

NEEDHAM BOARD OF HEALTH

November 10, 2016

MEETING MINUTES

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

STAFF: Timothy McDonald, Director, Donna Carmichael, Maryanne Dinell, Tara Gurge, Carol Read, Dawn Stiller, Karen Shannon, Lynn Schoeff

GUEST: Kate Fitzpatrick, Town Manager; Christopher Coleman, Assistant Town Manager; Marianne Cooley, Vice Chair of Selectman; Matthew Borrelli, Chair of Selectman; Anne Weinstein, Office of Denise Garlick; Lars Unhjem, Mill Creek Residential; Doug Brugge, PhD, Tufts School of Medicine; Erika Hafner, Eversource; Maija Benjamins, Eversource; Jack Lopes, Eversource; Domenic Nicotera, Eversource; Peter Valberg, Consultant for Eversource from Gradient Corp.; Robert Carberry, Consultant for Eversource; Michael Howard, Consultant for Eversource; Ivy Watts, Boston University Student

CONVENE: 4:00 p.m. – Public Services Administration Building (PSAB), 500 Dedham Avenue, Needham, MA 02492

DISCUSSION:

Call To Order – 4:05 p.m. – Dr. Cosgrove, Chairman

APPROVE MINUTES:

Upon motion duly made and seconded, the minutes of the BOH meeting of October 21, 2016 were approved as submitted.

The motion carried. The vote was unanimous.

Modera Needham Housing– Timothy McDonald

Mr. McDonald reported that Mr. Unhjem and Mr. Brugge were both delayed in arriving and were expected shortly. Mr. McDonald reviewed the changes that Mill Creek Development committed to including the installation of MERV8 filters, vegetative and physical barriers, and air intake location. He reported that they have not committed to removing the balconies due to building state and local Building Code requirements. Discussion ensued regarding wind direction and vegetative and sound barriers.

Mr. Lars Unhjem from Mill Creek Development arrived and discussion began with a review of the changes to the MOU including enhanced vegetation around the playground, combined with a retaining wall and stockade fence to provide more of a barrier between the outdoor amenities and Route 128. Discussion of changes also included the upgrade of HVAC filtration from MERV4 to MERV8 filters, and relocation of the air intakes from the closest point to Route 128 and to the other side of the building

(the farthest point). Mr. Unhjem reported that the balconies cannot be made any smaller as they would not be ADA compliant. The balconies need to be code compliant or eliminated altogether. Mr. Unhjem commented that not many people will use the balconies and from an architectural standpoint it makes sense to keep them.

There was discussion about the MERV8 filters and relocation of the air intakes to address both large and ultra-fine particulates. The caveat is there is primarily a West to East wind direction and therefore, the particulate problem is not completely solved with the relocation of the air intakes.

Discussion continued around wind and sound barriers. Mr. Unhjem said they do not have plans for building a wind or sound barrier, adding that any such barrier would have to be installed by MassDOT because the land next to the highway is state property. Discussion ensued around the trees which will be planted as part of the landscape design not being large or tall enough to do their job mitigating the wind for the first 15 years. Additionally, having balconies that are ADA compliant invites residents to sit out there.

Dr. Doug Brugge from Tufts University School of Medicine arrived at the meeting and Mr. McDonald briefly reviewed the Modera Housing contract changes. Dr. Brugge commented that the changes Mill Creek has made are moving in a positive direction. The nearest air intake in the new position is 250 feet away from the highway and Dr. Brugge commented that distance is still a concern. Discussion continued around the vegetative landscape plan.

Dr. Brugge commented that he likes the arrangement of each unit having its own HVAC system with re-circulated air and only the common areas will have fresh air intakes with MERV8 filters and positive pressure. Dr. Brugge commented that, given the buildings' distance from the highway, a higher reduction would be gained with MERV13 filters as the goal is to have 80-90% reduction of ultrafine particles emitted by traffic. The arrangement is right on the edge and would be a judgment call.

In summary, Dr. Brugge commented that building distance from the highway, the air intake locations and the re-circulated air in each unit, with MERV8 filters and vegetative barriers seem like a reasonable approach that balances the logistical constraints of the site, the developer's concerns, and the Board of Health's interest in protecting the public's health.

The final discussion included review of the MOU by the Board of Health. Mr. McDonald asked the Board to approve, subject to his minor technical revisions, an MOU between the Board of Health and the developer Mill Creek Residential. A motion was made and seconded to approve the revised MOU.

The motion carried. The vote was unanimous.

Tobacco Regulations – Were not discussed in-depth due to time constraints. Mr. McDonald assured the Board of Health that a longer discussion of revised tobacco regulations would occur at the meeting and public hearing in December.

Medical Marijuana Dispensary and Residential Housing – Chair Matt Borrelli and Vice Chair Marianne Cooley from the Needham Board of Selectmen.

Mr. McDonald introduced the topic by commenting that he met with Needham's Town Manager, Ms. Fitzpatrick, Assistant Town Manager Chris Coleman, and Director of Planning Lee Newman to discuss the Board of Health's concern over the exposure a registered marijuana dispensary (RMD) or a commercial and recreational marijuana establishment (CRME) and its advertising may have upon residents, especially youth, placed in close proximity to the RMD. The Board of Selectmen were invited to the BOH meeting to discuss the issue.

The primary issue under discussion was the mixed use zoning overlay for Needham's Mixed Use-128 zoning area that was approved at Spring 2016 Annual Town meeting. The mixed use zoning overlay will allow, under certain circumstances, residential parcels in a zone that previously was completely Industrial and Commercial. This zoning area is also the area of Needham where an RMD has planned to open; Sage Cannabis received a letter of non-opposition from the Needham Board of Selectmen in 2016 and has leased space at 29-37 Franklin Street.

The Board of Health acknowledged that, with the passage of marijuana legalization in MA, the sale of marijuana may well be primarily retail versus medical. With that in mind, the discussion focused on concerns about a possible buffer zone in the Needham MU-128 area between future residential parcels and a commercial and recreational marijuana establishment. Mr. Borrelli expressed concerns about development and property owners who are looking to commit to the mixed use overlay area in this part of Needham. Dr. Epstein expressed his support for protecting youth from retail marijuana advertising and the challenges of regulating what retailers display in their windows.

Next steps agreed upon were: 1.) a meeting between Planning Board Co-Chairs and BOH Chair to explore what can be done around the buffer zone 2.) Mr. McDonald will have his Substance Use Prevention Team review the regulatory details of Ballot Question 4 (Marijuana Legalization) and recommend a plan for specific requests to the MA legislature around the local regulations for retail marijuana establishments. Ms. Fitzpatrick commented that the entire legislative body (for the Town of Needham) will be meeting in January 2017 with the Board of Selectmen and having this information for that meeting will be timely.

Eversource West Roxbury to Needham Reliability Project – Jack Lopes, Dominic Nicotera, Peter Valberg, Bob Carberry

Mr. Nicotera provided an overview on the project where they propose to separate the existing overhead lines between West Roxbury and Needham. Separating the lines improves reliability by ensuring that a single pole failure cannot fault both lines. A second set of poles will be installed to separate the wires for 1.6 miles between West Roxbury and Needham, and installing underground wires the rest of the way, for 2.6 miles in the Valley Road area, through Needham to the Chestnut Street substation. This project reduces the risk to outages that might occur.

Dr. Valberg explained that the overhead line closest to residents in the Valley Road area is coming down and going underground and since the conductors will be closer to each other, they effectively cancel out each other for EMF. Dr. Valberg referenced page 5 in the Eversource presentation packet, "Removing one of the overhead lines on the ROW between Valley Road and Chestnut Street will reduce the Electric Field (EF) and Magnetic Field (MF) levels produced nearby to these lines, and levels from the ROW will be lower."

Dr. Epstein raised the question about the risk to people with cardiac pace makers and the EMF levels; he wanted to be sure someone with a pace maker will not have any problems. Dr. Valberg responded by referencing pages 10 and 11 of the packet to discuss the predicted magnetic and electric fields for the overhead line for the ROW portion in Needham, West of Valley Road Area. The graphs for predicted electric fields, which Dr. Epstein was concerned about for people with pace makers, shows a lower rate of EF after project completion. Dr. Valberg referenced studies that have been done to determine the health-based guidelines for public exposure to EMF. The presentation packet on page 14 states, "Both current and projected EMF values (both overhead and underground) were found to be well below the ICNIRP health-based guidelines for the public exposure to EMF (4.2kV/m and 2,000mG). Overall, it was stated that placing the transmission wires underground is a safer alternative to overhead wires."

Discussion continued around concerns from residents which were heard by the Board of Selectmen at a public hearing and through written correspondence, including the concerns of residents at 900 Greendale Avenue and also the concerns of residents along Warren, Grant, and Kimball Streets. Those materials were included in the Board of Health packet. The suggestion was made to the Eversource representatives that a public forum would be advisable and the Board of Health would be there as well. Dr. Epstein said they would also be willing to meet with any individuals as needed by request. Mr. McDonald noted that he would send a letter to the Board of Selectmen on behalf of the Board of Health to document that they met with Eversource to discuss the likelihood of any public health risks to community members posed by the Reliability Project.

Board Discussion of Policy Positions, Goals – Was not discussed in-depth due to time constraints; was included for review separately and further discussion at the Board of Health's December meeting.

Overview of Public Health Accreditation – Lynn Schoeff

Ms. Schoeff, referencing an information packet she provided to the Board, explained that there are three steps to prepare the Public Health Department for applying for accreditation:

- 1.) Embracing quality improvement and performance management in daily operations
- 2.) Working towards formalizing the processes and protocols already in place, identifying the ones we need and putting together a policy and procedure manual.
- 3.) Undertaking the development of three prerequisites including a departmental strategic plan, a community health improvement plan (CHIP), and a Community Health Needs Assessment.

Mr. McDonald stated that quality improvement is a good idea, and that the Public Health Division and the Board of Health really need to consider how much additional work to support Public Health Accreditation is feasible at any given time and also consider how long it will take to achieve some of these preparatory steps. It is generally a three to five year process.

Ms. Schoeff stated that the process of getting prepared to apply for Public Health Accreditation improves and standardizes the way the Public Health Division functions. A strategic plan would be really beneficial to the division and is something that should be considered regardless of whether accreditation is ultimately pursued.

Mr. McDonald commented that accreditation may help the department in obtaining funding, however, that is a long way off and so far, that has not impacted the department. The process of getting ready to apply will help the department be more efficient. Mr. McDonald notes that several other communities have started to do the work (for accreditation), accomplished a fair amount and then lost steam. Ms. Schoeff commented that accreditation is an intensive process.

Dr. Cosgrove stated that at some point, he believes that the state legislature will mandate that public health departments be accredited, and that ultimately, it could affect qualifications for federal and state and even foundation funding.

Mr. McDonald acknowledged the Board's interest in accreditation and that the department is starting a slow and methodical approach. He commented further that he and Ms. Schoeff had applied to the National Association for County and City Health Officials (NACCHO) for an Accreditation Support Initiative grant but had been unsuccessful in that pursuit. Regardless of whether the Public Health Division proceeds with the accreditation application, the division will follow through on some of the preparation steps.

Ms. Schoeff concluded the discussion by stating that she is looking at things that have already been done in and around Needham. For example, the Beth Israel Deaconess Hospital-Needham conducted a Community Health Needs Assessment in 2015-2016, and the report from that process may help the Public Health Division in preparing for accreditation and in developing a Community Health Improvement Plan. She referenced the timeline for the process which was sent to the Board.

STAFF REPORTS

Environmental Health Agent Report – Tara Gurge

Ms. Gurge reported that the Wingate request for a new pool design has now been approved after several revisions to the plan, namely removal of a treadmill and grab bars. Ms. Gurge stated that all permit renewals have been sent out and she has completed and approved new plan reviews for: Volante Farms (a new kitchen in the basement), Boony Bunz (new ownership of Old Sweet Corner) and New Leaf

(new occupancy space). A new plan review approvals is pending for 77A Street (300 seat cafeteria) and the Depot Store is not continuing its food and tobacco permits. This opened one tobacco permit and Ms. Gurge notified Panella's Market of the opportunity to apply for the permit. Panella's management has picked up the tobacco requirements guide from the Public Health Department and Ms. Gurge will be working with Panella's to review all required protocols.

Ms. Gurge reported that the annual inspection of the Walker School went well, there is a beaver issue near the Reservoir in the Livingston Road area which will be monitored. She stated that she is still reviewing the process with the Park and Recreation Department regarding the Rosemary Pool and is awaiting revised plans from them. Ms. Gurge stated she has four septic plans permits to review.

Ms. Gurge reported an update on the two tobacco retailers who were given a suspension for an underage sale of tobacco: Tedeschi Market was suspended beginning Monday, November 7 and will be released on Monday morning, November 14. Speedway will be suspended from tobacco sales the first week of December 2016.

Dr. Cosgrove inquired about the residential septic issue at 145 Brookside Avenue presented at the previous BOH meeting on October 21, 2016. Ms. Gurge reported that the owners decided to open up the rooms, to ensure that they do not meet the definition of a bedroom. And they removed the full bathroom. There is a deed restriction on the property which limits this property to 3 bedrooms, with no garbage grinder allowed.

Public Health Nurses Report – Donna Carmichael

Ms. Carmichael provided a detailed description on communicable diseases. Ms. Carmichael stated that, in addition to three large-scale public clinics, additional flu shots have been administered on a by-appointment basis. She is getting busy with fuel assistance applications.

Travelling Meals Coordinator Report – Maryanne Dinell

Ms. Dinell reported that the Rotary Club will be hosting Thanksgiving dinner. A Travelling Meals driver donated \$1,000.00 and wishes to make the donation to Friend of the Board of Health. The monthly meal numbers have decreased somewhat.

Substance Use Prevention and Education Senior Program Coordinator – Carol Read

Ms. Read reported that the marijuana legalization ballot question in Needham had a 10% differential in favor of "NO." She stated that much work had been done in Needham in the past regarding education and awareness over marijuana use.

Ms. Read stated she has been working on the Community Crisis Intervention Team (CCIT) with Lt. Chris Baker, Riverside Community Care, Catherine Delano, Donna Carmichael and Tim McDonald and the

Needham Fire Department to connect resources for people who are struggling. She commented that there had been three transports over the previous weekend for overdoses, two where Narcan was administered. Ms. Read spoke reported that Needham Police and Social Worker staff will begin making home visits after community members leave the hospital from an overdose.

Dr. Epstein commented that having only one social worker, working 9-5 at the hospital is not the best (coverage) for when these (overdose) cases occur. Ms. Carmichael commented that the CCIT is looking at how Norwood handles overdose cases to gain a better understanding of how to better handle these cases.

Ms. Read stated there was a production of “4 Legs to Stand On,” a play about addiction, presented at Christ Church on Sunday, October 23, that she attended, gave a presentation and provided resource material for people at the event.

Other Items – Timothy McDonald

Mr. McDonald reported that he and Ms. Gurge will present recommendations for minor revisions to the Board’s existing body works regulations at a future BOH meeting. Those revisions will be intended to maintain the important features of the regulation while streamlining the administrative requirements upon Bodywork practitioners and establishments.

Mr. McDonald reported that additional information about the job description for the Director of Health and Human Services will be forthcoming. A meeting with the Town Manager and Assistant Town Manager will be held to discuss the matter further.

Adjournment –

Upon motion duly made and seconded, that the November 10, 2016 BOH meeting adjourn at 6:23 p.m.

The motion was carried. The vote was unanimous.

The next Board of Health meeting is scheduled for Friday, December 2, 2016 at 3:00 p.m.