



TOWN OF NORTH READING
Massachusetts

Board of Health

North Reading Board of Health Meeting Minutes
Sept 14 2023
Teleconference/Virtual

Members Present: Gary Hunt, Chairman
Karen Martin
Pam Vath

Others Present:

Robert Bracey Health Director
Pam Merrill, Public Health Nurse
Christine Doolin Health Administrator
Mary Samost
Steven O'Leary Select Board
Ronald Beauregard Tobacco Control
Dan Greenberg NR Recycle Committee
John Roger NR Recycle Committee
Witemuser

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2024 JAN 26 AM 8:46
TOWN CLERK'S OFFICE
NORTH READING, MASS.

7:00 PM

Mr. Gary Hunt opened the meeting

Tobacco Control Program

Ronald Beauregard gave an update on one of the strictest state laws in the country and Massachusetts being one of the first to adopt it. The law bans all flavored tobacco products including menthols. Retailors need to have in their possession documents that certify the non-flavored status of the products. The fine structure is higher under the state law with \$1000 for first offense, \$2000 for the second and \$5000 for a third. The second and third offense goes along with a suspension of 7 to 30 days. In North Reading we conducted a total of 24 checks and with zero sales to anyone under 21 for FY22 and FY23. Mr. Beauregard reports that they have not yet done the compliance checks for FY24. He is very pleased with the retailors and their cooperation and willingness to bear with this very strict law. Mr. Beauregard reports that North Reading local board of regulations are in great shape because we have integrated the state law so there is no confusion for the retailors to hold on to the local regulations as well as the state law 105CMR665.

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Mr. Beauregard explained what an attrition clause means which is when a tobacco permit holder either goes out of business or allows their tobacco sales permit lapse then the cap number that is set will be reduced by one. He did check with the epidemiologist at the state level and North Reading has an overall tobacco retail density of .84 which is a great number.

Mr. Bracey stated that when he worked in Newburyport he recalls working on the attrition clause with Mr. Beauregard.

Gary Hunt asked is there anything new that we should know about.

Mr. Beauregard mentioned that there is a new product out that is called the Newport non menthols, they are in the same color scheme that the old Newport menthols had. The only noticeable difference is that it says non menthols. There is a lot of concern at the State level that the product is marketed as a flavored tobacco product.

Gary Hunt thanked Mr. Beauregard for all of his commitment to this topic and we appreciate what you do.

Recycling Committee

Dan Greenberg from the Recycling Committee updated the Board on the Recycle Committee proposed by-law banning of polystyrene food service containers and utensils. The breakdown from polystyrene to styrene is accelerated by the application of heat from a microwave oven which gets converted into a known carcinogen. Polystyrene is not biodegradable or recyclable. Other alternatives that are biodegradable and recyclable are card board and aluminum.

Mr. Greenberg reports that he has talked to all of the restaurants in North Reading and found that most had no problem with the by-law and understood there are other alternatives to use. He found that Hopothecary Ales Brewery is already using biodegradable take out containers.

Mr. Greenberg reports that 48 Towns in Massachusetts have adopted a similar by-law and the one that he has prepared and is being submitted at the Town meeting in October. The enforcement provisions are basically the same as the thin film plastic bag by-law that was passed a few years ago.

Mr. Bracey thanked Mr. Greenberg and Mr. Rodgers for attending and giving us the presentation and is impressed by his knowledge on this subject.

Mr. Greenberg stated if the enforcement agency does not support the by-law and isn't going to enforce it then he is going to withdraw the by-law. He is looking that the Board is in agreement that this is a good idea and willing to support it.

Pam Vath asked Mr. Greenberg in terms of enforcement what do you expect from the Board of Health?

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Mr. Greenberg stated the enforcement provisions of the draft by-law enable the Board of Health acting through the Health Director to enforce and if necessary for repetitive violations to issue fines.

Mr. Bracey stated he is in favor of anything that is environmental friendly. His only concern is the timing of the by-law. A lot of these restaurants went through a tremendous amount of stress during COVID-19 and losing business and he is not sure that the timing is right but agrees with the by-law. He also believes that we should involve the people that are going to be directly affected and let's hear what they have to say.

Mr. Bracey stated that he doesn't want there to be a perception in town that the Board of Health or Health Department is being heavy handed and people don't know where this came from.

Mr. Greenberg stated that he talked to every restaurant in town and there was only one that voiced any objection. It is a mistake to say that there is going to be an added cost passed on to the customers. Most of the replacement products are less expensive. The by-law drafted will not become effective until September of 2024. This gives everybody involved plenty of time to understand what the by-law says and to find the alternative products. Mr. Greenberg reports that this has been advertised in the Transcript and he is doing the same presentation before the Board of Selectmen.

Karen Martin thanked Mr. Greenberg and Mr. Rodgers for preparing the draft by-law. Karen had a few questions.

(Use Regulations) paragraph C & D (Retail Establishments are prohibited from selling or distributing the polystyrene food service ware to customers and the polystyrene foam packing). Karen stated she can't be behind a by-law that is going to prohibit a grocery store from selling these products. It is the consumer's choice on whether or not they want to purchase these products. Over time if consumers are no longer purchasing the products then the retail establishments are not going to stock them.

(Administration Enforcement) paragraph A (Food establishments may apply to the Board of Health for approval of new food service ware products as they come on the market that meet or exceed your ASTM D6400 standards). Karen stated that she as a Board of Health member has a full time job and a family to take care of and as a member of the Board of Health she is not interested in researching and regulating food service ware products in real time and keeping abreast of new available products nor enforcing establishment not to sell particular products. Karen stated that Mr. Greenberg did a fabulous job preparing the by-law but she feels that he is pushing the Board of Health to do all the enforcement. Karen feels if Mr. Greenberg wants to enforce this by-law then perhaps the Trash and Recycling Committee should take ownership of the enforcement. The Board of Health already has a lot on their plate in terms of Public Health and safety issues to manage.

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Mr. Greenberg asked Karen how much of a burden has the enforcement of the thin film plastic bag ban?

Karen stated what enforcement?

Mr. Greenberg stated on one occasion Mr. Bracey enforced it.

Karen stated he may have enforced it when he went into do his food inspections.

Mr. Bracey stated that maybe the Trash and Recycling Committee can compromise and work with the Board of Health and take a little of the ownership of the regulations they wrote. He has no problem checking off that box when doing his inspection however if we were to enforce it then he thinks that the Trash and Recycling Committee should play some sort of a roll in it. He thinks in some respects this should be a joint by-law where the BOH does go in and check's the box off. If there is some sort of enforcement policy and folks want to appeal that decision they should go to the experts, Mr. Greenberg and Mr. Rodgers.

Mr. Greenberg stated that he has no problem acting as the eyes and ears of the Board of Health however he has no jurisdiction to engage in any form of enforcement activity.

Mr. Bracey stated that the Board can appoint him as an agent of the Board of Health then he could have enforcement authorities.

Mr. Greenberg stated he would be ok with that.

Gary Hunt stated what he proposes is a partnership between the Recycling Committee and the Board of Health to pursue this activity. Gary stated that he is personally in favor of the by-law.

Pam Vath asked is there a plan for educating the public?

Dan Greenberg stated there is an article in the Transcript about it and the presentation that he put together on the last page are reviews and outreach events where he list what the plan is. He has reached out to the business and the Chamber of Commerce to have a presentation. He wants to do everything he can to get the word out and to educate the public as well as the vendors about the dangers of polystyrene and why it should be banned.

Mr. Rodger Chair of the Recycling Committee stated the committee was unanimously in favor of the banning of polystyrene food service containers. He agrees that education is important and getting education into the schools is also important and this is just one more piece to make this town better.

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Gary Hunt thanked Mr. Rodgers for his commitment to this by-law. Looking to the enforcement phases we want is to have a partnership with the recycling committee so we can make this work. We would want to revise some of the language in this by-law regarding the education, enforcement and administration provisions.

Pam Vath stated she thinks it is important to include the education framework when we present the whole project so that it is complete.

Gary Hunt stated we could have a public forum open to everyone and see if there is any feedback that we would need. Then the by-law can be finalized with the feedback received.

Mr. Greenberg stated a public forum is number 5 on his list of things to do.

Mr. O'Leary stated procedurally from a Board of Health stand point if you have a by-law that puts you as the enforcement agent and you have the authority to expand who your agents are that would be a matter of policy not by-law as to how we implement it. If the Board of Health wants to appoint the Recycling Committee to be the agent for the Board to do the research and get back to the board, that can be done as a matter of policy rather than mandating it through the by-law. The proposed by-law does not have to stipulate who the agent is going to be.

Mr. O'Leary asked are we aware if Market Basket in Reading is going to be pulling these styrofoam products off the shelves?

Mr. Greenberg stated it's a terrible idea to have styrofoam plates sold at retail outlets because someone is going to put food on the plate and microwave it and its going to create styrene which is a known neurotoxin.

Mr. O'Leary stated he understands but he was just curious what other communities that have implemented the new by-law are doing at the Market Baskets or Walmart's.

Mr. Greenberg stated he has not heard of any issues.

Mr. O'Leary stated most people when shopping are looking at a convenience rather than an environmental issue. The items that are environmentally friendly are much more expensive then the styrofoam plates and most people go for price over convenience.

Mr. O'Leary thanked the Board of Health for accommodating the Recycling Committee to attend their Board of Health meeting so they can have input and some sort of recommendations prior to the October 2nd.

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Mr. Greenberg stated he is not asking to implement this until September of 2024.

Mr. O'Leary stated he does not want what's being proposed to come off as a negative because what's being proposed is extremely positive.

Karen Martin asked whether or not the by-law can be revised so it does not come across as it's the Board of Health who wrote the by-law and that it be written as a collaborative effort. Right now the way the by-law is written and the way that it may be perceived is that the Board of Health is dropping another regulation on the town residents.

Mr. Greenberg stated it is the Recycling Committee sponsoring it, drafting it, reaching out to the concerned business, conducting public forums and appearing before the Board of Selectmen on October 2nd. He feels there is no confusion about who is behind this by-law.

Gary Hunt stated he agrees with Karen Martin. The way the by-law is written the name the Recycling Committee does not appear anywhere.

Mr. O'Leary stated it will be in the warrant that gets printed and mailed to everyone and the warrant is closed and off to the printers.

Karen Martin stated this is upsetting to her. We are getting the presentation after the warrant has been sent to the publisher.

Gary Hunt stated that is his concern as well.

Mr. Bracey would like to recommend and offer that the Board ask the Recycling Committee to withdraw this until the June meeting and will offer his services to work with the Trash and Recycling Committee to take a look at these regulations and put some sort of a formal timeline together

Mr. Greenberg stated he does not see a need for the Board of Health to take a vote, the message is heard the message has been recorded and it's done. We will withdraw

Pam Vath asked are you withdrawing from what?

Mr. Greenberg stated to take the by-law off the warrant and put it off until June.

Mr. O'Leary stated there will have to be a motion made at town meeting to pass over the article. What would be important is to point out that we have had a discussion and he would suggest that

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the Board of Health take a position on this as an area of concern and they are looking to work with the Recycling Committee to develop a by-law with the appropriate enforcement provisions and public education with a goal of presenting an article in June.

Gary Hunt proposes that they make a motion tonight to have a vote of the Board of Health to move it forwarded and have this new schedule implemented for presenting it at town meeting next year. He is prepared to make a motion if everyone is in agreement with what he said.

All board members, Mr. Greenberg and Mr. Rodgers agree.

Mr. O'Leary stated the Recycling Committee might want to call an emergency meeting to formally recommend passing over the article. As the Health Department liaison he will report back to the board after the Recycling Committee meets on Monday on their reaction to the proposal and however they vote.

Mr. Hunt Motioned that the Board of Health endorses the purpose & intent of the by-law regarding the Polystyrene products and wishes to work in partnership with the Recycling Committee to revise the by-law language introduce an educational program and bring this forward together as a partnership between the Board of Health and Recycling Committee at the annual June 2024 town meeting.

Motioned seconded by Karen Martin

All members voted unanimously in favor.

Mr. Rodgers thanked the Board for their support and motion and thanked Dan Greenberg for his efforts.

Public Health Nurse Report

Pam reports that there are 28 COVID-19 positive cases in the last month, 1 food born case not linked to any restaurant in North Reading, 1 flu case, and 3 Lyme cases. Mr. Bracey sent out an email about EEE threat being high in certain areas and that does not apply to us.

Pam gave an update on the Health and Wellness Fair we are having at the North Reading High school on October 21st. She reports that we have over 50 vendors at this point and we will be collecting donations for the food pantry. If people bring in a nonperishable item they will be given a ticket for a mountain bike giveaway.

We are hoping to have the flyer sent out next week and start putting it out on all social media sites.

There will be a full vaccination clinic in the cafeteria that will be done by Shaws and StarMarket they are now doing the vaccines clinics for us now. They will be providing RSV, flu, pneumonia,

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shingles and the new COVID-19 vaccine. People can sign up on line and they will also take walk-ins.

Pam Vath asked have we notified Maureen from the Transcript.

Pam Merrill stated that we have asked Maureen to post in the Transcript two weeks prior to the event.

Pam Merrill gave an update on the Eye Vision 20/20 van that will be set up at the library on September 28, from 8:00am to 4:00pm. This is a forty foot mobile van with an optometrist on board and they have a large amount of lenses and frames on board. They will do prescriptions on site and folks can pick out their lenses and frames. The turnaround time is two to three weeks. For people who don't have the town health insurance they will put in whatever insurance people have. Without insurance the cost is \$85 for the exam.

Karen asked Pam how many people have signed up for the Eye Vision van.

Pam Merrill stated that she will have a number on Monday, September 18.

Karen asked how successful was the mammogram van?

Pam Merrill stated we had 6 people sign up and was told for the first time coming to our town that 6 was not a bad number.

Health Director Report

Health Fair update Mr. Bracey reported on having some poster boards done up for more advertising. Walmart is going to be doing health screenings for folks such as BMI, cholesterol, blood sugar levels we will have a section set up for them.

Onsite Sewage Disposal System Program has been pretty slow but is starting to pick up now. Alex Parker one of our consultants is out probably for the rest of the year because he had shoulder surgery. Mr. Bracey will be doing the soil testing while Alex is out.

Arbovirus/Mosquito Control Program There has been 142 mosquito pools that have tested positive for West Nile in the Commonwealth. 8 humans have tested positive for West Nile Virus and no humans or animals with EEE and no humans have tested positive in North Reading for West Nile Virus.

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Food Protection Program we are going to start to gear up for the next round of food inspections done.

North Reading Town Day September 17, 2023 will be at Ipswich River Park between 11:00am to 3:00pm.

Draft Camp Regulations Mr. Bracey reports that he had a conversation with Mr. Hughes who is the director of Community Sanitation and went over the draft regulations and have added some language in there. Under the required documentation and timeline for the submittal of health records and cori/sori and we moved that out to a 4 week window now. We did implement the permit fees and the late fees and Mr. Hughes was ok with that. Mr. Bracey did mentioned that he would forward the draft regulations off to the board for review and final approval and any edits that the board may like to make. Mr. Bracey asked the board if they had any questions regarding the draft.

Mr. O'Leary stated that his question would be for Mr. Hughes that the rules and regulations are not practical. Are they doing anything to address it at the local level?

Mr. Bracey stated he talked to Mr. Hughes thought the two weeks was not enough time and he was ok with the four weeks to do health and immunization records. Mr. Bracey did say that one of Mr. Hughes main priorities this year would be getting out and doing training with the camps to remind them of what the requirements are. Mr. Hughes did give his blessing to these changes. We would want to get the camp package out at least six months prior to the start of camps so they have more than enough time to be able to digest the changes and come to a future Board of Health meeting if they have any questions.

Gary Hunt asked for a better explanation under the section under **Permit Fees** the line that reads each day constitutes a separate late fee.

Mr. Bracey stated the last sentence was something that Mr. Hughes put in there and what that does is allows us to be able to apply a late fee each day.

Mr. Hunt stated the sentence does not make sense.

Mr. Bracey stated he will go back to his notes and may have typed it wrong.

Pam Merrill stated some towns are charging per camper per day.

Mr. Bracey stated he likes the four week window.

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Karen Martin asked about the last sentence that is bold font and reads must be completed and ready for review. Is that supposed to be ready for review? Or completed and submitted to the Board of Health for review?

Mr. Bracey stated submitted to the Board of Health four weeks prior to the start of camps. Mr. Bracey asked Karen should he reword that?

Karen stated yes because ready for review implies that they just have to have the binder at their facility and that we will come in and review it if we want to review it but if you say for review it has a totally different connotation.

Mr. Hunt asked Mr. Bracey if he wanted to talk about the grant.

Mr. Bracey stated yes. North Reading is part of the Region 3B Coalition which encompasses the surrounding communities Health Departments and have all met weekly and still do. North Andover has as the host agency has applied for a shared service grant. Within that shared services grant they are going to hire a few inspectors to go out to each community at least once or maybe twice a week to help with Health Departments with whatever needs they may have. We need to get each communities Town Administrator, Select Board or Board of Health to sign off in agreement with it. Hopefully we will be part of the grant that is funded by DPH. The Town of Andover would handle all of the financials on this.

Pamela Vath motioned to adjourn the meeting at 9:00 pm.

Motion seconded by Gary Hunt

All members voted unanimously in favor

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Gary Hunt

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Pamela Vath

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Karen Martin

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