

BOARD OF HEALTH
MONDAY, FEBRUARY 6, 2023
COMMUNITY MEETING ROOM

Attendance: Chair Bob Brazeau, Vice chair Cory Howard, Dick Skinner, Dave Balbi, Agnieszka Podstawka
Public Nurse, Kristen Harris Administrative Assistant

Absent: Maryellen Brisbois

Chair Bob Brazeau calls the meeting to order at 6:00 PM

1. (6:00 PM) (0:09 TS) Tobacco Violation Hearing

Ray Whitehead, owner of the Family Convenience Center, along with Sam Skaronski the manager were present to address the sale of a tobacco product to an underage person on December 22nd. Mr. Whitehead would like to apologize to the town and is very upset that this has occurred in his establishment. The individual that sold the product no longer works at the store but he was not terminated only because of this incident other issues had arose about the integrity of this individual. The board understands that Mr. Whitehead is an upstanding business owner and appreciates the steps he takes to show that. Mr. Whitehead stated that it's his belief that the state guidelines for a first offence is a \$1000 dollar penalty, and he asked that the board limit his penalty to that and not take away the selling of tobacco for three days. Ricardo with Tobacco Control Alliance would like to point out that sales to minors on FDA inspections were made as recently as July 26, 2012, September 29, 2016 & May 16, 2017. He also stated that a compliance check was conducted on December 22, 2022 at Family Convenience, 63 Main Street, Douglas, MA and one of the store clerks did sell to a youth. The state laws for the fine are fairly new so there wasn't a fine back when the other three instances occurred. Mr. Whitehead and the board stated that they were never made aware of the other 3 older violations. Ricardo stated that it would have only been the FDA that was controlling the violations and that the Tobacco Control Alliance has more recently taken over this area. Tobacco Control is recommending a responsible finding and a \$1000 fine, but due to a processing error and identifying the store incorrectly in the suspension letter they are also recommending forgoing the three-day permit suspension. The responsible finding means that if there is a sale to a minor again within 36 months that it would count as a second offense with the full penalties invoked, which would be an automatic \$2000 fine and a 7-day permit suspension. Mr. Howard asked if there is a time frame that the 1st offense is no longer applicable and the rep stated that it is 36 months. Mr. Whitehead stated that he thinks that the recommendations of the Tobacco Control Alliance rep are fair, but he stated that he is still confused as to why he was never made aware of the previously mentioned violations. Mr. Whitehead also questioned the 3-day permit suspension for the first offense because when he went on the state website he couldn't find that law, only the \$1000 fine and for the 2nd offense up to a 7-day permit suspension with a \$2000 fine. Ricardo stated that he is filling in for Joan Hamlet and he suggested conferencing her in to get these questions answered. Dave Balbi responded that he just looked it up on the state website and it states what Mr. Whitehead said, and the board decided they don't have to go any further by calling the other Rep at this point. The board has decided to move forward and acknowledge that the first offense is a \$1000 fine and not acknowledge the suspension, because there needs to be some more clarification on the actual laws and fines from the Tobacco Control Alliance.

2. (6:20 PM) (20:00 TS) 23 Arnold Road – Local Upgrade

Margaret Bacon with Civil Site Engineering is requesting a variance for a raised septic repair at 23 Arnold Road, because of the ground water and because of the shared well. The resident at 28 Arnold Road asked to look at the map and just had some questions about the septic going in. (6:27 PM) (27:25 TS) Motion to accept the plans submitted with approval for Local Upgrades requested and Variance requested for 23 Arnold Road dated January 10, 2023, made by Cory Howard, seconded by Dick Skinner. All members in favor.

3. (6:28 PM) (28:00 TS) 94 Island Road – Local Upgrade

Robert Duff with Guerriere and Halnon Engineering, they did a septic repair on the property and the system they were going to use was unavailable and the one they had to use was a wider base and is bigger than the original repair plans so instead of 10 feet they are within 3 feet, they are also encroaching on the setback from the foundation. He is requesting the two local upgrades so the repair can be in compliance with the regulations and then requesting a certificate of compliance. So instead of 10 feet they are at 8.3 feet and instead of 20 feet from the foundation they are at 14.3 feet.

(6:31 PM) (31:10 TS) Motion to accept the upgrades contingent on the receipt of the green card from the abutter made by Cory Howard, seconded by Dick Skinner. All members in favor.

4. (6:32 PM) (32:00 TS) Transfer Station

- Security Cameras – The security cameras do not work at the transfer station and last year they did not have the funds to have them fixed, and the estimate is \$5000 because it was to be replaced and cannot be repaired. The board discussed whether they need a system because the gates are being locked when it is closed. The consensus of the board was that it would be best to have a security system. Kristin Harris will talk to the Finance Director about what they will be able to do financially by getting a new system and possibly getting quotes.

- (6:37 PM) (37:10 TS) Septic System – Mr. Skinner stated that the septic has been in place for more than 30 years and has never been pumped. The board decided to get quotes on getting the system pumped.

- (6:38 PM) (38:33 TS) 2 Compactors – Mr. Skinner is looking to see if the board agrees with finding financing within the town. This would be compactors for cardboard and plastic, the board is in agreement with this idea.

- (6:40 PM) (40:10 TS) Tires – They are gone.

- (6:40 PM) (40:15 TS) Waste Ban training – They have rescheduled and now the board is asking Kristin Harris to set up another training date.

- (6:42 PM) (42:00 TS) Tonnage – The tonnage amounts look good, there was one low one.

- (6:42 PM) (42:55 TS) Solid Waste Contract – A resident from Douglas that works in solid waste has approached Kristin, the board would like to have him come in present something to the board and get a quote, and he mentioned that it would be single stream. This would be in replacement of the current hauling they have. The board suggested Mr. Brazeau and Ms. Harris review the current contract and publish it before they meet with this new potential vendor. Mr. Skinner thinks it would be good to have another meeting in February just for meeting with this vendor to see what he is proposing versus the town's current contract, then tweak the contract and put it out to bid and by the next regularly scheduled meeting.

5. (6:54 PM) (54:45 TS) Public Health Preparedness and Response – Request for supplies, purchases/reimbursement

- Dave Balbi has been busy getting the board up to speed with the equipment needed to conduct mass dispensing or mass vaccination operation in Douglas if the need arises. He has put requests through region 2 for supplies, Northborough is giving the town a trailer. They just need signoff approval from the Town Administrator so that they can accept the trailer,

- and they would store the trailer behind town hall. The only cost to the town on this would be registration of the trailer, and they will be scheduling a time to look at the trailer soon.
- EDS Plan revisions – Mr. Balbi stated that the town needs to do an EDS plan emergency dispensing site plan update. He has received a template and he will be working on some of the essential elements needed in that plan. He will be presenting this to the board and is also looking for training for all the board members in EDS planning.
 - EDS training for BOH members – Mr. Balbi would like to discuss at a future meeting dedicating some time for EDS training that he will be conducting, that would be 30 to 45 minutes.
6. (7:04 PM) (1:04:00 TS) Bills/ Warrants – Review
The board reviewed the invoices that Bob Brazeau signed off on. Mr. Balbi stated that the Verizon bill for the two phones for emergency preparedness purposes will be paid for by the region 2 starting in June.
 7. (7:08 PM) (1:08:10 TS) Health Agent – Update
Mr. Brazeau stated that Chestnut Street has been evacuated. Agnieszka Podstawka is training to be a food health inspector.
 8. (7:11 PM) (1:11:05 TS) Approval of Minutes: October 24, 2022
(7:11 PM) (1:11:15 TS) Motion to accept the meeting minutes of October 24, 2022 as written made by Dick Skinner, seconded by Dave Balbi. All members in favor.
 9. (7:11 PM) (1:11:30 TS) Old/New Business (Open session for topics not reasonably anticipated 48 hour in advance of this meeting.

Upcoming Meetings: February 13, 2023 & February 27, 2023

(7:14 PM) (1:14:30 TS) Motion to adjourn the meeting made by Cory Howard, seconded by Dave Balbi. All members in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary