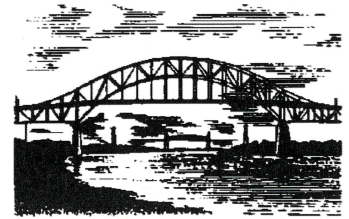


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TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES September 13, 2023

Meeting was called to order at 05:30 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

1. Attendance.

Board Members in Attendance: William Doherty, William Meier, Robert Collett, Donald Uitti.
Professional Staff in Attendance: Terri Guarino, Stacey Burgess

2. Health Agents' reports.

Miss Guarino reported updates to the Board. She included a list of agenda topics and potential upcoming meeting dates. She also highlighted construction on the Bourne Bridge and how that can affect meeting times.

Mr. Doherty recommended that the Board keep meetings at 5:30pm and meet in a hybrid format.

Miss Guarino also discussed the new Mass Department of Public Health survey regarding social and structural health needs, highlighting that it will collect data on health inequities. Mr. Doherty suggested that they put a notice on the homepage asking for participation from the community.

Miss Guarino discusses beach sampling from the prior summer.

Mr. Doherty brings up the upcoming joint meeting with the Select Board on September 19, 2023, requesting that the Board is provided with all the adequate information.

Miss Guarino brings up storm preparedness.

Mr. Doherty emphasizes that he wants to hear about Kaitlyn Shea, Assistant Health Agent's report on the One Cape conference.

3. Board of Health Regulations Restricting the Sale of Tobacco and Vape Products – workshop and discussion.

Mr. Collett explains that he is the Director of the Cape Cod Regional Tobacco Control Program, which means he can participate in the meetings but that he cannot vote.

Mr. Collett provides a background of the regulations, comparing it to the rest of the state.

Mr. Meier asks for clarity on the checklist that Mr. Collett provided about the regulations. Mr. Collett clarified.

The Board discussed the various components of the regulations with the goal of reducing smoking prevalence.

The Board discussed what can be considered a 'blunt wrap'.

Mr. Collett asked Miss Guarino about a ban of tobacco in educational institutions. They discussed what that aspect of the regulation encompasses.

The Board discussed the details of the fines and punishment.

Miss Guarino provides clarity on the Bourne Regulations and the verbiage that has been used in the past.

Mr. Meier questioned enforcement.

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Ms. Sara McColgan, Director of the Tobacco Program with the Massachusetts Health Officers Association, who is also a Bourne Resident, approaches the podium to speak. She discusses the importance of capping the amount of tobacco retailers.

Mr. Doherty asked if there were any tobacco retailers in the audience. Parash Patel, owner of Pocasset Country Market, came to the podium. He questioned the amount of licenses and violations within the past few years.

Mr. Robert Bourne from Bourne Bridge Mobile stated that since 2012, there have been 5 FDA violations. The Board clarifies that the FDA violations are different from the Board and the state's violations.

Mr. Meier questions the intention of selling cigarettes.

Mr. Collett recommended a 36-month tolling period as opposed to the 18 months.

A private citizen, Mr. Paul Alfano, came to the Board. He questioned the Board on needing to limit the retailers, if that would require a new zoning bylaw, and also discusses if that will create a value for those licenses. Mr. Collett responds to the questions.

Rachel Tremblay of Bourne Bridge Mobil comes to the podium. She discusses the impact that the loss of a license will have on a small business due to the competition in town. Mr. Meier discusses how this then reinforces the importance of compliance.

Mr. Collett recommends that they upgrade the local regulations to incorporate licensing being lost if there are 3 sales to persons under 21 in one calendar year, that they increase the tolling period from 18 to 36 months, to establish a cap on the amount of permits they issue and recommends that they grant 32/33 licenses. The Board agrees on 32 licenses. Mr. Collett also recommends that they establish that there are no new permits within a certain number of feet from an existing business. Mr. Meier states that it would bother him if there is an issue with transferring permits. Mr. Doherty highlights that the Board should not feel responsible for real estate transactions. They discussed the cap. The Board agreed to ban smoking bars. The Board also discussed a minimum cigar price. Mr. Collett suggested that they rescind and rewrite the blunt wrap language. The Board also agrees to ban tobacco sales at educational institutions. Mr. Collett also suggests that they replace the fining structure with the Massachusetts' law fining structure. The Board discusses if they want the state fining structure to apply to all of the provisions. They discuss the fines and punishment in regards to the number of offenses that occur. They agree to implement a loss of license for 30 days on the third offense. They also discussed that the language should say 'shall' rather than 'may'.

The Board agreed that they need to hold a public hearing to vote on it.

4. Discussion of Bourne Board of Health Hotel, Motel and Guest Cabin Regulations dated January 25, 2017 relative to emergency assistance housing.

Mr. Doherty emphasizes that the town has received no directive from the Commonwealth regarding the need for a change for the regulation.

Mr. Doherty asked how many people are in emergency assistance housing in the hotels, motels, and guest cabins. Mr. Doherty states that he is confused about the lack of oversight from the state.

Miss Guarino states that she cannot provide a comprehensive number.

The Board discusses the emergency assistance housing in regards to the Hotel, Motel, and Guest Cabin regulations.

Mr. Doherty asks Miss Guarino if she is aware of the health of those who need emergency shelters. Miss Guarino states that the state is responsible for looking into the vaccine history of those staying in the emergency shelters.

The Board describes their concerns with the ambiguity of these new initiatives.

Bryan Bertram, Town Counsel explains the regulations and the difficulties with the ambiguity of information. He states that there are potential arguments that the Board could face if they seek enforcement, and that they should start the enforcement process with letters to the hotel owners, outlining the violations and also asking for more information. Mr. Bertram states that he could assist in drafting language for a potential letter.

Mr. Paul Alfano, Bourne resident, discusses his understanding of state and local law and regulations for the homeless population and emergency assistance housing.

Mr. Fran Cichowski, Bourne resident, brings up his opinions of the population in need of emergency assistance housing.

Mr. Kevin Conniff, Bourne resident, questions why the state categorized this as an emergency situation. He questions the implications that come with that in regards to enforcement.

Ms. Alice Zinkevich, Bourne resident, questions the health checks and vaccine status, and if she can be provided that further information. Miss Guarino explained that she received an email from the state who partnered with the John Snow Institute and explains that the records are confidential medical information so she cannot provide specific information. Miss Guarino states that she has noticed that the public comment section blended into this section.

5. Comments from the Board in regard to future agenda items.

There were no comments on future agenda items.

6. Public comment.

There was no further public comment.

7. Approve Minutes – Approve the minutes from the previous meetings dated June 28, 2023, July 26, 2023, August 9, 2023, and August 23, 2023.

Mr. Meier makes a motion to approve the June 28, 2023 and the July 26, 2023 minutes. Mr. Uitti seconds. No one offers an amendment. All were in favor and the minutes were approved.

8. Adjourn.

Mr. Uitti made a motion to adjourn. Mr. Meier seconded the motion. All were in favor.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Recording Secretary
Edited by: Stacey Burgess, Administrative Assistant