

BOARD OF HEALTH

August 25, 2020

Minutes

Zoom Video Meeting

PRESENT

Health Agent: Bruce Wilson, Jr.

Chairperson: Patricia Leclair

Vice Chairperson: Kelly McGovern

Member: Vincent Forte, Jr.

Tobacco Agent: Robert W. Griffin III

Minutes Clerk: Tina Griffin

CALL TO ORDER

Ms. Leclair called the meeting to order at 7:00 pm.

MINUTES

Mr. Forte made a motion to approve the minutes from the August 11, 2020 meeting, as submitted.

Ms. McGovern seconded and the motion carried.

CORONA VIRUS UPDATES

Health Agent, Bruce Wilson, Jr. gave an update on the COVID-19 cases in Town and was pleased that the current cases are confined to a limited number of households. Therefore, it does appear that the numbers are currently holding steady on the lower side. Mr. Wilson told the Board that mask complaints coming into his office have slowed down and people are starting to get more comfortable with the "new normal." For more information and updates, please check the State website at Mass.gov and the Town website at BellinghamMA.org.

NEW BUSINESS

CESSPOOLS

This discussion will be continued to a future Board of Health meeting after Mr. Wilson is able to get more information from other local Towns on their procedures.

TOBACCO AGENT UPDATES

SAV-MORE CASH

Mr. Jabour, attorney for Sav-More Cash gas station was present for tonight's meeting through Zoom video. Mr. Jabour told the Board that his client has a license to sell Tobacco products for 2020 and that his previous license was not suspended or revoked. Tobacco Agent, Robert Griffin III told Board members that the owner of Sav-More Cash just recently applied for the license on July 27, 2020 and that he did not have a license to sell Tobacco Products from 2018 through July 27, 2020 because the owner did not renew their license in 2018. Mr. Jabour stated that his client did try to renew the license online in 2018 and he just assumed it was renewed as his client did not receive any documentation to show otherwise. No proof of the 2018 application renewal process was provided to Board members to review. Mr. Griffin provided Board members with a copy of the email received from Evan Garcia with the Massachusetts Department of Revenue, stating that the business did not have a license to sell Tobacco products from October 1, 2018 until July 26, 2020. Mr. Jabour disagrees with this information and asked for additional time to contact the Department of Revenue and gather the information regarding the 2018 renewal application processing.

Board members agreed to allow Mr. Jabour more time to provide them with the information needed in order to have enough evidence that the owner of Sav-More did apply for a license renewal in 2018. The Board will then decide on the violation(s) and fines and will mail their decision to the owner.

VETS PACKAGE STORE

Brett Remillard, Co-owner of Vet's Package Store was present for tonight's meeting through Zoom video. Mr. Griffin told the Board that this location was operating without a State License and Town Permit for Tobacco sales. Mr. Griffin has been in communication with the Department of Revenue to gather more information on the status of the Business License and why it was not renewed by the State. Mr. Remillard told the Board he has been paying his Tobacco excise taxes and knew that he had a balance with the Department of Revenue but was not aware that his license was not being renewed due to this. Mr. Remillard assumed that the License was just taking longer to process due to COVID and lack of staff in the Department of Revenue office. The business did not have other Tobacco violations other than operating without the proper licenses.

Mr. Remillard told the Board that he has been working with the Department of Revenue and has been making payments to the Department in order to get his CT-3T (Certificate of Good Standing).

Mr. Griffin told the Board that he has also been in contact with the Department of Revenue and confirmed this information. Mr. Remillard told the Board that he should be able to have his State license renewed within a couple of weeks. The Board agreed to continue this discussion until Mr. Remillard can provide the Board with a copy of the State license. Mr. Remillard was thinking he could provide this within a couple of weeks. The Board will then decide on the violation and fine amount and mail the results to Mr. Remillard.

VAPE CITY

Jamil Sheikh, Owner of Vape City was present for tonight's meeting through Zoom video. Mr. Sheikh was asked to attend the meeting to discuss the recent violation the store received for selling Tobacco products to a minor. This establishment recently served a two-week suspension for a different violation. Mr. Sheikh told the Board that he is sorry his cashier sold to a minor and there is no excuse for these actions. Mr. Sheikh also asked the Board if they would consider removing the first violation from his record so that this sale to a minor would be his first offense instead of his second. Ms. Leclair told him that the Board recently helped him with another issue that Mr. Sheikh did not think he should have been issued a violation for. Mr. Sheikh told the Board that he did not understand the Regulations as the language sounds confusing for retailers to understand. Ms. Leclair told Mr. Sheikh that they would get clarification on the section of the Regulations he is referring to for the Medical Marijuana use and FDA approved devices. The Board will reach out to Cheryl Sbarra for clarification. Ms. Sbarra is the Senior Staff Attorney for the MAHB (Massachusetts Association of Health Boards). After the Board gets clarification on this item they will decide on the violation and fine for Vape City and will have Mr. Griffin deliver the information to Mr. Sheikh.

CORRESPONDENCE

Board members reviewed a copy of the Employee Calendar for the month of September. Mr. Wilson will be on vacation the first week of September. Mr. Forte will be available as needed to fill in for any complaints that need to be addressed while Mr. Wilson is not available.

Mr. Wilson discussed the proposed meeting schedule for the winter months. The Board will hold two meetings during the month of September. One meeting per month will be held during the months of October, November and December. Board members will be available if a second meeting needs to be added during any of these months.

HEALTH AGENT UPDATES

NEW AND PREVIOUS COMPLAINTS

Mr. Wilson discussed new and previous complaints that have come into the Board of Health office since the last meeting, held on August 11, 2020.

FOOD INSPECTIONS

No new Food Inspection issues to report. Mr. Griffin will be starting the next round of routine inspections within the next couple of weeks.

BETTERMENT LOANS

763 SOUTH MAIN STREET

Ms. McGovern made a motion to approve the Septic Betterment Loan Application for Mr. Jones of 763 South Main Street. Income was reviewed and the application was approved. Mr. Forte seconded and the motion carried.

PLANS

18 CUTLER STREET

A septic design plan for 18 Cutler Street was reviewed by the Board.

Mr. Forte made a motion to approve the plan with the following local upgrade requests that were reviewed and verified by the Health Agent, Mr. Wilson:

- Allow a reduction from the bottom of the S.A.S. (Soil Absorption System) to the established groundwater from 4' to 3' per 310 CMR 15.405(1)(h)

Ms. McGovern seconded and the motion carried.

ADJOURNMENT

Ms. McGovern made a motion to adjourn the meeting at 8:55 pm. Mr. Forte seconded and the motion carried.

Respectfully Submitted,

Tina M. Griffin
Tina M. Griffin

The next Board of Health Meeting will be held on September 8, 2020