

TEWKSBURY Board of Health
Minutes
April 18, 2013

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 MAY - 7 PM 1:18

Call of Meeting to Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:05 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

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, Raymond Barry and Health Director Lou-Ann Clement.

Mr. French welcomed Mr. Barry and congratulated him on winning the election.

Re-organization of Board

MOTION - Ms. Brothers made a motion to appoint Phillip French as Chairman. The motion was seconded by Mr. Roux and unanimously voted 5-0.

MOTION - Ms. Brothers made a motion to appoint Charles Roux as Vice Chairman. The motion was seconded by Mr. Barry and unanimously voted 5-0.

MOTION - Ms. Brothers made a motion to appoint Raymond Barry as Clerk. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Mr. French stated that Ms. Kinnon and Ms. Brothers are members.

Annual Re-appointment of Health Agents

MOTION - Ms. Kinnon made a motion to re-appoint Lou-Ann Clement and Dean Trearchis as Health Agents. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Annual Re-appointment of Special Health Agents

MOTION - Ms. Kinnon made a motion to re-appoint Virginia Desmond as a Special Health Agent. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Mr. French requested to take items out of order, to start with the Tewksbury Rail Trails. The Board agreed.

New Business

Tewksbury Rail Trails – Peter Miller

Peter Miller, Jane Miller, and Ken Leonard from the Tewksbury Rail Trails appeared to discuss upcoming events. Mr. Miller presented copies of the application made to the CPC for funding, the draft warrant article and the public presentation. They are seeking support from the Board for the warrant article. There are two major efforts they are working towards. They have asked the CPC for money to perform a feasibility study on the abandoned railroads and walking trails in Tewksbury. They have asked for \$35,000 to hire a consultant for the feasibility study and how to proceed. The CPC unanimously voted to add the article to Town Meeting for the \$35,000. Mr. Miller stated that they also received a \$7,500 wellness grant from the Metro Area Planning Council. There is a bicycle and pedestrian advisory committee that is a sub-committee of the Board of Selectmen. This committee will facilitate pedestrian and cycle safety. Mr. Miller stated that they have letters of support from the Selectmen, Planning Board, CPC, Ms. Clement and Superintendent of Schools.

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Ms. Kinnon asked what are the expectations and next steps. Mr. Miller stated that if the article is approved at Town Meeting, they hope to start in the interview process for the consultant in July. A feasibility study will take between a year and 18 months. If the feasibility study goes well, they would recommend getting additional funds to build trails. Mr. Miller stated that in the meantime, they are planning on cleaning up the trail markings, mapping the trails and providing education.

Ms. Miller stated that they will be at the Police Department with the Bicycle Rodeo and they are also participating in the Health Fair and Earth Day. They have had a lot of interest.

Mr. Leonard stated that Bay Circuit Alliance is also working on getting the Bay Circuit trails to Tewksbury.

Ms. Kinnon asked if there would be maps of trails. Mr. Miller replied yes, they are working on this. Ms. Kinnon asked if the money has already been approved. Mr. Miller replied yes, the CPC has already drafted the article.

Ms. Brothers asked if there was one trail or several different ones. Mr. Miller replied yes and no. There are three railroad bed possibilities; Tewksbury junction, Haggetts Pond and out towards Lowell running parallel to Main Street behind the Senior Center, Police Station and businesses along Main Street. This trail is the best option.

Ms. Miller stated that there are two types of trails. The Rail Trail is a flat, sometimes paved trail. They are handicap accessible and easy to walk. The Bay Circuit Trail is more of an "off road" trail with hills and unpaved surfaces.

MOTION - Ms. Kinnon made a motion to support the Rail Trails article at Town Meeting. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Public Hearing

Proposed Chapter 9 of the Tewksbury Board of Health Regulations "Grease Trap Requirements for Food Establishments"

Mr. French read the public hearing notice.

MOTION - Ms. Kinnon made a motion to open the public hearing. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Ms. Clement stated that there were internal comments from the Town Engineer. Copies have been provided to the Board.

- On page 1, she is questioning if a Registered Sanitarian (RS) can draw and submit an as-built plan. Ms. Clement stated that she has researched the law and it states that the Registered Sanitarian can enforce public health but can't find if they can do plans. Mr. Roux stated that Registered Sanitarian's draw septic as-builts, which are similar to grease traps. Mr. Barry stated that a plot plan needs to be done by a land surveyor or engineer. Ms. Clement stated that Ms. Stein is also questioning if an RS has the legal capability to do an as-built so more research is needed.
- The drainlayer definition has been changed to match the sewer regulations.
- On page 2, the definition for grease trap now includes the Plumbing Inspector.
- On page 4, Section 9.4(d), Ms. Stein asked if the scale should be dictated, so it was changed to say a scaled plan is required. Mr. Barry suggested checking with other Boards if there is a standardized scale.
- On page 4, Section 9.5.1 and page 5 there were corrections of commas.

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Ms. Clement stated that there have been no other public comments. She still needs to investigate the RS issue.

Ms. Brothers stated that on page 5, Section 9.5.3.6, "chalk" "caulk".

There were no comments from the public.

Mr. French stated that the public hearing could be closed and the discussion could be brought back when the RS question is found out.

MOTION - Ms. Brothers made a motion to close the public hearing. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Mr. Roux asked if the restaurants were notified. Ms. Clement replied yes, post cards were sent out to all restaurants about two weeks ago. Mr. Roux stated that people have called him offline and there should be two-way conversations with the restaurants and suggested more notification including certified mail. Ms. Clement replied that we notified all the restaurants above what the law requires. Sending out certified mail notification is cost prohibitive. Ms. Clement added that the public hearing was posted for two weeks in the paper. The comment period could be kept open for a few weeks but notification was more than sufficient. Mr. French stated that notification was sufficient and we need to protect the sewer system as well as the residents. The owners of the businesses made the choice not to come or provide comments. They also have the option to come before the Board if there is a problem. Ms. Clement stated that if the written comment field is being left open it should have an end date.

Ms. Kinnon asked if the draft regulations are on the website. Ms. Clement replied yes. Ms. Kinnon asked that when the regulations get approved, would the restaurants be notified again. Ms. Clement replied yes, she will send out additional notification and pull out certain key points. Ms. Clement added that about 1/3 of the restaurants have grease traps. Ms. Kinnon asked how we would ensure that the external grease traps are installed prior to the end of the 5-year deadline. Mr. Roux stated that they are required on changes of use, expansion of restaurant, and change of owner.

Ms. Brothers stated that the information should be posted in other municipal buildings. Ms. Clement stated that once the regulations are adopted she will get posters made and put them in municipal buildings.

Mr. Barry stated there has been a lot of emphasis on restaurants but we need to make more of an effort to notify residents and what they should and shouldn't put down the drain. Ms. Clement stated that she would work with the Town Engineer to get an educational piece out to the residents.

MOTION - Ms. Kinnon made a motion to continue the written comment for a period of two weeks. The motion was seconded by Mr. Barry and unanimously voted 5-0.

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Old Business

Medical Marijuana Update

Ms. Clement stated that she has finished the review of the draft regulations for medical marijuana. They have closed a lot of gaps but there are still a lot of unanswered questions. She has drafted a letter to DPH and requests that the Board sign it. The comment period closes on Saturday. Ms. Clement summarized her letter.

- Section 7.25.004 – Definitions (4 Items)
 - Debilitating Medical Conditions – Will DPH issue guidance on “other” conditions.
 - Duress Alarm – Where does it go to, Police Department?
 - Edible Marijuana infused products – How is this addressed?
 - 60 Day Supply – How is the 10-ounce determined and monitored
- Section 7.25.010 – Physician
 - (G) – How is this monitored? There needs to be expanded education for doctors
 - How is the 5 years monitored?
 - If the caregiver can be responsible for pick-up, how is this transported and is there security?
 - How do they monitor private cultivation?
- Section 7.25.303
 - Cultivation – Security, mold, mildew, effects of other occupants?
 - 60-Day Plant Supply – How is this delivered and how is it monitored?
 - How is bartering or giving away the marijuana prevented?
- Section 7.25.100 – Treatment Centers
 - Section B.5.D – Local Support – Which local entity would be notified?
 - Section F.4 – There is no time frame for notification of changes.
- Section 7.25.105 – Operation Requirements
 - Who inspects the disposal of old supply?
 - How is the employee security policy monitored?
 - Section F.2.C – Will DPH have guidelines for doctors on how to handle a supply over 60 days?
 - Section K – Educational information needs to start with physicians.
- Section 7.25.110 – Security Requirements
 - The Police and Fire Departments should have input.
 - The transportation vehicles should not have any markings.

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Ms. Clement stated under closing remarks she added that there should not be any open clinics.

Ms. Brothers stated that this is a very good list. There is an incinerator in Methuen. Ms. Clement replied she believes it's in Haverhill.

Board Member Reports

Ms. Kinnon stated that Tewksbury CARES is working with the Police Department on a grant for the drug awareness week. Ms. Clement added that it was submitted Friday.

Announcements

Earth Day is scheduled for April 20th from 10:00 AM to 2:00 PM at the Town Common

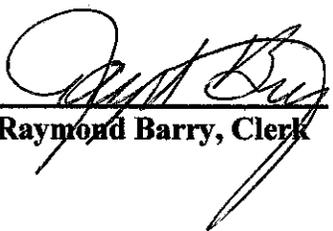
National Take Back Initiative is on April 27th from 10:00 AM to 2:00 PM at the Police Station. All identification should be removed and no liquid or sharps will be accepted.

The Health Fair will be held on May 1st. Ms. Kinnon asked if notification could be sent through the schools. Ms. Clement replied that she would investigate that with the Superintendent.

The Bike Rodeo will be held on May 4th from 10:00 AM to 2:00 PM at Wal-Mart.

Learn to Cope will be holding support meetings at the Tewksbury High School, Room A209 every Tuesday from 7:00 to 8:30 PM.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 8:05 PM. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Approved: 
Raymond Barry, Clerk

TEWKSBURY BOARD OF HEALTH MEETING
List of Documents for April 18, 2013
Documents can be located at the Board of Health's Office

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Meeting Called To Order:

Annual Re-Organization of the Board

Annual Re-appointment of the Health Agents

Annual Re-appointment of the Special Health Agents

Public Hearing Proposed Grease Traps for Food Establishments

Proposed Chapter 9 of the Tewksbury Board of Health Regulations Grease Trap Requirements for Food Establishments

Town Engineers comments dated 4-8-13

New Business:

Tewksbury Rail Trail

Article Draft for Town Meeting

Project Application Summary Form

Tewksbury Rail Trail Public Information Meeting dated 3/30/13 presentation

Old Business:

Medical Marijuana Draft Regulations

Letter to MDPH Public Health Council comments regarding proposed regulations dated April 18, 2013

Other Business:

Announcements:

Adjourn:



TOWN OF TEWKSBURY

BOARD OF HEALTH
@ THE SENIOR CENTER
175 CHANDLER STREET
TEWKSBURY, MASSACHUSETTS 01876

Lou-Ann C. Clement, C.H.O.
Director of Public Health

(978) 640-4470
Fax: (978) 640-4472

To: Richard Montuori
Town Manager

Denise Graffeo
Town Clerk

Steve Sadwick,
Community Development Director

Helen Chambers
Executive Assistant

From: Lou-Ann C. Clement
Director of Public Health

Date: April 19, 2013

Re: Board of Health Reorganization

13 APR 19 PM 12:50
TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA

Please be advised on April 18th, 2013 at the posted Board of Health meeting, the Board of Health reorganized as follows:

Chairman:	Philip French
Vice Chairman:	Charles Roux
Clerk:	Raymond Barry
Members:	Christine Kinnon Kathleen Brothers

CC: Board Members
Health Department Team
Recording Secretary
File