

## **Needham Board of Health Minutes**

**July 20, 2018**

Board: Edward Cosgrove, PhD, Vice Chair  
Stephen Epstein, MD, MPP, Chair; and  
Kathleen Ward Brown, ScD, Member

Staff Present: Timothy Muir McDonald, Director, Tara Gurge, Assistant Director, Maryanne Dinell, Carol Read, Diane Acosta, Dawn Stiller

Convene: Charles River Room of the Public Services Administration Building at 500 Dedham Avenue

**Dr. Stephen Epstein, Chair of the Board of Health, called the meeting to order at 7:00 am**

Dr. Epstein made a motion to approve the previous meetings minutes. Dr. Brown seconded the motion. Upon motion duly made and seconded, the minutes of the June 14 meeting were approved. The motion was carried. The vote was unanimous.

### **Staff Reports**

#### **Assistant Director Report--Ms. Tara Gurge**

##### **Ms. Diane Acosta contributing**

Ms. Gurge reported on weekly inspections at Farmer's Market. Ms. Gurge also noted that two permitted food establishments have gone out of business.

1183 Great Plain Ave formerly a commercial kitchen is vacant now and will become home for a foreign exchange consortium students preparing for the TOEFL and SAT.

The Cappella restaurant had an initial inspection however there was a gas leak so another inspection will take place in August. The prep sink at Fresca is now compliant.

### **Housing Issues**

- The Environmental Health officer, along with Ms. Zike and social workers at the Center at the Heights and Springwell, were able to relocate the resident who was living in a non-resident zoned district at Highland Circle.
- There was a person living illegally above the Spiga Restaurant. The property owner may try to request a zoning change back to residential.
- A resident at one of the Needham Housing Authority (NHA) units at Chamber Street contacted NPHD about mold and leaking pipes to which she attributed respiratory symptoms she was experiencing. Ms. Acosta, Ms. Gurge, and Ms. Jessica Moss, an Aging Services social worker, inspected the unit. Both the bathroom and kitchen were sealed off until it was repaired by NHA. A licensed plumber confirmed that the work was up to code.

- Ms. Acosta also reported that there have been many complaints about smoking at the Chambers and at the Pickering units. There have been reminder notices to residents smoking is only permitted outside and that a distance of 25 feet from the entrances is being enforced.
- All units have smoke detectors and NHA has installed more sealing around pipes and doors at units for those who complain. Environmental Health staff can only ticket when they see active smoking. Since most residents do not want to report others by name, the smoking cessation program proposed by Ms. Carmichael and Ms. Zike is unlikely to occur even though the Director of Public Housing, Mr. Paul Dumouchel, is on board with the classes.

#### Nuisance complaints

Ms. Gurge said she had several nuisance complaints:

- #115 Wilshire Park neighbor complained for the second year of trash in the yard. Ms. Gurge worked with the resident and the trash is now removed.
- Another complaint, this one at #180 Maple Street, was quickly resolved because the painting company had the proper lead paint removal protocols (i.e. tarps, etc.) and was using proper equipment.
- Ms. Acosta inspected #50 Maple St. where there had been multiple complaints about demolition a house with possible asbestos. No dust debris observed. However, because the Building Department had determined it was a renovation rather than a demolition, the Health Division's review process was not triggered.

The Building Department is responsible for determining if modification is a renovation or a demolition. Smaller renovations do not require a Health Department review. Dr. Epstein recommended a standard definition for making the renovation vs. demolition determination; he suggested half the square footage should be the cutoff.

Dr. Brown asked what we would ask for in asbestos testing and removal. Ms. Acosta responded that an inspector takes samples to a lab as part of the review with a final air quality test. Siding and roofing has different guidelines and takes into consideration whether it is crumbled. Observation of dust everywhere automatically triggers the review.

Dr. Cosgrove mentioned a house on Warren Street (between Dedham Ave. and Great Plain Ave.) that should be looked at; it may or may not be a renovation as all the siding is removed.

#### Hauling Regulations

Ms. Gurge reported that a public service announcement regarding recycling and our new Waste Hauler Regulation requirements have been shown on Needham Cable. The PSA reminds residents that they must recycle beginning January 1, 2019. The next public information campaign will be for haulers with letters and education material sent to all. It will be coordinated with the Recycling and Transfer Station.

#### **Rosemary Pool update**

Mr. McDonald reported that there is still a lot of work to be completed on the pool: the deck is not done so lifeguard training cannot begin; the pool water was sampled on July 18 and results will be back soon; and signage is not complete. If all goes well, the Park and Recreation Department will move August 2 and 3 and the pool will open on August 4. The Health Division will move on August 20<sup>th</sup>. Ms. Gurge has

been following up with Ms. Patricia Carey, Director of Park and Recreation since March with biweekly emails detailing the various required protocols and is now following up with the Selectmen's office. In response to a question from Dr. Cosgrove about the water source for the pool, Mr. McDonald responded that it is MWRA water. Mr. McDonald also reported that the move is still a month away because there is still internal work and the final paving must wait until there is a week of dry weather.

#### **Traveling Meals Coordinator Report - Ms. Maryanne Dinell**

Ms. Dinell reported that there are four women job-sharing for the packing and delivery of meals during July and August. All is going well. Due to change in health status, a number of long time clients have come off the program. Beth Israel Deaconess Hospital (BID) has increased the cost of meals by 12 cents and this increase will be reflected on clients' invoices starting in September. As the hospital reorganizes and grows the space for meal preparation volunteers are being restricted in their access to the kitchen. The Traveling Meals volunteers are so gracious in adapting to the changes the hospital requires of them and, at the same time, the kitchen management is aware of their needs and hopes they are amenable to these changes. Mr. McDonald noted that there is a need for a long term plan in case the hospital becomes unavailable. While the preference is to stay at the hospital, NPHD is exploring other options such as:

- Using the kitchen at the Center at the Heights kitchen;
- Seeing if Traveling Meals preparation might be combined with cafeteria meal preparation at the schools? Mr. McDonald would like to get a student to study these options;
- Retaining a catering company or restaurant (Dr. Cosgrove noted that cooking for a restaurant is different from institutional cooking).

Ms. Dinell mentioned that the Monday, Wednesday, and Friday clients find the meals are plentiful and often will have leftovers to be eaten the next day.

Dr. Brown asked if a client survey could be conducted asking for preferences and whether the sandwich is actually needed. Ms. Dinell and Dr. Cosgrove noted they do not like to complain because BID is voluntarily providing a community service. Ms. Dinell said that Springwell provides meals in other towns but they pay their delivery staff. Ms. Dinell also said that Springwell has frozen meal delivery in some towns.

Ms. Read said that in Medfield children who have discounted meals during the school year receive meals at the library during the summer. She noted this is an example of communities being called upon to help out with food across the age spectrum. Ms. Dinell said that Needham Community Council has told her the pantry is serving more people than they have in the past. An important benefit of the Traveling Meals program is that it provides a community connection for elderly residents and supports their health and wellness, allowing some residents to remain in their homes well into their 80s and beyond.

#### **Regional Substance Abuse Coordinator Report--Ms. Carol Read**

Ms. Read reported that the Substance Abuse Prevention Collaborative (SAPSI) funding for the four town consortium has been renewed for two more years.

Ms. Read noted that in June she recertified for "Question Persuade Refer" (QPR) gatekeeper training and can now provide QPR Gatekeeper training. Ms. Read also attended the Safety Intervention Planning

training at the Massachusetts Department of Public Health. Safety intervention planning involves making an action plan for help and support with an individual in crisis.

Health and Human Services staff attended the Needham Community Crisis Intervention Team (CCIT) quarterly community partners meeting facilitated by Lt. Chris Baker of the Needham Police Department. Community partners include Newton Wellesley Hospital (NWH), BID Needham, the Needham School Department, and Veteran Services, and Riverside Community Care. Exchanging incident data, reviewing behavioral health trends, and discussing resident response protocols which involve transports to emergency departments are the main goals at the meetings.

Dr. Epstein stated that the hospital is hiring more security guards for the emergency room. The Needham Police Department and BID Needham leadership have established a communication and transport protocol for patients in behavioral health crisis.

Ms. Read reported that she worked with the Massachusetts Rotary leaders on a pilot program focused on youth substance abuse, risk factors, brain development, and the cycle of addiction. The Massachusetts Rotary Clubs are considering holding these educational forums in their communities.

A team from NPHD attended the inaugural meeting of the Charles River Opiate Task Force at Newton Wellesley Hospital. Middlesex District Attorney, Marian Ryan, presented overdose statistics for Middlesex County (1044 fatalities in 2017). Dr. Cosgrove asked Ms. Read to present the Board of Health with Norfolk County data as well which was shared by Norfolk District Attorney Michael Morrissey attends the meetings at prevention meetings.

#### **Public Health Nurse Report presented by Mr. McDonald**

Eight animal bites were reported this year. In answer to a question from Dr. Epstein--this is an increase from July 2017 but may be due to a change in the way data is being tabulated by the new animal control officer.

Ms. Delano and Mr. McDonald are working with the Needham Schools to finalize the additional questions for the 2018 MetroWest Adolescent Health Survey. Ms. Delano and Mr. McDonald asked that the same questions that pertain to substance use that were included in the 2016 survey also be included in the 2018 survey. This will be finalized soon.

#### **Other Items**

BID drug disposal kiosk is now available. Mr. McDonald is still working on providing incentives for the drugstores to provide a drug disposal option. The Board of Health wants to build a culture of proper drug disposal.

Ms. Lynn Schoeff continues to work on public health accreditation, although the NACCHO grant funding ended on May 31, 2018. Mr. McDonald is working on a sustained funding source for accreditation work. He reminded the Board of Health that pursuing public health accreditation has long been one of the Board's goals, but that the Finance Committee neglected to fund that request in FY 2014, 2015, and 2016.

Mr. McDonald also reported that Ms. Rachael Greenberg continues work on the pilot of Safety at Home Senior Health program.

## **Hotel Pool Report**

Ms. Gurge reported that she had to shut down both Residence Inn and Homewood Suites pools because neither met the requirements for an operational permit. The shutdowns occurred on a Saturday. Ms. Gurge visited on the Sunday, enforced the shut down, and provided BOH Pool Closure signage. Dr. Epstein asked about revoking the licenses and fining. Ms. Gurge noted that Homewood came into NPHD on the following Monday saying they were willing to pay a fine. Ms. Gurge noted that shutting down the pools seemed to hurt business operations more than the fines. Mr. McDonald said that in a meeting on Friday July 13 he and Ms. Gurge stated that Homewood did not meet the conditions for obtaining the operating license which led to the shutdown and that the shutdown was not a punitive measure. A further complication was that both pools were unwilling to provide emergency contact lists. Once all pool permit application materials were submitted and a follow-up pre-operation pool inspection conducted, Ms. Acosta said that Homewood had some limited hours and they opened in two phases with two temporary pool permits issued.. Mr. McDonald said that the hotels need a strong incentive to follow the rules for health and safety reasons and it is not clear at this point what that incentive might be. Dr. Epstein recommended unannounced checks once both pools have proper licensure. Dr. Epstein noted that operating a pool without a license is different from being shut down when a license does exist. The fine for a first violation can range from \$50.00 to \$300.00. Mr. McDonald's impression is that Homewood Suites would have gladly paid \$300.00 a day to continue to operate without answering the question or understanding why the license is needed to begin with. As Dr. Cosgrove noted from their perspective it costs more to follow the licensure rules than to pay the fine each day and Mr. McDonald agreed. In the short term during a hot weekend in the summer they would prefer the fine. Perhaps a 90 day moratorium on applying for permit to operate if you have opened without the permit to begin with would incentivize the various managers to follow the rules.

Ms. Gurge said that Homewood I interpreted the issuance of the temporary occupancy permit from the Building Department as reason to open the pool without a license. Ms. Gurge spoke to Mr. Dave Roche in the Building Department to suggest temporary occupancy permit and the pool license should both be in place before a hotel opens as a solution to future openings. Dr. Epstein suggested a violation (opening a pool without a license first time) with a 30 day suspension with the option of coming before the Board of Health to state their case. This practically means a 60 day closure which hurts the business plan and might attract more attention than small fines. Homewood took down the Board of Health closure sign and stated it was a mechanical failure (NPHD required them to re-post the issued sign, which they did.) Residence Inn maintained the Health Department closure signage.

Ms. Acosta said that she found an online review of Homewood's pool, indicating that it had been open three weeks prior, on Trip Advisor. On line reviews can be mentioned at management meetings but not used as a reason to shut down a pool as they are not vetted.

## **Goal Setting—Mr. Timothy M. McDonald, Director**

Mr. McDonald initiated a discussion about the Board of Health goals to be discussed at a fall 2018 meeting. The outlined topic areas, which reflect the Board's previously stated priorities, were:

- Housing Affordability –allowing an accessory dwelling unit bylaw to address both housing affordability and accessibility;

- A review of all Board of Health regulations and a schedule established for those that need revisions or to be rescinded;
- A clearer Town-wide policy on substances, so that alcohol policy would replicate the Board's tobacco policy which emphasizes education, training, compliance checks, and defined regulatory penalties for non-compliance.

Mr. McDonald did note that the Public Health Division collaborated with other Public Health Departments and the Police Departments in Dedham, Norwood, and Westwood to conduct alcohol compliance checks this past May. This cooperation grew out of policy work from the regional Substance Abuse Prevention Collaborative (SAPC) grant, which Ms. Read coordinates.

Ms. Read noted that in the other consortium towns violators are named in the local paper and on the agenda for Selectmen's meetings. She felt it would be useful to be unified with what other towns are doing regarding sales to minors. The goal is to get people to TIPS training in November 2018. Ms. Read reported on progress in the other towns (she met with the police chief in Norwood; during Westwood compliance checks, almost 50% of the establishments sold to minors.) Needham is trying to build capacity to do quarterly compliance checks. During SAPSI review Needham kids stated they bought in Dedham. Underage kids in the four town region drive to surrounding towns to buy liquor as a general rule.

All Police Chiefs and Board of Health Chiefs said they would not tell town managers or Selectmen when checks are being done to avoid any conflicts of interest. Dr. Cosgrove noted there is competition between towns to have restaurants in their areas so no one wants to be seen as being punitive and scaring away business. The goal is to have the same regulations and compliance checks across the four towns.

### **Marijuana**

The Board of Health can set proper disposal guidelines and setback distances for homegrown marijuana. The Division plans to permit home growing similarly to the way chicken coops are regulated, and when there is a complaint, investigate and fine accordingly.

It is not yet clear the extent to which local public health authorities can regulate a setback distance from marijuana dispensaries. Most of the existing setback requirements are rooted in zoning and land use policies, and few have public health impact incorporated as a factor in decision-making on setbacks. Mr. McDonald attended a national meeting earlier in July; Health Department Directors from across the country are interested in the idea but no one at the meeting had yet tried this option. CDC and Changelab Solutions in California both wanted to discuss this as a new strategy option.

Ms. Gurge reported that she is waiting for Sira Naturals Needham sales data later in fall 2018 before addressing senior or veterans discount issue.

### **Tobacco Regulation**

Dr. Epstein inquired about tobacco regulations in public spaces and Ms. Gurge investigated. She noted that when regulations were revised in December 2017 a workplace definition was inadvertently left off. Ms. Gurge spoke to the Town Counsel and the previous 20 foot setback can be added now. She noted that public housing has a stricter setback of 25 feet. Dr. Epstein suggested a 50 foot setback. Dr.

Epstein provided an example of BID Boston where patients and employees openly smoke in the designated nonsmoking area and are asked to go across the street. A 50 foot setback would avoid this issue in Needham. Mr. McDonald noted that smoking is allowed in a personal car with the windows closed but not in a Town of Needham vehicle. A student intern at NPHD prepared a chart on other regulations that need revision. The chart will be sent to the Board after the meeting.

### **Eversource**

The Board asked about community concerns about electro-magnetic fields (EMF). The Town has filed challenges with the state's Electric Facility Siting Board; the Town negotiated the best possible solution with the least disruption to the community possible. Eversource has agreed to conduct EMF monitoring along a selected portion of the route, which meets part of one of the Board of Health's strong recommendations. Additionally, the Town of Needham hired an engineering consultant to vet Eversource's testing protocols and he sent in comments, edits, and suggestions based upon that plan. Eversource is willing to meet 75% of what was requested based from Needham's engineering consultant.

The Town engineer, DPW, and the outside consultant requested that Eversource monitor after EMF levels generated after the line is constructed rather than while construction is taking place. The Board expressed concerns that the as-built utility line might not perfectly match the siting on the 100% design. Mr. McDonald had reviewed this issue with the Town Engineer, and noted that because of the placement of existing utilities under the street there is virtually no option for Eversource to install exactly where planned; DPW estimated that at a worst case, the installed utility line will be only a ¼ to ½ inch variance in line depth when comparing actual to 100% design.

Dr. Cosgrove raised issue of hot spots once the line is built. A discussion ensued on federal versus state authority. It seems within the powers of the Board that a sign can be posted over hot spots by either the Town or the utility to alert residents to any possible danger. Dr. Brown asked if it was possible to request mitigation such as shielding as Dr. Cosgrove mentioned there will inevitably be a few hot spots. Eversource is willing to test along pedestrian walkways but not immediately above the line in the street. Both Dr. Brown and Dr. Epstein questioned the reasoning behind not testing above the line. It appears they are doing the testing where the exposure occurs (on the sidewalk) and testing in the middle of the street would require a police detail for every test while exposure here is negligible. The Board requests clarification that this is Eversource's intention regarding testing location. The Board will use OSHA benchmark guidelines as a guide to high versus low when the monitoring information arrives. Safe levels have not been set by OSHA so the benchmark guidelines are the only available standard.

The independent consultant was hired through the Town rather than on a contract; this was the only method Mr. McDonald could use since Finance would not budget directly the \$100,000.00 to \$200,000.00 required. This allowed the Town to cover workers compensation.

### **Service Animals in Restaurants Update**

Ms. Acosta reviewed the service animal policy and emailed all establishments. A discussion of this issue occurred at the June meeting. Both Capella and Fresca have had inquiries for their patio areas but since this outdoor space is defined as part of the restaurant they were reminded animals are not allowed.

### **Dr. Steve Jones—MAHB and Sierra Club Memo Update**

Dr. Jones, who is working with Sierra Club and MAHB, is conflating several issues between leaking gas lines versus gas stove leakage whether hooded or unhooded. The provided data is not strong on what constitutes a leaking gas stove or its effects and Dr. Cosgrove noted he feels the Board should only take a public position on leaking gas pipes under someone's property.

The evidence on leaking gas stoves (hooded versus unhooded) is not strong. Given that the cost of electric heat is prohibitive in the Northeast, the model of gas mixed with oil heat will continue at least until induction heating is more affordable.

Board members unanimously agreed that they were willing to have Dr. Jones speak at a future meeting for a maximum of 5 to 10 minutes.

Mr. McDonald noted that the June, July, and August water bills contained the tick and mosquito double sided flyer and that the September, October, and November bills will include the emergency preparedness pamphlet. Two years ago 18% of the town had an emergency preparedness kit and the goal is to increase that percentage with this mailing.

### **Emergency Preparedness Staffing**

Ms. Rebecca Ping, who has served for a year as the Town's part-time Emergency Management Coordinator, became a full-time employee in a newly created position of Emergency Management Administrator. The Emergency Management Division is a part of the Health & Human Services Department, and programmatic direction for the emergency management program is set jointly by Fire Chief Dennis Condon and Mr. McDonald. In last year's budget process, Mr. McDonald was successful in securing support for 50% of her salary in the FY 2019 budget; Finance Committee took the Town Manager's recommendation (which was for full funding) and reduced it to cover 50% of the salary. Mr. McDonald hopes to achieve full operating budget support during the upcoming application period. The Board discussed the need for emergency management to support Needham's residents and its employees. Dr. Epstein mentioned that the Town has invested significant resources in new buildings, and having a professional responsible for emergency planning to safeguard the people in those buildings is a prudent use of funds. Drs. Cosgrove and Brown agreed with that assessment. Mr. McDonald reminded the Board that increasing emergency preparedness resources was one of the Board of Health's goals for FY 2017 and 2018.

### **Farmer's Market Issue**

Ms. Gurge noted that a meat vendor had a problem with their egg cold holding storage. When NPHD issued their permit, they agreed to cold hold their eggs under proper electrical refrigeration and, during a recent market, the eggs were observed being vended out of a cooler with ice packs, which was seen outside the truck. The issue is that their truck is not actually a refrigerator truck but rather a large truck that has freezers in it that cold holds their meat items. The truck has a generator.

USDA guidelines allow holding in coolers with ice when electricity is not available to run refrigeration. Since the Farmers Market has a power source NPHD was within its right to require mechanical holding,

and the Massachusetts Department of Public Health strongly encourages it. Dr. Epstein mentioned that a thermometer or temperature probe can be run on a computer easily with a printout of the temperatures and suggested vendors could be asked to do this. Mr. McDonald said that the Division will examine vendor application and educational materials again to streamline the process beyond the efforts made in 2018. The Division may try to provide incentives by promising a faster application turnaround if the full application is submitted by an earlier date. Ms. Acosta said that many applications are incomplete and she can finish them much more quickly with complete information.

Dr. Brown and Selectman Mo Handel met with another vendor about increasing the number of vendors at the market. A streamlined application process may assist with approving more vendors for the 2019 season. Dr. Brown inquired about the bathroom issue as a food truck would be a good addition to the market. The Town does not currently open the bathrooms in Town Hall. Although agreements with local restaurants are possible, the nearby restaurants are not open on Sunday afternoons. The Health Division would have to verify if Walgreens is a possible site. Portable toilets are another option but they are expensive. With restaurant capability a food truck is possible. Since Selectman Handel is interested in the market perhaps he can speak to the Town Manager about appropriating money to keep the Town Hall bathrooms open.

Dr. Brown and Selectman Mo Handel met with another vendor about increasing the number of vendors at the market. A streamlined application process may assist with approving more vendors for the 2019 season. Dr. Brown inquired about the bathroom issue as a food truck would be a good addition to the market. The Town does not currently open the bathrooms in Town Hall. Although agreements with local restaurants are possible, the nearby restaurants are not open on Sunday afternoons. The Health Division would have to verify if Walgreens is a possible site. Portable toilets are another option but they are expensive. With restaurant and retail store public restroom accessibility, a food truck and/or other open food items for sale is possible. Since Selectman Handel is interested in the market perhaps he can speak to the Town Manager about appropriating money to keep the Town Hall bathrooms open.

**Dr. Epstein asked for a motion to adjourn. Dr. Cosgrove seconded the motion. The vote was unanimous. Meeting adjourned at 9:05.**

**The next two meetings are: September 14, 7-9 am**

**October 12, 7-9 am**

Respectfully Submitted, Faith Crisley, Recording Secretary