

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of  
January 6, 2009 6:00 pm

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

Visitors: Larry Tilton & Glenn Ofcarcik from Tilton & Associates and their attorney, Stephen Clapp; Tom Principe representing Commonwealth Engineers & Consultants; Lou Tarentino & Bob Boucher of E.O.M.S. recycling; Weston Ruthven, Engineer for Vanasse Hangen Brustlin, Inc.; Dung La, manicurist, & Jack Pham, owner of Anan Nails.

Chairman Donald Bates opened the meeting at 6:03 PM.

**LICENSES:**

Ms. Dung La had attended the Board's December 9, 2008 meeting and been granted a Manicurist license to work at Anan Nails contingent upon providing a copy of her state cosmetologist license, which she subsequently did produce. Anan Nails owner Jack Pham and Dung La returned to tonight's meeting nonetheless, but were released by the Chairman upon confirmation that the required documentation had been submitted to the office.

Tom Principe came before the Members to answer questions with respect to applications for Engineering and Soil Site Evaluation licenses for two employees of Commonwealth Engineers & Consultants of Providence, RI. Limited discussion followed.

**MOTION** made by Mr. Maslen to grant an Engineering license for Kambiz Karbassi of Commonwealth Engineers & Consultants of Providence, RI. Seconded: Mr. Donohue. No further discussion, all in favor, motion passes 3-0.

**MOTION** made by Mr. Maslen to grant a Soil Site Evaluation license to Tom Principe of Commonwealth Engineers & Consultants of Providence, RI. Seconded: Mr. Donohue. No further discussion, all in favor, motion passes 3-0.

Mr. Weston Ruthven came before the Members to answer questions with respect to his application to Perform Engineering for Vanasse Hangen Brustlin of Providence, RI.

**MOTION** made by Mr. Donohue to grant an Engineering license for Weston Ruthven of Vanasse Hangen Brustlin of Providence, RI. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Mr. Niel King came before the Members to answer questions with respect to his application for a Disposal Works Installer license.

**MOTION** made by Mr. Donohue to grant a Disposal Works Installer license to Niel King dba/N.F. King & Son Excavating of Plymouth, MA. Seconded: Mr. Maslen. Limited discussion, all in favor, motion passes 3-0.

**CUSHMAN VILLAGE:**

Attorney Stephen Clapp came before the Members representing Tilton & Associates seeking the Board's approval of the Cushman Village subdivision plans. Atty. Clapp advised the Board that if the Board of Health doesn't give their approval to the project this evening, and the Planning Board could not approve the project at its own meeting two evenings hence, the applicant would have no alternative but to file an appeal in Superior Court. Considerable discussion followed.

Tilton Engineer Glenn Ofcarcik addressed each of the four Mill River Consulting questions remaining from Dan Ottenheimer, noting the developer's response sent to both the Board and Mill River: 1) The drainage easement plan will be filed at the Registry of Deeds after the subdivision plan is approved by the Planning Board and reviewed by Town Counsel; 2) The roadway will remain private until Town Meeting accepts it and the Department of Public Works will maintain it thereafter; 3) The value cover to grade and the pipe specs are on an updated subdivision plan that has been provided to the Planning Board, and; 4) a DEP and local variance would be required under current Title V regulations to construct a septic system over the property line within an easement, which can be obtained. Mr. Ofcarcik also explained that whenever a septic system gets designed for this subdivision's lot #4, there can be: 1) a lot line adjustment made; 2) additional deep holes and perc tests done; 3) the system relocated, and/or; 4) applications made for another variance or easement.

In the discussion that followed, the Members considered waiting for Mill River's final comments on these last 4 questions before approving the project or not. Also discussed was the undue delay added to this project's overall approval process to date, due to the applicant's own failure to respond to Members' initial concerns for almost 8 months after the original 45-day review period closed.

**MOTION** made by Mr. Maslen to give Cushman Village the Board of Health's approval. Seconded: Mr. Donohue. After further discussion, all in favor, motion passes 3-0. Mr. Bates noted that he was voting in favor of the motion, albeit with reservations.

**LICENSE:**

Mr. Lou Tarentino came before the Members to answer questions with respect to his application for a Trash Hauler's license for the E.O.M.S. company of West Bridgewater, MA. Mr. Davis explained that E.O.M.S. has a dumpster-type container behind Fresh Catch Plaza for cardboard only, but since cardboard is within the definition of rubbish in the regulations, a trash hauler's license is required.

**MOTION** made by Mr. Donohue to grant a Trash Hauler license to E.O.M.S. of West Bridgewater, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

**MINUTES:**

**MOTION** made by Mr. Maslen to accept the minutes of December 9, 2008 after amending page two by changing 622 High Street to 622 Hickory Road. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

**2009 PUBLIC HEALTH INTERN PROJECT:**

The Board of Health has again been invited to participate in the Department of Public Health's Internship Program. The Members agreed that the Health Department would do well to have another intern work in finalizing all possible details involved with the establishment of a Human Services position in the Town. Mr. Bates suggested that such an intern could also compile a full set of standard BOH/Health Department information that could be provided to each new Member coming onto the Board.

**WINTER EMERGENCY FUND:**

The Board of Selectmen has authorized the establishment of a new Winter Emergency Fund to contain donations and disperse funds needed to assist North Attleboro residents who have no heat. Discussion ensued with concern over the need and the ability to raise sufficient monies to fund this program.

**FINCOM RECOMMENDATION ON SALARY ARTICLE:**

Upon the FinCom's recommendation, the Special Town Meeting approved \$819.44 to make up the FY09 budget shortfall needed to correctly fund the Part-time Health Agent's salary.

**CERTIFIED FOOD PROTECTION MANAGERS:**

An updated list of North Attleboro's licensed food establishments and their certified food managers was given to the Members for discussion. Some establishments appear to have only one certified food manager, when there needs to be one on every shift. Even the smallest establishments need coverage for absences due to illness and vacation, and those that are open 7 days a week regardless of size need multiple ServSafe managers simply to cover all shifts. Following discussion, it was agreed that Mr. Donohue should meet with Mr. Davis and Mr. Casper to discuss how best to address the situation and report back to the Board.

**PENDING COMPLAINTS:**

Most complaints in the Pending Log remain there due to nonpayment of fines that have been forwarded to Attleboro District Court for eventual collection. Generally, the violations originally cited have been corrected, leaving only payment of the fines to be deemed fully compliant and allow the complaint to be closed.

**ACTIVE COMPLAINT LOG:**

262 Broadway

A proposal to secure the Webster building property on Broadway was rejected at the Special Town Meeting, but concerns for the public safety associated with the building and grounds continue.

**NEW BUSINESS:**

CIP Meeting

The Health Department is scheduled for a CIP Meeting on January 16, 2009 and will once again propose replacement of the Health Department truck with two more appropriate, but used, vehicles at less cost than one new vehicle.

Body Art Regulation revisions

Last March, Mr. Joseph Coggeshall, owner of Shovelhead's Tattoos had asked the Board to amend the existing Body Art Regulations, and the Board agreed to consider doing so. Mr. Coggeshall had written to suggest establishing language for separate Body Piercing Practitioner and Body Art Apprentice licenses within the current regulation. Mr. Davis revised the current regulation to incorporate one version of the changes requested for the Members to review and discuss at a later meeting. To help the Board produce the best possible amended regulation, Mr. Davis will provide Mr. Coggeshall and Police Chief Gould with copies of the same draft and invite their review and comments for the Board to consider as well.

Floor Drain Regulations

The Board may soon receive one or more requests to create a brand new regulation dealing with commercial floor drains in the North Attleboro watershed. In an effort to satisfy the MDEP and protect the watershed against toxic hazardous waste going into groundwater, such a request would likely be time sensitive and require a quick response. In order to avoid producing any such regulation in haste, Mr. Davis distributed a draft of one such regulation for the Members to think about, based upon a generic

version prepared by MDEP. It is possible the Planning Board or Department of Public Works could ask the Board to establish such a regulation for North Attleboro.

**DIRECTOR'S REPORT:**

Budget FY 2010

The Town Administrator has requested that all Department's level-fund their FY 2010 budgets at this year's total, and submit an alternative budget for FY10 5% below that level. With the Department's wage & salary budget increasing with contractual obligations of about 5%, the Board of Health would have to cut almost \$13,000 from the current budget just to stay "level-funded" overall in FY10. In order to submit an alternative budget 5% below that, almost 10% of the present budget would have to be cut overall. Discussion followed, and the Board agreed to spend most of its January 20<sup>th</sup> meeting discussing FY10 budgeting. The Members will also try to join Mr. Davis and Town Administrator Mark Fisher when the Department's first budget meeting is held January 23<sup>rd</sup>.

February Board Meetings

The Members agreed to hold their February meetings on Tuesday, the 3<sup>rd</sup> and Tuesday the 17<sup>th</sup>, both at 6:00 PM, and both hopefully in Town Hall if the conference room is available.

New Law Passed

A new Federal anti-entrapment law for public pools known as the Virginia Graeme Baker Act was passed to protect children from getting stuck in powerful drain and filter systems. The law included a December 2008 date to complete certain mandatory system modifications, but manufacturers are reportedly having difficulty producing the modified equipment necessary to comply with the law. Mr. Davis will send the public pools licensed in Town a reminder of the law and their obligations, and request their response.

Persons with Business Before the Board

To further improve the conduct of future meetings, Mr. Maslen proposed that anyone coming before the Board join the Members at the conference table rather than be required to stand uncomfortably at the podium. Considerable discussion ensued, it was agreed that the suggestion was a very good one, and the Members will employ the new format beginning with the very next meeting.

**ADJOURN:**

There being no further business to discuss, a **MOTION** was made by Mr. Donohue to adjourn the meeting at 7:58 PM. Seconded: Mr. Maslen. No further discussion, motion passes 3-0.