



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT
BOARD OF HEALTH
KIMBERLY A. GRIFFITH, PSY.D.
ELIZABETH M. BLANCHARD, M.D., FASCO
ACTING DIRECTOR OF HEALTH
STEPHANIE SLOAN

APPROVED MINUTES

Regular Board of Health Meeting

Wednesday, March 29, 2023 at 6:00 p.m.

Board to Convene Via Remote Participation

Alternative Means of Public Access Provided: Zoom Meeting/ Telephone Conference Call

To Join Zoom Meeting: <https://zoom.us/j/3966365159>

Dial-In: 1 646 558 8656 US Meeting ID: 396 636 5159

1. CALL TO ORDER

Meeting was called to order at 6:02 p.m. meeting remotely per zoom communications which has been allowed per the Governor due to the pandemic this meeting is being recorded.

ROLL CALL OF MEMBERS

Present were Kimberly A. Griffith, PSY.D.
Elizabeth M. Blanchard, M.D., FASCO

2. APPROVAL OF MINUTES

Dr. Griffith called for a motion to accept and place on file the minutes of the regular zoom meeting held on February 23, 2023. **SECONDED:** by ROLL CALL - Dr. Blanchard. Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

3. NEW BUSINESS

A. Discussing the Correction/Cease and Desist Order for 2nd Violation in 36-month period, \$2000 fine issued & 7-day suspension of sales permit.

Invitees: Megan daCosta, Public Health Program Manager-Tobacco & Marijuana
MD Belal Hossain, Owner of Cedar Convenience Plus
Joseph Carvalho, Environmental Health Program Director
Stephanie Sloan, Assistant Director of Health

Megan daCosta stated we asked the owner or representative to attend tonight because they have accrued their 2nd violation in a 36-month period. Their first violation was May of 2022 for sale to a minor and following that she began to receive some complaints that the store was selling flavored products. They were due for an annual inspection which was conducted on May 20th and at that time there were 2 sales made in front of Megan of Newport Menthol cigarettes. She let the clerk know she was from the Health Dept., went behind counter and saw bags of Newport Menthols from the State of Georgia. Anything other than MA tobacco is banned and this was explained to the clerk at that time. Upon further inspection behind counter, other flavored cigar wraps were found. All of these products are covered under the MA flavor ban. Two days after, they signed cease and desist order and paid their fine and began their 7-day suspension which ended today and reopened them today.

The store manager Jobar spoke on behalf of Mr. Hossain, the owner, who couldn't attend the meeting. He stated that he would not sell flavored products anymore, he has cleaned out everything from the store and he will let the employees know not to sell those types of tobacco products. He apologized for selling these products.

Dr. Blanchard asked Jobar if he trained the employees in what they can and cannot sell. He stated that he will train any new employees on tobacco products that should not be sold.

Dr. Griffith stated that the training of employees and the understanding of what is legal, and illegal is very important. A third violation is likely to result in revocation which would revoke the ability to sell tobacco products. Megan DaCosta is more than happy to provide any clarification you need in the future.

B. Discussion & Approval of Odor Control Plans & Emergency Response Plan for Ember Gardens NBP/NBR.

**Invitees: Megan daCosta, Public Health Program Manager-Tobacco & Marijuana
Shane Hyde, Chief Executive Officer
Desmond Hyde, VP of Business Development
John Grenier, Security
Dan Gillan, Chief Operating Officer
Stephanie Sloan, Assistant Director of Health**

Megan daCosta stated that we invited representatives from Ember Gardens to speak on behalf of the company. The Board reviews the odor control plans for establishments and Ember Gardens has submitted their plans for the retail side and manufacturing side of their proposed business. Also, they put together an emergency response plan that has been signed off by police and fire. The location is going to be on the corner of Purchase and Nauset St.

Mr. Hyde spoke and stated he is the CEO of Ember Gardens. The odor control plan and emergency response plan were put together for their business in New Bedford. Part of the business is going to be retail and second half is for product manufacturing which means the production of extracted products, oils, extracts that then could be used to make edibles or pre rolled joints etc.; that is basically what business will be conducted at this site. There will be no cultivation at this site. All retail products are stored in seal tight packaging and a majority of the products will be stored in a vault. The vault will have odor and air scrubbers.

On the manufacturing side of things, we would bring in some flower where they have to make the extracts from, but it's delivered in air sealed packaging. Everything would be returned to the vault at the end of the workday. There are two separate vault rooms for the retail and manufacturing sides. Any sort of complaints or incidents will be fully documented and available for the city or any government organization. The odor control plan is a blend of technology and good practices for the employees to be trained. There are no residential properties in the area, just other businesses close by. It is self-contained in that building. There will be no cultivation and no consumption of the product or any use of cannabis on site by any customers or employees as is not allowed by state law.

The emergency response plan is standard and we work with our security consultants. It is already signed off on by the police and fire dept. Not cannabis specific but there is a plan in place for management employees to have as a guide to respond to any various potential security.

Dr. Griffith had a question about the difference between operation hours of retail and manufacturing.

He stated the facility hours of operation are 10-7 pm which is the standard. Production is usually is the last hour from 6-7, when the cleaning would happen and when the products would be returned to the vault. These hours are not set in stone. We can clear that up if you have an issue with that.

Dr. Griffith had another question about the floor plan. Is the retail on one side of the building and the other manufacturing part is on the other side and do they connect in anyway?

Mr. Hyde stated yes, they are on separate sides of the building and do not connect in any way. Customers cannot connect to the manufacturing side.

Dr. Blanchard asked what goes back in the vault and what would not be in the fire safe vault?

Mr. Hyde explained basically anything with THC in it would go back to vault at end of day. On manufacturing side of it some do not have to be returned to vault like gummies that need to set over night in freezer, but they do not contain any flower and no cannabis flower would be left out it would be returned to vault.

MOTION: by Dr. Blanchard to approve the odor control plan for the Amber Gardens.

SECONDED: by **ROLL CALL** – Dr. Blanchard. Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

MOTION: by Dr. Griffith to also approve the emergency response plan for the Amber Gardens.

SECONDED: by **ROLL CALL** – Dr. Blanchard. Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

C. Discussion and Approval of Civil & Environmental Consultants, Inc.'s proposal for engineering consulting services for the technical review of the Site Assignment and Site Suitability Report for Southcoast Renewables, LLC.

Invitees: Amy J. Knight, P.E., Vice President
Stephanie Sloan, Assistant Director of Health

Stephanie Sloan spoke stating that they worked with our legal counsel Adam Brodsky and the Environmental Stewardship Department for recommendations of environmental consultants that would be able to help support the board in the technical review of the suitability report that South Coast Renewables has submitted to Mass DEP. The department received five recommendations, sent out a scope of services and asked for proposals. She stated we received some respondents who were not able to send the proposal in the time frame and others stated they did not have the capacity at this time. Amy Knight and her team sent a proposal. We invited her today to the meeting.

Amy Knight stated that they submitted a proposal to provide support for the site assignment review for the transfer station. She explained that they conduct an independent 3rd party review of the site suitability report after the DEP issues their assessment. They will prepare a narrative summary report for the Health Dept. They do plan to subcontract out the traffic review to MBM Consultants located in Marlborough and have done this before and supported us across various towns. They are familiar with the process. Also, they have been involved with solid waste permitting and transfer stations in presenting it to the board in various towns.

Dr. Griffith asked if she could tell us how many other projects, she has done that might draw comparisons.

Ms. Night mentioned they have participated in a few towns, one included Dennis, which was shorter. The meeting opened and closed within a half hour. There was also a similar procedure in Holbrook, which took longer. It can vary depending on the response of the community and issues that arise.

Dr. Blanchard stated is there a conflict-of-interest part of the bidding process?

She stated she can personally say that she has no connection to the project and sees no conflict there.

Stephanie Sloan added she came into this process after the recommendations were made but can look into this further.

MOTION: by Dr. Griffith to approve the Civil and Environmental Consultants Inc. Proposal as submitted. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

D. Voting to appoint Stephanie Sloan as Acting Director of Health effective March 29, 2023.

Invitees: Stephanie Sloan, Assistant Director of Health

MOTION: by Dr. Griffith move to appoint Stephanie Sloan Acting Director of Health effective today March 29, 2023. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

4. NEXT MEETING DATE

The next meeting to be determined.

5. HEALTH DIRECTOR'S REPORT

A. General Updates

Stephanie Sloan gave some departmental updates. After April 11, 2023, the department will have applied for 3 federal grants. The first is a Narcan distribution grant which the department currently holds. The second is a CDC grant focused around health equity and diabetes prevention/management. The last to be submitted will be a systems and policies grant focused around nutrition, physical activity, and breast feeding. The department is working on these grants with South coast and the community health center. The department is also working on quality improvement plan and process as a part of accreditation.

NEW BUSINESS NOT REASONABLY ANTICIPATED AT TIME OF POSTING

6. ADJOURN

Dr. Griffith **adjourned** the meeting at **6:55 p.m.**

A true record attest:


Health Department Chairperson

BOH Meeting Minutes Approved 6 / 15 / 23