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Inspection Services
41 Elm Street

TOWN OF SOUTHBRIDGE
September 28, 2023 BOH Meeting 6:00pm
Veteran's Room

Continue Public Hearing: Request Tobacco Hearing M&S Smoke Shop LLC 14 Hamilton St
@ 6:10pm

RECEIVED
OWNERS REPRESENTATIVE
2023 OCT 19 PM 8:10
TOWN OF SOUTHBRIDGE
INSPECTION SERVICES

Agenda #1- Open Meeting- 6:00pm

Agenda #2- Roll Call

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

Agenda #3- Accept Minutes

a. September 14, 2023- Motion to accept the meeting minutes made by G. Steeves; 2nd by K. Splaine;

- Roll Call
- K. Splaine-yes
- N. Dadalt-excused
- J. Quinones-yes
- G. Steeves-yes
- D. Grabwoski- yes

Motion passes 4-1 excused (Dadalt)

Agenda #4 -Citizens Forum- None

Chair Grabowski opens the Continued Request Tobacco Hearing M&S Smoke Shop LLC 14 Hamilton St @ 6:10pm;

Chair questions was the sale of tobacco the first or the second violation issued to M&S Smoke Shop because it was in the same category as selling to a minor. This was the confusing part of the violation.

Joan Hamlett and Jody Brighenti present from the Leominster Tobacco Control Alliance. Ms. Joan explains they're two different violations because they are State violations. Any one violation or a combined violation is identified as 1st, 2nd or 3rd offense as directed by the State. The State also allows agents to "stack" fines however, during a BOH meeting back in 2022 the Board at the time voted NOT to stack the fines.

Member Splaine shares concerns regarding dates starting with the visit, issuance of the letter to the request for hearing and the scheduled hearing. In addition, concerned with no follow up inspection/visit to the establishment. Expressed errors were made by the Board of Health throughout this timeline.

NOTE: Owner of M&S Smoke Shop Sal S. Normorth and Memen Alomarnji arrive at approximately 6:11pm.

In response, Ms. Joan explains any retailer has the right to request an appeal at any time. M&S made their request verbally, the office notified the Coalition via email. This suspension was lifted until the appeal is heard. The law allows Board's of Health to extend the 7 days. This is all within protocols and procedures that are allowed by the State. There was no era presented.

Local and federal AND DOR law allows 90 days to issue notifications of violations to establishments. Again, there was no administrative era.

Ms. Joan continues to explain education visits, compliance checks, legal process and procedures to the Board. The Coalition is not in the business of issuing violations but assist coming into compliance with the education aspect of agent's roles.

Brief discussion:

Member Splaine motions to make M&S held not responsible for the error on the Towns behalf (phone call is hearsay and the letter (appeal) should have been submitted within the 7 days).

Ms. Joan understand the concern however, in her experience going before the Courts since 1994, the Courts would be more likely to find the Board irresponsible for NOT allowing the verbal request. Ms. Joan reiterates there were no procedural errors in the way the request was known.

Member Quinones 2nd's the motion above;

Roll Call

G. Steeves- no

K. Splaine- yes

D. Grabowski- no

J. Quinones- yes

Motion fails 2 for 2.

Motion made by G. Steeves to fine M&S \$2,000 and suspended for 7 days; 2nd by D. Grabowski;

Roll Call

J. Quinones- no

K. Splaine- no

D. Grabowski- yes

G. Steeves- yes

Motion fails 2 for 2.

For clarification purposes, Ms. Joan informs the Board the State may make contact because a not responsible is deemed that the products were not present in the store at the time of the violation (s).

Public Hearing closed at 6:50pm

Agenda #5- Schedule Next Meeting- October 19, 2023 @ 6:00pm

Agenda #6- Adjournment- motion to adjourn made by Member Splaine; 2nd by Grabowski;

Roll Call

D. Grabowski- yes

J. Quinones- yes

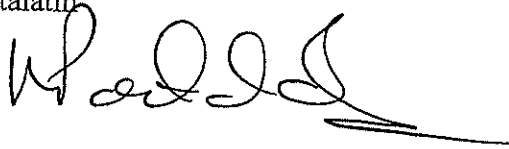
K. Splaine- yes

G. Steeves- yes

Meeting adjourned at 7:00pm

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

Recording Clerk,
Maritza Portalatin

A handwritten signature in black ink, appearing to read 'Maritza Portalatin', with a long horizontal flourish extending to the right.