

NORTH ATTLEBORO BOARD OF HEALTH

Meeting Minutes of  
April 9, 2007 6:30 pm

In attendance: Don Bates, Chairman; Susan Shaw, Member; John Donohue, Jr., Member and Robert Davis, Agent

Visitors: Carole Safford, 2 Pinsonnault Lane; Don Achin, 38 Harold Bishop Boulevard; Richard Harris, 39 Harold Bishop Boulevard; Nicole & Glenn Riel, 1 Jon C. Barry Drive; Kevin Munley, 14 Jon C. Barry Drive; Norman Lawson, 15 Harold Bishop Boulevard; Mike Pezzi, 50 Harold Bishop Boulevard; Lee Beatrice, 62 Harold Bishop Boulevard; Bruce Bellemore, 63 Harold Bishop Boulevard; Shane Barlow 62 Raymond Tatro Lane; Gino Cerrone, 38 Jon C. Barry Drive; Selectmen: John Rhyno, Marge Kraskouskas and Paul Belham; Kevin Joyce/Cedar Ridge Development; Larry Tilton/Tilton Engineering; Fred Bottomley, Developer; Daniel Campbell, Level Design Group

The Chairman opened the meeting at 6:30 PM.

**INTRODUCTION AND WELCOME**

Mr. Davis introduced and welcomed John Donohue to the Board.

**REORGANIZATION OF THE BOARD**

**MOTION** made by Mr. Donohue to nominate Don Bates to serve as Chairman of the Board. Seconded: Ms. Shaw. No further discussion, all in favor, motion passes 3-0.

**APPROVAL OF MINUTES:**

Without Mr. Donohue commenting or voting upon any meeting minutes prior to his appointment to the Board, the members agreed to table the following minutes until the April 23rd meeting: July 17, 2006 and July 24, 2006 verbatim minutes; March 15, 2007 and March 26, 2007.

**MOTION** made by Ms. Shaw to accept the minutes of February 5, 2007 after making the following changes: the last sentence on page 11 under Corliss Landing; Bob Davis to Rob Casper under DEP forms for perc tests change on page 12, and; Mr. Casper's attendance at meetings on page 13. Mr. Bates seconded. No further discussion, all in favor, motion passes 2-0.

**MOTION** made by Ms. Shaw to accept the minutes of February 20, 2007. Mr. Bates seconded. No further discussion, all in favor, motion passes 2-0

**MOTION** made by Ms. Shaw to accept the minutes of February 26, 2007 after making a change to the last line on page 16 with respect to Christina Estates. Mr. Bates seconded. No further discussion, all in favor, motion passes 2-0.

**MOTION** made by Ms. Shaw to accept the minutes of March 12, 2007. Mr. Bates seconded. No further discussion, all in favor, motion passes 2-0.

**APPEARANCES:**

23 Sumner Street

Mr. Dana Billings presented a court document ordering that his tenant vacate the premises that day and further assured the Members that the tenant had indeed already moved out of the apartment in question. Mr. Billings also reported that he was proceeding with the sale of the property, that the prospective buyer and next owner was aware of the Health Department's violations and, that the buyer had agreed to abate them prior to occupying that portion of the premises again. The Members discussed the owner's obligation to fix the violations cited before someone could move in there again.

**MOTION** made by Mr. Bates to sustain the violations cited but waive the time required to complete their correction, subject to the premises not being occupied again until all the corrections have been made and subsequently verified by reinspection. Mr. Donohue seconded. After limited discussion, all in favor, motion passes 3-0.

537 North Washington Street

Mr. Bruce DiDucca appeared before the Board and explained that his full compliance with the Health Department's Order to Correct was delayed because there was still water coming into the basement through cracks of the foundation and that the ground was too wet to dig a foundation drain system to divert the water. He was also waiting to hear from the Fire Department to see if there is an underground oil tank on the property. Mr. Davis confirmed that he had reinspected the property the previous week with the owner and verified the conditions noted.

**MOTION** made by Mr. Bates for Mr. DiDucca to report the progress of the work required to correct the remaining violation to the Health Department in 30 day intervals. Seconded by Ms. Shaw. Limited additional discussion, all in favor, motion passes 3-0.

**VARIANCE REQUEST:**

344 John Dietsch Boulevard

Mr. Campbell of the Level Design Group came before the Board on his request for a variance under the State Plumbing Board for using high density polyethylene (HDPE) pipe to be used as roof drain downspout headers to be placed in the ground at 344 John Dietsch Boulevard.

**MOTION** made by Mr. Donohue to grant the variance requested for 344 John Dietsch Boulevard. Seconded by Mr. Bates. No further discussion, all in favor, motion passes 2-1

**COMPLAINTS:**

25-27 Dodge Avenue

This property's owner has been notified of a 30 day window to complete the Title V requirement to upgrade the failed cesspool on his property. Mr. Davis reported the owner is committed to upgrading the sewage disposal system there and has previously asked the sewer department for an extension to tie into the town sewer line, but is concerned that he may not have enough time to do so before \$100/day fines begin to toll. The owner has asked for a hearing before the Board to request an extension of time to complete the upgrade required, and is intending to fly from California to make his appeal.

**LICENSES:**

**MOTION** made by Mr. Bates to deny Sean Boswell/US General Contractors of Mansfield, MA a Disposal Works Installer permit based upon his test scores, but also to allow him to reapply within 60 days and take another test. Seconded: Mr. Donohue. Limited discussion, all in favor, motion passes 3-0.

**MOTION** made by Ms. Shaw to grant a Septic Hauler/Pumper license for Sean Redding/Blue Septic at 350 East Washington Street, N.A. Seconded: Mr. Donohue. Limited discussion, all in favor, motion passes 3-0.

**MOTION** made by Ms. Shaw to grant a Temporary Food license for the North Attleboro Council Arts Festival on June 16, 2007 at the Town Hall Park. Seconded: Mr. Donohue. Limited discussion, all in favor, motion passes 3-0.

**MOTION** made by Ms. Shaw to grant a Massage Therapist license for Christina Groves of Wrentham, MA to work at The Reiki Room. Seconded: Mr. Donohue. Limited discussion, all in favor, motion passes 3-0.

**MOTION** made by Mr. Donohue to grant the Temporary Food license for the Susan Blaire Memorial Walk on May 20, 2007 at the N.A. High School. Seconded: Ms. Shaw. Limited discussion, all in favor, motion passes 3-0.

## **OLD BUSINESS**

### Cease and Desist Fluoridation

**MOTION** made by Mr. Bates to vacate the cease and desist fluoridation order sent to the North Attleboro Department of Public Works on March 15, 2005. Seconded by Mr. Donohue. In discussion, Ms. Shaw stated her belief that it was the job of the Department of Public Works to ensure that the Town has good clean water, and that any additives should be left up to the patients and their physicians. With no further discussion, the Members voted Bates and Donahue aye and Shaw nay, motion passes 2-1

### Fluoridation suit

**MOTION** made by Mr. Donohue to remove the North Attleboro Board of Health's support for, and dismiss with prejudice, the fluoridation suit against the North Attleboro Department of Public Works, docket #BRCV2006-00465 to be heard next on May 29, 2007 in New Bedford Superior Court. Seconded by Mr. Bates. With no further discussion, the Members voted Bates and Donahue aye and Shaw nay, motion passes 2-1

## **LETTERS:**

### Letter of resignation from Mary Joubert—part/time Nurse

**MOTION** made by Mr. Donohue to accept the letter of resignation from Mary Joubert with the stipulation that she be able to work per diem in the future. Seconded: Ms. Shaw. After brief discussion, all in favor, motion passes 3-0. On behalf of the Board, Mr. Bates stated that Ms. Joubert's resignation was accepted with regret and with thanks for the many wonderful years of service she provided.

### Hickory Woods Report from Mill River Consulting

**MOTION** made by Ms. Shaw to accept the Mill River Consulting report on Hickory Woods dated April 9, 2007. Seconded: Mr. Donohue. All in favor, motion passes 3-0.

Following acceptance of the report, Selectmen John Ryhno and Margorie Kraskouskas joined the members to discuss the report itself. Many residents were present, and Chairman Bates announced that copies of the report had already been prepared for each homeowner in the development and all present were invited to take their copy then. Anyone not present would be mailed their copy the following morning.

In discussion, Mr. Bates explained that the report at hand was made possible by the Selectmen who allotted \$4,000 for the cost of an engineer to investigate the problems at Hickory Woods. Residents have been waiting for sidewalks to be put in and the roads to be paved throughout the development, but because of multiple drainage issues that hasn't taken place. The developer has wanted to finish the roadways there, but cannot proceed without the town's approval. It was also pointed out that the report has tried to identify the multiplicity of issues to do with this development and the many parties involved, including town departments, contractors, subcontractors, the developer, builder and the homeowners themselves. The Board of Selectmen will convene a meeting with representatives of all the Town boards involved to go over the issues in the report and work toward finding solutions to the problems at hand. Mr. Bates invited the public's comments and many citizens rose to speak and discuss the report on and the problems in the Hickory Woods development.

**MOTION** made by Mr. Donohue to take a ten minute break. Chairman Bates declared a 10-minute recess at 8:05 P.M. Mr. Bates reopened the meeting at 8:20 PM.

**NEW BUSINESS:**

Jill Marie Estates

The Board received a letter from the Planning Board stating they had approved a definitive plan for Jill Marie Estates, and it was agreed that the item be put on the agenda for the next meeting.

Level Design/Corliss Landing

Mr. Campbell of Level Design asked to come back before the Board to discuss approval of the revised Corliss Landing subdivision plan submitted last month. He explained that the Corliss Landing subdivision is on the Planning Board's agenda for Thursday evening and that he would like to have the Board of Health approval for that meeting.

Mr. Bates explained that the Board has asked for but hasn't yet received Mill River Consulting's comments and recommendations if any, on the revised plans, but that an attempt would be made to reach the principal of that firm for them. The Members agreed to meet again on Wednesday at 6 PM in order to vote on the revised plans, including obtaining Ms. Shaw's vote by telephone that evening if she was unable to attend.

Retention Ponds

Ms. Shaw had been informed that the Town of Plainville has regulations on retention ponds. Hearing the discussion, Mr. Campbell confirmed that Plainville does have certain drainage requirements which he believed were available online, but that he would also offer information from his office on them as well.

Liaisons

With discussion, Mr. Bates made a **MOTION** to make the following liaison assignments for Board of Health Members for the coming year:

Don Bates—Selectmen and Planning Board

Susan Shaw—Dept. of Public Works and Conservation

John Donohue—RTM Coordinating Committee, School Committee and Finance Committee

Mr. Donohue seconded the motion, there was no further discussion, and with all in favor, the motion passes 3-0.

**ADJOURN:**

**MOTION** made by Ms. Shaw to adjourn the meeting at 8:41 PM. Seconded: Mr. Donohue. Motion passes 3-0.

True Record Attest: \_\_\_\_\_