

Meeting Minutes of the Chelsea Board of Health
May 10, 2022

Attendance: Names of members and Participants

Board members, City of Chelsea staff and guests were introduced.

Board Members:

- Ola Bayode
- Corinna Culler
- Allen Jackson
- Josh Merson
- Dr. Dean Xerras

City of Chelsea Staff:

- Flor Amaya, Director of Public Health
- Paula McHatton, Public Health Nurse
- Strephon Treadway, Asst. City Solicitor

Guests/Members of the Public:

- Bonnie Carroll, Six City Tobacco Initiative
- Essex Market
- Fahad Aktar, EZ Mart
- Egidio and Cynthia Barros, La Consolarena Market
- Gurdev D Singh, Family Market
- Md Huq
- Mohammed Oumar, 7-11
- Ana Ramos, Orion Supermarket

Public Hearings: Tobacco Sales Violations

Recently several local businesses were found to be in violation of local/State tobacco control ordinances. Bonnie Carroll reviewed each of the circumstances leading to the citation, followed by comments from the business owners.

- Essex Street Market: On March 26th at 10:09 am, a pack of Marlboro cigarettes were sold to a teenager. After the representative from Essex Street Market asked whether she had a receipt from his store, Carroll explained that the teens working with the inspectors receive training on interacting with cashiers and only carry cash to purchase the cigarettes. Once the purchase is complete, they return to the inspector, where the purchase is logged. The Board voted unanimously to impose a 3-day suspension of their tobacco license and \$1,000 fine. Essex Street Market will not sell tobacco products from May 18 - May 20.
- EZ Mart: On March 26th at 9:21 am, a pack of Marlboro cigarettes were sold to a teenager for \$11.50. Fahad Aktar stated that his staff were surprised by the violation as they are normally more vigilant, adding that he recently spent \$1,400 for a software upgrade that would help with age verification. He added that coming out of

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a pandemic, in this business climate, a \$1,000 fine would be a burden. After Dr. Xerras asked whether customers could be asked for ID every time they attempt to purchase cigarettes, Carroll noted that the new tobacco control regulations call for that practice, which Mr. Aktar said they do in his stores. The Board voted unanimously to impose a 3-day suspension of their tobacco license and \$1,000 fine. EZ Mart's will not sell tobacco products from May 16 - May18.

- Orion Supermarket: On March 26 at 9:53 am, a teenager purchased a pack of Marlboro Gold cigarettes for \$12.00. Ana Ramos said that she asked the worker whether she received a ticket for the violation, and the worker replied that she did not. Carroll explained that the ticketing protocol changed after a young person was accosted by a clerk after making a sale to an underage tobacco auditor. Going forward, inspectors will go back into the store to notify the store immediately after a violation has occurred. Ramos asked what her options were if she disagreed with the Board's decision. Strephon Treadway informed her that she could appeal the decision. The Board voted unanimously to impose a 3-day suspension of their tobacco license and \$1,000 fine. Orion Supermarket will not sell tobacco products from May 13 – May 15.
- La Consolarena Market: On March 26th at 10:33 am, a pack of Marlboro cigarettes were sold to a teenager for \$11.75. Egidio Barros stated his store does not sell many cigarettes and he has counseled many customers against smoking. Cynthia Barros asked whether the Board has ever voted to not impose the recommended fines. Strephon Treadway noted that this particular violation is a violation of State law. In other instances where City ordinances have been violated, the Board has reduced fines, but under this new tobacco control regime, there have been no appeals that resulted in reduced fines. The Board voted unanimously to impose a 3-day suspension of their tobacco license and \$1,000 fine. La Consolarena Market will not sell tobacco products on the three days specified in the citation.
- Family Market: On March 26th at 9:46 am, a pack of cigarettes were sold to a teenager for \$12.00. Gurdev Dingh reported that a new worker sold the cigarettes. He provided additional training to the worker and now has ID verification software in place. Dingh asked for leniency, and Dr. Xerras responded that he could appeal the fine if he so chose. The Board voted unanimously to impose a 3-day suspension of their tobacco license and \$1,000 fine. Family Market will not sell tobacco products from May 13 – May 15.

Strephon Treadway noted that all the businesses appearing for tobacco violation hearings will receive written notification of the Board's decision and notification of their right to appeal. Bonnie Carroll noted that the Board would need to know soon whether business owners would be appealing the fines, as the first day for license suspension was approaching. Treadway added that businesses intending to appeal should request a stay of the penalty while from the Board while the appeal is pending.

Gurdev Dingh plans to appeal the penalty and requested a stay while until the court rules on his appeal. A motion to accept the stay passed unanimously by voice vote. Ana Ramos indicated via email that she was confused about the appeals process and next steps. Flor Amaya asked Ramos to rejoin the meeting, but she was unable to. The

Board unanimously voted to authorize a stay for Orion Supermarket if they request it before May 13.

- 7-11, 115 Broadway: On March 26th at 7:57 am, a pack of Marlboro Gold cigarettes were sold to a teenager for \$12.40. Mohammed Oumar was unsure how the package was sold, as the store requires ID to purchase cigarettes. He noted that 7-11 uses secret shoppers and provides training to workers on the tobacco regulations. The Board voted unanimously to impose a 3-day suspension of their tobacco license and \$1,000 fine. After Oumar indicated his intent to appeal, the Board unanimously voted to accept a stay of the penalty pending the outcome of the appeal.

Adoption of the Minutes of the April Meeting

The minutes of the April meeting were adopted as edited.

Public Health Updates

Paula McHatton, Public Health Nurse

- There were two cases of salmonella reported. Neither case involved the handling of food, travel, or suspicious food consumption.
- There were no active TB cases. The CDC reported that TB cases were down because of the COVID-19 pandemic and that both infections have similar symptoms. The agency is working on raising awareness of TB and latent TB infections.
- In April, 155 cases of the flu. A strain reported. DPH reported that the vaccination given this year was not a good match for the virus that circulated. Also, people's health-related behaviors have changed (ex. Mask wearing).

COVID-19 Update

- Chelsea has had 15,520 confirmed cases of COVID-19 to date. There have been forty-six new cases since Friday.
- The positivity rate and incidence rate have increased since March. Chelsea's positivity rate is currently 3.44%, and the incidence rate is 22.6/100,000.
- The omicron variation is circulating in Chelsea. The community-level COVID-19 rating for Suffolk County is "high" and it is recommended people wear masks indoors and in public, stay up to date with COVID vaccinations and get tested if they have symptoms.
- Chelsea Public Schools will continue with its mask mandate.
- Paxlovid, an anti-viral medicine for treating COVID-19, is now available at commercial pharmacies and community health centers.

Flor Amaya, Director of Public Health

- The City is working with the North Suffolk Public Health Collaborative on a campaign called "Know the Basics" which focuses on helping people understand their own COVID-19 risks and reduce potential exposure.
- The City is working on a mass texting program targeting 5,000 people who have not completed their COVID-19 vaccination series.
- On Friday, Chelsea High School will host a research fair from 4pm – 6pm.

Corinna Culler asked about the severity of infection for the forty-six new cases reported in Chelsea. Paula McHatton reported that there had not been a serious uptick in hospitalizations or deaths. Flor Amaya reported that only one patient was admitted to MGB for COVID infection, and Dr. Xerras added that the MGH clinic is still seeing many outpatient visitors with COVID-19.

Follow-Up from Previous Meetings

- **Rodents:** Discussions with the City Manager and City Council about adjusting the fine structure and other rodent-related issues will need follow-up. Flor Amaya did connect Mike Sandoval of DPW and Amber, an attendee at last month's hearing on the new rodent control regulations. Amaya added that multiple city departments are considering participating in a campaign around city cleanliness.
- **Lead Levels:** The CDC has changed the reference value for lead poisoning from five micrograms to three micrograms. MA Department of Public Health is undertaking a lead screening campaign, as many screenings over the past two years did not occur. The State is also looking at mitigation strategies focusing on household exposures.
- **Black Food Container:** Flor Amaya has not heard back about other municipalities banning black food containers.

Public Comments

- Flor Amaya reviewed a letter from Jacqueline Finnegan of Spencer Property Management asking the Board to move the trash placement time from 5pm to 3pm, noting that the time restrictions do not allow their workers time to put trash out before they leave for the day. Strehon Treadway explained that trash can be placed out after 5pm the night before trash pickup, and that ISD will write tickets for trash placed out before that time. Spencer Property Management has been previously cited for such violations. Finnegan will be invited to next month's meeting for further discussion.

Next Meeting:

- June 14, in person. The Board will also explore adopting remote participation rules to the Open Meeting Law.

The meeting adjourned at 7:33pm.


Allen Jackson, Clerk

7/12/2022
Date

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