

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of
September 21, 2010 6:30 pm

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

Visitors: Keith & James Lawrence, Lawrence Waste Services; Melyssa Reed, Melyssa's Fair Trade; Steve Carr & Jeff Cook, JW Cook Cumberland Well; Paul Bardsley, 243 Holmes Road

Chairman Donald Bates opened the meeting at 6: 31 PM.

LICENSES AND PERMITS:

Paul Bardsley came before the Board to answer the Members' questions regarding his application for a Well Site Permit for 243 Holmes Road, North Attleboro.

MOTION made by Mr. Maslen to grant a Well Site Permit for Paul Bardsley property at 243 Holmes Road, North Attleboro. Seconded: Mr. Donohue. After discussion, all in favor, motion passes 3-0.

Melyssa Reed came before the Board to answer the Members' questions regarding her application for a Retail Food license for Melyssa's Fair Trade of Plainville, MA to sell coffee at the North Attleboro Farmer's Market.

MOTION made by Mr. Donohue to grant a Retail Food license for Melyssa's Fair Trade of Plainville, MA to sell coffee at the North Attleboro Farmer's Market. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Keith and James Lawrence came before the Board to answer the Members' questions regarding a somewhat unique application for a Trash Hauler license for Lawrence Waste Services of Framingham, MA. In discussion, James Lawrence explained that his company supplies empty dumpsters for another company to pick up, and that his company does not actually haul any dumpsters with trash in them.

MOTION made by Mr. Donohue to grant a Trash Hauler license for Lawrence Waste Services of Framingham, MA. with the fee waived. Seconded: Mr. Maslen. After more discussion, all in favor, motion passes 3-0.

MINUTES:

MOTION made by Mr. Donohue to accept the minutes of September 7, 2010. Seconded: Mr. Maslen. No discussion, all in favor, motion passes 3-0.

LETTERS AND CORRESPONDENCE:

Stephen Sarcia – 241 Ellis Road

In response to their oft-repeated request, the Members reviewed a signed statement of Mr. Owen Kiernan granting Mr. & Mrs. Sarcia permission to use the acreage surrounding their property at 241 Ellis Road for pasturing of the horses in their stable. Mr. Kiernan, owner of the surrounding property, faxed the statement to the Health Department on September 14, 2010 and Mr. Sarcia followed up on its receipt by telephone. The Members noted however, that Mr. Sarcia has yet to pay the \$100 fine imposed on him August 25th for not complying with their requests for the document prior to this.

Subpoena Served

Assistant Health Agent, Rob Casper has been subpoenaed to a deposition by a Tilton & Associates attorney for Friday, September 24, 2010. Mr. Casper believes this would pertain to certain perc tests he witnessed for a former Tilton project in North Attleboro called Cushman Village. Town Counsel, Roger Ferris, has advised that the action would not compel the Town to engage his services to represent Mr. Casper at the deposition, but he has provided Mr. Casper with several tips and suggestions with respect to it. Mr. Davis will assist Mr. Casper through the proceedings instead.

OLD BUSINESS:

Proposed Septic Management Regulations

Mr. Davis continues to work on a revised Septic Management Regulation and distributed a 4th edition of its current draft to the Members. The project intends to combine 3 older Board regulations with recommendations and comments from the Water Department and Assistant Agent Rob Casper, plus one or more similar regulations from other towns. The Members suggested Mr. Davis continue to develop the updated regulation as he has, but just email the successive drafts to them with the changes highlighted.

Waste Hauling Regulations

Another letter will go out to the waste hauling licensees asking for their comments on the Waste Hauling Regulations. ABC and Big Dog waste haulers have been the only two licensees that have responded to it thus far. Michele Bernier is planning to attend the October 5th meeting to discuss the final draft. Members discussed the need for all customers, whether large or small, to use three dumpster containers, including one for recyclable cardboard under the terms of the current draft.

Consulting Engineer

The Planning Board has executed an engineering contract with Earthworks Engineering without Board of Health Member John Donohue's signature. Mr. Davis reported that Beals and Thomas Vice President, Jerry Preble, had stopped by and advised that his contract had been finalized without all Board of Health Members signing it either. With the contract signed, Mr. Preble offered to meet and follow up with the Members at the next Board meeting October 5, 2010.

SUV

The Health Department's SUV has died on the road again. Picked up by the DPW, the Town garage staff reported at least four diagnostic indicators reporting failures, including one message that all its cylinders were misfiring. The dealer was called and the SUV was transported to MHQ in Marlborough once again.

FY11 Budget

The Town is already one quarter into the new fiscal years' budget and 9 of 12 salary lines budgeted to begin July 1st are not correct yet. The longer it takes to implement the changes budgeted, the less time the Department will have to achieve the same annualized dollar effect and the greater the dollar impact will be on the employees affected. Mr. Fisher has just met with the department heads to get their feedback on the Unions' positions with respect to the wage and salary cuts proposed, with final action hopefully due to be taken soon by the Selectmen.

Inspection Fees

The Members discussed implementing a standard reinspection fee, and reflected on the comments on the idea from MAHB Atty. Cheryl Sbarra.

MOTION by Mr. Donohue that a standard \$75.00 reinspection fee be added to the Fee Schedule for those occasions when a Health Agent must conduct 2 or more reinspections at the same location. Seconded: Mr. Maslen. After further discussion, all in favor, motion passes 3-0.

COMPLAINT LOG:

221 Park Street

In response to a complaint, the manager of the apartment complex at 221 Park Street reported cleaning up the rubbish in question with assurance that such rubbish was really cleaned up on a daily basis. A week later, Mr. Davis happened to reinspect and found the same discarded mattresses in the same place next to the dumpster. After sending the owner a more terse letter, everything has since been cleaned up as originally ordered.

NEW BUSINESS:

Tobacco Collaborative Offer

The City of Fall River's Tobacco Control Program had asked Mr. Davis for a list of the Town's tobacco permits. The Program has offered to conduct tobacco compliance inspections and youth stings in North Attleboro's stores at no cost to the town, and its director is willing to attend the next Board meeting to discuss how that might work.

MOTION made by Mr. Maslen to accept the Fall River Tobacco Control Program's offer to conduct tobacco inspections and youth stings in North Attleboro. Seconded: Mr. Donohue. After further discussion, all in favor, motion passes 3-0.

E-Cigarettes

Mr. Davis intended to visit the Mall and the vendor Mr. Bates discovered selling E-Cigarettes there before this meeting, but did not have the opportunity. The vendor has not applied for a nicotine delivery permit yet and is apparently continuing to sell his products without a license.

Allergen Awareness Regulations

Mr. Davis and Mr. Donohue attended the MDPH meeting on new regulations and enforcement guidelines on Allergen Awareness that will affect food establishments. The State wants all establishments to have posters and signage about food allergies posted on their menus, menu boards and in the backroom for their workers. The regulations do not affect schools or nursing homes that are involved with the USDA, but will affect virtually all other food establishments. Mr. Donohue explained that Massachusetts is the first state in the union to adopt these regulations and they are due to go into effect on October 1st. As a courtesy to North Attleboro's food establishments, Mr. Davis will send them a reminder of the new requirements and a copy of the State's announcement letter. A second phase of the regulation's implementation is scheduled for February 2011, and once again local board's of health will be the enforcers of any customer complaints with respect to it. Among its other requirements, the new regulation will require establishment employees to become certified in allergen awareness in addition to their existing food protection manager certifications.

DIRECTOR'S REPORT:

PHER III Funds

Mr. Davis informed the Members that the Department will be allowed to keep the balance of \$4,000 + of the PHER money on hand to use in the coming year. In addition, the Bristol County Emergency Coalition will take a vote at its next meeting to redistribute more than \$120,000 of PHER III funds unused by other towns to towns like North Attleboro that would like to use it.

Flu Clinic

Public Health Nurse Anne Marie Fleming has just scheduled the next Flu Clinic and EDS Exercise for November 6, 2010 at the High School from 10 AM to 2 PM.

ADJOURN:

There being no further business to discuss, a **MOTION** was made by Mr. Maslen to adjourn the meeting at 8:03 PM. Seconded: Mr. Donohue. No further discussion, motion passes 3-0.