



**Town of Mendon  
Board of Health  
20 Main St. Mendon  
Minutes for  
May 13, 2015**

Chairman Andy Fiske called the meeting to order at 7:01 p.m.

Present: Tom Fichtner - Vice Chairman and Alan Greenberg - BOH member

Location – Board of Health office– 20 Main Street, Mendon, MA 01756

**Tobacco Regulations** – As part of their ongoing review process of the current Tobacco Regulations, the Board discussed wanting to make a couple of changes to what is currently being proposed for formal vote this evening. One is to list the liquid nicotine as a hazardous waste and the other is to ban flavored blunt wrappers. Town Counsel had previously provided the wording for the liquid nicotine element which was approved. DJ Wilson (Tobacco Control Director/Public Health Liason for Mass. Municipal Association) suggested the Board keep the proposal as is for now. If down the road the Board wishes to make revisions, changes can always take place. DJ is currently working on the proper wording and enforcement for future regulations. Tom noted that the Board is already making big changes by changing the age to 21 in addition to enhancing the current regulations to cover the additional tobacco related products such as the e-cigs. As such, Tom would be in favor of supporting DJ's recommendation and leave it as is for right now.

Andy raised the topic of the distance between a tobacco retailer and a school. Currently, DB Mart is located within the 500 ft. distance benchmark, defined in the proposed regulation, to a school. DB Mart would be grandfathered under the new regulations. However, if they sell, Andy questioned what would happen to the new business. DJ explained that the regulations allow a new owner 60 days to apply for a permit. In addition, Tom raised a concern about wording under the violations section of the new proposed Tobacco Regulations. It is regarding the word "shall" as in "The violator shall receive...". Tom would like the word "shall" changed to the word "may". Tom believes this would give the Board a little more discretion should a violation come before the Board. The other Board members did not have an issue with that change.

Tom made a motion to adopt Tobacco 21 as the basis for the new Tobacco Regulations which will make it unlawful to sell tobacco products to anyone under 21 years of age. These new regulations will also factor in guidelines related to the use of e-cig products as well, with the only change being, under Item N. Violations: Section 1, from "The violator **shall** receive..." to "The violator **may** receive..." Alan seconds the motion. All three members unanimously agree. Motion carried.

Alan made a motion that the new Tobacco Regulations governing the sale of tobacco products, in the Town of Mendon, will go into effect August 1, 2015. Tom seconds the motion. All three members unanimously agree. Motion carried.

**Landfill Update** – Tom spoke with Jim McQuade, Section Chief at MassDEP in Worcester

Regarding the possibility of reducing the testing that is currently performed on the property that was the old landfill. Tom was told by Mr. McQuade that we might be able to reduce the gas monitoring due to the consistent positive readings but would probably need to continue the frequency of the groundwater testing simply because of the consistent excess of lead readings that have been recorded. Jim recommended to Tom that we have Steve Gauthie of Cardno ATC (landfill monitoring company) reach out to Mike Penny (Jim's assistant) to discuss coordinating a third-party inspection. Also, Jim would like Cardno to submit an SW22 Permit Application and have the permit sent directly to Jim McQuade.

Tom then stated he spoke with Steve Gauthie to advise him of his conversation with Jim McQuade. Steve was already familiar with Mike Penny as he has dealt with Mike quite regularly. Moving forward, the plan is to make the June testing the last full round of testing required. The expectation is that the SW22 Permit Application submitted, along with the performance of the third-party inspection, will produce a reduced schedule of testing which will in turn reduce the expenditures currently incurred for this issue.

The Board thanked Tom for all his efforts.

**Reorganizing** – Tom made a motion for Andy Fiske to continue as Chairman of the Board. Alan seconds the motion. Both members agreed. Andy accepted the position.

Tom made a motion for Alan Greenberg to be Vice-Chairman of the Board. Andy stepped down as Chairman and seconds the motion. Both members agreed. Alan accepted the position.

Tom then had to leave the meeting at 7:45pm to address a work emergency.

Missy explained to the Andy & Alan the possibility of our septic plans being scanned. Missy went to the Town of Upton Board of Health office, as they recently underwent renovations to the Upton Town Hall. As part of the renovation/upgrade work, Diane (Asst. Public health Supervisor) for Upton BOH, purchased a scanner. With the help of a mini-grant and a temporary increase of her hours, Diane was able to scan her septic plans. This electronic process now allows for a more expeditious timeframe when needing to get copies of plans to certain people. Missy explained that Kim Newman (Mendon Town Administrator) is hoping to do the same in Mendon. Missy said this enhancement would also reduce the clutter created by the many drawings that are now needed.

Alan made a motion to adjourn the meeting. Andy steps down as Chairman and seconds the motion. Andy & Alan agreed. Meeting adjourned at 7:55p.m.

**Approved May 27, 2015**