



TOWN OF NORTHBRIDGE
BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held October 6, 2009.

MEETING MINUTES - SEPTEMBER 8, 2009

This meeting was called to order at 7:05 PM by Mr. Paul McKeon, Chairman. Other members present were Mr. Steven Garabedian, Mr. Chris Cella and Ms. Ann Marie Thompson. Mr. Scott Chase arrived after the reading and approval of the minutes. Also present was Jeanne M. Gniadek, Administrator.

Minutes: A motion was made by Mr. Cella to accept the minutes of July 14, 2009. Motion seconded by Ms. Thompson; the vote was 4-0 in favor.

Private Wells – Nitrate Levels – Pollard Road/Sutton Street/Hill Street Area: Present for this discussion were the following residents of this area: Michael & Holly Madsen (1742 Hill Street), Maynard & Pat Williams (106 Pollard Road), Mary Williams (51 Pollard Road), Linda Lermond (821 Sutton Street), Debra MacDonald (834 Sutton Street), Gerald Tower (245 Pollard Road), Marsha & George Morse (835 Sutton Street), and Sheila Blackley (64 Pollard Road).

The Board had sent notice to 34 property owners in the Pollard Road area advising them that high nitrate levels were found in a private drinking water well. The residents were urged to test their private water supply and to report those findings to the Board. The Board wrote that if the problem is widespread, then they would seek federal grant funding to assist in getting town water service to these residents.

Water tests were received for 11 of these properties, 7 exceeded the maximum contaminant level.

Mr. McKeon stated that with this data the Board would send a letter to Senator Richard Moore and State Representative George Peterson to see if there is any grant funding available to assist these residents.

Residents expressed concern over who would pay for the water connection fee if water service is made available. They also questioned whether the farmer, which was believed to be contributing to this health hazard, had an obligation to protect his neighbors and the aquifer. Other residents questioned how long this process could take and whether the grant could fund installation of osmosis water treating systems instead of municipal water service and if they could get reimbursed for those expenses if they installed a treatment system now. Residents also stated that many neighbors did not have their water tested because they did not want town water.

The Board was unable to answer these questions as it is unknown whether there are any funds out there to help out this situation. The Board stated that they would contact the Department of Agriculture as well as Senator Moore and Representative Peterson and that they would keep the residents informed of their progress.

Title 5 Sewage Disposal – 30 Batcheller Road: Present for this meeting were Odisefs Tsimogiannis, property owner, and John Darling, Title 5 inspector. Mr. McKeon recused himself as he is also a Title 5 inspector and has worked with Mr. Darling in the past.

The Board reviewed what has transpired so far regarding this property. Two Title 5 inspection reports deemed the septic system was in failure. Mr. Tsimogiannis purchased the property and was issued a Notice of Non-Compliance by the Board requiring that he repair the system. Mr. Tsimogiannis hired Mr. Darling to conduct a Title 5 inspection and he deemed the system was working properly. There was a large discrepancy between the two failed reports and Mr. Darling's passing report with regard to the depth to groundwater. Mr. Darling estimated groundwater at 12-feet while the two failed reports noted groundwater at 3-4 feet. The Board issued an order to the owner to have a deep hole test done to confirm the groundwater elevation.

Mr. Darling stated that the two failed reports were bogus because they did not report the correct tank size. He stated that there is a well on the property and that is how he determined the groundwater depth. He also stated that all bank-owned properties end up with failed Title 5 reports. He stated that he inspected this property in 2005 and that the system passed inspection at that time too. The Board informed him that the 2005 report was never submitted to this office so the contents of that report is of no significance to the Board.

Mr. Darling was questioned as to how 1000-gallons could be pumped from the septic tank when the house was vacant for over one year and 500-gallons had been previously pumped. Mr. Darling responded that water was put into the tank to check for leaks and that is why 1000-gallons was pumped out of it.

Motion made by Mr. Chase to require a deep hole test be done to confirm the depth to groundwater at 12-feet as noted in Mr. Darling's report. Motion seconded by Ms. Thompson; the vote was 4-0 in favor.

The Board provided 30-days for the completion of this test.

Housing Standards – 50 Overlook Street: Mr. Norman Gadoury, owner of this property, was present to request that he not have to make any repairs cited in the August 17, 2009 housing inspection report until after the tenant vacates the unit.

Mr. McKeon stated that he had seen the Channel 5 news broadcast and that the reporter indicated that the matter, the tenant's eviction because of his complaint to the Board of Health about bedbugs, would be addressed in Housing Court. He asked Mr. Gadoury what happened in court.

Mr. Gadoury stated that the tenant had to vacate and that he could not enter the unit until the tenant vacates the property. Mr. McKeon asked to see the court Agreement.

After reading the Agreement, it was noted that the tenant was up to date on rent through August 31st, that the owner could not evict without going through judicial process, and that all communications had to be in writing.

The Board advised Mr. Gadoury to schedule appointments with the tenant, providing 24-48 hours advance notice and that if the tenant fails to cooperate, then he can notify this office of those difficulties. He was advised to put everything in writing.

With regard to the bedbug infestation, Mr. Gadoury provided invoices from a pest control company for the Board. He also stated that Mr. Mansfield, the Board of Health inspector, met with the pest control company at this property. The Board noted that the pest control invoices were dated in June and the Board of Health inspection was conducted in August. Mr. Gadoury assured the Board that the company was out in August and would provide slips to validate that.

As eviction proceedings can take many months, the Board informed Mr. Gadoury that the order to correct these violations must be complied with. The re-inspection for compliance with the Board's order is scheduled for September 21, 2009.

Housing Standards – 273 Providence Road: This matter was placed on the Board's agenda as the owner of this property has failed to comply with an order to clean up the trash and debris on his property. The owner was sent notice to appear this evening but was not present.

The property is located next to a child care center and the office has received several complaints from parents. Mr. Garabedian stated that he would contact the owner and view the property himself to determine if this is a health hazard of just someone's junk. The matter was tabled to the next meeting of the Board.

Food Service – Dominos Pizza – Request for Waiver of Non-Compliance Fees: The Board reviewed the request from Jeffrey P. Dufficy, owner of Domino's Pizza, to reduce or waive the non-compliance fees assessed against him due to his failure to correct violations cited in the food establishment inspection report. Mr. Dufficy claims that there are inconsistencies in the application of the policy on hood cleaning.

**Motion made by Mr. Cella to deny request for reduction or waiver of non-compliance fees.
Motion seconded by Ms. Thompson; the vote was unanimous.**

Food Service – Valley Café: The Board was informed of the pending change in ownership of the Valley Café located on Church Street.

Food Service – Family Wok Restaurant: The Board was informed of the application for a Chinese take-out restaurant, Family Wok, to locate within the Cumberland Farms plaza on Providence Road. Mr. McKeon questioned the type of grease trap that is to be installed. Ms. Gniadek informed the Board that a Big-Dipper-type (automatic grease removal system) would be utilized.

Complaint – Title 5 – Arthur Kroll, Trustee, 1192 Hill Street Trust: Present for this meeting was Attorney Robert Gibbons representing Arthur Kroll, 1192 Hill Street Trust.

Mr. Gibbons stated that he would like to begin with the May 11, 2009 complaint regarding 48 Sunset Drive. He stated that one of the key issues that this system is in violation of Title 5 is that the drainage line is about 4-feet from the new system. Another issue he raised is that the Certificate of Compliance notes "not all phases of construction were inspected". Mr. McKeon informed him that the design engineer made that note not the Board of Health. He said it is typical of some engineering firms, not all, but some will not inspect all phases if the Board of Health agent has conducted his/her inspection and given their approval. That is their decision – not the Board of Health's.

Mr. Gibbons stated that the Board of Health knows that this is a non-complaint system and should do something about it. Mr. McKeon stated that this is a DEP issue not a Board of Health issue. Mr. Gibbons asked the Board to invalidate the Certificate of Compliance. He stated that effluent is leaching down to the drainage line and following that pipe onto his client's property. Mr. McKeon stated that the effluent is leaching into the sewer gravel not the pipe as SDR35 pipe was used and this type of pipe is designed not to allow infiltration. Further, Mr. McKeon explained that if effluent were leaching onto his client's property, the water tests would show coliform contamination and they do not. He stated that water testes were done by the Northbridge Sewer Department and that the Board used swimmable standards – the results of those tests were 2 colonies, 0 colonies, and the one test where he accidentally contaminated the collection cup by sticking his thumb in it tested at 4 colonies. Mr. McKeon stated that Mr. Kroll questioned his integrity and asked for a chain of custody. An additional test by a certified lab was done to attain a chain of custody and to exonerate Mr. McKeon. Mr. McKeon stated that as long as the water is not contaminated the public health is not threatened.

Mr. McKeon stated that the Board of Health engineer witnessed everything with respect to the construction of that system and that the engineer contacted both the design engineer and the DEP. The DEP did not respond to his call. Mr. Gibbons stated that that did not surprise him.

Mr. Cella asked Mr. Gibbons why the Board would make an owner move their system when it isn't failed.

Mr. Gibbons stated then that as long as there is no public health threat, even though it is non conforming, then the Board of Health doesn't take any action.

Mr. Gibbons addressed the June 5, 2009 complaint by Mr. Kroll that relates to Title 5 inspection reports and Mr. Kroll's request that the Board invalidate them as the community leach field was not inspected as part of the inspection.

Mr. McKeon stated that the community leach field would only be required to be inspected if the laundry was connected to it. Two of those properties, 5 Sunset and 35 Sunset, are noted in the Title 5 report that the laundry is NOT on a separate system – therefore a separate report would not be required. For property at 24 Sunset Drive, Mr. McKeon stated that he, as a Title 5 inspector would not complete a report unless the laundry was connected to the septic tank, however, not all Title 5 inspectors work that way. Mr. McKeon stated that this is also a matter for the DEP as they are the licensing authority for Title 5 inspectors.

Mr. McKeon stated that Mr. Kroll accuses him of covering the vault located on 48 Sunset Drive property – he stated that this vault was covered before he began the system repair in 2000. Mr. McKeon stated that Mr. Kroll wants water samples taken from the vault. He compared that to taking a water sample from a septic tank and noted that he would not care how much contamination is located inside of a septic tank, the Board would only be concerned if contaminated effluent was bubbling out of the ground – then it would be a public health concern.

Mr. McKeon asked Mr. Gibbons if the Sunset Drive residents own that community leachfield that is on Kroll property. He questioned how Mr. Kroll had the right to dig up that leach field as shown in the March 10, 2009 email. Mr. McKeon stated that he felt Mr. Kroll should be required to return that property to the condition it was in before it was dug up. Mr. Gibbons replied that as the owner of the property, Mr. Kroll has every right to mitigate or repair this defective system and sue the

homeowners for the repair costs. He stated that no one is willing to step up to the plate to fix the problem – the residents are ignoring the situation.

The Board advised Mr. Gibbons that these issues are best addressed through the DEP and the Northbridge Conservation Commission but as no public health threat exists, the Board is not inclined to take any action. Mr. Gibbons commented that he expected as much from the Board and noted that the Commission has been unresponsive as well.

Correspondence related to this matter distributed to the Board included:

- Conservation Commission Memorandum – July 24, 2009
- Burnham Miller Letter to Arthur Kroll – August 13, 2009
- Arthur Kroll Letter to Burnham Miller – August 26, 2009
- Arthur Kroll – Site Visit Memorandum – August 8, 2009

Emergency Preparedness & Planning: Ms. Gniadek reminded the Board that the Volunteer Orientation Session will be held on September 15, 2009 at 7PM at the Town Hall. Sara Delisio, our Program Consultant will provide an overview of what an EDS (Emergency Dispensing Site) is and what roles the volunteers can expect to play in the event an EDS is operated for the dispensing of antibiotics or vaccine.

Edgemere Area Sewer Extension – DPW Memorandum: The Board received notice from the Director of Public Works, Richard Sasseville, that several properties in the Edgemere Avenue area have not yet connected to town sewer as is required by the town bylaw which states that connection to the public sewer shall be made within two years, or at the time of any transfer of title to the property, if sooner – the time for connection shall be extended for up to five years where a new on site septic system has been installed, provided a Title 5 certificate of compliance has been issued and the system remains in satisfactory condition. The bylaw further states that the Board of Health may, after a public hearing and for good cause shown, extend the time for compliance.

Mr. Sasseville, having received notice from one owner that he has a Certificate of Compliance for his system, but having exceeded the five-year time frame for compliance, is asking the Board of Health if a public hearing had been held for this property to extend the time frame for compliance.

Motion made by Ms. Thompson to inform the Northbridge DPW Director that a hearing in accordance with § 10-102 for property located at 1266 Providence Road has not been held. Motion seconded by Mr. Cella; the vote was 4-0 in favor. Mr. McKeon abstained due to his relationship to this property owner.

Correspondence: Correspondence distributed to the Board included:

- Tom Berkowitz Trucking – Wood Chipping Notice – August 2009
- Tom Berkowitz Trucking – Wood Chipping Notice – September 2009
- Memorandum regarding Fall Annual Town Meeting

Re-organization of Board: In accordance with §4-204 of the Code of Bylaws for the Town of Northbridge, the Board conducted its annual reorganization. **Mr. Chase nominated Mr. McKeon to continue to serve as Chairman of the Board. This nomination was seconded by Ms. Thompson. There being no other nominations, the Board voted unanimously to have Mr. McKeon serve as Chairman of the Board of Health.**

Ms. Thompson nominated Mr. Cella to continue to serve as Vice-Chairman of the Board. This nomination was seconded by Mr. Chase. There being no other nominations, the Board voted unanimously to have Mr. Cella serve as Vice-Chairman of the Board of Health.

There being no further business, motion to adjourn at 9:15 PM was made by Mr. Chase and seconded by Mr. Garabedian – all in favor.

Attested by,

Jeanne M. Gniadek, Administrative Assistant