

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of
June 25, 2009 6:00 pm

In attendance: Don Bates, Chairman; John Donohue Jr., Jonathan Maslen, Members; Health Agent, Robert Davis

Visitors: Dana Hooper of Airport Golf; Lily Nguyen from Fancy Nails; Derek Franklin of Earthwork Industries; Olive Gonzalez-Giordano & Mariano Gonzalez of 65 Broad Street; Linda Valentine working at J.C. Penney; Susan Kosturi & Mary Sharp of Ziggy's North Bar & Grille; Thomas Pedro, Kristen & Matthew Woodward of 351 Broadway; Michael Dufour & Ray Ibrahim for 65 Fisher Street.

Chairman Don Bates opened the meeting at 6:00 PM.

MINUTES:

MOTION made by Mr. Maslen to accept the minutes of June 9, 2009 as written. Seconded: Mr. Donohue. No discussion, all in favor, motion passes 3-0.

LICENSES:

MOTION made by Mr. Donohue to grant a Temporary Food license for the Kid's Day Association at Mason Field on July 9th-12th, 2009. Seconded: Mr. Maslen. No discussion, all in favor, motion passes 3-0.

Linda Valentine came before the Members to answer questions regarding her application for a Manicurist license.

MOTION made by Mr. Donohue to grant a Manicurist license for Linda Valentine to work at J.C. Penney. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Dana Hooper came before the Members to answer questions regarding his application for a Retail Food license for Airport Golf on Kelley Boulevard.

MOTION made by Mr. Donohue to grant a Retail Food license for Airport Golf on Kelley Boulevard, North Attleboro. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Susan Kosturi & Mary Sharp came before the Members to answer questions regarding their application for a Food Service license for Ziggy's North Bar & Grille at 79 East Street.

MOTION made by Mr. Donohue to grant a Food Service license for Ziggy's North Bar & Grille at 79 East Street, North Attleboro. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Derek Franklin came before the Members to answer questions regarding his application for a Title V System Inspector license.

MOTION made by Mr. Donohue to grant a Title V System Inspector license for Derek Franklin dba/Earthwork Industries, Inc. of Plainville, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

65 FISHER STREET:

Michael Dufour & Ray Ibrahim representing Jean Ibrahim, owner of 65 Fisher Street, came before the Members to address the violations cited at that property. The property at 65 Fisher Street was declared uninhabitable by the Health Agent after the Water Department called June 24, 2009 to report that a water pipe was broken under the upstairs kitchen sink, resulting in significant flooding to other apartments in the property and its common areas. The Water Department had to shut the water off from the street from ~2:30 to 11:00 PM. Acting on behalf of the owner, Mr. Ray Ibrahim had new locks installed on the main exterior doors after the property was placarded. When the water damage has been cleaned up and the property reinspected for habitability, the placard will be removed and the building's tenants will be allowed to return to their apartments. The tenants from the 1st floor apartments #'s 1 & 2 had reported several housing violations that the owner was ordered to correct back in May and for which his brother had requested a hearing this evening. Mr. Davis explained however, that the house at 65 Fisher Street is uninhabitable due to the water damage at this time, and must remain so until corrected and verified by reinspection. Separately however, the owner's brother had promised to correct the garbage, trash and litter on the outside of the property pending this evening's hearing and has not done so.

In the discussion that followed, the owner's cousins present told the Members that they have personally appeared to pick up the exterior trash, but that the tenants were extremely uncooperative. On behalf of the owner, Mr. Dufour and Mr. Ibrahim requested an extension to fix everything in the building, including both water damaged and as cited by the Health Department. After telling the Members that one of the tenants defied yesterday's order to vacate the building, broke the new lock and moved back into her apartment, Mr. Ibrahim asked the Board to enforce its unfit for habitation order. More discussion followed and the Members agreed that Mr. Davis would notify the police that night to forcibly remove any tenants that move back into the building before it is deemed habitable once again.

MOTION made by Mr. Donohue to have the owner of 65 Fisher Street correct all violations that have been listed by the Health Agent in apartments 1 & 2, plus provide proof of a deleading certificate for the property, immediately upon determination that the building can be reinhabited again. Seconded: Mr. Maslen. Mr. Bates added an amendment that the outside of the building also be cleaned up by June 26, 2009. After further discussion, all in favor, motion passes 3-0.

Adding that the actual owner of 65 Fisher Street, or his brother, should appear at the Board's next meeting on July 14, 2009 for a progress update, Chairman Bates advised Mr. Dufour and Mr. Ibrahim that Mr. Davis will ask the Police Department to forcibly remove any tenants living in the building immediately after the meeting.

65 BROAD STREET:

Mariano Gonzalez son of the owner of 65 Broad Street came before the Members on housing violations. Mr. Gonzalez brought in pictures of the things he has fixed. A Massachusetts registered engineer has declared that the fire escape is structurally safe, but needs to be repainted due to the rust. The house is heated by electricity and does not need carbon monoxide detectors. The owner reported that the complainants have effectively moved out, but that he was waiting for them to fully vacate by the end of the month before replacing the broken refrigerator. The members advised Mr. Gonzalez that apartment cannot be rented again until all the violations have been corrected and the Health Agent has reinspected.

MOTION made by Mr. Maslen to waive violation #16 for 65 Broad Street by allowing the owner to have spring hinges installed on the steel door rather than installing a screen door. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

FANCY NAILS:

Ben, part owner of Fancy Nails came before the Members to ask for a waiver of the ventilation requirements for nail salons by installing a certain HEPA filter in a free standing unit, instead of what is required by the Board's nail regulation. After discussion, it was agreed that the owners will need to produce the specs of the ventilation system they propose to purchase to Mr. Davis for his acceptance by June 30th.

MOTION made by Mr. Maslen to grant a waiver of the ventilation requirements of the nail salon regulation to Fancy Nails, and allow the owners to install a free-standing HEPA & charcoal filter that would meet the requirements of the regulation and further, that the specifications of the proposed unit be in Mr. Davis hands no later than June 30th, with the approved unit be ordered no later than July 3, 2009. Seconded: Mr. Donohue. In the discussion that followed, Mr. Bates explained that failure to meet these requirements will cause closure to the nail salon. After discussion, all in favor, motion passes 3-0.

351 BROADWAY:

Kristen and Matthew Woodward of 351 Broadway came before the Members to discuss the on-going nuisance issue of a porch light in dispute with some of their neighbors. At one time, Ann and Steven Chapdelaine had offered to pay an electrician to move or remove the subject light, but the Woodwards refused to accept the offer when it was made. The Woodwards subsequently reconsidered the matter and decided to accept the Chapdelaine's offer, but the offer has been withdrawn and is no longer available. In speaking with the Members, Mrs. Woodward grew increasingly agitated and stormed out of the meeting shouting expletives at the Board. As a result, Mr. Bates advised Mr. Woodward and his father-in-law, Thomas Pedro, that Mrs. Woodward will not be allowed to attend any further Board of Health meetings. In the discussion that continued, options for relocation of the subject light were reviewed again with Mr. Woodward and Mr. Pedro.

RECESS:

MOTION made by Mr. Donohue to take a brief recess at 7:30 PM. Seconded: Mr. Bates. The members returned at 7:37 PM.

MEETINGS:

The Members agreed to hold their July meetings on Tuesday, July 14th at the Town Hall and Tuesday, July 28th at the Electric Department, both at 6:00 PM.

LETTERS:

North Attleboro Public Schools/Food Service Department

The Members read a letter from the School Department Food Service Director asking to have the school cafeterias inspected before the school year ends. Unfortunately, the Health Inspector did not complete two inspections per school last year. In discussion, Mr. Donohue explained that the five schools in town that actually cook meals are the High School, Martin, Amvet, Middle and the Community school. Chairman Bates advised that every school will need to be inspected in September without fail.

LETTERS (continued):

State Representative, Elizabeth Poirier

Representative Elizabeth Poirier wrote to thank the Board for its correspondence on the pandemic disaster preparedness legislation and acknowledge her support for it.

BUDGET:

Mr. Davis informed the Members that the last budget cut requested by the Town Administrator for FY10 was a 1.58 percent reduction for the Health Department, but it will be reversed if all the Town's unions agree as expected to a proposal to reduce one hours pay per week for 53 weeks.

PLANNING BOARD:

Mr. Bates met with the Planning Board to lay out the Health Department's requirements for and possible use of a town engineer for subdivision reviews

COMPLAINT LOG:

468 Old Post Road

This complaint will be closed upon a successful reinspection at 468 Old Post Road due in the next week.

208 Park Street apt.1-3

Apartments 1-3 at 208 Park Street have finally been cleared of all violations previously cited.

117 North Washington Street

The owner of 117 North Washington Street has received the maximum fine of \$300.00 for failing to clear the property of trash after multiple requests to do so, and may well be fined again if nothing is done.

132 North Washington Street, apts. 1& 2

Mr. Trent Davis, owner of the property at 132 North Washington Street, has yet to call to schedule reinspections of the two apartments at this property, even after several requests, including one in the Court Magistrate's office at Taunton District Court.

601 South Washington Street, apts. 6 & 7

Mr. Davis spoke with the manager of the Pineapple Inn to review the work being done to correct the violations cited there.

TRUCK:

Mr. Maslen has generously offered to fix the back bumper of the Department's truck after it was vandalized in the Town Hall parking lot. Without his help, the vehicle would have to be surplused otherwise for lack of resources in the budget. Mr. Bates suggested Mr. Davis contact DPW Director, Mark Halloway, if the Department needs to use a vehicle in the meantime.

PANDEMIC:

The Members discussed a commentary article from the June 21, 2009 Sun Chronicle on preparing for an emergency response in case of a pandemic epidemic. It was a negative article on community-wide outbreaks and the planning process involved. The Members felt strongly that all communities should prepare themselves for any kind of emergency, and will draft a commentary of their own to submit in response.

EMERGENCY DISPENSING SITE EXERCISE:

The remaining 23 cities and towns in Bristol County were invited to take part in a walk-through of North Attleboro's primary Emergency Dispensing Site (EDS) as Public Health Nurse Anne Marie Fleming has set it up. As many as 30 people accepted the invitation and attended a two hour program today with classroom discussion and a tour of the school set up with signs in place as the Town had conducted its 2008 flu clinic and EDS exercise. Ms. Fleming, Mr. Davis and three Bristol County Coalition emergency preparedness Coalition contractors spoke to those in attendance of the lessons North Attleboro has learned from its EDS exercises held these last two years.

MAHB CERTIFICATION PROGRAM:

The Members received notification of the Fall 2009 MAHB certification programs, with a call to suggest additional program topics of interest. In discussion, the Members felt there may be both interest and value in an Emergency Preparedness program covering information similar to the EDS walk-through just conducted. It was felt that others might appreciate a presentation similar to that which Ms. Fleming provided to Bristol County Coalition members earlier that day.

EMERGENCY PREPAREDNESS TRAINING;

Ms. Fleming will be attending an eight-hospital Emergency Preparedness Exercise for hospitals and public health personnel at Sturdy Memorial on Monday. With the ready cooperation of NAHS Principal Robert Gay, this year's seasonal flu clinic and EDS exercise has been tentatively scheduled for November 14, 2009, depending upon the availability of vaccine at that time. Mr. Davis cautioned that a second clinic/drill may be needed as well if an H1N1 vaccine becomes available.

SELLING OF TOBACCO TO MINORS:

Police Chief Michael Gould has approached the Health Department to work with his Department to stem the illegal sale of tobacco to minors, and Mr. Davis has pledged full support.

ADJOURN:

There being no further business to discuss, a **MOTION** was made by Mr. Donohue to adjourn the meeting at 8:15 PM. Seconded: Mr. Maslen. No further discussion, motion passes 3-0.