

BOARD OF HEALTH MINUTES  
May 27, 2015

The meeting was called to order at 7:05 p.m. present were Thomas Klem (TK) Chair, members Cynthia Hill (CH) and John Schuler, M. D. (JS). Also present were Julia Junghanns (JJ) and Patti White, Department Assistant.

7:05 p.m. **Public Comments-** Mike Lowery- BOPW sent a letter to School Dept. re order of conditions regarding drinking water. Reports were sent to the Health Department for maintenance features done in field. Mike submitted the letter to the board. NStar/Eversource are planning on the vegetation management program. 2013 BoH minutes mention that we sent a letter to NStar asking that they use Herbicides in the area of the Town Wells. JJ: state pesticide regulations (overseen by MDAR) overrule the town request. We had invited their herbicide manager to come before the board to discuss this issue in the past. ML: Nstar provides a letter each year to the BOH asking to verify records on locations of private wells. Nstar has mapped the Zone 1 and Zone 2 wells. JJ: maps are received each year showing areas in Town where they may do work/treatment. ML: Meadowview well will be put into service when the Happy Hollow well is shut down temporarily.

**Linda Segal:** She has sent information on Netherlands ban on Roundup (document in package) carcinogenic glyphosate- it is not known exactly what mixture will be used. LS spoke to BOPW and now to BOH-several years ago, the communities on the cape banded together to ask Nstar to stop using the products for a period of time and their request was heard. If we can get a group together maybe we can be heard and get answers to our questions, regarding: what are they using: what do these products really do? How do we get effect of change? There was a discussion regarding this among the board.

**7:20p.m. ACE Sushi (Asiana Cuisine Express)- Nyi Win- Franchise owner/chef and Beth Grossman- Food Inspector- Variance to food code 350.11- a specialized process to acidify rice to render it non-potentially hazardous:**

Ningyi Hu ACE regional supervisor of the chef for the new company.

Beth Grossman gave the Board some background information on the ACE sushi franchise that was formerly in the Stop and Shop in Wayland. The home office of the company in California has submitted the paperwork.

Ngi Win is a sushi chef who was previously working for AFC sushi (ohio)

CH: where is fish purchased from. HU: from company in NJ and Boston JFC frozen fish with letter of guarantee. Ngi and his wife and cousin each work in different S & S shops in the area. Looking to open June 3<sup>rd</sup>.

BG: 1) menu- spoke with corporate- fish symbol and \* needs to be the same not one of each. The symbols must match. HU it may take 3 weeks to get reprinted menus but for now they will use stickers for the menu and the packages. BG: sample of ingredient label? HU will print out labels ingredients

will be included in labels. BG: spoke with Angela in corporate, trying to get the labels correctly marked. Beth will make list of ingredient labels; previous corporate rep was to send proof of menu before printed to be sure it was correct. HU: menus have already been sent to print. New application with franchise contact information. Serve Safe and Allergen certification have been provided. BG had requested that the addition to the recipe in the HACCP plan regarding cleaning rice cooker at end of day and discard any unused rice at the end of day. Beth is also looking for Employee Illness Reporting Form. Cooling is done how? The procedure needs to be confirmed, as to exactly how the rice is cooled. A new rice test (PH) on site, there will be a preopening inspection. BG: will you be doing brown rice? Brown rice is not ph, but temperature controlled. Because of past history, everything is being watched closely.

**TK: Motion to approve the request for ACE sushi (located in Stop and Shop at 101 Andrew Ave in Town Center) for variance to food code 3502.11 a specialized process to acidify rice to render it not potentially hazardous. Permit received March 17, 2015. Second JS vote 3-0 all in favor.**

**7:40 p.m. 133 Plain Road- Shane Capron- owner- Mark Farrell- Green Hill Engineering- Variance from BOH regulations for offset to Wetlands for Septic System Repair/ Upgrade and use of Cultec Chambers for reduced square footage.**

This is a septic repair for a failing system- the property is under agreement. Green Hill Engineering has designed plans for the septic repair. The plans have been revised(received today) the leach field has been enlarged to meet the Wayland requirements and the leach field was raised 6 inches to increase the distance from ground water. The property is bordered by wetlands, while trying to keep the distance to wetlands, the leaching field is closer to the foundation.

JJ: the cultic system is a passive alternative technology to allow more square footage than a conventional septic system. The system meets Wayland Regulations of square footage for leaching (800 provided).

JJ: buoyancy calculations for the tank to be provided in separate cut sheets.

**TK: motion to approve the 3 bedroom septic system repair at 133 Plain Road with a variances from BoH regulations as follows: Offset to wetlands: Wayland Regulations are 75 feet, plans submitted 5/27/2015 have a 52 ' offset to wetlands. Offset to foundation 16' Regs. are 20 feet. Variance from property line (street) 7 feet proposed, 10 feet required. 16 foot offset from the foundation provided: a 40 mil. barrier will be included as per plan, 20 feet required by Regulations. Second CH vote 3-0 all in favor.**

**8:10 p.m. Review Fluoride Article- as provided by resident Mike Lowery**

ML is speaking as a resident and not member of the BOPW-- history- Town meeting voted to put fluoride in water, last year, the BOH voted to reduce the level of fluoride to the state allowed minimum. He has supplied documents in support of his argument. Mike is asking the Board to keep an eye on this. ML has personal feelings against adding fluoride to the water (he personally uses filters to remove fluoride from home water) He has also presented a Newsweek article regarding this issue.

Also DHHS article June/July 2015 regarding recommendations for new levels. ML also presented a “pro fluoride article” with a colored map showing which towns fluoridate, which don’t and which communities don’t have public water supplies.

JS: who monitors the fluoride levels? JJ: BOPW JS: are they monitored at regular intervals? ML: Don Millette reported to BOPW that the range is running 1.7 to 1.9. JS: they should look to setting 1.7 to set as the upper limit? TK: the board felt that the residents of Wayland have enough other sources for fluoride that they could support bringing level to the lowest recommended level of 1.7.

**8:30 p.m. 65 Sears Road- Margaret Houlding- owner- Deed Restriction for already finished basement and approval to add 5<sup>th</sup> bedroom-**

This house is presently being offered for sale. Liz Kincannon(LK)- Real estate agent/friend and Ralph Simpson/ builder have come to help offer information to help answer the questions regarding the history of the property and the finished basement.

Ralph Simpson- the house was completely constructed when it was built- basement and rooms over garage were all inspected from a building standpoint. JJ: the BOH was not in the review process for the basement and the master suite over the garage. RS: When the plans were drawn, the architect was the person to come to the Town to request the permits the plans have the rooms shown as finished.

LK: spoke with the Assessor’s office to inquire as to their records, they show it as a 4 bedroom house (12 rooms) probably not including living space below grade. The Assessor’s office had recently walked the house and they have added the 5<sup>th</sup> bedroom and have readjusted the square footage slightly.

TK: what about the septic? JJ: this was a brand new house, and the septic system was sized for new construction.

**TK: Motion to approve the request for a 5 bedroom deed restriction for 65 Sears Road. As shown on the plan dated received 5.15.15 the home has 17 rooms and will be restricted to 5 bedrooms. JS: second; vote Yes: TK, JS CH: abstain.**

**7:45 p.m. Discuss Marijuana Dispensary inquiry and plans for possible BOH/ Town Regulations.**

JJ spoke with Cheryl Sbarra (she had helped draft our Tobacco Regulations) regarding this inquiry. JJ will be contacting the General Counsel at DPH to find out how other towns in MA are handling inquiries and hopefully obtain an outline/summary of the interpretation of the state regulations. This will help answer some of our questions and understand the state’s authority/the process.

**JS: Motion to solicit advise through the Town Administrator for an Attorney regarding options to begin considering Medical Marijuana Regulations Second CH vote 3-0**

9:00 p.m. Concussion Discussion- this is being tabled for a future meeting

9:10 p.m. General Business:

The bills have been approved. The Directors Report has been reviewed

Minutes of November 17, 2014-

**TK: Motion to approved minutes to form as amended for November 17, 2014, Second CH: vote 3-0**

9:20 p.m. Ensuring open meeting law compliance;

JJ: the Open Meeting Law training will be on WayCam in the very near future. Staff will be reviewing the training to be certain that the office administration is in compliance with agenda and meeting minutes.

LS: the open meeting law has not changed. The Attorney General has a new "Guide" available on their website (Atty. General) has updated guidance and examples of specific situations that may lead to violations.

9:40 p.m. Motion to adjourn Second CH vote 3-0 all in favor

Respectfully submitted  
Patti White  
Department Assistant  
052715minutes  
APPROVED 072016