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Present: Heather M. Billings, John F. Fairbanks, Wayne R. Walker

CALL TO ORDER

Ms. Billings called the meeting to order at 6:00 p.m. in the Selectmen’s Office at Town Hall. She announced that the meeting was being recorded (not live) by Ashburnham Westminster Community Access TV. Cumberland Farms, George Barnes (Telegram & Gazette) and Brittany Mast from UMass Amherst were audio recording.

PUBLIC INPUT – PROPOSED TOBACCO BAN

Ms. Billings announced that the following was the public hearing notice given by the Board of Health of its upcoming public hearing on the proposed tobacco ban: “Notice is hereby given that a public hearing will be held at Westminster Elementary School, 9 Academy Hill Road on November 12, 2014, from 6:30 to 8:30 p.m. to hear comments relative to the proposed Board of Health regulations. Proposed policy in the draft regulations include but are not limited to the following; to prohibit the sale of tobacco products as defined in section C definition in the Town of Westminster. The Board of Health will also hold an open written comment period until December 1, 2014. Accepting written comments submitted to the Board of Health, 11 South Street, Westminster, MA 01473. A copy of the draft regulations is available on the Town website at www.westminster-ma.gov (front page under calendar, click on hearing to view regulations) and at the Board of Health office”.

BOH Chairman Andrea Crete read the rules for the public hearing. Go over procedure and encourage everyone to come to the hearing. Hearing is not a time for discussion. It is a time for people to speak and the BOH to listen. The BOH will not be answering any questions. In the meantime, the BOH asks that you adhere to the following procedures: Any resident wishing to make comments should sign in if they wish to speak (resident or business owner). Residents and local business owners will be called on to address the Board first. Before addressing the BOH you must have read the draft regulations. Everybody who has signed in will be allowed to speak once before anyone will be allowed to speak a second time. Speaking a second time will only be allowed if time permits which will be the decision of the Board of Health. When addressing the BOH you must identify yourself by name, address and any professional affiliation you may have that impacts your comment. You will need to identify the section of the draft regulation that you wish to comment on. Comments should be limited to two minutes so that other members of the audience will have a chance to speak. Please be considerate of those speaking whether you agree or disagree and refrain from commenting while they are speaking. There will be a written comment period for those unable to attend or do not wish to testify at the public hearing. Written comments will be accepted by the BOH until December 1, 2014. Written comments should be sent to the Board of Health, 11 South Street, Westminster, MA 01473. Most importantly, anyone who shows verbal disrespect to those speaking or the Board of Health will be asked to leave the public hearing.

Ms. Billings stated that the Board of Selectmen will accept public input from the audience tonight regarding the proposed ban on tobacco. She asked that all comments be respectful and kept to a maximum of two minutes. Comment period will be conducted for one hour. Please

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eliminate comments that have already been made so as to accommodate as many people as possible who would like to speak. As the chief elected officials of the Town, the Board of Selectmen recognizes the importance of this decision and will take public sentiments into consideration before adopting a formal position on the proposed ban.

When speaking, state your name and address if you are a resident or your affiliation if you are not a resident. In order to accommodate everyone, please try to limit your comments to two minutes.

Pete Normandin ~ just recently lost a brother to cancer. He feels the BOH has a very noble intention but the method is not the right method. He appreciates the intention – not the method.

Gary Richard –38 year employee of Cumberland Farms, feels it is important to hear opposition – He encouraged the Board to attend the hearing on Wednesday and speak out against it. Everyone thinks this is a crazy idea. Nice to know someone on the local level has our back. The people who are pushing this law are on the Town payroll are using the Town’s resources to enforce this. Ask K&P how you the Selectmen can stick up for the local stores and stop regulations from driving businesses out of town. But someone has to show evidence that this law will impact people’s behavior. We all admit that the Board of Health probably had good intentions but there is no rational reason that this prohibition will work especially coming from an individual town. Everyone agrees that cigarette smoking should be limited to adults and local retailers have a record of not selling to minors.

Diane Leger ~ she struggles from a disease in which she struggles to breath every single day. She wishes people would stop smoking but she could never support a ban that would hurt the local businesses. People just don’t go in to buy cigarettes; they go in to buy other food items. The stores will not only lose a percentage of tobacco sales but also a percentage of other items as well.

Bruce Seibert – 228 Ellis Road ~ 29 year resident. Tomorrow is Veterans’ Day. He is Veteran. The government included in their sea rations four cigarettes. He started smoking and smoked for seventeen years which was thirty years ago. He feels that people have the right to make their own choices. He stated he is against this ban.

Mary Kate Barrette - 218 Ellis Road – 6 year resident. As a former smoker, mother and public health professional, this is not the way to curb nicotine habits. She worked on a tobacco task force for Ohio State which collected and analyzed data across the state of Ohio. Prevention was the only way to curb nicotine habit. She feels this is a really bad move even from a public health perspective.

David McKeehan, North Central Chamber – agreed with previous speakers; feels is restraint of trade; could negatively impact economic growth.

Steve Ryan, Executive Director, Convenience Store Association – presented a petition from over 1,000 people.

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Paul Caron ~ NE Director of Wholesale Distributors a distribution network. 30 – 40% of small stores are dependent upon tobacco sales. He feels there are unintended economic situations that will harm the small stores in Westminster. They stand united to stopping the sale of tobacco products to minors and are pushing state legislation right now that would codify the prohibition of tobacco to the sale of e-cigarettes.

Joe Serio – 89 North Common Road speaking on behalf of the EDC– the Economic Development Committee would like to thank the Board of Health for attending their November meeting to discuss the proposed regulation. While they agree the proposal is noble in intent, it would be harmful to our local businesses. The mandate would force one out of six residents to shop outside of our community not only for tobacco but for the many other items one would buy. The ban would do little to deter our youth from smoking as the influence from smoking is rightfully the influence of their parents. The EDC favors an education based approach to the problem and are more than willing to work with the Board of Health to that end.

Burt Gendron – 36 Kent Road. Asking to repeal the proposed ban. If you want to make me happy pull back my taxes.

Jen Shenk – 115 East Road. She wasn't going to say anything but Joe just said that education is the approach to solve the problem. She was raised by smokers, her Grandmother died of lung cancer, and she has never smoked a cigarette in her life. She has six children and none of them smoke. She thinks it is because of the example she and her husband have set. She finds it terrifying that at these meetings they have to be told how to act and never have before at any town meetings.

Dean Johnson – Lifelong resident – Never heard of a hearing where you cannot ask questions. Address questions BOH is able to make reasonable regulations. About sanitary sewage atmospheric releases, etc. Have you had Town Counsel weigh in on this? He thinks the town may be facing a law suit. Where is this money going to come out of for legal expenses?

Denise LeBlanc - She works at Depot Package Store; afraid she will lose her job.

Douglas Ciampi – 29 Leominster Street. Morally wrong of government to do this; complete prohibition unreasonable.

Andrea Crete explained that the reason they are discouraging people from asking questions at the hearing on the 12th is because they want to get input on people's opinions and in the interest of time (6:30 to 8:30) a question and answer could very well lead into a much longer hearing. She explained that the BOH proposed draft had very little to do with adult smoking. It had a lot to do with children smoking. This has to do with the children in our community where they have access to tobacco and nicotine products. Research shows that kids that shop at stores that sell these products are 64% more likely to use them as adults compared to their peers that don't. Promoting a tobacco free community where children can grow up not having access or exposure to these products and hopefully preventing deaths in the future from these terrible products.

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Chuck Rountree of Leominster Street asked how is this proposal going to help him as a community member. He feels it is unfair – they are taking away his rights to vote on something that affects him and the community. Are you going to ban candy bars?

Ms. Crete stated that neither candy bars nor bacon kills 50% of its users. The board has no intention of banning candy bars or bacon. They do not come with a warning label like tobacco products.

Dennis Tellier ~ if this ban is approved by the BOH we will be the first municipality in the nation to do this. All sorts of opposition. Concerned about the financial cost (legal).

Zachary Silverman – 11 Waterman Lane. He’s not on board with something that doesn’t work and hurts our local businesses.

John Bowen - 110 Narrows Road it is obvious tonight that the sentiment is overwhelmingly against the regulation. He asked the BOH if this is the case on Wednesday night will the Board of Health vote against implementing this regulation. Ms. Crete responded that she felt a lot of people who are in favor of this regulation are afraid to speak out.

Jessica Mercier – 32 Main Street – Please update Board of Health minutes on the website so the public can review the prior discussion. She feels she can educate her children on her own.

Chairman Heather Billings reassured the audience that minutes of meetings are available at the Town Clerk’s office. The Board has asked all departments and boards to submit quarterly updates which will be reflected in the Board of Selectmen minutes. They have also requested that copies of all minutes be submitted to the BOS.

Cindy Vincent – 46 Edro Isle Asked if questions are emailed to the BOH will they be answered by the BOH? Ms. Crete said they should be answered. Ms. Vincent asked whether telephone and email addresses of the three BOH members would be given out. Ms. Crete indicated they cannot but all inquiries to the BOH Agent will be forwarded to the BOH members for their comments. Ms. Crete also confirmed that the BOH decision would take place at an open meeting. This meeting and agenda will be posted 48 hours in advance of the meeting.

John Rowland – 4 Partridge Hill Road – Never smoked in his life. He felt this was an arrogant policy not a well-intentioned policy. A well intentioned policy is one that would actually stop smoking. This is the most ridiculous thing he has ever heard of.

Jessica Mercier – if there were a 1,000 signatures against it would you think it is worth it?

Mary Kate Barrette - Requested that the responses to the questions asked be on the Town’s website. She would like to see the BOH resources because the statistics she has seen indicate children smoking has been reduced while adult smoking has increased.

Douglas Ciampi – speaking on behalf of an 18 year old male, the BOH telling me they don’t want to do something just makes me want to do it more.

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Jay Shenk – East Road – He thinks this is a terrible idea and doesn't want his tax dollars to have to pay for this.

Carol Urban – 5 Grassy Pond Road – She has talked to many people about this and not one of them agrees it should be passed. People think it is un-American and you are taking away out rights.

Ms. Billings thanked everyone for coming.

APPROVED WARRANTS/MINUTES

Mr. Walker moved that the Board approve the minutes of October 6, 2014 as printed. The motion was seconded and passed unanimously.

Board members reviewed and approved the following warrants:

November 3, 2014	Accounts Payable #20A	\$158,079.87
	Payroll #20B	\$179,548.00
	Deduction #20C	\$160,256.58
November 10, 2014	Accounts Payable #21A	\$ 11,617.94

REVIEW/ASSIGN SPECIAL TOWN MEETING MOTIONS

The Board, Advisory Board and Town Moderator reviewed and assigned the STM motions.

Mr. Flanagan submitted a copy of his letter of resignation from the Planning Board which he was going to submit formally to the Town Clerk.

Ed Simoncini from the Board of Health asked the Board if there was any way they could have the proposed tobacco ban be a referendum question which would require a vote from residents. The Board said it could happen but in the meantime they will wait until after the public hearing and comment period to consider alternate methods of collecting input from the public.

PAYROLL AUTHORIZATION REQUESTS:

Library

Mr. Walker moved that the Board approve a Payroll Authorization request for a part time employee to fill a vacancy created with a recent resignation. The motion was seconded and passed unanimously.

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Highway

Mr. Walker moved that the Board approve a Payroll Authorization request for a promotion from a Truck Driver/Laborer/Equipment Operator to a Special Motor Equipment Operator (filling vacancy created with retirement). The motion was seconded and passed unanimously.

Treasurer/Collector

Mr. Walker moved that the Board approve a Payroll Authorization request for a step increase for the Treasurer/Collector Administrative Assistant who has satisfactorily completed six months in the position. The motion was seconded and passed unanimously.

APPOINTMENT – OPEN SPACE COMMITTEE

Ms. Billings moved that the Board appoint Lois Luniewicz to the Open Space Committee. The motion was seconded for discussion.

Ms. Luniewicz stated that she has been on the Conservation Commission for fifteen years most of the time as Chairman, Public Health Agent for a few years, and Emergency Management. She has lived in town for 26 years, raised her son here. She loves the town and has worked really hard for the Town. In her role, she was charged with administering specific regulations and enforcing the law. While on Con Com she and six other members had to make several decisions none of which she made on her own. Not once did she ever vote against acquiring or preserving property for the Town. She stated that she always worked in the best interest of the Town to comply with regulations.

Josh Schonborg stated he used to be on another committee with Lois and valued her input and experience. He indicated that he and several other OSC members felt she would make a great addition to the Committee.

The motion did not pass; one in favor and two nays (Mr. Walker & Mr. Fairbanks)

Regarding the proposed ban on sales of tobacco, Mr. Walker stated: I personally detest smoking and tobacco as much if not more than any member of the Board of Health or any other person he can think of. In an ideal world there would be nothing better than a totally tobacco free world. That being said we do not live in an ideal world and as a member of the Board of Selectmen I am guided in my own deliberation on any issue or any matters that come before us asking myself one key question. That question is; is this course of action in the Town’s best interest. My conclusion on the proposed tobacco ban is that this would not be in the Town’s best interest. The Economic Development Committee, of which I am this Board’s representative, has recently reached out to the Board of Health to assist them in any way possible with an education based approach on the danger posed to our children and adults as well by the use of tobacco products. I believe this is a reasonable approach and urge the Board of Health to consider such an approach instead of taking the rather extreme action of totally and instantaneously prohibiting the sale of tobacco. While I certainly do support their efforts to discourage the use of tobacco products, I

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cannot support such a unilateral and radical initiative, particularly when we have heard such significant opposition from town residents and business owners.

Mr. Walker moved that the Board of Selectmen vote not to support the issuance of regulations prohibiting the sale of tobacco products in Westminster and further that we urge the Board of Health to consider less restrictive measures than a total ban on tobacco sales and that the Board offer whatever assistance in formulating an alternative approach to this issue. The motion was seconded and passed unanimously.

The Board agreed to send a letter to the Board of Health notifying them of this vote.

FY16 BUDGET LETTER

Ms. Billings explained that the budget letter and schedule follows the format of the previous years, which includes an expectation of level funding expenses wherever possible. The Capital Planning forms have been eliminated as the Capital Planning Committee has already met with the departments and has nearly completed its work for FY16.

Mr. Walker moved that the Board approve the FY16 Budget Guidelines letter to all Departments, Boards, Commissions, and Committees. The motion was seconded and passed unanimously.

CROCKER POND RULE REVISIONS

The Board agreed to postpone this agenda item until its next meeting.

7:57 P.M. ADJOURNMENT

Mr. Walker moved that the Board adjourn. The motion was seconded and passed unanimously.

Respectfully submitted,

Wayne R. Walker
Clerk
(Prepared by B. Kazan)