



Needham Public Health Division



Board of Health Meeting Minutes

Date: May 24, 2022

Location: Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492, OR via Zoom

Members: Edward Cosgrove, PhD, Chair; Stephen Epstein, MD, MPP, Member; Kathleen Ward Brown, ScD, Member; Tejal K. Gandhi, MD, MPH, Member; Robert A. Partridge, MD, MPH, Member

Staff Present: Timothy Muir McDonald, Director of Health and Human Services; Tara Gurge, Assistant Director of Public Health; Tiffany Zike, Assistant Director of Public Health; Mary Fountaine; Julie McCarthy; Lynn Schoeff; Rebecca Hall; Ally Littlefield; Carol Read; Michael Lethin; and Diana Acosta.

Call to Order

Dr. Partridge called the meeting to order at 6:03PM and initiated a roll call. Present were Dr. Partridge- Y, Dr. Brown-Y, Dr. Cosgrove-Y, and Dr. Gandhi- Y.

The meeting is being conducted in-person and 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 – April 25, 2022; April 27, 2022

Upon motion duly made by Dr. Gandhi and seconded by Dr. Cosgrove, it was voted to approve the minutes of April 25, 2022. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, and Dr. Gandhi-Y. Motion passed 4-0.

Upon motion duly made by Dr. Cosgrove, and seconded by Dr. Gandhi, it was voted to approve the minutes of April 27, 2022, as amended. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, and Dr. Gandhi-Y. Motion passed 4-0.

Dr. Epstein joined the meeting shortly after this time.

COVID-19 Update and Discussion



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Ms. McCarthy explained that the current positivity rate is high, but not as high as it was during the first Omicron wave. The 7-day new average case load in Needham is approximately 20. It is unclear if a downward trend is occurring yet. These numbers do not include the at-home test results that are directly reported to the Town. There were 454 positive cases in April, with an average age of 36. The highest case numbers seen by age bracket were in the 40-49 and 0-4 groups. At the end of last December, there were 700 cases, and at the end of January there were 1,300 cases. The numbers seen today are much lower than those waves.

There were 29 positive at-home tests reported to Needham Public Health in April, and 14 in May so far. These results are only included in the State's numbers if additional testing is sought. These reports allow the nurses to share guidance on what to do next for those who have tested positive or family members.

Approximately 95% of Needham residents ages 12 and older are fully vaccinated, and 67% have received booster doses. A booster was also recently approved for ages 5-11. There has been some increase in the number of adults over age 75 being boosted, now at 92%. The data does not yet have a way to filter out those individuals aged 50+ who have received a second booster.

Ms. McCarthy reported on the statewide case numbers (increased) and hospitalization rates (significantly higher than a year ago), as well as the MWRA wastewater monitoring program.

In response to a question from Dr. Epstein, Ms. McCarthy said that she would provide the Board with a more detailed comparison between current COVID-19 hospitalizations and those from 2020 and 2021.

Mr. McDonald stated that there is a concern in the schools regarding the volume of new cases. The Junior Cruise that occurred on Friday saw 38 new cases attached to it, and other end-of-year events are coming up. The Superintendent recently sent a message to all staff and families regarding COVID-19 protocol, including staying at home if one is not feeling well, and testing. The Director of School Health Services is strongly recommending masking.

A discussion ensued about the plusses and minuses of requiring masks at large indoor gatherings and how other communities are handling this.

The Board agreed that the message should be that masking is strongly recommended and may consider requiring masking in the future if numbers continue to rise.

Continued Discussion of Entheogenic Plants and their Impacts *(this item was tabled to later in the meeting)*

BOARD OF HEALTH PUBLIC HEARING



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Dr. Partridge reopened the public hearing at 6:30 p.m.

Proposed Revisions to Article 20: Regulation to Ensure the Sanitary and Safe Operations of Marijuana Treatment Centers

Mr. McDonald explained that a redline draft of the policy was submitted to the Board, along with one letter from Robert Smart, attorney for Sira Naturals. The Town has received no other letters, emails, or calls regarding this item from the public.

Mr. Smart explained that Sira Naturals is urging the Board to make changes to Article 20. He introduced Lou Karger, Founder; John Fernandes, Counsel for Sira Naturals; Gretchen McCarthy, Vice President of Retail; and Dwan Packnett, Vice President Government Relations & Community Investment.

Mr. Smart outlined Sira Naturals' requested changes to the Needham medical marijuana regulation. Sira would like the Board of Health to eliminate the references to nonprofit entities and to the Department of Public Health in the Marijuana Treatment Center definition, and to add veterans, seniors, employees of an MTC, HIV/AIDS patients, and cancer patients for people to whom discounts could be offered. Mr. Smart noted that State laws and regulations pertaining to marijuana facilities have changed since Article 20 was adopted. The Department of Public Health, which no longer oversees MTCs, had prohibited discounts for medical marijuana, except for patients with verifiable financial hardship. The Cannabis Control Commission makes a distinction between recreational facilities, where discounting is prohibited, and medical facilities, where discounting is allowed.

Mr. Smart also made the argument that by prohibiting broader discounts, Needham puts Sira Naturals in a very unfavorable position as medical marijuana facilities in the area advertise discounts to all patients routinely, and they are not subject to local regulations prohibiting discounting.

Mr. Smart stated that medical marijuana, unlike medicine at a pharmacy, is not covered by insurance, thus requiring patients of medical marijuana facilities to pay 100% of the cost. Patients with verified financial hardship are only a small portion of the patients that come to Sira. Sira seeks to also provide discounts for veterans, seniors, HIV/AIDS patients, and cancer patients, reducing the incentive to acquire the medications on the black market.

The argument for allowing discounts to employees is that it will help Sira to attract and retain employees as competing MTCs are allowed to offer this as a benefit. Mr. Smart said that this discounting is consistent with both the State's regulatory approach and is in the interest of public health.



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Ms. Packnett gave rationale for each category of persons being requested for discounting. Ms. Packnett said that Sira Naturals is looking to offer these discounts to a limited number of patients in Needham. The patients are medically vulnerable and rely on cannabis treatments to ease their chronic illnesses. Ms. Packnett said that the limited discounts will ensure patients have access to regulated cannabis products as responsible alternatives to the illegal market.

In response to a request to define “limited discount,” Ms. McCarthy stated that the Somerville location offers 20% off the retail price to veterans. Mr. Karger stated that he believes the request would be for a 50% discount for employees. Mr. Karger stated that no more than a 50% discount will be requested in the future.

When asked why Sira Naturals does not simply increase its rate of pay in order to attract employees, Mr. Fernandes said that some employees have medical cards, and discounts are an incentive to work in the business. He noted that Sira Naturals was the first in the State to voluntarily unionize. Discounts are a benefit employees expect from this business. Employees must have their medical card to qualify for these discounts.

When asked about the percentage of patients in the Needham facility who are seniors, veterans, HIV/AIDS, and cancer patient groups, Ms. McCarthy stated that it is likely similar to other facilities, at around 15-20%.

Dr. Epstein asked why discounts should be offered only to HIV/AIDS and cancer patients, and not to other medical patients. Ms. Packnett explained that there is an AIDS patient group, Frank’s Friends, which looks for discounts at local cannabis companies. Their program only exists currently in the Somerville location, but patients traveling may assume that it exists in other locations, such as Needham, only to find out it does not. Ms. Packnett noted that, for people with cancer, cannabis helps to cope with the effects of chemotherapy. Sira Naturals does not intend to discriminate against other patients and would like to include more. This proposal is an effort to keep the scope narrow and within what would be acceptable to the Board of Health.

Mr. McDonald noted that Sira Naturals has three medical licenses and three recreational licenses and is currently using the full allotment provided by the CCC. Mr. Fernandes explained that the Somerville and Watertown stores are both recreational and medical facilities. Needham will remain only medical.

Mr. McDonald stated that the Board can be stricter than State regulations and, in some cases, the CCC regulations. The Board has chosen to do so in the past. Mr. Fernandes explained that a provision in the CCC regulations allows local boards of health to create regulations, so long as they do not conflict with the CCC regulations.



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Mr. Smart explained that financial hardship is defined as 300% of the federal poverty level. The federal poverty level for 2022 is \$13,590, so 300% of that is about \$40,000. Mr. Smart said that people making between \$40,000-\$100,000 could use some help in purchasing these medicines.

Mr. Smart explained that other medical marijuana facilities do not limit discounts to identified populations and use blanket discounts instead. Mr. Karger noted that the Needham facility will not offer blanket discounts.

Dr. Gandhi expressed concern with leaving out additional medical patients from these discounts. Mr. Fernandes stated that the intention was to introduce this request using two medical groups that have clear diagnoses and needs.

Dr. Epstein noted that Sira Naturals may want to consider raising the hardship exemption to 400%. The American Rescue Plan Act provides for subsidies under the Affordable Care Act of up to 400%.

Dr. Partridge said that he would like more time to think about the topics brought up this evening. Dr. Epstein agreed that one major point of discussion needs to be around the medical classes proposed for discounts.

Mr. Karger asked if his team can try rewriting the paragraphs that the Board has concerns with.

Dr. Brown noted that the Board should consider that people can drive to the next town over and receive these discounts already. She also noted concern regarding some of the packaging being used at the facility and it appearing to be marketed toward children. Mr. Karger explained that there are no other provisions being requested at this time and that all packaging is governed by the CCC.

Mr. McDonald said that staff can revise the document based on the Board's discussion and identify key points that the Board would like additional information on from Sira Naturals.

Upon motion duly made by Dr. Cosgrove and seconded by Dr. Gandhi, it was voted to close the public hearing for Proposed Revisions to Article 20: Regulation to Ensure the Sanitary and Safe Operations of Marijuana Treatment Centers. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, Dr. Epstein – Y, and Dr. Gandhi-Y. Motion passed 5-0.

Continued Discussion of Entheogenic Plants and their Impacts *(the Board took up this item at this time)*

Dr. Partridge stated that this item is being proposed by a constituent. There are other towns that have adopted these resolutions. This resolution endeavors to decriminalize substance possession and recognize that substance abuse is more of a public health problem than a criminal problem.



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Dr. Epstein stated that he is not ready to endorse this at this time, as he believes it is a step too far for the Town. While there is now additional research being done which actually shows some promise with PTSD treatment and these substances, decriminalization of distribution of these products, which require careful supervision by a professional, would be ill advised at this time.

Dr. Brown stated that she is unclear how other towns decriminalize these items at a local level.

Upon motion duly made by Dr. Epstein and seconded by Dr. Cosgrove, it was voted to inform the constituent that, while the Board continues to have an interest in following this topic, it will not be signing off on this request at this time. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, Dr. Epstein – Y, and Dr. Gandhi-Y. Motion passed 5-0.

Follow-up from the Rice Barn Hearing on April 25, Outcomes of Legal Proceedings, and Continued Discussion of Restaurant Non-Compliance

Mr. McDonald explained that, since the Board last voted on April 25th to uphold the suspension order, Mr. Intha has been operating, or allowing his restaurant to be operated, as both the Rice Barn and as a ghost kitchen for online orders using food delivery apps like GrubHub or DoorDash. The service has been operating out of the 1037 Great Plains location. There have been social media reports, screenshots, and reports from nearby restaurant owners to confirm reports of continuing operations. Based on that information and the failure of Mr. Intha to coordinate access to the site for conducting repairs, the Town sought an injunction in Superior Court. An injunction was granted stating that the owner cannot operate a food service business or prepare food in that location. The owner may only access the site for the purpose of making repairs or improvements to rectify the code violations in coordination with the Public Health Division. The location has still been used and there has been no coordination with the Health Division. The Select Board held a hearing tonight on the status of the liquor license for the Rice Barn and voted to suspend the liquor license until 30 days after the food permit is reinstated, which right now is indefinite. According to the Select Board, Mr. Intha stated that he's ready for a new health inspection and will be asking the Board of Health to do so. Division staff are concerned due to the number of violations last seen in the building. Mr. Intha also stated that GrubHub is using his address to advertise themselves and he is not currently selling food from the location. It is thus unclear who has been preparing food at this location. Mr. McDonald said the Board of Health can continue to allow Mr. Intha the opportunity to rectify the violations and eventually apply for reinstatement of his food service permit. The Board can also choose to permanently revoke Mr. Intha's food service permit because of repeated and sustained violations. There is also a middle course which could be determined. A resident emailed today with additional DoorDash vendor names being used out of the location which the Department had not previously found.



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Mr. McDonald stated that it does appear someone is actively using the property, as the door was found ajar today with paperwork on the counter. Mr. Intha does not appear to be following the court injunction which would be viewed by a court to be a more serious violation and could result in contempt of court.

Ms. Gurge explained that one blatant violation from March was the three-bay sink in the basement that needed a permit. Mr. Intha has stated that he's ready for a new health inspection but, as of today, he has still not pulled a valid permit for that sink. She believes it may be an unforgivable offense that the owner continues to run a business out of the location, even after being told by both the Board and the court to stop.

Dr. Epstein stated that there first needs to be documentation that the owner is using the location inappropriately. If he is, then the Town should follow through with the commitment it made. If not, he believes the Board should allow the owner some set timeline, perhaps 30 days, to come into compliance and receive a valid permit.

Ms. Gurge stated that there is already plenty of documentation. Dr. Brown asked why the Board would allow for a 30-day timeline when the owner has already not followed through on anything it has asked for.

Mr. McDonald explained that Town Counsel had indicated that permanent revocation was better based on repeated noncompliance and violations, rather than the owner bucking legal authority. The case to be made for revocation is that Mr. Intha has been given many chances, and still has had many repeated serious violations. The Board of Health can reasonably say it has no confidence in the owner's ability to safely run a restaurant and does not feel comfortable giving the owner any food permit.

Dr. Epstein stated that he believes it should be a court issue if the owner has been operating against the Board's suspension. Otherwise, the Board wanted to give the owner a chance to shut down and make the necessary repairs, and it should follow through on that with one last chance.

Dr. Gandhi stated that she believes the Board needs to have authority. She does not want there to be the precedent for others that non-compliance leads to no consequences. Dr. Cosgrove agreed.

Mr. McDonald stated that there is clear evidence that the property has been accessed without meeting with the Department. There is also a report from a nearby business owner who saw food being handed out the back door earlier this week. He said that Town Counsel will engage the owner's counsel and will state that the Board of Health will allow the owner two additional weeks, before one final reinspection attempt.



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April Monthly Reports

Substance Use Prevention – Karen Shannon

Ms. Shannon stated that in April, the Substance Use Prevention team was busy with a number of SPAN activities, including the Community Action Team finishing social host liability messaging for parents and students in preparation for the upcoming prom and graduation season. The Youth Action Team launched an initiative called Talk About It, which provides students at Needham High School with the opportunity to submit an electronic form to the Guidance Department if they have concerns. The Parent Action Team has been creating new content for a campaign for parents on conversation starters with their children. The Select Board had a Chairs Meeting on May 20th, with the five businesses that had sales to minor violations during the April 6th alcohol compliance checks. One business had a repeat violation and will likely be called to a public hearing in June. The Team also partnered with the Police Department for the Spring Annual Drug Take Back Day where 84 pounds of expired and unused medications was collected. When combined with the previous six months of medications disposed of at the Police Department, it totaled 346 pounds of medications to be incinerated.

Public Health Nursing

Ms. Zike explained that Ms. Fountaine is working with some of the long-term care facilities and other facilities in managing COVID-19 clusters. Ms. Burnett passed her Certified Health Education Specialist exam. The nurses have continued to work on COVID vaccination booster clinics.

There was discussion regarding the process for reporting dog bites.

Epidemiology -

The data from the Adolescent Health Survey is expected later this month.

Emergency Management – Michael Lethin

Mr. Lethin stated that, on April 18th, President Biden approved the disaster designation for the January 29th blizzard, allowing for 75% reimbursement of snow removal costs. The Town still has a request in for public assistance with FEMA. Mr. Lethin noted that the final drone aerial pictures were taken for the Commodity Points of Distribution Plan. Active shooter training, which has not been done in the last few years because of COVID-19, will happen in October.

Traveling Meals Program – Rebecca Hall

Ms. Hall stated that 858 meals were delivered in April to 52 consumers: 41 of those were Springwell consumers and 11 of them were private-pay consumers. There were seven new clients, four private and three Springwell. There was one 911 call initiated but the client was not in need of transportation. Ms. Hall has been working to implement distribution of COVID testing kits. FRIENDS of Needham Board of Health and Traveling Meals Program distributed Roche Bros gift cards to all active clients. The meal count is up 7% from last year.



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Accreditation – Lynn Schoeff

Ms. Schoeff stated that the senior assessment will be part of the community health assessment. She is hoping that the senior survey will be administered in June. The survey will include some newer material about social isolation. The community health assessment will also include data the Town is currently collecting in a survey on quality-of-life issues.

Environmental Health – Tara Gurge

Ms. Gurge introduced the new Recording Secretary, Kristan Patenaude. Ms. Patenaude said that she currently takes meeting minutes for nine towns in New Hampshire, Massachusetts, and Connecticut. She likes learning about new municipalities and is happy to learn more about Needham.

Ms. Gurge stated that the Town has been asked to host a Department of Public Health intern for the summer. The intern is working on the Viewpoint Cloud Online Permitting system, to get all permits placed online. The system went up and running on May 11th.

Ms. Littlefield stated that a second intern, D'Andra Linden, came through the National Environmental Public Health internship program. Ms. Linden is completely virtual and located in Florida. Ms. Linden is working with all Needham chicken permit holders to educate them on the pathogenic avian influenza recently detected in Massachusetts. There was one food complaint about the Hungry Coyote. Ms. Littlefield inspected the location, and everything was in compliance. Priority violations were recently noted at Fuji Steakhouse, Little Spoon, two inspections from the Rice Barn, and Fresco. Ms. Littlefield noted that re-inspections were made at Little Spoon and Fuji Steakhouse today.

Shared Services Grants – Diana Acosta

Ms. Acosta explained that the group recently voted to be named the Charles River Public Health District moving forward.

MassCall3 Cluster – Carol Read

Ms. Read explained that she was recently notified by the Department of Public Health that Needham will receive a new contract for FY23. Currently the grant for the four towns is \$125,000 a year; it will be \$250,000 a year for FY23. These funds will be used to fulfill the mission of the grant, which is to build capacity in Walpole and Westwood, communities that don't currently have public health staff. Regarding the grant in the strategic plan across the four towns, youth focus groups for over 160 Students were recently completed. The group is also working to collect quantitative EMS data from the four towns on Riverside, emergency services, data, and hospital admission data, to compile it all and continue the strategic plan.



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Next Meetings:

The Board agreed to send out a Doodle poll to see which date in June will work best for everyone.

Mr. McDonald asked that the Board consider going back to a set date, such as the second Friday of each month at 7 p.m.

Board Reorganization

Mr. McDonald noted that the Board has historically only nominated a Chair and Vice Chair but, due to the number of significant restaurant violations recently occurring, it may also want to consider nominating a Clerk position.

Upon motion duly made by Dr. Epstein and seconded by Dr. Partridge, it was voted to nominate Dr. Cosgrove as Chair of the Board of Public Health. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, Dr. Epstein – Y, and Dr. Gandhi-Y. Motion passed 5-0.

Upon motion duly made by Dr. Cosgrove and seconded by Dr. Partridge, it was voted to nominate Dr. Gandhi as Vice Chair of the Board of Public Health. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, Dr. Epstein – Y, and Dr. Gandhi-Y. Motion passed 5-0.

Upon motion duly made by Dr. Epstein and seconded by Dr. Partridge, it was voted to nominate Dr. Brown as Clerk of the Board of Public Health. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, Dr. Epstein – Y, and Dr. Gandhi-Y. Motion passed 5-0.

Other Items

In regard to a question about monkey pox, Ms. Zike stated that a DPH call noted that there were 200 exposed at Mass General Hospital (MGH), so vaccines have been given to MGH and certain providers to give to those people. The Town is currently monitoring one exposed resident.

Adjournment

Upon motion duly made by Dr. Epstein and seconded by Dr. Brown, it was voted to adjourn. Dr. Partridge -Y, Dr. Cosgrove - Y, Dr. Brown – Y, Dr. Epstein – Y, and Dr. Gandhi-Y. Motion passed 5-0. The meeting was adjourned at 8:29 p.m.

Attachment:

May 24, 2022 meeting packet