



ACTON

Wine & Spirit Co.

June 12, 2015

Board of Selectmen
Acton Town Hall
472 Main ST
Acton. Ma 01720

Dear Selectmen

I have been in business in the Town of Acton for over 30 years and have enjoyed every minute. Recently a board of health representative visited my store. He proceeded to check the accuracy of our bottle return machines. He spent less than 5 minutes performing this task, and then about a week later I received an invoice for \$ 245.00. I have another store with bottle machines that I've had for 10 years and have never had any one charge me for certification. I have also inquired with owners of other stores with the same machines and they have never received an invoice for certification.

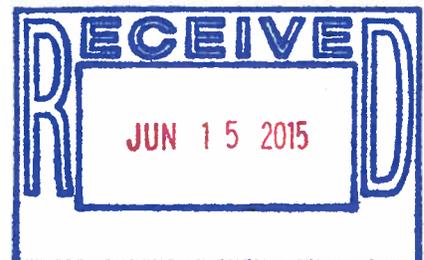
I feel this is completely unfair and the invoice should be waived and the practice should be discontinued in the future. Should a customer not receive a slip or an incorrect amount for their bottle return, we would be the first to hear about it. Our machines are checked weekly by Envipco for accuracy. There has never been a problem in 20 years.

Please consider my request and inform me about your decision.

Sincerely

A handwritten signature in black ink that reads "Stephen P. Zeitler".

Stephen Zeitler
President
Acton Wine & Spirit Co.





INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone 978-929-6632 - Fax 978-929-6340

June 16, 2015

TO: Steve Ledoux, Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Acton Wine & Spirit Co. Waiver request

The Health Department has reviewed Stephen Zeitler's Sealer of Weights and Measures fee waiver request. In accordance with Massachusetts General Law Chapter 98 the Acton Wine & Spirit Co. has devices that are required by the Sealer of Weights and Measures to be checked each year. These devices are retail scanners (less than 4), which have a fee of \$105.00 and Reverse Vending machines, which have a fee of \$35.00 per machine (there are 4 on-site).

Embedded within the requirements of Chapter 98 is the assurance to customers and retailers that the price code on a product matches the advertised price when an item is scanned or placed in a reverse vending machine. The amount of time the Sealer spends at each facility and at each inspection can vary depending on a wide variety of factors. For instance with scanners the Sealer must choose random items to scan with each scanner, if any of those items scan improperly additional items must be scanned to ensure no other errors are present.

In the case of Reverse Vending machines the Sealer is advised to observe customers using the machines first and if no customers are present after a short waiting period to proceed with the inspection using on site deposits. As stated previously with each site and each inspection the time required can vary by wide margins.

In developing the Sealer of Weights and Measures fee schedule the Health Department followed the Board of Selectmen's Uniform Fee Policy. All Direct and Indirect costs were identified for each device and an average time was calculated for the inspection of each device. The department is confident that the fee schedule is appropriate and fair. However, as required under the Uniform Fee Policy the fees are reviewed annually and we will certainly take into consideration Mr. Zeitler's concerns regarding fees for Retail Scanners and Reverse Vending machines.

The current fees for Acton Wine and Spirit have been in place since 2011. Our records show that inspections were made and the fee was paid in 2011 and 2012. In 2013 an inspection was made but we have no record of a fee being paid. In 2014 the Sealer of Weights and Measures notified the Health Department that the inspection was missed for Acton Wine and Spirit and due to this no fee was charged.

The Town's Sealer of Weights and Measures, Mark Fitzpatrick, has served the community for over thirty years. He is effective and efficient in his job and stays up to speed with changes in requirements and recommendations on how to conduct inspections. We are highly confident of his work and diligence.

Based on all the information as noted above the Health Department **can not** recommend a waiver of the Sealer and Weights and Measures fee for Acton Wine and Spirit.