy created by the departure of Sergeant Ryan Levesque and provide additional supervision to the Patrol Division. I am requesting them to be appointed at the Board of Selectman meeting on October 16, 2023, with their start date to be November 5, 2023.



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TIMOTHY LABRIE
CHIEF OF POLICE

To: Adam Gaudette, Town Manger
From: Timothy Labrie, Chief of Police
Subject: Promotional Process for Sergeant Results
Date: September, 29, 2023

Please let these be the official results of the promotional process for Sergeant. Per the adopted promotional policy (policy 4.19), the following three (3) candidates started the process: 1) Jeffrey White, Ryan Falvey, and Tyler Mitchell. Ryan Falvey dropped out of the process after the first module. Below is a breakdown of the results of each module and the ranking of Jeffrey White and Tyler Mitchell:

Module 1 - 50 Question Written Examination-Raw Score and 30% Value

Jeffrey White – 80 - 24 Tyler Mitchell – 88 – 26.4

Module 2 – Oral Examination Board- Raw Score and 30% Value

Jeffrey White – 82.95 - 24.885 Tyler Mitchell – 80.92 - 24.276

Module 3 – Education – Raw Score and 10% Value

Jeffrey White – 50 - 5 Tyler Mitchell – 50 – 5

Module 4 – Experience/Military Veteran Status – Raw Score and 15% Value

Jeffrey White – 65 – 9.75 Tyler Mitchell – 20 – 3

Module 5 – Chief of Police Candidate Review – Raw Score – 15% Value

Jeffrey White – 64 – 9.6 Tyler Mitchell – 74 – 11.1

Total

Jeffrey White – **73.235** Tyler Mitchell – **69.776**

Ranking

Jeffrey White – 1

Tyler Mitchell - 2



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To: Adam, Gaudette, Town Manager
From: Timothy Labrie, Chief of Police
Subject: Administrative Sergeant Position
Date: 10/3/23

Per our conversation on improving the operations of the police department, please be advised that I am creating an Administrative Sergeant Position (See attached job description). This position will add a sixth (6th) Sergeant position to the department. If one of the six (6) Sergeants leaves the department for any reason for more than thirty (30) consecutive calendar days, the Chief has the right to post a "mini bid" to fill the vacancy per Article 7, Section 9 of the Collective Bargaining Agreement. The Administrative Sergeant Position will replace the vacancy before the Detective Sergeant Position. This position will be filled per Article 16 of the Collective Bargaining Agreement.



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CHIEF OF POLICE

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ADMINISTRATIVE SERGEANT

A. SUMMARY

Subject to direction from the Chief of Police and Lieutenant, the Administrative Sergeant will have direct control over all members of the department under his command to assure the proper performance of duties and adherence to established rules, regulations, policies, and procedures. This Sergeant will adhere to the current job description and duties and responsibilities of a "Sergeant" per the rules and regulations of the Northbridge Police Department.

B. DUTIES AND RESPOSIBILITIES

It is the duty and responsibility of the Administrative Sergeant to:

1. **Fleet Maintenance:** Oversee the maintenance of all department vehicles to include motorcycles and any other vehicles the department owns. Work with the Chief of Police and department budget for ordering and building of all new fleet vehicles. Maintain all equipment inside/attached to each vehicle to include radars, weapons, trunk storage drawers, supplies and any other equipment needed in the vehicles.
2. **License to Carry Firearms:** Process all renewal and new applications from start to finish. This includes working with the Lieutenant and Chief of Police on any disqualifying matters and/or suspensions.
3. **Court Officer:** Act as the liaison between the Court and District Attorney's Office. Prepare/Transport prisoners to court. Ensure all court paperwork is completed accurately and in a timely manner and oversee dispatchers that process court paperwork such as DA requests, Restraining Orders, etc.
4. **Co-Response/Mental Health Officer:** Work directly with the clinician assigned to the department from the "Co-Response/Jail Diversion Program" following up on all: Mental Health Calls for Service and Overdoses. Work with the Northbridge Coalition of Churches concentrating on the homeless population. CIMS reporting-District Attorney Overdose Tracking System.
5. **Department Maintenance:** Maintenance of department equipment to include: Intoxilyzer, Speed Monitoring Devices, Grounds, Interior of Building, etc.

6. **Direct Supervisor of School Resource Officer:** Work with the current SRO to ensure the safety of all students and faculty in the public and private school systems in the Town of Northbridge. Assist with all safety and active shooter/hostile person training the SRO conducts throughout the schools and community.
7. **Defensive Tactics Training Officer:** Maintain all certifications per the Municipal Police Training Committee to conduct training of all department officers.
8. **Motorcycle Unit:** Oversee operations of the motorcycle unit to include training, scheduling of officers, equipment, and maintenance of motorcycles.

Melissa Ciaramitaro

From: Cheryl Tivnan <northbridgebeautification@gmail.com>
Sent: Thursday, October 05, 2023 9:54 AM
To: Melissa Ciaramitaro
Cc: Tim Labrie; Sharon Susienka; Jamie Luchini; Jeanne Gniadek; Richard Trier
Subject: Re: Tree Lighting Ceremony Approval

Good morning,

We have decided to just hold the event on the Whitinsville Common and will not be having any celebration on the Rockdale Common primarily due to a shortage of volunteers and low attendance last year. Would it be difficult to change the time for the Whitinsville Common Celebration to 2:45 - 5:15 pm. instead of 4:00-6:00 due to darkness and lack of lighting on the Common? Nothing else outlined would change.

Please advise if I need to re-submit or if the change can just be noted.

Best Regards,

Cheryl Tivnan

On Tue, Sep 26, 2023 at 10:23 AM Melissa Ciaramitaro <mciaramitaro@northbridgemass.org> wrote:

Good morning,

Please see attached letter of approval for the Tree Lighting Ceremony event on November 25, 2023.

Thank you

Melissa Ciaramitaro, Sr. Adm. Asst./HR. Asst.

Town Manager's Office

Town of Northbridge

7 Main Street Whitinsville, MA 01588

Phone: 508-234-2095 Ext. 1202

C.

MOTIONS

FALL ANNUAL TOWN MEETING

**TUESDAY,
OCTOBER 24, 2023**

7:00 PM

ARTICLE 1: (Board of Selectmen)

I move the Town vote to pass over Article 1.

ARTICLE 2: (Board of Selectmen)

I move the Town vote to amend the votes taken under Article 3 of the 2023 Spring Session of the Annual Town Meeting (May 2, 2023), appropriations and transfers under the Omnibus Budget Article, to raise and appropriate, and/or to transfer from available funds in the Treasury and/or the Health Insurance Stabilization Fund to supplement appropriations under the Omnibus Budget Article as follows:

CODE ENFORCEMENT [Weights and Measures Reserve Account]

Line 17A: Personnel

By reducing the amount previously raised and appropriated by \$ 200.00

CODE ENFORCEMENT [Weights and Measures Reserve Account]

Line 17B: Expenses

By reducing the amount previously raised and appropriated by \$ 1,500.00

TOTAL CODE ENFORCEMENT: (\$ 1,700.00)

DEBT SERVICE:

Line 35: BVRs Debt

By reducing the amount previously raised and appropriated by \$ 64,511.00

TOTAL DEBT SERVICE: (\$64,511.00)

NON-DEPARTMENTAL:

Line 41: Employee Insurance Benefits [Overlay Surplus]

By reducing the amount previously raised and appropriated by \$100,000.00

TOTAL NON-DEPARTMENTAL: (\$100,000.00)

TOTAL ARTICLE 2: (\$166,211.00)

ARTICLE 3: (Bylaw Review Committee)

I move the Town vote to pass over Article 3.

ARTICLE 4: (Bylaw Review Committee)

I move the Town vote to pass over Article 4.

ARTICLE 5: (Bylaw Review Committee)

I move that the Town vote to amend the General Bylaws by adding new Section 9-1100 entitled Graffiti Violations and Removal and inserting said section in the Code of the Town of Northbridge as follows:

**SECTION 9-1100
GRAFFITI VIOLATIONS AND REMOVAL**

[Added 10-NN-2023 ATM, art. NN]

§ 1101 Definitions.

A. *graffiti* – Means one or more letters, symbols, marks, designs, drawings or murals, however made, on any structure, place, or thing but does not include any of the following:

- (1) A sign, public notice or traffic control mark authorized by state or local authority

(2) A public notice authorized by state or local authorities

- B. *hate graffiti* – Means graffiti that demeans a person or group or class of persons based on race, color, ancestry, place of origin, physical or mental disability, sex or sexual orientation of such person or group or class of persons.
- C. *notice to comply* – Means a notice to comply issued pursuant to § 1104 of this by-law.
- D. *real property* – Means land including any buildings, structures or other improvements thereon.

§ 1102 Prohibition.

No person shall place graffiti on or cause graffiti to be placed on or displayed from

- A. any wall, fence, structure or other thing in any street or public place;
- B. real property adjacent to a street or public place; or
- C. any motor vehicle or other moveable object.

§ 1103 Requirement.

Every owner or occupier of real property shall at all times keep any wall, fence, building, structure or thing that is located on that real property free of graffiti.

§ 1104 Notice to comply.

Where a person has failed to comply with § 1103 of this by-law, any officer of the Northbridge Police Department or another agent designated by the Northbridge Police Department may give notice in writing requiring the removal of the graffiti from the real property.

§ 1105 Service of the notice to comply.

A notice to comply is deemed to be served on an owner or occupier of real property when it has been mailed by registered or certified mail to the address of the owner shown on the last revised real estate record; delivered in hand to the owner or occupier of the real property or placed in a mailbox or other receptacle for the receipt of mail on the real property; or posted on the real property.

§ 1106 Failure to comply.

If, in the case of hate graffiti or graffiti containing profane words, symbols, marks, designs or drawings, an owner or occupier fails to comply with the notice to comply within 7 days of being served, or if, in the case of graffiti other than hate graffiti, an owner or occupier fails to comply with the notice to comply within 14 days of being served, then the town, its employees, its agents or its contractors may enter onto the real property and effect compliance at the cost of the offender.

§ 1107 Offense and penalty.

Every person who violates a provision of this by-law shall be punished by a fine of \$100 for every offense. The fine shall be assessed on the date when the owner or occupier who has violated this by-law is served in the manner described in § 1105, and every day or part thereof during which the violation continues after the said date of service shall constitute a separate offense.

§ 1108 Enforcing authority.

The enforcing authority shall be the Northbridge Police Department.

ARTICLE 6: (Conservation Commission)

I move the Town vote to pass over Article 6.

ARTICLE 7: (Petition)

Town of Northbridge

**An Ordinance Relative to
Excessive and Unreasonable Noise**

(a) Findings and Declaration of Policy

(1) *Findings.*

The residents of the town hereby finds that excessive and unnecessary noise is a significant threat to the health, welfare, safety, and the quality of life of the public; that excessive and unnecessary noise over an extended period of time leads to hearing loss; that excessive and unnecessary noise may interfere with personal communication, cause sleep disturbances, create anxiety and distress and aggressive behavior. The residents of the town further find that a substantial body of science and technology exists by which excessive and unnecessary noise may be substantially abated.

(2) *Declaration of Policy.* In consideration of the above findings, and recognizing that Amendment Article 97 to the Constitution of the Commonwealth of Massachusetts establishes that the people have a right to be free from excessive and unnecessary noise, it is hereby declared to be the public policy of the town to reduce the ambient noise level in the town to safe and reasonable levels and to eliminate the episodic creation of excessive and unnecessary noise so as to preserve, protect and promote the public health, safety, welfare and peace and quiet of the inhabitants of the town, to prevent injury to human, plant and animal life and property, to foster the convenience and comfort of its inhabitants, and to facilitate the enjoyment of the natural attractions of the town.

(b) Definitions - For purposes of this section 1A, the following words shall have the meanings respectively set forth below:

"A" level - means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dB(a).

Ambient - means the background level of sound immediately preceding the sound produced by the object or person under scrutiny and, when measured mechanically or electronically, is the A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.

Device - means any mechanism which actually produces sound when operated or handled.

Motorcycle - means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for carrying golf clubs and not more than four persons, an industrial three-wheel truck, or a motor vehicle on which the operator and passengers ride within an enclosed cab.

Motor Vehicle - means any device which is propelled by an engine, other than a motorcycle, in or upon which a person or material may be transported on the ground and which is intended to be operated upon a public highway.

Person - means any individual, partnership, group, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof.

Plainly Audible - means any sound that can be detected by a person using his or her unaided hearing faculties. (As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound).

Public Place - shall include any public way, any private way open to public use and on the official map of the town or any way for vehicular travel in any town park, playground, public school property or land under the control of any town department.

Residential Area - shall include any area zoned for residential development containing housing which may vary significantly between, and through, residential areas. These include single-family housing, multi-family residential, mobile homes, or any other type of dwelling.

Sound Level Meter - means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner.

Sound Reproduction Device - means any device, electronic or otherwise, which is capable of producing, reproducing or amplifying sound, including but not limited to any musical instrument, radio, television, tape recorder, compact disc or DVD player, public address ("P.A.") or other sound amplifying system.

Sound Signal - means any sound produced by an electronic sound signal device designed to transmit information.

(c) Sound Levels for Motor Vehicles

(1) No person shall operate any motor vehicle or any sound reproduction device within any motor vehicle in such a manner that the vehicle or sound reproduction device is plainly audible in a public place at a distance of 50 feet or more in any direction from the vehicle.

(2) Except where necessary to avoid a collision with another motor vehicle or with a pedestrian, no person shall operate a horn or warning device from any motor vehicle or motorcycle such that the sound emanating from such act is plainly audible in a public place at a distance of 125 feet or more from said vehicle or motorcycle.

(3) No person shall operate any siren in any public place except authorized employees of public entities providing law enforcement, fire suppression, first responder or advanced life support services in the immediate act of responding to an emergency or engaged in a training exercise.

(d) General Sound Levels

(1) No person shall operate any electronic sound reproduction device so as to create sound which is plainly audible in a public place at a distance of 25 feet or more in any direction from the device or the premises containing the device, whichever is greater.

(2) No person shall operate any self-contained, portable, hand-held sound reproduction device in such a manner as to be plainly audible in a public place at a distance of 25 feet or more in any direction from the operator.

(3) No person shall create any sound on any street adjacent to a hospital or medical treatment facility at any time which is plainly audible at any place within 25 feet of the property of such hospital or facility or which unreasonably disturbs the comfort or repose of any person of normal sensitivities in such hospital provided a plainly visible sign has been displayed on such street indicating the presence of such hospital or medical treatment facility.

(4) No person shall create any sound on any street adjacent to any public or private school, institution of higher learning or court whenever the same is in session which is plainly audible at any place within 25 feet of the property of such hospital or facility or which disturbs the operation of any such school or the proceedings in any such court provided a plainly visible sign has been displayed on such street indicating the presence of such school or court.

(5) No person shall engage in persistent or repeated yelling, shouting, hooting, whistling, singing, or the making of other loud noises between the hours of 10:00 p.m. and 7:00 a.m. on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays, or 10:30 p.m. and 7:00 a.m. on Fridays and Saturdays, in such a manner as to be plainly audible in any public place at a distance of 25 feet or more in any direction or so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, home, or other type of residence, or in any office, or of any persons in the vicinity of any such person in or on the public sidewalks, ways or other public places.

(6) No person shall operate any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise, in connection with any commercial or business enterprise in front or outside of any building, place or premises abutting on or adjacent to a public street, park or place where the sound therefrom is plainly audible on any public street, park or place, or from any stand, platform or other structure or anywhere on the public streets, parks or places.

(7) No person shall make or cause or permit to be made or caused any music or sound originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound increases the broad band sound level, when measured

at the property line of the establishment, by more than 10 dB(A) above ambient, or produces a pure tone condition (a condition is created when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more).

(8) No person shall operate any power saw, drill, grinder, lawn mower, lawn or garden tool, or similar tool at any time between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and Saturday or between the hours of 9:00 p.m. and 7:00 a.m. on Sunday and legal holidays, such that the sound emanating from any such activity is plainly audible in a public place at a distance of 50 feet or more.

(9) No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and Saturday, and between the hours 7:00 a.m. and 8:00 p.m. on Sundays except for work performed by a public service or municipal utility department or "emergency work" performed with the express written permission of the commissioner of inspectional services or the commissioner of public works and parks. Emergency work shall be limited to such work that is clearly essential to response to a sudden and unexpected threat to public health or public safety. Emergency work permission may be granted to a general or sub-contractor on a blanket basis governing all persons working on a specified portion of a particular job. Emergency work permission may be granted for not more than one week at a time, and may be renewed for additional one week periods at the discretion of the commissioner who granted the initial permission.

(10) No person(s) residing within a residential zone shall produce or create excessive noise between the hours of 10:00 p.m. and 7:00 a.m. on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays. No person(s) residing within a residential zone shall produce or create excessive noise between the hours of 10:30 p.m. and 7:00 a.m. on Fridays and Saturdays.

(e) Town Contracts

(1) On any project for the construction, reconstruction, installation, demolition, maintenance or repair of any building, or public work, to be funded in whole or in part by town funds, or funds which, in accordance with a federal or state grant, program, or otherwise, the town expends or administers, or any such project to which the town is a signatory to the contract therefore, the provisions of this section shall apply and the same shall be referenced in every invitation to bid for such project and, the following paragraphs shall be contained in every resulting contract therefrom:

"It shall be a material breach of this contract if the contractor and each subcontractor shall not at all times adhere to the provisions outlined within the noise ordinances of the town by limiting their on-site, noise producing construction and related work to the hours specified by said ordinance."

(2) The head of the respective department shall have the authority to adopt the rules and regulations deemed necessary to implement this subsection with respect to contracts generally and the head of the department awarding any such contract shall have the authority to adopt any rules and regulations he or she deems necessary to implement this subsection with respect to any particular project.

(f) Exemptions

This ordinance shall not apply to:

(1) Sound from activities in the public parks, playgrounds, playing fields, or public property or buildings of the town used under the written permission of the municipal official or body charged with the care, custody and control of said facility; provided that, any amplified sound generated by such activities shall not be plainly audible at a distance of 50 feet or more from said public park, playground, playing field, or public property or building.

(2) Sound from parades, rallies, public assemblies, demonstrations, special events, sporting events or sound trucks may for brief periods reasonably exceed the sound level limits contained herein; provided, however, that no person shall increase the amplification

level of the sound generated by such activities to the point where it is consistently and plainly audible in a public place at a distance of more than 50 feet from the perimeter of the property containing such activity.

(3) Sound from bells, chimes, or carillons from a structure operated for noncommercial purposes.

(4) Sound from snow blowers, snowplows, and other snow removal equipment during or immediately after a snowfall, and the use of power equipment necessary for emergency repairs or debris removal due to severe weather.

(5) Sound from lawfully permitted fireworks displays.

(g) Enforcement and Penalties

The penalty for the first violation of this section 1A shall be a verbal warning by the enforcement authority. The second violation will result in a fine of one hundred (\$100.00) dollars, with each subsequent offense for the calendar year being one hundred and fifty (\$150.00) dollars. The provisions of this section 1A shall be enforced using the noncriminal disposition process as provided in Massachusetts General Laws, chapter 40, § 21D by the chief of police and every town police officer and official and any other individual listed as an "enforcing person" under the relevant provision.

**BOARD OF SELECTMEN'S MEETING
OCTOBER 16, 2023**

FALL ANNUAL TOWN MEETING WARRANT - 10/24/23 - 7:00 PM

Presenter	Selectmen	Finance Committee	Town Meeting
Article 1. FY '23 Prior year bills	Selectmen	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____
Article 2. FY24 Budget Adjustments	Selectmen	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____
Article 3. Grammatical and stylistic amendments	Bylaw Review Comm.	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____
Article 4. Substantive amendments	Bylaw Review Comm.	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____
Article 5. Adding new Graffiti violations bylaw	Bylaw Review Comm.	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____
Article 6. Adopt regulations pertaining to the use of Conservation lands.	Conservation Comm.	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____
Article 7. Create a bylaw for an ordinance relative to Excessive and unreasonable noise	Petition	Support	_____
		Non-support	_____
		No Position	_____
		Pass Over	_____

D.

Phone: ~~508-549-8986~~

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF NORTHBRIDGE

PC

APPLICATION FOR COMMON VICTUALLER LICENSE

TO THE LICENSING AUTHORITIES:

The undersigned hereby applies for a License in accordance with the provisions of the Statutes relating thereto (FULL NAME OF PERSON, FIRM OR CORPORATION MAKING APPLICATION):

XForce, LLC

DBA: Friendly Fine Wine + Spirits

STATE CLEARLY PURPOSE FOR WHICH LICENSE IS REQUESTED: [Common Victualler]

TO: package store selling alcohol

GIVE LOCATION BY STREET AND NUMBER:

AT: 1167 Providence Rd.

in said Town of Northbridge in accordance with the rules and regulations made under authority of said Statutes.

Choose one: New License Transfer

LIST THE DAYS AND HOURS OF PROPOSED OPERATION:

DURING: Monday-Thursday: 9am-9pm ; Friday-Saturday: 9am-10pm ; Sunday: 10am-6pm

Anita Patel

(Signature of Applicant)

Mailing Address:

Print Name: XForce, LLC

Address: Anita Patel 16 Quick Farm Rd

City: Westborough

State, Zip: MA 01581

Received: 9/11/23 6:45 PM (Date) (Time)

This license will expire on December 31 of the current year and must be renewed annually prior to January 1.

Official Use only Date License Granted:

Town of Northbridge Employee Reimbursement Policy

Purchases:

Ideally, all purchases should be made directly from a vendor and processed on the weekly town warrant. No employee should be spending their own money on behalf of the town. If you need to purchase an item using your own funds, the following documentation will need to be submitted in order to be reimbursed.

- If your receipt shows the last four digits of your credit card, a copy of that credit card will need to be submitted along with the receipt. Please redact all the information on the card except your name and the last four digits of the account number that coincide with the number on your receipt.
- If your receipt does not show the last four digits of your credit card, a copy of your credit card statement showing the charge will need to be submitted with your receipt. Please redact all the information from the statement except for your name and the charge that you are requesting reimbursement for.
- If you paid for something using a personal check, a copy of the cancelled check will need to be submitted along with your receipt.

Remember the town is tax exempt. If you paid taxes on something that you purchased, you will not be reimbursed for the tax. Bring a copy of the town tax exempt certificate with you and try to get the taxes removed from your purchase. Cash purchases will not be reimbursed as there is no way to prove you were the one who made the purchase.

Travel:

If you are submitting reimbursement for a hotel stay for a conference, you need to submit the hotel receipt, as well as paperwork for the conference along with the above documentation for use of your credit card. A printout from Map Quest will also be required for any mileage reimbursement you are requesting.

Know all Men by These Presents, **F. 1**

That the Town of Northbridge, in the County of Worcester and Commonwealth of Massachusetts, in consideration of Three Thousand Two Hundred Dollars, paid by **Brooke Derosiers Lund, of 9 Woodcrest Lane, Blackstone, MA 01504**, the receipt of which is hereby acknowledged, does sell and convey to said **Brooke Derosiers Lund**, two burial **Lots Numbered 75B and 76A, situated on the way called Fir Ave, in the Pine Grove Cemetery**, and the sole and exclusive right of burial of the dead therein, subject to the following rules and restrictions for the regulation and government of said Cemetery; viz:

1st. That the said Lot shall not be used for any other purpose than as a place of burial for the dead, and proper Cemetery uses, such as the Town may approve; and no trees within the Lot or the Cemetery shall be cut down or destroyed without consent of the Town.

2nd. That if any trees or shrubs in said Lot shall become in any way detrimental to the adjacent lots or avenues, or dangerous or inconvenient, the Town shall have the right to enter into said Lot and remove said trees or shrubs, or such parts thereof as are dangerous, detrimental or inconvenient.

3rd. That if any monument or other structure whatever, or any inscription, be placed in the said Lot which shall be determined by the Town to be offensive, the Town shall have the right to enter upon said Lot and remove said offensive or improper object or objects.

4th. If a fence shall at any time be erected or placed in or around said Lot, the materials or design of which shall not be approved by the Town, it must be forthwith removed upon direction of the Town, and if not so removed the Town shall have the right to enter upon said Lot and remove said fence.

5th. The said lot shall be holden subject to all by-laws, rules and regulations made and to be made by the Town.

IN WITNESS WHEREOF, the said Town of Northbridge has caused these presents to be signed and sealed by its Board of Selectmen, this 16th day of October, in the year of our Lord Two Thousand Twenty-Three.

Know all Men by These Presents, **F.2.**

That the Town of Northbridge, in the County of Worcester and Commonwealth of Massachusetts, in consideration of One Thousand Six Hundred Dollars, paid by **Lorene M. Gouin of 3 Lyndale Ave, Unit C, Webster, MA 01570**, the receipt of which is hereby acknowledged, does sell and convey to said **Lorene M. Gouin**, the single burial **Lot Number 5B, situated on the way called Walnut Ave (North), in the Pine Grove Cemetery**, and the sole and exclusive right of burial of the dead therein, subject to the following rules and restrictions for the regulation and government of said Cemetery; viz:

1st. That the said Lot shall not be used for any other purpose than as a place of burial for the dead, and proper Cemetery uses, such as the Town may approve; and no trees within the Lot or the Cemetery shall be cut down or destroyed without consent of the Town.

2nd. That if any trees or shrubs in said Lot shall become in any way detrimental to the adjacent lots or avenues, or dangerous or inconvenient, the Town shall have the right to enter into said Lot and remove said trees or shrubs, or such parts thereof as are dangerous, detrimental or inconvenient.

3rd. That if any monument or other structure whatever, or any inscription, be placed in the said Lot which shall be determined by the Town to be offensive, the Town shall have the right to enter upon said Lot and remove said offensive or improper object or objects.

4th. If a fence shall at any time be erected or placed in or around said Lot, the materials or design of which shall not be approved by the Town, it must be forthwith removed upon direction of the Town, and if not so removed the Town shall have the right to enter upon said Lot and remove said fence.

5th. The said lot shall be holden subject to all by-laws, rules and regulations made and to be made by the Town.

IN WITNESS WHEREOF, the said Town of Northbridge has caused these presents to be signed and sealed by its Board of Selectmen, this 16th day of October, in the year of our Lord Two Thousand Twenty-Three.

Know all Men by These Presents, **F.3.**

That the Town of Northbridge, in the County of Worcester and Commonwealth of Massachusetts, in consideration of Six Thousand Four Hundred Dollars, paid by **William S. Oncay, of 36 Pond View Drive, Clinton, MA 01510**, the receipt of which is hereby acknowledged, does sell and convey to said **William S. Oncay**, the Four (4) full burial **Lots Numbered 403 and 404, situated on the way called Forest Ave (East), in the Pine Grove Cemetery**, and the sole and exclusive right of burial of the dead therein, subject to the following rules and restrictions for the regulation and government of said Cemetery; viz:

1st. That the said Lot shall not be used for any other purpose than as a place of burial for the dead, and proper Cemetery uses, such as the Town may approve; and no trees within the Lot or the Cemetery shall be cut down or destroyed without consent of the Town.

2nd. That if any trees or shrubs in said Lot shall become in any way detrimental to the adjacent lots or avenues, or dangerous or inconvenient, the Town shall have the right to enter into said Lot and remove said trees or shrubs, or such parts thereof as are dangerous, detrimental or inconvenient.

3rd. That if any monument or other structure whatever, or any inscription, be placed in the said Lot which shall be determined by the Town to be offensive, the Town shall have the right to enter upon said Lot and remove said offensive or improper object or objects.

4th. If a fence shall at any time be erected or placed in or around said Lot, the materials or design of which shall not be approved by the Town, it must be forthwith removed upon direction of the Town, and if not so removed the Town shall have the right to enter upon said Lot and remove said fence.

5th. The said lot shall be holden subject to all by-laws, rules and regulations made and to be made by the Town.

IN WITNESS WHEREOF, the said Town of Northbridge has caused these presents to be signed and sealed by its Board of Selectmen, this 16th day of October, in the year of our Lord Two Thousand Twenty-Three.

Melissa Ciaramitaro

From: Linda Zywiec
Sent: Thursday, October 12, 2023 2:36 PM
To: Melissa Ciaramitaro; Sharon Susienka
Cc: Dan Lessard
Subject: Fw: [Northbridge MA] request to be on the agenda of selectman' meeting (Sent by Dan Lessard, derbydan476@gmil.com)

Melissa and Sharon, please see request below.

Linda

From: Contact form at Northbridge MA <cmsmailer@civicplus.com>
Sent: Thursday, October 12, 2023 2:30 PM
To: Linda Zywiec <lzywiec@northbridgemass.org>
Subject: [Northbridge MA] request to be on the agenda of selectman' meeting (Sent by Dan Lessard, derbydan476@gmil.com)

Hello lzywiec,

Dan Lessard (derbydan476@gmil.com) has sent you a message via your contact form (<https://www.northbridgemass.org/users/lzywiec/contact>) at Northbridge MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.northbridgemass.org/user/88/edit>.

Message:

This is to request to be on the agenda of the next selectman's meeting. The Blackstone Valley Veterans' Association is request to place a banner on Church Street. This has been done in the past to advertise a veterans spaghetti supper. We are requesting to have the fire department place it.

The banner would be up from November 10th to November 18. **Not available**

Then supper is November 18th

Thank You for your help

October 30 - November 13 is available

Daniel Lessard

Blackstone Valley Veterans Association



FOOD ESTABLISHMENT INSPECTION REPORT H F 10.

Kyoto Japanese Restaurant
185 Church Street
Whitinsville, MA 1588
Permit Holder: Same

<u>Inspection Number</u> 74C9C	<u>Date</u> 9/13/23	<u>Time In/Out</u> 11:35 AM 1:06 PM	<u>Inspection Type</u> Illness	<u>Inspector</u> D.Markman
<u>Permit Number</u> 2023-058	<u>Risk</u> 2	<u>Variance</u> YES-	<u>Client Type</u> Restaurant	

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT= out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Food separated and protected	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Certified Food Protection Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Food-contact surfaces; cleaned & sanitized		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee Health						Time/Temperature Control for Safety					
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Proper disposition of returned, previously served,		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Proper use of restriction and exclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. Proper cooking time & temperatures		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Procedures for responding to vomiting and diarrheal events	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Proper reheating procedures for hot holding		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Good Hygienic Practices						Consumer Advisory					
6. Proper eating, tasting, drinking, or tobacco use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Proper cooling time and temperature		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. No discharge from eyes, nose, and mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Proper hot holding temperatures		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preventing Contamination by Hands						Highly Susceptible Populations					
8. Hands clean & properly washed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Proper cold holding temperatures	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. No bare hand contact with RTE food or a pre-approved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Proper date marking and disposition	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Adequate handwashing sinks supplied and accessible	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Time as a Public Health Control; procedures & records		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Approved Source						Conformance with Approved Procedures					
11. Food obtained from approved source	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25. Consumer advisory provided for raw/undercooked food		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Food received at proper temperature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. Pasteurized foods used; prohibited foods not offered		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Food in good condition, safe & unadulterated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. Food additives: approved & properly used		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Required records available: shellstock tags, parasite	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. Toxic substances properly identified, stored & used		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Repeat Violations Highlighted in Yellow						29. Compliance with variance/specialized process/HACCP	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	43. In-use utensils: properly stored		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. Water & ice from approved source	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	44. Utensils, equip. & linens: property stored, dried & handled		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Variance obtained for specialized processing methods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	45. Single-use/single-service articles: properly stored & used		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food Temperature Control						Utensils, Equipment and Vending					
33. Proper cooling methods used; adequate equip. for temp.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46. Gloves used properly		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. Plant food properly cooked for hot holding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	47. All contact surfaces cleanable, properly designed,		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Approved thawing methods used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	48. Warewashing facilities: installed, maintained & used; test		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. Thermometers provided & accurate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	49. Non-food contact surfaces clean		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food Identification						Physical Facilities					
37. Food properly labeled; original container	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	50. Hot & cold water available; adequate pressure		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prevention of Food Contamination						Physical Facilities					
38. Insects, rodents & animals not present	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	51. Plumbing installed; proper backflow devices		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. Contamination prevented in prep, storage & display	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	52. Sewage & waste water properly disposed		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40. Personal cleanliness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	53. Toilet facilities: properly constructed, supplied, & cleaned		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41. Wiping cloths; properly used & stored	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	54. Garbage & refuse properly disposed; facilities maintained		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42. Washing fruits & vegetables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	55. Physical facilities installed, maintained & clean		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						56. Adequate ventilation & lighting; designated areas use		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						60. 105 CMR 590 violations / local regulations		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

D. Markman

Thien Phan - Expires
Certificate #:

<u>Priority</u> 3	<u>Pf</u> 2	<u>Core</u> 1	<u>Repeat</u> 4	<u>Risk Factor</u> 4	<u>Good Retail</u> 2
Follow Up Required: <input checked="" type="checkbox"/> Y			Follow Up Date: 9/22/2023		

Kyoto Japanese Restaurant
185 Church Street
Whitinsville, MA 1588

Inspection Number
74C9C

Date
9/13/23

Time In/Out
11:35 AM
1:06 PM

Inspector
D.Markman

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Protection From Contamination**Food Separated and protected****15 3-302.11 (A)(2) Raw Animal Foods Separated from each other - Establishment -**

Pr Raw tuna stored over RTE food in walk-in cooler. Raw meat must be stored beneath RTE food. Code: *Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.*

**Time / Temperature Control for Safety****Cold Holding Temperature****22 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Sushi area -**

Pr The temperature of the Tuna (probe) in the Refrigerated fish display unit was 47.0 degrees. numerous other items out of temp. Affected items discarded by PiC. No temp log maintained for walk-in cooler Code: *Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.*

Kyoto Japanese Restaurant
185 Church Street
Whitinsville, MA 1588

Inspection Number
74C9C

Date
9/13/23

Time In/Out
11:35 AM
1:06 PM

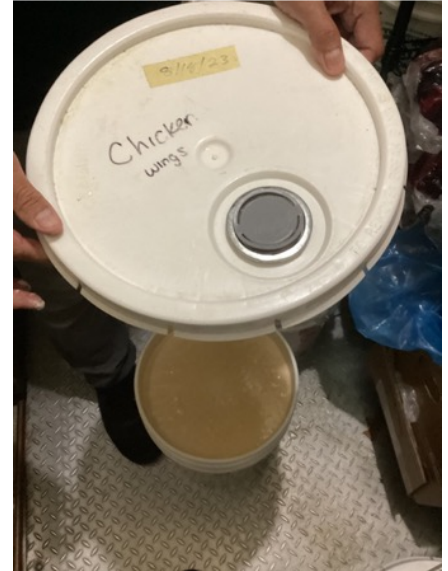
Inspector
D.Markman

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

23 3-501.18 Ready-to-Eat Food Disposition - Establishment -

Pr Mayo sauce in walk-in improperly date and name labeled (also reading as above 41 F), must be discarded. Food must be accurately labeled with proper prep date and common name *Code: A TCS/RTE food as specified in paragraph 3-501.17 (A)(B) shall be discarded if it: exceeds 7 days at 41°F or lower (except for the time that the product is frozen) or is in a container or package that does not bear a date or day or is appropriately marked with a date or day that exceeds a temperature and time combination as specified in 3-501.17(A). Refrigerated, RTE/TCS food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds 7 days at 41°F or lower.*

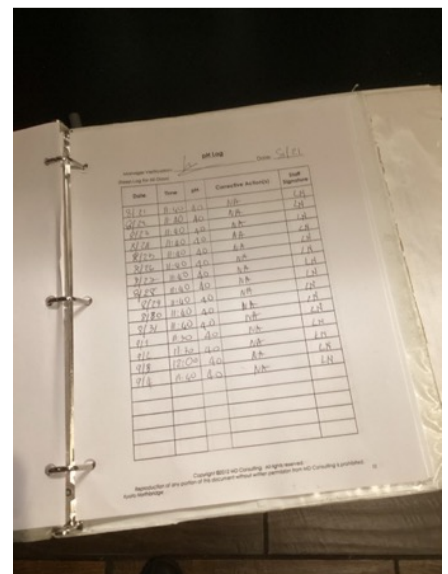


Conformance with Approved Procedures

Conformance with variance/specialized process/HACCP

29 8-103.12 (B) Confirmation with Approved Procedures/HACCP - Sushi area -

Pf Sushi pH logs not maintained for the past 9 days. Violation of requirements of HACCP plan. Until Reinspection confirms that all other Pf/Pr violations are corrected, sushi cannot be served. A proper pH test must be performed by a staff member at the time of that inspection. *Code: If the RA grants a variance as specified in section 8-103.10, or a HACCP plan is otherwise required as specified under section 8-201.13, the permit holder shall maintain and provide to the RA, upon request, records specified under section 8-201.14 (D) and (E)(3) that demonstrate that the following are routinely employed: (1) Procedures for monitoring the CCP's, (2) Monitoring of the operation or process, and (4) Necessary corrective actions if there is failure at a CCP.*



FOOD SAFETY INSPECTION REPORT

Page Number

4

Kyoto Japanese Restaurant
185 Church Street
Whitinsville, MA 1588

Inspection Number
74C9C

Date
9/13/23

Time In/Out
11:35 AM
1:06 PM

Inspector
D.Markman

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Prevention of Food Contamination

Insect, rodents & animals not present

38 6-501.111 (C) Controlling Pests - Establishment -

Pf Flies noted near sushi area. Also no recent pest control report (last one was from July). Flies must be treated by a licensed pest control operator. *Code: The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by using methods, if pests are found, such as trapping devices or other means of pest control, such as pesticides, must be used according to law and manufacture's instructions.*

39 3-305.12 Food Storage Prohibited Areas - Sushi area -

COS C Food contact surfaces should be protected from splash or other possible contaminants. *Code: Food may not be stored: in locker rooms; in toilet rooms; in dressing rooms; in garbage rooms; in mechanical rooms; under sewer lines that are not shielded to intercept potential drips; under leaking water lines, including water leaking automatic fire sprinkler heads, or under lines on which water has condensed; under open stairwells; or under other sources of contamination.*



Notes

FOOD SAFETY INSPECTION REPORT

Kyoto Japanese Restaurant
185 Church Street
Whitinsville, MA 1588

Inspection Number
74C9C

Date
9/13/23

Time In/Out
11:35 AM
1:06 PM

Inspector
D.Markman

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Notes

88 Notes - Establishment -

N No PiC with ServSafe present at time of inspection until manually called by other staff. Northbridge food regulations require someone who is Food Manager Certified at all times food is prepared and/or served. - General Notes.



88 Notes - Establishment -

N PH test for today's batch - General Notes.



List 1

The Town of Northbridge Board of Health Food Inspection Procedure Policy can be accessed here:
https://www.northbridgemass.org/sites/g/files/vyhliif981/f/uploads/inspectionpolicyfoodestablishments_august_2022.pdf

FOOD SAFETY INSPECTION REPORT

Kyoto Japanese Restaurant
185 Church Street
Whitinsville, MA 1588

Inspection Number
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9/13/23

Time In/Out
11:35 AM
1:06 PM

Inspector
D.Markman

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

IN= In Compliance OUT = Out of Compliance NA = Not Applicable NO= Not Observed

Is PIC on site	OUT
Does establishment have copy of inspection policy	NO
Are the ServSafe, Choke Save and MA Allergy Cert. posted?	IN
Is a current permit posted?	IN
Is grease trap log provided	IN
Are SOP's in place for cleaning up vomit/diarrheal incidents?	IN
Are Employee reporting forms on site.	NO
If applicable, is operation in compliance with HACCP plan?	OUT
Irreversible Test strips/device available?	NA
Handsinks accessible.	IN
Notification posted for most recent inspection report?	IN
Most recent Inspection report available?	IN
Are pest control reports available and up to date?	OUT
Hand washing sinks supplied with liquid soap, paper towels and trash	IN
Test kits on site for sanitizer.	IN
Are Covid 19 protocols being followed?	NA

Temperatures

Area	Equipment	Product	Notes	Temps
Sushi area	Refrigerated fish	Tuna (probe)		47.0 °F
Establishment	Walk-in cooler	Tuna (probe)		43.6 °F
Sushi area	Refrigerated fish	Salmon (probe)		40.6 °F
Sushi area	Refrigerated fish	Thin sliced fish (probe)		41.6 °F
Establishment	Walk-in cooler	Chicken wing (probe)		45.2 °F
Establishment	Walk-in cooler	Mayo Sauce, high up		41.2 °F

FOOD SAFETY INSPECTION REPORT

Kyoto Japanese Restaurant
185 Church Street
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Inspector
D.Markman

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Establishment	Walk-in cooler	Mayo sauce, bucket		44.4 °F
Establishment	Walk-in cooler	Soup (probe)		47.6 °F
Sushi area	Rice Warmer	Rice (probe)		145.8 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

Originally called in for a food borne illness Complaint after customer consumed sushi (California and Worcester roll). Found evidence that HACCP plan was not being followed and that sushi rice pH was not recorded since 9/5. In addition, numerous TCS items in walk-in cooler were off temp. These items were discarded. Per the variance issued by the LBOH, this establishment is to discontinue sushi production until a Reinspection can confirm the above violations have been corrected.

Note: initial batch read too high pH. Additional vinegar added, next sample read 3.5 pH.

Establishment **MUST** maintain a temperature log of all units, with probe readings taken of 1-2 items per unit minimum once every 4 hours. Items over temp at reading must be discarded.

Initially PiC refused to sign. Came before BOH office and signed after that, thus the report was reopened.

The Kyoto Report

Kyoto Restaurant, located at 185 Church Street, Whitinsville, MA 01588, is a primarily Japanese restaurant, and the only restaurant currently operating in the Town of Northbridge with a sushi variance. This variance outlines an alternative measure taken by the restaurant to prevent foodborne illness growth in sushi rice and raw fish, since sushi rice is typically kept at a warmer temperature than what is required by the code, and raw fish does not undergo the cooking steps required to kill off most foodborne pathogens and parasites.

As a result, Kyoto has been granted a variance by the Board of Health on the condition that the restaurant draft a HACCP (Hazard Analysis Critical Control Point) plan to propose the methods they will use to mitigate the risk of foodborne illness absent the normal requirements of the code. Their HACCP plan states two specific methods of addressing the limitations of sushi rice:

1. Rather than temperature, the sushi rice is rendered safe from pathogens via a method of acidification through the use of a vinegar mixture. In order to verify that the process maintains the pH at a low enough level to reduce pathogens to a safe level, the restaurant must maintain a daily log of pH measurements taken using a chemical test paper. They must also submit their recipe for testing by a certified lab once a year. Both these records must be maintained on-site at all times.
2. Rather than cooking, the potential foodborne illnesses harbored by raw fish are controlled via parasite destruction by the restaurant's supplier. These logs are maintained on an annual basis on-site by the restaurant. Once the fish is on-site, standard temperature control (cold-holding) is used to ensure new pathogen growth does not occur. As per usual with raw or undercooked items being offered by a restaurant, Kyoto has provided adequate notice to its customers that consuming raw or undercooked items has an increased risk of foodborne illness despite these protections as a form of liability coverage required by the state.

Below is a summary of the restaurant's recent inspection history. The inspection reports have been attached to this document for your reference, but for your convenience, the results of those inspections will be summarized below.

Inspection Period – First Half of 2022

The first inspection in the record was conducted on 5/9/2022. This inspection was lead by Kaitlin Donohue with Dan Markman accompanying as back-up. Loi Nyguen was the Person in Charge (PiC). Numerous priority and priority foundation violations were noted at the time of this inspection, including but not limited to insufficient access to records (their parasite destruction logs were well out of date), as well as proper improper food storage, improper food coverings, and a general lack of sanitary conditions (including having staff wearing personal effects that came into contact with food). As a result, this inspection took a full 3 hours, and their permit was temporarily suspended until re-inspection.

The re-inspection had all violations corrected on 5/11/2023 with the exception of jewelry being worn by staff. Because parasite destruction logs were still unavailable at time of re-inspection, Kyoto was allowed to resume service but was not allowed to resume the sale of sushi until the office received a copy of the latest report.

Inspection Period – Second Half of 2022

The second inspection in this record was conducted on 12/5/2022 by Daniel Markman. Loi Nyugen was the PiC for this inspection. This inspection found several notable violations, including improper storage of food and time-temperature abuse. Of particular note was the re-occurrence of storing food in improper containers (grocery bags), improperly labeled food, and food not being properly covered. Several items were also outside of a safe temperature range. While a few had been left out for a short enough time period that this could be remediated, some were not and had to be discarded. In addition, while sushi HACCP documentation was intact, pest control and grease trap logs were unavailable.

Re-inspection was conducted on 12/12/2022. At this time, all violations were corrected.

Inspection Period – First Half of 2023

The third inspection in this record was conducted on 5/15/2023 by Daniel Markman. Loi Nyugen was the PiC on site during this inspection. Several violations were noted on this report, include a few repeat violations. Of these, the most notable were improper storage of food items, time-temperature abuse (in thawing and cold storage), food in contact with non-food-safe items, and a lack of access to proper records (once again, grease trap and pest control). Notably, some violations are new, such as insufficient pressure at a handwash sink, lack of test strips for the sanitizer at the dishwasher. General sanitation was also slightly poor (though not as badly as the year prior), with certain shelves needing additional cleaning.

A re-inspection was conducted on 5/19/2023. Most violations were corrected. However, very notably, the temperature storage of items in the wait-station fridge were still incorrect, with numerous food items requiring time-temperature control being within the temperature danger zone. At this time, I advised the PiC that temperature logs would need to be maintained for all units. As per the inspection policy, a fine was levied from Kyoto for requiring a second re-inspection.

A second re-inspection was conducted on 5/22/2023. At this time, the violations regarding temperature were corrected. While Loi Nyugen remained PiC for this report, the owner was present to explain what remediations had been taken. At this time the owner expressed concern over the treatment of his establishment and noted that as an HVAC professional, he knew how to maintain his fridges. I emphasized that regardless of that qualification, the items had been out of temp prior and without a log to verify the duration of temperature abuse, the code required the items to be discarded. I re-iterated verbally the need to maintain a temperature log to avoid this problem in the future.

Inspection Period – Second Half of 2023

The fourth and most recent inspection within this report was conducted on 9/13/2023. Initially, the PiC was a member of the wait-staff named Cassidy. One of the owners, Thien Phan, arrived after being contacted by staff. Notably, at the time the inspection began, none of the staff on-site had a valid Food Manager Certification, despite food continuing to be served to customers. This is in violation of the Town of Northbridge's food regulations and per inspection policy, they were levied a fine.

Of note, in contrast to prior inspections, this one was not listed as routine, but rather in response to a complaint of foodborne illness. A resident contacted LBOH administrator Jeanne Gniadek, complaining of illness after having consumed sushi. A cross-reference of reported symptoms and onset time implied the infection may have been emetic *B. Cereus*. However, at time of writing, no lab confirmation was conducted. Nevertheless, given that the impacted food item was sushi regardless of the identity of the

illness, the inspection focused on the sushi rice and fish implicated in the illness complaint. During the inspection, the temperature of most items within the walk-in cooler (including the tuna that would have been an ingredient in the sushi roll eaten by the ill resident) were within the temperature danger zone. A few were mislabeled and improperly stored (raw fish over RTE food, and food containers on the floor), which constitute repeat violations. I inquired why the PiC had not maintained a temperature log as instructed in prior inspections. They indicated that they believed it was only required for the wait-station unit despite the written note not specifying such. In addition, at time of inspection, staff had failed to maintain the pH log of their HACCP plan since 9/4/2023. Notably, this was the period when the resident became ill. As per code, their ability to serve sushi was (once again) temporarily suspended until re-inspection. PiC became irate at this, noting that they had already “corrected” the issue now that attention had been brought to it. They tested the sushi rice in front of the inspector, demonstrating a pH above 4.3 (the upper limit of their HACCP plan). The PiC insisted it was reading below 4.3, but the inspector disputed this and took a picture as a record to verify. As per HACCP, the sushi was remixed and tested at a proper level thereafter. PiC initially refused to sign the inspection report and arrived at the BOH office shortly thereafter to dispute the findings.

They were informed that given their history of non-compliance and the nature of this inspection, they would not be allowed to sell sushi until a re-inspection on Friday of that week at the earliest. They were also informed that they would be summoned before the LBOH to discuss their repeat violations.

The re-inspection was held on 9/15/2023. At that time, all violations were corrected. Of note, the pre-mixed slurry and test paper had been prepared prior to the inspector’s arrival, reading at around 3.7 pH. The staff had improperly recorded this pH as 3.9 in direct violation of their HACCP (which required all results to be rounded up to the nearest 0.3, so 4.0 in this specific case as defined by their plan). Given that I could not verify that they had properly tested the sushi rice, I requested they repeat the process. The result read above 4.3 again, although once more the PiC attempted to dispute this. Again, a picture was taken for the record. PiC complied and had staff remix the sushi slurry until a 3.5 pH reading was taken (labeled as 3.7 in the record as per HACCP plan requirements).

PiC once more disputed the need to maintain a temperature log, asking how long it would be required. I informed the PiC that a temperature log should be maintained in perpetuity, and that it was common practice in many food establishments. PiC did not appear satisfied with this requirement but seemed to indicate that they would come into compliance. Strictly speaking, no violations remained, so no re-inspection would be required at this time.