

MONTAGUE BOARD OF HEALTH MEETING

Wednesday, December 18, 2019 – 5:30 pm
Downstairs Meeting Room – Montague Town Hall
Turners Falls, MA

Meeting Minutes

Present: Al Cummings, Christopher Boutwell and Michael Nelson (left at 6:31 PM)
Staff: Health Director, Daniel Wasiuk and Health Clerk, Anne Stuart

Meeting being recorded.

Al Cummings opened the meeting at 5:30 PM.

Minutes: November 20, 2019.

*Michael Nelson **Motioned** to accept the November 20, 2019 Minutes. Seconded by Christopher Boutwell. **Motion passes.***

December's Director's Report:

- An update was given by Daniel regarding a complaint that came in regarding Carroll's Market which entailed adulterated/spoiled raw animal food products (beef), improper labeling, and unsanitary conditions of both the retail and production areas of the establishment. Daniel did a full unannounced inspection of the establishment and the complaint was deemed to be unfounded.
- Great Falls Harvest Restaurant had a pre-operation inspection of their indoor "market" side of the business which is scheduled to open in the near future. This space is part of the current Great Falls Harvest restaurant and will have access on the street side as well as through the restaurant. Upon completion of the inspection there were no violations observed and the establishment is approved to operate when ready.
- 12 Federal Street has been brought into compliance and there have not been any issues or complaints regarding the owners or the property recently. Daniel Wasiuk and Chris Rice have worked diligently and in collaboration with the residents and the property owner to come to some resolution
- 9-11 West Main Street Millers Falls is in the process of being "cleaned-up" and the board has asked that the BOH, MPD and Montague Fire take a look at the property and make note of any items that are deemed in violation under each of the departments prevue. Daniel and Anne will work on ascertaining ownership through working with the Assessor's Office and there will be a Board of Health site visit to the property in the near future to see what if anything needs to be brought into compliance. Michael Nelson will inform the other departments regarding the situation at 9-11 West Main Street. Daniel will make a site visit to determine the best course of action going forward. This property is from the 1880's and could be the show piece which is considered the "gateway" to center of Millers Falls.

*Michael Nelson **Motioned** to accept the recent Director's report. Seconded by Christopher Boutwell **Motion passes.***

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Public Hearing: Regulation for Fats, oils and Grease (FOG):

Guests: None

Michael Nelson read aloud the legal Public Hearing Notice that ran in the Montague Reporter on December 12, 2019.

Public Hearing Opened at 5:40 PM

- There was a legal ad that was submitted and ran in the Montague Reporter on December 12, 2019. After the public hearing notice was read aloud the Board of Health Members discussed the FOG Regulations as they represent a culmination of input over the last three years from various individuals and departments. The regulations take into consideration the surrounding towns and what they have instituted as requirements for their licensed Food Service entities to comply with the use of grease traps in all new construction.

The BOH has the authority to mandate the installation of grease traps with no grandfathering in of existing food service establishments following both the FOG regulations and the plumbing code. If approved and adopted, it would be up to the Montague Board of Health and its agents to adopt and enforce these new regulations.

Daniel feels that around 25% of the establishments would need to come into compliance with an expense on the low range of \$1,000 - \$2,000 (ware wash 3 bay sink) and a higher expense \$4,000 or more for those that have dishwashers and/or larger kitchen spaces which would require a more complex installation process along with additional plumbing changes. The expense is calculated by a licensed plumber and has been on the plumbing code books but not enforced. There will be a period of a year for Montague Food Establishments to come into compliance.

Kevin Boissonnault – WWTP had comments which were added on page 6 section D part a “Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred 100 mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°F and one hundred fifty (150°F)”.

Discussion surrounded the following pages of the regulation:

- BOH Members – page 10 section 11 number 3 – timelines can be set and we can eliminate “All food establishments shall submit a completed Board of Health form and project plan with a list of all contacts, no later than six months prior to deadline.”
- Page 10 section 11 Timeline for Regulation Compliance number 1 “All food service establishments with 100 or more seats or more than X square feet shall be in compliance with this regulation by February 28, 2021.” Remove “All food establishments with 50-99 seats or more than X square feet shall be in compliance with this regulation by February 28, 2021.” Replace with: all food service establishments shall be in compliance by February 28, 2021. Failure to comply

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by this deadline will affect the issuance of the Board of Health food establishment permit.

- Page 12 section 14 all numbers pertaining to violations, penalties and fines should we consider changing? Daniel feels the point of the structure is to have a clear and concise enforcement structure. This model has been used in the surrounding towns and some of the time lines are as short as thirty days other towns as long as six months.

Michael noted that we should give a year – February 2021 to come into compliance due to the fact that this is not an inexpensive project for our establishments, we have to send out letters informing the various food establishments of this new regulation, and if there are any variance requests we give them adequate time to be heard and then come into compliance.

*Michael Nelson **Motioned** to approve and pass the Board of Health Regulations for Fats, Oils and Grease with the following changes Page 10 Section 11 strike all of number 1, and make number 2 the new number 1 with the wording to say: all food establishments (no reference to seats or size of establishment) should be in compliance by February 28, 2021. Strike out number 3 entirely. Seconded by Christopher Boutwell **Motion passes.***

Discussion: Fee Schedule (Variances & Others):

- Discussions continued regarding streamlining and tightening up of the fees and the categories to be in alignment with the State Food Service and Retail Food codes and others.

It was reiterated that:

- Bakery Permits should be Food Service; so remove bakery from fee listing
- Frozen Dessert should be Food Service; so remove frozen dessert from fee listing
- Remove Abrasive Blasting from the fee listing
- Note that a Bed and Breakfast consisting of 6 bedrooms or less and owner occupied and just serving breakfast will not need an inspection or permit from the Board of Health for their food service.
- Bake Sale – no permit will be needed

It was discussed and decided that:

Food Permits:

- Franklin Country Technical School Apprentice Kitchen Fee of \$90.00
- Franklin County Technical School Cafeteria \$0
- Remove Mobile Food Vendors Without Annual Permits or additional days
- Remove Sundries Permit for Pre-Packaged Food
- Remove Temporary Food Additional Days
- Remove under Housing Bed & Breakfast

Miscellaneous Permits:

- Remove Abrasive Blasting Permit
- Change Marijuana Dispensary Permit to \$250.00
- Change Marijuana Growers Permit to \$250.00
- Change Marijuana Retailer Permit to \$250.00
- Remove Outdoor Wood Boilers

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Septic Permits:

- Remove Confirmation Pits
- Remove Emergency Repairs
- Remove Emergency Plan Review
- Remove Trench Permit

*Christopher Boutwell **Motioned** to accept the recent changes to the fee schedule as presented. Seconded by Michael Nelson **Motion passes.***

Discussion: Pioneer Valley Tobacco Coalition Partnership:

There are new laws regarding smoking coming through the coalition as Governor Baker signed the new laws last week. In looking at the paperwork, The Montague Board of Health signed into the Municipal Tobacco and Public Health Policy Programs RFR#19028 (Pioneer Valley Tobacco Coalition Partnership) just about a year and half ago (May 18, 2018).

At this point there is a movement to increase the penalties for non-compliance from \$100 - \$300 to \$1,000 and up to \$10,000. The Montague Tobacco Regulations will have to be updated and does the Town want to be part of this going forward and be in alignment with what and how they want to enforce the regulations on our local businesses. The goal continues to be to keep tobacco products out of the hands of minors and our businesses are on board with this concept and we have their complete cooperation with the regulations. Michael noted that there is sufficient visibility of signage in our local businesses showing their compliance and understanding of the Montague Board of Health Tobacco Regulations. Does the Montague Board of Health want to stay with the Coalition to do the enforcement? regulations? Or do they want to enforce and write their own regulations? Health Director, Daniel feels along with the board members that the regulations and enforcement should be up to the individual towns and Boards to oversee that the local establishments are in compliance and that the penalties are reasonable to the cost of doing business in the town. Who has the best interest of the businesses in our town? The bottom line is that tobacco and alcohol drive the financial aspect of the businesses whether you are in favor of smoking or drinking.

*Michael Nelson **Motioned** to have the Montague Board of Health leave the Pioneer Valley Tobacco Coalition Partnership and have the enforcement and regulatory body be the Montague Board of Health, Health Director Daniel Wasiuk and Health Clerk, Anne Stuart. Seconded by Christopher Boutwell. **Motion passes.***

Discussion: Non-Profit Status and who it pertains to.

Anne Stuart gave an overview as it pertains to the fee schedule and some issues that have come up over the year during the permitting process.

Some examples Anne pointed out include:

- That Churches have been treated as religious organizations (so a reduce fee has been charge at \$100) but some have the IRS documentation for a non-profit status and should be treated as such if they have documentation.
- Masonic Lodge is religious based organization but has been treated as a food establishment based on seating.
- Other organizations such as Boy Scouts, 4-H, Girl Scouts, PTO organizations fall under the non-profit status.

Christopher Boutwell commented that there are a lot of non-profit entities in Montague. The issue to be aware that there will be a drop in the revenue stream where applicable.

Daniel Wasiuk brought up a recent discussion he had with Red Fire North regarding him partnering with Suzanne from Riverculture on a monthly basis to sell food from Red Fire North at another location; which would require a temporary food permit. A temporary food permit would be \$50 for each instance that he participates. He currently holds yearly food establishment permits at great expense. He would like to see if there could be a seasonal permit (3 months duration) as a temporary food permit or for a farmers market. If you are a current Montague food permit holder, they could get a reduced cost permit for doing temporary foods, farmers market, or seasonal events.

After some discussion Christopher Boutwell brought up the question would we prefer to see a temporary seasonal permit (temporary food service) only available to yearly permits holders on a quarterly basis (3 months) for a fee of \$50.

*Christopher Boutwell **Motioned** to allow for a 3 month temporary seasonal food service permit available to current yearly permit holders for a fee of \$50.00. Seconded by Al Cummings. **Motion passes.***

Discussion: Being prepared and sufficiently equipped for the unexpected:

- Daniel gave a brief overview of how in adequately prepared the Board of Health was in dealing with the Turnpike Road situation along with other duties. Daniel asked the Board for an allotment of funds (\$500) per year to be spent on Personal Protective Equipment (PPE).

*Michael Nelson **Motioned** to grant the amount of \$500 dollars annually for Personal Protective Equipment. Seconded by Christopher Boutwell. **Motion passes.***

Discussion: 2020 Montague Board of Health Schedule:

- 2020 BOH Meeting Schedule presented

*Christopher Boutwell **Motioned** to accept the Montague Board of Health 2020 Schedule as presented with the possible adjustment that the board might not meet in January. Seconded by Al Cummings. **Motion passes.***

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

Meeting adjourned: 7:02 PM

Approved by: _____

Date: _____

Documents:

November Minutes

Director's Report

Draft Fats, Oils and Grease Regulations