

Board of Health
Meeting Minutes
January 22, 2019 – 7:00 P.M.
Ashland Town Hall, 101 Main Street, Ashland, MA
Selectmen’s Meeting Room

Jon Fetherston, Chairman
Diane Mortensen, Vice Chairperson
Mark Oram, Agent/Director

Chris Daniele, Clerk
Ronald Etskovitz, Member
Koduvayur Narayana, Member

Members Present:

Jon Fetherston, Diane Mortensen, Chris Daniele, Ronald Etskovitz and Koduvayur Narayana

Others Present:

Mark Oram, Health Agent/Director
Laura Clifford, Administrative Secretary
Mark Dassoni, Resident
Kathy Lill, Mill Pond Rest Home
Adam Ponte, Esq.
Amy Turncliff, Resident
Jon Shaer, NECSEMA

DJ Orr, Seasons Corner Market
Barbara Therrien, Seasons Corner Market
Bertina Adams, Seasons Corner Market
Lorianne Gaied, Clocktown Liquors
Joseph Gaied, Ashland Convenience Store
Cheryl Sbarra, Attorney, MAHB

Call to Order

Mr. Fetherston called the meeting to order at 7:00 PM and announced that the meeting was being video recorded by WACA-TV, and audio recorded by Cesareo Contreras of the Metrowest Daily News.

Citizen’s Participation

Mark Dassoni, resident, noted there are two budget-related agenda items and asked if they could be combined into one.

Mr. Dassoni discussed the significance of the orange and silver bow at the front of the Selectmen’s Meeting Room conference table. Mr. Dassoni and Mr. Fetherston explained that money is being raised by sales of these bows to support Jake Silver who has been fighting a rare form of cancer. Mr. Dassoni noted that the High School gym is surrounded by the bows. Jake is a great Patriots fan; Mr. Fetherston noted that they are working to make his wish of meeting Tom Brady and going to the Super Bowl come true. Mr. Fetherston noted that all of our thoughts and prayers are with Jake and his family.

Mill Pond Rest Home, Review of Recent Food Inspection Reports

Tom Curran, Food Inspector, stated that on December 28, 2018, he received a call from Director Oram requesting he go to the Mill Pond Rest Home after the report of a gas leak. When he arrived, he noted that the Fire Department had disconnected the gas to the oven, he then cited the establishment for violations of plumbing codes and advised Mill Pond Administrator, Kathy Lill, to repair as soon as possible. On January 12, 2019, a follow-up inspection occurred, the violation of the oven/stove was still outstanding. On January 16, 2019, Mr. Curran conducted another inspection which showed the violation was still outstanding. Mr. Curran noted that Ms. Lill lacked a sense of urgency regarding the situation, at that point it was decided to summons Mill Pond before the Board. Mr. Curran made his recommendations to the Board.

The Board discussed the safety of the residents and noted that the gas smell was reported by a resident and it could have had a much more dangerous outcome. Ms. Lill said the stove/oven is still not repaired, they are waiting for a part. Ms. Mortensen noted that if this is a critical issue, a fine should be added each day until it is fixed. Ms. Lill noted they have been using a large crockpot and a One Pot, and that a dietician comes every three months to review the menus. Mr. Fetherston expressed his frustration with the careless manner that they have conducted the rest home. Mr. Fetherston made a motion that the Board draft a letter to the State, and they do a full investigation on the way they conduct this rest home. Mr. Daniele seconded the motion. Mr. Curran noted that Judy Bernice from the State Licensing Department has been involved in the dialogue/emails with him and Mr. Oram, and have mainly been ignored. The motion was approved 5-0.

Board Members agreed that Mill Pond will need to provide copies of the invoices from the food wholesaler, pest control reports, have additional Certified Food Managers, a nutritionist will meet with Mr. Curran or Mr. Oram, they will provide a menu, and all meals must be sourced from a licensed commercial catering operation. Ms. Lill noted that she was told by the plumber that the stove will be repaired tomorrow; she added that of the 19 residents, only six people eat breakfast, and prefer cold cereal. The Board expressed frustration that residents are not offered a balanced breakfast, which is required by the State.

Mr. Oram noted that Mill Pond could be fined \$6000 for consecutive days of a critical violation. Mr. Daniele made a motion to do so. Mr. Fetherston seconded the motion. The motion was approved 5-0. Mr. Oram will check with legal counsel as to whether they have to be there to cite the consecutives or if it can be from testimony.

Mary Mortensen Public Health Award – Discuss Nominees

The Board discussed the Mary Mortensen Public Health Award and whether the Nominee should be chosen by the Board, or be open to the community to make recommendations. The Board discussed potential nominees. Decisions at Every Turn, the Ashland Lions, Jon Fetherston, and Karen Spilka were all named as deserving candidates. The Board agreed that names should be sent by March 1st, at which time the Board could vote.

Discuss Future Agenda Topics and Meeting Dates

February 5, February 19, March 5 and March 19 are future meeting dates. Mr. Oram will speak to Town Counsel regarding the Board of Health's jurisdiction pertaining to the Eversource project. Mr. Narayana noted Eversource will be meeting with ConCom on Monday, January 28th. Ms. Mortensen agreed it will be helpful for our Department to have more information.

Discuss and Possible Vote on Regulations of the Ashland Board of Health Restricting the Sale of Tobacco and Nicotine Products and Delivery Systems

Mr. Fetherston opened public discussion up to anyone with new information or new comments. Jon Shaer, Director of the New England Convenience Store and Energy Marketers Association, noted that 50% of the population visit convenience stores on a daily basis. Mr. Shaer noted that Ashland retailers have a 100% compliance rate since 2016 (FDA checks). Mr. Shaer believes that retailers are faced with many deterrents while the people responsible for purchasing for minors, or the minors attempting to buy, go unpunished. Mr. Shaer asked the Board to consider a task force, or to consider use and possession laws which he believes would be a deterrent.

Mr. Fetherston discussed the marketing that is directed towards the youth, and noted we would not have the resources to enforce use and possession laws. Mr. Shaer was not aware that Ashland does their own

compliance checks. Ms. Mortensen noted that she agrees with forming a task force and wants to see 100% compliance; she suggested retailers look at taking action to limit the number of e-cigarettes that can be sold at a time.

Amy Turncliff, spoke as a resident, neuroscientist and public health advocate to the appeal of the products to the youth. 50% of youth are using mint or menthol products which increase initiation. Ms. Turncliff noted that the tobacco industry would not work in good faith with a Board of Health, they would have a conflict of interest. Ms. Mortensen inquired as to the number of Ashland youth using electronic cigarettes; Ms. Turncliff discussed the numbers from the 2016 youth survey. Ms. Mortensen inquired as to what the Schools are doing for the e-cigarette users who are addicted; Ms. Turncliff noted they have an education program and may meet with a nurse. Ms. Mortensen would like information from the school to know more about what they are doing. Mr. Narayana noted there is a Wellness Committee.

Mark Dassoni, resident, noted that tobacco products cause cancer and emphysema and other diseases.

Joseph Gaied, noted that he opened Ashland Convenience store in 1989. Mr. Gaied noted he will lose 20%-30% in sales of tobacco products; this will equate to the loss of thousands of dollars and will affect the value of his business. As a father of three children who attended Ashland High School, he hopes the schools are doing a good job educating the children about the dangers of tobacco products. He does not think banning menthol will keep kids from getting the products.

Cheryl Sbarra, Senior Staff Attorney for the Massachusetts Association of Health Boards, noted that marketing in stores is aimed at children. In response to an earlier comment, Attorney Sbarra noted that Needham had a public hearing which is different from a public discussion.

Attorney Adam Ponte, representing the Coalition for Responsible Retailers, noted he is glad to hear there is interest in a task force which could look at specific measures such as limiting number of sales, restricting certain marketing techniques, a zero tolerance policy, or an increase in fines. Attorney Ponte discussed the smokeless menthol products that are being removed and noted that youth are not using these products. Attorney Ponte noted that if tobacco flavor is included in the ban it will leave only combustible products and believes this would adversely affect smokers who are trying to quit by using e-cigarettes. Mr. Daniele noted that he has revised the draft, the revised draft has added tobacco flavor back in as a characterizing flavor definition.

Mr. Daniele made a motion to take a vote. Mr. Narayana seconded the motion. Ms. Mortensen would prefer to wait to vote so she could continue to review all of the information that has been received, she would also like clarification as to what the school is doing. The motion was approved 4-1 (Ms. Mortensen opposed).

The Board took a two minute break.

Mr. Fetherston reopened the meeting at 8:56 PM.

Mr. Daniele reviewed the revisions to the Regulation, as an effective date he suggested January 1, 2020. This would allow ample time for retailers to look at other retail strategies, the opportunity to see where legislation goes, and to see how it goes in other towns who have enacted the regulation. The additional time also allows the Board the chance to create a task force if the Board decides to, and if those discussions influence us, we open the discussion back up before the Regulation is enacted.

Mr. Fetherston thanked Mr. Daniele for the tremendous amount of work he has put into these Regulations. Mr. Fetherston would prefer six month period, with a July 1st enactment date. Mr. Fetherston suggested a marijuana, tobacco, juuling and vaping task force.

Mr. Daniele made a motion to accept the Tobacco Regulations including the modifications presented to the draft presented tonight, to take effect on January 1st, 2020. Additionally, a task force will be formed within 60 days with the purpose of exploring the impact of the Tobacco Regulation and additional measures to address the Statement of Purpose in the Regulation and the concerns of the Town of Ashland citizens and businesses. Mr. Narayana seconded the motion. The motion was approved 4-1 (Ms. Mortensen opposed).

The Board took a two minute break.

Mr. Fetherston reopened the meeting at 9:38 PM.

Health Agent's Report

FY19 Budget update

Mr. Oram noted that the FY19 budget is in good order and is at the required percentage. Information pertaining to the FY20 budget was reviewed with the Board. Mr. Oram spoke about acquiring accreditation of the Health Department which would include proper staffing, including a full time Public Health Nurse. Mr. Oram reviewed what having a Public Health Nurse would take off his plate. Public health emergency preparedness would be taken over by a Public Health Nurse allowing him to focus on being proactive in the community.

Nancy Cleary, Public Health Nurse, believes it is the responsibility of the Ashland Board of Health to immunize Ashland children. Ms. Cleary noted that 23 foreign born children entered Ashland schools and having a vaccine program would speed up the process of getting them into school at the beginning of the year. Ms. Cleary noted it is very time consuming, involves paperwork and screening forms, and contacting the Department of Public Health; she does not believe the school nurse would have the time to do this. Ms. Mortensen noted that a child came to Town Hall and the family decided to take him to CVS and pay out of pocket, rather than wait two weeks and go to Edward Kennedy Health Center in Framingham. The Board discussed clinics and agreed this was not a goal of the meeting; Ms. Cleary discussed the reimbursement program available. Mr. Oram and Ms. Cleary discussed other areas that the Nurse would take on, such as camp inspections, Medical Reserve Corps, home visits and screening programs. The Board agreed that the data they have is not sufficient to bring to the Finance Committee. The Board discussed the need for public health nursing as the population grows. The Board agreed to meet next Tuesday and asked Mr. Oram to graph the data dating back to 2010 and 2014.

Ms. Mortensen left at this time (10:25 PM).

Adjournment

Mr. Daniele made a motion to adjourn, Mr. Narayana seconded the motion. The motion was approved 4-0. The meeting was adjourned at 10:28 PM.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 1/22/2018 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Mill Pond Rest Home, Inspections (12/28/2018, 1/2/2019, 1/11/2019, 1/16/2019)
2. Revised Tobacco Regulations
3. Reportable Disease Report Dated 1/22/2019
4. Report / Data from Mark Oram re: rationale for Public Health Nurse