

Board of Health  
Meeting Minutes  
September 11, 2018 – 7:00 P.M.  
Ashland Town Hall, 101 Main Street, Ashland, MA  
Selectmen’s Meeting Room

*Jon Fetherston, Chairman*  
*Diane Mortensen, Vice Chairwoman*  
*Mark Oram, Agent/Director*

*Chris Daniele, Clerk*  
*Ronald Etskovitz, Member*  
*Koduvayur Narayana, Member*

**Members Present:**

Jon Fetherston, Chris Daniele, Ronald Etskovitz and Koduvayur Narayana

**Members Absent:**

Diane Mortensen

**Others Present:**

Mark Oram, Health Agent / Director  
Laura Clifford, Administrative Secretary  
Mark Dassoni, Resident  
Steve Mitchell, Resident/Selectman  
Joe Magnani, Resident/Selectman  
Bill Gath, Honorary Resident  
Matthew Sweeney, C.O.O., Long Term Centers Group  
Kathy Lill, Administrator, Mill Pond Rest Home  
Mahmood Ul Hassan, Tobacco Permit Applicant  
Lara Kopel, Esq., Attorney for Applicant  
David DiPrizio, Marathon Mobil

**Call to Order**

Mr. Fetherston called the meeting to order at 7:03 p.m. and announced that the meeting was being recorded by WACA-TV. A moment of silence was held to honor the victims of 9/11 and to reflect on the tragic events of that day. Mr. Daniele displayed a large framed photo of the Twin Towers he had taken months prior to the attack. Honorary Resident and US Army Veteran, Bill Gath, led everyone in the Pledge of Allegiance.

**Citizen’s Participation**

Steve Mitchell, as both a resident and a Member of the Select Board, thanked Mr. Fetherston and Mr. Narayana, as well as public safety personnel for their quick response to the Mill Pond Rest Home issues over the weekend. Mr. Mitchell expressed the importance of oversight as local and government officials, he asked that the Board of Health work in collaboration with the Select Board and public safety on continuous oversight.

Mark Dassoni, resident, thanked Mr. Daniele for having a moment of silence and sent prayers and good wishes to the residents of the Carolinas who may be affected by the hurricane.

### **Mill Pond Rest Home**

Kathy Lill and Matt Sweeney joined the Board Members at the table. Mr. Fetherston reviewed the incident that occurred on Monday, September 3<sup>rd</sup> at Mill Pond Rest Home. Mr. Narayana and Mr. Fetherston described the scene when they arrived, noting that the basement was filled with water and had objectionable odors, they were concerned this was not healthy for the residents. Mr. Fetherston did not believe an emergency / evacuation plan was in place, nor was the staff trained to handle an emergency. Ms. Lill explained that she was out of state at the time, and noted she was contacted by a member of her staff. Mr. Oram would like to work with Mill Pond / Long Term Centers and the Fire Chief to ensure an emergency plan and transportation plan is submitted and updated annually.

Mr. Sweeney discussed the current plan is to relocate residents to Saint Cecelia's Church; he agreed Mill Pond needs to be better prepared and there will be in-service training of the staff. Mr. Narayana noted we need a chain of command, which should be posted. Mr. Sweeney noted they would like to work with the Board, they will be conducting onsite visits and walk-throughs with consultants. Ms. Lill noted that DPH had conducted an inspection recently; they should be receiving a report within six weeks and will provide a copy to Mr. Oram.

Mr. Fetherston made a motion that by next Monday, September 17<sup>th</sup>, the Board should receive a written emergency plan and proof that the plan is posted and available and that staff trainings have started. If not, they will need to come back. Mr. Fetherston noted that a letter will be written to DPH letting them know that we took no corrective action but that we are working on a safety / contingency plan, to make them aware. Mr. Narayana seconded the motion. The Board agreed that the emergency plan should include phone numbers for the staff, in order of who should be called first. It should also include the transportation plan, if the residents are to go to Saint Cecelia's, who will transport the residents and get in touch with the church. It should also include the transportation/relocation protocol for someone with clinical needs, which cannot be in the church. An electronic copy of the Disaster Plan should also be sent to the Fire Department; staff should also have access to this Plan. The motion was approved 4-0. Mr. Fetherston made a second motion that the Board direct Mr. Oram to organize a meeting after the emergency plan is in place, with the Fire Chief and Mr. Weaver. Mr. Narayana seconded the motion. The motion was approved 4-0.

### **Marathon Mobil, Transfer of Tobacco Permit, review Tobacco Regulations Section E 11 (b & c)**

The buyer for the Marathon Mobil retail business, Mahmood Ul Hassan; his attorney, Lara Kopel; and the current owner, David DiPrizio, joined the Board Members at the table. Mr. Oram explained that, according to the Tobacco Regulations, as a new applicant, they cannot be within 500 feet to a school; Marathon Mobil is adjacent to the Middle School. The Board would need to grant a waiver to allow the tobacco permit to be transferred. Mr. DiPrizio believes it devalues his business if he cannot transfer the tobacco permit. Attorney Kopel noted that not having a tobacco license could impact having a lottery license through the Lottery Commission, which is a big part of the business. Attorney Kopel distributed a letter from the Mass. State Lottery Commission. Mr. Ul Hassan discussed his background and noted that he has owned and operated a convenience store in Dedham for 19 years and, in that time, has never had a tobacco sales violation. The Board noted that Marathon Mobil is an established business, has been in Town and used by residents for 23 years. Mr. DiPrizio noted that they have very few kids coming into the store, and they have no tobacco ads/signs. The Board agreed that not allowing a transfer of his tobacco license could be a great impediment to his business.

Bill Gath spoke in support of David DiPrizio and Marathon Mobil, and commended Mr. DiPrizio for being a community partner in his support of Ashland Day.

Mr. Fetherston explained that Ashland has very strict tobacco sales regulations; Mr. Ul Hassan discussed the ID checking system that was recently purchased by Mr. DiPrizio; the Board agreed he should card everybody.

Mr. Daniele made a motion to waive the regulation noted in Section E11, Article B of the current Regulations of the Ashland Board of Health restricting the sale of tobacco products for new applicant, Mahmood Ul Hassan, at 103 West Union Street. Mr. Etskovitz seconded the motion. The Board discussed whether the present number of violations at Marathon Mobil should be transferred with the tobacco permit; the Board agreed that it would be unfair to put the past penalties on the new owner and that he should be allowed a new start. Mr. Fetherston explained there will be compliance checks. Mr. Oram noted that Mr. Ul Hassan and his employees will need to sign a statement that they have read and understand the Regulations.

Joe Magnani briefly explained how the ID scanner works and the requirements to purchase tobacco; adding that since this new system was put in place, there have been no sales violations.

The motion was approved 4-0.

#### **Chris Daniele, Update on Electronic Food Permit Application**

Mr. Daniele explained that he had been working with Mr. Narayana to revise the formatting of the food permit application and had recently met with Mr. Oram and Tom Curran. With the complications of obtaining electronic signatures, and with the proposed upgrade to the newer Food Code, Mr. Daniele believes that it is best to not move forward with the electronic application at this time, the Board may want to revisit at a later time.

#### **Discuss Upcoming Juuling/Vaping Seminar (new date: November 1, 2018)**

Mr. Oram noted he has sent out an email to his fellow Board of Health directors in several surrounding communities. He is also working with Decisions at Every Turn who will promote the event locally by notifying the schools and parents. Mr. Daniele noted that MassBay Framingham Campus Auditorium has held a reservation for the event, with no rental fee. MassBay Police may mandate a police detail which may require a fee; Mr. Oram noted there are funds available in the tobacco budget for this. The Board discussed inviting the tobacco retailers.

#### **Review of Minutes; August 13 and August 28, 2018**

Mr. Daniele made a motion to accept both sets of minutes, from August 13 and August 28, as presented. Mr. Etskovitz seconded the motion. The motion was approved 4-0.

#### **Health Agent's Report**

##### **FY 19 Budget – update**

Mr. Oram noted that our budget for nursing services will need to be watched due to a TB case which requires daily nurse visits. All other areas of the budget are in order and will be updated at the next meeting.

#### **Downtown Water Main Break (August 30, 2018) Food Establishments - Procedures Followed**

Mr. Oram discussed the water main break that occurred last week, six food facilities were affected. An email blast was sent to all food facilities, Mr. Oram went to the six businesses to ensure they were not serving food. Market Basket had called to have bottled water brought in when they heard about the water break. Food establishments are required to notify the Board when they lose power, when the food permit applications go out this year, we will update this signed agreement. Mr. Oram noted that we are also looking at having a reverse 9-1-1 system to notify food establishments in the event of a situation which they need to be made aware.

### **West Nile Virus – update**

Tomorrow night areas around Laurelton Road will be sprayed where a pool of mosquitoes were found, there have been ten affected people in the State. Mr. Fetherston discussed a reaction that occurred with his dog and although he is not sure what caused the reaction he cautioned that pets must be brought in when spraying is going to occur. Mr. Oram noted that you can opt out from spraying by calling Central Mass Mosquito Control Program at 508-393-3055 or call the Board of Health. Mr. Narayana would like to discuss retention ponds at a future meeting, and how to keep the water moving.

Mr. Oram noted there will be a booth at Ashland Day, Learn to Cope and the Medical Reserve Corps Chair, Michael Gurnick, will be there.

Mr. Narayana inquired as to the DPH food report, and the status. Mr. Oram noted he would email DPH and copy the Board.

Mr. Fetherston commended Stone's Public House and their owner and management team for their professional response during the recent power outage.

Mr. Daniele thanked Market Basket for their community-mindedness for ordering the bottled water, it shows they respect our community.

Mr. Dassoni asked Mr. Oram how to handle the mosquito spraying if you have air conditioning systems; Mr. Oram said they should be turned off if there is an intake of outside air.

Mr. Narayana suggested a future meeting should include a review of the Tobacco Regulations, and whether to update Section E11, Mr. Oram suggested the Board provide him with what they would like updated, which he will forward to DJ Wilson and Cheryl Sbarra.

The Board agreed the next meeting dates will be: September 25th (Food Code Update), October 2nd, October 16th, and October 25th.

### **Adjournment**

Mr. Daniele made a motion to adjourn. Mr. Narayana seconded the motion. The motion was approved 4-0. The meeting adjourned at 9:03 p.m.

ASHLAND BOARD OF HEALTH  
DOCUMENTS REVIEWED AT THE 9/11/2018 MEETING  
(All items stored in the Board of Health files unless otherwise noted)

1. Letter to Mill Pond Corporate Office
2. Mill Pond Rest Home Disaster Policy dated 10-25-2011
3. Tobacco Regulations Section E 11
4. Letter from Mass. State Lottery Commission
5. MDPH Arbovirus Report
6. Food Permit Application
7. YTD Budget Report
8. August 13, 2108 Draft Minutes
9. August 28, 2018 Draft Minutes
10. Audio Recording of the meeting is available