



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 24, 2011.

MEETING MINUTES - December 14, 2010

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

Minutes: A motion was made by Mr. Cella to accept the minutes of **November 9, 2010**. Motion seconded by Mr. Garabedian; the vote 4-0 in favor.

Inspector of Animals Position: Present for this meeting was Kevin Sullivan, applicant for the position of Inspector of Animals. Mr. Sullivan is currently serving as the Inspector of Animals for the towns of Blackstone and Mendon. He also serves as the Blackstone Animal Control Officer.

Motion made by Mr. Garabedian to submit to the Town Manager the recommendation by the Board of Health of the appointment of Mr. Sullivan as the Inspector of Animals for the Town of Northbridge. Motion seconded by Mr. Cella; the vote was all in favor.

Noise Complaint – Riverdale Mills: The Board reviewed email correspondence from Police Chief Walter Warchol and James Knott, owner of Riverdale Mill. Chief Warchol indicated that cruisers have checked the area of the mill and that they can hear a low humming noise during the night.

Mr. McKeon stated that he would obtain the noise meter from DEP to take some readings in the area of the mill. If readings come back elevated then the DEP will be able to assist the Board in any type of enforcement action which may be necessary. Mr. McKeon suggested that the Board would be able to use the ambient background levels from the noise study conducted in 1995 as their guide.

Food Service Establishments – Review of Food Establishment Inspection Reports: The Board reviewed the most recent food establishment inspection reports.

Mr. Cella questioned if the other Board members felt that the biggest issues at Brian's Restaurant is due to the exterminator he uses. Mr. McKeon agreed. Mr. Cella stated that there always seems to be some type of infestation and that the services of an exterminator should take care of that. Mr. McKeon questioned whether the office was receiving the pesticide reports. Ms. Gniadek stated that we had received some reports but she was not sure of what time period those reports covered. Mr. Cella stated that the Board had ordered Brian's to submit their pesticide reports and that those reports should be coming to us. Mr. McKeon stated that the Board wants paid receipts and statements that detail the services performed. Mr. McKeon suggested that the Board make a motion to require the submission of pesticide slips every two weeks. Mr. Cella stated that we require monthly pesticide. Mr. McKeon stated that we could increase that to twice monthly for this establishment.

Mr. Cella again questioned the practice of informing establishments of the date that the health inspector would return to conduct their re-inspection. Ms. Gniadek stated that it is standard practice to inform the establishment of the date of the re-inspection and is in fact part of the inspection form. The Board discussed having the report note that a re-inspection will be done within seven, ten or fourteen days instead of giving them an exact date. The Board discussed changing their regulations so that it is noted that a re-inspection will be done within 14 days. Mr. Cella asked how difficult it is to change the regulations. The Board stated that it is not difficult at all. Ms. Gniadek stated that she has provided the Board with many proposed changes to current regulations but that as of this date they have not taken any action on those proposed amendments. The Board agreed to revisit making amendments to current regulations and asked that Ms. Gniadek prepare those changes for their review at each of their upcoming meetings until all sections have been reviewed.

After reviewing the inspection report for Family Wok, Mr. McKeon suggested that the Board order them to hire a food consultant to assist them. Mr. McKeon stated that the Board could also order Brian's Restaurant to retain the services of a consultant.

Food Service Establishments – Notice of Persons Impersonating State Inspectors: Ms. Gniadek informed the Board that she had received information from the Massachusetts Department of Public Health regarding instances in Winchester, Greenfield, Boston, and Northborough where persons are impersonating state health inspectors in an attempt to gain entry into food establishments. She prepared an Urgent Memorandum for distribution to the Northbridge food establishments to make them aware of this issue and to provide them with guidance. The Board reviewed the memorandum and approved of its distribution.

Food Service – Daily Bread Bakery & Café – Change in Ownership: The Board reviewed a letter from Chris Sohigian, former owner of the Daily Bread Bakery Café. No action required.

TJJ Development – Tom Berkowitz Trucking: The Board received notice from Mr. Thomas Berkowitz that TJJ Development is withdrawing its SW38 application for increased tonnage.

Ms. Gniadek informed the Board that they are in possession of \$8,895.00 for Technical review fees associated with this application that will need to be refunded to the applicant.

Mr. Cella motioned to refund the Technical review fees associated with the SW38 application. Motion seconded by Mr. Garabedian; the vote was all in favor.

Inspector Pay Discrepancy: The Board reviewed an email from James Gosselin, the Board's Inspector of Animals who recently resigned from his position. Mr. Gosselin claims that a mistake was made in his final pay for attendance at a Rabies Seminar. Ms. Gniadek informed the Board that Mr. Gosselin was paid a rate of \$15.00 per hour, the rate of pay he received as Health Inspector, as the Inspector of Animals position does not have an hourly rate – that position is paid per quarantine and per barn inspection. He was paid \$45.00 to attend the 3-hour training and was also reimbursed for mileage. Mr. Gosselin asserts that he should have been paid \$30 per hour. Ms. Gniadek informed the Board that she asked the Town Manager for an opinion on this and that he referred the matter to the Board. Ms. Gniadek informed the Board that Mr. Gosselin was paid \$15.00 per hour as the Health Inspector and \$30 per barn inspection and per quarantine notice as the Animal Inspector – she noted that there is NO hourly rate for the Animal Inspector.

Mr. McKeon stated that the payment has been made and therefore the matter is done. Ms. Gniadek stated that Mr. Gosselin wants an additional \$45.00 payment and that it is up to the Board on how they want to proceed as another check could be issued to him. Mr. McKeon stated that Ms. Gniadek had made the decision on what to pay him so it is a done deal. Ms. Gniadek stated that the Board can amend that payment and pay Mr. Gosselin whatever they desire and that it is not a done deal – the matter is up to the Board.

Mr. McKeon stated that there could be legal consequences in this matter as it deals with someone's salary. Mr. McKeon stated that the Town Manager should have made the determination as he is the appointing authority. Ms. Gniadek also informed the Board that 45-day and 6-month quarantines are paid to the inspector immediately upon the issuance of the quarantine, not upon the quarantine release so there are several quarantines for which Mr. Gosselin has been paid in full but are not yet complete.

Mr. Cella stated that if his rate of pay was such a concern then he should have brought it up before attending the seminar. He should not have assumed what his payment would be when the position did not have an hourly rate.

Motion made by Mr. Cella to leave the rate of pay paid to Mr. Gosselin as is. Motion was seconded by Mr. Garabedian; the vote was 2-0 in favor with Mr. McKeon and Mr. Chase abstaining. Mr. McKeon stated that this matter should be resolved by the Town Manager.

24 Hillside Drive - Complaint: The Board reviewed the letter sent to the owners of 24 Hillside Drive ordering them to repair their municipal sewer line to prevent the flow of raw sewage from their property into the street. Ms. Gniadek informed the Board that the owner had left a voice mail message over the past weekend indicating that the problem has been fixed.

Health Agent Position: Ms. Gniadek informed the Board that the Health Agent position is being advertised on the Board of Health web site, at the Town Hall and Aldrich School Annex, on cable and was also in the December 5th Sunday telegram & Gazette. To date, there are 3 applicants for the position. She stated that she would set up interviews for the Board at their next meeting in January.

Compost Site – Sticker Fee for 2011: Mr. McKeon informed the Board that the compost site sticker program initiated in 2003 has charged \$10 for the compost site sticker. He suggested that the Board increase this fee for the 2011 season.

Motion to increase compost site sticker fee to \$15.00 for 2011 was made by Mr. Cella; motion seconded by Mr. Garabedian. The vote was all in favor.

Old & New Business: Ms. Gniadek informed the Board that the **Whitin Community Center** owes over \$7,000.00 in sewer usage fees. She stated that the Town manager's office is withholding the renewal of their Common Victualler's license and is asking what the Board of Health intends to do with any annual permit renewals that are processed through this office. Ms. Gniadek informed the Board that they have two pool permits.

Motion made by Mr. Cella to withhold renewal of pool permits to the Whitin Community Center until the sewer usage bills are paid or until an agreement with the Treasurer/Collector for payment of these fees is entered into. Motion seconded by Mr. Chase; the vote was 3-0 in favor with Mr. Garabedian abstaining.

Correspondence: The following correspondence was distributed to the Board:

- Letter from Paul McKeon to Service Time, Inc. – Mr. McKeon noted that his letter was not sent from the Board of Health but from him personally asking for an apology or he may sue for defamation of character.
- Response Letters from Attorney William Bloom for Service Time, Inc. – Mr. Chase expressed his anger that Service Time came before this Board and all those people on Sutton Street with their complaints and that it meant nothing to him and that the Board of Health is not doing anything about the operation of this business and its failure to provide the documentation that we had requested. He stated that anyone can come before this Board, then go see their attorney to write a letter threatening everyone on the Board and there is nothing we can do about it. Mr. McKeon explained that there is no regulation that provides for the Board of Health to obtain that information. Mr. McKeon informed Mr. Chase that state regulations allow for trucking operations such as these to park trucks full of waste on their property over weekends and for short periods of time.
- DEP amendments to Solid Waste regulations governing transfer stations
- Summary of Conflict of Interest Law – distributed to Board members

There being no further business, motion to adjourn at 8:40 PM was made by Mr. Chase and seconded by Mr. Cella – all in favor.

Attested by,

Jeanne M. Gniadek, Administrator

*List of Documents utilized by Board of Health
Meeting Date: December 14, 2010*

- 1) DRAFT Minutes of November 9, 2010 Meeting
- 2) Expression of Interest in Inspector of Animals Position from Kevin Sullivan
- 3) Riverdale Mill Noise Complaint
 - a) Emails (2) from Police Chief Walter Warchol
 - b) Email from James Knott, owner of Riverdale Mill
- 4) Food Establishment Inspection Reports
 - a) Brian's Restaurant – Routine: 11-05-2010 (1 Critical Violation)
 - b) Brian's Restaurant – Re-inspection: 11-13-2010
 - c) Family Wok – Routine: 11-12-2010 (4 Critical Violations)
 - d) Family Wok – Re-inspection: 11-19-2010 (1 Critical Violation)
 - e) Jumbo Donut – Routine : 11-12-2010
 - f) Jumbo Donut – Re-inspection: 11-19-2010
 - g) Subway (@Wal-Mart) – Re-inspection: 11-06-2010
 - h) Sunshine Haven – Routine: 11-13-2010 (2 Critical Violations)
 - i) Sunshine Haven – Re-inspection: 11-19-2010
 - j) Village House of Pizza – Re-inspection: 11-6-2010
- 5) Notice of Persons Impersonating Food Inspectors
 - a) Urgent Memo to Food Establishments from the Northbridge Board of Health
 - b) Email RE: Northborough incident
 - c) DPH-Food Protection Program Memo RE: Fraudulent Food Inspector Complaints
- 6) Letter (November 7, 2010) from Chris Sohigian, former owner of Daily Bread Bakery Cafe
- 7) Letter from Thomas P. Berkowitz RE: Withdrawal of SW38 Application
- 8) Inspector Pay Discrepancy
 - a) Email from Jim Gosselin with reply from Ted Kozak
 - b) Time Sheets from Jim Gosselin
 - c) Voucher for payment to Jim Gosselin
- 9) Letter to Wayne and Rosemarie Wheaton of 24 Hillside Drive
- 10) Health Agent Position
 - a) Advertisement
 - b) Resumes/Applications from Lois Luniewicz, Matthew Armendo, and Peter Aldahondo
- 11) 2011 Compost Site Hours of Operation
- 12) Correspondence
 - a) Email from Sharon Susienka RE: Service Time correspondence
 - b) Letter from Paul McKeon to Service Time Inc.
 - c) Response Letters from William R. Bloom, Attorney, for Service Time, Inc.
 - d) DRAFT MassDEP Guidance regarding New Statutory Provisions for Transfer Stations
 - e) Summary of Conflict of Interest Law
 - f) Email from Sharon Susienka regarding Whitin Community Center sewer bill in arrears