

**BOARD OF HEALTH**  
Hearing Room, Second Floor-City Hall: 210 Main Street  
**August 19, 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 August 19, 2019** at 5:29 pm by Joanne Levin

**I. Public Comment Session:** There was no Public Comment.

**II. Review Minutes**

**A. Meeting Minutes from July 23, 2019.**

**Motion: Approved:** Motion made by Cynthia Suopis to accept the amended minutes, seconded by Laurent Levy. All were in favor (5-0).

**III. Presentation: Review of Open Meeting Law Requirements by Alan Seewald, City Solicitor**

Attorney Seewald gave an overview of the Open Meeting Laws (OML) to the Board. He explained that the purpose of the OML is to ensure transparency in government, particularly around deliberations on board matters. Any meeting with a quorum needs to be in open session. He explained that any matter that is discussed between two members outside of open session is not a quorum and does not violate the OML; however, two members working on project together constitutes a subcommittee and is subject to the same rules as the OML. With subcommittees, two members can work together; however, when a third member is involved that is a quorum. Multiple members can go on a site visit, but the findings would need to be discussed only when back in open session at the next Board of Health meeting, not at the site.

Attorney Seewald also reviewed Public Records Law with relation to using e-mail for board business. He stated that all correspondence for board business is considered public record and must be kept unless permission is given by the Secretary of the Commonwealth Records Management Unit. A suggestion was made to the board members to have a specific e-mail for Board of Health Business. Attorney Seewald said that if there was a lawsuit, all e-mail records could be subpoenaed and that personal emails would be subject to review. Any email that is received must be retained. There are sanctions for destroying records without permission.

Attorney Seewald also discussed Conflict of Interest Laws. Conflict of Interest Laws have two categories; actual conflicts and perceived conflicts. An actual conflict is a clash of interests and that the basis would be a conflict of personal interest while in your position as a board member. He advised that you should excuse yourself (leaving the room) from an actual conflict. Perceived conflict of interest occurs where it could be reasonably perceived that an interest could improperly influence the outcome based on your official position. In that case you should notify the appointed authority in writing. If you think there may be a conflict of interest and want to discuss it, you can contact either the State Ethics Commission or the City Solicitor who will file the findings with city clerk and with the ethics commission.

Attorney Seewald answered questions:

Q1. Should the door to the meeting be open or closed?

A: It should be open for transparency.

Q2. Should public comment be transcribed in the minutes?

A2: It needs to be indicated that there was or was not public comment, but it does not need to be transcribed as it is not considered board business.

Q3. Do we need to continue the format for public comment? The current process that is being used is for people who would like to speak, speak for no more than 3 minutes and the board does not respond to the comments made.

A3: Attorney Seewald indicated that Public Comment is something that the Mayor has imposed on city boards and he will verify whether the Mayor has issued an administrative order and give the information to Director O'Leary.

Attorney Seewald said he would check on the definition of a 'subcommittee' of a whole and how Open Meeting Laws impact that configuration.

#### **IV. Presentation: Dr. Jonathan Schwab, M.D., Northampton Area Pediatrics-Measles Protocol**

Dr. Jonathan Schwab is a pediatrician and the Medical Director for Northampton Area Pediatrics (NAP) where his practice cares for approximately 13,000 patients. Joanne Levin invited Dr. Schwab to discuss measles vaccination and the characteristics that define the vaccine-hesitant parents in Northampton. Joanne Levin provided statistics from the Northampton area that she obtained from the state website showing what percentile of patients are immunized for the measles vaccine. Dr. Schwab indicated that the data that he reviewed, reflected that the children in the Leeds, Bridge and Jackson Street School were 95%-98% vaccinated compared to Ryan Road which was 90% vaccinated (which he is attempting to verify). The correct information is difficult to obtain, as often the people filling out the forms are not invested in accurate results. Dr. Schwab discussed why he believes parents are vaccine-hesitant. He indicated that vaccines are very effective so parents do not see the diseases, and parents perceive that these vaccines are not needed. Parents have anxiety about vaccines for their children. He states that he sees many parents who have a mistrust of government, doctors, and pharmaceutical companies. Dr. Schwab said that there is also a group of hesitant parents that still get their children vaccinated. He stated that during visits the doctors talk to the families and build trust with parents who are hesitant and discuss why vaccines are important. Dr Schwab does community speaking, but this type community outreach is not well attended. He finds that parents develop their own opinions and they have heard the facts and reasons for vaccination, and do not want to attend public forums. Dr. Schwab did indicate that parents will vaccinate for some vaccines and not for others. Once parents either see the disease or there is an epidemic, parents tend to have their children vaccinated. NAP has a practice to see a child who may be showing specific symptoms (cough, runny nose, pink eyes, and a fever), in the parking lot, to avoid potential exposure of others in the office.

Suzanne Smith asked how many people actually fell in the category of a true medical exemption, to which Dr. Schwab responded that he has only written two medical exemptions in his 29 years of practice. Joanne Levin asked Dr. Schwab his opinion on how to improve vaccine rates: Dr. Schwab stated that part of the problem is that parents rely on stories instead of listening to the professionals about the facts, statistics, and disease outcomes. He is not sure how to improve vaccine rates. Dr. Schwab stated that he would be happy to be involved with any community

outreach. Suzanne Smith asked if a measles case were to present, what authority does the Board have to require those who are not vaccinated to stay at home? Director O’Leary stated the Board does have that authority. Last year, there was an advisory sent to parents of children who are not vaccinated letting them know there would be a required 21 day quarantine if there was an outbreak here. Director O’Leary mentioned that a 16 year old in 2016 was quarantined for 21 days due to not having had the measles vaccination. Suzanne Smith and Director O’Leary will work together on an advisory for future use.

**V. Discussion: Seminar Attended:**

Cynthia Suopis, William Hargraves, and Laurent Levy attended a Youth Forum on Recreational Marijuana. There were 10-15 youth that were in attendance who shared their view on marijuana and change in risk perception since recreational marijuana became legal in Massachusetts, including billboard advertisement and social media (e.g., how they can watch on-line videos on you -tube on how to gain access to vape pens, nicotine, and marijuana). The risks to using was discussed with the youth.

**VI. Discussion: Smoke Free Pulaski Park**

Cynthia Suopis spoke about her observations in Pulaski Park and distributed a log of here findings. She did not see a lot of smoking in the business district. Pulaski Park did seem to have people smoking. She did see police who were just walking through without any interaction with anyone who was smoking. Cynthia Suopis and William Hargraves discussed their findings around the bus area which did seem to have a focus of smokers near the bus shelter and it was noted that the remnants of smoking materials were left behind on the ground. Laurent Levy did speak about his observations in Boulder, Colorado where there is no smoking allowed in the pedestrian mall, and showed pictures of what their signage looks like. Suzanne Smith stated that when she talked with the people in Boulder, Colorado, who implemented the smoking ban, that they were leaning toward self-policing and peer policing. However, there was a long period of community engagement before the smoking ban went into effect, including addressing the issue of homeless folks on the street. Boulder also used the more positive message of “Clean Air for All” rather than a smoking ban.

Director O’Leary asked if people would like to continue to do observations for the next few weeks, and to continue to collect data. This data could be used in October when the Health Department staff will work in tandem with the Northampton Police Department Officers (which was offered by Chief Kasper) to start enforcement by means of education and giving out written educational material about the current smoke free regulation in the park and about smoking cessation. Director O’Leary suggested that prior to the October Health and Police Department enforcement there needs be a designated smoking area established as well as signs that will need approval by the Mayor. He is willing to allow temporary signage during this enforcement. Board members tended to think that plain signage would be best in getting the message out. Director O’Leary will show basic signage to the Mayor for approval for the next meeting. An October start date will be attempted for enforcement if all of the components are in place.

**VII. Discussion: Amendment Language in the Draft: Regulation of the City of Northampton Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products**

Director O’Leary pointed out that the model regulation that comes from the Massachusetts Association of Health Boards (MAHB) had a lot of definitions that were not incorporated into our last version of the regulation. She has added them to the draft versions (in red). The second change would involve changing the definition of “characterizing flavor”, which would remove menthol, mint and wintergreen from the language in draft #1 (removing all flavors from the Retail Tobacco Establishments). Version #2 would remove ALL tobacco and Electronic Nicotine Delivery Systems (ENDS) from the Retail Tobacco stores. Tobacconist Establishment Stores would be able to stock these items, which is reflected in letter G on page 4. Director O’Leary is waiting on feedback from Cheryl Sbarra, J.D. Director of Policy and Law for MAHB. Depending on how the Board would like to proceed, Director O’Leary stated the draft regulation that they decide to proceed with would need to be edited and approved by the attorney.

There was discussion around reducing the number of permits that are available and various options were brought up.

#### **VIII. Department Updates: Upcoming Conferences**

- a. The Tobacco Free Mass 2019 Forum will be held September 24, 2019 from 9:30 am to 12:00 at the Massachusetts Medical Society in Waltham. Topic From Kool to JUUL: The Flavored Tobacco Crisis
- b. Massachusetts Association of Health Boards (MAHB) will be having its Annual Western Mass Certificate Program on October 5, 2019 from 8:00 – 2:00 pm at the Blue Bonnet Diner in Northampton. Topics include Strategies for funding, Public Health Issues, Diabetes & the MAHB Legal Handbook

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

**Meeting closed at 8:00 pm.**

The next scheduled Board of Health Meeting: September 19, 2019  
Melissa Roberts-Cote, BOH Clerk

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## **BOARD OF HEALTH**

Date: August 19, 2019

**Hearing Room, City Hall, 210 Main Street, Northampton**

### **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
- July 23, 2019 Minutes
- Observation Log for Smoking in the Northampton Downtown Business District & Pulaski Park
- Draft Version 1 of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products
- Draft Version 2 of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products