

# MONTAGUE BOARD OF HEALTH MEETING

Wednesday, July 18, 2012 – 5:30 pm – Upstairs Meeting Room - Town Hall, One Avenue A,  
Turners Falls, MA

## Meeting Minutes

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

Guest(s): Mary Kersell, MTTC

Michael Nelson opened Board of Health Meeting at 5:40 PM

- **Review Minutes: June 20, 2012 Minutes**

*Jay DiPucchio motioned to accept the Montague Board of Health minutes for the month of June 20, 2012. Seconded by, Christopher Boutwell. Motion passes.*

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

- a. Frank Dudek – Gina conducted an inspection. Gina did not see anything from the door and the tenant would not let her in at this point.
- b. 15 Massasoit continues to look good
- c. Carolyn is now doing food inspections which are helping with the work load in the office. She recently inspected both Sheffield School and Millers Pub both establishments needed follow up. The concern was there was no response from the school. Letters were sent to the principal.
- d. 38 East Main Street – work continues to be done and things are coming along there. Asbestos siding has been removed and progress is happening.

*Jay DiPucchio motioned to accept the Montague Board of Health Director's report for the month of May 2012. Seconded by, Christopher Boutwell. Motion passes.*

- **Director's Report June 2012**

- a. Mutton and Mead – the event and food vendors were good
- b. Pumpkinfest – Anne made packets up for Michael and it was very helpful.
- c. Block Party – Gill Montague School Partnership (Hipolito Baez).
- d. All events have to have a deadline of two weeks prior to the event. Upcoming events include:
  - i. Block Party – August 11 – permits due July 30
  - ii. Soap Box – September 16 – permits due Aug 31
  - iii. Pumpkinfest – Oct 20 – permits due Oct 4

*Chris Boutwell made a motioned that all applications for the Turners Falls Block Party have to be into the Montague Board of Health no later than July 30, 2012. Seconded by, Jay Dipucchio. Motion passes.*

Michael Nelson made a motioned that all events that require a Board of Health permit need to have applications into the Montague Board of Health 14 days prior to the event date. Seconded by, Jay Dipucchio. Motion passes.

Jay DiPucchio made a motioned o accept the Director's report for the month of June 2012. Seconded by, Chris Boutwell. Motion passes.

- **Continued Discussion on “Regulations of the Montague Board of Health Restricting the Sale of Tobacco Products and Tobacco Delivery System Products.”**

Guest: Mary Kersell from the Tobacco Coalition

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

- a. Tobacco Sales
- b. Non- approved FDA products

The Montague Board of Health will look at the 2<sup>nd</sup> draft of the Tobacco regulations. The differences on the 2<sup>nd</sup> draft include:

Page 2 – Changed definition of roll your own – add commercial

Page 5 – Nicotine delivery products are covered. Permit fee discussion in November and to increase the fee.

Page 6 – 10 Tobacco permits currently. If the ban goes through Rite Aid will not be able to sell tobacco. Montague has had as many as 11 or 12 permits. As of September 1, 2013 the BOH may, at its discretion, reduce the number of issued permits except any permit holder that fails to renew on time. In this case they will be seen as a new applicant. A new business has a 60 day period in which to apply for a Tobacco permits. The Montague BOH has the discretion to set a maximum allowed number of permits.

Mary Kersell asked DJ Wilson, Esq. about capping the permits in each village, legal advice from DJ Wilson, Esq. indicates this is not a good idea.

Jay DiPucchio was also concerned with the competitiveness for permits if there is a number cap. The original amount was 14 for permits in the town. It was suggested to have 12 permits available for businesses rather than the 9. The language needs to have some criteria/guidelines to go along with it. Add some language that at the discretion of the BOH the permits can be limited.

Cigar section – Regulation for cigars is effective February 13, 2013.

Jay DiPucchio said that we should re-word the maximum number of permits language and include of some type of criteria for the obtaining the permit in the case of two businesses vying for one available permit. Currently there is a 2 page sheet for a tobacco vendor to read and sign off on.

Health Care Institutions (Pharmacy) –Rite Aid, CVS, Costco, Walgreens these companies have not been challenging the proposed new regulations anywhere in MA. Health Care Institutions (Pharmacies) will have till July 1, 2013 to deplete their tobacco inventory and the regulation for them will become effective July 1, 2013.

The board voted to adopt the YA tobacco control regulations on July 18, 2012 pending a review of the agreed upon changes at the August 15, 2012 meeting. The board members did not fully adopt the tobacco control regulations on July 18<sup>th</sup> because they were waiting for a legal opinion on two issues discussed at the July meeting and to make sure changes were incorporated into the minutes accurately.

Meeting adjourned: 7:10 PM

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_