

BOARD OF HEALTH MINUTES
COA OFFICE- TOWN BUILDING
May 7, 2018

The meeting was called to order at 7:00 p.m., present were John G. Schuler, M. D. (JS), Robert DeFrancesco, DMD(RD), Arne Soslow, M. D. (AS) (7:30 p.m.) and Susan Green (Susan G). Also present were Julia Junghanns (JJ), Director of Public Health and Patti White Department Assistant

7:00 p.m. Public Comment:

Tom Sciacca, (TS) Rolling Lane- understands tonight's meeting is regarding the proposal to legislate against Marijuana use. He is interested in trying edible Marijuana, and would like to have the opportunity available to him in town.

7:00 p.m. Discussion of potential options for regulating or banning Adult Use Marijuana in Wayland- guests Town Planner Sarkis Sarkisian (SS), Jason Verhoosky (JV) Sarah Greenaway (Sarah G) of the Youth advisory Committee

JS: can we use the video of the marijuana forum meeting in Lincoln to present to Wayland residents, maybe put on our website?

SS: the presentation he is sharing with the board this evening will be shown to the Planning Board tomorrow night. After the meeting the presentation and the information from the Lincoln meeting will be set up on the Town website.

TS: Says he had a discussion with his kids regarding drugs at the High school, (25 yrs. ago); he was told that drugs are available.

Jason V: is looking for clarification regarding the sale, making or production of Marijuana.

Presentation as provided by the Town Planner- attach PowerPoint to minutes:

https://www.wayland.ma.us/sites/waylandma/files/uploads/marijuana_presentation_2018.pdf

TS: he is not advocating for the con side, he just wants to get information out to the public. This town is divided as shown by the Town Meeting vote, we are a yes community but it was a close margin. We voted on a temporary moratorium to get time for everyone to understand what the options are.

2012 Medical Marijuana votes – on the State ballot question 63% of Wayland voters said yes.

2016 Recreational on the State ballot question- Wayland voted 50.5% yes, and 49.5% no.

Cannabis Control Commission (CCC) has issued final regulations, applications have been accepted and on June 1, 2018, the commission will issue the licenses. The final regulations need to be reviewed carefully to blend in with the town zoning and the Wayland Tobacco Regulations for public smoking (adopted in 2015) will cover/allow us to enforce some of the concerns with public smoking of recreational marijuana (this includes using electronic devices).

Will zoning need to create definitions for all marijuana terms?

A temporary ban is in place in Wayland until 12/31/18. Once the moratorium is expired we are open for a business to locate in Wayland unless we take action to either ban or regulate.

There are many questions; do we ban or limit the number of recreational facilities? The BOS limits the number of liquor licenses in town and we can regulate time, place and manner of operations. Will there be a local tax? We need to consider onsite consumption. Also, how is it regulated in public buildings?

Zoning issue - 5% of Wayland is zoned commercial on the Sudbury/Wayland border, a possible location for an overlay district. We could consider having it located somewhere where there is not a younger population presence.

There are questions about parking needs, signage, and buffers. Processing- can they manufacture and process on site. Cultivation, do we allow just growing but not retail sales? Cultivation cannot be seen from a public way, security, fencing and cameras and odor (from cutting and processing) delivery- do we want to allow transportation of products.

There are many levels of this issue: location of retail establishments, growing/processing facilities, delivery, accessories, signage, onsite consumption, special public events.

Any amendments of the Wayland Zoning bylaw requires a 2/3 vote for town meeting. For changes to the General bylaw it requires a simple majority vote. This presentation will go to the Planning Board tomorrow night, zoning bylaws will have to be changed.

A working group composed of town officials and board members such as Youth advisory committee/ Wayland Cares and other board members is needed to assist/guide the town through this process. We will need to meet regularly to guide the process. We also need public input/a forum.

There is a lot to be done. We will need to create an org chart/schedule future meetings, determine key dates. There are dates that must be met to have things prepared for Fall Special Town Meeting.

JJ: If there is a town decision needed (looking at Lincoln), i.e. if we are to ban, the BOS is looking for feedback and a recommendation. They want this subject vetted and a public forum is really needed and would be helpful. Lincoln had a very wide ranging group of people on their committee. Wayland needs a broad based representation for the panel of speakers at the planned forum.

Wayland voted in favor to legalize. To make changes we will need to have an election (ballot) and then town meeting either after or before. Both are required, because of the "yes" vote.

Board questions and comments?

JJ: edible marijuana is not regulated by the food code (FDA). RD: What is the difference between medical and recreational dispensaries?

Jason: A medical marijuana dispensary is a non-profit business; recreational marijuana will be taxed by state and possibly local

7: 30 p.m. Dr. Soslow has arrived

JS: If Wayland bans recreational, it will still be available in other towns. It does not have to be available in Wayland. There are a lot of unknowns about how impairment comes into play. It can be a valuable adjunct to treating certain medical conditions. This cannot be tested in a blood level like alcohol.

AS: This is a drug and it affects people differently; dose and duration play a role. Feds set up studies, there is threshold for screening and confirmatory tests. Studies show impairment impacts judgement and reaction time. There can be serious reactions, and dosage related effects.

JJ: this is an unfunded mandate and there is no training for the town officials to oversee/inspect or regulate shops.

JS: Medical marijuana is available to residents. There are health issues to consider, impaired judgement and risks. I believe impaired judgement is an issue. We are looking for more information from Colorado. There is a serious risk for young children to get a hold of edible products left unsecured. This will be a cash business; this is a temptation and may cause issues/thefts. Another serious issue is people driving while they are high (impacts driving skills, judgement and reaction time) and no measureable way for the police to handle this that's similar to alcohol/breathalyzer. Marijuana stays in your system after you lose the high. Do shops make their edible or drinkable products? Jason V: they purchase products. CCC is working on the labeling requirement regarding contents and THC %. There is no standard measurement to get consistency for edibles, to be sure just how much is in an individual cookie. There are serious impacts on brain development.

Corrie Dretler, Youth advisory committee: regarding Colorado: Rich Zane, Executive director of Emergency Services in Colorado, sent a letter regarding their emergency experience. This was provided for the moratorium in Wayland. Corrie can forward the letter; it was not a good experience.

JS: Can we get the info from the Lincoln meeting out to public?

AS: When are we expected to have a recommendation? JJ: the BOS is looking for direction from BOH. Groundwork is needed and a working group should be formed to begin discussions, BoH and the Planning Board need to be involved. The town will make the final decision by a vote (a 2/3's vote), and Town Meeting.

Susan G: What gets voted on? That must be determined. SS: A zoning article would be a public hearing with a town vote requiring 2/3 to pass. The Planning Board is looking for BOH feedback to go forward, due to this being a health issue.

Susan G: Who will organize the Wayland forum? Can we approach the woman from Lincoln to get information? Who should be involved, Police chief, BOS? JJ: Lincoln had Town Counsel present for advising. JJ: the working group will meet and plan the forum, we will get things moving quickly due to the moratorium deadline in December and the need to push for steps to prepare for STM and a ballot question.

Jason V: There are concerns of the effects on youth usage. Teen use is steadily increasing as the laws get lax. Products are different now then 10-20 years ago and much stronger then they use to be. The average amount of THC is 10 to 12% raw and can be up to 25%. Medical Edible gummy average 5 to 10 mg THC and can be as high as 25 mg. of THC. Chews and brownie treats can have as much as 200 mg of THC and are created to be broken up into 10 to 20 servings. There are impacts/effects on youth, IQ loss.

JS: is looking for an answer of liability on parents for children injury by ingestion and legal issues with child custody.

Recreational Marijuana is in Mass and happening, do we want it in Wayland? People may have questions about financial benefits to the town.

8:15 p.m. Vote on request for fee waiver for demolition approval application by Wayland Water Department for the house at 107 Old Sudbury Rd.

JJ: All town departments have been asked to waive fees for this project.

JS: Vote in favor to waive fees for 107 Old Sudbury Road Demolition permit 4-0 all in favor

8:00 pm. Review and discuss Eversource Yearly Operations Plan- provide comment

Ms. Junghanns found the plan on the Eversource website and spoke with Bill Hayes, he has indicated that for 2018 the only thing happening is in row 8-1 that goes through Oakhill Rd neighborhood. He said that it will not be an application, possibly a touch up. However, he does not expect that to be necessary either. It will be evident when things start growing soon. It is extremely unlikely, but will contact JJ directly if there is going to be work done. There are very specific state regulations through MDAR of what can be done, how it can be done, pesticides/treatments that are allowed, and where they can do work.

No spraying is allowed in Zone 1; a class A water source. Every year we send them a map of private wells, to be included as a sensitive area. Sensitive areas are identified on the map they provide. JS: Are homeowners notified? JJ: I believe they receive written notification. AS: Do we mark where they cannot treat or where they can? JJ: as per the state regulations they are required to provide us with a map and a detailed report that shows areas where treatments will occur and where they cannot treat. Spraying is done by carrying a backpack for hand applied treatment that is sprayed directly on the root of the tree/plant. They do not expect to be doing spraying this year. JJ: I will send them a map showing where the private wells are located, we do this every year during the comment period.

8:30 p.m. Discuss potential use of Title 5 leaching field at Town Center to add additional flow for Town Center from the WWTF

JJ: There is discussion between the Town Center owners, their engineer and WWMDC. The owner is looking for more flow for more general business; they are limited to 52,000 g.p.d. discharged into the Sudbury River. The plant can treat more sewerage, but cannot discharge it to the river, so it could go to a leaching area. JJ: I reached out to DEP and we had conference call about the situation. This proposed process would provide a higher level of treatment from the WWTP and further treated in a leaching area. We have a septic plan that was approved but has now expired. Next steps will be for the owner's engineer to work on a plan and put something together with the Dep's comments.

8: 35 p.m. Discuss draft of Town Administrators Act and potential changes to town government

There are changes that would impact BOH regarding the budget and who the Director of Public Health would report to. CH60 is the current bylaw regarding the TA: Originally they were looking to appoint boards, right now it appears there are boards that may remain elected.

Discussion at BOS meeting with Department Heads. JJ: I inquired if they will be meeting with boards and committees being effected, and I was told that the BOS will be reaching out to Boards and Committees. I will be meeting with BOS chair to discuss our current structure/BoH and how we function, and share some of our concerns.

JJ: there is also a financial plan regarding the budget that is being looked at to make changes, making the BoS more involved and Fincom budget process would change to be more streamlined and efficient.

JS: How can the TA understand what the BOH does or the DPW board. Boards are here to work with the town department managers. JJ: I believe they will work with department heads.

AS: are there other towns that have moved to this structure? Who is pushing this and why? Do we have any info from other towns that have made these changes? JJ: Wellesley tried to do something similar and it didn't pass. At this time they still have the same structure.

JS: The BOS has recommendations that were made from the Collins report. The Collins Center is the consulting company that has done all the research and made the recommendations after a review of the town structure.

8:45 p.m. Discuss Ch40B

Draft of Nover-Armstrong proposal

Linda Hanson from Conservation, Paul Brinkman, Town Engineer and JJ met with Marta Nover of Nover Armstrong, (they are doing the peer review for 24 School St) to conduct a review/consultation of the Cascade Project and provide a letter to the ZBA. (this is the Dan Hill memo idea) Conservation and Board of Health both have some funds available that could be used to fund this investigation of the Cascade project to provide us with more information to assist the Board to provide more informed comments to the ZBA regarding the requested waivers.

AS: Believes it is worthwhile having another source of authority to assist with review. If this ever goes to court, this shows that we are doing the right thing for the Town. The Developer hasn't provided us with the information that was promised months ago.

Susan G: This is to support BOH and Conservation. JS: They note in the proposal to review the site; do we know they will get permission to go to property? SG: Do you usually have consultants? JJ: Over the years we have had consultants to assist the Board with different stages of projects where there may be complicated sites and need for specific expertise, depending on what the issues are. SG: This seems like a good idea, regarding the duration of this project. JS: Some things we need to know; how much of this property is ledge, we know it was found in several areas. JJ: we are gathering information for them to review (see scope of work attached). Staff will provide information from our records (what we have so far and information from the developer) and they will add to it and provide a memorandum to the ZBA.

JS: Do you know these people? JJ: They are doing work for the town on the School St 40B project and Linda Hansen has worked with them before and has recommended them.

AS: Motion to support partnering with the Conservation Commission to contract with Nover- Armstrong Assoc. Inc. to provide consultative technical advice regarding the Cascade 40wiB project. The BOH will provide 50% of the consulting fee of \$7150.00 (from the draft proposal) to complete the scope of work as described in their proposal of April 30, 2018. SG second vote 4-0 all in favor.

905 p.m. Animal Inspector Appointments.

JS: Motion to reappoint, Bruce Sweeney as Animal Inspector for a term of May 1, 2018 to April 30, 2019.

Motion to approve the reappointment of Donna DeWallace, Michael Albanese and Jennifer Condon as Animal Control Officers for Wayland from May 1, 2018 to April 30, 2019 for the purpose of quarantining Cats and Dogs. AS: second vote 4-0, all in favor

Minutes of Feb 5, 2018 and March 19, 2018

SG corrections spelling page 12 prevue should be purview.

JS: 3/19 vote on community center " JS abstained, because it had nothing to do with the Board of Health".

9:13 p.m. AS left the meeting.

JS: Motion to approve Feb 5, 2018 and March 19, 2018 with edits as noted Second SG vote 3-0 all in favor.

There is no Directors report, however, a verbal update was provided to the Board. The office has been very busy and septic construction is picking up; JJ has been helping with field work. There was a case of Chicken Pox in the schools; children were to stay home from school, as they had an exclusion from vaccinations. RM, JJ, the School Superintendent, and staff from facilities participated in a walk-through of one of the three elementary schools. The walk-through was facilitated by complaints from parents regarding concerns for sickness in the building this past winter. There were no findings of any health related issues/concerns with the building, just some minor repairs to be made and some suggestions were made.

JS: What is happening with Wastewater Treatment Plant at Wayland High School? JJ: Work is being done to prepare to hire the town employee who will oversee the plants. The new budget for FY19 will include the money for the position, at the same time; we are aware that the contracts for the plant maintenance are being rebid.

JJ: The septic system and the tight tank for the floor drains are being installed at the Fire station 2 in Cochituate and should be completed soon; staff has been conducting inspections during the installation.

JS: we will need to set a schedule for the marijuana forum

JJ: the next meeting should be 5/22.

SG: we should look more into the crumb rubber. U Mass Lowell has research on alternative products. JS: We should try to bring someone in to talk to us. SG: I will look into this and see if that can be arranged and forward material to JJ for sharing with the BoH.

JJ: We will put it on the agenda for next meeting.

9:30 p.m. JS: Motion to adjourn, RD second vote 3-0 all in favor

Respectfully submitted
Patti White
Department Assistant
Health Dept.
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