

**BOARD OF HEALTH  
PUBLIC HEARING MINUTES  
JANUARY 8, 2020**

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20 FEB -6 PM 3:47

**CALL TO ORDER:** Chairman Hoyt called the meeting to order at 4:00 PM.

**MEMBERS PRESENT:** Chairman Peter Hoyt, Vice-Chairman David Rhoads, Member Laura Grandchamp

**MEMBERS ABSENT:** Pam Gerry (Administrative Assistant), Mark Blaisdell, Code Enforcement

**OTHERS PRESENT:** Selectman James Bush, Senior Planner Kevin Towle, Building Commissioner Gerald Garner, Jack Guerino (iBerkshires)

**REVIEW OF MINUTES:** Hoyt called for sequential motions to accept the outstanding Minutes (11/6/19 - revised, 12/11/19). Both sets were approved as submitted.

**PUBLIC COMMENT:** None

**PUBLIC HEARING:** None

**CODE ENFORCEMENT OFFICER REPORT:** None.

**OLD BUSINESS:**

- Hauler regulations follow up: Discussion was limited due to Blaisdell's absence. Mr. Towle confirmed that our updated letter to the town's haulers was sent. Rhoads stated that Blaisdell's claim that adding required tonnage data to our Full Circle permitting program wasn't possible for Adams alone was "half right." Per Gina Armstrong, fields could be added to the application portal, but only by a fee-based work order request to the Full Circle Team. Rhoads also acknowledged Blaisdell's point about the report requiring effort by both haulers & his office for data that currently will not be used. To that, Rhoads noted that the state will be requiring such collection in the future & our early adoption qualifies us for grant funding, which we have already received. Mr. Towle confirmed these points. Rhoads suggested that we hold an informational hearing for haulers to start a conversation on how best to frame an annual report form convenient for haulers while providing the regulatory information. He added that Linda Cernik (Northern Berkshire Solid Waste Management District) was willing to attend. [It was also noted that tonnage data may be more readily obtained from the disposal sites, e.g. Pownal, VT.]
- BOH website – Vaping/Tobacco: Hoyt noted that Grandchamp had done a great job revising the format & information under our "Vaping/Tobacco Resources" tab. Rhoads confessed that he had not seen it yet & promised to do so as soon as possible.
- Capping tobacco permits: Discussion was somewhat limited due to Blaisdell's absence. He had floated a regulation template, which we didn't consider. Instead, we discussed Jim Wilusz's more nuanced template, which included both a "Dual Option" (tobacco product sales permits vs. adult-only establishments) & setback options. Major points included:
  - (a) Rhoads noted that we currently have 10 vendors, which under the Dual Option, 9 would be considered tobacco product sales permits (business open to all ages) & 2 adult-only, once Original Seed opens. As such, 9 vendors fit the 1/1000 rule, which Rhoads indicated was a general target based on overall vendor density (also, Pittsfield's aim in their 2019 capping regulation). Acknowledging Grandchamp's concern for some flexibility for commercial growth, a cap of 11 seemed reasonable. We could include a stipulation to reduce that back to 9 if current businesses close without a valid permit transfer. Rhoads suggested that we cap adult-only at 4, allowing for 2 more such establishments. For new vendors, we also wanted to extend the 500' setback rule to include both other vendors & playground/athletic fields, in addition to the state-mandated setback from schools. We recognized that this was an initial proposition to be considered between now & our next meeting.
  - (b) The discussion that followed largely revolved around Selectman Bush strongly opposing any cap whatsoever. He described Adams in the past, with tobacco vendors all over the place. Importantly, he declared that there is no way to prevent youth from starting to smoke. They should learn this from their parents, of whom Selectman Bush stated were the individuals who often provided cigarettes to their children. We attempted to rebut Selectman Bush by saying that studies show an association between vendor density & underage smoking (Grandchamp). We acknowledged Selectman Bush's concern & said that we would endeavor to provide support for capping.

- (c) Ultimately, Rhoads was charged with contacting Jim Wilusz to draft a proposal for our review at our next meeting. After our adjustments, we will plan to vote on the new regulation in our March meeting. In addition to inviting Mr. Wilusz, Rhoads will also ask Joyce Brewer & Gina Armstrong to attend.
- Original Seed: Since Blaisdell was absent, no update on the progress was provided. However, Rhoads asked about the appearance of John Sheerin; Hoyt responded that he was not invited as this was on the agenda just as an update from Code Enforcement. Rhoads noted that the abutters had apparently been notified, given that he had received an email from Andy Przystanski indicating that his mother (an abutter) had received a notice. When Rhoads asked why no other abutters came to this meeting, a lack of interest was readily proffered as the reason. At this point, Rhoads noted that there was some confusion in state code regarding sales & membership options, having conferred with Jim Wilusz, DJ Wilson (MMA attorney) & Patricia Henley (DPH tobacco control). In particular, the possibility of "bring your own cigar" option was questioned. Rhoads expressed concern about Mr. Sheerin's plan to offer such memberships that could undermine his state license requirement regarding breakdown of revenue sources. Garner pushed back against Rhoads' concern, asking why he cared. Rhoads responded that he was just assuring that Mr. Sheerin followed the rules. Hoyt clarified Rhoads concern to Garner, that 51% of Original Seed's revenues had to be derived from tobacco sales. Garner insisted that this was not a BOH problem. Rhoads responded by saying that he will seek further guidance as well as affirming his desire to assure that Original Seed conforms to the law to prevent future problems. In any case, we recognized that this issue would have to wait until Blaisdell returns & has new information.
  - An Act Modernizing Tobacco Control: We noted that information had yet to be provided by DPH. Blaisdell & Rhoads both tuned into the Dec. 13 DPH web conference. Rhoads disseminated information from DPH, Mr. Wilusz & the conference to the other members of the board. He will continue updates as they become available (see "Local & County Updates" below).
  - BOH budget: Hoyt referred to the budget numbers, noting that the FY2021 budget was the same as FY2020 in the 4-year comparison. We all agreed that this was reasonable, so that we would let those numbers stand. Rhoads had suggested that current unused funds might be diverted to upgrading the heating system at the Adams Memorial Middle School, with the rationale being that AMMS is our emergency shelter. Garner injected that this was not possible: the BOH can't divert funds in this way & any available funds are needed for Blaisdell to obtain his RS (registered sanitarian). When Rhoads inquired how much this would cost, Garner said that he didn't know. Rhoads then suggested that we add a line item in the FY2021 budget for Emergency Preparedness. Garner replied that that couldn't be done without justification, which was needed the next day. Rhoads suggested that setting up an emergency dispensing center would be an appropriate goal. When Garner stated that Adams has an EDS at Council on Aging, both Rhoads & Selectman Bush told him otherwise (with Selectman Bush noting that COA isn't eligible due to lack of a back-up generator). Garner then added that funds were needed in FY2021 to continue Blaisdell's training. Again, Rhoads asked for the cost; Garner again said that he didn't know. Rhoads asked Garner to get him the numbers, if only an estimate, as it is a BOH responsibility to provide a detailed accounting of our expenditures. Garner appeared to agree. Rhoads then asked about the transfer & expenditures for hoarding. Garner replied that dealing with these accounting measures are still in process: earlier record-keeping was incomplete & several reimbursement requests from property owners are still outstanding. Again, Rhoads asked for Garner to provide numbers as soon as possible, reiterating that estimates would be sufficient at this time.
  - High school / college intern: We rehashed the issues raised at our last meeting. Hoyt followed up and found out that Town Hall has had interns in the past. Hoyt noted that since MCLA was off for winter break, he did not get specific details about an intern from them but will inquire further. Rhoads had not yet had an opportunity to inquire at the town hall regarding a high school intern.

#### NEW BUSINESS:

- Short-term rentals: Hoyt noted that Rhoads had asked whether either Selectman Bush or Blaisdell had any information on STRs in Adams. Selectman Bush shook his head "No" & Garner, in Blaisdell's absence indicated similarly. Mr. Towle offered that the number may be 20-30 but had no further information. Rhoads said that searching the state website for a registry, to which STRs were to register by September last year, yielded nothing. Garner asserted that it didn't exist. When Rhoads asked if any tax revenue had been received, none present responded affirmatively, with Garner suggesting to Rhoads that he inquire with Treasurer Rice or Town Accountant Beverly. Rhoads will do so.
- AMMS heating system upgrade - shelter: Tabled.
- Member task list: Rhoads offered to re-institute his Task List, either as an addendum to the Minutes or as a free-standing document. Neither Hoyt nor Grandchamp felt that this measure was necessary. Gone!

#### LOCAL & COUNTY UPDATES:

- 12/13: DPH Web Conference on newly enacted tobacco regulations (Rhoads & Blaisdell) – Rhoads appreciated the presentation but noted that there were several questions that could not be answered at the time. The DPH team would update the state's "New Tobacco Law" website, including an FAQ section (not done as of Monday, the 6<sup>th</sup>). Some information was provided above (Old Business).
- 12/18: BCBOHA Executive Committee (Rhoads) – nothing to update of immediate import

**FOR THE GOOD OF THE ORDER:**

- Rhoads thanked Jack Guerino for his accurate portrayal of the Tobacco Awareness Program in his iBerkshires piece on capping. Rhoads added that he had omitted that Rhoads's clarification that TAP was a county-wide program, not just for Tri-Town, as Blaisdell had stated. However, Rhoads credited Mr. Guerino for adding in his piece that TAP had assisted Adams in developing its Tobacco-21 regulation. Hoyt added that, as a member of TAP, we have access to DPH legal advice at no charge to the town.

**REVIEW MAIL:** The following mail was received; further information may be obtained in the Health Office.

- November email from Superintendent Barrett regarding upcoming requirements on PFAS (per & polyfluorinated alkylated substances) from DEP: Sup. Barrett alerted us that more frequent water testing would be conducted in the future. He is also keeping up to date with state workshop & training opportunities.
- Hoyt acknowledged receipt of the current calendar of public health events, prepared by BRPC staff

**UPCOMING EVENTS:** Check with Rhoads if you would like more information.


- 1/10: Hep A Webinar, Hamden County (Rhoads) – Rhoads to forward call-in information to board
- 1/14: BOAPC Workshop on opioid crisis, BRPC 9 AM - Noon (Rhoads)
- 1/15: BCBOHA Executive Committee (Rhoads)
- 1/23: WERO, Springfield: Public Hearing on PFAS, 1 PM
- 3/29/20: Berkshire Public Health Alliance (Rhoads)

**NEXT MEETINGS:** February 5 & March 4 (4:00 PM, monthly Public Hearings)

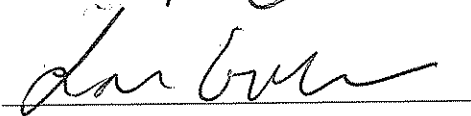
**ADJOURN:** A motion to adjourn was passed unanimously at 5:20 PM.

Respectfully Submitted, D Rhoads

Date 2/5/2020

 Peter Hoyt, PhD

 David Rhoads, PhD

 Laura Grandchamp, DVM

**Code Enforcement Report to the Adams Board of Health for December 2019**

**Not available**