



## TOWN OF NORTHBRIDGE BOARD OF HEALTH

Aldrich School Town Hall Annex - 14 Hill Street  
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*The Northbridge Board of Health approved these minutes at a meeting held April 8, 2024.*

### MEETING MINUTES - MARCH 12, 2024

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This meeting was called to order at 5:30 PM by Ms. Lani Criasia, Chair. Other members present were: Mr. Chris Cella, Ms. Linda Lermond, RN, and Mr. Steve Garabedian. Ms. Erin Meagher, NP, was absent. Also present were Mr. Daniel Markman, BVPPH Regional Inspector/Educator, and Ms. Jeanne M. Gniadek, Board of Health Administrator.

**NON-COMPLIANCE HEARING TO CONSIDER SUSPENSION OR REVOCATION OF THE TOBACCO SALES PERMIT ISSUED TO VERA'S MINI MART:** Present for this hearing was Ahsraf Youseff, owner of Vera's Mini Mart. Also present were Joan Hamlett and Jodi Brighenti of the Boards of Health Tobacco Control Alliance, Agents of the Board of Health.

Ms. Criasia informed those in attendance that this meeting was being recorded by their clerk and asked if anyone else was recording the meeting. No one responded that they would be recording this meeting.

Ms. Criasia stated that the first thing on the agenda for tonight's meeting is a public hearing regarding alleged violations of the tobacco sales permit issued to Mina's Food, Inc. d/b/a Vera's Mini Mart and the permit holder's appeal of the February 16, 2024 Correction/Cease and Desist Order.

Ms. Criasia asked who was present for Vera's Mini Mart. Mr. Ashraf Youseff stated he was present for that hearing.

**Mr. Cella motioned to open this Hearing. Motion seconded by Mr. Garabedian. The vote on this motion was all in favor.**

Ms. Criasia stated that there are ground rules for this meeting. The hearing will proceed in three phases: (1) representatives of the Health Department will present their evidence as to the alleged violations; (2) after all evidence is presented, the permit holder and/or their representative may present evidence that no violation occurred or that the violation should be excused; and (3) after the presentation of all the evidence the Board will deliberate and render a decision or continue the hearing to another date.

Ms. Criasia then asked all those who intend to testify at this hearing to stand and swear that their testimony would be truthful. Ms. Hamlett, Ms. Brighenti and Mr. Youseff stood and upon being asked if their testimonies would be truthful all indicated that it would.

Ms. Criasia then turned the hearing over to Ms. Hamlett and Ms. Brighenti of the Tobacco Control Alliance to provide their testimony.

Ms. Hamlett introduced herself and stated that she is the Director of the Tobacco Control Alliance. She stated that she would be turning it over to Ms. Brighenti to discuss the most recent violation which was the fourth violation at this establishment. She advised the Board that they would need to determine if a violation occurred and that she would also present history on this establishment and then provide the Board with their recommendation.

Ms. Brighenti introduced herself noting that she is the Tobacco Control Inspector and that this most recent visit was a re-inspection due to a past violation. She stated that on January 22<sup>nd</sup>, 2024 she completed an inspection at Mina's Foods Inc./Vera's Mini Mart at which time she found a flavored product so the violation would be the offering for sale of a flavored tobacco product or tobacco product flavor enhancer. There was also a local violation found at this time. She stated that this was their 4<sup>th</sup> violation which has resulted in this hearing to consider suspension or revocation of their tobacco permit.

Mr. Cella asked what the other local violation was. Ms. Brighenti stated that it was for the finding of blunt wraps and a pricing violation. Ms. Hamlett explained that during the inspection one blunt wrap fell off the shelf which could have been just a loose one that they failed to remove but in addition to that Ms. Brighenti also found that they were selling cigars below the minimum sale price. Single cigars are suppose to be priced at \$2.50 or more, packages of 2 or more cigars for \$5 or more plus tax so products were underpriced as documented in photo evidence (Photo #3 in Correction/Cease and Desist Order).

Ms. Hamlett noted that this Board when they updated their regulations included the hemp wraps. Prior to the hearing on the tobacco regulation amendments, each tobacco retailer received a copy of the hearing notice and the draft regulations. She noted that every retailer signed as proof of receipt. She stated that after the regulations were passed, they again visited each store to notify them of the new regulations. She stated that the new regulations were delivered to Vera's Mini Mart on 10-5-23. Mr. Cella asked who signed off on receipt. Ms. Hamlett stated that Sohir Wassaf, clerk, signed off. She stated that the hearing notice and draft regulation was signed off by the manager, Morad Nakhla on 9-26-23.

Ms. Hamlett noted that this is their 4<sup>th</sup> violation. Their first violation occurred on December 30, 2022, sale to a minor, resulting in a \$1000 fine and 3 day permit suspension. Their second violation occurred on February 7, 2023 for flavored tobacco resulting in a \$2000 fine and 7-day permit suspension. A local violation for self-service display (\$50 fine) was also noted on 2/7/23. The third violation was on October 5, 2023 again for a flavored tobacco product resulting in a \$5000 fine and a 30-day permit suspension. Ms. Hamlett noted that he complied with the permit suspensions and has paid these penalties.

Ms. Brighenti stated that the October 5<sup>th</sup> violation occurred when she was hand-delivering the newly signed regulations to the retailers. She stated that she observed a man enter the store and quickly exit with 3 loose cigarettes in his hand. Ms. Brighenti stated that she then entered the store and asked the clerk if they sell individual cigarettes and they responded yes which prompted a full inspection. She found flavored products in the drawer for sale individually as individual menthol cigarettes. She also found Juul pods in a plastic storage container with shelves. Ms. Hamlett stated that Mr. Youseff paid the fines and adhered to the 30-day permit suspension.

Ms. Criasia stated that he paid the fines and agreed to the permit suspension for all 3 prior violations. Ms. Hamlett stated that that is true. Ms. Crisia stated that we are here this evening as Mr. Youseff is appealing this fourth offense of a \$5000 fine as well as a local violation of \$300.

Ms. Hamlett stated that their recommendation is going to be that the evidence supports the violation and that they have done a significant amount of education every year since they started here in Northbridge starting on June 29, 2020. They do once-a-year education visits. Ms. Hamlett noted that the signature of receipt for the education packet on June 29, 2020 when they discussed flavored tobacco laws, the requirement for manufacturer letters, and they explained that the tobacco products if found anywhere within the store (backroom, storage room, ceiling tiles) that no matter where it is found it is presumed to be for sale.

Ms. Criasia asked that it be noted that when Ms. Hamlett showed Mr. Youseff his signature he acknowledged that it was indeed his signature on the June 29, 2020 Merchant Education visit log.

Ms. Hamlett stated that every year since they have gone in to provide merchant education noting FY 24 isn't due until a little later this year, but the FY 23 merchant visit was conducted on 1/7/23. She noted that it was a Mika Madar, clerk, that signed for the packet. She explained that the packet tells them to call if they have any questions and that she provides her cell phone number to all merchants. She noted her belief that the premise of public health is to help people come into compliance not to catch them in non-compliance.

Ms. Criasia asked Mr. Youseff if Mika Madar was still employed at this business. He stated that they left about a year ago. Ms. Criasia then asked if we had a list of people that attended the public hearing when the Board reviewed the proposed amendments to their tobacco regulations. Ms. Gniadek stated that the list is filed with the meeting minutes. Ms. Criasia asked if Mr. Youseff was in attendance at that hearing. Ms. Gniadek stated that he was and Mr. Youseff confirmed that.

Ms. Criasia questioned the 9/26/23 merchant education visit and was told by Ms. Hamlett that it was on that date that they provided the public hearing notice along with the Board's draft regulations. Ms. Hamlett stated that it was when they brought the updated regulations to the merchants on October 5, 2023 that they determined a violation had occurred.

Ms. Criasia questioned if Morad Nakhla, the manager, was still at the business. Mr. Youseff stated that they are. She then asked about Sohir Wassaf, clerk – Mr. Youseff stated that they are still there also.

Ms. Criasia asked if Ms. Hamlett or Ms. Brighenti had more evidence to present. Ms. Hamlett stated that they did not but would like to provide the Board with their recommendation on what action to take. Ms. Criasia stated that she would like to hear from Mr. Youseff first.

Ms. Criasia asked Mr. Youseff to come forward and asked him if he brought an attorney with him this evening. He responded that he did not.

Mr. Youseff stated that he has been in business for 25 years and is always in compliance, no violations. He stated that some products were left over and that he didn't know about the hemp wraps. He stated that the Juuls there were one or two inside the box left over and nobody knew, it was not for sale. He stated that the hems, he didn't know, and that it's only in Northbridge. Ms. Criasia asked if what he was saying is that about the hemp wraps he didn't know it was a violation. He said, yes, I didn't know. Ms. Criasia asked when the hemp violation occurred. Ms. Hamlett stated it occurred January 22, 2024 after the hearing which he attended and their hand-delivery of the new regulations.

Mr. Youseff stated that the lady that signed for the regs is an old lady and she doesn't know exactly what is going on. He said he didn't know about the hemp. Ms. Criasia asked if hemp was discussed at the hearing. Ms. Hamlett stated that it was discussed – that hemp products would not

be permitted. Ms. Hamlett stated that they discussed the hemp with the establishments when they delivered the new regulations.

Mr. Cella stated that there were four violations and to be clear, he asked if it was only on this fourth violation that they found the flavored hemp wraps. Ms. Brighenti stated yes noting it was after the Board adopted their new regulations.

Ms. Crisia asked if Mr. Youseff had anything else to add. He said no, he just didn't know and that the lady, the old lady that received the papers didn't tell him.

Mr. Cella questioned where the regulations were now that were dropped off. Did they give them to him. He stated no, that the old lady never gave them to him. Mr. Cella noted that on 9/26/23 and 10/5/23 regulations were brought to his establishment and he didn't have any of them? He stated no he does not know where they are. Mr. Youseff stated that he can sell them in other towns it's only in Northbridge. Ms. Crisia responded that he is in Northbridge now. He stated that the hems come some in sweet, some in natural.

Mr. Garabedian questioned what Mr. Youseff knew before this violation. Ms. Hamlett stated that they hand-delivered the draft regulations and hearing notice, he came to the hearing where it was discussed that these regulations were going to be passed, and then they delivered the regulations after they were passed and they explained to an older manager what was in the regulations. Mr. Garabedian asked if that was the old lady he keeps referring to. Ms. Hamlett stated that she doesn't know who the old lady is.

Ms. Hamlett stated that they hand deliver the regulations to the establishments to explain the regulations but they do not provide them with a list of approved products. The establishments are required to maintain letters from the manufacturer indicating that they are not a flavored tobacco product. She stated that there are over 80,000 products and they cannot research every one of those. She stated that the Attorney General will go after a manufacturer that certifies a products is not flavored and it really is. She stated that during their inspections they ask to see their binder of manufacturer letters. Nothing can go on their shelves without that certification letter. She stated that hemp wraps are a tobacco-free product but are a tobacco flavor enhancer product. Mr. Cella noted that the hemp products are clearly labeled as flavored. Ms. Hamlett re-iterated that at no time did they promise a list of products to any vendors. She stated that if they are buying from a legitimate distributor, they know what the retailers are required to have.

Mr. Youseff stated that when they delivered the papers that is when the violation was noticed and the lady, she got confused, didn't know anything and the next day they got the letter about the violation and had to remove everything and then they just put it all back when they finished the violation.

Chair Crisia asked Mr. Youseff if he was all done with his testimony. He replied that he was. She then asked if there was anything that Ms. Hamlett or Ms. Brighenti would like to say in regards to Mr. Youseff's testimony. Ms. Brighenti stated that she wanted to clarify that when she was there on October 5<sup>th</sup>, 2023, the clerk called Mr. Youseff so they had somewhat of a 3-way conversation at which time she explained the violations that were found. Ms. Hamlett noted that Mr. Youseff was informed that he could not have flavored products in the store.

Ms. Crisia then noted that this would conclude the evidentiary portion of the hearing. The Board would now deliberate to decide two questions. Whether a violation was proven and if so, what penalty, if any, should be imposed.

Mr. Markman reminded the Board that Ms. Hamlett was told that she could provide her recommendation to the Board after Mr. Yousef's testimony.

Ms. Hamlett stated that this particular location is an excessively non-compliant store since Northbridge joined the Tobacco Alliance in June of 2020. She stated that they oversee close to 500 retailers and that none have a record of non-compliance this egregious. She recommended that they pay the \$5,300 penalty and serve the 37-day permit suspension. She noted however that the 37-day suspension would not be applicable should the Board choose to revoke the permit. She also added that although they don't poll on these, there have been two sales to minors during FDA inspections resulting in fines. These can be found in the state database. Additionally there is 3rd violation for sales to a minor currently in process right now.

Ms. Criasia advised the Board that at this time they deliberate and upon completion of deliberation they can close the hearing. Ms. Hamlett stated that the Board needs to find whether Mr. Youseff is responsible or not responsible. If the Board can't make a decision then they would continue the public hearing.

Ms. Criasia stated that she felt this place has had too many violations and that she is done with them. Tobacco Control does their education, the Board held a public hearing on the new regulations, and we make ourselves available to all establishments for questions. She stated that you can only hold someone's hand for so long. She stated that this a 4<sup>th</sup> violation of state regulations.

Ms. Lermond noted that there have been consistent problems at this store despite the education provided. She noted that it is not getting better. She felt it was getting worse and that the violations were repeat violations.

Mr. Garabedian questioned Ms. Hamlett's testimony that this was the worst of 500 establishments she covers in her service area. Ms. Criasia stated that Ms. Hamlett did say that.

Ms. Criasia asked the Board if they were ready to make a motion.

**Motion was made by Mr. Cella: *I move based on the evidence introduced at this hearing that the Board find that Mina's Food, Inc, d/b/a Vera's Mini Mart, violated the terms of its tobacco sales permit in the manner alleged in the February 16, 2024 Correction/Cease and Desist Order, that this is its fourth violation within the past 36 months, and that the license holder has offered no credible justification for the violation; and based on this finding, I further move that the Board revoke the tobacco sales permit effective immediately and that it affirm the assessment of a fine in the amount of \$5,300. This motion was seconded by Mr. Garabedian. Vote on the motion: Mr. Cella/yes; Ms. Criasia/yes; Ms. Lermond/yes; Mr. Garabedian/yes. The motion passed unanimously.***

Ms. Criasia informed Mr. Youseff that what this means is that his tobacco permit has been revoked effective immediately. You can no longer sell tobacco products. She stated that the evidence has shown that he has had plenty of opportunities, that he was even at the public hearing where the regulations were explained. There is no denying that he was aware and fully educated.

Ms. Criasia asked if Ms. Hamlett or Ms. Brighenti needed to be present when he removes the product from the store. Ms. Hamlett stated that they would check the store within the next couple of days.

**Motion was made to close the Hearing by Ms. Criasia and seconded by Mr. Cella. Vote on motion to close Hearing: Ms. Criasia/yes; Mr. Cella/yes; Ms. Lermond/yes; Mr. Garabedian/yes.**

Ms. Criasia re-iterated that his permit was revoked and that he would need to remove all tobacco products, He can no longer sell tobacco or vapes. Mr. Youseff asked if this was for months or what. Ms. Criasia responded that this is forever.

Mr. Cella asked how the Board monitors compliance. Ms. Hamlett stated that they could still do an annual inspection and that your inspector can look for things during his/her food inspections. They will also send in secret shoppers and if a complaint is received then they can enter and inspect based on that.

With respect to the \$5,300 fine, the Board informed Mr. Youseff that he had ten (10) business days to pay the fine. Non-payment of this fine could result in a Non-Payment Hearing before the Board where they could consider suspension of any other permits held by Mr. Youseff for Vera's Mini Mart. Ms. Hamlett stated that if the fine is not paid then the Board would hold a non-payment hearing where the Board could suspend other permits under the Board.

Ms. Criasia asked Mr. Youseff if he understood what happened this evening. He responded that he did but felt that it was not fair.

Ms. Hamlett stated that she would draft a hearing outcome letter for the Board to send to Mr. Youseff. Mr. Markman commented that he appealed the violation, is there a mechanism to appeal the Board's decision. The Board noted that he would need to hire an attorney and possibly file a formal appeal but as far as the Board is concerned the matter is done.

**Meeting Minutes:** Motion made by Mr. Garabedian to accept the minutes of **February 12, 2024.** Motion seconded by Mr. Cella. The vote was all in favor.

**Food Service Establishment – Inspection Reports:** The Board reviewed the following food establishment inspection reports: Pirate's Cove (Pre-Opening), King Jade (Routine), and Reunion (Routine). It was noted that there are significant issues with both King Jade and Reunion. Their re-inspections are scheduled for next week and unless significant improvement is noted within their inspection reports as well as their pest control reports, then these establishments will be called before the Board for further discussion and possible enforcement actions.

**Advinia Care Update:** The Board reviewed the most recent water test results from Advinia Care. No legionella was detected in any of the 40 fixtures that were tested pre-filter. Ms. Gniadek informed the Board that the next Zoom meeting with MDPH and Advinia to discuss these results was scheduled for March 14, 2024. Ms. Criasia asked that the meeting link be sent to her.

**Blackstone Valley Chamber of Commerce Expo:** Ms. Gniadek provided the Board with a list of approved food vendors participating in the Chamber of Commerce Expo at NHS on Saturday, March 16, 2024. Ms. Kaitlin Donahue will be conducting inspections at this event. Ms. Criasia questioned whether the new one-day food permit fee schedule has been put in place. Ms. Gniadek stated that it has.

**Old & New Business:** Ms. Gniadek informed the Board that the **Nomination for Inspector of Animals** was being processed by the Town Manager's office. She informed the Board that she has

been very pleased with Scott Schofield, the current Inspector, and asked the Board to offer its support for Scott to be re-nominated for this position. The Board agreed to recommend the re-nomination of Mr. Schofield to this position.

Ms. Gniadek asked the Board if any members were interested in attending the **MAHB Certification Program**. She noted that the cost to attend would be covered by the Public Health Excellence Grant. Ms. Criasia noted that she would check her calendar.

Ms. Gniadek informed the Board that a bakery is being proposed in the Shaws plaza and they had submitted specs for equipment being purchased through China. This equipment did not have the **ANSI or NSF certification** – she asked the Board whether they intended to enforce this section of their local regulations noting that MDPH does allow a Board to review and inspect equipment on their own without these approvals to determine if they feel it meets minimum sanitation standards. Mr. Markman commented that equipment having these certifications provides the Board with a level of certainty that the equipment meets food safety standards and takes the burden off the Board and office staff to make that sort of determination. The Board agreed that equipment should have the NSF or ANSI accreditation in order to receive approval from this office for its use. Ms. Gniadek will notify the bakery owners of the Board’s opinion.

**Citizens Forum:** No one present for citizen’s forum.

**Correspondence:** The following correspondence was distributed to the Board:

- Central Mass Mosquito Control Project Budget Notification

*There being no further business, motion to adjourn at 7:05 PM was made by Mr. Cella and seconded by Mr. Garabedian – all in favor.*

*Attested by,*

*Jeanne M. Gniadek, Administrator*

**Next Meeting scheduled for: Monday, April 8, 2024 @ 5:30 PM**

**List of Documents utilized by Board of Health**  
**Meeting Date: March 12, 2024**

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**A. Approval of Minutes**

- 1) February 12, 2024 DRAFT Meeting Minutes

**B. Tobacco Non-Compliance Hearing**

2) Vera's Mini Mart

- a. Cease and Desist Order – Boards of Health Tobacco Control Alliance – Fourth Violation January 22, 2023 (Order dated February 16, 2024)
- b. Non-Compliance Hearing Notice – Board of Health Letter (February 21, 2024)
- c. Vera's Mini Mart – Appeal Letter (Received February 28, 2024)
- d. Violations and Fines Worksheet
- e. Cease and Desist Order – Boards of Health Tobacco Control Alliance – Third Violation October 5, 2023 (Order dated October 10, 2023)
- f. Cease and Desist Order – Boards of Health Tobacco Control Alliance – Second Violation February 7, 2023 (Order dated March 1, 2023)
- g. Cease and Desist Order – Boards of Health Tobacco Control Alliance – First Violation December 30, 2022 (Order dated January 23, 2023)
- h. Delivery Notice – Draft Regulations and Hearing Notice (9/26/23)
- i. Delivery Notice – Legal Notice and Newly Passed Regulations (10/5/23)
- j. Delivery Notice – Retail Education Packet (1/7/23)
- k. Delivery Notice – Retail Education Menthol/Flavor (6/29/20)
- l. Board of Health regulations (11/1/23) Restricting the Sale of Tobacco Products

**C. Food Service Establishment – Inspection Reports**

3) Recent food establishment inspection reports

- a. Pirate's Cove – Pre-Opening – March 4, 2024
- b. King Jade – Routine – February 26, 2024
- c. Reunion – Routine – March 6, 2024

**D. Old & New Business**

4) Advinia Care

- a. Aerobiology Laboratory Water Results – Collection Date 2/20/2024
- b. Garrett Callahan – Legionella Results – Summary Log Dated 3/4/2024

5) Blackstone Valley Chamber of Commerce Expo

- a. List of participating food vendors

**D. Citizen's Forum – none**

**E. Correspondence**

6) Miscellaneous

- a. Central Mass Mosquito Control Project (February 29, 2024) Budget Notification