

Board of Health Meeting Minutes

August 23, 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*

Olivia Dufour, *Holliston Tobacco Control Program Manager*
Cheryl Sbarra, *Executive Director and Senior Staff Attorney at Massachusetts Association of Health Boards*

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

Josh Mann read the Remote Participation Statement.

Board of Health Roll Call: Josh Mann – present, Jay Leary - present, Peter Liffiton - present

Public Comment: None

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. Next week will be the last water testing for the year.

COVID-19 update: There are 15 active cases of COVID-19 in Town bringing the cumulative total to 2786.

Mosquitos: Scott will send the Board the latest Massachusetts Department of Public Health report on mosquito borne diseases on Thursday. There have been no reports of Eastern Equine Encephalitis in humans or equine. There have been 45 cases of West Nile Virus.

Ticks: There is no tick activity due to the dry weather.

Tobacco Regulations:

- Olivia Dufour, Holliston Tobacco Control Program Manager introduced Cheryl Sbarra, Executive Director and Senior Staff Attorney at Massachusetts Association of Health Boards to the Board.
- Cheryl is the one who will draft the Holliston Local Tobacco Regulations based on what the Board decides on the 18 question list that Olivia had presented at the previous Board meeting.
- Olivia reviewed the Boards choices regarding the 18 questions.

Blunt Wraps:

- Olivia explained to the Board that blunt wraps are tobacco leaves that have nicotine that are used to wrap tobacco or cannabis for smoking. They are different than paper wrappers. They deliver extra nicotine because they are tobacco leaves.
- Jay and Josh said they are against banning blunt wraps. Peter said he will go along with the majority.
- Peter said he wants to comply with the State regulations; that layering local regulations on top seems cumbersome. It makes a level playing field.

- Cheryl said blunt wraps are banned in Boston.
- The Board has just decided not to ban blunt wraps.

Suspension for violations:

- The Board discussed what to do with suspension of sales for first violation of a sale to a minor. The State has a mandatory suspension of 1 to 30 days, but doesn't set the number of days.
- Jay says he wants to have a mandatory hearing on the first violation.
- Olivia said that she can write the hearing into the Cease and Desist letter that she and Scott send to the violator, making it administrative process rather than a regulation. Currently the letter has that the violator may request a hearing. It will be changed to a hearing has been set, and the violator can choose to attend or not.
- Olivia explains that at the hearing the Board would determine if the violation really did happen and what the number of days suspension would be (between 1 to 30 days required by the State).
- Jay said he is in favor of setting the suspension period for a first violation of a sale to a minor at 3 days to satisfy the State's mandatory suspension of 1 to 30 days. Josh and Peter agree.
- Cheryl said she has a Cease and Desist letter drafted already that they could use. She was in favor of not etching the first offense suspension period "in stone," but Jay preferred to have 3 days so there would be a set suspension so people would know what to expect.
- The State has a 7 day suspension for any 2nd violation and a 30 day suspension for a third violation.
- The State tolling period for violation is 36 months, as opposed to 24 months for Holliston. The Board is good with the 36 month period.

Tobacco retailers cap:

- Olivia explained what a dual cap on tobacco retailers was: One limit for regular tobacco retailers and a second limit for adult only retailers.
- Holliston has one adult tobacco retailer, Vape City.
- Holliston currently has a reducing 10 tobacco retailer cap. <Explained at an earlier meeting, this reducing cap was voted by the Board in 2018 at the petition of the Holliston Drug and Alcohol Awareness Coalition, lead at the time by Gina Stucci. The Coalition had drafted this reducing cap so it didn't harm the existing tobacco retailers but it reduced the number of retailer by attrition, in hopes to encourage a healthier community.>
- The Board is in favor of a simple cap.

Fines:

- The State fines for violations are: first = \$1,000, second = \$2,000, third = \$5,000.
- These fines cannot be reduced by the local Boards, but they can be increased at the Board's discretion.
- Holliston had 2 first violations in 2021.

Summary:

- The Board does not want to ban Smoking Bars in Town, <agreed upon at an earlier meeting.>
- Does not want to ban the sale of blunt wraps in Town.
- Wants a 3 day suspension for first violations of sale to a minor
- Wants a simple cap on tobacco retailers.

Next step:

- Cheryl said she will have a draft regulation prepared for the Board to review at their next meeting September 13.

- Peter was concerned that the draft regulations would be confusing “legalese.” But Cheryl said she would be sure they understood what it meant.
- The Board can review and discuss the draft to be sure that is what they want, then they can have a public hearing to get feedback.
- Olivia will share the approved draft with the tobacco retailers in Town. The Board can decide if they need to amend the regulations or not.

Minutes: Josh made a motion to approve the BoH meeting minutes from August 9, 2022. Jay seconded. Roll Call: Josh Mann- Aye, Jay Leary-Aye, Peter -Aye Passed.

Bills: None.

Board Comment: Jay said he was happy that the Board agreed on the Tobacco regulations.

Josh made a motion to adjourn the BoH meeting at 7:35 PM. Jay seconded. Roll Call: Josh Mann- Aye, Jay Leary-Aye, Peter -Aye Passed.

Respectfully:

Kristin Abraham, Health Department Clerk

Approval Date: 9-13-22