

MINUTES OF THE BOARD OF HEALTH MEETING

September 29, 1999

ROOM 221, MEMORIAL BUILDING

FRAMINGHAM, MASS

The Board of Health meeting held on September 29, 1999 was called to order by Chairman Adam Sisitsky.

Board Members Present: Adam Sisitsky, Chairman
Thomas Treadwell, M.D., Secretary
James A. Gordon

Staff Present: : Robert T. Cooper, Public Health Administrator
Loretta L. DeLucia, Administrative Assistant
Michelle Zeamer, Tobacco Control Director

Other Attendees: Lak Hun Chung, Stephen Tetreault, and Mark Aurelio

ACCEPTANCE OF MINUTES -

The minutes of the July 27, 1999 meeting were accepted unanimously.

STEPHEN TETREULT, MASSAGE THERAPIST

Adam Sisitsky recognized that the massage therapy application for Stephen Tetreault was to practice at Salon Reposa, an already licensed establishment in Framingham, and that, if Mr. Tetreault was granted a license, it would be site specific. Mr. Tetreault agreed. Mr. Cooper stated that Mr. Tetreault had enough hours to practice, an updated physical and a negative TB test. Adam Sisitsky asked for questions from the Board, none were raised. James Gordon made a motion to accept, Dr. Treadwell seconded the motion. The motion to approve the massage permit was passed unanimously.

STOP QUICK MART, TOBACCO CONTROL HEARING: MR. LAK HUN CHUNG, OWNER WAS PRESENT

Michelle Zeamer presented a package of information regarding "Board of Health Rules and Regulations Relative to the Sale, Vending, Distribution and Use of Tobacco within the Town of Framingham". Also in the package was a copy of a tobacco permit application for Stop Quick Mart which was signed by Mr. Lak Hun Chung. Michelle Zeamer pointed out that three sales to minors in a period of three years warranted a suspension of their license to sell tobacco for a period of time to be determined by the Board of Health. Michelle Zeamer also indicated that Stop Quick Mart fell into this category having two of their three violations fall within two months of each other, and further, that the last two of the fines issued to date have not been paid. A court date has been set for October 5, 1999.

Adam Sisitsky asked to see a copy of the complaint and the application for a Show-Cause Hearing. Adam Sisitsky stated that non-payment of the fines is a criminal offense. Adam Sisitsky asked Michelle Zeamer for recommendations for length of suspension. Based on the

fact that two violations were recent and within a two month period of time, one of the sales was to a 14 year old boy. Michelle Zeamer recommended a 30 day suspension.

James Gordon asked if any towns did longer than 30 day suspensions. Michelle Zeamer stated that surrounding towns have varied policies including Milford of up to six months and Somerville of two weeks to up to a month if two sales occurred in one year. James Gordon asked Mr. Chung if he had made any changes since the violations. Mr. Chung stated that the violators were no longer working for him and he would have to keep an eye on his other employees.

Adam Sisitsky asked for a motion. James Gordon moved to enforce a 30 day suspension on Stop Quick Mart. Dr. Treadwell seconded the motion stating that we do want to cause economic hardship, however, we need to educate employees on regulations and perhaps make them sign a statement that they clearly understand the regulations.

Mr. Chung stated he would pay the fines tomorrow. Adam Sisitsky stated that the suspension should start when the fine is paid and if it happens again, the suspension would be longer. Adam Sisitsky further stated that the suspension should start October 1, 1999 and would run through October 30, 1999. The motion was voted unanimously and Mr. Chung was directed to cease selling tobacco products for the period of October 1, through October 30, 1999. Adam Sisitsky asked Michelle Zeamer to post a notice at Quick Mart, pull all tobacco products off the selling floor, and give a violation notice to Mr. Chung in writing. Adam Sisitsky thanked Mr. Chung for appearing and wished him good luck.

NOBSCOT MOBIL, TOBACCO CONTROL HEARING; MR. AURELIO, OWNER, WAS PRESENT

Michelle Zeamer presented the Rules and Regulations Relative to the Sale of Tobacco within the Town. Michelle Zeamer presented the facts that the same girls at age 15, 16, and 17 years of age were sold tobacco during a three year period of time. The sale occurred with no identification being shown. The Violations were spread out. Adam Sisitsky asked if Michelle Zeamer had a recommendation, who in turn, replied 21 days. Michelle Zeamer stated that all of his fines were paid on a timely basis. Adam Sisitsky asked for questions before voting. James Gordon asked how often tobacco checks were done. Michelle Zeamer stated that compliance checks are conducted at least four times a year, with violators being checked more regularly. Mr. Aurelio stated that all employees are required to sign forms which state that they understand the law, and that he has fired all those who had broken the law. Mr. Aurelio asked "what else can I do"? James Gordon stated that the law is not meant to hurt business, but to curtail the sale of tobacco to minors. Adam Sisitsky noted that the Board recognizes the problems the stores are faced with, Robert Cooper made a suggestion that non-sale to minors be a condition of employment. Adam Sisitsky asked for a motion. James Gordon recommended a two week suspension. Dr. Treadwell agreed 14 days was a just suspension in view of the fact that Mr. Aurelio had paid all fines and was making every effort to teach his employees about the law. The motion passed and Nobscot Mobil's permit to sell tobacco was suspended for two weeks running from October 1 through October 15.

PUBLIC WORKS RECYCLING COORDINATOR

Adam Sisitsky asked if anyone from Public Works was present to discuss the Municipal Recycling Incentive Program. Robert Cooper spoke for Public Works, stating that he had been in contact with Kathi Mirza, District Coordinator, based out of Taunton. Kathi Mirza stated that Framingham had been meeting necessary criteria to receive grant money in the past, however now we had to make an effort to recruit residents in apartment buildings. Robert Cooper explained that if we were to get the majority of 8000 units on Route 9 to voluntarily do recycling, Framingham would meet the criteria necessary to continue receiving grant money. Kathi Mirza also informed Mr. Cooper that we could start out small, only collecting 2 kinds of paper. James Gordon mentioned that some of the large complexes have trash chutes. Robert Cooper stated that most were closed and people were required to take trash out to dumpsters. Adam Sisitsky asked Robert Cooper if he had a recommendation. Mr. Cooper replied that he would send a letter to the large complexes,

and that if we get something back in writing by December 1, 1999, we would be eligible to receive the grant money. Adam Sisitsky encouraged Robert Cooper to pursue the funding.

WAYSIDE CIRCLE SUBDIVISION - OFF OF WAYSIDE INN ROAD

Robert Cooper presented the facts regarding the proposed development of a new subdivision. The Health Department completed deep hole testing on six lots of seven and recommended that the Planning Board accept six lots for development. The Health Department would observe a professional engineer do perc tests. All the data that determines soil type becomes part of the septic system design. Robert Cooper stated that there is no town sewer or water in that part of town. Adam Sisitsky asked how this subdivision would impact Doeskin Estates. Robert Cooper stated that Wayside Circle is down the hill from Doeskin. Robert Cooper stated that it was the Health Department's role to do soil and perc tests, and determine if the lots are suitable for septic systems. Robert Cooper stated that in a subdivision, the Board's role is to make a recommendation to approve, approve with conditions, or disapprove the plan relative to areas of concern for the Board of Health. Adam Sisitsky entered a motion to approve the plan with the condition that all the required testing be done. All were in favor and the motion carried.

MAPLE FARMS - DEVELOPMENT BEHIND GERARD FARMS BY DALLAMORA

Robert Cooper stated that the area is completely served by sewer and water and that the Board's role in this subdivision would be to monitor dust and emissions during construction. Adam Sisitsky entered a motion to take no action other than to control fugitive dust. Dr. Treadwell seconded the motion. All were in favor.

FEE SCHEDULE AMENDMENT

Robert Cooper brought up the Health Department's current Retail Food fee schedule and an inequity in the schedule. Example, liquor stores selling only chips pay \$80 a year, as does a convenience store selling a variety of food products. Robert Cooper proposed a fee schedule which would consider size of displays and what is being sold. Adam Sisitsky entertained a motion for a Limited Retail category on the fee schedule. Dr. Treadwell made a motion to establish a minimum fee of \$40 for establishments selling limited quantities. All were in favor and motion was carried.

ADMINISTRATOR'S REPORT

Robert Cooper reported that the Health Department had its supply of flu vaccine, and that we were gearing up for Free Clinics for employees, retirees, seniors, and then to all Framingham residents. James Gordon asked at what age should people get a flu shot. Dr. Treadwell recommended all people get flu shots. Robert Cooper announced that Todd O'Connell was appointed as Chief Sanitarian.

Adam Sisitsky asked for recommendations for the next Board Meeting. James Gordon suggested the third Wednesday of the month. The next meeting was scheduled for Wednesday, October 20 at 7:30 PM. The meeting adjourned at 9:00 p.m.

Adam Sisitsky, Chairman