



BOARD OF HEALTH
MINUTES
July 21, 2015

The Board of Health held a meeting in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA. The meeting was called to order at 5:30 p.m. Present were Elizabeth Sabounjian, Dr. James Ficociello, Dr. Jane Williams and Shelly Newhouse, Director of Public Health. The next regularly scheduled Board of Health meeting will be August 4, 2015 5:30 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

The Board approved the June 16, 2015 minutes.

New Business

Title 5 Betterment

The Director presented the Board with a T5 Betterment agreement in the amount of \$13,075.00 for George and Lisa Stribley, 191 Middlesex Avenue. The Board reviewed and signed the agreement.

Sarafina Way Subdivision

This is a continuation from the last meeting. Benchmark survey, engineers for the project were present. Site topography, wetland issues and failure rates of existing subsurface sewage disposal systems were outlined in the request for the sewer extension. Dr. Williams asked for an outline on the CWRMP. Ms. Sabounjian explained that the CWRMP established in 2006 that the Town has sewered and non sewered districts. In the non sewered districts the Town is reserved a 200 home sewer allotment. Project proponents need to satisfactorily demonstrate that the need for sewer exists. At the last meeting a plan was requested by the Board showing the new proposed sewer district. As presented, 17 lots in the subdivision would be able to tie-in to the sewer. A potential of 17 more homes along Hopkins Street would have the ability to tie-in as well. Ms. Saboujian expressed concerns about this number in relation to our 200 home reserve allotment. Although, the subdivision would have to provide 150% recharge for stormwater, the environmental concerns relative to groundwater recharge for the entire town are too great to warrant this sewer extension, and it does not meet the level of necessity required in the CWRMP since Title V systems can be constructed. Dr. Ficociello is satisfied that the water recharges and draw downs on the watershed are sufficient. He explained that the homeowners in this area have been burdened enough with costly repairs of failed septic systems and he has enough information to move forward with approval of this request. Ms. Sabounjian stated that the burden to have no alternatives has not been met and she is therefore not in favor of approval. Dr. Ficociello motioned to approve the sewer extension request for the Sarafina Way subdivision, Dr. Williams second, Ms. Sabounjian voted against, voted 2-1. Motion passes.

Subway - 206 Ballardvale

This item has been removed from agenda

Public hearing-amendments to Section 8 of the tobacco regulations

The Chairman, Elizabeth Sabounjian opened the hearing at 6:05 p.m. The Director explained to the audience the proposed regulation changes. 9 of the 18 retailers were present at the meeting. Derek

Santini, Mobil on the Run spoke in favor of raising the minimum sales age of tobacco from 18 to 21. He was against the flavored tobacco ban stating that you are not allowing customers a "choice" when they are of legal age. Ken Flint, Cumberland Farms spoke in favor of raising the minimum sales age of tobacco from 18 to 21. He is against the flavored tobacco ban as he expects the consumers to just go to the next town over to have their choice of purchasing flavored tobacco. Frank Fusco, manager of the Wilmington Cumberland farms read a statement to be entered into the minutes. In summary, he was in favor of raising the minimum sales age, but was against the flavored tobacco ban. Chris Plouridis, Sunrise Market stood in favor of raising the minimum sales age and agreed with the other retailers as being against the flavored tobacco ban. Mike Champoux, selectman, agreed with implementing raising the minimum sales age for purchasing tobacco, but thought that banning flavored tobacco products was an excessive government over reach and is against the ban of flavored tobacco products. After all the retailers spoke the Chairman gave members of the Board an opportunity to address the audience. Dr. Williams stated that while the Board was contemplating amending the tobacco regulations, the furthest thing from her mind was punishing the retailers for selling tobacco products. Our goal as a public health board is to protect the public and flavored tobacco is a gateway product for children and young adults. Eliminating flavored products makes it that much harder for them to get the product. If it were up to her she would ban tobacco sales all together. Dr. Ficociello stated that the public health and welfare of the community is what we are here for. As a Board we have due diligence to protect and enacting and enforcing regulations, especially tobacco ones, is a duty of the Board. Much discussion was made back and forth with the Board members and audience about over regulating. The Director, Shelly Newhouse, suggested that the Board move forward with all parts of the tobacco regulations and strike section 8.7.1, which is the flavored tobacco ban. Dr. Ficociello would like to revisit the issue in 6 months and urged the retailers to look to the legislature to enact a state wide ban on flavored tobacco products. That way, all retailers across the commonwealth are in the same position. Dr. Ficociello made a motion to amend the smoking regulations by striking and removing section 8.7.1 and making the effective date for the amended regulation November 1, 2015. Elizabeth Sabounjian, second, Dr. Jane Williams voted against, voted 2-1. Motion passed.

A motion was made to close the public hearing at 6:35 p.m. voted 3-0.

No further business was discussed. Dr. Ficociello made a motion to adjourn at 6:40 p.m., voted 3-0.


Recording: Shelly Newhouse, Director of Public Health