

**CITY OF GLOUCESTER  
Board of Health  
Minutes of the Meeting  
December 6, 2012  
CATA Training Room  
3 Pond Road  
Gloucester, MA 01930**

Board members present: Chairperson: Claudia Schweitzer Vice–Chairperson: Dr. Richard Sagall, Frederick Cowan and Robert Harris. Present from the Health Department: Public Health Director: Noreen Burke; Manager of Environmental Health: Max Schenk; Food Inspector: Rosalie Nicastro. Absent: Joe Rosa.

**PUBLIC ORAL COMMUNICATION**

There was no “Public Oral Communication”.

The board continued the approval of the Minutes of the October and November meetings, since there was not a quorum of attendees from those meetings.

**MOTION** by Mr. Cowan that the Gloucester Board of Health approve the Minutes of the Meeting of September 6, 2012 as written. **Seconded** by Mr. Harris. **CARRIED**.

**HEARING TO RECEIVE PUBLIC COMMENTS IN RELATION TO THE REGULATION RESTRICTING THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS-**

*Chairperson Schweitzer* gave a brief description of the proposed restricting of tobacco and nicotine products. She stated that the regulation will enforce the prohibition of commercial roll your own machines, prohibition of the sale of tobacco and nicotine delivery products in educational institutions and prohibition of the sale of tobacco and nicotine delivery products in healthcare institutions and also a change in the roll your own definition.

*Chairperson Schweitzer* asked if there was anyone in the audience that would like to speak for the proposed regulations.

*Diane Knight* Director of the Northeast Tobacco-free Community Partnership appeared before the board in favor of the proposed tobacco regulations. She stated that she is a resource to agencies around the nation. She stated that she works in the community providing education around tobacco products. She stated that she is in support of the revisions that are being made to the regulations.

*Joan Whitney* the Director of the Healthy Gloucester Collaborative appeared before the board in favor of the proposed tobacco regulations. She stated that the survey that given to Gloucester middle and high school students has shown that Gloucester is consistently higher in underage smoking than the national averages. She stated that they also have a health promotion advocate in the emergency room that screens everyone that comes in. She stated that the risky tobacco use of those people surveyed has dropped from 64% to 50% in the past year. She stated that she supports and is very happy with the revisions proposed to the regulations.

*Joyce Redford* of the Tobacco Control Program appeared before the board in favor of the proposed tobacco regulations. She gave an overview of the regulations that the board may want to review. The board reviewed and discussed the regulations.

The board discussed the prohibition of sale of individual cigars under \$2.50 and the prohibition of blunt

**HEARING TO RECEIVE PUBLIC COMMENTS IN RELATION TO THE REGULATION RESTRICTING THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS, CON'T-**

*DJ Wilson*, attorney for the Massachusetts Municipal Association appeared before the board. He spoke about the prohibition of cigars under \$2.50 and blunt wraps. He stated that Boston passed this regulation and were sued and the city won in court. He stated that Lynn, Salem, New Bedford, and Beverly have also passed this regulation.

The board agreed to include the prohibition of blunt wraps in proposed regulation but wait to include the prohibition of cigar sales under \$2.50 until a later date.

*Chairperson Schweitzer* asked if there was anyone in the audience that would like to speak in opposition of the variances requested. There was no one.

**MOTION** by Dr. Sagall that Gloucester Board of Health adopt the inclusion of prohibiting blunt wraps, the prohibition of roll your own machines and the prohibition of the sale of tobacco and nicotine delivery products in health institutes and educational institutes as written in the memorandum sample regulations Sample G from DJ Wilson and the regulations will become effective thirty days after the regulations are passed. **Seconded** by Mr. Cowan. **CARRIED.**

The board agreed to close the public hearing and to take a vote on the proposed regulations at the January Board of Health meeting. The board thanked Ms. Redford and Mr. Wilson for their assistance.

**MANAGER ENVIRONMENTAL HEALTH, PUBLIC HEALTH DIRECTOR,  
& PUBLIC HEALTH NURSE REPORTS**

Presented by Noreen Burke, Max Schenk & Chassea Robinson

MEDICAL MARIJUANA DISPENSARY DISCUSSION- *Ms. Burke* reported that the Mayor asked that the Health Department start a discussion regarding medical marijuana. She stated that she spoke with a number of City Council members several times regarding the issue. She asked if a board member could accompany her to the City Council meeting on December 11, 2012. She stated that she would like the board to be an active participant in the issue. She stated Mr. Rosa suggested that they wait for some guidance from MDPH.

*Dr. Sagall* asked if there were any Health Department regulations regarding pharmacies. *Mr. Schenk* responded that the Health Department does not have such regulations.

*Chairperson Schweitzer* stated that she has a hard time banning something that the public voted for. She believes that it needs to be safe and there should be restrictions so it is not abused.

*Mr. Cowan* stated that it is very premature to discuss the banning of marijuana dispensaries. He stated that he would like to wait to see what regulation the legislature passes.

*Mr. Harris* stated that he agrees with Chairperson Schweitzer, and thinks that the people of Massachusetts voted for this and their job is to ensure that it is not abused and does not get out of control.

*Dr. Sagall* stated that from a health/legal point of view he doesn't see the Board of Health having much input at this point, the same way the Board of Health does not oversee the way pharmacies or liquor

MEDICAL MARIJUANA DISPENSARY DISCUSSION- *Chairperson Schweitzer* stated that she appreciates that the Mayor and the City Council is looking towards the Board of Health for an opinion on the matter.

*Joan Whitney* the Director of the Healthy Gloucester Collaborative appeared before the board. She stated that the THC levels are so much higher in marijuana today than they were years ago. She stated that they have had three meetings regarding medical marijuana. She stated that there must be a clear message to youths regarding the abuse of marijuana. She stated that they have separate medical marijuana in their coalition. She stated that there are still many questions unanswered at the state level.

*Ms. Burke* stated that she believes that the Health Department does have a role in the legalization of medical marijuana.

*DJ Wilson*, attorney for the Massachusetts Municipal Association appeared before the board. He discussed how the state is progressing with the medical marijuana regulations. He stated that the tobacco regulation does define tobacco as anything that can be combusted and inhaled.

*Dr. Sagall* stated that he would be in favor of a temporary ban to prohibit the opening of any marijuana dispensaries for 120 days from the time that the legislature passes regulation. The board agreed with that.

MOSQUITO CONTROL UPDATES- *Mr. Schenk* gave an update on mosquito control issues. He stated that on November 29, 2012 he and *Ms. Burke* attended an excellent seminar by the Mass Environmental Health Association in Dedham. He stated that a number of expert speakers were present to answer questions regarding mosquito control. He gave the board some background information on mosquito borne illnesses. He stated that West Nile virus is on the increase in mosquitoes and humans. He stated that West Nile and EEE are both becoming wider spread. He stated that there are other emergent illnesses that have been identified. He stated that the best way to stay protected from mosquito borne illnesses is personal protection, education outreach, and the use of larvicide and adulticides.

*Chairperson Schweitzer* stated that the board recommends that Gloucester join the Mosquito Control Project. *Ms. Burke* stated that she will give the Mayor the boards' recommendation

WALK BOSTON AWARD- *Ms. Burke* reported that Steve Winslow with the Get Fit Gloucester program will be receiving the Walk Boston award for making Gloucester more walker friendly.

DENTAL CENTER- *Ms. Burke* gave board members a financial analysis for the Dental Center and highlighted some of the center's finances. She stated that she is meeting with Maggie Brennen, the Director of the Gloucester Health Center to discuss the Dental Center. She stated there is a lot of work that needs to be done at the center.

BOARD OF HEALTH MEETINGS- *Ms. Burke* stated that the next Board of Health Meeting will be on January 10, 2013. *Chairperson Schweitzer* stated that elections will be on that agenda.

## **CONCERNS OF BOARD MEMBERS**

TRASH CAN AT GOOD HARBOR- *Dr. Sagall* reported that there is now a trash can at the private end of Good Harbor Beach.

FLUCELVAX- *Mr. Cowan* stated that Flucelvax was approved. It is a flu vaccine that is not cultured on eggs, so people allergic to eggs can get the vaccine.

**MOTION** by Mr. Harris to adjourn.  
Seconded by Mr. Cowan. **CARRIED.**  
**MEETING ADJOURNED – 8:20 p.m.**

Respectfully submitted,

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Bobbi Orlando

Accepted by:

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Claudia Schweitzer, Chairperson