

**Board of Health Minutes  
October 22, 2012**

The meeting was called to order at 7:05 p.m. Present were Thomas Klem, Chair, Michael Bean, M. D., Michael Wegerbauer and Cynthia Hill. Also present were Julia Junghanns, Director of Public Health and Patti White, Department Assistant.

7:05 p.m.           **Public Comments**

Robert Olshansky, 8 Old Farm Road- regarding the October 9<sup>th</sup> meeting and the approval of the Tripolis 40B project for the use of alternative technology

1) Regarding the ILSF- (Isolated land subject to flooding) the area in question was not shown as the correct delineation on the plans displayed at the BoH meeting. He feels that the approval was made with incomplete information.

2) The letter from Tom Perragallo, refers to soil samples and Frimpter analysis, there is no mention of the history of the neighborhood and the 2010 flooding. Mr. Olshansky is asking the Board to go back to Mr. Perragallo and inquire if the flooding of the area was significant and should it be evaluated by a specialist.

Mr. Olshansky is requesting the issue to be brought up as a future agenda discussion item.

7:10 p.m.           **Whole Foods Market 317 Boston Post Road- Food Variance**

Kate Demase; Whole Foods Store Team Leader; Jimmy Scipione, Prepared foods Team Leader and Pamela Ross-Kung, Safe Food Manager are requesting a variance (Time as a Public Health Control) to provide a local lunch destination. Whole foods is requesting the variance so they can have prepared food, such as Pizza, calzones and pigs in blankets and to allow them to sit at room temperature for a period of up to 4 hours without using a heat lamp to avoid drying out the food. The final hour that the food would be at room temperature, it would be cut and offered free as samples. Presently Whole Foods is able to have food at room temperature for a total time of 3 hours, 2 hours for sale and cut and samples for the last hour. The additional hour would allow them to be able to sell food over the longer time frame that covers extended lunch hours.

Beth Grossman, R.D., Wayland Food Inspector, updated the Board that Whole foods has removed their request to include Panini sandwiches. She feels that the team at Whole foods is handling the food process properly, and they are keeping all the proper time logs, she has no objections.

**TK: Motion to grant variance request for "Time as a Public Health Control" for Whole Foods at 317 Boston Post Rd. Second CH, Vote 4-0 all in favor**

7:20 p.m.           **Medical Marijuana- Heidi Heilman; Director of Wayland Cares**

Ballot question # 3. Ms. Heilman has provided the Board with some background information regarding Ballot question #3 and she has presented the Board with Wayland Cares Position Statement. Wayland Cares will be discussing Ballot question #3 with the Board of Selectmen at their meeting on October 29<sup>th</sup> and Ms. Heilman is asking if a member of the BOH would be present at the meeting to present the BOH's position.

Ms. Heilman has presented the board with quite a bit of information regarding possible Zoning issues with the placement of dispensaries. Dispensaries are not subject to property taxes, nor sales taxes, and Health Departments would be responsible for overseeing the dispensaries, making sure they are not selling the products to persons outside Massachusetts or to others who do not have the proper "recommendations". Licensing fees would not cover the costs associated with monitoring and regulating the locations. Polls are showing 12% drop in support of this as info is getting out to residents.

Patients and caregivers will be allowed to grow Marijuana at home. Dispensaries are magnets for crime issues and robberies. Anyone over 21 can be a "caregiver" and can own and operate a dispensary. Recommendations from Doctors (not a prescription) have no expiration, the List of conditions included ".and other needs deemed by Doctor's". Insomnia, anxiety and pain are the top three "other conditions" that are allowing patients to receive medical marijuana recommendations. There will be no monitoring of the recommendations, so they can be filled multiple times at multiple dispensaries. Recommendations can be filled with actual marijuana or food/candy products. There are no educational or certification requirements for the dispensaries.

**MW: Motion: The health and well-being of Wayland residents is of the utmost importance to the BoH, and the introduction of a potential new marijuana supply line is seen as running contrary to this aim. The BoH opposes Ballot Question #3 and urges the BoS to do the same. Second CH, all in favor 4-0**

**7:50 p.m. Wayland High School Wastewater Treatment Plant- Weston & Sampson- Compliance Coordinator Ken Nugent- Variance for testing**

Peter Kolokithas (Weston & Sampson) oversees personnel : 70 individuals and 25 operators in multiple states in New England, Kenneth Nugent (Weston & Sampson) is the data coordinator. Mr. Nugent asks the board's attention to the updated letter of request dated October 22, 2012, which supersedes the letter of October 12, 2012.

The new treatment plant at the High School has been in operation since the startup in November of 2011. The plant went to full time in January of 2012, and has been doing the sampling as required by MDPH and WBOH. The testing to date has met compliance and when not met, was adequate explanation for reasons.

Daily frequency sampling: Flows are decreased on weekends, with an average flow 2300 g.p.d., allowable flow limit is 12154 g.p.d. Due to sampling requirements, the operator must arrive on weekends, holidays, school vacations, and summers when the school is not operating at full capacity. There was no discharge but were required to do sample.

Request wording change on page 2 of the letter in package dated 10/12/12) which "says twice weekly (2X)". The letter of 10/22/12 is petitioning the Mass Dep and Wayland BoH that sampling requirements be modified from the current daily requirement to a "sample when discharging" requirement. This type of sampling would give data representative of what is actually being discharged. Sampling would be done anytime there is a discharge. The person in charge can monitor from offsite to see if there is a need to discharge and would then test and discharge. There would not be any discharge to occur without fecal coliform being tested. They are only asking for coliform testing modification. Weston & Sampson would wait to review a full 12 months of data before requesting any further modifications to the testing.

John Moynihan (Facilities Director) has come to the meeting, if the BOH and DEP approve the variance, the contract will be revisited (3 yr contract) renewable yearly. There may need to be a discussion regarding this item.

**MW: Motion to approve the request to limit coliform testing only to days where there is discharge, but no less than semi-weekly, subject DEP approval and the Town receiving a cost benefit for the testing eliminated as negotiated by the Town of Wayland Facilities Director. Second MW. Vote 4-0 all in favor.**

8:27 p.m. **Annual report-** The final draft of the FY 2012 annual report has been received and is being reviewed by the BoH.

**TK: motion to approve Annual Report contingent upon acceptance of editorial changes, second WM vote 4-0 all in favor**

**MW: Dr. Soslow to be appointed vice chair of BOH TK second vote 3-0, CH abstain:**

8:35 p.m. Continued discussions:

Regarding the upcoming Floor Drain Regulations: it has been discussed about appointing a sub-committee to review and draft Floor Drain Regulations. On the advice of Town Counsel, it doesn't appear it is needed to appoint a subcommittee. As an agent of the BoH, JJ can oversee the work.

**Motion to rescind the recommendation to appoint BOH subcommittee for researching and drafting Floor Drain Regulations: second MW. Vote 4-0 all in favor**

8: 40 pm. **Fluoride discussion... question regarding reducing the level of fluoride in Town Water**

There is a recommendation from CDC/HHS which has not yet been approved. JJ is waiting to get information from the Superintendent of the water Dept. Town Counsel : in order to reduce fluoride, we would advise the DPW as to our recommendation, requesting a "reduction in fluoride levels would not have to go through the Town Meeting process, if we were looking to remove Fluoride completely, that would require Town Meeting approval.

Mike W. has left the meeting

TK : small typo on minutes of 10-09-12 **TK: Motion to approve minutes of 10/09/12 as corrected. Second CH, vote 3-0. All in favor**

Next BoH meeting dates for November will be: Wednesday November 7<sup>th</sup> & Monday November 19<sup>th</sup>

8:50 p.m. **TK: Motion to adjourn second MB vote 3-0**

Respectfully Submitted  
Patti White  
Department Assistant  
102212minutes  
Approved070813