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# TOWN OF NORTHBOROUGH BOARD OF HEALTH

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BOARD MEMBERS PRESENT: Glenn A. French, Esq  
Theresa Capobianco, Esq  
Lisa Bennett Johnson, DHSc, MPH, RDH, CPH, MCHES

TOWN: Kristin Black, PhD, MS, Health Director  
Angie Sowden, Administrative Assistant  
Michael Seager, Health Agent

OTHER: Jake Ruzkoski, Northcourt Swim and Tennis Chairman  
Vito Colona, Professional Engineer, Connerstone Engineering  
Dave Cooley, Abutter to 36 East Main Street  
Sarah McColgan, Tobacco Control Program Director, MHOA  
John Johnson

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The Board of Health (BOH) met on **Tuesday, May 9, 2023**, in The Board of Selectmen's Meeting Room. The meeting was called to order at 6:02 pm by Chair, Glenn A. French, Esq.

## **1. Renewal of Variance Request from Lifeguard Requirement at Northcourt Pool**

Jake Ruzkoski, the Northcourt Chairman, expressed his satisfaction with the variance that was granted last year. The variance allowed the 52 members to use the pool without lifeguards present during the less busy hours. The variance waived the lifeguard requirement between the hours of 4pm to 8:30pm provided that a pool attendant who is 18 years old or older and has a current CPR certification is present and that there are no more than 10 kids in the pool. Jake Ruzkoski mentioned that there were no incidents last year and that they meet with the fire department annually to ensure safety measures are in place. A YMCA trainer was hired to train lifeguards due to the unavailability of local lifeguards. It was agreed that the responsibility for safety lies primarily with the parents and the lifeguards are secondary. The pool area is 30 x 60 feet with clear visibility and an adult must be present when children are in the pool area. The importance of children learning to swim was emphasized and swim training is offered at the Northcourt Pool and starts at age 5 and goes on to ages 12-13 with half-hour classes. Lifeguards will start on Memorial Day weekend and will work until the pool closes on Labor Day weekend. Lifeguards will be required for parties and events regardless of the hours.

MOTION: Glenn French moved to renew the variance request for the lifeguard requirement for Northcourt Swim and Tennis Association with the same terms as last year but with specific date changes. For the dates of June 22, 2023 (End of the Northborough Public School Year) to the start of the 2023-2024 Northborough Public School Year and weekends outside of the school calendar, the lifeguard requirement is waived between the hours of 4pm to 8:30pm provided that a pool attendant who is 18 years or older and current on CPR certifications is present for every 10 swimmers.

Theresa Capobianco Seconded, Motion Carried 3-0

## **2. Local Upgrade Approval Request for 36 East Main Street Septic Repair**

Vito Colona from Connerstone Engineering presented plans for the septic repair at 36 East Main Street. Discussion took place regarding the reduction in the property line setbacks from the road (10' required to 6' proposed) and the abutter at 191 Main Street (10' required to 6' proposed), as well as the setbacks from the foundation (20' required to 14' proposed). The space for the repair is limited and they have explored alternative systems but found that they need 400 sf, which they do not have. The DPW has reviewed the plans and is comfortable with the road setback. An abutter, Dave Cooley, was present and expressed his approval of the variance of the setback. Kristin Black mentioned adding a barrier to the foundation. Vito Colona said that a barrier will be added.

MOTION: Theresa Capobianco moved to approve the local upgrade approval request for 36 East Main Street as proposed with the inclusion of the deed restriction and barrier.

Lisa Bennett Johnson Seconded, Motion Carried 3-0

## **3. Public Hearing: Revision to Regulations of the Northborough Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products**

Per the last BOH meeting on April 11, 2023, the Board agreed to continue the conversation regarding updates to tobacco regulations in regard to Northborough restricting the Sale and Use of Tobacco Products and Electronic Nicotine Delivery Systems, commonly known as ENDS. Per the last meeting, Glenn French also wanted to open the discussion to retailers.

MOTION: Glenn French moved to open the public hearing.

Theresa Capobianco Seconded, Motion Carried 3-0

No retailers were present.

Michael Seager reviewed the model regulations with the Board.

Michael Seager said that there are currently 15 tobacco retailers in Northborough. Lisa Bennett Johnson proposed capping the permits in town at 15 due to the negative health effects of tobacco on the community and the wrong image it would have on school-aged children. Theresa Capobianco agreed with Lisa Bennett Johnson on capping the at 15 retailers. Glenn French expressed concerns with the cap explaining that it would be limiting businesses. Kristin Black mentioned that the town already has a cap on the amount of alcohol permits that are allowed in Northborough. Michael Seager discussed that limiting tobacco retailers has had a positive effect on youth not being able to access the products.

Michael Seager discussed regulating individual cigar sales by raising the dollar value to discourage youth from use. Sarah McColgan, Tobacco Control Program Director, confirmed a significant decrease in cigar use by minors when the value was raised.

Michael Seager proposed aligning the tobacco regulation with state laws regarding flavors, electronic cigarettes, and coupon redemption. He suggested adopting the same fine structure for violations as well. Town Council had a chance to review the regulations and recommended that local violations incur the following fines: \$100 for first violation, \$200 for second violation if it is within 24 months of the existing violation, and \$300 for three or more violations with a 24 month period.

MOTION: Theresa Capobianco moved to close the public hearing.

Glenn French Seconded, Motion Carried 3-0

MOTION: Lisa Bennett Johnson moved to accept the Regulations of the Northborough Board of Health Restricting the Sale and Use of Tobacco Products as proposed along with edits so recorded from this evening's review with an effective date of July 1, 2023.

Theresa Capobianco Seconded, Motion Carried 3-0

**4. Greater Borough Partnership for Health Update**

- Public Health Excellence (PHE) grant award increase from \$300,000 in FY23 to \$460,856.23 in FY24.

Kristin Black reported the Phase 3 assessment was completed and the performance rate was 79% which is inline with other communities. Based on the assessment results, an increase in funding for 2024 from \$300,000 to \$460,856.23 was awarded. We are awaiting further guidance and clarification regarding the additional \$160,856.23. The goal is to create a sustainable model for contract tracing, exploring digitization, create better website resources, and improve support from maternal health nurses. Suggestions and ideas for utilizing the grant will be revisited.

**5. Be Well Northborough Update**

The kick-off event is scheduled for Thursday, June 22, 2023 from 1-4pm at Ellsworth McAfee Park. The new sunscreen dispensers have already been placed at the park and will be available for the event. Volunteers are needed for the event. The event has expanded to include different clubs but not businesses or non-profits. Fun freebies will be available such as sunglasses, sunscreen, beachballs, etc.

**6. Any Other Business to Come Before the Board**

Theresa Capobianco shared positive feedback regarding the CPR/AED courses that the Health Department organized. Kristin Black explained that the goal is to continue these trainings. Kristin Black said that we have been contracted by the state to have our nurses trained as CPR/AED trainers and we will be able to purchase new dummies for the trainings. We are looking for approval on getting the high-tech dummies. The library will let us use their space at no cost and it will be a fee of \$30 for the class.

**7. Approval of March 21<sup>st</sup> and April 11<sup>th</sup> 2023 Meeting Minutes**

Postponed to next meeting.

**8. Establish a Tentative Future Meeting Date: June 13<sup>th</sup>, 2023**

Approved

MOTION: Glenn French made a motion to adjourn the meeting at 7:34pm.

Theresa Capobianco Seconded, Motion Carried 3-0

Respectfully Submitted,  
Angie Sowden  
Administrative Assistant, Health Department