

Town of Natick
Natick Town Hall
Board of Health Meeting Minutes

March 18, 2019

Present: Donald J. Breda, PE, Chairman
Ian L. Wong, MSPH, Vice Chairman
Peter A. Delli Colli, DMD, Clerk
James M. White, Jr., RE/REHS, Director of Public Health

Also Present: Jean M. Cotter, Secretary to the Board of Health

1. Minutes: December 17, 2018

A motion to accept the December 17, 2018 minutes as written was made, seconded and approved.

2. Minutes: January 15, 2019

A motion to accept the January 15, 2019 minutes as written was made, seconded and approved.

3. Citizens' Concerns, 15 Minute Limit none present

4. Annual Nomination of Board of Health Animal Inspectors:

1. Kimberly Condon
2. Michael Boudreau

Mr. White informed the Board that the annual appointments of an Animal Inspector and an Alternate Animal Inspector are due as the current appointments will expire on April 30, 2019.

Mr. White briefly explained the role and duties of the Animal Inspector.

A motion to nominate Kimberly M. Condon and Michael K. Boudreau as Animal Inspectors for the Town of Natick for a one year term from May 1, 2019 to April 30, 2020 was made, seconded and unanimously approved.

5. Variance Request: Chapter 26: Bethany Lavallee; Regulation Governing the Practice of Bodyworks, Section 3: Establishment Definition

Mr. White told the Board that by notification from the Town Clerk's office, he became aware that a Doing Business as Certificate (DBA) with the title *Believe Bodyworks Massage for Women* was issued to Ms. Lavallee. He contacted Ms. Lavallee to explain the Natick Board of Health regulation governing bodyworks which would require her to be permitted as a bodyworks therapist and a bodyworks establishment.

Mr. White clarified that this discussion is not questioning the way Ms. Lavallee does business but is about the fact that regulation does not allow the word "bodywork" to be used in advertising and that Ms. Lavallee would either have to change the business name or request a variance from the Board.

Ms. Lavallee introduced herself to the Board and told them she has a valid Commonwealth of Massachusetts Massage Therapist License and is hoping to open a new business in Natick. She said the name of her business is *Believe Bodyworks*. She said she does massage and does not do bodyworks as described in the regulation.

There was a discussion about why Chapter 26 was originally enacted and what options are available and practical for Ms. Lavallee and for the Board.

There was a review of the definitions in the regulation and it was mentioned there may be businesses currently operating in Natick that use the word bodyworks.

The discussion continued and the Board requested Mr. White draft alternate definitions to possibly amend the regulation.

A motion was made and seconded to grant a variance from Chapter 26, to allow Ms. Lavallee to use the word bodyworks in the name of her business, Believe Bodyworks. The motion passed.

6. Speedway, 230 Worcester Street: Second Offense Selling Tobacco Product to a Minor

Mr. White said our Tobacco Agent, Sarah LeRoux, conducted compliance checks at all Natick Tobacco Vendors. There were two violations for an underage sale. Those sales were made to a 17 year old and the minimum legal sales age in Natick has been age 21 since 2015.

Mr. White said the fines were already issued to each vendor.

Mr. White reported one of the underage sales was at the Speedway store at 230 Worcester St. and it is their second offense within two years.

There was a discussion about the possible penalty for this second violation. Chapter 19 Restricting the Sale of Tobacco Products Section O: Violations was reviewed. In the case of a second violation within 24 months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco Product Sales Permit may be suspended for seven (7) consecutive business days.

A motion was made and seconded that according to Natick Board of Health Regulation Chapter 19, the Speedway Store at 230 Worcester St. will have their Tobacco Product Sales Permit suspended for seven consecutive days. The motion passed.

7. Proposal: Department Policy Advisory on Cannabidiol-Hemp (CBD)

Mr. White said Natick does not currently have regulations regarding these types of products which can be topical or edible. These products are becoming more available across the region and some are already sold in Natick.

Mr. White presented a draft memo called Cannabidiol-Hemp (CBD) Advisory that he is recommends the Board adopt as department policy.

Mr. White told the Board that under the authority of Massachusetts General Law c. 128 and the Hemp Program Policy, established by the Massachusetts Department of Agricultural Resources (MDAR), any hemp products processed in the Commonwealth must be obtained from a grower licensed by the MDAR, unless otherwise authorized by federal law. In addition, product produced by a MDAR licensed grower must be tested by an approved Massachusetts laboratory or a federally approved laboratory to determine that the THC and pesticide levels are within the standards set by the MDAR.

Mr. White said if this policy is adopted, the Natick retailers known to be selling CBD products will be notified as soon as possible and other retailers will have notice hand delivered at the time of their next inspection.

A motion was made to adopt as presented, the Cannabidoil-Hemp Advisory as policy to be effective immediately. The motion was seconded and unanimously approved.

8. Public Health Director Updates:

A. Correspondence follow-up Mr. Bragdon

Mr. Bragdon is permitted for I-Haul Disposal Services

B. Recognition of Natick Elks Gift Donation

With much gratitude we thank the Natick Elks which has again generously donated another \$3,500.00 to be used for Substance Use Disorder Prevention and Outreach. This makes a total of \$9,069.00 the Natick Elks has contributed in support this program and the Natick community.

C. Update: Opioid Task Force (OTF) / Natick Together for Youth (NTY)

The Administrative Project Coordinator position has been approved and the person will start work on April 10, 2019. The position of Associate Project Coordinator, Prevention and Outreach is not yet filled.

D. Joint Retreat OTF/NTY Thursday, March 21, 2019

An outside facilitator has been retained for this event to work on agreement towards the integration of the two groups. Previous discussions are leaning to one group with a steering committee to make recommendations to the Board of Health.

E. The Health Department has teamed up with Spark Kindness to sponsor a community event on the evening of April 24, 2019 at the Wilson Middle School. Parents/Guardians and their Middle School age children are encouraged to attend. The event is called "Vaping & Youth: What You Need to Know. For the adults the featured speaker is Dr. Nicholas Chadi who is a Pediatric Addiction Medicine Fellow at Boston Children's Hospital, and there will be a panel discussion after his presentation. At the same time, the middle school students will have their own session facilitated by Natick High School peer leaders.

9. Dr. Lester Hartman: Ban on Mint & Menthol Tobacco Products

A number of area towns are in discussion to either ban or further limit the sale of flavored tobacco products. In April, the nine town Metrowest Health Foundation Tobacco Coalition is meeting and will review this topic. Dr. Harman was not able to attend tonight and Mr. White will try to reschedule.

10. Board Concerns

A. Public Participation Policy

The Natick School Committee approved and adopted a new Public Participation at School Committee Meetings policy. Mr. White provided a copy.

B. Flu

Laboratory reported diagnoses are down from last month and also down from this time last year.

C. General Chemical, Framingham

Mr. White reports ongoing testing. Department of Environmental Protection reporting in place, to date no contamination reported in Natick.

D. Ticks

Health Department staff participated in an educational webinar last week. Containers with informational flyers in them will be placed in high risk locations. At the Earth Day event on Sunday, April 28, 2019, Health Department staff will have a presentation and provide informational handouts.

E. Household Hazardous Waste Day is Saturday, May 4, 2019

F. Beavers

Active in Dug Pond area

G. Tiger Mosquito

Central Massachusetts Mosquito Control Project has begun baiting and testing.

H. Mr. Wong inquired about the status of the "Dog Park" which is still in litigation and "Doggie Dates" operating at 42 Leach Lane which also has a pending court case. Abutters regarding 42 Leach Lane have requested water testing but there is a question as to who is responsible for testing. Because of the pending court case it was recommended that the Board of Health not act at this time.

11. Next Meeting

The next Board of Health Meeting is scheduled for Tuesday, April 2, 2019 at which time a public hearing for the proposed adult use marijuana regulation will be held.

Respectfully submitted,



Peter A. Delli Colli, DMD, Clerk

Documents at this meeting:

Draft Minutes December 17, 2018, January 15, 2019
BOH Chpt. 26 Regulations Governing the Practice of Bodywork
BOH Chpt. 19 Regulation Restricting the Sale of Tobacco Products
Draft Memo Re: Cannabidiol-Hemp Advisory
Fletcher Tilton Attorneys at law correspondence re: Tobacco Control
Flu activity chart
Public Participation at School Committee Meetings