

MONTAGUE BOARD OF HEALTH MEETING

Wednesday, May 16, 2012 – 5:30 pm – Downstairs Meeting Room - Town Hall, One Avenue A,
Turners Falls, MA

Meeting Minutes

Present: Chris Boutwell, Michael Nelson, Chair, Jay DiPucchio, Gina McNeely, Director of Public Health, and Mary Kersell

Michael Nelson opened Board of Health Meeting at 5:39 PM

- **Review Minutes: April 18, 2012 Minutes**

Chris Boutwell to pass the amended minutes of April 18, 2012 minutes. This motion was seconded by Jay DiPucchio. Amendment of Nina's spelling of her last name Martin-Anzuoni. Motion passes.

- **Review 94-98 Second St trash on the tree belt issue. This property is owned by Ed Philbrook.**

The trash has been cleaned up and the issue seems to be resolved at the moment. Gina has been going by but not as frequently as in February and March.

- **15 Massasoit Street – Gina will give and update the board of health members on the situation at this property**

The Spring's have done a good job cleaning up. There will be random visits to make sure that the progress continues. There is still a lot to clean up but they have gotten rid of most of the tires and have broken up the wood piled up for the winter.

Jay motioned that if there are any complaints that the Spring's come in right away regardless of any inspection that Gina might do. This motioned was seconded by Chris Boutwell. Motion passes.

- **Director's Report for April 2012**

37 E Main: flea infestations. Apt #2 Flea issue and Apt. #3 is the father of the tenant in Apt. #2.

38 E Main: Street continues to be a challenge including the abandoned dogs in one of the apartment. Five dogs pulled out and the apartment from the doorway. The self closing door repaired by Sansoucie not done well and had to be redone.

Lauralyn Brown's Veterinary Clinic: The dogs went there to be seen.

Lilly Matheson: 3 Wolcott Street was able to return to her home. The entire home was fixed by cousins and is in great shape now.

Ding Dong carts: Eddie's Ice Cream in CT clean up the truck inside and out and has been issued a permit.

Subway: had a lot of issues so the District Manager and the Owner came in to see Gina. They have corrected the issues. Store Manager did not share any of the reports to the DM or Owner.

Beijing Station: will have to be inspected.

Burrito Rojo: was closed due to not following an inspection order on April 11, 2012. The 15 corrections seemed not to even been attempted.

15 Dry Hill Road: Many interests in buying this property. The well is located in basement and is 68 feet from the soil absorption system. In the file there is a variance from the BOH 1997? No legitimate water test has been able to be done. BOH suggests that they put in a dry well.

New refrigerator: (EDS) for the nurse along with a hand truck.

Pooper Scooper Signs: – Gina has asked the town to come up with some money for signs. Peer pressure is needed along with ticketing.

Jay DiPucchio motioned to accept the Directors Report for April 2012 submitted at the May BOH meeting with the change quarantine to condemnation. Seconded by, Chris Boutwell. Motion passes.

- **Topics Not Anticipated within the 48 hour posting**

Gina drafted a letter to Phoebe at MAPHCO regarding the grant. The figure showed that the money amount be changed from \$16,000 to \$6,000 for a technical writer.

Town Meeting voted for to allot funding for a less than 20 hr/week health inspector this is to avoid providing benefits. Gina will have to talk to Frank and Carolyn as there will be a new job classification study happening in the future. Gina stated that hiring a non-benefited employee will cause Montague to be training ground for someone and then they will leave for a full time benefitted position in public health. Regarding nursing: Gina has not yet finished training 5 hour a week town nurse Carolyn Merriam to conduct food inspection and currently Carolyn is applying for a full-time benefitted public health nurse position to be shared by Amherst and Northampton.

Deerfield collaborates with Conway through the FRCOG for public health nursing services. The Board says in the future there might be the possibility of having the position benefitted by sharing between towns (Athol, Orange etc...) ½ time nursing and ½ time inspector. Put in place MGL c. 44 § A MMA local agreements – Frank to chase down and have readily available. For declared emergencies/liabilities it is in the State wide agreement and the Selectman should have opted in months ago. This is information would be found on the MEEMA website. Gina will check to see if the Montague Selectboard opted in. It allows for and covers individuals to do mutual aid between towns-simple agreement and a template.

- **Tobacco Coalition**

Guest: Mary Kersell from the Tobacco Coalition

There are two regulations that need to be updated in the Tobacco regulations.

Tobacco sales

- 1) Nicotine delivery products. Nicotine delivery products – electronic cigarettes that have a vapor that comes out. So this will not be available to minors and you cannot use them were smoking is prohibited.

Model template developed by the State

- 1) Towns to have the same regulations and unity among the towns
- 2) No Tobacco sales or Nicotine delivery products to minors
- 3) Put up signs about quitting smoking and education
- 4) Check photo ids under 27
- 5) Check state issued ids under 21 licenses has a portrait orientation rather than a landscape orientation.
- 6) Calendars that tell you when someone is of age.
- 7) Tobacco Permit fee wants to keep price point high (\$100) to discourage tobacco sales.
 - a. Penalties for sales you can't get new permit before paying fines and serving out suspensions
 - b. If you sell the establishment same thing you need to have fines and suspensions taken care of before the sale.

- c. Consent to inspections 2X a year to inspect store and no self serve displays
 - d. Capping the amount of Tobacco permits allowed in a town. Anti-business?
 - e. Reduce access within the towns for permits
- 8) Cigar regulations – little cigars were not tax and they did not banned flavored cigars
 - a. Flavored cigars only can be sold in packages of 4 per pack price tag of at least \$2.50
 - 10) Blunt Wraps – tobacco leaf wrapped around a plastic tube and fill it
 - 11) Coupon redemption – no
 - 12) Roll your own machines for tobacco products using pipe tobacco not taxed at the same rate as cigarettes.
 - 13) Banning tobacco in health institutions (pharmacy)
 - 14) Banning tobacco use on educational campuses
 - 15) Violations
 - a. \$100.00 fine – 1st
 - b. \$200.00 fine and 7 day permit suspension – 2nd
 - c. \$300.00 fine and a 1 month suspension – 3rd
- Hold a public hearing to on June 20, 2012 at 5:30 PM for the **draft** Montague Board of Health Regulations Entitled “Restricting the Sale of Tobacco Products & Nicotine Delivery Products.” Comments will be accepted until June 28, 2012.
 - Information letter to go out to the Tobacco Permit holder’s with a copy of regulations the proposed regulations.
 - Information to Greenfield Recorder and Montague Reporter copy of regulations
 - July 18, 2012 vote on Montague Board of Health Regulations Entitled “Restricting the Sale of Tobacco Products & Nicotine Delivery Products.”

Workplace Rules (non FDA approved products)

- 1) Extending the state workplace smoking laws
- 2) Hotels and Motels, Bed and Breakfast
- 3) Anywhere a Food Service permit is in effect especially outside dining would be banned.
 - a. Rendezvous
 - b. Between Uprights
 - c. Jake’s
- 4) Self policing by putting up a sign
- 5) Retail smoke shops – some allow sampling which then allows workers to be exposed to 2nd hand smoke.
- 6) Outdoor areas “buffer zone” language – Southampton, MA has it.
- 7) Town land swimming and athletic fields – Amherst, MA and Eastern MA
- 8) Grant money had signs available (Mary got it in the past)
- 9) Electronic cigarettes cannot be used in place of cigarettes
- 10) Schedule
 - June –Hearing
 - July – Decision on 1st and 2nd regulations
 - August – Hearing
 - September - Enforcement

Jay DiPucchio motioned to adjourn meeting 7:10 PM. Seconded by, Chris Boutwell. Motion passes.

Approved by: _____

Date: _____