

Board of Health  
Meeting Minutes  
November 20, 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, Diane Mortensen, Chris Daniele, Ronald Etskovitz and Koduvayur Narayana

**Others Present:**

Mark Oram, Health Agent / Director  
Laura Clifford, Administrative Secretary  
Amy Turncliff, Resident and Director, Decisions at Every Turn  
Saumya Sankhavaram, DFC Coordinator, Decisions at Every Turn  
Mark Dassoni, Resident  
Matt Salles, Boston Fitness Foods

**Call to Order**

Mr. Fetherston called the meeting to order at 7:04 p.m. and announced that the meeting was being recorded by WACA-TV.

**Citizen’s Participation**

None.

Ms. Mortensen made a motion to move up Agenda Item #4, Boston Fitness Foods, to before Tobacco Regulations. Mr. Narayana seconded the motion. The motion was approved 5-0.

**Boston Fitness Foods, food operation without a permit**

Mr. Oram explained that Boston Fitness Foods was found to be operating without a permit during a routine food inspection of Eden’s Grill; they were also found operating at the VFW without a permit three years ago, they did apply at that time and obtained a permit but it was not renewed. Boston Fitness Foods prepares meals and delivers them to fitness clubs and gyms. Matthew Salles, owner, believed that he could use the kitchens at the VFW and Eden’s Grill since they are permitted. He stated that he does have a business license and insurance in his name, and confirmed that his mother, who does the food preparation, is a Certified Food Manager. Mr. Oram noted that Eden’s Grill is in compliance with their food license; however, there was a difference of opinion as to the agreement with Eden’s Grill. Mr. Salles noted that they have lost 80% of their business and they have not been able to work.

Ms. Mortensen made a motion that Boston Fitness Foods may apply for a food permit with the following conditions: they must pay a double fee for the violation of operating without a license, they will have a six month probationary period, during the six months they will be required to have three additional inspections, and pay the extra inspection fees. It is also conditional that at the time of leaving Milford, there were no outstanding violations and their permit was active and in good standing; the food permit application will be

reviewed and must be satisfactory to the Health Director. Mr. Oram added that the CFM must be onsite during the inspection and the delivery vehicle must also be inspected. Mr. Daniele seconded the motion. Discussion continued. The motion was approved 3-2 (Mr. Fetherston and Mr. Narayana opposed).

Mr. Salles acknowledged that he cannot operate until his application is approved, he will come in to apply tomorrow. Ms. Mortensen suggested Mr. Salles be given a transcript of tonight's discussion to ensure he understands what is expected to occur before he may operate again.

### **Tobacco Regulations, Review with Amy Turncliff**

Amy Turncliff and Saumya Sankhavaram joined the table to discuss the Tobacco Regulations. Mr. Fetherston noted that this became a discussion item when the Board approved the tobacco license of the new owner of Marathon Mobil, which is located within the buffer zone of the Middle School; the Board had agreed then that they would review the Tobacco Regulations. Mr. Oram noted that he received two emails from tobacco retail coalitions expressing interest in receiving notification of any meeting dates or hearings on this subject. Ms. Turncliff thanked the Board for hosting the Vaping and Juuling seminar; she hopes that DAET can be part of the conversation, Best policy/best practice is the best chance of reducing youth access and youth use. Ms. Turncliff thanked the Board for being proactive and a leader in the past and wants to look at how Ashland can lead again. The Board discussed the Statement of Purpose, and noted it may need to be regularly updated, or made more concise. Board Members agreed the Statement of Purpose could be changed to state: "To restrict the sale of tobacco and nicotine delivery products to minors under the age of 21". Ms. Turncliff suggested educational information should remain, especially information regarding vaping and juuling products, or a link to the CDC.

The Board discussed 11 (b) of the Regulations regarding the 500' buffer zone, and how the Marathon Mobil tobacco license would be handled if another sale was to occur; the value of the business includes the tobacco license. Ms. Turncliff understands the negative impact on the business, but encouraged other revenue generators for the business, and would like to see the buffer zone kept in place. Mr. Oram noted that non-criminal may have gone to \$500 but will get legal clarification.

Mr. Oram read the response from DJ Wilson, Tobacco Control Director in response to Ms. Turncliff's email regarding advertising/signage, capping the number of permits available, taxation, and menthol. Ms. Mortensen suggested checking with the Building Inspector as to any local bylaws regarding window signs. The Board discussed collaboration with surrounding towns to ban menthol flavors, and suggested the Board contact Southborough, Hopkinton and Holliston Boards of Health, and watch the Somerville and Needham decisions on menthol. The Board discussed reducing the number of licenses from 18 to 12, as a license is surrendered.

### **Update, Impermissible Disposal of Commercial Landscape Waste on Residentially Zoned Property**

Board Members discussed the email chain with a resident who has sent numerous complaints to various departments regarding an ongoing issue with landscape waste being improperly disposed of; Mr. Oram noted that he spoke with the Building Inspector and they have discussed ways to stop the activity, the best way would be to catch the person in the act. Board Members agreed that it appears this is not under the Board of Health's purview, but understand the resident's frustration. Ms. Mortensen will speak to the Building Inspector, Mr. Fetherston will speak to the resident and advise him to call the police when he sees the activity and the Building Inspector will need to cite him.

### **Acute Flaccid Myelitis (AFM) – Information from CDC**

Mr. Oram noted we are starting to see effects of more mosquito borne illnesses due to climate change, and stagnant water. The majority of people affected by this polio-like illness are children, good handwashing and sanitation practices are important in fighting any illnesses.

### **128 Main Street, Update on Site Safety**

Mr. Narayana reported that the Conservation Commission, of which he is a Member, approved the application for Stormwater Management at 128 Main Street, which is within the Nyanza plume. Mr. Oram noted that whenever work is conducted in the plume area, you will find work plans for site safety which require an LSP onsite.

### **Chairman's Report, Jon Fetherston**

#### **Finance Committee Meeting Planning**

Mr. Oram noted that, in regards to the Board meeting with the Finance Committee, management has indicated that any request for an increase to the budget should begin with speaking to Human Resources and the Finance Director. Mr. Oram discussed the need to increase inspectional services for food, public health nursing and overtime; he noted he would like to see a full time inspector to handle inspectional services and a wide variety of public health matters. The Board agreed that it is important to have data, to show what areas are missing, and what is not getting done. Mr. Oram noted, ideally, the plan would be to encompass the food inspector into one full-time person. Mr. Oram referenced the national standard of one inspector per 10,000 people. Ms. Mortensen noted that if a budget is due December 3<sup>rd</sup> and the Board is requesting an increase, an additional meeting needs to be scheduled. The Board agreed to meet next week, November 29<sup>th</sup>. Mr. Oram noted that the revolving funds could help fund the additional position. Mr. Oram noted that he would like the Public Health Nurse to possibly work with Kristen French, who is a full time employee of the Town, working with the opioid crisis.

Mr. Oram agreed that the ideal goal would be to have a 20 hour food inspector, plus 20 hours of additional work, wrapped into one person. Mr. Daniele noted that benefits are costly, and management may prefer to hire two part-time positions. Mr. Oram discussed asking the Town for a revolving budget for septic inspections, which could help pay for the position. Mr. Fetherston noted that Mr. Oram will need to submit his data to the Board prior to next week's meeting.

### **Member's Report, Koduvayur Narayana**

#### **MAHB Meeting, November 10, 2018**

Mr. Narayana discussed the MAHB Meeting he attended; one of the sessions pertained to water quality testing. It was noted that Teflon gets into water systems and is highly carcinogenic, none of the water quality tests use it as a standard; Towns may want to come up with regulations to require this testing.

Another session he attended discussed the health risks of natural gas. Mr. Narayana asked that Mr. Oram obtain a copy of a letter that was sent to the Governor which has been signed by many towns and cities in the State, adding that we may want to take a stand.

Mike Hugo's presentation on opioids was also very interesting; he recommends looking for grants, Mr. Narayana will share the information when he receives it.

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

#### **Regulation Review for the Practice of Bodywork**

Mr. Oram noted Bodywork is different from massage therapy and is not regulated by the State. Mr. Oram noted this sample Bodywork Regulation from Needham is to give Members an introduction as to what they look like. A facility on Pond Street that opened was shut down after operating as a massage facility and lack of licenses. The State suggested drafting Regulations for Bodywork. Ms. Mortensen offered to work with Mr. Oram on creating regulations for the Board to review and adopt.

**Review of Minutes, October 16, November 1, 2018**

Mr. Etskovitz made a motion to adopt the October 16<sup>th</sup> minutes as written. Mr. Narayana seconded the motion. The motion was approved 4-0-1 (Ms. Mortensen abstained as she was not present for this meeting). Mr. Etskovitz made a motion to adopt the November 1<sup>st</sup> minutes as written. Mr. Fetherston seconded the motion. The motion was approved 3-0-2 (Ms. Mortensen and Mr. Narayana abstained as they were not present for this meeting).

**Discuss Future Agenda Topics and Meeting Dates**

The list of grease Trap waivers will need to be approved at a December meeting.  
Next meeting dates are November 29<sup>th</sup>, December 4<sup>th</sup> and 18<sup>th</sup>.

**Adjournment**

Mr. Daniele made a motion to adjourn. Mr. Narayana seconded the motion. The motion was approved. The meeting adjourned at 10:20 p.m.

ASHLAND BOARD OF HEALTH  
DOCUMENTS REVIEWED AT THE 11/20/2018 MEETING  
(All items stored in the Board of Health files unless otherwise noted)

1. Email from DJ Wilson regarding tobacco
2. Email chain from Rick Stevens regarding yard waste disposed on residential property
3. AFM (Acute Flaccid Myelitis) Fact Sheet from CDC
4. Bodywork Regulation – Needham
5. Email from L. Thuot re 128 Main Street
6. EPA Letter for 128 Main Street
7. Suggested edits to Tobacco Regulations
8. YTD Budget sheets
9. 10-16-2018 and 11-01-2018 Draft Minutes
10. Note from Mark Dassoni re: budget
11. Audio Recording of the meeting is available