

Board of Health Meeting Minutes July 27, 2022

CN
JL

- 1.1 Meeting opened at 6:02pm. Roll Call Chris Nocella (CN) and James Le'Cuyer (JL) present. Gavin Byars is absent as well as Rick Metcalf
- 1.2 Additions/Deletions: 1.4 through 1.8 has no updates.
- 1.3 Honeyland Farms Appeal of 2nd Tobacco Violation: Joan Hamlett appeared before the Board to explain her role as the Director of the Leominster. She explained the Board continued the hearing as the applicant has requested a payment plan. Typical payment plans are for 21 days. Town of Berlin has been the only town at this time in the alliance to provide a payment plan. They have four or five stores and Townsend has a few more. She reminded them to be mindful of a precedent. The State has increased fines and education so no minors will have access to tobacco products. The new State database is valid for three (3) years and is up and running. The applicant requests a payment plan of \$100/month. Joan doesn't support this. She reminds the applicant the next fine will be \$5,000.00. The DOR will flag another violation a severe offense in Massachusetts. He asks what would happen if he did not pay the fine to which Joan stated they would remove his tobacco products and he would have to get a lawyer to be able to retrieve them and be able to legally sell them again. He asks where he is supposed to put the products for 7 days as the violation says, "out of view". Joan responds any where that is not on the property and that is a typographical error made for the 1st violation not the 2nd. They discuss the timing of the suspension which is mandatory for sale of minor and typically 3-, 7- and 30-day suspensions. State law is no less than 7 days with a 2nd offense. The suspension would start the following week after the decision is made and it must contain a full weekend in the 7 days. **A MOTION was made by JL and 2nd by CN to rule the fine must be paid in 14 days and tobacco removed for 7 days 8/22 – 8/28 resume sales on 8/29/22. Voting 2/0 MOTION carries.** The applicant asked again where to take the products. Joan cannot answer that just that it has to be taken off the property you should consult your distributor or an attorney. Final reminder not to sell those products anywhere when you decide where to store them.
- 1.4 – 1.8 Continued
- 1.5 Invoices were approved as submitted.
- 1.6 Minutes of June were approved as submitted.
- 1.7 Recycling Center Update: The Board discussed the mattress grant they received. It is ongoing at this time. The landfill mowing has begun. Tire disposal is difficult. They also discussed moving the recycling containers to the front of the center where the textile bin currently is. Jim Le'Cuyer requested lines on the concrete pad so the containers will be straight.
- 1.8 Future agenda items discussed next meeting 8/10/22 at 6pm.
- 1.9 **A MOTION was made by JL and 2nd by CN to adjourn the meeting. Voting 2/0 MOTION carries. Meeting adjourned at 6:55pm.**



TOWNSEND BOARD OF HEALTH

272 Main Street
Townsend, Massachusetts 01469

Christopher Nocella, Chairman

James Le'Cuyer, Vice-Chairman

Gavin Byars, Clerk

Office (978) 597-1713

Fax (978) 597-8135

WEDNESDAY, July 27, 2022, at 600pm, EST
Board of Health members and staff will meet in the
Meeting Room 2 Memorial Hall 272 Main Street

This meeting of the Board of Health will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting.

PRELIMINARIES

- 1.1 Roll Call
- 1.2 Additions or Deletions not anticipated 48 hours in advance

APPOINTMENT/HEARINGS

- 1.3 **Honeyland Farms – Appeal of 2nd Tobacco Violation**
- 1.4 **22 Main Street – Change of use update – no update**
- 1.5 **5 Turnpike Road – Housing update – no update**
- 1.6 **Septic Regulations Update – no update**
- 1.7 **Other Septic and approvals needed – none**
- 1.8 **CO-VID Update – no update**

WORK SESSION

- 1.9 Invoices
- 1.10 Minutes of June 2022
- 1.11 Recycling Center Update
- 1.12 Future Agenda Items
 - 1.12.1 Stable Regulations Update – **Tabled TBD**
 - 1.12.2 Next Meeting: **August 10th, 2022, 6PM**

ADJOURNMENT