

**MONTAGUE BOARD OF HEALTH MEETING**  
**Wednesday, January 20, 2016 – 5:30 pm – Downstairs Meeting Room**  
Town Hall, One Avenue A, Turners Falls, MA

**Meeting Minutes**

**Present:** Chair, Albert (Al) Cummings, Michael Nelson, Christopher Boutwell & Gina McNeely R.S., CHO  
**Guests:** Ashley Arthur, Co-Owner of Five Eyed Fox, Jeff Singleton, Montague Reporter and Montague Center Resident

Al Cummings called the meeting to order at 5:35PM

**Review December 16, 2015 Minutes:**

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

**Director's Report for December**

- a) 15 Fifth Street – Gina filed a motion for a show cause hearing against owner Matt Robinson to board and secure the property or it will be put on the list for potential receivership via the Abandoned Housing Initiative through the Attorney Generals Office. Gina, Kathern and David toured the building last week with an electrician and plumber, both hired by Mr. Robinson, to write up a punch list of repairs that are required to bring this rooming house up to code. The list was given to Matt Robinson by the vendors. Mr. Matt Robinson has since commented that this list of concerns was too great too expensive for him to be able to address.
- b) 9-11 West Main Street, Millers Falls the board of health has received complaints about the exterior of this property. Including but not limited to unregistered vehicles, trash, debris, piles of items covered with tarps and a front porch that needs repair. Gina stated that in order to address the concerns at the property all pertinent departments must work together to gain compliance.
- c) Septic system – 36 Green Pond Road Scott Barlow is installing the septic system.
- d) Helen Williams and Mark Furtado: there has been a family feud regarding the division of a parcel of land at 22 and 23 Lake Pleasant Road. A well drilling permit was issued to Mr. Furtado.

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

**Health Inspector's Report for December 2015:**

- a) 3 Green Pond Road: ongoing issue with occupant illegal dumping on the property.
- b) Conducted a survey of surrounding town's age limit on receiving a tattoo.
- c) There is no law in place to have to test wells when properties are being sold but it would be advised to do that especially in a cistern type of situation.

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

**Nurse's Resignation – Lisa Hassay, R.N. B.S.N. submitted her resignation effective January 1, 2016**

Gina received an email from Lisa resigning the Town Nurse position as of January 1, 2016. Christopher Boutwell requested that the email be printed out and added to the personnel file of Lisa Hassay.

*Michael Nelson **motioned** to accept the resignation of Lisa Hassay with regret. Seconded by, Christopher Boutwell. **Motion passes.***

## **Discussion: Five Eyed Fox – Ashley Arthur**

**Guest:** Ashley Arthur – owner of Five Eyed Fox and David Jensen – Building Inspector

Ashley Arthur sent a letter to the Board of Health stating her position regarding the recent food service inspection of the Five Eyed Fox. Ms. Arthur asserted that events that happened in December almost put the business out of business along with the 12 local residents she employs. Ms. Arthur claims The Five Eyed Fox is still trying to make up their lost revenue since the closing just before Christmas and the Health Director going on an extended vacation. (*Health Inspector Kathern Pierce was in the office and available to conduct inspections during Gina's vacation.*)

Ashley Arthur feels that the actions of the Board of Health were unfounded and not necessary and has come tonight to discuss the issues so that they can move forward and be a prospering and welcome addition to the downtown.

Backstory: David Jensen came to Gina on December 1, 2015 and explained to her that his inspection of the Five Eyed Fox uncovered a full kitchen at the establishment that was not permitted; therefore not licensed. David sent a letter to the owners addressing various issues, including but not limited to a three bay sink installation without a plumbing permit, lack of building, electrical and gas permits in an unlicensed food preparation area, lack of protective shields on the overhead lights, complete lack of an acceptable floor covering. At Mr. Jensen's suggestion Gina went and inspected the establishment on December 10, 2016. Gina's inspection reported noted several serious violations and from a BOH perspective food was being prepared and stored in unacceptable conditions which do not meet the Massachusetts State Sanitary Code. In the main portion of the restaurant (the front of the house) the area that actually is legally permitted and inspected by the board of health Gina found a serious mouse infestation as well as lack of proper cleaning and sanitation for food preparation areas. The ice making machine exhibited slime and mold due to lack of professional cleaning. There was an abundance of mice feces including in the toaster tray located at the bar area, among other violations. At the time instead of closing the establishment on December 10, 2016 Gina spoke with Aric Binaco and asked him to bring the front of the house up to code quickly so she would not have to close his establishment; and that she would re-inspect in two hours giving them a chance to address the most egregious public health issues. Gina also required that a hand sink be installed in the illegally build back kitchen no later than December 22, 2015. Gina did close the back part of the restaurant on December 22, 2015 because the required hand sink was not installed by the December 22, 2015 deadline.

Ashley Arthur: Responded that they would not have continued to be in business if the addition of a full kitchen had not been built (*the problem for the building inspector and the board of health is that the "full kitchen" was built without any permits from the building department or the board of health, there were no floor plans, equipment schedules, building, plumbing or electrical permits pulled for the construction of a full food service kitchen.*) Ashley alleged that she called Gina two times and expressed an interest in expanding and making a kitchen previously to starting the work. She alleged Gina said to her that they knew what they were doing and to go ahead and that she would do a walk through with the annual inspection and address any concerns at that time. Gina prohibited The Five Eyed Fox from selling home canned foods prepared at the restaurant because they are not from an approved food source Ashley alleged that she was directed by the other inspector (*Carolyn Merriam*) that The Five Eyed Fox could use home canned food and that the refrigerators downstairs were ok at that time of that inspection and obviously kept closed. At this point they are no longer using canned food and have gotten an approved food source.

Ashley complained that installing the required hand sink couldn't be done with the short time line and time of year (holiday season). (In spite of David Jensen's and Fire Chief Escott's inspection conducted on November 12, 2015 and Mr. Jensen's written violation notice to Aric Binaco and Meredith Merchant dated December 1, 2015, which ordered Binaco and Merchant to **"cease all activities in the renovated area until all of the above required permits are applied for by properly licensed person and the required inspects and approvals granted..."** And yet when Gina conducted her inspection on December 10, 2015 the illegal kitchen was in full use.

Gina McNeely brought to the attention of the Board of Health that the original food establishment application for opening the Five Eyed Fox included a 19 page information packet and an inspection checklist for the owners to use while constructing their restaurant, this document was signed off by Aric Binaco. The point being Aric Binaco is well informed as to what is required to open a food establishment kitchen.

Gina had noted in her January 13, 2016 re-inspection report that she would allow a flexible date of February 8, 2016 the floor installation. A receipt of the ice machine being professional cleaned will be given to the BOH. The owners of the Five Eyed Fox should also review the inspection report from January 13, 2016 and see other items that need to be addressed and completed upon re-inspection.

Michael Nelson suggested that the deadline for re-inspection and flooring be pushed back to February 29, 2016. All parties agreed and a vote was taken.

*Michael Nelson **motioned** to extend the flooring deadline from February 8, 2016 to February 29, 2016 so that the establishment can research and do a professional job. Seconded by, Christopher Boutwell. **Motion passes.***

**Items not anticipated in the 48 hour posting period**

**Guest:** Jeff Singleton

Jeff Singleton had a question regarding the outcome of the recent Montague Center Water issue. How the BOH interfaces with the TF and Montague Center Water district.

Jeff asked who will be taking the next step and what the next step is so that the information can be disseminated. Gina announced again that the BOH is responsible only for private wells and that DEP oversees all Public Water Suppliers in the state. Mr. Singleton stated we need to standardize the protocol in letting the public know what is going on in a timely and efficient matter. The law regulating the water states that information is to be disseminated by hand door to door, which is what was done in Montague Center during the most recent water issue. The use of the code red system was and could be used in a situation like this with a standard operating procedure to be put in place.

*Christopher Boutwell **motioned** to adjourn the January 20, 2016 meeting. Seconded by, Michael Nelson. **Motion passes.***

Meeting adjourned: 6:31 PM

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_