

MINUTES
DEDHAM BOARD OF HEALTH
MAY 11, 2016

IN ATTENDANCE:

LEANNE JASSET, B.S.P RPH, CHAIRPERSON
JASON BROGAN, MSM VICE CHAIR
DR. SARAH ROSENBERG-SCOTT, MEMBER
CATHERINE CARDINALE, R.S.HEALTH DIRECTOR
JOAN CONWAY, ADMINISTRATIVE ASSISTANT

Leanne called the meeting to order at 6:30 p.m. The first order of business is to accept the meetings for March 23, 2016. Dr. Scott motioned to accept the minutes of March 23, 2016 Jason seconded the motion. All in favor aye opposed none minutes accepted. The next sets of minutes we have are from April 13, 2016. Jason motioned to accept the minutes of April 13, 2016 Dr. Scott seconded Leanne asked all in favor aye opposed none minutes accepted.

Open Comments

Marilyn Gosling introduced herself she is representing the Fairbanks Garden Club. Also in attendance is Charlotte Pollack our Co-President and Marion Perron our Past President. A little background; The Fairbanks Garden Club has been in existence since 1959 and I have been a member since 1998. We were shocked to find out that we could no longer have sandwiches, baked goods and coffee and tea at our lunches any more that this was a requirement of the Board of Health. A letter was sent to Ms. Cardinale, February 9th asking for clarification of the rules in writing. One of our members discovered a pot-luck law on the internet. We felt that we met with the requirements of that law. On February 12th Ms. Cardinale sent an e-mail requesting a list of what everyone brought to the luncheon as far as food and the number of attendants. We wrote back and told her the luncheon consisted of sandwiches, baked goods coffee and tea and approximately 30 – 40 women are in the garden club. Of February 26th we received guidelines from Ms. Cardinale for pot-luck events; she stated that pot-lucks are a onetime event for a small distinct group. We started researching again and re-reading the law. It does get confusing because sometimes it says event and sometimes it says events. We felt we needed clarification. The law was authored by our Representative Louis Kafka of the Sharon District. The law was passed on November of 2014. A copy was given to the board members. Because time is getting short and we are going to be doing our budget for next year if we have to pay for food for each meeting it would be costly to our club. We really need a clarification of the law is it one event or many events. I have contacted Rep. Kafka the author of the law and spoke with his aide and he said it means many events not just one event. Rep. Kafka spoke to Rep. Mc Murtry and they clarified that it is for many events not just one event per year. I am attaching that information and I believe Rep. Mc Murtry sent you some information today I am also attaching our booklet we come under the Garden Club of Massachusetts Federation's

insurance and we are covered. We feel we could have many events and we need clarification we need to prepare our budget and we have to know what we are doing. So that is why we are here today.

Leanne thanked the ladies for their very organized presentation. We should turn this over to Cathy because we have conflicting issues here; one certainly being the guidelines for pot luck which is printed from the Mass. Department of Public Health web site. Leanne said the first bullet here says pot luck meals are limited to informal activities where there is no money collected and the public does not attend such as a church group they are a one-time one location event. We need to clarify that you are getting different information from Rep. Kafka and we have different information here. That is the first thing on our agenda what the regulation actually is. The second thing that Cathy brought to our attention is that this is a regulation that is being enforced or established by the director of the Endicott estate. Cathy said she spoke to Erin Perron, the Director to clarify the requirements of food and catering at the Estate; she had informed me that there are catering rules and the board members have made it a policy that food cannot be brought in to the facility. Ms. Pollack asked to have that in writing and Cathy directed her to the Estate Board they are agreed with the policy of the food being brought in. We got a copy of the guidelines for the Endicott group and it said they just needed a certificate of liability which we have for one million dollars. Erin Perron told us the decision was up to you. Leanne said there needs to be some conversations and we certainly will be happy to clarify that. Ms. Pollack said the law is the law and that is clear as can be. Leanne said we have conflicting information was one super-ceded by another that is where we need to do our homework. Ms. Pollack said that the law she has is from 2014 and she would like to have a copy of the information you're looking at. Cathy said she would look into all of this and suggested that they call Erin Perron at the Estate because this is policy of the Endicott Estate we will look into this as soon as possible. Dr. Scott asked if anyone has even gotten sick after eating at any of your luncheons to which the ladies replied no. Dr. Scott said we are not concerned about the legal entity our job is to make sure people are not at risk because they are bringing in food and sharing it in an uncontrolled environment it sounds that there has not been any issues thus far. Jason said he would reach out to Rep. Kafka for clarification of the law. The ladies said they would reach out to Rep. Kafka for clarification about one or multiple events.

Mr. Charlie Kruger spoke next regarding the East Dedham smoke shop Kings. The issue we are having is the stuff they are selling out of the shop. The Board of Health is the only department stepping up to the plate to help us. When it first opened we thought it was a smoke shop selling cigars. I went into the shop and then sent out an e-mail to all the boards asking them to go in and see what they were selling and let me know what you think this is. They are selling concealment things that you hide drugs in that look like coke a cola cans. We didn't get a smoke shop we got a paraphilia shop; and in my opinion with the revitalization of East Dedham, that shop belongs in the adult entertainment district not in a residential area. Leanne said we will be reviewing the Tobacco Regulations that is on our agenda tonight.

Tobacco Regulations Review

Leanne turned it over to Jason as he is the point person that has done the homework here. Jason said once we found out about the smoke shop right after they were issued their permit about two days later I went to the shop and saw what was being sold there. The right side of the store was full of what I would call drug paraphernalia; I brought that to the attention of the Mother Brook Community group and our board members as well. I have done a lot of research about what other towns are doing. Melrose, Wakefield, Lynn Reading, Winchester and Stoneham all adopted a drug paraphernalia ban in their towns and have cited the M.G.L.94c Section 1 which has a very lengthy definition of what drug paraphernalia is. We as a board are going to propose modifications to the tobacco regulations to add in the definition of drug paraphernalia and we would be banning what is in that establishment and other establishments that look like drug paraphernalia bongs concealment items mini-scales and anything else outlined in that Mass General Law. I understand everyone's concerns I have the same concerns sitting on two other committees and we want to make sure we take action on it and that it is addressed not only in East Dedham but in other parts of town. We will talk about this tonight and if we are all in agreement we might have some modifications for an agreement we would have a public meeting and then vote on it to put it into effect and probably give them 90 days to comply and I think after 90 days they would be at risk of having their tobacco permit suspended. Leanne asked if there is any grandfathering in; Cathy said there is no grandfathering in the Board of Health Regulations. This is not a by-law it is a Board of Health Regulation. Jason said he reached out to the towns previously mentioned and they have a tobacco coalition run by a contractor Maureen Bigsby and I spoke to her today regarding law suits from establishment suing the towns of this. They have had no law suits since implementing the changes to their regulations. Leanne asked Jason if those communities had establishments' already in business selling these products and he replied there were multiple establishments throughout those communities that had drug paraphernalia when they put the regulations into effect those items were removed. Dr. Scott said if this becomes part of our regulation we are banning this completely from the town regardless whether it is an establishment that also sells tobacco, so it is not linked to a tobacco license things that qualify as drug paraphernalia cannot be sold in the town. So we will have to have fines or ways of dealing with places that are not also selling tobacco. Leanne asked if there were any other questions. Mr. Kruger said with legalizing marijuana he has checked into the smoke shop owner and the gentleman has 4 other establishments. I think he is hoping marijuana getting legalized and wants to be ready for it. Leanne said he can do as he wishes if the regulation is in place he can't sell those products. Another gentleman stated that he felt if marijuana is legalized it will be like the liquor industry I think there will be marijuana stores. Dr. Scott said it is important for residents to know that medical marijuana as it stands now is a tightly controlled thing with specific dispensaries where it is not sold at local stores. There are none in Dedham and none proposed for Dedham. The second thing is that we have recently passed our own regulations on marijuana if there should be a medical marijuana dispensary here we already have regulations in place where it could be located and things like that. We are all on the same page; what happens if marijuana is approved there will be laws in place by the State

Once those are in place as a town we can then start the conversation of any other regulations that we would like to have and this board would be actively involved in that in any way that we could be. Jason said that Jason Lewis is one of the Massachusetts Senators has an initiative and he goes to Colorado to look what they are doing. Leanne said remember every individual community has the authority to make the regulations more stringent and strict than state or federal regulations we couldn't be less strict just as we did with tobacco and smoking so if we as a board see fit we could make the regulations more strict in our community. A woman stated just to clarify Charlie point if this smoke shop was waiting to see if marijuana is legalized they couldn't sell it there anyway they would have to shut shop and re-open within the proper district? Leanne said that is medical marijuana we are talking about we cannot talk about recreational marijuana because the law has not passed. Leanne said what we put into place were regulations for medical marijuana dispensaries' which we do not have but we need to be ahead of the curve in case someone shows an interest in coming to our community. Dr. Scott said this raises the question that if this is considered drug paraphilia and we pass regulations to say it is not allowed to be sold in Dedham regardless of what the law says about recreational marijuana we will have already said you cannot buy the paraphernalia itself to use the recreational marijuana in our town. Dave asked if you have interacted with and there guidance is. Jason said he and Cathy had consulted with town council last week and voiced some of the same concerns and whether or not they would be grandfathered in and there was not any issues from our perspective as long as we stick with the definition the state has and integrate it into our tobacco regulations it should not be an issue. Maureen asked how quickly this can be done. Leanne said we are working fast and furious; we do have to go through the regulatory steps once we come up with proposed regulations we will have to have a public hearing and we can adopt them immediately. We have the current business person the option x amount of day to remove the entire product from his establishment. Mr. Kruger asked how you would make a list of all the items not to be sold. Leanne said the state has a 16 page list of things you can find it on the state web-site but we will be happy to send you a copy. Leanne said we are all on board with this. Mr. Kruger said you have our 100 % support. Once this update to the regulation is passed who is responsible to enforce it. Cathy replied it would come under the Board of Health. Mr. Kruger asked if we find someone selling it after the regulation change do you have an 800 number. Just call the office. Leanne asked Cathy what information she had about signage. Cathy said it would not come from the Health Department. Cathy said she did call the store and asked him to take the signs down and he did. I haven't had a change to go through the store and chat with him but he does respond when I call him.

Dr. Scott said she felt the Endicott Estate is looking for us to say that this is not legal. Cathy said no they can make any decision they want to they have their policy. Erin called me and asked me about permitting. I said no something like that is not allowed you should not be entering an event and Erin told them it was our decision and now Erin has gone to her board and now I have been told it is the policy of the board that people cannot bring food in. Leanne asked if you have a policy it cannot supersede a board of health regulation. Dr. Scott said it is a private organization and can have any policies they want. Dr. Scott said we could say this is pot luck in which case the board of health is hands off or we could say we feel this is beyond a pot luck because it is a repetitive think in which case it does not fall under pot luck rules; but none of

that has to do with any decision the Estate decides to do. Cathy said exactly these are two separate things. Jason said if we get clarification of what the spirit of the law is and we say yes they can have multiple events does this take care of it from our prospective. Then we are out of it. Cathy said we need to clarify what the pot luck is because you are opening up a can of worms down the road. Leanne said if we find from Rep. Kafka this clearly puts them in the category of pot luck then we can say you do not have to be regulated by us you are under the policy of where you are holding your pot luck. Cathy said she preferred to go by Department of Public Health's Food Code because that is what is enforced. So if Rep. Kafka wrote a regulation and put it in place and the Food Protection Program has now added another regulation that is the regulation we are enforcing. We go by the food code. Dr. Scott said to be perfectly honest I don't think we should be limiting this. If it's 40 people and they are bringing food from home this has gone on without any issues and I think they Estate can do whatever they want. Leontia said it is no longer just an hour its six hours that food is sitting out and no one is food certified. Cathy said I hear you and agree to a point but if you let them do it other clubs will want to follow they are the only club that does not get delivery from a local restaurant. Dr. Scott said cant the Estate make the rules without relying on us to enforce something. Jason said it says not withstanding any general or special law to the contrary of the pot luck law neither the Department of Public Health or any Local Board of Health may regulate the service of food that is to brought to a pot luck event that is sponsored by a group of individuals or by a religious, charitable or non-profit organization or by individuals attending the pot luck event for consumption at the pot luck event. This is Louis Kafka's house bill #1997. Cathy said whichever way you want to go I would like to check with the food protection program to see if there is anything that offsets this. Dr. Scott said she would be happy to write a letter saying this does not fall under our jurisdiction however we are somewhat concerned by the practices that we have heard about of food being left out long periods of time in uncontrolled environment and it is not unreasonable to give them some education of food controls. We could also write to the Estate saying this came to us for review we have reached out to Rep. Kafka the spirit of the law was xyz this does not fall under our jurisdiction your policies and procedures would apply with a copy to the Fairbanks Group and a little educational information about food safety.

Tobacco Regulation

Cathy said you all have a copy of the draft. I have defined drug paraphernalia blunt wraps I also added bidi and don't know in the characterizing flavors and flavored tobacco do you want to add these to the ban. Dr. Scott went to MGL 94A and read the ruling and asked about adding mini-scales. Jason said we write the definition and include the things we are most concerned about. Cathy said she has sent this off to the attorney but have not heard back from him. Cathy said she has also reviewed other town's regulations that have banned paraphernalia. I have copied their definitions. Dr. Scott read a paragraph she felt should be included in our definition and say this may also include the items we have discussed. Cathy said once this regulation is written I will have our attorney review it. A lot of towns are adding this to their tobacco regulations we will be adding flavoring as well. Other ideas were discussed regarding tobacco establishments.

New Business

Jason said we could probably take about it more if the Marijuana regulations pass in November but I have done some research on what other towns are doing regarding licensing for alcohol and other permits but if the marijuana regulations do pass we might want to think about proposing a by-law for a licensing committee and have alcohol and marijuana licenses fall under this one board or committee and have 2 board of health members and 2 selectmen or planning board member and that group would review those applications. So it is not solely the selectmen that are more business minded deciding these licenses. Multiple groups are a great idea.

Leanne asked if there was a motion to adjourn. Dr. Scott motioned to adjourn Jason seconded all in favor aye opposed none. Leanne adjourned the meeting at 8 p.m.

Leanne Jasset, Chairperson