

BOARD OF HEALTH
TOWN HALL
334 MAIN STREET
THURSDAY, OCTOBER 4, 2012
7:30 P.M.

PRESENT: **RONALD MAJDALANY, CHAIRMAN**
CLAUDIA RYAN
FREDERICK CONFORTI

The meeting was called to order at 7:30 p.m.

1. **APPROVAL OF MINUTES:**

A. **Minutes of the September 6, 2012 Meeting.**

MOTION: Ms. Ryan to approve.

SECOND: Dr. Majdalany (Stepped down as Chairman)

VOTE: 2-0

2. **SPECIAL PERMIT:**

A. Billie Best/Project Native, 342 North Plain Road, Housatonic, MA for a freestanding, double-sided, permanent roadside sign in a residential district. (Discussion/Vote) Billie was present to explain the request. She explained that the existing sign is non-conforming in both location and structure and it blocks the view of people coming out of the driveway. The Special Permit is to relocate the sign where the split rail fence is which will be approximately 35' to the south and in just a few feet. She noted that there is enough frontage on the property.

MOTION: Ms. Ryan to pass on a favorable recommendation to the Planning Board.

SECOND: Dr. Majdalany (Stepped down as chairman)

VOTE: 3-0

3. **PUBLIC HEARINGS (2)**

A. **Revision of Youth Access Tobacco Regulations**

Mark said the public hearing was advertised in the Berkshire Record and copies of the regulations were left at the Town Clerk's Office for viewing. The tobacco retailers, Parks Commissioners, Police Department, D.P.W. and the Town Manager were all notified for comments.

The Public hearing was opened at 7:15 p.m. Changes were made based on input from the last meeting. Ms. Joan Robel who runs the Tobacco Free Community Partnership at the Area Health Education office said she supports the Youth Access Regulations along with Railroad Street Youth and South Berkshire Youth Coalition. She also asked the Board to reconsider the sale of tobacco products in pharmacies. She noted that there are 46 communities in the Commonwealth that do not allow tobacco products to be sold in pharmacies. There are 112 CVS stores and 52 Rite Aids that do not sell tobacco products. She said the local Boards of Health are the best resource for banning tobacco products. Dr. Conforti noted that the Committee will look at banning tobacco products in pharmacies, but he questioned why the pharmacies are not acting on it themselves.

MOTION: Ms. Ryan to adopt the Youth Access Regulations as amended.
SECOND: Dr. Conforti
VOTE: 3-0

B. **Revision of Environmental Tobacco Smoke Regulations.**

Mark said that amendments were made after the last meeting. He said that the Town Manager encouraged the Board to include cemeteries, parks, Town buildings and grounds. They have all been added in and named. The word municipality was changed to Town.

The definition of Bar has been deleted.

List of Membership Association and a definition: Jim from Tri-Town Board of Health noted at one time they were banning the use of tobacco in private clubs. The legal definition of "membership association" has been added which replaces the old definition of a private club. After discussion, it was decided to delete the membership definition and table it because Great Barrington never banned tobacco use in membership associations/private clubs and there is a set of regulations for communities who haven't adopted it yet.

Page: 4 – changed the wording for the designation of rooms for motels and hotels.

Violations – Mark noted that the fines appear to be too high and the board should consider lowering them. Previously the fines did not include outdoor spaces. Currently the fines are \$250, \$350 and \$500. The Board agreed to change the fines to \$100, \$200, and \$300. Ms. Ryan said it looks like the employer is going to be fined especially with the cemeteries and outdoor spaces. She said if you are in a town park, who gets the fine? Jim said that with a noncriminal ticket you can't go past \$300.00. Mark said we will rewrite that section and remove the employer section in the final draft for next month.

Section E – will be left in that states the employer has to post "no smoking". Mark said that Town Counsel has this version currently and the reason he did not want the Board to vote now is because there are still obvious changes to be made and he would like Town Counsel to finish their review. It was suggested to review the enforcement issue by the Police Department because they are not agents of the Board of Health. The police officer still has the right to tell the person who is violating the law that they will be assessed a fine by the Board of Health. It was noted that "K" needs to be changed too. Mark advised that there is money to put signs up in the parks and Kevin O'Donnell has offered additional money.

The public hearing was continued until the November 8, meeting.

4. **HEALTH AGENT REPORT:**

A. The board reviewed the Health Agent Report for the month of August 2012. Mark noted that the Title 5 Inspections have increased.

5. **OLD BUSINESS:**

A. Sharps Disposal – Mark advised that BRPC is looking at submitting for a regionalization grant to help solve the problem of the sharps disposal. He noted that there was discussion of having drop off points in Northern, Central and South County. Part of the conversation was to communicate with the 3 hospitals about having drop off points. It will be left on future agendas for further discussion and updates.

6. **NEW BUSINESS:**

A. BCBOHA – Fall Meeting in Pittsfield – November 1 in Pittsfield.

B. MDPH Camp Reporting – The report has been sent into the state noting how many camps, sessions and kids who attended the camps.

C. The next meeting is November 8, 2012.

The 2013 permit renewal applications will be going next week.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Carolyn Wichmann
Secretary