

Board Meeting.....April 5, 2016.....12:00 noon

Board Members Present: Dr. Thaddeus A. Figlock, Chairman  
Dr. Bruce E. Bodner, Board Member  
Dr. Joseph F. Nates, Board Member

Staff Present: Heather L. Gallant, Exec. Director, Adam Vickstrom, Assistant Exec. Director,  
Kevin Duquette, Environmental Compliance Officer, Daniel Ross, Jessica  
Ferreira, Daniel Syriala, Lillian Tetreault, R.N., Part-time Public Health Nurse, and  
Kendra Motta.  
Kathleen Driscoll, R.N., Public Health Nurse, absent

Motion: By Dr. Bodner for approval of the minutes from the March Monthly Board  
Meeting. Seconded: By Dr. Nates

Sanitary Inspectors Monthly Reports:

Jessica Ferreira, Sanitary Inspector, submitted her monthly report for review. Ms. Ferreira reported she received a complaint regarding someone was making bread and cheese out of a residential home. The caller stated she was only making it for family and friends for Easter. Ms. Ferreira issued her a Cease and Desist Order so that she does not make it for the public. She explained that it is required to have a residential food permit to do that.

Another complaint was received regarding McDonald's using a soy product on the griddle. Upon her inspection, the product they were using did not contain soy what so ever. It was a disgruntled employee who filed the complaint.

She issued a Cease and Desist Order for Joe's Fresh Seafood truck on Route 44 because they did not have any running water. The pipes had frozen over the winter and they had to get it fixed. They have complied and got it fixed.

Upon an inspection, she opened up a new Barbecue Truck for Kinfolk's on Route 44.

She met with the Operation Manager of the Galleria Mall because of a cockroach problem to see what the mall is doing to alleviate the problem. She reported she is also doing a weekly follow up inspection with Bourbon Grill at the Galleria Mall. It was brought to our attention from the Fire Department that there were cockroaches in there. The reason and cause is due to them leaving food and water on the floor.

Ms. Ferreira reported she sent out the E-cigarette signage, which was discussed at the last meeting, to all the restaurants and clubs.

Lillian Tetreault, Part-time Public Health Nurse submitted her report for review. She reported there has been a lot of community involvement with committees that she is a part of. She has been getting ready to do some inspections for the Tattoo Establishments. Ms. Driscoll, the Public Health Nurse has done the paperwork for them and Ms. Tetreault will be doing the inspections and eventually the summer camp inspections.

Daniel Ross, Sanitary Inspector submitted his monthly report. Mr. Ross reported he has been receiving an increase of trash call complaints now the weather is getting warmer. He had a pretty successful collaboration inspection with the Police and Fire Departments regarding a resident in getting him to the

hospital who had been bedridden for about a year. Successfully, got the person to the hospital and is being taken care of.

Daniel Syriala, Sanitary Inspector, submitted his monthly report for review. Mr. Syriala reported he had one case of a Title V Inspector who installed a septic system without pulling any permits which will be discussed under New Business later on in the meeting.

A lot of percolation tests are being done.

Adam Vickstrom, Assistant Executive Director submitted his monthly report for review. Mr. Vickstrom reported he had a court case in March. Started another case in Housing Court for lead paint related violations. Hopefully, looking for compliance and if not, will have to take the necessary steps for compliance.

The Tanning Applications for renewal have been sent out and he will be issuing the tanning permits by the end of this month.

Received a complaint of some homeless people living in the woods off of Oak Street. Between the Police Department and Human Services they found a place for them to go. They are taking advantage of the opportunities that were provided for them.

Heather L. Gallant, Executive Director submitted her monthly report for review. Ms. Gallant thanked Jessica Ferreira and all the staff for the extra help with the inspections since the retirement of Mr. Henry Tartaglia.

Dr. Bodner questioned if the position has been posted? Ms. Gallant reported it has been posted and they have received several applicants. The closing date to apply is the 12<sup>th</sup>.

#### Old Business:

##### a. Taunton Sanitary Landfill – Update

Mr. Kevin Duquette, Environmental Compliance Officer submitted his monthly report for review. He had received a few complaints of seagulls landing on their roofs. He has been actively monitoring that. He has not received any complaints regarding the Landfill. Mr. Duquette reported he received a letter from Mr. Peter Richer, Waste Management regarding the current height of the Sanitary Landfill.

##### b. Western Bristol County & Foxborough Tobacco & Alcohol Prevention – Update

Ms. Marilyn Edge, Present:

At the last Board Meeting, Dr. Nates had asked Ms. Edge to get a legal opinion on whether we could ban the use and the sale on tobacco, electronic cigarettes, and marijuana in Taunton? The legal opinion and response from Attorney Cheryl Sbarra is in the Board's packet for their review. On April 12<sup>th</sup> the Town of Brookline has their town meeting, and one of the warrants on their town meeting is that they discontinue tobacco sales totally in town. That was brought to their town meeting by an independent citizens group with a petition by the adult population in town. If it goes forward with the town meeting, it will be a town by-law. Dr. Nates has asked Ms. Edge to keep them informed on that.

On March 4<sup>th</sup>, inspector, Sarah LeRoux, did compliance checks in the City of Taunton with a 17 year old boy and there were twenty-one tobacco sales. There were eight second offenses and five third offenses out of these twenty-one sales. Four out of the five third offenses were stores that had been before the Board on second offense hearings when they were done in the summer. There was no action taken on the second offenses. Ms. Edge questioned the Board on their opinion on bringing in the second and

third offenses in before the Board? They have all been issued citations. Two of the citations were appealed to the District Court. There are two that are still outstanding. When the second offenses are brought in, the Board has the ability to suspend their license for up to a week; and on a third offense the Board can suspend their license for up to thirty days.

The fine on the 2<sup>nd</sup> offense is.....\$200.00

The fine on the 3<sup>rd</sup> offense is .....\$300.00

Whether or not the Board decides to suspend their license or not, they are fined anyway. The Board is requesting for all of them to appear before the Board for a hearing at the next month's meeting.

Taunton Sanitary Landfill – Update from Mr. Peter Richer, Waste Management

Mr. Richer reported he submitted a letter dated April 4<sup>th</sup>, to the Board regarding the current maximum height of the Landfill per their request. The maximum elevation of the landfill is approximately 200 feet at this time. Included in his letter, this elevation exists over approximately 25% of the upper landfill plateau with the balance of the remaining disposal area ranging from approximately elevation 180 feet to 200 feet msl.

Mr. Richer reported in order to do the vertical expansion, the grades have to be designed now and build it to those grades now.

Dr. Nates questioned Mr. Richer that since the Board is the licensing authority and not the City, why did Waste Management write a contract with the City prior to coming before the Board for licensure? Mr. Richer reported they can't proceed with the license unless they know they have the legal ability to do that. The Council has control of that contract. If they came to the Board to get the vertical expansion, they wouldn't know if the Council would even approve that. They are under a contract with the City to operate the landfill for a set time period up to a certain elevation. Dr. Nates questioned what happens to the contract if the Board doesn't license them? Mr. Richer reported then the contracts invalid. They have to have the Board of Health modify the Site Assignment for them to actually legally extend the height of the landfill and that's subject to further permitting with the DEP as well. The Board will have the decision at some point in time rendered by the DEP that determines whether the expansion is suitable or not. Once the Board receives that, then the Site Assignment Hearing would be held.

Fortistar – Mr. Paul Gagnon, present.

Mr. Gagnon has nothing new to report. No problems; everything has been routine.

c. Medical Marijuana – Update

The Executive Director stated there wasn't anything new to report.

d. Deliberation about the Site Assignment for New England Recycling's proposed transfer station at 101 Prince Henry Drive

The applicant's and the representatives are present:

In the Board's packets are the updated packets for the draft decisions for the Board if they choose to go with that.

Attorney Michael Scott reported on their decision on the Public Hearing for this matter. The Board had asked the applicant to undertake a supplemental traffic assessment for the intersection of North Walker Street and Winthrop Street (44). Part of the issue was to determine if there was going to be an increase in traffic and to assess the overall operation of that intersection. They have done that and they have

their consultant here to review that and to give a summary of what they have found. The Chairman has the concern that, that has been a site of accidents over the past three years. The Chairman has no particular questions regarding the survey that was done. Dr. Nates questioned Attorney Michael Scott on his recommendation.

Attorney Michael Scott stated he has submitted to all the members of the Board the Proposed Findings and a Decision. He has addressed what he thought were some of the concerns expressed by the Board as well as some of the concerns that he had. Most of the concerns involve public safety, the dust, nuisance conditions, traffic conditions, odor and he has proposed forty-three conditions that deal with those issues similar to what they have done with the existing facility. In this instance, they are also proposing to handle municipal solid waste which has the propensity for creating other adverse conditions. He has included some additional conditions to deal with odor issues primarily especially with handling of the MSW. NER is not planning on handling MSW in their first instance. If they were approved by the Board, they would merely be handling the C&D fines from their other facility primarily. He has proposed conditions that if they decide they want to accept MSW that they have to implement additional measures to control odor with regard to MSW. With regards to the traffic, they have a condition that requires them to assess traffic conditions along the haul route and to report back to the Board one year after they begin operations at this location. The Board has the ability at that point in time, either based upon the information that the applicant provides or upon your own information, to require mitigation at that intersection or along the haul route. The Board has the opportunity to monitor what is happening at that intersection and along the haul route. They have the opportunity to work with the applicant if issues do arise. Based upon the work that they have done, there is not going to be a net increase in traffic. They have proposed that they would restrict their vehicles from moving through the intersection at peak hours, both in the a.m. and the p.m.

Dr. Bodner questioned if NER has gone over Attorney Michael Scott's forty-three conditions? NER has submitted some comments to Attorney Scott on those proposed conditions.

**Motion: Dr. Bodner to execute the decision to approve the Recycling Site Suitability.  
Unanimously voted. All in favor.**

Attorney Michael Scott will send a final version of the Decision for the Board's signature. They will make sure that it is issued and proper notices provided once the Decision has been issued.

Miscellaneous:

Dr. Nates reported at the last meeting a letter was sent to DPW telling them that they were no longer going to accept solid waste either in the liquid state or the solid state unless it was odorless or completely sealed in biodegradable containers. Dr. Nates would like a letter to go to Mr. Frederic Cornaglia, DPW Commissioner, inviting him to attend our next monthly meeting where we can discuss this and give him a period of time to make whatever changes are necessary to bring this about. Dr. Nates discussed that this was brought up within the last few meetings regarding a survey that himself and Kevin Duquette did with information from over the past ten years that there hasn't been one meeting where there hasn't been one odor complaint. The landfill comes under the jurisdiction of the DPW. We are the licensing authority and the policing so to speak. The odor primarily is not from the rubbish at the landfill, it is from the sewerage and the sewer by products. We get deposited in the landfill by products from the sewer plant. Dr. Nates would like to discuss with the DPW Commissioner

the odor of the sewer sludge at the next meeting. Dr. Nates also suggested inviting the Chairman of the Solid Waste Committee.

Kevin Duquette reported usually sludge odor complaints are an early morning complaint. Everyday our Landfill takes sludge in from the Waste Water Treatment Plant; two to three trucks everyday around 7:00 a.m. If it is a holiday weekend, they have more loads going to the Landfill on that Tuesday. They do use a crystal odorant to try to counteract the odors.

Mr. Duquette reported that with hopes that when the Waste Water Treatment Plant is up for a several million dollar upgrade, they will change the way in which that cake comes off and they will be able to store it inside and hoping they will be able to use the sealed containers.

Part of the upgrade was pushing "We Care". Part of the projects that "We Care" was offering in their contract with the City was to design and build a gasification unit for the Waste Water Treatment Plant. The gasification unit would be right at the Waste Water Treatment Plant, the sludge would go right to that plant and gasified right on site and then it would be a by product for all kinds of stuff; it wouldn't go to the Landfill. That is the hope and the plan. More than half of all the complaints over the years were probably due to sludge related calls. Veolia runs the Waste Water Treatment Plant. Veolia is in charge of the delivery of the sludge to the Landfill.

The Chairman and the Board Members requested to invite the DPW Commissioner, Chairman of the Committee on Solid Waste, Richard McCormick, the manager of Veolia, and the City Solicitor for the discussion of the Landfill odors to the next meeting.

**Motion:** By: Dr. Nates requested for a letter to be sent to Mr. Henry Tartaglia, who recently retired from the Board of Health, thanking him and congratulating him for the wonderful work he has done for the City and has the Board's support for whatever ventures he wishes to undertake. **Seconded:** By Dr. Bodner.

New Business:

a. Golden Dragon – Hearing regarding repeat violations of the FDA and MA Food Codes  
31 Court Street, Taunton

Representatives are present from the Golden Dragon: Ms. Mia Lin  
Jessica Ferreira, Sanitary Inspector, spoke before the Board that she has deep concerns upon her first routine inspection there. Other inspectors had done inspections there prior to her. Food, chicken and rice was being kept out at room temperature; they were using raw egg cartons to use as fry daddy paper to absorb the grease after frying something. Upon a follow up inspection, there was grease all over the walls outside where they put the grease into a container. There have been numerous repeat violations. The manager and all the staff need to be trained in food safety. Food safety is not being conducted. They need to get a food safety consultant in their language to train the manager and the whole staff. Mia Lin reported to the Board that she has signed all the staff up for food safety training in Boston. Jessica Ferreira requested for Mia Lin to have the person who will be giving the food safety training to send to her confirming who is going to be going, what type of training, and the date of the training and Ms. Ferreira also would like the name of the instructor who will be doing the training as well.

b. William McCaffrey – Spring Rain Farm requesting to be heard regarding the current fee structure for retail meat sales at farms  
692 Caswell Street, East Taunton, MA

The Executive Director reported that a permit is \$100.00 at the Farmers Market, per booth, per vendor which recently was changed by the Board. The Executive Director has drafted some regulations for meat sales right at the farm would be a \$50.00 fee if the Board is interested in that. That would only cover the meat sales.

The Strawberry and raspberry sales are exempt under the Farmers Market regulations because it is an agricultural thing. The beef is considered a value added type product. This is the Federal and State Code. The freezer has to be a proper temperature, proper storage. It does require a permit and we have to inspect it. We have taken off a \$100.00 off the price of the permit. The plan review is a one-time fee of \$50.00.

Mr. McCaffrey stated that they have a freezer and a generator right on the truck.

**Motion:** By Dr. Bodner to approve the regulations for the fees for Farms that are selling meat, originating from directly to the consumer, at their farm. Fee: \$50.00 per meat sales permit, per farm. **Seconded:** By Dr. Figlock

This fee will be effective April 5, 2016.

The Board adopts the fees for meat sales at farms, voted on and signed.

c. Tom Silvia – Passing of a non-compliant septic system during a Title V inspection & construction of a septic system without a permit or proper engineering – 587 Staples Street, East Taunton

Mr. Daniel Syriala, Sanitary Inspector, spoke before the Board, that he had received a complaint from an anonymous neighbor regarding this property that they witnessed a septic installation without any permits. Upon his inspection, it was pretty obvious of some evidence of some installation of going on. After Mr. Syriala speaking with Mr. Silvia, he claimed it was tree work and grub work that had been done at this address. They were definitely able to identify that there was no tree work that had been done. Mr. Silvia then made a telephone call to Mr. Syriala confessing that he had installed the system. Also, during this point, he did a Title V inspection and passed this system. We can't have people putting in systems without a permit and passing systems that shouldn't be passed in Title V. This is setting a very bad example. The system was illegally put in without any permits and without any engineering plans. This system is going to have to be removed.

Daniel Syriala is bringing him before the Board to take action in punishing him and not to permit him and not allowing him to do work in the City of Taunton for five years and permanently be banned from doing Title V inspections in the City. With reference to the Title V inspection that Mr. Silvia did, we referred this matter to the DEP.

**Motion:** By Dr. Nates to support Daniel Syriala on his recommendations. **Seconded:** By Dr. Figlock.

d. Thomas P. Daly, CHS Consulting Group requesting reconfirmation of Cedar Knoll Cemetery use as a Cemetery

Mr. Thomas Daly, present: Chairman of the Massachusetts Cemetery Associations Legislations Consumer Affairs

Mr. Daly reported that he is a cemetery consultant working for many different cemeteries. He does Master Plans in many of the Municipal Cemeteries who have acquired other lands. When he went in to

do an assessment and an evaluation and to create a Master Plan for the future of this cemetery, he could not find documents, knowing that this was done as a cemetery back in the 1970's. He inquired with several City Departments. To make this cemetery be in compliance, you need a piece of paper that identifies that it has been approved. There was a period of time that some of the older records got moved and got damaged. Approximately, 30 percent of this cemetery is developed at this point in time. They have this available land. He has explained to them, as a Consultant, about redesigning other sections and developing new sections. It is a reconfirmation because everyone knows that it is Cedar Knoll Cemetery, the City knows this and the Assessor's Maps knows it is a Cemetery. To make the City have new documents for the future and for the Cemetery to have new documents for the future, he is asking for it to be reconfirmed. The Executive Director stated that the Assessor's did confirm that it is cemetery use, both parcels. The Board has no objections. Mr. Daly asked again for the Board to please reconfirm the entire parcel of 28.7 acres as cemetery use.

**Motion:** By Dr. Nates to approve the request and the reconfirmation of Cedar Knoll Cemetery use as a Cemetery. **Seconded:** By Dr. Bodner

Communications:

a. Financial Statement

The Financial Statement for the month of March is enclosed in the Board's files for their review.

Miscellaneous:

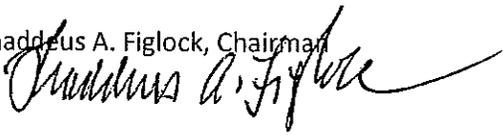
The Executive Director reported she received a communication from Mass DEP regarding the Waste Management Proposal. The DEP is due to make their decision by May 2<sup>nd</sup> on the application from Waste Management for the Vertical Expansion. This is another Site Assignment Hearing. The Board has thirty days from that date to set the Hearing date. Once the State passes this and makes their decision, then it will be sent to the Board of Health. The Board of Health has to have a hearing and make a decision within thirty days.

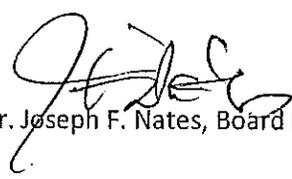
Schedule Next Monthly Board Meeting:

**Motion:** By Dr. Bodner to schedule the next monthly Board Meeting for Tuesday, May 3<sup>rd</sup> at 12:00 noon. **Seconded:** By Dr. Nates.

Meeting adjourned.

Respectfully submitted,

Dr. Thaddeus A. Figlock, Chairman  


  
Dr. Joseph F. Nates, Board Member

Dr. Bruce E. Bodner, Board Member  
