

TOWN OF SHELBURNE
Board of Health
Minutes of Meeting

A duly posted meeting of the Board of Health was held on Tuesday, November 20, 2012 at 6:00 PM in the town hall meeting room, 51 Bridge St., Shelburne Falls.

Present:

Bob Gonzalez, Chair
Deborah Coutinho
Rob Hicks

Attendees:

Mary Kersell, FH-STOPP
Phoebe Walker, FRCOG
Cheryl Sbara, MAHB
Randy Crochrer, Gill CPHS

The meeting was called to order at 6:00pm.

Minutes of past meetings: approval waived until next meeting.

Cooperative Public Health Service – Phoebe Walker, FRCOG Dir. of Community Svcs.

Phoebe Walker issued an invitation to the Shelburne Board of Health to participate in the Cooperative Public Health Service program which was originally funded through a grant to the FRCOG. Randy Crochrer of Gill is the chair of their Board and he came to present his perspective. The FRCOG recently found out they would be eligible for an expansion grant since the program is working so well and they need to apply by November 30, 2012.

Phoebe passed out a complete explanation of the goals of the program, described the organizational setup, the relationship of the FRCOG to the board, and explained what has happened since it started this past year. The pros have been for the towns have been that professionals have been made available to each town's public health teams, Glen Ayers and Lisa Danek. Contractors in Franklin County have given good feedback to the FRCOG, appreciating a consistency of approach between the participating towns. A lot of participating Boards of Health now find the time to address issues they would like to work on but just haven't had the time to because the board was doing so much of the enforcement. Cons have included that a board member would have to attend another meeting a month and they alternate between west county and Greenfield. Another con is that it is not free. The program has decided to

initiate and encourage the towns to use an automated permitting system. The grant would allow the towns to only pay what they have already been paying for the inspection services they choose. If Shelburne chooses to participate, the Town would have a seat at the table to determine the budget for future years.

Randy described his board's experience of having more time to address updating their regulations; they had their first flu clinic as well. The town also has a public health nurse for the first time. Phoebe noted that the nurse has also received a grant to allow her to do medication management that can help people stay in their home. She also noted they have put in a lot of time setting up the system so that towns can be reimbursed through medicare for flu shots.

Phoebe asked if there were questions. Deb noted that she had read all of the material Phoebe had submitted and that the Board will be discussing this. There is a real interest in Shelburne in having a public health nurse available. Deb asked when the deadline is for this grant and Phoebe said that she has to have firm commitments from both the Chair of the BOH and the Chair of the Selectmen as soon as possible.

Rob said he understood that from a contractor's point of view it is obviously an advantage to have a full time health agent, especially in regards to scheduling. Deb said the Board will probably have to hold a special meeting to discuss this opportunity. Phoebe said that trying it out the first year could be a good option since it doesn't cost any more than the town is currently paying. Liz asked if the Town would qualify for just applying for the public nurse program when to date, the Town has not spent any money for one. Phoebe said she would look at what is already being spent – such as basic supplies. Liz also noted that Phoebe will need the commitment in enough time to include the information into her grant proposal. Deb said the Board would hold a special meeting to discuss and get back to Phoebe. Phoebe noted that Terry Mosher had said the Selectboard would sign a letter of support if the BOH wanted to proceed since it won't cost the town any additional money for one year.

Proposed Tobacco Control Regulations

Mary Kersell, FH-STOPP and Cheryl Sbarra, MAHB Senior Staff Attorney

FH-STOPP is a coalition of 21 communities. Over the years the State has developed regulations regarding the sale of tobacco. The group developed a template that includes all of the options available for towns to implement. The goal was to have as many communities come up with common regulations as possible with the same penalties in each town.

The goal of the template is to discourage the sale of tobacco to minors. They are primarily looking at the store environment and discouraging self service. They have also found that the more expensive the product, the less likely the teens are going to buy it and therefore there are

also price structures in the proposed regulations. Cheryl said that the manufacturers are actually working to get the price down to encourage sales. The majority of people who go into a convenience store are the smokers and the teens looking for tobacco. Cheryl noted that flavored, individually packed little cigars are often bought by minors. They can pay \$1.65 for a single, some only \$.69, and kids like to buy these as opposed to paying \$8 for a pack of cigarettes. They have also targeted not allowing sales in Pharmacies. Deb noted this is not an issue in Shelburne since Baker's doesn't sale tobacco. Another option is to limit the number of licenses for sale of tobacco. Another big part of regulation is to address nicotine delivery products, such as nicotine gel, looks like hand sanitizer and the nicotine is absorbed through the skin, and to age restrict electronic cigarettes. There is hope that the FDA will regulate electronic cigarette, but that could take 10 years.

Two other large pieces of these draft regulations relate to roll your own machines, people could make their own packs with no oversight for under \$3. Mary noted that even in a small town, some of these may not be here now, but if we pass it, then we care keeping a level playing field throughout the region.

One of the issues in these drafts relates to the state minimum price law – stores are not allowed to offer buy one get one free specials for tobacco products. Rob asked how the regulations affect the sales. Cheryl noted that we could ban the sale of single items and no product that costs below \$2.50. Stores would have to package the individual items into packs of 4 for example. Boston has had these regulations in effect for over a year and has been sued. The Mass State Supreme Court upheld the regulations.

Rob asked about enforcement. Mary's program will carry out enforcement – checking on the stores at least once a year as part of the coalition. Her program will do the enforcement but the BOH would have to support any actions including possibly pulling licenses. The program asks the stores to check photo ID's. Anyone under 21, has a vertical license instead of a horizontal license. If hearings are needed the Shelburne BOH would hold that hearing and a staff person from Mary's office would be there.

Mary and Cheryl walked the board through "Regulation of the Town of Shelburne Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products." After reviewing each section, Mary/Cheryl and the board went through the 18 items on the Checklist for Policy Decisions and agreed to all of them. The Board decided to cap the number of licenses in town to what is already there plus 1. Mary said that there is a permit application form that includes a checklist in which they will have to agree to all of these 18 points or they won't get the permit.

Next, they reviewed “Town of Shelburne Board of Health Regulation Prohibiting Smoking in Workplaces and Public Places”. The Board gave directions to Mary on what to include in the regulations for Shelburne. The enforcement is the same, Mary’s office gets the calls and then her office follows up. Deb said that the current permit fee for tobacco sales is \$75 and it was discussed and recommended by Mary to raise the permit fee to at least \$100. This will be done by the Board in a public meeting. The regulations will not include a specific amount so that the Board can change it if needed.

It was decided to hold the public hearing on Tuesday, January 15th.

Review of phone messages, mail and emails

Approval of a waste disposal for David Chaplin, on Patten Road – Bob reviewed and approved the plan.

National Grid sent information on maintenance of their lines including herbicide applications.

Inspections

Title 5 inspection on Zerah Fiske Road identified a crack in the septic tank so they contacted Renaissance who came and fixed it.

Permit requests: two well requests had been received – one for a house on Lucy Fiske Rd and one for Eugene Butler. Deb reviewed all the vendor applications coordinated by Mary Vilban of the SFABA in preparation of Moonlight Magic. Deb and Rob will be doing on site monitoring of the vendors during the event.

DHP reports: none received.

DEP reports: none received.

Tabled items: Planning Board Wind Power Advisory Committee - Deb has agreed to be the liaison and will be attending the two Planning Board meetings with the T&B consultants.

Trainings & Certifications – Deb is going to be doing MAVEN by the end of the year so Deb can go online and check any infectious disease notifications. Deb just finished her recertification as an EMT.

Flu Clinic : there will be a flu clinic on Tuesday the 26th from 6-8pm at Mohawk Regional High School. Deb has found a full contingent of nurses to help. Cheryl Dukes and Deb are going to be doing an inventory of necessary supplies.

Other Business not reasonably foreseen 48 hours prior to the meeting: none.

Board discussion on Community Health Service proposal presented earlier by Phoebe Walker. Deb would like to see a shared nurse and as Bob noted, we have been talking about it for years. Deb discussed what she knew of the history of this grant program. The consensus of the Board was that if the Selectboard are able to sign a commitment letter then proceed with the public health nurse aspect of the program. Deb will talk to John Payne.

Motion in favor of the Shelburne participating in the Community Involvement Challenge Grant to obtain the services of a public health nurse was made by Bob Gonzalez and seconded by Rob Hicks.

Vote 3 in favor, 0 opposed, 0 abstentions.

Liz will send Phoebe an email and Deb will talk with the Selectboard.

Schedule next meeting: January 15, 2012 unless something comes up and we have to meet in December.

Motion to adjourn made by Rob and seconded by Deb.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Meeting was adjourned at 8:08pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

Documents referred to during this meeting:

Cooperative Public Health Service e-permitting and expansion.

Agreement between the Town of Anytown and the Franklin Regional Council of Governments for the Franklin County Cooperative Public Health Service – sample contract.

Draft: Town of Shelburne Board of Health Regulation Prohibiting Smoking in Workplaces and Public Places, 9/17/2012

Draft Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products