

Town of Concord  
Board of Health

Minutes of the Meeting  
March 13, 2023

PRESENT: Jill Block, MPH, Chair  
Mark Haddad, Esq.  
Kurt Herman, PG  
James Whalen, CRNA

Melanie T. Dineen, Public Health Director  
Karen Byrne, Senior Administrative Assistant

OTHERS: Dhruv Patel, 1089 Concord Tnpk; Cheryl Sbarra, Esq., MAHB (via Zoom)

The Chair opened the meeting at approximately 7:00 p.m.

**1. DISCUSSION - Proposed Tobacco Regulations**

At the last meeting, the Board of Health decided to incorporate portions of the 2020 State Tobacco Regulations into its Local Board of Health Regulation (last updated in 2014). Both regulations have been in effect since 2014 and 2020 respectively and during enforcement and inspections of the fourteen (14) licensed Tobacco Retailers in town since 2020 (anything more stringent in the State Regulation automatically becomes the standard). Local Boards of Health can adopt regulations making it more stringent than the State, but not less. After a long discussion last month, the Board asked Massachusetts Association of Health Board's Attorney Cheryl Sbarra to update the Concord regulations by incorporating the more stringent portions of the State Regulation into the Local Regulation, but maintaining items in the current version that were more stringent.

At that time, audience member Dhruv Patel, representing Concord Exxon, 1089 Concord Tnpk., voiced his displeasure with the Concord Board of Health restricting the sale of single sale cigars and felt his clientele was adversely affected - asking what made Concord so unique that it could not sell single cigars. Ms. Sbarra and Board members noted that requirement has been in effect since 2014 and it was its purview to protect the public health, not promote single sale cigar sales.

The Board noted that the updated regulation will also now be consistent with the minimum fines and penalty structure in the State Regulation. Consensus was to move forward with the updated regulation prepared by Ms. Sbarra.

Karen Byrne, Sr. Administrative Assistant will schedule the Public Hearing for the next Board meeting in April as well as notify the Tobacco Retailers and provide a copy of the proposed regulation. A Legal Notice for the Hearing shall be posted for two consecutive weeks in a local newspaper.

## **2. CHAIR & BOARD MEMBER REPORTS**

Chair Jill Block was unable to attend tomorrow's Chair Breakfast and asked if another member could do so in her place. Jim Whelan offered to go and provide a brief report.

No other reports.

## **3. PHD & STAFF MEMBER REPORTS**

PHD Dineen updated the Board on the early progress being made at the newly formed Behavioral Health Collaborative group that includes representatives from Health, Police, Fire, Library, Council on Aging, Recreation, the Town Social Worker and the School Department as it specifically relates to addressing some of the mental/behavioral health issues (self-harming, alcohol and drug use; opioid issues) that have increased significantly over the years and affect all walks of life and all age groups. Ms. Dineen said that the group was in the process of sorting out what services may overlap or where shared services and groups could help one another.

Ms. Dineen has also been working diligently with the Town Manager's Office and Chris Carmody, Coordinator for the Opioid Settlement Funds and how the above group may be able to utilize them to create programs or even assist in funding a Substance Abuse Coordinator position. This is an ongoing discussion.

Town Meeting is coming up at the end of April and the PHD noted that there were items in the Warrant that could directly affect the CBOH and Health Division and asked members (as residents) to consider supporting the acceptance of the Opioid Settlement Funds as well as a Public Health Nurse position (.75) which is crucial for the Health Division since Emerson Hospital severed ties with the Town last year after nearly 25 years of providing public health nursing services. The Town of Maynard also lost their services and are interested in a part-time nurse, so at this time, conversations to enter into an intermunicipal agreement with them has begun (which would allow the hiring of the equivalent of a full-time nurse as an employee of Concord but the budget would be supplemented by Maynard's contribution).

Another Warrant Article that will affect the Health Division if it passes is the allowance for Mobile Food Trucks in Town. Although it is a Zoning Bylaw, the Health Division staff will be responsible for inspections, issuance of permits and review of menus, proper certifications, etc.

The Public Health and Natural Resources Directors respectively are working with consultants Nancy Leland and Jon Higgins (A-pod Technology) to continue the cyanobacteria testing project for White Pond in the summer of 2023.

The PHD updated the Board on the conversion of the Best Western Motel into a shelter for one hundred people who had been relocated from Devens (including several families with children). Any child of school age will have access to a bus bringing them into Boston if they previously went to school in that area; some children will be going to Concord Public Schools. At the time of the conversion, there were nine family units already living at the facility, six remained while three opted to

find other living arrangements. Health and Building staff have visited the facility numerous times to review food safety and other life safety issues. The Fire Department has been involved as well to ensure that proper fire protection protocols are in place. It is an extremely fluid and delicate situation.

At the next Board Meeting, the Health Division staff will ask the Board to review its existing local Body Art Regulations against a newly drafted version by the Great Meadows Public Health Collaborative. The Health Division was contacted by a person interested in performing “microblading” techniques that are not included in the current Body Art Regulation.

#### **4. BOARD CALENDAR & MINUTES**

The Board reviewed and edited the February 15, 2023, minutes; the vote to approve was deferred to the April meeting.

The next meeting of the Board of Health is Monday, April 24, 2023.

#### **5. ADJOURNMENT**

The meeting adjourned at approximately 9:00 p.m.

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Signature Page

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Respectfully submitted,

Karen M. Byrne, Senior Administrative Assistant  
Concord Board of Health

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Jill Block, MPH, Chair

Mark Haddad, Esq.

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Kurt Herman, PG

James Whalen, CRNA