

Town of Mansfield
Board of Health
July 20, 2023 Minutes

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Mission Statement: The mission of the Mansfield Board of Health is to protect, preserve and improve the public health, environment, and wellbeing of our citizens through the enforcement of federal, state, and local statutes and regulations, education and promotion of sanitary living and working conditions, and protection of the environment from disease and pollution.

Present: Chair, Antonia Blinn; Clerk, Graham Wilson, Michael Healey, Kasia Frenette, Amy Donovan-Palmer; Health Agent, Elliot Harrison Lee, DPH Summer Intern. Absent: Ryan Maxwell

I. Meeting Called to Order

The meeting of the Board of Health (BOH) was called to order at 7:01 pm by Chair Antonia Blinn.

II. Tobacco Sale to Person under the Age of 21: Mansfield Station Convenience

Anime Laatabi reprepresented Mansfield Station Convenience via the video conference platform. Mr. Laatabi was unable to connect his microphone to the meeting in order to represent Mansfield Station Convenience. The BOH approved to return to this agenda item later in the meeting to allow time to correct the technical difficulties.

Mr. Laatabi was able to connect to the Mansfield Board of Health Meeting around 7:24pm.

Ms. Blinn summarized the events leading up to Mr. Laatabi's appearance at tonight's meeting.

On June 14th the BOH sent Mr. Laatabi and Mansfield Station Convenience notification following violations that occurred for selling tobacco product to a person under the minimum legal sales age, selling flavored tobacco product or flavored tobacco enhancer product. As this is a second and third violation within a 36 month period from the initial violation there are additional fines. The Board of Health will determine whether to suspend or revoke Mansfield Station Convenience's tobacco license.

The Mansfield Board of Health members reviewed documentation and discussed the violations. Order has been followed regarding hearings and possible suspension and/or revoking of tobacco permits.

The BOH opened the meeting to comments.

Ms. Fernette commented she is very disturbed by this as violations occurred within 2.5 months of each other. Records by police show there were more items declared than she would have thought. Ms. Fernette described a similar violation situation with another convenience store in a different town. There were three violations in thirty-six months which resulted in the tobacco license being revoked. Ms. Fernette described that it was a serious enough situation for the police to become involved.

Ms. Blinn invited Mr. Laatabi to share facts about the situation.

Mr. Laatabi described how having his own store was always his dream. He worked for larger companies and "emptied his own savings to open a store". For the first six months to a year the store

was not doing well. Mr. Laatabi describes how he started freaking out, and he “listened to a few people” at his store who gave him advice about how to get foot traffic and customers. Mr. Laatabi described how that advice cost him “everything he worked for” and that “it was not his intention to do anything wrong”. Mr. Laatabi described how he “listened to the wrong people and now his life is ruined”. He described how since the police became involved, he has “anxiety, stress and nightmares”!. He said he “has been punished, and he will not blame the people he talked to”, but he “will blame himself”. Mr. Laatabi described how he felt he “ruined everything he worked for and made the biggest mistake to listen to other people”. He reported he is seeing a doctor to try and get better and that he “regrets everything he did” and that he learned from his mistake. He reported that his “marriage is on the line, and his business is on the line”.

Ms. Blinn asked Mr. Laatabi what he was doing to prevent a recurrence of the violations. Mr. Laatabi responded that he considered selling the store or changing it into a laundromat. He reported that he “wants to pay the fines but does not have the money”. He described how it was the “biggest mistake he has never made in his life” and that he has “ruined everything”.

Ms. Blinn asked how much revenue he lost when he was unable to sell tobacco products for seven consecutive days. Mr. Laatabi responded that the store makes \$200 a day and that it has been a “nightmare opening the store” and that he “lost everything he had”.

Ms. Fernette clarified the board’s previous question about how Mr. Laatabi was going to rectify the situation, and summarized that it doesn’t matter who informed him (Mr. Laatabi) to sell underage or illegal goods as he is the owner and is being held liable. Ms. Fernette asks what he is doing to stop the underage selling of tobacco products.

Mr. Laatabi responds that he has put signs everywhere requesting an ID for a tobacco product and that he asks everyone for an ID. He has signs and cards every since person.

Mr. Healey asked if Mr. Laatabi has a license scanner. Mr. Laatabi reported he does not, but he has a calendar clock which updates to the youngest legal age. He showed this to the board through the video conference.

Ms. Blinn asked the board to determine whether to suspend or revoke Mansfield Station Convenience’s tobacco sales permit.

Ms. Blinn notes that the first violation was selling a tobacco product to someone under the minimum legal sales age, the second violation was selling a flavored tobacco product or enhancer product, and the third was selling a tobacco product under the minimum age and selling a flavored tobacco product or enhancer product.

Mr. Healey makes a motion that based on the Mansfield Board of Health regulations affecting smoking and the sale, vending, and distribution of nicotine and because a total of three violations occurring between April 29th 2023 and June 5th 2023 the Mansfield Board of Health will suspend the tobacco and nicotine delivery sales permit for Mansfield Station Convenience store for 90 consecutive business days, the maximum suspension for three violations in thirty-six months.

Motion 2nd by Mr. Wilson.

Mr. Healey describes that he made motion because it was the smallest, but feels it is very lean. He takes the police report very seriously. The events have been a conscious business decision to go out and do illegal things and a lot fall under control of the board of health. At minimum he feels a 90 day suspension is necessary, but he is open to stronger sentences.

Ms. Fernette responds that she does not think thirty-six months is enough, and feels the board should revoke the license. She makes the point that if it had been alcohol the store was selling illegally, they would revoke the license.

Mr. Wilson comments about the balance between supporting local business in town and the results of a revocation. He sees option two as a way to bring those together somehow.

Ms. Blinn comments how no matter what the board determines the business will not succeed. Based off of what the police seized, she feels the permit should be revoked.

Motion on floor is to suspend the tobacco permit for Mansfield Station Convenience for 90 consecutive business days with the maximum suspension within 36 months.

Motion denied 4-0

Ms. Frenette makes motion: based on the Mansfield Board of Health regulation affecting smoking and the sale, vending and distribution of tobacco and nicotine delivery products, she makes a motion to revoke the nicotine and tobacco delivery product sales permit for Mansfield Station Convenience store as allowed in Article 6 Section 1c, Article 6 Section 3a1 for serious or repeated for the requirements of this regulation.

Motion is 2nd by Mr. Healey.

Discussion: The BOH discusses how Mr. Laatabi was selling "everything he should not be selling". Ms. Donovan Palmer describes how at the end of April Mr. Laatabi sold a tobacco product to an underage minor. At that point, he understood he violated the regulation, and from there on he continued to sell flavored vape to minors. Mr. Laatabi knew he did something wrong, and continued to sell it. He came to board and said he realized after the fact, but then he continued.

Ms.Fernette stated that "it's not [The Board of Health's] responsibility to check on him."

Ms. Blinn introduces a vote to revoke tobacco and nicotine sales permit for Mansfield Station Convenience as allowed in as allowed in Article 6 Section 1c, Article 6 Section 3a1 for serious and repeated violations of the requirements of the regulation.

Motion passes 4-0 to revoke nicotine product sales permit for Mansfield Station Convenience.

Ms. Blinn describes that when a permit has been revoked, the permit holder must remove all delivery products from the premises within 24 hours. The permit holder who has had the permit revoked will remove all products by the end of business day tomorrow 7/21. BOH will need to go into the convenience store on Saturday to confirm.

Ms. Donovan-Palmer has a letter outlining what has occurred and she will email the letter to Mr. Laatabi. It is reiterated that all tobacco and nicotine products must be removed no later than by 9pm July 21st 2023. The BOH will bring a written copy to the store when they go on Saturday. Mr. Laatabi informs the board the store opens at 9 o'clock in the morning on Saturday.

III. First Repeat P/Pf Violation: B. Good

Repeat priority and priority foundation violation at B. Good occurring on May 10th and follow up inspection on June 22nd 2023.

Ms. Delmarie, the general manager of B Good approached the podium. Ms. Delmarie read the corrections which have been implemented post June 22nd.

1. The red book is completed daily.
2. Management completes a daily walk through to make sure all ingredients are labeled.
3. Ms. Marie retrained all staff on food labeling, jewelry and cell phone use policies.
4. Ms. Marie attended the Mansfield Health department open house and learned about new code.
5. Soap dispenser was repaired.
6. Cauliflower and apples are in the fridge at the correct temp.
7. Updated labels were added to the sanitizer buckets to notify staff what time to change the water.

Mr. Wilson questioned if the staff was informed that they are required to complete the red book in Ms. Marie's absence. Ms. Marie confirmed her staff is aware.

Mr. Healey questioned who is servsafe certified at B Good. Ms. Delmarie confirmed that she and one other staff (manager) are servsafe certified. Mr. Healey suggested a follow up with all staff on a consistent basis, such as a periodic retraining or quarterly coaching session.

Ms. Blinn summarized the Mansfield Board of Health priority foundational inspections and how the board will move an establishment into a higher category to ensure inspection standards are being met after repeat violations.

B Good is indicated at a risk category two (two inspections per year). Due to their recent inspections, they will be bumped up to category three (three inspections per year).

The board dismissed Ms. Delmarie.

IV. Food Code Violation Update: Cold Stone Creamery

Ms. Donovan Palmer reported she followed up with Mr. Ashwani Rathor. Cold Stone Creamery has changed their pest company to Orkin. Orkin started on July 12th 2023, with bi-weekly inspections. Ms. Donovan Palmer reported there were differing accounts between pest companies. Every report reports there are fruit flies present. By August, the Board of Health will receive one pest control and one food inspection report to discuss at the August BOH meeting.

Ms. Blinn clarified that Mr. Rathor did not pay any fines previous fines as the funds were to go to correcting violations found by inspections, but he did fix the grease trap.

V. Recreational Camps: State Sanitation Code

Ms. Donovan Palmer described the events that led to the missing permit from the recreation camp. It came to her attention that the kids soccer camp was canceled due to rain, but had not been permitted in Mansfield. There has been a misunderstanding between Mansfield Youth Soccer and the soccer camp. Mansfield Youth Soccer told the camp they could use the fields, but did not need a permit. The camp was able to complete their documentation in time to be permitted. Ms. Donovan Palmer clarified the regulations with all youth organizations operating in Mansfield for the summer.

Within the Mansfield Youth Soccer agreement with the town, they are unable to let other organizations use the Mansfield fields. Mansfield Youth Soccer has not responded to MBOH or Parks and Rec.

Ms Blinn clarifies that Sports clinics that are only three days or only two hours per day are acceptable. They need to follow the proper communication channels to ensure they are operating appropriately and are being permitted if necessary. If it is over three days or more than two hours a day it is considered a recreational camp, which has specific operation requirements.

VI. Items not known 48 hours prior

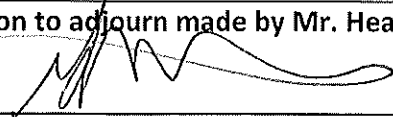
Ms. Frenette introduces the July 25th 6:30 PM "Tick Talk" Tick-borne Disease Talk Sponsored by Mansfield Health Department at the Mansfield Public Library.

VII. Adjournment

Motion to adjourn made by Mr. Healey, 2nd by Mr. Wilson at 7:56 pm. Approved 4-0.

Clerk

Date



9/14/23