



Laura Vlasuk
Director of Public Health

CITY OF NEWBURYPORT HEALTH DEPARTMENT

60 Pleasant Street
Newburyport, MA 01950

PHONE: 978-465-4410

WEBSITE: www.cityofnewburyport.com



Public Health
Prevent. Promote. Protect.

Remote Board of Health Meeting
December 15, 2022 7:00pm

Please click the link below to join the meeting: <https://us02web.zoom.us/j/85051273267>

Or One tap mobile: US: +19292056099

Or Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 929 205 6099

Webinar ID: 850 5127 3267

International numbers available: <https://us02web.zoom.us/j/kdC8U9b4JG>

Meeting Agenda:

- I. 7:00pm – Call to Order
- II. Tobacco – Sale to a person under the age of 21 violations
 - a. Newbury One Stop (1 Kent Street) – 2nd Offence – APPEAL HEARING
- III. Molly Ettenborough Recycling and Energy Manager
 - Update on Solid Waste Collection and Hauling and Disposal Contracts o Considerations: Automated Service, aggregated collection sites, etc.
 - Composting options
 - North Shore--Greening Food Service
 - Updating and Revising Health Dept. Solid Waste Rules and Regs
- IV. Approval of Minutes
- V. Director's Report
- VI. Set date for next Meeting
- VII. Session for topics not reasonably anticipated 48 hours in advance of meeting
- VIII. Adjourn

MABARDY OIL INC.

720 Lafayette Rd

Seabrook, NH 030874

Phone: 603-474-0510 Fax: 603-474-8193

August 30, 2022

City of Newburyport
Board of Health Department
Newburyport MA

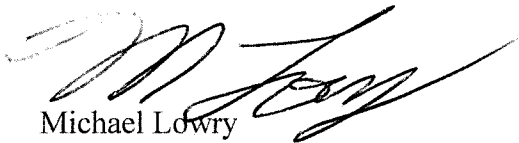
RE: Violation 8/24/22
Tobacco Product Sale to a Person under the Age of 21

Newburyport One Stop located at 1 Kent St Newburyport Ma request a hearing before the board of Health to discuss the \$2000.00 fine for the violation on August 24, 2022. I have attached a copy of said violation.

Please contact me at the above address to when the hearing may take place.

I can be reached on my cell at 978-476-6654

Sincerely



Michael Lowry
General Manager
Salisbury Mini Mart Inc
Seabrook One Stop Inc
Mabardy Oil Inc.

Healthy Communities Tobacco Control Program
A Boards of Health Partnership

Amesbury
Andover
Billerica
Chelmsford
Dracut
Haverhill
Lynnfield
Methuen

Middleton
Newbury
Newburyport
North Andover
North Reading
Rowley
Salisbury
Tewksbury
Topsfield

CERTIFIED MAIL AND FIRST-CLASS POSTAGE

August 24, 2022

Newburyport One Stop
1 Kent Street
Newburyport, MA 01950

Re: Correction/Cease and Desist Order - Tobacco Product Sale to a Person Under the Age of 21

Attn: Manager/Owner:

On August 24, 2022 at approximately 12:05 p.m. your establishment sold a tobacco product to a person under the age of 21 in violation of state law 105 CMR 665.010(A). **This is a second offense.*** The first offense occurred April 12, 2022.

As outlined on the Correction/Cease and Desist Order issued by the City of Newburyport's Health Department (hand-delivered to you or your agent on the day of the unlawful sale) you have the following alternatives:

1. Pay the fine of **two-thousand (\$2,000.00)*** within 21 days of the date of issuance of the Order; or
2. If you are aggrieved by the Correction/Cease and Desist Order, request a Hearing before the Newburyport Board of Health. This request must be made by you, in writing, and filed within seven (7) days after the date the Order was served or actually received. The written request for a hearing can be delivered to the Newburyport Board of Health, 60 Pleasant Street, Newburyport, MA 01950. Any affected party has a right to appear at said hearing.

All payments of fines shall be made to the City Clerk, City Hall, 60 Pleasant Street, Newburyport, MA 01950 . Please note that this fine of one-thousand (\$1,000.00) is required under state law 105 CMR 665.045(A).

As you know, you have a legal obligation under 105 CMR 665.020(A) to **ID all** customers seeking to purchase tobacco products, regardless of age. You must verify the age of tobacco purchasers by viewing their valid government-issued photo identification cards. If you need any training to emphasize this legal obligation to your employees, please do not hesitate to contact me.

Please feel free to contact me if you have any questions regarding this notice.

Sincerely,



Ronald N. Beauregard
Tobacco Control Program Director

cc: Laura Vlasuk, Newburyport Director of Public Health
Richard Burke Jones, Newburyport City Clerk



CITY OF NEWBURYPORT HEALTH DEPARTMENT

60 Pleasant Street
Newburyport, MA 01950

PHONE: 978-465-4410
WEBSITE: www.cityofnewburyport.com



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CORRECTION/CEASE AND DESIST ORDER

This CORRECTION/CEASE AND DESIST ORDER is issued to:

Today's Date: Aug. 24, 2022
Today's Date

Newburyport One Stop 1 Kent St. Newburyport, MA.
Name of Establishment Street Address

Please be advised that on Aug. 24, 2022 at approximately 12:05 pm. a compliance
Date of Violation Time AM/PM

check was conducted on behalf of the Newburyport Board of Health.
Newburyport One Stop violated the state law entitled "An Act to Modernize Tobacco Control"
Name of Establishment

and 105 CMR 665.000 by selling a tobacco product to a person under the Minimum Legal Sales Age.

You are hereby ordered to cease and desist from violating An Act to Modernize Tobacco Control and 105 CMR 665.000.

In addition, a fine of ~~One~~ TWO RND Thousand dollars (~~\$1,000.00~~) is applied against Newburyport One Stop
\$2,000.00 * RNB
Name of Establishment

for violation of 105 CMR 665.000.
You are hereby ordered to pay the amount of One-Thousand dollars (\$1,000.00) by check or money order made payable to the "City of Newburyport" within twenty-one (21) days of receipt of this order to the following address: Newburyport City Clerk, 60 Pleasant Street, Newburyport, MA 01950.

If you are aggrieved by this order, you have the right to request a Hearing before the Newburyport Board of Health. This request must be made by you, in writing, and filed within seven (7) days after the date this Order was served or actually received. Any affected party has a right to appear at said hearing.

Failure to comply with this order may result in additional penalties as permitted by law.

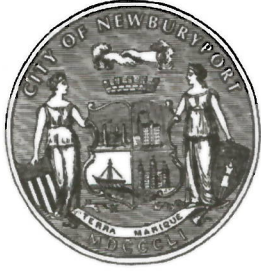
Signed by:

[Signature]
Signature of Agent

8/24/22
Date

As agent of the Newburyport Board of Health

* 2nd offense (1st offense on 4/12/22)



**CITY OF NEWBURYPORT
HEALTH DEPARTMENT**

**SUSTAINABILITY OFFICE
MOLLY ETTENBOROUGH
RECYCLING AND ENERGY MANAGER**

**NEWBURYPORT CITY HALL
TEL: 978-465-4410**

60 PLEASANT STREET

**NEWBURYPORT, MA 01950
FAX: 978-465-9958**

WWW.CITYOFNEWBURYPORT.COM

MEMORANDUM

**To: Newburyport Board of Health
From: Molly M. Ettenborough
Date: December 8, 2022
Re: BOH Update on Solid Waste and Recycling**

In reference to the upcoming December Board of Health Meeting, please find below a short summary of items to be reviewed:

- Update on Solid Waste Collection and Hauling and Disposal Contracts
 - Considerations: Automated Service, aggregated collection sites, etc.
- Composting options
- North Shore--Greening Food Service
- Updating and Revising Health Dept. Solid Waste Rules and Regs

Cert _____



CITY OF NEWBURYPORT BOARD OF HEALTH

60 Pleasant Street
Newburyport, MA 01950

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Board & Staff Present:

Dr. Robin Blair, Board Chair

Dr. Robert Slocum, Board Member

Dr. Richard Tilson, Board Member

Laura Vlasuk, Director of Public Health

Kristine Harris, Public Health Nurse

***Remote* Board of Health Meeting Minutes**

November 17, 2022

- I. Call to Order – 7:04pm
Meeting called to order by Dr. Blair at 7:04 pm
- II. Approval of Minutes from Previous Meeting
Motion to approve minutes made by Dr. Slocum, seconded by Dr. Blair. Motion passes 2-0.
- III. Tobacco – Sale to a person under the age of 21 violation presentation regarding on site visits
 - a. Shell (75 Story Ave) - 1st Offence – PAID
 - b. Richdale (62 State Street) - 1st Offence – PAID
 - c. Newbury One Stop (1 Kent Street) – 2nd Offence – APPEAL HEARING
- Michael Lowry General Manager was called to away for an emergency and was not able to attend the meeting, Ronald Beauregard, Healthy Communities Tobacco Control Program Agent was present. Discussion that this is the second violation for this location. Dr. Slocum voted to move this to the December agenda as a last opportunity to appeal the August 24 violation motion seconded by Dr. Tilson. Motion passed 3-0.
- IV. Director's Report
Director Vlasuk gave an update on the department.
 - On August 4, 2022 The White House declared Monkeypox a public health emergency. City of Newburyport website was updated with pertinent information such as Symptoms, Transmission, Isolation and Prevention.
 - The Health department offered two COVID clinic that were available for all ages August 11 and November 22, 2022. Both clinics offer COVID shots and boosters for all ages in addition flu shots
 - The current COVID in Newburyport is 5.80% and 9% state wide. As you can see this is not the spike that we have seen in the past but the linear growth that we have been

expecting. As health officials we encourage people to stay diligent in the months to come as activities move inside and the holiday gatherings begin.

- Kristine Harris and Laura Vlasuk have worked 10 flu clinic and Kristine Harris has conducted 11 home visits the Health department has administered 320 flu vaccines thus far.
- Laura Vlasuk has organized a Blood Drive with the Red Cross that will be held November 30, 2022 from 11 to 6:15 at The Senior Center.
- Shell located at 75 Story Ave, received their first violation for sale to a person under the age of 21. Violation was issued for \$1,000.00, this violation has been paid.
- Richdale located at 62 State Street, received their first violation for sale to a person under the age of 21. Violation was issued for \$1,000.00, this violation has been paid.
- Newburyport One Stop located at 1 Kent Street, received their second violation for sale to a person under the age of 21. Violation was issued for \$2,000.00. Appeal requested.
- Department is continuing to follow the guidelines provided by the Commonwealth of Massachusetts to continue retention of records that was obtained by Michael Lawler prior to his departure from the department.
- CSO continue to occur and Laura Vlasuk has provided a sample of a CSO posing that Ms. Vlasuk, would like to turn into permanent street sign to be posted at each location set forth by the state. Board request that notification of permanent signs is posted on town web page, Health web page in addition to posting information in the Daily News now and in spring. Dr. Slocum motioned to move to update water signs to electronic scan code sign seconded by Dr. Tilson. Motion passed 3-0.
- The Health Department did receive the maximum State allotment of COVID test kits, kits are available both at the entrance to town hall and at the Health Department office located in the lower level of City Hall. I encourage everyone to come take as many as many as they wish.
- Molly Ettenborough - Recycling and Energy Manager would like to attend the December BOH meeting she is in the process of drafting a written outline of she presentation or topic that I will distribute to the Board of Health prior to the meeting.

Next Meeting

December 15, 2022 at 7:00 pm

V. Dr. Slocum added that Ms. Vlasuk is doing great work and hopes that an assistant position is posted soon.

VI. Adjourn

Motion to adjourn made at 7:27pm by Dr. Blair, seconded by Dr. Slocum. Motion passes 3-0.