



Town of Ayer

BOARD OF HEALTH

Town Hall – 1 Main Street – Ayer, MA 01432 – 978-772-8820 ext. 145

Minutes of July 24, 2023 - Ayer Board of Health Meeting

Location: 1st Floor Meeting room, Ayer Town Hall

Meeting was recorded and broadcast by APAC.



Members Present: Stephen Slarsky – Chair; Patricia Peters; Pamela Papineau

Also Present: Bridgette Braley, Health Agent; Samantha Benoit, Administrative Coordinator

Stephen Slarsky called the meeting to order at 5:30pm.

Public Input:

There was no public input.

Tobacco Violation Hearing – Yatim Central Convenience – 30 Park Street

Jodie Brightenti, Tobacco Control Agent, from the Tobacco Control Alliance and Kahlil Yatim, owner of Yatim Central Convenience, were present for the meeting to discuss the the possibility of reducing the number of days in which K. Yatim would not be able to sell tobacco products from his store. This hearing was held at the request of K. Yatim through the Tobacco Control Alliance.

J. Brightenti explained the nature of the violations found at Yatim Central Convenience. On May 1st, 2023 the store was visited by a Tobacco Control Agent, flavored products had been found in violation of state regulations and the pricing of some items was in violation of local regulations. Both violations resulted in a fine and since both were a second offense each comes with a seven-day suspension. The Board of Health has determined that the suspensions should be served consecutively for a total of fourteen days of no tobacco sales. K. Yatim is asking for some leniency of this suspension.

S. Slarsky asked is K. Yatim disputed these findings.

K. Yatim explained he had been in business in town for two years and has been struggling with hiring and keeping employees. At the time of the violations, he was out of the country to care for his mother and had left his manager in charge of the store. The issue with pricing is something he need to educate himself and his staff more on. The flavored products were an oversite on his part and had been left in the rear of the case but were not on display. Tobacco sales account for 40% of his business and two weeks with on tobacco sales will greatly affect his business. A new system was put in place as to prevent underage sales of tobacco products. He is more than willing to work with the Tobacco Control Alliance, with any future issues or questions he may have.

P. Peters asked about the underage sales of tobacco, and what has been done to prevent that.

K. Yatim explained that a new system was put in place that cannot be by-passed as the old system could be.

P. Papineau asked what the five violations in December were.

J. Brightenti explained that all were for flavored products.

K. Yatim noted that the products were small, thin and had fallen behind other products, but were not on display.

P. Papineau asked if he felt educated enough in what products can be sold or not.

K. Yatim explained that he is working more closely with Tobacco Control and feels comfortable he is selling the correct products.

S. Slarsky asked for some direction from J. Brightenti for next steps.

J. Brightenti explained several options for the violation to be carried out.

Motion: S. Slarsky made a motion to enforce the state minimum of a one-day suspension of the sale of tobacco products and the additional thirteen days are to be held and served in the event there is another violation in the next 36 months. The thirteens day suspension will be served in addition to any fines and suspension days accrued from the new violation.

Seconded: P. Peters.

Motion Passes (3-0)

The suspension was set for Friday July 28, 2023.

Old Business:

The inspection of the property located at 17 Taft St, was held on July 11, 2023 at 11:00am. Present at the inspection was Bridgette Braley, Health Agent; Steven Slarsky, Board of Health Chair; Julie Thomas, Animal Control Officer; Charles Shultz, Building Commissioner; Michael Wallace, Zoning Enforcement Officer; Ruth Maxant-Schulz, property owner, and Bryan Burke, the property owner's attorney.

S. Slarsky noted that R. Maxant-Schulz was gracious and welcoming. J. Thomas found all the animals to be in good health. There was no odor and no evidence of rodent activity. Though it has rained recently the ground was not soft. There are some improvements to be made but overall there were no major issues.

S. Slarsky believed the Keeping of Animal and Fowl Permit should be issued with contingencies. Including securing the feed storage, the clean up of trash, and the concerns about the stagnant water in the goose pond be addressed.

P. Papineau asked for an accurate count of the animals on the property.

R. Maxant-Schulz explained that she has 2 miniature horses, 10 geese, 10 ducks, 75 chickens and 50 goats.

P. Papineau was concerned about the number of animals on the property, and the management of manure.

R. Maxant-Schulz explained that the animals are free range which helps with the overcrowding, and she wants the manure to use as a fertilizer.

P. Papineau was concerned about the size of the coop and was concerned it might be too small.

R. Maxant-Schulz noted that the coop is only used at night, and since the animals spend most of the time outside the size of the coop is sufficient. The number of animals will also fluxate throughout the year, with more animals in the spring and summer and less in the fall and winter.

P. Papineau asked about the size of the barn:

R. Maxant-Schulz noted the barn has three stalls.

P. Papineau asked how many goats were housed in the barn during the winter.

R. Maxant-Schulz explained that there are about 30 goats in the barn in the winter, as that is the number needed to keep the barn warm.

S. Slarsky noted that the property and barn did not appear to be overcrowded.

P. Papineau asked about if the manure was being bagged and sold.

R. Maxant-Schulz explained that the manure is being composted in her garden and she does sell the manure from the barn stalls.

P. Papineau asked about the size of the horses.

S. Slarsky explained that they are the size of a large dog, about 70 pounds.

S. Slarsky noted the inspection gave the Board of Health an idea of what R. Maxant-Schulz is doing on her property and would like to issue the permit and have the noted issues corrected in 90-days.

Motion: S. Slarsky made a motion to issue A Keeping of Animal and Fowl Permit to Ruth Maxant-Schulz of 17 Taft Street contingent upon the securing of feed storage, the mitigation of trash, and a solution for the stagnant water. The property is to be reinspected in 90-days.

Seconded: P. Papineau

Motion Passes (3-0)

S. Slarsky called for a recess at 6:25pm

The meeting resumed at 6:34pm

B. Braley discussed the noise complaint made previously about Bake 'n Joy. She has been to the property several times and has found no issue with noise. She has asked the complainant to keep a log of when this noise is heard.

S. Benoit explained that one business in town still has not paid their tobacco violation fine, and she has been in contact with Tobacco Control as to what should be done next.

New Business:

A rodent colony had been found in and around the dumpsters behind Dunkin' Donuts and Verona Pizza on Park St.

B. Braley has contacted and worked with the owner of the property and has inspected the dumpsters. A pest control company has been hired to deal with the issue.

Nashoba Update:

B. Braley presented the update from the Nashoba Associated Boards of Health.

A complaint was made on social media about a tooth found in someone's meal from McDonald's. The restaurant was inspected, and the complaint was found to be unfounded.

Two Title 5 inspections were completed at 31 Pine Ridge Dr. and 39 Groton Shirley Rd.

Temporary Food Permits were issued to Page Hilltop, Northeast Smokehouse, and the Fab5 for lemonade and cotton candy.

Inspections reports for McDonald's, Lucias Tavola, Verona Pizza, Shaker Hills Country Club, Page Hilltop, Alltown Fresh, and Fresh Ayer Nutrition.

P. Papineau noted that the Nashoba Nursing Services is now closed.

Call Log:

There was no discussion.

Motion: P. Peters made a motion to accept the Minutes of June 12, 2023.

Seconded: P. Peters

Motion Passes (3-0)

Administrative Matters:

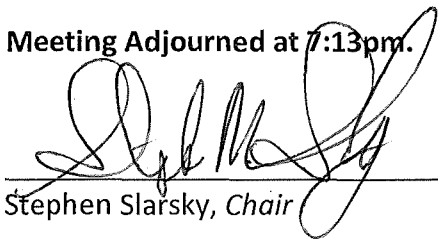
S. Benoit presented the permit application for the Keeping of Animal and Fowl for 15 James Brook Way.

Motion: P. Papineau made a motion to issue all Keeping of Animal and Fowl Permits as presented.


Seconded: P. Peters

Motion Passes (3-0)

Meeting Adjourned at 7:13pm.



Stephen Slarsky, *Chair*



Respectfully Submitted,

Samantha Benoit, *Administrative Coordinator*