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MILLBURY, MASS.

MINUTES
BOARD OF HEALTH

Date: August 15, 2012

PRESENT: Armand White, James Morin, Judith O'Connor
Inspectors: Derek Brindisi, Seth Peters, Andrea Crete

ABSENT:

GUESTS: Susan Rahall – 188 Millbury Ave.

Meeting called to order at 10:00 A.M. by chairman Armand White.

Minutes: A motion to accept the minutes for the July 18th 2012 meeting was made by Jim Morin. Seconded by Judy O'Connor. Vote unanimous.

Office Update: There were no office updates

Vouchers: Vouchers were signed by those present.

Judy noted the June bill from the City of Worcester will have to be encumbered, as it was not received in the office until July 19, 2012.

Derek suggested the full \$30,000 for fiscal year 2013 be encumbered so this does not happen again.

Health Agent Report:

Derek stated the law regarding Sharps needle disposal that went into effect July 1, 2012. He stated local communities have to work out their own disposal program. One option would be to set up a kiosk, however the town would have to pay to dispose of the contents.

Judy stated, in the past, people would put their needles in an enclosed container and bring them to the transfer station. She recommended putting a kiosk at the transfer station where it would be easy access and seniors don't pay for stickers. There is always someone there to monitor that nothing will be placed outside the kiosk. Derek will check if the kiosk is waterproof, to be left outside the building for easy access.

He also stated they are moving forward with their health assessment data for Millbury and all the towns. Going to congregated areas to get feedback. They are in the process of writing a regionalization grant and they will be looking for a letter of support from all towns.

Also, there is a job posting for an inspector for Millbury to work 20 hours per week in the office and doing inspections.

Andrea presented to the board her inspections for housing & nuisance. She addressed the complaint from a camp instructor, new regulations, policy and procedures that were not required in the past. Armand also spoke with someone from the school and they felt blind sided by the amount of paperwork that is now required and his concern is the continuation of the camps for the children. Judy felt the application was a little extreme. Derek stated the process could be streamlined, sending the schools their packet in February or March so they have ample notice.

Andrea noted the Food Code Application states criteria to buy the State and Federal Food Code Book. She stated the Merged Food Code online is the state and federal code combined and can be downloaded free of charge. It would save applicants between \$20 and \$25. dollars. Judy does not feel it should be on our application when it can be downloaded free. Also suggested the office download it, so it can be read at any time. Armand agreed, stating no reason to pay for something when it's free. Judy made a motion to have that requirement removed from the application. Jim seconded. Vote unanimous.

12 Draper Road – Andrea stated trash still there and growing. Armand told Andrea to do what she has to do.

The Queen's Cup – Andrea asked the board to waive the food permit fee as the business converts from a two week residential kitchen to an establishment. They food permit for the establishment will be the \$75.00 fee. All members agreed to waive the fee.

55 Beach Street – Jim stated the violation letter can be mailed at this time. The property needs to be cleaned up.

251 Riverlin St. – Discussion held to possibly limit the number of farm animals on property. Armand recommended inviting the property owners to a board meeting to discuss that possibility, Judy agreed and a letter will be sent.

Seth presented a public health surveillance for Worcester showing the trend on causes of death in the last ten years. He expects to have this information on each town in the near future. Data collections only at this time, nothing has been analyzed.

Old Business:

130 Westboro St. – Derek presented to the board a copy of the draft sent from town council to Treeline Construction’s attorney. No public hearing will be held until the board receives an application from Treeline which addresses town council’s concerns.

Armand addressed guest Susan Rahall of 188 Millbury Ave. who came before the board regarding trash violation on her property. Susan stated her husband is sickly and will not be able to handle the trash. They financially cannot afford to hire a trash hauler. She is looking into alternative means to have the trash removed. She called a scrap metal company and hopes they’ll clean up the metal. Her plan is to get a sticker for the transfer station and asked for more time to clean it up. The board agreed to extend her time until November 01, 2012.

Derek asked how the board wants to proceed with the telephone poles owned by Cox Industries. Armand wants the company to get rid of the odor or get rid of the poles. Jim stated he doesn’t call anymore because the odor is every day, every night. Very strong odor all the time now. Armand feels there is something Cox Industries can do to eliminate the odor.

Judy stated smells are in the air. Some are stronger than others. She has not smelled odor from the poles. Again, smells are everywhere. She suggested they put a tarp over them. She also observed more poles have been added.

Armand recommended a letter be sent to Cox Industries to get rid of the odor or get rid of the poles. We had sent a letter requesting an update and did not receive a response. All agreed a letter will be sent.

Other Business:

Cemetery Update – Armand stated Rob McNeil questioned how burial permits were issued and received in relation to cremation. Public looks for burial spot and Rob has no record that the person was cremated. It was agreed a copy of the return permit from crematories will be forwarded to Rob McNeil’s office.

Outdoor wood boilers burning dates will stay as is.

Brierly Pond – Public feeding the geese and ducks. Neighbors cannot sit on bench due to waste from geese. Mr. Turner reported this is an ongoing problem, geese feces everywhere. Judy has been looking for possible perpetrators as she goes by. If someone can get a plate number or if someone sees it happening, we can educate the public to not feed the geese and ducks.

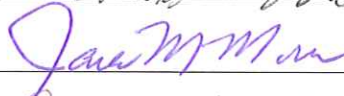
Armand recommended asking the DPW director to move the sign from Goretti’s up to Brierly Pond.

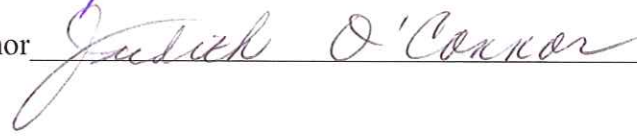
Royal House of Pizza – Judy asked for update on the temporary food permit. Armand stated the owner is working with the town and has until the end of the month to come to an agreement.

A motion to adjourn at 11:00 A.M. was made by Judith O'Connor. Seconded by Armand White. Vote unanimous.

Minutes approved:

Armand White 

James Morin 

Judith O'Connor 



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August 7, 2012

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Re: Treeline Construction, Inc. – 130 Westborough Street, Millbury, MA

Dear Mr. Keavany:

Thank you for meeting with Derek Brindisi and I recently at Millbury Town Hall. It is my opinion that the meeting was helpful in setting expectations concerning the requirement of your client, Treeline Construction, Inc., to obtain a site assignment for a solid waste facility at 130 Westborough Street in Millbury from both the Department of Environmental Protection and the Millbury Board of Health.

As we discussed, the Board of Health is very disappointed in the illegal activities that have been occurring at the property over the course of many years without a site assignment from the Board and DEP. Such activities, and the failure of your client to take any meaningful measures to follow the appropriate course of action when directed to do so several times by varying public officials, weighs heavily on the Board, especially when there remains significant amounts of unauthorized waste material on the property. Although the Board would certainly be justified in pursuing court enforcement against your client, it welcomes your outreach to Mr. Brindisi and the Board and expects that your client will move quickly to complete a formal application to obtain site assignment from the Board and the Department of Environmental Protection.

As you know, the requirements for a site assignment applicant are governed chiefly by G.L. c.111, §150A and 150A1/2, and by 310 CMR 16.00 et seq. Based on our recent meeting, the Board presumes that your client will soon submit an application for site assignment in accordance with the requirements of 310 CMR 16.08 and follow through with the remainder of that process. Notwithstanding the statutory and regulatory requirements of the application process, the Board of Health plans to take a special interest in the following areas of your submission which are of special concern for this site:

- (1) Location, nature and extent of any existing or potential sources of public or private drinking water supplies in relation to the site;
- (2) Relationship of the site to groundwater elevations, wetlands, surface water bodies, and flood plains;
- (3) Nature and extent of residential areas in proximity to the site;

KOPELMAN AND PAIGE, P.C.

Donald C. Keavany, Jr., Esq

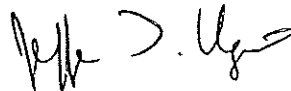
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- (4) Suitability of access roads to the site;
- (5) Whether areas adjacent have been previously used for solid waste disposal;
- (6) Potential for adverse impact on air quality;
- (7) Potential for creation of a nuisance from noise, windblown litter, or the proliferation of rodents, flies or other vermin;
- (8) Potential for the adverse public health and safety impacts;
- (9) Potential adverse impact on wildlife or on wildlife habitat;
- (10) Potential impact of increased traffic volume on roads to the site; and
- (11) Potential adverse impacts on communities within one-half mile of the proposed site including the potential adverse impacts on the considerations stated within this section for which site suitability standards and criteria are established.

Please do not hesitate to contact me or Derek Brindisi if you have further questions regarding the site assignment application process and the Board of Health's expectations of your client. Thank you for your attention to this matter.

Very truly yours,



Jeffery D. Ugino

JDU/eon

cc: Director of Public Health
Town Manager

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