

BOARD OF HEALTH
Community Room, John F. Kennedy Middle School: 100 Bridge Road
June 27, 2019 Minutes

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

BOH Members Absent: None

Staff: Merridith O’Leary, Director and Melissa Roberts-Cote, BOH Clerk

Staff Absent: None

Meeting opened June 27, 2019 at 5:30 pm by Joanne Levin

I. Public Comment Session: Public Comment was well-attended. Several speakers spoke regarding the smoke-free downtown initiative.

II. Review Minutes

A. Meeting Minutes from May 23, 2019.

Motion: Tabled: Minutes were tabled until next Board Meeting allowing Board Members to review them in detail. All were in favor (5-0).

III. Public Hearing:

Present: Attorney John E. Pearson, for the King Street Convenience Store. Mian Azsar, employee of the King Street Convenience.

Motion: Motion made to open the hearing by Suzanne Smith, seconded by Cynthia Suopis at 6:00 p.m. All in favor (5-0)

Attorney John Pearson representing King Street Convenience requested that the Board clarify what “sale to a minor” meant in the violation letter. Dennis LaCourse, Compliance Officer, Pioneer Valley Tobacco Coalition (PVTC) spoke regarding the events that occurred leading up to the violation. Attorney Pearson objected to the fact that the 18 year old minor who did the purchase was unable to be present to testify about his own recollection to the event. Attorney Pearson requested that the 18 year old be present to testify in front of the Board. Mian Azsar who is an employee of King Street Convenience was questioned by Joanne Levin, Board of Health Chair regarding the event that occurred on May 24, 2019 and verified that Mian Azsar was not present at the time of the sale. Director O’Leary said that the standard procedure for PVTC is that youth are not present at the hearings to protect their privacy and their identity. Director O’Leary said that she had had a conversation with Mian Azsar who advised her that they have a machine that checks IDs but on the day in question it was not working. Director O’Leary mentioned that the tobacco sales regulation is certified by the City Clerk and has been sent to all of the business owners. Director O’Leary spoke about how tickets are no longer in use and health orders are being issued. Dennis LaCourse stated that he can say that the sale to a minor did occur. Attorney John Pearson asked that the suspension be delayed so that he and his client could file for an appeal.

Motion: Motion made by William Hargraves, to uphold the violation but the 7 day suspension will be moved from July 1, 2019 to August 1, 2019 for 7 days, seconded by Suzanne Smith. All in favor (5-0)

Motion: Motion made to close the hearing by Suzanne Smith, seconded by Cynthia Suopis at 6:43 p.m. All in favor (5-0)

IV. Discussion: Smoke Free Downtown Initiative

Shawn Porter, Executive Director of Look Park, spoke about how Look Park handled going smoke free as well as how enforcement is handled by the staff at Look Park. The Garden House does have a smoking area in order to be competitive with other banquet facilities but is not to be used by other patrons in the park. He said that when they decided to go forward with a smoke free environment in 2014 they put up signs and started enforcement. While most guests respect the request to put out cigarettes, not all do.

Chief Jody Kasper spoke about the potential for enforcement for downtown and how her officers would be available for enforcement or educational purposes should the Board request that. Suzanne Smith asked Chief Kasper about how enforcement is done in Pulaski Park to which she answered that signage and education is their current approach. Chief Kasper did state that she would be willing to work with the Board of Health to do some more enforcement in Pulaski Park. Joanne Levin asked Chief Kasper about the downtown officers and what their duties are. She responded that the foot / bicycle patrol is one of the busiest beats and is often busy with calls as this duty has a high call volume. Cynthia Suopis asked Chief Kasper to respond to the fact that some in the community feel police are targeting panhandlers and homeless. She explained how the officers navigate their jobs, which is a complex task. Chief Kasper stated that the smoking population is a mix of people; people waiting for the bus, people taking a break, as well as homeless people. The officers have a good relationship with many of the people who congregate on the street, but not with all of them. She stated that there are many ordinances that they are expected to enforce, and they try to use education as the main tool in their jobs. Laurent Levy spoke to the citizens concern of police targeting homeless and asked what standard practice was. Chief Kasper advised that they focus on keeping people safe.

Director O'Leary spoke about the no smoking signage that the board had created in the past, which were lost, and stated that new signs would need to be made. Ideally new signs would include images of cigarettes, vape pens, as well as marijuana. She mentioned that the city had signs made with the approval of the design team for Pulaski Park. Director O'Leary states that she will discuss new/more signs with the Mayor.

Cynthia Suopis inquired about the "panhandling work group/homeless advisory group" to the Mayor and who sits on this group and when they meet and what their focus is. Most Board members did not know that the group existed. Suzanne Smith stated she does not believe that the Board of Health should have anything to do with the panhandling advisory group.

Suzanne Smith stated she believes that the Board should be focused on the second hand smoke exposure downtown. She stated there were 14 studies done regarding second hand smoke and the studies established that Public Health has an obligation to limit exposure to second hand

smoke. Suzanne Smith said that her focus is to reduce exposure to secondhand smoke in the downtown and that enforcement is the remaining issue.

Director O'Leary stated that she would be willing to have staff from the Health Department team up with the Police Department for several hours per week to educate the patrons in Pulaski Park. We could use this format as a pilot to see what works and what may need improvement going forward. Director O'Leary suggested having a designated smoking area at the bottom of the stairs adjacent to the park in the round house lot where there would be a receptacle. Joanne Levin asked if we could get feedback on what is learned by the officers and the Health Department staff who are out educating and enforcing, to which both Chief Kasper and Director O'Leary agreed.

William Hargraves mentioned that he feels that restricting vaping sales to the tobacconist establishments is a much more important issue than the smoke-free workplace/smoke free downtown.

V. Public Hearing: Food Code

Motion: Motion made by Suzanne Smith, to open the public hearing, seconded by Laurent Levy at 7:26 pm All in favor (5-0).

Motion: Motion made to accept the local food regulation by William Hargraves and seconded by Cynthia Suopis at 7:31pm. All in favor (5-0).

Motion: Motion made by Laurent Levy, to close the public hearing, seconded by Suzanne Smith at 7:31 pm. All in favor (5-0)

VI. Variance Request: City of Northampton Park and Recreational Department requests a variance from CMR 430.102; Camp Director Requirements.

Director O'Leary spoke on behalf of Ann-Marie Moggio, Northampton Parks & Recreation Director who is requesting a variance from this requirement. The Parks and Recreation would like to hire Matt Zuchowski who is 20 years of age as their Day Camp Director. (Variance Request Attached). Under CMR 430.102 Day Camp Directors are supposed to have a director who is 21 years of age or older. The variance notes that Mr. Zuchowski meets all of the other requirements.

Motion: Motion made by Suzanne Smith to issue the variance, second by William Hargraves at 7:34 pm, Laurent Levy abstained. All in favor (4-0)

VII. Amendment to the City of Northampton of Health Fats, Oil & Grease (FOG) Regulation

Director O'Leary is requesting to strike under section D: Prohibitions, page 3, number 2. She advised that under the plumbing code it is required to have a dishwasher connected to a grease interceptor and the Board of Health does not have the authority to be less stringent than the state code.

Motion: Motion made to approve the amended Fats, Oil & Grease (FOG) Regulation by Suzanne Smith, second by Cynthia Supopis. All in favor (5-0).

Meeting Closed: Motion to Close Meeting: Motion made to close the Board of Health meeting by Laurent Levy, seconded by Cynthia Suopis, all in favor (5-0)

Meeting closed at 8:05 pm.

The next scheduled Board of Health Meeting: July 23, 2019

Melissa Roberts-Cote, BOH Clerk

BOARD OF HEALTH

Date: June 27, 2019

Community Room, J.F. Kennedy Middle School, 100 Bridge Road, Florence

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
- May 23, 2019 Minutes
- Jasmine Ward's Resume
- Correspondence for King Street convenience & Smoke Hearing
- City of Northampton-Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products
- Draft Regulation - City of Northampton Food Establishment Regulation
- Variance Request for Northampton Parks & Recreation
- Tobacco Establishments Violation Excel sheets