



BOARD OF HEALTH

# TOWN OF WESTBOROUGH MASSACHUSETTS

FORBES MUNICIPAL BUILDING  
45 WEST MAIN STREET, SUITE 25  
WESTBOROUGH, MA 01581-1916

TEL. (508) 366-3045  
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## BOARD OF HEALTH MONTHLY MEETING

Tuesday  
October 15, 2013  
Central One Federal Credit Union, 2<sup>nd</sup> Floor  
40 South Street  
5:30 p.m.

## AGENDA

1. Minutes of Meeting (9/24/2013)
2. Director's Report (September)
3. Sanitarian's Report (September)
4. Health Inspector's Report (September)
5. Old Business  
5:45 p.m. - Wayside Mobile Park - update on septic system/sewer connection project
6. New Business  
6:00 p.m. - Tobacco Regulations - Discussion
7. Director's Issues
8. Adjourn



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## Minutes of Board of Health Meeting October 15, 2013

The regular Board of Health meeting was held on Tuesday, October 15, 2013, in the Community Meeting Room on the second floor of the Credit One Federal Credit Union, 40 South Street. The meeting was called to order at 5:35 pm. by Chairman Ehrlich. Present: Members Federici and Walsh, Director McNulty, Sanitarian Baccari and Inspector Gilchrist. Bills and payroll were signed.

Minutes of the meeting held on September 24, 2013, were approved.

Director's report (September) was discussed and approved

Sanitarian's report (September) was discussed and approved.

Health Inspector's report (September) was discussed and approved.

### Old Business

**At 5:45 p.m.**, the Board prepared to meet with the Board of Directors of the Turnpike Park Cooperative to discuss the progress of the mobile home park's connection to the Town's sewer system.

Scott Knox, 165 Turnpike Road, #69, and Paul Dorr, 165 Turnpike Road, #12, approached the Board.

Mr. Dorr said he is still the president of the Turnpike Park Cooperative and submitted a *Business Entity Summary* issued from the Corporations Division of the Secretary of State's office that had Mr. Dorr listed as the president with a term expiration of November 30, 2014. He also submitted written confirmation of such from the cooperative's attorney, Thomas P. Nealon.

Mr. Knox said Mr. Dorr has control of the park's finances. The residents want to handle this in a proper matter. They are comfortable with Mr. Dorr handling the water/sewer project. Everyone wants to get that done first. He is the president-elect, but the new Board of Directors has not yet applied to the State for recognition and does not have the authority to sign checks and handle the park's finances.

Fred Forte, 165 Turnpike Road, #50, said the document from the Secretary of State's office is a forgery.

In response to a question from Chairman Ehrlich, Mr. Forte said Mr. Dorr can be the spokesperson for the water/sewer project, but he denies him the right to claim he is the president.

Cora Reardon, 165 Turnpike Road, said residents are given no information and do not know the status of the project.

Chairman Ehrlich commented he is concerned about a possible legal challenge regarding the governing situation that could jeopardize the cooperative's attempt to handle the project. The Board will have no choice but to go to court to get the work done.

Mr. Knox said he was informed by Mr. Andrew Danforth, Director of the NEROC Program, that no conventional lender will undertake financing such a project until an open and supervised election is held and establishes a democratically elected board and slate of officers.

Mr. Dorr said there will be an election in November, but we don't have a date yet.

Volanda Hernandez, 165 Turnpike Road, said she attended last month's Board of Health meeting. Mr. Dorr did not attend that meeting. She is concerned about the water and sewer problems. There is no communication.

Mr. Dorr said the membership elects the president. He has one more year left on his term.

Mr. Knox said Mr. Danforth wants an election with all new members. He wants clarity of governance before there will be any process of financing.

Chairman Ehrlich said he has concerns with the cooperative's success in obtaining funding.

Mr. Dorr said funding will be available from TD Bank beginning the first quarter of 2014.

Member Walsh said he is leaning toward asking a judge to appoint a receiver to ensure the work gets done.

Director McNulty said the park has a signed contract with Northboro Septic. Financing should be in place by February for the project to move forward. There should be some cash reserve. If the project doesn't start by March or April, it will probably be another year.

Mr. Dorr said we do have the cash.

Director McNulty said they may have the cash to get started but if they don't get the financing, the project stops.

In response to a question from Chairman Ehrlich, Director McNulty said he doesn't know what the turnaround time is on the receivership process. The Town's attorney is not here tonight. He has never been involved with a receivership before. Director McNulty will ask Town Counsel to outline the process for a court-appointed receivership.

Chairman Ehrlich asked Mr. Dorr to provide an updated letter from TD bank about the status and timeline on the financing. He also asked for a letter from Northboro Septic stating the deadline for committing to the project. The information is to be forwarded to Director McNulty before the next meeting and the information will be made public.

Director McNulty requested the information at least one week before the next meeting. The majority of information that the Board has received so far comes into the office at the last minute just before the Board meets. That gives the Board members very little time to review that information.

In response to a question from a resident of the park, Chairman Ehrlich said in receivership, a judge will make decisions regarding finances and projects.

Member Walsh commented that this is in the best interest of the park.

Discussion ended at 6:30 p.m.

### **NEW BUSINESS**

**At 6:30 p.m.**, the Board prepared to discuss proposed revisions to the existing tobacco regulations.

Sanitarian Baccari provided background and summary. The current regulations were previously revised in 2001. There have been many changes in the industry since. The State is urging towns to update their regulations to deal with these changes. There are two sets of revisions. One set restricts the sale of tobacco products and the other set prohibits smoking in public places and the workplace.

The Board reviewed the proposed changes for the sale of tobacco products. The State is urging towns to regulate the sale of electronic cigarettes (e-cigarettes) to minors and regulate them as they would for tobacco products. Electronic cigarettes would be kept behind the counter with tobacco products and sold only to buyers who show valid identification (over 18). There are some definition updates. They included the prohibition of non-residential roll-your-own machines. Compliance checks are no longer conducted three times a year. The revision would increase the second and third violation fine timeframe to 24/36 months; previous tolling period was 12 months. The State is also urging towns to prohibit the sale or distribution of cigars less than \$2.50. Minors buy the cheap cigars and hollow them out so they can be filled with marijuana.

Member Walsh questioned the definition of "cigar sales regulated". He would like the phrase "or other individual or entity" removed.

Director McNulty reminded the Board these are just suggestions and for discussion only. A public hearing will have to be held before the regulations are adopted.

After discussion, the members agreed to the following changes to the regulations restricting sale of tobacco products:

Under "Cigar Sales Regulated"

Section 1 - delete "or other individual or entity".

Under "Violations",

Section b, within "18 months" of the date and "shall" be suspended.

Section c - "18 month" period; permit "may" be revoked.

Section 2 - regulation "may" result

Section 3 - suspended "shall" be subject.

Section 4 - Board of Health "may" suspend

The Board reviewed regulations prohibiting smoking in public places. Sanitarian Baccari pointed out that e-cigarettes are also prohibited in public places. This regulation comes directly from the State's regulations. Under Section 4 - Smoking Prohibited - "smoking bars" and "retail tobacco stores" were added.

Sanitarian Baccari will make the changes to the regulations and have them ready for the Board at the next meeting.

## **DIRECTOR'S ISSUES**

It's been a busy couple of months. Since the move, there have been problems with the internet and scanning capabilities. Those issues seemed to have been resolved just this afternoon. IT Department has worked very hard.

The flu clinic is scheduled for October 22<sup>nd</sup> at the Senior Center from 1 to 4 p.m.

The Fall Town Meeting starts Monday, October 21, 2013.

There being no further business, the meeting adjourned at 7:10 p.m.

The next meeting will be held Tuesday, November 19, 2013.

Respectfully submitted,

  
Kathleen Smith