

MONTAGUE BOARD OF HEALTH MEETING
Wednesday, April 17, 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.

Mark Wisnewski, Bruce Merriam, Robert Brownlee, Jessica Gershman, Stanley J. Cradowski Jr. Ed Sirum, Christopher Janke, R. Santore, Bob Zpikowski, Bob Martin, Dan Bartos, Jacqueline O’Sullivan, Chick Ahearn, Bill Holbrook, Mary Kersell, Tobacco Coalition, and Cheryl Sbarra, Senior Staff Attorney for the Mass Association of Health Boards.

Michael Nelson opened the Board of Health Meeting at 5:36 PM

- Review March 20, 2013 Minutes:

Jay DiPucchio motioned to accept the Montague Board of Health minutes for the month of March 20, 2013. Seconded by, Michael Nelson. Motion passes. Christopher Boutwell abstained.

- Director’s Report for March 2013
 - a) 188 Millers Falls Road – a hoarding situation continues at this location. It had been re-inspected upon finding chickens at the home. In order for the items to be removed she has Lenny Adams helping her. The elderly woman needs some health services but has declined elder services.
 - b) 84 L Street - Immediate inspection was done regarding an EMT medical call where the responder complained that the patient was not being cared for properly at this address. Gina inspected and found conditions to be acceptable.
 - c) 304 Montague City Rd- Property owner wrote a letter to the BOH with reasons why he can’t/won’t clean up the junk yard at this two family home located in a neighborhood business zoned area. This is the case where there are two trucks teetering off the top of a box trailer along with other junk cars and debris. Gina has written a response letter with new deadlines for compliance.
 - d) Paul Desilets called to let Gina know that the carpenter and the electrician are working on Apt. # 31 at 171 Avenue A. There has been no hot water in the common washing machine. Gina and Carolyn will do another inspection and check out the hot water situation at that time.
 - e) The MAPHCO meeting is on April 22, 2013. Gina will be doing an EEE informational and interactive presentation.
 - f) Tom Bergeron was consulted regarding the dumpster variance request from David Karkut the answer was no from the Tom Bergeron at the DPW.
 - g) Kathleen Thomas – 30 Massasoit has a warrant out for her arrest due to non compliance of a hard wire smoke detector at a property that she was renting.
 - h) 3 Green Pond Road is now in the courts due to the junk and debris in the yard.
 - i) Cliff Bowen – 26-28 Bridge Street. Gina and David Jensen went to check out the fire escape issues there.

- j) 3 Greenfield Cross Road – Gina is working in conjunction with Alice Bezio to rid the yard of debris and stuff from her late husband.

Michael Nelson complimented Gina on keeping on top of the debris in town yards; as he has noticed other towns are not doing as good a job at that aspect of Public Health.

Jay DiPucchio motioned to accept the Montague Board of Health Director's report for the month of March 2013. Seconded by, Christopher Boutwell. Motion passes.

- Nurses Report (Carolyn Merriam) for the month of March.
 - a) Flu
 - b) Human Granulocytic Anaplasmosis
 - c) Blood pressure and Glucose levels

Jay DiPucchio motioned to accept the Montague Board of Health Nurse's report for the month of March 2013. Seconded by, Christopher Boutwell. Motion passes.

- Health Inspector Report (Carolyn Merriam) for the month of March.
Not available at this time.
- **Public Hearing:** “Town of Montague Health Regulation Prohibiting Smoking in Workplaces and Public Places”
Guests: Mark Wisnewski – The Rendezvous, Bruce Merriam – TF Rod and Gun Club, Robert Brownlee – Rte 63 Roadhouse, Jessica Gershman – Rte 63 Roadhouse, Stanley J. Cradowski Jr. – MF Rod and Gun Club, Ed Sirum – MF Rod and Gun Club, Christopher Janke – The Rendezvous, R. Santore – St. Kaz, Bob Zpikowski – St. Kaz, Bob Martin – St. Kaz, Dan Bartos St. Stans/St. Kaz, Jacqueline O’Sullivan – St. Kaz, Chick Ahearn – Countree Creemee, Bill Holbrook – Jakes Restaurant and Mary Kersell – Tobacco Coalition, Cheryl Sbarra, Senior Staff Attorney for the Mass Association of Health Boards.

Michael Nelson opened the public hearing at 6:00 PM.

Jay Dipucchio motioned to open the Public Hearing “Town of Montague Health Regulation Prohibiting Smoking in Workplaces and Public Places” Seconded by, Christopher Boutwell.

Mary Kersell from the Tobacco Coalition gave an overview of where this regulation is deriving from and what neighboring towns are doing. There is a state-wide workplace regulation in place and towns are looking to adopt regulations and go beyond state regulation to protect people and servers/wait staff from secondhand smoke. The Montague Board of Health is one of twenty-one boards in Hampshire and Franklin Counties that are part of the Tobacco Coalition. Towns that have passed this regulation are: Shelburne Falls, Buckland, Gill and Wendell. Greenfield is in the process of considering the tobacco regulations. In Hampshire County, Whately, Hatfield, and Easthampton have all passed tobacco regulations. Not all are identical to those regulations being considered by the Montague Board of Health.

The smoke-free workplace law in an enclosed space is already covered by a state law. If the smoke goes back into the restaurant from an outdoor space (through a window or door) it would be violation of the regulation.

The issues for Montague are:

- a) Outdoor area of private clubs, restaurants, and taverns where food and beverages are sold **carried or consumed**. This second half of this phrase is a sticking point for some members of the Montague BOH and the businesses/private clubs in Montague.
- b) Buffer Zones within 20 feet of municipal building entrance ways are to be smoke free – there appeared to be no opposition to this.
- c) Smoking would be prohibited at all town sponsored events and events on town owned property. This includes but is not limited to Pumpkinfest, Block Party, Unity Park, rental of the park spaces and the band shell.

Discussion: Section C3 of the regulation presents an issue for many businesses/private clubs in town:

Chris Janke of the Rendezvous believes the regulations as written would set up competition among the businesses and the neighboring towns and businesses- especially Greenfield because they have not passed similar regulations yet.

Enforcement – Business owner’s argued that it will cost money to retrain customers and employees. If it is the Town doing enforcement it might go by the wayside where the restaurants would have to do the enforcing. Asking customers to remove themselves from the property and go elsewhere would impact sales which are crucial anytime but especially during this economy.

MF Rod and Gun – The MF Rod and Gun Club property is unique due to the fact you can eat and drink anywhere on the premises which would mean you could not smoke anywhere including the horse shoe pits and other venues within the club if the new law went into effect. The demographics of the members of the MF Rod and Gun Club are different than a dining establishment. The MF Rod and Gun Club does not have any “employees” everyone is a volunteer and if you don’t want to be a member or don’t want to accept the policies of the club it is a choice. The MF Rod and Gun Club sells a product – open outdoor space/area and if folks want to sit on the grass or play volleyball they would not be able to do that and smoke. The Mutton and Mead festival, clambakes and other events are huge draws for the use of the Millers Falls Rod and Gun Club property. Those events would come under the new regulation and would cause issues as people are able to move around with their food and would not be able to smoke.

Jake’s – Bill is in favor of the change as his business increased 35% on the restaurant side the last time the law was changed. Bill is in favor of the regulation because secondhand smoke is hazardous to everyone’s health.

The Rendezvous – is a cross between a restaurant and a bar. The tables on the porch are there for the customers to hang out and/or be served food and drink. The owners propose that after the establishment is done with food service for the day then the patrons can be allowed to smoke outside with a drink. The Rendezvous is located in a residential area and they don’t want to push our patrons off the property and onto other individuals/businesses property.

Some business owners believe that Montague has more outdoor dining than in Greenfield; they can pass whatever they want as it won’t affect their establishments the same extent as Montague. Some think that Montague suffers from a second city syndrome due to Greenfield; Montague tries to get folks over the bridge to shop and eat here and recently have lost some downtown eating and shopping establishments. ‘We’ don’t want to see Montague to be the first one to sign this bylaw and cause more business to be lost.

St. Kaz - says there is no such thing as a level playing field as Mary Kersell wants to put it. St. Kaz built a deck to make sure that they **wouldn’t** have a level playing field. They wanted to maintain and increase their customer/member base. The deck was a major investment for the club which made the organization go into debt to provide this new space which enables them to accommodate their members and abide by the new laws.

Montague Elks – Has a smoking patio and money was also spent to accommodate their members and abide by the last bylaw change.

The Countree Creamee – Does not want to be an enforcer of their smoking customers. They (the owners) don't want to have to leave the window to tell customers to put out their cigarettes and don't feel their young employees should be doing that particular task either. The Countree Creamee also is all outside food and drink consumption and they have not had any complaints of smoking. Mary Kersell stated several times the historically NO SMOKING signs posted throughout the property causes a self-enforcement phenomenon. People obey the rules if they know what they are.

Mary Kersell – Spoke to the fact that two communities that had challenges with this regulation are Provincetown, MA and Northampton, MA. Provincetown banned smoking on all the patios and was losing customers to the other places. Northampton has a lot of outdoor patio spaces as well. They wanted to ban smoking in all outside buffer zones.

Written comments will be accepted until May 8, 2013 at 5:00 PM

Michael Nelson motioned to close the Public Hearing “Town of Montague Health Regulation Prohibiting Smoking in Workplaces and Public Places”. Seconded by, Christopher Boutwell. Motion passes.

Christopher Boutwell motioned to close Board of Health Meeting. Seconded by, Jay Dipucchio. Motion passes.

Meeting adjourned: 7:07 PM

Approved by: _____

Date: _____