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MILLBURY, MASS.

MINUTES

BOARD OF HEALTH

Date: October 24, 2012

PRESENT: Armand White and James Morin
Inspector: Julie Vanarsdalen

ABSENT: Judith O'Connor, Derek Brindisi

GUESTS: Jim Malley, Gary Gover, Elizabeth Aubin, James A. Vevone, Esq., Gary Dudek,
Chris Guzzi

Meeting called to order at 7:00 P.M. by chairman Armand White.

Minutes: A motion to accept the minutes for the October 10th 2012 meeting was made by Jim Morin. Seconded by Armand White. Vote unanimous.

Office Update: Julie was notified by Brian Turbitt vouchers will need to be signed by majority of board plus department head, Bob Spain. This change was the recommendation of town auditors. Armand stated he is the department head, however, he will comply with auditors request.

Vouchers: Voucher was signed by those present.

Health Agent Report:

Julie Vanarsdalen stated inspections going well with housing and food establishment. No underlying issues at this time.

Old Business:

Armand addressed Jim Malley who gave an update for the area of 179 Wheelock Ave. Jim stated DPW/Sewer Dept. exhausted all means of finding sewer odor. Two more complaints have been received since smoke test and pumping station filters checked. Jim also addressed

complaint area of 106 Wheelock Ave. where a house had been demolished. Neighbor questioned abandoned septic system. Jim stated nothing going into system, an odor cannot escape. Armand stated the Board of Health has investigated, the DPW/Sewer Dept. has investigated, and any future complaints can be brought directly to the board.

Royal Hose of Pizza – Armand stated a temporary food permit was issued three months ago to allow Chris Surmis time to work out a payment plan with the town. Bob Spain stated Mr. Surmis has made no attempt to contact the tax office. Julie M. stated she contacted Mr. Surmis to come before the board and he stated he has no intention of paying the taxes, a bad economy in Millbury, there is no reason to attend a meeting. Jim Morin stated they will have to pull his food permit, Armand agreed, effective immediately. Letter to be sent informing him of the boards decision.

11 McCracken Road – Armand White addressed Elizabeth Aubin, she requested an explanation why the cease & desist order was issued with no warning. Armand confirmed with Gary Dudek of Cox Ind. the board has been in contact with them including correspondence and telephone calls with Judy O'Connor. Cox Ind. was told to eliminate the odor or get rid of the poles. Cox Ind. responded they would remove the poles within 75 days. Attorney Vevone, representing Elizabeth Aubin, stated his client had requested copies of complaints to no avail. Asked who complained, when and what complaint actually was. Armand stated she has every right to have copy of complaints and she will be provided with those.

Attorney Vevone questioned if complaints regarding asphalt plant or scrap metal yard. Gary Gover asked any complaints regarding sewer plant. No complaints have been received. Gary Gover stated his interpretation of the letter from Cox Ind. He and Elizabeth Aubin felt left out of the loop of communication. He also stated they were trying to work with the board, it is an industrial area, feels the cease & desist was premature, the board should go forward with the air quality testing as there is no proven health hazard.

Gary stated they wanted the opportunity to test for air quality to bring potential level of odor down. Jim Morin stated the odor is offensive and against Board of Health regulations to have the offensive smell in the air. Armand again suggested Cox do their testing in S.C. and if no odor then they can transport the poles to MA. He also stated the board did not see the need for Cox Ind. to spend money on air quality testing when it would not eliminate the odor.

Armand stated the decision was made to remove the odor. Jim stated the scope of the Board of Health does not have to be hazardous to be offensive or a nuisance. Cox would have to do testing outside of Millbury, the odor being eliminated, then the poles could be stored. Armand and Jim agreed the cease & desist order will stand. If Cox Ind. needs more than 75 days, an extension can be granted.

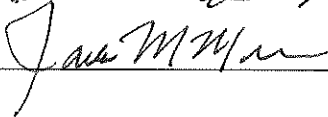
Within the discussion, Armand stated this is not a personal issue, not trying to put anyone out of business, however, abate the odor. Jim Stated constant complaints, many times not documented, as some would be calling constantly, including himself.

Other Business:

A motion to adjourn at 8:15 P.M. was made by Jim Morin. Seconded by Armand White . Vote unanimous.

Minutes approved:

Armand White  _____

James Morin  _____

Judith O'Connor _____