

BOARD OF HEALTH

<https://us06web.zoom.us/j/82738086844?pwd=Vnc4bWlUzVhVWRzR3ZsWkdXS1VOQT09>

Meeting ID: 827 3808 6844 Passcode: 971008

January 19, 2023 Minutes

BOH Members Present: Dr. Joanne Levin; Dr. Suzanne Smith; Dr. Cynthia Suopis; Dallas Ducar, NP; and Janet Grant

Staff: Amy Hutchins, Director Environmental Health; Kiko Malin, Director of Public Health Excellence & Prevention Team; Donna Bowman, Health Inspector; Kelly Hughes, LPN and Elliot Ezcurra, RN, Public Health Nurses

Guests: Attorney Cheryl Sbarra, consultant to local Boards of Health; Donna Bowman, Tobacco Inspector

Staff Absent: Merridith O’Leary, Commissioner and Kelly Constantine, BOH Clerk

This meeting was conducted on Zoom and was recorded.

Public Comment Session: No public comment.

I. Meeting opened January 19, 2023 at 5:33 pm by Dr. Levin, who announced the meeting was being recorded.

Motion: Motion made to open the meeting by Dr. Suopis, seconded by Janet Grant. All in favor (5-0).

II. Hearing Continuation 5:35 PM

Jim’s Variety, 15 West Farms Road, Florence

Hearing continued from November 17, 2022 – Appeal of Correction/Cease and Desist Order

Present: Hamid Habib, Jim’s Variety representative

Motion: Motion made to open the hearing by Dallas Ducar, seconded by Dr. Smith at 5:45 p.m. All in favor (5-0).

Facts: Dr. Levin talked about the findings and using the new state regulations and proposing a fine of \$1000, however, the Board was undecided what was appropriate for the ban on sales. Commissioner O’Leary’s recommendation was since the Board cited Rule 665, in the State Regulation, that the local regulation cannot be used. She recommended instituting the state fine and not a sales ban. Cheryl Sbarra, Executive Director and Senior Staff Attorney for the Massachusetts Board of Health Boards was an invited guest. Attorney Sbarra provides legal education and technical assistance to local Boards of Health throughout the state. Attorney Sbarra indicated the state law now requires a suspension for the first offence of selling to someone under the age of 21, but not for other offenses. Because the state law changed relatively recently, Commissioner O’Leary recommended that everyone start with a “clean slate”.

Mr. Habib gave a brief explanation regarding that this was a first violation in three years. Dr. Levin clarified that Northampton’s local regulation is stricter than the state and there is no tolling period for fines. Attorney Sbarra explained what public health tries to do is get to compliance not punishment and that is the goal of everything they do.

Motion: Motion made by Dr. Smith, to impose the \$1000 fine for the violation of the Northampton Tobacco Regulations, seconded by Dr. Suopis. All in favor (5-0).

Motion: Motion made to close the hearing by Dr. Suopis, seconded by Dr. Smith. All in favor (5-0).

III. PHN Updates – Kelly Hughes, LPN and Elliot Ezcurra, RN - Kelly gave a brief discussion of her background and past work with the Department. Elliot discussed current COVID case rates in Hampshire County and Northampton. The wastewater virus concentration is showing a decreasing trend in Northampton and Hampshire County. Flu and RSV cases are lower.

IV. New Business

- Racism at the Community Gardens, Presenter Robin McEwan and Rachel Erlich – discussed their letter to the board and their request that the Board of Health stand with the City of Northampton Human Rights Commission and endorse the proposal that the Northampton Community Garden adopt the proposed Equity & Sustainability Statement and create a dedicated position on the Garden Committee for a volunteer representative to coordinate this important work.

Motion: A motion made to adopt and support the resolution presented by the Community Gardens Committee and write a formal letter to Parks & Rec, City Council and the Mayor by Dr. Suopis, seconded by Dallas Ducar. All in favor (5-0).

- Kiko Malin, Director of Public Health Excellence & Prevention Team – Introduction and overview of position with DHHS – Director Malin gave an overview of herself and position within the Department.

V. Old Business

- Review City of Northampton Tobacco Sales Regulations and compare to updated Model State Tobacco Regulation. Guests - Cheryl Sbarra, MAHB and Donna Bowman, DHHS Inspector. These topics were discussed, though no final decisions were made:

- The tolling period. There was concern about record keeping without a time limit
- Fining structure --whether to unify with state regs
- Suspension periods
- Revoking permit- on third offense or after third offense

Attorney Sbarra will draft a new combined regulation with Northampton's tobacco regulations and the new state model regulations based on our discussion..

VI. Review Minutes

A. Meeting Minutes from November 17, 2022.

Motion: Approved as amended: Motion made by Janet Grant to accept the minutes as amended, seconded by Dr. Suopis. All were in favor (5-0).

B. Meeting Minutes from December 21, 2022.

Motion: Approved as amended: Motion made by Dallas Ducar to accept the minutes as amended, seconded by Janet Grant. All were in favor (5-0).

Meeting Closed: Motion to Close Meeting: Motion made to close the Board of Health meeting by Dr. Levin, seconded by Dr. Smith. All were in favor (5-0)

Meeting closed at 7:55 PM.

The next scheduled Board of Health Meeting: February 16, 2023

Kelly Constantine, BOH Clerk

BOARD OF HEALTH

Date: January 19, 2023

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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
- December 21, 2022 Minutes
- November 17, 2022 Minutes
- 2023 Model Tobacco Sales Regulations
- Final 2020 Regulation Restricting the Sale of Tobacco Products
- Resolution – Racism as a Public Health Crisis
- Letter to Jim’s Variety re: Continuation of Hearing
- Proposed Equity and Sustainability Statement