

BOARD OF HEALTH
July 28, 2020
Minutes
Bellingham Municipal Center
Arcand Meeting Room

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

Ms. McGovern made a motion to approve the minutes from the July 14, 2020 meeting, as submitted.
Mr. Forte seconded and the motion carried.

CORONA VIRUS UPDATES

Health Agent, Bruce Wilson, Jr. gave an update on the COVID-19 numbers in Town and the slight increase in probable cases that have been coming in. Mr. Wilson told the Board that he has been visiting stores regarding mask complaints and making sure that stores know masks are still a requirement.

Mr. Wilson also mentioned the new "Travel Order" that the Governor has issued. Starting this Saturday, August 1st - All visitors entering Massachusetts, including returning residents, who do not meet an exemption, are required to:

- Complete the Massachusetts Travel Form prior to arrival, unless you are visiting from a lower-risk state designated by the Department of Public Health.
- Quarantine for 14 days or produce a negative COVID-19 test result that has been administered up to 72-hours prior to your arrival in Massachusetts.

If test results have not been received prior to arrival, visitors, and residents must quarantine until they receive a negative test result. Failure to comply may result in a fine of \$500 per day.

Mr. Wilson said that while businesses continue to re-open and transition back into normal hours and services, the Board will continue to monitor the cases and make sure the numbers don't start increasing more.

NEW BUSINESS

CESSPOOLS

Mr. Wilson told the Board that he would like to discuss the option of having all cesspools replaced in the future. Mr. Wilson would like to have this become mandatory so that if a property is being sold the system would be required to be updated. Board members said they would like more information on what other local Towns are requiring as well as a list of how many properties in Town have cesspools. Ms. Leclair stated that the Board would need an update on the current Betterment Loan Funds, applications outstanding, systems in progress, etc. before moving forward with this suggestion. This discussion will be continued at a future meeting.

PORTABLE PRINTER – FOOD INSPECTOR / TOBACCO AGENT

Mr. Wilson told Board members that a portable printer would be much more cost effective and efficient for the Food Inspector / Tobacco Agent to be able to issue written warnings while at the establishment. Ms. McGovern made a motion to approve the purchase a portable printer to be used by the Food Inspector / Tobacco Agent for written warnings. Mr. Forte seconded and the motion carried. Ms. McGovern told Mr. Griffin to purchase the printer and submit the receipt to the office for re-imbursement.

AJ'S MINI MART – TOBACCO VIOLATIONS

The owner of AJ's Mini Mart, Antoine Elhosri, was present at tonight's meeting, through Zoom video. Mr. Elhosri addressed the Board on a recent fine he was issued by the Tobacco Agent. Mr. Elhosri stated he was not aware that some of the items being sold to him by his distributor, are actually banned by the current Tobacco Regulations. Mr. Elhosri gave a detailed description on almost every Tobacco product that he sells. The new State Law and Regulations took effect on June 1, 2020. Two letters were previously sent out along with copy of the Regulations so that retailers would know which products were being banned. Mr. Elhosri asked the Board if they would reconsider the terms of the fine, as he was not aware that some of these products were on the banned Tobacco list.

Mr. Forte made a motion to remove the second violation that was previously filed, making this violation be a second offense instead of a third. Therefore, the establishment will have a 14-day tobacco suspension, instead of a 30-day suspension and a fine of \$2,000. Ms. McGovern seconded and the motion carried.

VAPE CITY TOBACCO VIOLATIONS

Jamil Sheikh, owner of Vape City was present for tonight's meeting, through Zoom video. Mr. Sheikh wanted to discuss his recent fine with the Board and let them know he didn't know the products he was selling were banned under the new Regulations. Mr. Sheikh told the Board that the products he had in his store were not vaping devices but were actually devices to help stop smoking. Ms. Leclair asked Mr. Sheikh if he had any information to show these devices are strictly for use as cessation devices. At this time the FDA has not approved any of these vaping or electronic devices and they are not considered to be strictly for smoking cessation. Therefore, unless the FDA approves the devices in the future, they will not be allowed to be sold under the current Tobacco Regulations that went into effect on June 1, 2020. Mr. Sheikh told the Board that other Towns in Massachusetts have not banned these products and that it is just Bellingham with these stricter Regulations. Tobacco Agent, Mr. Griffin told the Board and Mr. Sheikh that 3 other Towns have also banned these products (including the neighboring Town of Blackstone). More Town's will be following as soon as the Covid pandemic slows down, allowing Boards and Committees to hold meetings and Public Hearings again.

Vape City had two prior violations – One for the cigar case being unlocked and a second for signage issues. The second offense was also a repeat violation. Mr. Sheikh and Mr. Griffin spoke on many occasions. Mr. Sheikh was told at the last Board of Health meeting, held on July 14th, that he would not be allowed to sell these vaping devices, effective immediately. Mr. Griffin fined the establishment at \$100 per item instead of \$300 per item that was supposed to be charged, as Mr. Sheikh stated he was not aware these products were included in the banned items portion of the Regulations.

Mr. Forte made a motion to remove the first and second violations, making this violation be considered his first offense. Mr. Sheikh was offered to either pay the fine of \$2,500 for the banned Tobacco products or abide by a 14-day suspension of Tobacco sales. Mr. Sheikh told the Board he would prefer to take the 14-day suspension, instead of the \$2,500 fine. Board members agreed on the terms of this violation and suspension. Mr. Sheikh will be applying for a food permit, in-Lou of the adult only tobacco

permit. The fee for Mr. Sheikh's food permit will be waived by the Board of Health. Ms. McGovern seconded and the motion carried.

SAV-MORE CASH

The attorney for Sav-More Cash gas station was present for tonight's meeting through Zoom video. Board members let him know that his questions and concerns will be heard at the August 11th Board of Health Meeting.

OLD BUSINESS

TOBACCO AGENT UPDATES

Mr. Griffin updated the Board on establishments he has been inspecting and violations / warnings he has issued. Mr. Griffin has been in touch with both Ms. Edge (Retired Tobacco Agent) and Ms. McColgan from the MHOA (Massachusetts Health Officers Association) in order to be sure businesses have all the required permits and licenses to sell Tobacco products. Several fines have recently been issued for businesses not complying with the Regulations that took effect as of June 1, 2020. Mr. Griffin will have another update at the next Board of Health meeting to let Board members know the status of business licenses that have not been renewed by the State.

REGULATION AMENDMENTS

Mr. Griffin reviewed a copy of the current Tobacco Regulations for the Town of Bellingham. A few suggestions were made by Mr. Griffin. Board members acknowledged these suggestions and will make any corrections necessary in order to clarify the language in the Regulations.

AGENT CONTRACT

A copy of the Contract between Tobacco Agent, Robert Griffin III and the Town of Bellingham was reviewed by the Board. Mr. Forte made a motion to approve the contract once Town Counsel has a chance to review. Ms. McGovern seconded and the motion carried. Board members will come into the office to sign the contract once it is approved by Town Counsel.

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 July 14, 2020.

FOOD INSPECTIONS

Food Inspector, Robert Griffin III, told the Board that he will be doing all re-inspections of establishments that had violations next week. These establishments were given 14 days to correct the issue(s) and the timeframe for that will be up by this weekend. Updates will be given at the next Board of Health meeting on August 11, 2020.

BILLS

Ms. McGovern made a motion to pay \$159.36 to Staples for Office Supplies. Mr. Forte seconded and the motion carried.

Ms. McGovern made a motion to pay \$111.00 to Techpro Publications for the Tobacco Legal Notice. Mr. Forte seconded and the motion carried.

BETTERMENT BILLS

Ms. McGovern made a motion to pay a Betterment Loan Bill in the amount of \$8,000 to Brown Construction and the Audet Family for the septic system at 84 Lisa Ann Drive. Mr. Forte seconded and the motion carried.

BETTERMENT LOANS

25 MAIN AVENUE

Ms. McGovern made a motion to approve the new application for a septic system Betterment Loan at 25 Main Avenue and the Fryncko Family. Mr. Forte seconded and the motion carried.

39 PORTER ROAD

Ms. McGovern made a motion to approve the Betterment Loan Agreement between the Town of Bellingham and Mr. Boucher for the septic system located at 39 Porter Road. Mr. Forte seconded and the motion carried. The agreement was signed by the Board.

1007 SOUTH MAIN STREET

Ms. McGovern made a motion to approve the Betterment Loan Agreement between the Town of Bellingham and the Claffey Family for the septic system located at 1007 South Main Street. Mr. Forte seconded and the motion carried. The agreement was signed by the Board.

454 WRENTHAM ROAD

Ms. McGovern made a motion to approve the Betterment Loan Agreement between the Town of Bellingham and the Richard Family for the septic system located at 454 Wrentham Road. Mr. Forte seconded and the motion carried. The agreement was signed by the Board.

ADJOURNMENT

Ms. McGovern made a motion to adjourn the meeting at 9:17 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 August 11, 2020