

Charlemont Board of Health Minutes

January 16, 2024

Zoom

Present: Doug Telling, Mae Tanner, Rob Lingle

Absent: none

Guests: Randy Crochier, Kristie Faufaw

Called to order at 10:00 AM

Telling called to Order a hearing to determine whether Cold River's tobacco license should be suspended for 1-7 days inclusive or not at all

Hearing began at 10:10 AM

--Crochier reported that the Cold River Package store incurred a second violation for selling cigarettes to a minor. This was the second violation within a 36-month period and resulted in a state mandated \$2,000 fine. The law states that the Board of Health may also suspend the license for 1-7 days. If a suspension is required, all tobacco products and tobacco signage must be removed from the premises.

--Faufaw reported that the clerk was dismissed and reported that she notified the Board of this in a letter and included the check. The store trains employees when and how to check ID's. The employees need to sign a document acknowledging the policy.

--Lingle noted that Faufaw has an excellent record on enforcement of public health laws. Does not want to suspend the license.

Lingle moved to close the hearing Telling seconded. Telling yes, Lingle yes, Tanner yes Hearing closed at 10:30 AM

--Lingle asked Crochier if the Board can reduce the fine. Crochier replies that it is a state mandated fine.

--Crochier agreed that Cold River has a good reputation, but this decision is a precedent and not suspending may make later efforts to suspend difficult.

--Lingle moved to not suspend sales. No second.

--Tanner reiterated the concern of setting a precedent; it can become a slippery slope. "you did it for Cold River why not us?" a possible result.

--Faufaw asked if other places fire employees for this?

--Tanner thought they did. Telling noted that this is the second time he has gone through this, and he didn't know what happened to the employee in the other case.

--Crochier said it is possible to suspend the license and then suspend the suspension dependent on good behavior. If another violation occurs during the probation period, this suspension would then be tacked onto the next suspension.

--Tanner thought this was a good middle ground. Telling agreed.

--Faufaw said she understands the precedent concerns and suggested a one-day suspension.

--Tanner moved to suspend the sale of tobacco products on January 29, 2024. Passed Telling yes, Lingle yes, Tanner yes

The Board thanked Faufaw for her participation and co-operation.

Telling called to order a hearing on the possible condemnation of 32 Heath Stage Terrace at 10:43 AM

--Crochier noted that in 2021 the property failed a Title V. The couple living there turned the property over to Marcus Campbell, who is not attending the hearing. Title V allows for two years to correct the system. Crochier noted that the board could condemn the property, fine the owner under Nuisance Law, or fine it under Housing code.

--Tanner moved to close the hearing. Passed Telling yes, Lingle yes, Tanner yes Closed at 10:48 AM

--Crochier stated that Nuisance law allows for up to a \$200/day fine. Housing allows for \$5-\$500/day

--Lingle recommended filing under nuisance. Crochier agreed. Tanner noted that there are serious health issues at the property

--Lingle moved to issue a \$200/day fine under the nuisance law beginning today. Telling seconded. Passed Telling yes, Lingle yes, Tanner yes

Telling moved to adjourn Tanner seconded. Passed Telling yes, Lingle yes, Tanner yes

Adjourned at 11:05AM

Minutes not official until signed

Material reviewed

1/16/24 agenda