

LEICESTER BOARD OF HEALTH MEETING MINUTES
April 8, 2008

MEMBERS PRESENT: Christopher Montiverdi, Robin Wood, Debra Rigiero

MEMBERS ABSENT:

IN ATTENDANCE: Darlene O'Connor, Director of Health

MEETING DATE: April 8, 2008

MEETING TIME: 5.30 PM

AGENDA

5:30 PM **Bill Review and Ratification**

5:45 PM **Approval of Minutes:** 2/12/08, 3/11/08

Title V Reports– 6 Maple Lane – Pass

ZBA Notice: 104 Bottomely Ave

6:00 PM **Board Hearing:** Brookside Package Store

6:15 PM **Board Discussion:** 664 Stafford Street-Private Well Contamination

6:30 PM **Board Hearing:** Olde Rock Pub

6:45 PM **Board Discussion:** Fee Schedule

7:00 PM **Board Discussion:** Proposed Outdoor Wood Boiler Regulation

7:15 PM **Health Director Report**

A. Inspections

B. Smoking Compliance

C. MRC Volunteers

Meeting called to order at 5:42 PM by Christopher Montiverdi

Minutes – Review of minutes for 3-11-08

MOTION: Ms. Wood moved to accept minutes as presented

SECONDED: Mr. Montiverdi DISCUSSION: None

Vote: UNANIMOUS

Ms. Rigiero abstained

Minutes – Review of minutes for 2-12-08

MOTION: Ms. Rigiero moved to accept minutes as presented

SECONDED: Mr. Montiverdi DISCUSSION: None

Vote: UNANIMOUS

Mr. Montiverdi reviewed bills – Discussed possibility for an old car for BOH use. Board will watch mileage rate.

Bills

MOTION: Ms Rigiero moved to accept and ratify bills as presented

SECONDED: Ms. Wood DISCUSSION: None

Vote: UNANIMOUS

Subdivision- Boutilier Estates – No comments at this time

Board Discussion: Outdoor Wood Boiler

In Attendance Mr. Dube

Mr. Dube stated that he added another 10 feet to his stack on his outdoor wood boiler.
Ms. O'Connor stated that the Board of Health received another complaint on 3-31-08.
Mr. Montiverdi explained that OWB are a hot topic and the purpose to regulate the placement of OWB, include materials being burned inside OWB, large amount of particulate matter, and increasing numbers of boilers in town.
He also stated that before regulations are adopted there will be a public meeting for the public's input.

Board Hearing: Brookside Package Store – Tobacco permit

Hearing opened at 6:05 by Christopher Montivedi

Mr. Montiverdi discussed how the state license is required for all cigarette sales

Ms. O'Connor explained that the purpose of the hearing is for the Board to decide if they will issue a Board of Health Tobacco Permit with out a State cigarette license. Mr. Patel and Sunny, the manager, attended. They intend to sell the package store.

The owner stated the State license has lapsed.

Ms. O'Connor asked if applicant had any supporting documentation to prove that they had applied for a state cigarette license.

Mr. Patel presented a copy of a check from Corner Cupboard made out to Commonwealth of Mass for \$75.00.

Ms. Rigiero asked if the manger could get a copy of the completed application for tobacco sales.

MOTION: Ms Rigiero moved to suspend the Tobacco permit for Brookside Package Store until the owner, manager or proposed owner gives proof that applicant has applied for a State License to sell Tobacco products.

DISCUSSION: Mr. Montiverdi showed that the check was dated 3-14-08 and he has stated that this did not show any proof that he applied.

Ms. O'Connor stated that we would need proof of transfer of ownership, and application for state tobacco permit.

Mr. Patel stated he didn't get a reminder from the state.

Ms. O'Connor recommended that they would need to immediately discontinue all tobacco sales until we received proof of application of state cigarette license

SECONDED: Ms. Wood

Vote: UNANIMOUS

Board Hearing: Olde Rock Pub

Hearing opened by Mr. Montiverdi at 6:34

Ms. Wood abstained from the hearing.

Ms. O'Connor stated the hearing is two fold. It is for smoking violations inside the premises and Food Service violations.

Mr. Favereau stated he has served corn beef and cabbage for 62 years at this establishment and that this is a witch-hunt by the police department.

He admitted that he was wrong.

Mr. Montiverdi explained that changes have been made. For example the Harvest fair has been going on for a long time as well and now that we have full time staff and we have time we are enforcing the BOH regulations.

Ms. O'Connor stated that guidance must be followed by the Federal Food Code. The establishment has a retail food only, which allows the sale of prepackaged Foods. Food Service is not allowed

Smoking violations continue to be an issue.

Mr. Favereau states that the ashtrays are used for peanuts. The cigarette butts are brought in by the employees.

Ms. O'Connor stated that this is a second smoking offense within a year.

MOTION: Ms. Rigiero moved that the Board fine Olde Rock Pub \$100 acknowledging this as a second offense of smoking regulation. The Board is showing leniency with the fine of \$100 instead of the designated \$200 fine.

SECONDED: Mr. Montiverdi

DISCUSSION: Mr. Favereau states that he wants it to be by the book and that he was never fined with a first violation.

Ms. O'Connor stated that she documented the previous smoking violation and spoke to him about compliance requirements.

To fine Olde Rock Pub for \$100 acknowledged as a second offense and showing leniency on the fine of \$100 instead of the designated \$200 fine.

Vote: UNANIMOUS

Board Discussion:

664 Stafford St – well contamination

Mr. Leclair explained the problem with the well.

Ms. O'Connor to contact DEP to see if they have any program to clean up contaminated soil.

Ms. O'Connor discussed locating a new well, maybe behind the shed. Ground water is saturated due to high water table and cans of paint were dumped.

Mr. Reith had site work done last year.

Board Discussion:

Commissioners will review the fee proposal for Hillcrest. He will talk to Kevin Quinn about the project to see if there was any leeway.

Mr. Montiverdi explained that there was a revolving account for percs and wells and wanted to keep a safety net for coverage of vacations. He would like 10 to 11,000 left in the account.

Commit 15K to the Hillcrest Hook in cost and leave 11K in the account.

Bob has spoke with a contractor on a RFP for the Hillcrest project, to see what the interest is for the vision of the property.

Board Discussion:

Fees

MOTION: Ms. Rigiero moved to accept the proposed fee schedule as submitted by Ms.

O'Connor

SECONDED: Ms. Wood

DISCUSSION: None

Vote: UNANIMOUS

MRC Update

312 Henshaw St

Reorganization

MOTION: Ms. Rigiero moved to nominate Mr. Montiverdi for Chairman of the Board of Health

SECONDED: Ms. Wood

DISCUSSION: None

Vote: UNANIMOUS

Mr. Montiverdi abstained the vote.

MOTION: Mr. Montiverdi moved to nominate Ms. Rigiero for Chairman of the Board of Health.

SECONDED: Ms. Wood
Vote: UNANIMOUS
Ms. Rigiero abstained the vote.

DISCUSSION: None

MOTION: Ms. Rigiero moved to adjourn the meeting
SECONDED: Ms. Wood DISCUSSION: None
Vote: UNANIMOUS

Meeting adjourned at 8:27 pm.

Next meeting on May 13, 2008 at 5:30 pm.