



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Minutes
Wednesday, December 3, 2014
Ground Floor Mural Room
Arlington Senior Center
5:30pm**

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

Staff in Attendance: Christine Bongiorno, Director of Health & Human Services, Natasha Waden, Health Compliance Officer, James Feeny, Health Compliance Officer, Hannah Fast, Public Health Associate

Others in Attendance: Davinder Sharma, Paresh Patel, Rob Auffrey, Wesley Chin, Prem Kumar, Arshdeep Singh, Michael Hamblin, Renee Hamblin, Ione Heigham, Anna Goldstein, D.J. Wilson, Sabina Shaikh

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

Meeting called to order by Dr. Michael Fitzpatrick at 5:40 pm.

A motion was made by Dr. Marie Walsh Condon, which was seconded by Mr. Kenneth Kohlberg to approve the August 13, 2014 minutes as submitted.

Vote: Motion approved unanimously (3-0)

A motion was made by Dr. Marie Walsh Condon, which was seconded by Mr. Kenneth Kohlberg to approve the October 22, 2014 minutes as submitted.

Vote: Motion approved unanimously (3-0)

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

Ms. Natasha Waden provided the Board with draft Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products. She also provided the Board with a copy of the State's model regulations. Based on discussions at the October 22, 2014 BOH meeting, Ms. Waden consulted with Mr. D.J. Wilson, from the Mass Municipal Association Tobacco Control Technical Assistance Program, who was on hand to address questions from the Board and Attendees. The Town of Arlington's language regarding certain definitions was compared to the State's language in the model regulations regarding those definitions. Mr. Wilson informed the Board either language would be appropriate and, in his professional opinion, would be deemed legally adequate. Mr. Wilson gave a historical background regarding tobacco regulations, and stated that in response to a bill that was filed by Senator Sanchez, a broader definition of tobacco products was established. He stated the former

and current definitions have both been kept in various municipalities. Mr. Wilson provided the Board with a list of 10 cities and towns that have banned flavored and other tobacco products with Newton being the largest. Other communities include: Ashland, Belmont, Concord, Duxbury, Hatfield, North Andover, Sherborn, Yarmouth, and Williamstown.

He further stated that in June of 2009 the federal government banned the sale of flavored cigarettes except for menthol flavoring. The trend is many cities and towns are looking into banning other flavored tobacco products. He informed the Board that in January of 2012 the city of Providence enacted an ordinance to ban all flavored "Other Tobacco Products" such as cigars, smokeless and chew tobacco, as well as to include electronic cigarettes which modeled the Federal ban of flavored cigarettes. Providence was sued in Federal court and in February 2013 prevailed at the U.S. Court of Appeals. Mr. Wilson believes this is notable whereas Massachusetts is in the same federal court district as Rhode Island, therefore, this ruling would extend to Massachusetts. Mr. Wilson also stated New York City has a flavor ban in place and Chicago has a flavor ban within 500 feet of schools.

Comments and questions were opened up to the floor.

Ms. Renee Hamblin addressed the Board as a member of the 84 Club which is a group of students in the 84th percentile who do not use Tobacco Products. She stated she is part of a state-wide leadership team addressing the abuse and dangers of tobacco products and youth. She stated the bright colorful packaging, and enticing candy-flavors such as pineapple, cherry and lime are geared towards luring in youth. She reported over 90% of adult smokers started before they were 18 years old, and 6,300 youth in Massachusetts become smokers each year. She reported that in the U.S over 1,200 people die daily from smoking/tobacco related illness which is the approximate size of Arlington High School's student population. Ms. Hamblin referenced the strategic placement of these flavorful products directly behind the candy counters, and that signage is typically placed at 4 ft, more at eye level with youth than with adults. She acknowledged that youth should not be able to buy these products based on age restrictions, but that the marketing of these products begins at much earlier ages. She reported many students are able to buy products, and many have fake ID's. She stated some get them from others who are of legal age, and she knows many students who don't start until their first year of college, but then quickly get hooked. She referenced her experience as a "checker" in other communities and at 16 was often sold "a pack of reds" without hesitation. She stated she supports the ban on flavored tobacco products, and believes we can make progress and provide a legacy as being a pioneer town regarding public health.

Ms. Ione Heigham of the 84 Club also addressed the Board and stated she supports the ban on flavored tobacco products. She stated gum is lined up right behind the flavored tobacco products. She stated tobacco products are being made available to youth, and the flavored products appeal to youth.

Ms. Anna Goldstein on the 84 Club stated she believes flavored tobacco products are directed towards youth. She stated the flavoring and packaging is marketed directly to kids, and she believes it to be a gateway for other tobacco products and other dangerous substances. She said the use of tobacco products in youth is disturbing and upsetting. She went on to state that she witnessed a classmate take out a brightly colored electronic hookah pen and use it in class. It was so colorful and small that the teacher did not even notice. Ms. Goldstein stated if a ban on flavored cigarettes is the law, she believes all flavored tobacco products should be included in that ban.

Several retailers spoke in opposition, and stated they agree that children should not be sold tobacco products, and shared that their establishments do not sell to minors. One retailer stated adult customers can make their own decisions, and retailers should be able to provide those adult customers with the products they want. Another retailer stated raising the age to purchase tobacco products to 21 should address the concerns of the Board about youth buying these products. One retailer stated that they would be more understanding if this was a state-wide ban, and Arlington's Regulation would cause an unlevel playing field with other retailers in surrounding communities. They further stated that many people come to convenience stores for 1-3 items and if

they cannot get one of those items, such as their tobacco products, they will go to other stores in other towns and they will lose those customers all together.

Mike Hamblin, a parent in Arlington, stated by marketing these products to youth, the seed is being planted, even if establishments are not yet selling to them. He further stated that even 20-21 year olds may not be mature enough to understand the impact of the decisions they are making.

Dr. Marie Walsh Condon stated all sides and comments are taken into consideration, and these are difficult decisions that are being made. She stated the Board does not want to take business away, but they need to protect the public health of the community, and youth who are at greatest risk.

Mr. Kenneth Kohlberg stated there are many sides to most issues that need to be understood, and hoped the students of Chapter 84, as well as the retailers, found these discussions beneficial, and respectful to all who these decisions impact.

A Motion was made by Dr. Marie Walsh Condon, which was seconded by Mr. Kenneth Kohlberg, to accept the Regulations as drafted with an effective date of March 1, 2015.

Vote: Motion approved unanimously (3-0)

Discussion: 2015 Draft Board of Health Meeting Schedule

The 2015 draft Board of Health meeting schedule was reviewed and following is the results of that discussion:

February 4, 2015
April 8, 2015
May 20, 2015
June 24, 2015
September 9, 2015
October 21, 2015
December 2, 2015

Meetings will continue to be held at the various conference rooms located at 27 Maple Street in Arlington, and meetings will begin at 5:30 pm.

Dr. Marie Walsh Condon agreed to accept the role as Chairman of the Board for 2015.

Environmental Updates

Mr. Feeney introduced Ms. Hannah Fast, Public Health Associate with the CDC who will be working full time with the Arlington Board of Health through October 1, 2016 on environmental matters.

Ms. Waden informed the Board that there have been several additional attempts to schedule the re-inspection of the property at 30 Hamilton Road Unit #304. One of the occupants did allow entry, and it was observed that not all violations in the Correction Order were addressed at the time of re-inspection. It is the Health Department's intent to provide as many resources as possible, including referrals to the Arlington Council on Aging, and other agencies prior to taking legal action. Ms. Waden informed the Board the condo association has also threatened action against the occupant.

Ms. Waden and Mr. Feeney informed the Board they responded to an environmental nuisance complaint at the request of the Arlington Fire Department regarding a motorcycle shop located at 94 Summer Street, which had

gasoline and other products creating noxious fumes being used without proper ventilation. There were no spills or releases noted at this location at the time of inspection.

Restaurant Updates

Ms. Waden informed the Board that the 2015 Food Permit applications have been mailed out. Permits will be issued prior to January 1, 2015.

Ms. Waden was happy to announce that the Arlington Board of Health has applied for and been awarded a \$5,000 grant to become a participant in the FDA Voluntary National Retail Food Regulatory Standards Program.

Other:

- Wings over Arlington has Closed.
- Jimmy's Pizzeria has changed ownership.
- A new residential kitchen has opened up on Overlook Road
- The two self-serve yogurt businesses in town have informed the Board of Health they may have reduced or eliminated hours over the winter season, and will resume regular hours in the spring.

Public Health Nurse Updates

Ms. Bongiorno informed the Board the flu clinics are completed for the 2014 season, and over 2,000 individuals were vaccinated.

Public Comment:

None

Meeting was adjourned at 6:35 pm.

Next Scheduled Meeting: February 4, 2015