

WEDNESDAY, DECEMBER 17, 2014
BOARD OF HEALTH
REGULAR MEETING

Mr. Raymond Grant, Chairman, Mr. Douglas Brown LPN, Mr. Robert Costa and Health Agent Beth Hallal R.S.

At 4:37 PM Mr. Grant called the meeting to order.

CONSENT CALENDAR

Consider approval of Regular Session Minutes of:

- 1) November 19, 2014

Changes need to be made on the November 19, 2014 minutes.

Mr. Brown LPN made the motion to table the minutes until the next meeting, seconded by Mr. Costa and so voted unanimously.

NEW BUSINESS

Discussion regarding the violation of the Seekonk Board of Health regulations section 9.2.2 by RJ Souto on December 2, 2014

Mr. David Souto was present for this discussion. The Health Agent saw Mr. Souto's vehicle at 140 Taunton Ave prior to 7am. The Board of Health has been getting complaints regarding this property and the containers being emptied prior to 7am. Mr. Souto claims he was at the establishment; however he was not emptying the containers.

The Board has issued a warning to RJ Souto regarding the violation of the Board of Health regulations.

Discussion regarding the FY 2015 Annual Disposal Bill for 375 Oak Hill Ave – Erica C Chase.

Ms. Chase purchased the home in February and you was not aware of the Town regulations for dumpsters. No one had informed them of this regulation.

Ms. Chase contract was dated in March, if the contract was dated when she applied, she would have received a prorated exemption. Since the dumpster was not permitted since March Ms. Hallal felt it should be up to the Board to decide to grant the exemption.

Mr. Brown made the motion to grant the exemption for 375 Oak Hill Ave, seconded by Mr. Costa and so voted unanimously.

Discussion regarding the reclassification of the Senior Secretary position.

The Board has discussed this a couple of occasions, Mr. Grant has discussed this with the Town Administrator and this would have to go before Collective Bargaining and the union is in

collective bargaining and if the Board wishes the Town Administrator to come to the next meeting he would be happy to.

OLD BUSINESS

Closure of the West Wind Restaurant 555 Central Avenue, closed by the Board of Health on October 31, 2014 and the owner of the establishment opened on November 7, 2014 without the permission of the BOH.

Mr. Damien Puller and Mr. Mitch Massiwer were present for this discussion.

Ms. Hallal met with Mr. Massiwer and Mr. Puller on the 16th of December. Anything non restaurant related have been removed and if this was a normal inspection he would not have been closed. However there were some areas that have not been spic & span. Mr. Massiwer knows that the personal food he bring in needs to be taken home with him that evening. There now is a protocol that Mr. Massiwer will follow. Mr. Massiwer is asking for the opportunity to show the Board that this protocol will work and the opportunity to open.

Mr. Grant stated Mr. Massiwer was before the Board of Health because the establishment was closed due to violations of the Health codes. He notified us then that the establishment would not return to that state and he would follow the health regulations and codes. Then a month later he was closed again and Mr. Gants biggest concerned knowing he was closed he opened the facility without permission to do so, no one from the Board of Health gave him permission to do so. Giving the history, and his lack of regards for the rules and regulations and proper sanitation, why would this Board want to give him third or fourth chance?

Mr. Puller stated he does not believe Mr. Massiwer looked at this Board with distain, Mr. Massiwer believed he could have both and comply and he has made that choice, there is nothing there that should not be there and if he did little things that would bring him in compliance.

Ms. Hallal stated she did inspect the site at 4:00pm on the 16th of December and she wanted the place to shine. The dumpster area is still not cleaned. Ms. Hallal went through the establishment and the clutter is gone and the roof is fixed and not leaking. The bar area and one of the refrigerators was emptied and it needed to be cleaned. The rug and floor is still filthy and noticed personal items hanging around the bar area, like it was starting to move in. The dumpster has been on ongoing issue, the place should have shined. This was his big inspection. Yes I do agree that if the establishment was running, I would not have shut him down, I would be going back for a re-inspection. I am not a babysitter and neither is JR we do not have the time to do this, this is like leading someone along by the hand. JR and myself is still requesting revoking of the license from November 7th, we both feel that the applicant cannot comply with 105 CMR 590.00 or the 2009 Federal Food Code at this time.

Mr. Grant asked under what regulation do we have the authority to do that.

Ms. Hallal stated 105 CMR 590.001.014(c).

Mr. Grant stated having heard the recommendation of the Health Agent do we have a motion.

Mr. Costa's opinion is that Mr. Massiwer is just not capable of running the establishment and maybe he needs to hire a manager.

Mr. Brown LPN stated nobody is trying to put you out of business but on the other hand we need to resolve these problems and you need to understand what a serious matter this is, I don't know how many more chances there are going to be.

Mr. Massiwer stated Mr. Puller has put me straight.

Mr. Costa would like to make some sort of motion to give him a probation period with random inspections.

Mr. Brown LPN made the motion that the West Wind be put on a 9 month probationary license status with random inspections and any critical violations being brought back to this Board will result in a revocation for one year, seconded by Mr. Costa.

In Mr. Grant's opinion he believes the health code violations have gone on too long and he is not in favor of the motion. He would like to see the establishment closed for six months from October 31st and then open on a probationary period. He believes that is the only way.

Mr. Costa believes he is going to comply or not comply.

Mr. Grant stated there is a motion on the table to place West Wind on a 9 month probationary period, but if there are any critical violations in the next 9 month period that the recommendation will be immediate revocation of the license, and so voted 2-1-0.

Mr. Grant stated he could open tomorrow.

Discussion regarding the FY 2015 Annual Disposal Bill for 62 Ellis Street – Gary Bourque.

Mr. Gary Bourque was present for this discussion and he stated he did come into the Board of Health prior to the 30th of June.

Ms. Curzake did state Mr. Bourque needed an updated contract and that was given after June 30th.

Mr. Brown made the motion to grant the annual disposal exemption for 626 Ellis Street, Seekonk, MA, seconded by Mr. Costa and so voted unanimously.

Discussion regarding the FY 2015 Annual Disposal Bill for 134 Pleasant St – Donna Holmes

Ms. Holmes stated she also has RJ Souto and has been paying the disposal fee for the property since 2008. She stated the Town has refused to pick up the trash; she has received the new bins from the Town.

The Board wishes to have Ms. Curzake look through the prior years to see if there was a dumpster on the property.

Mr. Grant made the motion to table this item until the next meeting in order for more information to be provided to the Board, seconded by Mr. Costa and so voted unanimously.

Review of the changes made to the Seekonk Board of Health Regulations Section 9.0.0 Regulations for the Dumpster Regulations.

Mr. Brown made the motion to table the regulations, seconded by Mr. Costa and so voted unanimously.

HEALTH AGENT'S REPORT

Septic Disposal Plans approved by the Health Agent

640 Ledge Road	Robert Fiero
53 Bear Hill Rd	Joseph & Carol Robitalle
65 Bergeron St	Edward & Pauline Leedham
79 Ipswich St	Palmer River Development
41 Tallwood Dr	Jack & Marie Klie
1 Sunset Dr	Janet Rojas – Executrix
38 Chestnut Hill Drive	Adeline Souza
950 Taunton Ave	Michael Costa
91 Ipswich St	Palmer River Development
13 Tall Pines Lane	Stone Gate Builders
23 Patricia Drive	John & Angela Lukin

We had our flu clinic and everything went well we were here to 7:30pm.

Ms. Hallal thanked the Board for the West Wind.

COMMUNITY SPEAKS

There was no community speaks.

BOARD CORRESPONDENCE AND COMMENTS

Mr. Grant stated he is comfortable with what the Board did and he is also comfortable with the fact that within a couple of months he will be shut down.

Mr. Costa stated he will be in front of us again.

The next Board of Health meeting will be January 14, 2015.

At 5:56pm Ms. Kinniburgh RN made the motion to adjourn, seconded by Mr. Grant and so voted unanimously.