

BOARD OF HEALTH MINUTES
TOWN BUILDING 41 COCHITUATE ROAD
HEALTH DEPARTMENT OFFICE
JANUARY 3, 2017

The meeting was called to order at 7:00 p.m., present were Thomas Klem (TK) chair, Elisabeth Brewer, M. D. (EB) and Dr. Schuler. Also present were Julia Junghanns, Director of Public Health and Patti White Department Assistant. Darren MacCaughey, Sanitarian/Health Agent joined the meeting for discussion

7:00p.m. **Public Comments-** there was none

7:00 p.m. **Discuss the Recreational Marijuana Law and ATM Article for Temporary Moratorium on Recreational Marijuana Establishments**

JJ: Since the agenda was posted the State has enacted their own moratorium on dispensaries and the sale of recreational marijuana until June 2018. The state is working on getting things up and running at the state level with plans for a Cannabis Control Commission and regulations for the state as well as guidelines for locals. The Health Dept. will be involved in dealing with the sale of marijuana, but we needs to wait and see what the State is setting up.

7:20 p.m. **The meeting has moved to the Senior Center to discuss the ATM Warrant Article for Temporary Moratorium on Recreational Marijuana Establishments**

Sarkis Sarkisian: Town Counsel has recommended that the Town not do anything at this time, due to State delays with their plans to deal with the legalization of recreational marijuana. Surrounding towns—Concord and Lincoln are both proposing a moratorium for extended time (beyond the state’s moratorium), in case the state’s is rescinded for some reason. The Planning Board feels this is a BoH issue and feel they should be presenting the article.

EB: I feel we should have regulations that address where you can smoke, where you cannot , separate from the zoning regarding where the establishments can and cannot be set up.

JJ: the state is still getting their regulations together and plans to set up a Cannabis Control Commission, most towns are waiting to see how the state sets up their regulations for use and control, to decide what additional regulation may be needed on a local level.

Steve Freundlich- 62 Cochituate Rd- There is a big difference between Medical Dispensaries and Recreational Dispensaries. The state had a very long process for Medical Marijuana and it is tightly regulated by the State DPH.

Planning chair: we should go through with this additional moratorium, just in case anything changes with the state regarding their 6 month delay.

JS: I think we should go through, in case recreational will go more quickly than medical

TK: I think we should let the State moratorium hold.

Dan Hill (DH)(chair of Planning) If the state moratorium was challenged and rescinded then we could be faced with a January 2018 to start sales.

Nicole Riley- 15 Shawmut Ave Ext-: Ashland did a moratorium 4 weeks ago.

DH: The Planning Board has other articles they feel they need to focus on and would like another group to pick this up and take the lead?

Jason Verhoosky (Wayland Cares): It is my understanding that Recreational Marijuana will be regulated by the state similar to alcohol, anywhere alcohol can be sold, cannabis could be sold. Medical dispensaries can be zoned, but recreational cannot be zoned.

EB: I am in favor for extending moratorium- even 6 mos. to 1 year past the state date. Jason V: the town can extend the moratorium as far as they want. JS: we need to extend this so we can figure out if we wish to have a permanent moratorium. I think this is best for this spring meeting, to get the vote of the residents. The Youth Advisory Committee will be willing to sponsor the moratorium warrant article, they are also looking at opting out from sales as well (possibly in the future). EB: by extending the time, there might be enough set up in surrounding towns that people will not be looking to set up in Wayland.

Jason: The option to opt out has to go to a town ballot, whereas the moratorium would just be a 2/3 vote at town meeting. The Youth Advisory Committee is ready to write the warrant article. EB: we would be willing to support this effort but don't want to be the leading board.

7:45 p.m. **Discuss ATM Warrant Article: Plastic check out bag bylaw and Polystyrene Food Container Bylaw, Guest: Lead Petitioner Paul Dale (PD)**

JJ: why has the Board of Health listed as the enforcing body?

PD: BOH is being named as the enforcing body, they are other towns, where enforcement has not always been BOH, but most have the BOH listed.

TK: human health concerns? EB: what does it mean - enforcing body? JJ: we would be running it, and enforcing it.

PD: Plastic bag reduction: this would eliminate thin film single use, handled check out bags.

JS: what is the cost of alternative?

PD: the bags proposed are more expensive than the present use. Depending on the type of bag it can be between .01¢ or .04¢ per bag. As consumers start bringing their own bags; the cost of bags goes down for the business. In addition the sale of reusable bags can be a profit to the retailer.

PD: what is the cost to town? I have done outreach to other towns that have set up the ban and they report no trouble. Framingham will be banning January 1, 2018. Transition Wayland (TW) would be working with the Town, therefore there would be little or no direct expense for outreach and education. TW would handle mailing out letters to businesses explaining the bylaw, there would be time to allow merchants to ask questions and ask for assistance with change over.

JS: I don't see a Public Health issue that concerns the Board to enforce a new bylaw such as this. This is a waste reduction initiative. I feel that it should be voluntary, outreach by the volunteers to ask for compliance. Does not believe we should keep adding more regulations and bylaws. Reach out to BoPW and see if they can help out. They run the transfer station recycling center.

Janot Mendler DeSuarez, 56 Orchard Lane: a concern for health is that plastic doesn't biodegrade, this will help to remove these plastics from the waste stream.

TK: the literature makes it sound like there was a lot of voluntary compliance. How do you think this would work if there was no enforcement aspect, would the stores comply?

PD: all the large stores would comply. The bylaw is not written to require staff inspections, the public will be the ones to see the mistakes and call the Health Dept. to report misuse. The Health Dept. can decide if and when they will be out and inspect/fine.

EB: I am in favor of the ban, but I just don't think we can handle the additional burden.

JJ: I have handed out a memo regarding the two proposed bylaws. It would not be a zero cost if there is work required by Health Department staff. Inspections would be required by the Food inspector, administrative work to handle letters, outreach, also fines and collection. We did not budget for this and had requested for some additional administrative hours this year for our current workload which we are unsure if it will be approved by Fincom (this request is not being recommended by the Town Administrator to add any new town staff this year). It is difficult to determine what the cost would be but it would not be zero. The rigid polystyrene fast food containers include plastic utensils, coffee lids, hard shell containers, straws, it is very difficult to enforce as per town officials from other towns. The Health department will be facing updated state Food Code Regulations and state Recreational Camp Regulations this spring that will be requiring time for the staff to understand, implement and enforce. JJ: personally I recycle as much as I can and I support any recycling efforts. I think it would be great for the environment to reduce these items in the waste stream but don't see it as a public health issue that this board or department should have to enforce. This would be an unfunded mandate. This is a waste reduction initiative.

8:25 p.m. **Takeout Food Containers Bylaw (rigid polystyrene product)**

PD: The health issue with these containers is the suspected neurotoxins that are believed to be released with the contact with hot greasy food and/or hot coffee in a Styrofoam cup.

JS: what items can be substituted for Styrofoam? Why is Styrofoam being used? PD: Styrofoam/ polystyrene containers are the least expensive item, there is the option to use polyethylene containers, that would be a recyclable and safer option.

TK: thank you for your presentation and paperwork, but we are behind in our agenda and need to move to the next item.

8:35 p.m. **Discuss existing septic systems in Zone I's (Public Drinking Well)**

Tk: should we require that all septic systems inside Zone I should be inspected, according to Mass Dep Title 5 Regs/Guidelines?

Darren MacCaughey has joined the meeting for this discussion.

JS: Darren what does the staff recommend?

DM: pumping the system regularly would be helpful to maintain the system.

TK: I feel that the title 5 inspection would be the best way to go. The board could offer to use BoH funds to pay for a title 5 inspection to take away the financial burden from the owner. JS: we are protecting the water, the water dept. should help pay for it.

DM: is this a one shot deal to see what condition these systems are in?

TK: By doing it now, if the system is failing, we will get them started on the repair. Then we need to decide what the next step would be.

JS: does the BOH have the right to go onto the property to do title 5 inspection? JJ: Title 5 Regulations and Dep Zone I policy does give BoH's pretty broad authority.

TK: I believe we have the right, we can allow the homeowners to choose the inspector.

JJ: I will talk to town counsel and confirm the following; based on the Dep Zone 1 policy and the properties in the Zone 1's that we are taking this initiative with, that we are within proper jurisdiction and have the authority to require a Title 5 inspection. Also will check on the usage of BoH funds for the Title 5 inspections.

DM: the state code provides BoH's with the ability to order a Title 5 inspection for any reason. Yes the code states that we can require an inspection.

9:10 p.n. **Policy /discussion- Policy on use of variances to support expansion**

How to consistently look at the use of variances requested to add bedrooms or square footage over 60%.

Policy discussion Policy on use of active and passive I/A technologies

JJ: the I/A technologies have been around for a number of years, they are well used and Engineers like to be able to use them when it can be difficult to design a conventional system.

JS: what is the 60% rule? JJ: It is part of our town BoH Septic system regulations. The spirit of the regulation is to trigger an upgrade of the septic system (from an outdated system or cesspool) when an addition of over 60% is proposed.

TK: the IA policy does not discuss the difference between active and passive systems. Active innovative and alternative technology requires an operation and maintenance contract.

JJ: I would suggest we add a statement for "passive technology", passive technology doesn't require operation and maintenance; inspections, testing or monitoring.

TK: motion to approve the revised BOH policy for I/A technology use (approved by BOH on August 16, 2011, revised on April 24, 2012) Revision to refer to use of active I/A technology and exempt passive I/A tech systems that do not require O & M, contracts and testing. **Second JS: all in favor 3-0**

9:45 p.m. **Approve minutes of November 2, 2016 and November 28, 2016**

TK: motion to approve the minutes of November 2, 2016 and November 28, 2016 as submitted. Second- JS all in favor 3-0

Next meeting date January 23, 2017. EB, cannot attend this meeting.

9:55 p.m. **TK: Motion to adjourn Second JS, vote 3-0**

Respectfully submitted
Patti White
Department Assistant
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APPROVED 01302017