

BOARD OF HEALTH MEETING

November 15, 2017

Watertown Administration Building, Town Council Chambers

PRESENT: Dr. John Straus, Chairperson; Dr. Barbara Beck, Secretary; Richard Arnold, Member; Deborah Rosati, Director of Public Health; Vivian Zeng, Health Officer

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:14 pm.

Minutes

The minutes of the September 13, 2017 and the October 16, 2017 meetings were approved as presented (Motion - R. Arnold, Second –J. Straus; 3-0)

Public Comment: No Comments.

Public Hearing: Regulation Regarding Smoking and the Sale and Use of Tobacco Products

In consideration of adoption of revised regulations on the sale and use of Tobacco Products

D. Rosati opened the discussion with an introduction describing the public health mission of the Watertown Health Department and its role with local tobacco control regulations. D. Rosati summarized that the proposed changes to the existing regulations include a ban on flavored blunt wraps, implementation of minimum pricing on single cigars, the establishment of a 500 foot buffer around all schools on new Tobacco Sales Permits, and a cap on the number of Tobacco Permits that will be issued in Watertown.

D. Rosati explained the protocols for the public hearing and opened the hearing to comments and questions to the revised regulations. Dr. Straus noted that draft regulations have been sent to all the current establishments in Town with licenses and thanked the Health Department staff and Watertown High School Youth Peer Leaders for their role in shaping these regulations.

J. Straus called the public hearing to order at 7:30 pm.

Dennis Lane, representing coalition responsible for retailing, holds their position on the new tobacco regulations as leaving it alone. While they fully support municipality's stance on restricting tobacco use to the youth population, they believe retailers do a good job with tobacco sales regarding tobacco regulations. They are asking for the Town to look into creating purchase and possession laws in lieu of updating the tobacco regulations. All age restriction products should be treated the same, such as alcoholic products. While it is illegal for young people to possess alcohol, Mr. Lane explains that it is not illegal for young people to possess and use

tobacco. These contrasting enforcing perspectives on age-restrictive products are inconsistent. Mr. Lane is asking for alternative ways to word the language of the regulation so that adults can purchase tobacco without restrictions.

Dr. Straus requested that Mr. Lane describe what in these updated regulations could be amended to suit his coalition's needs. Mr. Lane emphasizes, although the new proposed regulations are trying to protect young people, his coalition sees the need to protect retailers and the retailers' right to sell it to anyone over 21. They firmly believe that the solution is with the retailer, not with the banning of flavored products or raising prices on single cigars. Mr. Lane does not want retailers to lose business.

Watertown Youth Coalition Peer Leaders introduced themselves and opened with their mission to support and empower young people with a focus on celebrating diversity, mental health and healthy living. They are concerned with the colorful packaging, sweet flavors that the tobacco industry uses to attract the youth. They have found that tobacco products are generally cheap and easy to acquire. Single cigars are cheaply priced and affordable to young people. With the proposed price increase, the youth are less likely to buy these products. They reviewed the 2017 Youth Risk Behavior Survey which found that in Massachusetts, the current youth use of e-cigarettes is nine times higher than adult use. They strongly encourage any continued efforts to prevent the tobacco industry from targeting youth.

D.J. Wilson distributed an updated list of municipalities in Massachusetts that ban the sale of blunt wraps, minimum pricing for cigars, restriction of new retailers near schools, and limitation of number of tobacco sales permits. His second handout reviewed the summary of *U.S. v. Philip Morris USA Inc.* indicating that tobacco has always been ahead of the curve, and regulations seem to always be catching up, until this national decision. Mr. Wilson fully supports these revisions to Watertown's tobacco regulations.

Natalie Miller, tobacco enforcement for Watertown and four adjacent communities, presented her point of view. Ms. Miller notes that of the five towns she enforces, Watertown is the only one without minimum pricing on cigars. Furthermore, Watertown, Belmont and Newton do not have a cap on tobacco sales. She explained that blunt wraps as a whole are flavored and therefore are not sold in Watertown because the current tobacco regulations ban flavored products. Therefore, retailers would not be affected economically with this revision. Ms. Miller supports these revisions.

D. Rosati reviewed the new pieces to the regulation for latecomer **Mr. Patel from Victoria Spa**. He agreed that this would not negatively hurt his business, especially noting that he is already in compliance with the banning of blunt wraps since the current flavored product ban already restricted blunt wraps from his establishment.

Plans to give 30 days from the regulation takes place to reapply for the tobacco permit if they need/want to. Need to set a date for the 15th of December for the revised regulation to take place. Mid October, letters were sent out to the retailers about these revised regulations.

B. Beck offered a motion to accept new tobacco control regulations to take place beginning December 15th with a modification to section F.12.A., to change 37 retailers to 34 retailers, and to give the two closed retailers an extra 30 days from the date of the implementation of

the regulation (December 15, 2017) to decide if they want to reapply for their tobacco permit. R. Arnold seconded this motion, and it was voted unanimously.

Department Updates

66 Capital St. – D. Rosati reviewed the case and described the property’s backyard as a wooded lot with plenty of tree samplings. V. Zeng described that it was a fine line between a nuisance and a public health nuisance. The office does not consider it to be public health nuisance, however the house has openings that are allowing for animal entry and this is a violation that has been cited.

Rats – D. Rosati explained that V. Zeng and K. Bennett canvassed neighborhoods for all rat complaints, looking for rodent harborage and handing out informational brochures. She contacted a pest control company who has placed seven bait stations in suspect neighborhoods. Assessing rat conditions is difficult due to lack of access on properties. Order letters have been sent to properties that have rodent harborage conditions. Inspectors have observed that rats have chewed through some totter barrels; DPW is charging to replace these totters. D. Rosati explained the site plan review process for construction projects and demolition projects and the Health Department’s role in signing off on a permit only when a pest control assessment of the property has been completed. If there is any activity, the pest control company needs to keep coming back until the problem has been resolved.

Health Officer position – D. Rosati noted a selection has been made for Pat’s position. This candidate is currently going through the final steps in Personnel’s hiring process.

Deluxe Town Diner – The Town Diner has not submitted their ChokeSaver certificates and has not remitted their \$100.00 hearing fee. The Board decided that a letter for suspension hearing needs to be sent out. D. Rosati brought up tentative next meeting date as December 13, 2017 at 7:00 PM, Deluxe Town Diner will be scheduled for 7:20PM.

Office Move -- D. Rosati noted that most of the health department office is undergoing relocation, with the Public Health Nurse moving to a private office upstairs for HIPPA privacy, D. Rosati moving downstairs, Marie moving to the other office and reopening the alternate hallway door for the public.

Animal Control – D. Rosati noted that there is another dog in a kennel, taken from an arrest in Watertown. The person is in a facility but was believed to be homeless. D. Rosati requested town counsel’s review of the case. The Town has paid out about \$5600 for dog boarding fees. Counsel noted it was possible to have a rescue organization adopt the dog out. A certified letter has been sent out to the dog owner’s last known address and his attorney.

Plan Reviews -- Cha-Yo, Joyful Gardens, Jana Grill were briefly discussed.

EP consultant – Cheryl Snyder will be doing EP consulting work with a focus on tabletop exercises. She is working on improving weaknesses noted from the active shooter drill with improving communication during the reunification phase.

Dr. Straus inquired about any possible synergy with the disability council that Gayle is on. He notes that the disabled are a vulnerable population and it would be excellent for the Health Department to cooperate in any projects they are involved with.

Next Meeting: Set for Wednesday, December 13, 2017 at 7:00 pm.

Meeting was adjourned at 9:00 pm (Motion – Dr. Beck, Second – Richard Arnold, 3-0)

Respectfully submitted: Vivian Zeng, Health Officer

Approved: December 13, 2017