



**Middleton Board of Health Minutes of the Meeting
Wednesday April 24, 2019
Fuller Meadow School
South Main Street, Middleton, MA 01949**

The Middleton Board of Health held a meeting on Wednesday, April 24, 2019 at the Fuller Meadow School, South Main Street, Middleton, Massachusetts at 6:00p.m.

Board Members Present:

Ray Cryan
George Demeritt
Matt Greenfield
Paul LeBlanc
Judy Schneider

Others Present:

Derek Fullerton, Public Health Director
Marlene Clapp, Recording Secretary
Renee Lanagan (Ferncroft Towers)
Attorney Jill Mann (Mann & Mann, P.C.)
Phil Caron (Bio Med Innovations)
Matt Nekoroski (Bio Med Innovations)
Ralph DiGeorgio (Five Mark Properties)
Marie Currier (Village Road)
Rita Amolsky (Village Road)
Jaya Parajoli (BikBasnet)
Pintaum Basnet (BikBasnet)

The meeting was called to order at 6:00 pm.

BOH Minutes

The Board reviewed the minutes of March 6, 2019. Mr. Demeritt noted that on page three, second to last paragraph, the word "five" should be replaced with "give." Mr. Cryan moved to approve the minutes of March 6, 2019, as amended. Mr. Demeritt seconded. The motion carried 5-0.

Vote to adopt amendments to Town of Middleton Board of Health Regulations: Swimming Pools (semi-public and public pools)

Mr. Fullerton noted that nothing had changed since the last meeting. The effected parties were initially notified and the legal notice was posted in the newspaper. Mr. Fullerton also sent a second reminder to the pool permit holders in town. Renee Langone, Ferncroft Towers, was present for this vote. Ms. Lanagan is new to the pool committee and needed for clarification regarding the lifeguard situation. She asked if the pool can be kept open when a lifeguard is not present if a CPR certified person was on site. Mr. Fullerton explained the regulations have relaxed whereas the previous regulations required a lifeguard on at all times, for a public or semi-public pool. That regulation has been removed and it is now up to the discretion of the facility. Ms. Lanagan was reminded that they are still held to the State's pool regulations.

Marie Currier and Rita Amolsky of Village Road arrived late to the discussion. They were interested in knowing if their pool needed signage. Mr. Fullerton explained that they are still obligated to follow all of the State regulations regarding public and semi-public pools and the local regulations.

Mr. Demeritt moved to Adopt Amendments to the Town of Middleton Board to Health Regulations: Swimming Pools (semi-public and public pools). Mr. Cryan seconded the motion. The motion carried 5-0.

Bio-Med Innovations, LLC Solid Waste Handling Facility at 20 Log Bridge Road, Building 100. Informational Meeting with Proponents

Attorney Jill Mann, representing Bio-Med Innovations, spoke on behalf of this project. Atty. Mann explained that the proposed facility is not an incineration facility but rather a sterilization facility. The facility will be used to sterilize certain types of biological and medical waste. The waste will then be transported off-site. The proposed facility will be used as a processing plant. Atty. Mann pointed out that while the facility is permitted by right in the manufacturing district, the Middleton BOH is sole-permitted granting authority. If the DEP approves, the BOH must decide if it will grant site assignment for the facility and does have the right to set forth regulations. If approved, this will be the first such facility in Massachusetts. Atty. Mann explained that the proposed location, the site of the former Essex Tech, is an existing industrial park. Bio-Med would potentially be located in the first building with rear access. Mr. Fullerton, Mr. Demeritt and Mr. Cyan have visited the proposed site with the DEP and MEPA in 2018.

Atty. Mann explained that MEPA approval, which states that there are no environmental concerns, has been granted. A site suitability report has been filed with the DEP. If the DEP grants approval, the BOH must grant site assignment for the facility to proceed. The hearing process would be conducted by a regulated public hearing. The BOH would be tasked with hiring a hearing officer and attorney for the hearing, both of which would be paid for by the petitioning company, Bio Med. Mr. Fullerton has already begun researching potential attorneys.

Bio-Med Innovations will process medical and biological waste but not waste from labs that work in dangerous substances but rather used needles, etc Atty. Mann explained that the only assurance Bio-Med has regarding the intake of non-hazardous substances is the manifest from the licensed generator upon intake. Mr. Greenfield expressed concern about the integrity of these manifests. Atty. Mann said that the bags are screened and dangerous waste, such as chemotherapy waste, will not be accepted. She explained that the materials are also tested in the

autoclave. Mr. Caron (Bio-Med Innovations) further explained that there is a Compliance Officer with 12 years experience on staff who will be conducting training to the generating facilities. He will train any untrained companies and be sure the generators are familiar with what waste is accepted by the Bio-Med facility. Atty. Mann proposed possible spot inspections at the point of delivery in the Bio-Med facility. Mr. Nekoroski (Bio-Med Innovations) added that anyone who generates medical waste is very highly regulated by the State. Mr. Nekoroski spoke of small office training and explained that they having working relationships with these highly regulated clients. Mr. Greenfield expressed interested in reviewing Bio-Med's clientele training program. Independent licensed haulers will bring the waste to the facility, mainly, but Bio-Med anticipates having some haulers for facility pick-up.

Bio-Med representatives and Atty. Mann met with the Fire Chief and Chief of Police and had discussions regarding potential first responder activity. Yearly training was agreed upon by all parties. Atty. Mann explained that the off-loading portion is mostly automated. She said the containers are off loaded by the receiver, loaded to the receiving area then the box/container is opened by a mechanism and emptied into a cart. The cart is then pushed into the autoclave. Humans do not come in touch with the product. The waste is then run at a high temperature to ensure sterilization. The machine also has a radiation screening device to ensure radioactive materials are not being processed. Atty. Mann further explained that the only by-product of the autoclave is steam. Included in the BOH packet was an evaluation from Tetra Tech Corp which stated that these autoclaves only produce sterilized steam and are free from harm. The fire department was concerned with the amount of billowing steam. Bio-Med said the autoclave only runs for 1 hour and 20 minutes and produces white steam.

Once the process is complete, the materials are then moved to a compactor and compacted as needed. It is then moved off-site to a waste facility. Sterilized sharps are ground on-site. Atty. Mann anticipates the grinder running for one hour, per day. The boxes used during transportation are then washed, sterilized and stored on-site. Atty. Mann explained that though the rinse waste water is a very small amount, any water used in treatments is collected in a sealed tight tank, underground. The water will also be trucked off-site and not released into the septic system. She further explained that the compacting barely has any wet waste because it is processed with a dry-in process. Bio-Med's waste per run is anticipated to be 3,500 pounds per cycle. The on-site well will be used and Bio-Med anticipates using 2,500 gallons per day, per auto clave. One autoclave will be used, initially, but Bio-Med expects to be using two as production increases. Atty. Mann said the well is hardy, Mr. DiGeorgio (Five Mark Properties) said the well produces 160 gallons per minute which will be able to handle the 5,000 gallon daily pull from Bio-Med. For reference, Mr. Fullerton explained the DEP allows for a draw of 100,000 gallons daily per day, for a private well. The well will also be used for irrigation. There is no other demand on it. Mr. Fullerton explained that Bio-Med will have a floor drain which will drain to the tight tank. Once the tight tank is full, it will be pumped to above ground storage tanks and then pumped and hauled off-site. Mr. Fullerton noted that the only water which will be drained into the septic system will be from the toilets and employee kitchen.

Should there ever be a spill, every hauler has a clean-up kit and is required to clean the rear of their truck with bleach spray at the end of their haul. The facility will be accessed by the rear loading, interior, dock. Waste will never be stored in trucks; it will all be immediately off-loaded. The dock is a secured area with no unauthorized access allowed. All employees will be required to have precautionary immunizations as a preventative measure. Employees will also be required to wear earplugs although the onsite grinder is generally very quiet. It is a precautionary measure for the health and safety of the employees. The site will have annual inspections from the BOH and yearly staff training. First responders will also be offered training segments and they will also

hold a dry run prior to the facility opening. Mark Costello, a national provider, oversees the entire load process and creates reports that the Health Agent will be able to access at will. The autoclave is constantly monitored by this offsite company. The autoclaves will also be inspected on-site, daily. Cashons Associates of Wakefield will develop the safety protocol for the facility. Mr. Fullerton discussed how the materials being received are the main concern for the BOH; it must be limited to regulated medical waste. Should the facility ever attempt to change its use, they would have to come before the BOH to have a change in use approved. The BOH will be stringent in monitoring what waste is allowed in the facility.

Mr. Fullerton noted that Bio-Med is still awaiting their site assessment approval from the DEP then the BOH has to work on the approval or denial of site assignment and regulations. The site assignment public meeting will be run by the attorney and hearing officer at which time the BOH will approve or deny the site assignment.

Medical Waste Facility Regulations: Discussion to draft

Mr. Fullerton would like the BOH to develop medical waste regulations which can be amended as needed. He will send out the draft regulations to the BOH and would like to hear their comments and suggestions. Also, there is a need for a Medical Waste Haulers Permit with the associated annual fees. He will further research the regulations and hopes to adopt a 1-2 page document of regulations. The BOH discussed the waste stream and the lack of competitors in this region.

Smoke Accessory Sales Permit: Initial Draft Regulations

A retail tobacco store application has been filed with the BOH. The 21+ vape store would like to sell paraphernalia, hookah pipes, glass pipes, etc. The aforementioned store has applied for the last tobacco permit in the town. Mr. Fullerton explained that he has recently received a call inquiring about a head stop, which primarily sells only accessories. He continued that many communities are beginning to develop Smoke Accessory Sale Permits to handle these types of paraphernalia-only shops. These facilities are becoming more popular with the rise of marijuana and vape sales. Mr. Fullerton distributed draft regulations to the Board for review. Framingham now requires a separate permit for stores who wish to sell smoke accessories. They no longer associate it with their tobacco permit. Although the BOH has been proactive regarding accessory sales with newly permitted tobacco sellers, ultimately, Mr. Fullerton would like to see these paraphernalia items removed from convenience stores where under aged children are allowed. Currently, they are on full display at local tobacco retailers where there is no age restriction. Mr. Fullerton noted the downside of the permit will be that interested parties will seek these permits to open such paraphernalia-only shops. Mr. Fullerton explained that while existing adult shops will be grandfathered in, convenience store will be affected and will no longer be allowed to sell smoke accessories.

Tobacco-Nicotine Regulations: Recommendations for future amendments to include permit cap for adult-only retail tobacco/nicotine stores; implement a sunset provision on number of tobacco-nicotine permits to a set number; implement smoke accessory sales permit cap

Mr. Fullerton suggested capping the amount of Smoke Accessory Permits to allow the BOH to maintain some control on the number of these types of shops in the community. He highlighted one of the regulations set forth by Framingham which has 500' rule; it states that if you have a Smoke Accessory Permit, you cannot have a tobacco retailer within 500'. The new applicant of the 17th tobacco permit, if issued, will bring the amount of vape stores to three stand-alone stores within the Town. Mr. Fullerton would like to see a cap on the number of adult retail and smoke accessory shops. The industries changes are driving the high demand. With the possible issuance of the 17th tobacco permit, the sunset provision discussion was revisited. The BOH must consider reducing the tobacco permits by a one at-a-time or reducing them as them as they expire. The BOH will further discuss but agreed it should be considered at this time.

Blk&Jay Corp: Retail Tobacco Store: Information by proponent Bik Basnet

Jaya Parajoli and Pintaum Basnet of BikBasnet have applied for the last, 17th, tobacco permit In town. Mr. Parajoli explained that they are interested in opening a 21+ smoke shop and accessory store. They current own Smoke Valley in Somerville. They intend to sell tobacco, hookah pipes, rolling papers, handheld pipes, vape mods and devices. They will be open days a week. Mr. Fullerton explained to them that should the Smoke Accessory Permit become effective in town, they would also need to apply for that permit, after-the-fact. He also made it clear that there is to be no product sampling or smoking indoors. Mr. Parajoli said a sign stating the shop is intended only for those only 21+ will be posted.

Other Business

Mr. Fullerton updated the Board regarding local businesses:

- Best Bagel will be opening at the former site of Middleton House of Pizza
- Bella Vella will be opening at the former Sol Bean location.
- The Essex Sports Store has closed.
- Eva's Farm will not be renewing their lease. A new butcher is considering leasing the site.
- Main Street Grill has been purchased by the owners of the Village Tavern in Salem.
- A new cake shop will be opening at the former Tara Leigh location.

Next Meeting

The next Board of Health meeting is scheduled for Wednesday, June 5, 2019.

Mr. Demeritt motioned to adjourn. Mr. Greenfield seconded the motion. The motion carried 5-0. The meeting was adjointed at 8:22p.m.

Respectfully submitted,

Marlene Clapp, Recording Secretary