

ACTON BOARD OF HEALTH



MINUTES

APRIL 13, 1992

**MEMBERS PRESENT:** Jonathan Bosworth (Chairman)

Cordelia Alfaro

James Barbato

Mark Conoby

Ed Calamai (Associate)

Bill McInnis (Associate)

**STAFF PRESENT:** Doug Halley (Health Director)

Sheryl Ball (Health Secretary)

**OTHERS PRESENT:** Mark Levine

Thomas Damon

David Kearns

Evelyn Olschewski

J.D. Polulbaul

Dennis Laughnan

Thomas Fitzin

Dennis March

George Mitri  
Judi Kotanchik  
Marilyn Wylie  
Gina McCarthy

The meeting opened at 7:35 p.m.

**MINUTES:**

On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to accept the minutes of January 27, 1992.

On a motion made by Mr. Barbato, seconded by Mr. Conoby, the Board unanimously voted to accept the minutes of March 23, 1992 following corrections.

**MELOTONE VENDING - MARK LEVINE:**

Mr. Levine was present before the Board to discuss the possible use of lock out devices on cigarette vending machines. Mr. Levine also stated that he has worked with many surrounding communities helping who have incorporated these lock out devices in their smoking bylaws. Mr. Levine briefly explained how the lock out devices work. Mr. Levine stated that the lock out devices are always in the locked position. In order to allow each single sale, an employee of the store where the merchandise is located must first push a remote mounted switch button in order to allow the purchaser to complete the transaction and to enable the machine works to dispense the product.

Mr. Levine stated that he has seen variations in bylaws requiring vending machines lock-out devices throughout the State. For example, some towns have required lock out devices on vending machines only if they are physically located more than fifteen (15') feet away from an employee.

Mr. Levine also stated that employees will need to follow all laws & rules governing sales of cigarettes in order for these lock out devices to be effective.

Mr. Kearns, speaking as president of the New England Convenience Store Association and a representative of the Lil Peach Convenience Stores, expressed his concerns regarding the proposed smoking bylaws. Mr. Kearns advised the Board that he would submit written comments and suggestions. The Board indicated they would welcome any comments and would look at them at a future meeting.

173 MAIN STREET - VARIANCE REQUEST:

Ms. Marilyn Wylie seeks a variance from Title 5, 310 CMR 15.03 (7)(1)(2) for reconstruction of the septic system located at 173 Main Street, Acton. The Board had previously granted a variance for this reconstruction, however, the easement which was necessary to comply with the original variance was not able to be obtained from the abutting property owners. The Wylie's only alternative now is to place the required interceptor line on their own property. The proposed interceptor would have to be placed closer than the required twenty-five feet to the leaching system. The

interceptor is designed with water tight joints and an eight mil. polyethylene thick liner which will be placed between the interceptor and the septic system. This variance will also need approval from the State. On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to grant a variance from Title 5, 310 CMR (7)(1)(2) to allow an interceptor drain closer than 25' from the leaching system with the following conditions.

1. That the interceptor drain have water tight joints.
2. That an eight mil. polyethylene thick liner be placed between the interceptor and the proposed septic system.

**JUDITH KOTANCHIK - WAIVER OF FEE FOR TEMPORARY FOOD PERMIT:**

Ms. Kotanchik, representing the Pony Club, seeks a waiver of the \$30.00 fee required for temporary food permits. Ms. Kotanchik stated that their club in a non-profit organization and it is difficult to pay the \$30.00 fee. This was a one-day event which took place on April 11, 1992 and did not make enough profit to cover the fee.

The Board feels that because of the financial hardship involved with this particular function and considering the particular individual circumstances the fee could be waived. The Board, however, stated to Ms. Kotanchik that she should look into running the function to cover all the necessary costs in the future.

On a motion made by Mr. Barbato, seconded by Mr. Conoby, the Board unanimously voted to refund the \$30.00 fee to Ms. Kotanchik due to the hardship involved by the Pony Club.

On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to adjourn at 9:10 P.M.

**NEXT MEETING:**

The next regularly scheduled meeting will be held on May 18, 1992 at 7:30 P.M. in the Town Hall. The following meeting will be held on June 8, 1992.

Respectfully Submitted,

Sheryl Ball

Signed and Approved,

Jonathan Bosworth  
Jonathan Bosworth, Chairman