

Board of Health Meeting Minutes

July 26, 2022

Present: Holliston Board of Health (BoH): Josh Mann (*Chair*)
Jay Leary (*Vice-Chair*)
Peter Liffiton (*member*)

Scott Moles, *Health Director and Agent*
Kristin Abraham, *Health Department Clerk*
Ann Adams, *Health Department Clerk*

Olivia Dufour, *Holliston Tobacco Control Program Manager*

Josh Mann, BoH, Chair, opened the meeting at 7:00 PM.

Scott read the Remote Participation Statement. The State has extended the remote participation option.
Board of Health Roll Call: Josh Mann – present, Jay Leary - present, Peter Liffiton - present

Public Comment: None

Tobacco Regulations:

General:

- Olivia Dufour, Holliston Tobacco Control Program Manager updated the BoH on the MetroWest Tobacco Control District's activities. They are part of the Massachusetts Tobacco Cessation and Prevention Program (MTCP) which is a statewide public health program focused on comprehensive approaches to reduce tobacco and nicotine use.
- The MetroWest Tobacco Control District services 13 communities including Holliston, doing retail education, and compliance checks for sale to minors.
- The MetroWest Tobacco Control Program has been re-funded for Fiscal Year 2023, and looks forward to more stable funding.
- Scott asked about the Delta 8 Cannabinoid. Olivia said that product is not under her purview, but sold in a dispensary. The State is still working on it.
- The Federal Drug Administration's ban on Juul vaping products sales has been petitioned. The second decision is expected in September. If Juul sales are banned, it will be a distribution issue not a retail issue.

Sale to Minor Violations:

- Olivia sent the BoH a memorandum regarding the suspension length for first sale to minor. She outlined in that memo that the State had a mandatory suspension of 1 to 30 days for any sale to a minor, but didn't specify the number of days. Olivia said some towns have gone with 3 days suspension.
- Jay said he wants a mandatory hearing for a tobacco sale to minor violation, and the number of days suspension can be decided at that hearing.
- Peter asked if there were other kinds of tobacco violations. Olivia explained that sale of flavored tobacco was banned in 2020, and certain Juul products are banded because of nicotine content.
- Currently, when there is a violation from a compliance check, the establishment receives a call from Olivia the next day explaining the violation. Then they receive a Cease & Desist letter co-signed by Olivia & Scott saying they have 7 days to request a Board hearing, and 21 days to pay the fine.

- In the 2 violations in 2021, both establishments paid the \$1,000 fine and didn't request a hearing.
- When the local and State both have regulations, it is the stricter regulation that is enforced.
- The State regulations for sale to minor are: 1st violation= \$1,000 with up to 30 day suspension, 2nd violation= \$2,000 with 1 to 7 day suspension, 3rd violation= \$5,000 with 7 to 30 day suspension. And the tolling period is 36 months.
- Holliston local regulations for sale to minor are: 1st violation= \$100, 2nd violation= \$200 with 30 days suspension, 3rd violation= \$300 with 60 days suspension, 4th violation= hearing to revoke permit. And a tolling period of 24 month.
- Holliston also voted a reducing cap on tobacco sales permits of 10 at the petition of the Holliston Drug and Alcohol Awareness Coalition in 2018.
- Jay asked if violators can appeal the violation to the State. Olivia said no, but they can appeal to the local Board of Health that the violation never happened. The local Board of Health cannot reduce the State's mandatory fine or suspension requirement. The local Board of Health will set the duration of the suspension period for any sale to minor violation.
- On the 2 violations in 2021, the sale to minors were captured on security cameras so there is little chance for dispute.
- After the 36 month tolling period (State is stricter requirement) the establishment starts fresh.
- The money from fines go into the Holliston General Fund.

Update Tobacco Regulations:

- Olivia sent a checklist to the Board last week with a Checklist for Policy Decisions that outlined model regulations for restriction the sale of tobacco and vape products that had been drafted by the State's legal team asking them to read it before the meeting.
- Jay wanted to go over the 18 points and discuss them. Peter preferred to have the Board members send their input to Scott to combine. Peter needed to leave the meeting.
- Olivia went over the 18 points, taking Jay and Josh's input and will send that to Scott tomorrow.
- Scott will get Peter's input, and he and Olivia will draft a proposed regulation for the next meeting.

Code of Conduct for Town Elected and Appointed Officials:

- Scott had sent the BoH the draft of a Code of Conduct for Town Elected and Appointed Officials.
- If anyone has any input they can give it directly to Travis Ahern, Town Administrator and/or Kathleen Buckley, Assistant Town Administrator. The Select Board will have a hearing on it in the future.
- Josh asked to table the discussion for the next meeting as he has comments.

COVID-19 update:

- There are 12 active cases of COVID-19 in Town bringing the cumulative total to 2741.
- Holliston remains in the red (high) risk level by the State's COVID-19 designation.
- 2,700 COVID-19 Home Test Kits were distributed to residents since the last meeting. Residents were happy to get them.
- Booster shots are available at pharmacies and doctor's offices.

Mosquitos: Due to the dry, hot weather, Central Massachusetts Mosquito Control Project (CMMCP) reports that there have been no reports of Eastern Equine Encephalitis, and 1 West Nile Virus.

Heat Advisory has been given, and there is a ban on outdoor watering.

Beach water testing: Lake Winthrop's water at Stoddard Park and Pleasure Point beaches' preliminary test results look good. The final results will be posted on the Town website.

Monkey Pox: 90 cases in Massachusetts, but none in Holliston according to the Massachusetts Department of Public Health.

Green Street Contamination: August 4th, there will be a meeting with the Department of Environmental Protection and Travis Ahern, Town Administrator regarding progress. Scott will update the Board.

Housing Issues: 164 Westfield Drive is in disrepair and boarded up. The owner died with no heir. Scott is drafting a condemnation letter to the Attorney General for receivership by the Town. Jay asked if the Holliston Housing Authority can be included in the discussion so the property can be considered for affordable housing. Scott said absolutely.

Minutes:

Josh made a motion to approve the BoH meeting minutes from July 12, 2022.

Jay seconded. Roll Call: Josh Mann- Aye, Jay Leary-Aye. Passed.

Bills: The Board discussed and approved the following bill:

Jay made a motion to approve the Stantec bill for Covanta Compliance Officer: \$2,392.00

Josh seconded. Roll Call: Josh Mann- Aye, Jay Leary-Aye. Passed.

Board Comment: None

Next BoH Meeting is August 9, 2022.

Josh made a motion to adjourn the BoH meeting at 8:30 PM. Jay seconded.

Roll Call: Josh Mann- Aye, Jay Leary-Aye. Passed.

Respectfully:

Ann Adams, Health Department Clerk

Approval Date: 8/9/2022