

## **BOARD OF HEALTH MINUTES – November 14, 2019**

The meeting was called to order by Chairman Thomas McLaughlin, MD at the Senior and Social Center Conference Room at 7:00 P.M. Also in attendance were; Dr. Dutrochet Djoko, Member; and, Mark L. Carleo, Assistant Director of Public Health.

### **ADMINISTRATION**

#### **APPROVAL OF MINUTES:**

The Board unanimously accepted the minutes of October 3, 2019.

### **ENVIRONMENTAL HEALTH**

#### **PUBLIC HEARING: CITGO, REQUEST TO HOLD SUSPENSION IN ABEYANCE**

Carleo requested that the Chair take this matter out of order and the Chair allowed this. He then introduced Mr. Sanjay Patel and his Counsel, Charles Martins to the Board. Carleo summarized the events leading to the hearing which include violations which consisted of two separate sales to a minor during compliance checks. Carleo further stated that Mr. Patel has run a compliant business for many years, has appeared before the board in the past to offer his thoughts on regulatory proposals, and is always civil and cooperative. In addition, Mr. Patel and Carleo have spoken on several occasions since the second violation and this hearing about how he can best prevent future violations, and that Mr. Patel had gone above and beyond in his response.

However, Carleo stated that this work should have occurred before the first violation and that there is no extenuating circumstance, or other criteria upon which the Board could find reason for any leniency. He therefore recommended to the Board that they not grant Mr. Patel's request to hold the suspension in abeyance.

Attorney Martins on Mr. Patel's behalf spoke to the training, signage and ID verification systems Mr. Patel has put in place to date. He echoed Carleo's sentiment regarding Mr. Patel's usual level of compliance and affirmed that Mr. Patel takes the matter most seriously.

Dr. McLaughlin reminded Mr. Patel of the mission of the Board of Health and its role in protecting vulnerable populations such as our youth from the harms of tobacco products and addiction to nicotine. He thanked Mr. Patel for his recent efforts but was not convinced that the suspension should be held in abeyance.

Dr. Djoko entertained the notion of holding the suspension in abeyance, further stated that efforts to educate the employees would perhaps serve the Board's aims and objectives better than a permit suspension in this case. This was based on Mr. Patel's lengthy record of compliance and his efforts to bring his store back into compliance.

Carleo interjected that any such motion can and should include additional conditions such as requiring routine education and training to employees with reporting to the Board's staff. He further stated that allowing suspensions to be held in abeyance because establishments make an effort after a subsequent violation perhaps is a poor precedent to be set.

Mr. Martins suggested to Carleo that perhaps the precedent being set is one where rather than simple punitive measures are taken, other efforts which will encourage an establishment to come back into and maintain compliance would better serve the public health.

After a brief question and answer period between the Board and Mr. Patel and his representative, there was an agreement to hold the permit suspension in abeyance for one year. Conditions for maintaining that abeyance include, maintaining compliance with all sections of tobacco policy and law, quarterly training for all employees on tobacco policy and youth access, and a report on trainings held along with attendance must be delivered to Carleo shortly after holding such trainings.

The Board unanimously voted to hold the suspension in abeyance with the previously noted conditions.

#### **PERMITS AND LICENSING UPDATE**

Carleo informed the Board that since the last meeting, 2 body art practitioner licenses were issued. Renewals for 2020 permits are scheduled to go out in the coming weeks. Carleo reviewed the enforcement procedure that is used for late applications. In sum, applications are due back December 1<sup>st</sup>. After December 1, a reminder notice is sent out informing applicants that they are late and are subject to a \$35 late fee. Additionally, reminder calls are placed to late establishments as a courtesy. After January 1 anyone outstanding receives an in-person visit and is issued a fine in the amount of \$25. He further stated that there is almost no acceptable reason for an application for renewal to be returned late. The process has been designed to be as easy and quick as possible for establishments. They are emailed a link which takes them to their completed application on file. They simply review and submit. From there, they can pay online or by check/cash.

#### **NUISANCE REPORT**

Carleo provided the Board with a report on investigations since the last month. He highlighted three housing cases. The first was 199 Hobart Street which the Board had held recent hearings on. The owner had taken enough action to ensure the safety of the partially collapsed barn. The dwelling has not received much action; however, the collapsed structure is what triggered the serious response from the Town. Carleo has decided to slow the enforcement on this dwelling for the time being. In its place comes 26 North Shetland Road. Carleo had informed the Board in February that he had condemned this vacant home. The dwelling remains vacant, and after being informed that a family member routinely enters the condemned dwelling, he has boarded the property up to prevent further access. He'll be reviewing this case with Town Counsel at the earliest opportunity. Finally, was 466 Newbury Street, Lot 25, a trailer at the Skyview Manufactured Housing Community. This dwelling was in deplorable condition and Carleo condemned the unit, ordering the occupants (a single mother and 6-year-old child) to vacate the home. The owner was cited and will be demolishing the trailer as a remedy.

#### **PUBLIC HEALTH SERVICES**

##### **NURSE'S REPORT**

Nurse Ryan was unable to attend the meeting of the Board of Health. Carleo asked that the Board table this report until the January meeting.

##### **ANIMAL HEALTH**

##### **ANIMAL HUSBANDRY**

Carleo provided the Board with the working draft of the regulation for the keeping of animals on residential properties. He updated the Board on the schedule and warrant for Town Meeting in February. The Town Manager may be removing this from the February Town Meeting, and moving to the May warrant. Regardless, the Board should be prepared to adopt in February.

## **OLD BUSINESS**

### **VAPING BAN**

Carleo informed the Board that the Town Manager has relayed a request from the Board of Selectman to have staff appear and offer information on how we are responding to the current issue of vaping on December 17<sup>th</sup>. It was unclear at the time what information Carleo might provide as the data seems to be changing rapidly. There was a brief discussion on the EVALI cases, potential causes such as vitamin e acetate, and press coverage of the subject.

Next, Carleo provided the Board with a summary of a recent Massachusetts House Bill which was scheduled for a vote on November 13<sup>th</sup> in the House and November 20<sup>th</sup> in the Senate. Carleo was fortunate to have run into both Representative Ted Speliotis as well as Senator Joan Lovely at Town Hall. He was able to inquire of both of them, and to request their support in passing the current version of the law which proposed to eliminate flavored tobacco products including mint and menthol statewide as well as making improvements to insurance coverage for cessation products. The House fortunately voted to approve the bill 127-31 and now it moves onto the Senate for approval.

With no further business at hand, the Board adjourned at 8:35PM.

Respectfully submitted for your approval,

Mark L. Carleo  
Assistant Director of Public Health