

**CITY OF SALEM  
BOARD OF HEALTH  
MEETING MINUTES**

*April 18, 2017*

**MEMBERS PRESENT:** Chairman Paul Kirby, Jeremy Schiller & Mary Lauby **EXCUSED:** Nancy Crowder  
**OTHERS PRESENT:** Larry Ramdin, Health Agent, Suzanne Doty, Public Health Nurse, Maureen Davis, Clerk of the Board, Beth Gerard, Council Liaison, Victoria Caldwell, Asst. City Solicitor, Joyce Redford, Director, NSTCP, Eric Stone, Owner, Vapor Outlet

**TOPIC**

**DISCUSSION/ACTION**

**1. Call to Order**

7:06pm

J. Schiller motioned to move item #5 out of order on the Agenda to allow Eric Stone from Vapor Outlet to make his appeal prior to other items of business.

M. Lauby 2<sup>nd</sup>. All in favor. Motion passed.

**2. Approval of Minutes  
(February 14, 2017)**

**Mary Lauby motioned to approve minutes. Jeremy Schiller 2<sup>nd</sup>. All in favor. Motion passed.**

**J. Schiller motioned to move item #6 out of order on the Agenda. Mary Lauby 2<sup>nd</sup>. All in favor. Motion passed.**

**3. Chairperson Announcements**

P. Kirby advised that he has received a letter from resident Richard Stafford requesting the Board to oppose any increases or additions to existing fracked gas infrastructure (GFI) in the Commonwealth for the health and environmental reasons and endorse a letter regarding GFI.

P. Kirby would like to invite Richard Stafford to speak at our May meeting to share his knowledge of the subject and the potential health risks. The Board agreed to invite Mr. Stafford to the next meeting to discuss his request.

M. Lauby suggested to P. Kirby we have more discussion about Healthy People, specifically Social Determinants of Health and health impact assessments. She states the CDC is spending time on their data and feels we should invite community leaders from homeless shelters, etc.

L. Ramdin suggested we have summits regarding community health assessments.

P. Kirby said two or more Board members can work on it.

L. Ramdin suggested dedicating time at the end of the meetings for health discussions.

#### **4. Monthly Reports-Updates**

##### **A. Public Health Nurse's Report**

S. Doty points out providing two months of reports.  
There were more type A flu cases, but starting to see more type B.  
J. Schiller said he saw lots of serious cases.  
L. Ramdin said people are contracting pneumonia as a result, and that H1N1 is still circulating.  
S. Doty says she has carryover numbers for follow-up from previous months in her totals and she will give a total for the year at year's end.  
J. Schiller read that this year's vaccine worked well.

##### **B. Health Agent's Report**

L. Ramdin announced it is S. Doty's birthday today and that she is getting married in May. She was wished a happy birthday by all and best wishes for her marriage.  
L. Ramdin informed the Board he has given Kerry Murphy a BOH Handbook, though she is not confirmed as a Board member yet.  
Ward 2 Councilor Heather Famico will present Kerry to the Council at the Thursday, April 27<sup>th</sup> meeting at 7:00pm.  
Janet Mancini has completed the first draft of the Operations Manual. A draft was sent out this date. People will have a few weeks to review and make changes.  
J. Schiller inquired about the Harvard student's project regarding problem properties.  
L. Ramdin explained they created a database to identify problem properties. Inspectors can place reports online for all other departments, such as the police, to view.  
L. Ramdin stated he also had a meeting with SSU marketing students who created an Instagram account for us. He is very grateful to S. Doty for keeping up our Patch account.

##### **C. Administrative Report**

M. Lauby would like a breakdown of the number of annual permits and at what cost. She would like us to show how much of our time we are spending compared to the cost of the permit.  
J. Schiller agreed we should show the number of temporary pop-up permits @ \$300 last year and compare it to the number of permits now @ \$35.

##### **D. City Council Liaison Updates**

Councilor Gerard indicated that a discussion has been started on siting of Food trucks in Salem.  
Kerry Murphy will be a great addition to the Board. She is very active in our community.  
Plastic bag ban will go into effect Jan. 1<sup>st</sup>, 2018. Salem Sound Coast Watch will help. The ban will be enforced with a \$50 fine.  
J. Schiller suggested reusable bags promoting Salem would be great. Maybe we could get the SSU students involved.  
L. Ramdin has seen some great heavy duty woven plastic reusable bags.

**J. Schiller motioned to accept the reports. M. Lauby 2<sup>nd</sup>. All in favor. Motion passed.**

**5. Appeal 2<sup>nd</sup> Violation  
Vapor Outlet  
103 Lafayette Street**

The Board invited Mr. Eric Stone owner of the Vapor Outlet to present his appeal to the Board for consideration Mr. Stone presented his appeal which was a denial of the event taking place. The Board then heard from Joyce Redford who indicated that after the sale she went back into the store and issued the report of the sale to Mr. Stone and gave him a copy. The Board asked questions of Mr. Stone, Ms. Redford, Larry Ramdin and Victoria Caldwell for clarification. (**Appeal Transcript attached**).

**The Chair invited a motion on the appeal. Jeremy Schiller motioned to deny the appeal. Mary Lauby 2<sup>nd</sup>. All in favor. Motion passed.**

Victoria Caldwell told Eric Stone a letter will be going out next week regarding the suspension dates. Dates will most likely be Monday to Sunday of next week.

Larry Ramdin reminded Eric Stone he can *only* sell devices during the suspension period – *no* juices.

Eric Stone asked about the exact wording of the suspension language.

Victoria Caldwell showed him that “shall”, not “may” suspend was in the wording.

Eric Stone stated he will be taking his case to the courts for appeal because, “a suspension will put me out of business.” He thanked the Board and departed.

Joyce Redford explained to the Board that if a situation is unsafe (i.e. a rough neighborhood, or having to leave the youth alone in the car), she may not go back in and will mail the violation to the establishment the next day.

She said DJ from her office has the evidence (Simply Pineapple product purchased) and can provide it if need be. She thinks we may need it for the court case if it goes that far.

She also stated no BOH has ever lost a case in Superior Court. They don’t get many appeals.

With regard to the 3/1/17 Tobacco Regulation, she and Peter from her office visited 20 establishments. They mostly issued Orders to Correct due to some prohibited products behind the counter, but they did have a few clear violators who seemed to make no effort whatsoever to remove the flavored products. They did follow-up visits to those violators.

She stated Vapor Outlet become adult-only on 3/1/17 because he sells *only* flavored product. Anyone under 21 should be stopped at the door and should not be allowed to enter the establishment. She informed the Board she will be away on vacation in Italy from 6/9 – 6/18/17.

**6. Continue discussion on  
banning smoking in public  
parks and beaches**

The Board discussed the banning of smoking on Beaches. Larry Ramdin indicated there are implications for the Police and Parks and Recreation Departments. There will be an internal discussion with both the PD and Parks and Recreation Departments to discuss implementation of such a policy before it is brought to the respective boards.

**7. New Business/  
Scheduling of future  
agenda items**

The Board will schedule time in its agenda to discuss Health Status of the of the City and policy development related to same.

**8. MEETING ADJOURNED:**

**M. Lauby motioned to adjourn the meeting. J. Schiller 2<sup>nd</sup>. All in favor. Motion passed.**  
9:15pm

Respectfully submitted,

Maureen Davis  
Clerk of the Board of Health

*Next regularly scheduled meeting is May 9, 2017 at 7:00pm at City Hall Annex,  
120 Washington Street, 3<sup>rd</sup> floor, Room 313*

## **Appeal Transcript**

Eric Stone asked Joyce Redford if she had a receipt from the tobacco sale?

Joyce Redford replied that a receipt was not given.

Eric Stone replied, "We *always* give a receipt."

Joyce Redford says they rarely get receipts from businesses and asking for a receipt would be a red flag. Only time receipt is given is at grocery stores.

Eric Stone presented a POS transaction report from Vapor Outlet for 1/19/17, the date of the violation sale. There were no transactions for \$20 at the time of the sale on the NSTCP violation report.

When questioned about cameras, E. Stone said he has cameras, but they were not running on the day of the violation sale. He stated he did not realize it cost extra money to record. His cameras are now recording.

Joyce Redford added details from the sale, such as it was she, herself, who was with the youth. The item purchased cost \$26, but the youth only had \$20 and the salesman agreed to sell it to her for the \$20. She added that over 20 compliance checks were performed at other establishments on 1/19/17.

Larry Ramdin shared that Eric Stone's attorney reached out to him and was willing to pay the fine, but wanted to negotiate the suspension. It was made clear there is no negotiating a violation of this Regulation.

Mary Lauby asked why they were willing to pay the fine if there was supposedly no sale.

Eric Stone stated he just wanted to end it because a suspension would put him out of business. He also stated his first violation was a sale to a regular customer and the sale age had *just* changed from 18 to 21.

Victoria Caldwell pointed out that first violation was in July of 2015, which was 6 or 7 months *after* the sale age changed from 18 to 21.

**For the record:** Suzanne Doty made copies of the POS transaction report for all.

Eric Stone was asked if all cash sales show up on the POS report. He said no. Also, sometimes a cash sale will be entered in the register later in the day if the salesperson is busy.

Larry Ramdin asked if the youth actually came out of the establishment with the product.

Joyce Redford said yes, Simply Pineapple was the product.

Eric Stone says he is real strict with his employees. He was not at the counter at the time of the sale. He was downstairs in his office, but was called up to sign the violation.

Jeremy Schiller said to Eric Stone: Joyce says it happened; your employee said it didn't. It is hard for me to doubt Joyce – that is what she does. She is and has always been a professional and I feel it is actually disrespectful of you to question her.

Eric Stone said there is no disrespect intended.

Paul Kirby said Eric Stone acknowledged and signed the violation at 4:29pm. Was there a customer there at that time? Neither Eric Stone nor Joyce Redford could recall. According to the POS report a sale was made at 4:28pm.

Victoria Caldwell reiterated that Joyce is the professional, much like a police officer and there is no doubt in her process.

Beth Gerard asked what products are sold that are tax free? There are some sales on the POS report that are not taxed.

Eric Stone said there are no tax-free products sold. The clerk may have hit the wrong button by accident. At the end of the period he makes sure he pays the proper taxes according to the total sales.

Larry Ramdin asked if transactions can be deleted.

Joyce Redford asked if Vapor Outlet has an age verification tool.

Eric Stone said no, it is very expensive – around \$800.00 – but he is looking into other less expensive options.