



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Charles Roux, Vice Chair
Christine Kinnon, Clerk
Kathleen M. Brothers
Phillip L. French

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES July 16, 2015

The meeting was called to order by Raymond Barry, Chairman, at 6:06 p.m. at the Tewksbury Senior Center. Present at the meeting were Charles Roux, Vice-Chairman, Christine Kinnon, Clerk, Kathleen Brothers, Phillip French, and Chris DiJulio-Cook on behalf of Lou-Ann Clement, Board of Health Director.

A) **Speaker on Synthetic Drugs – Mim Bonn, Outreach Worker Lowell Health Department**

Ms. Bonn explained that in August, 2014, the City Lowell passed an ordinance making synthetic drugs illegal in the City of Lowell. Ms. Bonn was hired by the health department through a grant from Lowell General Hospital to work on the implementation of this ordinance. Ms. Bonn explained that her work consists of two parts. The first being working on the impletion of the law through outreach to retail stores, grocery stores, liquor stores, convenience stores, and gas station mini marts. The other part is general community outreach with awareness and prevention of synthetic drugs. Ms. Bonn noted that there is grant funding within the City of Lowell for outreach workers who focus on the opiate epidemic as, in most cases; people are using more than one drug. Ms. Bonn explained that part of the thinking was to obtain funding to directly address issues that are not opiate related. The ordinance was developed in response to a growing problem as synthetic drugs are typically sold in convenience stores, gas stations, etc. The ordinance makes it illegal to possess, sell, manufacture, distribute or provide these drugs in Lowell.

Ms. Bonn noted that Mr. French had stated that new drugs keep arising and explained that this is one of the real strengths of this law as it does not try to define these drugs as Federal Law does. Ms. Bonn referenced the City of Lowell Ordinance, Section A2 which defines synthetic recreational drugs by what the intent is and explained that if someone is using something to get high and it falls broadly into these categories, then it is considered a synthetic recreational drug under this ordinance. Other municipalities are adopting this and last week New Hampshire signed into law making synthetic drugs illegal.

Ms. Bonn noted another strong point of the ordinance is Section B2. Ms. Bonn read this section aloud and noted that the drugs are often packaged and labeled “not for human consumption”. This section does not get the person “off the hook” simply because it is labeled as such.

Ms. Bonn discussed Section C2 of the ordinance regarding enforcement. Ms. Bonn noted that this section lists some of the evidentiary factors that might help determine if something is a synthetic recreational drug. From a police perspective, as well as her perspective, it is very helpful to be able to give people concrete things. The language is in the ordinance regarding this is clear.

Ms. Bonn presented to the Board what she provides to convenience stores while doing outreach and noted that there is also a slide in the presentation that is parallel to Section C2. Ms. Bonn explained that she started doing outreach to stores approximately six months after the ordinance was passed. It is Ms. Bonn’s sense that these items are not widely available in Lowell stores.

Ms. Bonn noted that one of the items that could be better defined is Paragraph 1 of Section C which lists the four departments of the branches of city government that have the authority to enforce the ordinance. Ms. Bonn feels that clearer definitions of the rolls of the branches would be helpful.

Another item Ms. Bonn noted could use some clarification is what will occur after the grant has ended in three years and whether her position will remain or if the program will be eliminated. This is something that will need to be revisited in three years.

Ms. Bonn explained that for the implementation portion she focuses on outreach. The first phase is visiting the retail locations under the different categories mentioned (convenience stores, gas stations, grocery stores, liquor stores, and other miscellaneous locations). Ms. Bonn provides the retailers with education on the law and provides information on synthetic drugs as well as hearing the retailers concerns. Ms. Bonn noted that on occasion there are younger people present at the locations who can provide her with information.

Ms. Bonn reviewed some of the different synthetic drugs that are currently a concern and explained that often time’s people do not know what is in these drugs. As a result, if medical care is needed, Doctors do not know how to treat it so it is treated based on the symptoms and they sustain the patient until the effects of the drug wear off.

Ms. Kinnon asked if the grant covers outreach outside of the City of Lowell and Ms. Bonn explained that outreach relative to the ordinance is only in Lowell as it is a Lowell ordinance; however, for the general outreach, anything that falls under the Greater Lowell Health Alliance is covered. Ms. Bonn explained that she could come to Tewksbury and speak to people. Ms. Kinnon asked if Ms. Bonn feels any of the store owners would stop selling the items without an ordinance in place and Ms. Bonn explained that she has received different feedback; some are willing to remove the items; however, there are store owners who will carry any item that there is a demand for as the profit is high. Ms. Bonn noted that the ordinance certainly makes it easier.

Ms. Brothers noted that Tewksbury would like to be on the same page as Lowell and asked if any outreach is done to the public schools in Lowell and Ms. Bonn explained that she does outreach at the Middlesex Charter School; which is a part of Middlesex Community College, however, it is a political issue to get into the schools and not something she would do on her own.

Discussion took place on what drove the issue to necessitate the ordinance. Ms. Bonn explained that when this started being discussed two years ago, bath salts were the issue and was causing bad side effects that could lead to heart attack. Ms. Bonn discussed excited delirium which is a manic condition that can be physically dangerous as well as affect body temperature by causing it to rise to a very dangerous level leading to kidney damage, brain swelling, heart attack, etc. Ms. Bonn noted that there is wording within the grant about synthetic and other drugs so that they can still focus on other problems within the frame of the grant.

Mr. French asked when the ordinance went in to effect and Ms. Bonn noted last August. Mr. French asked how many times there has been action against someone who is selling and Ms. Bonn noted none that she is aware of and also noted that many retailers have taken the items off their shelves. Ms. Bonn used blunt wrappers as an example and explained that they are illegal to sell in Lowell. When this went in to affect, most retailers stopped selling them. Ms. Bonn explained that she does not enforce the law; she educates and provides information on it and then has them sign the paper that states that they have been informed of the law. Ms. Bonn noted that she has visited 107 locations since the end of June. She started with the convenience stores and gas station mini marts and then did the grocery stores and liquor stores. Ms. Bonn noted that her sense of the liquor store owners is that the liquor license is too valuable to risk by selling these types of products.

Mr. Roux noted that he feels the law is great and that there may be a greater impact if there is a legal component included such as a statement regarding liability if they are caught and also include the penalty as it may make the retailers more aware of the consequences.

Under penalty one thing that is missing is the idea is to get the synthetic drugs off the shelf and there is nothing in there that states what the prescribed measure is for the disposal of these items and asked what the proper method of disposal is. Ms. Bonn explained that she could call the police and have them come get them and dispose of them. They will not commit to saying that they would give a free pass to anyone with these items just because they are disposing of them. She has not encountered this situation to date. Best thing would be to go to a drug kiosk. If confiscated by a police officer they would properly dispose of; have been unable to determine the best method for this. Ms. Bonn explained that taking it out of the stores could potentially put it out on the streets.

It was the consensus to contact Mr. Beauregard regarding this to obtain his feedback.

B) Old Business

Proposed amendments Chapter 1 through 3

Mr. Barry suggested tabling this item until the next meeting to allow for additional review.

MOTION: Ms. Brothers made the motion to table the proposed amendments to Chapters 1 through 3 to the next meeting; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

C) Approval of Meeting Minutes – November 20, 2014, January 15, 2015, February 19, 2015, March 19, 2015, April 16, 2015 and May 21, 2015.

Mr. Barry noted that the minutes contain his review edits and suggested handling the minutes individually.

Ms. Kinnon noted two corrections in the March 19, 2015 meeting minutes; which state “who” and should be “how”. Ms. Kinnon referenced the discussion about the Shell station on Page 4 and noted that it does not mention that Shell’s corporate policy is to fire anyone ticketed selling cigarettes to underage people and the woman felt that retraining was a better option. This language will be added to the March 19, 2015 meeting minutes.

MOTION: Ms. Kinnon made the motion to amend the March 19, 2015 meeting minutes to include the language stated above; seconded by Mr. French and the motion carried 4-0-1. Ms. Brothers did not take part in this vote as she was not present at the March 19, 2015 meeting.

Ms. Brothers noted that the minutes state “Ms. Brothers stated that for the budget they should give up on being made whole” and she does not understand this. Ms. Brothers requested striking this sentence as it is not clear. Mr. Barry suggested changing it to “a general discussion about the Board of Health’s annual stipend”. Mr. Roux explained that the discussion was about the goals and objectives of the Board of Health. One of the goals was to bring the Board on board with what they were previously receiving. As a result, the goals and objectives were revised and he did speak to the Board of Selectmen regarding this. Ms. Brothers requested striking the sentence. Mr. Barry suggested striking out the entire budget portion as it is not relevant.

MOTION: Ms. Brothers made the motion to amend the April 16, 2015 meeting minutes to strike the entire budget paragraph on Page 5; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

Ms. Brothers noted that the May 21, 2015 minutes state that 1699 Main Street was continued as the public was not noticed and suggested changing “noticed” to “notified”. Mr. Barry explained that it is a public notice. It was suggested to add a bracket to clarify this.

MOTION: Ms. Brothers made the motion to amend the May 21, 2015 meeting minutes by changing “noticed” to “notified” on Page 3; seconded by Ms. Kinnon and the motion carried 4-0-1. Mr. French did not take part in this vote as he was not present at the May 21, 2015 meeting.

MOTION: Ms. Brothers made the motion to approve November 20, 2014, January 15, 2015, February 19, 2015, March 19, 2015, April 16, 2015 and May 21, 2015 as amended; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

D) Board Member Reports

Mr. Barry noted that Ms. Clement could not be in attendance tonight; however, Chris DiJulio-Cook is present on her behalf.

The Board of Selectmen has scheduled a Special Town Meeting for Tuesday, October 6, 2015 at 7:00 p.m. at the Tewksbury High School.

Mr. Barry asked if Ms. Clement had any other items that she wanted discussed and Ms. DiJulio-Cooke noted not to her knowledge.

Ms. Brothers requested the Board move in some direction to adopt language on synthetic marijuana and suggested Ms. Clement see how other towns are handling this. Mr. Barry suggested also discussing this with Officer Jennie Welch as well as the Wellness Committee to discuss getting the schools involved in the education component. Who needs to be educated and the best way to do this would need to be determined.

E) Other Business:

Executive Session for the purpose of discussing pending litigation

MOTION: Ms. Brothers made the motion to enter into executive session for the purpose of discussing pending litigation; seconded by Mr. Roux and the motion unanimously carried 5-0.

MOTION: Ms. Brothers made the motion to come out of executive session at 8:05 p.m.; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

Adjourn

MOTION: Ms. Brothers made the motion to adjourn; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

Approved On: January 21, 2016