



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

KIMBERLY A. GRIFFITH, PSY.D.  
ELIZABETH M. BLANCHARD, M.D., FASCO  
ALEX J. WIENER, MPH, FNP-C

DIRECTOR OF HEALTH  
STEPHANIE SLOAN

***APPROVED MINUTES***

**Regular Board of Health Meeting**

**Thursday, November 16, 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/39666365159>**

**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 held remotely via Zoom, per state allowance due to the pandemic. Meeting recorded.

**ROLL CALL OF MEMBERS**

**Present:** Kimberly A. Griffith, PSY.D.  
Elizabeth M. Blanchard, M.D., FASCO  
Alex J. Weiner, MPH, FNP-C

**2. APPROVAL OF MINUTES**

Dr. Griffith called for a motion to accept and place on file the minutes of the previous meeting, held via Zoom on October 18, 2023. **SECONDED** by Dr. Blanchard. **ROLL CALL** - Dr. Blanchard, **YES**. Dr. Griffith, **YES**. Mr. Weiner, **YES**. All in favor. **MOTION CARRIES**

**3. NEW BUSINESS**

**A. Request for Hearing: Discussing the Correction/Cease and Desist Order for 1<sup>st</sup> violation in 36-month period, \$1000 fine issued & 3-day suspension of tobacco sale permit at Expos III, 1643 Acushnet Ave. New Bedford, MA 02746**

**Invitees:** Georges Saade, Owner  
Megan daCosta, Public Health Program Manager-Tobacco & Marijuana  
Joseph Carvalho, Environmental Health Program Director  
Stephanie Sloan, Director of Health

Megan stated that Expos III owner Georges Saade, who goes by George, is present. He requested an appeal hearing before the board in relation to a sale to a minor that occurred on Wednesday Nov. 1<sup>st</sup> at 11:59 a.m. The youth purchased a Crave clear vape device and was not asked for an ID or age. This was the store's first violation since George purchased the store according to our records. He was notified of the sale on Thursday, November 2<sup>nd</sup> and came in to the Health Department and signed the cease-and-desist order on the same day. He emailed a request for an appeal hearing regarding the 3-day permit suspension associated with the first violation sale to a minor on Friday Nov. 3<sup>rd</sup> and his fine is due Tuesday, November 28<sup>th</sup>.

George stated that he gave the employee a warning and suspended her for 1 week. Additionally, he added an age verification system to cash registers so for anything tobacco-involved, staff have to ask for ID from now on. He hired a company called We Card for six months; during that period they will come in to check the stores and employees for compliance. He stated that he is taking this very seriously.

Dr. Griffith asked George if the system he installed for verifying IDs can be overridden by clerks. He said no, clerks cannot override the system and in the event of an illegal age, the purchase of tobacco items would be cancelled.

Expos III manager Melissa Wedge stated that with the system they have at the store, the only people who can override scanning an ID are herself and George Saade.

Dr. Griffith asked George if he wanted to just talk this through with the Board, or did he have a request?

George reiterated that he is being very careful, trains the employees well, reminds his employees to check every ID and checks all his stores. He is taking this very seriously and taking responsibility for this.

Dr. Griffith asked the Board if anyone had any questions or comments on this matter before moving forward.

Dr. Blanchard told George she was glad he has a set system in place to fix this issue.

Mr. Weiner said he had no questions and it seemed clear that George is taking this seriously and understands the implications and potential repercussions.

Mr. Saade stated he is requesting that the board waive the 3-day suspension and hopefully not close him for 3 days.

Dr. Griffith stated we typically do issue the 3-day suspension, but acknowledged that George *has taken extraordinary measures and put them into place*. Dr. Griffith asked when his fine is due. Megan stated November 28<sup>th</sup>.

Dr. Griffith said she would consider reducing the 3-day suspension but not eliminating the suspension, and asked the Board what their opinion would be.

Mr. Weiner stated he would be open to waiving the 3-day suspension and just paying the fine. Dr. Blanchard stated she is inclined to keeping the 3-day suspension.

**MOTION:** by Mr. Weiner to keep the fine in place and to eliminate the 3-day suspension. **AMENDMENT TO MOTION** to keep the \$1,000 fine in place and to reduce the 3-day suspension to a 1-day suspension. Mr. Weiner accepted **AMENDMENT**. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, **NO**. Mr. Weiner, **YES**. Dr. Griffith, **YES**. **MOTION CARRIES 2-1**.

**B. 53 Cottage St., New Bedford, MA; Request for Hearing Re: Letter of Support for Plumbing Code Variance to continue use of the existing 1-1/2” drain for a new shower that he would like to have installed.**

**Invitees: Susan Tate, Owner  
Joseph Carvalho, Environmental Health Program Director  
Stephanie Sloan, Director**

Joe Carvalho stated that this is a normal request for a letter of support related to a variance to the plumbing code. The current code calls for a 2-inch drain and they need a letter of support from us to say that we do not have a problem with the existing 1 ½ inch drain that already exists on the property.

**MOTION:** by Dr. Blanchard to approve the variance for the shower drain. **SECONDED:** by **ROLL CALL** – Mr. Weiner, **YES**, Dr. Blanchard, **YES**. Dr. Griffith, **YES**. All in favor. **MOTION CARRIES**.

**C. 84 Armsby St., New Bedford, MA; Request for Hearing Re: Letter of Support for Plumbing Code Variance to continue use of the existing 1-1/2” drain for a new shower that he would like to have installed.**

**Invitees: Donald Caldas, Owner  
Joseph Carvalho, Environmental Health Program Director  
Stephanie Sloan, Director**

Joe Carvalho said it is the same issue as the previous agenda item, for approval of variance.

**MOTION:** by Dr. Blanchard to approve the variance for the shower drain. **SECONDED:** by **ROLL CALL** – Mr. Weiner, **YES**, Dr. Blanchard, **YES**. Dr. Griffith, **YES**. All in favor. **MOTION CARRIES**.

**D. Request for Hearing: Discussing the Correction/Cease and Desist Order for 1<sup>st</sup> violation in 36-month period, \$1000 fine issued & 3-day suspension of tobacco sales permit at Petro Mart, 171 Coggeshall St. New Bedford, MA 02746**

**Invitees: Antoine Khalife, Owner  
Atty. Tim Walsh, Markey & Walsh  
Megan daCosta, Public Health Program Manager-Tobacco & Marijuana  
Joseph Carvalho, Environmental Health Program Director  
Stephanie Sloan, Director of Health  
Nicholas DeMarco, Associate City Solicitor**

Megan stated the owner of Petro Mart is here along with attorney Tim Walsh as well as a member of the City Solicitor's office, who is present to answer any legal questions from the Board.

Petro Mart is appealing the cease-and-desist order they received that was associated with a sale to a minor that occurred on Aug. 15, 2023, at approximately 5:58 p.m. The youth bought a Crave clear vape device and was not asked for age or ID. On August 16, 2023, the owner was notified of the sale, and replied that he knew the youth who conducted the compliance check. The Health Department consulted with the City Solicitor's Office and on September 1<sup>st</sup>, the Health Department decided to uphold the violation, as a sale to a minor did occur. Megan notified Petro Mart's owner both over the phone and via email on September 1<sup>st</sup>. On October 11<sup>th</sup>, the cease-and-desist order was mailed to the establishment, and on October 23<sup>rd</sup> the Health Department received a call from Atty. Walsh's office, requesting an appeal before the Board.

Atty. Walsh stated that he takes tobacco enforcement very seriously. Tobacco sales are where 70% to 85% of the business comes from when you are running convenience stores. Upon finding out about this violation, the owner brought this employee in to discuss the issue with him. The owner has required all his employees to take online age-verification training courses, which all of his employees have completed. The owner has also taken away clerks' ability to manually enter a date of birth; they now have to scan an ID. Mr. Khalife is the only person who can change that setting. He also has a new policy in place that any employee who uses their ID to override the system will be fired immediately. Atty. Walsh said Mr. Khalife has always been a responsible owner, and said they are asking for nothing less than what the Board did for Mr. Saade.

Mr. Khalife said they give their employees all the tools that they can, along with training, and ultimately the decisions are in their hands. Under current store policy, employees are not allowed to bring wallets or IDs into the store with them; anyone who has an ID gets it locked in the office. He said that hopefully going forward, we will not have any of these issues again.

Dr. Griffith asked if the Board had any questions.

Dr. Blanchard asked if the Petro Mart near where she lives is part of the same network of stores? Megan stated that the store on Orchard Street is owned by Tony's brother.

Dr. Blanchard: She appreciates the owner's efforts but feels that the Board's enforcement system is working, with fines and suspensions.

Mr. Weiner stated that it is clear that the owner understands so he would suggest reducing the suspension to 1 day and keeping the fine of \$1,000.

**MOTION:** by Mr. Weiner to keep the \$1,000 fine in place and to reduce the 3-day suspension to 1-day suspension. **SECONDED:** by **ROLL CALL** – Mr. Weiner, **YES**; Dr. Blanchard, **NO**; Dr. Griffith, **YES. MOTION CARRIES 2-1.**

**E. Request for Hearing: North Atlantic Tattoo relocation from 1881 Acushnet Ave. to 2815 Acushnet Ave., New Bedford.**

**Invitees: Jeanna Buccini, Shop Manager/Assistant  
Andrew Pequita, Owner  
Sofia Da Costa, Sanitarian  
Joseph Carvalho, Environmental Health Program Director  
Stephanie Sloan, Director**

Sofia DaCosta said she inspected this establishment on Tuesday, Nov. 14, at 1881 Acushnet Ave., and the same owners are seeking to move to 2815 Acushnet Ave., which is a more convenient location. They have met all the requirements and standards. The request is for the new location and the practitioners for their current license will be amended to the new address, as well.

Sofia stated that she told owners about tonight's Board meeting, but they were not present.

Dr. Griffith asked the board if they had any questions. The rest of the board had no questions.

**MOTION:** by Mr. Weiner to approve the change of address for the establishment and practitioners. **SECONDED:** by **ROLL CALL** –, Dr. Blanchard, **YES** Mr. Weiner, **YES** Dr. Griffith, **YES**. All in favor. **MOTION CARRIES.**

**F. Request for Hearing: Mark Millett from Body Art Apprentice to Body Art Practitioner at Flying Aces Tattoo, 191 Popes Island New Bedford, 02740.**

**Invitees: Mark Millett, Apprentice  
Kenneth Tetrault, Owner/ Practitioner  
Sofia DaCosta, Sanitarian  
Joseph Carvalho, Environmental Health Program Director**

Sofia stated Mark and Ken are both here at the meeting. Mark Millett has met all the requirements, except for one course he has left to complete, a skin course; because of the holidays it is not scheduled until January 2024. He showed confirmation of his registration for the course.

Ken Tetrault said he feels that Mark is ready to step forward into his actual licensing as a practitioner, and once he completes the skin course he should be up to speed.

Mark Millett said he only wishes the course had been available sooner.

Dr. Blanchard asked if should we approve the licensing while the course is still pending or approve once the course is done. Sofia stated she does not mind leaving that up to Ken. He is the one who has been observing Mark's practices of sanitary conditions. Mark has taken a blood-borne pathogen course, which is the more important of the two.

Ken stated he feels Mark knows the required information and they already have gone over part of the skin course. He said Mark he is willing to go finish the course and continue tattooing in New Bedford.

**MOTION:** by Dr. Blanchard to approve the promotion to body art practitioner with the only caveat that when the course is complete that it gets reported to the Department. **SECONDED:** by **ROLL CALL** –, Dr. Blanchard, **YES** Mr. Weiner, **YES** Dr. Griffith, **YES**. All in favor. **MOTION CARRIES.**

Dr. Griffith asked him to please submit the completion of the skin course to Sofia when it is completed in January.

**G. Request for Hearing: Julia Harley new Body Art Practitioner at Whaling City Tattoo Company at 127 W Rodney French Blvd, New Bedford, MA 02744**

**Invitees: Julia Harley, Practitioner  
Timothy Creed, Owner  
Sofia DaCosta, Sanitarian  
Joseph Carvalho, Environmental Health Program Director**

Sofia stated that Julia came up from Miami. She was initially going to come as a guest artist but was looking to come up multiple times throughout the year, so Sofia suggested Julia become a Body Art Practitioner. Sofia called and emailed the Miami Board of Health for referrals and recommendations. They have never had any issues with her as a practitioner. Sofia also checked references and said Julia is in good standing.

Julia Harley stated was looking for a guest spot and has family in New Bedford but then the annual license made sense to her.

Tim Creed stated we look forward to having her in New Bedford.

**MOTION:** by Mr. Weiner to approve the annual license for body art practitioner.  
**SECONDED:** by **ROLL CALL** –, Dr. Blanchard, **YES** Mr. Weiner, **YES** Dr. Griffith, **YES**. All in favor. **MOTION CARRIES.**

**H. Discussion for Provisions of approved Semi-Public Pool variance for National Offshore Wind Institute Training Center at 198 Herman Melville Blvd. New Bedford.**

**Invitees: Sofia DaCosta, Sanitarian  
Jo Ann Bentley, AVP Admin and Facilities  
Nicholas Stewart, Contractor-DF Pray  
Robert R. Freligh, Consultant for National Aquatic Consulting, Inc.  
Stephanie Sloan, Director of Health**

Sofia said that when speaking to Steve Huse from the state Department of Public Health's Sanitary Commission, he informed her that we would need to provide additional provisions that needed to go before the Board. She provided information stating the variances the Board previously approved, as well as the provisions that she feels need to be put in place. There is a timeline that she attached in the documents, stipulating that the board needs to make a ruling within 30 days, which would be Jan. 4<sup>th</sup>. Tonight's hearing is to present the documents to the Board so we can finalize the provisions to send to the state Dept. of Public Health.

Joanne Bentley went over the training tank again and asked for the Board's support when it goes to the state. She invited the Board to come and see the facility.

Dr. Griffith thanked everyone and said we will take this under advisement for further discussion.

Sofia stated that is correct, the board can provide a written approval after today's meeting based on the board's decision on the timeline.

Dr. Griffith asked if the board had any questions.

Dr. Blanchard stated that we understand the importance of this and asked: The highlighted variance requests are the ones we need to think about, correct?

Sofia said the Board is just reviewing the documentation of what it had already approved. There is an additional issue that was missed, which was the decking for a small section that inhibits the 4 ft. clearance that is needed; that is the only new issue.

**MOTION:** by Dr. Blanchard to approve the variances with the additional documentation and testing that has been recommended in the document.

Dr. Griffith stated possibly a revised motion.

**MOTION:** by Dr. Griffith for a friendly **AMENDMENT:** that we accept the report here as presented by Sofia with additions to review of the previously discussed variances, and with the expectation that continued documentation is coming our way, that we will be discussing this again and continue to receive the documents as they are available, and that we will review them in order to provide guidance and/or final approval as the timeline dictates. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, **YES**, Mr. Weiner **YES**, Dr. Griffith **YES**. **MOTION CARRIES.**

Steve Kenyon thanked the board and Sofia, and asked Sofia that when she stated the Board has until January 4<sup>th</sup> to review and approve everything, does that require another board meeting, or does it happen at a public meeting process, as they are wondering when everything will get approved.

Sofia stated that the board just has to state that it accepts all the documentation that was approved and provided. That approval has to be done by January 4<sup>th</sup>.

Dr. Griffith asked if the Board should consider making another motion, under which the Board will accept the additional compliance documentation and waive the need for an additional public hearing unless there is an unforeseen need.

Sofia stated the walkway was not included in the last Board meeting.

Jo Ann said that what is causing the impediment is a big rectangle at the crew transfer vessel, but it is possible that we can rotate the crew transfer vessel to get more clearance as you walk by it.

Dr. Griffith: Then we do have one additional variance to consider then tonight.  
The Board had no problem with accepting the variance tonight.

**MOTION:** by Dr. Blanchard, to accept the variance for a 2-foot passage for a small area near the training vessel and to accept the remainder as informational, as long as there aren't unforeseen variances or circumstances that would substantially change the application. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, **YES**, Mr. Weiner, **YES**, Dr. Griffith, **YES**. **MOTION CARRIES.**

## **5. NEXT MEETING DATE**

## **6. HEALTH DIRECTOR'S REPORT**

### A. General Updates

Stephanie Sloan stated that Mass DEP has filed another extension for its ruling on the site suitability application for South Coast Renewables, which is seeking to expand its waste management facilities in the New Bedford Business Park. The new extension would put the Board holding potential public hearings after the holidays. Stephanie will email the Board the tentative hearing dates, which will be from mid-January to the beginning of February. Dr. Griffith and Mr. Weiner replied but Stephanie asked Dr. Blanchard if those dates worked for her. We will be working on getting the details on hearings after the holidays. Mr. Weiner said he will not be available on the 7<sup>th</sup> of February.

As her next topic, Stephanie Sloan said the Health Department is growing. The department has a new lead training hub coordinator and is hiring two additional regional field trainers. The department will be posting additional positions, as well, all but one of which will be grant-funded. Our conference room has been given a facelift so that some training can occur, and some training will be based in other communities. Also, the Department will be having an all-staff meeting for the holidays on Dec. 20<sup>th</sup> and is extending an invitation to Board members, as well.

Dr. Griffith asked if DEP could be announcing future extensions on the South Coast Renewables application. Stephanie said she would inquire.



7. NEW BUSINESS NOT REASONABLY ANTICIPATED AT TIME OF POSTING

8. ADJOURN

Dr. Griffith **adjourned** the meeting at **7:37 p.m.**

A true record attest:

  
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Health Department Chairperson

**BOH Meeting Minutes Approved 01 / 18 / 24**