

MONTAGUE BOARD OF HEALTH MEETING

Wednesday, September 18, 2024 – 5:00 PM
Town Hall – Second Floor Meeting Room and ZOOM

Meeting Minutes

Present: Melanie Ames-Zamojski (Zoom), Rachel Stoler and Michael Nelson

Staff: Ryan Paxton - Health Director for Montague, Geneva Bickford – Board of Health Clerk

Other: Kim Williams

Michael Nelson opened the meeting at 5:00 PM

Roll Call Votes taken as Melanie Ames-Zamojski joined via zoom at 5:02 PM

Minutes:

August 21, 2024, Minutes

- The BOH Members reviewed the minutes of August 21, 2024. Minutes are approved but amended to correct the date at the top to August 21, 2024.

*Rachel Stoler **Motioned** to accept the August 21st Minutes with the date correction at the top of the page. Seconded by Melanie Ames-Zamojski. **Motion passes.***

Roll Call Vote: Stoler – aye, Ames-Zamojski – aye and Nelson – aye

Director's Report:

- Director, Ryan Paxton, presented the August 2024 Director's Report.
- Conducted inspections at 64 Unity Street, 29 Avenue A, 26-28 Third Street, 38 E Main St #4, 108 Third St, and 96 Third St.
 - 29 Avenue A and 26-28 Third Street have been resolved.
 - 64 Unity St, Paxton has been unable to follow-up on. There were concerns with construction that has happened in the past that is not compliant with the housing code but Paxton is unable to follow up as he is not able to gain access to the unit. The property owner is responsive and is willing to do repairs when they can access the unit.
- Condemned 10-12 H Street.
 - This property was involved in a fire last winter and some cleanup of the debris has begun.
- Investigated odor complaints regarding Flower Power Grower.
- Conducted 24 inspections related to trash or other nuisances at 14 separate addresses; outcomes include: resolving several complaints, 5 citations, 1 order to correct and several reinspections.
- Conducted 2 bi-annual inspections, North Village Smokehouse & the Shea Theater.
- Conducted pre-operations inspection of Cliffs Smokin Backyard BBQ.
- Conducted reinspection of Harvey's.
- Inspected temporary food establishments at Homelands Festival.
- Investigated Boar's Head product recall related to Listeria at Food City.
- Completed system inspections at 49 Hillside Rd & 44 Randall Rd.
- Issued Disposal System Construction permits at 44 Randall Rd & 2 Fosters Rd.
- Issued orders to correct to 23 North Taylor Hill Rd & 26 Gunn Rd.
 - Both property owners have begun addressing these issues.
- Issued a well construction permit to #51-0-38 (Foster's Rd).
- Attended monthly Valley Health Regionals Collaborative Steering Committee Meeting.

- Attended the monthly MAPCHO full coalition meeting.
 - Paxton explains they have been working with RSI and they have been pretty good taking on a lot of responsibilities. Mostly focusing on straightening out the principles of operation and figuring out what funding will look like in the future. A lot of these changes are on a higher level but trickling down to us.
- Attended August 19, 2024, Selectboard Meeting to discuss cannabis odor complaints regarding Flower Power Growers.
- Attended Municipal Vulnerabilites Planning 2.0 Meeting.
- Sent letters to Allen's Affordable Roll-Off Dumpsters, Dave Wickles Trucking and JRB Disposal regarding operating as commercial trash haulers without license in Montague.
 - Allen's Affordable Roll-Off Dumpsters is the only one that refuses to pay the licensing fee. Their position is that they don't haul garbage even though their website lists "garbage removal" and "trash removal" as part of their services. There BOH agreed to get legal counsel's advice on the matter.
- Restocked free rapid antigen Covid testing kits at Senior Center and libraries.
- Attended Opioid Settlement reporting webinar presented by JSI.
- Attended AGO's Neighborhood Renewal Division's monthly Franklin County meeting.
 - On Friday, September 13, a provisional receivership was awarded at 10 Unity St for RDI to take receivership for 1 month, to board and secure the property while they prepare a rehabilitation plan. The property owner was present in Court and explained they were trying to sell the property and wanted to take some action. The judge made it provisional with the condition that the property owners have to provide a rehabilitation plan as well. Essentially at the next hearing they will look at 2 rehabilitation plans and decide if they will go with a full receivership.
 - Nelson asks Paxton about a property on J St behind Aubuchon's. Paxton states it has not gone too far, he has not received a complaint there or anything at this time. Nelson asks Paxton to look into it to see if it is worthwhile as it was on the AGO's list about 7-13 yrs ago.

*Rachel Stoler **Motioned** to accept the Director's Report. Seconded by Melanie Ames-Zamojski. **Motion passes.***

Roll Call Vote: Stoler – aye, Ames-Zamojski – aye and Nelson – aye

Nurse Report:

- Director, Ryan Paxton, presented the September 16, 2024, Nurses Report.
- Vaccine Clinic – in progress for next month.
- Health Screenings/Consults/Clinics/Community Outreach - Continued with weekly office hours, mosquito prevention at Millers and Montague library, stroke prevention coordination, supplies to Millers Library, Letters sent to local childcare facilities regarding back to school and 105 CMR 300.100
- Meetings - Weekly check-in with Jack Sullivan, epidemiologist for Valley Health Collaboration.
- Educational Outreach – Triage PC with residents.
- MAVEN Report – Lyme, 4; Norovirus, 1; Measles – was not true case although concern and required reporting and follow through.

*Rachel Stoler **Motioned** to accept the Nurse's Report. Seconded by Melanie Ames-Zamojski. **Motion passes.***

Roll Call Vote: Stoler – aye, Ames-Zamojski – aye and Nelson – aye

Animal/Barn Inspector Report:

- Health Director, Ryan Paxton, presented the August 2024 Animal Inspector Report.
- 1 dog quarantine.
- 2 cat quarantines.
- No Barn Inspections.

*Rachel Stoler **Motioned** to accept the Animal/Barn Inspector's Report. Seconded by Melanie Ames-Zamojski. **Motion passes.***

Roll Call Vote: Stoler – aye, Ames-Zamojski – aye and Nelson – aye

Discussion: Ongoing Cannabis Odor Complaints regarding Flower Power – Votes may be taken.

- Director to provide update on recent Selectboard meetings and investigation of odor complaints regarding Flower Power Growers, Inc.
 - Kim Williams is in attendance via Zoom.
 - The Health Director continues to get complaints about the odor coming from Flower Power. Paxton has reached out to the Cannabis Control Commission (“CCC”), and they have only offered to help facilitate communication. There have been some changes to the ecosorbe system at Flower Power. They presented a great deal of data collected by a third party on Monday. The SB has voted to have Flower Power get estimates for an independent third party to do a more flushed out study than what has already been done. The SB will revisit to decide whether they will have them do more advanced environmental monitoring for air quality. Paxton still has not observed anything that he finds to be a public health nuisance. Nuisance is not defined in the law. MGL Ch 111 § 122 which is where the requirement to investigate comes from does not define nuisance, it does say that “in the opinion of the board of health” is how a nuisance is abated or ordered to be corrected. Paxton is not sure if the SB is working with legal counsel. Stoler is concerned with the young children at Jaduke, and the impact of the odor could be greater on them than adults. The SB is moving forward with having Flower Power hire an environmental consultant to collect this data. The BOH agrees to endorse the SB's decision and Paxton will put together a letter of support.

*Rachel Stoler **Motioned** that the Board of Health endorse the Selectboards decision to force Flower Power to hire third party consultant to investigate the odor issues at Flower Power. Seconded by Melanie Ames-Zamojski. **Motion passes.***

Roll Call Vote: Stoler – aye, Ames-Zamojski – aye, and Nelson – aye

Discussion: Updating Regulations for Sale of Retail Tobacco – Votes may be taken.

- Discuss working draft for updating regulations.
 - Montague's tobacco regulations have not been updated in several years and it is best practice to incorporate the changes in the State CMR into the local regulations. Paxton has taken the Massachusetts Association of Health Boards model regulation they provide and has tried to merge that with the current regulation. Yellow highlights are required, and green highlights are optional policies that go above and beyond the CMR. The first page talks about the policy options. Items circled yes are optional policies that have been passed and are already current in Montague. In addition to deciding what you want included in the draft we need to consider the time frame to update as there are requirements with respect to posting in the newspaper and having a hearing. Paxton advises a lot of communities are requiring that oral nicotine pouches only be available for sale at 21+ retailers. It would be a de facto ban on nicotine pouches in the Town of Montague as we do not have 21+ retailers and will not have any in the future. We are not changing much we are cleaning up language and adding in

preexisting state language. Paxton states a lot of it should not be all that different, some of the definitions are built out more and that might change how somethings are applied potentially. Discussion is had regarding the definition for blunt wraps to include hemp wraps. Montague does not have a lot of large inventory tobacco retailers, we have several convenience stores and liquor stores. There is discussion regarding the ban of oral nicotine patches all together. Per the Board of Health Paxton will redefine either tobacco products or blunt wraps to include hemp wraps and will propose a ban on the sale of oral nicotine pouches in the Town of Montague. Paxton will reach out to Mike Hugo who is an attorney with the Massachusetts Association of Health Boards to see if he would be available to attend the public hearing currently scheduled for October 30, 2024.

- Discuss timeline for hearing.
 - The BOH cancels the 10/16 and 11/20 meetings and schedules a Public Hearing for Wednesday, October 30, 2024.
 - A backup date of November 6 is selected for the hearing.

Meeting adjourned: 5:55 PM

*Rachel Stoler **Motioned** to adjourn the Board of Health Meeting. Seconded by Melanie Ames-Zamojski. **Motion passes.***

Vote taken by roll call: Ames-Zamojski – aye, Stoler – aye and Nelson – aye

Approved by: *Rachel Stoler*

Date: 10/30/24

Documents:

August Minutes

Director's Report

Nurse's Report

Animal and Barn Inspector Report

Sample Regulation Restricting the Sale of Tobacco and Vape Products

105 CMR 665.000 Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems

Flower Power Complaint Log