

MONTAGUE BOARD OF HEALTH MEETING

Wednesday, August 28, 2019 – 5:30 pm
Downstairs Meeting Room – Montague Town Hall
Turners Falls, MA

Meeting Minutes

Present: Al Cummings, Chair, Christopher Boutwell and Michael Nelson
Staff: Health Director, Daniel Wasiuk

Meeting being recorded.

Al Cummings opened the meeting at 5:30 PM.

Minutes: June 12, 2019.

*Michael Nelson **Motioned** to accept the June 2019 Minutes. Seconded by Christopher Boutwell. **Motion passes.***

Director's Report: Late June, July & August 2019:

- Food Inspections have been active and Daniel has been very pleased with the state of our food establishments in town. The schools will be inspected along with the churches in over the next few months.
- 12 Federal Street: Daniel gave an updated regarding this property. A contempt order has been issued and will be under judge's review on 8/30/2019. The occupants (s) of the dwelling have been cooperative with the Board of Health in allowing access on to the property. The removal of tires, rubbish and vehicle debris is in process to prevent a possible nuisance condition. There will be a meeting with Steve Ellis, Town Administrator, Montague Police Department and Fire Department next week as complaints have been coming in and public records requests have come in.
- The Receivership properties are moving through the court process and the new District Attorney Katlin Castillo has reached out to the Montague Board of Health to inform us of the status and her taking over the position from Kara Cunha.
- There is a possible condemnation of a dwelling observed at 37 A North Leverett Road with serious conditions verified by the Health Director, Wiring Inspector and Plumbing Inspector. In addition corrective orders have been initiated for the repairs of well(s) located on site.

*Michael Nelson **Motioned** to accept the Director's report from Late June, July & August 2019. Seconded by Christopher Boutwell. **Motion passes.***

- **Out of Season Perc Test:** Kate Smith Map 52 Lot 061 163 Ripley Road.
Guest: Kate Smith

Kate Smith owns 2 properties currently on Ripley Road with one of the lots being subdivided through the ANR process to create two lots. Kate wants to build a 1200 square foot home for her residence on the new parcel. Kate will be selling one of the properties to finance the building of the other. This along with finances being tight and the timing and locating of all items on the parcel of land has led her to request a variance for an out of season perc test. She wants to start with the perc so that she knows how she

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can maximize the land & view to best site the house and well. Daniel has no concerns regarding doing a perc test during this time of the year and also noted that Montague is one of only a few towns that still have a perc season for new construction and that you are looking for infiltration of ground water and deep hole observation where ground water historically has been present.

*Michael Nelson **Motioned** to approve the out of season perc test request by Kate Smith for 163 Ripley Road known as Assessors Map 52 Lot 061. Seconded by Christopher Boutwell. **Motion passes.***

- **Out of Season Perc Test:** James Clapp Map 44 Lot 85 Land on Federal Street.
Guest: James Clapp

James is asking for an out of season perc test and Daniel has been in conversation with Mr. Clapp regarding his property and plans and sees no issues doing a perc test during this time of the year.

*Michael Nelson **Motioned** to approve the out of season perc test request by James Clapp for a parcel located on Federal Street known as Assessors Map 44 Lot 85. Seconded by Christopher Boutwell. **Motion passes.***

- **Hearing Tobacco Sales to Minor:** Food City
Guest: John Steiner

There was a documented Tobacco Sale to a minor; the last sale to a minor was November 2013. Given that there have not been any violations in the last 24 months the Board Members are supporting the curbing of sales to minor and ask that Food City continues its practices that are in place to id individuals that are purchasing tobacco products.

- **Hearing Tobacco Sales to Minor:** Crestview Liquors
Guest: Mr. Call (Greg's son)

There was a documented Tobacco Sale to a minor; the last sale to a minor was November 2013. Given that there have not been any violations in the last 24 months the Board Members are supporting the curbing of sales to minor and ask that Food City continues its practices that are in place to id individuals that are purchasing tobacco products.
Christopher Boutwell recused himself from the vote

- **Hearing Tobacco Sales to Minor:** Scotty's Convenience Store
Guest: Rae Margaret

There was a documented Tobacco Sale to a minor; the last sale to a minor was November 2013. Given that there have not been any violations in the last 24 months the Board Members are supporting the curbing of sales to minor and ask that Food City continues its practices that are in place to id individuals that are purchasing tobacco products. The discussion ensued regarding giving each of the establishments a written warning and to continue their practices that are in place to id individuals purchasing tobacco products.

*Michael Nelson **Motioned** to give Food City a written warning for a tobacco violation that happened on June 2, 2019. Seconded by, Al Cummings. **Motion passes.**
Christopher Boutwell abstained from the vote.*

Michael Nelson **Motioned** to give Crestview Liquors a written warning for a tobacco violation that happened on June 2, 2019. Seconded by, Al Cummings. **Motion passes.**
Christopher Boutwell abstained from the vote.

Al Cummings **Motioned** to give Scotty's Convenience a written warning for a tobacco violation that happened on June 2, 2019. Seconded by, Christopher Boutwell. **Motion passes.**
Michael Nelson abstained from the vote.

Daniel Wasiuk read aloud the regulations to refresh the board's memory:

- The first violation is a \$100 fine
- The second violation within a 36 month time period is a \$200 fine and the tobacco sales permit may be suspended for 7 consecutive days.
- The third violation would be a \$300 fine and the tobacco license may be suspended for 36 month period.

As always it is at the Board's discretion to implement fines.

Al Cummings had to leave do to an earlier commitment

- **Discussion: Regarding Mental Health and Emergency Preparedness:** *Tabled for another meeting.*
- **Discussion: Fee Schedule (Variances & Others)**
Daniel informed the board that new regulations from the state will be having an impact on some of our current fees. Going forward according to the state food code prepackaged food/sundries does not need to be permitted. In looking at the Temporary Food fees: Daniel asked the board to consider making one consistent fee, eliminating the quiz along with having a permit cover up to 14 days to be consistent with the new food code. Christopher Boutwell recommended looking at all the fees at the October meeting.
- **Topics not Anticipated:**
There is some discussion surrounding what the needs and wants are for the Board of Health Office. It was brought to Daniel by Walter Ramsey and Steve Ellis that Walter would like to have a more technical assistant to help him in his expanding role. With that being said it is being brought to the Board of Health if we could have the Health Administrative position be full time. In an ideal world staffing in the Board of Health a half-time inspector would be great and then a nurse to handle MAVEN.

Michael Nelson **Motioned** to have Daniel research and proceed with securing the Administrative Assistant becoming a full time position for the Montague Board of Health. Seconded by Christopher Boutwell. **Motion passes.**

There are 3 North Leverett Road properties that have many and significant well issues which Daniel is in collaboration with Wayne Shaw, Electrical Inspector Town of Montague and Herbert Hohengasser, Plumbing Inspector Town of Montague to determine the course of action and what will be needed including Housing Court involving some of the tenants.

Michael Nelson **Motioned** to adjourn the Montague Board of Health meeting. Seconded by Christopher Boutwell. **Motion passes.**

Meeting adjourned: 6:26 PM

Approved by: _____

Date: _____

Documents:

June Minutes

Director's Report Late June, July & August 2019

Food City File

Crestview Liquors

Scotty's