

DRAFT MINUTES OF MEETING
SHARON BOARD OF HEALTH
April 8th, 2013
Community Center

The meeting of the Sharon Board of Health was called to order at 7:33 PM by Stan Rosen, Chair. In attendance were: Suzi Peck, Co-Chair, Jay Schwab, Ed Welch and Chuck Levine.

Also in attendance were Bridget Sweet, Health Administrator, Jim Andrews Health Agent for Engineering, Anne Bingham resident, Sarah McColgan MHOA, Jonathan Winickoff of Mass General Hospital, Dr. Lester Hartman and Hilary Maguire of the Legion. Tom Houston, Bob Shelmerdine, and Mr. McSweeney (resident) were also in attendance.

Minutes of the March 18th meeting were reviewed.

J. Schwab made the motion to approve the minutes; seconded by S. Peck. All voted in favor. (5-0)

Budget Discussion

The Budget was reviewed as presented to FINCOM on March 4th. The narrative was reviewed, and J. Schwab questioned why the uncontrollables such as trash were on the Board of Health budget. S. Peck made a motion to approve the FY2014 budget, seconded by C. Levine. All voted in favor. (5-0)

Farmer's Market

Discussion on the creation of a Farmer's Market Application, and fee. Bridget Sweet created a Farmer's Market application, and the fee would be identical to the current "seasonal" fee of \$75.00. There was discussion on whether the Farmer's Market fit into the seasonal category, as they run for a period of about 5 months. Discussion on Temporary Food Events, Food Trucks and how those will be permitted ensued. S. Rosen made a motion to accept this newly crafted application, seconded by C. Levine. All voted in favor. (5-0)

Public Hearing to Review Tobacco Regulations

S. Rosen called the Public Hearing at 8:00 PM. The current smoking and youth access regulation has been revised and split into two portions, Article 22A and Article 22B to reduce the youth access to tobacco by increasing the purchasing age to 21, and to prohibit smoking in private clubs and membership associations.

Dr. Winicoff of Mass General Hospital stated that 90% of all tobacco users start before the age of 21, and by increasing the purchasing age to 21 this will alleviate those numbers. Dr. Winicoff is the author of 70 position papers regarding youth and tobacco.

Sarah McColgan of the Massachusetts Health Officer Association Tobacco Control Program supported the Board of Health for addressing electronic cigarettes, as well as addressing smoking in membership associations. She also supported that the regulation addressed smoking cessation signage that was addressed in 22A.

Dr. Hartman discussed several other towns that have revised the purchasing age for tobacco. Arlington is going to a gradual increase over several years, Canton is in discussion to move to 21, Westwood increased to 19 yo April 1, Needham is currently 21 yo, Brookline 19yo, Belmont, Watertown and Walpole all at 19yo.

Hilary Maguire addressed the regulation as it pertains to smoking in private clubs. She stated that the mean age of her patrons are 67, and they have served their country and now will be unable to smoke in the company of their friends. She also stated that the club has smoke eaters, and that the club is relatively clean to non smokers.

Dr. Winicoff stated that air filters (smoke eaters) remove the larger particles, and that the generation of ozone through these machines actually react with the smaller particles causing more overall damage to patrons, and create a false sense of security.

S. Peck stated that often times private clubs are used by others, whether through activities or rentals, and that the lingering smell of smoke is concerning. This regulation would prevent harm to other people.

Dr. Hartman discussed third hand smoke, stating that veterans are 2x more likely to suffer from lung cancer and veterans are resistant to chemotherapy.

Hilary reminded the Board that this is a private club, and non members chose to enter the club, so why all the sudden is this regulation affecting her and her patrons. Sarah McColgan stated that at this time the club is in violation of state and smokefree workplace, there can be NO smoking of any patron while there are non members in the club.

The Board deliberated after hearing all the points of view, and S. Rosen stated that the current regulations contain a lot of other things besides the two new proposed regulations. He wanted to ensure that the Board was comfortable replacing the current regulations with the two new proposed regulations.

J. Schwab stated that Board has had enough time to review the regulations, and made the motion to approve the regulation prohibiting youth access to tobacco and increasing the age to 21. E. Welch seconded.

At this time C. Levine stated that he does not agree that this will prevent smoking in teens, and that this type of problem can not be legislated away. He would prefer to wait until the entire state changes the smoking age and would prefer to have more education in the school systems.

E. Welch stated that you have to start somewhere, and increasing the purchasing age to 21 is the first step.

Dr. Hartman interjected that regulation is far more effective than education.

S. Rosen brought the Board back to the motion by J. Schwab, “ Those in favor of the motion made by J. Schwab, and seconded by Welch.”. (4-1), Four in favor C. Levine opposed.

S. Peck made the motion to adopt the regulation to prohibit smoking in membership associations, J. Schwab seconded. Four in favor, C. Levine opposed. (4-1)

Sharon Commons

Tom Houston, author of the zoning article changes discussed the creation of the wastewater overly district and the previously authorized 40R. The reason for the zoning change it so authorize more gallons in the wastewater plant, there was no defined limit in zoning previously. The reason for the rezoning is because the tract of land is now proposed for an assisted living facility, which is domestic waste water by DEP. He stated that in the zoning there is nothing that limits the capacity, and S. Peck questioned the Memorandum of Understanding that was completed several years ago and the limits that were stipulated then. She stated that the limit was 35,000 gpd and that there was always the intent not to mix and match the wastewater from the north parcel and the south parcel.

The Board requested that all groundwater modeling take into account both flows.

There was discussion surrounding the number of townhouses allowed, what the Zoning Board of Appeals had approved and how this current proposal changed from the 2008 MOU. The current developer is finding little to no market for town houses, and would like to move to build an assisted living facility. The bylaw allows for up to 93 units, calculated at 1.25 occupants per unit. Bob and Tom are working on a new MOU and the current proposal limits the assisted living units to 88.

E. Welch questioned the purpose of this bylaw

S. Rosen questioned why this was just coming before the Board of Health now. There have been dozens of meetings taking place over the last several months with various Boards, and now the Board of Health is pressured to come to a finding in a very limited amount of time. This is the first time the Board of Health had been contacted in regards to this and feels that this is an unreasonable request from the ZBA. The numbers presented to the Board of Health on gpd do not add up. The numbers of 37,000 gpd and 44,000 gpd and 64,000 gpd are all being discussed. Need clarification on what is being proposed.

The setbacks in this proposal are different than the Board of Health regulations, causing serious concerns on behalf of the Board.

Bob Shelmerdine suggested that another series of meetings in April be held to craft an acceptable regulation. Mr. Houston will continue to craft and draft the regulation on

behalf of the Board of Selectmen. An MOU is in process at this time with the Board of Selectmen.

Anne Bingham stated that she is displeased at how close these series of presentations are to Town Meeting, Monday May 6th.

Bob Shelmerdine stated that these articles do not provide for more than what is currently allowed, however the Board stated that the 64,000 is a concern. S. Peck stated that the issue centers around increasing the wastewater plant by 25%.

S. Rosen stated that more discussion will have to be held with the Board of Selectmen, and that he proposes a working session be held. Mr. McSweeney stated that the BOS was signing an MOU tomorrow night. T. Houston stated that he would take part in the working session to attempt to address BOH concerns. Next meeting is scheduled for May 8th.

Motion to adjourn at 10:15 PM

Respectfully Submitted,

Bridget Sweet