



TOWN OF CHARLTON
37 MAIN STREET
CHARLTON, MA. 01507
508-248-2210

BOARD OF HEALTH

February 28, 2023

Members Present:

Matt Gagner, Chair

Peter Lancette, Vice Chair

Jon Sanborn, Member

Others Present:

James Philbrook-Health Director

- Chair, Matt Gagner, called the meeting to order at 6:00 p.m.
- Member Jon Sandborn made a motion to accept the January 31, 2023. Vice Chair Peter Lancette seconded, all in favor.
- New Business
 - Meet & Greet Tim's Rubbish Removal
 - Timothy Pageau & Elizabeth Pageau were in attendance. Matt had met up with Tim in town recently and mentioned to him that the Town would be looking for someone to supply dumpster services to the town when our contract with Casella expires on November 30, 2023. He would like to make sure Tim knows when the bid goes out so he has time to be prepared if he is interested. Tim grew up here in town as well as his wife. They started the business in 2020 and expanded into residential trash at end of 2020 and just purchased a 4th truck that is equipped for industrial trash. They run a true recycling program and have a separate truck to pick up recyclables. They have 398 customers as of end of February and few new customers in March and April as well. The Town Administrator and the Board of Selectmen will be the ones that handle this contract.
 - Oxbow Variety Hearing regarding Tobacco Violation on December 23, 2022
 - Love Swadia, Abhlit Patel, Durub Swadia and Jody Flood were in attendance.
 - At the previous meeting on 1/31/23 it was established that there were many stings at stores in Charlton on December 23, 2022 and Oxbow variety was said to have sold to a minor. Love explained that the surveillance on the cameras in the store expire every 2 weeks. The letter came from the Leominster Coalition on January 10th. Matt doesn't see

burden of proof. They spoke to all 3 employees that were on that day and time and nobody admitted to selling to a minor.

- Also at the last meeting, Health Director James Philbrook explained that the fine cannot be reduced, and the coalition would not want to get them in trouble if there wasn't really a sale to underage.
- The Leominster coalition was not able to be in attendance tonight. Joan, the head of the coalition was available by phone. She provided a written summary of the sting. See attached.
- Jim explained that they follow the federal guidelines. They are only rewarded if stores are in compliance. Peter reiterated that we cannot be less lenient than the state and have to charge the state fines, but we can reduce the number of days that the store cannot sell tobacco products from 3 to 1. Matt has a problem with the coalition notifying the stores weeks after the actual sting. Matt is not agreeing to the fines.
- Jim explained The attorney general's office will contact this office if we do not charge the fine and the fine will go elsewhere and not to the municipality.
- Global Montello did take ownership and pay their fine. Jim does not understand the mistrust of the coalition.
- Matt feels that the method that it is done is a "he said she said". He doesn't like that they did not have the opportunity to review the cameras.
- Jim warned that this is precedent setting. He agrees that the fine is quite high, it is not a Charlton bylaw, it is a state fine.
- Each ID is scanned in the system in the ID tracker at all of Love Swadia's stores. He explained how an alcohol sting was performed in his store and the person came in after the sting and showed a badge and explained what happened. The name of the person that sold it was also written down for them. He would like to see the tobacco stings done like this as well. This is the first time in the 13 years that he been doing business in Charlton that it was done this way.
- Jim explained that the town has never run the stings. It was done by the Worcester coalition in the past and the rules are set by the state not the Leominster coalition. There is also some confusion as to what products are not able to be sold.
- Matt made a motion to throw this whole thing out due to lack of proof. There isn't enough evidence to fine \$1000.00. No second of the motion. The next motion he made was to reduce the loss of tobacco sales from 3 day to 1 day. Jon made a motion to reduce the loss of tobacco sales from 3 days to 1, Peter seconded all in favor. Jon agrees that the ability to review the camera footage and also the name of the person who did the sale should be provided in the future. Matt disagrees with this protocol for the record. The fines should be properly posted on the Mass.gov website.
- The alliance is funded by the Department of Public Health.

- Jim will recommend a Sunday for the one day that they cannot sell tobacco. Love will notify Jim what day they will not sell tobacco.
 - Old Business
 - Mass Pike West
 - There has been some cleanup done. It needs to be kept up with. McDonalds corporation does not want a bad name.
 - Flint Road Landfill
 - Still at beginning stages of capping the landfill. Gary owes the DEP a letter about PFAS testing. When will we be testing it is the question. Letters sent out to the residents informing them of the possibility of PFAS being present in the Landfill and possibly the residential wells in the area. Matt is trying to figure out what we have for money to start this testing. Jim explained that we do have some money in our budget to start this. He is working with the finance department to establish funding.
 - If we test at the landfill and we have PFAS, we will automatically have to continue testing. Matt thinks we should just test. DEP would like us to test.
 - The purpose of the letter to the residents is to protect the people just in case they may have PFAS in their wells.
 - Matt would like to table this for the next meeting. Jon made a motion to table this to the next meeting and requested that Gary Magnuson is at the next meeting to give his input. Peter second, all in favor.
- Department Head Reports
 - James Philbrook, Health Director, reported that Brianna Dunn has resigned. The CCPH will determine if we want to hire another person in this capacity or something different. Also, have posted a new position for an Outreach coordinator.
 - The BOH received a new electric ford van. We would like to be able to use it for EDS set up drills and mobile vaccinations. This will enable Kim and Jim to stop using their private vehicles to do town business as well.
 - Jim asked the Board which Logo they would like to use for CCPH. We had the Baypath students combine 2 of the logos to create a new one. The Board would like to write a letter congratulating the students for their efforts. The Board liked the Logo that Jim likes.
 - Several covid tests are not functioning properly. Need to figure out what we will do about this. We have been testing the tests to see which ones may be affected.
 - Jim spoke about the new tablets that we are using to do inspections.
- Other Business Not known at time of posting
 -
- Next meeting will be March 28, 2023, at 6:00 p.m.
- Jon made a motion to adjourn, Peter seconded, all in favor 7:23 p.m.

Matt. Jagun

Jon Philbrook