

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of
September 24, 2007 6:30 pm

In attendance: Don Bates, Chairman; John Donohue Jr., Member; Susan Shaw, Member and Agent, Robert Davis

Visitors: Attorney, David Manoogian presenting Allen Smith, Manager at the Mall and Emily Hoang, Jay & Eileen Boylen, Beth Ann Ultsch, Kerri Ann Dellinger, Melody Nyberg, Christine Skinner, Danielle Godfrin and Danieel Vanasse

Mr. Bates opened the meeting at 6:30 PM.

LICENSES:

Eileen Boylen appeared in support of her request for a Food Service & Ice Cream license for Big Bully's BBQ & Ice Cream and answered the Members questions.

MOTION made by Mr. Donohue to grant a Food Service & Ice Cream license for Big Bully's BBQ & Ice Cream located at 11 Robert Toner Boulevard, North Attleboro. Ms. Shaw seconded. Some discussion, all in favor, motion passes 3-0.

PLUMBING VARIANCE:

Mr. David Manoogian, attorney for Mayflower Emerald Square, LLC came before the Board requesting the Board of Health's endorsement to the Board of State Examiners of Plumbers and Gasfitters of the Mall's request for a variance from the provisions of 248 CMR 10.09. The Mall would like the state board to waive certain requirements that it install floor drains in order to continue displaying new vehicles from time to time. Atty. Manoogian outlined the code requirements as well as the Mall's rules and safe practices it has followed for years when displaying cars and other motor vehicles inside. He also explained how the installation of the floor drains specified in the current code would impose an impractical and expensive hardship on the Mall given its existing shape, size and past practices.

MOTION made by Mr. Donohue to endorse the Mayflower Emerald Square, LLC's request for a variance before the Board of State Examiners of Plumbers and Gasfitters from the provision of 248 CMR 10.09. Ms. Shaw seconded. Some discussion, all in favor, motion passes 3-0.

Mr. Davis will submit the letter to the Board of State Examiners of Plumbers and Gasfitters, with a copy to Mr. Manoogian.

WAIVER REQUEST – AT HOME MASSAGE ESTABLISHMENT:

Beth Ann Ultsch came before the Board to discuss the possibility of obtaining a waiver to its Massage Establishment Regulations requiring establishments to be connected to the public sewerage system. Ms. Ultsch explained that she was not yet applying for an establishment license, but rather seeking the Board's inclination to grant such a waiver if she did apply. The members discussed past precedents and Ms. Ultsch answered their questions.

MOTION made by Mr. Donohue to grant Beth Ann Ultsch of 51 Huntley Road a waiver to 6A of the Massage Rules and Regulations Governing the Practice of Massage and the Conduct of Establishments for giving of Massage, Vapor, Pool, Shower or other Baths, contingent upon her submission of a Massage Establishment license application. Ms. Shaw seconded. Some further discussion, all in favor, motion passes 3-0.

LICENSES:

Kontempo Kutz-N-Nailz requested a license for a nail salon establishment consistent with the Board's Nail Salon Regulation. The Members confirmed that the establishment had been providing nail salon services prior to the promulgation of the regulation and acknowledged that it was not required to have a representative appear in person in support of this license request.

MOTION made by Mr. Donohue to grant a Manicuring/Nail Salon Establishment license to Kontempo Kutz-N-Nailz at 32 North Washington Street, North Attleboro pending an inspection. Ms. Shaw seconded. Some further discussion, all in favor, motion passes 3-0.

Kerri Ann Dellinger, Danielle Godfrin, Melody Nyberg, Christine Skinner and Dannielle Vanasse appeared as requested in support of their requests for Manicurist licenses to work at Kontempo Kutz-N-Nailz and answered the Members questions.

MOTION made by Mr. Bates to grant a Manicurist license to Kerri Ann Dellinger of 117 North Washington Street to work at Kontempo Kutz-N-Nailz. Mr. Donohue seconded. No further discussion, all in favor, motion passes 3-0.

MOTION made by Mr. Bates to grant a Manicurist license for Danielle Godfrin of 177 Sayles Hill Road, North Smithfield, RI to work at Kontempo Kutz-N-Nailz. Mr. Donohue seconded. No further discussion, all in favor, motion passes 3-0.

MOTION made by Mr. Bates to grant a Manicurist license for Melody Nyberg of 31 Blanche Street, Cumberland, RI to work at Kontempo Kutz-N-Nailz. Mr. Donohue seconded. No further discussion, all in favor, motion passes 3-0.

MOTION made by Mr. Bates to grant a Manicurist license for Christine Skinner of 57 Maple Street, North Attleboro to work at Kontempo Kutz-N-Nailz. Mr. Donohue seconded. No further discussion, all in favor, motion passes 3-0.

MOTION made by Mr. Bates to grant a Manicurist license for Dannielle Vanasse of 117 North Washington Street to work at Kontempo Kutz-N-Nailz. Mr. Donohue seconded. No further discussion, all in favor, motion passes 3-0.

Mr. Davis asked Ms. Dellinger if she could suggest ten important questions the Board could query others with who were applying for manicuring licenses in the future. Ms. Dellinger readily agreed and promised to mail her questions to the Board of Health office.

MINUTES:

MOTION made by Mr. Donohue to accept the minutes of September 10, 2007. Ms. Shaw seconded. No further discussion, all in favor, motion passes 3-0.

HEALTH AGENT'S MONTHLY REPORT:

Part-time Health Agent Rob Casper did not appear for the meeting to review his monthly report with the Board. It was agreed that Mr. Davis should speak with him about his failure to attend this evening and others similarly in the past.

MOTION made by Mr. Donohue to table the Health Agent's Monthly Report for August 2007. Ms. Shaw seconded. Some additional discussion, all in favor, motion passes 3-0.

FINANCE COMMITTEE:

Mr. Mark Williamson has been selected to be the liaison to the Board of Health from the Finance Committee. Mr. Davis will extend an invitation to Mr. Williamson to attend the next Board meeting.

967 LONGVIEW DRIVE:

A memo has been sent to Town Administrator giving him the history of the trash issue at 967 Longview Drive, including a suggestion that the Town, through its Department of Public Works, finally clean up this property to eliminate the public health hazards on it. Town Attorney Roger Ferris has called the owner to court in the past, but she was out-of-state at an unknown address and failed to appear. Mr. Davis reported however, that Building Inspector Al Spalding went out to the property today and happened to find the owner present but leaving tomorrow. Mr. Davis has asked Town Counsel to contact the police, exercise the bench warrant for failure to appear, and bring her to court.

HICKORY WOODS:

Mr. Bates wants Mr. Davis to notify the residents of Hickory Woods that the Board of Health is still looking for as-built plans for their property and they need to cooperate with the Board of Health.

CHRISTINA ESTATES:

Public Works Director, Mike Stankovich informed Mr. Davis that there is roadway work going on in Christina Estates. Mr. Davis will check the State’s Title V Regulations to look for a clause stating perc tests were acceptable if signed 3-4 years after the fact.

ARBITRATION DECISION:

The Board was notified on September 13th that Karl Drown’s arbitration case requesting reinstatement has been denied by the arbitrator. On September 20th, a Motion to Dismiss Mr. Drown’s related lawsuit was heard and the final results of that hearing are expected to be known in approximately one month.

468 OLD POST ROAD:

Mr. Davis was finally able to contact the owner of 468 Old Post Road re: the 8/24 Order to Correct. The family has been working under a similar Order to Correct and has called concerned for the 30 day deadline in their Order. The apartment is not occupied and will not be occupied by the tenant again because of his medical issues. If the landlord exercises her right to a hearing before the Board, it is conceivable that the compliance deadline can be indefinitely waived pending reinspection prior to anyone’s occupancy again.

MOTION made by Mr. Bates to extend the tenant’s family another 30 days to complete their clean-up of the apartment, contingent upon reporting on the progress of their cleanup to Mr. Davis every two weeks. Mr. Donohue seconded. Some additional discussion, all in favor, motion passes 3-0.

Mr. Donohue requested a five minute recess at 8:40 and the Board reconvened thereafter.

CIP REQUEST FOR FY08:

The Town Administrator has formed a committee to hold CIP meetings with the department heads and Mr. Davis is scheduled to meet with Mr. Fisher on October 16 to discuss the CIP request submitted for FY08 to finally replace the Health Department’s 1994 Town truck.

FIRST NON-CRIM TICKETS:

The first two non-criminal disposition tickets for public health violations have been issued to the owners of 60 Barbara Road and 93-95 Fisher Street for their failure to comply with the Health Department’s Orders to Correct their respective violations.

STORMWATER MEETING:

Mr. Davis and Mr. Donohue have attended a DPW Stormwater meeting with other departments. Mr. Donohue will be doing a Power Point presentation on Stormwater Drain Management that can be viewed on the NorthTV cable network for the community. The establishment of a Stormwater Drain Town Bylaw was discussed at the meeting.

HUMAN SERVICES POSITION:

Anne Marie Fleming, Mr. Davis and Mr. Donohue held a preliminary meeting with Mark Fisher to discuss the possibility of creating a Human Services position for the Town of North Attleboro. The group discussed the increased demands on the health nurse to provide such services in the absence of a human services professional otherwise, and how that burden could and should be lifted from her. Expressing his support for the concept, the Town Administrator advised the Board to begin collecting statistics and assembling reports that would substantiate the need to create such a position, but he cautioned that there was no guarantee that the Town would fund it even if substantiated.

The Chairman requested a five minute break at 9:05 and the Board reconvened thereafter.

COMPLAINT LOG:

180 Commonwealth Avenue

Septic plans are in the office to upgrade the system at this property but the actual work to upgrade the failed system there still hasn't begun. Members discussed whether the owner should be billed \$3,000.00 and Mr. Davis will speak with the Town Attorney about doing so.

5 Lyon's Way

There is a "for rent" sign in front yard at 5 Lyon's Way, but apartment will need to be reinspected before occupancy.

VFW Hall, 50 Jefferson Street

The VFW has been asked to provide written proof of the club's "private" status as a membership association under the State Smokefree Workplace law. With such proof, the club could continue to allow smoking on the premises if it chose to do so. Mr. Davis has explained that club members' assertions and promises that the Post is indeed private is not enough to verify that status.

Steven's Market

In response to allegations of mold problems in the refrigerators at Steven's Market, they have been inspected and given a week to clean the store up. After a week's time, both Mr. Davis and Mr. Casper will return to reinspect the cleanliness in the establishment.

NEW BUSINESS:

Meetings

The October Board meetings will be October 9, 2007 at 6:30 PM at the Town Hall, Selectmen's conference room, and October 29, 2007 at 6:30 PM at the North Attleboro Electric Department.

ADJOURN:

MOTION made by Mr. Donohue to adjourn the meeting at 9:20 PM. Seconded by Ms. Shaw. No discussion, motion passes 3-0.