



TOWN OF NORTHBRIDGE
BOARD OF HEALTH

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

MEETING MINUTES - JANUARY 13, 2009

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

Sunset Drive – Kroll Property: Present for this meeting were Joseph Montecalvo, Daniel Nolan, and Thomas Melia, members of the Northbridge Board of Selectmen. Also present was James F. Malley, Jr., PE.

Mr. McKeon stated that he had requested the presence of the Board of Selectmen at this meeting to allow for a discussion of the October 16, 2008 letter sent to the Town Manager by Arthur Kroll on behalf of the 1192 Hill Street Trust. He informed them that a year ago Mr. Kroll came before the Board stating that there was a problem with Sunset Drive. He explained that when Sunset Drive was developed there was a problem with the cellar holes filling up with water and an easement was provided on the Kroll property for a leach field. Mr. McKeon stated that Mr. Kroll appeared before the Board with a complaint that the system had failed and requested that the Board take a water sample. Mr. McKeon stated that he informed Mr. Kroll that he was familiar with the area as he had installed a septic system on Sunset Drive. Mr. Kroll had requested that he step down as Chairman saying that there was a conflict of interest. Mr. McKeon stated that he informed Mr. Kroll that he did not understand the conflict of interest law. He stated that conflict of interest laws ask if there is a monetary gain – he informed those present that he installed the septic system in 2000 – he made his money then. He stated that he and Mr. Malley went out to the site to search for the problem that Mr. Kroll issued a complaint about. They were unable to locate any problems. He stated that he went back to the site in February, after having significant rains, and was able to take a water sample. The sample tested at 2 colonies/25 ml sample and 3 colonies/75 ml sample. He stated that for swimmable water the cutoff is approximately 60 colonies per 25 ml sample. Mr. McKeon explained that that is the cutoff the Board of Health uses for determining a public health threat – if you can swim in it then it is not a public health threat. He stated that Mr. Kroll requested further sampling be done so in March of 2008, water tests were again conducted. Mr. McKeon stated that he brought the sample to the Northbridge Sewer Department as they are able to test it for free for us. That test came back at zero colonies per 25 ml and 75 ml samples. He stated that on June 10, 2008 and again on August 21, 2008 he tried to take another sample but the area was dry.

Mr. McKeon stated that on October 6, 2008, the Board's administrative assistant received an email from Mr. Kroll stating that he and his wife were at the site that morning and that the stench permeated the whole area - that there was mud on their boots and that the stench followed them into their car. Mr. Kroll also indicated that the septic system at 48 Sunset Drive was in failure and that the four properties on the south side of Sunset Drive had saturated leach fields. Mr. McKeon stated that he thought based on this email that the Board was going to find something wrong – in fact he contacted the Sewer Department to see if they had available dye test tabs because he thought they would be needed for further testing based on that email.

Mr. McKeon stated that he asked Ms. Gniadek to meet him at the site the following day at 4:00 PM and asked that she bring the digital camera to record what is seen. He informed the Selectmen that on October 7th he met Ms. Gniadek at the site and there was absolutely no stench and the land was dry, not soggy. In fact Ms. Gniadek was wearing white boots and there was no mud or water on them from the site. Mr. McKeon stated that they spoke with the owner of 48 Sunset Drive, standing directly on top of her leach field. He stated that the next day he went out to take a water sample and admits that he probably contaminated the sample because he inadvertently put his thumb in it and still the sample came back at just 4 colonies per 50 ml sample.

Mr. McKeon stated that the Board has more or less done what was asked of them. He showed the Selectmen the stack of correspondence received from Mr. Kroll. Mr. McKeon stated that Mr. Kroll does extensive research but he doesn't do it properly. Mr. McKeon stated that the job of the Board of Health is to protect the public health. He stated how can these water samples be considered a public health threat when the water samples came back with such a low coliform count and that a brook could have higher coliform counts than those found at this site. He stated that this is not a public health threat.

He informed the Selectmen that Mr. Kroll had sent a letter to the Ethics Commission. The information contained in the October 16, 2008 letter that the Board of Selectmen had received is basically not true Mr. McKeon stated. He stated that he did receive a call from the Ethics Commission well over a month ago. He thought that if he had been found in the wrong that we all probably would have heard about it by now. There is no monetary gain. And while it may be Mr. Kroll's opinion that he is in conflict and should step down as Chair, it is his opinion that he is not in conflict and will not step down until proven otherwise. Mr. McKeon stated that Mr. Kroll claims that he signs his own permits – he stated that he does not; Mr. Kroll claims that he did not install certain septic system components at 48 Sunset Drive (magnetic tape, inspection ports) – he did not have to as the septic system was installed in 2000 and those components are only required under recently adopted amendments to Title 5 regulations. Mr. McKeon stated that Mr. Kroll indicates that as a contractor he should have installed these things but he explained that as an installer he can only do what is shown on the design plan. Mr. McKeon stated that Mr. Kroll is calling him and Mr. Malley liars. He stated that he personally sent Mr. Kroll a letter stating that he has overstepped his bounds and is on the verge of defamation of character. He stated that he has not heard from him personally since then.

Mr. McKeon asked if anyone had any questions – he said that he just wanted to have an opportunity to explain the situation since the Board of Selectmen are getting copied on many of these letters. Mr. McKeon stated that the Town Manager had suggested that Mr. McKeon contact Town Counsel and he said that he did not want to spend the taxpayers money. Mr. Montecalvo agreed stating that Town Counsel would simply refer it to the Ethics Commission and they are already aware of it so there would be no point in going to town counsel. Mr. Nolan stated that it seemed that Mr. Kroll's issue is with the property owners on Sunset Drive.

Mr. Garabedian informed the Selectmen that he was visiting a friend on Sunset Drive and had the opportunity to speak with the owner of 48 Sunset Drive – he asked if he could go on her property and she agreed stating that she had nothing to hide. He stated that he was down on his knees feeling the soil and trying to smell any foul odors and he stated that there were none and that her land was dry.

Mr. Malley stated that one of Mr. Kroll's concerns is that the septic system Mr. McKeon installed at 48 Sunset Drive was not installed correctly based on the fact that when Paul put in the system he hit the old orangeburg pipe that no one even knew was there. Mr. Malley stated that there is a whole hodge-podge of piping that no one even knew was there. He stated that when Paul hit the pipe Mr. Malley called Ross

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Associates and spoke with the engineer there. Mr. Malley stated that he also called the DEP and left a message but never heard back from them. He stated that Mr. McKeon repaired the pipe using SDR 35. The drainage line is at least 4-feet below the system. He further states that Mr. Kroll states that the line should have been shown on an as-built plan. Mr. Malley explained that as-builts were not as comprehensive as they are now. The Board gets great detail now in the as-built submissions. Furthermore, the design engineer would have been the one to show that on an as-built plan but he apparently chose not to.

Mr. McKeon explained that there appears to be a problem with the way the drainage easements have been carried forward on subsequent deeds. Mr. McKeon stated that Mr. Kroll has since filed a document on each property that should clarify this matter in the future. He said the design engineer is responsible for showing any and all easements on the design plan and to design around those easements.

Mr. McKeon stated that Mr. Kroll was upset with the design engineer until the design engineer stated that he would sign an affidavit that he was not contacted about the orangeburg pipe. He stated that he stood right next to Mr. Malley when he made that phone call to the design engineer. Mr. Kroll also writes about inspection ports and magnetic tape not being installed on the system – again, those are new regulations that were not in effect in 2000 when the system was installed. He stated again that Mr. Kroll does extensive research he just doesn't do it properly.

Mr. Cella asked why Mr. Kroll is not having water samples taken if he so strongly feels that this is an urgent matter. Mr. McKeon stated that Mr. Kroll wants the Town to pay for the testing and where the Sewer Department is capable of testing for coliform at no charge to the residents then why should we pay for another lab. Mr. McKeon stated that if Mr. Kroll wants an independent lab to perform the tests then he should hire one.

Mr. Cella stated that as far as he was concerned this matter is not a public health threat and he wants the matter closed.

Mr. Nolan asked how many houses were connected to the drainage field. Mr. McKeon stated that seven houses are connected and that the Board believes that only cellar drains are going into it. He stated that if grey water was going into it then the coliform counts would be higher.

Mr. McKeon also stated that the term leach field is not the proper term for what this area is. Mr. Malley stated that he would probably consider it drainage overflow area where it simply services sump pumps.

Mr. Montecalvo stated that he was glad that the Board invited them in to review this matter so that they would have a better understanding of what was going on.

The following items of correspondence were distributed to the Board:

- Kroll Letter to Conservation Commission – December 2, 2008
- Kroll Letter to Andrews Survey – January 7, 2009
- Kroll Letter to Board of Health – January 7, 2009
- Kroll – Memorandum for Record – January 9, 2009
- Kroll Letter to Malley Engineering – January 10, 2009
- Kroll Email to Board of Health – January 12, 2009

Minutes: A motion was made by Ms. Thompson to accept the minutes of December 9, 2008. Motion seconded by Mr. Garabedian; the vote was 3-0 in favor. Mr. Cella abstained.

China Pacific – Grease Interceptors: Present for this meeting was Mr. Tommy Lee, owner of the China Pacific Restaurant. Mr. Lee stated that he had met with representatives of the Big Dipper, a grease removal system, and that it was determined that his facility would need two grease interceptors, one at the

dishwasher machine and another at the wok/cooking line. An estimate for the installation of these two units was presented to the Board.

Mr. McKeon suggested that Mr. Lee speak with Mark Kuras, Superintendent of the Northbridge Sewer Treatment Plant, to discuss whether it would be more cost effective to install an external grease trap. Mr. Lee expressed interest in that idea and agreed to meet with Mr. Kuras.

Motion made by Mr. Garabedian to table this matter to the next meeting. Motion seconded by Ms. Thompson; the vote was all in favor.

American Legion Post #343 – Food Permit Application: The Board reviewed the food permit application for the American Legion along with a timeline for completion of repairs necessary to bring the establishment into compliance with food code regulations. The Legion indicated that it would not be installing the 3-bay or hand wash sink until June of 2009. Mr. Garabedian stated that he felt that was unacceptable and that he would not allow a facility to operate for 6 months without these facilities. Mr. Cella agreed stating that if the Board is going to issue a food permit then we need to ensure that the facility meets code. He did not think that their financial situation (they state they need a fundraiser to raise funds for these two items) should carry any weight in the Board's decision – if they are to be allowed to operate as a food establishment then they must meet code.

Ms. Thompson motioned to send letter to American Legion stating that all deficiencies must be addressed by February 27, 2009 and that no food permit will be issued by this office until they are in full compliance – the matter will be placed on the Board of Health agenda for the February 10, 2009 meeting if they wish to discuss the matter. Motion seconded by Mr. Cella; the vote was all in favor.

Old & New Business: Ms. Gniadek provided the Board with the **2008 Annual Report** of the activities of the Board of Health. This report has been provided to the office of the Town Manager.

Ms. Gniadek informed the Board that the **Semi-Annual Waste Transfer Station Inspection Report for Berkowitz Trucking** had been received. No major violations were noted. The Board was also notified that the Norfolk Ram Group **Response to Administrative Deficiency Letter** report to the **Massachusetts Department of Environmental Protection** has been received. The Board requested that Ms. Gniadek photo-copy that document and send it to each Board of Health member.

Mr. McKeon requested that the matter of the **Stabling Permit & Hill Street APR Land** be placed on the next agenda for follow up.

Correspondence: Correspondence distributed to the Board included:

1. Tom Berkowitz Trucking – Wood Chipping Notice – January 2009
2. Public Workshop Invitation – Transfer Development Rights & Smart Growth Zoning Districts
3. Public Meeting – Wetland Conservation Regulations
4. Town of Northbridge Sexual Harassment Policy

There being no further business, motion to adjourn at 8:25 PM was made by Mr. Garabedian, seconded by Ms. Thompson – all in favor.

Attested by,

Jeanne M. Gniadek, Administrative Assistant