



TOWN OF SALISBURY

BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

SALISBURY TOWN HALL
5 BEACH RD.
SALISBURY, MA 01952

TEL: 978-462-7839
FAX: 978-462-4176

DANIEL RICHARD
RON LAFFELY
SUE RING
DENISE PETERSON

March 7, 2017

7:00 PM Salisbury Town Hall

Board Members Present:

Ron Laffely, Sue Ring and Denise Peterson

Staff:

Jack Morris

Meeting called to order at 7:00 PM.

Minutes

January 3, 2017 Meeting Minutes

Ron Laffely makes a motion to continue the minutes until next meeting. Sue Ring seconds the motion. 3 in favor, 0 opposed.

Old Business

1. Regulation Review/Discussion for Amendments

Denise Peterson to review chapter 1

Sue Ring to review chapter 2

Dan Richards to review chapter 3

New Business

1. Tobacco Control Discussion – Ron Beauregard from Healthy Communities
Healthy Communities work with 18 communities and 300 retailers. They are responsible to do compliance checks, and to inform the Boards of Health what other communities are doing and what would be the right fit for Salisbury.

Ron Beauregard goes over the highlights of tobacco control that he feels are important for the Board of Health to think about.

- Retailers to id customers up to age 40.
- Taking out the exceptions for smoking in cigar bars and hookah bars which is currently allowable by state law passed in 2004. Along with the allowance to smoke in smoke shops.
- Change the minimum age of sale of tobacco products to age 21.
- State law prohibits smoking, but does not prohibit the use of electronic cigarettes.
- Cigar Pricing – Cigars pricing has gone down, where cigarettes have gone up – increase the minimum cigar price to \$2.50 for a single cigar and \$5 for 2 or more cigars.

- Cigar flavoring variety and the restriction as to where these products can be sold – for instance only available in the tobacco shops with a minimum age requirement to enter and not to be sold with food and beverages such as convenient store
- Blunt wraps – prohibit this item or only allow them to be sold in the cigar shops, not to be advertised in convenient stores. Especially since the legalization of marijuana in MA.
- Pipes – control the sale, pipes should not be on display for minors.

Ron Laffely: Is the second hand vapor from the electronic cigarette harmful?

Ron Beauregard: They do not know yet, it is too early to tell.

Ron Laffely: How is vaping different then a sick person coughing without covering their mouths?

Ron Beauregard: That is a very good question, but I do not know.

Ron Laffely: Why isn't the state taking care of this issue? Why are they pitting one community against another? One business against another? Why are the Boards of Health being asked to make these decisions? They are a board of four people and they are being asked to represent the entire community.

Ron Beauregard: It is easier for Boards of Health to pass policies.

Denise Peterson: How does Massachusetts stack up against other states?

Ron Beauregard: Very well. MA is a model for the flavor restrictions. He said MA is in the top five.

Jack: Jacks concerns are, why isn't the Department of Public Health pursuing this as a regulation? Why hasn't someone from all these groups petitioned a state representative or senator to do this enablement so the Department of Public Health can make this across the board where everybody does the same thing? Currently this program is funded by a grant, if that goes away who would enforce these policies because we do not have the staff to enforce regulations.

Jack: Board does have a provision in their regulations for policy memorandums of how to enforce regulations that may be broad enough if they want to the board can take these suggestions and do policy memorandum to specific sections.

Ron Laffely states that this will be something that will be discussed further when they have a full board.

2. Body Art Practitioner – Request for Waivers

Nate applied for body art practitioner permit. A & B of the application have been completed. C, D and E of the application have not been completed. He has 13 years of experience and meets the apprenticeship that the Board discussed. Nate is seeking a waiver for D & E (experience) and will complete C (OSHA prevention of disease transmission)

Ron Laffely: explain your experience to the Board.

Nate: Nate states that he apprenticed 2004 for a year and has been licensed since and has been a tattoo artist for 13 years.

Ron Laffely: have you read the regulations that Salisbury has in place for tattooing.

Nate: No I have not.

Sue Ring makes a motion to accept the waiver for D & E requirements provided that he completes and submits C. Denise Peterson seconds the motion. 3 in favor, 0 opposed.

3. Millennium Engineering – 46 Toll Road Septic Variance

Jack explains that the system at 46 Toll Rd (Dunkin Donuts) was initially installed in 2003 and had an addition in 2007. The system is currently in failure and needs to be repaired. Millennium

is requesting that the Board provide a variance of the minimum standards of Title 5, which requires two tanks and a variance for the pitch. Jack states that this should have had two tanks when it was installed.

Matt Steinel explains that Dunkin Donuts in general across the state tend to have issues with their septic systems because of the type of wastes that they are generating. No evidence of issues with the tanks. The owner doesn't want to replace the tank, he wants to see if he is able to get a variance. Matt's opinion is that the best solution is to utilize the tank there now.

Ron: Who discovered that the field was in failure?

Matt: The owner, he noticed a crack in the pavement and affluent present.

Ron: Is there any impact to the neighbors?

Matt: No, there is no break out on the sides, the only break out is at the crack in the pavement.

Ron: Jack can we get your comments?

Jack: The issue is not if the tank is structurally sound, the issue is that it was never properly sized, which is a minimum state requirement.

Ron: Other than the doctor's office and Dunkin Donuts are there any other businesses in that building?

Matt: There are two doctor's offices there.

Ron: Is there any monitoring of what they are putting into the system?

Matt: No, they have their requirements for taking care of medical wastes and know what is not supposed to go down the drain.

Ron: Does Dunkin Donuts have the proper grease traps and everything else for prevention? Are they maintaining their systems inside or are their grease traps outside?

Matt: Yes, there is a grease trap outside. It is shown on plan, the first tank is the grease trap and the second tank is the existing septic tank. He is unsure if it is properly sized.

Jack: They do have an existing 1000 gallon grease trap, the minimum.

Jack: Noticed that they couldn't find the sewer manhole, is the manhole not there?

Matt: The as built plan from 2007 shows that there is a manhole, it may have been covered by snow at the time when the surface crew went out.

Ron: Was there a report from the town engineer for reviewing this when it went in?

Jack: The town engineer wouldn't do that.

Matt: The only respect that the town engineer would have had at looking at this would have been during site plan and review during the initial permitting, but the building was there long before that.

Ron: I was more concerned about the layout of the parking lot and the drainage of the parking lot, and if it is causing the problem along with the leaching field.

Matt: The parking lots deterioration is mainly caused by use and the drainage is going into a retention pond.

Richard Berube: His suggestion would be to put in a second tank and bypass the sewer manhole one and go right to sewer manhole two.

Ron: What stops residue coffee from being broken down and just passing through?

Matt: With the design that they would like to put in place there would be a filter. Management needs to make employees aware of what not to put down the drain.

Ron: Does adding the tank solve the issue?

Matt: No, it makes it meet the minimum regulations.

Ron: If we allow the second tank and the septic still fails, then we are not solving a problem.

Ron explains that variance is given for instances when there are no other options available, in this case he feels that there is another option to solve this problem.

Jack requests that if the motion is to grant the variance, then there be a condition that owner clearly recognizes the risk and that it is on them.

Ron Laffely makes a motion to deny the variance for reduced tank size. Denise Peterson seconds the motion. 3 in favor. 0 opposed.

Ron Laffely makes a motion to allow the second variance for pipe pitch. Denise Peterson seconds the motion. 3 in favor. 0 opposed.

4. Appeal of Fine at 128 Railroad Ave – Daniel Belfiore

Dan Belfiore has been given a notice for a fine of \$26,000 for violation of housing regulations. Dan owns 128 Railroad Ave which has five units. The units are used by family members and are also rented out at various times. Dan received letters from the town to schedule inspections for the units at 128 Railroad Ave with Health Inspector in December of 2016.

Jack explains to the Board that Daniel Belfiore also owns 126 Railroad Ave and that they had been to court in February 24, 2016 in regards to that property at that time Dan was told that he needed certificates for habitability for the units at 128 Railroad Ave. Mr. Belfiore received certificates for the first floor units only and on March 2, 2016 he submitted an affidavit that stated that units 4, 5 & 6 were occupied by family members even though unit 5 was and currently is occupied by a non family member, for the past five years.

Ron asks for an explanation of the fine.

Jack refers Ron to an excerpt of the regulations for chapter 5, section 9, which requires a certificate of habitability, under number 3 and submission of an affidavit if it's a blood relative or self-occupied which was received. The violation is under penalties and refers to the fee section. First violation is a warning and a \$100 fine. The warning was given at the court house on February 24, 2016. Jack states that it appears intentional to evade the regulations. He used the same principal to calculate the fine that was used to calculate previous fines that have been given for violations.

Ron: To this point have all units been inspected?

Dan: No, but Dan has been in contact with the inspector to schedule an appointment.

Ron to Jack: Are there any gross violations that would cause bodily harm to people in the units?

Jack: there are 7.50 violations, which are violations deemed to endanger life and safety of the occupants or the general public.

Ron: knowing that there are violations in that unit, is that unit being occupied?

Dan: yes, it is occupied by the same tenant.

Ron: Have the violations been corrected and has that unit been re-inspected?

Dan: yes

Ron: wants to make sure that the building is in compliance before they can reach a decision.

Jack: requests that the Board makes a decision in regards to the fine for unit 5.

Sue Ring makes a motion to continue the appeal of fine until the next meeting on April 4, 2017. Denise Peterson seconds the motion. 3 in favor, 0 opposed.

Health Nurse Quarterly Report to the Board

Cathy Vichill (Public Health Nurse) - Quarterly Report

Health Officer Report

Correspondence

1. Town Clerk Ethics Commission – Conflict of Interest Law

Members Report

None at this time.

Public Comments

Board discuss process of public comments.

Next Meeting is scheduled for April 4, 2017

Adjourn

Sue Ring makes the motion to adjourn meeting, Denise Peterson seconds the motion. 3 in favor, 0 opposed. Motion carries unanimous.

Meeting adjourned at 9:10 PM.

Date: 5-2-2017



Ron Laffely

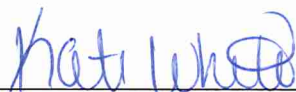


Sue Ring



Denise Peterson

Respectfully submitted by Kate White



Kate White

5-2-17
Date