

Telephone: 508-764-5412
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Inspection Services
41 Elm Street

TOWN OF SOUTHBRIDGE
September 14, 2023 BOH Meeting 6:00pm
Veteran's Room

6:15pm Public Hearing: Request Tobacco Hearing M&S Smoke Shop LLC 14 Hamilton St

Agenda #1- Open Meeting- 6:02pm

Agenda #2- Roll Call

D. Grabowski
G. Steeves
J. Quinones
N. Dadalt- excused
K. Splaine

Agenda #3- Accept Meeting Minutes-

- a. August 10, 2023- Motion made by member Splaine; 2nd by Steeves;
Roll Call
G. Steeves-yes
N. Dadalt-excused
J. Quinones-yes
D. Grabowski- yes
K. Splaine- yes

Motion passes 4-1 (excused Dadalt). Meeting minutes accepted.

Agenda #6-Citizens Forum- Present is Dr. Sarai Rivera, Director of Program Development for RMG in partnership with Yesenia Arroyo and Carla DelaCruz-Davila from WellStorm, Inc. Ms. Rivera proposes to the Board a change of use at the RMG to provide a homeless shelter specifically for the elderly (55 and over) and Veterans. Ms. Rivera states RMG has a partnership with Harrington Hospital and explains there has been an increase of homelessness in Town. With the Town unable to assist in many cases had to send them into Worcester. The idea is for 12 persons in 4 increments avoiding community impact. Other than providing shelter RMG is fully handicapped accessible, equipped with security 24/7, case management, medical experts, showers, food, cots etc. RMG would connect with Central Mass Housing Alliance and South County Collaborative for their assistance.

Ms. Rivera continues with regards providing homelessness assistance, explains she brings the change of use request before the Board as instructed.

Board members are thankful for the proposal however, this change of use would need Planning Board's approval. Suggests speaking with Peg from Economic and Development.

Mr. Rivera appreciates the Boards time and attention on the matter. She will speak with the Economic and Development office.

Chair Grabowski announces the 6:15pm Public Hearing; Request Tobacco Hearing M&S Smoke Shop, LLC 14 Hamilton St opened at 6:23pm.

Director Wasiuk announces the Joan Hamlett, Director from Leominster Tobacco Control Alliance will not be in attendance this evening.

RECEIVED
OWN CLERK
2023 SEP 28 PM 7:08
TOWN OF SOUTHBRIDGE
100 SOUTH BRIDGE ST
SOUTHBRIDGE, MA 01550

Present before the Board are Sal S. Normorth and Memen Alomarnji representing, M&S Smoke Shop. Chair Grabowski reads both violations dated July 13, 2023 (see attached).

Rm. Normorth explains the inspector came into the store looked around and requested the removal of flavored tobacco but doesn't understand some towns have the same items for sale and he pays taxes also some of them do not state any flavor that's where the confusion comes in. He states he now has manufacturer letters.

Member Splaine examines the Retailer Flavored Product Survey completed by Leominster Alliance which indicates some flavored tobacco were determined to be a fine and some were determined to be a warning. Questioning what is the difference. Illegal is illegal and should be fined not a warning.

Chair Grabowski states some of them have different products in them and not everything is made the same. Chair describes a photo taken by the Alliance as excessive illegal merchandise (more than one or two).

Mr. Alomarnji states if we're going to pay, we will be happy to pay the fine.

Member Splaine also states there are discrepancies with dates. Explaining: An inspection completed on June 29th resulted in a violation; letter dated July 13th (this being 14 days after the fact) not including the days counted for mailing. The bottom of the letter indicates requesting an appeal roughly by August 1st however, the letter states the suspension dates from July 31st through August 6th. This does not allow sufficient time for an appeal. Then there's an appeal letter dated August 10th (over the 7 days), with the Town replying to this appeal until Sept. 6th. Again, as previously stated at the last tobacco appeal, these dates do not add up and is unacceptable.

Member Splaine makes a motion to find them (M&S Smoke Shop) not responsible because the paperwork is wrong again.

Member Steeves reviews the list and documents (including photos) provided by Leominster Alliance stating items clearly labeled as cannabis, THC and CBD (some marijuana products) and suggest a representative from the Leominster Alliance Control attend for clarification purpose.

Director Wasiuk cannot offer any clarification as he did not participate in the inspection or the enforcement. This was all the Tobacco Control Alliance.

Consensus of the Board to postpone.

Member Steeves makes the motion to postpone the public hearing for two weeks (September 28th), inviting Leominster Alliance; 2nd by member Quinones;

Roll Call

J. Quinones -yes

G. Steeves -yes

K. Splaine – no

D. Grabowski- yes

Motion passes 3-1 no (Splaine).

Public hearing closed at 6:48pm

Agenda #5- Discuss increase in immigrants with Karen Salides, Area Administrator for Catholic Charities. Ms. Salides explains the influx in Sturbridge of migrant families. The program has been receiving calls and walk-ins from people requesting services as well as translating assistance. The migrants need everything from clothing to diapers, winter gear, housing etc. and although we receive funds from United Way and FEMA we have report these funds accordingly and appropriately.

Member Quinones explains as the Executive Director of the Kiva Center, she as well has experienced an influx of migrants. Unfortunately, no one knows what to do and who to get in touch with. They were just dumped.

Ms. Salides continues expressing her overall concern is to serve our community first and then assist outside communities as best as they can.

Member Steeves questions what Town owned properties are in decent condition to assist temporarily with the migrant's issue?

Director Wasiuk explains the conditions of the Town owned properties would need to be further evaluated as some have deteriorated in time.

Agenda #6- Discuss Board of Health's Priorities for FY 2025- Member Steeves requested individual priorities from each Board member. Member Steeves would like to meet with Planning and Conservation to promote local food supplies, small-sale local agriculture to promote ways to feed ourselves. Members Quinones and Grabowski agree the demand for food is there and perhaps the board can expand the already existing food pantries.

Agenda #7-Old Business-

a. Update of 631 Charlton St -Tree concern; Member Steeves states a site visit resulted in no reach issue as the water was flowing through.

Member Splaine requests update on 20 Brick Row and Cross St properties. Director Wasiuk responds the bids are coming in for both.

Member Steeves questions the status on the Mill St property. Director Wasiuk indicated that it will be fenced accordingly however, not sure if the Town will buy the fence or rent it. That's still up for debate.

b. Update on request for alternative disposal of textiles- Director Wasiuk provides information to board member (see attached)

Agenda #8- Chairman Announcement- None

Agenda #9- Health Director's Announcement- Director Wasiuk shares COVID stats with the Board (see attached) and reports on Friday, Sept 1st a positive EEE was detected as well as Webster, Douglas, Dudley, Sturbridge and Uxbridge. Additional mosquito sampling/surveillance was completed on 9/11 also resulted positive for EEE.

Member Splaine states the Reverse 9-1-1 notification is underutilized. Suggest any public health nuisance would be useful to get the word out utilizing this system.

Agenda #10- Board Members Announcements-

a. Member Splaine provides a list of additional blighted properties he believes may be added to the blight list. Suggests members and Director observe these properties for some input.

Member Splaine expresses the homelessness issue in town is more severe than what people think.

Numerous campouts in town whom will eventually seek shelter within blighted/abandoned properties.

Interested in getting the council, dept heads and manager together to continue with site visits.

Director Wasiuk suggests anyone who has complaints should complete a complaint form located on the Town's website.

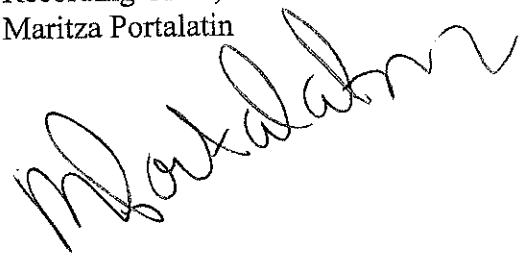
- Agenda #12- Adjournment- Motion to adjourn made by member K. Splaine; 2nd by member G. Steeves;
- Roll Call
- J. Quinones-yes
- G. Steeves-yes
- K. Splaine-yes
- D. Grabowski-yes
- N. Dadalt- excused

Motion passes 4-1 excused (Dadalt).

Meeting adjourned at 7:34pm.

NOTE: This meeting is available on YouTube (Southbridge Community Television)

Recording Clerk,
Maritza Portalatin





BOARDS OF HEALTH TOBACCO CONTROL ALLIANCE

25 West Street, Suite 11
Leominster, MA 01453
Tel: 978-962-3561
Fax: 978-534-8416

193 Main Street
Athol, MA 01331
Tel: 978-249-4690
Fax: 978-249-6758

City of Southbridge
Board of Health
CORRECTION/CEASE AND DESIST ORDER



This CORRECTION/CEASE AND DESIST ORDER is issued to:

M&S Smoke Shop LLC
Selena Said
14 Hamilton Street
Southbridge, MA 01550

July 13, 2023

Please be advised that on **6/29/2023**, an inspection was conducted on behalf of the **Southbridge Health Department/Tobacco Control Program**.

M&S Smoke shop LLC, (Said Selena) violated the state law entitled "An Act to Modernize Tobacco Control" and 105 CMR 665.000 by [check all that apply]:

- Selling a tobacco product to a person under the Minimum Legal Sales Age;
- Selling a flavored tobacco product or tobacco product flavored enhancer product;
- Offering for sale a flavored tobacco product or tobacco product flavor enhancer;
- Failure of a non-age restricted retail establishment to maintain a record of the documentation submitted by the manufacturer or manufacturer's agent certifying that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Failure to maintain a record of the documentation submitted by the manufacturer or a manufacturer's agent certifying that such tobacco product does not meet the definition of a flavored tobacco product or tobacco product flavor enhancer and that the product lacks any characterizing flavor.
- Other, see the below additional violations, with any necessary additional pages attached:

Additional Violations: None

Previous Violations: 6/25/2023 Selling a tobacco product to a person under the Minimum Legal Sales Age.

You are hereby ordered to cease and desist from violating An Act to Modernize Tobacco Control and 105 CMR 665.000.

leominsterbohtca@hotmail.com
www.makesmokinghistory.org

In addition, the following fines and actions apply against **M&S Smoke shop LLC**, (Selena Said), for violations of 105 CMR 665.000:

First violation: a fine of One Thousand (\$1,000.00) Dollars; additionally, if the violation is the sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended for Three (3) business days pursuant to 105 CMR 040(d). A separate suspension order will be attached when applicable.

Second violation within a 36-month period from the first violation: a fine of Two Thousand (\$2,000.00) Dollars and a permit suspension for seven (7) consecutive business days as required by state law or for a longer term as promulgated in a local regulation; A separate suspension order is attached.

Third violation within a 36-month period from the first violation or additional violations during that time-period: a fine of Five Thousand (\$5,000.00) Dollars and a permit suspension of thirty (days) as required by state law or for a longer term as promulgated in a local regulation. A separate suspension order will be attached when applicable.

You are hereby ordered to pay the amount of \$2000.00 by check or money order made payable to the **City of Southbridge** within twenty-one (21) days of receipt of this order to the address below:

Southbridge City Clerk's Office
Southbridge City Hall
41 Elm St.
Southbridge, MA 01550

Consistent with 105 CMR 665.000, you may request a hearing before the Southbridge Board of Health regarding the above-described violation[s] if you wish to contest any part of this order and any attached suspension order, at which time the Board of Health shall hear facts relative to this matter. This request must be made by you, in writing, and filed with the Southbridge Board of Health, 41 Elm St., Southbridge, MA 01550 within seven (7) days after the date this Order was served or received. Any affected party has a right to appear at said hearing.

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:



Mary Jo Ann Brighenti, Southbridge Tobacco Control Agent

