



Town of Adams • Massachusetts 01220

Board of Health Department

TOWN HALL
8 Park Street, Suite 203
Tel (413) 743-8300 EXT. 179
FAX (413) 743-8316

Approved

Adams Board of Health – Public Meeting Minutes

1st Floor Mahogany Room in-person only

Wednesday, November 9, 2022

BOH Members Present: Chairman Dr. David Rhoads, Co-Chair Dr. Amy Oberlin, Member Jess Wilson

Others Present: Jim Wilusz and Kate Fletcher-Tri-Town Health Dept, Tobacco Awareness Program, Joyce Brewer-Berkshire Tobacco-Free Community Program, Howard Rosenberg-Board of Selectman Member, Michelle DeRose-Administrative Assistant, Sarah Lesure-Code Enforcement Officer, Gerry Garner – Building Commissioner, Atty Edmund St. John – Town Counsel, Brian Rhodes – iBerkshires; David Rhinemiller, John Sheerin-Original Seed Cigar Lounge

Call to Order: Chairman Rhoads called the meeting to order at 4:00pm and noted that the meeting is being recorded.

Presentation: Tobacco & Vaping: Jim Wilusz-Tri-Town Health Dept, Tobacco Awareness Program, Joyce Brewer-Berkshire Tobacco-Free Community Program

Dr. Rhoads introduced Mr. Jim Wilusz of Tri-Town Health Dept who runs the tobacco awareness program. and Ms. Joyce Brewer – Berkshire Area Health Education Center and runs the Massachusetts Tobacco Free Community Partnership.

Mr. Wilusz is the Executive Director of the Tri-Town Health Dept which is the oldest health district in the Commonwealth since 1929. He handles more of the administrative work and policy assistance person. He introduced Kate Fletcher, who is their Program Manager. She is the eyes and ears of the field. He provided handouts and a power point presentation. Tobacco control was created in 1993 when the referendum was passed that would start taxing tobacco. There programs covers 14 out of 32 municipalities in Berkshire County.

They provide retailer education, perform inspections, pricing surveys, compliance checks and assist Boards of Health with updating/creating regulations. Ms. Brewer does more of the outreach with the community.

Mr. Wilusz continued with the presentation stating that they were established in 1994 and are DPH funded in which the contract can span 6-8 years.

Ms. Fletcher visits the retailers at least once a year or more to discuss the local regulations, state law, signage. Some towns have town laws in addition to state laws. Should they find any violations, they inform the retailer, document it and inform the Board of Health and Health Agent which would then be their responsibility to enforce. They will attend meetings should there be an appeal or technical assistance is required.

TOWN CLERK'S OFFICE, ADAMS, MASS.
RECEIVED AND RECORDED 11/11 2023
11 H 13 M A M. IN BOOK
PAGE 1
AA Mary Jane
TOWN CLERK

They also perform Pricing Surveys where there is a state law that it is sold at a minimum price for cigarettes and meet the Dept of Revenue minimum standards and report to the state. The Dept of Revenue has been making rounds to confirm minimum standards are being met and should they find any black market activity, it will be reported to Tri-County Health Dept and they in turn, will inform the local Boards of Health. Another task is Youth Compliance checks. They hire 16-20 year old individuals who are certified trained by them and the FDA. The goal is to not get a sale, however if the retailer is not compliant, then it is documented and appropriate notifications are sent to the local Boards of Health.

Mr. Wilusz said that they also help in updating/creating regulations and noted that Adams is up to date with regulations.

If there are new members in the Health Dept or Board of Health, they invite them out to shadow their processes and educate them on their practices.

Smoking Prevalence rates are high in Adams as well as North Adams which is based on economic status, poverty, location and accessibility.

There is a Capping policy which is the number of retailers allowed in a community. Ms. Wilson asked about the social media being a contributing factor in high numbers of vaping. Mr. Wilusz answered yes. Vaping is much more prevalent these days. There are more products out there that they research to determine what they are. Tobacco is much different now than from 20 years.

Complaints often come from the community where there are trunk sales happening behind the scenes and the police get involved.

Dr. Rhoads asked about fines regarding locking the case the product is housed in. Mr. Wilusz said that it is now a state law that the point of sale must be controlled. The display case can be on the counter, but the opening must be facing behind the counter and secured. Should they find a violation, they follow the protocol of notifying the local Board of Health to follow through with enforcement and the permit holder would be fined.

Ms. Fletcher stated education is highly useful.

Menthol ban question? Any inside information. Mr. Wilusz – Mass law has the law about Menthol. Unless you are a legit establishment selling product and using on site.

Ms. Brewer is education, prevention and support. She provided pamphlet information. She provides education to communities. Community mobilization. She does not believe vaping is gone. Covid has had an impact. Nicotine does not reduce stress. Trying to determine new products. There is sales out of trunks of flavored products.

Dr. Rhoads inquired about the menthol ban. Mr. Wilusz said the FDA does not preempt Massachusetts law. The FDA cannot require a state to allow the sale of menthol. Massachusetts state law prohibits the sale of menthol unless you are a legitimate smoking bar consuming on site establishment.

Ms. Brewer provides support, education and training to the parents, teachers, social services organizations of the community. She also provided handouts regarding information where youth find information on how to quit, parent information card regarding vaping. There is also adult quitting resources, smoking during pregnancy information as well as menthol information. There is also resource information on all the programs that are available. She also has a show and tell show that features all the devices that are out there.

She feels that vaping is still prevalent in the community and the pandemic has had an impact on it. There are a lot of mental health concerns in our youth and thinks that the tobacco industry has done a good job trying to sell these vaping devices as something that would help in their stress and we all know that is not true. Nicotine in our systems does not solve our stress issues. In fact, it makes it go up and the drop drastically.

Ms. Brewer mentioned that she was tasked with choosing another topic to speak about other than tobacco. The topic she chose was food insecurity and how it ties in with tobacco use. Now she is working on food insecurity, tobacco and maternal and infant health. Local communities have a high rate of smoking during pregnancy. She will be doing presentations for those that are considering becoming pregnant, are pregnant and postpartum for 2nd hand smoke exposure in infants.

There is a Kick Butts program which is national event in the Spring where there are thousands of kids march up to the State House and meet with legislators. .

Ms. Wilson asked about disconnect between items equal with the health outcome of vaping? Mr. Wilusz said that there is advertising that vaping is safer than smoking. There is less chemicals involved. Ms. Wilson stated that it seems, in the youth's eyes, that the vaping may not have as much of an impact on their health because there is no 2nd hand smoke involved, it does not smell bad. There is no long term studies of the effects of vaping yet. They continue to fight the battle of social media, influencers and industries that have the funds to market the products.

Mr. Wilusz mentioned that batteries of vape products are blowing up and should be separated when discarding.

Dr. Oberlin inquired whether there are State or local regulations about smoking in public places. Mr. Wilusz said that the local Board of Health has jurisdiction to regulate that in public spaces. Enforcement is the challenge.

Ms. Fletcher offered to take anyone out on a mock inspection. Mr. Wilusz reminded us that they are looking for 16-20 year old individuals for paid work.

New Business:

- **Updating our Vaping/Tobacco web page**

Dr. Rhoads requested for a volunteer to review/enhance the suggested information on Vaping & Tobacco. Dr. Oberlin volunteered to do it.

Mr. Wilusz, Ms. Fletcher and Ms. Brewer left the meeting.

Public Comment:

Mr. Garner mentioned that the lithium batteries used in the vaping devices that are exploding are the same type of batteries used in the electric cars. Lithium batteries are supposed to be disposed of differently than regular batteries as they are toxic to the environment.

Dr. Oberlin motioned to move the agenda item Up and Adams next on the agenda. Ms. Wilson seconded. All voted Yes unanimously. See minutes below.

Public Hearing: None

Approval of Minutes:

- **September 7:** Dr. Rhoads has provided edits and narrative of Mr. Barrett's presentation which Mrs. DeRose had slight typographical changes. Ms. Wilson suggested to change all mobile home park to pre-manufactured housing. Dr. Rhoads will review them again and send to Mrs. DeRose. Dr. Oberlin motioned to approve with edits. Ms. Wilson seconded. All voted YES unanimously.
- **October 12:** Not complete. Postponed until next month

Code Enforcement Officer:

Mrs. Lesure provided high level report. She has performed a handful of annual food establishment inspections with the Building Commissioner and Fire Chief. There were 5 correction orders pending to property owners/managers. The pre-tenancy inspections have been steady. She is more confident in communicating the importance of pre-tenancy inspections and making sure the properties are registered with the Town.

Old Business:

- **Capacity Assessment status: Phase III due Friday, November 4 (Rhoads)**
Dr. Rhoads said they wanted to track our inspectional documentation. They had asked about some local establishment inspection documentation. Mr. Sheerin of Original Seed commented that you don't need a certificate of inspection for capacity below 49 people and does not want to increase it. However, when he applied to get Direct TV package for his establishment, they require a certificate of occupancy and since he cannot provide that, they charge the highest rate which is \$800. He asked if the Town could develop a 49 and under capacity certificate? Dr. Rhoad suggested to make a case with the Building Commissioner. Mr. Garner said that he needs to remain at 49 and under capacity, otherwise it triggers other things. This can be discussed at another time outside of the meeting. Dr. Rhoads hopes to see resources provided to us based on his submission of the assessment.
- **Review of boards' coronavirus message (posted on town website, clinic experience)**
Dr. Rhoads updated the website with a few options for vaccine locations since the clinics were completed.
- **Planning task force update: *Up and Adams Wellness Initiative 2023* (Future: Add to budget?)**
(Moved up in the agenda) Mr. Rosenberg said that they are awaiting response on the grant application. Dr. Rhoads suggested the information that Ms. Brewer provided could tie into this initiative Mr. Rosenberg approved and this message should get out. The overall strategy of Up and Adams is community and peer support and addiction is classic. It's about long term behavioral changes to improve your health.
- **ChokeSaver training session status (tentatively early November, may need a 2nd session)**

Dr. Rhoads said that the training is completed as of today with the a couple of restaurant individuals, Dr. Rhoads and Mrs. DeRose attended the session with Nancy Slattery, Public Health Nurse. If there are others that need the training, we can collect the names and arrange for another session if possible.

- **Submission of our sanitary code regulations to the central DEP registry**

Dr. Rhoads said that Mrs. DeRose shared with the BOH members. Now that the minutes have been approved and posted to the website, we can mail them via certified mail to the DEP registry.

- **Waste hauler regulations (Dalton mattresses recycling program; soiled mattresses; apartments)**

Dr. Rhoads said that the mattresses can be dropped off to the Dalton Transfer Station. Curbside is available in some communities. If contaminated, it would need to be handled differently. It was suggested to request to have the mattress vendor remove the old mattress when purchasing a new one. Dr. Oberlin mentioned that many are many mattresses purchased online so that is not an option. And foam mattresses are also an issue.

Ms. Wilson reported on what she found about property owners with 3 or more units do not offer recycling. She said that they would not have thought of having recycling because it is not a requirement of the Town to recycle. There were comments about bulky waste such as TVs and mattresses. There were complaints that waste haulers were not picking up all the trash. Much of the comments were that people don't care to recycle. It comes back to education on the importance of recycling. Dr. Rhoads said we will add this topic to discuss in the next meeting.

Mr. Sheerin mentioned that he gets more trash in his bin than what he produces. Haulers have notified people that they will not pick up if it is not sorted. Dr. Rhoads will look into solutions and research what other communities are doing.

- **Old Stone Mill Center follow-up (media coverage)**

Dr. Rhoads said iberkshires and Berkshire Eagle had nice articles covering this story.

New Business:

- **ChokeSaver training (Note prospective attendees)**

Dr. Rhoads completed this morning.

- **Public Health Alliance mini-grant program(see guidelines)**

Dr. Rhoads said that Ms. Brewer and Mr. Wilusz mentioned the Kick Butts event and perhaps it may be an option for training or event for BOH members for the next budget season. And for this year, maybe the grant program could fund it.

- **Budget needs (inquiry initiated with BOS)**

Dr. Rhoads was hoping Ed St. John was here, but he left earlier in the meeting. Dr. Rhoads put in a request in with the Accounting Director, Crystal Wojcik and the Town Administrator, Jay Green. regarding thoughts of upcoming budget and having a budget for public health initiatives such as the free sunglasses, sunscreen and bug repellent giveaways, printing colored posters and information racks.

Ms. Wilson suggested an education wheel and make it an interactive game that individuals could win prizes for the bigger ticket items. This will help promote education and have some fun with it.

Mr. Garner mentioned his concern about sending budget requests to the Board of Selectmen. They should be sent to the Town Administrator. Dr. Rhoads confirmed that he read the bylaws and that the budget request would go to the Board of Selectmen in a form. He wrote to Mr. Duval (Chair) and he was not aware of a form and to discuss with the Accounting Director and Town Administrator. Mr. Garner said that [the agenda item] says that it was sent to the board of Selectmen. Dr. Rhoads said he sent it to Mr. Duval with a copy to Mr. Rosenberg. The request is in the Town Administrator/Accounting Director's hands. Mr. Garner mentioned that he would be involved in the budget conversations since he manages the Board of Health budget. Requests can be made but it is ultimately up to the finance committee to accept or not.

Dr. Oberlin asked how often is the budget is reviewed. Mr. Garner said yearly with starting to review budget lines in December. Dr. Rhoads said that the Bylaws indicate Dec 15. Year over year, the budget has been level funded even though costs are increasing overall.

Local & County Updates:

- **MAHB certificate webinar, October 13**

Dr. Rhoads attended the webinar which was very useful. There is another one coming up on ethics in public health on the 17th which he had not received the link as of yet. Ms. Wilson mentioned she had signed up for the housing webinar that is on the 29th.

- **Other?**

Upcoming Events:

- **MAHB webinar: Ethics & public health 11/17/22 (details to follow)**

Dr. Rhoads registered and Mrs. DeRose received the invoice.

- **BPHA Governing Board 11/17/22**

There was conversation about 2nd egresses. Mr. Garner noted windows are not considered an egress in the building code. An egress must be clear of obstruction to the floor including size, height requirements.

- **BCBOHA "Fall" Dinner: December 8 (Topic: PFAS, James P Starbard, RCAP Solutions)**

Dr. Rhoads asked if the members and Code Enforcement Officer could attend.

Dr. Oberlin asked if you can drop in for presentation instead of having dinner to avoid the fee. Dr. Rhoads will inquire.

Review Mail:

- **Contaminated mattress Certification (Linda Cernik email 11/3/22, Michelle & Tim Cota copied)**

Form: https://massgov.formstack.com/forms/contaminated_mattress

Dr. Rhoads asked Mrs. DeRose if Mr. Cota received the certification? She said that he was on that email.

- **Other?**

For the Good of the Order

None

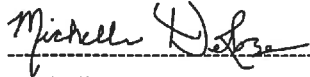
Schedule Next Meetings: December 7 or 14? [Informational session? Full Well ?? is an option]

Dec 7 and will confirm if Full Well can be part of the meeting.

Adjournment:

Ms. Wilson motioned to adjourn. Dr. Oberlin seconded. All voted Yes unanimously. Adjourned at 5:45pm

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Michelle DeRose", is written over a horizontal dashed line.

Michelle DeRose
Administrative Assistant

1/17/2023

Date