

**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
September 11, 2014
CATA Training Room
3 Pond Road
Gloucester, MA 01930**

14 OCT -9 PM 2:58
CITY CLERK
GLOUCESTER, MA

Board members present: Chairperson: Dr. Richard Sagall, Vice-Chairperson: Robert Harris, Frederick Cowan, and Joe Rosa. Present from the Health Department: Public Health Director: Noreen Burke, Erin Kirchner, Sanitarian; and Manager of Environmental Health: Max Schenk. Public Health Nurse: Lianne Cook. Absent: Claudia Schweitzer

Chairperson Sagall asked the board members and the audience to take a moment to reflect on Jackie Hardy, a Gloucester City Councilor, who recently passed away.

PUBLIC ORAL COMMUNICATION

There was no "Public Oral Communication".

APPROVAL OF MINUTES

MOTION by Mr. Cowan to approve the Gloucester Board of Health minutes of the meeting of August 21, 2014 as written. **Seconded** by Mr. Rosa. **CARRIED UNANIMOUSLY.**

MONTHLY REPORTS

Presented by Noreen Burke, Max Schenk, and Lianne Cook

FLU CLINICS- *Ms. Cook* reported that seventeen flu clinics are planned. She stated that the launch will be September 18th, 2014 at the senior housing buildings. She stated that there will be three general public clinics, at the senior center, the hospital, and an evening clinic in a bank.

HOARDING- *Mr. Schenk* reported that they have had an increase of hoarding and squalor cases in the city. He stated that the Hoarding Task Force was called to 41 Witham Street where an individual was found deceased on site. He stated that they were called to condemn the site and they have contacted the next of kin. He stated that this was the eighth case they have had in three months.

FOWL REGULATIONS- *Mr. Schenk* stated that he has integrated the board's comments to the fowl regulations and those will be brought forward to the next meeting for review.

MEDICAL RESERVE CORPS- *Ms. Burke* thanked Chairperson Sagall and Mr. Cowan for joining the Medical Reserve Corps. She encouraged other board members to join the Medical Reserve Corps.

KARIN CARROLL- *Ms. Burke* reported that Karin Carroll is resigning. She stated that she accepted the position as the Prevention and Wellness Trust director in Lynn. She stated that she will be missed, as she was an asset to the department.

GRANTS- *Ms. Burke* reported that they were successful with the Cape Ann Mass in Motion Grant. She stated that the Mass in Motion program encourages healthy living. She stated that the grant is \$40,000 a year and the grant will now be called the Mass in Motion: Cape Ann. She stated that the program will work with Manchester, Essex, and Rockport.

CLIMATE CHANGE- *Ms. Burke* reported that there is a symposium entitled "Preparing for Climate Change at the Municipal Level". She stated that the event is in Springfield, Ma.

STYROFOAM CONTAINERS- *Ms. Burke* reported that board members may receive a call from Darlene Tate regarding Styrofoam containers.

TRAININGS- *Ms. Burke* reported that they have a lot of trainings coming up in the Health Department and one of her goals is to have every staff member complete at least one professional development opportunity. She stated the Massachusetts Association of Health Board's newsletter was shared with the board members. She stated that the annual certificate training is coming up in October and November.

STAFF APPRECIATION- *Ms. Burke* thanked board members for the staff appreciation evening

13 CEDARWOOD ROAD- *Ms. Kirchner* reported that she will attend Housing Court in September to provide the court with an update for 13 Cedarwood Road. She stated that the property owner will not be attending due to a medical issue. She stated that the house is currently unoccupied.

OLD BUSINESS

CHANGES TO REGULATIONS RESTRICTING THE SALE OF TOBACCO PRODUCTS AND NICOTINE DELIVERY PRODUCTS-

Joyce Redford, MPH, director of the North Shore/Cape Ann Tobacco Alcohol prevention Program appeared in favor of the proposed regulations. She gave a brief overview of the proposed changes to the regulations.

Caitlin Kreitman, Gloucester Youth Council Adult Advisor, of 27 Dodge Street, appeared in favor of the proposed regulations.

The following students from the Gloucester Youth Council spoke in favor of the proposed regulations.

Kelly Hurd appeared in favor of the proposed regulations. She stated that many students are using the e-cigarettes and they think that they are safe.

SooAe Ono appeared in favor of the proposed regulations. She stated that she is concerned with the amount of young people using e-cigarettes.

Emily Neves appeared in favor of the proposed regulations. She stated that e-cigarettes are becoming more and more popular and there needs to be more awareness of the dangers.

Natilla Wozencroft appeared in favor of the proposed regulations. She stated that the use of e-cigarettes have tripled in the last three years.

Diane Knight, of the Northeast Tobacco Free Partnership appeared in favor of the proposed regulations. She agreed with the students who spoke before and thanked the board for proposing to change the regulations.

MOTION by Mr. Rosa that the Gloucester Board of Health approve the proposed changes as appearing in the draft of the "Tobacco Regulations for Workplaces & Public Places" dated July 7th, 2014 with the following changes: "Section 3 - "E-Cigarette", any electronic device, not approved by the United States Food and Drug Administration, composed of a mouthpiece, heating element, battery and/or electronic

circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name; Section 4 - "E-Cigarette", any electronic device, not approved by the United States Food and Drug Administration, composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name." **Seconded by Mr. Harris. CARRIED UNANIMOUSLY.**

Kelly Hurd appeared in favor of the proposed regulations. She stated that she is concerned with the availability and the popularity of cigarillos. She stated that cigarillos are targeted for young people.

Emily Neves appeared in favor of the proposed regulations. She stated that she is concerned with the dangers of cigarillos in Gloucester's youth.

Cheyenne Fanalas appeared before the board in favor of the proposed regulations. She stated that she is concerned with cigars and cigarillos in youth. She stated that cigarette sales have declined in the last few years and cigar and cigarillo sales have doubled. She stated that the majority of people who smoke these are between the ages of 18 and 29.

Caitlin Kreitman, 27 Dodge Street, appeared in favor of the proposed regulations. She stated that the cigarillos are packaged with bright colors and the flavors they come in are appealing to youth.

Diane Knight of the Northeast Tobacco Free Partnership appeared in favor of the proposed regulations. She stated that she spoke with Joan Whitney today and she wanted to remind the board members that the Gloucester Youth Risk Behavior Survey shows that high school students show a high perception of harm from tobacco and they want to do everything they can to reduce the availability of these products to youth.

Michael St. Arnold, of Tedesechi's Shops appeared before the board in opposition of the proposed regulations. He stated that they are not marketing the products for children.

Caitlin Kreitman stated that they are not accusing retailers of selling to minors.

Joyce Redford, MPH, director of the North Shore/Cape Ann Tobacco Alcohol prevention Program appeared before the board. She stated that they are not proposing a new concept or a prohibition of products.

MOTION by Mr. Cowan that the Gloucester Board of Health approve the changes as appearing in the draft of the "Regulation of the City of Gloucester Board of Health Restricting the Sale of Tobacco Products & Nicotine Delivery Products" of July 7th, 2014 to the following changes: "Whereas many non-cigarette tobacco products, such as cigars and cigarillos, can be sold in a single "dose;" enjoy a relatively low tax as compared to cigarettes; are available in fruit, candy and alcohol flavors; and are popular among youth (CDC (2009), Youth Risk Behavior, Surveillance Summaries (MMWR 2010: 59, 12, note 5). Whereas in Massachusetts, youth use of all other tobacco products, including cigars, rose from 13.3% in 2003 to 17.6% in 2009, and was higher than the rate of current cigarette use (16%) for the first time in history. (Commonwealth of Massachusetts, Data Brief, Trends in Youth Tobacco Use in Massachusetts, 1993-2009). Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%. (Ringel, J., Wasserman, J., & Andreyeva, T. (2005) Effects of Public Policy on Adolescents' Cigar Use: Evidence from the National Youth Tobacco Survey. American Journal of Public Health, 95(6), 995-998, doi: 10.2105/AJPH.2003.030411 and cited in Cigar, Cigarillo and Little Cigar Use among Canadian Youth: Are We Underestimating the Magnitude of this Problem?, J. Prim. P. 2011, Aug: 32(3-4):161-70. Whereas

nicotine levels in cigars are generally much higher than nicotine levels in cigarettes. (National Institute of Health (NIH), National Cancer Institute (NCI) (2010). Cigar Smoking and Cancer.); 1. No person shall sell or distribute or cause to be sold or distributed a single cigar. 2. No person shall sell or distribute or cause to be sold or distributed any original package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. 3. This Section shall not apply to: a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more. b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Gloucester. 4. The Gloucester Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation." **Seconded** by Mr. Cowan. **CARRIED UNANIMOUSLY.**

The board agreed to have the same effective date as they had the last time they amended the regulations.

ARBORVIRUS SEASON 2014-

Ms. Burke thanked board of members for going to the State House. She stated that discussions were held regarding the Commissioners who sit on the Mosquito Control District Board and the funding mechanisms. She stated that Senator Tarr was wonderful in representing their issues. She stated that there has been two reported cases of West Nile in humans, this season. She stated that she will re-send the minutes from the meeting to board members.

FLOURIDATION OF COMMUNITY WATER SUPPLY-

Chairperson Sagall stated that there was an excellent training on "Community Water Flouridation" last night at Temple Ahavat Achim. He stated that he met with Sal Di Stefano, Chief Administrative Officer, and the Mayor's office would like an independent, outside panel to review fluoride and flouridation in the water and report their findings to the City Council. He stated that one assertion that was made was that ADA receives funding from the toothpaste manufacturers. He stated that he called the ADA and the manufacturers do pay an amount for the seal that is on the product, but it does not cover the cost of testing the product, so they actually lose money each time they issue a seal. He stated that another assertion was made that many organizations have asked to be taken off the list that is on the ADA that support flouridation of water. He stated that he spoke to someone at the ADA and Kidney Foundation and the reason the Kidney Foundation was asked to be taken off the list was because they did not want to take a position in the matter, not that they were against flouridation of water. He stated that the Board of Health has no vested interest with the issue.

Ms. Burke stated that the Town of Rockport decided to put the issue on their ballot.

WORKING SUBCOMMITTEES OF THE BOARD, BRIEFING UPDATES --

Children's Dental Center Planning – *Ms. Burke* reported that the Children's Dental Center Planning is moving ahead. She stated that they have been working with Jill Marston. She stated that they planned to meet on September 17th and October 15th. She stated that they have composed a list of potential members for the group and looking at goals.

Performance of Mandated Enforcement Services – *Mr. Schenk* stated that they have been using a tool that looks at quality measurements in different aspects of public health. He stated that they are going to start looking at some of more used public health services such as housing and the complaint system. He stated that they have established dates to meet with individual staff members.

Local Public Health Accreditation Discussion – *Ms. Burke* stated that the accreditation is moving across

the nation. She stated that they are planning on meeting to discuss accreditation.

NEW BUSINESS

PDGLST CORP. DBA RICHDAL, 410 WASHINGTON STREET –

Appeal of August 5, 2014 Violation - Gloucester Board of Health Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products

Joyce Redford, MPH, director of the North Shore/Cape Ann Tobacco Alcohol prevention Program appeared before the board. She gave a brief overview of the violation. She stated that this is the establishment's second violation.

Bob Mullen, part-time employee of Richdale appeared before the board. He stated that the owner, Yogesh Patel is with him and he will speak on his behalf. He stated that there were not young people working in the store when the violations occurred. He asked that in lieu of a suspension a greater fine would be appreciated. He stated that they are participating in an ongoing training that they pay for. He stated that they are going to continue to talk to their employees to ensure that this will not happen again.

The board thanked Mr. Mullen and Mr. Patel for their appearance before the board and for participating in the trainings.

MOTION by Mr. Cowan that the Gloucester Board of Health sustain the findings and suspend the license as written in the "Gloucester Board of Health Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products". **Seconded** by Mr. Harris. **CARRIED**.

Mr. Schenk stated that the Health Department will send an enforcement letter to the owner, outlining the fine and the suspension period.

1 OVERLOOK AVENUE (MAP 236, LOT 70) – Property owners: Wendy Martin

Proposed tight tank as remediation for failed septic system

Ms. Kirchner gave a brief description of the property and the proposed tight tank. She stated that the Septic Subcommittee has approved the request for a tight tank and all abutters have been notified.

MOTION by Mr. Harris that the Gloucester Board of Health approve the request for the installation of a tight tank at 1 Overlook Avenue, owned by Wendy Martin. **Seconded** by Mr. Cowan. **CARRIED**.

2 OVERLOOK AVENUE (MAP 236, LOT 48) – Property owners: Wayne and Sharon Martin

Proposed tight tank as remediation for failed septic system

Ms. Kirchner gave a brief description of the property and the proposed tight tank. She stated that the Septic Subcommittee has approved the request for a tight tank and all abutters have been notified.

MOTION by Mr. Harris that the Gloucester Board of Health approve the request for the installation of a tight tank at 2 Overlook Avenue, owned by Wayne and Sharon Martin. **Seconded** by Mr. Cowan. **CARRIED**.

5 OVERLOOK AVENUE (MAP 236, LOT 69) –

Property owners: Wayne and Sharon Martin

Proposed tight tank as remediation for failed septic system

Ms. Kirchner gave a brief description of the property and the proposed tight tank. She stated that the Septic Subcommittee has approved the request for a tight tank and all abutters have been notified.

MOTION by Mr. Harris that the Gloucester Board of Health approve the request for the installation of a tight tank at 5 Overlook Avenue, owned by Wendy and Sharon Martin. **Seconded** by Mr. Cowan. **CARRIED.**

CONCERNS OF BOARD MEMBERS

BOARD OF HEALTH MEETINGS- Ms. Burke stated that the next Board of Health Meeting will be on October 2nd, 2014.

MOTION by Mr. Rosa to adjourn.
Seconded by Mr. Harris. **CARRIED.**
MEETING ADJOURNED – 7:45 p.m.

Respectfully submitted



Bobbi Orlando

Accepted by:



Richard Sagal, Chairperson