

Town of Mansfield

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Board of Health

TOWN CLERKS OFFICE

October 12, 2023 Minutes

2023 NOV 13 A 11: 25

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, Kasia Frenette, Michael Healey, Ryan Maxwell, Amy Donovan-Palmer, Health Agent. **Guests:** Clifford Pierre, Ken Berg, Kevin Duquette, Josh Kelleher, Brian Fencemaker, Elias Kazan, Hiteshkumar Patel, Pranavkumar Patel. **Absent:** Clerk, Graham Wilson

I. Meeting Called to Order

The meeting was called to order at 7:03 pm on October 12, 2023.

I. Correspondence

There was no correspondence.

III. Consent Agenda

Mr. Healey makes a motion to accept the consent agenda, 2nd by Mr. Wilson. With a second motion from Mr. Maxwell. Approved 4-0

IV. Meeting Minutes

A motion was made for the approval of minutes for August 10, 2023, Approved 4-0.

A motion was made for the approval of minutes September 12, 2023, Approved 4-0.

V. Housing Code Violation: 17 Erick Road, Unit 1

Background for this housing issue was provided by Amy Donovan-Palmer: 17 Erick Road, Unit 1, was reported in July, as reported by the occupant. Clifford Pierre, the regional housing inspector, conducted an inspection in which violations were found and have not yet been corrected. On 9 September, a repeat inspection was conducted, and violations were still found. On the morning of this meeting, 12 October, another inspection was conducted; there were still outstanding violations.

Mr. Pierre, took the podium and introduced himself. He stated that the original complaint was regarding mold in the unit. When the initial inspection was conducted in August, it was found that there was excess moisture. Other violations were also found, though not specified. Mr. Pierre stated that there was correspondence with the owner. Only one of the violations, the bathroom ventilation system that was not working, was corrected as of the present day, October 12.

Ms. Donovan-Palmer listed dates in mid-July through early August when communication, via email and text, occurred between the owner and the health department. These four correspondences were the only ones provided with insubstantial information.

Ken Berg, the owner of the property, approached the podium and introduced himself. Mr. Berg stated that the renter is only allowing him access to the property after four pm, when the renter is home from work to which Mr. Berg states it is a challenge to find a contractor to fix the violation during this time span. There was discussion on access, availability, legal aid, methods of communication, Board of Health authority, and actions moving forward.

Brian Fencemaker, the occupant, took the podium and introduced himself as such. Mr. Fencemaker explained that this issue has been ongoing since December 2020. Mr. Fencemaker also explained his rational on his conditions for access.

VI. Temporary Recess

The Board took a recess at 7:23 p.m. for a medical emergency.

A motion was made to come back into session at 7:45 p.m. by Ms. Frenette and was seconded by Mr. Maxwell. Approved 4-0

VII. Repeat Food Violations

The first location of concern was Bar Pizza. Ms. Donovan-Palmer stated that the issue at hand was hot and cold holding temperatures in a flip top refrigerator unit, which have not been fixed since the initial inspection and reinspection. She continued by stating that it was said if this issue is not fixed by the reinspection, then the risk category will increase. This increase in the risk category results in a representative from the establishment having to come to the board meeting.

Mark O'Brien, from Bar Pizza and Salad, took the podium and introduced himself. The results of increasing the risk category, as told by Ms. Blinn, is that the cost of the food licensing will be increased, and more inspections will have to occur for the rest of this year's license and the next as well. Ms. Blinn asked if everything had been rectified since the reinspection, to which Ms. Donovan-Palmer said yes.

Mr. Healey commented he believes Mark should contact the board of health, while he waits for repairs to occur, stating the steps he and his establishment are taking to ensure food safety is a priority. If he had done this prior, the reinspection would have been delayed.

The second location of concern was Providence Bagel, which did not have any representatives present at this meeting.

VIII. Tobacco Violation Enforcement

Mrs. Blinn stated there were 3 tobacco sale permit holders found in violation of the Mansfield tobacco regulations. Ms. Donovan-Palmer explained while completing inspections in September, Kevin Duquette found three stores to be selling flavored hemp wraps, which are against regulations. The vendors are The Store, Family Food Mart, and Mansfield Service.

In May 2022, the Mansfield Board of Health changed local tobacco regulations to include flavored hemp wraps as “tobacco product flavor enhancers”. There was an email sent to vendors last summer that stated: “With these changes, the sale of flavored hemp wraps within Mansfield are now prohibited.” This email also requested that the vendors reply to the email about instating a transition period if the aforementioned flavored hemp wraps were already being sold by the establishment. No reply was received.

Each of the 3 stores found in violation of the tobacco regulations has been issued a \$1,000 fine. There was some debate between board members as to whether the fine should be \$1,000 or \$300. These tobacco violations are a violation of local tobacco regulations, which were enacted at a time when the state’s fine was also \$300, which has now changed. The language for the local regulations has not changed. There was a motion that was seconded to discuss changing the amount of this fine.

Mr. Duquette was called to the podium for further discussion. He believed that this violation fell under the state fee structure which would mean that it would have to be a \$1,000 fine. Additionally, Ms. Blinn pointed out that when concerning Board of Health policy making, if local regulations are stricter than the state, local regulations are adhered to, and the fees can never be less than the state fees.

A motion was made by Mr. Healey to enforce a \$300 fine to the sellers who violated the tobacco regulations by selling tobacco product flavor enhancers. The motion did not pass with 1-3. The first vendor found in violation was the Family Food Mart. Mr. Pranavkumar Patel from Family Food Mart explained that the distributors are saying flavored hemp wraps are acceptable. Ms. Blinn referenced the email sent in July 11, 2022, stating that the flavored hemp wraps are not allowed in Mansfield. There was some discussion about the confusion and possible solutions to make Mansfield regulations clearer to the retailers.

The second vendor found in violation was The Store. Mr. Hiteshkumar Patel, the representative from The Store, was introduced but could not take the podium due to an injury. Instead, Josh Kelleher took the podium, self-identified as their representative. Mr. Kelleher stated that when the store owners read the letter, they understood it as if the products were connected to tobacco therefore these products were allowed. An example, such as the flavored tips, would be connected to the cigar or tobacco. This is where Mr. Kelleher believes the confusion and

misinformation occurred. Mr. Kelleher stated that they are honest business owners and that this slip should be understood.

Ms. Blinn stated that there is a possibility of a seven-day suspension of The Store's selling license, which is up to the board to decide. It was stated that there will not be any suspension of licensing at this time because the matter has been dealt with by the removal of the product.

The third vendor found in violation was Mansfield Service. Elias Kazan from Mansfield Service took to the podium. Mr. Kazan expressed his confusion and frustration in the sale by of the flavored hemp wraps by his distributor and that he had been selling these a year ago and was not cited. Mr. Kazan did note that he did not read the email sent to him. Ms. Frenette suggested there might have been a transition time between passing the regulations and the inspector being notified of the new regulations. The Board decided to not suspend the tobacco sales permit.

A discussion of Signage Violations occurred after hearing from the representatives of the vendors present. Ms. Donovan-Palmer stated that when Mr. Duquette was doing his inspections, there were multiple violations based on signage. The general consensus is that unless it is egregious or a repeated violation, no fine is issued. There is a list of signs that the state required to be used in these places selling tobacco products.

The missing or not visible signs were said to be an easy fix, as Mr. Duquette has free signs with him during inspections. That is why egregious violations are said to be inexcusable. Mr. Duquette, stated that the store owners are not responsible for purchasing these signs, so there is no reasoning for why this should occur.

IX. Update Mansfield Tobacco regulations

The primary concern is that the current regulations do not meet the state fining structure. Additionally, a vendor asked about restricting products, specifically smoking and vaping accessories, to adult only tobacco shops, and restricting the number of adult only stores in Mansfield. The Board members have been provided with the 2023 sample regulations in order for the Board to consider any improvements or changes.

The sample changes provided to the board include that the tobacco sale permit cannot be renewed if there are any outstanding fines, the permit cannot be renewed if there have been three sales to persons under 21 years of age, and the aforementioned concerns from a vendor about adult-only store restrictions. Additionally, the list of tobacco product flavorings should match the state law, the Mass general law, and the CMR, or state regulation.

Mr. Kelleher took the podium and asked if the number of permits allowed for tobacco licenses was being discussed as a change to the Mansfield tobacco regulations. He expressed concern for

his client applying for another tobacco license for a store that is currently being built, leaving the process of opening this shop in limbo. Ms. Frenette expressed that she did not desire to add another permit because of the lack of precedence.

The board expressed a desire to train the vendors of tobacco in Mansfield in the regulations. The spreadsheet of regulations provided by Mr. Duquette was considered an especially helpful resource. Mr. Healey pointed out that 14 of the 23 businesses would be affected by the proposed amendments to restrict smoking and vaping accessories to adult-only tobacco shops and restrict the number of adult only stores in Mansfield. The board decided not to include these issues in further proposals of amendments in future meetings. The Board will move forward with reviewing and revising current regulations in the upcoming months.

The board discussed the fines for tobacco violations. Mr. Healey made a motion to change the article 9 violation section 1 to match the fining structure of the state. The motion was seconded. The final motion to be voted on states the following: “In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for up to seven (7) consecutive business days. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for up to sixty (60) consecutive business days. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for up to ninety (90) consecutive business days. The Board of Health may alternately revoke the Tobacco Product Sales Permit. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36)-month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing may permanently revoke a Tobacco Sales Permit.” **Approved 4-0.** The board made a motion to have this change effective October 23rd of 2023. **Approved 4-0.** Permit holders with questions should communicate with the Board if they have any questions or concerns about changes to tobacco regulations.

X. Board of Health Goals and Objectives Review

All of the goals were approved besides the maternal, child, and family goal. They were unanimously approved as a working document to replace the 2020 goals previously posted on the website. This approval is granted for two years, **Approved 4-0.**

XI. Waste Reduction and Recycling Committee update

There was some discussion on Black Earth’s composting service and the challenges to get residents and schools to participate. There is a community garden that does their own

composting. Next month, the recycling paint company will attend the meeting, where they have asked to present.

XII. Diversity Equity and Inclusion

Community Health Equity Survey promotion: Feedback is still being sought on the survey. The deadline to complete this survey is October 31st. Over 10,000 responses have been received, which is almost equivalent to the number of responses received when a similar survey was distributed in 2020.

Community Health Inclusion Index mini-grant: SRPEDD is working on a CHII grant application for the Town to partner with the Planning and Conservations Departments to develop a plan to make recreational spaces more accessible.

XIII. Important Dates

- a) Free Health Screenings including blood pressure, blood sugar, cholesterol, Hands only CPR and associated prevention information.
 - a. 2nd Tuesday at the COA, 255 Hope Street
 - b. 3rd Wednesday at Town Hall, 6 Park Row
- b) Flu Vaccination Clinics
 - a. October 18, 5pm-8pm, MHS Cafeteria
 - b. Also, COVID boosters available

XIV. Department Updates

a. PH Support and Services to Families in EA Shelter System

There are still families in shelters in the town. There is a regional coordinator working on long-term solutions who came to the task force meeting earlier in the day. The families are now on DTA assistance so that they can buy breakfast since it is not one of the two meals provided by the shelter. They are in the process of getting legal assistance to help the adults get work permits. Current donations being accepted are diapers and personal care items.

b. Harm Reduction, Opioid Settlement Abatement Payment

Ms. Donovan-Palmer has been in communication with the Town Manager on reporting requirements. She believes Opioid Settlement funds will be discussed more at the MHOA conference.

- i. <https://www.mansfieldma.com/686/Substance-Abuse-and-Prevention>

c. Permitting

Not addressed.

d. Bristol-Norfolk Public Health Partners Coalition Grants Update

Public Health grants are being used to purchase supplies such as sharps containers for 6 different towns.

e. Public Health Excellence Grant Program for Shared Services

Not addressed.

f. Local health support for COVID-19 Case Investigation and Contact Tracing

It was said that COVID and flu cases are stable and low.

g. PFAS

h. Website/ Social Media Update

i. Housing Inspections

j. FOG

k. Grants

i. FDA Retail Standards Grant

ii. Community Health Inclusion Index mini-grant

XV. Visitor Comments

None.

XVI. Items Not Known 48 hours Ahead

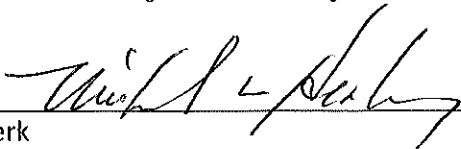
At the state Department of Public Health meeting on October 11, the Massachusetts Performance Standards for Local Public Health was introduced. It has six tabs: environmental health, tobacco use and prevention, disease control and prevention, administration, workforce standards, and frequently used resources.

An open space and recreation presentation will be held, open house style, on Monday October 23 from 5:30 pm - 7:30 pm.

XVII. Adjournment

Motion to adjourn made by Mr. Maxwell, 2nd by Ms. Frenette at 9:12 pm. Approved 4-0

Clerk



Date

11/9/23