

MONTAGUE BOARD OF HEALTH MEETING
Wednesday, January 16, 2013 – 5:30 pm – Downstairs Meeting Room
Town Hall, One Avenue A, Turners Falls, MA

Meeting Minutes

Present: Michael Nelson, Chair, Jay DiPucchio, Christopher Boutwell, Gina McNeely, Director of Public Health.

Michael Nelson opened the Board of Health Meeting at 5:50 PM

- Review December 2012 Minutes:

Jay noted that it was the appointed not the reorganization of the Board of Health, changes made.

Jay DiPucchio motioned to accept the Montague Board of Health minutes for the month of December 2012 with the reorganization of the board removed. Seconded by, Christopher Boutwell. Motion passes.

- Director's Report for December 2012.
 - a) Mathew Robinson – Court Date in February
 - b) 18 Central Street – Several re-inspections
 - c) 29 Avenue A – wk of 1/21/2013
 - d) 3 Green Pond Road – Court date TBD
 - e) Strathmore Building #11 – A lot of time being spent on this
 - f) Regional Dog Shelter on Sandy Lane – septic system
 - g) 11 K Street – ongoing housing issue with windows and lead paint
 - h) Central Street – on going issues due to the home is in limbo due to the death of the owner and it now lies with an estate.

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

- Nurses Report and Health Inspector Report
 - a) Flu vaccines are out – State is also very low on supplies as well.
 - b) Some food inspections

Nurse notes submitted at January 2013 Montague Board of Health meeting.

- Paul Desilets, Fredericksburg, VA. Request to be put on the BOH agenda to aggrieve order to correct for 171 Avenue A #31.
Guests: Paul Desilets (landlord), Ed Renault (Resident/Property Manager), Dean Lawry (construction worker from VA) and Dennis Booska (long term commercial occupant), Heidi Jackman (Care Giver of Mr. Gibson) David Gibson (Occupant)

Paul Desilet attended UMASS and ran a business from 1977 to the present. He states that he loves the area and that is why he has continued to own property and live out of state.

A housing inspection was conducted in October 2012 noncompliance with the order was due to Paul Desilet not being able to get access into the apartment. Gina suggested that Paul Desilets would need to seek a court order against his occupant to gain access. Gina filed a motion in

February 2013 to compel the landlord, Paul Desilets to fix what is needed according to state code and in a timely matter. Lack of landlord access to make required repairs is never a good enough reason to forego repairs.

- a) The building has been completely renovated since being purchased by Paul Desilets in 1985 including safety and electrical upgrades.
- b) Paul had a conversation with Gina regarding how and why a letter was sent regarding the 171 Avenue A #31 apartment. This letter Paul felt was an attack on his character but Gina assured him that she is required to send and communicate with legal language.
- c) David Gibson has been an occupant 20 years and now has health issues. An application was taken out by Paul Desilets to get David Gibson a more suitable place to live that can accommodate his health situation as it stands now. Heidi Jackman, Mr. Gibson's caregiver has been assisting with his physical well being as well as helping to put in applications where appropriate for alternative housing.
- d) Access was gained on January 16, 2013 and Gina subsequently conducted a reinspection.
- e) The BOH reviewed the entire list of what needs to be addressed in the apartment and the time frame in which it will need to be completed. Paul Desilets will address some issues before he leaves at the end of January and then will do more work later on. Paul Desilets feels that the apartment is in need of total renovation (particularly the kitchen and bathroom) and he will work on some of the list and will do a more thorough job once the apartment is vacated by the current occupant, David Gibson.
- f) David Gibson and Heidi Jackman asked for some respect and sufficient notice so that the apartment is not left vacant while work is being done. The apartment/job site has been left a mess and the occupant asks that it be cleaned up at the end of the work day.
- g) Gina will conduct re-inspections to view and inspect the work as it progresses. The work has to be done in a professional and timely manner and within the MA state building code.

- Paul Desilets – nonpayment of \$150.00 fee

Jay DiPucchio motioned for Paul Desilets to pay for the court filing fee as it is the cost of doing business. Seconded by, Christopher Boutwell. Motion passes.

Jay DiPucchio motioned to waive the reinspection fee for \$50.00. Seconded by, Christopher Boutwell. Motion passes.

- Phor and Skon Senethavisouk- nonpayment of \$50.00 reinspection fee.

The Senethavisouk's own 3 Green Pond Road which is the property in question. Gina will address this in court with the Senethavisouk's.

Can the BOH put a lien on the property for the tax bill? Gina will talk to Patty Dion about this. Also research whether we can we write tickets instead of bills for these types of situations.

- Workplace Tobacco Control Regulations - Mary will send modifications.

Guest: Mary Kersell

In agreement on sections A and B; Section C Mary will ask DJ Wilson how this should be worded.

Outside boarding and waiting areas #3 add Mary's definition of what we consider a workplace. If there is a smoking area and there is no food being served then they come under the regulations.

Section D 1, 2, 4,5,6,7 (20 feet of municipal building) 8 and 9.

Private Club (Athol wording) – No smoking where ever you have a food service permit there is no smoking allowed.

#10 The Private Club/no smoking is an issue for the BOH due to the private clubs (St. Kaz and St. Stan's) spent a lot of money to accommodate the smokers away from the inside of the club. If no food are served or carried outside to the smoking areas on the patios would affect St. Kaz's and St. Stan's.

Rendezvous (no food to be served on patio) also smoke goes back into the front door into the rest of the restaurant.

Jake's – Outside dining on picnic tables.

Workplace - No smoke can go back into the "workplace". This is used for public spaces (patio areas) in restaurants and if they are bringing out food and beverages (DiPaolos).

Public Transportation – how do you define an outside boarding area?

Events – Permitted events in the community on public property. Veterans (Memorial Day Parade, Veteran's Day) Parks and Recreation (Sawmill River Run) - Mary to provide wording. Where there is a food permit there should be no smoking. Violations will be complaint driven. You can smoke on town sidewalks at this point; this will be looked at in more depth going forward. The Rendezvous they can smoke out in front of the building as long as food and drink are not being served.

- Simon Stamps continued discussion.

Guest: Simon Alciere

The noise level is down due to the lack of retail sales (holiday rush is over) rather than Simon finding a permanent solution. Simon has been investigating an inline muffler that is supposed to lessen the noise by 15-20 decibels; however he would need a crane to install the product which cannot be done in the current location. Simon will continue to look at other muffler issues. Both Christopher Boutwell and Michael Nelson made trips into the patch neighborhood where the complaints have originated from. The findings at the time of their visits: Christopher Boutwell observed at the new awakening church parking lot – no smell, no noise. Michael Nelson observed on G Street a very faint noise and no smell.

- Topics not anticipated covered in the 48 hour posting requirements

Outdoor Wood Boiler (OWB's) moratorium. Gina feels it is redundant at this point since the 2010 regulations prohibit any OWB's. All the data on the moratorium is now 5 years old. Along with the town the state now has regulations in place = Section 7.26

Jay DiPucchio motioned to vacate the moratorium and Christopher Boutwell seconded it for discussion.

Chris feels it should continue for the fact if the Biomass project in Greenfield ever goes forward the town would have supporting materials to show.

Jay feels that given that the other regulations are in place that we can dispense with it as the Town and State regulations will cover what has been said. Take a look at the OWB materials and see what if any changes need to be made and/or does a specific motion in the record to preserve the rational.

Jay DiPucchio withdrew motion to vacate the moratorium and re-look at it during the February 2013 BOH meeting. Chris Boutwell withdrew the seconded the motion for further discussion.

a) Gina McNeely request for vacation time for February 19-21, 2013

Jay DiPucchio motioned to approve Gina McNeely's request for vacation on Feb 19-21, 2013. Seconded by, Christopher Boutwell. Motion passes.

Jay DiPucchio motioned to adjourn the January Board of Health meeting. Seconded by, Christopher Boutwell. Motion passes.

Meeting adjourned: 8:00 PM

Approved by: _____

Date: _____