



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

KIMBERLY A. GRIFFITH, PSY.D.
ELIZABETH M. BLANCHARD, M.D., FASCO

DIRECTOR OF HEALTH
DAMON O. CHAPLIN

APPROVED MINUTES

Regular Board of Health Meeting

Tuesday, December 8, 2022 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 6:03 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 Kimberly A. Griffith, PSY.D.
Elizabeth M. Blanchard, M.D., FASCO

2. APPROVAL OF MINUTES

Dr. Griffith stated that there are 3 clarifications. The first is update the letterhead and clarify Items F and G on the Board Minutes from October 5, 2022.

MOTION: by Dr. Griffith moved that we amend the motion from the October minutes to reflect that Courtney Cohen is approved as an agent of the board. **SECONDED:** by **ROLL CALL** - Dr. Blanchard. Dr. Griffith. **YES. MOTION CARRIES.**

MOTION: by Dr. Blanchard called for a motion to revise the wording from the previous minutes to include the additional nurses as agents of the board to enable them to participate in the vaccine program. **SECONDED:** by **ROLL CALL** - Dr. Griffith. Dr. Blanchard. **YES. MOTION CARRIES.**

MOTION: by Dr. Griffith with those changes, I will move that we approve the minutes of October 5, 2022 as modified. **SECONDED:** by **ROLL CALL** - Dr. Blanchard. Dr. Griffith. **YES.** **MOTION CARRIES.**

3. NEW BUSINESS

A. Request for Hearing: 984 Kempton St., Establishment:

Banner & Bones Tattoo Co. Re: Request for license Body Art Establishment approval.

**Invitees: James Albert Tracht III, Owner
Nicole Marie Coogan, Owner
Sofia DaCosta, Sanitarian
Joseph Carvalho, Environmental Health Program Director**

Sofia DaCosta stated that Banner and Bones Tattoo Co. has submitted all necessary paperwork for the establishment and for both practitioners.

MOTION: by Dr. Griffith to approve the establishment license for Banner & Bones Tattoo Co. as presented. **SECONDED:** by **ROLL CALL** – Dr. Blanchard. Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

B. Request for Hearing: 984 Kempton St., Establishment:

Banner & Bones Tattoo Co. Re: Request for license Body Art Practitioner requesting approval for James Albert Tracht III.

**Invitees: Sofia DaCosta, Sanitarian
James Albert Tracht III, Owner
Nicole Marie Coogan, Owner
Joseph Carvalho, Environmental Health Program Director**

C. Request for Hearing: 984 Kempton St., Establishment:

Banner & Bones Tattoo Co. Re: Request for license Body Art Practitioner requesting approval for Nicole Marie Coogan.

**Invitees: Sofia DaCosta, Sanitarian
James Albert Tracht III, Owner
Nicole Marie Coogan, Owner
Joseph Carvalho, Environmental Health Program Director**

MOTION: by Dr. Griffith to grant Body Art Practitioner licenses to both James Albert Tracht III and Nicole Marie Coogan as presented. **SECONDED:** by **ROLL CALL** – Dr. Blanchard. Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

D. Request for Hearing: 127 Chestnut St., Establishment:

Seven Nomads Tattoo Co. Re: Request for license Body Art Establishment approval and license for Body Art Practitioner requesting approval for Sarah Seveney, Owner.

**Invitees: Sarah Seveney, Owner
Sofia DaCosta, Sanitarian
Joseph Carvalho, Environmental Health Program Director**

Sofia DaCosta asked that we move this request until February's Board meeting. The owner is not ready to open and has had some issues with construction.

Dr. Griffith stated item D is tabled until owner is ready to open.

E. Request for Hearing: 500 Hathaway Rd., Whaler Inn & Suites. Re: Request for a Lifeguard variance.

**Invitees: Kendra Mackay, General Manager
Ann Gagne, Sanitarian
Joseph Carvalho, Environmental Health Program Director
Damon Chaplin, Director**

Ann Gagne spoke regarding lifeguard variance. The whaler Inn & Suites is requesting a variance so that they do not need a lifeguard on duty. The people get into pool with a key card and doors are locked. Did an inspection yesterday they have a few more things to do and then they can open the pool if the Board agrees they can have no lifeguard on duty.

Dr. Griffith asked for regulations on lifeguards at pools in particular with hotels.

Ann Gagne stated that there are a couple of hotels in the city that have pools with no lifeguards and they use key cards as well.

Ann Gagne stated they have to post that there is no lifeguard on duty and parents have to be present with kids in the pool and phone located in pool area as well.

Kendra Mackay stated they are following all the regulations regarding the pool, so we are ready to go.

MOTION: by Dr. Blanchard to approve the lifeguard variance request. **SECONDED:** by **ROLL CALL** – Dr. Blanchard. Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

F. Discussing the Correction/Cease and Desist Order, \$5000 fine issued, 30-day suspension of sales permit, and possible permanent revocation of sales permit at Bizarro Smoke, 1345 Purchase St. New Bedford, MA 02740.

**Invitees: Anshuman Patel, Owner
Bijou Patel, Manager
Janelle Mcqueen, Manager
Joseph Carvalho, Environmental Health Program Director
Megan DaCosta, Public Health Program Manager/Tobacco & Marijuana Program
Nicholas DeMarco, Associate City Solicitor
Damon Chaplin, Director**

Megan DaCosta stated their first violation occurred on May 9th, 2022, sale to a minor at that point a \$1,000 was issued and paid. On August 29, 2022 a routine inspection was done and flavor products were found in store and in the back room \$2,000 fine was issued and a 7 day suspension paid and served. Flavored products were found again in the store and in back room during another

inspection on November 21, 2022 and at that point a \$5,000 fine was issued along with a 30 day suspension and they were referred to this hearing.

Janelle McQueen, Manager apologized and stated that she has been working there for 5 years and the other employee Paige has been working there for over a year. Now we are down to two employees with herself and Paige Miller (employee) due to the pandemic it's been hard to keep the shop at a float and to keep employees who are concerned with the shop. Is asking for another chance to keep the shop open.

Paige Miller states other than the one employee who sold to a minor they have been checking ID's regularly.

Dr. Griffith asked if they could provide more information on how they would avoid these violations.

Janella McQueen stated that what they plan on doing is be at the shop regularly. If they do get a third employee, she said that the training for this person would be more entailed and be there with this employee if they decided to hire another person.

Dr. Blanchard asked that she explain how they would avoid having any of the flavored products in the shop and that the items being in storage is not adequate because the products should not be in the store at all.

Ms. McQueen agreed it should have not been there at all. She will make sure that she speaks to owner regarding that matter to make sure it does not happen again. She would have preferred the owner be at this meeting to speak on behalf of the flavored products, but he is not in the state at the moment.

Dr. Griffith asked Megan if there were any other violations in this same situation.

Megan stated there was another store that had 3 violations it was when Joe Carvalho was in charge of tobacco program.

Dr. Griffith stated move that we revoke Bizarro's Smokes sales permit.

Joe Carvalho spoke and stated we previously had a 3rd violation on Sawyer St that had happened within a year and a half. We offered a hearing and they spoke on their violation and the Board voted to remove their permit permanently.

Ms. McQueen asked what exactly needs to be taken off shelves as far as tobacco products because they sell other items as well.

Joe Carvalho state that the permit involves anything tobacco related. You would have to remove all tobacco products, vaping liquid products etc. immediately after this meeting. Joe asked the Board when they would prefer to start this tonight or tomorrow.

Megan mentioned under the regulations a written notice would be provided by the Board of Health given reasoning and revocation would then be imposed at the end of 10 days following serving of notice. Suspension has not begun yet.

MOTION: by Dr. Griffith to approve the notification process in the timeline indicated by the city statues in order to revoke the tobacco sales permit for Bizarro's smoke shop. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

G. Update Health Department fee schedule.

**Invitees: Joseph Carvalho, Environmental Health Program Director
Damon Chaplin, Director**

Joe Carvalho explained we had an old fee schedule which we had no problem with but the newer fee schedule proposed some confusion for the clerks.

He is proposing to revise the fee schedule to streamline it make it a little easier. The part of the fee schedule in question is just for new businesses coming into the city and assigning a fee for them to pay for the plan review.

1st combine level 2,3,4 except for prepackaged foods and eliminate the variance portion of the fee schedule.

MOTION: by Dr. Griffith to approve the updated Health Dept fee schedule as presented this evening. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

H. Discussion on temporary food events/late fee temporary food events.

**Invitees: Joseph Carvalho, Environmental Health Program Director
Sofia DaCosta, Sanitarian
Damon Chaplin, Director**

Joe Carvalho stated this is on the same fee schedule but for temporary food events. Again, this has caused some issues in the office trying to assess and trying to provide an over site for the temporary events in proper time. All temporary events cost \$75 and \$25 for each additional day up to 14 consecutive days. To finish within 14 days and give the clerks/agents time to process the proper forms and paperwork it takes time and a lot of those times they were sent to us within 2-5 days.

The new proposal is to change the fees for receiving applications to \$75 within 14 days of an event and then if it is received within 7 business days of event the fee would go up to \$100 and if we received it within 2 business days of the event then it would go up to \$200.

MOTION: by Dr. Griffith to accept the fee schedule for food and retail establishments as revised specifically combining risk level 2 through 4 as well as updating the temporary food event late fee schedule and eliminating the crafter category and the variance. **SECONDED:** by **ROLL CALL** – Dr. Blanchard, Dr. Griffith. **YES.** All in favor. **MOTION CARRIES.**

I. Discuss a limit to the number of licenses issued to Tattoo Establishments.

**Invitees: Val Kollars, Owner of NB Tattoo Co.
Joseph Carvalho, Environmental Health Program Director
Sofia DaCosta, Sanitarian
Damon Chaplin, Director**

Sofia stated that Val Kollars is presenting she is the owner of NB Tattoo Co.

Val Kollars spoke regarding this issue. She stated when tattooing became legal in the state in 2000, she worked closely with the health dept and city counselors to allow establishments to come into the city. She has a concern now that it went from being closely watched to over the years gradually loosened with the restrictions. She mentioned that it is very important that we should have periodic checks for tattoo establishments. If we keep adding more and more licensing, how are we going to handle all the issues that are not being handled now.

Joe Carvalho stated being in this position now he is starting to initiate an oversight program for inspecting once a year these tattoo establishments. He knows there are issues with people under 18 getting tattoos. We have to make sure we visit these locations and let them know they are being watched.

Mr. Chaplin stated each tattoo facility should receive an annual inspection whether or not it includes a compliance check not many other municipalities do a compliance check often times when they do the annual inspection they should be reviewing the authorization forms if there are any for anyone who has received a tattoo under the age of 18 that should be part of the annual inspection in general. We have seen a number of tattoo facilities come on board since 2018 but we have not been flooded with them. We do have the capacity to monitor the ones we currently have but he does not think we are at that point yet but it is something to consider going forward what is the break point for our capacity to inspect and our ability to license tattoo facilities. It is something to consider just to make sure the facility is operating properly to have inspectors do at least one inspection yearly for every licensed facility in the city.

Joe Carvalho stated will make sure we get more inspectors trained in these inspections.

Vanessa Kollars spoke also stating that an annual inspection is great, but it still does not prevent underage tattoos, lapse of liability insurance and a lot of things that happen that is not caught between August and June.

Mr. Chaplin asked Joe and Sofia how many tattoo facilities we have on board. They stated 7 as of today. He asked Joe to work on the compliance program for those 7 and get the other inspectors trained on that to help out Sophia and Ann who are already trained.

Joe stated we need to find out the legalities of it before doing the compliance checks themselves not that we are against it, but we need to find out how to go about it.

Dr. Griffith agreed to do more research on this and having more inspectors trained to inspect body art facilities sounds like a great steppingstone.

4. NEXT MEETING DATE

The next meeting to be determined.

5. HEALTH DIRECTOR'S REPORT

A. General Updates

Mr. Chaplin stated has no updates other than we should be having a third Board member coming aboard soon.

NEW BUSINESS NOT REASONABLY ANTICIPATED AT TIME OF POSTING

6. ADJOURN

Dr. Griffith **adjourned** the meeting at **7:23 p.m.**

A true record attest:


Health Department Chairperson

BOH Meeting Minutes Approved 2 / 23 / 23