

Board of Health Meeting Minutes

October 11, 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*

Jaclyn Winer, *Youth and Family Services Director, Holliston Drug and Alcohol Awareness Coalition Program Director*

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.

Scott Moles read the Remote Participation Statement.

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

Tobacco Regulations Revisions

Meeting guidelines: In hopes for an orderly and respectful meeting, Josh outlined the guidelines for public comment: 2 minutes per speaker, 3 minutes for Jackie Winer as she is on the agenda. Comments must be on topic. Comments must be addressed to the BoH Chair. Josh will call on speakers when they indicate they want to speak.

Josh clarified that the BoH was presented the tobacco regulation revisions in a preliminary way to clarify the fee and suspension for tobacco regulations violations. The BoH is considering allowing the sale of blunt wraps, and allow smoking bars and remove the reducing tobacco permit cap.

Josh asked Jay and Peter if they wished to comment. Jay said he would listen and comment later. Peter said he is new to Town and was on the Sherborn BoH for 25 years; He is blindsided by residents' interest in what he thought was routine changes to the tobacco regulations; He has not formed an opinion yet and he will listen to the voices of the community.

Public Comment: Josh asked if anyone wanted to speak; 19 members of the public were present.

- Nicole Smith, 176 Hollis Street, asked 2 questions: first, how does a smoking bar fit into the Board of Health mission? And secondly, does the BoH want more tobacco licenses? Josh said the BoH has no position on the number of tobacco licenses.
- Pat Pereira, 69 Baker Street, asked how the BoH decided to look at the tobacco regulations. Josh and Jay explained that Olivia Dufour, Holliston Tobacco Control Program Manager had presented the possible revisions to the BoH as part of an effort to align local BoH regulations with the State regulations, especially the fine and suspension on the first violation of sale to minors. Scott clarified that we had tobacco violations in 2021 and the existing regulations worked ok, but all communities were reviewing their regulations.

- Michelle Zeamer, 583 Winter Street, asked if there is such a thing as a cigar lounge. Jay didn't know, and Olivia said she would explain that later.
- Ellen Toland, 101 Marilyn Street, said the health of the citizens should be considered. The Economic Development Committee survey showed that Holliston residents want a healthy environment. Making tobacco more accessible is bad for mental health also.
- Barbara Ryan, 14 Irving Place, a pediatric nurse practitioner referenced the Healthy People 2030 study sharing data that illustrates the use of tobacco products is getting worse for grades 6 to 12. She is opposed to tobacco use and more exposure to tobacco for our youth is a problem. She challenged the BoH with: "What kind of community do we want to be."
- Maria Constantinides, 415 Chamberlain Street, said the Board of Health should not be considering smoking lounges.
- Sue Schlotterbeck, 41 Lake Shore Drive, a public health professional, is opposed to smoking bars.
- Janice Miller, 208 Winthrop Street, said she doesn't understand the connection of smoking bars to health; it goes against good public health. What is the good reason for a smoking bar?
- Nicole Smith asked does this discussion include marijuana. Josh said no. Nicole asked what is the process to make these revisions part of the regulation? Josh said there is no deadline or rush to these revisions; he wants more conversations. The revisions will have a Public Hearing before the BoH would vote to make them regulations.
- Josh stopped Public Comment to allow input from Jackie Winer, as she was on the agenda.

BoH requested Jackie Winer to provide data relating tobacco use to youth substance abuse. Jackie explained that in addition to being the Youth and Family Services Director, she is the Holliston Drug and Alcohol Awareness Coalition (HDAAC) Program Director. Eva Stall and Karen Jewett (present at this meeting) are the HDAAC Chairpersons. HDAAC just received a grant for over \$625,000 for programs to reduce youth substance use.

Jackie said the BoH considering revising tobacco regulations to allow smoking bars and allow the sale of blunt wraps is an affront to reducing youth substance use.

Jackie gave statistics showing the use of tobacco, drug and alcohol by youth in Town. She showed how vaping is down which she attributes to the BoH 2018 Tobacco Regulation revisions that include the reducing tobacco permit cap (it reduces youth access) and the banning of flavored tobacco products that target the youth. COVID also has effected youth access.

HDAAC is focusing on understanding the factors exposing our youth to unhealthy substances. The tobacco regulation revision is not a moral argument about tobacco; it is about public health. We need to put proper regulations in place to reduce youth substance abuse.

Josh said that these regulation changes are not about vaping, alcohol or marijuana.

Jay's Comments: He favors a straight 10 permit cap over a reducing cap; just leave the number of tobacco permits where it is. Jay said smoking is an adult decision.

Jay said; Marijuana became legal in the State in 2016; Adults in Massachusetts voted that they wanted access to marijuana; Massachusetts citizens have voted in favor of marijuana, tobacco and alcohol; Massachusetts gets lots of money from tobacco revenue and only uses a small fraction of it on tobacco cessation. Tobacco is a big money maker for the State. Prevention is not a priority for the State.

Jay said he could be swayed on allowing blunt wraps, but it is legal for adults.

Jay doesn't have a solid vote yet and is happy to work with Youth and Family Services and HDAAC; Holliston should not contradict Massachusetts regulations; Jay wants to let people make adult decisions. He looks forward to a Public Hearing.

Peter's Comments: He doesn't care about blunt wraps. He is in favor of removing the reducing tobacco permit cap because a lot of stores need tobacco sales to keep the store in business, and it keeps people local. He sees no value in a reducing tobacco permit cap.

Regarding the smoking bar, zoning must come first. He is not in favor of trying to weave zoning into the tobacco regulation. There is a long way to go.

Cheryl Sbarra, Executive Director and Senior Staff Attorney at Massachusetts Association of Health Boards wanted to clarify 2 points: Currently the Holliston Tobacco Regulations in place are a "Complete Ban on Smoking" indoors and read off the exemptions: private residences, rooms designated for smoking..." There is no smoking bars and a complete ban in public places.

Secondly, the State has made less money on tobacco revenue since prohibiting flavored tobacco, and the tobacco cessation revenue has increased over the last few years.

Jay agreed that the rate of funding for tobacco cessation has increased lately. Cheryl said that spending on cessation was cut during COVID but they are bringing it back up.

Scott said Olivia Dufour's position is funded by a grant from the State for tobacco cessation. Scott said that 27 Holliston residents have contacted the Health Department opposing the 3 controversial tobacco regulation revisions: allowing smoking bars, allowing sale of blunt wraps and removal of the reducing tobacco permit cap.

Olivia Dufour, Holliston Tobacco Control Program Manager explained her 13 town MetroWest tobacco control district, and how it came about from the Massachusetts Tobacco Cessation and Prevention Program (MTCP). They were trying to update the local tobacco regulations having the local Boards of Health review regulations. Boards of Health were too busy during COVID to align with the State's 2020 update. Holliston's tobacco regulations and fines are less than the State's fines, but in the case of differences, the more stringent regulation prevails.

Regarding smoking bar bans, six of the 13 MetroWest communities ban smoking bars. The only smoking bar in the district was grandfathered, and that community adopted a reducing tobacco permit cap to prevent smoking bars in the future.

Public Hearing Discussion: Josh suggested the BoH have a public hearing on just the fine and suspension revisions to the tobacco regulations, and suspend the other 3 issues for later (allowing smoking bars, allowing sale of blunt wraps, and removing the reducing tobacco permit cap), for further discussion with the public and other Town Boards.

Jay asked if there were any current tobacco violations in Town. Olivia said no.

Josh said they were unanimous for changing the fine and suspension to align with the State regulations and it would be easy to get that out of the way.

Jay wanted to wait to hear what happened at the Town Meeting on October 17 with the petition regarding these tobacco regulations revisions. But Jay wants to address all the revisions since the BoH has been talking about these revisions for so long.

Peter also prefers to address all of the revisions that are being discussed, and not limiting the public hearing. Peter will be gone for the next BoH meeting on October 25.

Jackie Winer said:

- Josh was going in a good direction with making the agreed upon regulation revisions and continuing to discuss the controversial revisions with the public and other Town Boards.
- She was disappointed that a BoH member said he is “not concerned about blunt wraps” because blunt wraps are linked to cannabis use and a risk-factor for youth substance use.
- Jackie appreciated Josh’s efforts to enforce tobacco regulations, and address zoning to keep Holliston smoke-free; there are many things to address before a public hearing. Jackie is happy to be included in this thinking.

Directors Report

COVID-19 update:

- There are 7 active cases of COVID-19 in Town bringing the cumulative total to 2861.
- Holliston Health Department is distributing free COVID Test Kits. They are being dispensed to Town residents at Town Hall, Library, Senior Center, Pantry Shelf, Cole Court, Mission Springs, Veterans Agent, Youth and Family Services, and other locations.

Mosquitoes: Scott reported there was one more West Nile Virus case in Suffolk bringing the State-wide total to 6. The mosquito testing ended last weekend 10-6-22. The final report will come out soon.

Housing:

- 53 Wingate Road: Owner, Mr. Orminati has boarded up the property but had a lack of progress in the last 60 days since receiving the certified letter from Scott. Scott will be contacting them.
- 55 Norfolk Street has 2 sheds with rodent infestation that needs addressing. Scott will be making a site visit with the Building Inspector.
- Jay asked about 49 Central Street. Scott said that it is locked up and there will be no occupancy until several housing code issues are addressed.

Holliston Public Schools: Cynthia Listewnik, Holliston School Committee, reports that the Schools are going well.

Minutes: Josh made a motion to approve the BoH meeting minutes from September 27, 2022.

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

Bills: The following bill was discussed and approved:

Josh made a motion to approve the AdPrint for a Holliston Town Map: \$14.50.

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

Peter questioned the BoH voting on these small bills as “it seems silly.” Scott said the BoH could look into authorizing Scott to pay bills up to a \$500 limit. Cynthia said the School Committee

must approve even small bills as it is a fiduciary responsibility; they lighten the burden by rolling the many bills into one motion.

Board Comment:

- **Jay** thanked everyone for attending; that Josh ran a great meeting. He hoped that Jackie would welcome working with all 3 BoH members not just Josh, as it is a joint Board decision. He thinks that the 4 months discussion about tobacco regulation revisions is enough.
- **Peter** said he is keeping an open mind; he now understands blunt wraps are bad, and he is still listening.
- **Josh** was pleased that it was a respectful and productive meeting.

Josh made a motion to adjourn the BoH meeting at 8:05 PM. Jay seconded.

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

Respectfully:

Ann Adams, Health Department Clerk

Approval Date: 10-25-22