

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

February 11, 2014

MEMBERS PRESENT: Dr. Barbara Poremba, Chair, Martin Fair, Dr. Shama Alam & Dr. Danielle Ledoux
OTHERS PRESENT: Larry Ramdin Health Agent, Council Liaison Beth Gerard, Suzanne Doty, Public Health Nurse, Joyce Redford, North Shore Cape Ann Alcohol and Tobacco Policy Program Director & Peter King, Tobacco Control Inspector
MEMBERS EXCUSED: Gayle Sullivan

TOPIC

DISCUSSION/ACTION

- | | |
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| 1. Call to Order | 7:40pm |
| 2. Minutes of Last Meeting
(January 8, 2014) | Motion by M Fair to accept the minutes with corrections,
2nd Dr. Alam. Approved unanimously |
| 3. Chairperson Announcements | No update |
| 4. Monthly Reports-Updates | |
| A. B. Health Agent Report | Approved; Copy available at BOH.
The Board would like to discuss public health concerns during
haunted happens at next month's meeting. |
| B. Public Health Nurse's Report | Approved; copy available at the BOH |
| C. Administrative Report | Approved; copy available at the BOH
Will add revolving account balance |
| D. City Council Liaison Updates | *There is a trash concern on Balcomb Street, possible abandoned
property. Sanitarian Elizabeth Gagakis was there and is in the
process of resolving the matter.
*Board reduction has not been brought up at a council meeting yet.
*The potential marijuana dispensary site located in Ward 6 is being
reviewed by the City Council |
| 5. New Business | |
| A. Tobacco Violation Hearings | |
| ▪ Salem Grill Z Chicken 105 Lafayette St | Owner Asim Mushtaq
Hearing Violation - on 1/25/14. Two violations were cited per BOH
tobacco regulations; sales to a minor and a cigarillo was sold under
the \$2.50 price point.
3 previous violations were: <ol style="list-style-type: none">1. 7/2/12 sale to a minor – \$100 Fine paid2. 2/25/13 sale to minor – \$200 Fine paid3. 10/2/13 blunt wraps behind counter – \$300 fine paid & 7
day suspension. J. Redford also recommended mandatory
education at his last suspension hearing. Joyce Redford will
look at the attendance sheet and get back to the Board to
make sure Mr. Ahmad attended. |

Mr. Ahmad did not dispute the violation only the date of the violation. He claimed that the visit was on Friday night before closing; Joyce Redford indicated it was on Saturday January 25th when Mr. Ahmed signed the violation. This was supported by Peter, King Tobacco Control Agent and the signed document. The Board discussed concerns with the timing of the hearings being prior to 21 days appeal period.

Motion – Dr. Ledoux motioned to revoke the tobacco permit for Salem Grill Z Chicken effective February 24, 2014 and pay the \$300 fine. 2nd by Dr. Alam

All in favor (Chair abstains per custom). Motion passes.

▪ Walyo's Variety 22 Essex St

Owner Predeep Madan

Hearing violation - on 1/21/14 @ 2:15pm; violation cited per BOH tobacco regulations: sale to a minor.

Previous violation: 2/25/13 sale to a minor – \$100 fine paid

Joyce Redford informed the Board that this establishment is also a liquor license establishment so they should be accustomed to asking for identification all the time.

Motion – Dr. Alam motioned to suspend the tobacco permit of Walyo's Variety for 7 days effective February 24, 2014 and the fine of \$200 be paid. Dr. Ledoux 2nd

All in favor (Chair abstains per custom). Motion passes.

▪ Marc's Market - 51 Harbor St.

Owner, Elias Rana

Hearing violation - on 1/25/14 @ 1:27pm Two violations were cited per BOH tobacco regulations; sale to a minor and sold cigarillo under \$2.50 price point. 1st and 2nd offense – Owner said new employee sold to minor on his 1st day.

Motion- Dr. Ledoux motioned to suspend the tobacco permit of Marc's Market for 7 days effective Feb 24, 2014 and the fine \$200 be paid. Dr. Alam 2nd

2 for, 1 against (Chair abstains as per custom). Motion passes.

▪ NYFC Food Market - 21 Salem St.

Owner, Niaz Ahmad & Isabella, store clerk

Hearing violation – on 1/25/14 @ 1:41pm violation cited per BOH regulations: sale to a minor (2nd violation)

Previous violation: 6/11/13 sale to a minor - \$100 paid fine

Joyce Redford explained that this establishment failed 2 out of 3 compliance checks. The owner does not dispute violation but is asking for us not to suspend his tobacco permit due to the amount of people in the store at the time of the violation and that the store clerk, 18 years of age, was alone and overwhelmed at the time.

Motion Dr. Ledoux motioned to suspend the tobacco permit of NYFC Food Market for 7 days effective Feb 24, 2014 and the fine \$200 be paid. Dr. Alam 2nd ;

All in favor (Chair abstains as per custom). Motion passes.

- Global Gas Station 200 Canal St

Owner Dildar Hassim

Hearing violation - on 1/21/14 @ 4:08pm; violation was per BOH regulation: sale to minor

Previous violation was:

6/13/13 sale to minor – paid fine

Joyce Redford noted that this establishment has a history of 1st offenses. (Tolling period was 12 months; as of 2/4/13 it is 36 months). He's had 1st offenses for many years.

Motion Dr. Alam motioned to suspend the tobacco permit of Global Gas Station for 7 days in effect on Feb 24, 2014 and the fine \$200 be paid. Dr. Ledoux 2nd

All in favor- Chair abstains from vote

Mr. Hassim asked Joyce Redford that during these tobacco trainings, they allow the owners to explain that when these violations happen they are usually from an employee not the owner. He believes there should be a more fair way of giving out offenses that do not harm the business owner's license if an employee of the business is the one that committed the offense.

Joyce replied that during the trainings that her office conducts, there is an exchange allowed and business owners are encouraged to share their methods of how they keep their employees from committing these violations; in the end, it is the responsibility of the business owner to set their own policies for dealing with their employees.

7. MEETING ADJOURNED:

10:00pm

Respectfully submitted,

Heather Lyons-Paul
Clerk of the Board

*Next regularly scheduled meeting is March 11, 2014 at 7pm
At City Hall Annex, 120 Washington Street, Room 311 Salem.*