



# TOWN OF CHARLTON

37 MAIN STREET  
CHARLTON, MA. 01507  
508-248-2210

## BOARD OF HEALTH

May 21, 2019

### Members Present:

Matt Gagner, Chairman

Kathleen Walker, Vice Chairman

Jon Sanborn, Member

### Also Present:

James Philbrook-Health Director

- Chairman Matt Gagner called the meeting to order at 6:04 p.m.
- Kathleen Walker, Vice Chairman, made a motion to approve the minutes from the last meeting, April 30<sup>th</sup>, 2019. Matt Gagner Second, all in favor.
- Flint Road landfill was first on agenda. DEP did a walk-through of the landfill last week. One person also wanted to look at the landfill for purposes of mowing bid.
- Proposals for Q3 and Q4 of 2019 from CMG for Flint Rd. Landfill were reviewed. Jim Philbrook, Health Director also brought up the fact that the landfill will need to be capped and we need to find funding for that soon.
- Kathleen Walker made a motion to approve the Q3 and Q4 proposals from CMG Environmental for 90 Flint Road. Member Jon Sanborn Second, all in favor.
- Jon Sanborn made a motion to approve the Corrective action of alternative analysis of 54 Flint Rd. for Q3 & Q4 as presented by CMG Environmental. Kathleen 2<sup>nd</sup>, all in favor.
- Landfill mowing bids will be opened at next meeting as the deadline is 5/31/19.
- H. Foote Road, Eleanor Lane, Berry Corner Road was next on agenda. Discussion about the progress of the water line. It does not seem that they will done by November. Several crews are supposed to be working on things and John Jordan of 68 H. Foote Road has not seen any activity on H. Foote or Berry Corner recently.

- John would also like to know exactly what was done with the contaminated dirt that brought into Casella recently.
- Marijuana and Vaping regulations were discussed. The first was the REGULATION TO ENSURE THE SANITARY AND SAFE SALE OF CANNABIDIOL (see attached). There was a discussion regarding whether or not there should be a permit required from the Board of Health to sell CBD oils and hemp oils. Jim stated that there are very few stores that will be selling these things and he already checks them for tobacco and food products at this time. He will monitor it when he goes in for these checks. Kathleen does not see the need for a permit as she does not feel that these things are a danger to the health of the public. Jon agrees with this view. Matt is wondering how we would police and enforce this if we did not do a permit for it. Jim suggested that we add it to the tobacco permit so that there is no separate fee, but that the BOH still has the authority to police the proper selling procedures are being followed.
- Matt read through some of the regulations and there was discussion as to whether or not they seemed fair. The regulation will need to be modified before they can be adopted. Matt suggested to table the discussion. Kathleen made a motion to table the discussion to approve them until the next meeting after revisions have been made. Jon seconded the motion, all in favor.
- Jim agreed to have it updated for the next meeting and would forward to Cheryl Sbarra.
- SAMPLE REGULATION RESTRICTING THE SALE OF TOBACCO PRODUCTS was discussed next. (see attached) The Board decided to go through the CHECKLIST FOR POLICY DECISIONS on the first page once for Vaping products and once for all Tobacco products.
- The Board went through each policy and made a decisions on VAPING as follows:
  1. Expanded definition of tobacco products (w/nicotine delivery products) **YES**
  2. Include cessation sign requirement **Yes**
  3. Include minimum cigar package size/price **N/A**
  4. No permit renewal if outstanding fines exist **YES**
  5. No permit renewal if three sales to under MLSA **NO**
  6. Cap and/reduce number of permits **NO**
  7. No sales within 500 feet of a school **YES**
  8. No new permits with \_\_\_feet of existing permit **NO**
  9. Restrict flavored tobacco products **YES**
  10. Blunt Raps **N/A**
  11. Ban free distribution of tobacco products & redemption of coupons **YES**
  12. Ban out of package sales **YES**

13. Ban self-service displays **YES**
14. Ban vending machines **YES**
15. Ban Non-Residential RYO machines **N/A**
16. Ban tobacco product sales in health care institutions **YES**
17. Ban tobacco product sales in education institutions **YES**
18. Fining structure mirrors state law OR FLAT FINE **100/200/300**
19. Tolling periods for violations **24 months**
20. Suspension Period-Maintain or Double Lengths 7/30 days **7/30 days**
21. "Shall" vs. "May" language for suspensions **May**

- On number 9, all three Board members agreed they want to restrict flavored tobacco products. Matt and Jon crossed off "including menthol" therefore allowing menthol.
- Kathleen would like to make a motion to approve the sample regulations restricting the sale of tobacco products regarding vaping as discussed. Jon seconded and all in favor.
- Discussion about when these regulation would take effect. It was decided that October 1<sup>st</sup> would be the effective date.
- The discussion about tobacco was tabled until the next meeting. Kathleen made motion, Jon seconded, all in favor. Tobacco regulation discussion will be on next meeting agenda.
- Other business not known at time of posting. Something came up in the field that is time sensitive. A well is being proposed close to a foundation. Town of Charlton well regulations state a well must be 20 feet from a foundation. Jim did some homework and looked at state regulations and other towns around us. They all state 10 feet from the foundation for a well. A builder has run into a lot of ledge and is considering moving the foundation closer to the well. He is asking if necessary, would the Board grant a variance of 10 feet in this case. Jon made a motion that they allow the well to be 10 feet from the foundation for the project at 37 J. Davis Road for Ronald Gauthier. Kathleen Seconded, all in favor.
- Jim spoke about the summer intern that we were supposed to have. He explained that it takes her 2 hours to get here. She does not have a driver's license and would take the commuter rail and then a bus. Jim did not feel comfortable with a young girl traveling that many hours a day. She is very intelligent and wonderful person, but he felt it would be better for her to be placed closer to Boston. She was placed in a busy Board of Health closer to Boston. We will not have a summer intern for the first time in four years.

- Jim spoke about a food truck that he tried to inspect at Tree House Brewery last Saturday, May 4<sup>th</sup>. The owner did not want Jim to inspect his truck as he has inspected it before. It was just a routine check, but the man put his hands on Jim and would not let him on the truck. The man got very irate with Jim. The owner thought that since he had an annual permit that he should only be inspected once a year. Jim explained that we gave him an annual permit as a favor since they were going to be at Tree House so many times. It saves them money and time applying for individual temporary permits. It does not mean that they are not subject to regular inspection.
- Jim had called Matt as the situation was happening. Jim left in order to defuse the situation, but Matt asked him to go back and tell the owner that he had 2 choices. One was to let him inspect and the other was that he could pack up and leave. Jim and Matt decided to revoke his permit due to his actions being unacceptable. He was invited to the meeting to speak to the Board and tell his side of the story. He was unable to attend. Matt stated that he has been on the Board for years and this has never happened with Jim. Matt revoked the permit because he is serving food and he is not allowing the health inspector to inspect while he is serving to the public. Jim hopes to meet with him to resolve this issue.
- Kathleen would like to talk about Household Hazardous Waste day for the future. We will add it to the agenda for next meeting.
- Discussion about a marijuana dispensary having to be at least 500 feet from a school. A resident had emailed the Board asking about this.
- Jim mentioned thinking about a Yard Waste drop off spot. This will also be added to the next agenda.
- Next meeting was proposed for June 11, 2019.
- Jon made motion to adjourn, Kathleen second, all in favor at 8:18 p.m.