

BOH05282020

An emergency meeting of the Hancock County Board of Health was held on May 28, 2020 at 4:00PM via conference call. The meeting was conducted to discuss and vote on the permit of the Chester VFW Bob Milby VFW Post 6450. Chair Plesa conducted roll call. Anthony Palavis, Sam DeCapio, Nicole Kell, and Sandy Haspel were present on the call. Dr. Rhody arrived at the Health Department shortly after roll call.

The Chair opened the meeting with the purpose. The meeting was held to review and discuss the reissuance of the permit for the VFW. Chair stated that the meeting has nothing to do with any personal animus with the VFW or members. This is regarding the Violation of the establishment not following the governors executive order and remained open. Past violations that have been recorded were considered with the meeting. The Chair further remarked that meeting was held now instead of June regular meeting as to not hurt the membership because of a few individuals that thought they were above following the executive order or food code. The Chair commented that he speaks for the Board, that great respect is felt for the veterans and the sacrifices that they have made.

Public comment will be limited to the topic of the reissuance of the permit. 10 minutes total comments will be allowed with 2 minutes per individual. Any press questions will be handled at the conclusion of the meeting. Chair then asked if the other members of the Board had anything to add, no members had additional comments.

Public Comment was then opened. Tom DeCapio opened and stated he was representing the VFW. He asked the chair if he wanted public comment or wanted evidence presented? The chair responded that the Board had the State Police report and a copy of the ABCA suspension of the liquor license and revoked posting of the food permit. Asking if Mr. DeCapio had any further public comment. Mr. DeCapio asked to clarify that the revoked permit was for failure to follow the Governors executive order. Chair Plesa stated, that was his understanding.

Question then proceeded with Tom DeCapio asking if the 54 CSR-17 was reason for the revocation of permit Chair Plesa then replied that the reason was due to the state of emergency and the governors executive order as well as the food code in place specifically 8-304.11 H. Mr. DeCapio then ask if we could agree that the last inspection was conducted on 11-6-2019. The staff verified. He then stated that the only notice given of the revocation of permit was the notice on the door on April 27, 2020. Jackie Huff verified that the Notice is notification and it was true and based on complaint and information contained on the State Police report and the ABCA suspension order. Based on code 16 we follow up on complaints filed based on the food code. Numerous police calls were made to follow up on those complaints filed by the health department regarding the number of people at the department. Mr. DeCapio then asked if any other documents were provided to the VFW of the closure besides the NOTICE posted on the door. Mr. Plesa was not aware of any other text messages or phone calls or exchanges of information but was aware of the Notice posted on the door of the facility. Then Mr. DeCapio asked what portion of the Executive order 9-20 was the Notice referring to on the Notice? Mr. Plesa stated violation of the emergency proclamation ordered on March 16th, 2020. Executive 2-20 and reference the ABCA suspension order. Wanted to know what the specific paragraph was in the 9-20 order as referenced on the Notice. Mr. Plesa clarified that Mr. DeCapio was speaking to two different entities. There is the Board of Health and then there is the Health Department and the board was aware

of the Notice but does not have a copy of the Notice and he did not know the actual statement on the notice. Jackie Huff read the 9-20 executive order paragraph 3 she also reference the other Executive orders that are contained within each other. Tom DeCapio then stated he thought it was in paragraph two. She asked what the question was? Mr. DeCapio believed it to be paragraph two and wanted clarification. Jackie Huff responded that actually both paragraphs would be considered.

Chair Plesa stopped the questioning of Mr. DeCapio about the daily needed requirements of the business of the VFW. He asked that he not insult the intelligence of the Board. The police report was after 11:30 at night, karaoke filmed, and screenshot provided, dog in the bar, alcohol on the bar, persons sitting at bar. He was providing this time for public comments and if there were no further comments, he would like to make a motion to re issue the permit to the VFW. Mr. DeCapio acknowledge ok.

Mr. Plesa then made a motion to reinstate the license of the Chester VFW effective May 29, 2020 at noon. All members of the Board voting in the affirmative. Motion passed unanimously.

Chair asked for any comments from the Board. Hearing none he reminded that the next meeting will be regularly scheduled on June 9, 2020 at 4:00PM and will held telephonically. Motion to adjourn. Anthony Palavis seconded the motion and the meeting was adjourned.

Chair asked board to remain on call in case the media had additional questions. There were none.

Respectfully submitted on behalf of Dr. Chris Rhody