

Acton Board of Health

Council on Aging Senior Center  
50 Audubon Drive  
Acton, MA 01720

September 22, 2014

**Members Present:** Michael Kreuze -Chairman, William McInnis, Member, Mark Conoby, Member, Joanne Bissetta, Vice Chairman, and Dr. William Taylor, Member. Also present Pam Harting-Barrat and Robert Oliveri (Associates with Voting Rights)

**Staff Present:** Sheryl Ball-Health Agent

**Other Present:** Dr. Lester Hartman, William Hall, Peggy Mikkola, Barry Ahern, Steve Veira, Umesh and Atty. Steve Ryan

The meeting was called to order at 7:34 p.m.

**Minutes**

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to approve the Board of Health minutes dated August 18, 2014 as written.

**14 Mohegan Drive - Variance**

The Health Department has received a request for a variance from 310 CMR 15.212 to allow for a reduction in the required separation from groundwater to the owners of the property located at 14 Mohegan Road. The current system is in failure and has a current order of correction from the Health Department. The site is restricted due to mature landscaping and overall lot size. The requested variance for a reduction in groundwater of .3 feet is not significant given this properties location to the town's drinking water wells. William Hall, representative from Stamski and McNary was present to address the Board's concerns. The Board stated that landscaping is not typically an acceptable criteria for granting variances and questioned whether the pipe could be raised by 4" to meet the 4' separation. Mr. Hall stated that the system would not meet breakout at that height which would require retaining walls. The Board did state that since this is a minor reduction and under 10% that they could approve this request. On a motion made by William McInnis, seconded by Joanne Bissetta, the Board unanimously voted to approve a variance from 310 CMR 15.212 to the property located at 14 Mohegan Road with the following conditions:

1. The septic tank shall be pumped a minimum of once every two years.
2. The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by the MADEP for the PERC-RITE Drip Dispersal System.
3. A poly barrier shall be installed at any area between foundation and SAS that are closer than 10'
4. The system shall be constructed in accordance with the above listed conditions and a plan stamped by George Dimakarakos, PE dated 9/9/2014.

**Tobacco 21- Public Hearing**

The Board opened the public hearing for the proposed changes to Town of Acton Tobacco Regulations Article 18. The Health Department noted receipt of a letter from Atty Steve Ryan, representing NECSA – New England Convenience Store Association through email and provided a copy to the Board. Dr. Lester Hartman also submitted documents to the Board entitled "Healthy Towns, Healthy Kids" and a New England Journal of Medicine article "Is it Time for a Tobacco-free Military" for Board review.

The Chairman asked the public to identify themselves prior to speaking. Atty. Steve Ryan, representing NECSA – New England Convenience Store Association, was present to speak about his concerns with the proposed changes to the Tobacco regulations and stated his opposition to these changes. Atty. Ryan has the following concerns: Acton has a 95% compliance rate during checks, cigar prices should not be increased so residents don't drive to the next town to purchase and the FDA will be releasing a report on the health impact of raising the age and asks that the Board hold off on a vote until this report comes out. Representatives from Verc Enterprises that own a store located at 44 Great Road were also present to discuss their opposition to these changes. Mr. Ahern stated that since the age has increased in Westford to 21 they have lost 15-20% of their business citing that customers like the one stop shopping approach. Mr. Veira stated that he is concerned that customers will drive to neighboring Towns to make these purchases which will result in a decrease in business. Umesh, who did not provide his address or place of business questioned if raising the age was the right thing to do. He stated that we should wait until surrounding towns make this change.

Dr Hartman stated that he is the force behind this proposed change and has fully committed himself by personally attending over 70 meetings at multiple cities and towns to encourage and support communities to increase the age to 21. Dr Hartman intends to continue this effort stating that he is doing it for our children. Dr. Hartman stated that Needham was the first community to go to 21 in 2005 and statistics show a decrease in smokers and not a single store went out of business.

The proposed changes to the Tobacco regulations include increasing the age to purchase from 18 to 21 and also to increase the price of a four pack of cigars. Most of the discussion tonight was related to the increase in age, however, the increase of the purchase price of a four pack of cigar prices was discussed and it was decided not to make that change.

The Board stated that their mission was to protect the public health and that this is a public health issue. Mr. McInnis questioned whether this issue is private or public health. Ms. Bissetta stated that she likes the idea of taking the age of sale out of the high school. Dr. Taylor, Mr. Oliveri and Dr. Harting-Barrat both expressed the importance of raising the age.

On a motion made by Dr. Taylor, seconded by Mr. Conoby, the Board voted to amend Article 18, Tobacco Regulations to increase the age to purchase tobacco products from 18 to 21. The vote was 4-0-1 (with Michael Kreuze abstaining).

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted not to adopt the amendment to article 18-11 that increases the purchase price of a four pack of cigars.

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to make the changes to the Tobacco Regulations effective January 1, 2015.

On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to close the public hearing.

The Health Department noted receipt of a letter from Atty Steve Ryan, representing NECSA – New England Convenience Store Association through email and provided a copy to the Board.

**Other Business:**

Mr. Kreuze stated that he has begun graduate school and is no longer able to commit to being a member of WRAC.

**Adjournment**

On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board unanimously voted to adjourn at 9:45 P.M.

Respectfully Submitted,



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Sheryl Ball  
Acton Board of Health



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Michael Kreuze -Chairman  
Acton Board of Health