



CITY OF NEW BEDFORD

JONATHAN T. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

PATRICIA L. ANDRADE, M.D.
KIMBERLY A. GRIFFITH, PSY.D.

DIRECTOR OF HEALTH
DAMON O. CHAPLIN

APPROVED MINUTES

Regular Board of Health Meeting

Thursday, October 7, 2021 at 6:00 p.m.

Board to Convene Via Remote Participation

Alternative Means of Public Access Provided: Zoom Meeting/ Telephone Conference Call

To Join Zoom Meeting: <https://zoom.us/j/3966365159>

Dial-In: 1 646 558 8656 US Meeting ID: 396 636 5159

1. CALL TO ORDER

Meeting was called to order at 6:01 p.m. meeting remotely per zoom communications which has been allowed per the Governor due to the pandemic this meeting is being recorded.

ROLL CALL OF MEMBERS

**Present were Patricia Andrade, M.D.
Kimberly A. Griffith, PSY.D.
Damon Chaplin, Director**

2. APPROVAL OF MINUTES

Dr. Andrade called for a motion to accept and place on file the minutes of the emergency meetings held on December 10, 2019, March 17, 2020, March 30, 2020 and August 13, 2020, October 20,2020, and March 4, 2021. Dr. Griffith SECONDED MOTION.

3. NEW BUSINESS

A. Request for Hearing re: Minimum Housing Violation Order# 20-011983 for 376 Summer St., 2nd Floor.

**Invitees: Heather Drown, Tenant
Andrew Lavoie, Owner – 376 Summer St., New Bedford, MA
Sofia DaCosta, Sanitarian
Joseph Carvalho, Public Health Program Manager**

Sofia DaCosta explained the landlord is present he is the one who requested the hearing.

Sofia Da Costa explained that the tenant called regarding specific violations in the apt. and Mr. Lavoie has addressed all the Emergency violations but there are still some remaining that he would like to hold off until tenant has vacated. He wishes to renovate the apartment completely after tenant leaves.

Mr. Lavoie stated tenant is still in apartment but has order to vacate the apt. by December 1st. She has already not complied with the eviction order. He has a court date for October 22, 2021 to have her leave within 48 hrs.

Dr. Andrade asked what the remaining violations are. Sofia DaCosta stated small items light fixtures, doors, and possible holes in walls etc.

Dr. Andrade stated does not have a problem delaying repairs until tenant has vacated and suggests setting a specific date because what was major was already repaired.

Mr. Lavoie asked if possible, to extend it until tenant has left after December. 1st. The Board Members had no problem with after December 1st.

MOTION: by Dr. Andrade to have items corrected and addressed by December 1st, regarding housing violations on 376 Summer St. **SECONDED:** by **ROLL CALL** – Dr. Griffith and Dr. Andrade **YES**. All in favor. **MOTION CARRIES. AMENDMENT TO MOTION** to say that the apartment cannot be rented until all the violations are corrected. Dr. Griffith accepted **AMENDMENT. SECONDED:** By **ROLL CALL** – Dr. Andrade. **YES**.

**B. Request for Hearing re: a handwashing sink behind the bar at Park Sports Café,
329 Rivet St., New Bedford, MA**

**Invitees: John Medeiros, Owner
Sofia DaCosta, Sanitarian
Joseph Carvalho, Public Health Program Manager**

Sofia DaCosta stated it is a request for variance not to include a hand sink in the bar area as there is one adjacent in the kitchen area of the bar.

Dr. Andrade asked how far away is the hand sink to the bar area?

Mr. John Medeiros, the president of the establishment spoke said it is 8-9 feet. He does not have much space behind the bar to put in a hand washing sink not sure if it can be done.

Dr. Andrade asked for all these years how long have you been functioning without a hand sink.

Mr. Medeiros stated they have been using the sink in kitchen for 30 years as a hand washing sink.

Dr. Andrade mentioned that somehow during an inspection it has never been identified.

Sofia DaCosta stated she has been to this establishment numerous times, but we do not have a current floor plan unfortunately it has been lost. Any bar that requests to not operate with a hand sink or not be able to get a sink in bar area just needs to apply for a variance to continue to function as is.

Dr. Griffith asked Mr. Medeiros if there is any dishwashing or glass wear sink behind the bar? Mr. Medeiros stated there are three sinks behind the bar but not a hand washing sink. The employees go in the kitchen to wash their hands. The sink in bar area is for washing, rinsing and sanitizing.

Dr. Andrade stated as long as the employees are diligent in washing their hands in the hand washing sink and not behind the bar does not see any problem with it, Dr. Griffith agreed.

MOTION: by Dr. Griffith that we allow the variance to the requirement of the hand sink immediately behind the bar in favor of the employees continuing to exclusively use the nearby hand washing sink for hand washing. **SECONDED:** by **ROLL CALL** – Dr. Griffith and Dr. Andrade **YES**. All in favor. **MOTION CARRIES.**

C. Request for Hearing Re: Working out of a food truck without a home-base.

Invitees: Gabriela Mejia, Owner
Jason Monteiro, Sanitarian
Joseph Carvalho, Public Health Program Manager

Jason Monteiro stated they purchased a food truck, but they do not have a home base of operation. They need a restaurant in area to store their products, but they do not know any one in area to store it.

Dr. Andrade asked if Gabriela Mejia is present, but she was not present for meeting. Dr. Andrade mentioned that she has some concerns about this. What kind of food do they want to sell and how do they plan on preparing it, storing it and assuring that things are cold etc. there are a lot of issues that this brings up.

Jason Monteiro stated it was brought to his attention that they were going to cook their products everyday and buy it on a daily basis which is not normal for a food truck.

Dr. Andrade replied in saying this does not sound like a good idea at all and does not support it. How can you assure food will be maintained at the proper temperature?

Jason stated the whole inside is brand new just that they do not have the proper storage areas, storage is very limited in truck. They do have a water supply in truck but no place to put their waste that he has seen.

Dr. Andrade is not too thrilled about this idea. Dr. Griffith stated it seems they need to solve the storage problem. If they could make some kind of an agreement with a commercial kitchen and truck meets other criteria, it would give them more comfort but outside of that Dr. Andrade does not think this could happen.

D. Request for Hearing Re: Minimum Housing Violation Order # 21-010660 for 1527 Purchase Street, 1st

Invitees: Marlene Rivera, Tenant
Josephine Fajue, Owner 6 Budd Ave., Brockton, MA
Sofia DaCosta, Sanitarian
Joseph Carvalho, Public Health Program Manager

Sofia DaCosta stated landlord contacted us this morning and informed us that tenant has vacated the apartment so at this time there is no hearing to put forward for her request. The building dept is aware of the violations.

Ms. Faijue stated she was not going to renew her lease and that's what started the whole process of her basically destroying the whole property and her vacating and it is costing almost \$10,000 to do repairs.

Dr. Andrade asked Sofia to send a letter to Josephine Faijue stating that the apartment cannot be rented until it is formally inspected, and all violations are corrected. Sofia stated she would follow up with Ms. Faijue to verify with myself that it is vacant and then issue the letter.

E. Request for Hearing Re: Minimum Housing Violation Order# 21-010432 for 35 Rodney French Blvd., 2nd Fl/2S.

Invitees: Brian Gaffney, Owner – 10 Sherman Ct., Westport, MA
Phyllis Weisman, Tenant
Sofia DaCosta, Sanitarian
Joseph Carvalho, Public Health Program Manager

Mr. Gaffney spoke in regard to this matter stated he fixed all the major items, but tenants continue to break the items that he has fixed. The tenant does not allow the maintenance man into the building. Filed this complaint and use it as an excuse to withhold the rent. They owe over \$4,000 in rent and he has done \$5,000 worth of repairs. He says he takes care of all his properties never had a tenant call in except for this tenant. Respectfully asking for this order to be dismissed.

Dr. Andrade stated we cannot just dismiss the order. She understands and feels bad but unfortunately these types of tenants don't respect the property and they call the Department for inspections and delays. Dr. Andrade mentioned a pre rental inspection before a tenant goes into an apartment to prevent these issues.

Mr. Gaffney has no problem fixing the rest of the issues on list but is it possible to get an extension. On October 25, 2021 he has a court date with tenant Phyllis Weisman.

Dr. Andrade stated we can withdraw the November 8, 2021 court date with Mr. Gaffney and Sofia DaCosta.

Mr. Gaffney suggested mid to late December to have rest of violations completed. December 15, 2021 was given as a closer date.

MOTION: by Dr. Griffith to postpone the time for compliance for each of the remaining items to December 15th or before the next occupancy and it requires an inspection before the next occupancy. **SECONDED:** by **ROLL CALL** –Dr. Andrade **YES**. All in favor. **MOTION CARRIES.**

F. Adopt and amend The City of New Bedford Body Art regulations to adopt new body art model regulations to include the terms “microblading and/or permanent cosmetics in the definition of “Body Art” (reference to Town of Bourne Body Art Regulations in highlighted areas). Approval to add Dermal Piercing and Micro-Blading to application. Also, approve licensing requirements for Micro dermal Blading.

Invitees: Sofia DaCosta, Sanitarian
Valerie Kollars, Co-owner, NB Tattoo Company
Vanessa Kollars, Co-owner, NB Tattoo Company
Joseph Carvalho, Public Health Program Manager

Sofia DaCosta spoke in regard to the regulations. Cosmetic tattooing is incorporated into the current regulations. We do not have to amend or make any modifications through the current regulations as advised to us by City Solicitor Liz Treadup. She informed us that we can include cosmetic tattooing as our current regulations stand. Microblading is considered a form of cosmetic tattooing.

Dr. Griffith asked about Dermal piercing. Sofia Da Costa mentioned we just want to incorporate dermal piercing into the application and then add the check box off for cosmetic tattooing as a form of procedure that it will be done at the tattoo shop.

G. Request for Hearing: 127 West Rodney French Blvd., Establish Whaling City Tattoo Co. Re: Request for license Body Art Practitioner and Establishment and approval of five body art practitioners at the Whaling City Tattoo Establishment. Body Art Practitioners requesting approval are Paul Raymond, Sam Townsley, Jonathan Willett, Catherine Bergeron and Cote Costa.

Invitees: Sofia DaCosta, Sanitarian
Timothy A. Creed, Owner of Whaling City Tattoo Co.
Joseph Carvalho, Public Health Program Manager

Dr. Andrade asked Sofia if she did an inspection at the building and she replied approximately 3 times. Have there been any problem issues that have not been addressed.

Sofia DaCosta asked, the only question is if the board would allow by folding doors to be used as partitions for privacy when client is being tattooed.

Mr. Creed, owner stated that it is one large room in the Kilburn mill, but it will be partitioned off for at least 3 out of the 4 stations if need be, he can buy another partition for the 4th station. Sofia showed pictures of what the large room looks like with the partitions and what each section is used for to the Board.

Mr. Creed mentioned the partitions are at least a little over 6 foot tall.

Dr. Andrade stated looks like it is fine as long as the clients are aware that they are in a semi closed space. Mr. Creed said in the future he would like to install a curtain system, but it is very difficult to find those items at this time.

Dr. Andrade state the establishment looks good they have all the sinks in place with hand washing stations.

MOTION: by Dr. Andrade to approve Whaling City Tattoo Company at 127 West Rodney French Blvd. as an establishment for Body Art Tattoo. **SECONDED:** by **ROLL CALL** –Dr. Griffith. Dr. Andrade. **YES.** All in favor. **MOTION CARRIES.**

Sofia DaCosta stated we only have four body art practitioners for approval tonight.

Dr. Andrade stated to Mr. Creed that he has three people who are requesting approval for Body Art Practitioner. He stated yes including himself four in total.

Sofia stated Mr. Creed submitted all required paperwork. Paul Raymond will also be doing cosmetic tattooing at the location and he has submitted all his paperwork. Sam Townsley and Cote Costa have both submitted all their paperwork. Jonathan Willett has not submitted his paperwork yet but once the application is complete, he can speak to Sofia to request a hearing for next meeting.

MOTION: by Dr. Andrade to administer practitioner licenses to practice at Whaling City Tattoo Company to Paul Raymond, Sam Townsley, Cote Costa and Timothy Creed. **SECONDED:** by **ROLL CALL** –Dr. Griffith. Dr. Andrade. **YES.** All in favor. **MOTION CARRIES.**

H. Sewage Disposal approval letter for 1450 Old Plainville Road, New Bedford, MA

Invitees: Damon Chaplin, Health Director
Sofia DaCosta, Sanitarian
Joseph Carvalho, Public Health Program Manager

Sofia explained that it is an existing system that needs to be (Title 5 failed) reconfigured and redone when they are redoing the system it does not allow for the 10 ft from the property line. It has to have the poly barrier instead and a variance is then requested for a 5-foot set back as long as the poly barrier is used.

Dr. Andrade asked why it failed and Sofia stated not sure why.

MOTION: by Dr. Griffith to grant the 3 requested variances regarding 1450 Old Plainville Rd submitted by Richard J. Charon of Charon Associates. **SECONDED:** by **ROLL CALL** –Dr. Andrade and Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

I. Changes to Fee Schedule: Food, Body Art and Tanning.

Invitees: Damon Chaplin, Health Director
Sofia DaCosta, Sanitarian
Joseph Carvalho, Public Health Program Manager

Dr. Andrade looked at the changes on fee schedule. Sofia went over the changes on the fee schedule that are highlighted.

Sofia stated the changes are mostly on retail establishment/plan review section. Other changes are on annual renewal permits we would have a separate category for bakery, retail and deli, retail with hot hold and grocery stores just pay one set fee. The last change is the food service institutions: daycares, hospitals, and nursing homes places that have smaller kitchens. Also added tanning plan review fee \$200. On the Body Art requesting the consultation inspection and practitioner application fee be removed and incorporating microblading under practitioner license fee of \$200. The well driller permit and well abandonment is also on the fee schedule now.

MOTION: by Dr. Andrade to accept the adjustments of the fee schedule as presented with the changes. **SECONDED:** by **ROLL CALL** – Dr. Griffith and Dr. Andrade. **YES.** All in favor. **MOTION CARRIES.**

J. Return to school COVID testing policy.

Invitee: Damon Chaplin, Health Director

Mr. Chaplin stated this will be tabled until further notice.

4. **NEXT MEETING DATE**

The next meeting to be determined for November 2021.

5. **HEALTH DIRECTOR'S REPORT**

A. **General Updates**

6. **NEW BUSINESS NOT REASONABLY ANTICIPATED AT TIME OF POSTING**

Dr. Andrade wanted to welcome Dr. Griffith officially to the Board of Health.

Mr. Chaplin would also like to introduce Ms. Abbey Neary new reporter for New Bedford Light. She stated just started for the New Bedford Light nonprofit newsroom in New Bedford and learn about how things work on the board of health and introduce herself to everyone.

Dr. Andrade wanted to recognize the Department of Health for all the hard work that everyone has done in the last 20 months during this pandemic. Thank you to the entire Department.

Mr. Chaplin also stated thank you as well to Dr. Andrade, you have been with us through this as well, on behalf of the whole department.

7. **ADJOURN**

Dr. Andrade **adjourned** the meeting at **7:13 p.m.**

A true record attest:


Health Department Chairperson

BOH Meeting Minutes Approved 11 / 18 / 21