

MONTAGUE BOARD OF HEALTH MEETING

Wednesday, June 20, 2012 – 5:30 pm – Upstairs Meeting Room - Town Hall, One Avenue A,
Turners Falls, MA

Meeting Minutes

Present: Chris Boutwell, Michael Nelson, Chair, Jay DiPucchio, Gina McNeely, Director of Public Health, Mary Kersell, Tracy Miner Director of Asset Management for Franklin County Regional Housing and Mark Cromier Maintenance Supervisor Franklin County Regional Housing, Jennifer Downs, Friend of Jennifer Downs.

Michael Nelson opened Board of Health Meeting at 5:30 PM

- **Review Minutes: May 16, 2012 Minutes**

Jay DiPucchio to pass the minutes of June 20, 2012 minutes. This motion was seconded by ChrisBoutwell. Motion passes.

- **Hearing: requested by 67 Third Street, First Floor Right, occupant Jennifer Downs concerning Board of Health housing report dated May 29, 2012.**

Guests: Jennifer Downs, tenant, friend, Tracy Miner Director of Asset Management for Franklin County Regional Housing and Mark Cromier Maintenance Supervisor Franklin County Regional Housing.

Jay DiPucchio recused himself from this discussion as he is a Board member of the holding company CCLP that is the Cutlery Block.

There was an inspection done by Gina McNeely, Health Director from the Montague Board of Health. After a written report of her findings she was contacted by Jennifer who had issues with what was noted and not noted in the report; this along with Section 8 findings. As a result this leaves Jennifer to question to validity of the findings bringing her to the BOH meeting tonight thus bringing us to a request for a hearing. When moving into the Cutlery Block, Tracy Miner was made aware of Jennifer's complaints right from the beginning as she put them in writing before paying the first month's rent. The apartment complex environment has been unsafe, maintenance issues, noise as well as failing a Section 8 inspection last June (2011).

Jennifer had addressed various issues including but not limited to:

- safety issues
- broken doors
- caulking issues
- screen doors
- lighting
- plumbing/water smell

Gina, a licensed inspector and health agent found the apartment and caulking to be in reasonable condition and no mold. Gina found no water damage or evidence of visible mold around sink area. Tracy Miner, The Franklin Housing Authority majority of list is done. In process of getting quotes for countertops however, Section 8 failed due to Co2, front interior weather stripping, and a toilet seat that needed to be replaced.

In requesting a BOH hearing it should be focused on Gina's inspection report and has nothing to do with the Franklin County Housing Authority and how they handle tenant/landlord issues. The Montague BOH would be willing to do another inspection with a BOH member or 2 inspectors.

Michael Nelson motioned to open the public hearing for the Regulations of the Montague Board of Health Restricting the Sale of Tobacco Products and Tobacco Delivery System Products. Chris Boutwell asked that folks sign in, pagers and cell phones on vibrate, raises hands and keeps comments to five minutes so we can go around the room.

- **Hearing 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:

- 1) Tobacco Sales
- 2) Non- approved FDA products

Chris Boutwell led the discussion session and review of the draft regulations.

The Montague BOH amended the Tobacco regulations in 1999. There has been a movement in the health field to update due to new Tobacco Delivery System Products that have come into the market. Public comments can come in through the BOH till June 28, 2012.

Attorney Paul Maleck – Doherty, Wallace, Pillsbury and Murphy, PC – Springfield, MA
Representing FL Roberts, Inc. Attorney Maleck is also Town Counsel for the town of Russell, MA, Chairman of the Board of License Commissioners in West Springfield, MA and a cigar smoker since 8th grade. Attorney Maleck is interested in getting involved not only for FL Roberts but as a cigar smoker – where he feels some of the regulations are ambiguous and might be unconstitutional. Atty. Maleck presented the BOH with two examples that FL Roberts sells that would fall into the category of ambiguous.

National Association of Tobacco Outlet – Email sent to the Town Administrator sent comments.

The entire sale of cigar sales being regulated was reviewed in Fitchburg, Pittsfield, Methuen, MA to name a few they all excluded this provision and New Bedford, MA who voted it in took it out. This regulation punishes the adults and if you want to keep the items out of the youth/and those who break the law it would be better to address the perpetrators. The loss of products in the store would lead to loss of sales, employees, which would all have an impact on the well being of residences and the town economy long with driving business away. “Convenience stores are now seen as a destination point for gas, milk and our cigarettes.”

Article in Greenfield Recorder – Stated that there are bubble gum cigars these do not exist there is however bubble gum flavored tobacco that is smoked in a hookah.

David Jensen – Roll your own located in a private home are not commercial roll your own machines. A mechanical machine located in a business to be able to roll your own cigarettes for sale is what this addresses.

Prohibit Tobacco sales by Healthcare institutions – Rite Aid etc...How will this be handled going forward as they have items and are a pharmacy. Will have to be addressed on how to handle and will need to be clarified.

Joseph Viadero – a local Physician of Montague /Connecticut River Internists – Member of MA society of physicians. Currently pharmacies in Boston cannot sell tobacco products. Pharmacies or those that promote health should not sell tobacco products in his opinion.

Permitting

June 30, 2012 – Tobacco Permits were issued so it would be better to do revisit the process next go around. The permit fees will likely go up to \$100. The maximum numbers of vendors/businesses in town that can have a tobacco permit. It also allows the town to start reducing the number of vendor’s overtime according to Mary Kersell. Does limiting permits have an impact? Will it make Tobacco permits become rare and wanted by others? What happens if a business closes vs. sells if it closes do you not renew and then reduce your permits? Is there a better way to regulate by setting criteria/standards rather than a number cap? What does this mean for economic or geographical liability as well? The Board of Health will be taking public comments up till June 28, 2012 at 5:00 p.m. through, walk-ins, email, and letters.

Michael Nelson motioned to close the public hearing for the Regulations of the Montague Board of Health Restricting the Sale of Tobacco Products and Tobacco Delivery System. Seconded by, Jay DiPucchio. Motion passes.

Michael Nelson motioned to adjourn the Montague Board of Health monthly meeting at 6:46 p.m. Seconded by, Christopher Boutwell. Motion passes.

Approved by: _____

Date: _____