

BOARD OF HEALTH
SELECTMEN'S MEETING ROOM
THURSDAY, SEPTEMBER 2, 2010
7:30 P.M.

PRESENT: **RONALD MAJDALANY, CHAIRMAN**
CLAUDIA RYAN

The meeting was called to order at 7:30 p.m.

1. **APPROVAL OF MINUTES:**

MOTION: Ms. Ryan to approve the minutes of the August 12, 2010 meeting.

SECOND: Dr. Majdalany (stepped down as Chairman)

VOTE: 2-0

2. **SPECIAL PERMIT:**

A. Special Permit # 783-10, Susan Pettee and Michael Owen Wise Trustees; Susan Pettee Revocable Trust 173 Castle Street, Great Barrington, MA to build a landing, stairs and small deck at the rear southwest corner of the house per Section 5.5.4 and 10.4 of the Zoning Bylaw. (Discussion/Vote) (Recommendation to the Zoning Board of Appeals). Mr. Michael Wise was present to explain the permit application. He noted that the lot setback is 10 feet instead of the required 20 feet and that is why he is required to file a special permit application with the Zoning Board of Appeals.

MOTION: Ms. Ryan that there are no health issues involved and to pass on a favorable recommendation of the Zoning Board of Appeals.

SECOND: Dr. Majdalany (stepped down as Chairman)

VOTE: 2-0

B. Special Permit #785-10, Dr. Sharon Bramson, 3 Stillwell Street, Great Barrington, MA for a limited duration special permit to operate a small kennel as a home occupation at 3 Stillwell Street, per 3.3.3. and 10.4 of the Zoning Bylaw. (Discussion/Vote). (Recommendation to the Board of Selectmen). Dr. Bramson was present to explain the application. It was noted that the Kennel is in a B-2 zone but a kennel in any zone is permitted by special permit only. She noted that there were two litters of puppies this year and three last year. Mark advised, as Animal Control Officer, that he received complaints of dogs barking. He advised a kennel is only allowed by special permit, therefore, he had to turn the case over to the building inspector. Attorney Ferris had sent information stating that he was requesting that the special permit be granted for one year and then renewed. After the first year it would need to be renewed. Then every three years it would be renewed with a certificate from the Building Inspector. The special permit would expire completely when the property is transferred.

MOTION: Ms. Ryan that there are no health issues involved and to pass on a favorable recommendation of the Zoning Board of Appeals.

SECOND: Dr. Majdalany (stepped down as Chairman)

VOTE: 2-0

3. Recommendation to the Town Manager re: House Bill No. 4455. Mark advised that the Town Manager is seeking input from the town boards on supporting or repealing the House Bill No. 4455 Chapter 40B repealing an existing state law that allows a qualified organization to build government-subsidized housing that includes low or moderate-income units to apply for a single comprehensive permit from a city or town's Zoning Board of Appeals instead of separate permits from each local agency having jurisdiction over any of the proposed housing. This would take effect January 1, 2011.

MOTION: Ms. Ryan that the Board of Health is in favor of the repeal.

SECOND: Dr. Majdalany (stepped down as Chairman)

VOTE: 2-0

4. Richard Ruth to discuss smoking at outdoor cafes. Mr. Ruth did not attend.

5. Rubiner's Café HACCP Plan for Board review/vote. Mark advised that Rubiner's Cheesemongers and Grocers at 264 Main Street began advertising that they had raw oysters for sale. Mark contacted them and requested that they cease selling the oysters and submit a HACCP Plan.

MOTION: Ms. Ryan to approve the HACCP Plan.

SECOND: Dr. Majdalany (stepped down as Chairman)

VOTE: 2-0

6. **HEALTH AGENT REPORT – AUGUST 2010**

Mark distributed the report to the board members for their review. He noted that the restaurant inspections are ahead of schedule. (A copy is available in the file).

7. **OLD BUSINESS:**

A. 9 Meadow Street, Housatonic. Mark advised that the police have been called to this address constantly for complaints. Mark said he met with the Town Manager and spoke with Town Counsel in regard to this situation. Town Counsel recommended going back to court to obtain a court order thereby taking the liability off the Town and Board of Health. He noted he went to Springfield Housing Court to file the paperwork and on Wednesday he appeared before a judge. Mr. Landy did not appear in court.

The order was issued with the following conditions:

- 1) Mr. Landy needs to vacate the home except between the hours of 9:00 a.m. and 5:00 p.m. to clean and make repairs.
- 2) The rear exterior stairs are to be removed immediately and replaced or repaired.
- 3) The Police be able to enter the home and remove him if he violates any of the conditions.

8. **NEW BUSINESS:**

A. **Housatonic School Proposals/DRT comments for Review:** Mark advised that two proposals were received and reviewed by the Design Review Team and they are recommending that the two proposals be denied.

- B. Health Department Website Updates: Mark advised that the Board of Health website has been updated and all forms and applications may be downloaded from the Town of Great Barrington's website.
- C. Food Establishment E-Mail List: Mark noted that he is working on obtaining e-mail addresses from all restaurants and businesses in Town that have food permits for the purpose of sending information and notices in a timely manner rather than by regular mail.
- D. Food Allergen Regulation, 106 CMR 590.000: Mark advised that as of October 1, 2010 all menu boards and menus will be required to post that if anyone in the party has a food allergy that you must notify your server. There is also a poster that has to be posted in the employee work area. He advised that the second part is that all food establishments must have a certified food allergen person on site by February 1, 2011.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Carolyn Wichmann
Secretary