



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

PATRICIA L. ANDRADE, M.D.
CRAIG LONGO, M.D.
SARAH MORRIS, M.D.

DIRECTOR OF HEALTH
DAMON O. CHAPLIN

APPROVED MINUTES

A public meeting of the Board of Health was held on September 24, 2019 in the Health Department conference room, 1213 Purchase Street, New Bedford.

Present: Patricia Andrade, M.D., Chairperson
Craig Longo, M.D., Member
Sarah Morris, M.D., Member

Also Present: Damon O. Chaplin, Director of Public Health

CALL TO ORDER

- 1. Dr. Andrade called the meeting to order at 6:05 p.m. Dr. Andrade called roll with herself Dr. Sarah Morris and Dr. Craig Longo.**
- 2. Dr. Andrade called for a motion to accept and place on file the minutes of the regular meeting held on July 2, 2019.**

MOTION: by Dr. Longo to accept and place on file the minutes of the regular meeting held on July 2, 2019. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES.**

ACTION

3. NEW BUSINESS

A. Request for Hearing Re: Minimum Housing Violation Order# 19-009862 for 22 Felton St., 1st Floor and the lack of action. Evangelos Safileas, Tenant; John D. Pereira, Owner – 24 Jocelyn St., New Bedford, MA; Carlos Gonzalez, Sanitarian. All present.

Mr. Carlos Gonzalez stated back on June 10, 2019 he did an inspection and violations were found. Correction order was sent out to owner and tenant. Mr. Gonzalez followed up on the violations with Mr. Pereira on August 16, 2019 and as of now all the issues were corrected.

Dr. Andrade stated if everything is corrected than why are we here. Mr. Gonzalez stated the tenant requested the hearing.

Mr. Safileas stated the inspector came on June 10, 2019 and Mr. Pereira was fixing the issues, but they were never corrected. Mr. Safileas showed the board pictures of what is not finished, not done to his satisfaction.

Mr. Pereira explained that he owns 125 apts. In the city, landlord for close to 30 yrs. now. On June 20th is when he received the registered letter from the Board of Health. He reached out to Mr. Safileas to no response from him. He told Carlos Gonzalez whatever the issue he will fix it. On June 29th he started fixing the issues in the apt. Mr. Pereira and tenant had an argument regarding fan the landlord was fixing. On same day the landlord called tenant and returned to property the tenant did not allow access to his apt. to fix the issues.

Dr. Andrade explained the purpose of the Board of health and we are not here to hear complaints from tenants if the tenants are not happy with the property owner. As far as what our role is it is to ensure that the tenants are living in properly inhabitable places and according to Mr. Gonzalez's inspection it is. We are done as far as the inspection is concerned the violations have been corrected.

B. Review letter from City Council stating their opposition of locating anywhere in the City a Safe Injection Site Center and further that communications be sent to our City Department Heads and Commissioners including the Health Department, Planning Department and Inspectional Services notifying them that this Council is in opposition of a Safe Injection Site Center and that no permit be issued. Damon Chaplin, Health Director

Mr. Chaplin stated that they are making it clear that the City Council is opposed to this. Dr. Andrade state that the letter is so filed.

C. Parallel Products Site Assignment – retention of counsel. Damon Chaplin, Health Director

Mr. Chaplin stated that sometime in May or June the City Council sent a letter saying they are opposed to Parallel Products. Parallel Products came in last year to present their project it is moving forward. It is the counsel's recommendation that we retain separate counsel from city solicitor's office to hear the site suitability.

Atty Bailey mentioned the mayor and the counsel has put aside certain amount of money to fight the Parallel Products site project and city solicitor's office is involved in this so to avoid any conflict of interest the Board needs to retain separate council to be at meeting when Parallel Products presents their project site assignment. Mayor has agreed to provide half of the funding for the counsel.

Atty Bailey said that Mr. Chaplin should contact outside counsels and have them submit quotes and proposals. We should have someone here to represent the board at the hearings. If the board approves this site assignment the mayor and the council has already said they will hire an attorney and fight it, you cannot have the same attorney.

MOTION: by Dr. Longo for the Board of Health to get quotes in terms of retention of separate outside counsel regarding the Parallel Products Site Assignment. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES.**

D. Review and adopted final draft of the Board of Health Marijuana regulations. Damon Chaplin, Health Director and Blair Bailey, City Solicitor

Atty. Bailey and the Board looked over the regulations on the screen. He had two aspects to put into regulations first is page 5. He stated this board had asked what he could find in the industry in other Boards of Health for signage particularly for edibles. He looked at other states regulations and found that generally the state is doing more. The standard advice was three areas that are given to people is: read the label, take your time and stay put on the signage. Some places require it as a handout when purchasing edibles and others as a posted sign. The Board and Atty Bailey both agreed that using a handout or an insert is the better option. They discussed it would be better changing it to product insert on regulation.

Second is changing the wording which was originally shall to may back to Shall in a section of the regulation.

Third change is a question that came up about enforcement on number H10 in the regulation, tickets that are written.

Atty. Bailey will make the 3 changes and send it to Mr. Chaplin.

Dr. Andrade stated to make a motion to accept regulations with the changes discussed today because the intent of regulation is unaltered.

MOTION: by Dr. Morris to adopt the regulation to ensure that the sanitarian and safe operations of adult use marijuana establishments and sale of safe adult use marijuana recommendations with the changes that we discussed today be approved. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

E. Review and discuss expanding the definition of Adult-Only Retail Tobacco Stores and Restricting flavored tobacco products (including menthol). Joseph Carvalho, Tobacco Program Manager, Cheryl Sbarra, MDPH Consultant.

Mr. Carvalho read the upgraded definition of an adult only retail tobacco store to the Board; it was sent to us from DJ and Cheryl Sbarra from MDPH to consider adopting the expanded definition. It would restrict sale of tobacco except for adult places. It would be restricted to an adult only store non flavored tobacco.

Dr. Andrade stated we renew the tobacco permits now. There are 145 now. The places that presently have tobacco permit can be a mixed use.

Mr. Carvalho mentioned that the only adult are the vaped stores we have.

Mr. Chaplin said that the only adult stores are the vaping ones. Adult only retail stores and also have non adult spaces in same building not separated by a partition so this regulation would be clarifying what an adult only retail store is.

Dr. Longo stated then what would separate an adult only tobacco store from a place that has a regular retail tobacco permit?

Atty Bailey stated it would be flavored tobacco and vaping products that is the difference. It must have a separate entrance.

Mr. Carvalho stated currently we have 3 adult only tobacco establishments.

Dr. Andrade accepted some questions from people at the board meeting regarding the restricting of flavored tobacco products.

Atty Bailey suggested to put the proposed change to adult only tobacco regulation on hold. The Board agreed.

Mr. Chaplin stated we have two letters one from councilor Maria Giesta and one from Ian Abreu in support of the Tobacco retailers and asking us to table the conversation until they have a hearing. Dr. Andrade stated that we will place it on file.

4. **NEXT MEETING DATE**

5. **HEALTH DIRECTOR'S REPORT**

A. General Updates

Finished the department's Strategic Planning Process. Soft unveiling next month.

Prostate cancer awareness video Oct. 21st that will be shown on cable access news and a forum on Nov. 21, 22nd 5-7 pm

Mr. Chaplin stated we received a grant for 2 million for Opioid Education.

Dr. Andrade would like to see on the agenda in future discussion about Food Markets and amending some of the food statues.

Mr. Chaplin mentioned our budget did not get approved only approved for 4 Board of Health meetings a year.

6. **NEW BUSINESS NOT REASONABLY ANTICIPATED AT TIME OF POSTING**

7. **ADJOURN**

MOTION: by Dr. Andrade to adjourn the meeting. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

The next meeting of the Board of Health will be determined once Board members' schedules are checked and as requests appear.

Dr. Andrade adjourned the meeting at 7:31 p.m.

A true record attest:



Health Department Chairperson

BOH Meeting Minutes Approved 12 / 10 / 19