

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of  
February 3, 2009 6:30 pm

In attendance: Don Bates, Chairman; John Donohue Jr., Jonathan Maslen, Members; Agent: Robert Davis (Mr. Maslen joined the meeting in progress)

Visitors: Joseph & Bonnie Coggeshall, Shovelheads Tatoos; Steven & Ann Chapdelaine, 111 High Street; Thomas Pedro, Kristen & Matthew Woodward, 351 Broadway; Christine Todaro, Attleboro; Richard Paynton and Attorney David Manoogian, 100 Towne Street; Kerriann Dellinger, Kontempo Kutz n Nailz

Chairman Donald Bates opened the meeting at 6:05 PM.

**LICENSES:**

Christine Todaro came before the Members to answer questions regarding her application for a Catering license for Fusion Personal Chef & Catering Services working out of Grace Church.

**MOTION** made by Mr. Donohue to grant a Catering license to Christine Todaro for Fusion Personal Chef & Catering Services working out of the Grace Church. Seconded: Mr. Bates. No discussion, all in favor, motion passes 2-0.

**100 TOWNE STREET:**

Richard Paynton, son of the homeowners of 100 Towne Street, and their Attorney, David Manoogian, came before the Members to request a delay in enforcing compliance with the installation of new septic system to see if the Department of Public Works will be installing a new sewer line down a portion of Towne Street this summer. Mr. Manoogian and Mr. Paynton answered the Members' questions and explained that the 2007 conditions still exist but that the property's cesspool will get pumped out every twelve weeks until replaced as originally ordered in 2007. Atty. Manoogian presented an e-mail from DPW Project Manager, Bill McDowell, that stated his expectation that a municipal sewer extension will be installed on a portion of Towne Street this construction season (April-November 2009) able to service Mr. Paynton's property.

**MOTION** made by Mr. Donohue to grant William & Valerie Paynton until the end of June 2009 to see if the DPW will be installing a sewer line past 100 Towne Street in 2009 before ordering the installation of a upgraded septic system, and to have the Board of Health revisit the issue this summer. Seconded: Mr. Bates. After more discussion, all in favor, motion passes 2-0. The Chair asked that the email from the Department of Public Works be included and made part of the Department's record in this case.

**KONTEMPO KUTZ N NAILZ:**

Kerriann Dellinger came before the Members to request a waiver on the Board of Health's Nail Salon Regulation requirements pertaining to ventilation. Ms. Dellinger answered the members' questions and explained that the owner of her salon's building will not allow a 200 amp service to be installed sufficient to handle the ventilation requirements of the Nail Salon Regulations. Instead, Ms. Dellinger has found a Hepa Filter air purifier that would satisfy the requirements and was asking the Board for a waiver to use it consistent with the Regulation.

**MOTION** made by Mr. Donohue to grant Kontemp Kutz n Nailz of 32 North Washington Street a waiver of the ventilation requirements of the Nail Salon Regulations in order to install the Hepa Filter alternative ventilation system proposed. Seconded: Mr. Bates. After more discussion, all in favor, motion passes 2-0. In response to the Board's last question, Ms. Dellinger informed the Members that she expected the Hepa Filter to be installed next week and she will call the office to confirm that it has been.

**351 BROADWAY:**

Kristen and Matthew Woodward, owners of 351 Broadway came before the Members as requested to follow up on the Department's Order to Correct a public health nuisance they were creating with a bright exterior light shining into two of their neighbors' bedrooms. The Woodwards had not complied with the Board's order to report their attempts to correct the problem within 7 days of the last meeting, but brought with them a letter dated January 31, 2009 explaining what they had done.

**RECESS:**

The Board called for a two minute recess to have some copies made.

**351 BROADWAY CONTINUED:**

After distributing copies to all, including the complainants, Mr. Donohue read the letter of homeowner Kristen Woodward into the record stating that her husband had made sufficient adjustments to the flood light shining into her neighbors' homes, and considerable discussion ensued. During the discussion, the complainants vociferously disagreed and stated that the flood light still very much shines into their bedroom at 111 High Street, which continues to disrupt their sleep. Mr. Chapdelaine produced a letter of his own that he wished to show to the Board but did not want disclosed to anyone else. After the Chair explained that the Board could not consider such a letter unless it was available to all parties, Mr. Chapdelaine withdrew the document. Finally, after hearing lengthy testimony from several in attendance and obtaining the concurrence of both parties present, Mr. Bates advised that in a spirit of fairness for all, the Members would endeavor to personally take their own time before the next meeting to observe the light conditions in question at night, then reconvene the parties to conclude the matter.

**LICENSES:**

**MOTION** made by Mr. Donohue to grant the North Attleboro Animal Control & Shelter a Temporary Food license for the 9<sup>th</sup> Annual Strut Your Mutt to be held at the North Attleboro Middle School on May 16, 2009. Seconded: Mr. Bates. After noting that this was an request for an annual event previously approved, there was no further discussion, all in favor, motion passes 2-0.

**MINUTES:**

**MOTION** made by Mr. Donohue to accept the minutes of January 20, 2009 as written. Seconded: Mr. Bates. No discussion, all in favor, motion passes 2-0.

**MEETINGS:**

The Members agreed to hold their March meetings on Tuesday, March 3<sup>rd</sup> at the Town Hall and on Wednesday, March 18<sup>th</sup> at the Electric Department, both at 6:00 PM.

**AMENDING THE BODY ART/BODY PIERCING REGULATION:**

The Coggeshalls of Shovelheads Tattoos came forward to discuss changes recommended for the Board's Body Art/Body Piercing Regulation. The Members and the Coggeshalls had been provided with a revised version of the regulation including the provisions recommended for new apprentice requirements that would mirror the body art practitioner requirements, body piercing requirements that minors 16 years old and up would need to have parental consent and a photo ID, body art requirements that those clients need to be 18 years old and up to get a tattoo, and multiple language revisions throughout the original document that were necessary to make the previous changes compatible with one another.

**MOTION** made by Mr. Donohue to accept the new rules that had been proposed and amend the Body Art/Body Piercing Regulation for the Town of North Attleboro accordingly, to be valid as of February 3, 2009. Seconded: Mr. Bates. After discussion, all in favor, motion passes 2-0.

**RECESS:**

**MOTION** made by Mr. Donohue to take a five minute break during which Mr. Maslen joined the meeting.

**351 BROADWAY CONTINUED:**

The Chair briefly reviewed the status of the 351 Broadway complaint, and expressed his desire to have one or two of the Members directly observe the light in question at night, after dark, from the complainants' home. It was agreed that Mr. Maslen and Mr. Bates will visit the Chapdelaine's house on February 5<sup>th</sup> at 7:00 PM, and Mr. Davis will make the arrangements.

**FY 10 BUDGET:**

The Members were given copies of the FY 10 Budget. The Department's first meeting on the two budgets submitted for FY10 will be held the following day, February 4, 2009 at 1:30 PM with Mr. Davis and the Town Administrator. The Members were invited to attend if their schedules allowed.

**COMPLAINT LOG:**

468 Old Post Road

Mr. Davis has been advised that a new tenant has moved into the second floor apartment at 468 Old Post Road as of last October without a reinspection by the Health Agent as has been required (and the owner has been reminded) since 2007. The owner has been notified to contact the Department for a reinspection before Monday February 10<sup>th</sup> and still owes \$300.00 in fines from 2008 for a mountain of trash removed from the apartment but not the property.

60 High Street

The tenant moved out of the 60 High Street apartment and the landlord is fixing the violations.

Nail Salons

All Nail Salons in North Attleboro will be revisited soon to see if they have complied with the ventilation requirements of the Board's regulation. The owner of The Right Touch Salon recently spoke with Mr. Davis to comply with the ventilation requirement and the Kontempo Kutz n Nailz salon has been granted a waiver from the requirement this evening.

232 Chestnut Street Apt. #2

The landlord has not responded to the housing violations at 232 Chestnut Street.

397 Elm Street Apt. #4

The landlord of 397 Elm Street still needs to make corrections to the violations cited.

32 Johnson Street

The tenant at 32 Johnson Street has reportedly moved out, but wants \$2,500 retribution from the landlord for moisture issues at the property. Upon inspection, Mr. Davis was unable to identify any moisture issues that rose to the level of Sanitary Code violations at the property.

**ATTLEBORO DISTRICT COURT:**

Mr. Davis has scheduled a meeting at the Attleboro District Court on February 4<sup>th</sup> at 2:30PM to discuss clearing away all thirteen fine complaints that the court's administration has just found. Mr. Bates and Mr. Maslen expressed interest in attending the meeting as well, and hoped to clear their schedules to do so. Mr. Davis would also like to visit the Clerk Magistrate of the Family Housing Court in Fall River at a later date to see how the Department might work with that court as well.

**2004 FAILED CESSPOOL:**

Mr. Davis has sent information to Town Counsel regarding a failed cesspool on Ellis Road from a 2004 violation. A check of the Department's records indicates that the property was sold in 2006 without having upgraded the system and the previous owner has been put on notice for doing so. The cesspool has yet to be upgraded after being cited for failing five years ago.

**ADJOURN:**

There being no further business to discuss, a **MOTION** was made by Mr. Donohue to adjourn the meeting at 7:35 PM. Seconded: Mr. Maslen. No further discussion, motion passes 3-0.