

TEWKSBURY Board of Health
Minutes
February 7, 2013

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA

13 APR -5 AM 11:41

Call of Meeting to Order

MOTION - Ms. Kinnon made a motion to call the meeting to order at 7:07 PM. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

The meeting was held at the Town Hall Auditorium. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, and Health Director Lou-Ann Clement.

New Business

Open Seat on Board of Health

Ms. Clement stated that the empty seat on the Board needs to be filled temporarily until the election in April. Ms. Clement stated that the Board needs to ratify the vote as stated on her memo dated January 29, 2013.

MOTION - Ms. Kinnon made a motion to ratify the Board of Health memo dated January 29, 2013. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

Ms. Clement stated that the Board of Selectmen voted to place the open position on the ballot to fill the remaining term until 2015. Ms. Clement stated that the temporary position will be filled by the Board of Selectmen (BOS) and Board of Health (Board). The BOS is looking for a joint meeting with both Boards and a good time could be before the BOS's next meeting. Ms. Clement stated that as of today there is one applicant. Ms. Kinnon asked if there is only one applicant, why have a meeting. Ms. Clement replied in case the applicant is not acceptable and others apply. Mr. French stated that if only one applicant has applied and we are ok with that one applicant, then a meeting wouldn't be necessary.

Medical Marijuana

Ms. Clement stated that there is a lot of information out there. There are two issues at hand: zoning and the MDPH regulations. The MDPH is still working on their regulations. She did not believe that they could meet their deadline but she heard today that they are looking at using one of the 18 states that already allows medical marijuana as a model, so they could be ready by May. Ms. Clement stated that there will be a listening session on February 14th at the Roxbury Community College. This is open to the public. MDPH will be accepting comments until February 28th. Once they decide which existing state regulations to use as a model, they are going to use, there will be public hearings.

Ms. Clement stated that in regards to the zoning issue. There will be an article at the Town Meeting that will establish a moratorium. Ms. Clement stated that there is also a letter from the Law Group Bellotti out of Quincy to the Attorney General in support of Wakefield's zoning bylaw enactment to ban dispensaries. That bylaw is to ban dispensaries and is with the Attorney General's office for review. There are also a few other communities that have taken similar action. Ms. Kinnon requested Ms. Clement to research what other communities have done and the status of the Wakefield case with the Attorney General's office.

Ms. Kinnon stated that she went the subcommittee meeting and she has read a lot of material. There is very little limitation or oversight when the law passed and there are a lot of questions still with the initiative. She would like to see the moratorium in place to protect the Town. Ms. Kinnon stated that her biggest issues with the initiative is that there is no distinction between adults and children and a doctor from another state can certify a Massachusetts resident without even seeing the person. There will be no mandatory quantities for going to multiple dispensaries. Ms. Kinnon stated that we need to see if this effects our smoking regulations. This is not tobacco so can it be

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smoked in schools. Marijuana should be treated as medication but there is very little oversight and with the Federal government still considering it illegal, it makes it difficult. Ms. Kinnon stated that there is a bill in the Senate to tighten up the legislation.

Ms. Clement stated that if the regulations go into effect on May 1st and the moratorium doesn't pass at Town Meeting on May 4th, there is a possibility of a dispensary going in anywhere in the Town. We need to act quickly on the zoning issue.

Ms. Brothers stated that Senator Keenan's bill is to delay the regulation for six months and to add more criteria. She would like Ms. Clement to find out status of this bill. There is a lot of material out there and according to the law, there are 35 dispensaries allowed in the State, with a minimum of one in each county. There are 53 cities/towns in Middlesex County so Tewksbury may not even be considered. A moratorium is a good idea but a ban is better. The federal government considers marijuana illegal.

Mr. Roux asked how the Town voted on this issue. Ms. Brothers replied 9076 for and 6651 against. Ms. Kinnon stated that people, who voted yes, did not necessarily mean that they want a dispensary in Tewksbury but to give sick people an option. The initiative is too broad. Ms. Kinnon stated that if we put a bylaw to ban the dispensary and the Attorney General overturns it, then there will be no regulations in place to protect the Town. Mr. Roux asked how the Board can influence zoning. Ms. Clement replied that we have no jurisdiction and continued with the Board could write a letter to the Planning Board in support of the moratorium. Ms. Brothers stated that we should write a letter to the legislature to look into Keenan's law. Ms. Clement stated that she will research it and see where the bill is in the process.

Mr. French stated that the zoning is the most important issue right now and we can't change it.

Ms. Brothers stated that for the record, paragraph 4 of the Belati letter states "Experience shows that these recommendations are easy to obtain for almost any malady. Colorado only reports that 2% of its medical marijuana cardholders have cancer and less than 1% has HIV/AIDS. The average cardholder is 41 years old. A 2007 study in California found that the average age of a medical marijuana patient was a 32 year old male with a history of drug and alcohol abuse and no history of a debilitating disease."

MOTION - Ms. Kinnon made a motion to send a letter to the Planning Board in support of the article at Town Meeting for a moratorium on medical marijuana dispensaries. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

Ms. Kinnon asked if the MDPH releases the regulations by May 1st, what happens in the mean time. Ms. Clement stated that MDPH will still have working groups and public hearings. It will still take time to get the final regulations done.

Mr. French asked what Wakefield would gain by banning the dispensaries. Ms. Clement replied that she was not sure. Wakefield, Melrose, Reading and Saugus all had Town Meetings and banned the dispensaries. Ms. Clement stated that she will call Wakefield and see how it was done.

Ms. Clement stated that to recap, she will look into Senator Keenan's bill. She will draft a letter in support of the zoning moratorium and look into Wakefield's bylaw.

2012 Annual Report

Ms. Clement presented the 2012 Annual Report. It is a lengthy report and she thanked the staff for all their hard work. This year the office moved to the Senior Center and they had a warm welcome. The part-time clerk hours were increased to full-time. Ms. Clement thanked the Senior Center staff, DPW, Town Manager and this Board for their support.

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MOTION - Ms. Brothers made a motion to accept the 2012 Annual Report. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Chelsea Green Space and Recreation Committee Letter

Ms. Clement is asking for support for the Chelsea Green Space and Recreation Committee letter. She has sent this letter to Steven Sadwick for Planning Board comments.

Ms. Kinnon asked that it is worth while to be part of the study group. Ms. Clement states that the letter says that they could bring 60-120 trains through with each train holding 30,000 gallons of ethanol. This could result in 561.6 million gallons traveling through the state a year. Ms. Kinnon stated that she is not sure if this is a lot but we could become part of the study group to see how it affects us.

Mr. Roux stated that he would look to the Fire Department to give us some recommendations.

Mr. French asked how many of these trains are going through Tewksbury now. Ms. Clement stated that she is not sure of the exact amount but they are going through now. This committee is looking to expand the safety study.

MOTION - Ms. Brothers made a motion to send a letter to the Chelsea Green Space and Recreation Committee asking to include Tewksbury in the study. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Ms. Brothers asked if the Fire Department has the equipment to deal with an ethanol spill. Ms. Clement replied that she would think so but with check with the Fire Department. Mr. French stated that Liquid Carbonic on Shawsheen Street and the gas plant on Marston Street it would be likely they do have the equipment.

Approval of Minutes – November 29, 2012, January 3, 2013 and January 17, 2013

Ms. Clement stated that she received some corrections on the minutes. On the January 17, 2013 minutes, page 1, change “Mrs. French” to “Mr. French” and on page 2, change “resignation for” to “resignation from”. On the November 29, 2012 minutes, on pages 3 and 4, change “Tact” to “Tax”.

MOTION - Ms. Brothers made a motion to approve the Board of Health minutes of November 29, 2012, January 3, 2013 and January 17, 2013 as amended. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Old Business

Fiscal Year 2014 Budget Update

Ms. Clement presented the Town Manager recommendation for the budget. Everything has remained the same except he included \$2,000 for professional service to deal with the beavers on Town owned land.

Board Member Reports

Ms. Kinnon stated that Tewksbury CARES is concerned with how the medical marijuana will effect the youth.

Other Business

Mr. Roux asked what the status of the grease trap regulations were. Ms. Clement replied that they are still on her desk and she will have them ready for the next meeting.

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Announcements

Ms. Clement stated that the Upper Merrimack Valley Medical Reserve Corp (MRC) has recently received a grant for help animals in disasters/emergencies. There will be four public meeting session being held in Tewksbury, Westford, North Chelmsford, and Lowell.

Ms. Clement stated that there will be a training opportunity on February 26, 2013 at the Library from 9:00 AM to 11:00 AM. It will be an Emergency Dispensing Site (EDS) basic training.

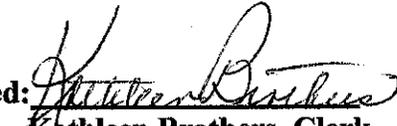
Ms. Clement stated that the "Reading Coalition Against Substance Abuse" Film Screening and Panel Discussion on February 13, 2013 from 7:30 PM to 9:00 PM at the Jordan's IMAX Theatre. Tickets are required and are at no cost.

Ms. Clement stated that she will be out of town on March 21st, so she asked if the Board of Health meeting could be cancelled. Mr. French stated that should not be a problem.

Ms. Clement advised people to be prepared for the blizzard by making sure that people have enough food and water for at least 72 hours. Ms. Kinnon asked if there will be a shelter if people lose electricity. Ms. Clement replied yes, if a shelter is needed it will be set up. Ms. Clement advised people to call National Grid if they lose power and contact the Police to inquire about a shelter. The Town Manager has already had one preparedness meeting.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 8:15 PM. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Approved:


Kathleen Brothers, Clerk

TEWKSBURY BOARD OF HEALTH MEETING

List of Documents for February 7, 2013

Documents can be located at the Board of Health's Office

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Meeting Called To Order:

New Business:

Open Seat Information:

Letter from P. French, Chair to D. Gay BOS Chair dated 1/29/13

Letter from R. Montuori, Town Manager to D. Graffeo Town Clerk dated 1/31/13

BOS Notice of BOH Vacancy received 2/1/13

Medical Marijuana

Letter from Bellotti Law Group to Office of Attorney General dated 1/30/13

Listening Sessions on Development of Medical Marijuana Regulations

Bill Summary

Sen Keenan seeks delay in Medical Marijuana implementation dated 12/21/12

Annual Report 2012

Letter from Chelsea Green Space and Recreation Committee dated 1/28/13

Approval of Minutes:

November 29, 2012

January 3, 2013

January 17, 2013

Old Business:

FY 2014 Budget page 1 with Town Managers Recommendations

Board Members reports:

Other Business:

Public Health Preparedness Region 3C Training for February 26, 2013

Pet Owners: Keep your Whole Family Sage mailing

Announcements:

Adjourn: