



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

PATRICIA L. ANDRADE, M.D.  
CRAIG LONGO, M.D.  
SARAH MORRIS, M.D.

SANDRA J. MANNING  
ACTING DIRECTOR

***APPROVED MINUTES***

A public meeting of the Board of Health was held on July 11, 2017 in the Health Department conference room, 1213 Purchase Street, New Bedford.

Present: Patricia Andrade, M.D., Chairperson  
Craig Longo, M.D., Member  
Sarah Morris, M.D., Member

Also Present: Sandra Manning, Acting Director of Public Health

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2017 OCT 15 P 2:25  
CITY CLERK

**CALL TO ORDER**

1. Dr. Andrade called the meeting to order at 6:05 p.m. Dr. Andrade called roll with herself and Dr. Craig Longo and Dr. Andrade welcomed the new Board member Dr. Sarah Morris. Dr. Andrade called for a motion to accept and place on file the minutes of the regular meeting held on March 9, 2017.

**MOTION:** by Dr. Longo to accept and place on file the minutes of the regular meeting held on March 9, 2017. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

2. Dr. Andrade called for a motion to accept and place on file the minutes of the regular meeting held on May 2, 2017.

**MOTION:** by Dr. Longo to accept and place on file the minutes of the emergency meeting held on May 2, 2017. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES.**

**ACTION**

3. 165 Hemlock St., Establishment: Charlie's Convenience Store, Inspector request for Hearing Re: possession of synthetic drugs at location; Sodrul Talukder, owner, not present; Jason Monteiro, Sanitarian and Kathy Leaver, Code Enforcement Inspector, present.

Jason Monteiro appeared before the board and stated that synthetic drugs were found in Mr. Talukder's establishment and Mr. Monteiro is requesting a 30-90 day probation period. Mr. Monteiro and Kathy Leaver will monitor him closely during those months. He informed the owner Mr. Talukder several times that he cannot have synthetic drugs in his establishment. The initial inspection was done on

February 15, 2017 he warned him about not having synthetic drugs in establishment. Then Mr. Monteiro did a routine inspection after that and found synthetic drugs in his possession but no sale was made. He had a \$100 fine on May 30<sup>th</sup> which he paid and prior to that he was given a written warning.

Sandra Manning stated going forward Kathy Leaver will be handling tobacco program. She has been going over with state all of the establishments and policies.

Dr. Longo stated he is fine with the 90 day probation for tobacco license.

Dr. Andrade stated he can keep his license for 90 days but at any point a spontaneous inspection can be done then if he gets issued a ticket he should be informed that he may lose his ability to sell tobacco products.

**MOTION:** by Dr. Longo for Charlie's Convenience Store to be placed on a 90 day probation with suspension of their Tobacco license for 2<sup>nd</sup> infraction. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

**4. 31 Union St., Request for Hearing Re: Request for license Body Art Practitioner License; Establishment: New Bedford Tattoo Co.; Steve Walters, Applicant, 2511 Luther Rd. Apt. 1126, Punta Gorda, FL St.; Val Garnett, owner; Mary Freire Kellogg, Sanitarian, present.**

Steve Walters appeared before the Board applying for license at New Bedford Tattoo Co. Mary Freire Kellogg stated he has all the requirements for Body Art Practitioner license.

**MOTION:** by Dr. Longo to grant Steve Walters a license for body art practitioner at New Bedford Tattoo Co. on 31 Union St. **SECONDED:** Dr. Andrade. All in favor. **MOTION CARRIES**

**5. 2883 Acushnet Ave., Request for Hearing Re: Request for license Body Art Piercing License; Establishment: Candi's Corner; Steven J. Costa, applicant/co-owner; 44 Wing Rd., Acushnet, MA; Candice Rego, co-owner; Gail Joseph, Sanitarian, present.**

Mary Freire Kellogg stated he is already established and he is licensed in another town and she got confirmation that he worked for someone else in Acushnet. Ms. Kellogg contacted BOH there and they had no issues with him.

**MOTION:** by Dr. Longo to grant Steven J. Costa a body art piercing license at Candi's Corner on 2883 Acushnet Ave. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**6. 880-902 Purchase St., Request for Hearing Re: Request for approval of new location of establishment and body art practitioners to practice from new location; Establishment: North Atlantic Tattoo; Andrew Pequita, applicant/owner, Jason Audette, applicant/owner, Thomas Butts/Practitioner; Mary Freire Kellogg, Sanitarian, present.**

Mary Freire Kellogg stated this is a previously approved establishment we never had any issues with them at the previous location. They are now changing their location to downtown. They have a floor plan that has one sink and all bays are available to use that sink so they needed a variance for the sink. All three practitioners are licensed never had any issues with them.

**MOTION:** by Dr. Longo to establish a practice license for North Atlantic Tattoo on 880-902 Purchase St. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**MOTION:** by Dr. Longo for a Body Art Practitioner license for Thomas Butts for North Atlantic Tattoo on 880-902 Purchase St. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**7. 213 Popes Island., Request for Hearing Re: Request for approval of new location of establishment and body art practitioners to practice from new location; Establishment: Flyin Aces Tattoo Jessica Quinterio, applicant; Thomas Butts/Practitioner; Kenneth Tetrault, applicant/owner, 74 Willis St., Apt. 2, New Bedford; Mary Freire Kellogg, Sanitarian, present.**

Mary Freire Kellogg stated this is the same issue establishment moving to new location at 213 Popes Island. Jessica Quinterio already established at Flyin Aces Tattoo.

Catherine LaBelle has completed all her hours as an apprentice and is now applying for Body Art Practitioner license at this location.

**MOTION:** by Dr. Longo for approval of a license for Flyin Aces Tattoo on 213 Popes Island. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**MOTION:** by Dr. Longo for a Body Art Practitioner license for Jessie Quinterio at Flyin Aces Tattoo on 213 Popes Island. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**MOTION:** by Dr. Longo for a Body Art Practitioner license for Catherine LaBelle at Flyin Aces Tattoo on 213 Popes Island. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**8. Discuss what more can be done with Body Art Establishments who operate without a license.**

Mary Freire Kellogg stated that complaints are coming in that people are operating tattoo establishments without a license and doing it out of their homes. We need to establish some kind of fine for this.

The Board discussed different ways to fine people when they are running an establishment without a license out of the home. Dr. Longo stated he wondered what the best approach would be to enforce this.

Mary suggested ordering a cease and desist letter by a police officer. We need to establish a means of how this is going to be enforced. Dr. Longo stated we would need to discuss this with police. Also have city solicitor's office involved.

Dr. Andrade suggested sending a letter over to City solicitor asking for their opinion.

**9. 807 New Plainville Rd., Request for Hearing Re: Failure to repair Septic System; Ronald and Carol Souza/Owners; Mary Freire Kellogg, Sanitarian, present.**

Mary Freire Kellogg stated earlier this spring in April we started getting complaints again about this property.

Ms. Kellogg explained Mr. Souza has to get a title 5 inspector to come out and inspect the system. There is breakout in backyard and there is sawdust covering it but the system needs a Title 5 to see what is going on.

Mr. Souza came before the board and stated in his opinion there is no issue presently. He just had it pumped a month ago (June 19, 2017) and he will have to wait at least 6 months before pumping it again. He pumps it out once a year. The break out is because of all the heavy rainfall. Says he has five adults in the house and they do use a lot of water.

Mr. Souza stated he is willing to do a Title 5 but he will do it when he can. He also was thinking to avoid breakage that he would pump out system in 6 to 8 months instead of a year.

Dr. Andrade stated the best way is to put two people on notice. Mr. Souza on notice that we are concerned that his septic system may not be adequate for their needs and to put neighbor on notice that the board is aware that the septic system may not be adequate and if in the next 6 months to 12 months they can document that there is a problem then Mr. Souza is then required to get a title 5 inspection.

Ms. Kellogg stated she will investigate with DPE make sure there is nothing needs to be taken care of.

**MOTION:** by Dr. Andrade to put Mr. Souza on notice and the board is on notice pending any complaints at 807 New Plainville Rd. regarding the septic system over the next 12 months until June 19, 2018 if there is an issue then Mr. Souza will obtain a Title 5 inspection. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES**

#### **10. Discussion to inform the Board re: 1984 Shawmut Ave. – sold property with a failed Septic System.**

Mary Freire Kellogg stated she was notified by a contractor that he was going to make repairs on a septic system and that homeowner was going to sell property but the contractor was not licensed. She stated to him that he cannot do this work if he is not licensed. In meantime title 5 came in stating this was a failed system. Home owner was notified and in meantime the contractor came in and did work anyway.

Ms. Kellogg notified the existing homeowners that they purchased a home with a failed septic system because it was not done by a licensed contractor and that it needs to be brought into compliance.

Original homeowner stated she did not know there were any more issues with septic system when she sold the house on June 6, 2017, she thought it was repaired.

Dr. Andrade stated to previous owner that Mary Freire Kellogg had plenty of documentation of how owner was made aware of the situation as well as the contractor. There are multiple people who are at fault in this issue.

Dr. Andrade explained this is a problem that is not going to be resolved today so unfortunately the new homeowners are responsible for taking care of this issue now.

**11. 474 Coggeshall St.#2, Request for Hearing Re: Minimum Housing Violation Order #40462 & 40498; Gail Joseph, Sanitarian, present; Robert Silva, owner 37 Wilbur Ave., N. Dartmouth, not present; Shynice Bailey, Tenant, not present.**

Gail Joseph appeared before the board stating inspection was done on June 7, 2017 found violations and issued correction order. He refused certified letter but he did receive it in regular mail. Received a request for hearing from Mr. Silva. In the meantime, Ms. Joseph was called back to property on June 20, 2017 tenant had been living without a toilet (broken toilet) for a week. Issued an official order to correct hand delivered it to property; received another letter requesting a hearing and he is not here. He has fixed 3 of the items but still has not repaired the rest. Ms. Joseph filed him into court and this where this issue stands at the moment.

**12. Request for Hearing Re: Approval for Community Nurse Home Care to be a co-author on the following paper: CLINICAL REFERRALS TO COMMUNITY-BASED HEALTH PROGRAMS: PATIENT UPTAKE AND COMPLETION; Clare Healy Foley, Chief External Affairs Officer, and Jonathan Howland, BMC, not present; Stephanie Sloan, Grants Auditor, present.**

Stephanie Sloan appeared before board to get approval for this grant. She explained that Community Nurses along with Boston Medical Center are two of our partners and they have collaborated and written a paper using data that community nurses has collected from the evidence based interventions that they implemented as part of our program. Ms. Sloan stated that on the contract with the city for community nurse it says that in order to publish they need approval from the Board. The grant was awarded to the Health Dept. and we are the coordinating partner and we allocated funds to the community. Community Nurses would like to be listed so they can apply for other grants. Board looked over a copy of the paper and agreed that this is good.

**MOTION:** by Dr. Longo for approval for Community Nurse Home Care to be a co-author on the paper of clinical referrals to community-based health programs: Patient uptake and completion. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**13. Adoption of the FDA 2013 Retail Food code with all amendments recommended by Mass Dept. of Public Health; Mary Freire Kellogg, Sanitarian, present.**

Mary Freire Kellogg explained that we enrolled in the FDA Retail Food standards and in order to meet these standards we need to adopt the most current version which is the 2013 version of the code.

**MOTION:** by Dr. Longo to adopt the FDA 2013 Retail Food Code with all the amendments recommended by Mass Dept. of Public Health. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**14. Discuss changes to Fee Schedule; Mary Freire Kellogg, Sanitarian, present.**

Mary Freire Kellogg spoke about the changes made to fee schedule which includes Farmer's Market - winter market fee of \$50.00, Housing Motel Lodging inspection fee of \$100.00, a Court filing fee of

\$300, swimming pools plan review fee \$200, and for Body Art each additional service added a fee of \$25.

**MOTION:** by Dr. Longo to adopt the amended fee schedule as presented at today's meeting.  
**SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**15. Request for Board of Health approval for Little People's College Health Care Plan @ 850 Church St. for summer 2017; Mary Freire Kellogg, Sanitarian, present.**

**MOTION:** by Dr. Longo to approve Little Peoples College Health Care Plan at 850 Church St. for the summer of 2017. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**16. Request for Board of Health approval for Recreational Camp Health Care Consultant Agreement YMCA's Camp Frederick Douglas, 25 South First St. for Summer 2017; Mary Freire Kellogg, Sanitarian, present.**

**MOTION:** by Dr. Longo to approve Recreational Camp Health Care Consultant Agreement YMCA's Camp Frederick Douglas at 25 South First St. for the summer of 2017. **SECONDED:** Dr. Morris. All in favor. **MOTION CARRIES**

**17. Request for Board of Health approval for Recreational Camp Health Care Consultant Agreement YWCA's YWkids School Program, 145 Ashley Blvd. for Summer 2017; Mary Freire Kellogg, Sanitarian, present.**

**MOTION:** by Dr. Morris to approve Recreational Camp Health Care Consultant Agreement YWCA's YWKids School Program at 145 Ashley Blvd. for summer 2017. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES**

#### **DEPARTMENTAL BRIEFING**

#### **DEPARTMENTAL ISSUES**

#### **MOTION TO ADJOURN**

**MOTION:** by Dr. Andrade to adjourn the meeting. **SECONDED:** Dr. Longo. All in favor. **MOTION CARRIES.**

Dr. Andrade adjourned the meeting at 7:33 p.m.

A true record attest:

  
Acting Director of Public Health

**BOH Meeting Minutes Approved 10 / 3 / 17**