



## **BOH MEETING MINUTES 12-06-2021**

Council Committee Room, 140 Main Street  
Joseph Tennyson, MD, Chair  
Jim Griffin, Vice-Chair  
Phillip Short, Member – Member (absent)

Also in attendance: Director John Garside and Clerk Tina Nolin

### **Meeting called to order 6:30 pm**

#### **Reading and Approval of Minutes**

- Minutes for November 8, 2021 meeting: Vice-Chair Griffin motioned to approve and place the minutes on file. Chairman Tennyson seconded the motion; the Board vote was 2-0 to approve the motion to accept the minutes.

#### **New Business**

- **Discussion & Update of Novel Coronavirus (COVID-19)**

Director Garside updated the Board on the recent activities of the Health Department regarding COVID-19.

##### **COVID-19 Cases**

The number of active cases in the City is currently 127, we have 262.2 cases per 100K over seven days, and the average daily number of cases over the past seven days is 16.3 per day. The average number of active cases per day over the past seven days is 103.9, and the positivity rate over the past two weeks is 4.54%. We are below the State on past 14-day incidence of cases per 100K, are in line with the county (Middlesex), and are in the middle compared to our surrounding and similarly sized communities.

In the Marlborough Public Schools system-wide, there are 26 positive cases. Specifically, in the high school, there are 5 cases. Among the elementary schools, Kane has 2 cases, Goodnow has 3 cases, Whitcomb has 4 cases, Richer has 5 cases, and Jaworek has 7 cases. In addition, AMSA currently has one positive case, and Assabet Valley has four positive cases.

##### **Vaccine Update**

We currently have 80% in the City with at least one dose, which is up 3% from our last meeting. We have 70% of the eligible city population fully vaccinated, up 1% from our November meeting. Among the 5 to 11-year-olds, 19% have had at least one dose, and because this vaccination program has just started, only 1% have received their second dose.

Since the November meeting, the department has had two COVID-19 Booster Clinics at the COA. We also held booster clinics for the Senior Housing Developments 240 Main St and 319 Bolton St. and at Academy Knoll at 22 Broad Street. In addition, we have scheduled three upcoming clinics at Jericho Hill Lodge so far. Two of them are in December on the 18<sup>th</sup> and 22<sup>nd</sup> and one after the new year. We have also provided support at two pediatric clinics run by Bouvier Pharmacy at the schools, and we have two more such clinics scheduled before Christmas (one on the 11<sup>th</sup> and the second on the 22<sup>nd</sup>).

## **Director's Update**

### **Tobacco Control Update**

Director updated the Board that AAA Vape has had their second offense in less than three months. Olivia Dufour, Metrowest Tobacco Control Manager for the Region 4 district, was present to offer a first-hand account of what's been going on. Ms. Dufour then explained the background leading to their first offense and the subsequent recent violation. On September 16, 2021, a DOR inspection found untaxed tobacco products were being sold at AAA Vape. Much of the products were vape products, which led to a suspension of their tax license to sell them. Having heard about this, Ms. Dufour informed Director Garside, who sent one of the city's inspectors down to the shop, and he found flavored products that the DOR had not seized were being sold. Although this led to their initial fine of \$1000, no suspension of the license was made because it was their first offense.

The DOR notified Ms. Dufour that they would be suspending their vape license for 30 days from November 8<sup>th</sup> to December 8<sup>th</sup>. While not necessary, as it was not a Tobacco Control ordered suspension, Olivia's team will often check on an establishment that has received a DOR suspension to ensure they are complying and that everything is in order. Ms. Dufour herself did her check on December 1<sup>st</sup>. When she entered the establishment, the clerk was in the process of selling a flavored disposable vape product to a customer – she heard the clerk say, “this one is strawberry-banana flavored.” She spoke with the owner, and she told him she wanted to look around the store and, in the process, found a box of almost 400 flavored disposable vape products. So she instructed him to remove the items from the store. She explained that because this was his second offense, he would be receiving a fine and a suspension of his license from the Board of Health. Marlborough's local tobacco regulation requires a set 7-day suspension for a second offense.

Director Garside reported that the cease and desist order has been drawn up and is presented in their packets. The order includes a suspension of their local Retail License Permit from December 16, 2021, thru December 22, 2021. The start date allows for the appeal hearing if they request it.

The board agreed that this violation was egregious and, on purpose, not the mistake of a clerk, and therefore they are not inclined to be lenient in this case.

Chairman Tennyson motioned that the cease and desist order be issued with the full 7-day suspension; Vice-Chair Griffin seconded the motion, the Board vote was 2-0 to approve the motion.

Director Garside updated the Board that Direct Gas has paid the fine related to their selling to underaged customers violation that the Board was made aware of at the November meeting.

### **Sewer Variance – 136 Sudbury Street**

Based on the timing of real estate closing, the Director requested a granting of approval at the staff level of the typical straightforward variance requests to the sewer bylaw. In such cases, the

connection cannot be made in a timely fashion before the closing due to money or other personal things going on, and thus a request for relief from the bylaw (city code section 510-2 use of public sewers) is made.

These would be processed in conjunction with city engineering, whereby engineering would review and sign off on, and I would count on them to tell me yes, this submission makes sense given the connection costs and what have you.

Required documents for such requests are:

- 1) A quote from a sewer installer licensed to work in Marlborough
- 2) Draft of closing documents that show the escrow amount set aside for connection
- 3) Proof of recoding with the registry of disease

The variance would expire after six months.

Director Garside explained that, although not codified, this format would not change for the most part. However, given this is just starting and we have our first one, we may find some adjustments need to be made. The board agreed that as long as we have some written guidelines that we follow for everyone and that it is as friendly as feasible for people honestly doing the best they can, they agree with allowing these requests to be approved at the staff level. Additionally, the Board requested that they be updated on any such variance requests when they have completed the process. Director Garside agreed.

### **Subdivision Site Plan & Special Permit Reviews**

The Director presented updates to the plan for the Definitive Subdivision at 342 Sudbury Street that had been discussed during the November 8, 2021 meeting. At that meeting, the Board motioned to table any action on the plan until signoff on revisions requested by the various other city departments. Priscilla Ryder, the conservation officer, reviewed comments and concerns regarding the riverfront area and wetlands and determined that the property area is outside of such area. In addition, the city engineer, Tom Dipersio, has gone through the plan with the design engineer, and all of his concerns have been addressed.

Chairman Tennyson motioned that the Board of Health has no objections to the plan approved by the Planning Board for this subdivision. Vice-Chair Griffin seconded, and the vote was 2-0 in favor of the motion.

### **Unknown Business at Time of Posting**

The Board agreed to a reorganization with Jim Griffin becoming Chair, starting in January 2022, and Dr. Tennyson moving to Vice-Chair.


### **Scheduling of Next Meeting**

The board's next meeting will be on Monday, January 10<sup>th</sup> at 6:30 pm. Attendance will be in person at City Hall in the Council Committee Room.

**ADJOURN**

Vice-chair Griffin motioned to adjourn the meeting at 7:17 pm; Chairman Tennyson seconded the motion; the roll call vote was 2-0 in favor to adjourn.

Respectfully submitted,

  
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Dr. Joseph Tennyson

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January 10, 2022

Dated

Cc: Board of Health Members  
City Council, City Clerk, and City of Marlborough Website