

Town of Concord
Board of Health

Minutes from the Meeting
Tuesday, February 9, 2010
(135 Keyes Road)

PRESENT: David J. Burgess, Chairman
Deborah R. Farnsworth
Ann M. Snow
Dr. Susanna Bedell

Brent L. Reagor, Public Health Director
Karen M. Byrne, Administrative Assistant

1. **PUBLIC HEARING – PROPOSED BYLAW CHANGES – TOBACCO CONTROL**

David Burgess, Chairman opened the public hearing to hear public comment on changes to the (2) existing Board of Health Bylaws as follows:

- "The Sale of Tobacco to Minors Bylaw"
- "Smoking Free Workplace Local Bylaw" (formerly known as "Smoking in Food Establishments Local Bylaw").

Mr. Reagor reiterated that changes proposed to Concord's local bylaws will incorporate a broader scope of definitions, permitting restrictions for establishments that sell tobacco products, and additional fines for non-compliance. The main goal objective of the changes is to bring Concord more into alignment with statewide regulations governing this area, public health research about the dangers of tobacco use in minors and to address the ever changing industry practices for selling tobacco products.

Following a brief discussion of possible questions that may arise from Town Meeting floor, the consensus of the Board was that it was comfortable with the revisions made by staff; DJ Wilson from the Massachusetts Municipal Association, and that had been reviewed by Town Counsel for presentation at Town Meeting 2010.

No one was in attendance to the public hearing on this matter. Therefore, David Burgess moved to close the public hearing at 7:15 p.m. Deborah Farnsworth seconded it. All VOTED in favor to close the public hearing.

Deborah Farnsworth made a motion that the Board of Health move Article 66, "Revisions to Sale of Tobacco to Minors Bylaw" and Article 67, "Revisions to Smoking in Food Establishments Bylaw" (to be renamed "Smoke Free Workplace Bylaw") as

printed in the Town Warrant at Concord's Annual Town Meeting 2010. Ann Snow seconded it. All VOTED in favor.

Karen Byrne reminded Board members that all night's of Town Meeting would be posted as an official Board of Health meeting in the event that it was required to take a vote on any change made to the proposed bylaw changes; therefore, a quorum must be present during Town Meeting.

2. HOUSING INSPECTION REVIEW (CANCELLED)

3. TOWN MEETING DISCUSSION

The Public Health Director presented the first draft of the Power Point presentation on the proposed changes to the above referenced bylaws at Town Meeting (attached). The Board of Health articles are slated to be heard at the Selectmen's Public Hearing on March 1, 2010. Both Mr. Burgess and Mr. Reagor will be in attendance at that meeting. Mr. Reagor reminded the Board that this meeting was basically a dry run of what will be presented at Town Meeting and it would give the Selectmen an opportunity to make comments or address any concerns it may have prior to Town Meeting.

4. Reports

Chair Report & Reports from Other Board Members

Report from Chairman

David Burgess told Board members that he had written a letter to the Town Manager advising him of the Board of Health's desperate need for new members and that it would be lacking a quorum at the end of May because of the expiring terms of Deborah Farnsworth and Dr. Bedell. He noted that both had agreed to stay on if he would reappoint them in the interim until new members could be appointed, but that this was not an open ended commitment. To date, he had not heard back from Mr. Whelan.

Reports from Other Board Members

Deborah Farnsworth provided a brief update to the Board that the 2229 Main Street Committee would be meeting with the EPA Technical Group to review the procedures and methods that would be used during the clean up at the former NMI site. She will report back to the Board at the next meeting of any developments.

Ms. Farnsworth advised the Board that the Town of Concord should be pleased with the efforts and interest that has been maintained by EPA and others during this entire process in cleaning this site up. In her experience with Superfund sites, she noted that things usually move much slower and although some may disagree, that simply has not been the case with the former NMI site which may be in part because of

the citizen involvement and the 2229 Oversight Committee's commitment to seeing the project through.

Dr. Bedell asked the Public Health Director if he had been contacted by the School Department addressing nutrition and dietary needs for students as it related to childhood obesity issues. She said this was an issue that she was very interested in, but in the past, noted that interfacing with the School Department on the issue had not been received as well as she had hoped. Mr. Reagor said that he would reach out to the school department and to Public Health Inspector Gabrielle White who has a terrific working relationship with Bonnie Hardy the Food Service Director. He too believed this could be a good opportunity for the Health and School Department's to work towards a positive public health initiative.

Report from Public Health Director

Since the last meeting, Mr. Reagor noted that the Health Division staff had been suddenly inundated with housing, nuisance, and restaurant complaints; and each of them are being followed accordingly by respective inspectors.

Gabrielle White will be at the March meeting to discuss the new Risk Based Food Inspection Program being implemented by the Health Department. Mr. Reagor said this would tie nicely into a public hearing that will be scheduled for that same meeting where Chang An will be brought before the Board of Health to address its most recent inspection report. He noted that Ms. White had observed numerous (and blatant) repeat offenses completely unacceptable for any restaurant to be operating with and both concurred that it was time for the owners to explain their actions and inability to follow through on correcting these violations to the Board.

5. Minutes and Board Calendar

The Board reviewed and discussed the minutes from the meeting on January 19, 2010. Dr. Bedell moved to APPROVE the minutes as submitted. Ann Snow seconded it. All VOTED in favor.

The next scheduled Board of Health meeting will be on Tuesday, March 16, 2010. Mr. Reagor asked Ms. Byrne to please change the venue from 135 Keyes Road to 141 Keyes Road if possible.

6. SEPTIC BETTERMENT LOAN PROGRAM

Preliminary Approval for Betterment Liens

Karen Byrne processed a loan application for the property listed below. Brent Reagor, Public Health Director reviewed the Title 5 inspector report and confirmed that the system was in failure.

- 120 The Valley Road (\$30,000) - Ross

David Burgess moved that the Board VOTE to find the onsite sewage disposal systems on the above noted properties to be a public health nuisance per MGL, CH 111, s., 127 B and 127B ½ and to authorize the initial betterment lien assessment not to exceed \$30,000 to be filed at the Registry of Deeds. Ann Snow seconded it. All VOTED in favor.

There were no final betterment lien assessments this month.

Board of Health
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Respectfully submitted by,

Karen M. O'Keefe-Byrne, Administrative Assistant
Concord Board of Health

David J. Burgess, Chairman

Ann M. Snow

Dr. Susanna Bedell

Deborah R. Farnsworth