

**ANDOVER BOARD OF HEALTH**  
**Minutes**  
**January 6, 2020, 6:00 P.M.**  
**CD&P First Floor Conference Room**  
**36 Bartlet Street**

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Pamela Linzer, Chair, Gopala K. Dwarakanath, M.D., Vice-Chair, Deb Enegess, M.D., Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

**I. Appointments & Hearings**

- **# 1. - 6:00 p.m. – Ron Beauregard, Tobacco Control Program Director- Program Update-** (See Item #4 below)
- **# 2. – 6: pm. – Glen Flanagan for Charles George Companies – Appeal of Order to Cease Overnight Collections – Continued from 11/18/2019 Board of Health Meeting** – Mr. Carbone stated that he withdrew the Order because it conflicted with M.G.L.c. 111, § 31A. Mr. Carbone recommended that the Board open the Hearing and immediately close it with no action taken.

*Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to open the Hearing for Appeal of Order to Cease Overnight Collections by Charles George Companies and immediately close the Hearing. Unanimous approval.*

**II. Approval of Minutes**

- **# 3. – November 18, 2019**

*Motion by Ms. Linzer, seconded by Dr. Enegess, to approve the Minutes of November 18, 2019. Unanimous approval.*

**III. Discussion Items**

- **# 4. – Discussion Concerning Regulation of Menthol Tobacco Products -** Mr. Beauregard, Healthy Communities Tobacco Control Program Director, was present to update the Board. The Governor has signed legislation restricting the sale of e-cigarettes and nicotine vaping products. The legislation, in part, states that beginning on June 1, 2020, the sale of menthol flavored tobacco products and delivery systems in retail establishments will also now be banned. The sale of flavored tobacco, including menthol, will only be allowed at Smoking Bars. Any nicotine vaping products being sold in regular retail stores may not contain more than 35 milligrams per milliliter and must have documentation from the manufacturer stating that fact. All products should be stored behind the counter so they are not easily available to the public. No advertisement of any tobacco product that is not available for sale at the premises may be posted. There are multiple signs that a retail store will be

required to post. All fines have been increased as well. Some may conflict with the cap on our fines, and the Board may have to go to the Courts to collect them. Since there are so many changes, Mr. Beauregard has set up training sessions within the region and notices have been sent out informing the retailers of the trainings. The training sessions will help to provide them an understanding of the law. In summary, Mr. Beauregard stated that the hardest part of the ban is the inclusion of menthol as a banned flavor. Adding to the confusion, a letter was sent out to Wholesale and Retail stores from Juul Labs<sup>1</sup> that was not very clear on menthol restrictions. Mr. Carbone stated that we now have twelve establishments that have Retail Sale of Tobacco Products Licenses and his recommendation to the Board is that it require someone from each establishment to attend one of these sessions. The goal is to educate them and help them understand all the new changes in order to become compliant with the legislation.

*Motion by Dr. Dwarakanath, seconded by Ms. Linzer, that it is mandatory for someone from each of the Tobacco establishments to attend one of the schedule training sessions. Unanimous approval.*

*Discussion followed the Motion.*

Mr. Carbone informed the Board that our Tobacco Regulations as written now do not match the State Regulations. Mr. Carbone pointed out that we cannot collect the fines as stated in the Massachusetts legislation via non-criminal citation because they are much higher than we are allowed to cite, and we would have to go to court in order to collect the fines.

- **# 5. – Discussion to Eliminate Hypodermic Syringe Permit** – Mr. Carbone stated that this \$0.50 permit was originally created as a way to legally allow people with animals to carry a syringe to give injections to their animals. The law that made it a criminal offense has been changed as stated in the Board of Registration in Pharmacy Regulations. Mr. Carbone recommended that the Board approve the elimination of the fee and to change our fee schedule.

*Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to amend the 2020 fee schedule to eliminate the Hypodermic Syringe Storage and Use Permit. Unanimous approval.*

- **# 6. – 2020 Work Plan** – Mr. Carbone stated that his thought process for the year was to come up with a plan to help get some traction on some of the backlog of work coming up. He wanted to concentrate on the first six months, and would like input from the Board Members if they thought he should be switching some priorities around. Ms. Linzer stated that she liked that he split up the Board Meeting items from the projects he needs to implement. She would prefer he handle the projects in the way he sees fit. The Board agreed.

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<sup>1</sup> A copy of the letter from Juul Labs will be added to the Agenda Packet after Item #4.

- **# 7. – Training – Septic Systems 101** – Mr. Carbone presented the slideshow of the documentation in the Agenda Packet.

**IV. Old Business**

- N/A

**V. Subdivision Definitive Plans**

- N/A

**VI. Septic System Variances/Local Upgrade Approval**

- N/A

**VII. Staff Reports**

**A. # 8 - Director's Reports:**

- **Important Dates:**

- January 28, 2020 – Regional Tabletop Exercise
- February 10, 2020 at 6 p.m. – Board of Health Meeting
- March 16, 2020 at 6 p.m. – Board of Health Meeting
- April 6, 2020 through April 10, 2020 – Public Health Week
- April 13, 2020 at 6 p.m. – Board of Health Meeting

**B. # 9 – Community Health Report for November, 2019-** The Community Health Report for November, 2019 was for informational purposes only.

**C. # 10 – Environmental Health Reports for November, 2019** – The Environmental Health Inspectors' Reports for November, 2019, were for informational purposes only.

**VIII. Board Member Reports**

- N/A

**IX. Adjournment**

*Motion by Dr. Enegess, seconded by Ms. Linzer, to adjourn at 7:10 p.m. Unanimous approval.*

Per the New Open Meeting Law, the following is a list of the documents that were either distributed to the Andover Board of Health before the meeting in a packet, or at the meeting.

1. Board of Health (BOH) Meeting Agenda for January 6, 2020.
2. Memo from Mr. Carbone to the Board of Health, dated 12/30/2019 stating that the Order and subsequent Appeal of Charles George Companies be withdrawn due to conflict of language in M.G.L.c. 111, §31A.
3. Letter to Charles George Companies and Management, dated December 2, 2019, withdrawing the Violation Notice.
4. Draft Minutes from the November 18, 2019 BOH Meeting.
5. Memo from Mr. Carbone to the BOH, dated 12/30/2019 concerning Discussion concerning regulation of Menthol Tobacco Products.
6. Copy of “An Act Modernizing Tobacco Control”, dated 12/11/2019 that was signed into law by Governor Charles Baker, provided by The Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Public Health.
7. Memo from Mr. Carbone to the BOH, dated 12/30/2019, recommending the elimination of the Hypodermic Syringe Storage and Use Permit category, as well as a copy of the change in the law from the “Board of Registration in Pharmacy, Advisory on the Sale of Hypodermic Syringes and Needles” eliminating the need for the Permit.
8. Memo from Mr. Carbone to the BOH, dated 12/30/2019, concerning his 2020 Work Plan.
9. Documentation explaining the basics of Septic System components and function.
10. Health Division Community Health Report.
11. Health Division Environmental Health Report.