



Town of Arlington
Department of Health and Human Services
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A P P R O V E D
Board of Health Meeting Minutes
Wednesday, October 22, 2014
Ground Floor Mural Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Michael Fitzpatrick, Mr. Kenneth Kohlberg

Absent: Dr. Marie Walsh Condon

Staff in Attendance: Christine Bongiorno, Director of Health & Human Services, Natasha Waden, Health Compliance Officer

Others in Attendance: Donna Toomey, John Leonard, Peter Zheng, Julie Campagno, James Scoppettuolo, Davinder Sharma, Arshdeep Singh, Marilyn Gamber, Amanda Pierce, Paresh Patel, Chris Rozanitis

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Michael Fitzpatrick at 5:30 pm.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Michael Fitzpatrick, to approve the September 10, 2014 minutes as amended.

Vote: Motion approved unanimously (2-0)

Minutes of the August 13, 2014 meeting will be tabled until the meeting on December 3, 2014.

Public Hearing: Amendments to the Regulations Restricting the Sale of Tobacco Products

Ms. Natasha Waden informed the Board of the proposed amendments to the Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products including:

- definitions,
- prohibiting the sale of flavored tobacco products (added section), and
- reducing the number of tobacco and nicotine delivery sales permits allowed

Ms. Waden proposed in Section E – 13 to change *July 1, 2013* to *January 1, 2015*.

Dr. Fitzpatrick inquired if Section D, Item 2, Provision B (line 3) 18 years of age needs to be amended to the current age restriction. Ms. Waden would verify if the age of 18 is required for state purposes and she would check to see if the age should be amended or if Section D(1) overrules the age referenced in D(2)B, and will consult with D.J. Wilson of the MMA, and provide an update to the Board.

Ms. Waden also brought to the Board's attention that in Section C of the Regulations, the definition of "Tobacco Product" may need to be clarified to include electronic cigarettes. She shared the current model Regulations from the Mass Municipal Association's definition of tobacco products, which has a broader definition. The Board agreed and decided the current definition in Arlington's Regulations needs further review prior to a vote on the proposed amendments.

The hearing was opened up to the Public for comments.

One tobacco retailer inquired who proposed the new changes to the Regulations. Dr. Michael Fitzpatrick stated that the Board has been working for many years on the Regulations regarding the sale of tobacco products and as changes are made in the tobacco industry, often to target youth, changes are needed in the Regulations, and the Board of Health is the designated body proposing the changes to the Regulations at this time.

Another tobacco retailer expressed dismay that in the past when changes were made regarding age restrictions, sale of single tobacco products, or regulating the minimum prices on single products were proposed, the tobacco retailers disagreed with the changes, and they happened anyway. The retailer asked "why are we here, if you hear us say no, and you do it anyway."

The Board shared that the mission of the Arlington Board of Health is to protect the public health of the town of Arlington through enforcement of health codes and regulations, while promoting a healthy community. It was acknowledged that retailers are in the business of making money, and the Board of Health has a different mission. Mr. Kenneth Kohlberg stated that he appreciated the comment, and the Board has moved slowly in implementing changes to the Regulations. He further stated that all hearings are open to the public, providing a forum for concerns to be heard, and the opportunity for meaningful, purposeful challenges if it is believed the Board has overstepped its authority and to ensure it is acting within its power, jurisdiction, and legal boundaries.

Mr. John Leonard, Town Meeting Member Precinct 17, expressed the following concerns/comments:

- He inquired if the permit fee referenced in Section E – 4 will be doubled if two separate permits are required. Ms. Christine Bongiorno stated that there is only 1 permit issued to each Tobacco Retailer and the fee for that permit is \$500.00.
- He inquired if the periodic inspections referenced in Section E – 9 will require additional staffing of the Board of Health, which has a lot of other responsibilities. Ms. Christine Bongiorno stated Arlington is part of a 5 community collaborative which received a grant to help subsidize tobacco inspections. Ms. Waden stated that Inspectors from the Board of Health currently, and will continue to, respond to complaints regarding tobacco retailers and also accompany individuals on the inspections.
- He inquired if training is provided to the retailer as is referenced in Section E – 12. Dr. Fitzpatrick stated the Board of Health does provide on-going retailer training regarding the Regulations.
- He inquired why Arlington does not have the same age requirement as the State (18 years of age) and stated it would be easier on the tobacco retailers, and we may be slighting the 18, 19, and 20 year olds. Mr. Leonard referenced Mass General Law Chapter 111; Section 31. Dr. Fitzpatrick stated that although the current State Regulations are 18, cities and towns do have control over their communities, and can have more stringent regulations than the state, and cited the Town of Wendell decision. He reiterated that it is the Board's mission to promote health within the community, and tries hard to keep

tobacco products out of the hands of our youth. He further stated, many surrounding communities are also in the process of updating their Regulations, to include tighter restrictions.

A tobacco retailer inquired “how do I serve the products our customers want, who are of legal age, if you ban the products altogether, referencing flavored tobacco products. He further reiterated that if customers are of the legal age to purchase these products, why is the town banning them. He further stated Arlington retailers are at a disadvantage to other towns, and customers have to go to surrounding towns.

A tobacco retailer asked for clarification if Menthol and Mint is considered flavored tobacco products. Ms. Waden verified that both Menthol and Mint are not included in the recommended ban.

Environmental Updates

Ms. Waden informed the Board that there have been several attempts to schedule the re-inspection of the property at 30 Hamilton Road Unit #304, and reported this may not be able to take place until after the new year. Ms. Waden will contact the state for legal guidance on how best to proceed.

Restaurant Updates

- Restaurant Olivio completed the installation of the 3 bay sink, which brings this establishment up to code.
- The Common Ground is open for service.
- WooRi is open for service.
- Szechuan Dumpling has had a change of ownership.
- Manna House has closed.
- Pizza Mia has closed.
- Carre Sucre (Residential Kitchen) has closed.

Public Health Nurse Updates

Ms. Bongiorno informed the Board the flu clinics are winding down for the year and reported over 2,000 individuals were vaccinated. There is one additional clinic scheduled for October 25 for Town Employees as well as the general public. The clinic will be held at the Arlington Senior Center. The Board of Health conducted a large family clinic at Ottoson, which families very much appreciated.

Regarding Ebola virus and other communicable diseases, Ms. Bongiorno also stated that she and the Board of Health staff have sat in on many conference calls with the State, CDC, and even the White House. Additionally meetings have taken place with the Board of Health, Local Police, Fire, and EMS units. Ms. Bongiorno reported the Arlington Board of Health has its All Hazard Plans in place, and is prepared for isolation, quarantine and guidance should an Arlington Resident be diagnosed with the Ebola virus or other communicable disease.

Public Comment:

A resident inquired about the Town’s Noise Ordinance, and asked for guidance regarding a neighbor dispute. The Board of Health will follow-up with the resident and provide referrals to the appropriate Department(s).

Meeting was adjourned at 6:30 pm.

Next Scheduled Meeting: December 3, 2014