

Charlemont Board of Health
July 8, 2015

Present: Rob Lingle co-chair, Doug Telling (co-chair), Ruth Cannavo, and Bill Harker
Guests: Glen Ayers, Aryn Merchant, Vivek Sharma, Cheryl Sbarra, Mary Kersell, Melinda Calianos

Hearing on Tobacco and Smokeless Workplace called to order at 5:30 pm

1. Rob read the hearing notice
2. Testimony from Merchant and Sharma from 4 Families
3. They request that when compliance checks (or stings) are made that the clerk who sold tobacco to an underage person be punished along with the store. Asks that the person conducting the check issue a ticket to the clerk at the time of the visit (as is the case for sale of alcohol to minors) and that there be a witness.
4. They otherwise support the goals of the regulations.
5. Cashiers and the store needs training for how to ensure no improper sales.
6. A method to police cashiers selling cigarettes to underage friends needs to be found.
7. Cheryl Sbarro: On the question of fining the clerk, a legal doctrine, Master-Servant, holds that the “master”, or manager/owner, is responsible for the activities of the “servant”, or clerk. Fining clerks is outside the expertise and capacity of the Board of Health. Experience shows that suspensions are the most effective tobacco control policy. Finally, she recommended that the effective date be pushed out to give establishments time to come into compliance.
8. Mary Kersell: Compliance checks are by trained people, the protocols of the checks are consistent throughout the state and clerk magistrates have reviewed them. Given the nature of Massachusetts’ IDs, it is easy to determine if they are over 21. The proposed regulations would make Charlemont part of a broad coalition of towns, both locally and throughout the state.
9. Sbarro: cigarettes are an “unreasonably dangerous product” that when taken as recommended will cause death.
10. The Board received five letters supporting the regulations: Randy Crochier of Gill Board of Health, Kat Allen and Phoebe Walker, Max Rangel, Tami Gouveia, and Jonathan Winickoff, MD and Lester Hartman, MD.
11. Telling announced that the Board would accept written comments on the regulations through Monday, July 13, 2015.
12. Telling moved and Cannavo seconded that the hearing be closed. Unanimous approval. Hearing adjourned at 6:07 pm
13. Hearing on the Order to Correct for 8 Riddell Rd called to order at 6:12 pm
14. Lingle read Dewey’s letter of concern requesting the hearing
15. She was confused by the date by which a hearing needed to be requested and the date by which substantial progress needed to be demonstrated. Her confusion was clarified.
16. Dewey reported on the requested work: Chimney repairs completed; water on but not tested; electricity on; outside paint scraped and parts primed; work on the porch supports in progress.

17. Telling moved to adjourn the hearing. Harker seconded. Passed unanimously
18. Hearing adjourned at 6:26
19. Dewey presented a new work timeline for repairs to The Inn: she expected the water to be connected to the three bay sink by the end of the week. The Board noted that this requires a plumbing permit.
20. The Board noted that the timeline needed to provide dates of when the various projects are expected to start. Dewey replied that she would provide dates as soon as the various contractors were back from vacation and available.
21. Ayers reported that he witnessed a Title V inspection on 567 Legate Hill, a cabin that was sold without the required Title V. It failed. He advised the owner on possible remedies and requested a remediation plan by the end of the summer.
22. The minutes for 6/24/15 approved through signatures.
23. Received 2 food inspections, an application for a septic installation, a perc test and 3 pump reports.
24. Harker moved that Lingle be appointed the representative to the health district oversight board and Telling serve as the alternate. Cannavo seconded. Passed unanimously

Harker moved that we adjourn. Cannavo seconded. Passed unanimously

Meeting adjourned at 7 PM

Documents Reviewed

7/8/15

- 7/8/15 Agenda
- Notice of Hearing on Tobacco Regulations and Smokeless Workplace
- Attendees at the hearing
- Letters on Tobacco regulations from: Randy Crochier of Gill Board of Health, Kat Allen and Phoebe Walker, Max Rangel, Tami Gouveia, and Jonathan Winickoff, MD and Lester Hartman, MD.
- Work plans from 8 Riddell Rd. and The Inn
- Minutes from 6/24/15