



TOWN OF SALISBURY
BOARD OF HEALTH
JOHN W. MORRIS, DIRECTOR

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DANIEL RICHARD
RON LAFFELY
SUE RING
DENISE PETERSON

July 17, 2018 BOARD OF HEALTH MEETING MINUTES

7:00 PM Salisbury Town Hall

Board Members Present:

Dan Richard, Ron Laffely, and Denise Peterson

Board Members Absent:

Sue Ring

Staff:

John Morris-Health Director

Meeting called to order at 7:00 PM.

Minutes

Approve minutes from May 1, 2018

D. Peterson makes a motion to accept the minutes as written. R. Laffely seconds that motion. 3 in favor, 0 opposed. Motion carries and is passed.

Old Business

1) Discussion of being anonymous on the current Complaint Form

Mr. Richard opens discussion by asking if any concerns. Ms. Peterson could not find any regulations that it had to be anonymous.

Mr. Morris discussed why the name is needed. The inspector does not want to be chasing anonymous claims. The complaint itself is a public record; so the person who the complaint is towards will know anyways. Most of the time Mr. Morris shares the complaint with them.

Mr. Richard states there will be no change in the process as it may affect other departments. The form and complaint process will remain as is.

2) Discussion on Motels if Zoning or Building Code issue as opposed to Board of Health responsibilities

Mr. Richard spoke of resident from last meeting who stated that some motels should be regulated as dwellings and should be taxed. Mr. Richard states he has reviewed old minutes from years ago and this subject has been addressed and it is a closed matter.

Mr. Laffely states he has looked at the Zoning regulation back to 2006. His opinion is that this is more of a zoning issue. The Board discusses extended stay at cabins; i.e., more than 30 days. Maybe a change is needed the zoning bylaws for extended stays.

Mr. Richard states this is not under this board's purview; that would be a zoning issue and we should consider the matter closed.

Mr. Morris states that if an establishment is sold, the policy going forward would be to look for compliance or if they do significant improvements.

Mr. Laffely asks if there is a written policy on this or is there a bylaw.

Mr. Richard responds that the discussion was in the minutes that he researched; it was voted on and closed at that point when he was a new member on the Board. Again, it is not under the board purview.

New Business

1) Raja Smoke Shop –Show Cause Hearing

Mr. Morris introduced the correspondence the Board was given. The letters indicate there were (2) sales to minors; one in April, 2018 and then on May 24, 2018. He explained the shop had just opened in September, 2017

Mr. Richard requests the owner of the smoke shop approach the podium.

Two business partners are present: Mr. Hashim Azam and Mr. Imran Rashid.

Mr. Azam stated that after the first infraction, for which a new hire was on duty, they have introduced longer training and by the owners, not other employees. They have implemented the rule to ID everyone; not for the employee to use their own discretion. The employee working during the first offense felt uncomfortable asking an ID of this customer.

Mr. Azam continued speaking about the second offense and the changes that were made. **Mr. Rashid** held up the new signs posted on the door (to have ID ready, in yellow) and then inside a sign behind the cash register ('We Card'). Also, a third sign on front of the cash register, ('No ID, No Sale').

The owners also stated that to complete a transaction there is an 'ID Button' on the register that has to be pressed before getting a total. This again is to remind the cashier to ID.

Mr. Richard states this charge is taken seriously if the complaint reaches the Board.

Mr. Azam states that every person is now asked for an ID. The public now knows there can be no excuse. We as owners are making sure our employees uphold the law and public health.

Ms. Peterson states that signage is fine for customers; but may fatigue. Is there any monitoring done that employees are following instructions.

Mr. Azam states that at least one of 4 partners/owners is always there; there is a monitoring system and we have put in a training probationary time. If an employee does not ID a customer, the employee is let go.

Mr. Ronald Beauregard, Program Director, Healthy Communities Tobacco Control Program, approaches the podium and states both fines were promptly paid in both situations. He discusses the different way the offenses are handled under various Board of Health Boards. The focus and goal of all is to obtain compliance.

A general discussion among the Board and Mr. Beauregard pursues regarding certain sections of the tobacco regulations, penalties, etc. says how 2nd offense handled.

Mr. Beauregard states that since this is just a smoke shop, if it was closed down, all business would be lost. It is not like a convenience store which sells other merchandise.

Mr. Morris begins a discussion on how the Board can react to these fines such as revoke/suspend/fine the establishment. More compliance checks are needed.

Mr. Laffely inquires has to how long the owners have been in business.

Mr. Rashid responds 5 years in Malden; 1.5 years in Haverhill. They have received only 1 ticket in that time.

Mr. Laffely asks how aware the customers are of being taped. **Mr. Mr. Azam** explains there are 8 cameras in each store and they are well known.

Mr. Richard thanks the owners for their discussion and updates on training and asks the Board to discuss fines and suspension.

Mr. Laffely and **Ms. Peterson** agree a suspension does not help people; would rather fine the establishment, have them pay a fee and the owners come back to prove compliance.

Mr. Beauregard states at least one check for compliance will be made. **Mr. Morris** suggests cost recovery or payment be made to the Healthy Communities Program for more compliance checks. If there is another sale, a suspension should be made.

The Board agrees the owners have moved to eliminating the issue; training new employees, showing proactive work.

Mr. Morris recommends a \$1,000 payment for (2) additional compliant checks through Mr. Beauregard' agency.

Mr. Richard recommends a 3 day suspension held for 1 year. If no further instances, drop the suspension completely from the record.

Mr. Laffely suggests getting rid of the suspension as the establishment has already been fined and has paid.

Mr. Richard agrees; compliance checks only to be paid for.

MOTION: Mr. Laffely made a motion for the payment be donated to the Healthy Communities Tobacco Control Program. It will be deposited into the general fund within (14) days. **Ms. Peterson** seconds the motion. Motion passes (3-0)

Health Nurse Quarterly Report to the Board

April 2018 - June 2018. No questions on this report

Health Officer Report

4th Quarter FY2018 Inspection Report (April – June 2018)

Mr. Morris discusses new format; discusses the violations found, as requested at the last meeting.

Mr. Richard states the report is more easily readable.

Ms. Peterson feels the report still gives only minimal information; would like more details. **Mr. Morris** suggests they set up a time to go through individual files to see what information she would like presented to the Board. He states we still do not want to name the establishment publicly.

Mr. Morris explained the steps that would result in a show cause meeting; the problems are usually addressed and solved before reaching the Board.

Mr. Morris will discuss with Board Secretary a different format.

Correspondence

- 1) **Lafayette Inn, 110 Lafayette Road.** Owner, Mr. Ronald Guertin is present but will speak under 'Public Comments'.

Mr. Morris states this property is for sale and the permit cannot be sold, assigned, or transferred. A public hearing is required under 32B. This is a precedent. If this permit is transferred without it being upgraded or in full compliance, it has to be documented. We are looking for compliance. This establishment has several cabins, like studios. Can the board meet in August?

PUBLIC COMMENTS (allowed now pertaining to Correspondence #1)

Mr. Guertin approaches the podium and states he is the owner of the Lafayette Inn for 20 odd years. It has always been run as a motel. There is an available buyer and is requesting that the license be transferred to the new buyer.

Mr. Richard responds **the Board** will take this under consideration; it is a formality and has to be publicly announced. The Board is responsive. We will meet again on August 7th and this will be on the agenda. Mr. Morris explains the procedure of placing the legal ads and the timing.

Mr. Morris asks the Board to think about the sale of the property, the transfer of the permit, and how a motel will operate for the next meeting.

Mr. Richard states the topic open now; questions on how many have kitchens. Mr. Morris responds that some do. Mr. Morris will do a quick survey of the units; how many with kitchens etc.

Correspondence (continued)

- 2) **504 North End Boulevard.** Order for Correction. The order was not met; the owner was issued another fine. Owner then did corrections and the (2) units were inspected and are compliant. The \$700 fine was paid. The Building Inspector is now working with the owners on the building exterior.
- 3) **111 Lafayette Road.** Mr. Morris was asked to join the Police Department at this address. Housing is suspected at this business. Massage therapist licenses were checked; one was current one was expired. A letter was mailed today to the state to investigate. The state pre-empts the local Board of Health.

Public Comments

None, other than Mr. Guertin; see above.

Mr. Laffely discusses marijuana regulations given out at previous meeting though not on the agenda.

Mr. Richard states the Board of Selectmen will address the regulations. These regulations are not this Board's responsibility.

MOTION: Mr. Laffely made a motion to table discussion of the Marijuana Regulation (935 CMR 500) Adult Use of Marijuana, unless the Board is requested to address it by the town Manager. **Mr. Richard** seconds the motion. Motion passes (3-0)

Next Meeting is scheduled for August 7, 2018.

Adjourn

Mr. Laffely motions to adjourn, **Ms. Peterson** seconds the motion. 3 in favor, 0 opposed.

Meeting is adjourned at 8:16PM

Date:

8/7/18

Daniel Richard

Ron Laffely

Sue Ring

Denise Peterson

Respectfully submitted by Teresa Mahoney

Teresa Mahoney 8/7/2018

Teresa Mahoney

Date