



TOWN OF NORTHBRIDGE
BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held September 8, 2009.

MEETING MINUTES - JULY 14, 2009

This meeting was called to order at 7:00 PM by Mr. Paul McKeon, Chairman. Other members present were Mr. Steven Garabedian and Mr. Chris Cella. Ms. Ann Marie Thompson arrived after the reading and approval of the minutes. Mr. Scott Chase was absent. Also present were Mr. James F. Malley, Jr., PE, Ms. Terry Gilchrist, CFSP, and Ed Mansfield, Agents to the Board, and Jeanne M. Gniadek, Administrator.

Re-organization of Board: Matter was tabled as all members were not present.

Minutes: A motion was made by Mr. Garabedian to accept the minutes of June 2, 2009. Motion seconded by Mr. McKeon; the vote was 2-0 in favor; Mr. Cella abstained.

HEARING – Revocation/Suspension of Food Permit – Cumberland Farms: Present for this meeting from Cumberland Farms were Corporate Counsel Brian E. Glennon II, Regional Manager Rick Lauder, Dispense Beverage Category Manager Greg Lawrence, Store Manager Kathy Signa, Area Sales Manager Priscilla Carneiro, and stenographer Cassandra Carraro.

Mr. McKeon stated that he was very disappointed in this establishment and that they were fortunate that at the time of this incident, when one of their employees failed to cooperate with the inspector, that Ms. Gilchrist was unable to reach him because he would have closed the facility. Mr. McKeon informed those present that Ms. Gilchrist had stated that had she been able to conduct her inspection of the facility it probably would have passed inspection. Mr. McKeon stated that the employee had an attitude problem and that as management they were to blame.

Mr. Glennon apologized on behalf of Cumberland Farms stating that there was no intent to disrupt the inspection. He stated that they have security footage from that date and that it clearly shows that there are two sides to the story. He stated that they also have written statements from the store employees, Jeremy Rice and Lynn Porchesi, who were present that day. Mr. Glennon asked if he could approach the chairman and provide him with the written statements. Mr. McKeon stated that he would like to see them. He also asked if he could see the video footage. Mr. Glennon stated that it is on his laptop so the Board would need to gather around. Mr. Glennon stated that the video does not have any sound.

The Board viewed part of the tape. Mr. Glennon noted that Ms. Gilchrist set up at the coffee station and that because it is not a high risk area within the store it is not in the forefront of the video tape. Mr. Glennon stated for the record that the inspection was unannounced. Several Board members responded that all of the inspections are unannounced. Mr. Glennon stated that his point was that there are just two employees and that they are busy with other things and servicing customers. Mr. Cella asked how many customers were in the store at the time of the inspection. Ms. Gilchrist stated

that there was no one in the store. Mr. Cella questioned who the employees were servicing if there was no one in the store.

Mr. Cella questioned how long after the incident were the written statements made. Mr. Glennon stated that the statements were signed yesterday. Mr. Cella asked if the event happened on June 26th. Mr. Glennon stated yes. Ms. Gniadek informed the Board that the incident happened on June 27th. Mr. Cella stated that the written statements from the employees have an incident date of June 26th. Mr. Glennon stated that if we look at a calendar the Saturday would have been the 27th. Mr. Cella commented that the statements were made two weeks after the incident and have the wrong date on them.

Mr. Garabedian stated that an inspection of Cumberland Farms should not be this difficult. He questioned how it got this far with a stenographer and everything for a convenience store. He stated that as an inspector himself, he just didn't get it – this is a convenience store not *Wright's Farm*.

Mr. Cella stated that he would like to know why the store manager who is directly responsible for her store is not speaking and an attorney is doing all the talking. Mr. Glennon stated that everyone is present as this is a serious matter and all would be happy to answer any questions that the Board may have.

Mr. Glennon stated that he could appreciate the Board's frustration. He stated that Ms. Gilchrist felt that the employee was being rude to her and after interviewing the employee, we found, with all due respect to Ms. Gilchrist, that there are two sides to the story and that there appears to be some miscommunication between the employee and Ms. Gilchrist. He stated that it appears that Ms. Gilchrist felt the employee was being flippant and she terminated the inspection.

Mr. McKeon noted that the written statement of Ms. Porchesi states that it appeared that Mr. Rice was answering Ms. Gilchrist's questions – but she did not know for a fact that he was, just that it appeared to be so. The Board noted that these statements were written two weeks after the event while Ms. Gilchrist's report was written immediately following the event.

Mr. Glennon asked if the Board felt that two weeks was a significant amount of time. Ms. Thompson stated that she did. Mr. Cella stated that if he were signing a statement that would be brought to a court of law then I'd make sure that the date on there was correct. Mr. Glennon stated that if this were a court of law then the dates would be correct. Mr. Cella stated that as an attorney, Mr. Glennon should have reviewed this.

Mr. Glennon stated that he believed that March 14, 2009 was the last inspection by Ms. Gilchrist and that there were 3 issues that were unresolved. Ms. Gilchrist responded that the March 14th inspection was the THIRD reinspection at this facility and that the facility was still not in compliance. It was noted that the information regarding the sanitizer, TABZ, was requested on the March 14th reinspection report yet that information had not been received until July 2, 2009.

Ms. Gilchrist stated that part of her job as inspector is to make sure that employees are knowledgeable in the food code so when she was conducting her June 27th inspection she was asking questions about the sanitizing of the coffee pots as we had not yet received any information on the TABZ. She said she wanted to know if Mr. Rice knew how to clean the pots and he did, but when asked about the other pots that were further down, he said well yes, we do that the same way, with a tone to his voice. She instructed Mr. Rice to just simply answer her question at which he

responded that she was not his boss and that he did not have to answer to her at all. She stated that from the moment she walked into the establishment, she felt that she was getting attitude from the female clerk and that the clerk did not want to deal with her.

Mr. Glennon stated that they are present this evening to provide information to the Board that Cumberland Farms is operating in compliance with the code of regulations. He stated that the March 14, 2009 inspection report violations have been addressed and that when Ms. Gilchrist conducts an inspection she will find that the drain board has been installed, the paper products are no longer stored between the mop sink and the three-bay sink, and admits that Cumberland Farms was remiss in not providing this information in a timely manner but he believes that the Board now has the information requested regarding the TABZ.

Mr. McKeon stated that he was disappointed that this action had to be taken with Cumberland Farms. He stated that the establishment will be closed if this type of behavior continues. At this time he is not in favor of revoking or suspending their license but this is a waste of everyone's time to deal with such trivial matters.

Mr. Cella stated that it is obvious that the employees don't care and that is a direct reflection on management.

Motion made by Ms. Thompson that the Board not pursue a license suspension or revocation at this time. Motion seconded by Mr. Garabedian; the vote was all in favor.

Brian's Restaurant – Inspection Update: The Board reviewed the most recent inspection reports for Brian's Restaurant. Mr. Cella expressed concern that this establishment continues to have pages and pages of violations. Ms. Gilchrist stated that she is trying to work with this facility to get them into compliance. She stated that the food temperatures are always good; it's the cleaning process that's a problem. She stated the building is very old and that he does not own it. Mr. Cella stated that that is not our problem – the food code does not differentiate between an old building and a new building. Mr. Cella commented that when you write up a report with 35 violations, then you're not working with anybody – they're just laughing at us saying that they'll do better next time. Ms. Thompson responded that their attitude when they last appeared before the Board was terrible too.

It was agreed that Mr. Garabedian would accompany Ms. Gilchrist on her next inspection of this establishment and if needed the Board authorizes Mr. Garabedian to order the facility closed.

Laurieann's Restaurant – Plan Review: Ms. Laurieann Kayhart appeared before the Board to address any concerns they may have regarding the plan review that was conducted by Ms. Gilchrist for the renovation of the former Riverside Restaurant located on Providence Road. Ms. Gilchrist stated that the facility needs extensive work to be brought up to code.

Mr. McKeon stated that due to ongoing issues with grease in the municipal sewer lines, the Board would like to see either an external grease trap or an internal automatic grease removal system utilized. Ms. Kayhart agreed to install an internal Big Dipper unit for grease removal.

Motion by Ms. Thompson to require the installation of an automatic grease removal system. Motion seconded by Mr. Garabedian; the vote was all in favor.

In other business, the Board agreed to send a memorandum to the Board of Selectmen encouraging them to proceed with Ms. Kayhart's application for a liquor license as this is a lengthy process and they are confident that Ms. Kayhart will proceed as directed by the Board in getting this establishment up to code noting that the Board still has control over the issuance of their food permit.

Title 5 Inspection Reports – 30 Batcheller Road: Present for this meeting was John Darling, the Title 5 inspector who inspected 30 Batcheller Road. Mr. Darling issued a Passing Title 5 report which raised questions as there are two reports on file for this property that failed the system.

Mr. McKeon recused himself as he is also a Title 5 inspector and because he utilizes the services of Mr. Darling for septic tank pumping. Mr. Garabedian questioned whether he needed to recuse himself also as he personally uses the services of Mr. Darling for tank pumping.

As there were only two Board members left to discuss this matter, Mr. Cella and Ms. Thompson, a quorum could not be obtained and the matter was tabled to the next meeting of the Board. Mr. Darling asked for copies of the failed Title 5 reports for this property.

Citizen's Forum – School Street/Zapella Property: Mr. Zapella was not present but Mr. Malley took this opportunity to update the Board on a water drainage issue from the Shining Rock development which abuts Mr. Zapella's property. He stated that there is a lot of naturally occurring iron in the water that is draining onto the Zapella property. Mr. McKeon stated that the iron would not constitute a health hazard. Mr. Malley stated that the Planning Board is addressing this issue.

Quarterly Inspection Report – Wal-Mart Supercenter: Mr. Malley informed the Board that he had reviewed the quarterly inspection report and that appears to be fine, however, there continues to be a problem with getting the actual volume pumped from each external grease trap. He stated that there are two external grease interceptors and several internal traps.

Motion by Mr. Cella to send a letter to Wal-Mart informing them that this information must be properly provided to this office within seven days of pumping. Motion seconded by Mr. McKeon; the vote was all in favor.

HEARING: 580 Church Street – Minimum Standards of Fitness for Human Habitation: Present for this hearing was property owner Ms. Sally Brown. Ms. Brown stated that she was present this evening to request an extension of time to make the window repairs that were cited in the June 18, 2009 housing inspection report. She stated that the smoke detectors were fine and that the Fire Department even advised her to bring them in to the Board of Health to show that they were not in disrepair. Ms. Gniadek informed the Board that she has a letter from the Fire Department certifying that the smoke detectors are working properly.

Ms. Brown also stated that she has repaired the toilet – she believes that the tenant loosened the bolt. The rear door bell is also working properly – she stated that the unit has a wireless door bell and that she believes that the tenant removed the part that plugs into the outlet so that it could be cited in the inspection report. The Board asked if the water temperature had been turned down and Ms. Brown stated that it has been adjusted.

Ms. Brown stated that she needs additional time for the windows as she cannot repair them, she needs to replace them and she is having financial difficulties. The Board questioned the age of the

child that resides in the dwelling and was told that the child was just a few months old. The Board asked that Mr. Mansfield conduct his re-inspection to determine that all of these violations had been abated.

Motion made by Ms. Thompson to grant Ms. Brown until October 1, 2009 for the completion of all window repairs. Motion seconded by Mr. Garabedian; the vote was all in favor.

Citizen's Forum – Pollard Road – Well Water Quality/Nitrates: Present for this discussion were Maynard and Patricia Williams of 106 Pollard Road. Mr. Williams stated that he had a new well drilled on his property in 2006 and that the water quality reported showed that the nitrate level was at 38, 10 is the maximum contaminant level.

Mr. McKeon suggested that all residents in that area be notified and advised to have their well water tested for nitrates. Mr. McKeon believes that if the nitrate levels are high that grant funds could be applied for to extend the town water line to this area to service the residents.

Motion by Ms. Thompson to send a letter of concern to residents in the area of 106 Pollard Road advising them to have their private well water tested for nitrates and to ask them to attend the Board of Health meeting on September 8, 2009 to address these concerns. Motion seconded by Mr. Garabedian; the vote was all in favor.

Emergency Preparedness & Planning: Ms. Gniadek informed the Board that she is working with Fire Chief Gary Nestor, Sara Delisio (Emergency Preparedness Consultant), and Paul Halacy the Director of Buildings and Grounds (School Department) on a mock set up of the Emergency Dispensing Site (EDS). We intend on setting up as though for an event so that we know the location of tables, signage, etc. prior to an actual event happening. This will occur in August prior to the kids returning to school.

In other business, Ms. Gniadek informed the Board that she and Ms. Delisio discussed having an EDS Volunteer Orientation Session. The Board reviewed the letter that will be mailed to each volunteer that is already registered with this office. This will be an opportunity for volunteers to meet with other town officials, receive an overview of what an EDS actually is, how we anticipate our EDS to function, and to provide an opportunity to get updated contact information and credentials for these volunteers. The Orientation session is scheduled for September 15, 2009.

Ms. Gniadek stated that she is also working with School Superintendent Susan Gorkey on a Memorandum of Understanding (MOU) for use of the Middle School as our EDS location.

Ms. Gniadek asked that the Board send a memorandum to the Town Manager encouraging him to sign the Mutual Aid Agreement as the Region 2 Executive Committee recently voted that any town that has not signed on to the agreement will not be provided with any regional assets. Their reason being that a town that doesn't participate in mutual aid may not provide any assets they have in a public health emergency. The Board agreed to send a memorandum to the Town Manager.

Winston Woods – Definitive Subdivision Review: The Board reviewed the report of Malley Engineering for the Winston Woods Definitive Subdivision – an 8-lot subdivision serviced by municipal water and sewer located off of Spring Street. The Board requested that the report be forwarded to the Planning Board for their review and consideration.

VNA Agreement – Fiscal Year 2010: Mr. McKeon recused himself from this discussion. The Board reviewed the proposed Agreement between the VNA and the Board of Health to provide public health nursing duties to Northbridge. It was noted that the fee has increased to \$7,000 and that in the event an H1N1 (swine flu) vaccine becomes available and additional flu clinics become necessary, then an amendment to this Agreement may become necessary.

Motion made by Mr. Cella to accept Agreement for FY 2010. Motion seconded by Mr. Garabedian; the vote was 3-0 in favor; Mr. McKeon abstained.

FY 2010 Budget – Professional Services: Ms. Gniadek informed the Board that the FY 10 budget was level funded at Town Meeting. She also stated that there may be budget reductions as a result of reduced local aid. Ms. Gniadek asked the Board if they wished to provide each of their agents a 3% pay increase as had been provided to town employees. The Board indicated that any salary adjustments for professional services should be postponed until the town has a better handle on the budget outlook.

Correspondence: Correspondence distributed to the Board included:

- Tom Berkowitz Trucking – Semi Annual Waste Transfer Station Inspection Report
- Tom Berkowitz Trucking – Wood Chipping Notice – July 2009
- June 5, 2009 – Arthur Kroll Letter to Board of Health
- June 13, 2009 – Burnham Miller letter to Arthur Kroll
- July 1, 2009 – Burnham Miller letter to Northbridge Departments
- June 22, 2009 – Arthur Kroll letter to Burnham Miller
- July 13, 2009 Email from Arthur Kroll to Jeanne Gniadek (Subject: Re: A Few Questions)

There being no further business, motion to adjourn at 9:25 PM was made by Mr. Cella and seconded by Mr. Garabedian – all in favor.

Attested by,

Jeanne M. Gniadek, Administrative Assistant