



## 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 March 26, 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 6:04 p.m. Dr. Andrade called roll with herself Dr. Sarah Morris and Dr. Craig Longo. Dr. Andrade called for a motion to accept and place on file the minutes of the regular meeting held on February 26, 2019.

**MOTION:** by Dr. Longo to accept and place on file the minutes of the regular meeting held on February 26, 2019. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

### ACTION

2. 68 Cove St., Horta's Fish Market, request for hearing regarding Variance for use of a 2 bay sink, Fernanda Dutra, Owner, 75 Bellevue St., New Bedford, MA; Gail Joseph, Sanitarian, Sofia DaCosta, Sanitarian, Present.

Sofia DaCosta, sanitarian, came before the board to explain that part of the new food code is that they need to have a hand sink in the kitchen prep area the only other hand sink is located in the bathroom. She asked that Ms. Dutra come before the board to get a variance.

Fernanda Dutra appeared before the board and explained what she has in the kitchen area. Sofia DaCosta stated she has the 2 bay sink but needs to be partitioned off. Ms. Dutra explained she also has a 3 bay sink which is to wash, rinse and sanitize. She showed the Board pictures of the sinks.

The Board recommended that Ms. Dutra have two faucets and put a higher partition separating the hand sink and prep sink so that there is no splash over or contamination. Also the Board stated that she should never use a mop in those sinks and to make sure the employees are aware of that.

Dr. Andrade stated after the renovations are completed to notify the Health Dept. for reinspection.

**MOTION:** by Dr. Longo for a variance for the use of a two bay sink for Horta's Fish Market at 68 Cove St. to include separate faucets with the higher partition separating the two sinks for hand washing and the prep sink. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

**3. Tobacco Regulations (MTCP update), Damon Chaplin, Health Director, present; Joseph Carvalho, Public Health Program Manager/Tobacco, not present.**

Mr. Chaplin briefly discussed the Tobacco Regulations pertaining to capping and to make a motion to include a cap and reduce the number of permits.

**MOTION:** by Dr. Morris to cap the number of Tobacco product sales at 146 and reduce the number of tobacco permits by attrition. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

**4. Review of Marijuana Regulations.**

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

**Blair S. Bailey, Special Legal Counsel, not present.**

Mr. Chaplin gave a quick update the city council is working with the licensing board to draft the regulations for the licensing board. They want to have some input. He asked Blair to bring everything into our regulations which includes the health impact assessment and odor control plan.

**5. Approval for non-refundable deposit for permits filed in the Health Department regarding food, septic, tanning, body art etc.**

**Invitee (s): Gail Joseph, Sanitarian**

Gail Joseph spoke about a non refundable deposit for permits. She stated that it was brought to her attention that there were a lot of refunds last year. People would apply for permit, pay the fee, get permit and decide they do not want to do it anymore so then money has to be refunded. On the inspectional services forms, Gail Joseph noticed that they had non-refundable fee on their paperwork.

Gail explained the procedure after they receive the application. Inspectors check everything that comes in on a daily bases usually within two to three days they are already starting work on it. Check does not get deposited until they pick it up to start work on it. Also the issue of the temporary events some people call and change their minds at last minute and want their refund.

The board agreed that there should be a time limit. The temporary permits should be non-refundable and the permanent permits give them a 5 day window.

**MOTION:** by Dr. Andrade to designate temporary permits that are given by the Health Department to be non-refundable and permanent permits there is a 5 business day grace period after filing for a permit after which the permits become non-refundable. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

**6. Discuss fees for South Coast Open Air Market coming to New Bedford this summer.**

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

**Gail Joseph, Sanitarian**



Gail Joseph stated that the open air market as it stands now falls under food establishments and anyone who is serving food is required to get permits. We do not have a permitting fee in place yet because it is new.

Stephanie Perks, Co Executive Director for coastal food shed came before the board to discuss the SOAM. They are managers of the New Bedford Farmers Markets but also she is representing SOAM which is the South Coast Open Air Market. Her roll is that they manage the NB Farmer's Market. They reached out to the South Coast Open Air Market to come to New Bedford originally they were set up in Somerset. It's an artisan and farmers market. They are looking to do the open air market once a month June through October on Saturdays from 10-4pm. They are thinking about Purchase Street right now. Testing it out for this first season in New Bedford that is why it is only once a month. No hot cooked food onsite it would be only food items that would be prepared in a certified kitchen.

Gail Joseph stated anyone who stores, vends, prepares services food to the public is considered a food establishment only ones exempt from permitting of that is if they do whole fresh uncut fruits and vegetables, processed honey or raw honey, pure maple products and farm fresh eggs stored at 45 degrees or less.

Dr. Andrade stated do we want to define these markets, do we want to say this overall is an open air market/farmers market or leave out until we discuss further what we mean when we say open air market with restrictions. We need a better definition of what the concept is and what people in vision the market as. Mr. Chaplin mentioned there is no language for open air markets right now.

Gail Joseph asked if we are issuing one permit to cover 10 vendors. She recommended that we issue each person a permit. If they get a seasonal permit they need to have liability policy with application in the event of any food borne illness. Mr. Chaplin asked Gail if \$50.00 would be a reasonable fee for the season. She stated \$50.00 is fine with her. Gail also mentioned to add the Public Markets to the Farmer's Markets permit and then set the dates and restrictions on Public Markets. Also on the permit it will state what the permit is for and will have the time frame for when it expires and each individual date will also be on the permit specifically for that weekend cannot be used anywhere else. There will be no servicing or sampling of food just sales at these Public Markets.

**MOTION:** by Dr. Andrade to allow South Coast Open Air Market to be permitted under the public market and farmer's market permit with any vendor wishing to sell non farmers market prepared foods needs to apply for their own vendors permit and provide certification of the kitchen in which its prepared and with the restriction of no food preparation on site and no food trucks for this first season from June to October and separately dated for each date of these markets and a fee of \$50.00. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

**7. Discussion on the request from City Council inquire of the MDPH and NB Board of Health whether or not the state has any regulatory requirements to prevent photos from being taken of nursing home residents by staff or visitors without their consent.**

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

Mr. Chaplin and the Board stated this does not fall under our jurisdiction.

**8. Approval of Septic System Inspection waiver form.**

**Invitee(s): Gail Joseph, Sanitarian**

Gail showed the board the septic system inspection waiver form to approve. Gail stated there is no one living on the premises. Once it is approve she will have it signed and notarized. They have to do the abandonment and tie in has to be done within 2 yrs reason they are buying the house is to flip the house. It is in our code as long as no one is living there.

**MOTION:** by Dr. Longo for the approval of the septic system inspection waiver form for 23 Pineridge Street, New Bedford, MA. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

Sarducci's Restaurant owners appeared before the Board to speak to them about their restaurant that is closed for cleaning.

Gail Joseph gave a brief history of their restaurant issues.

The owners stated they were cleaning the restaurant in the afternoons until night time.

Gail Joseph stated to the owners to bring in the plan of who is going to be doing the cleaning, who will be maintaining the property, and who is the new person in charge overseeing the restaurant.

The Board stated to the owner that he has to pick someone else to be in charge of running the restaurant other than himself or his wife. The owners will be allowed time to prepare their new PIC plan and give it to Gail Joseph to review and when it is clean and ready then Gail will have them come before the Board at that point.

The Board was very adamant that if there is any suggestion that there is food being sold while this restaurant is closed, the board will permanently close this restaurant.

**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 Tuesday, April 23, 2019 at 6:00 p.m.

Dr. Andrade adjourned the meeting at 7:40 p.m.

A true record attest:

  
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Health Department Chairperson

**BOH Meeting Minutes Approved 4 / 23 / 19**