

Town of Southborough, MA
Meeting of the Board of Health
Wednesday, December 15, 2010

MINUTES

The meeting convened at 1:05 PM

Present were Chairman/Members Louis Fazen, III, Nancy A. Sacco, and Mary Lou Woodford, Public Health Director, Paul Pisinski, Sanitary Inspector, Dennis Costello, Public Health Nurse, Leslie Chamberlin, Recording Secretary, Joyce Macknauskas

Approval of the minutes of the October and November meetings were deferred.

The next meeting is January 5, 2011 at 1:00 PM

Public Health Director, Paul Pisinski discussed the Public Hearing scheduled for 2 o'clock. No formal hearing is necessary; however, there are steps that need to be followed in order to comply with requirements. The proposal to be discussed is to *ban the sale of tobacco products within all healthcare facilities and pharmacies in the Town of Southborough*. (A copy of the proposal is attached). Letters were sent to the three pharmacies in Town.

Paul Pisinski reviewed the Agenda for the Board Meeting with the Board. Items to be discussed include the Budget

New Business:

Proposed/Draft FY 2012 Budget:

Paul submitted the draft budget. *The BOH is requesting a cost of living and a merit increase for the Public Health Nurse. The Board requested more information as to what other non-salaried employees will be getting. Paul will get those numbers. Public Health Nurse' phone charges of \$300.00 will be added to the BOH budget, as well as an increase in instate travel due to BOH members attending regional meetings The Board approve and instructed Paul to submit the revised budget to the Town's Executive Office, as constituting the BOH proposed submission.*

The Board was advised of the need to contract a Recording Secretary. *The Board approved using the services of a Recording Secretary at Board Meetings to record, type and process Minutes. This is a contracted service and will be included as a Budgeted items in next year's budget.*

...Vote to Join/Rejoin M.A.H.B and NACCHO

The Board unanimously approved joining/rejoining the Massachusetts Association of Health Boards and the National Association of City and County Health officials

Tobacco Sales Violation (sale of cigarettes to a minor)

Shohdy Ziada, owner of Turnpike Liquors, joined the meeting. Mr. Ziada was fined for selling tobacco products to a minor. The sale was made by a former employee of Mr. Ziada. A positive identification of the employee was not able to be made because the owner received notice of the fine forty-five days after the sale and his surveillance camera does not keep videos for that long. His records indicate the person on duty at the time of the sale. That employee is no longer working at Turnpike Liquors.

Mr. Ziada showed the Board a device he has in his store to check the age of people purchasing tobacco or liquor products. The device cost him \$700.00 and has a monthly charge of \$12.00. *The Board agreed the report/fine should be made in a timely manner.* A motion was made to waive the fine; however, additional information was provided by Paul Pisinski that this was a second offense. The first offense occurred five years ago. Mr. Ziada wanted to pay the fine and also wanted the Board to know of his understanding of the serious nature of selling tobacco to minors. *In conclusion the Board motioned and unanimously agreed to lower the fine from 200.00 to \$100.00.*

“Acknowledgement of Receipt” of Conflict of Interest Law

The Board authorized Paul Pisinski to deliver the signed letters to the Town Clerk.

C. Public Hearing/Public Information Meeting Regarding the Proposed Board of Health Regulation Banning Tobacco and Tobacco Products sale in all Southborough Pharmacies

Joining the meeting were:

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|-------------------|------------------------|
| D.J. Wilson | Mass. Municipal Assn. |
| Susan Fitzgerald | MySouthborough.com |
| Kathryn Korostoff | The Community Advocate |

The four page Proposal was distributed to attendees.

Dr. Fazen explained the Proposal. Other towns (Boston in particular) have instituted such a ban. The floor was then open to attendees.

Mr. Wilson, Tobacco Control Director provided information about towns where the ban has been put into effect and those contemplating the ban. No citations or lawsuits have been filed to date. Mr. Wilson distributed seven pages of information detailing what has been happening statewide.

Susan Fitzgerald asked why ban tobacco in particular when there are other potentially harmful items being sold. Dr. Fazen discussed what tobacco does to the body - it is a cellular/physiological addiction. The pharmacy is unique people see it as a place to buy healthy products. Mr. Wilson added that seeing the cigarette display may be a trigger.

After much discussion the Board amended Page 2 of the Proposal to include “the ban will go into effect 60 days after the acceptance of the Proposal”. This will be added under Section III – Prohibitions after the first paragraph. *The Board approved this amendment unanimously. The Board then voted*

unanimously to adopt the proposed regulations which will prohibit the sale of tobacco products in all Southborough Pharmacies.

Guests departed and the Board Meeting resumed at 2:50 PM

Compliance Checks Regarding Sale of Tobacco Products to Minors

Officer Sean McCarthy joined the meeting to discuss compliance checks. He reported they were going well and reviewed the criteria for doing the checks. Officer McCarthy has been trained on the correct procedures. The Board discussed improvements to be made. Those improvements include the following: *The Board will draw up a letter. The officer will give the salesperson a copy, and the owner will receive a copy along with the \$ fine. The fine and letter will be given to the owner within 24 hours of the compliance check failure.*

Staffing

The Board signed and sent notes of appreciation to the volunteers who have been working with the BOH. The volunteers are part of the Senior Tax Work- off Program. Several volunteers have completed their commitment and have given more hours than required. However, there is a need to have coverage. *The Board agreed to ask Helene if she would be willing to work an additional day.*

REGIONALIZATION

There was much discussion on this topic. Some of the discussion included but was not limited to:
Why not?

Problems: Towns not fulfilling duties

Only 30% of Towns have done the MAHB course

On the State level Towns are not being served

On a Town level the 10 essential public health assurances are not being completed.

Nancy Sacco would like to insure Southborough continues to be served at its present level. Mary Lou Woodford explained that Southborough can apply for a 6 month planning grant to assist towns with the regionalization process. Dennis Costello posed the question "what happens after 5 years?"

Mary Lou agreed to do the Grant with everyone's input and suggested asking Town Administrators for their input.

The Board unanimously approved *inviting the Selectmen and Town Administrator's Office to the next meeting of the BOH on January 5, 2011 to discuss response for planning Grants as proposed by the Massachusetts Department of Public Health.*

The meeting was adjourned at 4:30 PM

Respectfully submitted,
Joyce Macknauskas

The above Minutes were revised and approved by the Board 1/5/2011