

MONTAGUE BOARD OF HEALTH MEETING

Wednesday, August 19, 2015 – 5:30 pm – Downstairs Meeting Room
Town Hall, One Avenue A, Turners Falls, MA

Meeting Minutes

Present: Albert (Al) Cummings – Chair, Michael Nelson, Christopher Boutwell and Gina McNeely R.S., CHO

Al Cummings called the meeting to order at 5:34PM

Review June 23, 2015 Minutes:

*Michael Nelson **motioned** to accept the minutes of June 23, 2015. Seconded by, Christopher Boutwell. Motion passes.*

Director's Report for June 2015

- a) 29 Avenue A (Landlord Ted Burrell) - On going work on both the exterior and interior. The work is now being done by a licensed electrician. The exterior is looking better now that some repairs have been done.
- b) Long talk with Jen Caruso who works for the Pioneer COOP. She told Gina the COOP was going to sell some properties in Turners Falls and Greenfield and went on to talk about the organization's lack of funds to keep properties up. The BOH has seen the COOP fail time and time again to get and keep properties in compliance.
- c) 38 East Main St. dropped by unannounced, there were no workers around as there had been in previous weeks but the building, for the first time ever, was actually locked and secured. The exterior was clean and neat and vagrants no long have easy access to the interior of the building. Gina talked to a certified engineer who is working on the carrier beam and is also working with the Building Department. Once this is secure then repairs can be made to the inside of the building.

*Michael Nelson **motioned** to accept the Director's report for June 2015. Seconded by, Christopher Boutwell. Motion passes.*

Director's Report for July 2015

Tabled till the next meeting

Health Inspector's Report for June 2015

- a) Mutton and Mead Festival and Inspections
- b) Carroll's Market is still going along well

*Michael Nelson **motioned** to accept the Health Inspector's report for June 2015. Seconded by, Christopher Boutwell. Motion passes.*

- a) 17 G Street is in foreclosure and the current occupant has not vacated.
- b) 20-20^{1/2} the landlords addressed all the BOH issues in a timely and acceptable manor.
- c) 3 Norman Circle the outside debris, shed, and vegetation has been dealt with. There has been no contact from the lawyer on behalf of the owner.

*Michael Nelson **motioned** to accept the Health Inspector's report for July 2015. Seconded by, Christopher Boutwell. Motion passes*

Nurse Report for June 2015

- a) Ongoing office hours for town residents
- b) Sunscreen education visit to Unity Park

Michael Nelson ***motioned*** to accept Lisa Hassay, R.N. Nurse's report for the month of June 2015. Seconded by, **Christopher Boutwell**. ***Motion passes.***

Nurse Report for July 2015

No discussion

Michael Nelson ***motioned*** to accept Lisa Hassay, R.N. Nurse's report for the month of July 2015. Seconded by, **Christopher Boutwell**. ***Motion passes.***

Judith Lorei in to discuss cemeteries in town and the need for the town to possibly designate a new burial ground as the current cemeteries fill up and lose capacity.

Guest: Judith Lorei – Montague Cemetery Commission

Judith Lorei is on the cemetery commission which is a 3 person committee. Working with Sue who retired last year and going through records to see what burial space is available. In reviewing the records there are 7 Town Cemeteries and some private ones. The only Town cemetery that is active is Old South. There is no map to help tell us what is available for space. The private cemeteries are owned by associations or churches. Judith has been doing some research regarding the capacity of the cemeteries' by contacting the contact person for each of the cemeteries'. She also asked about special criteria to be buried, available plots, cost for the plots. In doing this research it is quite evident that there is a need for burial space in the Town of Montague. Going back to the minute/records of 1998 it was mentioned that there was some space available in Old South cemetery. There should be some thought given to space for cemeteries in the future. Poor Farm on Rte 63 there are people buried there without markers so there is not necessarily space available. Judith would be happy to move forward in the research.

Appoint Gina McNeely as the Burial Agent for Montague.

Michael Nelson ***motioned*** to appoint Gina McNeely as the Burial Agent for Montague. Seconded by, **Christopher Boutwell**. ***Motion passes***

Request the Montague Board of Health use the 2013 Federal Food Code instead of the antiquated 1999 Federal Food Code the State is still using. The BOH will still use the Code "by reference" as dictated by the MDPH.

Guest: Gina

It is frustrating as well as embarrassing working with an older food code when at the Federal level they are using a different set of guidelines to hold those establishments accountable.

Michael Nelson ***motioned*** to accept the request to use the 2013 Federal Food Code instead of the 1999 Federal Food Code. Seconded by, **Christopher Boutwell**. ***Motion passes.***

Local upgrade approval request for 53 Old Sunderland Road.

Tabled till later

Local upgrade approval request for 86 Taylor Hill Road.

This is Linda Ackerman's house that burned down. The home is in need of an upgrade for the septic system. A request for a variance from 4 foot separation to 3 foot separation for the system is required due to the high water table at the property.

Michael Nelson ***motioned*** to approve the request for a local upgrade approval at 86 Taylor Hill Road from 4 feet to 3 feet. Seconded by, Christopher Boutwell. ***Motion passes.***

Betty Tegal, 11 Central Street, Turners Falls, MA.

Guests: Betty Tegal – 11 Central Street, Robert Kelly – Landlord, Kathy Eastman (Robert Kelly’s daughter), William (Bill) Hansen, Alice Johnson, Tam? And Steve Richards

Betty Tegal made a request in writing to go into executive session during the monthly meeting of the BOH on August 19, 2015. To discuss a written report by Gina McNeely July 15, 2015 in which comments were made Betty Tegal and 11 Central Street. Regarding Ms. Tegal wants the report modified.

Betty Tegal claims there is a federal law that states she given her status on social security is not responsible for bills. Furthermore she went on to explain that housing tenant law in Massachusetts must meet minimum standards for human habitation. She stated that there are 13 violations at this location that needed to be addressed. She commended the landlords on the work they have done at this location by licensed professionals.

Betty Tegal’s main concerns are the letter she received from Gina McNeely which states: “It is the opinion of the Montague Board of Health that Ms. Tegal should be held accountable for Montague Board of Health staff time she has wasted as well as the harassment she allegedly heaps upon Mr. Kelly (As reported to us by Mr. Kelly) as he continue to methodically make required repairs to this lovely building.”

Gina McNeely stands behind her letter dated July 15, 2015 addressed to Robert Kelly. The Montague Board of Health works for the public and not for an individual as in the extreme case of the many phone calls, staff time, walk-ins and inspections that have been done to find only one violation in the living space. The landlord has followed through on all necessary work and repairs that have needed or been done to the 11 Central Street property including a new roof at the cost of \$34,000.

Licensed asbestos and lead contractor’s went to Ms. Tegal’s door and asked her to move the car and close the windows and she complied.

Kathy Eastman spoke on her father’s behalf that this is physically taking a toll on his health and there are caretakers that will be coming and going to take care of him. He is retired and also on a fixed income. Betty continues to harass workers and other tenants regarding both the interior and exterior issues of the buildings along with the coming and goings.

Michael Nelson ***motioned*** to accept Ms. McNeely’s letter dated August 19, 2015 as presented without withdrawing or modifying it. Seconded by, Christopher Boutwell. ***Motion passed.***

Ryan Voiland from Red Fire Farm variance request for retail permit fee.

Due to the farm being of a seasonal nature and a cooler on the property it would require a retail permit. Ryan Voiland sent a letter for the request to the Montague Board of Health. The request is for the fee to be reduced to \$25.00.

Michael Nelson ***motioned*** to accept the variance request for a reduction in the retail permit fee to \$25.00 for the current calendar year. Seconded by, Christopher Boutwell. ***Motion passed.***

Discussion with Leah Caldieri (Charon Art) regarding the changing of the current rules and regulations for body art establishments and practitioners to allow 16 year olds to get tattoos with a parent present that signs a consent form. Guest: Leah Caldieri

Leah has been approached by some families in town regarding tattoos for 16 year olds with parental consent. Gina thinks that the board might want to do some research regarding brain development and what you might choose at 16 you would not necessarily do at 21 and older since this is a permanent decision. Another point would be what documentation would need to be presented to “prove” parental rights and guardianship.

*Christopher Boutwell **motioned** to table the decision so that Gina McNeely can do some research regarding the age appropriateness. **Seconded** by, Michael Nelson. **Motion passed.***

*Michael Nelson **motioned** to enter **executive session**, pursuant to G.L. c.30A, §21(b)(3) and (4), to discuss litigation strategy regarding litigation known as: Town of Montague, Board of Health v. Kretzenger, Western Division of the Housing Court 14CV00094. **Seconded** by, Christopher Boutwell. **Motion passes.***

Al Cummings declared that The Montague Board of Health will come out of executive session only to adjourn.

***Motion** to all those in favor of going into executive session at 6:46 pm by announcing a roll call vote:*

Michael Nelson – aye, Christopher Boutwell – aye and Al Cummings – aye.

***Motion** to come out of executive session at 6:51 pm by announcing roll call vote:*

Michael Nelson – aye, Christopher Boutwell – aye and Al Cummings – aye.

*Michael Nelson **motioned** to adjourn the meeting. **Seconded** by, Christopher Boutwell. **Motion passes.***

Meeting adjourned: 6:52 PM

Approved by: _____

Date: _____