

BOARD OF HEALTH
Ralph Jensen, Chairman
Robert Ogilvie, Clerk
Peter Marinelli, Board Member

HEALTH AGENT
Kathleen M. Waldron, RS

Town of Avon

Massachusetts



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POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A S18-25

Board of Health
October 13, 2022
4:30 PM
MINUTES

TOWN OF AVON
2022 NOV 10 P 5:50
TOWN CLERK

This meeting was hybrid. All Board members and attendees were present in person.

Meeting called to order at 4:30PM

Present: Chairman, Ralph Jensen; Clerk, Robert Ogilvie; Member, Peter Marinelli; Kathleen Waldron, Health Agent and recording secretary; Bill Self, Curley and Hansen Professional Land Surveyors; Peter Patel, owner of A-1 Market.

New Business

- **Title 5 Local Upgrade Request for 6 Feeley Avenue, Curley & Hansen Professional Land Surveyors**

The proposed plan is to replace the septic system serving this existing three-bedroom dwelling with no plan to increase the flow of the system. Two local upgrade approvals were requested. The first is a local upgrade approval from 310 CMR 15.405(1)(h)(2) of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high groundwater elevation and the bottom of the soil absorption system with a percolation rate greater than 2 minutes per inch. A local upgrade approval allowing a reduction from four (4) feet to three (3) feet is requested. A barrier will be placed around the field. The second request was in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis. There was a typo in the soil logs that will be changed on the as-built, it will not affect the plan.

Mr. Ogilvie made a motion to approve the local upgrades requested and the plan as presented with the typo change to be reflected on the as-built. Mr. Marinelli seconded the motion, all in favor.

- **A1 Market Tobacco Violation of 105 CMR 665.000 (second violation)**

After notice from the Department of Public Health for violations of vape products being sold at A1 Market located 85 East Main Street, the health agent made an inspection of A1 Market on October 5, 2022. Flavored products were observed in multiple hidden areas throughout the store. These products include Crave flavored vape pens, Lotto flavored vape pens and Grizzly flavored chewing tobacco. Locations of the products include above the freezer for bagged ice, a trap door in the floor behind the cash register, an empty shelf that lifts up to a storage area on the floor, in the lottery cabinet, in a wine box and a backpack hidden behind the reach in freezers. This is the second

violation for this establishment in less than 12 months. After discussion from the Board and listening to Mr. Patel, the Board found A1 Market in violation of 105 CMR 665.000 for a second violation. Mr. Marinelli made a motion suspend the tobacco permit for A1 Market for seven (7) days and for the owner to pay a fine of \$2,000.00. Mr. Ogilvie seconded to motion, all in favor. All tobacco products shall be removed from the store for the time the permit is suspended.

- **A1 Market Tobacco Violation of 105 CMR 665.000 (third violation)**

During the same inspection, JUUL products were found in the store with nicotine content greater than 35 milligrams per milliliter. This is the third violation for this establishment. After discussion from the Board and listening to Mr. Patel, the Board found A1 Market in violation of 105 CMR 665.000 for a third violation. The health agent recommends the board fine the owner \$7,000.00 and suspend the tobacco permit for thirty (30) days.

After more discussion about the time from of the suspension, Mr. Marinelli made a motion to suspend the tobacco permit for A1 Market for twenty-three (23) consecutive days after the suspension of seven days for the second violation. The owner of A1 Market would also be fined \$5,000 in addition to the \$2,000 for the second violation. Mr. Ogilvie seconded, all in favor.

The tobacco permit at A1 Market will be suspended from Wednesday October 19, through Thursday November 17 and all tobacco products shall be removed from the store for the time the permit is suspended.

- **Fees for televisions and air conditioners**

In the past there has been a fee to dispose of televisions and air conditioners. These items were not collected in bulk pick-ups by Howland Disposal. With the new hauler, this has changed and these items may be disposed of on bulk collection days. When they are disposed of at the compost site, these items are being recycled. The Board decided not to make any changes in the fee schedule at this time and to continue to have residents bring these items to the compost site to be recycled.

- **FY2024**

At this time, it looks like the BOH expense budget for FY2024 will be level funded except for the contractual increases with the waste hauler, and trash disposal.

- **Red Ribbon Week**

Red Ribbon Week will be October 23rd through 31st. ACES will attend the Board of Selectmen's meeting to read the proclamation. Red Ribbon Week encourages citizens to participate in drug prevention education activities and make a visible statement that our community stands in support of those who choose to live a drug free lifestyle and in honor of all those whose lives have been affected by substance abuse.

- **Health Agent Report**

See attached.

Other

- A warrant in the amount of \$53,127.09 was approved for FY2023 payment.

Approval of Minutes

- Minutes from September 8, 2022- Mr. Ogilvie made a motion to approve minutes. Mr. Marinelli seconded, all in favor.

Next Meeting:

- Thursday November 10, 2022 at 4:30PM

Mr. Marinelli made a motion to adjourn. Mr. Ogilvie seconded, all in favor. Meeting adjourned at 6:02PM.

ATTEST: 

DATE: 11-10-22