

City of Chelsea

Board of Health Meeting Minutes

October 6, 2015

6:00 PM – Public Library

Attendance:

BOH: Christopher Miller (Chair), Catherine Maas, Chris Naitza, Madeleine Scammell, Dean Xerras.

Luis Prado (Agent/HHS), Joan Cromwell (City of Chelsea Public Health Nurse), Amy Linquist (City Solicitor's office), Cheryl Sbarra (MAHB), Katherine Connelly (Metro Boston Tobacco Free Partnership), Bonnie Carol (Six City Tobacco Initiative).

Public Comment: City Manager Tom Ambrosino explained to the Board that he is about to finalize a collaboration agreement with Winthrop and Revere that has been in the works for several years. He will meet with the BOH once he has a final draft for signing. Maybe the next meeting...

Dr. Xerras updated the City Manager on BOH collaboration with MGH Center for Community Health Improvement, most notably, our work on the artificial transfat regulation. The regulation is in effect. Dr. Xerras expressed the challenge of measuring the BOH efficacy due to the fact that we are not aware of how frequent inspections are, or how compliance is, because this is done by ISD. The BOH expressed the desire to get regular records of inspections and results from ISD, given the fact that the BOH has regulatory authority for restaurant inspections but no ability to monitor. The City Manager agreed this is an odd arrangement and puts us in a legally vulnerable situation. He just hired a new director of ISD, Mike McAteer and suggested we engage him in this challenge. Luis will request that Mike McAteer come to quarterly BOH Mtg. we will have schedule so it does not conflict with the licensing commission which he has to attend by statute.

The City Manager alerted the BOH that he is aggressively enforcing properties that are not clean in the city and which are violating sanitary conditions. Under the BOH authority he is issuing clean up orders. If property owners are not responsive, the City will hire a landscaping crew and the owner will then have 30 days to pay it. If they don't, they are at risk of having a lien on their home- part of municipal tax bill. Landowners have a right to appeal to the BOH and this is outlined in the letter sent to the landowner.

Regulations and Fee Structures: Under 21D authority, BOH fines cannot go over \$300. However, we can issue separate BOH tickets up to \$1000. under an administrative order. Bottom line, the BOH has two enforcement options: 21D ticket from the City or a BOH ticket. City Manager will potentially up the fine to \$500. Which would fall then directly under the BOH, and correction order appeals would also come to us, as they already do/should. Law Dept will draft a motion to City Council to amend the city ordinance 1-8 to include Board of Health Regulation. Amy will include a clause that will still enable us to issue our own orders, and will then send to Chris M. and Luis P. to make sure they have all the laws and regulations that should be in the motion. Once approved by Luis and Chris, she'll send to City Council.

Tobacco Control: Chris M. handed around the sample regulation restricting the sale of tobacco products and the 2014 regulation signed and passed by the BOH. Cheryl S. walked the board through the checklist for the new proposed amendments, and shared a summary of regulations around the Commonwealth. In late Sept., Attorney General recently redefined “tobacco containing products” to include vaporizing products that do not contain nicotine- if it could have tobacco in it, it will be regulated as a tobacco product. BOH agreed to consider the scientific evidence re. marketing of products toward kids, and the basis for banning flavored brands and increasing the age.

BOH members agreed on a variety of changes we’d like to see in the next draft of regulations, and will engage the licensing commission (which Mike McAteer sits on) on the process for changing the number of permits in the city.

Tracking tobacco control violations has not been effective in Chelsea. After reporting a violation, Bonnie calls the city to ask if it has been paid... and if the violator hasn’t paid, Bonnie sends them a letter. She doesn’t then learn if the fee is ever paid, nor if payment of fines is considered when permits are reissued. There is a communication breakdown between the Bonnie, the BOH, the Licensing and Permits office and the Law Dept. We need to develop an administrative process for dealing with this.

Tomorrow Luis will email the city clerk to find out how many permits there are, and details regarding the renewal process.

Before a public hearing we need to notify the retailers and supporters that this is what we are doing. Katherine C. will help us with this.

Aim for public hearing at the Senior Center Tuesday Dec. 8th 6:00 PM

Target regulation to be effective March 15th in order to give retailers time to sell their products.

Substance Abuse: Madeleine communicated with Leslie Aldrich who will be happy to attend our next mtg.

Next mtg scheduled for November 10, 5:00 PM.

Respectfully submitted,
Madeleine Scammell