

Board of Health

Meeting Minutes

June 26, 2018 – 7:00 P.M.

Ashland Town Hall, 101 Main Street, Ashland, MA

Board of Selectmen Meeting Room

*Jon Fetherston, Chairman
Diane Mortensen, Vice Chairman
Mark Oram, Agent/Director*

*Chris Daniele, Clerk
Ronald Etskovitz, Member
Koduvayur Narayana, Member*

Members Present:

Jon Fetherston, Diane Mortensen Chris Daniele, Ronald Etskovitz and Koduvayur Narayana

Others Present:

Mark Oram, Health Agent/Director
Laura Clifford, Administrative Secretary
Mark Dassoni, Resident
Lyn Moraghan, Fire Captain
Cece Doucette, Resident
Lorianne Gaied, Clocktown Liquors
Joseph Gaied, Ashland Convenience Store
Attorney Jerry Effren, Representing The Green Company
David Caligaris, The Green Company, The Lanterns

Call to Order

Mr. Fetherston called the meeting to order at 7:02 and noted that the meeting was being taped and broadcast live by WACA-TV.

Citizen's Participation

Mark Dassoni said he watched the replay of the May 31st Board of Health meeting and stated it was a professional meeting and thanked Ms. Mortensen for being honest and transparent, and Mr. Etskovitz for being a great Chairman.

The Board agreed to move the Camp Bailout item up on the agenda to allow Captain Lyn Moraghan to return to work. Mr. Narayana made a motion to accept 11B as the first item on the agenda. Ms. Mortensen seconded the motion. The motion was approved 5-0.

Acceptance of State form for "Camp Bailout" disclosure form for program versus camp use

Mr. Oram explained that when Camp Bailout began eight years ago, it used the word "Camp", unaware that in Massachusetts only a recreational camp can be called a camp, unless the Board of Health votes to approve the use of a disclaimer in their camp forms. The disclaimer would indicate that there is no assignment of a camp director or health professional. Mr. Oram recommended the Board approve this disclosure form based on the history of the program and due to it being run by Firefighters and EMT's. Captain Moraghan discussed the benefits to young women who have gone through the program, such as developing leadership skills and confidence building. Mr. Daniele read aloud the disclaimer. Mr. Narayana made a motion to grant the requested waiver for this entity for the duration of the program with any changes being advised to the Health Agent and the Board. Ms. Mortensen seconded the motion. The motion was approved 5-0. Captain Moraghan thanked Mr. Oram for bringing this forward, and thanked the Board.

Cece Doucette for Electro Magnetic Fields

Cece Doucette thanked the Board for the opportunity to share information regarding electro-magnetic fields and the risks she believes they bring. Ms. Doucette gave an overview of her background, and how she came about learning about the potential biological harm of wireless radiation. Ms. Doucette discussed the IEEE 2016 report which she stated uncovered biological effects, such as radical concentration and cancer cell growth, other studies have shown increase of autism, electro hypersensitivity, brain tumors, Alzheimer's, and other health issues. Ms. Doucette reviewed various studies and findings; Ms. Doucette believes it is urgent to get this information out to the public. Ms. Doucette noted that it does not affect everyone who is affected the same. Ms. Doucette distributed packets to the Board Members containing information and links to the studies.

Clocktown Liquors – Review of Sale of Tobacco to Minor

Lorianne and Joseph Gaied introduced themselves. Mr. Oram reviewed the details that occurred during the sale of tobacco. Mr. Oram noted they have paid the \$300 fine and stated the next sale could be more detrimental to their business. Ms. Gaied explained that the clerk was a brand new hire who they had just finished training and the clerk did not ask for an ID. The manager was in the cooler at the time of the sale. Mr. Fetherston stated, as a policy, they should card everyone. Mr. Oram noted that there will be a train-the-trainer event on July 25th at Town Hall, which will cover many topics that will help managers train their employees. Mr. Oram reviewed the penalties if there were subsequent violations. Mr. Gaied discussed the possibility of the Board of Health requiring training for anyone who sells tobacco, or have the employee come to the Town Hall to sign a paper. Mr. Oram and Ms. Mortensen discussed a form that had been used previously in which tobacco vendors would sign that they have read and understand the regulations. Mr. Narayana noted that MAHB Attorney Cheryl Sbarra had told the Board previously that vendors must use these types of forms internally, so as not to put any liability on the Town. Mr. Narayana suggested they could create their own form for the employees. Mr. Etskovitz noted that unless there is a 'card everyone' policy, slip ups can happen, and suggested using the cash registers that do not allow the sale to go through. Mr. Daniele stated that a firm policy where everyone gets carded will keep her business safe. Mr. Oram suggested doing their own comprehensive inspections as well. Ms. Gaied thanked the Board.

Lanterns at Warren Woods – Pool Lifeguard Waiver Request

Attorney Effren explained this is a request for a waiver from the requirement of a lifeguard at The Lanterns, this requirement has been imposed on the other two public pools in Ashland. Attorney Effren discussed how The Lanterns differs from the other two pools, which are rental communities. The Lanterns is an Over 55 Community and each home is privately owned and owner occupied; every person has signed and is in support of the request to have no lifeguard at the pool at The Lanterns. Attorney Effren said they did a study and they could not find another case of this type of community requiring a pool. Attorney Effren noted that the pool is currently running with a lifeguard but would like the Board to review and take action accordingly. Mr. Caligaris, President and Director of the homeowner's association, noted the cost of a lifeguard and the scheduling can make things difficult; adding that use of the pool is not that high, the pool is under four feet deep and there is a locked gate with key code. Mr. Oram read a portion of the regulations which give the Board of Health discretion and it may take into consideration the size and capacity of the pool which, he noted, are limited. Mr. Oram discussed Section 21 of the regulations which requires a Certified Pool Operator and Supervisor; Mr. Caligaris explained that there is a company they use who will do weekly testing. The Board discussed allowing an annual or seasonal waiver; Mr. Caligaris would like at some point this to be permanent. Ms. Mortensen made a motion to grant a waiver from 105 CMR 435.23 to the Lanterns at Warrens Woods Condo Association from the lifeguard requirement as long as all other requirements are met in the Code, expiring December 31, 2018 with the condition the lifeguard remains in place until proper signage and inspections are complete. Mr. Narayana seconded the motion. The motion was approved 5-0.

Review and consider Open Meeting Law Complaint dated 5/31/2018, filed by Stephen Morgan regarding 5/31/2018 meeting.

Mr. Fetherston inquired if all Members had a chance to review the Response created by Attorney Feodoroff. Mr. Fetherston reviewed the Response. Mr. Etskovitz made a motion to accept Town Counsel's Open

Meeting Law Response to the Open Meeting Law Complaint as written. Ms. Mortensen seconded the motion. The motion was approved 5-0.

Review and consider Open Meeting Law Complaint dated 6/20/2018, filed by Judith Margulies regarding adoption of meeting minutes from 5/1/2018 at 5/22/2018 meeting.

Mr. Fetherston reviewed the Response. Mr. Daniele made a motion to take the corrective action mentioned on page 2 of the Response, to correct the vote and accept the recommendation as written. Ms. Mortensen seconded the motion. The Board reviewed and confirmed that all the documents in the 307 page complaint are on file in the Board of Health office. Mr. Narayana will provide a copy of the chokesaver document to the office. The Board continued discussion and reviewed each of documents referenced in the Complaint. Mr. Daniele restated his motion that we make the suggested correction to the minutes to reflect the 4-0-1 vote as indicated on page 2 of Attorney Feodoroff's reply, and we accept the reply as written. Ms. Mortensen seconded the motion. The motion was approved 5-0. The Board agreed to approve the revised May 1, 2018 minutes at the next meeting.

Board Goals / Projects

The Board discussed their individual and group goals and projects. Mr. Narayana and Mr. Daniele will continue to work together on the Food Permit application and the food inspection software. Board Members discussed working together on holding a parent/student discussion on the harmful effects of juuling and vaping, despite it being portrayed as a safer alternative to smoking. Mr. Daniele suggested working with Decisions at Every Turn and the Board of Health being a co-sponsor of the event. Mr. Etskovitz is also interested in learning more about wireless radiation as discussed earlier by Cece Doucette. Mr. Daniele offered to be liaison between the Board and Mr. Oram and Paul Carpenter in enhancing the online food permitting process. Ms. Mortensen would like to see the Board be more of a presence in the community and possibly offer programs. Ms. Mortensen also offered to review the current Board of Health regulations, to determine if there is a need for any to be updated. Mr. Fetherston noted that vaping and juuling should be on the next agenda and discussed a public event in the late summer/early fall. Mr. Fetherston also noted that Nyanza continues to be a topic of interest and would like to do a Nyanza review. Mr. Fetherston discussed how Narcan is keeping down the number of opioid overdoses but the Board should remain proactive on this subject. Mr. Fetherston inquired if budget-wise, we have everything we need to be a proactive Board and whether we need to revisit the idea of meeting with FinCom. Ms. Mortensen discussed helping staff by attending meetings and providing follow up to the Board. Mr. Fetherston will develop a Board's goals chart.

KG Narayana, Medical Marijuana Dispensary discussion

Mr. Narayana inquired as to whether the Board could invite the medical marijuana company, Trichome, to attend a Board of Health meeting to allow citizens an opportunity to hear from the company representatives. Ms. Mortensen noted that Trichome is scheduled to attend another Board of Selectmen meeting, it is currently in their hands. Mr. Daniele discussed the email received from Amy Turncliff which expressed her concern, and that this email should be part of the minutes. Mr. Etskovitz agreed that the issue of Trichome attending a Board of Health meeting had been brought up previously and we were respectfully asked to step back in deference to the Board of Selectmen. Ms. Mortensen noted there have been many extensive presentations, when they do come back, anyone can attend or watch the meeting. Mr. Fetherston discussed having PSA videos on our website, the Board discussed ways to promote information and be proactive.

KG Narayana, Board of Health Policies & Procedures, written proposals

Members agreed they needed more time to review the proposed Policies and Procedures submitted by Mr. Narayana. Mr. Daniele suggested that we put this on the next agenda, Board Members agreed.

Health Agent /Director's Report

Budget, FY 18 and FY 19

Mr. Oram discussed the budget, which he stated is close to where it should be. The Landfill budget exceeded what was appropriated because it varies each year, this has been rectified by the Town Accountant.

Update on Proposed Site Plan Review - Solar Array on MBTA Access Road

Mr. Oram noted that the proposed solar array plans are available to view in the Board of Health office or on Courbanize.com. This is under review by the Planning Board and is on their agenda for July 12, 2018.

Landfill; status on next contract for routine testing and status of berm

Mr. Oram reported that he is working with Management on the new three-year Landfill contract with EnviroTrac Consultants, they were the company that worked on the installation of the gas vents at the Landfill. Mr. Oram noted the berm is now up and is looking good.

Metrowest Opioid Coalition Biannual meeting, June 20, 2018 at Natick Police Department

Mr. Oram discussed the meeting he attended at the Natick Police Department, the discussion included how to work with our first responders to get help to families in need after an emergency call or overdose. Ms. Mortensen inquired and Mr. Oram responded that five of the Narcan kits have been distributed, Mr. Oram announced it is available at Town Hall and is free of charge, if anyone is interested they should call the Board of Health Office. The Board discussed ways to get information out, Mr. Oram discussed bringing 'Public Health is Everybody's Business' show on WACA back up in the fall.

Update on investigation at Sheffield, Tudor, Windsor and Byron area

Mr. Oram explained that the State was on site last Monday to drill 5-7 monitor wells into the streets, unfortunately the driller hit an unmarked water pipe when drilling for the second well, which shut down the water in the neighborhood and they could not continue the project this day.

Review update from legal counsel on food application modifications and rooster regulations

Mr. Oram stated that Town Counsel has noted that any food permit application modifications will need to be reviewed by her.

Mr. Oram noted that a resident of Ashland who lives on the Holliston line has a rooster, the Animal Inspector has been receiving complaints. Unfortunately the Town has no jurisdiction over the rooster because the rooster is housed on the Holliston side of the property; Holliston does not have regulations regarding roosters.

Semi Public Pool Permits, 2 issued at Chestnut Place and RTD, The Lanterns pending review

Mr. Oram updated the Board regarding the issuance of two pool permits at Chestnut Place and Cirrus Apartments.

Update food inspection program software vendor

Mr. Oram discussed the software programs he and Tom Curran are reviewing. There are three vendors they are considering.

Plastic Bag Town By-Law and enforcement

Mr. Oram discussed the roll out of this new by-law, Ms. Mortensen said she would look into the Board of Health's role in enforcement.

Vacation Coverage

Mr. Oram noted that Tom Ryder and Steven Ward will both be covering for him during his scheduled vacations as they have previously. Mr. Oram discussed the time frame which he will be out.

Discuss future meeting dates and agenda items for July and August

Mr. Fetherston discussed availability of Members and potential meeting dates. The Board agreed on July 17th as the next meeting date, and August 21st and September 25th subsequent meeting dates.

Consideration of BOH Working Group Meeting Minutes from 1/29/2018, 2/2/2018

The draft meeting minutes of the Board Working Group are posted on the Town website.

Consideration of BOH Meeting Minutes, 5/22/2018, 5/31/2018

Mr. Daniele made a motion to extend the meeting up to 15 minutes. Mr. Narayana seconded the motion. The motion was approved 5-0.

Ms. Mortensen made a motion to approve the minutes of May 22, 2018. Mr. Etskovitz seconded the motion. The motion was approved 4-0-1 (K. Narayana abstained as he was not present at the meeting).

Ms. Mortensen made a motion to approve the minutes of May 31, 2018. Mr. Etskovitz seconded the motion. The motion was approved 5-0.

Adjournment

Mr. Daniele made a motion to adjourn. Mr. Narayana seconded the motion. The meeting adjourned at 10:04 P.M.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 6/26/2018 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. June 26, 2018 Meeting Agenda

2. Camp Bailout – Camp Disclaimer
3. Information on Wireless Technology distributed by Cece Doucette
4. Clocktown Liquors- Failed Tobacco Compliance Form
5. The Lanterns at Warren Woods, letter/waiver request from Attorney Jerry Effren with resident signatures
6. Email letter to the Board of Health from Amy Turncliff regarding medical marijuana
7. Map – proposed Solar Array – MBTA Access Road
8. Open Meeting Law complaint filed by Judith Margulies with Response from Attorney Feodoroff
9. Open Meeting Law complaint filed by Stephen Morgan with Response from Attorney Feodoroff
10. FY18 YTD Budget
11. Draft Working Group Minutes January 29, 2018 and February 2, 2018
12. Draft Minutes, May 22, 2018 and May 31, 2018