



**MINUTES FOR THE MEETING OF THE BOARD OF THE
BOSTON PUBLIC HEALTH COMMISSION
Thursday, September 19, 2013**

A meeting of the Board of the Boston Public Health Commission (“Commission”) was held on Thursday, September 19, 2013 in the Hayes Conference Room at the Commission’s offices at 1010 Massachusetts Avenue, 2nd floor, Boston, MA 02118.

Board Members Present:

Paula Johnson, MD, MPH, Chair
Kathleen Walsh
Harold Cox
Joseph Betancourt, MD, MPH (via conference call)

Board Members Absent:

Celia Wcislo
Jack Cradock

Also Present Were:

Dr. Barbara Ferrer, John Townsend, Fatema Fazendeiro, Maia BrodyField, Kathy Hussey, Chuck Gagnon, PJ McCann, Lisa Conley, Leon Bethune, Paul Shoemaker, Gerry Thomas, Dr. Huy Nguyen, Margaret Reid, Aliza Wasserman, Brad Cohen, Tiffany Skogstrom, Eva Erlich, Kelly Cunningham, Lauren Kaskey, Natashea Winters, Josh Koppel, Nicola Giudia, and Timothy Callahan.

Proceedings:

Chairwoman’s Comments

Paula Johnson, MD, MPH

- The meeting was called to order at 4:05pm by Dr. Johnson who announced Dr. Betancourt would be participating remotely via conference call and we would begin once he was connected. After assuring Dr. Betancourt could hear us, Dr. Johnson turned the meeting over to Dr. Ferrer.

Executive Director’s Report

Barbara Ferrer, PhD, MPH, MEd

- Dr. Ferrer acknowledged the Violence Prevention coalition for their efforts in the Mattapan neighborhood. She then introduced a video produced by the residents who have been working for about a year on a social media campaign to build peace in their neighborhood. Twelve of the residents have stepped up to be leaders in their community. Dr. Ferrer thanked Pat Henderson, Multimedia Producer at BPHC for his help in producing the video.
- Dr. Ferrer stated there was a press event earlier today with Mayor Menino announcing a homeless remediation plan. The leadership team includes Beth Grand, Carol Fabyan and Jim Greene. This is the first time there will be measurable goals attached to the strategies. The Commission has been working closely with Sheila Dillon and the Department of Neighborhood Development.

- According to Dr. Ferrer, the major goal is to reduce homeless by 50% in 2014. Another key goal is prevention by stopping the pipeline into Massachusetts and Boston from other regions. The plan includes steps for training, support, economic development and housing.
- Dr. Ferrer explained that the Advisory Board for the Massachusetts Prevention and Wellness Trust Fund has had meetings with representatives from different organizations in the city that want to be part of a Boston City Response grant application. Per Dr. Ferrer, we will target the highest rates of chronic illness in the areas identified which are North Dorchester and Roxbury and craft our responses in other areas as well. She commented on the need to demonstrate a return on this investment and that we would be partnering with community health centers.
- Dr. Johnson thanked Dr. Ferrer for her report and introduced Eva Erlich, Project Manager for the Northampton Redevelopment Project.

Presentation and Discussion: Northampton Square Redevelopment, Phases I, II and III

Eva Erlich, Project Manager

Hank Keating, Vice President of Design and Construction

- Ms. Erlich noted the Campus was built between 1969 and 1973 and detailed its existing uses and conditions, noting the buildings and systems have reached the end of their lifecycles.
- Project goals as described by Ms. Erlich were addressing the capital needs of the existing housing, preserving the affordable nature, increasing the supply of mixed-income housing, making all Campus buildings more energy efficient and secure, and providing a revenue resource to BPHC.
- The proposed master plan outlined by Ms. Erlich included the addition of 11 new accessible units, a management office and mailroom at 35 Northampton. New offices will be created there for CHEC and Burial Permits. A new 24-story high rise will also be built on the Campus. Ms. Erlich indicated the garage will also be upgraded to provide for additional handicapped spaces, accessible entrances and exits and improved security features.
- Ms. Erlich explained that Phase 1 of the project is a \$21.5 million construction scope of work that basically replaces everything from new security systems to more energy efficient windows and appliances to improved accessibility.
- Phase 2 as described by Ms. Erlich is a \$10.9 million renovations at 860 Harrison Avenue similar to those at 35 Northampton. Phase Three: There will be 190-218 a mix of residential units some of which will be restricted as affordable; potential for office space on floors 4-7; new entrances and courtyard for Miranda Creamer and green roof on garage.
- Ms. Erlich spoke about the project benefits: renovation of existing housing, creation of new housing and office space and providing a minimum of \$1.5 million in revenue resources to BPHC.
- Lastly, Ms. Erlich gave a breakdown of the project schedule and the next steps. Phase 1 construction should begin this fall and be completed by December 2014. Permitting and financing for Phases 2 and 3 between now and the first half of 2014. Renovations for Phase 2 and Phase 3 should be completed by summer of 2015 and summer of 2016, respectively.
- Mr. Cox inquired as to the status of the gym staying or being eliminated at Northampton. He also noted it has been interesting to watch the project progress. Ms. Erlich responded that the gym would remain and stay under the ownership of the Boston Public Health Commission.
- Dr. Johnson thanked Ms. Erlich for her time and the update. Trinity owner Patrick Lee acknowledged Ms. Fazendeiro and Mr. Townsend for their efforts and cooperation during this extensive process which is greatly appreciated. At this time, Lisa Conley, IGR Director and PJ McCann, Assistant General Counsel were introduced by Dr. Johnson.

Presentation and Discussion: A Regulation to Ensure Safe Access to Medical Marijuana in the City of Boston

Lisa Conley, Director of Intergovernmental Relations and Public Health Advocacy

PJ McCann, Assistant General Counsel

- Ms. Conley provided a brief review and update regarding the state regulations on medical marijuana that were passed in November 2012. In January 2013, the Mayor convened a city working group. Also in January 2013, the Boston Zoning Commission passed a code amendment. DPH finalized their regulations on May 8, 2013.
- Ms. Conley explained how DPH has a two phase registration/application process. In the first phase, applications will be reviewed to ensure the applicant and business partners have sufficient finances to establish an RMD and CORI checks will be conducted on each applicant; deadline for this phase was August 22, 2013. Phase 2 will follow and be a longer, more thorough process including the review of security plans, personnel and operating procedures. The DPH expects to approve no more than 35 RMDs statewide or approximately 5 per county.
- Ms. Walsh asked if there were any specific qualifications. Ms. Conley responded not in Phase 1 financing, but there would be more in Phase II.
- Dr. Johnson inquired if there was a certain set of vendors who sell the vaporizers. Ms. Conley stated that she was not sure. Ms. Walsh wanted to know if the RMDs would also provide durable medical equipment such as canes. Ms. Conley stated the equipment can only be related to marijuana.
- Ms. Conley explained RMDs must be organized as a Massachusetts non-profit; must have one principal place of business, but may have one additional site for cultivating/manufacturing products; must have a free/low-cost marijuana program for individuals with documented hardships; must make vaporizers available for sale; must register all dispensary agents with the state; and must register with the state CORI system.
- Per Ms. Conley, RMDs must complete both phases of the registration process before being registered to operate as an RMD; must renew registration on an annual basis; inspections will be conducted by DPH on an as-needed basis to ensure compliance, but it does not preclude local inspections.
- Ms. Conley indicated RMDs may develop signage, but nothing larger than 16x18 inches and no marijuana related graphics or words; may not advertise prices; may not sell promotional or novelty items; may not sell MIPs that resemble commercially available candy; no sales unless individual has a registration card and government issued ID.
- Ms. Conley noted RMDs must have a security plan; must have perimeter, panic and failure notification alarms, must have 24-hour video recordings; must have monthly inspections of security equipment; must have adequate lighting to secure perimeter.
- Ms. Conley introduced Assistant General Counsel PJ McCann for the next segment. Mr. McCann stated BPHC regulations will mirror those of DPH. BPHC, ISD and BPD will have the authority to conduct unscheduled inspections, BPHC will conduct at least 3 per year; permit will be issued annually by BPHC and will be contingent upon compliance with all relevant state and local requirements; all agents and employees must register for a dispensary agent permit; guidelines may be issued to address more specific issues.
- Mr. McCann noted no RMD may be permitted within 500ft. of a school or similar facility; RMDs must submit a security plan for review and approval by the Commission detailing all security measures, including limitations on hours of operation and nighttime security; each RMD must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD's operating practices.

- According to Mr. McCann, RMDs must provide a plan for secure home delivery system that provides home delivery service to residents experiencing physical or financial hardship; RMDs must submit plans to provide free or reduced cost marijuana to patients with a documented financial hardship.
- Mr. McCann stated RMDs may not sell any tobacco product or nicotine delivery product, including e-cigarette cartridges or liquids that contain nicotine; applies the workplace smoking regulation provisions to marijuana and other substances.
- Mr. McCann indicated that RMDs must submit data and reports to the Commission; the issuance or renewal of a permit may be conditioned on compliance with this Regulation and any guideline, requirement or plan approval issued under this regulation; enforcement authority will be held by BPHC, ISD and BPD; penalty structure includes warnings, hearings, corrective action plans, suspensions and revocations.
- Dr. Johnson noted the Board is in agreement to have the Commission's recommendations put out for public comment. Dr. Ferrer stated we would post a public notice and arrange for a public hearing. Dr. Betancourt had concerns about the number of RMDs per county and their proximities. Mr. McCann and Dr. Ferrer explained that BPHC would control where RMDs were located and would not allow them to be all in one area. Ms. Walsh asked if there were any guidelines for testing the actual marijuana plants. Ms. Conley replied that DPH does have controls for testing the plants. Mr. Cox would like to see additional pieces that add more local control and Ms. Conley and Mr. McCann stated the DPH is supportive of local control.
- Dr. Johnson was impressed and thought it was an outstanding piece of work. Dr. Ferrer commented there was a lot of communication with other local agencies and communities to address concerns. At this time, Dr. Johnson gave the floor over to Ms. Fazendeiro.

Presentation and Discussion: Proposed Changes to Environmental Health Regulations:

Nail Salons and Wells

Fatema Fazendeiro, General Counsel

Leon Bethune, Director of Environmental Health Division

- Ms. Fazendeiro presented an overview of the proposed regulatory changes suggested by the Office of Environmental Health, namely changes to the Water Wells and Nail Salon Regulations. She thanked her colleagues for their assistance in determining the proposed amendments.
- Ms. Fazendeiro stated that the purpose of the amendments to the Water Wells Regulation is to reduce the regulatory burden for geothermal wells by exempting them from water quality testing requirements and reducing the fee structure. She noted that it is also important to retain oversight of geothermal wells to inspect and ensure they are appropriately used only for closed heating and cooling systems. Guidelines would be drafted outlining new application and permit fees for the different kinds of wells.
- Ms. Fazendeiro noted the title of the Regulation would also be amended by adding *Geothermal*.
- Ms. Fazendeiro detailed the proposed language changes and revisions to be made in the various sections of the Regulation. Ms. Fazendeiro presented a chart showing the existing and proposed fee structure that would be added to the Guidelines.
- As for the proposed amendments to the Nail Salon Regulation, Ms. Fazendeiro explained the revisions are needed to address sanitation issues that have emerged since the passage of the Nail Salon regulations. The suggested regulations will eliminate ineffective sanitization and disinfection measures and require enhanced procedures, including the use of autoclaves, will improve worker and customer safety. Currently there are 200 existing salons in the city that need to come up to code. They will have a 5-year grace period to come up to the standard regulations.
- The suggested changes include inserting definitions for "Autoclave" and "Dry Heat Sanitizers" to Section 2 Definitions of the Regulation.

- Ms. Fazendeiro also noted that the use of immersion in boiling water and ultraviolet light boxes should be removed from the list of acceptable sanitizing processes; with respect to waxing, there should be a prohibition that any substance or implement that touches one customer shall not be reused on other customers.
- Finally, Ms. Fazendeiro noted that nail salons should have a flammable storage cabinet for their productions and that a clear standard and timeline should be articulated with respect to mechanical ventilation requirements.
- Upon Board agreement, Ms. Fazendeiro stated notice would be put out that the Commission would be accepting public comments on the proposed amendments for a period of time followed by a public hearing.
- Dr. Johnson noted the Board is in agreement to have the Commission's recommendations put out for public comment. Dr. Ferrer stated we would post a public notice and arrange for a public hearing.

Acceptance and Approval of July 18, 2013 Meeting Minutes

- Dr. Johnson stated the July meeting minutes will not be approved this evening since we do not have a quorum.

Adjournment

- There being no further business before the Board, Dr. Johnson adjourned the meeting at 5:50 p.m.

Submitted by:

Kathy Hussey, Secretary