

Illegal Tobacco Task Force Meeting #38 Minutes

Meeting Date: December 14, 2020

Meeting Time: 10:30am

Meeting Location: Dial (617) 315-0704, Meeting ID# 179 565 3687, WebEx recorded

Board Members Present: Marikae Toye (Co-Chair), Maj. Steve Fennessy (Co-Chair), Patricia Henley, Michael Sweeney, Susan Terrey, Amber Villa, and Jennifer Zalnasky

Call to Order:

- Meeting was called to order at 10:33am by Mrs. Toye
- Mrs. Toye informed all participants that this meeting is being recorded by WebEx to aid in the preparation of the minutes, only. Mrs. Toye thanked everyone for agreeing to get together.

Approval of Minutes from Meeting 37:

- Mrs. Toye indicates that the minutes of the September 30, 2020 meeting were sent out to everyone by email, and she asked if anyone had any corrections to suggest.
- Maj. Fennessy has two (2) edits: On page 2, it speaks about this being a first-time experience for him with the storage situation. He would like it to be put in a better context and amended to reflect that it is his first-time experience with procurement of an outside storage location. Mrs. Toye suggests the change to be "Maj. Fennessy speaks about this being his first-time experience with procuring an outside storage facility". Maj. Fennessy accepted that suggestion. On Page 3 Maj. Fennessy notes that reference to "Mr. Johnson" should be changed to "Sgt. Johnson". Mrs. Toye accepts this edit.
- Mrs. Toye makes a motion to approve the minutes with the changes noted. Maj. Fennessy seconded the motion. Vote was taken by roll call and approved unanimously.

Updates for the Storage Facility and Memorandum of Understanding:

- Mrs. Toye began the discussion by indicating that she and Maj. Fennessy met with the Chief Counsel of the State Police to go through some of the issues with the existing draft of the MOU after the last meeting. Mrs. Toye indicates that she sent around a draft document to everyone contained a new paragraph in it because of that discussion.
- Mrs. Toye indicates before the meeting this morning she discussed the MOU with Maj. Fennessy and further edits are recommended from the State Police concerning insurance. Mrs. Toye indicates we will not be able to finalize this today, but she will speak with the Chief Counsel of the State Police very soon and circulate an updated MOU.
- Mrs. Toye asks if anyone has anything that they would like to talk about with respect to the latest draft of the MOU storage unit.
- Ms. Villa noted that most property damage claims would, if they were to arise, likely be subject to the MA Tort Claims Act and therefore there would be cap on liability to the State. This makes her feel more comfortable with the language of the MOU.

- Mrs. Toye notes that she and Major Fennessy also spoke about the insurance provisions of the state standard lease terms and conditions which require that the landlord hold insurance to cover various situations and further discussed the fact that state agencies are self-insured. The Tort Claims Act information is helpful.
- Mrs. Toye states that if anyone has any issues or comments with the draft that now is the time to discuss those, as she will be sending around another draft.
- Mrs. Toye asked Maj. Fennessy if he would like to give a brief update of the status of the lease. Maj. Fennessy indicates that the State Police have been working with the Division of Capital Asset Management and Maintenance and they have completed their evaluation of the proposals received. Maj. Fennessy is pleased to advise that they have settled on a proposed site (the location of which will remain confidential) that best satisfies the criteria set forth in request for bids. Maj. Fennessy hopes to have a draft lease to the Task Force soon for approval.

Member Updates:

- Mrs. Toye mentions that she has updated to the Illegal Tobacco Task Force website, to include a better tip line number. A phone number, also monitored by the CIB unit was added, to make it more efficient for anyone submitting an illegal tobacco complaint. That number is (617) 626-3210, and can also be found at our Illegal Tobacco Task Force web page, which is part of the Department of Revenue page. The email address is ITTF@dor.state.ma.us. The meeting minutes to the meetings can also be found on that page. Mrs. Toye welcomes suggestions from the other agencies for updating the contact information on the page.

Preliminary Discussion of Annual Report:

- Mrs. Toye moves to the next item, which is the initial discussion of the annual report to the legislature. She will be putting together the report in draft form, and it will be sent to everyone for review. It will be similar in form to last year's report. CIB will give neutral summaries of their investigations and the work they have done this year, including cross border smuggling of tobacco and other illegal tobacco investigations. Sgt. Pat Johnson helps us by giving his summary of the State Police activities. Ms. Henley usually provides some updates on behalf of DPH as well. If anyone has anything they would like to be included in this year's report, please reach out to Mrs. Toye.

Conclusion:

- Mrs. Toye is hopeful that the Task Force will be able to meet in January 2021 to review the MOU and finalize it-she would really like to get this completed.

Mr. Sweeney made a motion to adjourn the meeting. Ms. Henley seconded the motion, which was approved unanimously. Meeting adjourned at 11:02am.