



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, December 7, 2016  
BOH Conference Room  
Arlington Senior Center  
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Kevin Fallon

Absent: Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, Director, Natasha Waden, Health Compliance Officer, Kylee Sullivan, Health Compliance Officer, Ivy Laplante, AYHSC Director

Others in Attendance: Ms. Katherine Barker, Karen Thomas-Alyea

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

**Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.**

A **Motion** was made by Dr. Marie Walsh Condon, which was seconded by Dr. Kevin Fallon, to accept the September 14, 2016 meeting minutes as amended.

**Vote:** Motion approved unanimously (2 - 0)

A **Motion** was made by Dr. Marie Walsh Condon, which was seconded by Dr. Kevin Fallon, to accept the October 12, 2016 meeting minutes as amended.

**Vote:** Motion approved unanimously (2 - 0)

**Hearing: Housing Code and Public Health Nuisance Violations: 31 Henderson Street**

Agenda item was tabled and revisited. No representatives or agents for this property were present for the Hearing. Ms. Waden presented the Board with the signed certified delivery receipt with the original order letter. She also presented the Board with the certified mail delivery receipt that was returned with NO signature that included the Hearing Notification. Inspector Waden presented the Board with the Complaint received regarding this property, as well as external pictures of the property. Ms. Waden informed the Board that the property owner has not

provided a telephone number or other contact information, and has not been cooperative in working to correct these violations.

**A Motion** was made by Dr. Marie Walsh Condon, which was seconded by Dr. Kevin Fallon, to proceed with filing in court a criminal complaint regarding the State Sanitary Code and Public Health Nuisance violations at 31 Henderson Street, Arlington, MA.

**Vote:** Motion approved unanimously (2 - 0)

**Discussion: Marijuana (Moved from agenda item IV to agenda item III)**

Ms. Ivy Laplante addressed the Board to give an update regarding the recent ballot initiative and election results which legalized the use of Recreational Marijuana in Massachusetts.

- At the current time, the Bill will be implemented as written. Ms. Laplante stated that there is much discussion about possible changes to the language, by both opponents and proponents of the initiative, but for now it remains as written.
- Marijuana legalization will take effect on December 15, 2016.
- Individuals may cultivate up to 6 plants (with a maximum of 12 plants per household).
- The tax rate on marijuana is low. Currently all marijuana tax revenues will go into the control of the State Treasurer.
- Specific Election Results in Arlington showed a difference from 2012 in which Medical Marijuana passed with 68% support and 2016 in which the recreational use of marijuana passed with 57% support. Ms. Laplante noted that although Arlington residents voted to legalize marijuana in both elections, significantly more people voted against legalization in 2016 compared to 2012.
- Ms. Laplante shared with the Board a letter from the Massachusetts Municipal Association to Governor Charles Baker, which summarized that cities and towns have a responsibility to implement the new law in a manner that protects the public interest, and provided recommendations to correct some of the flaws in the initial Bill.

Ms. Bongiorno stated she has met and spoken with Town Manager, Adam Chapdelaine, and Town Counsel, Doug Heim who are looking to the Board for input regarding Public Health Regulations regarding recreational marijuana dispensaries. Director Bongiorno stated that current Regulations only address Medical Marijuana. She noted in other states that have legalized recreational use marijuana (such as Colorado and Washington), communities operate under an Opt-In model (special elections to allow recreational dispensaries). Currently the Massachusetts law allows Communities to operate under an Opt-Out model (special elections to ban recreational dispensaries) within their Communities.

Ms. Bongiorno informed the Board she has been contacted by Representatives of the potential Water Street Medical Marijuana Dispensary to meet regarding the permitting process, and a meeting has been scheduled for Thursday December 15, 2016. She also informed the Board the Assistant Town Manager James Feeney, will work with the Board of Health throughout the permitting and regulation process.

Dr. Fallon shared that other states have had a problem with “expired” medical marijuana products (such as edibles) that are finding their way onto the streets and in the hands of youth. He stated that medical marijuana edibles have a much higher potency level than recreational products. Director Bongiorno stated the need for documented inventory and destruction records from medical marijuana dispensaries in Arlington.

**A Motion** was made by Dr. Walsh Condon, which was seconded by Dr. Fallon, requesting Director Bongiorno prepare a policy statement on behalf of the Board recommending the Town opt-out of allowing a recreational use dispensary within the Town of Arlington.

**Vote:** Motion approved unanimously (2 - 0)

Ms. Bongiorno stated she will review the policy statement with Dr. Walsh Condon, prior to submission.

### **Presentation: Waste Hauler/Dumpster Regulations: AHS Intern-Katherine Barker**

Inspector Waden introduced Ms. Katherine Barker to the Board. Katherine is an Arlington High School Intern, who is interested in pursuing an education and career in the Public Health Field. Ms. Barker has been working on inspecting, documenting, and researching Waste Hauler/Dumpster Regulations within Arlington, and surrounding communities, and presented her findings to the Board.

Highlights of Ms. Barkers Presentation Follow:

- Arlington has seen a significant increase in rodent activity throughout the town.
- There may be a correlation between rodent activity and dumpster conditions.
- Ms. Barker inspected 188 dumpsters along Mass Ave., Broadway, and on several of the side streets.
- At each inspection criteria was recorded on a standardized form and compiled in an Excel spreadsheet. Information included: Establishment name and address, waste hauler name, dumpster condition, lid condition, lid closed, odor emitting, debris)
- Many dumpsters behind businesses belonged to food establishments, and several belonged to residential properties. Few dumpsters have the owner’s name or contact information visible, and some were mislabeled or did not have a hauler’s name or contact information visible. Findings included:
  - Dumpsters - 20% were not in compliance
  - Lids – 36% not in compliance
  - 26% emitted an odor
  - 33% had open lids or doors
  - 32% had debris nearby
  - 21 active waste haulers, (at least 7 of which have not been permitted by the BOH Office)
- Ms. Barker presented pictorial evidence of some of the especially poor conditions with garbage overflowing, located near rat burrows, improperly labeled, and with lids that are ill-fitted or in poor condition.
- Ms. Barker provided implications of these poor conditions, including a habitat for rodent activity.
- Rodent activity serves as a nuisance and public health concern for the town: Disease Carriers (Hantavirous, Rat-bite Feber, Salmonellosis, etc.); Health risk for food establishments; and Property Damage.

- Ms. Barker shared examples of regulations in other communities including Cambridge, Boston, Somerville, and Brookline.

The Board thanks Katherine for her hard work and well researched presentation.

### **Discussion: 2017 Draft Board of Health Meeting Schedule**

The Board discussed the 2017 Board of Health Meeting Schedule and set the following schedule.

Wednesday, February 1, 2017

Wednesday, April 12, 2017

Wednesday, May 24, 2017

Wednesday, June 21, 2017

Wednesday, September 6, 2017

Wednesday, October 25, 2017

Wednesday, December 6, 2017

All meetings will begin at 5:30 pm and will be held at the BOH Ground Floor Conference Room located at 27 Maple Street (Arlington Senior Center).

### **Environmental Updates:**

Inspector Waden provided an update on the oil spill which occurred at the United States Postal Service (USPS) building located at 240 Massachusetts Avenue, which also impacted Sabatino's Italian Kitchen which abutted that property at 242 Massachusetts Avenue. She informed the Board that a new oil tank was installed at 240 Mass Ave, and the following day an oil delivery resulted in 400 gallons of oil spilling onto the floor, because an internal pipe was not connected upon installation. The cleanup is complete, and the USPS is currently up and running. Sabatino's is not, however, due to other circumstances relating to landlord/tenant disputes and a previous order to evict. Inspector Waden informed the Board she was summoned to court regarding this case, and will keep the Board updated.

Two additional court cases have been filed against property owners who have not complied with Lead Order Letters.

Inspector Waden provided the Board with an update regarding 146-148 Mystic Valley Parkway, which is a condemned property at the intersection of River Street. Emergency responders had responded to an incident nearly 2 years ago, and reported hazardous conditions to the Health Department, who subsequently condemned the property. The property has since been abandoned, and the owner has made little or no progress in cleaning up the property including several junk cars, etc. The town will consider working through the Attorney General's Abandoned Property Initiative to resolve this situation.

### **Restaurant Updates**

Inspector Waden informed the Board that the office has applied for a \$10,000 Grant to The Association of Food and Drug Officials (AFDO) for the purpose of enhancing conformity with the National Retail Food Standards. Emphasis will be on Standards 1, 3, and 4. If the grant is awarded implementation will begin in February of 2017,

with a goal of being in compliance by December of 2017. The Health Department will work with a consultant to develop uniform inspection forms, protocol for violations, and training of all staff.

Diggums Ice cream located at 1328 Massachusetts Avenue has been seized again by the Middlesex Sheriff's Office for non-payment of taxes. It is currently closed and updates, once available, will be provided to the Board.

Bistro Duet (to be located at 190 Massachusetts Avenue [formerly flora]) has a plan review in process and is hoping to open next week.

LaFamilia Pizzeria (former Nicola pizzeria location) is expected to open soon.

The Health Department is awaiting submission of a Plan Review for Caffe Nero at the former site of CVS on Broadway.

Punjab has a site walk scheduled for Friday December 9<sup>th</sup>. A pipe had burst within the restaurant area, and the restaurant has been closed for several months for renovation.

Sabatino's Italian Kitchen is currently closed. (See environmental updates above)

### **Public Health Nurse Updates**

Ms. Bongiorno informed the Board that flu forms are being processed for reimbursement and are being entered into the MIIS portal. She informed the Board there is one (1) last flu clinic to be held at the Food Pantry on Marathon Street on Tuesday December 13<sup>th</sup> and that Mandarin translators will be available to assist in the clinic if needed.

### **Public Comment**

Ms. Bongiorno informed the Board she was contacted by a resident, Mr. Jason Cofield (sp?) who expressed concern about the Medical Marijuana Dispensary planned to be opened on Water Street.

Karen Thompson Alea indicated she would like to know if the 500 ft buffer zone is in effect at the proposed Water Street Medical Marijuana Dispensary in relation to the nearby Preschool and would like notification of any hearings regarding this topic.

**Meeting was adjourned at 6:30 pm.**