

NORTH ATTLEBORO BOARD OF HEALTH

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Meeting Minutes of  
May 10, 2010 6:00 PM

In attendance: Don Bates, Chairman; John Donohue Jr., Jonathan Maslen, Members; Agents: Rob Casper and Robert Davis.

Visitors: Ly D Lam/Regal Nails; Jason LaScola from J. Gray's Family Tavern; Joe Coggeshall from The Liquor Spot

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

**LICENSES:**

Ly D Lam came before the Members to answer questions regarding her application for a Manicurist license to work at Regal Nails

**MOTION** made by Mr. Maslen to grant Ly D Lam a Manicurist license to work at Regal Nails. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Jason LaScola came before the Members to answer questions regarding his application for a Food Service license for J. Gray's Family Tavern at 553 Kelley Boulevard, North Attleboro, MA.

**MOTION** made by Mr. Donohue to grant a Food Service license for J. Gray's Family Tavern contingent upon an inspection by the Health Agent. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

Joe Coggeshall came before the Members to answer questions regarding his application for a Retail Food license and a Tobacco Permit for The Liquor Spot at 86 North Washington Street, North Attleboro, MA.

**MOTION** made by Mr. Donohue to grant a Retail Food license for The Liquor Spot contingent upon an inspection by the Health Agent. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

**MOTION** made by Mr. Donohue to grant a Tobacco Permit for The Liquor Spot at 86 North Washington Street, North Attleboro, MA. Seconded: Mr. Maslen. After discussion, all in favor, motion passes 3-0.

**HEALTH AGENT'S MONTHLY REPORTS FOR MARCH and APRIL 2010:**

Assistant Health Agent Rob Casper presented his Health Agent's reports for March and April and answered the Members' questions.

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

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

**RESTAURANT INSPECTIONS:**

Mr. Donohue offered to accompany Rob Casper on some restaurant inspections soon in order that he may go out himself and help with some of the inspections to reduce the workload on the Department. Mr. Casper will call Mr. Donohue to coordinate their weekly schedules to do so.

**MINUTES:**

**MOTION** made by Mr. Maslen to accept the minutes of April 27, 2010 as written. Seconded: Mr. Donohue. No discussion, all in favor, motion passes 3-0.

**CUSHMAN ESTATES:**

Commonwealth Engineers has put in a request to have seven lots in Cushman Estates perc'd which Mr. Casper advised would be more time consuming than his schedule would allow. After discussion, the Members agreed that Mill River Consulting should be asked to be the engineering firm to conduct the work on behalf of the Board.

**PHER III PURCHASE:**

A PHER III purchase for a 3-piece protective floor pad for the North Attleboro High School gymnasium floor was inadvertently paid for by the School Department. To correct the payment, the Members were asked to sign a letter to the Town Accountant similar to a previous one to advise that the Board of Health's 2010 PHER III grant funds will reimburse the School Department for the purchase of the pad.

**EVALUATIONS:**

The Human Resource Department has emailed Robert Davis looking for the Board's December evaluations of both Anne Marie Fleming and Robert Davis. The documents may be in storage in one of the remediation company's pods at Town Hall and thus temporarily inaccessible, but Mr. Bates may be able to recover copies of them from his own stored files at his home.

**OLD BUSINESS:**Septic Regulations

A revised draft of an updated Septic Regulation is not yet ready for the Members' review.

Floor Drain Regulations

A final draft of the proposed Floor Drain Regulation should be ready for the next Board meeting. The Department of Environmental Protection has requested a copy when they have been approved.

Trash Regulations

At the previous meeting, Ms. Bernier had some thoughts on some final changes to the Trash Regulation revisions under consideration and Mr. Davis will be getting those changes from her for inclusion in the next draft the Board will consider.

e-Cigarettes

Mr. Davis has been working on the e-Cigarette Regulation whenever he has an opportunity to do so.

Single Consultant RFP

The closing of the Single Consultant RFP is scheduled for May 14<sup>th</sup> and the ad-hoc selection committee members will receive copy packets at that time.

SUV Repairs

After its meeting with the Board the week before, the FINCOM is waiting for a final estimate of the cost to repair the Department SUV as well as the car's other associated repair costs to date. Mr. Davis reported that the car has been taken to the Marlboro dealer who sold it to the North Attleboro Police Department originally for a second estimate.

### Flood Update

Ms. Fleming and Mr. Davis requested a meeting with Mark Fisher and the Brian Day Company to explain the work taking place in the Health Department's flooded offices at the Town Hall, review the schedule of repairs to be made, and answer any questions outstanding. A definitive list of the items that have actually been deemed unsalvageable and disposed of remains unclear, and it remains to be seen which items have actually been saved, stored and are due to be returned. Although many items to be replaced with new equipment have been identified, the Department will wait until all items have been returned and put in place before it determines what final items will still need to be replaced.

### **NEW BUSINESS:**

#### Fines & Forfeitures

Presently, monies collected from fees and fines are deposited in the Town's general fund. Statutory provisions appear to exist that would allow cities and towns to deposit their *health*-related fines into revolving funds controlled by Boards of Health. Without more definitive support for such a fund however, the Members agreed to IP the Fines & Forfeitures Article previously submitted, per request of the petitioner.

#### Action Needed Report

The Members expressed their concern that complaints that come into the Health Department often consume an inordinate amount of time. The complaint in progress for 119 East Street is one such complaint, which has now generated a related complaint to the Selectmen that will require the Department's time to be addressed as well. In the discussion that ensued, the Members agreed that landlords and tenants should not be granted any higher priorities, extra consideration or additional time to address their cases vs. other's simply because they are repeat offenders or frequent complainers.

Trent Davis, owner of 119 East Street, has requested a meeting with the Board to make his complaints that the Health Department has been unfair to him. Historically, this is a landlord who has been consistently unwilling to cooperate with the Department, even to accept any certified mail or timely correct violations he may have been cited for. Mr. Bates wants a letter sent to the Town Administrator and Board of Selectmen giving them a date summary and synopsis of all the events that took place with the Department's inspections and subsequent dealings with the landlord in this case.

### **COMPLAINT LOG:**

#### 60 High Street

Ernest Smither, Jr., owner of 60 High Street has been in and out of court with the Department and will be returning again on May 24th for housing violations he has not addressed.

#### 86 Fisher Street

After making a housing complaint to the Health Department, Mr. Kusimo, owner of 86 Fisher Street is reportedly evicting his tenant and they are going to court. The owner has reported difficulty getting the tenant's cooperation and the tenant has reported difficulty with the owner.

#### 119 East Street apt.#3

The property owner has reported difficulty gaining access to 119 East Street, apt #3 in order to correct the housing violations he has been cited for, and has asked the Health Department to cite the tenant accordingly. The tenant has been ordered to provide reasonable access upon reasonable notice and both parties have been advised to document any difficulties that may subsequently ensue.

#### 251 Reservoir Street

The owner of the abandoned house at 251 Reservoir Street called to advise that she does not have the money to commercially clean up the trash in the yard or pay the fines she has been levied for failure to correct the mess before this. Some activity has been evident in the yard recently however, and the owner has pledged to get it cleaned up, however slowly.

#### **215, 223 & 241 ELLIS ROAD:**

The stable manager for the horse barn at 223 Ellis Road is keeping 30 or more horses there on property that the owner was advised nine months ago can only support 19. The owner reportedly has lease agreements to use the abutting properties for horse turnouts, but according to the Town Counsel, the BOH Stable Regulations are clear about owned vs. leased land and the amount of horses that can be licensed on it accordingly. In addition however, the single family home on this same property has had a sub-standard septic system illegally installed on it and the current owner was advised to prepare and submit an as-built plan of it nine months ago and have the tank pumped annually hereafter, but no as-built plans or pumping records have been received since. The owner now claims he doesn't have the money to pay for an as-built plan, that he's told his septic hauler to submit the required pumping records, and that he intends to submit an application for his stable license. At the same time, neighbors including at least one attorney, are pressing for this property owner's compliance with all these licensing issues. Town Counsel will be asked to review the BOH Stable Regulations in relation to whatever documentation may be submitted by the owner.

#### **DIRECTOR'S REPORT:**

##### Post Office Food Drive

In Ms. Fleming's absence, Mr. Davis reported that the prior weekend's Annual Post Office Food Drive was very successful despite the rainy weather, with each of the three local food pantries participating receiving 66 large containers of food apiece for their pantries.

##### Selectmen's Meeting

The Members were reminded of the next Selectmen's meeting wherein State Representative Betty Poirier is due to present a "substantial" donation from an anonymous donor to Lenore's Pantry. The presentation is scheduled for 6:15 PM that evening.

##### Medical Reserve Corp

Ms. Fleming attended the recognition dinner for MRC volunteers the week before and reported that the affair was very well received, well planned and very successful.

##### Budget

Although the State budget for FY11 is a long way from completion with only House budget numbers to work with so far, Town Administrator Mark Fisher is having all Town Departments begin to rough out their own budgets for FY11, based on his projections. At this point, the projections include almost a 3% reduction from everyone's FY10 numbers, but they are also, so far, only projections.

##### Regionalization

Don Bates reported on a recent conference on regionalization of Health Departments. State-wide interest appears to remain high, and there are already a number of regional organizations or "health districts" that exist today, including one down on the Cape.

#### **ADJOURN:**

There being no further business to discuss, a **MOTION** was made by Mr. Donohue to adjourn the meeting at 8:07 PM. Seconded: Mr. Maslen. No further discussion, motion passes 3-0.