

20 OCT 15

TOWN CLERK
ADAMS MASS.

CLERK

APPROVED

**ADAMS BOARD OF HEALTH
MEETING MINUTES
WEDNESDAY, AUGUST 19, 2020
(CORRECTED VERSION PER BOH 10-14-20)**

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

OTHERS PRESENT: Attorney Edmund St. John III; James Wilusz, Tri-Town Health; Jim Bush, John Duval, Richard Blanchard; Adams Selectboard; Gerald Garner, Building Commissioner; Joyce Brewer, AHEC-TFCP Program Manager; DJ Wilson, Attorney MMA; Pierre Kareh; Marley Knysh; Deb Dunlap; and Jack Guerino, iBerkshires

ABSENT: Code Enforcer, Mark Blaisdell

CALL TO ORDER: Chairman Rhoads called the meeting to order at 4:00 P.M.

NOTICES ON RECORDING & PANDEMIC WAIVER TO CONDUCT PUBLIC MEETING VIRTUALLY.

Chairman Rhoads began the meeting by stating that according to Governor Baker's March 12 and March 15, 2020 order suspending Open Meeting Laws and proposing strict limitations of attendees that are allowed to gather in one place, the Board of Health meeting would be conducted remotely with their participants.

Join Zoom meeting by video

URL: <https://zoom.us/j/99555694133?pwd=ZnEwNzExUy9QdS9xcjlaVHA0V3RqQT09>

Meeting ID: 995 5569 4133

Passcode: BOH0819

Join Zoom meeting by phone, dial by your location

1-929-436-2866 (New York)

Meeting ID: 995 5569 4133

Passcode: 7952646

APPROVAL OF MINUTES: August 5 (also possibly May 20, June 3 & July 1, 2020)

Chairman Rhoads addressed Attorney St. John for direction in proceeding with their approval of minutes. He stated that the board's previous meeting which was held on August 5th did not move forward. He asked if the board members should vote once again on the minutes. Attorney St. John advised that the board should ask for a new motion and vote on the submitted minutes.

Chairman Rhoads noted that several amendments needed to be made to the submitted minutes.

He stated that the June 3, 2020 minutes, page 2 should be amended to read; "Chairman Rhoads from Vice-Chairman Rhoads."

He continued to note that the minutes of July 1, 2020 included additional pages numbered 5 through 10 which were not required and should be removed.

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A motion made by Vice-Chairman Hoyt, seconded by Member Grandchamp to approve the amended minutes of May 20, June 3 and July 1, 2020. A roll call vote was taken 3-0.

PUBLIC HEARING:

Vice-Chairman Hoyt made a motion, seconded by Member Grandchamp to open the public hearing. A roll call vote was taken 3-0.

Revised tobacco regulations

Chairman Rhoads stated that the Board of Health recognized the importance in the prevention of underage tobacco use. He continued to mention that the revised tobacco regulations would assist with this process. Chairman Rhoads stated that they would like to revise their current tobacco sales regulations to reflect current guidance from the Department Of Public Health and to conform with the recently adopted tobacco law. He stated that the revised tobacco regulation would cap the number of permits at eleven and reduce to nine as permits are retired or revoked. He told them they would restrict the location of any new permits to a 500 foot setback near a school, playground, athletic field or other tobacco vendors and conform with the new tobacco law and flavor ban other than adult only shops. The board would need to be allowed to adjust the cap over time.

Chairman Rhoads announced the protocol the board would follow to proceed with the public hearing.

Vice-Chairman Hoyt proceeded with the communication of the remote callers.

Attorney St. John assisted with other participants attempting to call in to participate in the meeting, as well.

Building Commissioner Gerald Garner addressed Attorney St. John to ask him if the Board of Health's public notice that stated the meeting would take place at the Adams Town Hall would create a problem. Attorney St. John stated that the board members could move forward as they were providing virtual participation via zoom for the public.

Chairman Rhoads addressed the speakers that would be interested in participating in their discussion.

Jim Wilusz, Tri-town Health began by addressing the members. He stated that they provide services and education to towns throughout the county. He stated that the adult smoking rate in Adams is 91 percent higher at 26.2 vs. the state average of 13.7 percent and the rate of smoking during pregnancy is 338 percent higher then the state average of 29.8 percent vs. 6.8 percent. He continued to state that various communities had a tobacco cap in place; North Adams, Williamstown, Lee, Lenox, Great Barrington, Lanesborough, Pittsfield and Stockbridge.

Mr. Wilusz wanted to inform board members that it would be the decision of the Board of Health in determining what would be in the best interest of their community while Tri-Town would assist the board in meeting standards that would not conflict with the state law.

Jim Bush, liason to the Board of Health and Selectboard member stated to the board members that the Town of Adams had received a reputation as being unbusiness friendly. He stated that if they regulated stores from selling tobacco at 500 feet this could be understood by the public as not being business friendly. Mr. Bush continued to note that the fine for selling tobacco to underage

minors was \$5,000.00 and an owner would not be wise in allowing this to happen knowing the steep penalty in place. Mr. Bush stated that the fine should discourage this practice while pointing out that capping these tobacco sales would not work for our community. He told them that years ago there were many small stores selling tobacco in town. In closing, he emphasized that the parents of the minors should be held responsible for underage smoking.

Joyce Brewer, a resident of Adams and Tobacco Program Manager for Berkshire County addressed the board members. She stated to the board that her family members were heavy smokers and had died from the use of tobacco. She wanted the board to know that she was also a smoker in the past but had discouraged her children from smoking while reminding them of the burden it had placed on their family. Ms. Brewer told them that she promoted tobacco capping in the community, adding that progress has been made but it has become the number one cause of a preventable death and disease in the Commonwealth. She further noted that tobacco retailers target individuals and children using advertising techniques of their new tobacco products. She told them by limiting the number of tobacco permits, they could limit tobacco products from being overly accessible. Ms. Brewer stated that liquor sales were monitored and tobacco sales should be as well. She stated that the board should cap and reduce the number of tobacco sales permits which could limit the influence of smoking on the younger population. She stated that she encouraged the capping of tobacco sales. In closing, Ms. Brewer stated to the board members that they were close to eliminating smoking in Massachusetts. She stated that she would like to see more retailers in Adams focused on family and arts, in addition to health/outdoor approach. Ms. Brewer thanked the members for their time and attention to the matter.

Pierre Kareh, owner of Adams Express addressed the members and audience stating that capping tobacco sales would not eliminate underage smokers or adults as they have mentioned. He stated that he felt as an owner of various tobacco sales establishments, he emphasized that this problem should be the responsibility of the parents to teach and discourage their children from smoking. Mr. Kareh wanted the board to be aware of the fact that some parents were purchasing cigarettes for their children in his stores. He told them that it was not the retailers who are causing this situation. Mr. Kareh told them that if an individual cannot access cigarettes in their community, they would purchase them elsewhere and that capping tobacco sales would not be the answer. He told them that the local high schools should educate the children as well.

DJ Wilson, tobacco control director, MA Municipal Association stating that he worked with cities and towns regarding this subject while adding that the average city and town had sales regulations with various qualities and evolving issues. He mentioned that they have been dealing with Hemp wrap sales and Jewels among the youth users. Mr. Wilson further noted that to be proactive would be to have a cap in place. He told them that there were 138 towns who were currently capping tobacco sales. DJ noted that capping limits the number of retailers within a community with the goal of reducing access of tobacco products to underage individuals. Current vendors would not be affected, with 2 positive results: (1) current vendors would not face additional competition & (2) the threat of losing one's license would strongly encourage compliance. He stated that he encouraged the adoption of the tobacco regulations.

Rick Blanchard, addressed the members as a resident of Adams stating that he was in favor of discouraging underage smoking. He stated that years ago, vendor machines selling cigarettes were removed but noted that this did not discourage youthful smokers from engaging in purchasing tobacco. Mr. Blanchard stated that as a smoker of 41 years, he emphasized that he would travel to purchase his cigarettes if he was not able to buy them locally. He stated that in Williamstown, MA a storekeeper was cited for selling tobacco to underage children even with the tobacco ban in place. Rick stated the only thing the ban would do is to "curb growth."

James Bush, Adams Selectboard addressed the board members stating that he lost members of his family from cigarette smoking, adding that he himself was an ex-smoker for many years. He told them that cigarette smoking was an individual choice and prohibiting stores to sell the product would not be the answer.

John Duval, Adams Selectboard addressed the board members stating that Cumberland Farms had proposed to build an establishment in Adams, but had been postponed at this time. He was curious to know if they were to move forward with their proposed plans in the near future, would they be allowed to sell tobacco when they open considering they were in close proximity to the Hoosac Valley Elementary School location. Chairman Rhoads responded to him by stating that this topic would be addressed in the near future.

Chairman Rhoads asked the members if they had any further questions. There were none.

Chairman Rhoads stated that the fine structure would remain the same as it was state mandated.

Chairman Rhoads told them that he believed the existing Cumberland Farms would be out of compliance for a new license since they were located near several schools, however he added that if they relocated nearby they could possibly be grandfathered.

A motion made by Vice-Chairman Hoyt, seconded by Member Grandchamp to close the public hearing. A roll call vote was taken 3-0.

NEW BUSINESS:

- Deliberate / vote on revised tobacco regulations

Chairman Rhoads addressed the board members asking for their input regarding capping the number of tobacco sales retailers.

Member Grandchamp stated that they should be cautious in their approach noting that an increase of 12 retailers would be reasonable.

Vice-Chairman Hoyt stated that he agreed that restricting tobacco sales in Adams would have an impact on business. He emphasized that the town should encourage more avenues for physical activity offered to residents rather than smoking. He stated that if the board considered increasing to 11 or 12 tobacco retailers, it could assist with promoting business which he would be in favor of.

A motion made by Chairman Rhoads to set the effective date for the new tobacco regulations to October 1, 2020, seconded by Vice-Chairman Hoyt. A roll call vote was taken 3-0.

An amended motion made by Chairman Rhoads to raise the cap of tobacco permits to 12, and if one is unused on October 1, 2021, it would be retired. He stated that if there was an unused permit on October 1, 2022, it would also be retired. He stated that if a license was revoked or retired by the vendor they would return to 9 permits, seconded by Vice-Chairman Hoyt. A roll call vote was taken 3-0.

A motion made by Vice-Chairman Hoyt, seconded by Member Grandchamp to adopt the regulations as amended, passed unanimously. A roll call vote was taken 3-0.

PUBLIC COMMENT:

CODE ENFORCEMENT OFFICER REPORT:

- Status of reopening (restaurants, public spaces, etc.)
- Adding "Catering" to Full Circle permit menu

- Updates to the Tobacco Regulation definitions for Blunt Wraps and Cigars
- Dollar General plastic bags / definition of recyclable bags

Chairman Rhoads stated that they would continue discussion on the above topics at their next scheduled meeting of September, 2020.

OLD BUSINESS:

- Hauler regulations:

Chairman Rhoads working on regulations at the current time.

- COVID-19 update (changeover in reporting channels)

Chairman Rhoads stated that the reports looked good but they would continue the discussion to their next scheduled meeting of September 2020.

OTHER NEW BUSINESS:

- School reopening plans
- Flu clinics

Chairman Rhoads stated that the drive thru flu shots would be available soon. He also stated that it would be a mandatory policy for all school children to receive flu shots.

LOCAL / COUNTY UPDATES:

- BCBOHA Fall Dinner canceled, elections to be conducted online (Rhoads)
- Support letter for SCLRH/SAPHE funding (BCBOHA)
- Note on weekly calls with DPH/BCBOHA

FOR THE GOOD OF THE ORDER:

- May we have this feature?

Chairman Rhoads addressed Attorney St. John for direction on open meeting law regarding certain topics they may be interested in addressing in but they were not placed on the agenda for that evening. Attorney St. John stated that board members can discuss various topics without deliberating or voting on them.

Chairman Rhoads stated that he would be taking an online webinar class offered by the Attorney General's Office on open meeting law which he offered members a chance to view. They agreed that they would appreciate receiving the link.

UPCOMING EVENTS:

- How do we communicate events arising between now & our next meeting?

REVIEW MAIL:

- BVNA Reports: 4th quarter / Annual
- SMI 3rd party report (7/14/2020)
- National Grid vegetation management plan (7/14/2020)

SCHEDULE NEXT MEETINGS: Board members scheduled their next meetings to September 16 and October 7, 2020.

ADJOURNMENT: A motion made by Vice-Chairman Hoyt, seconded Member Grandchamp to adjourn the meeting at 5:07 P.M. A roll call vote was taken 3-0.

Respectfully Submitted,

Date

Pamela Perry

10-15-20