



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 July 2, 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 June 4, 2019.**

MOTION: by Dr. Longo to accept and place on file the minutes of the regular meeting held on June 4, 2019. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES.**

ACTION

3. NEW BUSINESS

A. Request for Board Approval of Little People's College Recreational Camp Permit for 850 Church Street location during summer of 2019. Gail Joseph, Sanitarian

Gail Joseph stated all the paperwork was submitted for both Little People's College and YMCA's Camp Frederick Douglas.

MOTION: by Dr. Longo to approve permit and license for Little Peoples College Recreational camp for 850 Church St. for summer of 2019. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES.**

B. Request for Board Approval of Recreational Camp Permit for YMCA's Camp Frederick Douglas, 25 South Water Street location for summer 2019. Gail Joseph, Sanitarian.

Gail Joseph asked the Board if she could renew the camp licenses if there are no issues. The Board stated that if there are no changes in regulations and no red flags it should be fine. She would not need to come before the board.

MOTION: by Dr. Longo to approve permit and license for YMCA'S camp Frederick Douglas for 25 South Water St. for summer of 2019. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES.**

C. Request for Renewal of Sarducci's Subs & Pizza Restaurant Food Permit, 640 Pleasant Street, New Bedford under new management structure.

Invitees: Gail Joseph, Sanitarian
Representative of Sarducci's Subs & Pizza Restaurant
Roody Botros, Owner- 996 Allen St., No. Dartmouth, MA

Since last meeting Gail Joseph has been working with Roody Botros. He is the son of the owner. She stated that if he wants to open this restaurant he has to be the person in charge.

Also the renewal permit will not be issued until total compliance and acceptance from Gail Joseph.

Mr. Botros has been cleaning the whole place there is a big change. The restaurant will be opened under new management for the next 6 months. Mr. Botros stated his father is retired so now it will be under his management only.

MOTION: by Dr. Andrade to reissue the food establishment permit for Sarducci's Subs & Pizza Restaurant at 640 pleasant St. under food management of Mr. Botros and that they cannot open for business until completely inspected/cleaned and with the stimulation that the father will not be running or in that restaurant at any time. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

D. Review s Building Code Violations at 639 – 647 County Street and consider status of Health Department Rooming House License.

Invitee(s): Gail Joseph, Sanitarian
Danny Romanowicz, Director, Department of Inspectional Services
Joseph Pires, Owner 639-647 County Street

Dr. Andrade stated because this was an issue that involved multiple dept. we wanted to hear from other departments before we enacted anything. This was just an informational session so they can discuss what they are responsible for.

Atty. John Walsh appeared before the board on behalf of his client, Joseph Pires. He states that Joseph Pires is not the owner. He stated that Mr. Pires has no problem with the Health Dept. Does not think that the Health Dept. has any jurisdiction to discuss or rule on any report issued by the Building Dept.

Mr. Romanowicz stated the property is under LLC, Mr. Pires is the agent.

Mr. Chaplin stated specifically for County St. there are two issues going on, he is listed with the Health Dept. as a rooming house and he is listed as a 6 unit family house with the Building Dept that is a zoning issue.

Mr. Romanowicz stated he has the wire inspector, Mike Baker; plumbing inspector, Phil Stanley; and building inspector, Robert Carreiro; here at the meeting they were the team that did a group inspection with Fire Prevention. Mr. Romanowicz invited Fire Prevention but they did not appear at the meeting. He believes it was permitted through Health Dept. as a rooming house. Under Mass State building code and Mass General law that determination is through the Building Dept. He stated we did not know about this until there was a complaint. One of the occupants made a complaint to the Fire Dept.

Mr. Romanowicz stated you can't have a rooming house when the building dept has it classified at a 6 unit 6 apts.

Dr. Longo stated that currently this is licensed as a rooming house and not in compliance for the minor violations found in the last inspection per Gail Joseph. We should deal with the issues under our Department. Dr. Longo stated his motion would be to get a re-inspection done from last time. Mr. Pires is welcome to come to another meeting if there are any other issues but this should be sorted out between the property, Attorney Walsh and the Building Dept. to decide if this is going to remain in this classification or move to something else.

Mr. Romanowicz said for some reason this slipped through, going forward we will fix it. He mentioned that there are building code issues, wiring and plumbing issues etc.

Dr. Andrade stated the main concern is about rooming houses in general. If we are licensing rooming houses we could be licensing places that are not in compliance with the Building Dept.

Mr. Romanowicz stated that they have a program (view permit) at City Hall if a new rooming house were to apply you would send it to the Building Dept. then they would check to see if it qualifies as a rooming house.

The Board mentioned that it seems that everyone is willing to fix the issue along with Atty Walsh and his client Mr. Pires.

E. Review and Consider Draft Amendment to the Board of Health Tobacco Control Regulation Restricting The Sale of Tobacco Products and Nicotine Delivery Products

Recommendation: Adopt draft amendment to accommodate business that has obtained site plan review approval.

Invitees: Damon Chaplin, Health Director

Elizabeth Treadup Pio, Associate City Solicitor

Atty. Elizabeth Treadup Pio stated our office was contacted after the last Board of Health meeting with an issue that a business that was making its way through the city's permit approval process. The business would not be able to apply for license because the board set a cap at 144. City Solicitor's were asked to come up with a resolution. Atty. Treadup Pio stated only one business had already established the permit process and had obtained site plan approval with the Planning Department. They submitted their plans back in May of 2018.

She was able to determine that it was an existing license holder who was looking to sell their business and the buyer had contacted us.

Dr. Andrade asked if this business has a permit that they can transfer over.

Atty. Treadup Pio said yes the regulations we have now allows for that transfer.

Atty. Treadup Pio spoke about the changes on the tobacco regulation in subsection A to increase the cap number by one permit to 145 for this one establishment and amendment of inserting a new paragraph subsection D.

MOTION: by Dr. Morris that “ I move to amend the Tobacco Control Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products by inserting a new subsection d) in Section V, Paragraph 11 with the language: Notwithstanding the limit set forth in subsection (a) above, an applicant who has obtained Site Plan Approval by the New Bedford Planning Board for new construction by June 4, 2019, shall be eligible to apply for a Tobacco and Nicotine Delivery Sales Permit. This subsection may result in the total number of Tobacco and Nicotine Delivery Sales Permits issued in New Bedford to exceed the number allowed in subsection (a) above.” And further that this amendment shall be effective upon the date of publication. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

F. Review and consider adoption of draft "Regulation to ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana"

Invitees: Damon Chaplin, Health Director

Blair Bailey, Associate City Solicitor

Dr. Andrade stated in the last meeting we went over amendments we were not comfortable with. Atty. Bailey discussed with the Board the regulation changes for Marijuana packaging for retail sales. He stated that the amendments were fine with him.

Atty. Bailey stated on page 5 questioned the one that says out of package sales B) and C) references retail stores. Suggested that we add “retail stores” as well after the word prohibited, to part A).

On page 6 – 3. Odor control program his suggestion is to edit the sentence to say prior to the issuance of a certificate of compliance Marijuana establishment must submit an odor control plan for review and approval.

Atty. Bailey mentioned the only other observation he had was on page 4 the language of the host agreement before its signed somewhere in there community health assessment must be completed before executed and delete everything else after that. No problems with fines but the fees are going to be an issue. They have you doing inspections but where are you getting the funding since the licensing board is getting the fees.

Mr. Chaplin stated that they just set up a revolving account.

Atty. Bailey stated he is fine with the rest of this regulation.

Dr. Morris brought up the labeling issue in the regulations. Atty. Bailey stated you can do your own signage but as far as labeling the state has occupied that field. We can (as a Board of Health) require them to post a warning sign or some sort of poster at the facilities. You can put the signage requirements in the regulation under section D #10.

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

G. Request for Hearing Regarding Minimum Housing Violation Order #s 19-009037, 19-006727 for 3 Abbott St., 1st Floor

Invitees: Tatiana Andrade, Owner - 39 Adams St., Fairhaven, MA

Misty Vernosky, Tenant

Elias Estevez, Sanitarian

Gail Joseph, Sanitarian

No one appeared before the board regarding this minimum housing violation. Dr. Andrade stated to proceed as usual with case.

DEPARTMENTAL BRIEFING

Invitee(s): Damon O. Chaplin, Health Director

MOTION: by Dr. Andrade to adjourn the meeting. **SECONDED:** Dr. Morris. 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 7:20 p.m.

A true record attest:



Health Department Chairperson

BOH Meeting Minutes Approved 9 / 24 / 19

