



TOWN OF NORTHBRIDGE
BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held March 10, 2009.

MEETING MINUTES - FEBRUARY 10, 2009

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

Minutes: A motion was made by Mr. Cella to accept the minutes of January 13, 2009. Motion seconded by Mr. Garabedian; the vote was 3-0 in favor. Mr. Chase abstained.

The Board reviewed the January 22, 2009 email from Mr. Arthur Kroll requesting that references to the Kroll Property as it relates to the Sunset Drive drainage issue be correctly recorded on the Board of Health agenda and minutes as "1192 Hill Street Trust Property – Assessors Map 12 – Parcels 5 & 6". The Board agreed to make this notation on all future agendas and minutes.

The Board reviewed the February 10, 2009 email from Mr. Arthur Kroll requesting amendments to the January 13, 2009 meeting minutes. Mr. Kroll was not present for the January 13, 2009 meeting – no amendments were considered.

China Pacific – Grease Interceptors: The Board reviewed the January 24, 2009 food inspection report conducted by Ms. Terry Gilchrist, Health Inspector. Ms. Gilchrist notes that this facility will be installing two Big Dipper grease interceptors. Ms. Gniadek informed the Board that according to Mark Kuras, Sewer Superintendent, Mr. Tommy Lee, owner of this establishment, had not contacted him to discuss the possibility of installing an external grease interceptor.

The Board requested that Ms. Gilchrist re-inspect this facility when the grease interceptors are installed and to check on whether the ware-washing machine in the bar area was repaired.

American Legion Post #343 – Food Permit Application: Present for this meeting were Harry Berkowitz and Phil Cyr from the American Legion. In accordance with regulations governing Minimum Standards for Food Establishments, an establishment serving liquor is required to obtain a food permit as the alcohol, ice, mixers, and accompaniments such as limes and cherries fall under the definition of a food.

The Board had requested that the Legion appear this evening as their application for a food permit noted their intent to install the required 3-bay sink and hand-wash sink by the end of June and the Board felt that was an unreasonable timetable for a food establishment.

Mr. Berkowitz stated that the day-to-day operations of the facility make just enough money to cover their heating and operating bills. He stated that since the submittal of the food permit application they have received a donation of a stainless steel 3-bay sink and a hand-wash sink. Mr. Cyr stated that they saved about \$2,500 through this donation. He stated that the boiler broke this winter and it cost the Legion \$6,000 to repair. He also stated that the building dates back to 1946 and that it costs them \$3-4,000 each winter to heat. Mr. Cyr stated that money is the issue and that they need time to hold events to raise revenue to make these corrections to the facility.

Mr. McKeon stated that the Board needs to hold them to the same standards as other businesses. Mr. Garabedian stated that he could not accept money as a factor as this is a public health issue to this Board.

Mr. Cyr stated that they are only renting out the hall and that the facility is no longer open to the public so he is asking for some flexibility from the Board.

Mr. Cella stated that the Board is being flexible – how much more flexible could the Board be considering that the Board has not taken any action against them and they are still in operation.

Discussion revolved around not allowing the kitchen to be used until this matter is resolved. It was noted that the bar is in service when the hall is rented so the service of alcoholic beverages and their accompaniments requires that the facility obtain a food permit.

The Board granted the Legion until the end of March to install the sinks allowing them additional time for the floors, suggesting that they be repaired to the best of their ability. This matter will be placed on the Board's April agenda for follow-up.

Rockdale Congregational Church: The Board reviewed a request from the Rockdale Congregational Church for a variance from the 3-bay sink requirement with the intent to utilize their 2-bay sink with use of a commercial sanitizing product that does not require a rinse. Ms. Gniadek informed the Board that Ms. Terry Gilchrist approves of the Board granting this request as they are a limited food service operation.

Motion made by Mr. Cella to approve variance request. Motion seconded by Mr. Chase; the vote was all in favor.

Cumberland Farms: This matter was brought before the Board to apprise them of ongoing violations at this facility. Ms. Gilchrist's recent reports show that the 3-bay sink and mop sink are not accessible because they are storing product in front of these fixtures. She notes that there is a storage issue at this facility that needs to be rectified. A memorandum from the regional manager dated October 3, 2007 addressed these matters, yet the violations continue.

Ms. Gniadek stated that she spoke with the regional manager who had suggested that Ms. Gilchrist schedule a meeting with the store manager. Ms. Gniadek informed the Board that Ms. Gilchrist has already conducted three inspections and that the store manager has made no attempt to be present for any of these inspections.

The Board requested that notice be sent to the Regional Manager and the Store Manager requiring their presence at the next meeting of the Board to review these ongoing violations.

Berkowitz Trucking – Site Assignment Modification: The Board reviewed the **Response to Administrative Deficiency Letter to DEP** and the **Request for Waiver from Site Assignment Regulations** prepared by Norfolk Ram Group for Tom Berkowitz Trucking Co., Inc.

Mr. McKeon stated that the Board needs to clarify a statement made by Norfolk Ram Group in its letter to Commissioner Burt requesting the waiver from site assignment regulations. Under section 5, it states that the Board of Health at a meeting held December 28, 2006 requested that Mr. Berkowitz apply for 100 tons in his site assignment modification. The informational meeting held on December 28, 2006 was not a Board of Health meeting and Commissioner Burt should be made aware that this Board has not taken a position on this matter.

Mr. Cella motioned to send rebuttal letter to Commissioner Burt that the Northbridge Board of Health did not request that Mr. Berkowitz apply for 100 tons and to clarify that the statement was made by one individual on the Board at an informational only meeting. Motion seconded by Mr. Garabedian; the vote was all in favor.

Old & New Business: Ms. Gniadek informed the Board that she spoke with Michelle Padula with the Department of Agriculture regarding the **Agricultural Preservation Restriction** on the Taylor property located on **Hill Street**. Mr. McKeon expressed his concern that we are not fulfilling our duties by not licensing the horse stable that is on this property. It was explained that the stabling of horses is considered recreational not agricultural and is therefore not a permitted use of this property. Ms. Gniadek stated that she was informed by Ms. Padula that the property is currently owned by Reservoir Properties and that Kenneth Foppema has expressed interest in purchasing the property. The Board asked that Ms. Gniadek follow up with Ms. Padula before their next meeting for any updates on this situation.

Ms. Gniadek informed the Board that she had received a complaint regarding the operation of an **Outdoor Wood-Burning Furnace** located on Purgatory Road. The Board requested that a letter be sent to the owner asking when the furnace went into operation and to request his appearance at the next Board of Health meeting for discussion.

Correspondence: Correspondence distributed to the Board included:

- Tom Berkowitz Trucking – Wood Chipping Notice – February 2009
- Spring Annual Town Meeting Notice – close of warrant memorandum
- Stormwater Management Regulations – cont. Public Hearing – March 10, 2009
- Arthur Kroll, Trustee, 1192 Hill Street Trust Letter to Board of Health (c/o J.Gniadek) – January 13, 2009
- Arthur Kroll, Trustee, 1192 Hill Street Trust Letter to Board of Health (c/o J.Gniadek) – January 15, 2009
- BOH (Gniadek) Response to Arthur Kroll (Re: October 17, 2008) – January 21, 2009
- BOH (Gniadek) Response to Arthur Kroll (Re: January 7, 2009) – January 21, 2009
- Burnham Miller Letter to Arthur Kroll – January 24, 2009
- Arthur Kroll, Trustee, 1192 Hill Street Trust Letter to Board of Selectmen – January 27, 2009
- Arthur Kroll, Trustee, 1192 Hill Street Trust Letter to Board of Health (c/o J.Gniadek) – January 28, 2009
- Arthur Kroll, Trustee, 1192 Hill Street Trust Letter to Burnham Miller – January 31, 2009
- Burnham Miller Letter to Arthur Kroll – February 6, 2009

There being no further business, motion to adjourn at 8:10 PM was made by Mr. Cella, seconded by Mr. Garabedian – all in favor.

Attested by,

Jeanne M. Gniadek, Administrative Assistant