

NEEDHAM BOARD OF HEALTH

October 21, 2016

MEETING MINUTES

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

STAFF: Timothy McDonald, Director, Donna Carmichael, Catherine Delano, Maryanne Dinell, Tara Gurge, Summer Koop, Carol Read, Karen Shannon, Dawn Stiller

GUEST: Christopher Coleman, Assistant Town Manager, Lars Unhsem, Mill Creek Residential, Mohammed Alam, Tedeschi, Ray Couillard, Tedeschi, Laurie Trotta, Tedeschi, Erin Kofod, Tedeschi, Lesley St. Germain, Tedeschi, Michael Brangwynne, Speedway, Wayne Bartley, Speedway, Kristina Kurakina, Slava Dolghy

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

DISCUSSION:

Call To Order - 7:04 a.m. - Dr. Cosgrove, Chairman

APPROVE MINUTES:

Upon motion duly made and seconded, the minutes of the BOH meetings of September 9, 2016 and September 14, 2016 were approved as submitted.

The motion carried. The vote was unanimous.

DIRECTOR'S REPORT - Timothy McDonald

Mr. McDonald reported that the Public Health Division has been focused on completing a grant application through the Healthy Aging project to address transportation options for seniors. Mr. McDonald stated that Community Forum continued its efforts to educate and inform the community on the potential impact of recreational marijuana legalization.

STAFF REPORTS

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

Ms. Gurge reported on a septic request for #145 Brookside Road. Ms. Gurge summarized the history associated with the request. She stated that this has been an ongoing issue since 2011 when the previous homeowner wanted to upgrade the septic system prior to selling the home. Ms. Gurge noted that this is a sixty-one year old cesspool. Ms. Gurge reported that in 2013 the new owner had a Title 5

Inspection done and it passed. She added that in 2015 the new owner proposed an addition to the home, which included renovations to the first and second floors, and adding a garage with unfinished storage space. Ms. Gurge stated that the owners have recently amended the initial proposal to include 3 finished rooms above the garage and a full bath. Ms. Gurge pointed out that a Title 5 Inspection was conducted relative to the amended proposal and it needed further assessment by the Board of Health. Ms. Gurge stated that she notified the owners that the Title 5 Inspector could not pass the system without further Board of Health evaluation. Dr. Cosgrove stated that no additional bedrooms or bathrooms could be added to the house if the owners keep the existing septic system. He also stated that the house could not be sold unless the septic system is upgraded. A general discussion followed on the Title 5 Inspection relative to the sale of the property in 2013 and deed restriction.

Ms. Gurge reported that Tobacco Compliance checks were conducted on Tuesday, October 4th. She stated that two establishments, Tedeschi Food Shops and Speedway, sold tobacco products to minors. Ms. Gurge explained what happened at the point of sale for both establishments. A brief discussion followed on the Tobacco Regulations.

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

Ms. Carmichael provided a detailed description on communicable diseases and animal bites. A brief discussion followed on the Campylobacter, Hepatitis C and Influenza A. Ms. Carmichael stated that the Flu Clinic would be open to the public, no appointment needed. The Public Health Department will have Flu Clinics by appointment in November. A brief discussion followed on the High Dose Flu vaccine. She pointed out that the Needham Public Health Department does not administer this vaccine.

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

No discussion.

- **Substance Use Prevention Senior Program Coordinator - Catherine Delano**

Ms. Delano introduced Summer Koop, who has been hired as an intern to assist with the implementation of the Cardinal Health Medication Disposal Grant. Ms. Koop is a candidate for her Masters in Health Communication Degree at Tufts Medical School.

- **Substance Abuse Prevention and Education Senior Program Coordinator – Carol Read**

No discussion.

MODERA NEEDHAM HOUSING – Lars Unhjem, Mill Creek Development

Mr. McDonald introduced this item and welcomed Lars Unhjem. Mr. McDonald stated that he and Dr. Epstein met with Mr. Unhjem regarding the Board's concern on the proximity of housing development to the highway (128) and traffic emissions.

Mr. Unhjem presented a schematic review on the overall site plan and project design. He stated that the project would include 52 townhomes, and 84 apartments inside a mid-rise building. The outdoor amenity areas include barbeque grills, a pool and playground. Mr. Unhjem stated that Mill Creek is aware of the concerns of the Board and would like the opportunity to address them adequately. Mr. Unhjem recapped the Board's concerns, which are the outdoor amenities and proximity to the highway, and air filtration systems. Mr. Unhjem explained the elements of the project. He stated that the townhomes are on the higher part of the land and the midrise are deep down, creating a less imposing midrise building. He added that it also allows the midrise building to shield the townhomes from the highway. Mr. Unhjem also described dimensional elements, the air filtration system as well as planned improvements to the design of the placement for the air filtration system.

Dr. Epstein summarized major issues and improvements as planned by Mill Creek, addressing the concerns of the Board relative to the air filtration systems and outdoor amenities. A brief discussion ensued around mitigation of the air handling systems.

Mr. Unhjem described the physical barriers between the amenity areas and the highway as well as plantings for the area that will create natural vegetation.

Mr. McDonald stated that he would invite Professor Doug Brugge from Tufts Medical School to the November meeting.

BOARD OF HEALTH PUBLIC HEARING – Began at 8:01 a.m.

- **Administrative Hearing about Tobacco Regulations (Article #1) Violations-Sale to Underage Persons**

Ms. Gurge stated that she conducted a Tobacco Compliance check on October 4, 2016 at Speedway #2472. Ms. Gurge summarized the event, which involved the sale of e-cigarettes to a minor. Ms. Gurge invited Speedway and their representatives to address the Board.

Michael Brangwynne, Attorney representing Speedway, and Wayne Bartley, Regional Manager for Speedway addressed the Board. Mr. Brangwynne stated that Speedway is not disputing that a violation of the Tobacco Regulation took place. He stated that the employee responsible was immediately terminated, which is standard Speedway policy. Mr. Brangwynne also stated that Speedway's hiring process includes a tobacco training, which this employee completed.

Mr. Bartley stated that he is the regional manager for Massachusetts, Rhode Island, and New Hampshire. Mr. Bartley stated that Speedway takes their responsibility of being a responsible retailer in the community very seriously. Mr. Bartley summarized internal policies and programs in place that ensures Speedway as a responsible retailer and how Speedway reacts to violations.

Dr. Cosgrove commended Speedway for their efforts for being a responsible retailer and how they react to violations. Dr. Cosgrove stated that the Board of Health does not have any tolerance for the sale of tobacco products to persons under the age of 21 for any reason.

Dr. Fogg applauded Speedway for the excellent measures in their internal compliance checks. She added that the Board of Health feels it important to have a consistent voice in Needham in these matters with the hope that no tobacco permit holder in Needham sell to persons less than 21 years of age.

Motion and Vote

Jane Fogg moved and Stephen Epstein seconded the motion to proceed with seven-day suspension of Tobacco Sales Permit and fine of one hundred dollars. This is the first violation for this establishment within a 24-month period.

The motion carried. The vote was unanimous.

Ms. Gurge stated that a Tobacco Compliance check on October 4, 2016 was also conducted at Tedeschi Food Shops. Ms. Gurge summarized the event, which involved the sale of e-cigarettes to a minor. Ms. Gurge invited Tedeschi and their representatives to address the Board.

Lesley St. Germain, representing Tedeschi Food Shops and Regional Manager, Ray Couillard addressed the Board. Ms. St. Germain noted that the entire management team is also present in support of this matter. Ms. St. Germain stated that this is a site that was formally operated by a franchisee and the oversight has shifted back to corporate.

Ms. St. Germain stated that Tedeschi Food Shops is not disputing the violation. She explained that corporate was not informed of this initial violation that occurred a year ago. Corporate office only learned of the violation in preparation for this Public Hearing. Ms. St. Germain pointed out that the Franchisee was required to report but did not. Ms. St. Germain stated that corporate office is now enforcing its internal policies and training. She stated that this includes the implementation of the BARS Program at all of the locations since the acquisition of Tedeschi by 7-Eleven as well as weekly team meeting. She added that all employees have been retrained and they have a policy to card all individuals purchasing tobacco products.

Motion and Vote

Stephen Epstein moved and Jane Fogg seconded the motion to proceed with suspension of the Tobacco Sales Permit for a seven-day period and issue a \$100.00 fine.

The motion carried. The vote was unanimous.

- **Septic Plan Review – 145 Brookside Road**

Ms. Gurge presented a brief overview on addition to a home on a septic request. Ms. Gurge reported that on October 14, 2016 an inspection was conducted for the septic system at 145 Brookside Road and the results revealed that it needs further evaluation by the Board of Health. Ms. Gurge explained that cesspool does not meet breakout requirements and that no additional rooms, that could be used as bedrooms, shall be added to this residence.

Ms. K Kurakina spoke about renovation plans to the property. She stated that she and her husband decided to finish the third floor to create a play area for her children. Mr. Dolghy described the layout of the house and pointed out that it doesn't change, with the exception of the new play area for the children. Mr. Dolghy responded and confirmed Dr. Epstein's question on the installation of the retaining walls that were installed when the property was purchased.

A lengthy discussion ensued on the amended renovation plans from Ms. Kurakina and Mr. Dolghy. Per the Board's discussion the septic system must be upgraded before the addition of a bathroom and bedroom. Ms. Gurge will inform the building department of the decision of the Board.

Motion and Vote

Jane Fogg moved and Stephen Epstein seconded the motion to have the variance approved as discussed.

The motion carried. The vote was unanimous.

Public Hearing ended at 8:44 a.m.

OTHER ITEMS -

- **Draft Goals for FY2017-18**
- **Policy Position: Recreational Marijuana**

Motion and Vote

Ed Cosgrove moved and Jane Fogg seconded the motion to accept the wording of the Policy Position on Recreational Marijuana.

The motion carried. The vote was unanimous.

- **Waste Hauler Regulations**

Mr. McDonald stated that he and Ms. Gurge are working with the Recycling Transfer Station (RTS) and the Environmental Protection Agency on updating the Waste Hauler Regulations. Mr. McDonald asked if there was an authorization to allow composting. The Board confirmed that an authorization was implemented two years ago.

Adjournment -

Upon motion duly made and seconded, that the October 21, 2016 BOH meeting adjourn at 9:10 a.m.

The motion carried. The vote was unanimous.

Next meeting is scheduled for, Thursday, November 10, 2016

Respectfully submitted: Cheryl Gosmon, Recording Secretary