

September 27, 2016

Meeting Opened: 7:30 P.M., Room 112, Town Hall  
Members Present: William Morris, Chairman; Carol Johnson, Clerk (7:35); Richard Bringhurst; Richard Beauregard; Mona Bissany

Others Present: Angelo Ortiz, District Operations Manager; Amanda Flower, Operations Manager Walpole; Darko Stankovic, High Sierra Pools – LA Fitness  
Dan Piscione, District Manager; Jeffrey Morin, Manager – Papa Gino’s Restaurant

**MOTION:** made by Richard Bringhurst that the Board of Health approve the minutes of the September 13, 2016 meeting as amended. Seconded by Mona Bissany. **VOTE 4-0-0 UNANIMOUS.**

Special Permit – Route 1, Assessor’s Parcel 53-31:

**Documents/Exhibits – Special Permit Application (on file Zoning Board of Appeals); Deputy Health Agent’s summary.**

The Board of Health reviewed for comment the Special Permit – Route 1, Assessor’s Parcel 53-31, to alter a pre-existing billboard sign by relocating it and converting both sides to a digital format.

**MOTION:** made by William Morris that the Board of Health’s comment to the Zoning Board of Appeals regarding the Special Permit – Case #17-16 Route 1, Assessor’s Parcel 53-31 is the Board of Health has no issues with the changes being proposed. Seconded by Mona Bissany. **VOTE: 4-0-1.** 4 – in favor – William Morris, Richard Bringhurst, Richard Beauregard, Mona Bissany  
1 – abstained – Carol Johnson

Public Hearing – Violation Swimming Pool Regulations – LA Fitness:

**Documents/Exhibits – Deputy Health Agent’s letter dated 9/9/16 to Jeremy Hufton, VP Corporate and Compliance Counsel, LA Fitness.**

**MOTION:** made by William Morris to open the public hearing LA Fitness: **Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye; William Morris – aye. 7:35 PM.**

LA Fitness District Operations Manager, Angelo Ortiz; Operations Manager Walpole, Amanda Flower and Darko Stankovic, High Sierra Pools, Inc., appeared before the Board of Health after Deputy Health Agent, Melissa Ranieri, investigating a club member’s complaint about the spa found inadequate CPO coverage and pool/spa record keeping and rusted ceiling vent covers in the pool area. Mr. Ortiz addressed the Board and said that Operations Manager, Amanda Flower, would have been the Certified Pool Operator (CPO) on site that day, but because of the holiday (Labor Day) wasn’t scheduled. Mr. Ortiz apologized for the lapse in CPO coverage and said that the pool should have been closed, however, the contract CPO Company, High Sierra Pools, was on site that day. Mr. Stankovic, High Sierra Pools, said that his company is on site three times a week, Monday, Wednesday and Friday and provide pool/spa service, equipment maintenance, water testing and if necessary small repairs. Mr. Stankovic said that he was unaware of any incident on that day and that the CPO there that afternoon (2:00 pm) did not report any problem or indicate anything wrong on his log sheet. Mona Bissany asked Mr. Stankovic what water testing is done by High Sierra Pools. Mr. Stankovic said that they test for PH, free chlorine, combined chlorine, alkalinity and water temperature and that the reporting format used is an appendix from the Massachusetts Health Code Regulations. The Deputy Health Agent said on the day of her inspection Ms. Flower was present and water samples taken at that time were in compliance. Ms. Ranieri said that her major concern however, is the lack of communication between all the involved parties and that more accurate pool logs that include the CPO present must be maintained and information centralize on site so that everyone monitoring/maintaining the pool and spa are aware of any issues so that corrective action may be taken before an incident occurs. Board of Health members stressed that a condition of granting the lifeguard variance on an annual basis was that a CPO would be on site at all times the pool/spa area was open and that until recently it appears that condition has been ignored. Mr. Ortiz said that he has been in his position for a year and only recently (August) made aware of the CPO requirement associated with the lifeguard variance. At that time, five employees attended and completed the CPO course of which four obtained certification. Carol Johnson said that it is the responsibility of the Board of Health to protect the health and safety of the people who live, work and visit our community and that we are not doing our job if we allow you to operate in this manner. William Morris said that it appears to him that there hasn’t been enough Certified Pool Operators on staff at LA Fitness Walpole for quite some time. Even though each year an application for a lifeguard variance has been submitted and subsequently granted by the Board, each year corporate executives have signed an indemnification agreement indicating compliance, which LA Fitness Walpole was not doing, therefore, showing utter disregard for the regulations of this town. Richard Beauregard asked if the rusted ceiling vent covers in the pool area have been replaced. Mr. Ortiz said that Apex has been contacted and parts for the vent covers ordered. William Morris said that clearly there is a complete breakdown of communication between the management of LA Fitness locally, the management of LA Fitness corporately and the pool service

contractor that has the Board of Health very, very concerned. Mr. Morris requested that a public hearing for the revocation of the lifeguard waiver be scheduled for the Board of Health's October 11, 2016 meeting, at which time it is imperative that LA Fitness present to the Board all of the actions taken in order to convince the Board of Health not to revoke that waiver. The information should include an explanation as to why the conditions of the waiver were not met for at least many months, if not many years, it will include what is going to be done regarding pool/spa water monitoring frequency, record keeping and reporting any issues. Mr. Morris said that over the next two weeks LA Fitness must come up with a very persuasive argument and present a comprehensive coherent plan to convince the Board not to revoke the lifeguard waiver.

**MOTION:** made by William Morris to close the public hearing: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye; William Morris – aye. 8:15 PM.

Public Hearing – Violation Animal Control Regulations – 45 Merchants Way:

**Documents/Exhibits – Health Director's letter dated 9/12/16 to Chris Galasso, 45 Merchants Way.**

**MOTION:** made by William Morris to open the public hearing Animal Control Violation - Chris Galasso: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye; William Morris – aye. 8:20 PM.

Animal Control Officer, John Spillane, informed the Board of Health that responding to a complaint about a goat roaming free, he discovered while returning the goat to its owner, Chris Galasso, 45 Merchants Way, that not only the captured goat but two other goats and several chickens are currently being housed unlicensed at that address. After notifying the Health Department about the violation Mr. Galasso was contacted by the Health Director, Robin Chapell, via certified mail regarding the violation and ordered to immediately apply for an animal permit, secure the animals on his property and appear at tonight's meeting. Mr. Galasso failed to appear.

**MOTION:** made by William Morris to close the public hearing: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye; William Morris – aye. 8:26 PM.

**MOTION:** made by William Morris that regarding the non-permitted animals at 45 Merchants Drive, of which Mr. Galasso or a representative has failed to appear before the Board of Health as requested and documented in a certified letter to him dated 9/12/16, the Board invoke a \$50 per day fine starting tomorrow, September 28, 2016, for every day that he does not come in with an animal permit application. Mr. Galasso is to be sent a certified letter documenting that this action has been taken by the Board of Health and that if he does not have a permit application for the Board to review at our October 11, 2016 meeting the Board of Health will initiate action to remove the animals from his property. Seconded by Carol Johnson. 5-0-0 UNANIMOUS.

Food Code Variance Request – Papa Gino's Restaurant:

District Manager, Dan Piscione and Manager Jeffrey Morin, Papa Gino's Restaurant, addressed the Board of Health regarding the variance request to allow freshly baked pizza pies to be held for up to one hour in a warming oven. Mr. Piscione said that by granting the variance this will allow during busy times for pizza pies intended to be sold by the slice to be prepared in advance. Mr. Piscione said accurate time logs to insure freshness will be maintained and no pizza will remain in the warming oven for more than one hour.

**MOTION:** made by Carol Johnson that regarding the request for variance from Papa Gino's Inc., 600 Boston Providence Highway, to allow limited time ambient pizza holding the Board has no issue with this variance request. Seconded by Richard Bringhurst. VOTE 5-0-0 UNANIMOUS.

New Business:

Solid Waste & Recycling for Fiscal Year 2018:

The Deputy Health Agent informed the Board of Health that proposals for the new five year solid waste and recycling contract, which begins in Fiscal Year 2018, have been received and are currently being reviewed by herself and the Health Director.

**MOTION:** made by William Morris to adjourn. Seconded Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Meeting Closed: 8:34 P.M.