

# NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of  
February 20, 2008 6:30 pm

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

Visitors: Howard Goldberg, Diane Gannon, Janice & Jerome Kennedy, Lynne Puhalla Carlson, Deb Shiers, Jonathan Maslen, Carl Boardman, PE, Ed Kingman, PE, Karl Drown, R.S., Joe Coggeshall, Chris Capozzoli, Ed Murphy, Aung Tun, Austin McHoul, Esq. and Mr. & Mrs. Julian Sanchez

Chairman Bates opened the meeting at 6:30 PM. and advised the visitors that they would be invited to come before the Board in the order in which they signed into the meeting.

## **MINUTES:**

**MOTION** made by Mr. Donohue to accept the minutes of February 4, 2008. Ms. Shaw seconded. No discussion, all in favor, motion passes 3-0.

## **PUBLIC HEARING:**

### 29 Freeman Street

Howard Goldberg, owner of 29 Freeman Street told the Members that all the work cited in the Department's inspection report had been completed, except for the exterior concrete stairs and the front door, and that his contractor was expected to do that work by the end of the week, weather permitting. Asked to comment, Mr. Davis reported that the tenant had called earlier in the day and no one has come to fix the heat since February 8<sup>th</sup>, the day that the heat was reinspected and found inadequate in several rooms. Mr. Davis noted that he spoke with Mr. Goldberg that same day and advised him the lack of sufficient heat in the apartment needed immediate correction. At the same time, he reminded Mr. Goldberg that a letter from the state licensed contractor fixing the heat was required, and that such a statement has still not been received. Considerable discussion ensued, and Mr. Goldberg responded to many questions from the Members.

**MOTION** made by Mr. Donohue that Mr. Goldberg shall have until Wednesday, February 27<sup>th</sup> to have the heat and the back stairs issues at 29 Freeman Street corrected, with a copy of the licensed contractor's statement of correction delivered to the Health Department, or be fined \$100 the first day thereafter that the cited violations are not corrected, \$200 for the 2<sup>nd</sup> day, and \$300 for each subsequent day until corrected, with Mr. Davis to reinspect the property on February 27<sup>th</sup>. Ms. Shaw seconded. More discussion, all in favor, motion passes 3-0.

## **LICENSES:**

Diane Gannon, manager of Ulta Beauty Salon came before the Board for a Hairdressing Establishment license. Ms. Gannon presented a plumber's invoice for the replacement of a two- handled type of faucet that had been requested by Mr. Davis and Mr. Bates upon their initial inspections of the establishment.

**MOTION** made by Mr. Donohue to grant Ulta Beauty Salon at 1360 South Washington Street a Hairdressing Establishment license. Ms. Shaw seconded. Some additional discussion, all in favor, motion passes 3-0. Mr. Davis will reinspect when delivering the approved license.

## **MT. HOPE FARMS ESTATES:**

David Simmons and Carl Boardman, representing Angle Tree Consulting, informed the Members that he has been working with the Planning Board, Department of Public Works and the Board of Health engineering consultants on the Mt. Hope Farm Estates project. Discussion ensued over the concerns the Board of Health and developer have been dealing with to grant or gain approval for this new subdivision. The Chairman suggested that the developer grant some amount of additional time to resolve the last of the issues extent and continue the discussion at the next Board of Health meeting on March 3, 2008. Mr. Simmons agreed to speak with the property owners and assuming their favorable concurrence, deliver an appropriate extension to the Board the following day.

**LICENSES:**

Edward Kingman from Rehoboth, MA came before the Members to answer their questions with respect to his request for a license to perform engineering in North Attleboro.

**MOTION** made by Mr. Donohue to grant a license to perform engineering until October 31, 2008 to Edward Kingman. Ms. Shaw seconded. No discussion, all in favor, motion passes 3-0.

Karl Drown from Rehoboth, MA came before the Members to answer their questions with respect to his request for a license to perform engineering in North Attleboro.

**MOTION** made by Mr. Donohue to grant a license to perform engineering until October 31, 2008 to Karl Drown. Mr. Bates seconded. No discussion, all in favor, motion passes 2-1 with Ms. Shaw abstaining.

Karl Drown from Rehoboth, MA came before the Members to answer their questions with respect to his request for a Title V System Inspector’s license.

**MOTION** made by Mr. Donohue to grant a Title V System Inspector license to Karl Drown. Mr. Bates seconded. No discussion, all in favor, motion passes 2-1 with Ms. Shaw abstaining.

Joseph Coggeshall came before the Board to represent Keith Marchand who could not attend tonight’s meeting for a Body Art Practitioner’s license.

**MOTION** made by Mr. Donohue to grant Keith Marchand a Body Art Practitioner license to work at Shovelheads Tattoo Parlor. Ms. Shaw seconded. Some discussion, all in favor, motion passes 3-0.

Christopher Capozzoli came before the Members to answer their questions with respect to his request for a Body Art Practitioner’s license.

**MOTION** made by Mr. Donohue to grant Christopher Capozzoli a Body Art Practitioner’s license to work at Shovelheads Tattoo Parlor. Ms. Shaw seconded. Some discussion, all in favor, motion passes 3-0.

**PUBLIC HEARING:**

Hola Mexican Grilled Chicken Restaurant

Aung Tun came before the Board to discuss the episode of an unapproved friolyter installation that led to a sprinkler incident in the Mall, and to explain why he failed to appear before the Board at the last meeting as requested. Mr. Tun explained that he has only recently been discharged from the hospital following surgery and wasn’t present when his contractor did the work that resulted in the sprinkler incident, nor had he received any notice to attend the previous meeting. Discussion ensued and Mr. Tun was instructed that as the establishment owner, he must get permission from the Health Department when changing the layout of his kitchen precisely to avoid potentially serious incidents like this one. Mr. Davis told the Board that because Mr. Tun was in the hospital, he told Mrs. Tun and the contractor personally that someone had to appear before the Board at the last meeting and both insisted they would appear. Further, Mr. Davis also wrote to Mr. Tun with notice of the need to appear at that meeting and this one, using the same address both times. In the discussion, the Board admonished the establishment owner for the incident and the fact that he should have had someone represent him at the last meeting when his presence was originally requested.

24 Tiff Street

Attorney Austin McHoul came before the Board representing Julian Sanchez, owner of 24 Tiff Street, regarding housing issues and complaint #08-10. In discussion with the Board, it was noted that the tenants had complained about no heat because the heating system had been completely disconnected and/or damaged somehow. The owner had the radiators reconnected properly and the system fixed at considerable expense. Mr. Davis reported that upon reinspection, the heat had just been turned on shortly before and was coming up, although temperatures weren’t yet fully consistent room to room. Discussion ensued with respect to notice and access issues between the tenants and the owner and the difficulties thereby incurred reaching compliance.

**MOTION** made by Mr. Bates to give the owner an extension until March 23, 2008 to address all the violations cited and correct the issues that exist. Mr. Donohue seconded. More discussion, all in favor, motion passes 3-0. The Chair suggested the parties document any notice and access issues, or other interactions between them that delay correction and compliance..

**RECESS:**

The Board recessed for five minutes.

**CUSHMAN VILLAGE:**

Before discussion, Ms. Shaw declared herself an abutter to the proposed Cushman Village subdivision and asked to be excused from discussion of the project accordingly. Further, she physically removed herself from the dais and proceeded to sit in the audience in order to discuss the project as an abutter if necessary.

Discussion ensued. The Town Planner has sent a notice indicating her Board's willingness to meet with this Board in order to discuss Cushman Village and subdivision review in general sometime in March. From the audience, Ms. Shaw asked the Members if they would separate discussion of Cushman Village from the general discussion of subdivision reviews in order that she may be able to participate in the latter in her official capacity as a Board of Health Member. The Members agreed to do so, and Mr. Bates offered to inform the Planning Board of Ms. Shaw's possible conflict prior to discussing subdivision reviews other than the Cushman Village project. In the discussion that continued, the Chairman noted that the Town Planner was still asking the Board to provide the Planning Board with specific reasons why it disapproved the Cushman Village subdivision.

**TOWN ENGINEER POSITION:**

The Selectmen have called a special meeting of the Planning Board, Department of Public Works, Conservation Commission and Board of Health for March 10, 2008 to discuss the possibility of establishing a Town Engineer's position to would deal with subdivisions, subdivision reviews, and all the requirements of both. Because this meeting would be in conflict with a previously scheduled Board meeting of the same evening, the Members agreed that the BOH meeting scheduled for March 10<sup>th</sup> should be rescheduled to March 3<sup>rd</sup>, and the meeting scheduled for March 24<sup>th</sup> should remain unchanged.

**COBBLESTONE SUBDIVISION:**

The Members received copies of a Board of Public Works letter to Town Planner, Mary Burgess outlining its conditions for approval for Cobblestone subdivision under review.

**METHYL/WOOD ALCOHOL LICENSES/FEES:**

Mr. Donohue described his investigation of Massachusetts towns that still license Methyl/Wood Alcohol/antifreeze and reported that very few still do so. Discussion ensued.

**MOTION** made by Mr. Donohue to discontinue the Methyl/Wood Alcohol licensing and its related fee in the Town of North Attleboro, and to send a letter informing current licensees of that decision. Mr. Bates seconded. Some additional discussion, all in favor, motion passes 3-0.

**COMPLAINT LOG:**

The Members discussed whether, in the interest of time, each complaint should be reviewed at every Board meeting, or whether Mr. Davis should instead highlight those of some particular interest and stand ready to discuss any others listed in the log.

267 Mendon Road

Winter storms continue to interfere with outside cleanup projects, but the owners of 267 Mendon Road have been observed in the process of cleaning up their property as ordered.

### 9 Broad Street

The owner of this property has rented to a new tenant without having a reinspection conducted before anyone new moved in. Mr. Davis has advised the owner that he will still need to reinspect the property to verify compliance with the Order to Correct and is trying to arrange a day & time to do so.

### Chi-Chi's Salon

The Health Agent has closed Chi Chi's Nail Salon because it does not have all the required licenses yet. The owner needs to obtain a MA Cosmetologist license before applying for a Manicurist and a Nail Salon license from the Town, and is in the process of doing that.

### 9-11 Cross Street

The owner of 9-11 Cross Street has today requested a public hearing with the Board and has been scheduled for the March 10<sup>th</sup> meeting. A change of meeting notice will need to be sent to the owner and tenant alike notifying them of the new March 3<sup>rd</sup> date.

Members asked the status of the complaints in the log that have been investigated by Agent Rob Casper. Mr. Casper had been expected to discuss them in his agent's report for this meeting, but was unable to attend tonight after the meeting was changed from the 19<sup>th</sup> to the 20<sup>th</sup> last week. The Members asked that Mr. Casper report on any complaint in the log that he investigates between meetings so that the log can be kept current for any discussion in the interim, even without him present to review them in person until his next meeting report.

### **MEETING SCHEDULES:**

As above, the Members confirmed that their March meetings shall now be scheduled for March 3, 2008 and March 24, 2008, both at the Electric Department and both at 6:30 PM.

### **TANNING SALON REGULATIONS & DEMOLITION REGS:**

Mr. Donohue asked the Members to think again about establishing tanning regulations for the Town of North Attleboro, as well as regulations for building demolitions requiring demolition permits. Mr. Davis explained that the Health Department has already put a building demolition protocol in place that includes asbestos removal and pest control reports, confirmation of removal of underground oil storage tanks if any, a letter attesting to the removal of cesspool/septic systems if any, and a report on ground contaminants removed or to be removed, if any. Mr. Davis suggested that converting the existing protocol into regulation form for Board consideration could be readily accomplished. Likewise, he suggested that other drafts of potential regulations the Board has expressed interest in in the past could also be produced from time to time, then dispensed with as the Board chooses. Several draft regulations remain on Mr. Davis' discretionary project list and he will present them for the Board's consideration as time permits.

### **RETENTION POND REGULATIONS:**

One potential regulation for consideration would focus on retention/detention ponds. In the discussion that ensued, Mr. Donohue advised the Members that as state law already exists, there are few if any local public health regulations on retention/detention ponds regulations in Massachusetts, and perhaps none that would fit the requirements that have been discussed for North Attleboro in particular. A draft of a retention/detention pond regulation unique to North Attleboro could still be put together however.

### **DIRECTOR'S REPORT:**

#### Human Services Position

Work continues with the Town Administrator and Human Resource Director to establish proper wording for a Town Meeting article, an agreeable job description, and a satisfactory job score for the salary grade of the Human Services Coordinator the Board would like to see established for the Town.

### ServSafe Program

Mr. Davis will contact the Police Department to request use of the Police Facility's meeting room to hold the courses necessary to certify additional food protection managers for North Attleboro's food establishments.

### Satellite Debris

Mr. Davis briefed the Members on that day's public health alert and the CDC's involvement with the satellite the U.S. hopes to shoot down before it enters the earth's atmosphere and strikes the earth with its current size and contents. The CDC believes that a potential health and safety threat does exist if the satellite is not broken up into small pieces, and it will keep the Health Departments informed accordingly.

### Laptops

The Board of Health has three laptops which are in need of check-ups for security and other updates. Mr. Davis will make arrangements with the MIS Department to have all three laptops checked out and updated on a regular basis, perhaps even as often as once a month.

### **MEETING PROTOCOLS:**

Especially now that the BOH meetings are televised, Mr. Bates cautioned the Members that they must all be increasingly aware when officially discussing individuals, organizations, companies and other agencies that their comments and discussion always be above reproach. The Chairman reminded the Members that reasonable comments taken out of context, or giving even the perception of bias or preconception, can still become problematic for individual Members as well as the Board as a whole, no matter how well intended and reasonable those comments may be.

### **HUMAN SERVICES POSITION:**

Returning to discussion of the Human Services Coordinator's position, the Members noted that the Board had previously made a decision that the position should be scored and graded at an ATP-5 level position, although the Human Resource Department has recently notified Mr. Davis that it believes the position should be graded at the ATP-4 position. More discussion followed.

**MOTION** made by Mr. Bates that the Board continue to score the Human Service position as a level ATP-5. Mr. Donohue seconded. Some discussion, all in favor, motion passes 3-0.

### **ADJOURN:**

**MOTION** made by Mr. Donohue to adjourn the meeting at 9:10 PM. Seconded by Ms. Shaw. No further discussion, motion passes 3-0.