BOARD OF HEALTH MEETING DRAFT MINUTES
January 26, 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 26, 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 (arrived at 6:20, George Heufelder, Benjamin Van Mooy, Kevin Kroeger
Scott McGann, Sheri Bedau

5:03 - Opening remarks and public comment:
At 5:03 Diana Molloy called the meeting to order.

A roll call attendance was taken.
George Heufelder- present
Kevin Kroeger- present
Benjamin Van Mooy- present
Diana Molloy- present

Scott McGann-present
Maureen Mclver-present
Diana Molloy read regulations regarding open meeting law and remote meetings.

Kevin Kroeger 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.

Public Comment:

Diana Molloy explained that this was an extra meeting of the Board of Health to deal with tobacco regulations. The Board of Health has struggled to find time to review the regulations in the midst or Covid-19 issues. She noted that there were many participants but said that comments would be limited to the chat function and verbal comments could be taken at the public hearing in a few weeks. Comments could also be emailed to the Health Department. Scott McGann said that he would post notification of the hearing on the web site and also email notification and draft versions of the regulations to all permit holders.

Stephen Rafferty expressed compliments to David Viera for setting a good example for public health. Mr. Viera wore a mask at Town Meeting and when he was present in the Legislature.

COVID-19
5:11 - General COVID-19 Discussion and vaccine update
Health Agent and the Board of Health will discuss current state of the pandemic and vaccine distribution update
Scott McGann reported that Falmouth is in the red for the first time. There is a higher percentage of positivity though case counts are similar to past weeks.
Regarding the vaccine, the county will be placing orders for Falmouth. The Fairgrounds is open for testing and will be used for vaccinations when vaccine becomes available. Temporary clinics could be set up as well, such as a Saturday clinic at the high school. Everything is dependent of vaccine availability. Discussions are underway about how to accommodate special populations such as those without cars or internet access. Registration is done only online. The VNA is being considered as an option to accommodate the homebound populations. The regional clinic will be online in a few days.

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, local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

The discussion included the following:
- Environmental Regulations will be considered at this meeting.
- ‘Memberships” refers to entities such as the VFW, Masons, Rotary.
- Definitions will be matched in sales and environmental regulations.
- Falmouth regulations prohibit smoking bars.
- In Section 4, the Board of Health sought to define public places. Public transportation was covered under workplace regulations but what about places like Goodwill Park and Main Street?
- People do smoke and to include all public places may be an overreach. It is hard to know where to draw the line.
- The state’s mask regulations could be applied to smoking.
- The Mitchel Hamline Public Health Law Center has some helpful content. Maybe the Board of Health should do more study.
- If an airborne virus has triggered the mandating of masks, what about an airborne carcinogen? It seems like exactly the same threat to public health.
- The coronavirus is an acute response to a one time exposure. With smoking, you need more than one exposure.
- If the dose makes the poison, it can’t be known what molecule of tobacco smoke would trigger cancers.
- There are those with asthma that have an immediate impact from tobacco smoke.
- Playgrounds and municipally owned athletic fields were added to public places prohibiting nicotine use.
- The language regarding the cap got many comments. This should be clarified. Did the Board of Health decide to allow transfer of permits or not?
- The number stays at 35 and will be reduced by failure to renew or violations.
- Bob Collett urged the Board of Health to not allow transfers of permits.
- The Health Department will survey other towns to see what they are doing in this regard.
- The real issue is the transfer.
- Care should be taken with the language. It is not a transfer because the new owner has to apply for a permit.
- Some of the comments indicated that they thought that the Board of Health was suggesting a reducing cap, which it is not.
- It needs to be clearly defined how permits will be reduced.
- Makesmokinghistory.org indicates that Falmouth is one of few towns on the Cape that has no cap.
- A Basic Cap is not a reducing cap; in an Advanced Cap the permit is retired only if a business closes. This addressed the retirement concerns.
- What about a case where the business is sold and the location changes? Will a transfer be allowed?
- Likely, since this would maintain the rights of the permit. Frank Duffy will be consulted.
The Board of Health will address the regulations further at the next meeting.

At 7:12 George Heufelder moved to adjourn. Benjamin Van Mooy seconded. A roll call vote was taken.
Benjamin Van Mooy-aye
Stephen Rafferty-aye
Kevin Kroeger-aye
George Heufelder-aye
Diana Molloy-aye
Motion passed.

Relevant Documents
Existing and proposed local and current state tobacco regulations, local health regulations