

TOWN OF UXBRIDGE
Board of Health
21 South Main Street
Uxbridge, Massachusetts 01569
Telephone: (508) 278-8600 Ext.8
boh@uxbridge-ma.gov

UXBRIDGE BOARD OF HEALTH
FEB 28 2024 2:47 PM

**Minutes of the Uxbridge Board of Health
hybrid meeting held on
Wednesday, February 28, 2024, at 6:00 PM**

Present: Dr. David Tapscott, Chairman and Dr. Cay DenHerder, Member

Also present: Erin Hightower, Health Director; Kaitlin Donahue, Health Inspector Missy Kakela-Boisvert, Administrative Assistant, Joan Hamlett, Director Board of Health Tobacco Control Alliance, Jody Brighenti, Tobacco Control Agent and Rushi Patel owner of Brother's Liquor and Ray Talke Uxbridge resident.

Present Via Zoom: Dr. Joann Lindenmayer, Vice Chair

Join Zoom Meeting

<https://uxbridge.zoom.us/j/81214339576?pwd=u3uEMiZn8mNLnoBqpbArleaKY9cmqJ.1>

Meeting ID: 812 1433 9576

Passcode: 989693

Meeting called to order:

The time being 6:00 PM and a quorum present, Dr. David Tapscott, Chairman called the meeting to order.

Public Hearing Request: Brother's Liquor Tobacco Violation

*Dr. DenHerder made a motion to open the public hearing for Brother's Liquor tobacco violation.
Dr. Lindenmayer seconds the motion. Dr. Tapscott – aye, Dr. Lindenmayer – aye, and Dr.
DenHerder – aye.*

Erin deferred to Joan Hamlett and Jodi Brighenti of tobacco control. They explained that on January 25, 2024, there was a retail educational inspection conducted. During that time an unlocked humidor was found which would be considered a self-service display. This is a violation of the Uxbridge Board of Health Restricting the Sale of Tobacco Products. According to Joan and Jodi, this is a first violation which carries a \$300.00 and a three-day tobacco suspension.

Rushi Patel, owner of Brother's Liquor understands they made a mistake and has educated their employees. He feels that the fine and the suspension is too excessive, especially since this is a first violation. Joan looked at the State database and their own database and agreed that this establishment has had very few violations over the years. After further review of the Uxbridge regulation, it was found that Joan and Jodi were wrong with regards to the three-day suspension. According to the Uxbridge regulation for a first violation there is a \$300.00 fine and no mention of a permit suspension.

*Dr. DenHerder made a motion to close the public hearing for Brother's Liquor tobacco violation.
Dr. Lindenmayer seconds the motion. Dr. Tapscott – aye, Dr. Lindenmayer – aye, and Dr.
DenHerder – aye.*

*Dr. DenHerder made a motion to find Brother's Liquor responsible for the tobacco violation from January 25, 2024, for an unlocked humidor and fine them \$300.00 with **no** permit suspension. Dr. Lindenmayer seconds the motion. Dr. Tapscott – aye, Dr. Lindenmayer – aye, and Dr. DenHerder – aye.*

Re-sign recently approved tobacco regulations - small wording change

- Ban on Out-Of-Package Sales (105 CMR 665.030)
- Sales Without a Local Tobacco Product Sales Permit for Smoking Bars and Retail Tobacco Stores only (105 CMR 665.013(A))
- Nicotine Content in Electronic Nicotine Delivery Systems (G.L. Ch. 270, §29)
- Coupon Redemption (105 CMR 665.025)
- Child-Proofed Liquid Nicotine Containers Required (105 CMR 665.035)
- Failure to obtain manufacturer's non-flavored certification (105 CMR 665.010(E))
- Failure to obtain manufacturer's nicotine content certification (105 CMR 665.010(C))
- Admitting a person under the age of 21 into an Adult-Only Retail Tobacco Store (105 CMR 665.020(B))
- Retailer Signage (also 105 CMR 665.015)
- Ban on Self-Service Displays (also 105 CMR 665.010(B))
- Coupon Redemption (also 105 CMR 665.025)
- Other state policies

Dr. DenHerder moved to approve the removal of retail signage, the ban of self-service display and coupons violations under local regulations and adding those to State law. Dr. Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0. Dr. Lindenmayer – aye, Dr. DenHerder – aye, Dr. Tapscott – aye.

There was a lot of discussion about ‘in part or whole and other materials’. The Board felt it was too broad of a term and did not feel comfortable including it in the tobacco product definition.

Dr. DenHerder moved to add electronic Hookah to the definition of tobacco product. Dr. Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0. Dr. Lindenmayer – aye, Dr. DenHerder – aye, Dr. Tapscott – aye.

Discuss FY 2025 budget – Erin put together the budget and sent it out to the board. She submitted it to the town account and they went over it. Erin has not heard from the Town Manager Steve Sette as of yet. One change is all food permit fees will not go into the revolving fund; it will go into the general fund. Septic fees will be the only ones going into the revolving fund.

Inspection Updates – Kaitlin has been working with the Green Room on their pest control issue. She has two housing cases, a new one that the Uxbridge Police Department referred her to and the other is a reoccurring case. Dr. Tapscott asked about Arrowhead Acres and their permitting process. Kaitlin and Erin had met with the owner David Morin last fall. Private events like weddings, caterers will not need to apply for a one-day food permit. They will need to fill out a form three days prior to or three days after the event. Events that are open to the public, those caterers will need to apply for a one-day permit. Erin discussed the meeting Town Manager Steve Sette and she had with Cresco and the town's consultant. Cresco is looking to increase production which the town consultant agreed to the plan.

COVID and other infectious disease updates – The Board of Health continues to offer free covid test kits. They are available at the town hall, library, and senior center. The current lot expires March 25, 2024. Biobot data, which is the testing wastewater for covid, is up and down. Dr. Lindenmayer spoke about how she had a very mild case of covid and reminds people to be mindful of those who have a compromised immune system and try not to expose them unnecessarily.

Shared Service Grant Update (BVPPH) – Erin informed the Board that BVPPH has hired a full-time community health worker. She is going through the hiring process with the Town of Northbridge. The regional collaborative is still looking for a full-time health inspector and a part-time community health educator.

Monthly Reports - Health Director, Health Inspector, Administrative Assistant and Board Members gave monthly reports. For example

Erin and Kaitlin are working with a group of other health boards to revise the body art regulations.
 Dr. DenHerder and Erin are working with a grad student to increase composting.
 Kaitlin is working with the owner of the new coffee roastery.

Missy works with Steve and Erin regarding Title V issues and assists Erin and Kaitlin with any ongoing complaints or projects.

Approval of Meeting Minutes -

Dr. DenHerder moved to approve the September 20, 2023, meeting minutes with corrections. Dr. Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0. Dr. Lindenmayer – aye, Dr. DenHerder – aye, Dr. Tapscott - aye.

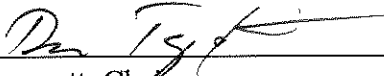
Dr. DenHerder moved to approve the January 17, 2024, meeting minutes as written. Dr. Lindenmayer seconded and the motion was passed unanimously with a vote of 2-0-1. Dr. Lindenmayer – aye, Dr. DenHerder – aye, Dr. Tapscott abstained because he was not present.

Erin added that the town cleanup day will be April 6th.

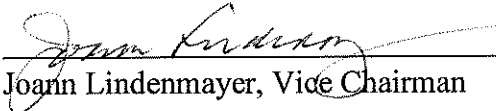
Citizen's forum – Ray Talke is a little concerned about the tobacco regulations and gave the Board credit for deferring some of the changes. The wording 'in part or whole and other materials' was too broad. Regulations should be written so that it is easily understood. The other issue he wanted to bring up was the Board of Health staff. These folks are excellent. The few times he has had to deal with the staff, they were helpful, rapid, friendly. They have his applause and say they are fantastic. He has recently looked at the food inspection reports. A few years ago, the reports were very lacking. Now the reports are clear, well written and coherent. And he appreciates what they are doing. The Board really appreciated hearing those compliments regarding their staff.

Motion to adjourn

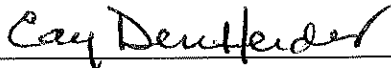
Dr. DenHerder moved to adjourn the meeting at 7:52 pm. Dr. Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-. Dr. Lindenmayer – aye, Dr. DenHerder - aye Dr. Tapscott – aye.



David Tapscott, Chairman



Joann Lindenmayer, Vice Chairman



Cay DenHerder, Member