



# **Board of Health**

April 22, 2013 – **Minutes**

Health Department conference room, 1213 Purchase Street

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

A public meeting of the Board of Health was held on April 22, 2013 in the Health Department conference room, 1213 Purchase Street, New Bedford.

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

Also Present: Dr. Brenda K. Weis, Director of Public Health

## **CALL TO ORDER**

**1. Dr. Xifaras called the meeting to order at 6:37 p.m. Dr. Xifaras called roll with herself Dr. Craig Longo and Dr. Weis as present. Dr. Xifaras called for a motion to accept and place on file the minutes of the regular meeting held on March 21, 2013.**

**MOTION:** by Dr. Longo to accept and place on file the minutes of the regular meeting held on March 21, 2013. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES.**

**Dr. Andrade arrived at this point in the meeting.**

## **ACTION**

**2. 858 Kempton St., Request for Hearing Re: Application for Tattoo Practitioner License; Brian Kenneth Chainay, 187 Winston St., New Bedford, Kenneth Tetrault, Owner, Flyin'Aces Tattoo; Mary Freire Kellogg, Sanitarian.**

Mary Freire Kellogg appeared before the Board and stated Mr. Chainay is here to apply for a practitioners permit. He had a permit in Wareham and he did do an apprenticeship with Kenneth Tetrault. He will be working in Mr. Tetrault's shop again. Mr. Tetrault signed an affidavit for the Board stating that he met all his requirements for a practitioner. Mr. Chainay has all his certificates and his hours which was a total of 100 procedures and 375 hours with supervision for 2 years.

**MOTION:** by Dr. Xifaras to grant the Tattoo Practitioner License to Brian Kenneth Chainay to work at Flyin' Aces Tattoo. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES.**

**3. Stop & Save Convenience, 518 Union St., Tobacco Sales Permit 30-Day Suspension Order; Ibrahim Badat, President; Nicholas Charest, Public Health Compliance Officer.**

Nicholas Charest appeared before the Board and stated on Tuesday, March 19, 2013 an inspection was done at Stop & Save Convenience in conjunction with one of our sanitarians Jeff Rogers. At that time Mr. Charest noted multiple violations in the store and ended up citing Stop & Save for self service display. Mr. Charest stated when he returned to the office he checked their history and noticed this was their fourth violation

in the last two years. On March 20, 2013 Mr. Charest went back and issued the violation and at that time he had a temporary barricade so that the public could not get to the tobacco products.

Mr. Badat asked the Board if he could just receive a probation period instead of a 30 day suspension and that whatever Mr. Charest asked them to do they would agree to take care of.

Dr. Andrade stated the policy that we have does not allow for probation periods. The purpose of giving warnings and fines before you get to the 3<sup>rd</sup> violation is technically your probation period. The Board discussed with Mr. Badat what would be the best time to start the 30 day suspension period.

**MOTION:** by Dr. Longo to suspend tobacco sales at Stop & Save Convenience 518 Union St. for 30 days starting April 24, 2013. **SECONDED:** Dr. Xifaras. All in favor. **MOTION CARRIES**

**4. Vote on Amended Body Art Regulation**

**Invitees:** Michael Antaya, Supervisory Inspector  
Mary Freire Kellogg, Sanitarian

Dr. Andrade called for a motion to accept the revisions of the Regulations governing Body Art.

**MOTION:** by Dr. Xifaras to accept the revisions of the Body Art Regulations as prepared. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES**

Dr. Andrade called for a motion to revise the permitting period for Body Art to begin July 1 to June 30<sup>th</sup> and that these body art regulations become effective July 1, 2013.

**MOTION:** by Dr. Longo for the amended Body Art Regulations become effective July 1, 2013 and to change the current period for Body Art from July 1, 2013 to June 30, 2014. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES**

**5. Discussion regarding the FDA National Retail Program Standards**

**Invitees:** Brenda K. Weis, Director of Public Health  
Michael Antaya, Supervisory Inspector  
Mary Freire Kellogg, Sanitarian

Dr. Weis stated Michael and she attended a few food safety training courses and we made some contacts with the FDA who encouraged us to go into this program. This does make us eligible to apply for small amounts of money.

Mr. Antaya stated that the goal is to try and get federal, state and local inspectors all on the same page. Right now everyone has all different levels of training, different levels of inspection skills and this is a way of getting everyone speaking the same language. There are nine Retail Program Standards; currently they have to go according to what MDPH is on board with because they are also enrolled in this program. Standard one is basically adopting the food code, currently Massachusetts does not need this standard because we are still operating under the federal 1999 food code and they are in the process of adopting the new food code. Standard two is making sure all the inspectors are properly trained. Currently Massachusetts is putting together a (PHIT) Public Health Inspectors Training Program which is five days of training which Dr. Weis, Sofia and Mr. Antaya have already attended held once a year. Standard three is building inspection program based on a more detailed program. Standard four is a uniform program basically the 3<sup>rd</sup> and 4<sup>th</sup> combined making sure everything is uniformed. Standard five is a food borne illness and food preparedness and response which Dr. Weis is in the process of applying for a grant working in conjunction with DPH. It is a process of how we can begin to track our food borne illness complaints and recall of foods when they come into the office. Standard six is

compliance and enforcement. Standard seven is currently what they are working on now. The FDA would like us to have some sort of community outreach with the business owners and the public. Mr. Antaya and Ms. Mary Freire Kellog thought of was requiring business owners to come in for a 2 hour seminar which would explain the standards and what we are looking for go forward.

Mr. Antaya stated each standard has to have a self assessment and also an audit which has to be done by a third party that is already standardized. Basically R.I. Dept of Health would come in and do an audit to see if we met the standard.

**6. Medical Marijuana**

**Invitees: Brenda K. Weis, Director of Public Health  
Nicholas Charest, Compliance Office**

Mr. Charest discussed Medical Marijuana with the Board. A few points that were discussed was that the Health Department is in discussion with City Council and City Solicitors/Mayors Office to develop a possible city wide ordinance to restrict zoning of dispensaries and possible BOH regulations to require application and permitting for cultivation for personal use and to enable inspection and fining for non-compliance.

Also that MDPH has published draft regulations for comment with intent to finalize before May 1<sup>st</sup>. The City would like access to the names of individuals who are qualified patients/personal caregivers with registration cards and with hardship cultivation licenses. This would help them keep track of where personal cultivation is occurring in the City. Other cities/towns have taken this approach to developing zoning ordinances/BOH regulations to provide additional requirements to the State regulations.

**DEPARTMENTAL BRIEFING**

**DEPARTMENTAL ISSUES**

**CORRESPONDENCE**

**MOTION TO ADJOURN**

The next meeting of the Board of Health will be Thursday, June 27, 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:

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Director of Public Health