

DEDHAM BOARD OF HEALTH MINUTES

March 14, 2019

IN ATTENDANCE:

Leanne Jasset, B.S.P., RPH Chairperson
Kathy Reda, RN., BSN
Patty Roberts, RN
Leontia Flanagan, Assistant Health Director
Jessica Tracy, Public Health Nurse
Fior Griffin, Administrative Assistant

Meeting called to order at 5:35 PM

5:36 Open Discussion

1. No comments from the audience

5:36 Board Meeting Minutes Accepted

1. Motion made by Leanne to accept the February 14, 2019 board meeting minutes as written.
2. Minutes accepted.

5:37 Drug Coalition meeting

1. The Drug Coalition meeting that took place on March 12th, was well attended.
2. The \$1 million Grant that Dedham received was for Youth Substance Use Prevention so the focus is on the youth. It will provide support for a full time and part time position.
3. Other towns that have received similar grants were Needham, Milton, and Norwood.

5:45 Courthouse Cigar Co

During a preoperational inspection at Horse Thieves, Assistant Director Leontia Flanagan, noticed a strong odor of cigar smoke. Jessica Tracy, the Public Health Nurse, was asked to follow up on the nature and cause of the odor.

Jessica noticed a strong cigar odor coming from the Courthouse Cigar Co. She asked if anyone had been smoking inside the building. The employee stated that sometimes patrons do smoke. The Health Nurse then told them that there could be no smoking inside or outside the establishment entrance within 20 ft and gave them a copy of the Dedham tobacco regulations and her business card. The owner David Lindholm called to report that he was exempt or grandfathered in from the regulations. He stated that it was recorded during a Board of Health meeting. The Health nurse said that she would verify if that was accurate but she did not believe that public health regulations were something that could be grandfathered in. David Lindholm asked to be heard by the Board of Health.

David Lindholm is the owner of Courthouse Cigar at 366 Washington St. Mr. Lindholm has been the owner since 1999. He informed the Board that the notice of age requirement is posted in the shop window, they are not a "smoking bar" and that they provide state of the art air ventilation system and filters in their establishment. He said that when the smoking

ban in Dedham went into effect the Selectman gave Courthouse Cigar an exemption. Mr. Lindholm acknowledged that this is a Board of Health issue and that the Board of Selectman do not have jurisdiction over the matter.

Chairperson, Leanne Jasset, clarified that it was not the Board of Selectman but the Board of Health that passed the regulation to ban smoking in restaurants and bars in Dedham. At the time of the previous rulings (November 2007) Courthouse was excluded from the tobacco/smoking regulations that were passed. When the smoking law was last updated on, December 2008, no objections on behalf of Courthouse or any other establishment were made, so no exclusions were provided.

Leanne would like Mr. Lindholm to submit more information about his ventilation system. Leanne would like to know why there was an odor of smoke/cigar, if the ventilation system was working. Mr. Lindholm stated that because of the construction happening at Horse Thieves, the neighboring establishment, he believes the doors were left open. While there are no doors that open directly into Horse Thieves from Courthouse Cigars, they do share a back alley. Courthouse Cigar Co has no previous reports or complaints of cigar/smoke odor. Mr. Lindholm said that he would be more vigilant ensuring that the doors remain closed and that the ventilation fan stays on. He is also considering installing a new airtight door to prevent any further issues.

Board member, Kathy Reda, read over the Massachusetts General smoking regulations, M.G.L. c. 270, *Smoking in Public Places*, and had the following concerns:

1. As a retail store, does the store maintain a valid permit and do they have proper signage in the store stating that no one under 21 can purchase tobacco products? Mr. Lindholm confirmed that he did have proper permits and that there was proper signage in the store.
2. Section #9 of the regulation states: "*A tobacco farmer, dealer, manufacturer, importer, wholesaler, exporter or distributor, may permit smoking in the workplace for the sole purpose of testing said tobacco for quality assurance if the smoking is necessary to conduct the test.*" Kathy stated that she believes he is well within that regulation. She also reiterated that Dedham does not allow smoking bars, but acknowledged that people do not go into Courthouse for the purpose of smoking so it wouldn't be considered a smoking bar.
3. Kathy also asked Mr. Lindholm if they sell anything in the store that would be considered drug paraphernalia. Mr. Lindholm stated that they do not.

Board member Patty Roberts, asked if there has ever been any reports or complaints against Courthouse due to the smell of smoke. Leanne, replied, stating that there have not been any issues or complaints previously filed against Courthouse. Patty Roberts then asked what the percentage of patrons that smoke in the shop was. Mr. Lindholm estimated that about 10% of patrons who purchase cigars, lite and smoke them in the shop for a few minutes before leaving. Patty's concern is that any smoke going to Horse Thieves from the Courthouse Cigar Co., could interfere or hurt business for Horse Thieves. Mr. Lindholm believes that the odor of smoke that was smelled in Horse Thieves was due to the construction and open doors, and that it would not be a problem once all the work was completed. Mr. Lindholm is asking that the Board continue to allow his customers to light up and smoke in his shop.

Chairperson Leanne, would like to take it under advisement. She would like to know more about the ventilation system. She would like Mr. Lindholm to submit information about the ventilation system before the next meeting. She also asked that Mr. Lindholm attend the next meeting.

6:02 Drug Free Communities (DFC)

1. The DCF was given a federal grant of \$125,000/yr. to be used for Youth Substance Use Prevention. The grant's focus is on preventing the use of alcohol and marijuana. The DFC will also be targeting the use of tobacco and vaping.
2. The community grant is focused on including various groups in the community, not just the schools. They will be reaching out to school administrators and teachers, parents, the youth, law enforcement, business, and faith groups.
3. The grant includes funding for a full time Program Director and a part time (10hrs/wk) Program Coordinator.
4. Kristina King is the new full time employee that was hired February 25, 2019. She has a Master's from Boston University. She has previously worked in a clinical addiction department @ Boston Medical Center. She also had an internship in Germany, working with the youth.
5. They are currently looking to hire a part time position. The focus will be to work with the youth and social media to combat the drug epidemic.

6:06 Director's Report

1. Horse Thieves is ready for pre-operational inspections which will take place March 18, 2019.
2. Grateful Dedham diner is now opened.
3. A few call outs-
 - a. Dedham Public Library (2/26/19)
 - i. After an incident where a woman at the Dedham library tested positive for fentanyl, the Dedham Public Library needed the state hazmat team to clean the bathrooms.
 - ii. The woman who left the bathroom tested positive for fentanyl but there was no fentanyl detected in the bathrooms.
 - iii. After the Fire Department left and the State Hazmat team came in, 24/7 cleaning crew was called to clean-up. The role of the Health Department was to oversee the clean-up that was done by 24/7.
 - b. Costco (2/28/19)
 - i. There was a minor Freon leak in a walk in freezer that they were installing.
 - ii. The fire department evacuated the building.
 - iii. The Health Department's role was to make sure the building was cleared by the fire department of any hazardous chemicals.
 - iv. Ken Cimeno, the Building Director, was on site and discovered that Costco was not permitted for the installation.
 - v. Costco's was closed until the following day. The Health Department did an inspection of the premises the next day.
4. Plastic Bag Ban
 - a. An informational packet was submitted to the Board from Ginny LeClair.
 - b. Ginny would like to be on the agenda for the April Board meeting.
 - c. Jessica has spoken to the Health Department in Wellesley about their experience implementing a plastic bag ban. They offered some best practices and lessons learned from their experiences.

- d. Leanne is open to having an additional meeting to speak with Jinny Sinclair before presenting any joint ideas during the Town meeting in November 2019.
- 5. There are still Flu vaccines available to those who need it.
- 6. CBD advisory
 - a. Kris McMillon went to 18 different stores to confirm that they are in compliance.
 - b. In compliance means that they are not selling CBD products.

6:25 Resident Carla Foley

- 1. Dedham resident Carla Foley stopped into the Board meeting to comment/suggest that if the Board is looking to hire additional inspectors, they should consider hiring someone from the restaurant industry.

No Executive Session
Motion to adjourn @ 6:30pm

Signature _____

A handwritten signature in black ink, appearing to be "Allan" followed by a large, stylized flourish.

Date: _____

4/11/19