

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of
October 19, 2010 6:30 pm

Attendance: Donald Bates, Chairman; John Donohue Jr. and Jonathan Maslen, Member; and Agent Robert Davis

Visitors: Julie & John McKenna of 311 No. Washington Street; Assaad Nasr and Rabih Malko of Gulf Express; Mr. & Mrs. Armand Audet, Lubrx Products, Inc. and; Dennis Millet regarding 99 Chestnut Street

Chairman Donald Bates opened the meeting at 6:42 PM.

LICENSES AND PERMITS:

Assaad Nasr and Rabih Malko came before the Board to answer the Members' questions regarding their applications for a Retail Food, Food Service, Ice Cream license and Tobacco Permits for Gulf Express at 877 S. Washington Street, North Attleboro, MA. The Members inquired about the owners' plans to reopen the station and particularly their intention with respect to the sale of e-Cigarettes. Both Mr. Nasr and Mr. Malko advised they had reviewed the Board's new regulation on e-Cigarettes and had no interest nor intention to sell them.

MOTION made by Mr. Donohue to grant a Retail Food, Food Service and Ice Cream license for Gulf Express at 877 S. Washington Street, North Attleboro, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

MOTION made by Mr. Donohue to grant a Tobacco Permit for Gulf Express at 877 S. Washington Street, North Attleboro, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

The Members read a letter from Paul Stewart, Manager of Campaigners, a division of Advantage Sales and Marketing, that will be conducting demonstrations of the Keurig Coffeemaker in the Best Buy in North Attleboro in November and December of 2010. Mr. Stewart is based in Seattle and had called Mr. Davis about the necessity of coming to a meeting to apply for a Temporary Food license..

MOTION made by Mr. Donohue to grant a Temporary Food license for Campaigners, a division of Advantage Sales and Marketing, to conduct demonstrations of the Keurig Coffeemaker in the Best Buy store in North Attleboro, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Trash Hauler license

FBN Construction sent a letter to the Solid Waste Department to support an abatement to their customer of 82 Ivy Street to transport and dispose of their waste. Mr. Davis sent a letter to FBN informing them that they need to apply for Trash Haulers permits with the Health Department (for this year and next year) and they have yet to comply. The staff has called FBN and a manager would be willing to attend the next Board meeting. In turn, the company has been informed that that it cannot do business in North Attleboro until it receives the necessary permit.

350 E. WASHINGTON STREET – LUBRX:

Armand Audet, President of Lubrx Products, Inc. came before the Members to explain the situation with a bankrupt tenant and request more time to remove the last of the landscaping debris left behind at 350 East Washington Street, North Attleboro.

MOTION was made by Mr. Maslen to grant Lubrx Products an extension to remove the remaining debris from 350 E. Washington Street and table the matter until the December 14th Board meeting. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

99 CHESTNUT STREET-VARIANCE REQUEST FLOOR DRAIN REGULATIONS:

Dennis Millet came before the Members to request a variance from the Board’s Floor Drain Regulation in order to place his window tinting business at 99 Chestnut Street. Mr. Millet explained the nature of his proposed business, and that it uses only Joy dish soap and water in its process.

MOTION made by Mr. Maslen to grant a variance request to T. Millet Professional Window Tinting on Floor Drain Regulations due to no autos stored in the building and no chemicals being used other than dish soap. Seconded: Mr. Donohue. After considerable discussion on the need for any variance at all in this case, all in favor, motion passes 3-0. Mr. Millet needs to take the Board’s variance to the state Board of Plumbers and Pipefitters next for their approval.

311 NORTH WASHINGTON STREET:

David Eysie, owner of 311 N. Washington Street, had requested a hearing on housing violations but called and e-mailed the Department the day before to advise he was called to work this evening. Mr. Eysie stated that he has repaired 70 per cent of the violations cited in this complaint, but that has not been verified by Mr. Davis. Noting that the tenant, Julie McKenna, had appeared for the requested hearing, the Members her to address the Board. Ms. McKenna described the conditions at the property and answered the Members’ questions.

MOTION made by Mr. Maslen to sustain the Order to Correct and the violations cited. Seconded: Mr. Donohue. After further discussion, all in favor, motion passes 3-0.

MINUTES:

MOTION made by Mr. Donohue to table the minutes of October 5, 2010 until the next meeting. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

OLD BUSINESS:

241 Ellis Road

The Members discussed the stable license that had been approved but not yet issued to Mr. & Mrs. Stephen Sarcia. Mr. & Mrs. Sarcia had been invited to attend this evening to participate in the discussion, but were not present. In the discussion that followed, the Members agreed that the Sarcia’s can’t continue to operate their stable without a license.

MOTION made by Mr. Maslen that letters be sent to Mr. & Mrs. Sarcia to advise that the Stable license will not be issued due to their non-compliance, and to the Sarcia's Stable Operator to advise that because the Stable license will not be issued all horses must be removed from the stable by December 31, 2010, and to invite the Stable Operator to the Board's next meeting on November 1, 2010 to discuss the removal process. Seconded: Mr. Donohue. In discussion of the Motion, the Members agreed that copies of both letters should be sent to the Town Counsel and Town Administrator, all in favor, motion passes 3-0.

Proposed Waste Hauling Regulations:

Mr. Davis distributed a near-final draft of the new Waste Hauling Regulation and informed the Members that a final version of it should be ready for their consideration at their November 1st meeting.

Proposed Septic Management Regulations:

Mr. Davis continues to revise the latest draft of this proposed regulation.

SUV

Mr. Davis should be getting an estimate from MHQ in the next few days for the SUV repairs. He thinks the estimate would be anywhere from \$600 to \$700 to repair the sensors and misfiring cylinders. Upon receipt of an official estimate, Mr. Davis will submit another request to the FINCOM to complete the repairs on this vehicle and get it back on the road for the Department. Mr. Bates suggested that if Mr. Davis does not receive the estimate as expected, that he proceed to ask for a \$1,000 Reserve Fund Transfer from the FINCOM. Further, the Members agreed that Mr. Davis should prepare a memo for the Members when the vehicle finally returns to the Department, listing all the SUV's issues to date, e.g. only on the road for "x" months, total dollars spent to repair it, etc. and if the Department doesn't get 6 months of uninterrupted use from it thereafter, that the vehicle should be given back to the Town for its final disposition.

Christina Estates

Conservation Agent Shannon Doyle called a meeting with all Boards and Departments that have an interest in Christina Estates to discuss their outstanding issues. The developer continues to seek different department approvals but many critical items and steps remain undone that affect the project overall. Among other items, deadlines, and sequential requirements necessary, all the drainage requirements for the one street that has been developed so far need to be completed by November 4th, plans for all the wetland issues to be resolved need to be submitted by October 22nd, back taxes owed to the town by the developer must be paid, cash bonds of \$10,000 and \$25,000 must be secured, and all the electric work required needs to be approved and started, with electric equipment paid for in advance including a single switch that costs NAED \$30,000.

COMPLAINT LOG:

Mr. Davis needs to reinspect and clean up issues on the complaint log. Mr. Bates wants to have a breakdown on trends for the year shown on the Complaint Log.

24 Jay Street

Not only is the yard at 24 Jay Street a mess, but there is a strong possibility that there may be a hoarding case at the property. Mr. Davis has made a referral to Bristol Elder Services and wanted to warn the Members that the labor and expense to remove all the debris accumulated on the property may have to be borne by the Town prior to placing a lien on the property to cover it, similar to the Longview Avenue situation several years ago.

INSPECTIONS:

Mr. Donohue offered to go out on food inspections with Mr. Davis as time and scheduling will allow.

NEW BUSINESS:

Botanical Incenses

Mr. Bates wanted to make a public service announcement at this meeting to warn the public of the dangers of smoking botanical incenses, particularly among young people. Mr. Davis does not yet have informational material on the issue to handout, however. In the discussion that followed, the Members emphasized that these Incenses are not intended for human consumption; but rather burned for the various aromas produced. Nonetheless, the manufacturers appear to be targeting young people with their marketing efforts, who in turn are smoking the products like artificial marijuana. Consumption of these Botanical Incenses by smoking is extremely dangerous to one's health and Mr. Bates wants Chief Gould and the School Superintendent to be so notified especially to protect the young people in the Town.

DIRECTOR'S REPORT:

December's Board Meeting

The Board will hold only one meeting in December, now scheduled for December 14, 2010 at 6:30 PM at the North Attleboro Town Hall.

Flu Clinic

Work continues on the next Fall Flu Clinic and EDS exercise to be held at the North Attleboro High School on November 6, 2010 from 12 noon till 1 PM.

MAHB Certification Program

Mr. Davis reminded the Members of the MAHB fall certification program that is scheduled for November 13, 2010 at the Holiday Inn in Taunton, MA.

Food Allergen Awareness

Mr. Davis has sent every food establishment in Town a letter informing them of the new State Food Allergen Awareness requirements. Mr. Davis has received about a dozen calls in response so far, all from smaller establishments, regarding how to comply with the requirements and get the information they need.

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.