

NEEDHAM BOARD OF HEALTH
September 11, 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, Tara Gurge, Rachel Massar, Carol Read,

Guest: Steve Ryan, New England Convenient Store Association and Ken Farbstein, Tobacco Free Mass

CONVENE: 7:00 a.m. - Public Services Administration Building (PSAB), 500 Dedham Avenue, Needham MA 02492

DISCUSSION:

Call To Order - 7:10 a.m. - Dr. Epstein

Approve Minutes:

Upon motion duly made and seconded, the minutes of the BOH meeting of July 29, 2015 were approved as submitted. The motion carried. Unanimous vote.

BOARD OF HEALTH PUBLIC HEARING

Proposed Bodyworks Regulations

Mr. McDonald stated the draft Bodyworks Regulations and draft Tobacco Regulations have been posted on the Public Health Department's website for public comment. Aside from the email comment on the draft Bodyworks Regulations received before the July meeting, no additional comments have been received. Mr. McDonald noted the July email suggestions have been incorporated in the draft regulations (§6.0, paragraph (n)). A brief discussion followed on tobacco restrictions. It was the consensus of the Board that the effective date of regulations governing the practice of 'Bodyworks' will be January 1, 2016.

The Board allowed opportunity for additional comments before voting on the Bodyworks Regulations. The meeting continued with Staff Reports. The Board voted on the Bodyworks Regulations at 7:45 a.m.

Vote

Upon motion duly made by Edward Cosgrove and seconded by Jane Fogg to approve the Bodyworks Regulations, with the amendments as discussed.

The motion carried. Unanimous vote.

Director's Report - Timothy McDonald

Mr. McDonald welcomed new staff member Rachel Massar. Rachel has been an intern through the Mass Department of Public Health during the summer working on a number of projects with Environmental Health Agent, Tara Gurge. Ms. Massar has agreed to stay on in a part-time paid position in the fall.

Ms. Massar stated she is in her last semester at Boston University School of Public Health working towards her Master of Public Health (MPH). She has enjoyed the work she has been involved with over the summer with Tara Gurge and is excited to be here for the fall.

Mr. McDonald reported that Mimi Stamer, Director of School Health Services, Needham Public Schools is retiring the end of October. He has been asked to sit on the selection committee for her replacement.

Mr. McDonald stated he and his staff are drafting a Request For Proposal (RFP) for outside vendors to implement the concussion-training database. He continues to be in touch with the Center for Disease Control (CDC) on their taking the lead in tracking registration and training. However the CDC has not gotten back to him on when this would begin.

Mr. McDonald stated the Public Health Department received an Emergency Planning Grant (regional planning for warming and cooling centers). This is a \$10,000 grant that has been combined with town money for Public Health and Emergency Planning through June 30th.

Mr. McDonald and Ms. Read are working on drafting regulations for Medical Marijuana Dispensary. Mr. McDonald stated he is also exploring what steps the Town can take to regulate and or limit home cultivation. Mr. McDonald will present more information on this at the next BOH meeting. Dr. Cosgrove pointed out that it is important to ensure that marijuana food products be regulated as well.

Mr. McDonald spoke about recent applicants who have expressed interest in opening a Medical Marijuana Dispensary in Needham. Three have retained local counsel and have requested a meeting with town officials. Mr. McDonald shared an update on the multi-step process before speaking with the Board of Selectmen. The three applicants would do just sale and delivery, not cultivation or the production of marijuana infused products at a Needham location.

Mr. McDonald stated Matt Borrelli, Board of Selectmen Vice Chair requested a policy amendment that would allow the Board of Selectmen to submit, letter of support or non-opposition or take any other action, including the choice to not submit any letter. The Board of Selectmen adopted this policy at their August meeting.

Mr. McDonald reported the INTERFACE Referral would start seeing next week advertising in the Home Town weekly and the Needham Times on alternating weeks.

Mr. McDonald stated the Needham Public Health Department was awarded a \$625K five-year Drug Free Communities (DFC) grant to support community substance use prevention. He is working with Jamie Brenner Gutner, Executive Director of the Council on Aging on a proposal for Town Manager Kate Fitzpatrick and Finance Committee's consideration on an operating commitment to use the funds to hire a social worker who would focused on substance abuse/mental health/domestic violence based at the senior center from the hours of 6pm-8pm to try to align with the selectmen's goal of better aligning all town facilities for collaboration and working relations and to have an additional counselor for the Council on Aging, housed at the Center for The Heights (aka the Senior Center).

Dr. Cosgrove shared a conversation the Counsel on Aging Board members had recently regarding the need for an additional social worker who would work a more flexible schedule dealing with issues of hording, suicide etc.

Update and revision to Existing Tobacco and Nicotine Regulations (Article #1) - Public Hearing Opened at 7:46 a.m.

Mr. McDonald outlined the proposed regulations affecting smoking and the sale and distribution of tobacco products in Needham. Mr. McDonald stated that D.J. Wilson, Tobacco Control Director of the Massachusetts Municipal Association and Cheryl Sborra, Massachusetts Association of Health Boards as well as Needham Public Health Department staff Environmental Health Agent, Tara Gurge and Rachel Massar provided input and guidance on this initiative. Mr. McDonald provided an overview on the proposed regulations. Mr. McDonald stated the regulations have been posted on the Needham Public Health Department website for comments and feedback. The Needham Department of Public Health received a letter from the National Association of Tobacco Outlets about their concerns and questions on the proposed regulations. Mr. McDonald shared this information with proponent and opponents.

Mr. McDonald welcomed Steve Ryan, Executive Director of the New England Convenient Store Association (NECSA) and Ken Farbstein, Tobacco Free Mass to express their concerns.

Mr. Ryan expressed that the concern of the NECSA is the requirement to take a legal product off the shelf no matter how old you are. Mr. Ryan pointed out that when a convenient storeowner cannot carry products that other convenient store owners in other towns can carry, the local store owner is going to lose that business. Mr. Ryan stated to lose customers because a legal product can't be purchased is problematic. Mr. Ryan asked the Board to reconsider their proposed ban on flavored tobacco products.

Dr. Fogg asked what proportion of the tobacco related products are the flavored ones in a typical convenient store. Mr. Ryan responded it could be 20 or 30 percent, but that every store is different. Mr. Ryan added that the average convenient store makes on average a \$65K pretax profit every year. Even if it cuts \$7k or \$8K off the revenues it is a significant impact especially in a declining tobacco industry and if you can't carry products that other folks can it will hurt your bottom line.

Dr. Epstein stated that the concern of the Board is that the flavored products seemed to be marketed towards children. Needham has seen a great response with reduction in smoking rates and it is the concern of the Board that some of the new flavors seemed to be directed toward children. The Board's goal is to try to prevent marketing towards children while not restricting the ability to sell the other flavored products that appeal to adults. Dr. Epstein asked if Mr. Ryan had a proposal for a way to do such a thing. Mr. Ryan responded by noting the excellent compliance rate that Needham has and that education and enforcement would help kids understand the choices that they are making. Mr. Ryan suggested creating consequences for the youth and creating consequences for persons providing minors with flavored tobacco products and to continue enforcement. By doing this you address the issue of access to persons under the age of 21 and you are not creating a financial or punitive situation to the retail community who are following the rules.

Mr. Farbstein expressed that Mass Tobacco Control program has a list of over 1000 different tobacco products. Mr. Farbstein stated these products are designed to appeal to children. There are carcinogens in the products that are designed to be addictive. Mr. Farbstein stated there are ten different carcinogens in e-cigarettes. These products are toxic and toxic to others not just the person using the product. Mr. Farbstein stated that Tobacco Free Mass fully supports the tobacco

regulations as drafted. Mr. Farbstein stated the regulations on safe packaging are also very important. Mr. Farbstein stated that the proliferation of these products have out paced the ability of the law to keep up with it. The Board of Health has the authority to make the law and he is hopeful that they would do that.

Mr. McDonald stated the Board raised questions on whether Town Counsel has review both regulations. Town Counsel didn't have questions about the proposed Bodyworks Regulations but had one or two suggestions for the Tobacco Regulations, which include restricting or lowering minimum price and if this was within the authority of the Board. Mr. McDonald stated this was discussed with D.J. Wilson and Cheryl Sborra. Mr. McDonald read the Mass General Law regarding this. They are suggesting we adopt a preamble. The town asked for clearer language to state that tobacco products could not be used in town vehicles or town property. A lengthy discussion followed on flavored tobacco products.

Public Hearing closed at 8:35 a.m.

Staff Reports

• Environmental Health Agents Report - Tara Gurge

The Environmental Health Agents Report began with a discussion on compliance checks for tobacco and e-cigarettes. The Board would like the tobacco and e-cigarette compliance checks to continue quarterly as standard protocol.

Ms. Gurge reported on the Farmer's Market vendor inspections. The inspections will continue through to November 22.

Ms. Gurge gave an update on Food Plan Reviews conducted for Panella's Market and Deli, New Garden Restaurant, and Sante Mobile Farmhouse Café. Mr. McDonald and Ms. Gurge conducted an initial pre-operation inspection for New Garden Restaurant a follow-up inspection is pending. Mr. McDonald added that he does not typically go on inspections with Ms. Gurge, noting that Ms. Gurge does a great job with pre-operation inspections. However, in this case, he went on the inspection with Ms. Gurge because of construction and to ask questions about alcohol compliance and training. Mr. McDonald stated that New Garden Restaurant indicated that they take it very seriously and that they want to be sure that their staff understands all rules involved.

A general discussion followed in response to questions from Dr. Cosgrove on the focus of Panella's Market and Deli. Ms. Gurge responded that Panella's would open as a retail space and takeout deli, which is the same model prior to

renovations. Dr. Cosgrove also asked if there were any issues with the Farmer's Market inspections. Ms. Gurge responded that there was one issue with food safety protocols. Ms. Gurge added that Ms. Massar was great with ensuring that food safety protocols were followed. Ms. Gurge also responded to Dr. Cosgrove's questions on the beaver population in town. Ms. Gurge reported on flooding of fields and damage to crops at 128 Standish Road as a result of Beaver Dams. Ms. Gurge stated she worked with Conservation and Mass Wildlife on proper Beaver trapping and emergency waiver permit.

Ms. Gurge reported on housing complaints for Highland Terrance. Ms. Gurge stated this issue had been stalled but that she and Ms. Carmichael have been adamant about working with this gentleman. The state is involved with this.

The conversation veered to a discussion on complaints received regarding issues with the Farmhouse Restaurant dumpster. Ms. Gurge stated she conducted an inspection, and spoke with the owner. The owner will submit a dumpster cleaning protocol. Ms. Gurge explained the Chapel Street Parking Lot Dumpster Consolidation Proposal, a public/private partnership between the Town and certain private property owners abutting the Chapel Street parking lot to allow for the consolidation of the number of dumpsters. This is a goal of the Board of Selectmen, planning and economic development. A general discussion followed. The Board suggested the businesses hire a contractor to manage the dumpsters. Mr. McDonald stated in principle he is not against the idea of a consolidated dumpster as long as the maintenance is handled properly.

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

Ms. Dinell stated the summer was great. The summer staff was wonderful. Tuesday was the first day for volunteers coming back. Ms. Dinell stated the delivery schedule at the start of the season is often tight. She has several gentlemen that are willing to work five days a week to deliver. She also has packers that are willing to volunteer for several days. Dr. Cosgrove asked why the number of meal deliveries has increased. Ms. Dinell responded she is not sure. She tries to accommodate people who could benefit from the program for various reasons. Ms. Dinell gave examples of need.

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

Ms. Read reported that she, Ms. Carmichael and Mr. McDonald met with Emily Neil, Trustee, Newton Wellesley Hospital (NWH) regarding information sharing on a new NWH initiative for a child and adolescent psychiatry support network for school staff and community stakeholders directed by Dr. Susan Swick.

Mr. McDonald spoke about substance abuse and mental health wellbeing for the work he is doing for 55 and older. She followed up with questions on youth substance abuse issues and donated \$1000.00 to support the 5th Quarter Program. We asked her if she would consider supporting Alcohol EDU. They have also offered to support the DVAC Committee and Ms. Carmichael.

We've been working with an Intern on getting ideas and references on what other communities are doing to support mental health and chronic substance abuse issues that are known through 911 calls. CCIT is one of the successful programs that towns have. This is a police led task force with stakeholders in town. We are hopeful that Needham would send a police officer to be trained and then have this type of meeting every month. The program is called Community Crisis Intervention Team (CCIT).

Ms. Read reported that the Needham Police Department would participate in the 10th National DEA Medication Take Back Day, in the Police Department driveway on School Street, Saturday, September 26th from 10:00 am - 2:00 pm.

Ms. Read reported on a presentation by Scott Formica on the results of the 2015 Parent Survey with cross tabulation to the Needham youth 2014 risk survey with the community.

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

Mr. McDonald submitted the Public Health Nurses Report: a brief update on communicable diseases and animal bites. Mr. McDonald responded to Dr. Epstein's concerns on the number of food borne illnesses and reported most of them were travel. Mr. McDonald reported that Flu Clinics would be set up in October.

- **Evaluation and Communications Coordinator Report - Rachel Massar**

Ms. Massar reported on her work with the Needham Farmer's Market Inspections. There are also cooking demonstrations coming up and these would need to be permitted. Working on researching restaurant-rating systems for food safety and cleanliness. Also working on indoor tanning research with Ms. Carmichael. Ms. Massar also created a dumpster maintenance handout and safe disposal of medical Sharps.

Brief Items of Interest

Mr. McDonald and Ms. Gurge spoke briefly about changes to the Animal Regulations. If some of the Public Hearings on smaller

variance request could be done through the Health Department staff. A general discussion followed. Ms. Gurge and would begin work on drafting proposed changes to the current regulations.

Next Meeting Scheduled for October 9, 2015

Adjournment -

Upon motion duly made and seconded, that the September 11, 2015 BOH meeting adjourn at 9:05 a.m. The motion carried.
Unanimous vote.