

**Draft Board of Health
Meeting Minutes
December 7, 2022**

Present:

Susan Schwartz, Chair
Maureen Richichi, Vice Chair
Bea Brunkhorst
Ann Kiessling
Anita Raj

Staff Present:

Heidi Porter, Director of Health and
Human Services
Katharine Dagle, Assistant Health Director
Julie Genova, Public Health Nurse
Danielle Williams, Interim Recording Secretary

Others Present (In-person or by Zoom):

Mike Rosenburg, Bedford Citizen
Lisa Stevens-Goodnight, 17 Lakeville Road, #5, Boston, MA
Bedford TV

The meeting was called to order at 7:10 PM. Ms. Schwartz chaired the meeting.

BOH Minutes - Review and Vote

The meeting minutes from November 9th, 2022 were reviewed and amended as requested. Ms. Richichi moved to approve the minutes as amended; Ms. Raj seconded the motion. A vote of 5-0-0 approved the meeting minutes from November 9th, 2022.

Acknowledgement of Service to the Bedford BOH – Margaret Root, Recording Secretary

Mrs. Schwartz offered a great big Thank You to Margaret for her service to the BOH. Ms. Porter then noted that this was Margaret's last meeting and that she has been the Recording Secretary for the past six years and has done a fantastic job. Ms. Porter also noted that Danielle Williams, the HHS Administrative Assistant, will be helping out the minute taking until a new person is in place.

Public Comment

Mrs. Schwartz opened the meeting to any public comments however since no public comment offered, Public Comment was closed.

BOH Rules & Regulations – Version November 2022

Ms. Porter states that it is best practice to have all of the BOH regulations consolidated into one document that is readily available, posted to the BOH website and is also recommended by Town Council. This document will have a Table of Contents and list all of the Regulations.

Dr. Kiessling asked about keeping blank pages in between and numbering pages.

Ms. Raj noted to have 'version' at the footer.

Ms. Porter relayed that this document could be labeled Version 1, dated December 2022 and can be archived and updated as regulations are added/changed and easy to refer back to.

Dr. Brunkhorst inquired if these are the regulations that we mostly use.

Ms. Porter indicated that these are the BOH and State Regulations that are enforced by the Health Department. A footer and links will also be added.

Ms. Richichi noted that if and when new members come on board that this document will be a great reference to have.

Mrs. Schwartz commented that Table of Contents will be dated but should there also be an as of date above the BOH Regulations. inquired about a as of date or effective date.

Ms. Porter noted that typically there is an effective date that is embedded within the regulations. The signature page will have the date signed and will put an Effective Date on each of them.

Ms. Raj made a motion to approve the BOH Rules and Regulation Version 1 as amended. Dr. Brunkhorst seconded the motion. A vote of 5-0-0 approved.

Draft Regulation of the Bedford BOH Restricting the Sale of Tobacco Products

Ms. Porter noted that we are taking another look at our Tobacco Regulations in preparation of posting a final draft for a hearing next month and introduced Lisa Stevens-Goodnight, Tobacco Control Manager who is here to review some of the questions that were raised during the previous Q&A from last review.

Ms. Dagle noted that Lisa will provide some answers to the questions on definitions that the BOH had. First question was on definition of blunt wrap. Why was it updated and what is the difference?

Ms. Stevens-Goodnight responded that certain products came up trying to get around the definition that was in the old regulations such as loosely wrapped cigars and this was updated close the loop of getting around some of the restrictions.

Ms. Raj asked if Ms. Dagle could indicate the item number when reviewing these questions.

Ms. Dagle will refer to the page, item number and the highlighted green sections of draft Tobacco Regulation.

Ms. Porter asked if members would like to go through each section and make consensus. All agreed, 5-0.

Ms. Dagle spoke on the next question regarding rolling papers (Pages 8 & 9). Why was definition added?

Ms. Stevens-Goodnight responded that 2019 Flavor Ban clarifies that flavored rolling paper would be considered a flavor enhancer and is included in that definition.

Dr. Kiessler has a question why State Law no longer preempts local regulation.

Ms. Stevens-Goodnight responded that for a long time there were a number of things in the tobacco regulation that were preempted by State Law which means that the BOH were not able to pass

regulations on certain issues which the 2019 Law got rid of most of them. This tries to make BOH's can enforce more restrict regulations and more flexibility and control.

Mrs. Schwartz asked if all members were ok with keeping the definition for rolling papers as is on page 8. All agreed, 5-0

Ms. Dagle continued onto the definition of smoking bars and the impact of prohibiting smoking bars.

Lisa Stevens-Goodnight responded that it varies from town to town but means that none could open in Bedford.

Dr. Kiessling questioned if there was an advantage to having smoking bars.

Ms. Stevens-Goodnight responded the biggest concern of smoking bars is second-hand smoke. Most towns put the ban on smoking bars in the Workplace Smoking regulation however it is easier to find in the Tobacco Sales regulation as this is where people look for this when trying to open one.

Mrs. Schwartz asked if all members were good with adding the sentence that includes what smoking bars are also commonly know as to the definition as well as rolling papers with characterizing flavor be considered a Tobacco Product Flavor Enhancer. All agreed, 5-0

Ms. Dagle continued with what is the intention of an adult-only tobacco store.

Ms. Stevens-Goodnight noted that they are allowed to sell certain types of products that regular tobaccos stores cannot. Because everyone shows ID at door that products can be self service whereas products in a regular tobacco store need to be behind the counter or secured. They primarily only sell tobacco products and incidentals and the nicotine content can be higher.

Ms. Dagle reviewed the question of if an adult-only store would count against the eight (8) Tobacco Licenses within Bedford and whether or not to limit the amount that could open. Section E6 which indicated no new adult-only store shall be located within (25) feet of existing retailer, will not be added to the regulations. Ms. Dagle notes that Ms. Stevens-Goodnight recommends that we strike section E 10B and E 10C and add to section E 10F to refer to E 10A.

Mrs. Schwartz asked if all were in agreement to Ms. Stevens-Goodnights recommendation. All agreed, 5-0.

Ms. Dagle now refers to section S, Violations. BOH had discussed the violations as 1st, 7 days and \$1,000 fine; 2nd, 30 days and \$2,000 fine and 3rd, 30 days and \$5,000 fine and asked what Ms. Stevens-Goodnight's opinion is on this.

Ms. Stevens-Goodnight relayed that she cannot give opinions. She notes that a lot of towns are putting in suspension language however it does take time. What she sees 1st violation, 3-5 days and 2nd violation they are sked to come to the board.

Ms. Dagle notes that the top three common violations have been for signage, flavor products and manufacturer's letters.

Ms. Richichi wanted to clarify that the only mandatory suspension is for selling to a minor.

Ms. Dagle indicated that most of the signage violations have been treated as an educational opportunity since there was a new inspector. Under current regulation, fines are 1st, \$300 and 14 days suspension, 2nd, \$300 and 30 days suspension and \$300 and 60 days suspension for 3rd fine.

Ms. Stevens-Goodnight notes that the State Regulation indicates the fines of \$1000, \$2000 and \$5000 is for any of the State Law violations and not just for selling to a minor. Page 17 of the draft Tobacco Regulation lists the policies subject to the higher State Law Fines and notes that there is no control over those fines imposed as they are State Law.

Mrs. Schwartz noted that the last time they were reviewing the regulation the fines were laid out as (1st, 7 days, \$1,000; 2nd, 30 days \$2,000 ; 3rd. 30 days, \$5,000) and asked if that is what they want to go with after hearing the information that Ms. Stevens-Goodnight has provided.

Discussion was had on determining the number of days to associate the suspensions and fines for 1st, 2nd and 3rd violations that a retailer can occur during inspections within a 36-month time period.

Mrs. Schwartz laid out the consensus for the fines and suspensions for selling to persons under the age of 21 that will consist of: 1st, 3 Days and \$1,000; 2nd, 7 Days and \$2,000; and 3rd, 14 Days and \$5,000. Fines and suspensions for all other policies subject to State Law fines and Local Regulations fines under Section 1 will consist of: 1st, Educational and \$,1000; 2nd, Appear before the BOH (and possibly up to 7 days suspension) and \$2,000 and 3rd, Appear before BOH (and possibly up to 7 days suspension) and \$5,000. Language for using a unified structure to incorporate both the State Law Fines and Local Regulations fines into one will be added.

Dr. Kiessling made a motion to adopt the changes to the BOH Restricting the Sale of Tobacco Products as amended and put forth to hearing. Ms. Richichi seconded the motion. A vote of 5-0-0 approved.

Bedford BOH Goals – Update on Gun Violence Prevention:

Ms. Richichi notes that Mrs. Schwartz, Ms. Porter and herself have been meeting with Scott Jones of the PD and he notes that the new PD Chief, John Fisher is also on board for this campaign. A letter has been drafted and will be sent out to thank the faith groups, non-profits and community groups in town that have been identified and asking them to get back to us by January 27th if they would like to endorse the campaign, upon which a letter will then go out to all the households in Bedford using the CHNA Grant funds. A page on the BOH website will also be created for the educational component so that anyone can find information regarding to gun violence. Speakers will come in March. Gun buy-back part will be in June which is gun violence month and will include young kids bringing toy-guns.

Ms. Porter noted that current endorsements are Violence Prevention Coalition, Bedford Embraces Diversity, Domestic Violence Services Network (DVSN) and Rotary Club of Bedford.

Ms. Richichi indicated that education and securing firearms in homes is one of the things that will be focused on as well as strategies of finding easier ways to have these types of hard conversations.

COVID-19 Response – Data Evaluation, Mitigation Review and BOH Discussion

Ms. Porter reviewed the COVID-19 Data and notes that a bit of an uptick here and there. Hospital and ICU beds inundated due to other respiratory illnesses however we maintaining low to medium community level.

Mrs. Schwartz stated that COVID-19 at home test kits are still available and were handed out for the Thanksgiving holiday.

Dr. Kiessling questioned if there had been any communication from the School Committee in regards to start times.

Ms. Richichi notes that they are currently focusing on the Superintendent search however will reach out to Ann Guay on that matter and possible time line.

Reports – BOH Liaisons and HD Staff

Ms. Dagle reports on performing inspections of food vendors at the Taste of Bedford event. Ms. Dagle and Mrs. Schwartz attended the Restorations advisory Board (RAB) meeting in which they provided an update on six (6) contamination sites and gave review on the 5-year review. Every 5 years a review is to be completed and this was their 6th 5-year review and for 2017-2021. Review was completed and concluded Remedial actions are currently protective of human health and environment and only (2) areas needed long-term protectiveness. DEP disagrees and issued a letter of nonoccurrence as they note PFAS should have been noted as a high priority in the 5-year review. Attended training session on updates to the Housing Code which go in effect April 2023. Changes include: Pest Management; Mold/Moisture; Climate Change; Heating Season; Hot Water; Snow Removal. Article on food safety for Thanksgiving submitted to media and website. Met with Regional Tobacco Inspector who went around to each retailer and gave out an informational packet and digital clock to use for assist in identifying ages for 21+.

Mrs. Genova reports that COVID case are going up however MAVEN isn't showing this as people are home testing. Not seeing too much RSV however this is not a reportable test. Influenza A is kicking up. Stay home if sick and don't gather is current messaging. Working with regional grant nurses to identify common goals and health objectives. Meeting with regional Public Health Nurses on Friday. Very proud of the Health Department and BCC on a very successful flu and vaccination season. Current counts are 1044 for flu vaccinations and 430 for booster vaccinations.

Ms. Porter reports on Capital Planning Process in regards to the Tick Bite Prevention, Tick Barriers were installed a few years ago on South Road and where the next location would be. Josh Smith, the Recreation Director, did a survey with coaches and staff and on field usage of the 20+ fields as well as the field users what their experiences have been such as balls going into the woods and tick exposure. J and Plateau fields which are behind the JGMS were a highlighted area, continuing with the South Road Fields on north and east sides and then the soccer field at Lane/Davis Schools rounded out the top four. That information was presented to the Fields Partnership which includes Recreation, School Staff and DPW and that group came to consensus on the next location. Current funding will allow enhance of the existing South Road Pilot location. Adding an "L" to that area

and signage and the width of the area (11 feet) of grass is still recommended for the usage of machine equipment for maintenance by DPW Director.

Dr. Kiessler questioned the 11-foot width however Ms. Porter relayed that DPW is responsible for the maintenance and they are the ones that are indicating this width is appropriate and effective due to the equipment used.

Dr. Kiessler indicates that the ADA Compliance should be incorporated into the tick barrier project however Ms. Porter responded that the tick barrier became incorporated into the fencing project for the Recreation fields and there is a different group that is looking at where those ADA compliance improvements need to be made.

Ms. Porter notes that there is a disability commission that was formed of residents in town that have various disabilities and work with Colleen Doyle, who is the ADA Coordinator, and the Town Manager to digest the report and come up with recommendations to the Town Manager and through her and Town Staff who are involved in making improvements and then look for funding and go through the Select Board and this is the process

Ms. Porter gave a Food Bank update that 205 families households for Thanksgiving by providing support through gift cards and holiday items through the course of the month. This is an increase from the 175 families that were served during Thanksgiving last year. Current weekly distribution is 170 households. Volunteers continue to be a tremendous help. Ms. Porter will be attending Navy RAB meeting is Thursday. Ms. Porter reports that interviews are being conducted this week for the Youth Social Worker position. Have two good candidates currently. Central entry point is through the Health Department for both Youth and Family Services and Health Department. YFS staff is in and out and Danielle is mainly located in the Health Department. Signage has also been posted. There is an event being planned from a donation from the First Church for MetroWest Out a LGBTQ+ support organization out of Framingham and hope they will come out to talk with us and another dinner. Would love to bring the regular community dinner back.

Ms. Richichi moved to adjourn the meeting of December 9th, 2022. Ms. Raj seconded the motion. The motion was approved by a unanimous vote.

Documents and Exhibits Used During this Meeting

BOH Draft Minutes – 11/09/22

BOH Rules & Regulations Version 2022 Draft

Bedford Tobacco Sales Regulation Draft

Tobacco Regulations Q&A – Lisa Stevens-Goodnight

Muni List Suspension Durations 1st Violation – From MMA

COVID-19 Data – Last 2 Months

Director's Report

Assistant Health Director's Update

Public Health Nurse Update

BOH Rules & Regulations – 2022 Final Draft

The next scheduled meeting of the Board of Health is January 11, 2023.

Susan Schwartz, Chair

Beatrice Brunkhorst

Maureen Richichi, Vice Chair

Ann Kiessling

Anita Raj