BOARD OF HEALTH MEETING VOTED MINUTES
January 11, 2021 at 5:00 p.m.
Town Hall lower level meeting room
59 Town Hall Square, Falmouth, MA 02540
Times indicated for the agenda topics are approximate
In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the January 11, 2021 public meeting of the Falmouth Board of Health shall be physically closed to the public to avoid group congregation.
Alternative public access to this meeting shall be provided in the following manner:
1. Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
Zoom Login instructions:
i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthmass.us/BOH
ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
2. Additionally public comments may be sent in advance of the meeting to health@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
3. Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Health Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Health Agent at health@falmouthma.gov so they may be displayed for remote public access viewing.

Present: Diana Molloy, Stephen Rafferty, George Heufelder, Benjamin Van Mooy, Kevin Kroeger Scott McGann

5:00 - Opening remarks and public comment:
At 5:00 Diana Molloy called the meeting to order and read regulations regarding open meeting law and remote meetings.
No public comment was offered.
Stephen Rafferty read the mission statement:
The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and
local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

COVID-19
5:00-General COVID-19 Discussion and vaccine update
Health Agent and the Board of Health will discuss current state of the pandemic and seek the Board’s support in partnering with the Barnstable County Health and the Environment with vaccine distribution.

Scott McGann reported that cases are on track this week to exceed the 45-50 cases that have been the norm the past few weeks. Gosnold has had over 30 cases and the state is working with them because there are different municipalities involved. The town is still yellow with 43 cases and a positivity rate of 4.21%. The positivity rate is based on confirmed cases.

First responders got their first shots today in Sandwich. Cathy Gwynne volunteered at the clinic. The average time for administering the shots was 6 minutes per person for walk-ins.

Scott McGann said that he was seeking support for the idea of using the Barnstable County Department of Health and the Environment as a partner for help with vaccine distribution at least for Phase Two. The Medical Reserve Corp has experience with logistics of vaccine distribution including staffing, needle boxes, scheduling. They would be a stronger partner than the VNA. Frank Duffy said that contracts with each entity are not mutually exclusive. PrepMod registration has not yet been activated by the State.

Coleen Martin of the Falmouth Patch asked if this was the primary or only place for Falmouth residents to get a vaccination. Scott McGann said that this is unknown. Information has not yet been provided.

Peter Hargraves asked about PrepMod for online registration. Scott McGann said that registration would ideally be national. He acknowledged that there were issues especially for those without access to computers.

Stephen Rafferty moved that the Board of Health support Scott McGann’s decision to seek partnership with the Barnstable County Department of Health and the Environment for vaccine distribution finding the explanation provided was compelling. Kevin Kroeger seconded.
A roll call vote was taken for both the motion and attendance.

Kevin Kroeger-aye and present
George Heufelder-abstained and present
Stephen Rafferty-aye and present
Benjamin Van Mooy-aye and present
Diana Molloy-aye and present
TOBACCO

New state tobacco regulations went into effect June 1, 2020. The Board will be reviewing both the current local and new state regulations. The Board will be further discussing revising Falmouth’s local regulations to mesh with the new state regulations.

Documents: Existing and proposed local and current state tobacco regulations

A discussion included the following:

- In redrafting the document Benjamin Van Mooy and Diana Molloy noted two key points to clarify: Are guardians/parents allowed to give tobacco products to those in their care and secondly, caps were agreed on but this is a very tough year for businesses and should this be reconsidered?
- If a parent wants to provide tobacco products to a minor, this is beyond the business of the Board of Health. The regulation was intended to prevent members of the public from selling or providing tobacco to minors.
- Preventing a business from the ability to transfer a tobacco license could significantly reduce the value of the business.
- A date in this clause could be one way to ease this concern.
- The ability to set a cap is provided in the state regulations.
- As it stands now in the draft, licensees are not transferable. This is a dramatic proposal.
- The business of the Board of Health is health not business.
- A suggestion was made to list the objectives. The language can be developed from there.
- It was agreed that an objective was to establish a cap and gradually, over time, to reduce the amount of youth smoking. This could be done in two ways: if the owner does not renew the permit or revocation, if the owner incurs repeated violations.
- Does the Board of Health agree to reduce permits by not allowing transfer of permits with sale of a business?
- If the Board of Health does this, then it is picking winners and losers.
- This would affect some businesses more than others. A small business owner planning to sell their business would find the value greatly reduced.
- If there are no new permits issued this will reduce the number of permits, though it may bring hardship to some.
- Yes, these are tough times but this is the only effective way to reduce the number of permits. In the past, claims of business failures were exaggerated, such as smoking bans in bars and restaurants. Caps should be considered if the Board of Health is serious about reducing the number of permits. Falmouth has a high rate of violations when stings are done.
• A date in the future could be utilized after which licenses could not be transferred when a business was sold.
• This would just delay the inevitable.
• The Board of Health is making a public health statement. No transfer would reduce the number of permits.
• With the smoking ban in restaurants, all businesses were affected equally. This cap may affect small business more.
• Of course, there is a need to reduce the number of permits but there should be a long grace period if it is capped. Businesses would lose value if they could not transfer their licenses.
• This may not be so. Restaurants and bowling allies said that they would lose business if there was a smoking ban but now most are happy that there is no smoking in their establishments. With the stores, these are the people that are selling the product.
• A question arose about language regarding the word ‘transfer’. It was thought that transfer and purchase of the business was synonymous.
• A question arose about the definition of ‘person’. It has been implied in the past that the permit has been transferrable when the business is sold.
• Should notice be given of this change or have it be effective at a date in the future?
• An effective date in the future would be the same-just delay of the effect.
• There are 35 permits in Falmouth presently.
• Clarity was sought: Will Falmouth have a reducing cap with the permit to sell tobacco not transferable upon sale of the business?
• It was clarified that there will be two mechanisms to reduce the number of permits: failure of the owner to renew or revocation of permits due to repeated violations.
• Workplace regulations will be reviewed next time.
• Drafts will be sent to Frank Duffy and Bob Collett.

At 7:06 Stephen Rafferty moved to adjourn. Kevin Kroeger seconded.

A roll call vote was taken.

George Heufelder-aye
Benjamin Van Mooy-aye
Kevin Kroeger-aye
Stephen Rafferty-aye
Diana Molloy-aye.

Relevant Documents: Existing and proposed local and current state tobacco regulations