

Board of Health Meeting Minutes
October 19, 2020

The Board of Health Meeting was called to order at 5:03 pm by Stephen M. Fiore, Chair.

In keeping with Governor Baker's Executive Order of March 12, 2020, "Order Suspending Certain Provisions of the Open Meeting Law" – The Board of Health Meeting of October 19, 2020 was held by Remote Access through ZOOM.

Those participating were Stephen M. Fiore, Esq., Chair; Julie C. Lemay, MPH, Vice Chair; Donna S. David, R.N., M.N.; Member; Wesley B. Chin, Health Director; Suzanne Trasavage, Animal Care and Control Officer; Lindsey Sharp, Environmental Health Intern; Maria Reddington, Clerk.

There was no public participation.

The Board voted 3-0 to approve the September 21, 2020 Meeting Minutes.

The Receipts report was reviewed.

The Tobacco Sales Violation Hearing for Pleasant Street Star K began at 5:12 pm. The Hearing was audio recorded via ZOOM.

- Ms. Irina Kotzabaldiris and Mr. Iraklis Kotzabaldiris of Pleasant Street Star K were present.
- Wesley Chin, Health Director, provided a summary of the violation.
- On February 27, 2020 @ 1:32 pm a package of Newport cigarettes was sold to an underage person during a Health Department tobacco compliance check.
- This was Pleasant Street Star K's first sale to a minor. The establishment has a very good history concerning tobacco compliance checks.
- Mr. Kotzabaldiris said the public "hates" him because he asks everyone for identification.
- Steve Fiore asked if there are any other employees that may have sold to the underage person. Mr. and Ms. Kotzabaldiris both answered no.
- Mr. and Ms. Kotzabaldiris said there is no receipt, therefore there is no proof that tobacco was sold to an underage person during this compliance check.
- Wesley Chin said a package of cigarettes and chewing gum were the items sold to the underage person during this compliance check.
- Mr. Kotzabaldiris said he has been in business in Belmont for 55 years, he did not sell a tobacco product to an underage person, and the Town is harassing him.
- Wesley Chin said the sale was witnessed by Health Department staff – Diana Ekman, Assistant Health Director, and the underage student. He also added he has been conducting tobacco compliance checks for Belmont for 9 years and would not misrepresent a violation.
- Mr. Kotzabaldiris said he will bring the matter to court.

The Board of Health members voted 3-0 to uphold the fine of \$1000 for Pleasant Street Star K's first offense of a tobacco sales violation.

The Hearing adjourned at 5:42 pm.

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The Tobacco Sales Violation Hearing for The Spirited Gourmet began at 5:44 pm. The Hearing was audio recorded via ZOOM.

- Mr. Christopher Benoit of The Spirited Gourmet was present.
- Wesley Chin, Health Director, provided a summary of the violation.
- On February 27, 2020 @ 2:17 pm a cigar was sold to an underage person during a Health Department tobacco compliance check.
- This was The Spirited Gourmet's second violation within a 36 month period, and is subject to both a fine and suspension.
- Mr. Benoit said his daughter is aware of the law, but goofed by not asking for identification and selling the tobacco product to an underage person.
- The Spirited Gourmet's patrons are typically adults seeking to purchase alcohol. Cigar products are also offered at the store.
- Steve Fiore said the compliance checks are required, and the Health Department is not trying to punish businesses.
- Julie Lemay is very concerned there have been two violations in less than two years. The Spirited Gourmet needs to be vigilant and request identification more frequently.
- Mr. Benoit said that high school aged children don't come to his store, they are not his customer base.

The Board of Health members voted 3-0 to uphold the fine of \$2000, and suspend the sale of tobacco products for seven days for The Spirited Gourmet's second offense of a tobacco sales violation within a 36 month period. The suspension will begin Sunday, October 25, 2020 and end Sunday, November 1, 2020.

The Hearing adjourned at 5:55 pm.

The Tobacco Sales Violation Hearing for Power Plus Gas began at 5:56 pm. The Hearing was audio recorded via ZOOM.

- Mr. Robert Fadel of Power Plus Gas was present.
- Wesley Chin, Health Director, provided a summary of the violation.
- On February 27, 2020 @ 2:03 pm a package of Newport cigarettes was sold to an underage person during a Health Department tobacco compliance check.
- This was Power Plus Gas' second violation within a 36 month period, and is subject to both a fine and suspension.
- Mr. Fadel told the Board he is a father of three children and does not want anyone to smoke. He said he sells only 7 to 10 packs of tobacco product a day.
- Mr. Fadel showed photographs of the underage buyers, pointing out they helped themselves by reaching behind the counter and getting the cigarettes. There are signs indicating it is not a self-serve area.
- Steve Fiore asked if regulations require that tobacco products are kept out of the public's reach, Wes said yes.
- Mr. Fadel said he purchased a \$2000 enclosure to lock the tobacco products.

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- Mr. Fadel said the person who sold the cigarettes was a new employee.
- Wesley Chin said the students were told by the attendant to “grab” the cigarettes inside.
- Wesley Chin said the students are trained not to obtain tobacco products unethically or illegally.
- The Board members appreciated the steps taken to prevent self-service of tobacco products.

The Board of Health members voted 3-0 to uphold the fine of \$2000, and suspend the sale of tobacco products for seven days for Power Plus Gas’ second offense of a tobacco sales violation within a 36 month period. The suspension will begin Tuesday, October 20, 2020 and end Tuesday, October 27, 2020.

The Hearing adjourned at 6:16 pm.

The Director/Assistant Director/Public Health Nurse report was reviewed with the following discussed:

- Housing concerns continue to be addressed and resolved by telephone and mail. Staff have noticed a slight uptick in calls since the eviction moratorium ended.
- An unresolved and complex housing matter was transferred to the Attorney General’s office for further action.
- Several nuisance complaints pertaining to trash, stone cutting, and electric sanding were received and resolved.
- Lindsey Sharp provided an update of rodent complaints received since the last meeting. A total of 7 new concerns were received. The complaints are scattered throughout Belmont. Health Department and DPW are working together to mitigate a rodent concern at Joey’s Park again.
- The new Youth Coordinator, Michael Patti, began employment today. He is working toward his Master’s Degree in Education Counseling. Michael hit the ground running to coordinate a virtual Halloween Event for Belmont’s youth.
- Halloween flyers were finalized. Guidance was reviewed. Steve Fiore asked what neighboring towns are doing. Wes said Arlington, Newton and Brookline are not canceling at this time.
- Lindsey Sharp provides weekly 10 minute video COVID updates through Belmont Media. And she’s already had over 1000 views!
- COVID-19 – Health Department staff continue to provide assistance to Town Departments:
 - Belmont Public Schools – Performing arts; safety plan reviews for a soap box derby, in person club events; athletics, a request to allow bleacher seating because a neighboring town allows it, COVID cases in the education community, DPH Mobile Rapid Response in the event of a COVID cluster in the school community.
 - Town Administration – Weekly and Select Board meeting updates.
 - Beech Street Center – Assisted in Veterans’ Day planning specifically relating to a grab and go breakfast.
 - Lions Club – Reviewed their plans for the annual Christmas tree sale.
 - Other COVID related concerns.....
Inconsistent mask use throughout Town;
 - Request to ban neck gaitors;

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- How many people can congregate at a religious facility;
- Cleaning products to be used on student desks – thanks to Julie Lemay for helping out with this;
- Contact tracing challenges – cases won't answer our phone call, cases may not trust us and don't understand how we got their information, may not provide close contact information for follow-up, MAVEN delays in receiving contact information so people don't know to quarantine, resulting in the spread of COVID to others.

Wesley reminded everyone that the Health Department has a limited supply of flu vaccine for distribution to uninsured/underinsured Belmont residents.

The Animal Care and Control Officer report was reviewed. Suzanne Trasavage said she has received fewer calls this past month. Suzanne summarized a dog incident involving 3 dogs and a person. The Board members said to bring forth the parties for a Hearing at next month's meeting.

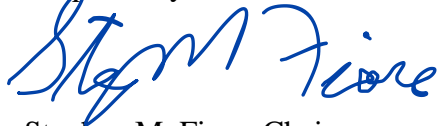
The Veterans' Services Officer report was reviewed. Bob Upton continues to plan for a social distanced Veterans' Day event. Belmont Media Center will livestream the event.

The Youth and Family Services report was reviewed. It's good to have Janet Amdur back to help community members connect with needed resources.

The next Board of Health meetings are scheduled for November 23, 2020 at 5:00 pm; and December 21, 2020 at 5:00 pm.

The Meeting adjourned at 7:00 pm.

Respectfully submitted,



Stephen M. Fiore, Chair