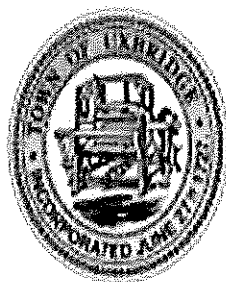


*Dr. David Tapscott, Chairman
Dr. Joann Lindenmayer, Vice Chair
Dr. Cay DenHerder, Member
Erin Hightower, Health Director
Kaitlin Donahue, Health Inspector
Missy Kakela-Boisvert, Administrative Assistant*



**TOWN OF UXBRIDGE
BOARD OF HEALTH**
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Uxbridge, MA 01569
508-278-8600 ext. 8
boh@uxbridge-ma.gov

RECD UXB TOWN CLERK
2023 FEB 15 AM 10:55

**Minutes of the Uxbridge Board of Health
Remote meeting held on
February 15, 2023 at 6:00 PM**

Present: Dr. David Tapscott, Chairman; Dr. Joann Lindenmayer, Vice Chair; and Dr. Cay DenHerder, Member

Also present: Erin Hightower, Health Director; Kaitlin Donahue, Health Inspector Missy Kakela-Boisvert, Administrative Assistant, Parth and Setu Patel, Kim Cerrone, Jack Sullivan Epidemiologist for Blackstone Valley Partnership for Public Health and Joan Hamlett Tobacco Control Agent

Join Zoom Meeting

<https://uxbridge.zoom.us/j/87509658134>

Meeting ID: 875 0965 8134

Meeting called to order:

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

Shared Service Grant Update (BVPPH) - Epidemiologist– Introduction to Jack Sullivan. Mr. Sullivan has been working with the BVPPH since October of 2022. He also works in Franklin County as a regional epidemiologist. Prior he worked for the community collaborative contact tracing. He prepared a presentation for the Board. Since the beginning of the pandemic until now there have been 3,003 of Uxbridge residents testing positive for COVID-19. This does not include home testing. 30.7 percent of those had been re-infected at least once more.

Uxbridge Demographic Breakdown for Positive Cases

5% - 0 to <5
16% - 5 to <18
17% - 18 to <30
27% - 30 to <50
22% - 50 to <65
13% - 65 and over

Uxbridge has had a total of 39 death because of COVID since the beginning of the pandemic.
18 deaths in 2020 9 deaths in 2021 12 deaths in 2022 and none so far in 2023

Uxbridge Vaccination Rate

Fully Vaccinated – 74%
1st Booster – 44%
2nd Booster – 20%
School age children with booster – 23%

Uxbridge is one of two communities in the BVPPH that does wastewater testing. Dr. Lindenmayer asked Jack what are the major messages that should be communicating to the

Uxbridge community. Jack's response was masking and vaccinations by education. Mandates are out of the question and advocating can be difficult. He said when masks were mandated data showed historically low cases of influenza. Death and hospitalizations went down significantly since booster vaccinations started. The Board thanked Jack for all his work and appreciate the information.

Violations under "An Act to Modernize Tobacco Control" and 105 CMR 665.000: Appeals St's General Store

Joan Hamlett Tobacco Control Agent explained to the Board that a notice of a violation issued on December 13, 2022. A retail inspection was conducted on December 6, 2022 and during that inspection the violation had occurred. It was a box of Al Capone Cognac Dip Sweets out on display for sale not in the stockroom. Tobacco retailers cannot have candied, fruit or alcohol flavored tobacco products.

When it comes to tobacco violations the penalty goes with whoever is stricter the State or the local Board of Health. Fines under the Uxbridge Board of Health regulation is \$300.00 the State fine is larger depending on the number of violations within a 36-month period. Therefore, the larger fine will be given if the retailer is found responsible. The board does not have leeway with the fine. There is also a suspension of the tobacco permit. The State suspension is one to seven day unless the local regulation is stronger. Joan was unclear so she went with the 7-day suspension and a \$2,000.00 fine.

Joan is also concerned because on January 24, 2021 they found one multi package display of Backwoods Stout Cigars. They were given a warning for selling that product which is not allowed. On March 5, 2022, there was a sale to a minor which they took responsibility for and paid the \$1,000.00 fine and a three-day suspension. State law does not allow discretion on issuing the fine because this is a second violation within a 36-month period of time. The Board can only modify the length of the suspension.

Setu Patel spoke on her parent behalf as they are the legal owners and are currently out of the country. Back in September of 2022 her mother ordered cigarettes and other tobacco product with their distributor Core-Mark. She said Core-Mark accidentally picked, packed and delivered Al Capone Cognac Dip Sweets. She said at first, they were not able to tell it was a flavored tobacco and did not realize they received the wrong product. They feel it's a distribution violation. Even though the product was found at St.'s General Store it was not by choice or intentional and find it unfair to punish us with such hefty fines and store closure. The owner's are asking that the fine levied and closure be dismissed. They also ask the Uxbridge Board of Health bring the matter directly to Core-Mark. She told the Board that Core-Mark is willing to provide them with financial compensation.

Dr. Lindenmayer wanted to clarify that Core-Mark is willing to compensate you for any fines. Ms. Patel said yes. Dr. Lindenmayer did not believe the Board has any leeway regarding the fine. Ms. Patel said yes but Core-Mark does not understand the loss of business with the 7-day suspension.

Joan told the Board that if the product made its way out front to the sales shelf that's owner responsibility not the distributor. Joan has been in contact with Core-Mark and they will not write a letter taking responsibility for any error because the regulations does not fine the distributor responsible. The owner is responsible for making sure whatever they ordered is received and on their shelves. In the education packet retailers receive states that distributors are not responsible for mistakes. Core-Mark tells their customers that if you received something in

error you have to contact them for pick up and put is in the back room and put a sign on it ready for pick up. If the product had been found in the back with a sign waiting for pick up received in error, Joan's team would not have fined them.

Joan explained to the Board that this is an expensive mistake. The State law says one to seven-day suspension. Joan did not feel it was appropriate to do 30-day suspension. The Board does have the latitude to reduce the suspension down to one day, but this is the second time this store has been informed that they cannot sell this type of product.

Dr. Tapscott asked how difficult is it to determine the difference between flavored and non-flavored. Erin told the board it clearly stated cognac dip. Ms. Patel admits it was on the shelf and it was human error but also placed blame on the distributor. Joan also questioned what Ms. Patel was saying is that their store is too busy to do a check and balance on an age restricted highly regulated product. Joan inspects over 500 retailers in 47 towns in Massachusetts, 90% are no problem making sure they don't receive flavored product. Your store, since the law went into effect, has made two mistakes. They were given a break on the first violation and received a warning. Joan said according to Ms. Patel the store received the product in September and the violation occurred in December that means it was on the shelf for three months.

Dr. Tapscott is inclined to see this as an employee error and a distributor error. This distributor will help the in some way financially with the fine. He agrees the closing the sale of tobacco is a substantial loss of business. He is inclined to issue the \$2,000.00 fine and one day to restrict tobacco sales not for seven days. Dr. Lindenmayer and Joan agreed with Dr. Tapscott but Joan added that is why the law is so strict to make sure those mistakes don't happen.

Dr. DenHerder agree that even though this was an error with Core-Mark, the amount of time it was in the store it could have been caught. On the other hand, they are getting a \$2,000.00 fine, hopefully Core-Mark will help them pay that. We also have to suspend the sales and she agrees with a one-day suspension of tobacco sales. Dr. Lindenmayer said knowing what she knows now, someone should have been on guard from September to December.

Dr. Lindenmayer made a motion that St. 's General Store is found responsible for the December violation. The Board fines \$2,000.00 and a one-day suspension of tobacco sales. Dr.

DenHerder seconds the motion. The motion was passed unanimously with a vote of 3-0-0. Dr. David Tapscott – aye, Dr. Joann Lindenmayer – aye, Dr. Cay DenHerder - aye

The one -day suspension will be March 3rd 2023. Product only has to be covered so customers can't see it and employees don't sell.

Permit updates – Most of the permits the Board of Health issues for example food, septic hauler trash hauler have renewed their permits. There might be some that need to send the required paperwork but Missy is working with them. Dr. Lindenmayer asked if there was anything new with Marchand. Erin explained that the town has new counsel and is hoping to meet with them soon. Marchand will be one of the topics she will discuss with them.

Inspection updates – Kaitlin continues to conduct food inspections and following up on housing issues and other inspections. Erin has been dealing with odor complaints with Cresco. Town Counsel Liz Lydon has sent a letter to Cresco that if they don't come into compliance, they will be in violation of the host community agreement. The town will then terminate the agreement. The deadline is April 2nd. Since the weekend Erin has received five complaints from different people. Cresco tried saying the complaints were not legit which is frustrating because they were all verified by Cresco's agent.

COVID and Flu updates – The office still has COVID test kits available in town hall, senior center and library. Erin is working on frequently asked questions for when the emergency order over in May and what it means for Uxbridge residents.

Discussion on mini-horses in regards to the Keeping of Animals Regulation - Dr.

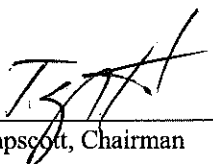
Lindenmayer has looked to see if there are any regulations regarding mini horses and has not found any. There are horse groups that have recommendations. Kim Cerrone told the board she as 3 quarters of an acer of land and was thinking of getting a mini horse. She also did not find much as for regulations. Dr. Lindenmayer asked if she should write an amendment for keeping of animals to include something about mini horses. Erin said the current regulations don't mention acreage for regular horses. Dr. Lindenmayer said zoning does. Moe (animal inspector) said he would go with a case by a case basis regarding mini horses and the Board agreed to defer to his recommendations.

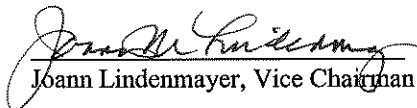
Discussion on changes to Article 14: Minimum Sanitation Standards for Private and Semi-Public Wells – The Boar did receive some comments regarding the changes to the regulations by Richardson Wells and Pumps, a well drilling company here in Uxbridge. When new town counsel reviews the changes, the department will add their questions with counsel.


Monthly Reports: Health Director, Health Inspector, Administrative Assistant and Board Members gave monthly reports on the different projects they are working on or what meetings they attended.

Approval of Meeting Minutes January 18th *no one made a motion to accept the minutes.*

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


David Tapscott, Chairman


Joann Lindenmayer, Vice Chairman


Cay DenHerder, Member