



BOARD OF HEALTH

# TOWN OF WESTBOROUGH MASSACHUSETTS

FORBES MUNICIPAL BUILDING  
45 WEST MAIN STREET, SUITE 25  
WESTBOROUGH, MA 01581-1916

TEL. (508) 366-3045  
FAX (508) 366-3047

## BOARD OF HEALTH MONTHLY MEETING

Tuesday  
September 21, 2010  
Forbes Municipal Bldg., Room 24  
5:30 p.m.

## AGENDA

1. Minutes of Meeting (7/20/2010)
2. Director's Reports (July & Aug 2010)
3. Sanitarian's Reports (July & Aug 2010)
4. Health Inspector's Reports (July & Aug 2010)
5. New Business
  - A. William Weir - OWB Permit Discussion - 5:45 p.m.
  - B. Mandarin Westborough - variance request - 6:00 p.m.
  - C. Joseph Farhat - Variance Request (Smoking Regulations) - 6:15 p.m.
  - C. One-Day Transfer Station permits
  - D. One-Day Temp. Food Service Permit - Proposed Fee Increase
6. Director's Issues
7. Adjourn



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## Minutes of Board of Health Meeting September 21, 2010

The regular Board of Health meeting was held on Tuesday, September 21, 2010, in room 24 in the Forbes Municipal Building. The meeting was called to order at 5:35 p.m. by Chairman Ehrlich. Present: Member Reh, Director McNulty, Sanitarian Baccari, and Health Inspector Gilchrist. Absent: Member Federici. Bills and payroll were signed.

Minutes of meeting held on July 20, 2010, were approved.

Director's reports (July & Aug.) were discussed and approved.

Sanitarian's reports (July & Aug.) were discussed and approved.

Health Inspector's reports (July & Aug.) were discussed and approved.

### NEW BUSINESS

#### **William Weir - OWB Permit Discussion**

At 5:45 p.m., the Board met with Mr. Weir to discuss the possible reinstatement of his permit. (Mr. Weir submitted a written request to appear before the Board for this discussion). At the Board's May 18, 2010, meeting, the Board unanimously voted to revoke Mr. Weir's outdoor wood burning boiler permit due to numerous complaints from neighbors. (Currently, the boiler is to cease operation from May 15<sup>th</sup> to October 1<sup>st</sup>.)

Director McNulty said a letter was sent to Mr. Weir dated April 27, 2010, inviting him to the Board's next meeting scheduled for May 18. The letter said that at that meeting, the Board will consider revising his boiler's permit to prohibit its use to a shorter time frame due to complaints received about the boiler's smoke. A letter dated May 26, 2010, was sent to Mr. Weir. Director McNulty read excerpts from the letter that informed him of the revocation of the permit (letter attached).

Director McNulty said that from his point of view, almost all the complaints come when the weather is warm and the boiler is running. There are no complaints when the weather is cooler and everyone has their windows closed.

Mr. Weir said this past May there were many nights when the temperatures dipped down to the low 30's. The boiler is his only heat source.

In response to a question from Member Reh, Director McNulty said there are three outdoor wood burning boilers in town, including Mr. Weir's. Two of the boilers are located in less populated areas than Mr. Weir's. Mr. Weir's boiler is the only one that is causing problems because he has neighbors that live very close to his boiler.

Barry Allen, 48 Mt. Pleasant Street, said adjustments need to be made with the dates. It will be October next week and it's going to be warm.

In response to a question from Member Reh, Mr. Weir said it takes a couple of days to shut down the boiler.

Dana Samuelson, 50 Mt. Pleasant, agreed with Mr. Allen. Some adjustments need to be made with the dates. He had problems last October. His house sits back from road about 250 feet and the smoke still finds its way into his house. Historically, October is warm.

Mr. Allen said the extension on the stack seemed to worked.

Mr. Weir commented that the original stack was just a quick fix. He has ordered a better system and intends to make it higher.

Chairman Ehrlich said we're trying to minimize the impact on the neighbors and make the problem smaller.

Mr. Weir said it's still cold at night. He'll work on the chimney and make it as high as he can. He'll try to use the boiler minimally during the day. He has a boiler just to heat the water. The OWB is his primary heat source.

Chairman Ehrlich made a suggestion to go with a period of burning from October 15 to May 1. If there are problems toward the end, then the Board will revisit the timeframe. He said that maybe in the future and if there aren't any problems, it could be extended.

Mr. Weir said he disagreed. He would like to leave things the way they are and see if the higher stack will help.

Member Reh agreed with trimming the dates back. He doesn't see any alternative.

**Member Reh made a motion to reinstate Mr. Weir's permit with the operating dates from October 15 to May 1. Chairman Ehrlich seconded the motion; the vote was unanimous.**

Discussion ended at 6:15 p.m.

#### **Mandarin Westborough - Variance Request**

Discussion tabled until next meeting; there was no representative present from the restaurant.

#### **Joseph Farhat 6 West Main St.- Variance Request**

At 6:15 p.m., the Board met with Mr. Farhat, 5 West Main St., Westboro, who is seeking a variance from the Board's smoking regulations. He would like to open a hookah lounge in Town. He does not have a location, but if the variance is granted, he will start to look for a feasible location.

Director McNulty provided some background. The Town has local smoking regulations that prohibit smoking in public places. A variance would be needed to operate a hookah lounge.

Mr. Farhat said there are lounges in Worcester and Shrewsbury and they are very popular. He displayed a hookah and explained how it functions. The hookah uses flavored tobacco.

In response to a question from Member Reh, Director McNulty explained the State has passed regulations regarding smoking. Many of the towns passed their own regulations before the State did. State regulations allow for a smoking bar that are licensed and regulated by the Department of Revenue. He said that under the Town's current regulations, a hookah lounge would not be allowed because it would be considered a "public place". An establishment such as a cigar/smoking bar would not be allowed either.

Chairman Ehrlich said he is concerned for employees who would be exposed to second-hand smoke and is also concerned that this will become an attraction to young people, whether they are under the legal age or not.

Director McNulty said no variance has ever been granted; this would be a first. He said that in his own professional and personal opinion, the Board should be discouraging smoking rather than allowing it.

Member Reh said that he believes our regulations are very clear. He does not see how a variance would fit in with our policy.

Chairman Ehrlich commented the residents, in general, support the current policy in place.

**Member Reh made a motion to deny the variance. Chairman Ehrlich seconded the motion; the vote was unanimous.**

Discussion ended at 6:30p.m.

#### **One-Day Transfer Station permits**

The office has received complaints from residents who have a current dump sticker but are still required to pay \$5 for a one-day pass. Currently, there is a \$5 charge for a one-day pass even if the resident has a sticker. Director McNulty proposed no fee for residents who have a sticker.

Member Reh said it gets too confusing with more and more stipulations.

After discussion, the Board decided to keep the policy as is.

Chairman Ehrlich said if a resident considers it unfair and wants to change the policy, they can come before the Board and state their case.

#### **One-day Temporary Food Service Permit - Proposed Fee Increase.**

The Health Inspector asked the Board to consider her proposal for changes regarding the department's one-day temporary food service permit process. She would like a two-week notice; currently there is none. She wants to increase the fee from \$20 to \$25 and institute a late fee of \$25 for applications submitted less than 14 days prior to the event.

**A motion was made by Member Reh to approve a 14-day notice for an application for a One Day/Temporary Food Permit. The fee will be \$25.00; a late fee of \$25.00 will be added if the application is submitted less than 14 days prior to the event. The effective date for the revisions is January 1, 2011. The motion was seconded by Chairman Ehrlich; the vote was unanimous.**

A letter will be mailed to all businesses and food services companies that might be impacted by the revisions.

#### **Director's Issues**

- The Household Hazardous Waste Day is Saturday, October 2, 2010. No latex paint or prescription medications will be accepted.
- The Westborough Police Department, along with the Federal Drug Enforcement Administration, are sponsoring an Unwanted Prescription Drug Drop-Off Day this Friday and Saturday. The official collection is part of a nationwide collection of prescription medicine. The drugs collected will be taken to an incinerator for proper disposal. The service is free and anonymous.

- No date has been set for the flu clinic. The state-supplied vaccine is being delivered in multiple shipments. Director McNulty wants to wait until the entire allocation has arrived before scheduling the clinic. Flu shots are recommended for anyone over the age of six months. Unlike last year with concerns with the H1N1, there is no fear factor this year and the Director McNulty expects the attendance at the clinic will be low.

There being no further business, the meeting adjourned at 7:00 p.m.

The next regular meeting will be held on Tuesday, October 19, 2010.

Respectfully submitted,

  
Kathleen Smith  
Administrative Assistant



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May 26, 2010

William Weir  
52 Mt Pleasant St.  
Westborough, MA 01581

Mr. Weir:

The Westborough Board of Health, at it's meeting of May 18, 2010 voted to revoke your permit to operate your outdoor wood boiler.

If you wish to discuss the matter you must request a meeting with the Board. The next meeting of the board is June 15.

Please contact me if you wish to be on the agenda.

Sincerely,

Paul R. McNulty  
Director of Public Health





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April 27, 2010

William Weir  
52 Mt Pleasant St.  
Westborough, MA 01581

Mr. Weir:

The Westborough Board of Health has received complaints about the smoke from your outdoor wood burning boiler.

At its meeting on May 18, the Board will consider revising your Permit to prohibit the boiler's use for a shorter time frame. The Board will have the discussion at 5:45 pm in room 24 of the Forbes Municipal Building, 45 West Main St. You are invited to attend the meeting.

The Board also asked that you replace the top section of chimney as soon as possible as it appears to have a bearing on the number of complaints.

Sincerely,

Paul R. McNulty  
Director of Public Health



