

**Board of Health
Meeting Minutes
May 3, 2022
Remote Meeting via Zoom Video**

PRESENT VIA ZOOM VIDEO

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 as presented from the April 12, 2022, meeting. Ms. Leclair seconded, and the motion carried.

UPDATES:

Mr. Forte announced the Hazardous Waste Day will be held on July 23rd 9:00 to 1:00 at the Middle School. Mr. Wilson will see if it can be advertised on the town's electronic sign.

NEW BUSINESS:

Board Reorganization

Ms. Leclair made a motion to nominate Vincent Forte as Chairman, Michael Hennessey seconded, and the motion carried.

Mr. Hennessey made a motion to nominate Patricia Leclair as Vice Chairperson, Mr. Forte seconded, and the motion carried.

Vaping Ban

Roberta Mastrogiovanni of The Smoking News was not in attendance to discuss the vaping ban. Agent Griffin stated they were waiting to hear back from Attorney Sbarra from MAHB for her comments. This topic will be continued to the next meeting.

There was an amendment to the Tobacco Regulations that was adopted in 2013 but was not in the latest regulations.

Ms. Leclair made a motion to put the amendment regarding mind altering substances that was accepted back in 2013 and omitted in 2018 be put back in to the 2020 regulations. Mr. Forte seconded; Mr. Hennessey abstained. The motion carried.

Agent Wilson will seek advisement from Town Counsel as to how they should proceed with this.

OLD BUSINESS:

Earth Day

Mr. Forte thanked all who participated in the Earth Day. There were 105 bags of litter picked up. The Board discussed amending the Commercial Bylaws to say that all peripheral area shall be cleaned every 3 months. It would be a big help. Ms. Leclair asked Ms. Renaud to send out letters to request all commercial businesses to participate in a scheduled cleanup of their areas. Mr. Hennessey stated that after speaking with the football coach and players that participated in Earth Day, they would like to do more community service. They will meet with the Cemetery Commission to get advisement on volunteering to clean up the headstones. Mr. Hennessey will keep the Board of Health updated. He is familiar with this as he has run a similar program in a different town.

OLD BUSINESS:

Permits

The Board discussed the issue with permits when any business owes back taxes to the town. Permit Eyes Software does require a sign off by the Town Collector before they are issued. Agent Griffin stated that Under the MGL the permits can be revoked until taxes are paid which is an option. He suggested if they have a permit for this year, but taxes are not paid by next year then they can revoke. The Board agreed with that. Agent Griffin stated he would put something in writing to the 2 businesses that are delinquent now. Ms. Renaud suggested putting a notice in their renewal letters for all permits.

Ms. Leclair asked for an update on the donation bins. All donation bin permits were issued. Mr. Daprato was allowed to keep his bin until his contract was ended. Agent Wilson stated his contract was ending last day in May. The Board should expect his bin removed after that.

TOBACCO AGENT UPDATES

Attorney Kelsey Marion sitting in for Mr. Patel and BP Gas was in attendance to discuss their tobacco license. Agent Griffin explained that when the previous entity vacated the property a new tenant put in an application with the same DBA name, so it was put in as a renewal as opposed to a new issued permit. He further explained that unless they physically purchased the property from the previous owner, they would not be able to qualify under the 2020 regulations. They are within 500 feet of a school and/or another retailer. The previous tenant moved, and the new owner assumed a new lease at the same premise.

Attorney Marion stated they applied under a new entity name, but they do have the same last name. The tobacco license was issued and relying on that the tenant signed a 5-year lease. He is not viable at that location without a tobacco permit. She is looking for a way to work this out with the town. She also requested a copy of his application but has not received it yet. Ms. Renaud stated she will send it to them, but they can also sign into their account and view it.

Agent Griffin stated that they did state on their application they read the current tobacco laws which states you cannot be within 500 feet of a school.

Attorney Scott Ambler was sitting in for Attorney Ryan, counsel for the previous operator of the store on these premises. He wants to clarify his corporation VB Variety Inc is still in business and opened a new store in Bellingham after being evicted from the South Main Street property.

The two entities are not related at all. He is asking how this could take place as there are questions within the application where the applicant should've seen this. He failed to answer if the business was within 500 feet of the school. Mr. Forte asked if that was callous or deliberate. The question is termination of the tobacco permit or work to continue to find an answer.

Attorney Marion stated they would be willing to work with the town in any way. Her client was issued a license and did sign a 5-year lease. It was a miscommunication. Relying on the issuance of that license he signed a 5-year lease.

Mr. Hennessey stated his concern is that this may have been done dishonestly. It is the same last name but a different business. It is a new owner of a different business within 500 feet of a school. That was left blank on the application.

Attorney Ambler stated that when he filled out the current applicant, he was a new tenant and he had nothing to do with his client. There was no transfer. It is a totally separate entity.

There is nothing pending in the courts.

Ms. Leclair questioned if the school being within 500 feet was left blank.

Ms. Marion stated she did not know if her client knew the school was there when he applied. Attorney Ambler stated it is the applicant's responsibility to know the laws and that did not happen.

Agent Griffin requested it be continued to the next meeting to give them time to review their application. He did pull up their application and the 3rd question is a "yes or no" if it is within 1000 feet of a school and he checked no. That can be sent to them. There is a misunderstanding between parties. When the new tenant came in, he stated he was the new owner of BP Gas, he is the new tenant. The difference is that the previous owner was grandfathered. If there had been an exchange for the business, then that license would have moved forward. They would have to purchase the business or the business license from the previous owner and any adjustment to this will be difficult.

Ms. Leclair made a motion to continue this matter to May 17, 2022. Mr. Hennessey seconded, and the motion carried.

Contracts

Mr. Griffin stated he had his contracts prepared. They were accepted but changes were made that he works for "the Town" be replaced with "Board of Health".

Ms. Leclair made a motion to approve Agent Griffin's contract for Food and Tobacco with the amended changes. Mr. Hennessey seconded and the motion carries. They will be signed when the Board is in person.

GOALS:

Petsmart

Agent Wilson explained that Petsmart is acting as they always have with no retail food permit. The Board requested that Agent Wilson seek advisement from Town Counsel on adopting a regulation that any establishment that sells any food product must have a food permit. That would eliminate any non-service animals in businesses that sell food.

Outside Storage Tanks

Outside liquid storage tanks will continued to be discussed. The Board discussed a revolving fund or grant program. They will continue to discuss and work on a plan. Agent Wilson will reach out to the Water Pollution Abatement Trust and see what they can offer. Mr. Hennessey suggested the Revitalized Community Development Corporation. It serves the veterans, low income, and elderly housing. It is a grant. He will send the link to the Board and Agent Wilson as there is a class Thursday the 19th- 11:00 to 12:00. Agent Griffin spoke of UST program that does put monies towards this. In the MGL there is information about grants for fuel tanks. He will send an email on that information.

HEALTH AGENT UPDATES:

Covid Funds

Agent Wilson stated he applied for a grant and received a check of \$29,000.00 to pay for anything covid related. It must be spent by June 30th. The Board will decide where it should go. He forwarded it to CFO, Mary McKinnon in finance. Agent Wilson will scan the stipulations to the to the Board. Ms. Leclair stated the Board should plan for the Fall season.

Wells

Agent Wilson updated the Board that the Lake Street well owner will have his open well capped the next day as he was having issues getting a contractor. Ms. Leclair stated the 2 weeks this was left open was too long. It could've been a dangerous issue. It is abandoned. Ms. Leclair asked for a copy of the well regulations. Agent Wilson will provide that. She stated they may need to put something in place to assure wells are covered.

Service Animals

Agent Griffin explained he knew some service animal trainers that could come in and explain in further detail what all the requirements and rules were with businesses and service animals. He will ask then to come in the first meeting in June. He will let Ms. Renaud know.

Hartford Avenue-Abandoned Homes

Mr. Forte discussed 3 abandoned homes on Hartford Avenue. He feels the homes have been willfully neglected. The owner is bringing this to Town Meeting to change the zoning to B1-B2. In his opinion these homes are a public health nuisance. He suggested having a Public

Hearing and inviting the neighbors. The Board would like this added to the next agenda: 190, 194 and 198 Hartford Avenue to discuss.

Agent Wilson made notice that there was a sample contract from the VNA. He suggested the Board review it and think about what they would want for services. Mr. Forte stated there was a recent resume sent in they could consider. Ms. Leclair wanted to make sure that VNA does the MAVEN software. Agent Wilson explained with the VNA there is a group of nurses to help if someone is on vacation or out sick. Ms. Leclair stated they did hire one private nurse previously as they felt it was more personal for the seniors. The Board will consider all options.

PLAN REVIEWS:

Mr. Hennesy made a motion to grant a waiver for 30 Stockholm Street for 3 feet of separation to groundwater where 4 feet is required. The motion was seconded by Ms. Leclair and the motion carried.

Mr. Hennesy made a motion to grant a waiver for 6 Marion Road for 2 feet of groundwater with perk rates greater than 2 mph in a Presby system. The motion was seconded by Ms. Leclair and the motion carried.

BILLS:

Mr. Hennesey made a motion to approve the MAHB Certification for 4 members at \$ 90.00 each for a total of \$ 360.00. The motion was seconded by Ms. Leclair, and the motion carried.

Mr. Hennesey made a motion to approve the reimbursement of \$ 153.53 to Bruce E. Wilson, Jr. for his Professional Engineer License. The motion was seconded by Ms. Leclair, and the motion carried.

BETTERMENT LOANS: None

BETTERMENT BILLS: None

GOOD AND WELFARE: None

ADJOURNMENT

Mr. Hennesey made a motion to adjourn the meeting at 8:15 PM. The motion was seconded by Ms. Leclair and the motion carried.

Respectfully Submitted,

Laura Renaud
Minutes Clerk

Approved 3/24/22

