



Board of Health

May 29, 2014 – 6:38 PM - **Minutes**
1213 Purchase Street., New Bedford, MA

A public meeting of the Board of Health was held on May 29, 2014 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 (Excused)

Also Present: Brenda Weis, Director of Public Health

CALL TO ORDER

1. Dr. Andrade called the meeting to order at 6:38 p.m. Dr. Andrade called roll with herself Dr. Athena Xifaras; Dr. Craig Long is excused. Dr. Andrade called for a motion to accept and place on file the minutes of the regular meeting held on November 14, 2013.

MOTION: by Dr. Xifaras to accept and place on file the minutes of the regular meeting held on November 14, 2013. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

ACTION

2. 500 Kings Hwy., Body Works, Request for Hearing Re: Variance for a no lifeguard for pool; Arnold Noel, Owner, 337 Union St., New Bedford, MA; Mary Freire Kellogg, Sanitarian, Henry Bousquet, City Councillor.

Brenda Weis spoke on behalf of Mary Freire Kellogg and stated that Mr. Arnold Noel owns the Body Works Health Club on Kings Highway which includes a pool. He has been operating under a temporary variance and was coming before the Board to ask for a full variance. He is here now asking for a full variance.

Mr. Noel appeared before the Board and stated he owns Body Works on Kings Highway. He was previously a tenant next door and subleased Escape to Fitness gym which has been in operation for the past 26 years. During that time, he has operated without a full-time lifeguard although made patrons aware of pool safety by conspicuously posting signage about swimming at your own risk and no lifeguard on duty, and has had a pool management company oversee operations. When he took over the gym in 2014, he was told by Mary Freire Kellogg, Sanitarian, to write a letter requesting a variance and appear before the Board.

Mr. Henry Bousquet spoke on behalf of Mr. Arnold Noel and his variance. He had received a few calls stating to him that the pool at this gym might be shut down. The people who phoned him stated that there have never been any problems with this pool and it was always well maintained and clean.

Dr. Andrade stated that variances do not transfer from one owner to the next, although she did not see any issues regarding the pool and its current operation.

MOTION: by Dr. Xifaras to accept the variance for no lifeguard at the pool at Body Works on 500 Kings Highway. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

3. 858 Kempton St., Request for Hearing Re: Request for Body Art Practitioner; Establishment: Flyin Aces Tattoo; Michael Guy, applicant, 17 Cardinal Ave., E. Wareham, MA; Mary Freire Kellog, Sanitarian, not present.

Brenda Weis explained that the regulations require that any individual requesting a body art license must appear before the Board for approval. Mr. Guy explained his background, training, and experience with body art to the Board. He was then informed that he would receive the license for body art practitioner in the mail.

MOTION: by Dr. Xifaras to accept the request for a license for a body art practitioner at Flyin Aces Tattoo on 858 Kempton St. for Michael Guy. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

4. 163 Frederick St., Apt. 2W, Request for Hearing Re: Minimum Housing Violation Order #29057; William & Louise Baptista, Owners, 295 Plain St., Taunton, MA; Katrina Pacheco, tenant not present; Ronald Leger, Housing Inspector.

Mr. William Baptista appeared before the Board and stated that he has a tenant who is in the process of being evicted, and is supposed to be out of the apartment by June 1, 2014. Mr. Baptista stated that he received a correction order with a list of violations that needed to be corrected and called the tenant to let her know he needed to have access to the apartment to fix the violations. He stated that the tenant did not want him in apartment without her being there. He stated that the violations were to repair the door jam, that there is only one smoke detector in apartment (although he stated he never rents an apartment without smoke detectors and the tenants take them out), and trash in yard which he says is her trash. He stated that one of the tenants puts out the garbage barrels for him each week. The tenant has requested to stay in the apartment until June 7th due to the fact that her other apartment is not ready yet. Mr. Baptista stated he has no problem addressing the violations.

Dr. Xifaras asked Mr. Baptista how long it would take before all violations are corrected. Mr. Baptista stated that it would not take very long, probably a week or two.

Dr. Andrade stated that they will ask Mr. Ron Leger, Sanitarian, to send her an official letter saying that the tenant must allow the landlord to repair the violations. The violations will need to be corrected by June 30, 2014 and apartment cannot be rented until all violations are corrected. Another formal inspection will be done when violations are repaired.

MOTION: by Dr. Xifaras that Mr. Leger will send a letter to the tenant to allow access to the unit at 163 Frederick St., Apt. 2W to have the violations corrected. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

MOTION: by Dr. Xifaras that the apartment will not be rented until all the violations have been corrected and reinspected and will have until June 30, 2014 or sooner. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

5. 30 Ashland Place, Apt. 2, Request for Hearing Re: Minimum Housing Violation Order #29052; Alfred Gentilli, Owner, 376 Summer St., New Bedford, Maria Pereira, Tenant; Ronald Leger, Housing Inspector.

The lawyer for Mr. Gentilli stated the complainant is not a tenant and ask that this be dismissed. In August of 2010, Mr. Gentilli rented an apartment to Mr. Andrade and his son. By about January 2014, Ms.

Maria Pereira moved in with them and destroyed the apartment. She is not a tenant and Mr. Gentili never accepted her as a tenant. Mr. Gentili filed in court to get an eviction and it was issued, and the woman has to be out by June 30, 2014.

The lawyer stated that the landlord has no problem fixing any violations and can produce the rental agreement if needed.

MOTION: by Dr. Xifaras that all violations will be corrected and the apartment will not be rented until re-inspected at 30 Ashland Place, Apt.2. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

6. Personal Cultivation of Medical Marijuana.

Dr. Andrade stated the state has not yet determined how they plan to enforce personal cultivation so we should wait and see where the state goes on this topic before we try to craft policy that may in the end contradict it.

DEPARTMENTAL BRIEFING

Brenda Weis gave an overview of the recent Prevention and Wellness Trust grant that the Massachusetts Department of Public Health issued the Health Dept. She also gave an update of the school-based dental program and plans for next year.

DEPARTMENTAL ISSUES

CORRESPONDENCE

MOTION TO ADJOURN

The next meeting of the Board of Health will be determined after Board members' schedules are checked.

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

Dr. Andrade adjourned the meeting at 8 p.m.



A true record attest:

Director of Public Health