

**TOWN OF FRANKLIN**  
**Board of Health Minutes for January 7, 2014**

**Present at meeting:**

Bruce J. Hunchard, Chairman  
Donald Ranieri, Jr., Vice-Chair  
Philip M. Brunelli, Secretary

David McKearney, RS, Health Director  
Virginia McNeil, Health Agent  
Mary Ellen Ficco, Admin. Asst.

**Visitors present:**

Matt Tota, William Caldwell, Dr. Lester Hartman, DJ Wilson, Jack Patel, Steve Ryan,  
Kurt Cusack, John Connell, Doug Audrich, Tina Grosowsky, Michele Walker

A motion was made by Bruce Hunchard, moved by Don Ranieri and voted unanimously to accept the December 4, 2013 and December 13, 2013 minutes.

**OLD BUSINESS**

The Chairman opened the floor for old business. There was none.

**NEW BUSINESS**

The Chairman opened the floor to new business. The first item on the agenda was a public hearing for the proposed tobacco and nicotine delivery products regulation. The Board Chairman made a motion to waive a reading of the regulation, moved by Phil Brunelli, seconded by Don Ranieri, and voted unanimously by the Board.

The Health Director gave a brief synopsis of the proposed regulation which included: raising the minimum smoking age to purchase tobacco and nicotine delivery products from 18 to 21, prohibiting smoking in membership clubs, requiring a BOH sales permit, prohibit the sale of blunt wraps, self-service displays and vending machines, establish a 30' non-smoking perimeter around entrance ways accessible to the public, and regulate packaging of single sale cigars to be no less than \$2.50.

The chairman opened the discussion for any comments by the board. There was none. The chairman opened the discussion to the public.

Steve Ryan, Executive Director of New England Convenience Store Assoc., spoke on behalf of local businesses. He feels cigar pack requirements will put local businesses at a competitive disadvantage. Patrons who are shopping for milk and bread will take their business to another town that does not have these restrictions; so they can get all their needs in one place. John Connell, director of operations for Tedeschi, confirmed that 80% of cigar business is single sale.

Dr. Hartman spoke of the importance of increasing the smoking age to 21. He feels strongly that most lifetime smokers started smoking before the age of 21.

D.J. Wilson, Tobacco Control Director, MMA, provided documentation of what other towns are doing with respect to smoking age, sale of blunt wraps, electronic cigarettes and/or nicotine delivery products, minimum pricing of cigars, banned non-residential RYO machines, and requiring private clubs to be smoke free.

Jeff Nutting, Town Administrator, thanked the Board for their efforts in adopting the proposed tobacco and nicotine delivery products regulations.

Tina Grosowsky, Project Coordinator for Central MA Tobacco Free Community Partnership, spoke in favor of the Town of Franklin's pro-active approach and encouraged the Board to use her as a resource going forward.

Michele Walker, a representative from The Elks, inquired if electronic cigarettes would be allowed in her club if cigars and cigarettes were prohibited. Since the proposed regulation defines smoking to include an e-cigarette, they would not be permissible.

Kurt Cusack, Rod and Gun president, questioned how he would enforce the non-smoking regulation in his club. The Health Director said if the Health Department receives a formal complaint, then a full investigation would be done and the individual who violated the regulation will be fined.

Jack Patel, owner of Cigars & More, voiced his concern of ***Section 7.1 All humidors including, but not limited to, walk-in humidors must be locked.*** Mr. Patel stated that his customers like to touch and smell their cigar before purchasing, and to follow them with a key would appear rude and ruin the buying experience. He also stated that all customers are ID' at the door and no one under the age of 18 is allowed into the store. D.J. Wilson stated some towns have exceptions and he could provide the language to the Health Director to amend the current regulation.

Bruce Hunchard asked where the state stands on changing the smoking age. Dr. Hartman responded that the state presently has no stand. By going town to town he hoped the state would take the initiative to change the smoking age. Phil Brunelli stated that if you are 18, you are an adult and would vote on keeping the age 18. Donald Ranieri voted to keep the age at 18 and not change it to 19 because there is no data to support that it would make a difference.

The Board Chairman made a motion for the proposed smoking age; Phil Brunelli made a motion to keep it at 18, seconded by Don Ranieri and voted unanimously by the Board to keep the smoking age 18.

The Board Chairman made a motion upon receipt of appropriate language relative to cigar packaging, to require a minimum price of \$2.50 for a package of four (4) cigars. It was moved by Phil Brunelli and seconded by Don Ranieri and voted unanimously by the Board.

The Board Chairman made a motion to provide an exemption for Retail Tobacco Stores to allow self-service selections of products, provided that entry into the store is limited to

persons 18 years of age or older. It was moved by Phil Brunelli, seconded by Don Ranieri and voted unanimously by the Board.

The Board Chairman made a motion to hold a public hearing to amend the **Regulation Affecting Smoking And The Sale And Distribution Of Tobacco And Nicotine Delivery Products In The Town Of Franklin** at the next scheduled Board of Health meeting on February 4, 2014. A motion was made by Phil Brunelli and seconded by Don Ranieri and voted unanimously by the Board.

Next on the agenda was a public hearing of the proposed Septic Regulation. A motion was made by the Board Chairman to waive a public reading of the regulation. It was moved by Phil Brunelli and seconded by Don Ranieri. The Health Director gave a brief synopsis of the regulation. The proposed septic regulation prohibits the installations of systems from January 1<sup>st</sup> through April 1<sup>st</sup>, but has a provision for emergencies. The Health Director recommended approval as submitted. The Board Chairman closed the public hearing and made a motion to accept the Septic Systems and Component Installation Regulation, moved by Phil Brunelli, seconded by Don Ranieri and voted unanimously by the Board.

Next the limited site plan modification for 650 Pleasant Street was reviewed. The Board Chairman stated that no action was required by the Board.

The Limited Site Plan Modification for 15 West Central Street was the next item discussed. The Board voted to approve the limited site plan modification as submitted subject to municipal water and sewer connection, proper dumpster location and full compliance with Chapter X of the State Food Code.

Next on the agenda was the site plan for 5 Forge Parkway. The Board of Health voted to approve the plan as submitted subject to municipal water and sewer connection, proper dumpster location and full compliance with Massachusetts Medical Marijuana Law.

The last item on the agenda was the Health Director's Monthly Report for the month of December 2013. The Health Director updated the board members on the monthly inspections.

The Chairman opened the floor to other new business. Don Ranieri asked if the proposed smoking regulation would ban e-cigarettes. Since the definition of smoking includes an e-cigarette, the Health Director stated that e-cigarettes would be prohibited wherever regular cigarettes were prohibited. The Health Director commended the Board for taking an aggressive stance on smoking. It is proof that the Board uses their seats wisely, and the regulation will have long term effects. The Board chairman asked if there was any citizen's commentary. Hearing none a motion was made by Mr. Hunchard for adjournment, seconded by Mr. Ranieri and voted unanimously by the Board. The next Board of Health meeting will be on Tuesday, February 4, 2014 at 10:00 am.

Transcribed by Virginia McNeil, Health Agent for the Franklin Health Department.