

Town of Concord  
Board of Health

Minutes of the Meeting  
Tuesday, February 13, 2018

PRESENT: Raymond Considine, Chairman  
Dr. Deborah Greene  
Mark Haddad

Susan G. Rask, Public Health Director  
Karen M. Byrne, Administrative Assistant

OTHERS: Scott Richardson; Alice Kaufman, Liaison BOS

The meeting was called to order at 7:30 a.m.

**1. DISCUSSION – Request to be heard**

Concord resident, Scott Richardson requested a meeting with the Board of Health to outline his position on his proposed Town Meeting Warrant Article 46 “Bylaw Prohibiting Use of Gasoline-Powered Leaf Blowers.” Mr. Richardson summarized his position and stated what he felt was the duty of the Town to “protect the natural environment, the economy, and the health of its citizens” keeping in line with the sustainability principles adopted by the Board of Selectmen in 2011<sup>1</sup>. In his opinion, gasoline-powered leaf blowers were not consistent with environmental protection or sustainable living due to many factors such as but not limited to pollutants, unhealthy airborne particulates and noise pollution. At this time, he provided the Board with several handouts and articles with information he felt reinforced his position. He hoped the Board of Health would support the article at Town Meeting.

Dr. Greene and Mark Haddad made inquiries about enforcement and feasibility of such a bylaw as well as noting that there were already other entities (OSHA, EPA) that set standards. Mr. Haddad stated that on a personal level, he might consider changing some of his own lawn care practices, however, said he would be hard pressed to tell another property owner to do the same. After a brief discussion and a few additional questions, no further action was taken.

**3. DISCUSSION – Town Meeting Warrant Article 30<sup>2</sup>**

On January 31<sup>st</sup> the Board of Health in conjunction with the Selectmen held a public forum relative to proposed Warrant Article 30 – “Bylaw Amendment – To Prohibit all types of non-medical Marijuana Establishments as defined in MGL, Ch., 94G, Section 1.”

At that forum, some statements were made from participants inquiring why the Board of Health would not consider allowing research facilities and/or similar non-retail marijuana entities. Chairman Considine asked Board members whether they felt any modifications were necessary or if consensus remained the same to recommend prohibition of all types of non-medical marijuana establishments.

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<sup>1</sup> Warrant Article 46

<sup>2</sup> Warrant Article 30

He reminded the Board that it purposely considered broad language because the Cannabis Control Commission had not finalized the rules and regulations for this industry. Mr. Considine asked whether anyone's opinion had changed or if the Board felt comfortable moving forward with the language as written in the warrant.

Dr. Green reiterated previous discussions about sending mixed messages (particularly to the youth) about normalizing non-medical marijuana in Concord. In her opinion, it did not matter whether it was a retail shop or a research facility. She felt the Board had debated, discussed and carefully considered all sides of this issue before submitting the warrant article and did not think it needed to be changed. In her opinion, as the public health entity for the Town the Board should remain focused on the public health message and the possible public health ramifications of non-medical marijuana establishments in Concord. Mark Haddad concurred restating his position that it was best to have a clearly defined line as a Board of Health (i.e., "all types of non-medical marijuana establishments") and let the voters decide.

Dr. Greene moved that the Board of Health move Warrant Article 30 as written in the 2018 Annual Town Meeting Warrant. Mark Haddad seconded it. All VOTED in favor.

### **3. STAFF REPORTS**

PHD Rask provided the Board with an email dated January 23, 2018 from the Massachusetts Association of Health Boards with information and questions relating to the draft Cannabis Control Commission regulations. The email stated that MAHB was planning an educational program in March on the subject and provided a brief summary on what would likely be discussed. Ms. Rask said that Attorney Cheryl Sbarra who has worked extensively with MAHB over the years on tobacco control issues likely wrote the summary and would be involved in the program.

Ms. Rask reviewed the Town Meeting Hearing and Submission Schedule with the Board of Health highlighting meetings that members must attend (March 5, 2018 Select Board's Public Hearing). She also noted that final draft motion was due to her no later than March 7<sup>th</sup> due to scheduling conflicts and vacations.

Board members asked questions regarding expectations for the Select Board presentation at which point Select Board member Alice Kaufman briefly outlined general procedural protocols and anticipated audience expectations noting that more often than not it is routinely the same as what would be presented on the floor of Town Meeting. Mr. Considine asked if the Select Board had taken a position on Article 30 to date and it had not however Ms. Kaufman stated the Select Board routinely would wait on taking a position on any article until all public hearings were held.

### **4. CHAIRMAN & BOARD MEMBER REPORTS**

Although the Town of Concord was ahead of the curve on this matter, Mr. Considine was pleased to inform the Board that a Comprehensive Omnibus Tobacco Bill on raising the minimum purchase age to 21 for tobacco products and e-cigarettes state wide had made its way the Ways and Means Committee and that it was looking favorable. However, he was equally as displeased to announce that the Governor had proposed a 10% cut to the Massachusetts Tobacco Control budget.

Staff provided a copy of the Committee Charge for the "Pollinator Health Advisory Committee" as mandated by a 2016 Town Meeting. The purpose of the advisory committee is to understand the regulatory framework for pesticides and examine issues and concerns surrounding the use of neonicotinoids and advise the Select Board on a plan for a "communication strategy for educating citizens, lawn care companies and farmers about the risks of these compounds to pollinators and advising on alternative best practices."<sup>3</sup>

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<sup>3</sup> Pollinator Health Advisory Committee Charge 7/17/17

Membership for this committee includes one representative from the Agricultural Committee, and the Board of Health; one member from the Natural Resources Commission or their designee; one citizen with knowledge of pollinators, entomology or similar field; one citizen representing the beekeeping community and two citizens at-large.

Mr. Considine said that PHD Rask had graciously agreed to represent the Board of Health on the committee and would attend the meetings. Ms. Rask noted that the Massachusetts Department of Agricultural Resources could also be a good option for technical support.

## **5. BOARD CALENDAR & MINUTES**

The Board reviewed and discussed the minutes from the November 21, 2017 meeting. Mark Haddad moved to APPROVE as submitted. Dr. Greene seconded it. All VOTED in favor.

The Board reviewed and discussed the minutes from the December 4, 2017 meeting. Mark Haddad moved to APPROVE as submitted. Dr. Greene seconded it. All VOTED in favor.

The next regularly scheduled meeting for the Board of Health is March 20, 2018.

The meeting adjourned at approximately 9:30 a.m.

Respectfully submitted by,

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

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Raymond Considine

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Dr. Deborah Greene

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Mark Haddad