

NEEDHAM BOARD OF HEALTH
July 29, 2015
MINUTES

PRESENT: Stephen Epstein, M.D., Chair, Edward V. Cosgrove, Ph.D. Vice-Chair, and Jane Fogg, M.D.

STAFF: Timothy McDonald, Director, Maryanne Dinell, Alison Paquette, Carol Read

Guest: Kate Fitzpatrick, Town Manager, Chris Coleman, Assistant Town Manager, D.J. Wilson, Mass Municipal Association, Gregg Reese, Jennifer Seavey, Peter Krupp, Katy Dirks, Karlee Walther, David Harrington, Steve Butterworth, Dul Phung, William Curran

CONVENE: 5:00 p.m. - Public Services Administration Building (PSAB), 500 Dedham Avenue, Needham MA 02492

DISCUSSION:

Call To Order - 5:03 p.m. - Dr. Epstein

Approve Minutes:

Upon motion duly made and seconded, the minutes of the BOH meeting of June 12, 2015 were approved as submitted. The motion carried. Unanimous vote.

Director's Report - Timothy McDonald

Mr. McDonald brought to the Board's attention a draft letter to the MetroWest Health Foundation expressing the Board's appreciation of and support for the biennial MetroWest Adolescent Health Survey.

Mr. McDonald provided an update on heavy metal testing in swimming in pools. Mr. McDonald stated that Steve Hughes, Director of the Community Sanitation Program at DPH said that the local Health Departments could require additional pool and protocols that are stricter than the state protocols. The protocols would have to specify what and why additional testing is needed. A general discussion followed on conducting testing for this year.

Staff Reports

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

The Environmental Health Agents Report was submitted electronically.

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

Ms. Dinell presented a brief update on meal deliveries. Ms. Dinell stated that Traveling Meals summer drivers have been hired and are working out perfectly.

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

Ms. Read shared an update on a partnership with FCD Educational Services in Newton and Needham Public Health Substance Abuse Prevention and Education program to review school health curriculum by content and grade level, address gaps and opportunities in curriculum that would add information on prevention. An overview on the findings would be presented to Dr. Pinkham, Director of Health and Wellness K- and Dan Gutekanst, Superintendent of Schools. Ms. Read noted FCD assists international, independent, parochial, and public schools with substance abuse prevention programs.

Ms. Read spoke briefly about the Needham Community Forum: Identifying Community Solutions to the Opioid Epidemic, which took place on June 11th. Ms. Read expressed her appreciation to Dr. John Kelley, Dr. Alex Walley, and Jennifer Rowe, Norfolk DA Office.

Ms. Read stated she and Mr. McDonald have met with Norwood, Dedham, and Westwood to discuss the implementation of new Substance Abuse Prevention Collaborative (SAPC) grant. A general discussion followed on funding and capacity.

- **Public Health Nurses Report - Donna Carmichael and Alison Paquette**

Ms. Paquette presented a summary on communicable diseases as well as an update on a new camp starting in a week. The discussion veered to a general conversation on synthetic turf fields in the heat. Mr. McDonald noted that he has not received any inquiries or complaints. A discussion then followed on signage that reduces the risk of heat exhaustion. Mr. McDonald then presented a brief update on a letter submitted to the state on an application for a \$10,000 Regional Climate change grant. The template for the town would activate and staff cooling centers or warming centers as better plan for this as a town.

Mr. McDonald informed the Board that Public Health Nurse, Donna Carmichael, would be out for two weeks due to knee surgery. Mr. McDonald had met with Ms. Carmichael and Roger MacDonald the town's IT Director regarding the grant received from the MetroWest Health Foundation for the concussion database. Mr. McDonald stated that it would be a challenge to establish the database within the town's infrastructure. The

Public Health Department will need a contractor to host it outside of the town's website and link to it. The town's current website is designed by Civics Plus. Dr. Cosgrove asked if there is a possibility to house the server within the Public Health Suite.

Project INTERFACE

Mr. McDonald spoke about the INTERFACE Referral Services; an initiative formally of the Massachusetts School of Professional Psychology (now William James College) that provides personalized counseling referrals for mental health and wellness services. Mr. McDonald stated that a Public Health Department staff person would meet with members of the various houses of worship, bringing along stacks of referral cards, and provide a brief overview of the services available and to make certain the community makes use of this valuable resource. Maureen Doherty will meet with the primary care offices in town. Call numbers are up. The biggest user of Project INTERFACE is the schools; school nurses and school guidance counselors. The push is to make the program more broadly known. The community council has made a donation of \$2,500 in support of suicide prevention efforts, which will be used for advertising and copying.

Animal Permit Variances

50 Richardson Drive -

Mr. McDonald stated that a permit was issued previously to the owner at 50 Richardson Drive to keep 4 chickens on the property. The owner would like to request a variance to keep an additional unit of chickens, (4 chickens), for a total of 8 chickens on the property. The Town Animal Control Officer Danielle checked out her coop and verified that her current coop could accommodate more than that, so there is plenty of room. Danielle and Tara did not have any concerns about the request. The owner mailed out certified letters to abutters on this proposal and to date has not received any objections to this request.

Vote

Upon motion duly made by Ed Cosgrove and seconded by Jane Fogg, the variance request to keep an additional unit of chickens (4 chickens) for a total of 8 chickens on the property at 50 Richardson Drive was approved as submitted. The motion carried. Unanimous vote.

674 Webster Street -

Mr. McDonald stated the owner at 674 Webster Street is requesting a variance to keep 2 miniature horses and 7 chickens on site. Mr. McDonald welcomed owner Katy Dirks and her two daughters. Mrs. Dirks described her property, built in 1880 on $\frac{3}{4}$ of an acre of land and includes a 3-floor barn. Ms. Dirks spoke about how she acquired the miniature horses, which came from a

therapeutic farm in Norfolk Ma and weigh 250 pounds each. Mrs. Dirks stated she has received support from all of her neighbors. One family complained of odor particularly on hot and humid. Mrs. Dirks stated that in response to their complaints she has made additional changes, which includes fencing in an area closet to the property line and boarding the miniature horses at a farm in Sherborn during the summer. Mr. McDonald noted that Mrs. Dirks has sent, via certified mail, letters to the neighboring abutters regarding variance request. Mr. McDonald stated there are 4 variances that are being requested:

1. Needs a variance for a 30' setback from the side lot lines (both sides). NOTE: Owner reports that she is in the process of moving the section of fence to increase the distance from her neighbor that had the odor complaint to the mini horses
2. Needs a variance not having minimum property size requirement of at least an acre per large animal.
3. Needs a variance to keep an additional 3 chickens on her property, for a total of 7 (Since one unit is equal to 4 chickens)
4. Needs a variance to keep 2 mini horses, since our current regulations allow a unit, which is one horse.

The Board discussed set back requirements. Mrs. Dirks explained where the fencing would be place so that the animals would not have access to area of concern. Mr. McDonald noted that the mitigation was well received by the one neighbor that complained of odor. Mr. McDonald also noted that the neighbor is aware that this is an annual variance. If mitigation doesn't work out they could submit any concerns next year during the renewal process.

Vote

Upon motion duly made by Jane Fogg and seconded by Edward Cosgrove to approve all four variances, with the stipulation that the horses are boarded off site on or about June 22nd through Labor Day.

The motion carried. Unanimous vote.

BOARD OF HEALTH PUBLIC HEARING - (opened at 6:20 p.m.)

Update and revision to Existing Tobacco and Nicotine Regulations (Article #1)

Mr. McDonald welcomed D.J. Wilson, Tobacco Control Director of the Massachusetts Municipal Association. Mr. Wilson stated his office is currently updating a number of policies including a new policy on banning flavored 'Other Tobacco Products (OTP)' and updating the policy for regulating minimum pricing for cigars.

Mr. Wilson began by referring to the 2009 federal government ban on the sale of flavored cigarettes (except for menthol flavoring) and the federal lawsuit by the National Association of Tobacco Outlets (NATO) to block an ordinance by the Providence RI City Council to extend the 2009 federal ban on flavored cigarette products to include all Other Tobacco Products (OTB). The lawsuit by NATO was denied and after an appeals process, cities and towns were allowed to move forward with developing policies on banning flavored OTP. Mr. Wilson noted the ban of flavored tobacco and e-cigarettes in regular stores but that a vapor shop or cigar shop could open up as long as they meet the definition of retail tobacco store. A discussion then followed on the definition of tobacco products. Dr. Epstein read aloud House Bill No. 2050, definition of "Tobacco product", any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, or other similar products that rely on vaporization or aerosolization. "Tobacco product" includes any component, part, or accessory of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose." Mr. Wilson responded to Dr. Epstein's question on who wrote the language for the bill and noted the American Lung, Cancer and Heart Association as well as the Campaign for Tobacco-Free Kids organization wrote language for the definition. The Board discussed adopting the expanded definition.

Mr. Wilson presented information on cigar pricing. Mr. Wilson brought to the Board's attention the cities and towns that have updated their policy for single pack cigar pricing (\$2.50/per pack) and Multipacks cigar pricing (\$5.00/per pack). The Board would update their policy to include the new cigar pricing. Mr. Wilson noted the Board's policy does not capture e-juice products. A general discussion followed on flavored products and potential changes to the current tobacco policy.

Vote

Upon motion duly made by Jane Fogg and seconded by Edward Cosgrove that the Board adopt the definition currently being considered by the legislature that clarifies the definition of "Tobacco Products." Mr. McDonald and his staff would finalize

the language and bring it back to the Board to be voted at the September meeting.

The motion carried. Unanimous vote.

Proposed Bodyworks Regulations

Mr. McDonald welcomed Kate Fitzpatrick, Town Manager and Chris Coleman, Assistant Town Manager. Ms. Fitzpatrick stated the Board of Selectmen has adopted the consideration of the Bodyworks Regulations as a goal for last year.

Mr. McDonald opened this portion of the meeting for public comment. Mr. McDonald brought to the Board's attention a written comment received and changes made.

Mr. McDonald invited Gregg Reese, Owner of Needham Wellness Center, to the table to express his concerns. Mr. Reese stated he has been in Needham for nineteen years as a practitioner offering a variety of healing modalities. He Reese had been away and hadn't received notice on the public in time to provide informed commentary. Mr. McDonald explained the background leading up to the adoption of regulations governing Bodyworks establishments in Needham. Mr. McDonald explained that the Town of Needham/Board of Health would do cooperative inspections with the State. Mr. McDonald state that it is the Board's goal to be respectful of practitioners who are in establishments who are following the law and good business practices and also to ensure a good level of safety and cleanliness for its customers.

Dr. Epstein noted that the Board has been very careful to restrict this regulation to primarily sanitation background checks. Dr. Epstein added that if an organization is advertising message services they would be covered under the state regulations not under the Bodyworks regulations.

Mr. Reese stated he would review the draft regulations and submit comment before the next Board of Health meeting. Mr. Reese added that he supports the establishment of regulations. A general discussion then followed on what the State regulates and what the Needham Board of Health would regulate.

Public Hearing closed at 6:33 p.m.

Additional Items of Interest

Mr. McDonald stated he had a follow-up conversation with State Senator Richard Ross and Representative Denise Garlick regarding House Bill 1951. Dr. Epstein shared an update on House Bill 1950 and 1951, one of which would prohibit Boards of Health from

limiting the sale of tobacco product etc. Dr. Epstein stated he testified against the bills. Dr. Epstein shared history regarding the bills.

Next Meeting Scheduled for September 11, 2015

Adjournment -

Upon motion duly made and seconded, that the July 29, 2015 BOH meeting adjourn at 6:45 p.m. The motion carried.
Unanimous vote.