

BOARD OF HEALTH
Gerald Picardi, Chairman
Robert Ogilvie, Clerk
Ralph Jensen, Board Member

HEALTH AGENT
Kathleen M. Waldron, RS

Town of Avon

Massachusetts



65 East Main Street
Avon, MA 02322
Phone: 508.588.0414
Fax: 508.559.0209
www.avon-ma.gov

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A S187B

Board of Health
August 8, 2019
6:30 PM
MINUTES

TOWN OF AVON
2019 SEP 20 P 12:29
TOWN CLERK

Meeting called to order at 6:30PM

Present: Chairman, Gerald Picardi; Clerk, Robert Ogilvie; Kathleen Waldron, Health Agent and recording secretary; Donald Dong, owner of Big Jim's Liquor Store; Peter Lyons, Collins Civil Engineering Group; Jack Elias, employee of Town Food Mart; Al Lishman, manager of Super Petroleum; Peter Patel, owner of A-1 Market.

New Business

- **Tobacco Violation – 155 East Main Street**

This establishment was found to be in violation of selling tobacco products to a minor and selling cigars for less than \$5.00. Owner states he is no longer selling cigars. The Health Agent will make an inspection of the establishment next week. Mr. Ogilvie made a motion for the owner to pay the fine and have the Health inspect the establishment. Mr. Picardi seconded; vote carried unanimously.

- **Title 5 Local Upgrade Request for 96 Maguire Avenue, Collins Civil Engineering Group**

The proposed plan is to replace the existing failing septic system of this three-bedroom dwelling. There is no plan to increase the flow to the system. The area has high ground water and require a pump. The engineer is requesting two local upgrade approvals. The first is a request from section 310 CMR 15.212 of the State Sanitary Code which requires a minimum four (4) foot vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than two minutes per inch. A local upgrade approval allowing a reduction from four feet to three feet is requested. The second is from Section 310 CMR 15.227 of the State Sanitary Code which requires a minimum 12" vertical separation between the high ground water elevation and the lowest tank invert. A variance allowing a reduction from twelve inches to a minimum of three inches is requested. A liner will be provided around the field.

Mr. Ogilvie made a motion to approve the local upgrades requested and the presented plan (with needed soil log date change per Health Agent) dated August 2, 2019. Mr. Picardi seconded; vote carried unanimously.

- **Tobacco Violation – 17 North Main Street**

This establishment was found to be in violation of selling tobacco products to a minor and selling flavored tobacco products. The Health Agent explained that she read the violation report wrong. The ID was not provided by the customer, but no sale was made. The customer asked for flavored products, but they were not available. Mr. Elias explained to the Board that he wouldn't sell tobacco to someone who could not show identification. Mr. Elias did discuss with the Board, that they are still selling Sweet, Original, Green, Blue, Black and Sweet products. He asked the Board to reconsider classifying those as "sweet flavored tobacco products". Mr. Ogilvie made a motion to make this violation null and void. Mr. Picardi seconded; vote carried unanimously.

- **Tobacco Violation – 273 East Main Street**

This establishment was found to be in violation of selling tobacco products to a minor. Mr. Lishman came to the Board prior to the meeting to pay the fine and to let the Board know all tobacco products have been removed from the shelf. The Health Agent will make an inspection next week to follow up and collect tobacco permit. They were not heard during the Board of Health meeting.

- **Tobacco Violation – 85 East Main Street**

This establishment was found to be in violation of selling tobacco products to a minor and selling flavored tobacco products. This is the second violation in six months. Owner states he was in the hospital when this happened, and a new employee was working. Mr. Ogilvie explained to owner that it is still his responsibility to educate employees on verifying identification. Owner understands. Owner states he doesn't have any flavored tobacco products. Owner states he does not think he should be penalized by having the permit suspended for 7 days. The owner has agreed to pay the fine of \$300.00 and is willing to pay more if the suspension doesn't happen. The Health Agent strongly disagrees with this due to the fact that this establishment has a history of selling to minors as well as continuing to sell flavored tobacco products. Health Agent states that the Board should uphold their own regulations by enforcing the suspension of the permit. The owner states if he is found in violation again, he would have permit suspended for 30 days. Mr. Picardi would like to postpone this hearing until all Board members are present. The owner shall pay the fine and the Health Agent will make an inspection of the establishment next week. The Board and owner agree that if there is a violation in the next two years, the establishment will have the permit suspended for 30 days.

Old Business

- **Waste Management Trucks**

Waste Management has proposed that the type of truck used to pick up residential trash be changed to a truck that will directly empty the tote into the truck and not the bucket in the front. Waste Management has explained that this will eliminate trash blowing out of the truck. The Board watched a short video on the trucks. Both members agree that it is ok to switch the trucks that will service residential totes. This means that trash from municipal buildings will be picked up by a different tote. The tonnage rate will be the same and the bill will not be affected.

- **Policy for additional trash**

Residents have called about what to do with additional trash bags. At this time, the Health Agent does not have many suggestions except to try to recycle more and take advantage of the compost site or put additional trash in next week's collection. The Board wants the Health Agent to reach out to Waste Management to see how other towns are addressing this issue.

- **New Trash Totes**

There are less than thirty totes available for residents. The Health Agent has received calls about replacing totes due to squirrels chewing holes through the plastic. The Health Agent suggested buying totes with

bitters in the lid and body to deter rodents. The additional cost is \$5.00 per tote. The smallest quantity is 50 totes.

Mr. Ogilvie made a motion to purchase the totes. Mr. Picardi seconded, vote carried unanimously.

Correspondence

- **Email from Lester Hartman**

The Board would like more statistics. The Health Agent will reach out to Lester Hartman.

Other:

- A warrant in the amount of \$54722.32 was approved for FY2020 payment.
- Bulk collection day will be August 17, 2019.

Approval of Minutes:

- Minutes from July 11, 2019 – Mr. Ogilvie moved to approve the minutes as drafted. Mr. Picardi seconded, all in favor.

Next Meeting:

- Thursday September 19, 2019 at 6:30PM in the Board of Health Office.

Adjourned at 8:44 PM

ATTEST: 

DATE: 9-19-19