



TOWN OF NORTHBRIDGE  
**BOARD OF HEALTH**

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*The Northbridge Board of Health approved these minutes at a meeting held July 14, 2009.*

## MEETING MINUTES - JUNE 2, 2009

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

**Minutes:** A motion was made by Ms. Thompson to accept the minutes of May 12, 2009. Motion seconded by Mr. Garabedian; the vote was 3-0 in favor; Mr. Chase abstained.

**China Pacific Restaurant:** Present for this meeting was Tommy Lee, owner of the China Pacific Restaurant. Mr. McKeon informed Mr. Lee that his inspection reports contain too many violations. He informed Mr. Lee that the next inspection Ms. Gilchrist conducts she will be accompanied by Mr. Garabedian who is not only a member of the Board but is a full-time health inspector in another town.

Mr. Garabedian stated that there are just too many violations and that if the facility has that many violations when he inspects with Ms. Gilchrist he will close the establishment. He further stated that it will not be re-inspected until Mr. Lee can assure him that Ms. Gilchrist will not find any violations. Mr. McKeon stated that the purpose of this meeting is to give him fair warning that the Board takes this matter seriously. Ms. Thompson stated that there are a lot of cleaning violations in the report.

Mr. Lee stated that he is meeting with all the kitchen employees and that they are now being instructed that they cannot leave until their areas are cleaned. Mr. Garabedian stated that it is up to Mr. Lee to make sure that his employees do a thorough cleaning and that they do not leave until he is satisfied with their work.

**Food Establishment Inspection Report Reviews** The Board reviewed the most recent inspection reports for *Jumbo Donuts* and *Friendly's Restaurant*. Ms. Gniadek informed the Board that *Friendly's* is under new management and that this additional inspection was conducted to see if the new manager would be consistent in maintaining this establishment. The report only cited seven violations.

As for *Jumbo Donuts*, Ms. Gniadek informed the Board that Ms. Gilchrist had conducted a re-inspection on May 30<sup>th</sup> but that she was not yet in possession of that report. The Routine report of May 15, 2009 cited 27 violations.

**Risk-Based Performance Inspection Policy:** Ms. Gniadek informed the Board that DPH's interpretation of a risk-based inspection policy is simply to define what would constitute an elevated risk, such as the population served or the type of food service. She stated that she spoke with DPH and expressed the Board's desire to use all criteria so that an establishment, even though it may be

considered high risk, if it is well run would be able to be rewarded with a lower risk status. Ms. Gniadek asked the Board how they wished to proceed. The Board wished to pursue approval of the original risk-based inspection policy.

**Title 5 Inspection Reports – 30 Batcheller Road:** The Board reviewed the discrepancies in the three Title 5 inspection reports submitted for this property. The first two failed the system and determined groundwater (GW) at 4-feet. The third report submitted estimated GW at 12-feet and passed the system. The third test was performed at the request of the new property owner. It was noted that the MLS listing for this property disclosed that the system had failed Title 5 and was being sold as is.

**Motion by Ms. Thompson to require a single deep-hole test to be conducted to verify the groundwater elevation at this property; test to be witnessed by Board of Health engineer Mr. James Malley and shall be conducted within 21-days of receipt of the order. Motion seconded by Mr. Garabedian; the vote was all in favor.**

**Title 5 Inspection Report Concerns:** Mr. McKeon stated that several concerns have recently been raised with respect to the submission of Title 5 inspection reports. Title 5 regulations state that the inspector shall submit his inspection report to the Board of Health within 30-days of completion. These reports are often delinquent.

The Board discussed issuing non-criminal disposition tickets to the inspectors as Title 5 has been adopted as a local regulation – the first offense would be a \$100 penalty. The Board questioned what would be done if the inspector failed to pay the ticket. They noted that many inspectors are licensed installers or septage haulers so the Board could deny renewal of their permit for any outstanding fines owed. Another option was requiring a local license. If the inspector fails to comply with the regulations, then the Board could revoke their license to conduct inspections in Northbridge.

This matter was tabled to the next meeting so that more information could be obtained about these options.

**PRESBY Environmental Alternative Septic Systems – Annual Inspection Requirements:** The Board reviewed a draft letter prepared by Ms. Gniadek requiring the submission of the annual inspection reports for Presby systems as is required by the DEP Alternative Technology approval letter. Mr. McKeon asked that the letter include that septage haulers may also be Presby-certified, not just septic system installers as indicated in the draft. The Board also noted that DEP is suppose to receive copies of these inspection reports and that if we're not getting them, then they probably aren't either but it does not appear that they are enforcing the annual inspection report that they required. The Board approved the sending of this letter to owners/operators of Presby systems.

**Housing Standards – 29-31 Beane's Lane – Apt. #14 – Hearing:** Present for this hearing was Attorney Karen Esposito, attorney and owner of this property. Also present was Ed Mansfield, Housing Inspector.

Ms. Esposito stated that the tenant was served a 14-day notice to quit before he called the Board of Health. She stated that when she received the Order she immediately contacted Cowden Pest Control to address the ant and mice infestation. Mr. Paul Cowden of Cowden Pest Control was also present and informed the Board that he found no droppings. He also pulled down the light fixture in

the kitchen where Mr. Mansfield observed a dead mouse to see if there was an entry point, noting that a mouse can get into a space through a hole the size of a dime. Mr. Cowden stated that there was no way a mouse could have gotten into that light fixture. He stated that he asked the tenants where the droppings were as he was unable to find any. He stated that the tenant told him that they cleaned on Monday (his site inspection was on Thursday) – he stated that if there was an infestation he would have seen droppings since the time they cleaned on Monday.

Mr. McKeon asked Mr. Mansfield what he observed. Mr. Mansfield stated that he saw dead ants in various places – the kitchen and bathroom, and rodent droppings as well.

Mr. Cowden stated that he has sprayed the entire complex for ants and that he has placed traps for the mice. Ms. Esposito stated that she met with the tenants on May 18<sup>th</sup> and found no pest activity at all. She said that there are 14 units and if one of them has a problem, then they all would. She stated that no other tenants have issued complaints.

Ms. Esposito stated that she met with a contractor on May 15<sup>th</sup> to address the ceiling issue. She met with Jeff Grenier on May 18<sup>th</sup> and he, as a licensed electrician, replaced the heating unit in the bedroom, replaced three thermostats, replaced the bedroom light, replaced the smoke detector, and had a carbon monoxide alarm installed even though she does not believe that it is necessary as the entire building is electric heat, electric stoves, etc. – no fossil fuel burning devices at all.

Ms. Esposito asked if the re-inspection could occur sooner as the repairs have been made, the tenants have vacated the unit, and she would like to rent it out.

Mr. Mansfield scheduled the re-inspection for June 3, 2009 at 10:30 AM.

**Housing Standards – 74 High Street:** Ms. Gniadek informed the Board that she and Mr. Mansfield have been subpoenaed to testify in Housing Court on this matter. The hearing is scheduled for June 4, 2009.

**Old & New Business:** The Board reviewed the **Zoning Board of Appeals Special Permit Application** for the **Linwood Mill Lofts** for work in the **Floodplain District**. **Motion to recommend approval was made by Ms. Thompson; seconded by Mr. Chase – the vote was all in favor.**

Mr. McKeon raised the issue of what appears to be **contaminated soils** being excavated from **355 Main Street** where new loading docks are being constructed. He stated that he went to the site after a call from the DEP and that he spoke with John Bailey, an engineer from Triumvirate Environmental. Mr. McKeon stated that he was informed by Mr. Bailey that air quality and soils testing was being conducted at this location. As of this date, we have not received those reports. The Board asked that Ms. Gniadek follow up again with Mr. Bailey on this matter (an email to Mr. Bailey was sent on May 21, 2009 requesting the soils reports). If no response in two days, Ms. Gniadek was instructed to send the Board's request by Certified Mail.

**Citizen's Forum:** Mr. Ross Smith appeared before the Board to discuss his concerns with problems that he anticipates will occur when he requests the installer of the septic system (Anthony Iacovelli) located at Quaker Street, Lot #1 to sign off on the Certificate of Compliance. He stated that he has a closing on the house on June 16<sup>th</sup>. He stated that when he contacted him to replace the tank with the 2-compartment tank to comply with the approved septic design plan, that Mr. Iacovelli told him that

he did not have time to do it. Mr. Ross stated that he has hired William Porter to replace the tank. He stated that he was informed that Mr. Iacovelli, as installer of the system, would be required to sign the COC and that he expects Mr. Iacovelli to refuse to sign. Mr. Ross stated that he is holding back money from Mr. Iacovelli. Mr. Ross asked what he would have to do if Mr. Iacovelli refuses to sign.

Mr. McKeon informed the Board that the requirement to replace that tank was sent to Mr. Ross in December of 2008 – almost 6 months ago. He informed Mr. Ross that he would have to take Mr. Iacovelli to court if he refuses to sign. Mr. Ross stated that he did not have time to do that as he has a closing in two weeks on this house. Mr. McKeon stated that he has had six months to get this matter straightened out. Mr. Ross stated that his only alternative was to hire another installer to rip out what is there and to re-install the system if Mr. Iacovelli refuses to sign.

The Board noted that as of this date the COC has not been submitted to the Board of Health for review so we have no idea whether Mr. Iacovelli is going to refuse to sign or not. The Board agreed to hold a special meeting with Mr. Ross and Mr. Iacovelli if that happens.

**Correspondence:** Correspondence distributed to the Board included:

- › Tom Berkowitz Trucking – Wood Chipping Notice – June 2009
- › Memorandum from Town Planner – Digital Flood Insurance Rate Maps
- › Memorandum from Town Planner – Smart Growth/Smart Energy Workshop
- › Arthur Kroll Correspondence – May 11, 2009

*There being no further business, motion to adjourn at 8:20 PM was made by Mr. Chase and seconded by Mr. Garabedian – all in favor.*

*Attested by,*

*Jeanne M. Gniadek, Administrative Assistant*