



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  
May 21, 2013  
Forbes Municipal Building, Room 24  
5:30 p.m.

## AGENDA

1. Minutes of Meeting (4/16/2013)
2. Director's Report (April)
3. Sanitarian's Report (April)
4. Health Inspector's Report (April)
5. New Business

5:45 p.m. - HighPoint Liquors - Hearing

6:05 p.m. - Wayside Mobile Park - Discussion - septic system / sewer connection

6. Director's Issues
7. Adjourn



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

## Minutes of Board of Health Meeting May 21, 2013

The regular Board of Health meeting was held on Tuesday, May 21, 2013, in room 24 in the Forbes Municipal Building, 45 West Main Street. The meeting was called to order at 5:48 pm. by Chairman Walsh. Present: Member Ehrlich, Director McNulty, Sanitarian Baccari and Inspector Gilchrist. Absent: Member Federici. Bills and payroll were signed.

Minutes of the meeting held on April 16, 2013, were approved.

Director's report (April) was discussed and approved.

Sanitarian's report (April) was discussed and approved.

Health Inspector's report (April) was discussed and approved.

### New Business

**At 5:45 p.m.**, Chairman Walsh opened a public hearing for the consideration of the suspension of High Point Liquors tobacco sales permit. Mr. Devinder Rekhi, owner of High Point Liquors and an employee, Andre Yelanko, were present.

Director McNulty gave a summary. During a compliance check conducted in April by the Worcester Regional Tobacco Control Collaborative, a minor was able to purchase cigarettes and a cigar at Highpoint Liquors. This was the second violation within one year and under the Board of Health's regulations, there is a fine of \$200.00 along with a seven-day suspension. A hearing is required for the suspension of the store's tobacco sales permit. The first violation was issued in February 2013. A fine of \$100 was issued at that time.

Mr. Rekhi said he was out of town during that week. The employee was a temporary new hire and he did not go through the whole training process. He was at fault and apologizes for the mistake. He said he would sincerely like to have a reprieve. Andre has recently completed TIPS training.

The employee, Andre, said he did check IDs for everyone, but the woman looked older than 18 and didn't check her ID.

Member Ehrlich said store employees have to check IDs for anyone who appears younger than 26 who wants to buy tobacco products and the burden of that responsibility is on the owner. If there is any question about a customer's age, check IDs.

Mr. Rekhi said he currently has just one employee.

Member Ehrlich said that while he was sympathetic to Mr. Rekhi's situation, the regulations are pretty clear about the suspension.

Director McNulty said there have been two or three suspensions in the past. None recently and he didn't recall any suspensions that were waived.

Mr. Rekhi said all his customers are corporate and there are no kids who come in and buy anything.

Chairman Walsh asked if there was any flexibility if the suspension is given. Can it be given during a less busy time? The fine is a very small, punitive measure. The real price is the 7 day suspension. This is a serious violation; the second time in a few months.

Andre said he saw the same woman several days later in the vicinity of the liquor store and told her that he got into trouble because of her. She showed him a valid identification that indicated she was over 18.

Director McNulty said the youth used by the collaborative are trained and have to follow a special protocol. They cannot lie about their age; they are all under age. They all have valid ID. They cannot try to fool store employees during compliance checks or lie. It's very strictly controlled.

Member Ehrlich asked if they want to challenge the suspension, is there a process?

Mr. Rekhi said the store is equipped with security cameras and he would provide footage if the Board chose to investigate the claim.

Director McNulty said he believed they could appeal to the Board of Health or appeal to the court, if they disagree with the Board's decision.

Chairman Walsh said more information is needed from the collaborative.

The Board agreed to continue the hearing to next month's meeting while it confirms with the Worcester Regional Tobacco Control Collaborative that the individual involved in the compliance check was under 18 and had a valid MA driver's license.

**Member Ehrlich motioned to table discussion regarding the suspension until next month's meeting. Motion was seconded by Chairman Walsh; vote was unanimous.**

**At 6:05 p.m.**, the Board prepared to meet with Paul Dorr, President of the Turnpike Cooperative (Wayside Mobile Park) and Scott Charpentier, Lenard Engineering, to discuss the trailer park's septic system and future sewer connection to the municipal sewer system.

Director McNulty gave a summary. Five years ago when the residents bought the trailer park, a Title 5 inspection of the trailer park's septic system was done and it failed. Director McNulty issued a waiver that was granted for five years. It was to give the park time to connect to the Town's sewer system. It's now year 6 and nothing has been done. Normally the Board would go to court and seek a court order to get the job done.

Mr. Dorr said the park has made some progress on the connection. There have been several meetings with town officials; the Conservation Commission has issued their approval for the permits. They have a signed proposal from a contractor. The co-op has spent a lot of time and money putting the project together. They just need a little more time.

Chairman Walsh pointed out that the co-op has had 5 years to make this happen.

Mr. Dorr said the co-op has a board of directors. He has been president of the board for two different terms. An interim board did nothing in terms of working on the sewer connection.

Mr. Charpentier said the residents hired his firm in late 2009. The flagging was done in the spring. Confirmation of the wetlands was determined and all the work was done outside the buffer zone. His firm proceeded with the design. In early 2012, they had a contractor on board. The project is very expensive; the first estimate was well over \$1 million. The co-op had to figure out where to get the funding. Mr. Charpentier said maybe the project can be done in phases. They looked into funding through a community development block program, but it was not feasible. They also looked into funding through the DEP, but co-op is not eligible.

Director McNulty said the progress has been very slow. He knows the contractor is booked through the rest of year.

Mr. Dorr said the residents would like a waiver until November 15, 2014, to allow their contractor to complete the work. The contractor is experienced with the layout of the park and the residents would prefer to work with him.

Chairman Walsh said he doesn't understand the delay.

Mr. Dorr replied that for two years nothing got done. Maybe the board did not understand the urgency.

Director McNulty said the Board has an option to do nothing and let them go with the promise that they're going to be starting the project by March 1<sup>st</sup>. Or the Board could have him go to court and request a court order to have the project started by March 1st. Or the Board could have him go to court to have a receiver appointed to take over the park and run it.

In response to a question from a park resident, Mr. Dorr said the park was granted a sewer connection privilege fee of \$135,000 from the Town that is payable over 15 years. There is a line of credit with a bank for the project.

Mr. Fred Forte, a park resident, said he thinks that it is a serious financial risk for the residents to take on.

In response to a question from Member Ehrlich, Mr. Dorr said the board of directors authorizes the work.

Mr. Karl Dunajski, a resident of the park, said anything over \$5,000 needs approval and there is no budget this year.

Member Ehrlich said the connection needs to take place. If this is not financially feasible, what are the alternatives?

Mr. Charpentier replied that alternatives discussed back in 2009 were low pressure sewer along with phased-in construction.

Mr. Forte said the park would be better managed in receivership and the job would be done right.

Park resident, Mr. Dunajski, said he agreed with Mr. Forte.

Chairman Walsh said he was not in favor of the extension.

Member Ehrlich offered a proposal. He wants Mr. Dorr to take the matter back to the residents and get a signed contract or the Board will seek receivership. He wants to force the cooperative to take responsibility and take some action or go to court.

Mr. Charpentier said the project went out to private bid in late 2011. Two contractors responded with estimates.

Mr. Dunajski said there have been no general meetings with the co-op. The residents know nothing about the plans. This project should've been done 2 years ago.

Chairman Walsh said a decision has to be made. A contract has to be signed. Get it done on your own or deal with a receivership.

Member Ehrlich said the bulk of cooperative membership has to take action. He wants a signed agreement with a contractor for the sewer connection by the Board's July meeting or the Board will take action.

Director McNulty stated the system is very old. It will not last forever and it could fail at any time. If that happens, the options would be to either pump it out everyday which would be very expensive and not a long-term solution. The other option is a temporary connection to the town sewer, but the DPW doesn't like that. Under the original waiver, they have to connect to town sewer. There is really no way to repair the current system. The system is living on borrowed time.

Chairman Walsh said Mr. Dorr needs to move fast. The Board needs a contract in the next two months or it will be taken out your hands and put in someone else's hands.

There being no further business, the meeting adjourned at 6:50 p.m.

The next meeting will be held Tuesday, June 11, 2013.

Respectfully submitted,

  
Kathleen Smith