

**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
November 2, 2017
5:30 p.m.
City Hall Annex
3 Pond Road
Gloucester, MA 01930**

Board members present: Chairperson: Dr. Richard Sagall; Vice–Chairperson Robert Harris; Frederick Cowan; Joe Rosa, and Claudia Schweitzer. Present from the Health Department: Health Director: Karin Carroll; Assistant Director: Max Schenk.

This meeting is being recorded by audio in accordance with State Open Meeting Law.

PUBLIC ORAL COMMUNICATION

There was no “Public Oral Communication”.

APPROVAL OF MINUTES

MOTION by Ms. Schweitzer to approve the Gloucester Board of Health minutes of the meeting of October 5th, 2017 as written. **Seconded** by Mr. Cowan. **CARRIED**. Chairperson Sagall Abstained.

STANDING COMMITTEE REPORTS

There were no “Standing Committee Reports”.

NEW BUSINESS

Public Hearing Regarding Changes to Board of Health Regulation Restricting the Sale of Tobacco Delivery Products and Nicotine Delivery Products, to Include Flavored Tobacco Products -

Mr. Schenk stated that the Board of Health has had the opportunity to review some proposed changes to the current Tobacco regulations to include flavored tobacco products, other than menthol but does include wraps and other flavored tobacco products including vaping materials. He stated that the restriction is for establishments that either are not restricted to tobacco or are not restricted to 21 and older. He stated that there other minor modifications to the language within the regulation. He stated that all the permittees were notified of the proposed changes by mail and a notice was put into the Cape Ann Beacon which was not required.

Joyce Redford of the North Shore Tobacco Control Program appeared before the board. She stated that she supports the Board of Health and if the regulation were to go into effect it would restrict flavors to adult only establishments and everything else would be incidental, meaning they could not sell lottery, milk, or any other non-tobacco related products.

Mr. Cowan asked if a liquor store did not allow anyone under the age of 21 from entering their establishment could they ask for a variance to sell flavored tobacco. *Ms. Redford* responded that she was unsure of that but the same question was asked in Beverly and it was declined.

DJ Wilson the Tobacco Control Director of the Mass Municipal Association. He gave board members information from other towns who have passed similar regulations. He stated that he recommends that the Gloucester Board of Health joins the 101 cities and towns who have already put these proposed regulations in place. See as a template: Rhode Island's which withstood a Court challenge brought by the tobacco industry.

The Gloucester Youth Council appeared before the board. They gave a presentation in support of the proposed changes to the tobacco regulations with the exception of adult only stores.

Sunny Patel owner of Sunny's Variety appeared before the board in opposition of the proposed changes to the regulations. He stated that he sells drinks, chips, and lottery and his store is already 21 and older. He stated that he makes good money on lottery and does not want to lose that revenue. He asked if he could open another store that just sells flavored tobacco. The board responded that he could as long as he only sold tobacco products at that store.

Mr. Harris stated that he visited six or seven stores and he received a lot of information from the owners. He stated that the owners told him that they would be missing quite a bit of revenue from this and they mentioned the fact that chewing tobacco is a big seller and most people prefer the flavors. He stated that the owners told him that most of the customers who bought these products were in their 30's and 40's.

Ms. Redford stated that the purpose of the proposed regulations is to reduce accessibility to minors.

The board discussed the proposed changes to the tobacco regulations.

Nicholas John, Northeast Regional Manager of the R Street Institute appeared before the board. He stated that the proposed regulation is well intended but it does nothing to remove the most harmful and deadly products from stores which are cigarettes. He stated that removing safer alternatives is not the direction the board should want to go.

MOTION by Mr. Rosa that the Gloucester Board of Health approve the amendments to the City of Gloucester Board of Health Regulation regarding restricting the sale of tobacco products as originally adopted on January 10, 2013 to go into effect May 1, 2018. **Seconded** by Ms. Schweitzer. **CARRIED**. Motion passed 4-1, Mr. Harris opposed.

Presentation to the Board on the establishment of the North Shore Forward Advisory Council as a Subcommittee of the Gloucester Board of Health-

Mr. Rosa stated that for the last ten years Joan Whitney has organized group of agencies starting in Gloucester to deal with substance use disorder issues. He stated that that gradually

evolved until about four years ago when DPH recognized that work and provided two grants to provide some level of regionalization of the effort. He went through a presentation to review the North Shore Forward Advisory Council.

Joan Whitney of the Gloucester Healthy Collaborative appeared before the board. She stated that all of their data is based on qualitative and qualitative data. She stated that they have formed focus groups to help them understand what interventions are needed.

Mr. Rosa stated the idea of regionalization should go beyond just spreading good ideas because there is more that can be done. He stated that the idea is to leverage the agencies that already cross municipal boundaries. He stated that the Tower Foundation Grant is \$110,000 a year for three years. He stated that the first step would be to collect data and to identify where data is missing and then the group of agencies would put together a data driven and evidence based pilot project to try and implement across boundaries and phase three would be doing the project and measuring the outcomes.

Ms. Whitney stated that this advisory group is not a board and is not handling money. It is exchange of ideas and a way to collaborate.

The board expressed concern that NSForward's organizational plan could lead to violations of Open Meeting Law.

Mr. Schenk recommended that they put a call into the Attorney General's office where all the open meeting laws come from and have them make a determination based on the proposed structure of the advisory board.

Mr. Cowan asked if there were minutes taken at the meeting. *Ms. Whitney* responded that they do take minutes but they do not vote or approve the minutes and they are not posted online.

Ms. Carroll stated that they need to present to the City Solicitor a list of items that the advisory board would and would not be doing.

Mr. Rosa agreed with *Ms. Carroll* and added that they need to ask what they need to do to make this advisory board happen. *Chairperson Sagall* stated that this situation will come up again so they should create a model as to how it will work.

The board agreed to have *Ms. Carroll*, *Ms. Whitney*, and *Chairperson Sagall* meet with the City Solicitor to strategize a solution on forming the North Shore Advisory Council and then hold a Board of Health meeting on November 15 at noon to discuss.

OLD BUSINESS

1 Pilot's Hill Condemnation Order-

Mr. Schenk stated that the condemnation order remains in place and there has been no further updates. The board agreed to take this item off the agenda since it is being handled within the Health Department.

MONTHLY REPORTS

Presented by Karin Carroll and Max Schenk

The following “Monthly Report” was given to Board members.

[November Monthly Report](#)

Ms. Carroll stated that the Workplace Wellness Committee has launched a walking club at City Hall and Pond Road Annex. She stated that the Police Department and the School Department would like to start a walking club. She stated that they have also been able to sponsor the workplace Weight Watchers group which is free for all employees through the grant.

Chairperson Sagall asked for some clarification regarding what difference there is between a service dog and a support dog in groceries stores. *Ms. Carroll* stated that she will consult with *Ms. Nicastro* on the concern.

Ms. Carroll stated that the last big flu clinic was today at Bank Gloucester. She stated that the Health Department has vaccinated almost 2000 people this season. *Mr. Cowan* inquired about the recently FDA approved Shingles vaccine. *Ms. Carroll* responded that they do not have any of the new Shingles vaccine right now but their hope is to use some of the revenue from the vaccine account to provide other vaccines. *Mr. Cowan* asked if the item could be on next month’s agenda.

Ms. Carroll stated that they appeared on Cape Ann TV to do their fall chat with Cindy Junker from the School Department and they will do a Winter chat as well.

Ms. Carroll stated that the Public Health Nurses from the five communities involved with NS MVP will be attending two intensive trainings during November. These include, Breastfeeding Foundations for Perinatal Health Workers through the Boston Association for Childbirth Education and Nursing Mother’s Council and Newborn Behavioral Observation (NBO) training through the renowned Brazleton Insititute through Boston Children’s Hospital and Harvard Medical School.

CONCERNS OF BOARD MEMBERS

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on December 7, 2017 at the CATA Training Room at 5:30 p.m.

MOTION by Mr. Cowan to adjourn.
Seconded by Mr. Rosa. **CARRIED.**

MEETING ADJOURNED – 7:25 p.m.

Respectfully submitted,

Bobbi Orlando

Accepted by:

Richard Sagall, Chairperson

Documents Referenced:

November 2, 2017 Board of Health Agenda

October 5, 2017 Board of Health Minutes

November 2017 Monthly Department Reports