



BOH MEETING MINUTES 02-13-2023

Council Committee Room, 140 Main Street
Jim Griffin, Chair
Joseph Tennyson, MD, Vice-Chair

Also in attendance: Director John Garside and Clerk Tina Nolin

Meeting called to order at 6:30 pm.

Reading and Approval of Minutes

- Minutes for January 9, 2023, meeting: Vice-Chair Tennyson motioned to approve and place the minutes on file. Chairman Griffin seconded the motion; the Board vote was 2-0 to approve the motion to accept the minutes.

New Business

- Capital Liquors, 500A Boston Post Road East - Hearing to determine the appropriate length of tobacco permit suspension due to the sale of tobacco products to a person under the legal minimum sales age.

Director Garside introduced Marissa Morello, the Tobacco Control Inspector for the Metro West Tobacco Control District, of which Marlborough is part of. Marissa was the adult onsite during the compliance check at Capital Liquors, 500A Boston Post Rd, East. Ms. Morello conducted a compliance check at Capital Liquors with an underaged buyer on, February 7, 2023, at which Capital Liquors “sold tobacco to a person under the Minimum Legal Age.”

Director Garside asked to read into the record a statement sent by Demetrios Kambosos, owner of Capital Liquors, who sold the product to an underage buyer. Mr. Kambosos had sent the statement as he was unsure he would be able to attend the meeting, due to a family issue.

“My name is Demetrios Kambosos. I'm the owner of Capital Liquors. First, I want to apologize for not being able to attend this meeting in person. Second, I want to acknowledge that our February 7th I was working and did sell a pack of cigarettes to a minor. We do take this seriously and unfortunately, I did not practice what I preach to my employees.

I've been selling tobacco products in the city of Marlborough since 1996, This is the first violation since 1999 with the Board of Health.

I hope you use that when considering my violation.

Sincerely, Dimetrios Kambosos”

At this time (6:33 pm) Mr. Kambosos arrived in person at the meeting.

The Director continued that the violation of selling to a minor comes with a state-mandated fine and suspension. The fine, for a first offense, is mandated by the state at \$1,000. The suspension, however, is determined by the local permitting authority and can be from one day up to 30 days, and that is what we are to decide tonight.

Director Garside stated, given this is a first offense, and because the local regulation sets a suspension of up to 7 consecutive business days for a second violation and up to 30 days for a 3rd violation, he suggested something on the lower end of 1-7 days. In addition, the cease and desist order issued specifically states there will be a minimum 1-day suspension with a maximum of 30 days.

Vice-chair Tennyson motioned to approve the issuance of the \$1000 fine as mandated by the state and a 1-day suspension of their tobacco sales permit. Chairman Griffin seconded the motion. The motion passed with a 2-0 vote.

It was explained to Mr. Kambosos that he would receive a letter reiterating the fine amount and indicating the suspension date, most likely to be this Thursday, February 16th. In addition, while the suspension is in effect all tobacco products will need to be covered (not removed from the store) and signage placed at the front door and point of service stating, “Capital Liquors is not selling tobacco today.”

Director’s Update

- Director Garside explained that the Health Department had received a complaint from a City Councilor, who had received a complaint from a constituent that allegedly a 15-year-old had purchased a tobacco product from 530 Boston Post Rd E, Marcorius Inc., owned and managed by Reham Taha.

Director Garside then reached out to Ms. Morello, from MetroWest Tobacco Control, to do a compliance check at the location, which she did. They did not sell to the underage buyer.

Director Garside then reported that immediately after Ms. Morello and her team completed their compliance check at Marcorius Inc, he and Assistant Sanitarian Nicholas Corcoran, did an inspection themselves and found flavored products in the store. This is the same location as the former AAA Vape & Smoke Shop, which the Board had trouble with in terms of flavored products and eventually revoked the tobacco license.

This is Ms. Taha’s first offense for flavored products, which has a mandatory \$1,000 fine, that has been issued, but no suspension in accordance with the regulations. BOH Staff and Tobacco Control will continue to monitor and inspect over the next couple of weeks and months to determine their ongoing compliance status.

Director Garside explained that the department has been trying to educate Reham as to the regulations and told Reham to call the office and ask questions. Director Garside continued, stating she seems to want to do the right thing, but nevertheless, the illegal product was there.

- Director Garside updated the Board on the department's continued efforts working with OpenGov to develop and implement the Health Department applications/forms onto the online platform. Each week three to four more are completed and ready for beta testing.
- Director Garside reported that the third board member, Richard Tomanek has made it through the personnel committee and should be before the City Council for a final vote at the end of the month. So by next month's meeting, we should have a new member.

Subdivision, Site Plan & Special Permit

Director Garside reported to the Board on the Definitive Subdivision Plan for 689 Pleasant St. This will be a 7-lot subdivision, including the one existing house that is currently on the property. The project has received a special permit from the Planning Board. City water and sewer have been proposed. The question the Director had for the city engineer is that they proposed grinder pumps and a low-pressure force main similar to what folks at Red Spring Rd are installing. Director Garside admitted that while the grinder pump is a proven alternative at this point, in lieu of a more traditional gravity system, he wasn't sure why they were going that route. Specifically, it appears that 5 of the 6 homes could reach the existing sewer system by way of a gravity sewer connection.

Chair Griffin, motioned that he had no objections to the approval of the Definitive Subdivision Plan for 689 Pleasant St. upon the City Engineer's review of the drainage and sewer designs. Vice-chair Tennyson seconded the motion. The motion passed with a 2-0 vote.

Scheduling of the Next Meeting

The board's next regular monthly meeting will be on Monday, March 13th, at 6:30 pm.

ADJOURN

Chairman Griffin motioned to adjourn the meeting at 7:05 pm; Vice-Chairman Tennyson seconded the motion; the vote was 2-0 in favor to adjourn.

Respectfully submitted,


James H. Griffin

3/13/2023
Dated