

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of  
April 14, 2009 6:00 pm

In attendance: Don Bates, Chairman; John Donohue Jr., Jonathan Maslen, Members; Public Health Nurse: Anne Marie Fleming; Agents: Rob Casper and Robert Davis

Visitors: Frank Keohane of A Pro Rooter; Vincent Phu Phan & Jenny T. Phan of Nail ProPlus; Elizabeth Costantini from the YMCA; Michelle & Deborah Horner of Ruby's Ice Cream; Thavary Taing & Hakreng Heng of Bagels & Cream; Steven Sherman, a Title V Inspector in North Attleboro and Joe Mattei of 42 Constance Way re: 7 Fales Road.

Mr. Davis opened the meeting at 6:00 PM.

**REORGANIZATION OF THE BOARD:**

Mr. Davis welcomed the public to the meeting, introduced the members of the Board and explained that with Mr. Bates' most recent reelection to the Board for a 3-year term, that it was time to annually reorganize the Board.

**MOTION** made by Mr. Donohue to nominate Mr. Bates to serve as Chairman of the Board for the next year. Seconded: Mr. Maslen. No further discussion, all in favor, motion passes 3-0.

**LICENSES:**

**MOTION** made by Mr. Donohue to grant a Trash Hauler license to Doctor Disposal of Braintree, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Frank Keohane came before the Members to answer questions regarding his application for a Septic Hauler/Pumper license.

**MOTION** made by Mr. Donohue to grant a Septic Hauler/Pumper license for A Pro Rooter of Holbrook, MA contingent upon passing the Health Agent's inspection. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

**MOTION** made by Mr. Donohue to grant a Temporary Food license to the Little North Attleboro League at Mason Field from April 1<sup>st</sup> to September 1<sup>st</sup>, 2009. Seconded: Mr. Maslen. No discussion, all in favor, motion passes 3-0.

Vincent Phu Phan came before the Members to answer questions regarding his application for a Manicurist license to work at Nail ProPlus in the Emerald Square Mall.

**MOTION** made by Mr. Donohue to grant a Manicurist license to Vincent Phu Phan of Dorchester, MA to work at Nail ProPlus. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Jenny T. Phung came before the Members to answer questions regarding her application for a Manicurist license to work at Nail ProPlus.

**MOTION** made by Mr. Donohue to grant a Manicurist license to Jenny T. Phung of Dorchester, MA to work at Nail ProPlus. Seconded: Mr. Maslen. After brief discussion, all in favor, motion passes 3-0.

Elizabeth Costantini came before the Members to answer questions regarding her application for a Temporary Food license for the Hockomock Area YMCA for the Blair Music Festival to be held on May 30, 2009.

**MOTION** made by Mr. Donohue to grant a Temporary Food license for the Hockomock Area YMCA contingent upon the applicant's vendors having ServSafe Managers present for their food operations at the Blair Music Festival on May 30, 2009. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Michelle & Deborah Horner came before the Members to answer questions regarding their application for Mobile Food, Ice Cream & Frozen Dessert licenses for Ruby's Ice Cream & Frozen Lemonade truck of North Attleboro.

**MOTION** made by Mr. Donohue to grant Mobile Food, Ice Cream & Frozen Dessert licenses for Ruby's Ice Cream & Frozen Lemonade of North Attleboro. Seconded: Mr. Maslen. After limited discussion, all in favor, motion passes 3-0.

Thavary Taing & Hakreng Heng came before the Members to answer the Members' questions regarding their application for Food Service & Bakery licenses as the new owners of Bagels & Cream at 585 East Washington Street, North Attleboro, MA.

**MOTION** made by Mr. Donohue to grant Food Service & Bakery licenses for the new owners of Bagels & Cream at 585 East Washington Street, North Attleboro, MA contingent upon the Health Agent's inspection of the establishment. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Steven Sherman 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 Steven Sherman, dba/Sherman Inspection, Inc. located at 97 Stanley Street, North Attleboro, MA. Seconded: Mr. Maslen. After brief discussion, all in favor, motion passes 3-0.

#### **7 FALES ROAD:**

Although not on the agenda, Mr. Joe Mattei asked to come before the Members to discuss problems he has found with a five year old septic system. His property at 7 Fales Road has a invert pipe pitched slightly towards the house that a Title V contractor has advised him will cost \$1,500 to fix. Mr. Mattei explained that he had purchased the house at auction without the ability to inspect it prior, but has since had Bluewater Corporation complete a Title V Inspection of the system. Given the system had been signed off by the Health Agent at the time, Mr. Mattei asked the Board what alternatives there might be to correct the system. In the discussion that ensued, Mr. Bates recommended that he contact Dana Ralph who had installed the system and John Risser who had designed the system.

#### **MINUTES:**

**MOTION** made by Mr. Donohue to accept the minutes of March 18, 2009 as written. Seconded: Mr. Maslen. No discussion, all in favor, motion passes 3-0.

**HEALTH NURSE’S MONTHLY REPORT FOR MARCH 2009:**

Health Nurse Anne Marie Fleming presented her report to the Members and answered the Members questions.

**MOTION** made by Mr. Donohue to accept the Health Nurse’s Monthly Report for March 2009. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

**HEALTH AGENT’S MONTHLY REPORT FOR MARCH 2009:**

Health Agent Rob Casper presented his report to the Members and answered the Members questions.

**MOTION** made by Mr. Donohue to accept the Health Agent’s Monthly Report for March 2009. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

**215 ELLIS ROAD:**

After discovery of a Health Agent’s 2004 order to correct a failed cesspool at this address, and no record of any upgrade attempted or completed since, Mr. Davis had ordered the current owners to upgrade the failed subsurface sanitary disposal system no later than March 26, 2010. When the current owners reported no indication of a failed or failing system since taking ownership in 2006, the owners hired Title V contractor Dana Ralph to inspect the property and make a report. Mr. Ralph issued a report that he found a 1000 gallon concrete septic system in place and working there, even though the Health Department has no record whatsoever of its installation. In the discussion that followed, it was noted that the minimum size septic tank acceptable to Title V 1500 gallons, so the Members asked that Town Counsel be asked to advise what safeguards could or should be given to alert the next owners of 215 Ellis Road of this problem. In addition, Mr. Davis was asked to have the current owner produce some kind of as-built plan for the present system as well as the current owners’ pumping records since 2006.

**MOTION** made by Mr. Donohue that effective in calendar year 2009, the owners of 215 Ellis Road must see their septic system be pumped annually, with documentation sent to the Board of Health giving evidence of that compliance. Seconded: Mr. Maslen. After additional discussion, all in favor, motion passes 3-0.

**FOOD SERVICE INSPECTIONS:**

Mr. Donohue wants to go out on an inspection with Mr. Casper to experience a food service inspection. Mr. Davis will contact Ken McCarthy of the Police Department to get Mr. Donohue a picture ID to use when helping with such food service inspections.

**CONTRACTED SERVICES:**

In case the Town experiences continued budget constraints affecting the Board of Health’s budget, Mr. Bates encouraged Mr. Casper to move ahead becoming a private Title V system inspector that the Board could contract with for his services. In the discussion that followed, Mr. Casper reported looking into doing such work as a peer reviewer wherein he would privately conduct reviews, prepare reports and make comments on systems he inspects for the Board without incurring liability insurance expense. If Mr. Casper were to do Title V Inspections for the Board as a private contractor, he would need insurance because he would be signing his name to documents.

**351 BROADWAY:**

Mr. Donohue commented on his review of the ongoing lighting issues at 351 Broadway. He noted that one of the two complainants (the Chapdelaines) has offered to pay the cost of an electrician to correct the lighting problem, but the owners of 351 Broadway (the Woodwards) have refused to deal with them in any way. Although the neighbors have made a generous offer to facilitate resolution of the lighting problem, the Woodwards aren't interested in taking advantage of the offer and the subject light has not been removed or relocated as ordered by the Board in its 2/17/09 meeting. Mr. Davis has since fined the Woodwards' \$100.00 for not correcting the public health nuisance violation and the Woodwards have once again written to the Board. After discussion, it was agreed that Mr. Davis should continue to inspect for compliance, and if the subject light has not been removed or relocated as ordered, to continue to fine the Woodwards as they have been forewarned. If necessary, the next fine to be assessed will be \$200.00.

**OLD BUSINESS:**

Christina Estates re-percing

Tilton Engineering has paid for and has rescheduled percs for 22 & 34 Delphis A. Monast Jr. Way, lots that are located in the Christina Estates subdivision.

Woodridge Estates

The office has received a preliminary plan for Woodridge Estates. The 45 day review period begins when the office receives the definitive plan. The Board's consulting engineer, Mill River has reviewed the preliminary plans and provided their report to the developer who has yet to respond to any of the issues in the report. The Planning Board has also been provided with that report and has been asking for the Members' comments on the project.

Liaison assignments

**MOTION** made by Mr. Donohue to keep the same liaison assignments as last year. Seconded: Mr. Maslen. No further discussion, all in favor, motion passes 3-0.

**COMPLAINT LOG:**

Mr. Davis informed the Members' that a total of \$600.00 has been generated for the Town through Court appearances in regards to fines imposed from complaints.

468 Old Post Road #1

Mr. Davis spoke to the owner on Friday and he needs to reinspect the apartment but the owner hasn't called back to reschedule.

Mr. Davis will visit the nail salons next week and report back to the Board.

208 Park Street Apt. 2

Mr. Davis has issued a \$100.00 fine to the owner of 208 Park Street apt.2 for noncompliance.

208 Park Street apts.1,2,3

The tenants of 208 Park Street have issues with the owner who is in the process of evicting them.

117 N. Washington Street

The house is unoccupied at 117 N. Washington Street but there is large pile of trash in the rear of the property, which the owner has said she will clean up by April 15.

28 Fisher Street

The owner has received an order to correct and will be submitting a request for a public hearing to allow him more time.

17 Forrest Street

The owner of this property has submitted a request for a public hearing to give him more time to correct the violations.

132 No. Washington Street

Mr. Davis inspected the property on Friday and will write up the violations.

**NEW BUSINESS:**

Special Town Meeting

Mr. Davis distributed notice of the June 1<sup>st</sup> Special Town Meeting asked the Members if they had any articles to submit.

34-lot Mt. Hope Subdivision

Mr. Davis has received an inquiry for preliminary percs and test pits for a 34-lot subdivision on Mt. Hope Street. As the size of the project exceeds the Health Agent's ability to complete all the work required on a timely basis, the Members agreed that the work should be passed on to a consulting engineer for completion.

**MEETINGS:**

The Members agreed to hold their May meetings on Tuesday, May 5<sup>th</sup> at the Town Hall and Tuesday, May 19<sup>th</sup> at the Electric Department, both at 6:00 PM. The Members also agreed to hold their June meetings on Tuesday, June 2<sup>nd</sup> at the Town Hall and Tuesday, June 16<sup>th</sup> at the Electric Department, both at 6:00 PM.

**TOWN HALL SPACE:**

Town Administrator Mark Fisher held a Department Head meeting to update them on such space planning changes in the Town Hall as can be accomplished without incurring construction expense. The Town Administrator intends to move the Accountant's office to the Treasurer's office, the Treasurer's staff to the vacant Park & Recreation Department, the MIS staff to the Accountant's office, and as the last of these moves, the Health Department will rake over the MIS office in order to create space for Lenore's Pantry and a future Human Service Coordinator.

**ADJOURN:**

There being no further business to discuss, a **MOTION** was made by Mr. Maslen to adjourn the meeting at 8:03 PM. Seconded: Mr. Donohue. No further discussion, motion passes 3-0.