

Office of the
Board of Health
City Hall
166 Boulder Drive - Suite 108
Fitchburg, Massachusetts 01420
978-829-1870

A Conference Call was held on May 14, 2020 at 4:30 pm.

Present: Stephen Curry, Director; Sandra Knipe, R.N.B.S.N.; John Bogdasarian, M.D., Chairman; Ian Murray, Board Member; Stephanie Holinko, Food Inspector; Joan Hamlett, Tobacco Control Alliance; DJ Wilson, Mass Municipal Association; Mary Jo Bohart, Economic Development; Carlos & Heather Silveras, Tryst Lounge; Attorney Ed Howard; Councilor Sam Squailia; Bill Smith, resident (IPM Plan).

Meeting Minutes Review and Approval:

Sandra Knipe made a motion to approve the May 8, 2020 conference call meeting minutes and the April 17, 2020 conference call meeting minutes. Mr. Curry stated that according to the written minutes on the April 17th meeting, Dr. B seconded his own motion. Ms. Knipe made that motion. Ian Murray made a motion to accept the April 17, 2020 meeting minutes as amended showing Ms. Knipe making the motion in the minutes. Motion was 2nd by Dr. B. All were in favor. Motion carries

COVID-19 Update:

Mr. Curry stated as of May 14, 2020 there are 538 confirmed cases of COVID-19 in the City. 350 active cases. There has been a spike in the numbers in the last 48 hours due to testing in the nursing homes including patients and employees. DPH will be involved with nursing homes to do audits. These audits at these facilities include reviewing staffing levels and DPH will assist on shortness of staffing issues. They will also assist on infection control to be sure isolation and quarantine procedures are in place to operate properly to prevent the spread of COVID-19 in the nursing homes in the city. Mr. Curry stated there is roughly 12 deaths due to COVID-19 in the City.

Order regarding Retail Food Establishments:

Mr. Curry stated Ms. Holinko, Food Inspector has put together and emergency order of the Fitchburg BOH regarding retail food establishments. Please see attached COVID-19 Order #2020-2.

Ian Murray made a motion to adopt the COVID-19 Order #2020-2. Motion was 2nd by Sandra Knipe. All were in favor. Motion carries.

Tryst Lounge-Vaping Presentation – Attorney Ed Howard Jr.:

Attorney Howard is proposing for Tryst Lounge be allowed to have a non-tobacco non nicotine vaporizing hookah device. Tryst Lounge is seeking to offer their patron use of a Veppo brand “E-hookah”. The proposed device would give the experience of smoking a hookah without combustion, and without nicotine or tobacco being involved. Patrons would experience the ability to enjoy a flavored vapor. The vapor would consist of nothing but water, food-grade flavoring, Propylene Glycol and Vegetable Glycerin.

Joan Hamlett stated for clarification the FDA has gave no approval that these are safe to be inhaled into the lungs.

Attorney Howard stated the proposed use is outside of both state and local regulations. The Veppo Hookah is non-combustible and does not contain tobacco or nicotine; therefore, it would not fall under the state or local regulation as device used for smoking. The Veppo Hookah does not rely on the vaporization of liquid or solid nicotine and therefore would fall outside of the definition of an e-cigarette per the city ordinance.

Tryst respects the intent of Fitchburg’s local ordinance with respect to banning smoking in public establishments. Tryst believes that by offering this non nicotine alternative to smoking to their clients that they will be able to continue to operate in the city while at the same time assuring that the health and wellness of patrons and employees will not be compromised. Tryst being a 21 + operation, no one under the age of 21 will be sold this product. It is critical that Tryst Lounge be able to offer this non-nicotine experience in order to remain competitive and continue operations in Fitchburg.

Mr. Wilson stated currently if you aren’t a Mass Department of Revenue approved smoking bar you cannot sell any flavored vape products. Without that approval you can’t do it. State law forbids vaping anywhere that is not an approved smoking bar. As is stands right now there are no restaurants, no nightclubs that aren’t an approved smoking bar can allow either the sale of flavored products or the use of any of these products.

After lengthy discussion, the members of the BOH asked numerous questions to Attorney Howard, DJ Wilson and Joan Hamlett it was decided that the BOH members would like additional information.

Sandra Knipe made a motion to table this issue and revisit at another meeting. Motion was 2nd by Ian Murray. All were in favor. Motion carries.

Mr. Curry stated the other items on the agenda will be addressed at the next meeting on Thursday, May 21, 2020 at 4:30pm.

Sandra Knipe made a motion to adjourn the meeting. Motion was 2nd by Ian Murray. All were in favor, motion carries-meeting adjourned at 6:30PM.