

NEEDHAM BOARD OF HEALTH
May 13, 2016
MEETING MINUTES

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

STAFF: Timothy McDonald, Director, Catherine Delano, Maryanne Dinell, Tara Gurge, Alison Paquette

GUEST: Christopher Coleman, Assistant Town Manager, Charles Poljoniz, 7-11, Ghassan Mohammed, 7-11, Chestnut Street, Needham, MA, Karen Simao, Attorney for 7-11, Laura Miller, 7-11

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

DISCUSSION:

Call To Order - 7:02 a.m. - Dr. Cosgrove

Approve Minutes:

Upon motion duly made and seconded, the minutes of the BOH meeting of April 1, 2016 were approved as submitted.

The motion carried. The vote was unanimous.

Director's Report - Timothy McDonald

Mr. McDonald welcomed Catherine Delano. Ms. Delano was offered and has accepted the position of Senior Substance Use Prevention Program Coordinator. She will be program coordinator for the Drug Free Communities (DFC) Grant Program. Ms. Delano has a Master's of Social Work degree and a Master's of Public Health degree.

Mr. McDonald reported that, although it has not been officially announced, Superintendent Dan Gutekanst is going to recommend the appointment of Barbara Singer as the Director of Health Services for Needham Public Schools. Mr. McDonald stated that there were three candidates and Ms. Singer was by far the strongest candidate.

Mr. McDonald noted that a few staff members would be leaving the meeting to prepare for a conference involving the Norfolk County District Attorney and the (NC-7) Substance Use Coalitions.

Mr. McDonald reported that he has officially rolled out the survey on Healthy Aging through Healthy Community Design. Mr.

McDonald noted that the Needham Public Health Department applied for a mini grant, on the town's behalf, for this purpose. Mr. McDonald stated that a part-time staff person, Ms. Lynn Schoeff, has been hired and is working to coordinate focus groups. Mr. McDonald summarized a few of the issues that came out of the focus groups. Mr. McDonald stated that he is expecting between 700 to 1000 responses. Mr. McDonald explained that a report would be given to the Town Manager. The report would include a combination of assessments of municipal regulations, zoning policies; qualitative data gathered from key informant interviews and focus groups, as well quantitative data from the survey. The report would identify challenges not solutions.

Mr. McDonald reported that he is optimistic that the Public Health Department will receive funding from the MetroWest Health Foundation for a pilot program to facilitate senior access to Uber. Mr. McDonald stated that he and Council on Aging Director, Jamie Brenner Gutner, attended a presentation on this program and offered to volunteer to participate in the program.

Staff Reports

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

Ms. Paquette presented an update on communicable diseases. She reported that as of April 1 there were 45 cases of Influenza. Ms. Paquette reported on a Shigella infection. Ms. Paquette stated that families were contacted to ensure that family members who may have been exposed to the infected individual had their immunizations up-to-date. Ms. Paquette reported that there were two Zika cases and they were both revoked. Ms. Paquette responded to Dr. Epstein's question on the two cases of mumps. Ms. Paquette stated that both were from the Harvard Lacrosse team. Parents were contacted and were recommended to get a titer. A brief discussion followed regarding immunization and monitoring of the two cases. Ms. Paquette reported that there was one dog bite but that tetanus shots were up to date. Ms. Paquette reported that 51 persons requested Public Health nurses to check their blood pressure. Ms. Paquette reported that summer camps paperwork is being processed.

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

Ms. Dinell's report included an analysis on the number of meals delivered. Ms. Dinell reported that for the summer program, four women would be hired. Three are from last summer, 2015 and one is from 2014. Ms. Dinell stated that she is pleased that this group has experience. Ms. Dinell reported that the luncheon was successful. Ms. Dinell stated that carnations were given out from Wingate for

Mother's Day. Ms. Dinell reported that the meal count is going down as it does every spring and summer.

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

Ms. Gurge reported that there was two cease and desist letters issued. Ms. Gurge stated that one letter was issued in March to Robert Pelletier for conducting illegal catering out of #301 Reservoir Street in Needham. Ms. Gurge stated that an Administrative Hearing was conducted with the owner and landlords. Ms. Gurge stated that it was ordered that owner not be allowed to apply for a catering license in Needham until Jan. 2017. Ms. Gurge stated that the Building Dept. Commissioner has been informed of this order.

Ms. Gurge reported that a second cease and desist letter was issued in April to Sante Mobile Café (Steve Gilman and Scott Haviland). Ms. Gurge stated that a Commissary License was issued in 2016 for his food truck. Ms. Gurge stated that Craft Boston contacted her regarding whether or not a catering license was on file for this vendor. Ms. Gurge stated that the vendor was contacted and given information applying for a catering license, but that there was no follow through. Ms. Gurge stated that this vendor did participate in an event on April 29 - May 1st in Boston. Ms. Gurge stated that the vendor was required to attend a mandatory hearing along with their landlord, to discuss this catering violation. Research was conducted to verify items discussed at the hearing. His commissary license has since been revoked. A brief discussion followed on several additional issues associated with this vendor. The vendor is now in Cambridge with an approved license in Cambridge. Ms. Gurge stated that she would continue to monitor spaces that were used by this vendor in Needham.

Ms. Gurge responded to Dr. Epstein's question regarding Fernandes/Dunkin Donuts Mini Mart. Ms. Gurge explained that a parent reported to the police that her underage child was purchasing cigarettes from this vendor. Ms. Gurge stated that she contacted the vendor and was assured that the staff is always checking IDs and that everyone who sells cigarettes gets trained in checking IDs, etc., so they do not sell to minors.

A brief discussion followed on concerns from the Board that there might be certain restaurants that are serving alcohol to underage persons. Mr. McDonald stated that he and Kate Fitzpatrick, Town Manager have spoken with a certain restaurant to emphasize the importance of the Massachusetts Responsible Serving of Alcohol regulations, and have received assurances that the staff are in compliance. Mr.

McDonald stated that the Public Health Department requires that all tobacco vendors watch a video about the regulations in Needham. Mr. McDonald also stated that a video was produced a few years ago for alcohol onsite restaurant sales and offsite package stores recommending that employees of these businesses watch these videos. Mr. McDonald stated that he would like to involve the Selectmen in changing the recommendation to a requirement that would be signed off on from the businesses indicating that their employees have watched the video. The Board agreed with the suggestion. A brief discussion followed.

- **Substance Abuse Prevention Coordinator - Carol Read**
Report submitted electronically.

BOARD OF HEALTH PUBLIC HEARING - Opened at 7:30 a.m.
Administrative Hearing about Tobacco Regulations

Dr. Cosgrove opened the Public Hearing at 7:30 a.m. Dr. Cosgrove stated that this is an Administrative Hearing relative to the Tobacco Compliance check that was conducted on April 29, 2016 that resulted in a sale of tobacco to a minor. After brief introductions, Mr. McDonald outlined the format of the hearing.

Ms. Gurge stated that a compliance check was conducted on Friday, April 29, 2016. Ms. Gurge pointed out that the compliance checks are routine per tobacco compliance regulations. Ms. Gurge stated that she worked with an of age student and an under age student. Ms. Gurge described the occurrence involving the point of sale to both students and explained the protocol relative to the violation of the regulation.

Mr. McDonald stated that a violation had occurred at the 7-11 Chestnut Street Needham location in 2014 but that Mr. Ghassan Mohammed was not the owner of this store until 2015.

Ms. Gurge confirmed that this is the first violation for this owner. Mr. McDonald outlined the penalties of the violations.

Attorney Simao stated that it was her understanding that at the Board's discretion there have been cases where the Board has not issued a violation. Attorney spoke about the history of the store. She added that this Franchise is his sole source of income for Mr. Mohammed. She noted that there were a number of issues with this employee who was let go before Mr. Mohammed knew about the violation. Attorney Simao summarized the policy and training for Chestnut Street 7-11 Franchise. Attorney Simao stated that prior compliance checks at this location, by this owner have passed. She added that it is unfortunate that this

particular employee could cause Mr. Mohammed and his five other employees to lose a weeks worth of revenue. Attorney Simao stated that Mr. Mohammed reiterated with his employees that there is an automatic termination if employees do not card persons purchasing tobacco products. Attorney Simao asked if the Board would consider staggering the week of the violation.

Mr. Mohammed stated that he has four children and that they do not smoke. Mr. Mohammed stated that he would not be able to survive in the store with a loss of 40% of the sales.

Dr. Epstein stated that the Board publically warned all of the tobacco licensee's that compliance checks would continue and that there would be no exceptions.

Dr. Fogg expressed that one of the challenges is with the change of ownership and whether or not violation follows the location or whether or not the slate is wiped clean. A brief discussion followed on some suggestions from DJ Wilson, Tobacco Control Director and on staggering the number of days of the violation.

Mr. McDonald stated that the Board could consider, within limits, a time period range, allowing Mr. Mohammed to choose which week to have the suspension. Discussion followed.

Vote

Upon motion duly made by Edward Cosgrove and seconded by Stephen Epstein that the Needham Board of Health impose the penalty as required by the regulations, and for sake of consistency, that the Needham Board of Health also apply the fine with a one-month window in which to issue it.

The motion carried. The vote was unanimous.

The Public Hearing ended at 8:00 a.m.

Discussion of Proposed New or Amended BOH Regulations

• Body Art

Mr. McDonald stated that this is an amendment to the Body Art Regulations. The amendment would include a change to section 7.3 in the definition of *Microblading*. The amendment would also include a change to section 7.12.3, #6 - the annual fee for the Body Art Practitioner Permit... . Discussion followed.

• Regulations for Restriction of Synthetic Drugs

Mr. McDonald described the purpose of the proposed changes for this regulation. Dr. Epstein requested a change to section 22.2, second paragraph, to delete "emergency room doctors" and add "emergency department." Discussion included changes to sections 22.3, 22.4, 22.9.

Dr. Fogg suggested that Mr. McDonald draft an article for the Needham Times that describes synthetic drugs and would educate parents on the products that have become popular among teens and young adults.

• Regulations for the Restriction of Drug Paraphernalia

Mr. McDonald described the purpose of the proposed changes for this regulation. A brief discussion followed on proposed changes.

Board Discussion of Policy Position

Dr. Epstein recapped a few of the talking points from the Annual Town Meeting regarding Medical Marijuana Dispensaries. Dr. Epstein stated that the BOH has agreed to sign onto the Zoning Board's approved zoning of Marijuana Dispensaries. Dr. Epstein stated that Town Meeting approved a change for marijuana dispensaries to be located in a business district to include location to be a mixed-use district. Dr. Epstein stated he would like the Board to consider passing a regulation for the town, which would limit and mandate a distance between a marijuana dispensary and a residential parcel. Discussion followed. Mr. McDonald would work on putting together a memo and getting information for the Board's review.

The conversation continued with the Board's position on recreational use of marijuana. The Board discussion included a comparison of health risk to the dangers of tobacco, alcohol, mental health issues, and impaired driving. The Board decided to take a position against the referendum for specific reasons that are all health related and consistent with their position on tobacco products. Mr. McDonald will draft a statement regarding this for the Board's consideration at their next meeting.

Mr. McDonald stated that he and John Schlittler, Chief of Needham Police, are embarking on developing education on drug impaired driving and alcohol impaired driving. Mr. McDonald stated that he is drafting a letter to Driving Schools and a Letter to the Editor on this. Mr. McDonald will keep the Board updated on this matter.

Adjournment -

Upon motion duly made and seconded, that the May 13, 2016 BOH meeting adjourn at 8:55 a.m. The motion carried. The vote was unanimous.

Next meeting is scheduled for, Friday, June 17, 2016

Respectfully submitted: Cheryl Gosmon, Recording Secretary