



CITY OF LOWELL, MASSACHUSETTS
BOARD OF HEALTH

October 2, 2019

A meeting of the Lowell Board of Health was held on Wednesday, October 2, 2019 in the Mayor's Reception Room, City Hall, 375 Merrimack St., Lowell, MA 01852. Chairwoman Jo-Ann Keegan called the meeting to order at 6:12 P.M.

Present:

Jo-Ann Keegan, RN, MSN, Chairperson
John Donovan, DC, Board Member
William Galvin, MD, Board Member
Lisa Golden, RN, MSN, Board Member
Kathleen Cullen-Lutter, RN, MSN, Board Member
Cesar Pungirum, Tobacco Control Director
Shawn Machado, Sr. Sanitary Code Inspector

10/2/2019 - Minutes

1. NEW BUSINESS

1.I. For Acceptance: Minutes of September 4, 2019 Meeting Of the Board of Health

Motion: To accept the minutes of the September 4, 2019 Meeting of the Board of Health as corrected made by William Galvin, seconded by Lisa Golden. All in favor.

1.II. For Review: Tobacco Control Monthly Report Submitted By Cesar Pungirum, Program Director Adam Ponte, Fletcher Tilton Law Firm - Boston, representing local retailers, spoke to the Board regarding the possible amendment to the Tobacco Regulations to include mint, menthol and wintergreen as excepted flavors. Attorney Ponte spoke about current lawsuits his firm has filed regarding the banning of those three flavors of tobacco.

Mr. Pungirum reviewed his report with the Board and updated them on the Summit Lounge in Worcester. Mr. Pungirum also informed the Board that he had received a call from Boston Empire regarding the sale of hemp products. Mr. Pungirum noted that Sr. Sanitary Code Inspector Shawn Machado has spoken to Development Services Director Eric Slagle regarding the issue and has been informed that Mr. Slagle will look into possible local regulations regarding the sale of hemp products.

Mr. Pungirum informed the Board of a study looking at tobacco product sales in Lowell, which has strict regulations, and the City of Malden. The study showed the impact of the regulations is quite vast. The first draft of the possible changes to the Tobacco Regulations was reviewed. Mr. Pungirum suggested 2 changes - one on page 4 regarding the characterizing of flavors, and the second on page 11 with the addition of Section P regarding the sale of e-cigarettes and component parts. This draft needs to be reviewed by the Law Department. Mr. Pungirum will attend the December meeting to update the Board.

1.III. Informational: Commonwealth Of Massachusetts Vaping Ban Effective September 24, 2019

The vaping product ban by the Commonwealth of Massachusetts was discussed. Mr. Pungirum's inspections after the Massachusetts ban was announced showed that most vendors had already removed the products and he had to issue two Cease and Desist Orders. Possible fines were discussed. Mr. Pungirum felt the Board should wait until Health & Human Services Director Kerran Vigroux received a response to her email to the Law Department on the issue. Board Member William Galvin noted that establishments violating a Cease and Desist Order should come before the Board. Mr. Pungirum noted that any regulations relative to marijuana vaping products would be overseen by the Commonwealth's Marijuana Board.

1.IV. Monthly Development Services Report Submitted By Senior Sanitary Code Inspector Shawn Machado
Senior Sanitary Code Inspector Shawn Machado reviewed the reports with the Board, as well as two emails received from the United Teachers of Lowell. Mr. Machado noted that Ocean Garden has been told they can't sell fish and Tremonte Pizza will be closed and be told to appear before the Board if there is another failed inspection. Schools with failed inspections were reviewed. Mr. Machado informed the Board that he reminded the School Department that Development Services must be notified when an Ansel system goes off and professional cleaning is required.

James Hall, Lowell School Dept. Chief of Operations, spoke to the Board regarding the ongoing repairs in the schools, as well as the carpet replacement, the Air Quality Inspection follow-up and receipt of funding for two new Area Facility Manager positions. Chairwoman Jo-Ann Keegan noted that she had spoken to Michael Feeney from Mass DPH Indoor Air Quality Control who, at School Facility Manager Rick Underwood's request, set up a follow-up inspection for October.

1.V. For Review: Monthly Trinity EMS, Inc Opioid Overdose Report
The Board accepted and placed on file.

1.VI. Informational: 2019 DLS File 19S-3487 Closed
The Board accepted and placed on file.

1.VII. Informational: City Of Lowell Employee and Retiree Flu Clinics
The Board accepted and placed on file.

2. OLD BUSINESS

2.I. Update: Service Zone Plan
No update to the Service Zone Plan is available.

3. DIRECTOR'S REPORT

3.I. Update: Departmental and Divisional Reports and Updates Submitted By HHS Director Kerran Vigroux
The Board reviewed the reports and placed on file. Member William Galvin inquired if the location of the body with the Group Strep B infection (i.e. throat, blood, etc.) matters for it to be reported as a communicable disease.

4. Motion: To Adjourn.

Motion: To adjourn at 7:27 PM made by William Galvin, seconded by John Donovan. All in favor.

**THE NEXT MEETING OF THE BOARD OF HEALTH WILL BE HELD ON NOVEMBER 6, 2019
AT 6:00 PM IN THE MAYOR'S RECEPTION ROOM**