

BOARD OF HEALTH
January 8, 2013

Members Present: Duncan Colter, chair, Joanne Ostrowski, Susan Clark

Health Agents present: Carl Nelke

Guests: Debra Nicholson, Sherrill Journdan, Ron Coler, Brian Clark, Betty Stewart

The meeting was called to order by chair, Duncan Colter, at 2:08 p.m.

The following people announced that the meeting was being audiotaped: Debra Nicholson (3 recorders) and Susan Clark (1 recorder)

Health agent, Claudia Lucas, was not present but had spoken by telephone on 1/8/2013 with Susan Clark. Claudia asked Susan to check on whether the green cards for certified mail have been returned for the Tavern and 295 Main St. The BOH letter to Jack Dunphy was returned "undeliverable, insufficient address". Nothing has been received from Peggy Sue Voudren. The BOH wondered if Claudia had also sent the letters return receipt.

Health Agent Report:

Carl Nelke

1. 1235 Ashfield Mountain Road (Ted Tirk): Title 5 and compliance inspections were conducted; the extra \$75 for perc. test has now been paid
2. Faye Whitney: Title 5 inspection completed, system passed
3. 1333 Hawley Road (Lucy Leete): D Box installation
4. 1127 Bug Hill Road (Linda Farmer): new system design approved and ready to begin in the spring
5. Carl submitted a letter with his invoice which Duncan will submit to the town treasurer

Minutes: the minutes were reviewed for three previous meetings and the following corrections/changes were noted:

11/27/2012: On the last page, re. The Tavern, suggested that we add "advertising rental space for short-term occupancy with prices listed".

Joanne O. made a motion to accept the minutes of the 11/27/2012 meeting with the addition as noted above. Susan C. seconded the motion and the motion was unanimously approved.

12/4/2012:

Page 1, under "Hearing": Joanne stated that she thought under "Hearing" that this was an incorrect statement: "Glen suggested when he attended the November 27th BOH meeting that a public hearing be held to discuss the grant, although the FDA does not require that a public hearing be held." She stated that Glen insisted that we do a hearing to fulfill the requirements to obtain the funding. Joanne asked the other BOH members if they recalled this. Susan agreed to clarify this point with Glen.

Page 1, under "Hearing" change "discuss the grant" to "discuss the policy"

Page 1, (third line from the bottom): cross out one of the "stated"

2nd page: under "Miscellaneous questions" "she" should read "Paulette"

We will wait on the approval of the December 4, 2012 minutes until we clarify the information about the need for a hearing.

12/11/2012:

Page 2, last line: "Hilltown" should read "Foothills" and on line above "services" should read "serviced"

Page 3, line 8: "be using" should read "being used"

Page 4, 5 lines from bottom: "our" should read "her"

Susan Clark made a motion to accept the minutes of the 12/11/2012 meeting with the changes/corrections as noted above. Joanne O. seconded the motion, and the motion was unanimously approved.

Old Business

FDA Food Inspection Funding: Joanne asked if Duncan had a copy of the enrollment form from FRCOG so that she could look at it. Duncan located the form. Joanne stated that she has been looking through the minutes and frequently there is a document attached to the minutes which is not completely filled in. She brought up the subject of the hearing at which the food inspection policy was passed and she recalls signing three copies; she thought that one went to Glen, one is in the Minutes notebook with only Joanne's statement "not in agreement" on it, and she is wondering where the third copy is. Joanne stated that it is important to have completed copies of documents particularly for future reference.

Joanne further asked that the BOH clarify something in the 12/11/2012 minutes on page 3, at the bottom of the page, under "Debra Nicholson"...."Duncan stated that Glen had done all the work for the money." Joanne wanted clarification of what that meant. Duncan stated that Glen had done all the work up to the point of voting on approval and conducting a public hearing.

Document Request Policy: Duncan has spoken to staff at FRCOG about giving document requesters an estimate, receiving payment prior to completing the request, then fulfilling the request. There was some discussion about a policy. Susan brought a draft of a tracking form to follow the progress of document requests. It was agreed that each of the BOH member would write down some thoughts on a written policy.

Letter of 12/3/2012 letter from Suzanne Corbett to the Selectboard regarding FDA Food Inspection policy/grant (the Selectboard requested that the BOH respond to this letter): Joanne Ostrowski suggested that the BOH impose a 30 minute time limit for discussion of a response to this letter.

Page 1, second paragraph: Duncan C. stated that the allegations in this paragraph are false. Duncan stated that there was no activity between November 2011 and December 2012.

Joanne stated that food inspections were conducted, but Susan stated that the BOH would

not have any information about FRCOG collecting data on food vendors, because after 11/2011 the BOH did not have any further dealings with FRCOG. The date mentioned in the second paragraph, May 24, 2012, may have been the date of submission of the Self-Assessment. Joanne stated that the Self-Assessment was submitted for all the towns involved, according to the computer. Duncan stated that he had a discussion with Phoebe Walker of FRCOG and FRCOG did not collect any further data.

Page 1, last paragraph, re. invoices to Ashfield PD: There was some discussion of the fact that the PD was registered to receive federal funds. At the time, there were many staff changes in the Town Hall and there was confusion about procedures how to register for the town to receive such funds. Susan recalled that there was discussion that the Town Hall personnel finally figured out how to register through the Police Dept. Duncan stated that this sounds like it was an administrative glitch.

Page 2:

- 1.a. No funding has been received.
- 1.b. There was no decision to the knowledge of the BOH.
- 1.c. None of this happened, as no funds have been received from the FDA as yet.
- 1.d. There are none.
- 1.e. This did not happen
- 1.f. This did not happen

It was noted that Questions 1 a. - 1 f. were based on the assumption that the town of Ashfield has received funds from the FDA and the BOH agreed that no funds have been received.

- 2.a. Invoices were sent via email to Mary Fitz-Gibbon for future reference if BOH approved moving forward with the grant process.
- 2.b. An Ashfield entity had to be registered to receive FDA funds, but the PD wasn't specifically going to be the recipient of any funds if funds were received at a future date.
- 2.d. No
- 2.e. & f. Not all documentation was completed, i.e. hearing dates and signing of the policy had not been completed.

Page 3:

- 2.g. This has not happened. Funds are not "delivered, and complete".
- 2.h. This is true, but the current BOH by a 2-1 decision, voted to take part in the program.
- 2.j. There was no MOU between the Selectboard, the BOH and FRCOG as claimed in Ms. Corbett's letter. Joanne referenced a MOU which she found that includes a space for BOH, and Selectboard signatures which were not signed. Duncan stated that no signed copy exists. Joanne insisted that there has to be a signed document in order for the BOH to have proceeded. Susan agreed to communicate with Glen Ayers about the MOU and find out whether the draft formal policy takes the place of an MOU.

After 38 minutes of discussion, we tabled the response to Ms. Corbett's letter for a future meeting.

Mail & Correspondence:

1. Suzanne Corbett, letter, demand for \$1000. Mary Fitz-Gibbon has referred this issue to Town Counsel, Donna Macnicol. BOH would like and expect a response from Donna Macnicol.
2. 1333 Hawley Road (Mary Haying): Title 5 inspection by Bostley
3. Carl Nelke: payments by the treasurer for Carl's services,
4. Faye Whitney: pumping reports and Title 5 documentation which was sent to Foothills, to be filed.
5. Bostley: pumping reports to be filed.
6. WMPHA: info. on ServSafe training on 1/30/13 at the Bluebonnet Diner in Northampton
7. 1127 Bug Hill Road (Farmer/Matland): proposed well
8. Debra Nicholson letter of 12/22/2012 re. FDA program: agreed to put this on the agenda for response at the next meeting.
9. MADPH, William Hinton re. MAVEN: this letter will be referred to Claudia Lucas
10. Debra Nicholson letter of 12/13/2012
11. MAVEN, Fax regarding regulations, duplicate of previous mail, refer to Claudia
12. Foothills, 10/22/2012, copy of letter to Paul Lacinski by FDA, to be filed.
13. Greg's Wastewater, pumping reports to be filed.
14. Wastewater Treatment Plant: 2012 daily and quarterly reports to be filed
15. DEP, letter regarding Roberts Bros. noncompliance (11/7/2012 open burning), to be filed
16. OML violation allegation from Suzanne Corbett, dated 1/3/2012:
 1. No law says that meetings have to be at night but the BOH will reconsider evening meetings.
 2. This is an ongoing process and the BOH is working on improvements.
 3. Explain to Mary Fitz-Gibbon.
17. MA Fax re. infectious disease internship program
18. Email from Suzanne Corbett with an email from Debra Nicholson attached. Duncan referred to Ms. Nicholson's letter as a "love letter: and Joanne took exception to this. Joanne referred Duncan to MA Law Chapter 1, pp. 13 & 14.
19. Jack Dunphy: certified letter which Claudia sent to Jack Dunphy which was returned as undeliverable.
20. Carl Nelke's invoice for services

FRCOG document on the Ashfield Website: There are two FRCOG documents which appear on the Ashfield town website which include contact information for Glen Ayers who is no longer health agent for Ashfield. Susan asked if the BOH would like these documents deleted or altered on the website. It was agreed to remove Glen Ayers' name. Susan will contact the webmaster to accomplish this.

Cosimo Ferrante: Joanne left a message for Animal Inspector, Kim Reardon. Kim sent a written report to the BOH re. her visit to Cosimo Ferrante's pig operation. This report will be filed.

Flu Shot Clinic: Joanne brought up the reporting that she needs to make to the state re. the flu shot clinic. She is wondering if the temperature logs need to be sent in. Susan agreed to contact Lois Ciccone re. whether or not the temp. logs need to be sent to the state. Susan asked Joanne to find the PIN # for Ashfield for the state. It's MAA 20157.

Food Establishment Inspection Forms: Joanne brought up the subject of the inspection forms. She has looked over the previous forms. She suggested that there be an abbreviated form for temporary food establishments such as the Fall Festival food vendors.

BOH Policies: Joanne suggested that the BOH have a special folder in the filing cabinet for BOH policies

FRCOG training in Greenfield 1/10/2013: Joanne is planning to attend this free training and she will be asking questions about the public hearing that the BOH conducted re. the FDA grant.

Audience Comments:

Debra Nicholson: Ms. Nicholson requested the minutes of the 11/27/2012, 12/4/2012 and 12/11/2012 BOH meetings. She is fine with receiving the draft versions. Susan agreed to forward them to her via email. Ms. Nicholson also had some additional questions regarding the FDA grant program which the BOH answered.

Brian Clark: He stated that his memory of Glen Ayers presentation on the FDA grant was that we needed to conduct "an informal hearing to adopt the policy". Brian suggested that the BOH go back to Glen Ayers and ask him about what arrangements he made with the FDA representative to adopt the policy. Ms. Nicholson added that she suggested that the BOH get some sort of document from the FDA regarding Ashfield's compliance.

Joanne Ostrowski made a motion to adjourn the meeting, Susan Clark seconded the motion. The motion was passed unanimously. The meeting was adjourned at 5:02 p.m.

Next Meeting: Tuesday, January 22, 2013 at 7:00 p.m. at the Ashfield Town Hall

Respectfully submitted by Susan Clark