

**Board of Health**  
**Meeting Minutes – December 20, 2022**  
**10 Mechanic Street, Bellingham, MA**  
**And**  
**Remote Meeting via Zoom Video**

**PRESENT:**

Chairperson – Vincent Forte, Jr.  
Vice Chairperson - Patricia Leclair  
Member: Michael Hennessey  
Health Agent – Bruce Wilson, Jr.  
Food & Tobacco Inspector: Robert Griffin III  
Minutes Clerk – Laura Renaud via Zoom

**CALL TO ORDER:**

Mr. Forte called the meeting to order at 7:00.

**MINUTES:**

Mr. Hennessey made a motion to approve the minutes of November 15, 2022, as presented. Mr. Forte seconded, and the motion carried.

**NEW BUSINESS**

**Body Art Establishment**

The Board heard from Danaery Nunez. She explained how scalp micropigmentation works. She provided photos. Ms. Leclair stated that there are microblading and tattooing artists currently in Bellingham that also gives the illusion to look like hair. It is all permanent ink. Ms. Nunez stated that this is exactly what she does. The Board agreed she would need a Body Art Establishment Permit. There is a limit of 4 permits issued per year. Ms. Nunez explained she did some research and found that there is one establishment in Bellingham that did not renew. This business name was JAX. Ms. Nunez stated she moved out of state. This would free up one Body Art Establishment permit. The Board asked Mr. Wilson to reach out to the owner of JAX to confirm she is no longer in Bellingham. Mr. Wilson stated all she needs to do it go to the online permitting portal and apply. The Board stated they will not exceed the number of Body Art Establishment permits issued. Ms. Renaud reached out to all the 2022 Body Art Establishment owners to remind them to re-apply by January 1<sup>st</sup>. Ms. Nunez is welcome to apply and if she meets all the requirements, she can have that permit.

**TOBACCO AGENT UPDATES:**

**Tobacco Amendment**

Agent Griffin explained the state issued new guidance in regard to Delta 8. They are officially saying it is banned. He has it in email and will supply that verbiage to the Board. This will hold up the signing of the amendment.

**Vaping Permits**

As of January 1, 2023 a second permit will be required for vaping at a fee of \$ 400.00. Agent Griffin explained this will be in addition to a tobacco permit.

Ms. Leclair asked if a businesses can just apply for a vaping permit or does it have to be under their tobacco permit. Ms. Leclair was concerned about issuing just a vaping license. This would mainly be for the one CBD store that is currently in town. She felt that they should go back to what they previously had before the vaping ban went into place. They never had a tobacco permit and they will never need one. Agent Griffin explained it only falls under this one CBD business. The Board was concerned as to who controls and inspects a vape only permit. Agent Griffin explained CBD is not a tobacco product as it only falls under tobacco when it is vaped. It is not the product but is the method by which it is being consumed. The state ban did not cover CBD products, only tobacco products. Agent Griffin suggested to the Board that it can be inspected under their food permit. The Board could also choose to treat them as an adult only establishment.

Ms. Leclair stated the Board needs to work on that one CBD location and come up with a plan for them. For anyone else who has a tobacco permit they will be able to apply for a vaping permit along with their tobacco permit. The question is that the CBD store was allowed vaping products before the ban so why would it need a tobacco permit now?

The Board agreed it was questionable on how to do this now that CBD falls under the Tobacco Regulations, but it didn't before. It only falls under it now if it is a vape. There is also the issue of not having one more tobacco permit available currently.

They need it now because of state regulations. Agent Griffin confirmed it is state requirement. They can apply and we see what's available. They wouldn't qualify for a tobacco permit anyway as it is too close to another establishment that sells tobacco. The state is requiring them to apply for a tobacco permit even though they don't sell tobacco.

The Board questioned if they could apply for a permit but put it in writing they won't be selling tobacco. Then they can apply for the vape permit.

The Board can grant them a variance.

The Board could grandfather them because they were selling prior to the ban. They have been in business over 5 years.

Agent Griffin explained that the vape device falls under tobacco. This is the issue that our own Town Counsel had because there is no nicotine. She had been trying to get answers from the state and he is not sure what happened with that.

Agent Griffin suggested not capping the number of vape permits or specifically a non-nicotine vape permits for them. They can be regulated. They could possibly sign a written statement saying they will not sell any nicotine items.

They will use the vape permit and just not put a cap on them. Any business moving forward can apply and have a written statement they will not sell any nicotine products. Ms. Leclair felt a cap on the number of vaping permits is important. Agent Griffin suggested a 3 non-nicotine vaping

permits be available. Everyone else who has a tobacco permit would comply and be able to apply for their own vape permit, each one being \$ 400.00.

Agent Griffin will speak with Permit Eyes about creating a Vape Permit application. He can have a plan to move forward at the January 10<sup>th</sup> meeting and then have CBD Releaf Center come in on the January 24, 2023, meeting.

Agent Wilson stated he and Agent Griffin will be getting together on the 27th to put together an outline if the Board has any suggestions to add.

### **BP SHOP, VB VARIETY, INC., 1052 SOUTH MAIN STREET**

Agent Griffin stated that Ashish Patel is a friend of the owner and he requested to be on the agenda. Mr. Ashish Patel explained he was at this store previously. He stated their business is not doing well without the tobacco permit. He is asking how they find a solution to obtain their tobacco license. He felt the license should not have been denied (reading section E9-D). He was referring to “purchased or acquired within 60 days”. What he felt this means that if one person leaves and another comes in and it must be within 60 days. Mr. Hennessey asked how Mr. Patel relates to this establishment. Mr. Patel stated he is just a family friend who is helping. He felt they applied within 60 days and then got the tobacco permit. It was then suspended. Mr. Hennessey explained this business was given a time frame to appeal this decision and they never did that. Agent Griffin confirmed. This was given in writing, and they never followed through. Mr. Patel requested to see that in writing. Mr. Hennessey explained he must go through the public records request process. Ms. Leclair explained they applied for a renewal vs a new permit. There are questions that need to be answered. They are within 500 feet of a school which is not allowed. She further explained there is proof of this. Mr. Patel stated this tobacco permit should not have been denied. His friend and owner of this business will take this to the court system and the Board will have to supply proof to the judge. He will also call the local newspapers. Mr. Patel suggested the Board reconsider this denial. Agent Griffin explained that it was issued in error, and it was later brought to their attention that there was not a purchase of the business itself. The regulations are written that if the applicant is to “purchase or acquire an existing business”. There was no documentation of a purchase of a business. A new owner went into a previously occupied spot. There was no sale, and the permit would not be transferred. He continued to explain the Board is at its cap of tobacco permits. It is a new business within 500 feet of a school. Agent Griffin did issue a cease and desist but they were allowed to get rid of their stock of tobacco. There was also a time frame given to appeal. They never received any appeals. The Board must uphold their decision. Each party was represented by their own counsel.

Attorney Kelsey Marron stated she attended this meeting for observation only.

Ms. Leclair made a motion to uphold the original decision of the Board. Mr. Hennessey seconded, and the motion carried.

### **FOOD INSPECTOR UPDATES**

Agent Griffin said all is going well. There have been some minor issues.

**GOALS:****Food Grade System**

Agent Wilson and Agent Griffin will continue to work on this. Agent Griffin will contact Permit Eyes to see if this is something that can be added.

**Intern**

There has not been any word back from the state. The staff will continue to work on this. Mr. Forte stated the Board should be looking closely at the water results that the DPW puts out. Mr. Hennessey suggested asking someone from DPW come to a meeting to explain the water results. Mr. Wilson will invite Jesse from the DPW to attend the meeting on the January 24<sup>th</sup> and have him bring some of the past results so the Board can better understand the water result and how it could pertain to any illnesses in town.

**Underground Storage – MA Clean Water Trust**

Ms. Renaud spoke with Jason from the MA Clean Water Trust in regard to the CSMP, and he said the only way they allow monies from this loan program is to remove underground storage if it is in the way of repairing or replacing a septic system. There is no way around this.

**HEALTH AGENT UPDATES****740 Pulaski Blvd. – condemnation**

Mr. Forte and Agent Wilson visited this site. The BOH had previously condemned this. There was no active business. No running toilet facilities. Mr. Forte wanted to check to see if there was visible oil waste. All oil spots must be dug down and cleaned out. The BOH needs to know where it is going. There are also multiple areas of trash. There are 30 tires and about 10-15 drums.

Ms. Leclair stated this is not a new issue. It's been going on for 7 months and nothing has been done. The Board agreed that Anne of Conservation be notified as the tires are in the wetlands. Agent Wilson will speak with her. Mr. Forte suggested having a professional on site (LSP). They will also need to have the owner let them inside the building.

Mr. Hennessey motioned to have a constable hand deliver a notice stating the Board's requirements to properly clean this property. Ms. Leclair seconded, and the motion carried. Agent Wilson will put this in motion.

**GOOD AND WELFARE****Commercial Sites**

Mr. Forte wanted to discuss the trash on commercial sites in town. He would like to see quarterly inspections done on Maple Street and Depot Street. He feels these businesses are inconsiderate. Employees throw out their own trash onto the streets. He has put a notice out to anyone that sees this that they can take pictures and fines will be issued. They just need to contact the BOH office. The Board would like letters sent out in March before Earth Day to get the businesses involved to clean up before Earth Day. This should be put on the timeline for 2023.

Mr. Hennessey suggested they need to get the word out on social media. If you see someone littering, they can write down the information (date, time, etc.) and send it to the BOH. Most commercial trucks have identifying numbers which would be helpful.

The message can say “if you see someone throw trash out the window, please get their identifying numbers and call the BOH”. Mr. Wilson will put the notice on the new message board. The Board and staff can work on getting this message out.

### **BILLS**

Mr. Hennessey made a motion to approve the invoice to Salmon VNA for \$ 666.66. Ms. Leclair seconded, and the motion carried.

### **BETTERMENT LOANS**

**None**

### **BETTERMENT BILLS**

Mr. Hennessey made a motion to approve the invoice to ADC Septic and Kathryn Mason of 205 Blackstone Street for \$ 13, 625.00 (\$ 425.00 for pumping and ½ down for install \$ 13, 200.00). Ms. Leclair seconded, and the motion carried.

It was noted the Board will meet on the 10<sup>th</sup> and 24<sup>th</sup> in January 2023.

### **ADJOURNMENT:**

Mr. Hennessey made a motion to adjourn the meeting at 9:00 PM. The motion was seconded by Ms. Leclair and the motion carried.

Respectfully Submitted,

*Laura Renaud*

Laura Renaud  
Minutes Clerk

Approved \_\_\_\_/\_\_\_\_/\_\_\_\_