



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
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**Board of Health Meeting Minutes  
Wednesday, February 3, 2016  
Ground Floor Mural Room  
Arlington Senior Center  
5:30pm**

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

Staff in Attendance: Christine Bongiorno, Director, James Feeney, Health Compliance Officer, Natasha Waden, Health Compliance Officer, Hannah Fast, Public Health Associate, Thomas Kolek, Public Health Associate

Others in Attendance: Marie Racine, Peter Ferguson, Rachel Roth, Kathleen Tonoosa, Alexandra Saint Elus, Karen Doyle, Nick Greenhalgh, Eric Casey, Sarah Augood, Kailey Face, Dave Gentry, Michael Ruderman, Laurence McKinney, George Panitsidis, Molly Flueckiger, Patricia Muldoon, Raed Al-Abid, Phil Stebanian

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

**Meeting called to order by Dr. Marie Walsh Condon at 5:35 pm.**

**A Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the December 2, 2015 meeting minutes as amended.

**Vote:** Motion approved unanimously (3-0)

**Hearing: Tetragenetics, Inc. IBC Representative**

Mr. Feeney informed the Board that Ms. Morgen Bergman Sarpeshkar, who was previously approved as the Arlington representative of Tetragenetics' Institutional Biosafety Committee (IBC), is no longer an Arlington resident. Mr. Feeney submitted to the Board, on behalf of Tetragenetics, Dr. Sarah Augood for consideration as the new IBC Representative. A copy of Dr. Augood's resume was provided to the Board for review. Dr. Augood was in attendance and shared with the Board her impressive academic background and diverse work experience both in the States and abroad.

**A Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve Dr. Sarah Augood as the Arlington representative of Tetragenetics Institutional Biosafety Committee.

**Vote:** Motion Approved Unanimously (3 -0)

### **Hearing: 60 Palmer Street – Basement Dwelling**

Ms. Waden and Mr. Feeney informed the Board that on January 14<sup>th</sup> at 11:00 am they conducted a housing inspection at a basement dwelling unit located at 60 Palmer Street in Arlington. This inspection was conducted at the request of the occupant, Alexandra Saint Elus. The initial complaint received by the Board of Health was related to insufficient heat. Ms. Waden informed the Board that both the tenant and the landlord's representative (son) were in attendance at the hearing.

Mr. Feeney stated that the purpose of this hearing is for the Board to determine if this dwelling unit is fit for human habitation. If the dwelling is found unfit for human habitation, an order to vacate would need to be issued to the occupant, and an order to secure the dwelling unit would be issued to the owner.

Mr. Feeney reported that upon inspection of the unit there were many violations (14 in total). Most notably the ceiling height in all parts of the dwelling unit is less than 7', which does not comply with the State Sanitary Code. During the inspection, the ceiling height was measured at 6' 9" at the highest point and 5' 10" or below in other points. It was also noted there were no smoke or carbon monoxide alarms in the dwelling unit. Mr. Feeney informed the Board that in the main living/ kitchenette area there is an electric baseboard heater which is under the control of the occupant. In the bedroom there is an in-wall forced hot-water heater which has no knob and non-operational. The forced hot water baseboard heat in the unit is not able to be controlled by the occupant, but instead is controlled by the thermostat in the first floor dwelling unit. There is no heating unit in the bathroom. Upon inspection the temperatures tested in the unit fell below the requirements of the State Sanitary Code. Mr. Feeney informed the Board the testing was conducted on interior walls at a height of 5 feet. Additionally it was reported that no stove is provided, the kitchen sink is of insufficient size, and the refrigerator outlet is not functioning. Mr. Feeney also noted that they had a concern regarding a second egress in the unit, which passes through a locked door into the first floor dwelling unit.

Mr. Feeney informed the Board that a referral has been made to Inspectional Services to determine if the basement unit, which is being let separately for occupancy, violates the Zoning Bylaw. Additionally, the BOH requested that Inspectional Services evaluate the second means of egress to determine if it is compliant. Mr. Feeney does not believe this inspection has taken place to date.

Dr. Walsh-Condon asked the landlord's representative, Mr. George Panitsidis, if he would like to speak to the Board and address the violations referenced. Mr. Pantisidis stated the basement unit used to be part of the first floor unit, and was an office area for his father. Due to financial issues, his mother decided to rent the basement out for money. The current tenant has lived there for 1 year. Prior to that, Mr. Raed Al-Abid (who was also in attendance), was a tenant for 5 years (2010 – 2015). Mr. Pantisidis reported they never had any complaints until the current tenant moved in. Upon inquiry, Mr. Panitsidis reported the rent charged for this unit is \$700 per month.

Mr. Panitsidis informed the Board that he has recently installed smoke and carbon monoxide detectors in the unit. He stated the tenant was aware when she moved in that there was no stove when she rented the unit and was provided a hot plate and toaster oven. He inquired if he removed the ceiling and left exposed beams if the unit

would be in compliance. He stated the thermostat to control the heat in the tenant's bedroom is in his mother's apartment, however he further stated she keeps her apartment warm, and requested additional temperature testing be done in his presence. Mr. Panitsidis stated that there is a second egress consisting of stairs up to a door leading through the first floor unit. Upon discussion he agreed the door is locked. Dr. Fitzpatrick stated that a second egress is very important in the case of an emergency or fire.

Mr. Feeney recommended no renovations take place unless and until the owner receives the necessary permits from Inspectional Services.

Dr. Walsh-Condon asked the tenant, Ms. St. Elus if she would like to speak with the Board regarding the housing situation. Ms. St. Elus stated she has lived in the apartment for a little over a year. She stated she has repeatedly asked the landlord to take care of many of the issues referenced, especially the heat. She stated that because nothing was done to fix the situation she has taken the landlord to court on two separate occasions regarding this matter. She also stated trash and materials have been dumped in front of her exterior door, blocking her entrance.

Mr. Raed Al-Abid (former tenant) addressed the Board and stated he previously lived in that unit for 5-1/2 years. He further stated he has known this family for 25 years and the owners are "great people and he considers them family". He informed the Board he left the apartment because he needed more space for his growing family. He stated he was upset that the current tenant took out a restraining order against the owner who is a senior citizen, and repeatedly takes them to court regarding heat and snow removal issues.

The Board took all matters under consideration that were presented before them, and stated their focus was solely to determine if the dwelling unit is fit for human habitation. The Board stated that at present there was sufficient evidence to determine the unit is unfit for human habitation.

**A Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to find the basement dwelling unit located at 60 Palmer Street in Arlington, Massachusetts unfit for human habitation based on the Massachusetts State Sanitary Code.

**Vote:** Motion approved unanimously (3-0)

### **Hearing: Draft Regulation Restricting the Sale of Marijuana**

Dr. Marie Walsh Condon opened the Hearing with a statement regarding the draft Regulation Restricting the Sale of Marijuana. She stated the citizens of Massachusetts voted in November of 2012 to approve the use of medical marijuana. Then, the Massachusetts Department of Public Health (DPH) passed a state-wide regulation implementing the Humanitarian Medical Use of Marijuana Act. Any medical marijuana business locating in Arlington will have to receive permission from DPH and abide by this state regulation. The regulation of the Board of Health we are discussing this evening will be in addition to this State-wide regulation, and will further regulate the sale of medical marijuana in Arlington.

Municipalities and Boards of Health are not required to further regulate the sale of medical marijuana, but we are choosing to do so to help ensure Arlington's public health and safety. It is also worth noting that Cities and Towns cannot pass an outright ban on Medical Marijuana Dispensaries, nor can they effectively 'zone' them out of a

community, per prior rulings of the Attorney General's Office. As part of DPH's application process though, a prospective marijuana dispensary is required to provide a letter of support or non-opposition from the Town's Board of Selectmen or Manager.

In Arlington, the Board of Selectmen will be responsible for issuing any letters of support or non-opposition to marijuana dispensaries looking to open in Arlington. To date, one party has asked the Selectmen for such a letter but a final decision has not been reached. The Regulation we are about to discuss does not give or grant permission to any party to open a dispensary here in Town. Instead, should a dispensary receive a letter of support or non-opposition from the Board of Selectmen, and final approval from the State to open in town, they will then be subject to this Regulation, which allows for local oversight and inspection.

Copies of the draft Regulation were made available to those in attendance, and Mr. Feeney provided the Board with Regulations recently adopted by the City of Needham. Dr. Walsh-Condon opened the hearing up to public comment.

Ms. Molly Flueckiger addressed the Board and stated she has been following this issue for a few years. She wanted the Board to be mindful that additional regulations placed upon individuals may impede access to disabled individuals. She inquired if added regulations are going to deter those who need it the most and could be discriminatory. She wanted the Board to keep any permit fees minimal, especially regarding hardship cultivation. She requested that if a dispensary is approved that the Town promotes access for disabled citizens to make sure the building is ADA Compliant and accessible. Ms. Flueckiger noted that the Board of Health Regulations allow for a 30 day supply of medical marijuana whereas the States Regulations allow for a 60 day supply of medical marijuana.

Mr. Michael Ruderman addressed the Board and referenced Section F8 of the Regulations, recommending the following language be added "nor shall a dispensary permit under this regulation be converted for Retail Purchase of Recreational Marijuana."

Mr. Laurence McKinney addressed the Board and stated he is proud of the Town of Arlington. He noted he has been involved in this issue since 1972. He stated he was very impressed by the time and thoughtfulness that the Board of Health put into the Regulations, and he believes this is good for Arlington.

Ms. Patricia Muldoon addressed the Board and asked the Board to make it as easy as possible and simplify the process and keep fees minimal. Upon discussion of the 30 day vs. 60 day supply, Ms. Muldoon stated she would prefer a 60 day supply be allowed to make it easier for those who need it.

Dr. Walsh Condon thanked all the participants in attendance for their thoughtful comments, and stated the Board would take into consideration all of the comments made, as well as discussions with Town leaders and authorities in the industry.

## **Environmental Updates**

- Mr. Feeney introduced Mr. Thomas Kolek as the new Public Health Associate who will complete an internship with the Arlington Board of Health. Thomas is a 4<sup>th</sup> year student at Northeastern University.

His previous placement was at Mass Eye and Ear. He reported his academic interests are Health Sciences, Public Health, and Biochemistry.

### **Restaurant Updates**

Ms. Waden informed the Board that all (162) of the 2016 food permits have been issued and all permit fees have been received. She informed the Board that there has been a slight decrease in permits whereas many food establishments have closed including:

- Angelina's Bakery
- Yummys!
- Zocalo (possible change of ownership)
- Bagelville
- Comella's
- Sweet Haven Candy Shop

### **Public Health Nurse Updates**

Ms. Waden informed the Board:

- Kara Katz, BOH Public Health Nurse, is following 1 TB Case
- There are confirmed Flu cases/ILI (influenza-like illnesses) in Arlington
- An additional flu clinic is planned next week for Teachers and School Staff
- Chicken-Pox (a break-through case) was identified in one of the schools. To date there have been no reports of additional outbreaks (note: a break-through case is when an individual, despite being vaccinated, has a limited out-break).
- There have been no cases of the Zika virus in Arlington, however, the situation is being monitored and information will be provided to the public as needed.

### **Public Comment**

None

### **Other:**

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Ken Kohlberg, to adjourn the meeting at 6:53 pm.

Vote: Motion approved unanimously (3-0)

**Meeting was adjourned at 6:53 pm.**