

**BOARD OF HEALTH**  
**Library, Northampton High School, 380 Elm Street**  
**May 10, 2018 Minutes**

**BOH Members Present:** Joanne Levin; Suzanne Smith; Cynthia Suopis; and William Hargraves

**BOH Members Absent:** None

**Staff:** Merridith O’Leary, Director; Melissa Roberts-Cote, BOH Clerk; and Jennifer Meyer, Public Health Nurse

**Meeting opened May 10, 2018** at 5:32 pm by Joanne Levin

**I. Public Comment Session:** Judy Herrell (Owner-Herrell’s Ice Cream) and Nancy Cowen (Owner-Happy Valley) spoke regarding second hand smoke in the downtown area and how it is hindering their businesses. They are in support of creating a smoke free downtown. Heather Warner, SPIFFY Coalition Coordinator-Collaborative for Educational Services spoke in support of creating a smoke free downtown. Letter sent in to the Board of Health by Jena Sujat (Owner-Pinch) in support of creating a smoke free downtown.

**II. Review Minutes**

**A. Meeting Minutes from April 19, 2018**

**Motion: Approved:** Motion made by Suzanne Smith to accept the April 19, 2018 with amendments. Seconded by Cynthia Suopis. All were in favor (4-0).

**III. Discussion: City of Northampton Board of Health Recreational Retail Marijuana Regulation**

The Board discussed draft regulations for Retail Marijuana Establishments. Director O’Leary has asked Attorney Alan Seewald (City of Northampton Solicitor) and Cheryl Sbarra, Senior Staff Attorney and Director of Policy and Law for Massachusetts Associates of Health Boards to review draft regulations that were crafted after the April meeting. Both Attorney Seewald and Attorney Sbarra advised that the Board would be in conflict with the State Regulation if our regulations limited the serving size of edibles, as that is the purview of the Cannabis Coalition. They advised against including that component in the draft regulation. The Board will continue working with Attorney Seewald and Attorney Sbarra to ensure they are not violating any Massachusetts state law or regulation writing new regulations for the city should they proceed.

Director O’Leary advised that City Councilors Nash and Bidwell have written a draft ordinance related to capping Retail Marijuana Establishments at ten. The draft ordinance goes forward to legislative matters on May 14, and then may be referred to full council on May 17<sup>th</sup>, 2018. City Councilor Nash is unsure of the support of the council.

It was determined that inspections in commercial kitchens would not be required due to the state regulation of edibles under 935 CMR 500: It is not a food or drug defined under MGL c. 94, § 1. A regulation would need to be in place to allow the Health Department to inspect as well as to provide education.

Director O'Leary was asked what specifically was in the Host Agreement aside from budgetary matters to which she responded that she was unable to advise as she has not seen the host agreement. The Board wondered if there was any enforcement in the Host Agreement and if it may need to be adopted into a draft regulation should they proceed. Director O'Leary will be meeting with the Mayor and she will ask to see the Host Agreement to determine if the regulations need to contain any language to help enforce the agreement.

Director O'Leary will edit the changes into the draft and modify the sections with clarification upon receiving answers to the Boards unanswered questions and email a new draft prior to the forum on May 24, 2018 to the Board.

**Meeting Closed: Motion to Close Meeting:** Motion made to close the Board of Health Meeting by Suzanne Smith seconded by Cynthia Suopis all in favor (4-0)

**Meeting closed at 6:59 pm**

The next scheduled Board of Health Meeting: May 24, 2018  
Melissa Roberts-Cote, BOH Clerk

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**Meeting Document List**

The following documents were available to the Board of Health during their scheduled meeting.

These documents are available for review at the:

**Northampton Health Department, 212 Main Street, Northampton, MA 01060**

- Meeting Agenda
- April 19, 2018
- Letter from Jena Sujat regarding prohibiting smoking in the downtown area
- City of Northampton Board of Health DRAFT Regulation of Marijuana Establishments and the Sale of Marijuana
- Correspondence from Alan Seewald regarding Draft Marijuana Regulations
- Correspondence from Cheryl Sbarra regarding Draft Marijuana Regulations