



Needham Public Health Division



Board of Health Meeting Minutes DRAFT

Date: March 13, 2023

Location: via Zoom

Members: Edward Cosgrove, PhD, Chair; Kathleen Ward Brown, ScD, Member; Member; Tejal K. Gandhi, MD, MPH, Member; Stephen Epstein, MD, MPP, Member

Staff Present: Timothy Muir McDonald, Director of Health, and Human Services; Carol Read, and Karen Shannon.

Welcome

Dr. Cosgrove called the meeting to order at 6:00PM and initiated a roll call. Present were Dr. Brown – Y, Dr. Gandhi – Y, Dr. Cosgrove - Y, and Dr. Epstein – Y.

According to Chapter 107 of the Acts of 2022, as an act relative to extending certain states of emergency accommodations, as passed by the General Court, and signed into law, Acting Governor Karyn Polito, on July 16, 2022, revised Section 20 of Chapter 20, the Acts of 2001. In so doing, provided modifications to the Massachusetts Open Meeting Law, which allow for flexibility to hold remote only, and hybrid meetings, while preserving public access and, where appropriate, public participation. Currently, that additional flexibility will expire on March 31, 2023, unless additional legislative action occurs. As part of today's hybrid meeting, all votes will occur via a roll call.

Needham Alcohol Compliance, Policies and Regulations Review

Mr. McDonald stated that the Board has had discussions regarding its concerns about alcohol compliance, in light of compliance checks which occurred in December where there were eleven sales to minors. The Select Board plans to overhaul their alcohol regulations. The Select Board requested public comment on this overhaul officially on February 28th through March 14th. Tomorrow evening, the Select Board will hold a public hearing and intends to vote on this item on March 28th. The Select Board asked for feedback from the Board of Health and there will be space for Board of Health members to speak during the public hearing tomorrow.

The Board reviewed the draft regulations.



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Dr. Gandhi stated that there seems to be some confusion in Section 3.4.2., Employee Roster, regarding whether it will be provided upon request versus required. In Section 10.1., Violations, Dr. Gandhi stated that this section seems to have too much variability in terms of the types of penalties and timing. The Board of Health has previously discussed suspensions and who determines when these will occur. In Section 10.4., Training, Dr. Gandhi stated that she would like for this to include managers and employees if improper sale has occurred. Section 10.5., Prior Violations, she asked if the clock is reset if there is a change of ownership.

Dr. Epstein stated that, in Section 10.1., the language should be changed to violations ‘shall be grounds for action.’ He agreed with Dr. Gandhi regarding the variability in this Section. He suggested that the Board of Health ask the Select Board to consider specific penalties, with the ability to take action to mitigate penalties instead of imposing them. For example, a first offense could lead to a three consecutive day suspension, but this can be reviewed on a case-by-case basis to lower the penalty, if there are reasons to do so. The penalties proposed in this regulation are the most lenient of communities in the area.

Dr. Gandhi asked about the schedule for reinspection. Ms. Shannon stated that the proposed language does not include information regarding reinspection. There was discussion regarding online versus in-person courses for those who commit violations. Dr. Cosgrove stated that he believes these should be in-person courses. Ms. Read noted that the program is 4-4.5 hours. Dr. Brown noted that these courses need to be completed within 30 days and asked how feasible this is. Mr. McDonald suggested that the frequency of these courses could be increased or that more people could be trained to teach the classes.

Ms. Shannon noted that there is a dramatic change suggested to the hours of service. Off premise businesses are stated to be open from 8am-11pm, instead of 9am-10pm. It is unclear what will occur on Sundays, as this is not set in the regulations. From an alcohol policy standpoint, controlling the days and hours of service and maintaining limits on them, is a key standpoint in prevention. Reducing access to alcohol, impacts underage drinking and those with alcohol use issues. Increasing access through additional hours is a concern. Dr. Cosgrove agreed that he does not see a point in increasing hours, except to increase sales.

Dr. Epstein asked about the potential of increasing the number of licenses for alcohol establishments in Town. Ms. Read stated that there is sponsored legislation regarding additional liquor licenses. This would allow, by Town vote, the Town to increase the number of liquor licenses consistent with State law. Dr. Epstein stated that the Board of Health may need to show the data regarding failures in compliance at the Select Board meeting. He stated that he hopes the Board of Health will be opposed to increase the number of licenses in Town until the Select Board can demonstrate it can effectively regulate the number of existing licenses.



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Dr. Gandhi agreed that she does not believe there is an issue with being able to access alcohol in Town, so much so that additional hours are needed. Dr. Cosgrove agreed that the Board of Health should oppose both additional liquor licenses and additional hours. Dr. Brown agreed that keeping establishments open until 11pm seems late and not a wise choice. Ms. Shannon asked how those hours would pertain to the delivery ordinance. Dr. Gandhi asked how deliveries are managed in terms of ID checking. Ms. Shannon noted that that is also a concern. Ms. Read stated that she would like to see a designee to inspect records of alcohol deliveries, similar to the way Tara Gurge does for tobacco.

Dr. Epstein noted that the word “secular,” should be removed in the hours-of-service section.

Ms. Read noted that it is unclear if there is anything in the regulations regarding “bring your own.”

Ms. Shannon stated that, regarding the Compliance Section, she is unclear on how the compliance language was separated from the violations and penalties language. It is unclear what the intentions are regarding consequences that come from sales to minor violations during compliance checks. Dr. Epstein stated that compliance checks are geared toward underage drinking, but that is only one type of violation of the regulations. Section 10.2. seems to apply to any violation. It needs to be clear if there is a range for the broader violation categories, versus the violation for underage sales. A list of violations could improve clarity.

The Board agreed that a letter to the Select Board would include recommendations on extended availability (including hours of service and increased number of licenses), in-person training, and defined penalties for each type of violation. Mr. McDonald stated that staff will draft the letter for Board comment. Dr. Epstein and Dr. Brown stated that they would plan to attend the Select Board meeting tomorrow.

Ms. Read noted that the House put “cocktails to go” into its supplemental budget bill, but the Senate released its version of the budget without this included. This item may continue past April 2023, and review of delivery records will be important.

Adjournment

Upon motion duly made by Dr. Epstein and seconded by Dr. Gandhi, it was voted to adjourn. Dr. Brown – Y, Dr. Gandhi – Y, Dr. Cosgrove - Y, and Dr. Epstein – Y. Motion passed 4-0.

The meeting was adjourned at 6:51PM.

Attachment:

March 13, 2023 meeting packet