

TEWKSBURY BOARD OF HEALTH

Minutes

September 16, 2004

Chairman Stephanie Wilkie called the meeting to order at 7:05 P.M at the Town Hall Auditorium. Present at the meeting were, Vice Chairman Edward Sheehan, Clerk Philip French, Thomas Churchill, Director of the Board of Health Thomas Carbone and Recording Secretary Dawn Cathcart. Jennie McCarthy was not present.

Public Hearings

Carey Janke for Friendly Ice Cream – Status Update (Continued)

Carey Janke, John Holm, Harrington Javea appeared for the status update on Friendly Ice Cream. Mr. Carbone stated that this hearing was started before the April elections, meaning Mr. French and Mr. Churchill were not able to vote on the matter. A show cause hearing was opened and the operation has been monitored since then. There have been two independent monthly inspections and things are looking good. Mr. Carbone recommended that the inspections be reduced to one a month for the remainder of the calendar year and then stop completely on January 1, 2005. If there are any more problems, the food service license will not be renewed for 2005.

Ms. Wilkie asked how many times Friendly's has been before the board in the past. Mr. Carbone replied about three to four times for similar issues. Ms. Wilkie stated that she is pleased with the effort and stressed she doesn't want to see them back before her.

Mr. Sheehan stated that they are doing a great job, but don't come back.

Mr. French agreed they are doing a good job but this board is here to protect the customers.

Mr. Churchill stated that he doesn't want to see this go backwards and requested that an electronic eye be looked at for the bathroom facilities.

MOTION - Ms. Wilkie made a motion to close the public hearing. The motion was seconded by Mr. Sheehan and voted 2-0. Mr. French and Mr. Churchill did not vote.

MOTION - Ms. Wilkie made a motion that in order for Friendly's to maintain its current food service license, they must continue with the independent once a month inspections with a score of 90 or better for October, November and December 2004. If the inspection score falls under 90, the establishment will close by December 31, 2004. The motion was seconded by Mr. Sheehan and voted 2-0. Mr. French and Mr. Churchill did not vote.

MOTION - Ms. Wilkie made a motion to cease the independent inspections on January 1, 2005. The motion was seconded by Mr. Sheehan and voted 2-0. Mr. French and Mr. Churchill did not vote.

MOTION - Ms. Wilkie made a motion to rescind the previous motion. The motion was seconded by Mr. Sheehan and voted 2-0. Mr. French and Mr. Churchill did not vote.

MOTION - Ms. Wilkie made a motion that the independent inspections after December will continue on a quarterly basis for 2005. The motion was seconded by Mr. Sheehan and voted 2-0. Mr. French and Mr. Churchill did not vote.

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Approval of Minutes – July 15, 2004, August 12, 2004 and August 19, 2004

MOTION - Mr. French made a motion to approve the Board of Health Minutes of July 15, 2004. The motion was seconded by Ms. Wilkie and unanimously voted 4-0.

MOTION - Ms. Wilkie made a motion to approve the Board of Health Minutes of August 12, 2004. The motion was seconded by Mr. Churchill and unanimously voted 4-0.

MOTION - Ms. Wilkie made a motion to approve the Board of Health Minutes of August 19, 2004. The motion was seconded by Mr. French and unanimously voted 4-0.

Director's Report

Mr. Carbone stated that there will be a Medical Reserve Corps (MRC) meeting next Thursday at 7:00 PM at the Town Hall meeting room. They are looking for volunteers. If trouble hits, MRC will have the ability to help.

Mr. Carbone stated that there is money available from Department of Public Health for tobacco control. This is not like last time. Mr. Carbone stated he approached Frank Singleton in Lowell about joining forces. Lowell still has an office setup and he needs the endorsement from the Board of Health.

MOTION - Mr. Churchill made a motion to endorse joining forces with Lowell to do compliance checks for tobacco control. The motion was seconded by Mr. Sheehan and unanimously voted 4-0.

Board Member Reports

Ms. Wilkie stated that she is working on the Health Fair for September 29, 2004 at the Senior Center. They are sponsoring a poster contest and they will be displayed at the Health Fair.

Ms. Wilkie stated that there will be a Monster Dash/Senior Stroll to coincide with Safe Halloween. There will be discounted rates for Seniors and High School students at World's Gym. There will be pedometers available. Mr. French stated that Blair House will provide buses to transport people who walk down.

Mr. French stated that he is working with Dennis Peterson and Chief Donovan on substance abuse. There are two main focuses. The first is aimed at parents and adults on awareness and signs of abuse. The second focus will be aimed at students with the results and dangers of substance abuse. They are looking at the November time frame. Mr. French stated that he will also contact Attorney Paczkowski.

Ms. Wilkie stated that she spoke with Mr. Patterson to find some programs to use the White Hen Pantry funds.

Waste Management of NH – Show Cause to Revoke Permits

John Farley and Chuck Ward appeared for the Show Cause Hearing for Waste Management of NH.

Mr. Carbone stated that the Board of Health licenses waste disposal companies that operate in the Town. There have been complaints that dumpsters are being emptied along Main Street at 3:00 AM. The regulations state that dumpsters can only be emptied between 7:00 AM and 7:00 PM. The first meeting with Waste Management was held on March 4, 2004 discussing complaints received in February 2004. More complaints were received on August 10, 2004, August 23, 2004 and August 24, 2004.

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Mr. Farley stated that Mr. Ward has been the route manager for this area since February 2004. Mr. Farley apologized to the neighbors being affected. Mr. Farley stated that he is aware of four complaints. In response to those complaints, a note was added into the Waste Management system for drivers. Mr. Farley stated that they spoke personally with the drivers about what time those dumpsters should be limited to. Mr. Farley asked that no action being taken tonight and they will designate a point of contact in Waste Management to deal with areas of concern.

Mr. French stated that a note is not enough because there are new and replacement drivers. Mr. Farley stated that verbal reminders could also be done on a routine basis.

Mr. Churchill stated that a notice should go in the drivers pay checks and he would like a copy of a written Waste Management solution.

Rosemary Haley – Ms. Haley thanked the Board of Health for their help, especially Mr. Carbone. Ms. Haley stated that she doesn't like being woken up at 3:15 AM every Monday and this has been going on for months. It has stopped in the last few weeks thanks to Mr. Carbone. When it started she called Waste Management, the Police Department, the Town Manager and the Board of Health.

Ms. Wilkie asked what the plan is to correct this problem. Mr. Ward stated that he can sit with Mr. Carbone and discuss the problem areas. Ms. Wilkie stated that Waste Management shouldn't pick up trash from 7:00 PM to 7:00 AM in areas abutting residential. Mr. Farley stated that Waste Management will come up with a map. Ms. Wilkie asked how many businesses are serviced in Tewksbury. Mr. Ward replied about 100.

Mr. Sheehan stated that the regulations state no pick up between 7:00 PM and 7:00 AM and that's it.

Ms. Wilkie stated that for the next two weeks there will be no pickup between 7:00 PM and 7:00 AM and Waste Management will need to come back with a plan of attack to eliminate the complaints.

Mr. Churchill stated that this has been known since March and Waste Management should have come up with a plan already. Mr. Farley stated that if they were aware of the problem they would have come up with a plan.

Ms. Wilkie stated that the law needs to be upheld.

Mr. French stated that he supports the residents but there are a lot of businesses mixed with residents. Mr. French stated that he would volunteer to work with Waste Management to map out the problem areas. Mr. Ward stated that they collect at night for safety issues also.

Ms. Haley stated that she is willing to wait three weeks as long as there is no dumping in the morning hours.

MOTION - Ms. Wilkie made a motion to allow 2 weeks for Waste Management to submit a plan on how they will avoid conflicts with residents and dumping throughout the Town and to work with Mr. French on sites of potential conflict. Also, that there will be no trash pickup from 7:00 PM to 7:00 AM near the Jade East. The motion was seconded by Mr. Sheehan and unanimously voted 5-0.

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Discussion

Fire Prevention Open House

Mr. Carbone stated that there will be an open house at the center fire station for Fire Prevention week on October 10, 2004 from noon to 5:00 PM.

Ms. Wilkie left the meeting.

Animal Control

Brian Fernald the Animal Control Officer and Pam Gorrasi the Animal Inspector appeared before the Board to give them an overall view of the jobs they perform. Ms. Gorrasi stated that she has worked for the Town for almost thirteen years. There are approximately 35-38 animal permits that she inspections annually. There is paper work that needs to be filed with quarantines. She also handles wildlife calls especially wild birds.

Mr. Fernald stated that he has been employed as the Animal Control Officer since January 2004. There are a lot of calls regarding fisher cats and coyotes. Mr. Fernald stated that he is working on improving the dog pound.

Mr. Carbone stated that he is proud of the work that Mr. Fernald and Ms. Gorrasi have done. There has been positive feedback and emergency plans are being worked on dealing with what happens to animals in an emergency.

Mr. Churchill thanked Mr. Fernald and Ms. Gorrasi for all their work.

MOTION - Mr. Sheehan made a motion to adjourn at 8:15 PM. The motion was seconded by Mr. French and unanimously voted 3-0.

Approved: _____

Philip French, Clerk