

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of
February 23, 2010 6:00 pm

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

Visitors: Tracy Silvo from Dippin' Dots; Dennis Dion for the Boy Scouts Anawan Council; Jackie Rose of Grampy's Popcorn Wagon; Greg Bunavicz dba/Borderland Engineering, Inc.; David Reese of Dave's Cape Cod Smokehouse; Lisa Levesque of Positive Images; Robert Soares Jr., a Title V Inspector; Attorney Robert Shelmerdine for 8 Remington Drive; Tim Slattery from the Department of Public Works

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

Mr. Bates explained to the audience that the Members will take up as many as the appearances as possible before going to Mr. Slattery of the DPW to discuss a proposed floor drain regulation.

LICENSES:

Tracy Silvo came before the Members to answer questions regarding her application for a Food Service and Ice Cream license for Dippin' Dots at the Emerald Square Mall.

MOTION made by Mr. Maslen to grant a Food Service and Ice Cream license for Dippin' Dots at the Emerald Square Mall. Seconded: Mr. Bates. After discussion, all in favor, motion passes 2-0.

Dennis Dion came before the Members to answer questions regarding his application for a Temporary Food license for the Boy Scouts Anawan Council for a Scout-O-Rama on September 25th and September 26th at Mason Field.

MOTION made by Mr. Maslen to grant a Temporary Food license to the Boy Scouts Anawan Council for a Scout-O-Rama at Mason Field. Seconded: Mr. Bates. After some discussion, all in favor, motion passes 2-0.

Jackie Rose came before the Members to answer questions regarding her application for a Temporary Food license for Grampy's Popcorn Wagon of Foxboro, MA for the Relay for Life to be held on June 11, 2010 at the North Attleboro High School.

MOTION made by Mr. Maslen to grant a Temporary Food license for Grampy's Popcorn Wagon of Foxboro, MA for the Relay for Life at the North Attleboro High School. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

Greg Bunavicz came before the Members to answer questions regarding his application for Performing Engineering in North Attleboro.

MOTION made by Mr. Maslen to grant a license to Performing Engineering in North Attleboro. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

David Reese came before the Members to answer questions regarding his application for a Retail Food license for Dave's Cape Cod Smokehouse of Harwich, MA. Mr. Reese wishes to participate in the Winter Farmers' Market with his products.

MOTION made by Mr. Donohue to grant a Retail Food license for Dave's Cape Cod Smokehouse of Harwich, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Lisa Levesque came before the Members to answer questions regarding her application for a Hairdressing Establishment license for Positive Images at 424 East Washington Street, N.A.

MOTION made by Mr. Donohue to grant a Hairdressing Establishment license for Positive Images at 424 East Washington Street, N.A. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Mr. Robert Bassill was not in attendance to answer questions regarding his application for a Temporary Food license to support the Relay for Life of Greater Attleboro on June 11th and June 12th at the North Attleboro High School.

MOTION made by Mr. Donohue to grant a Temporary Food license at no charge for the Relay for Life of Greater Attleboro. Seconded: Mr. Maslen. Following discussion on the applicant, event, and waiver of the fee, all in favor, motion passes 3-0.

8 REMINGTON DRIVE:

Attorney Robert Shelmerdine came before the Members representing Helen Pavlosky, agent for the owner of 8 Remington Drive in North Attleboro, regarding the status of corrections to a minimum housing complaint. The attorney answered the Members' questions and reported that a safety fence was put up around the open foundation hole immediately after the last meeting and that the home has now been vacated by the previous tenant as anticipated. Mr. Shelmerdine went on to assure the Board that the property owner, Mr. Michael Intoccia will not re-let the property until all the violations cited have been corrected and the home has been inspected by the Health Department again prior to being reoccupied.

WELL PERMIT:

10 Diamond Street

Ray Simas came before the Members to answer questions regarding his application for a Well Permit for 10 Diamond Street. Mr. Simas presented Mr. Davis with the proposed septic plan designed by Mr. Jack Vance indicating the true location of the proposed well.

MOTION made by Mr. Maslen to grant a well site permit for homeowner, Ray Simas to have well driller John Wright Jr, install the well as indicated on Jack Vance's plans submitted as of February 10, 2010. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

TITLE 5 SYSTEM REPORT:

25 Lewis Road

Robert Soares Jr. came before the Members to discuss a Title 5 inspection he performed at 25 Lewis Road on May 19, 2009 wherein he failed the septic system and the Board approved a second Title 5 inspection on the same system two weeks later that passed. In the discussion that followed, the Members explained that the property owners, Tim and Karen Stasium, came before the Members on June 9, 2009 to request a wavier of the failed inspection in favor of the second inspection that passed. Mr. Soares stated he was not aware of the waiver request until recently when the homeowner contacted him wanting the \$400 inspection fee back for his failed report. Mr. Soares was advised that the Board does not get involved in such financial disputes, and in this case had only responded to the homeowner's request for consideration with respect to the two reports.

FLOOR DRAIN REGULATION:

Tim Slattery of the DPW came before the Members to answer their questions and discuss the implementation of a satisfactory Floor Drain Regulation. MDEP is requiring the Town to adopt some form of floor drain controls to protect the water supply area, and Mr. Davis and Mr. Slattery have been working on a draft of a Board of Health regulation that will satisfy those requirements. A final draft should be ready for presentation to both Boards soon. Mr. Slattery explained that the DPW expects to hold a Public Hearing in March on the Industrial Pretreatment Program, and the Floor Drain regulation can be presented at the same time if the Board wished to do so. He also advised that the DPW is willing to pay for the advertising cost of the regulation for this meeting, and conduct the floor drain inspections to be required as well, both under the umbrella of DPW's Industrial Pretreatment Program. Time remains of the essence to finalize such a regulation however, as MDEP has given the Town three months to comply.

MINUTES:

MOTION made by Mr. Maslen to accept the minutes of February 9, 2010 as written. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

ZBA LETTER:Lewicki Plain Street Properties, LLC

The Members reviewed the letter of support Mr. Davis sent to ZBA Chairman, Patrick Murphy on behalf of Lewicki Plain Street Properties, LLC.

BURIAL PERMIT FEES:

In response to the Board's request, MAHB Atty. Cheryl Sbarra, informed Mr. Davis that the MA Supreme Judicial Court has indeed reversed an earlier Appeals Court decision and found that burial fees are a valid regulatory *fee*, not a tax as previously argued. In the discussion that followed, the Members agreed to review the possibility of charging a fee for burial permits again in three months, and asked Mr. Davis to advise how many such permits are typically issued on a monthly basis.

MODEL REGULATION FOR E-CIGARETTES:

Atty. D.J. Wilson, the Director of the State's Tobacco Control Program also responded to a request of the Board, and supplied Mr. Davis with a model regulation on the Sale and Use of E-Cigarettes somewhat personalized for North Attleboro. Mr. Wilson also included some optional, additional penalties for selling and distributing of e-cigarettes for the Members to consider. Using the model, Mr. Davis will standardize its format and create a first draft of such a regulation for the Members to consider at the March 9, 2010 meeting.

COMPLAINT LOG:

The Members briefly reviewed the issues on the complaint log.

TOWN MEETING ARTICLES:

Mr. Davis reported that the deadline for submission of articles for inclusion in the Annual Town Meeting has been set as March 1, 2010. The Members discussed resubmission of the previously proposed article to Establish a Board of Health Revolving Fund for Fines and Forfeitures, in accordance with M.G.L. c. 44 §53E½ and M.G.L c.111 §188. Mr. Davis will research past Annual Reports to see whether a similar or identical fund had previously been approved and used by the Board. Mr. Davis will also discuss the article with the Town Administrator and Town Accountant.

RECESS:

A brief recess was taken at 7:20PM, and the meeting resumed at 7:24PM.

DIRECTOR'S REPORT:FY 11 Budget

The Members received an informational copy of the FY 11 budget that had been submitted. In response to the Town Administrator's instructions, this first version was intended to describe what each department head felt their respective departments actually needed to operate with in FY11.

L.A. Roberts refund for over payment

It has been determined that a duplicate payment has indeed been made for a Food Service license renewal for L.A. Roberts. Although complicated by unrelated issues, it has been shown that ownership of the establishment really has been unchanged and therefore, a \$400 refund is in order and will be requested.

Christina Estates

After its developer missed still another deadline, Christina Estates is under consideration again this evening with the Conservation Commission. The Members and other interested parties have also been invited to attend another Planning Board workshop on the project Thursday evening. Several other departments continue to have compliance issues with the project as well.

ADJOURN:

There being no further business to discuss, a **MOTION** was made by Mr. Donohue to adjourn the meeting at 7:28 PM. Seconded: Mr. Maslen. No further discussion, motion passes 3-0.