

**NEEDHAM BOARD OF HEALTH
November 9, 2017
MEETING MINUTES**

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

STAFF: Timothy McDonald, Director, Tara Gurge, Assistant Director, Diana Acosta, Donna Carmichael, Catherine Delano, Maryanne Dinell Carol Read, Dawn Stiller, Tiffany Zike

GUEST: David Harrington, Fernandes Mini-Mart, Dave Krumack, Fernandes Mini-Mart, John Duffy, Fernandes Mini-Mart, Wayne Bartley, Regional Manager for Speedway

CONVENE: 5:30 p.m. - Public Service Administration Building (PSAB), 500 Dedham Avenue, Needham MA 02492

DISCUSSION:

Called To Order - 5:32 p.m. - Jane Fogg, Chairman

APPROVE MINUTES:

Upon motion duly made and seconded, the minutes of the BOH meeting of October 5, 2017, were approved as submitted.
The motion carried. The vote was unanimous.

STAFF REPORTS

- **Tara Gurge, Assistant Director, and Diana Acosta, Environmental Health Agent**

Ms. Gurge stated that the Annual Permit Renewals have been mailed. She and Ms. Acosta are processing the applications.

Ms. Gurge responded to the Chair's questions on Demolition Reviews/Approvals and the Pest Control Assessment. Ms. Gurge explained that once she signs the Pest Control Assessment Report, the sign off has a three month expiration period. She added that Building Department would flag the Pest Control Assessment Report if the expiration period has expired and would refer the builder back to the Health Department to submit an updated report. A general discussion followed.

Ms. Gurge also responded to the Chair's inquiry on the Dunkin Donuts (Highland Ave) complaint of drain flies present on site. Ms. Gurge stated that a site visit was conducted, and the store manager is required to have pest control come in to address the concern. Ms. Gurge added

that the store is also required to add a second full-time ServSafe certified food manager to be trained on site; prior to issuance of this year's food permit.

Ms. Gurge provided an update on Rosemary Town Pools. She stated that the Plan Review is still in process for the updated water features. She added that she and Mr. McDonald attend the weekly progress meetings.

Ms. Gurge reported that Sage Naturals (New Marijuana Dispensary) Food Plan Review is still ongoing. She stated there was a change of management and there are materials still pending. She added that Sage Natural is planning to open the end of November.

- **Nurses Report – Donna Carmichael and Tiffany Zike**

Ms. Carmichael and Ms. Zike presented their report on communicable diseases and animal bites. A general conversation followed on dog bites. Ms. Carmichael stated that she is working with Animal Control to determine where the dog bites are happening.

Ms. Zike stated that the Flu Clinics are done. Flu shots will now be administered by appointment only. The turnout was low.

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

Ms. Dinell reported that the Needham Community Council and the Needham Rotary would host the Annual Thanksgiving Day Dinner at the Needham Masonic Hall. Ms. Dinell stated that everyone regardless of age is invited.

Ms. Dinell also reported that the Traveling Meals Program received a \$1000 donation from a volunteer of the program.

Ms. Dinell spoke about procedures in place that volunteers have available to them should they encounter, upon a delivery of meals, a client on the program that may need medical assistance. A brief discussion followed. Dr. Cosgrove suggested that Ms. Dinell share brief vignettes with the Board of incidences with clients on the program as they occur.

- **Substance Use Senior Program Coordinator – Carol Read**

Ms. Read reported that on October 10 she and Ms. Zike presented the Needham Public Health Division programs and services to the Needham Rotary Club. The presentation included information on substance use statistics, Narcan overview as well as access, and prescription drug disposal.

Ms. Read also reported on the Community Crisis Intervention Team (CCIT), the Needham core group meeting. She noted that this was the first quarterly meeting. Ms. Read summarized goals and outlined community members who attended the meeting.

Ms. Read handed out data on the Pollard Middle School and Needham High School survey data from the 2016 MetroWest Adolescent Health Survey on Mental Health by Substance Use among Youth.

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

Ms. Delano reported on the National Drug Take Back Day collections. A brief discussion followed on miscellaneous items that are often included in the weight of the collection.

Ms. Delano stated that she is working with Youth and Family Services and their Substance Abuse Awareness Program (SAAP) students. She stated this is a nice collaboration.

TOBACCO HEARINGS - Public Hearings Opened at 5:49 p.m.

Before the opening of the Tobacco Hearings, Mr. McDonald recapped the October 9, 2015, amendments to **ARTICLE 1: REGULATION AFFECTING SMOKING AND THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS IN NEEDHAM**. The Tobacco Hearings will address Tobacco Compliance Checks, which took place on October 20, 2017, in which tobacco products were sold to persons less than 21 years of age.

Ms. Gurge invited representatives from Speedway to join the meeting. After introductions, Ms. Gurge stated that the Needham Public Health Division conducted a compliance check on October 20, 2017, which involved sending a minor into Speedway, 207 Highland Avenue, to purchase tobacco products. Ms. Gurge stated that the minor was sold tobacco products and was not asked to show identification. Ms. Gurge recapped the compliance check that was conducted last year in which tobacco products from Speedway were sold to a person less than 21 years of age. Ms. Gurge gave representatives from Speedway an opportunity to express how the violation occurred and how to prevent it in the future.

A representative from Speedway spoke about the Speedway Termination Policy when an associate sells tobacco products to a person less than 21 years of age. The representative described procedures and training for all employees as outlined in the Speedway Operations Manual. The representative stated that he has the still photograph revealed that there were two decoys.

One was of age, and one was not. They were both together. One showed ID one did not. We could tell from our point of sale system that the bearded decoy was carded, the younger one was not. He went on to describe how the transaction could have been confusing for the sales clerk because one of the decoys went to a different register to make a purchase and that the sales clerk may have inadvertently pressed the id clearance for the older decoy. Representatives from Speedway, included an Attorney, a Regional Manager, a District Manager and the Store Manager. A discussion followed on the details of the transaction.

Mr. McDonald stated that the Board of Health revised **ARTICLE 1: REGULATION AFFECTING SMOKING AND THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS IN NEEDHAM** to include a graduated set of penalties. Mr. McDonald referred to the letter Speedway received which noted the second offense within 3-years would result in a two-week suspension. A brief discussion followed.

Motion and Vote

Edward Cosgrove moved, and Jane Fogg seconded the motion to suspend the Tobacco Sales Permit for Speedway #2472(Highland Avenue, Needham MA) for two weeks per **ARTICLE 1: REGULATION AFFECTING SMOKING AND THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS IN NEEDHAM**, and issue a \$300.00 fine.

The motion carried. The vote was unanimous.

Dr. Fogg stated that Ms. Gurge would outline the dates of the suspension.

Ms. Gurge invited representatives from Fernandes Mini-Mart to join the meeting. After introductions, Ms. Gurge stated that the Needham Public Health Division conducted a compliance check on October 20, 2017, which involved sending a minor into Fernandes Mini-Mart without an ID to purchase tobacco products. Ms. Gurge stated that the minor was sold tobacco products and was not asked to show identification. Ms. Gurge gave representatives from Fernandes Mini-Mart an opportunity to express how the violation occurred and how to prevent it in the future.

Store owners John Duffy, David Harrington and Dave Krumack approached the Board. Mr. Duffy stated that the employee involved was a new employee who was very remorseful and not terminated. Mr. Duffy stated that the employee had completed training and was working alone when the incident occurred. Mr. Duffy stated that there might have been a language barrier that could have impacted the employees understanding of procedures. A discussion followed on suggestions to improve the process for employees for whom English is not their first language as well as operational procedures.

Motion and Vote

Stephen Epstein moved, and Edward seconded the motion to suspend the Tobacco Sales Permit for Fernandes Mini-Mart for seven days per **ARTICLE 1: REGULATION AFFECTING SMOKING AND THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS IN NEEDHAM**, and issued a \$300.00 fine.

The motion carried. The vote was unanimous.

Dr. Fogg stated that this is the first violation for Fernandes Mini-Mart. Ms. Gurge will outline the dates of the suspension.

Public Hearing closed at 6:18 p.m.

OTHER ITEMS

- **Tobacco Compliance Checks**

A brief discussion on scheduling quarterly Tobacco Compliance Checks and follow-up with Tobacco Permit holders.

- **Budget**

Mr. McDonald stated that the budget was submitted the end of October for Health and Human Services. Mr. McDonald stated that for the Public Health Division he submitted extra budget requests: A full-time Emergency Management Coordinator, Expenses for the Council on Aging and Youth Services, and Health and Human Services staffing.

Adjournment -

Upon motion duly made and seconded, that the November 9, 2017, BOH meeting adjourns at 6:33 p.m.

The motion carried. The vote was unanimous.

Next meeting is scheduled for, Friday, December 8, 2017

Respectfully submitted: Cheryl Gosmon, Recording Secretary