

BOARD OF HEALTH MINUTES
TOWN BUILDING – COA
JANUARY 13, 2020

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

7:00 Public Comment – There were none.

7:05 p.m. Discuss new Local Limited Food Retail Regulation

These local regulations are to complement the Commonwealth food Regulations. We are expanding the definition of Food Establishment to include those retailers that offer only prepackaged foods that are not time/temperature controlled for food safety.

7:10 p.m. Public Hearing – Local Limited Food retail Regulation – expanding the definition of Food Establishment to include those retailers that offer only repackaged foods that are not time/temperature controlled for food safety.

The hearing was published in the newspaper for two weeks as required and we have the tear sheets. By adopting this regulation we will be continuing business as usual. We used to permit these food establishments and only stopped when the state omitted these types of permits from their regulations.

SG: Motion to open the Public Hearing, second RD vote 4-0 all in favor.

There were no members of the public in attendance.

SG: Motion to close the Public Hearing, second RD vote 4-0 all in favor.

7:15 p.m. Minutes of November 4, 2019

SG: small typo on page 3.

SG: Motion to approve minutes of November 4, 2019 as amended. Second JS, vote 3-0 (AS to abstain, not in attendance)

7:25 p.m. Animal Keeping Permit to keep chickens 26 High Rock Road- owner Lynn Pogorek

Mr. and Mrs. Pogorek have recently moved to Wayland and are requesting to be approved to keep 8 chickens. Mrs. Pogorek was raised on a farm and wishes for her children to learn about caring for animals. Certified letters were sent to all abutters and the green cards have been received. We have documentation showing the location of the proposed chicken coop, and the design of the coop and the container to be used for the storage of waste. There were no members of the public in attendance to speak regarding any concerns. No variances are being requested; staff has visited the property and does not see any issues. There was one abutter who had inquired with a concern about coyotes being attracted to the area due to the chickens. JJ stated that she responded to the concerned resident and explained that it is possible. A fenced yard can help keep coyotes away as well as keeping any pet food inside or bird food away from areas where coyotes could be attracted. Also, pets should be watched, especially small pets, as they could fall prey to coyotes if they are not brought inside or fenced in. Coyotes have moved in to suburban areas as there are no predators and a lot of food. They are part of our environment now and it's not likely to change.

SG: Motion to approve the animal keeping permit for 26 High Rock Road for 8 chickens. Second RD Vote 4-0 all in favor.

7:35 p.m. Review and comment on proposed Local Conservation Stormwater and land Disturbance Bylaw Regulations

These regulations were written by the Conservation Commission to enforce the town bylaw that was adopted a number of years ago at town meeting. All Boards and Committees have been asked to review and comment.

There are two permit types that would be involved; minor and major. Minor is the creation of new impervious area greater than 500 sq. ft., and not exceeding 2500 sq. ft. or more than 20% of the lot, whichever is less. Major permits are for the creation of new impervious area or expansion of existing impervious area greater than 2500 sq. ft. or more than 20 % of the lot area, whichever is less.

These regulations expand the areas covered by Conservation regulations to any and all properties in Wayland, not just waterfront or wetlands. The Bylaw was adopted years ago but regulations are needed to go with the bylaw and that's why they are finally being written. JJ feels it will be confusing to residents and to staff as to how and who will alert residents to the need to apply to conservation. The regulations are pretty long and are not easy to understand for a layperson or resident/property owner. The requirements and for how it is enforced will also increase the work load for the conservation staff, how will it be enforced? Often when you create regulations that are too stringent you end up with people doing work without a permit. It was noted that there is an exemption for Septic System construction and repair, but this is just for the area needed for the septic system and does not cover any additional work on the lot.

The Board thought it might be helpful to have a brief summary added to the beginning of the regulation (preamble) to help the lay person to understand when and why they would need to file for this permit and what purpose it serves.

7:50 p.m. Discuss draft comprehensive model Private Waste Hauler Regulations as provided by Mass DEP

Julia met with representatives from MassDEP; they are meeting with communities to encourage/assist them with incorporating new comprehensive Refuse Hauler Regulations. If towns adopt these comprehensive regulations including specific elements, then they will provide points for DPW which will save money for the town. The state is really encouraging that towns adopt these new regulations which include mandatory recycling requirements for commercial haulers and other waste reduction efforts (composting/etc.). The suggested regulations are really quite comprehensive and would likely have elements that are difficult to enforce or unenforceable for a small community. Some thought will need to be put into it.

JS: At one time the recycling the process involved collecting funds for the sale of recycled products to foreign countries, that is no longer the case and now everyone has to pay to have recycled products taken away. JJ: This had caused financial issues for the Wayland Transfer station as well. JS: Have we looked into a collaborative program with Sudbury regarding trash and recycling? The two towns have transfer stations right next to each other and both are paying for hauling costs; maybe there is a way to save funds for both towns. JJ: Staff requested information and received a listing from MassDep of towns that have adopted a version of the comprehensive Private Hauler Regulations (PHR) (with elements of what they feel should be included). We will be following up with the local towns to see what their experience has been and the enforcement process (difficulties/pros and cons). Adopting new more stringent regulations would be helpful to the DPW, as MassDep has a point system that would provide a financial advantage for DPW (credits). DEP is hoping that we will adopt these regulations and/or important areas of the regulations (that would allow for points to the DPW) and have them in place for the end of June. JS: If we license the residential refuse haulers, do we know where they off load their trash and recycling? Do we know who is removing the trash and recycling from the Transfer station? Does the BOH license them? JJ: There are many questions around this area which we are not familiar with. We will look into these details. We do permit the haulers but it is not something that we get too involved with and

could pay more attention to going forward (requiring reports, etc.). It was suggested that the Board invite someone from DPW/BoPW to join us and discuss these proposed regulations to help us understand how the changes will benefit everyone.

Mosquito control and potential EEE season

There was discussion to work on educating the public on their personal protection and the protection of their property for the mosquito season.

Brian Farless of EMMCP will be reviewing the Wayland locations for mosquito trapping, with an eye to any changes and/or areas of concern. The review will be comprehensive with consideration for potential EEE breeding areas. They will be updating trapping locations and will be in touch with us regarding any new sites for catching mosquitoes for testing as well as plans for testing frequency this season.

The State will hopefully work on quicker turn around for testing mosquitoes and reporting on their findings this season so towns can react/plan for potential mosquito control efforts. There were delays in testing and reporting last season and that was frustrating to towns.

8:30 p.m. Overview of Governor Baker's Act Modernizing Tobacco Control into law and new Emergency State Tobacco Regulations.

JJ: Caitlin (our interim BOH intern) reviewed the language this afternoon. I've also reviewed it a few times. In summary, Governor Baker adopted a new law on 11/27/19, and DPH promulgated emergency regulations to go along with the law, for tobacco and electronic cigarettes. The new regulations went into effect 12/11/19. Both DPH and local BOH's will have the authority to enforce the new regulations. The regulations list what retailers can and cannot sell. It is very confusing the way the regulations are written, JJ will be working to make this part of the regulations more clear. Non age restricted establishments are stores open to all ages; they cannot sell to anyone under the age of 21. There are 14 permitted tobacco retailers in Wayland; the stores are mostly convenience stores, gas stations, liquor stores, or supermarkets. We do not have any stores that are for "over 21" /age restricted, or smoke shops. Wayland tobacco regulations banned smoking in smoke shops when the new local regulations were adopted in 2015. Through our local regulation we locally restrict sales to persons under 21, but not all towns in Massachusetts had adopted that (now it's federally 21). In addition to the age restriction, non-age-restricted locations will not be allowed to sell flavored MMW (Menthol, Mint and Wintergreen) or high test nicotine products which contain greater than 35 mg per ml. but will be allowed to sell non flavored e cigarettes. The age restricted/over 21 stores are a new level of Retail tobacco stores where anyone wishing to enter, must be 21. These stores will include tobacconist, smoke shops and vape shops, these stores cannot sell flavored (MMW) but can sell high test (greater than 35 mg per ml). Smoking bars can sell flavored products, but they must be consumed on site. As of June 2020, menthol, flavored cigars and flavored chew will be restricted to smoke shops only.

The Director received an email from MDPH on Jan 12, 5pm (Sunday) requesting that we communicate with our local tobacco businesses to provide education so they understand the new fines and regulations. The fines are for selling to persons under 21 and for selling restricted certain products as outlined in the new regulations. Staff will be going out on the first round of inspections to educate our retailers, distribute the letters regarding the new regulations and also provide copies of the new signs. The new fines are steep and JJ wants to ensure that retailers are aware. Fines are: \$1,000.00 for the first offense, \$2,000.00 for the second offense and the third offence within 36 months will be \$5,000.00. SG: Who does the money go to? The money would go to the town. Some towns with large numbers of permitted tobacco retailers have created a revolving account to deposit the fines and pay for inspections and compliance checks. The new process for writing up a violation involves a health order since the fines exceed the maximum allowed \$300.00 for a citation/ticketing process.

SG: You can still purchase products on the internet. JJ: We will be sure that all local businesses are educated and well informed. Many don't have the ability to pay the current fines (\$300.00), and the new fines would potentially put them out of business. The most recent fine for selling to a person under 21, at the Mobil Station on route 30 for \$300.00, still has not been paid. I will be contacting them again next week.

General Business

Bills have been approved.

Town email use. Dr. D. still cannot get into his email; he will come in this week to see if IT can assist him. Dr. Schuler is having trouble with town emails not showing up on his ipad icon (3 new emails)

Town clerk update on pulling papers for re-election.

Papers are available as of 1/7/20. SG and AS are both up for re-election, if you both can drop off signature pages at the office, Dr. Soslow will stop by to pick and assist with signatures.

Next meeting date- January 27th. 5 Paths subdivision, off of Shaw drive is still being reviewed by the Planning Board; there has been no decision. There are still issues being discussed regarding entrance road, easements, private roadways, Subdivision –vs- Conservation Cluster. JS: I heard that the problem involved the Fire Dept. not being able to use the road and a possible issue related to private property.

JJ: The Planning Board meets again 1/21/20; there are still a lot of unanswered questions and discussions to be had with the developer and the Planning Board. I am not sure if we will need to meet on the 27th. We will be meeting with Brian M in the near future to finalize the septic regulations. Feb 3rd or Feb 10th?

SG: 2/10/20 is on my calendar and 2/3 will work.

JJ: I have nothing urgent for the agenda at the moment; I expect we will meet on 2/10/20 if everyone is in agreement.

8:50 p.m. Director's report

There was no written report; most items to report were agenda items; Tobacco and other regulations. Email from Peggy Patton regarding the 5G meeting last night.

9:00 p.m. Motion to adjourn, second RD, vote 4-0 all in favor.

Respectfully submitted

Patti White
Department Assistant
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