



City of Marlborough
BOH MINUTES 2/03/2015

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Regular meeting of the Board of Health held on Tuesday, February 3, 2015. Called to order by James Griffin, Chairman at 6:44 in Memorial Hall, City Hall, 3rd Floor.

PRESENT: James Griffin, Chairman (JG); John Curran, M.D., Vice Chair (JC); Robin Williams, Member (RW); Steven Ward Interim Public Health Director; Tina Nolin, Senior Clerk.

Administrative:

1: Minutes Review: The board reviewed the minutes of the January 6, 2015 meeting.

RW made a motion to approve the minutes of the January 6 meeting and place on file. JC seconded.
Motion carried 3-0

New Business:

2: Public Testimony related to proposed Tobacco Regulations

JG read aloud meeting protocol
15 were in the attendance / 9 gave oral testimony

Craig Hunt, Hunt's Mobil (100 Crosby Road) – Doing business in Marlborough for 31 years. Raised opposition to the proposed regulations as it will hurt business/profits by causing customers to go to other towns to buy the products and they will buy their other products at the other stores as well. These products are legal and we should be able to sell them. If the current rules and regulations are enforced and education is expanded both businesses and public will be better served. Please consider the economic impact of the regulations including jobs.

Ken Forbstein – on behalf of Drs. Hartman and Winickoff

Submitted MGH letter along with samples of Kid friendly tobacco products (flavors and e-cig)
Pro adopting the regulations. AMA, American pediatric, American Lung Assoc. favor adopting the regulations. Well within the mission of the BOH. No evidence of convenience stores going out of business due to these new 21 age laws, other towns already adopting so won't lose business this way. Listed variety of other things we do not allow 18 year olds to do: drink, gamble etc.).

Public Testimony related to proposed Tobacco Regulations cont'd

Anna Bettencourt – Verc Enterprises/Gulf Station

Opposed to regulations. Retailers know it is most important not to sell to minors – whether the law says they are under 18 or under 21. However, we graduate kids at 18 and we consider them adults. The Federal age is 18 – ask you to leave it there. More regulations are not needed. Education is more important than more regulations. If you take away single cigars at \$2.50 they will then buy a pack. Single cigars are for occasional smokers.

DJ Wilson – Mass. Municipal Association Tobacco Control Director

Pro regulations. Kids are attracted to the flavored products and have been shown to smoke more of the flavored cigars than cigarettes. These products are shown to be highly addictive and geared toward youth. No data of retail stores going out of business in towns that have adopted these policies. Submitted policies showing 148 municipalities have banned e-cigarette usage. Worcester is entertaining same “draft” minimizing pricing for cigars.

Sue Reno – Compliance Officer for Honey Farms

Opposed to regulations. Responsible retailers purchase licenses that say we will only sell to legal adults. We have had no compliance issues in years. Rather than restricting an age group, you need to put the onus on retailers to do their job. These are legal products, the government says they’re legal and retailers should be able to sell them.

Matt Le Lacheur – NESSARA – New England Service Station & Auto Repair Association

Opposed to Regulations. NESSARA and local sellers take seriously the age restriction of the current regulations and laws seriously – they live in the community, their kids go to school with the local kids. To institute the proposed age related regulations suggest we don’t trust them to do their jobs and accept their responsibilities. Sellers are losing business when you take away the single cigar purchases @ the ~\$2 rate and leave only the packs which may go for as high as \$10. People will go to other retailers in other towns to buy singles – and other products they but at the same time.

Steve Ryan – NECSA, Executive at New England Convenience Store Association

Expressed opposition to proposed age regulation. Real issue is no one wants kids to be buying these products, but this is an unregulated matter, rest of regulations are not about product, but about responsible retailing – thus an issue of compliance. Make consequences very serious for those who break the current age regulations and are not compliant, don’t change the regulation itself. Adopting them opens the opportunity for current customers to go to other towns to buy the products and ancillary purchases. The latter of which are important income to retailers.

Peter Frattarda – Alliance Energy

Expressed opposition to proposed regulation related to raising retail prices on cigars, by getting rid of single sales of cigars, raising the legal age to 21. 25% - 50% of sales are from tobacco products. Adopting these regulations will lead to double digit declines in sales – especially since there are towns nearby who do not have these same restriction. This loss of income ultimately effects jobs, store upkeep, etc. Suggested we need more education re: responsible leadership among retailers, not more or stricter regulation.

Public Testimony related to proposed Tobacco Regulations cont'd

Matt Elder – Marlborough City Councilor (Ward 3)

Told about his Mom currently dying of lung cancer related to smoking – but expressed opposition to the proposed legislation. Pointed out we allow 18 year olds to vote, go to war, etc... Suggested that these regulations may not actually lead to the desired results – ending smoking among those 18-21, end use and popularity of flavored smokes. Expressed that these regulations will serve to hurt the retailers via loss of sales and profits. Reported overall not a fan of regulation.

3: Assistant Sanitarian Monthly Report – January, 2015

Motion made to accept and place on file. Motion carried 3-0

4: Public Health Nurse Monthly Report – January, 2015

Motion made to accept and place on file. Motion carried 3-0

OLD BUSINESS

5: Update on Sully's First Edition Pub

SW gave update on Sully's First Edition Pub's Richard Sullivan of First Edition Pub – a consultant, Eric Nusbaum of Wheelright Consultants, has been hired to help with getting to compliance. The 3-bay sink is in with hot and cold running water. Walk-in is not yet up to compliance. Consultant is looking at reducing the menu to be in line with the physical limitations of the kitchen. Mr. Ward (SW) and Ms. Lee will be meeting again with Mr. Nusbaum and Mr. Sullivan on Friday (2/6). RW asked about the progress of the education piece. SW reported that did not appear to be completed. SW suggested, based on findings in next Fridays meeting, that a suspension letter be drafted that requires Mr. Sullivan to appear before the board to defend what has and has not been done regarding the issues of compliance and determine if suspension is warranted due to a failure to meet expectations.

6: Prospector (Status Update)

Hand sink has been installed.

Next BOH meeting will be held on Tuesday, February 17th at 6:30 pm.

RW motioned to adjourn; seconded by JG at 8:40 pm (Motion carried 3-0)

Respectfully submitted,



James Griffin, Chairman

Dated: February 17, 2015

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website

DOCUMENTS PERTAINING TO THIS MEETING MAY BE OBTAINED AT THE BOARD OF HEALTH OFFICE CITY HALL, LOWER LEVEL, 140 MAIN STREET. HOURS ARE 9:00 AM to 5:00 PM MONDAY THRU FRIDAY