

TOWN OF WINCHENDON  
BOARD OF HEALTH MEETING MINUTES

Approved: *K.B.*  
*02/14/2022*

January 10, 2022

WINCHENDON TOWN CLERK  
RCUD FEB 15 2022 PM1:31

Present: Chairman Keith Kent, Lionel Cloutier, Edward Bond, and Tina Santos

Absent: Garret Wante

Also Present: James Abare, Board of Health Agent and Town Manager Justin Sultzbach

List of Documents:

- Agenda for January 10, 2022

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There being a quorum present, the meeting was called to order by the Chair at 5:16PM.

Pledge

Chairman Kent said the Board is here to discuss the Family Dollar Suspension Order. In attendance is a Family Dollar District Manager Dan Eshoo and remotely Mr. Roy Sherpa co-owner of Family Dollar.

**Family Dollar Suspension Order**

*Attendance: Family Dollar District Manager Dan Eshoo and Building Co-owner Roy Sherpa*

Chair Kent said since the public health shut down of Family Dollar the Health Agent James Abare has done four inspections and they haven't passed. James Abare said there has been some speculation as to why the store was closed. It was closed due to reoccurring roof leaks and housekeeping and lack of routine maintenance. It wasn't shut down because of rodent issues. The two business that we do have licenses with do have pest control companies that do inspections monthly and those inspections have been clear. So we are here tonight for roof leaks and housekeeping issues. A schedule of cleaning and maintenance is needed so this won't happen again.

Chair Kent said we approved the food permit with some conditions. The floors and shelf cleanliness are the issues. He said he would like to see the store reopening in a timely manner.

Lionel Cloutier said the main thing is that they need to have a maintenance structure set up. He said he would like to see the floors swept and washed, and due to leaks he said he would like the paper products moved forward so they do not get contaminated.

Edward Bond said he visited the store and there is no cleanliness in the store at all. They need to have a regular cleaning schedule.

47 Tina Santos said she requested the Fire Department and Building Inspector inspect the building.  
48 She said the electrical box was inspected and there isn't any water getting into the conduit. She  
49 said some residents reported the paper towels they purchased having a mildew smell. She said  
50 the paper products need to be inspected. She echoed the other members concerns about the  
51 cleaning schedule. She said the roof needs to be repaired not just patched. She said training  
52 regarding cleaning might be needed.

53  
54 Chair Kent said training is needed but he is not trying to tell them what they need to do with  
55 their employees. A cleaning program could help alleviate some of the problems. The leaking  
56 roof has been a problem for many years. He said we know attempts to repair the roof has been  
57 done. All perishable goods are in coolers. All nonperishable goods in the store are in the middle  
58 of the store not near the leak.

59  
60 District Manager Dan Eshoo said he understands and has recently shown the Store Manager  
61 what to do as far as cleaning. He said going forward they are implementing that the entire store  
62 gets swept at the end of every night. The front end gets mopped every night and the entire  
63 store gets moped very other day. He said he has given the store manager guidance as to how to  
64 clean the shelves. Every month they will clean every shelf before putting new product on.  
65 He said he will make sure the manager knows cleaning is a priority.

66  
67 Tina Santos commented about the importance that the insulation in the ceiling be checked for  
68 mold and mildew prior to new ceiling tiles being placed. Dan Eshoo said they will take care of  
69 this as soon as the roof is fixed.

70  
71 Jim Abare the Health Agent said they are taking care of the issues and agrees if the insulation is  
72 getting wet it needs to be taken care of.

73  
74 Chair Kent thanked the District Manager and asked if he has had any conversation with the  
75 owner pertaining to the roof being fixed. Dan Eshoo said he spoke to the owner and was  
76 informed they are working on getting the roof repaired.

77  
78 Mr. Roy Sherpa co-owner of the building said he is aware the roof needs more work. He  
79 discussed patches that have previously been placed. He said the materials for this repair have  
80 been ordered and work will begin on the section near the electrical panels as soon as possible.  
81 He said he has contacted a few contractors and is waiting for quotes to redo the entire roof  
82 including the IGA.

83  
84 Lionel Cloutier discussed the area on the roof around the air conditioner which seems to be  
85 causing most of the leaking at this time. Mr. Sherpa said that is the primary area that will be  
86 worked on.

87  
88 Mr. Sherpa said hopefully the roof will be redone in the early spring.  
89

Chair Kent said the Health Agent can inspect tomorrow morning. Lionel Cloutier questioned if it meets the standards can the agent reopen it. Chair Kent said if it meets standards, and it passes the Health Agents inspection the Board would have to place it in the motion to allow the Health Agent to reopen the store. **Lionel Cloutier made a motion to allow the Health Agent James Abare to reopen Family Dollar on behalf of the Board of Health if he finds it to pass under the Board of Health standards. Edward Bond seconded the motion. No discussion. Roll Call Vote: Lionel Cloutier yes, Edward Bond yes, Tina Santos yes, and Keith Kent yes.**

Chair Kent thanked Mr. Sherpa and Mr. Eshoo for attending the meeting.

Tina Santos read a section of an article in the Winchendon Courier pertaining to Town Counsel stating the Chair having the authority to reopen the Family Dollar without a vote by the Board. She said Town Counsel has given us incorrect or questionable advice in the past. She said she does not believe the chair has sole authority to make this happen without a vote by the Board. She said if this is allowed then why have a five-member Board. She said she also believes this would violate the open meeting law. She said the Chair doesn't have authority over any Board member. The Board members do not have to answer to the Chair and vice versa.

Chair Kent said he does not know where she is going with this. Edward Bond said this isn't on the agenda and if needed can be placed on the next agenda.

Town Manager Justin Sultzbach reiterated that if any member of the town government comes to him with a legal question it goes to legal counsel. He said this is done to help identify legal options. Chair Kent said he went to the Town Manager for guidance/clarification if the store is closed by the Board.

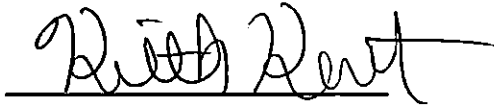
Tina Santos said she was referring to the authority in the newspaper. Lionel Cloutier stated that the Chair does not have the authority over the Board and does not have no more power than anyone else. Tina Santos then agreed and said why would the Board be allowed to make the motion and vote if the Chair could supersede the Boards vote. She stated that what was written in the Winchendon Courier is wrong. Chair Kent said then contact them.

**Edward Bond made a motion to adjourn, and Tina Santos seconded the motion. No discussion. Roll Call Vote: Lionel Cloutier yes, Edward Bond yes, Tina Santos yes and Keith Kent yes.**

**The meeting was adjourned at 6:15PM.**

Respectfully submitted,  
Debra Dennis, Recording Secretary

15-15.  
Approved: 2/14/2008



Chairman Keith Kent

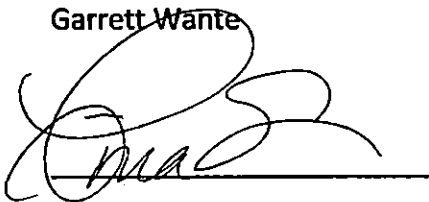


Lionel Cloutier



Edward Bond

Garrett Wante



Tina Santos