

Winthrop Board of Health Meeting

July 7, 2022 at 6:30 pm

Harvey Hearing Room

Call to order: 6:55 pm

Roll call: Bill Schmidt, Chair; Jeanne Holgersen, Vice-Chair; Marianne Dalton, Member.

Present: Meredith Hurley, Director of Public Health and Clinical Services; Bonny Carroll, Director of the Six City Tobacco Initiative; Councillor Rob Demarco; Rose Demarco, Leslie Remis, Linda Donohue.

Review of minutes—June 14, 2022: approved unanimously 3-0.

Public hearing—black plastic regulation:

Bill clarifies that public hearings are not mandated for BOH regulations, but are held to obtain the maximum level of public input. Bill appeared before the Town Council last month to present the regulations for the Council's review as well. Notice of public hearings are advertised in the Transcript, as a courtesy to notify the public. Submission of written testimony is also allowed, in order to allow a voice for those who cannot attend the public hearing (s).

Bill presents a short overview of the Board's process of formulating the regulations, initiated by Wendy Millar-Page, Solid Waste and Recycling Manager. There are two main issues: the fact that the recycling machines are unable to detect the black plastic, making it ineligible for recycling and appropriate for trash collection only; and the fact that reheating black plastic containers poses a health risk in that carcinogens are released when heated.

Public hearing opened at 7:01 pm.

(Due to technical difficulties, Zoom participation not enabled for this meeting. All public hearings held this evening to be continued at August 9, 2022 BOH meeting.) Marianne Dalton, member, reads letter emailed to the Board of Health from Casey Goll, operator Winthrop Arms Hotel & Restaurant, per Mr Goll's request:

7/7/2022

Good evening ladies and gentlemen,

Thank you for taking the time to read this letter aloud. I want to first say thank you for all of your efforts during the COVID-19 pandemic as it was obviously a difficult time and a lot of difficult decisions had to be made. I am writing on behalf of our restaurant as well as every other restaurant in Winthrop when I say that the Board of Health should oppose this black plastic container ban. It's been brought to our attention that part of the reason for the black plastic band is because the company that services our trash cannot sort it out between other trashes and therefore is causing an issue in the sorting and disposal process. While this may be true, this doesn't sound like an issue of the town of Winthrop or any other restaurant for that matter but the actual company that takes and sorts our trash. It would be one thing if there were a uniform solution to this problem, however as it pertains to plastic, Styrofoam, or any other disposable, it seems that every municipality in the commonwealth has a different stance on different products. For example, if you go over to East Boston and order a combo from Santarpio's to take out, they give it to you in a Styrofoam container in a thin plastic bag. As it is the same over at exquisite in Revere for a taco bowl, you get the same. While it is important to note that our community is different than those, we should raise the questions. Who is taking their trash? Why does this seem to not be an issue in these communities what is an issue in ours? I won't make any assumptions but you have to circle back to the Massachusetts General Law (M.G.L.) chapter 111, section 31, that states that a "Board of Health may make reasonable health regulations. No regulation or amendment thereto which relates to the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code shall be adopted until such time as the board of health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town

once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing, or if there is no such newspaper in such city or town, then by posting notice in a conspicuous place in the city or town hall for a period of not less than fourteen days prior to the date set for such hearing.”

Furthermore, the Massachusetts general law it states that these regulations are to pertain to every day human health. So to use an example that our town used during the Covid-19 pandemic, putting a ban on diners entering restaurants in an effort to “stop the spread” pertained to everyday human health. While it was detrimental to the restaurant business as it continued to be dragged out, it was the right decision for that time period going off of the information that was available to us about the virus.

Stopping to use of plastic bags or now trying to stop the use of black plastic whether it be because of a “sorting issue” or because we’re trying to reduce our carbon footprint, is not something that is consistent with the board of health’s prior rulings and does not affect our day-to-day health in this present time. It’s this reason why this should not be adopted and the plastic bag ban should be re-considered. Let’s make sure we are staying consistent with making reasonable regulations that affect residents’ day-to-day health, and not enacting unreasonable regulations that affect our beloved small businesses day-to-day costs.

Thank you.

Bill Schmidt, Chair reports that he has responded via email to Mr Goll’s letter. He related that the regulation has not yet been finalized by the Board; that there are issues concerning the environment and the disposal of black plastic, and the issue of 14-day advance notice notice of public hearings Mr Goll cites in his letter pertains only to towns that have septic systems, not present in Winthrop.

Public hearing recessed 7:10 pm until next BOH meeting Tuesday, August 9, 2022 @ 630 pm, Harvey Hearing Room.

Public hearing—swimming pool regulation: opened 7:11 pm

Bill provides a brief summary of how the pool regulations came to be an issue in Winthrop. Al Legee, Commissioner of Inspectional Services cited an incident that occurred last year in Winthrop that suggested the need to put regulations in place for the four semi-public swimming pools in Winthrop. Using the regulations already in place in Chelsea as a framework, Bill has drafted a preliminary set of regulations, presented at the Town Council's last meeting. Tonight's public hearing gives opportunity for residents to comment on the proposed regulations, whether in-person or in written form. As previously stated, this public hearing will be recessed until the next Board of Health meeting in August.

Rose Demarco, a trustee of Seal Harbor One, is recognized. She presents the issue of providing lifeguards, one of the main tenets of the proposed regulations, as something that would be financially prohibitive for the Seal Harbor One pool. Ms Demarco cites the fact that the pool is not used extensively, and that in the past when lifeguards were utilized, they were often left guarding an empty pool, for 10 hours a day. The cost of maintaining lifeguards, which according to these regulations would mandate 2 for the capacity of the pool, as well as the current of shortage of lifeguards, would make the imposition of regulations currently proposed untenable for her group, according to Ms Demarco. She states that the trustees will be applying to the Board for a variance.

Linda Donohue, another trustee of Seal Harbor One, and Leslie Remis, a unit owner, are also present to support the issue of pursuing a variance for the pool regulations as currently written. Both Ms Donohue and Ms Remis report that the maximum number of people in the pool on any given day, not at the same time, is about 35, well below the numbers cited in the regulations requiring 2 lifeguards.

Bill clarifies that the regulations are still in draft form, and that input from the public is welcome, in order to formulate regulations suited to the Town of Winthrop. The regulations need to be in place for all four semi-public pools, and variances considered for the different pools' users.

Public hearing recessed 7:30 pm until next BOH meeting Tuesday, August 9, 2022 @ 630 pm, Harvey Hearing Room.

Tobacco sales issues: Bonny Carroll, Director of the Six City Tobacco Initiative reports that owner of Demetri Bros Liquor has been notified of the \$1000 fine. She further states that her legal team has researched the document 105 CMR, The Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems, and found a clause under Requirements for Retail Establishments, apart from the violations heading, stating in section 665.040, D “Sale of a tobacco product by a retail establishment to a person younger than 21 years old, shall result in the retail establishment being prohibited from selling tobacco products for up to 30 consecutive business days, or for a longer term as enacted, adopted, or promulgated in a rule, regulation or other measure by the appropriate and legally designated health authority of the city, town, or other legally constituted governmental unit within the Commonwealth.”

Bonny states the Six City Tobacco Initiative’s recommended penalty for the first offense is both \$1000 and a 3-day suspension, because the second offense penalty is \$2000 as well as a 7-day suspension. She is asking that the Board vote this evening to approve this penalty. Bill states that he would prefer the Board see and review the actual language of this violation prior to adding anything to the current regulations in Winthrop. This would enable the Board to add an amendment to the regulations rather than re-write them. Bonny agrees to email the language to the Board prior to the next meeting in August. She states that if the state regs are in agreement with local regs, it facilitates compliance and avoids confusion about which regulation is being applied. Bonny states that state regulations always supersede local regulations. Bill states that once the language is received from Bonny, he will then add the language to the draft, in time for voting at August’s Board meeting.

Public comment: none

Past Business:

76 Sunnyside Avenue—status: no updates

Mass DEP New Waste Disposal Bans—textiles, etc: no updates

Chickens permit—keeping of animals regulation: no updates

Board of Health town website: no updates

Board of Health workplan for FY2023: no updates

COVID-19—Town of Winthrop, Board of Health, Vaccinations, etc: Meredith Hurley, Director of Public Health and Clinical Services reports the grant for Equitable Approaches for Public Safety has been extended past June 30, allowing use of the full grant through 2023. New hires for the Health Department include a full-time, bilingual community navigator, who will be assisting with housing and identifying barriers to care.

Meredith reports there are three grants pending for the Public Health Department. The first was submitted to the state's Covid Relief Fund, to address domestic violence and sexual assault/violence. The second was submitted for a youth-focused mental health clinician to perform clinical therapy in-house for the Health Department. This is done in association with Boston Medical Center and the BEST team. No health insurance will be needed to access these services. Meredith reports the third grant will study affordable housing issues and barriers to accessing housing in Winthrop.

Meredith reports that COVID issues are waning, deaths and hospitalizations are down. Monkeypox is a rising concern for certain populations, the Health Department is monitoring.

Overlook Drive mental health incident: Meredith commends the diverse teams that worked together to bring the incident to a peaceful close. She states that her team speaking with residents post-incident was a therapeutic intervention.

Director Of Public Health And Clinical Services update, opioid issues, etc: Meredith reports an increase in services requested in the community, as well as an overdose that recently occurred. She hopes to hire a second peer recovery coach to assist the current one with the caseload, especially with detox and suicidality.

Community Health Needs Assessment: Meredith reports good response from the community. She hopes to obtain a diverse population response, to identify underserved populations and better serve their needs. She states that outreach is taking place, both via online means and paper notices, as well as outreach to the sight-impaired community.

Commissioner of Inspectional Services update: Al Legee, Commissioner of Inspectional Services, is unable to attend tonight's meeting.

258 Court Road: no updates

41 Putnam Street dumpster: pictures forwarded by Bill to fellow board members, Al reported to Bill that citations are being issued daily due to overflowing trash.

833 Shirley Street: no updates

97 Court Road: no updates

Beach water testing and closures: Testing done weekly by Inspectional Services.

Virtual restaurants: Bill emailed fellow board members an article from the Boston Globe about virtual restaurants. Virtual restaurants do not have a set place they prepare food in; they contract out to other places to cook for them, and sell it under a virtual restaurant name. Discussion ensued about whether this is an issue the Board of Health needs to address in Winthrop. Nothing decided this evening.

MRC update: no updates.

Women's Health Forum: Jeanne reports that more speakers are being booked.

Mosquitoes and ticks: Marianne reports that barrier treatments were applied recently to school grounds, except for Miller Field, which was locked and not accessible. This will be treated later in the season. Marianne reports emailing Kelsey Liakos at NEMMC asking if there was any data pertaining to residents requesting spraying this year. She will report once Kelsey replies, by the next board meeting.

Marianne will gather information and submit to the Transcript and manager's blog about tick prevention.

Schoolchildren Pesticide Bill: Bill reports email arrived from Northeast Organic Farming Association requesting that the Board endorse this initiative. Since the Board had previously agreed to support this bill, Bill will respond to the email and state the Board does endorse.

Runway safety improvement project: (non-agenda item): Bill reports that comments are accepted from the public through August 8, about Logan Airport runway safety.

Zoom continuation: Due to the technical difficulties experienced with Zoom during this meeting (and several meetings since the return of in-person meetings), a motion is made to cease Zoom utilization for all future Board of Health meetings and conduct meetings exclusively in-person. Approved unanimously, 3-0.

Jeanne mentions the possibility of having a check-in at Epidermis to ensure they are performing within the limits of their permit. More on this issue at the next meeting.

Adjournment: 8:59 pm, approved unanimously 3-0.

Respectfully submitted,

Marianne Dalton, Member