



## ***Board of Health***

March 21, 2013 – **Minutes**

Keith Middle School Community Room, 225 Hathaway Blvd.

**\*\*View Agenda\*\***

Present: Patricia Andrade, M.D., Chairperson  
Athena Xifaras, M.D., Member  
Craig Longo, M.D., Member

Also Present: Attorney Kreg Espinola, Asst. City Solicitor  
Sandy Manning, Office Manager

### **CALL TO ORDER**

**1. Dr. Xifaras called the meeting to order at 6:00 p.m. Dr. Xifaras called roll with herself, Dr. Craig Longo, Atty. Kreg Espinola and Sandy Manning as present. Dr. Xifaras called for a motion to accept and place on file the minutes of the regular meeting held on January 10, 2013.**

**MOTION:** by Dr. Longo to accept and place on file the minutes of the regular meeting held on January 10, 2013. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES.**

### **ACTION**

**2. 102 Mt. Pleasant St., Request for Hearing Re: Minimum Housing Violation Order #27874; Ramon Del Rosario, Owner, 102 Mt. Pleasant St., New Bedford; Renee Stevens, Senior Housing Inspector/Kim Evora, Sanitary Inspector.**

Housing inspector Renee Stevens appeared before the Board and stated an inspection was done on February 1<sup>st</sup> at 102 Mt. Pleasant St. The inspection was conducted following a complaint, and resulted in violations concerning wood and other items that were found spread over the yard and rodent holes that were detected. On March 20, 2013, housing inspector Kim Evora did a re-inspection on the property to see if the violations were corrected; pictures of the property were shown to the Board. Ms. Stevens stated that they also requested a contract from a professional pest control company be established, although they have not received confirmation that this has been done.

Mr. Del Rosario's wife stated they had placed some items on side yard temporarily because they are working on the property, and the items could not be stored in the basement. She said she does not know why a complaint was filed.

Ms. Stevens stated they received complaints that the debris that was up against the fence. It would be compliant if the debris was moved a foot away from the fence and a tarp was placed over it to secure the items. Also due to the significant rodent hole findings, the Health Dept needs a copy of the contract with a professional pest control company to be compliant.

**MOTION:** by Dr. Longo to have an extra month to correct the violations discussed. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES.**

**3. 371 County St., Request for Hearing Re: Unlicensed Practice of Body Art Tattoo Operation; Daniel Walker, Owner, 371 County St., New Bedford; Michael Antaya, Supervisory Inspector/Mary Freire Kellogg, Sanitarian.**

Mr. Antaya and Mary Freire-Kellogg, food inspectors, appeared before the Board and stated that Mr. Walker was not present. Mr. Antaya stated he came into the Health Dept office requesting a hearing. Mary Freire-Kellogg stated that Mr. Walker has admitted to performing body art but declined to provide the name of the business. She recounted that when they got to Mr. Walker's apartment, the Fire Department stated that Mr. Walker was likely the cause of the overloading of the circuit breakers, although Mr. Walker stated that, at the time, he was using a battery operated tattoo gun. Mr. Walker also mentioned to Ms. Freire-Kellogg that there was an issue with his stove, and when they walked into his kitchen, there were items set up for performing tattooing. At that point, Ms. Freire-Kellogg issued a cease and desist order to Mr. Walker; he has also been sent an official letter by mail. Mr. Walker was cooperative about the whole situation.

**4. Brook Lawn Liquors, 496 Ashley Blvd., Tobacco and Nicotine Delivery Sales Permit 7-Day Suspension Order; Jorge M. Frias, owner; Nicholas Charest, Public Health Compliance Officer.**

Mr. Charest, tobacco compliance officer, appeared before the Board and stated a tobacco compliance check was done at **Brook Lawn Liquors, 496 Ashley Blvd.**, on December 28, 2012 at 1:40 pm. At that time, a clerk on duty sold a pack of Marlborough cigarettes to the Health Dept's outreach compliance youth officer. Following the incident, Mr. Charest called Mr. Frias to notify him of what had happened that day and to tell him that he would be issuing a violation. Mr. Charest stated that this was Brook Lawn Liquor's second violation and that Mr. Frias would need to come before the Board for a suspension hearing.

Mr. Frias asked that the suspension be scheduled as soon as possible before the summer starts.

**MOTION:** by Dr. Longo for a 7-Day Tobacco and Nicotine Sales Permit Suspension for Brook lawn Liquors starting this Monday March 25, 2013. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES**

**5. Costa's Mini Mart, 138 Belleville Rd., Tobacco and Nicotine Delivery Sales Permit 7-Day Suspension Order; Omair Ghoury, owner; Nicholas Charest, Public Health Compliance Officer.**

Mr. Charest appeared before the Board and stated a tobacco compliance inspection was conducted on December 28, 2012 at 11:27 a.m. at the **Costas Mini Mart at 138 Belleville Rd.** The clerk on duty at that time sold a pack of cigarettes to our outreach compliance youth officer. Mr. Charest returned to the Health Dept office and called Mr. Ghoury to notify him and tell him that he would come by Costa's Mini Mart the following Monday to issue the violation order.

The Board discussed with Mr. Ghoury when the 7-day suspension period would take place. Mr. Ghoury and the Board agreed that the suspension would take place the last week of April.

**MOTION:** by Dr. Longo for the 7-Day Suspension of Tobacco and Nicotine Sales for Costa's Mini Mart 138 Belleville Rd. from April 22 to April 28, 2013. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES**

**At this point in the meeting Dr. Patricia Andrade was present.**

**6. Trio Liquors, 928 Belleville Ave., Tobacco and Nicotine Delivery Sales Permit 7-Day Suspension Order; Parimal Patel, owner; Nicholas Charest, Public Health Compliance Officer.**

Mr. Charest stated on December 28, 2012 a tobacco compliance check was conducted at **Trio Liquors, 928 Belleville Ave.** At that time, the clerk on duty sold a pack of Marlborough cigarettes to our underage

compliance youth officer. This was their second violation in a 24-month period; the last violation took place on July 26, 2011 and it involved a sale to a minor via a self-serve display.

Mr. Patel stated during the first violation, the lock was broken on the self-serve display and that they were trying to fix the locks at that time. During the second violation, the clerk who sold the cigarettes to a minor was subsequently fired because they have a strict compliance policy. Mr. Patel stated that he understands that selling cigarettes to a minor is a violation, and that if it happens again, he will receive a 30-day suspension.

**MOTION:** by Dr. Xifaras for the Sales Permit 7 Day Suspension for Trio Liquors 928 Belleville Ave. will begin on March 25 and end on March 31, 2013. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES**

**DEPARTMENTAL BRIEFING**

**DEPARTMENTAL ISSUES**

**CORRESPONDENCE**

**MOTION TO ADJOURN**

The next meeting of the Board of Health will be Monday, April 22, 2013, at 6:30 p.m.

**MOTION:** by Dr. Andrade to adjourn the meeting. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

Dr. Andrade adjourned the meeting at 6:55 p.m.

A true record attest:   
Director of Public Health

**BOH Meeting Minutes Approved 4 / 22 / 13**