

TOWN OF BROOKFIELD
BOARD OF HEALTH

RICHARD HOPE, CHAIRMAN
DAVID CARON, MEMBER
RONALD NICOLL, MEMBER
SANDRA GUYETTE, CLERK

* Members present: Richard Hope, David Caron, Ronald Nicoll and Sandra Guyette.

The meeting was held at the Town Hall on Thursday, August 18, 1994 at 7:00 p.m.

First on the Agenda, Gail Nelson appeared before the Board as Ordered (as per Certified Letter sent to her on August 13, 1994) for purposes of advising the Board why she had not complied with the requests made by the Board as outlined in the letter sent to her on June 21, 1994.

Richard Hope then asked Ms. Nelson if she received the June 21, 1994. Ms. Nelson indicated that she did. The Return Receipt confirms Ms. Nelson's receipt of the letter on June 23, 1994. Richard Hope then requested that the Clerk read the contents of the June 21, 1994, letter to Ms. Nelson and the other members of the Board. The letter stated the following:

"YOU ARE HEREBY ORDERED to comply with the following:

(1) The variance to the above-referenced property is to be recorded with the Worcester District Registry of Deeds within fourteen (14) days of your receipt of this letter. A copy of the variance, once recorded, is to be forwarded to the Board of Health as proof of compliance;

(2) The septic system is to be pumped every six (6) months with written confirmation of same to the Board of Health, indicating who pumped the system and date it was done.

(3) Written verification that the alarm is, in fact, working and that the light functions properly must be provided to the Board of Health, within fourteen (14) days of your receipt of this letter.

(4) Seating within the restaurant shall be limited to no more than eight (8) at all times.

(5) The restaurant is to operate on a take-out basis only.

If you fail to comply with any of the Orders outlined above, you will be ordered to appear before the Board to determine what, if any, action will taken against you.

Naturally, if you have any questions, please do not hesitate to give me a call."

The letter was signed by Richard Hope and was sent to Ms. Nelson by Certified Mail/Return Receipt Requested.

Richard Hope then requested that the Clerk read the contents of the August 13, 1994 letter. The letter stated as follows:

"Over thirty (30) days have lapsed since your receipt of the certified letter sent to you on June 21, 1994. However, to date, you have not complied with the Orders contained therein. More specifically, you were ordered to:

1) record the variance to the above-referenced property with the Worcester District Registry of Deeds within fourteen (14) days of your receipt of the June 21, 1994 letter and to provide the Board of Health with a copy of same once recorded, as proof of compliance;

(2) have the septic system pumped every six (6) months and provide written confirmation of same to the Board of Health, indicating who pumped the system and the date it was done;

(3) provide the Board of Health with written verification that the alarm is, in fact, working and that the light functions within fourteen (14) days of your receipt of the June 21, 1994 letter;

(4) limit seating within the restaurant to no more than eight (8) at all times.

(5) operate the restaurant on a take-out basis only.

No documentation establishing your compliance has been provided to the Board of Health, to date.

In that you have failed to comply with the Orders outlined herein, you are hereby **ORDERED** to appear before the Board at the next Board of Health meeting on Thursday, August 18, 1994 at 7:00 p.m., to explain to the Board why you have not complied with same and to determine what, if any, action will taken against you.

Naturally, if you have any questions, please do not hesitate to give me a call."

The letter was signed by Richard Hope and sent to Ms. Nelson by Certified Mail/Return Receipt Requested.

After the Clerk was finished reading the letters, Richard Hope asked Ms. Nelson if she had any comments.

Ms. Nelson indicated that she had recorded the variance but that her attorney was waiting for wording from the D.E.P. She then presented the Board with a time-stamped copy of the variance as well as a copy of two pumping receipts from Barnes dated December 12, 1993 and June 14, 1994. She also indicated that Mr. Barnes would have the alarm in by the weekend.

Richard Hope then indicated to the Board and Ms. Nelson that the D.E.P. requested that a water meter be installed on the premises and that all drains be tied into the tight tank. Ms. Nelson indicated that she would make appropriate arrangements so that it was properly taken care of.

Ronald Nicoll made a Motion to give Gail Nelson five (5) days within which to comply, but the Motion was ultimately defeated.

Ronald Nicoll then made a Second Motion to give Gail Nelson fourteen (14) days within which to comply, which was again defeated.

David Caron then made a Motion which was seconded by Ronald Nicoll to give Gail Nelson an additional thirty (30) days within which to have the alarm installed and the water meter put in. Richard Hope objected to the Motion. The MOTION was ALLOWED, however, by a MAJORITY VOTE.

Richard Hope then recommended to the Board that once the alarm was installed that the Town Engineer should monitor it before establishing any requirements for pumping.

Richard Hope then requested that the Clerk forward a copy of all documentation received from Gail Nelson concerning Northern Pike be forwarded to Leo Lessard at the D.E.P.

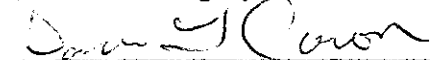
Second on the Agenda, Mr. Haberlin appeared before the Board for purposes of having his Building Permit signed so that he could build an addition. The lot is on Long Hill Road and is 7½ acres. The permit was signed.

Third on the Agenda, all matters having been addressed, Richard Hope made a Motion, which was seconded by Ronald Nicoll, and it was UNANIMOUSLY VOTED to adjourn the meeting at 7:40 p.m.


Minutes prepared by Sandra Guyette, Clerk.

Minutes Approved:


Richard Hope, Chairman


David Caron

Date: 9-15-94


Ronald Nicoll


Sandra Guyette, Clerk