

## **Maynard Board of Health Meeting July 25, 2023 – 6:30 p.m.**

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### Hearing Minutes – July 25, 2023 – Hearing

The Maynard Board of Health met on Tuesday, July 25, 2023, at 6:30pm. Kathy McMillan Lisa Thuot, and Jodi Larkin were present. Ivan Kwagala, Health Director, Joan Hamlet, Mrugesh Patel, and Irene Congdon were also in attendance.

#### **I. Call hearing to order.**

A motion was made by K. McMillan and seconded by L. Thuot to open the Board of Health hearing at 6:30pm in the matter of Maynard Corner Store, 49 Walnut Street, consistent with 105 CMR 665.000. The motion was supported unanimously.

#### **II. Statement by Tobacco Control Alliance**

Joan Hamlet, Maynard Tobacco Control Agent, presented and gave a history of the Corner Store. She stated that they inspected the Corner Store and found restricted flavored products or enhanced products that are not supposed to be sold under state law. On 2/24/21, the retailer sold tobacco products to a minor. As a result, the store received a \$1,000 violation and a three-day suspension. Then on 3/2/2022, there were flavored products or enhancers, and the store received a written warning. The current violation constitutes the second violation for a fine of \$2,000. Joan showed that the products were High Tea Wrap and Acid Cigars Kuba Kuba. She added that these rescripted products under state law are subject to \$1,000 to \$2,000. At the 2022 inspection, the Tobacco Control Agent issued a warning for High Tea Wraps and Acid Cigars Kuba Kuba. Joan emphasized that the store must have a manufacturer letter stating that the product does not contain any enhanced flavor to have any product or unflavored product. Also, Joan stated that Mr. Patel presented an invalid letter to Joan from the distributor stating that the products are not flavored.

However, Joan stated that the distributor is not responsible. The educational material the distributor sends to the retailer informs the retailer to get assistance with obtaining the letter. It is the retailer's responsibility to ensure the letters meet the law's criteria. She added that if there is any confusion to consult with the Tobacco Alliance. Also, they would work with the store if the store were taking proactive steps to address the issue. Joan noted that the goal of public health is not to punish but to ensure compliance. She stated that they have provided two educational packages for the Corner Store. Joan is recommending a responsible finding. She added that in the state law, it is a violation to sell to a minor, and the Board can find a retailer responsible or non-responsible. As a result, Joan stated that the responsible finding resulted in a \$2,000 fine. Then, a seven-day permit suspension. The Board has some options for suspension, at least one or seven days.

#### **III. Statement by Corner Store.**

The Board asked if the violation had gone into effect. Joan replied that the violation had not gone into effect because Mr. Patel requested a hearing. She added that if he was found responsible for everything, he gets three business days to pay the fine.

#### **IV. Inquiry and discussion between Board members.**

Joan provided options for the Board from the regulations. Joan stated that the Board may uphold the suspension day suspension or reduce it to one to six days, but no less than six days. Because Mr. Patel took responsibility for paying the fine of \$2,000, the Chair made a motion to issue a one-day suspension with continued six days pending to be served if there is another violation. The one-day suspension begins on 7/28/2023.

#### **V. Adjournment**

The Board of Health motioned to adjourn from July 25, 2023, at 7:15pm for the Board of Health hearing.

**Hearing closed: 7:15 p.m.**

# Maynard Board of Health Meeting

## July 25, 2023 – 7:18 p.m.

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Meeting Minutes – July 25, 2023 – Hearing

The Maynard Board of Health met on Tuesday, July 25, 2023, at 6:30pm. Kathy McMillan, Lisa Thuot, and Jodi Larkin were present. Ivan Kwagala, Health Director, and Irene Congdon were also in attendance.

### **I. Call hearing to order.**

A motion was made by K. McMillan and seconded by L. Thuot to open the Board of Health meeting at 7:18pm on the matter to revise Maynard Solid Waste Regulations. The motion was supported unanimously.

### **II. Revision of Maynard Solid Waste Regulation by Irene Congdon (Central Mass**

**Municipal Assistance Coordinator)** For revising the solid waste regulation, the regional recycling coordinator provided suggestions and recommendations to the board for updating the outdated regulation from 2004 to align with the current practices and state law on recycling and waste management. The key recommendations include:

- Changing 'garbage' to 'food waste' or 'organics' to avoid misunderstanding.
- Adding the requirement of recycling receptacles for businesses.
- Specifying the education on hazardous waste and waste ban for temporary dumpsters.
- Mandating recycling and bundling trash and recycling services for residential and commercial properties.
- Allowing exceptions for large businesses with alternative waste management plans.
- Adding recyclestartma.org to list 1-7 in the Maynard regulation and remove the requirement for tying newspaper bundles.
- Removing carton containers from the recycling list.

The coordinator also shared information on the state's solid waste and recycling conditions and trends, available resources, and programs. The board will discuss the regulation update in the next meeting.

### **III. Inquiry and discussion between Board members.**

The Board asked Irene what things recyclable were. Irene recommended using recyclestartma.org for educational resources, training materials, and other information on recycling.

### **IV. Adjournment**

The Board of Health motioned to adjourn from July 25, 2023, at 7:30pm for the Board of Health meeting.

**Meeting closed: 7:30 p.m.**