

CHARLEMONT BOH MINUTES-TOWN HALL
September 28, 2011

MEMBERS PRESENT: Rob Lingle, Ron Smith and Lisa Hutchins

Others Present: Mr. Coli, Mrs. Coli, Glen Ayers, Brian Dupree, Denny Fuller and Martin Heib

1. Meeting called to order 7:35 PM
2. Reviewed and approved minutes for September 14, 2011
3. Discussed with Brian Dupree application for Disposal System Construction Permit for emergency repair. Motion made by Robert Lingle to sign and wave permit application fee for Emergency Repair Permit for septic at 171 Rte 8A. Ron Smith seconded, approved unanimously. Noted waiting for As-Built Plan, the Board is keeping a copy Certificate of Compliance.
4. Glen Ayers reported on various matters conducted in town.
5. Glen Ayers discussed taking Draft Definitions that have been discussed and putting them in some formal process of either developing policies or developing BOH Regulations. Glen separated definitions into major programmatic situations. Noted Glen suggested working with one thing at a time.
6. Glen Ayers also discussed private wells, Title 5, and outside consultant regulations. Other sections would be based on existing State Regulations.
7. Noted that Glen Ayers discussed FDA funding to go through a process with the Board to formal adoption of a written food inspection policy for the town.
8. Glen Ayers passed out and discussed Proposed Framework for Policy Development and Adoption of Related Regulations by the Board of Health 9/28/11, Chapter 40: Section 57, Chapter 111 Section: 127A, Chapter 111 Section 31, and Model BOH Regulations for Private Wells documents.
9. Noted that Glen Ayers is setting the Board up with background information, first going through process of adopting a policy. The Board will learn how it works and then decide if they need to have other policies that will incorporate the definitions.
10. Noted that the draft definitions are in the beginning stages and the Board has to follow a formal process. Glen's suggestion was to start with one thing at a time, and go through each process, learn the process and then decide.
11. Motion made by Robert Lingle that the Board adopts Glen Ayers recommendation that the Board institutes a policy of food inspection and standards in the town of Charlemont recommended by Voluntary Nation Retail Food Regulation Program Standards. Ron Smith seconded, approved unanimously.
12. Noted that Glen Ayers stated while going through the policy process that will be where the Board would incorporate and adopt any definitions that have been debated and discussed. It will be the way to incorporate the definitions into something that is either a policy, a regulation, or will be just dropped altogether.
13. William Coli ask what the difference was between a regulation and a policy. Asked if there were some key differences that Glen Ayers could explain to him. Glen stated that a policy is something that the board would set and it would not have to go through hearings but it would be a formal policy that that the Board would adopt. A regulation is a formally adopted statutory code that has enforcement associated with it and that gets filed with the state.
14. Ron Smith made a motion to discuss Food policies at second BOH meeting on the 26 of October, 2011. Robert Lingle seconded, approved unanimously.

15. Denny Fuller discussed his concern with sewage dumping on the adjacent property on Tower Road. Mr. Fuller asked what the response was from the letter the BOH sent to the owners of the property regarding dealing with waste. Noted the Board discussed not receiving a response yet and that Rob Lingle will look into the matter and get back to Mr. Fuller. Also Martin Heib discussed his concern with the sewage dumping.
16. Noted that Glen Ayers stated that it would be two violations. One of the housing code, and the other a title 5. First thing Glen would do would be to send them a notice of inspection letter that he was coming on a certain date to inspect the sanitary desposal faculties. And then he would meet with the property owners and explain what the code requires, and make very clear to them that they have to follow certain procedures.
17. Motion made by Robert Lingle to have Glen Ayers inspect the property on Tower Road. Ron Smith seconded, approved unanimously.
18. Noted that he Board needs to get the information to Glen Ayers about the response from the property owners on Tower Road. Also noted that the Board apologized for letting the matter go unnoticed.
19. Ron Smith made a motion to authorize the health agent Glen Ayers the authority to do whatever is necessary to correct the situation on Tower Road and to gather information and enforce the regulations of the town. Robert Lingle seconded, approved unanimously.
20. Noted Glen Ayers submitted a bill for reimbursement for the time and mileage he put in for Hurricane Irene to FMA- 75%.
21. Robert Lingle wanted to recognize the extraordinary job that Glen Ayers has done for the town after Hurricane Irene.
22. Discussed and reviewed 9/8/11 complaint letter from the Coli's. Robert Lingle request that the Board fix the August 10 minutes, after discussing #13, to fix and take out the word 'agreed'.
23. Discussed #20 on August 10 minutes from 9/8/11 complaint letter from the Coli's about the policy on people's behavior at BOH Meetings.
24. Noted that everyone should treat people proper and with respect at public meetings.
25. Noted that the Board discussed and started working on the complaint letter from the Coli's about the two response letters from August 10 written by the BOH. The complaint having to do with open meeting law and the actions taken from the Board.
26. Noted that from now on the whole Board will work together on formal complaint letters.
27. Motion made by Robert Lingle to do together a draft letter in response, and in the future to make sure entire Board is involved in the complaint and response process and/or to appoint someone to respond subject to review. Lisa Hutchins seconded, approved unanimously.
28. Noted Norma and Bill Coli discussed process on how to mitigate with the Board.
29. Robert Lingle made a motion to respond to the last complaint letters, that the letters get appended to the minute, and to be noted in the minutes that the response letter be forwarded to the Attorney General's Office. Seconded by Ron Smith, approved unanimously.
30. Noted that tonight the Board will append the two response letters to the minutes after learning how to mitigate. Noted the Coli's were satisfied.
31. Noted to move mail and correspondence to next meeting.
32. Meeting adjourned at 9:20PM.

This document is a draft until approved and signed by the Charlemont Board of Health

LIST OF DOCUMENTS
September 28, 2011

1. Agenda from September 28, 2011
2. Signed minutes for September 14, 2011
3. Application for Disposal System Construction Permit for 171 Rte 8A. 9/12/11
4. Proposed Framework for Public Development and Adoption of Related Regulations by the Board of Health 9/28/11
5. Application of National Retail Food Regulatory Program
6. Charlemont Draft Regulations -for the employment of outside consultants
7. Chapter 40: Section 57
8. Chapter 111 section 127A
9. Chapter 111 Section 31
10. Model BOH Regulations for Private wells 10/2011
11. Formal Complaint Letters from Mr. and Mrs. Coli 9/8/11 (received September 9, 2011)
12. Response Letters from Earl Bowen to Attorney General and to the Coli's dated August 10, 2011