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**ADAMS BOARD OF HEALTH
MEETING MINUTES**

WEDNESDAY, SEPTEMBER 30, 2020

4:30 PM

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

OTHERS PRESENT: Attorney Edmund St. John III; Code Enforcer, Mark Blaisdell; James Wilusz, Tri-Town Health; Joyce Brewer, AHEC-TFCP Program Manager; DJ Wilson, Attorney MMA; Catherine Foster and Jack Guerino, iBerkshires

CALL TO ORDER: Chairman Rhoads called the meeting to order at 4:30 P.M.

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/91974788674?pwd=U1dPeVpnREpnOXhDSWM4VkIEOTVkJUT09>

Meeting ID: 919 7478 8674

Passcode: BOH0930

Join Zoom meeting by phone, dial by your location

1-929-436-2866 (New York)

Meeting ID: 919 7478 8674

Passcode: 2667525

Note: If you are having trouble joining, please call David B. Rhoads, Ph.D., Chair, at 781-507-1627.

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

PUBLIC COMMENT:

PUBLIC HEARING:

- Revised tobacco regulations

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

Chairman Rhoads stated that tobacco smoking was a preventable cause of premature morbidity and mortality. He continued to note that the goal of the Board of Health was to stop underage smokers from using tobacco. He stated that the Board of Health would like to revise their current tobacco sales regulations to reflect current guidance from the Department of Public Health and to conform to recently adopted tobacco laws. Chairman Rhoads stated that the newly revised tobacco regulations would cap the number of permits at 11 from 10 and after a period of time reduce to 9 after permits were retired or revoked with a target of 1 per thousand population where no new permits would be issued unless one has been retired or revoked; restrict the location of new permits to a 500 foot setback from a playground, school athletic field or another tobacco vendor; conform with a new tobacco law in the new flavor ban except in adult shops or in the fine structure or infractions. In conclusion, Chairman Rhoads explained that the board would be allowed to adjust the cap over time.

Chairman Rhoads explained the protocol that participants were required to follow when communicating with the board members.

Joyce Brewer, a resident of Adams and Tobacco Program Manager for Berkshire County began her discussion by informing the board members that her family members had been heavy smokers and had passed away from tobacco use, as well as letting them know that her siblings had heart issues from smoking. She stated that these illnesses could have been prevented if there were fewer tobacco retailers. She told them that she had been a smoker for many years but had been successful in educating her children in deterring from smoking. Ms. Brewer wanted board members to know that she was present at their meeting to show her support in capping tobacco sales in Adams. She stated that smoking was the number one preventable disease in Massachusetts. Ms. Brewer expressed concern that at every corner store and gas station, they engaged in advertisements for tobacco use which she stated can stimulate the use of smoking in underage smokers. She stated that limiting the number of permits would keep tobacco sales overly assessible. She emphasized that the state monitors the number of liquor sales, noting that tobacco sales should also be a consideration. Ms. Brewer stated that capping tobacco permits would limit the influence of tobacco on the youth. Ms. Brewer stated that she encouraged the support of capping tobacco sales in attempting to eliminate smoking. She stated that during the COVID-19 pandemic, it was more important to protect the health of the community and the youth of Adams. She stated that as a resident of Adams she would like to see a variety of family orientated outdoor activities taking place while promoting the town's heritage as a great place to raise children.

DJ Wilson, tobacco control director, MA Municipal Association stated that there was not an instance in the state where there were more liquor licenses than tobacco vendors. He stated that many vendors provide easy access to tobacco for the young and capping would be a slow but positive implementation for promoting good health.

Jim Wilusz, Tri-town Health stated that they provided a wide variety of services to the Board of Health Offices in Berkshire County by offering education and inspectional and technical services. He told them that the adult smoking rate in Adams is 91 percent higher than the state average and smoking during pregnancy is 338 percent higher than that of the state average. Mr. Wilusz continued to note that there were 138 municipalities in the state that had a cap in place and 128 had included setbacks to schools. He emphasized to the board members that they have not received any negative comments from the local retailers regarding the capping of tobacco permits. In closing, Mr. Wilusz told the board that he was in full support of their decision to cap tobacco retailers.

Chairman Rhoads asked if there were any further participants who would like to speak. There were none.

Chairman Rhoads thanked the speakers for their time in assisting them with their tobacco capping regulations.

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

A motion made by Vice-Chairman Hoyt, seconded by Member Grandchamp to increase tobacco capping to 12 with one open permit to expire one year from the effective date and one permit to expire two years from the effective date if they are still open. A roll call vote was taken 3-0.

A motion made by Vice-Chairman Hoyt, seconded by Member Grandchamp to make the new tobacco regulations effective on November 1, 2020. A roll call vote was taken 3-0.

Chairman Rhoads stated that Attorney St. John would be reviewing their revised tobacco regulations which would also be publicized in the Berkshire Eagle.

OLD BUSINESS:

- Answer to complaint for judicial review

Chairman Rhoads turned the discussion over to Attorney St. John.

Attorney St. John addressed the board members stating that a complaint of judicial review of the board's decision in regards to the second egress issue with Catherine Foster's apartment located at 10A Murray Street had been

filed with Berkshire Superior Court. He further noted that at the current time, they would need to compile the record and decision with the minutes to the meeting provided by Code Enforcer Mark Blaisdell. Attorney St. John explained that the board would then file a response to the complaint for judicial review. He stated that he served on Ms. Foster a motion to dismiss the complaint which he noted that they were in the process of dealing with at the current time. Attorney St. John recommended that if the board needed to discuss any further strategies or proceedings regarding the litigation that it would have to take place in Executive Session.

Chairman Rhoads thanked Attorney St. John for his support with this matter.

Chairman Rhoads stated that the Board of Selectmen and various town's people are organizing a Halloween celebration and it would be brought to the Board of Health for their input in the weeks ahead.

Chairman Rhoads asked if there were any further comments.

Catherine Foster requested to speak with the board members to state that they had not addressed the public comment section of the agenda.

Chairman Rhoads stated that there was no public comment offered during their meeting. Attorney St. John addressed the board stating that this item was placed on their agenda and they should allow her an opportunity to speak at this time.

Chairman Rhoads addressed Ms. Foster to proceed with her comment.

Ms. Foster began by stating that the approved meeting minutes were not being placed on the town's website in a timely manner. Vice-Chairman Hoyt stated that the board has been limited for months with their staffing and they are doing the best they can to meet their timelines.

Chairman Rhoads stated that he would look into the matter.

Vice-Chairman Hoyt reiterated his point that we are short-staffed, making it challenging to provide timely availability of the minutes.

OTHER NEW BUSINESS:

- None

FOR THE GOOD OF THE ORDER:

- Any?

SCHEDULE NEXT MEETINGS: Board members scheduled their next meeting for October 14, 2020 at 4:30 P.M.

ADJOURNMENT: A motion made by Vice-Chairman Hoyt, seconded by Member Laura Grandchamp to adjourn the meeting at 5:14 P.M. A roll call vote was taken 3-0.

RESPECTFULLY SUBMITTED,

Pamela Hoyt

DATE

10-15-20