

# NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of  
November 1, 2010 6:30 pm

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

Visitors: Mark Foley, MTG Disposal; Donna Galipeau, Trolley Crossing Farm; Sandra Clement, The Fudge Bar; Kerri Dooley; Dooley Disposal; Stephen Sarcia of 241 Ellis Road

Chairman Donald Bates opened the meeting at 6:30 PM.

## **LICENSES AND PERMITS:**

Mark Foley came before the Board to answer the Members' questions regarding his application for a Trash Hauler License for MTG Disposal, 19 Industrial Way, Seekonk, MA.

**MOTION** made by Mr. Donohue to grant a Trash Hauler License for MTG Disposal, 19 Industrial Way, Seekonk, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Donna Galipeau came before the Board to answer the Members' questions regarding her application for a Retail Food License for Trolley Crossing Farm, 50 Railroad Street, Bellingham, MA to sell frozen prepackaged lamb and pork at the Farmers Market.

**MOTION** made by Mr. Donohue to grant a Retail Food License for Trolley Crossing Farm, 50 Railroad Street, Bellingham, MA to sell frozen prepackaged lamb and pork at the Farmers Market. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Kerri Dooley came before the Board to answer the Members' questions regarding her application for a Trash Hauler License for Dooley Disposal Services Inc., 75 Ridge Road, Foxboro, MA.

**MOTION** made by Mr. Donohue to grant a Trash Hauler License to Dooley Disposal Services Inc., 75 Ridge Road, Foxboro, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Sandra Clement came before the Board to answer the Members' questions regarding her application for a Retail Food License for the Fudge Bar dba/Fudge Is Love, 49 Pearl Street, Bellingham, MA to sell fudge at the Farmers Market.

**MOTION** made by Mr. Donohue to grant a Retail Food License for the Fudge Bar dba/Fudge is Love, 49 Pearl Street, Bellingham, MA to sell fudge at the Farmers Market. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

## **HEALTH AGENT'S MONTHLY REPORT FOR OCTOBER 2010:**

Mr. Casper presented his Health Agent's Monthly Report for October and answered the Members' questions. Discussion ensued.

**MOTION** made by Mr. Maslen to accept the Health Agent's Monthly Report for October 2010. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

## **HEALTH NURSE'S REPORT:**

Anne Marie Fleming came before the Members to discuss a Contractual Agreement needing the Members signatures for reimbursement of the flu shots that will be given to senior citizens this year. Ms. Fleming answered the Members' questions and noted that she will present her regular Monthly Report for October at the Board's next meeting.

**MOTION** made by Mr. Maslen to accept and sign the Contractual Agreement for reimbursement. Seconded: Mr. Donohue. After further discussion, all in favor, motion passes 3-0.

**STABLE LICENSE-SEPTIC AS-BUILT PLANS/215 ELLIS ROAD:**

Mr. & Mrs. Stephen Sarcia had requested a hearing before the Board to discuss its 10/29/10 decision to refuse issuance of a stable license for their property and to remove all horses from their stable by 12/31/10. Noting that in July, the Board had also decided to revisit the Sarcia's unapproved septic system at this same meeting, Mr. Bates began the discussion with Mr. Sarcia intending to resolve the issue of the as-built plan that has yet to be submitted for 215 Ellis Road. Mr. Sarcia argued that his recollection of the facts differed from those on the record and considerable discussion ensued. After reviewing the facts again and offering details of his financial situation, Mr. Sarcia repeatedly assured the Board that he would absolutely provide the required as-built septic plans by March. After more discussion and urging Mr. Sarcia to fail not, the Members agreed it would be acceptable to allow him until March 28, 2011 to submit the required as-built plans of the septic system on his property.

**MOTION** made by Mr. Donohue to extend the deadline for submission of the as-built septic plans required for 215 Ellis Road until March 28, 2011. Seconded: Mr. Maslen. After more discussion, all in favor, motion passes 3-0.

Mr. Sarcia next discussed the Board of Health's decision not to issue him a Stable Permit. Mr. Sarcia continued to reference his current financial situation and emphasized that it not only precluded his payment of the taxes he owed, but that loss of his license to operate the stable on his property would undoubtedly incur his complete financial collapse. Mr. Sarcia insisted that both the Town and the Board's Members were deliberately failing to give his family and its circumstances a break of any kind or any consideration at all for the consequences of their actions. Mr. Sarcia suggested his family was willing to do anything within reason to keep his stable in operation and he continued to argue that the Members were being completely unreasonable with him, without regard for his circumstances.

In the discussion that followed, the Members asked Mr. Sarcia if he had yet made any effort to meet with the Town Treasurer to work out some sort of reasonable payment plan for his tax debt, but Mr. Sarcia allowed he had not because he believed such an effort would never be successful. After the Members explained that an acceptable payment plan would allow the Board to reconsider issuance of his stable license, Mr. Sarcia conceded he would meet with the Treasurer as suggested.

As the Members repeatedly emphasized that the Sarcia's could not continue operating their stable without a license, Mr. Sarcia continued to emphasize his financial situation was so precarious, the Board's requirements were simply at the bottom of his priority list. Chairman Bates read into the record a chronological list of the Board's contacts with, and responses from, the Sarcia's since March 2009 (attached). The list outlined a well-documented pattern of argumentative non-cooperation with the Sarcia's, including multiple failures to respond to the Board at all, including failure to appear as requested, and the Members noted how that failed to comport with Mr. Sarcia's assertions of unreasonable treatment. Undeterred, Mr. Sarcia continued to argue that the Board was simply not considering the depth of his personal financial situation when dealing with him.

Finally, after still more discussion, Mr. Sarcia agreed to meet with the Board again at its next meeting on November 16, 2010 to review his success working out a debt payment arrangement with the Town Treasurer. Mr. Sarcia was reminded that time was of the essence considering the Board's decision that all horses in the stable must be removed by December 31, 2010 if the tax debt issues cannot be resolved and a stable permit issued accordingly. Before leaving, Mr. Sarcia was asked to provide the Health Department with the name and address of his current stable manager, and he agreed to call the office the following day with the information.

**RECESS:**

**MOTION** made by Mr. Donohue to take a brief recess at 7:56 PM. Seconded: Mr. Maslen. All in favor, motion passes 3-0. The meeting resumed at 8:05 PM.

**MINUTES:**

**MOTION** made by Mr. Maslen to accept the minutes of October 5, 2010. Seconded: Mr. Bates. No discussion, all in favor, motion passes 2-0.

**MOTION** made by Mr. Maslen to accept the minutes of October 19, 2010. Seconded: Mr. Donohue. No discussion, all in favor, motion passes 3-0.

**OLD BUSINESS:**

Proposed Waste Hauling Regulation

Solid Waste Manager Michele Bernier is due to offer some final comments on the last draft of the proposed Waste Hauling Regulation. Mr. Davis will inform Ms. Bernier that the Board wants to complete the drafting process and vote on a final version of the regulation at the next meeting.

SUV

A \$574 estimate has been received from the original dealer, MHQ, to repair the Health Department's SUV. Mr. Davis was instructed to submit a Reserve Fund Transfer to the FINCOM for the \$574 to make the repairs and return the vehicle to use in the Department.

**COMPLAINT LOG:**

24 Jay Street

Mr. Davis has emailed and called Bristol Elders Services but they haven't returned his calls with respect to the home at 24 Jay Street. The owner has been given 30 days to clean up the exterior of his property.

119 East Street

The tenant of 119 East Street, apt. #3 has reported that its owner, Trent Davis, will be striking an agreement with his attorney to pay him \$2,000 a month, provided he agrees to stop calling the Health Department with minimum housing issues.

**DIRECTOR'S REPORT:**

Mr. Davis reminded the Members that the MAHB Fall Certification Program will be held on November 13, 2010 at the Holiday Inn in Taunton. Reservations have been made for each of the Members and the Bristol County Coalition has paid the tuitions.

**ADJOURN:**

There being no further business to discuss, a **MOTION** was made by Mr. Maslen to adjourn the meeting at 8:26 PM. Seconded: Mr. Donohue. No further discussion, motion passes 3-0.