



TOWN OF NORTHBRIDGE
BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held March 16, 2009.

MEETING MINUTES - MARCH 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, Ms. Ann Marie Thompson and Mr. Scott Chase. Also present was Jeanne M. Gniadek, Administrative Assistant.

Minutes: A motion was made by Mr. Garabedian to accept the minutes of February 10, 2009. Motion seconded by Mr. Cella; the vote was 4-0 in favor. Ms. Thompson abstained.

Cumberland Farms: Present for this meeting were Rick Lauder, Regional Manager, Kathy Signa, Store Manager, and Priscilla Caneira, Area Sales Manager. The purpose of this meeting was to discuss ongoing and repeat violations at this establishment – sinks are not accessible and are not being properly used and single service articles are being stored next to toxics. It was noted that Ms. Gilchrist had to conduct three inspections of this facility and the storage issue is still noted on her last report.

Mr. Lauder stated that one of the issues is that Ms. Gilchrist conducts her inspections when the store manager is not there. He stated that Ms. Signa is the new store manager and that she been there since November. He stated that the manager has been unable to speak with Ms. Gilchrist directly to find out how she would like the issue resolved.

The Board was informed by Ms. Gniadek that there has been no attempt to reach Ms. Gilchrist through the Board of Health office by this establishment. Mr. McKeon stated that he stopped by the store and the manager was not there at that time either. He spoke with the person in charge and viewed the sink – he noted that it was accessible at the time of his inspection.

Mr. Lauder shared pictures he had taken of the storage issue and asked the Board if they were acceptable. Mr. McKeon stated that Ms. Gilchrist would have to make that determination.

Mr. Cella stated that it appears that no initiative has been taken by this establishment to correct these ongoing violations. The five reports he viewed show the same violations over and over and that it takes making them appear before the Board to get any resolution.

Mr. Garabedian agreed stating that it should not take this much of our inspector's time to inspect a small retail food establishment. He stated that the single-service articles must be stored away from toxics.

After much discussion, it was agreed that Ms. Gniadek would schedule an appointment with Mr. Lauder and Ms. Gilchrist to review what she expects of this facility. It was noted that this inspection would constitute a third re-inspection and that would require payment of the re-inspection fee of \$225. It was noted that had the establishment attempted to resolve the issue immediately after the routine inspection, a third re-inspection would not have been necessary.

China Pacific – Grease Interceptors: Ms. Gniadek informed the Board that as of this date there appears to be no progress on the installation of grease interceptors at the China Pacific Restaurant. The Board requested that they appear before them at their next meeting on March 16, 2009.

A motion was made by Mr. Garabedian that the Board require the installation of these grease interceptors by March 31, 2009. Motion seconded by Mr. Cella; the vote was all in favor.

American Legion Post #343 – Food Permit Application: Present for this meeting was Andy Williamson from the American Legion. The Legion is requesting a variance to allow the use of the existing two-bay sink to serve as the hand-wash sink. Mr. Williamson stated that hand-wash signs are in place as well as soap and paper towels. The Board noted that Ms. Gilchrist had met with Mr. Williamson to discuss the location of the 3-bay sink and that she was agreeable to the granting of this variance.

Motion made by Ms. Thompson to grant variance to allow the use of the 2-bay sink as a designated hand-wash sink noting that the sink may not be used for any other purpose. Motion seconded by Mr. Chase; the vote was all in favor.

As this facility is operating without a food permit the Board requested that the matter be placed on the agenda for their April meeting for consideration of issuance of a food permit contingent upon the completion of the installation of the 3-bay sink and grease trap.

Outdoor Wood Burning Furnace Complaint – Purgatory Road: Present for this meeting was Greg VandenAkker. Mr. VandenAkker apologized to the Board stating he was unaware that a permit was required for an outdoor wood burning furnace. He also stated that he spoke with his neighbor and has instituted better burn practices – the wood he was using was not totally seasoned.

The Board discussed the recent adoption of state regulations governing these furnaces and noted that they expected to receive more information at an upcoming DEP seminar. Ms. Gniadek advised the Board that upon receipt and review of this additional information that they provide the owners of these furnaces with the state mandated changes and that they review their local regulations as well.

The Board did request that Mr. Ed Mansfield, the Housing Inspector, be sent out to conduct inspections of these furnace installations.

229 Pollard Road: Present for this meeting was Kevin Stacey, property owner. Mr. Stacey purchased this foreclosed property and is working at fixing it up and re-selling it. He stated that the Title 5 report had an issue with the well water not being tested and a concern that the tank was leaking. He stated that he had the water tested and it is fine – now he is trying to resolve the issue with the tank. He stated that he hired John Niejadlik to look at the tank and in Mr. Niejadlik's opinion it is not leaking.

Mr. McKeon stated that he and Mr. James Malley will schedule a date and time to meet at the site with Mr. Stacey and Mr. Niejadlik to view the tank. He stated that the tank may need to be pumped during this inspection.

Wal-Mart Quarterly Septic Inspection Report: The quarterly septic inspection report by Apex Companies for the Wal-Mart Supercenter was reviewed by the Board. No action required.

831 Providence Road – John Dyer: Mr. Dyer appeared before the Board to request that the Board of Health sign off on his building permit application allowing the installation of the septic at a later time due to current weather conditions. The Board stated that they had no problem with that.

Ms. Gniadek stated her concern to the Board that the permit application simply states “renovations” and that based on that alone she cannot determine if the septic system design is appropriate for the future use of this building. She stated that she did not want to be personally responsible for this matter. After much discussion, Mr. Dyer agreed to submit with his permit application a building plan showing the expected retail use of the building.

Berkowitz Trucking – Annual Report: A copy of the Annual Solid Waste Facility Report to DEP was distributed and reviewed by the Board.

Berkowitz Trucking – Site Assignment Modification: The Board reviewed several documents from DEP and Norfolk Ram Group regarding Administrative Deficiencies in the Site Suitability Major Modification of an Existing Site Assignment Application by Tom Berkowitz Trucking. Ms. Gniadek informed the Board that it is her understanding that once DEP determines that the application is complete – the matter is referred back to the Board for a public hearing. The Board asked that Ms. Gniadek contact the previous Hearing Officer to determine her availability.

Quaker Street Landfill – Quarterly Monitoring Report: The most recent quarterly inspection report from Beta Group for the Quaker Street Landfill was reviewed by the Board. It was noted that the drinking water at 1150 Quaker Street was borderline reportable for lead. Although Beta Group and DEP initially required further testing, Ms. Gniadek stated that she spoke personally with Leah Fernandes from DEP and requested that further testing be waived at this time due to the additional cost of \$500. DEP agreed stipulating that duplicate samples be taken and that the system be purged for 15-20 minutes prior to sampling again in six months.

Tobacco Mini Grant – Updates: Ms. Gniadek informed the Board that she conducted the inspection of the high school and submitted a press release to the Tribune which were requirements under this year’s grant program. Upon completion of retailer inspection checks, the remaining grant funds will be released to the Board. With regard to youth access checks, Ms. Gniadek provided the Board with a list of individuals trained to conduct checks. She informed the Board that Ms. Antoinette Raymond has expressed interest in undertaking this activity. The Board agreed to utilize the services of Ms. Raymond on the next round of compliance checks.

Code of Regulations: Ms. Gniadek distributed to the Board several amendments to the existing code of regulations. She briefly reviewed the overall project and asked that each Board member carefully review both those sections with proposed amendments as well as those that propose no changes as they may wish to make changes where none had been proposed. The goal is to have the completed draft of amendments in time to hold a public hearing in June of this year and to adopt the changes effective July 1, 2009.

Old & New Business: Ms. Gniadek informed the Board that she left a message with Michelle Padula at the Department of Agriculture regarding the **Agricultural Preservation Restriction (APR)** land located on **Hill Street**. Mr. McKeon asked that Ms. Gniadek research the property to determine if the land is specifically under 61A. This item to be placed on upcoming agenda.

An email from the Region 2 **Emergency Preparedness** Consultant regarding **ICS and NIMS** training was distributed to the Board. Ms. Gniadek informed the Board that she has completed ICS 200.

Ms. Gniadek informed the Board that information regarding the **Vial of Life Program** was received from Ms. Maggie Creaser who is asking for the Board’s support and assistance in instituting this program in Northbridge. The Board did not express an interest in pursuing the program at this time.

Ms. Gniadek informed the Board that Ms. Gilchrist had requested that they review the recent inspection reports of **Arcade Package Store**. She is concerned that they are not taking her reports and the violations noted therein seriously. The Board requested that this establishment be required to come before them at their next meeting which was scheduled for Monday, March 16, 2009 at 6:00 PM.

The February 28, 2009 food inspection report of **Brian's Restaurant** was reviewed by the Board. It was noted that the establishment had a total of 33 violations, 6 of them noted as critical. Ms. Gniadek also informed the Board that she received notification from the Police Department that on a call to this establishment after hours police officers using flashlights entering the kitchen noted several mice. Ms. Gilchrist's report notes that the last visit by the pesticide company was on January 31, 2009. Mr. Cella stated that he would have liked to have seen Ms. Gilchrist close this establishment after viewing this report. Ms. Gniadek informed the Board that Ms. Gilchrist has a re-inspection scheduled for Saturday, March 14th. Mr. Chase stated that he would accompany Ms. Gilchrist. The Board instructed Mr. Chase that if he observes any mice or rodent droppings then he is to immediately close the establishment. Furthermore, the Board requested that an order be sent to this establishment requiring their presence at their next meeting scheduled for Monday, March 16, 2009 at 6:00 PM.

Issues involving well construction on **Driscoll's Lane** was discussed. Ms. Gniadek informed the Board that the well permit issued for the domestic well was issued to a company other than the one that did the actual drilling. She stated that she has been having difficulty obtaining the necessary information from the well driller company. The Board advised her to refer these concerns to the Department of Conservation and Recreation, the permitting authority for well drillers.

The recommendation of the **Inspector of Animals** was discussed by the Board. **Motion made by Mr. Cella to recommend the re-nomination of Edward Mansfield for the position. Motion seconded by Mr. Garabedian; the vote was all in favor.**

The report of Malley Engineering regarding a sink hole, possibly from an abandoned septic system, at **33 Thurston Avenue** was reviewed by the Board. Mr. McKeon stated he was aware of this property and he believes that the tank shown in the photos contained in Malley's report is the chamber for the pump required at this property to pump the sewerage up into the town sewer line. Mr. McKeon stated that he would conduct a site inspection of the property.

Correspondence: Correspondence distributed to the Board included:

- Arthur Kroll, Trustee, 1192 Hill Street Trust Letter to Malley Engineering – February 16, 2009
- Arthur Kroll email: Re: Sunset Drive Drainage Issues – March 10, 2009
- Arthur Kroll email: Re: Sump Pump Discharge Pipe from Trufan Property – March 10, 2009
- Compulsive Hoarding Seminar – March 31, 2009
- DEP Letter – Church Street Landfill Capping Project
- Planning Board – Site Plan Review: Core-Mark @ 355 Main Street
- 2009 Rabies Clinic

There being no further business, motion to adjourn at 8:50 PM was made by Mr. Chase, seconded by Mr. Garabedian – all in favor.

Attested by,

Jeanne M. Gniadek, Administrative Assistant