



## Acton Board of Health

Meeting Minutes  
September 23, 2019  
7:30 P.M.

Acton Memorial Library  
486 Main Street  
Meeting Room

### **Present:**

Members Present: William McInnis, Acting Chairman, Michael Kreuzer, Joanne Bissetta and Mark Conoby

Associate Members: Dr. Thomas Jacoby voting for Absent William Taylor and Dr. Rekha Singh

Staff Present: Sheryl Ball-Health Director, Weiyuan Sun-Health Administrator

Other Present: Lester Hartman, MD, Mark Foss, Leo Bertolami, Maril Alexander, Anna Bettencourt, Mary Cole, Cheryl Sbarra, Dave Cardosi, Jonathan Shaer, Tina Grosowsky, Dan Connelly, John Peterson, Cheryl Peterson, Kathleen Gildea, Peter Fiske and Diane Baum

**Absent:** Dr. William Taylor

### **1. Opening**

Chair – Bill McInnis opened the meeting at 7:30 P.M.

### **2. Regular Business**

#### Approval of Meeting Minutes

The Board tabled approval of the minutes to the next meeting.

#### A. Director-Operational Update

- There was no operational update provided by the Director this week.

### **3. New/Special Business**

#### A. 97-107 Great Road – Hair Salon – Variance Approval for use of water records

Mr. Leo Bertolami, owner of the property, requested a variance from 310 CMR 15.203(2) to allow for the use of water flow records for the property located at 97 Great Road, Unit 3. A hair salon would like to occupy the vacant space and would like 4 chairs with 2 going directly to a tight tank and two going into the septic system. The current septic



system is permitted for 859 gpd and current water flow records show utilization of approximately 175 gpd , doubled per T5 would be 350 gpd. This approval would require 200 gpd (100/chair) which would be well under the permitted flow. On a motion made by Mr. Conoby, seconded by Mr. Kreuze, the Board unanimously voted to grant approval with the following conditions:

1. Establishment water use records shall be submitted to the Health Department on a quarterly basis to ensure compliance with a review after 6 months.
2. The Board of Health may modify the approval should the use results in a threat or hazard to the public or environmental health.

#### B. Public Hearing for Article 18; Regulations Concerning Tobacco

William McInnis opened the public hearing and stated that Thomas Jacoby will be voting for absent member, William Taylor. Ms. Ball highlighted the proposed changes to the regulation to the Board. These changes include expanding the regulation to limit the sale of flavored tobacco (including mint and menthol) and vape products to adult-only retail tobacco stores, increased the no-smoking buffer around public accessible buildings from ten to thirty feet the addition and clarification of definitions. Mr. McInnis asked the Board for their comments/concerns with this regulation. The Board discussed having retail establishments install scanners on their registers to help prevent under age sales. John Shaer stated that he represents convenience store distributors and believes that flavors are an issue but including mint and menthol is not. He also stated that retailers should not be punished. Ms. Grosowsky, stated that she is in support of this regulation change and that there are 2 tobacco permit holders within ½ mile from the Junior High. Dr Hartman is also a supporter of the changes and discussed the adverse health effects from vaping. Kathleen Gildea, manager of a store in Acton stated that her business caters to adults and that what we need is education on the dangers of vaping for our kids. Mark Foss, spoke against this regulation change stating that we should not be punishing the taxpaying businesses. Cheryl Sbarra, stated that we should consider restricting advertisement and stated that the younger age group starts with menthol. She also stated that it is ok to inconvenience adults if we protect our kids from the exposure. Mary Cole spoke to a vaping presentation that she did at the schools last year and how many parents attended and where amazed at what they learned. Anna Bettencourt, Verc Enterprises manager, stated no one wants to put tobacco products in our minor's hands and her company does not market to minors. Almost everyone in attendance spoke at the meeting for and against this change. Mr. McInnis summed up the meeting and stated that all seemed to be in agreement that we don't want our children to have this product and we need to balance out everyone's opinion. On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board voted to continue the public hearing to the next available meeting and only new information can be discussed. The vote was 3-2. Passed.

#### **4. Adjournment**

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 9:50 PM.



**Documents and Exhibits Used During this Meeting;**

- Agenda, BOH September 23, 2019- Revised to New Location
- Minutes, September 9, 2019
- 107 Great Road, Hair salon, Approval for Water Used Records
- Public Hearing for Article 18, regulation Concerning Tobacco
- Commonwealth of Massachusetts, Superior Court, Docket No: 1981CV336
- Daley Vapor, September 23, 2019
- Juul Launch Party
- Letter From Nary Cole, September 23, 2019
- Letter From Tina Grosowsky, September 23, 2019
- Massachusetts General Hospital, News release, July 23, 2019
- Mint and Menthol- Flavored Vape and Tobacco- Harm to Teen Health
- PSA Tobacco Advertisement
- The wall Street Journal, Paid Advertisement, September 23, 2019
- Vaping Resources from the Greater Boston Tobacco- Free Community Partnership
- Where Are Kids Getting Juul, May 29, 2018

Respectfully Submitted,

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Weiyuan Sun  
Acton Board of Health

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Dr. William Taylor-Chairman,  
Acton Board of Health