



## BOH MEETING MINUTES 03-13-2023

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

Also in attendance: Director, John Garside and Clerk, Tina Nolin

**Meeting was called to order at 6:30 pm.**

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

- Minutes for February 13, 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. Member Tomanek was not at the February meeting and therefore abstained from voting.

### **New Business**

- **Introduction of New Member Richard Tomanek**

Chairman Griffin introduced the new board member, Richard Tomanek. Member Tomanek thanked the Board and then stated that he has lived, worked, and played in Marlborough for 27 years, including many years as General Manager at the Embassy Suites, and that he is looking forward to working with the Board.

### **Director's Update**

Director Garside updated the Board on the following current events.

- City Council formally adopted changes to the schedule of non-criminal fines as outlined in City Ordinance Chapter 315-2.
- Outstanding housing Orders at 66 Second Road (exterior violations that have been substantially abated) and 36 Fontaine Street (condemnation). Director Garside mentioned that work is currently being done at 36 Fontaine Street and the owners have a goal of returning home when complete. Chair Griffin asked if the City has a social worker to help with these types of cases. Garside indicated that the City has outreach and human service workers, but that the social work component is always challenging, particularly since coming out of the COVID-19 pandemic.
- The state's recently issued *Model Private Well Regulations*. Director Garside stated that these regulations are much more comprehensive than the ones currently adopted, which were adopted in 1987. He added, however, that the current regulations have not been a burden to work with and that historically the department issues only a couple of drinking water well permits per year, as well as a half-dozen irrigation well permits.
- Red Spring Road's sewer force main has been installed. The grinder pumps and the connections to the homes should start shortly.
- Further development of the OpenGov permitting software continues.

- The department's Substance Use Prevention and Intervention Specialist position has been filled and the person's start date is anticipated in early April.
- Several of the City's vacated restaurants are in the process of new ownership. Specifically, the Wildwood Restaurant is becoming Pao Brazil; Halfway Café is becoming Don Patron Mexican Grill & Cantina; and Fish is becoming Wemmy's Kitchen & Lounge.

**Subdivision, Site Plan & Special Permit** No subdivisions, site plans, or special permits reviewed.

**Unknown Business at the Time of Posting**

- Tobacco Control Update

MetroWest Tobacco Control personnel were in the City on Saturday, March 11, 2023, conducting underage compliance checks at some tobacco retailers. Six (6) out of the 17 establishments visited sold tobacco products to an underage customer. This was the first "Sale to Minors" violation for the following establishments: Plaza Liquors, Marlboro Market, Gulf Express, The Little Store, and Good Times Smoke Shop. It was the second "Sale to Minors" violation for Discount Gas.

Also on Saturday (March 11, 2023), compliance checks at Marcorius Inc. and Capital Liquors showed no violations, unlike their previous recent inspections.

After discussing the existing penalties for violations set forth in the local and state tobacco regulations, Member Tennyson motioned that in these most recent instances, and as a general rule, the 1<sup>st</sup> violation of selling tobacco to a minor will result in a 1-day permit suspension; 2<sup>nd</sup> violation of any type will result in a 7-day permit suspension; and 3<sup>rd</sup> violations of any type will result in a 30-day permit suspension. The motion was seconded by Chair Griffin, the motion passed 3-0.

Director Garside will send Orders assessing fines (\$1,000 for 1<sup>st</sup> offenses, and \$2,000 for 2<sup>nd</sup> offenses) in accordance with the state regulations and suspensions in accordance with local regulations and the Board's actions this evening.

Member Tennyson then reiterated that the local tobacco regulations are inconsistent with the state regulations and motioned to review and discuss the local tobacco regulations at a future Board of Health meeting, with the goal of more closely aligning them. Chair Griffin seconded the motion which passed with a 3-0 vote.

**Scheduling of the Next Meeting**

The Board's next regular monthly meeting will be on Monday, April 3<sup>rd</sup> at 6:30 pm.

**ADJOURN**

Chairman Griffin motioned to adjourn the meeting at 7:12 pm; member Tomanek seconded the motion; the vote was 3-0 in favor to adjourn.

Respectfully submitted,

  
James H. Griffin

4/3/2023  
Dated