



NEEDHAM PUBLIC HEALTH DIVISION



Board of Health Meeting Minutes

Date: January 20, 2022

Location: Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020 and amended as of 6/15/2021

Members: Robert A. Partridge, MD, MPH, Chair
Christina S. Mathews, MPH, Vice Chair
Edward Cosgrove, PhD, Member
Stephen Epstein, MD, MPP, Member
Kathleen Ward Brown, ScD, Member

Staff Present: Timothy Muir McDonald, Health and Human Services Director; Tara Gurge, Assistant Director of the Public Health Division; Lynn Schoeff; Julie McCarthy; and Diana Acosta

Call to Order

Dr. Partridge called the meeting to order at 8:00AM and initiated roll call. Present were Dr. Partridge-Y, Dr. Brown-Y, Dr. Cosgrove-Y and Dr. Epstein-Y. Ms. Mathews joined the meeting at a later time.

The meeting is being conducted remotely using Zoom consistent with Governor Baker's March 12th executive order and as amended on June 15, 2021, regarding COVID-19. The materials for this meeting were circulated previously and are available on the Town website. This meeting is being recorded.

Approval of Minutes of December 14, 2021

Upon motion duly made by Dr. Brown and seconded by Dr. Epstein, it was unanimously voted to approve the above minutes as amended. Dr. Partridge-Y, Dr. Brown-Y, Dr. Cosgrove-Y and Dr. Epstein-Y. Motion passed 4-0.

Approval of Minutes of January 5, 2022

Upon motion duly made by Dr. Brown and seconded by Dr. Cosgrove, it was unanimously voted to approve the above minutes as amended. Dr. Partridge-Y, Dr. Brown-Y, Dr. Cosgrove-Y and Dr. Epstein-Y. Motion passed 4-0.

Staff Reports

Emergency Management – Michael Lethin

Mr. Lethin reported that he had begun the process of Continuity of Operations Planning (COOP) across Town departments. Instructions had been given to all department heads along with a simplified worksheet provided by MEMA to identify the essential functions and tasks and resources required to



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accommodate functions, as well as the location and backups of any vital records. Worksheets are due by March 1st and will be assembled into one document of all Town departments.

Mr. Lethin also reported that MEMA had supplied personal protective equipment and cleaning supplies to the Police and Fire Departments. A remaining stockpile is available for any department or qualifying non-profit. Testing kits are not available at this time.

Mr. McDonald reported that he had ordered 1,000 KN95 and surgical masks. Mr. Lethin will confirm that the restriction is lifted on supplying masks only to public safety agencies, and may be offered for use at the Library, Senior Center and qualifying non-profits.

Mr. Lethin reported that MEMA had expressed an interest in using the Public Safety Building to host trainings for Needham and other towns once the project is complete. It was agreed to approve that request as beneficial to the Town as a regional hosting center for surrounding communities.

Environmental Health – Tara Gurge and Diana Acosta

Ms. Gurge reported that Mr. Francisco Mendez had confirmed that he completed food safety training yesterday at the Hungry Coyote. An ongoing food consulting contract has been secured. Additional staff trainings will be conducted. There will also be unannounced inspections during the next 4-6 months.

Ms. Gurge reported that the owners' representative of the Enslin Road property had contacted her to let her know that the home had been professionally cleaned and ready for re-inspection. The home had been deep cleaned and most of the furniture was removed, but issues remained with holes in the wall, no heat and plumbing issues. A letter was issued that the home was uninhabitable and that violations needed to be addressed prior to allowing occupancy.

Ms. Gurge reported that she had received a call from the Fire Department with regard to a vacant property on Linden Street. Due to a burst water pipe, electric, gas and water were shut down. The owner has moved out of the property and repeated attempts at contacting her have been unsuccessful. Ms. Gurge is working with the Attorney General to appoint a receiver for the property.

Ms. Acosta reported that the majority of permits have been issued.

In answer to Dr. Brown's question on the property with bed bugs, Ms. Acosta reported that the pest company did not find an active infestation of bed bugs. Basic treatment had been applied and follow-up will be done in two weeks.

Ms. Acosta was pleased to report that the Town had been awarded a state grant of PurpleAir ambient sensors. It was agreed that they would be installed outdoors in community locations for an ongoing project to raise environmental awareness. High school students will help with the project.



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Travelling Meals Program – Maryann Dinell

Ms. Dinell reported that the increased numbers reflected a holiday delivery of meals on Christmas Eve and New Year's Eve. Ms. Dinell also reported that on the day after the Martin Luther King holiday, three patrons did not answer their door for meal delivery, but she was subsequently able to locate all three patrons. She was happy to report that the "system" works.

Mr. McDonald expressed gratitude to Ms. Dinell for her hard work and dedication to the residents of Needham. Dr. Partridge commented that a quick calculation revealed that she had been responsible over her twenty-eight years of service for the delivery of a quarter of a million meals. He said he was proud to be the Chair to thank her for her selfless contribution of time and talent.

Accreditation Report - Lynn Schoeff

Ms. Schoeff summarized that the Pathways Program is an alternate recognition program for small local health departments. She has completed the Readiness Assessment, which is a preliminary audit of Needham's preparedness to pursue accreditation. This report was submitted to the Public Health Accreditation Board (PHAB), and she is awaiting feedback from the Pathways program on the readiness assessment and, ultimately, whether it makes sense for Needham to apply for full accreditation now or in the future. She referenced PHAB's latest version of its standards and measures.

Ms. Schoeff reported that Needham had 100% of public health staff participating in the national Public Health Workforce Needs Survey. She is awaiting their recommendations for workforce training.

Ms. Schoeff was pleased to announce that she had received notice of an award from the Massachusetts Office of Disabilities to fund a self-assessment of Needham facilities. A consultant will be hired to assess all municipal buildings, except schools, as well as recreational fields and playgrounds in order to ensure compliance with the Americans with Disabilities Act (ADA.) This assessment will make the Town eligible to apply for funding capital improvement projects to improve accessibility.

Public Health Nursing – Hanna Burnett

Ms. Burnett reported that vaccine clinics were held during the month of December on an average of 400 doses/week. However, over the last two weeks a total of 80 doses were administered over four clinics. She has reached out to the Housing Authority and the School Health Director to set up on-site clinics. For five to eleven-year-old children, a second clinic will be held on January 29th.

Dr. Cosgrove noted that statistics show that over 400,000 seniors in the state received their second doses, but not the booster. Discussion ensued. Ms. Burnett suggested that the pre-registration process may be an impediment for seniors. Mr. McDonald stated that Aging Services is ready to assist seniors in the pre-registration process. Ms. Burnett stated that pre-registration is also available through the state 211 telephone line for the Needham clinic. An extra supply of vaccines is also available for "on-the-spot" registration at clinics, including the January 29th clinic.

Emergency Management – Timothy McDonald for Taleb Abdelrahim

In Mr. Abdelrahim's absence, Mr. McDonald reported that Mr. Abdelrahim was continuing to assist in the booster clinics. Also, under the supervision of Ms. Zike, he had assisted in the application for a



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grant from the MetroWest Health Foundation to address COVID testing. This included an Abbott machine and a few hundred testing kits, and the hiring of a part-time clinical specialist for one year. If the application is not awarded, the operating budget and American Rescue Plan Act monies will be used to fund testing, not just for COVID but for the flu as well. Testing will be prioritized for those with limited means, i.e. high-risk seniors, homebound residents and Housing Authority residents.

Substance Use Prevention – Monica DeWinter and Jazmine Hurley

Ms. DeWinter reported that the SPAN (Substance Prevention Alliance of Needham) quarterly meeting was held on December 14th with twenty-nine Needham stakeholders. The focus of the meeting was action team breakout discussions for identifying prevention strategies and priorities. On December 15th Karen Shannon and Sara Shine of Youth and Family Services conducted a virtual training, Mental Health First Aid for Youth, with twelve participants. In December the Community Action Team completed two holiday-themed PSAs around the dangers of impaired driving that were posted on SPAN's social media pages during the holiday week. Angi MacDonnell and School Resource Officer R.J. Poirier worked together to complete the content. Community Resource Dog, Rocket, assisted in conveying the message.

COVID-19 Update – Julie McCarthy

Ms. McCarthy updated the Board on the most recent COVID-19 data. She reviewed the PowerPoint presentation including the following highlights:

- 14-day average percent positivity
- Incidence rate, percent positivity, vaccination rates.
- Needham daily case numbers.
- Needham December cases by age.
- Cases by vaccination status.
- Needham vaccination and booster rate.
- Vaccinations administered since October 2021.
- Vaccination types.
- Individuals vaccinated from 24 states and 150 cities and towns.
- State trends in hospitalizations.
- Breakthrough cases in Massachusetts.
- Breakthrough hospitalizations and deaths.
- Monitoring Omicron peak Massachusetts new cases.
- MWRA wastewater monitoring.
- Hospital admission rates per 100K by age.
- Closer look at hospitalization rates in ages 19 and under.
- Vaccinated individuals in hospitals.

Ms. Mathews joined the meeting.

Discussion ensued on the need for encouraging vaccination amongst all eligible age groups in Needham.



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“Center for COVID Control” – Timothy McDonald

Mr. McDonald referenced at the outset the cease-and-desist letter dated January 13, 2022, from the Department of Public Health that he personally delivered to the organization doing business as the “Center for Covid Control.” He reviewed the history of the organization doing business as a COVID testing site. Mr. McDonald noted that his department first became aware of complaints that persons who had submitted to testing at this site were receiving results days or weeks later than promised or sometimes not at all. Since the Town is not responsible for licensing organizations, the matter was referred to the Attorney General’s Office.

Discussion ensued. Mr. McDonald noted that while this operation doing general business from a downtown storefront aligned with the Town’s zoning bylaw, the licensing of this type of clinical operation is overseen by the state licensing board. When complaints from residents reached a critical mass, Mr. McDonald took immediate steps to notify the state. He noted that the state agency responded in record time to his complaint, having made the referral on a Friday and having the cease-and-desist letter ready for his personal delivery on Saturday.

Dr. Cosgrove noted that illegal activities will be found by fraudulent submissions to Medicare and private insurers of delivery of testing services. Mr. McDonald stated that, while the Public Health Division does not have the bandwidth to follow up on license functions going forward, a better tracking system of complaints would alert the division to a pattern and allow quicker remedial action.

Public Health Emergency Order Mandating Mask Usage in Select Municipal Locations

Mr. McDonald reported that he had received an email from Greg Reibman on behalf of the Charles River Regional Chamber’s Board of Directors urging the Boards of Health both in Needham and Wellesley to consider the adoption of an across-the-board face mask requirement in all indoor public spaces. This would be similar to the requirements now in place in Newton and Watertown.

Discussion ensued on the negative and positive effects of this mandate on businesses. While some businesses were in favor of this mandate, large numbers were not. It was suggested that high quality masks could be provided. Mr. McDonald will work with Mr. Lethin on the availability of the masks provided by MEMA for this purpose. On the other hand, it was noted that while high quality masks for staff would provide an extra layer of protection for employees, vaccinating those employees would provide better protection of workers. The Health Department could assist businesses in scheduling convenient vaccine clinics on-site.

It was also suggested that private businesses are in a position to set their own requirements for mask wearing while in their businesses, i.e. “no mask, no service.”

Discussion also ensued on the current trend of Omicron winding downward, and the possible consideration in the near future of transitioning from a pandemic to an endemic. While the Board recommends the wearing of masks in public settings, the individual must decide the best course of action to assess their risk to themselves and others.



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It was the consensus of the Board that Mr. McDonald contact the Chamber and inform them of the decision of the Board not to mandate mask wearing and the offer to assist them as outlined above.

Proposed Changes to Board of Health Article 20 as requested by SIRA Naturals RMD

Ms. Schoeff reviewed the requests of Sira Natural RMD for the following changes to Article 20 of the Board of Health regulations:

1. Revise 20.6.5 to allow coupons and discount sales.

Ms. Schoeff noted that the Board had previously stated that pharmacies do not allow discounts on prescription items other than specific senior plans. Sira does provide discounts to low-income consumers. The Public Health staff recommends that the Board keep 20.6.5 as it currently stated.

2. Amend 20.6.10 to allow the logo of Sira Naturals on promotional items and materials.

Ms. Schoeff noted that the state regulations allow for use of logo on promotional items. The Public Health staff recommends that the Board allow the use of a logo on promotional items.

3. Change the policy of requiring approval of edible packaging before allowing sales.

Ms. Schoeff noted that the Cannabis Control Commission (CCC) approves such labelling. However, some labelling approved by the CCC would not meet the standards of the Board as such labels do not identify product as medical marijuana and some packaging would be attractive to children, i.e. "Wicked Chill." She also noted that the Somerville site includes images such as these. The Public Health staff recommends that the Board continue the practice of pre-approving edible packaging.

4. Discontinue the requirement to submit CORI reports now that the Cannabis Control Commission has that requirement.

Ms. Schoeff noted that the Board had recognized some redundancy with the Cannabis Control Commission's oversight now that the Commission is up and running. The Public Health staff recommends that the Board no longer require CORI reports.

5. Discontinue the restriction to provide a list of prices only upon request of the customer. The Public Health staff recommends that the Board allow price lists to be posted.

6. Change the policy regarding non-edible packaging.

Ms. Schoeff expressed serious concern about some of Sira Natural's packaging for non-edible marijuana. She noted that a product called "TrailStix" appears to be a take on trail mix, but "medical marijuana" does not appear on the packaging. Although the Cannabis Control Commission prohibits names that mimic common products, especially those marketed to



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children, the description of the product does just that comparing it to a Dosido cookie inspired by chocolate chip ice cream. The body balm product does not indicate marijuana at all. The Public Health staff recommends that the Board consider adding a policy to review non-edible packaging.

Discussion ensued on the above requests:

1. To retain 20.6.5 as it is currently stated.
2. To hold on decision on 20.6.10 pending further research on the subject of logos.
3. To retain the policy to require approval of edible packaging.
4. Discontinue requirement to submit CORIs to Town and rely on CCC for reports.
5. To hold on decision to post pricing pending submission of samples of list of prices.
6. To create a policy to require approval of non-edible packaging.

It was the consensus of the Board that the Cannabis Control Commission would be notified of the Board's concern about labels that appear to market to children.

Hungry Coyote Restaurant Compliance Issues

Dr. Epstein stated that the decision was made at the last meeting that fines would be imposed every day that the restaurant remained open in violation of the Board of Health's order up until the day that the restaurant closed. Ms. Acosta stated that Town Counsel advised in lieu of imposing criminal fines, that for every inspection that is conducted that double the fee of the permit would be imposed.

Dr. Epstein stated that the restaurant was in blatant violation for three days remaining open until it was clear that the Board was going forward with the injunction. The imposition of a civil penalty was needed in order to ensure that another restaurant does not do the same thing. The fines would be imposed every day the restaurant remained open, but that injunction would not be pursued until the following Wednesday if the items in the order were not sufficiently addressed.

Mr. McDonald agreed that the violations were numerous and well documented that the restaurant did not have a safe operation serving food. He agreed that there should be some repercussion for not complying with a legitimate order.

Ms. Gurge stated that the permit was issued for six months and at the conclusion the fines would need to be paid before another permit was issued. A reassessment would be done before the permit is issued from August 1st to December 31st. Dr. Partridge stated that at the conclusion of the six months, fees could be waived if all conditions were met.

Mr. McDonald suggested that the matter be reviewed again at the next meeting.

Brewery Concept Amy Haelsen, Economic Development Manager

Ms. Haelsen appeared before the Board. She stated that she had been contacted by an individual seeking to open a brewery in Needham. The current zoning bylaws do not allow for such an operation. Federal and state licensing regulations state that a site for the brewery needs to be approved by a town



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before the alcohol licensing process can take place. She is asking the Board of Health to initiate zoning bylaw changes to accommodate a brewery. If a site is approved by the Town, the federal and state licensing process can begin.

Dr. Epstein expressed concern that the Select Board has not enforced the current alcohol regulations. He noted that of the thirty-one licenses for liquor establishments, eleven were found to be in violation for selling to minors. Of the eleven businesses that had sales-to-minor violations during the alcohol compliance checks conducted on December 1, 2021, five businesses did not attend the TIPS training that Public Health hosted on January 10, 2022. All five businesses were restaurants. He stated that before the Board consider a brewery, the alcohol compliance needs to be far better than it is now.

Mr. McDonald noted that at a meeting with the Town Manager, Select Board and Myles Tucker (the new Support Services Manager for the Town Manager's Office), a better process for identifying alcohol violations was discussed. He stated that in-person training needs to be enforced rather than online training, since the current data finds that in-person training is much more effective. He is confident that the Select Board is committed to preventing underage serving and overpouring to patrons. He stated that the Select Board is engaged in consideration of the brewery in light of the existing problems with alcohol compliance in Town.

Discussion ensued on the opportunity to work with the Select Board on improving control over the operations of alcohol establishments. Also discussed was the challenge of raising awareness of town leaders in addressing alcohol misuse especially amongst youth. Dr. Brown noted her concern with the practice of breweries conducting tours, having free sample taste testing and the danger of consumers leaving the facility and driving while impaired.

Mr. McDonald will invite Mr. Tucker to a future board meeting to further discuss how the Select Board can better address alcohol violations and especially repeat violations. The Board would be willing to further consider the brewery within the context of a sound policy on alcohol enforcement.

Dr. Epstein left the meeting.

1688 Central Avenue

Mr. McDonald stated that he had received a number of emails and calls from concerned residents about the scope of the project. At the last meeting the Board had decided to retain its own outside expert to review and verify the proposed development plan and remediation efforts. Town Counsel has since advised Mr. McDonald that the Board does not have the authority to have an expert go onto the property and take water and soil samples without the permission of the property owner.

Mr. McDonald noted that since the Planning Board had indicated it was not interested in funding an outside expert, Mr. McDonald suggested that the Board use its own funds to hire an expert to review the documentation of the proposed development plan and remediation submitted to the Board of Health and the Planning Board. Monies voted at a prior Town Meeting allow for the Board to retain outside experts in instances like this. There is benefit in having an independent third-party review of the proposed plan.



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In this way the report could reflect whether or not the project is a good plan. Discussion ensued on the importance of obtaining hard evidence and expert testimony of environmental contamination before a decision could be made to deny a permit.

Mr. McDonald had to leave the meeting and appointed Ms. Acosta to represent the Health Department. He noted that there were two residents in attendance who had submitted emails.

Dr. Partridge invited the two attendees to speak briefly (two minutes/each) to the project.

Resident Holly Clarke appeared before the Board. She stated that her understanding was that under Planning Board regulations and state law, the Board of Health is acting under Planning Board jurisdiction, and the Planning Board clearly has authority to require this testing. Additionally, in prior situations the Planning Board has required an applicant to pay for such testing. She also stated that there is no photographic evidence of contamination on the site but the actual testimony of neighbors. She asked that all information be compiled and supplied to the expert. She believed that it is not correct that the Board of Health does not have authority.

Resident Maggie Abruzese appeared before the Board. She agreed with Ms. Clarke's statements. The Planning Board and the Board of Health need to exercise their authority to ensure that the property is safe for a proposed development of a daycare facility. The history of the property should be a cause for concern to the Town. An expert is needed to look at the history and federal and state regulations and determine what is required of the developer to develop and run a daycare facility on the property.

Dr. Partridge stated that a joint meeting of the Planning Board, Board of Health and Town Counsel is needed to further define the authority of the Board of Health prior to hiring an independent contractor to conduct testing. Dr. Cosgrove suggested that the Planning Board be advised that a permit should be denied until the testing is completed.

Dr. Partridge stated that the remaining items on the agenda be deferred until the next meeting.

Next Meeting

February 10, 2022 @ 5:00PM

Adjournment

Upon motion duly made by Dr. Cosgrove and seconded by Ms. Mathews, it was unanimously voted to adjourn. Dr. Brown-Y, Dr. Cosgrove-Y, Dr. Partridge-Y and Ms. Mathews-Y. Motion passed 4-0. The meeting was adjourned at 10:21 AM.

Attachment:

January 20, 2022, Meeting Packet