

NEEDHAM BOARD OF HEALTH

March 13, 2015

MINUTES

PRESENT: Jane Fogg, M.D. Chair, Stephen Epstein, M.D., Vice-Chair, Edward V. Cosgrove, Ph. D.
STAFF: Timothy McDonald, Director, Anne Clark, Maryanne Dinell, Tara Gurge, Alison Paquette, Carol Read
CONVENE: 7:00 a.m. - Public Services Administration Building (PSAB), 500 Dedham Avenue, Needham MA 02492

DISCUSSION:

I. Call to Order - 7:08 a.m. - Dr. Fogg

II. Approve Minutes:

Upon motion duly made and seconded, the minutes of the BOH meeting of February 24, 2015 were approved as submitted. The motion carried. Unanimous vote.

III. Director's Report - Timothy McDonald

Mr. McDonald stated there were a few meetings last month including presentations with the League of Women's Voters regarding preparedness with Chief Droney and Chief Condon. He stated he, Donna Carmichael, and Carol Read met with Riverside to discuss the social work contract. He stated his concern that the contract has not kept pace with inflation, so the level of service has been slowly degrading over time. He said he and Donna Carmichael met with Reverend Jennifer Hitt of the Needham Interfaith Clergy group to discuss the groups attendance at some meetings and to publicize programs where there is an overlap of mutual interest. He said the clergy group is willing, especially on issues of domestic violence and substance abuse.

Dr. Epstein asked about the Riverside contract rate. Mr. McDonald stated the rate is currently \$70,911.00, and said an increase to keep pace with inflation wouldn't necessarily buy the Town more service. He stated a meeting with Riverside was held in February to discuss the way data is reported to the Town. Mr. McDonald said he has suggestions on the reporting of data. He said the Town makes extensive use of the Riverside services, with a lot of referrals, noting a 4-6 week wait for a referral to see a social worker. He commented a zero day wait would mean a lot more

resources, and that it is a question of balance. He said one topic for discussion includes the ratio of funds and how they can provide service in a timely manner. Dr. Epstein said the time should at least be shortened by half, suggesting the increased rate would have to be about \$25,000, which he surmised would be difficult to pass the Finance Committee. Dr. Epstein suggested collecting data. Dr. Fogg said it is important to understand waiting 6 weeks when in a mental health crisis versus 1 week will affect a patient. Dr. Fogg asked whether there were places other than Riverside, noting she has struggled clinically with getting people into Riverside. She suggested back up resources for social work wraparound and out patient psychiatry.

IV. Staff Reports

- **Environmental Health Agents Report - Tara Gurge**

Ms. Gurge reported an animal permit application was received from a resident for 4 chickens. She said she is reviewing the plan, which does not require a variance as the property appears sufficient.

Ms. Gurge provided an update on the Sheraton Hotel stating the electrical panels have been rebuilt and are back on permanent power.

Mr. Gurge reported Not Your Average Joe's is currently being monitored to make sure people are on hand to shovel the roof, as there were ceiling leaks during February. She said she checked the property to make sure leaks were contained. Ms. Gurge noted a letter was received from the landlord stating the roof will be replaced and some interior work will be completed in the spring.

Ms. Gurge reported a complaint was received about Dragon Chef, and that temperatures were checked. She noted discussion with the owner.

Ms. Gurge said she has received some Farmer's Market permit applications, noting there may be 10 or so vendors this year. She stated the parking lot location behind the Needham bank remains unchanged.

Ms. Gurge reported one home kitchen opened, Terry's Toffee Haus."

Ms. Gurge reported a pre-operation inspection has been set up with TripAdvisor for later in the month. She noted the cafeteria will be very large.

Ms. Gurge reported on several housing complaints:

Pickering Street - Ms. Gurge said the resident was concerned about heat and a new wall mount thermostat was installed. It was noted the resident was also not setting the existing wall mount thermostat properly.

Needham Housing Authority - Ms. Gurge said the issue has been resolved.

28 Evans Road - Ms. Gurge said a resident came to the office concerned about an excessive electric bill, water charges, gas charges, garbage collection, and chronic dampness. She noted the resident felt safety may be an issue once the landlord receives a letter of complaint. Ms. Gurge questioned whether the property is legal as it is zoned as a 2 family home, but has 3 separate rental units. Ms. Gurge said she spoke with the landlord, and it is up to the landlord to prove legality of the units. Ms. Gurge said she will reinspect the property within the month.

Charles River Landing - Ms. Gurge said a complaint was received about waste, which has since been cleaned up.

992 Great Plain Avenue - Ms. Gurge said water was not being contained. She said the business was shut down for a day in order for the roof to be properly cleared of snow.

23 Cheney Street - Ms. Gurge reminded the Board about the feasibility to connect to municipal sewer. It was not found to be feasible. She said the owner met all requirements/protocols for installation and may be installing the new upgraded septic system next week (weather permitting). She said the project has been permitted.

Ms. Gurge reported she will be conducting trash hauler truck inspections at the end of March, as applications are starting to be received.

- **Traveling Meals Coordinator Report - Maryanne Dinell**

Ms. Dinell reported meals have been delivered as usual, except for the days the Town was shut down due to the snow. She said the volunteers in Needham are great and surpass every expectation. She stated that on the 4 days the Town was shut down, she called all residents and asked whether they needed food. She commented most residents felt they had enough food until the next day. Ms. Dinell said these residents are usually the last to be shoveled out after a snowstorm.

- **Substance Abuse Prevention Coordinator - Carol Read**

Ms. Read spoke briefly about working to file the DFC application, which is due next week.

Ms. Read reported that last night the annual community forum was held. She said Jennifer Rowe, Norfolk County Assistant District Attorney, John Carmichael, Governor's Task Force on Opiate Addiction, and Kevin P. Hill, Director of Substance Abuse Consultation Service, McLean Hospital spoke. Ms. Read gave copies of "Learn to Cope" books by Joanne Peterson. Dr. Alex Walley, Director of MA-DPH Opiate Overdose Narcan Pilot Program, demonstrated the use of a Nasal Naloxone Rescue Kit. DVD's of a NCYSAP Needham Channel Program on Opiate Addiction was distributed. She noted the DPH recently changed its format and are not allowed to give kits out free of charge at community forums as the DPH is encouraging people to go to pharmacies as insurance now covers Narcan kits. Ms. Read said CVS has not started stocking Narcan, but Walgreens has started to stock kits. Ms. Read noted the District Attorney has a grant for police to get reimbursed for the Narcan that they use, District Attorney Morrissey asked police chiefs to report the number of Narcan saves. Ms. Read mentioned that Jennifer Rowe stated last night that Needham has had 3 saves year-to-date with the police, 11 saves last year. Mr. McDonald said last week there were 2 saves (one being a 21 year old Needham resident and the other a 30 year old non-Needham resident). Mr. McDonald stated frustration with the DPH change in policy because he just found out about it last Tuesday. Ms. Read commented on the progression from opiate pills to heroin, noting it is not an issue confined only to Needham. She said a goal is to mitigate the stigma of shame and the disease of addiction. Ms. Read said it is important to educate

business owners that 1 in 5 overdoses occurs in a public restroom. She noted the ages of people who overdose is younger than people think, and that the average age of a male overdose in Norfolk County is about 30. Dr. Fogg wondered how to tell the community about a 21 year old female who was saved, without invading privacy. Mr. McDonald commented the 2012 Metrowest Adolescent Health Survey indicated 29 Needham High School students reported using heroin over the course of their life, which he said is alarming. Ms. Read said the goal is to make people aware, not afraid, and to encourage people to reach out for treatment. Dr. Cosgrove asked whether the Town Manager and the Board of Selectmen are aware of the number of saves. Mr. McDonald said the Town Manager is aware, but he is not sure if the Selectmen are told. Dr. Cosgrove said it is important for the Town Manager and Board of Selectmen to know there is an issue, should a request for funding be made in the future. Dr. Epstein suggested Mr. McDonald should get EMS run reports from the Needham Fire Department and said he may be able assist in getting the information. Dr. Fogg said it is a good goal for the spring to try and get data to make a compelling story for the general public.

- **Public Health Program Coordinator Report - Anne Clark**

Ms. Clark stated tomorrow, March 14, 2015 is the Medical Reserve Corps conference for Region 4B at Olin College, Needham beginning at 8:30 a.m. She invited everyone, and said approximately 90 people have already signed up to attend.

Ms. Clark said she has been working with Ms. Gurge on Bodywork regulations.

- **Public Health Nurses Report - Alison Paquette**

Discussion ensued on Campylobacter, Group A Strep, Group B Strep, Hepatitis C, as well as a possible outbreak of Norovirus at a long term care facility. There was daily communication between the long term care facility, D. Carmichael and the MDPH infection control department.

V. **Concussion Prevention, Education, and Training Regulations**

Dr. Epstein mentioned the editorial in the Needham Times that he thought was very favorable to Board's position. Mr. McDonald said he would write a letter on behalf of the Board of Health to the editor regarding crafting regulations that protect well being, but are the least burdensome possible and to work to make logistical details seamless. Dr. Fogg suggested mentioning parental support of the policy.

A general discussion ensued on how to proceed with reviewing the regulations. Dr. Fogg mentioned issues include implementation and timeline. Dr. Epstein suggested as of the date of implementation, the next registration period for a sport is the time to comply with the regulation. He said the regulations are linked to registration anyway, and the process is clean and automatic. Dr. Fogg and Mr. McDonald agreed.

Dr. Epstein noted the lack of representation at the public hearing from indoor sports teams and commented the hearing was well publicized and all were invited. Dr. Fogg suggested contacting indoor sports teams, such as hockey and basketball, informing them of the public hearing that took place. Mr. McDonald suggested forwarding the public hearing comments to attendees and invitees. Mr. McDonald stated one written follow up comment was received from the baseball team, which was posted on the website.

Dr. Fogg commented on the problem with the CDC site, and the inability to save in a way that makes it easy for people. She suggested the library may allow use of a computer for completing the training and registration. Comment ensued about saving information, teams using a scanner, and use of the Town's website as a potential central database for information. Mr. McDonald said he would look into the suggestion. Dr. Fogg suggested spreading the cost among teams by charging an annual fee, based on the number of coaches on a team. Mr. McDonald said he would set up a meeting with the Information Technology department.

Dr. Epstein mentioned the "return to play" note and how to store it. He said the baseball team wanted to know whether all coaches are required to have concussion training. It was suggested that perhaps one coach at a practice had concussion training. Dr. Epstein said he felt it was not an unreasonable

request, but he was unsure about implementation. Dr. Fogg suggested setting minimum guideline standards. Discussion continued regarding regulations and the ability of an athletic trainer clearing a child to play, with a review at a later time. Dr. Fogg questioned confidentiality and doctor notes, and suggested the Town audit the number of doctor notes vs. players. Dr. Epstein wondered whether it was necessary for the coach to give the note to the sports organization within a day. Ms. Clark said "probably not." Dr. Fogg said logistically it is a little challenging, and said at a certain point the sports organization will have to take responsibility, rather than the Board of Health. Mr. McDonald brought up the issue of "21 days prior to the initiation of play," and asked if the regulation should be changed to "prior to the initiation of play." Dr. Fogg said she felt 21 days was too far ahead. Dr. Epstein commented the BOH is also telling the organization that it must submit evidence of training for all coaches. He noted that it was an issue for some organizations, stating not all coaches are known. Mr. McDonald said if the Town is able to set up a system to track who has completed training on the website, then all that is necessary is for the coach to complete it prior to initiation of play. Dr. Epstein said if the Town is able to get the website up and running, it is a huge incentive for the teams to participate in the system as it is much easier for them. He noted the teams may even end up asking the Town whether their coach completed the training. He suggested an automatic email be sent to the sports contact from the system as a means for electronic tracking. Dr. Fogg suggested charging a fee is appropriate, because the Town is "taking away a headache" and making it easier for the teams. Dr. Epstein said fees are standard and a vote by Town Meeting would require a change in practice. Mr. McDonald clarified the Town is not looking to make money from the initiative. Ms. Dinell suggested the possibility of the coach printing an ID card after training.

IV. Bodyworks Regulations

Mr. McDonald noted that prior to the public hearing he included a report from Chief Droney and Lieutenant Schlittler of some investigations, done in conjunction with the District Attorney's office and the Wellesley Police Department, of establishments in Needham and Wellesley that were offering prostitution services

and/or human trafficking under the guise of bodyworks. Mr. McDonald asked Ms. Gurge and Ms. Clark to present information about a call received yesterday.

Ms. Clark referred to police reports from 2010-2012, indicating it takes a long time to resolve sex trafficking cases because police must go to the federal level for funding and protection for ongoing surveillance. She noted police "hold off doing anything" until the federal government is involved because it is across state lines. Ms. Clark said Ms. Gurge found out that in 2006 local governments were not allowed to make regulations concerning massage establishments. Ms. Clark noted issues with combined body massage/bodywork regulations in Cambridge and Quincy. She said Needham has a body massage regulation without bodyworks regulations. Ms. Clark referred to a 3 criteria definition of bodyworks devised by an epidemiologist named Sam Lipson from Cambridge. The criteria must include:

- Whole body contact
- Forceful manipulation of the tissue
- Unclothed or Clothed

Dr. Fogg said the definition differs from massage in that to be a massage therapist you need a state license, and if you don't have a license you fall under the category of bodyworks. Dr. Epstein said if regulations are drafted on that basis, one may argue that the regulations are attempting to regulate massage. He said "lack of a state massage license" must also be included in the regulations.

Ms. Clark said regulations from Arlington, Newton, Quincy, Cambridge were reviewed and varied in CORI's/SORI's. Ms. Clark said the crux of the issue is whether to be upfront from the beginning, making sure people do not have criminal backgrounds and are legitimate, or rather just a legitimate/safe company. Ms. Clark said the Town of Weymouth is straightforward in stating the issue is about sex trafficking, wanting to make sure the businesses are legitimate, healthy, safe, and clean facilities. Ms. Gurge said Weymouth was not concerned about the background, as there are family generations skilled in massage therapy. She noted Weymouth was more interested in safety, and the police were involved from the beginning. Dr. Fogg stated that while human trafficking is awful, public health/safety is also a concern, which makes a legal

issue. Dr. Fogg said she is unsure how to inspect an establishment to make sure it is a healthy rolfing practice. Dr. Cosgrove commented the police need an 'entre' into these establishments. Mr. McDonald said there are some public health concerns. Dr. Fogg commented there are many establishments where people touch you with their bare hands and no one asks if hands have been washed. Ms. Gurge said only if a complaint is received would regulators go into a salon. Dr. Cosgrove asked for a copy of the Weymouth regulations. Ms. Gurge said Town Manager Kate Fitzpatrick favored the Weymouth regulations and that they seem to fit best with what the Town is trying to do. Ms. Gurge said she likes that Weymouth has two separate applications, one for the establishment and one for the therapist. She said the police should be involved, CORI/SORI, 2 forms of identification, require a physical exam for every therapist within 6 months of applying, personal hygiene, have sufficient hot and cold water, sanitation, and advertising restrictions. Dr. Epstein said the Board of Health must decide whether it wants to or should "get into this space," and what are the health issues. Mr. McDonald said the police do not normally do inspectional checks. He said it is really up to Ms. Gurge and Mr. Roche, Building Inspector. Mr. McDonald agreed the Town is, in part, trying to set up barriers, such that if someone wanted to operate an illegal enterprise they may decide to go elsewhere due to the amount of paperwork. Ms. Gurge commented Weymouth stressed it would not issue any permit unless there is a commercial establishment (no home establishments allowed). The Board agreed on regulating the establishment and permitting the people, without commenting on training. Dr. Fogg asked Ms. Gurge to describe how she would inspect a bodywork establishment. Dr. Epstein commented the more onerous the regulation, the better it will be to weed out undesirables. Dr. Epstein asked about cost and funding, especially since the BOH was approached by the police department and the Town Manager. Ms. Gurge said Weymouth had 23 bodywork establishments in total, which dropped to 12 when regulations were announced, 3 going out of business once regulations were enacted in January, with 6 establishments left to follow up on, and 6 licensed establishments. Dr. Cosgrove said there is a great deal of time involved in the entire process. Dr. Fogg said there are up front costs to start up, and asked if the Needham police indicated how many establishments concern them.

Mr. McDonald said the police have not given much information beyond the report, but said Chief Droney was interested in speaking further with the BOH. Dr. Fogg asked Mr. McDonald to look into the startup costs and ongoing inspectional costs. Dr. Cosgrove suggested, perhaps, the Town needed two sanitarians. Ms. Clark said other towns have more than one environmental health officer who do 2 inspections per year, one announce and one unannounced, coordinated with the police department.

Mr. McDonald said he will work on drafting regulations.

V. Additional Items for Discussion

Study of Ultrafine Particles and Health Effects Near Highways

Dr. Epstein reported he received an email from Jay Talerman, Special Counsel for the Town of Needham, noting he forwarded the email to Mr. McDonald requesting guidance from the Town.

Dr. Epstein said Mill Creek Residential Trust (Greendale Mews development) are making an appeal against the Town, challenging the effects of ultrafine particles. He said Mr. Talerman is not confident that he can get a scientist to speak on behalf of the issue, and therefore asked Dr. Epstein if he would be willing to speak on the issue. Dr. Epstein has not heard from the Town Manager on how to proceed and asked Mr. McDonald if he heard anything. Mr. McDonald said he asked Christopher Coleman, but felt outside counsel the Town is paying should be the ones doing the "legwork" of trying to get the scientists. Mr. McDonald said obviously the Board of Selectmen and the Town Manager have concerns, and that there are legitimate health concerns about building close to a highway. Mr. McDonald reference a Boston Globe article. Dr. Epstein explained Mill Creek wants to build a large residential complex on Greendale Avenue. He said the Selectmen voted against the proposal and felt if the project were scaled down by 1/2 it would suit the Town better. He said Mill Creek indicated the plan includes 40B housing and that it can not make a profit with a reduced sized complex. Dr. Epstein said all of the Town departments have said 'no' to the project. Dr. Epstein said he was asked by Jay Talerman to look into health concerns. He said he

responded by saying not "don't build it," but rather pointed out the legitimate concerns and the potential risks, and that there are ways to mitigate the concerns. Dr. Epstein said recommendations including fixed windows, filters, and moving the pool were made to the Zoning Board of Appeals. Dr. Epstein commented the BOH reserved the right in the future, that should zoning be approved and the mitigating factors not be included, the BOH would require a signature from tenants upon signing a lease that the resident knew of the Board of Health concerns. He said liability is an issue for the Town, to some degree. Dr. Fogg commented there is emerging and compelling evidence, but said the expert who did the research should make the case. Dr. Cosgrove commented on the litigation process with the project, and noted the Board of Selectmen are rapidly pushing development in Needham Crossing, which is also a 40B development project. He wondered if the residential complex proposed for Needham Crossing is 500 ft. from Route 128, otherwise the argument for Greendale Mews is mute. The Board agreed Mr. McDonald should send an official reply.

Tick Borne Illness Education Materials

Mr. McDonald said the materials will be changed to reflect Norfolk County. Dr. Fogg asked for the information once updated.

Tobacco Compliance Checks

Ms. Gurge reported a 19 year old female was used for a compliance check and asked for Cigarettes and/or Marlboro Lights. She stated there were a couple of close calls, but nothing was sold. Ms. Gurge asked about conducting a cobuy or buying E-cigarettes for the next check, again using a 19 year old student. Mr. McDonald and Dr. Epstein suggested also purchasing a small food item to make the purchase seem more real. Dr. Cosgrove suggested warning establishments in advance of potential compliance checks. Dr. Fogg said one warning is sufficient. Dr. Epstein suggested a warning should be issued when applying for permit. Ms. Gurge commented the next compliance check will be during the first week of May.

The Board agreed the next Board of Health meeting will be on April 10, 2015.

Adjournment -

**Upon motion duly made and seconded, the March 13, 2015
BOH meeting adjourned at 8:55 a.m. The motion
carried. Unanimous vote.**

Submitted by Mary Hunt, Note Taker