

NEEDHAM BOARD OF HEALTH
January 8, 2016
MEETING MINUTES

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

STAFF: Timothy McDonald, Director, Donna Carmichael, Maryanne Dinell, Tara Gurge, Rachel Massar, Carol Read,

Guest: Dennis Condon, Chief of the Needham Fire Department, Dan Matthews, Board of Selectmen, John Schlittler, Chief of the Needham Police Department, Kate Fitzpatrick, Town Manager, Bob Smart, Town Meeting Member, Ford Peckham, Town Meeting Member

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

DISCUSSION:

Call To Order - 7:05 a.m. - Dr. Cosgrove

Approve Minutes:

Upon motion duly made and seconded, the minutes of the BOH meeting of December 16, 2015 were approved as submitted.

The motion carried. The vote was unanimous.

Director's Report - Timothy McDonald

Mr. McDonald stated that his December report is brief. Most of his time has been spent on continuing to revise, edit and review the draft regulations for marijuana dispensaries.

Mr. McDonald reported on plans to submit a more standardized monthly staff report. Mr. McDonald stated that each staff report would include a monthly update on performance measures by the staff. Performance measures are influenza vaccination, reimbursement, food inspection compliance, and tobacco compliance rates. The monthly report would also include three activities, and accomplishment, a challenge and a new opportunity. Also included in the report would be a summary on communication and education efforts. A general discussion followed on the new format. The Board would prefer to continue to receive a list of critical violations from the Environmental Agents and a list of communicable diseases. Mr. McDonald stated that he would work with the staff to make revisions and will present a working draft for the next meeting. Dr. Cosgrove

stated that the Board would be willing to meet with the staff to collaborate on information for the Board's monthly report. Mr. McDonald suggested that a report on relevant data could also be submitted quarterly with a high level substantive report submitted monthly.

Staff Reports

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

Ms. Gurge reported on proposed changes to the permits and license fee schedule. Ms. Gurge reported on plans to update the application packet for vendors applying for and or renewing applications. Ms. Gurge explained her motivation for initiating the change. Mr. McDonald noted that his staff works very hard in getting the very thick packet of information out to vendors. He is confident that the changes would encourage a proactive response from the vendors.

Ms. Gurge reported on her work with Goldfish Swim School retail store. Ms. Gurge noted that a pre-operation inspection was conducted.

Ms. Gurge reported that Not Your Average Joe's experienced a water leak from a leaking pipe from the men's restroom. Ms. Gurge stated that she and Mr. McDonald conducted an inspection. The leak was fixed. The restaurant was able to re-open. Ms. Gurge reported that she is keeping on track with housing complaints and septic plans are ongoing.

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

Ms. Dinell reported on the number of meals delivered to clients in Needham, Springwell clients and private pay clients. Ms. Dinell noted that Traveling Meals received a \$300 donation from a family whose parent was a traveling meals client, and had received medical assistance during a snowstorm.

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

Ms. Read reported that she and Mr. McDonald traveled to Washington D.C. to attend the Drug Free Communities (DFC) SAMHSA New Grantee meeting. Ms. Read reported that SAPC grant is moving forward. Rachel Massar has been a huge help with the planning process. Ms. Read stated she is getting a lot of valuable information in Needham about risk and protective factors youth substance use. Ms. Read reported that Kathy Pinkham, Director of Wellness Department, K-12 facilitated the opportunity to conduct two great youth focus groups at the high school. She looks forward to

sharing some of this information with the Board of Health after the SAPC Grant report is finalized.

- **Public Health Nurses Report - Donna Carmichael**

Ms. Carmichael presented a brief review on communicable diseases. Ms. Carmichael reported that the fuel assistance applications have increased. The Good Neighbor program has opened. Ms. Carmichael stated that flu vaccinations are done, but that she has a few dosages on hand.

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

Ms. Massar reported that she has been working on the SAPC grant assessment and that she has been compiling a lot of secondary data from youth surveys, school data, police data. She is collecting primary data from the key informant interviews for each town as well as the focus group the she and Ms. Read have been running.

BOARD OF HEALTH PUBLIC HEARING (Opened at 7:25 a.m.)

Public Hearing on Draft Tanning Regulations

Dr. Epstein noted that the Board is adopting the state regulations, Section 21.3 (105 CMR 123.000) as of January 1, 2016. Dr. Epstein also noted that if the state changes its regulations it doesn't change Needham's regulations.

Motion and Vote: 7:55 a.m.

**Jane Fogg moved and Ed Cosgrove seconded the motion to approve the Tanning Regulations as amended.
The motion carried. Unanimous vote.**

Discussion: Draft Medical Marijuana Regulations

Mr. McDonald stated that he has had productive discussions regarding the Medical Marijuana Regulations with other Drug Free Coalitions and local officials including Dave Tobin, Town Counsel and Cheryl Sbarra, the Counsel for the Massachusetts Association of Health Boards. Mr. McDonald stated that there is still a lot of confusion about the state regulation, especially in the area of edibles and marijuana infused products. Mr. McDonald recapped his meeting with Selectman, Dan Matthews who has some philosophical concerns about defined penalties, questions about the food section and home cultivation. A general discussion followed on home cultivation. Dr. Epstein stated that the best way to prevent home cultivation is to have a Registered Marijuana Dispensary (RMD) in town. Ms. Read explained that the process for a person's access to an RMD is interchangeable from dispensary to dispensary once registered in the Department of

Public Health system. Dr. Fogg noted that medical marijuana is not a life saving drug, it's a palliative drug. Dr. Fogg added that making sure that people have constant access to medical marijuana is excessive because patients should seek treatment from their physician if palliative medicine is temporarily unavailable.

Mr. McDonald noted that section 20.5.4 in the draft regulations could be removed. The Board will talk about this during the Hearing. A general discussion followed on revoking and or suspending a permit to operate a RMD.

Dr. Epstein went suggested the following changes:

Section 20.4.1.4 - strike, "...and then only at the discretion of the Board."

Section 20.4.2.E. - Written and electronic communications, either or is fine.

Section 20.4.3.B - Discussion.

Section 20.4.4.D - strike, "...other legal or illegal..."

Section 20.5.1 - Discussion: no change.

Section 20.5.2.A.2 and F&G - Discussion: no change.

Section 20.6.9.C - insert, "...as approved by the Board of Health and its Agents" after the word "rigor"

Section 20.6.10.D. - Correction - remove word "secure"

Section 20.8.5 - Discussion.

BOARD OF HEALTH PUBLIC HEARING (Opened at 8:00 a.m.)

Chief Condon, Needham Fire Department stated that he is in support of the draft regulations. Chief Condon stated that the Fire Department's role would be a public safety. The Needham Fire Department will assist the Board of Health in any way it can.

Dan Matthews, Needham Board of Selectman stated that he is speaking as an individual but that this is an issue that the Board of Selectman have been working on. Selectman Matthews stated that he and Mr. McDonald met regarding the draft regulations. Selectman Matthews noted that from a Selectmen's point of view home cultivation of medical marijuana in Needham is not favorable. Selectman Matthews added that the Board of Selectmen's concern with home cultivation center on public safety. Selectman Matthews addressed concerns about the regulations around marijuana infused products. Selectman Matthews suggested revisions to this regulation. A lengthy discussion followed.

Selectman Matthews also addressed concerns about specific standards for penalties around violations. Selectman Matthews

stated that he would not want to see mandatory penalties. He explained that under this rule the Board of Selectmen foresee having only one or two Medical Marijuana Dispensaries in town and those organizations would be thoroughly vetted. Selectman Matthews stated that he would rather violations be dealt with on a case-by-case bases. A lengthy discussion followed.

Chief Schlittler, Needham Police Department thanked the Board, Mr. McDonald and his staff for their work on drafting the regulations. Chief Schlittler stated that the Board has been very thoughtful in developing the regulations. He added in terms of home cultivation, he would like to see stricter guidelines and stricter oversight. Dr. Epstein asked about the retention of video surveillance. Chief Schlittler stated that 90 days is adequate.

Ford Peckham, Needham resident and Town Meeting member asked how it is possible to sell a product that is deemed illegal. Ford Peckham also asked if there would be compliance checks for the RMD's Dr. Cosgrove explained that it is a violation of federal law to sell marijuana even medical marijuana. Federal banking regulators have the right to revoke charters from banks that accept credit charges from the sale of marijuana. RMD's would most likely be a cash business. Dr. Epstein stated that the Board would continue to discuss this matter. They will be making changes to the regulations. Dr. Epstein recapped the changes. The hearing closed at 8:50 am.

Discussion: Other Items

A discussion followed on the fee schedule. Mr. McDonald outlined the current schedule. A discussion followed on a specific fee schedule. Dr. Epstein suggested tier system that explains the expectations. The discussion continued on permitting fees for RMDs and home

A brief discussion followed on accreditation. Dr. Cosgrove stated that he thinks this is something the Board should pursue. He would be willing to work on this as a special project with the staff.

Next Meeting Discussion

By a general consensus of the Board, the next meeting is scheduled for February 12, 2016.

Adjournment -

Upon motion duly made and seconded, that the January 8, 2016 BOH meeting adjourn at 9:20 a.m. The motion carried. Unanimous vote.

Respectfully submitted: Cheryl Gosmon, Recording Secretary