

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

An organizational meeting was held on September 4, 2019 at 5:00 pm.

Present: Stephen Curry, Director; Sandra Knipe, R.N.B.S.N.; John Bogdasarian, M.D., Chairman; Ian Murray, Board Member; Joan Hamlett, Tobacco Control Alliance; DJ Wilson, Mass Municipal Association; Attorney Ed Howard; Samuel Nieves, Tryst Lounge; Carlos Silvera, Tryst Lounge, Heather Silvera, Tryst Lounge.

Tryst Lounge - Non-Nicotine Vaping Discussion, Attorney Ed Howard, Jr.

Atty. Howard stated Tryst Lounge is seeking to offer their patrons the use of a Veppo brand “E-hookah”. This 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 (PG) and vegetable Glycerin (VG). The PG & VG are both FDA approved and generally safe for “human consumption per Title 21 ch.1, SubCh. B, Part 184.

The purposed use is outside of both state and local regulations. Fitchburg’s “Regulation Prohibits Smoking in Workplaces and Public Places” defines “smoking as (or smoke): the lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non –tobacco product designed to be combusted and inhaled”.

Atty. Howard stated 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 a device used for smoking.

Atty. Howard stated Tryst Lounge is here tonight because they are losing a lot of business to other cities and towns in the Commonwealth that have allowed similar establishments to have actual hookahs containing nicotine/tobacco. They understand and respect the Fitchburg BOH local ordinance with respect to banning smoking in public establishments. Tryst believes that 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.

Fitchburg’s “Regulation Prohibiting Smoking in Workplaces and Public Places” defines an e-cigarette as “any electronic device, not approved by the United States Food and Drug Administration, composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of fluid nicotine to the user or relies on vaporization of any liquid or solid

nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name”.

Atty. Howard described the hookah and how it works to the Board Members. Ms. Silvera stated that when patrons come into the establishment they are searched, emptying pocketbooks, bags, and also the use of a wand therefore patrons could not bring any other devices or nicotine products inside. The employees of Tryst would designate one person who would be filling the hookah and they would be the only ones allowed to operate the hookah and deliver it to the tables.

Lengthy discussion ensued with the Board of Health members, and the BOH asked numerous questions. Ms. Hamlett stated she would like to research this further.

Ms. Knipe made a motion to continue this discussion until the October meeting. Dr. Bogdasarian made a motion to table the decision regarding the allowance for a hookah bar with the inhaled apparently benign substances until there are results from studies are done and indicate that inhalation is safe and ask that those studies be provided to the Board at the next meeting so the Board can make a final decision. Ms. Knipe withdrew her motion and seconded Dr. Bogdasarian’s motion. All were in favor. Motion carries.

Approve Meeting Minutes:

Sandra Knipe made a motion to approve the June 6, 2019 meeting minutes. Motion was 2nd by Ian Murray. All were in favor. Motion carries.

Fluoride in the Fitchburg Public Water discussion:

Mr. Curry contacted the Department of Public Health Office of Oral Health however their expertise is related to fluoride & anti-fluoride arguments. Mr. Curry explained this situation to DPH that the City of Fitchburg would sell water to another city and but the city won’t accept it because of the fluoride in the water. DPH couldn’t offer any statistics related to communities with fluoridation versus communities without. Mr. Curry stated Fitchburg Public Schools have a portable dental program and the program may be willing to share the care rates at Fitchburg Schools in comparison to other schools with non-fluoridated water.

Ms. Knipe made a motion to continue this discussion at a future meeting. Motion was 2nd by Mr. Murray. All were in favor. Motion carries.

Ticket Hearing Requests:

Mr. Curry stated this hearing was requested by the property owner for the following properties however the owner is not present tonight. He is disputing \$50.00 dollar tickets for each of the three properties. The properties were ticketed for continually storing barrels at curb. The owner was issued tickets because he did not comply with the orders from the Inspector to remove the barrels. The city ordinance states barrels need to be removed from the curb within 12 hours after collection.

#7411-44 Goddard St – Fawkes Holdings, LLC

#7420-46 Goddard St – Fawkes Holding, LLC

#7414-90 Leighton St – Fawkes Holdings, LLC

Dr. Bogdasarian made a motion that Fawkes Holdings, LCC is in violation of the ordinance for storing barrels at the curb and the ticket and fines are upheld. Motion was 2nd by Ms. Knipe. All were in favor. Motion carries.

Staff Reports:

Mr. Curry presented the Public Health Nurse report for July & August, 2019.

Mr. Murray made a motion to accept the Public Health Nurse reports for July & August. Motion was 2nd by Ms. Knipe. All were in favor. Motion carries.

Mr. Curry presented the Substance Abuse Coordinator report for June, July, & August.

Ms. Knipe made a motion to accept the Substance Abuse Coordinator report for June, July, & August, 2019. Motion was 2nd by Mr. Murray. All were in favor. Motion carries.

Next meeting scheduled for October 10, 2019.

Mr. Murray made a motion to adjourn. Motion was 2nd by Ms. Knipe. All were in favor, meeting adjourned at 7:00 PM.