

Board of Health Meeting via Zoom  
Thursday, August 10, 2023

CALL TO ORDER: (Roll Call Vote) - Chairman Michael Lanoue opened the meeting at 6:38pm with a roll call vote: Dr. Ruby Chang, "aye," Michael Lanoue, "aye," Peter Stanton, "aye."  
Also present: Health Agent, Rebecca Jurczyk.

MEETING MINUTES: June 1, 2023 (Discussion/ Roll Call Vote)

R. Chang made a motion to approve the minutes of the June 1, 2023 meeting; P. Stanton seconded. M. Lanoue asked if any discussion – there was none. Roll call vote: R. Chang, "aye," M. Lanoue, "aye," P. Stanton, "aye."  
All in favor: 3-0.

Board of Health Reconstruction – Votes taken for Chair and Vice Chair for August 2023 through May 2024  
(Discussion/ Roll Call Vote)

P. Stanton made a motion to keep the Board of Health structure as is; R. Chang seconded. M. Lanoue asked if any discussion – there was none. Roll call vote: R. Chang, "aye," M. Lanoue, "aye," P. Stanton, "aye." All in favor: 3-0.

HEALTH DEPARTMENT UPDATES:

1. Southern Berkshire Public Health Collaborative Fall Vaccination Schedule – R. Jurczyk stated there will be four vaccination clinics in Great Barrington in the fall - the schedule is in the shared drive and will be posted on the Town website. She noted these clinics are for flu only and the COVID booster will be done separately.
2. Southern Berkshire Public Health Collaborative Quarterly Report – R. Jurczyk stated the report has not yet been received, but she expects to receive it at the Collaborative's monthly meeting tomorrow. She noted the meeting agenda is on the shared drive.
3. Pesticides and Children's Health Panel; August 17th at 7:00PM – announcement – R. Jurczyk stated the Agricultural Commission has asked the Board to promote this event focused on how pesticides can impact children - details are posted on the Town website.
4. Old Maid's Park / Williams River. – R. Jurczyk stated she has added Old Maid's Park to the beach testing list and if any e. coli is found, that will be posted and communicated – she added that next year it will be permitted as a beach.

BOARD OF HEALTH QUESTIONS/ UPDATES: Board of Health Speak Time / Business. – There were none.

BUSINESS:

1. SP 937-23; Application from Michelle Maki, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an industrial zone at 920 Main Street, Great Barrington. Application is filed in accordance with Sections 3.1.4 C (13), 7.18 and 10.4 of the Zoning Bylaw. (Discussion/ Roll Call Vote) \*Recommendation to the Selectboard\*  
M. Maki presented plans to create an area on her property for cannabis cultivation and manufacturing in small quantities to be converted to a tincture.
  - a. M. Lanoue asked about potential odor - M. Maki replied growing will be 20-25 days a year and planting is in the high tunnel, remote area with foliage to block odors. R. Chang confirmed that water use and drainage is not an issue as it is an agricultural pasture and there will not be run off - and it was confirmed that no pesticides/herbicides will be used.  
M. Lanoue asked for any public input – there was none.R. Chang made a motion to pass this on to the Selectboard; P. Stanton seconded. M. Lanoue asked if any discussion – there was none. Roll call vote: R. Chang, "aye," M. Lanoue, "aye," P. Stanton, "aye." All in favor: 3-0.
2. Local Regulation Restricting the Sale of Tobacco Products; achieving compliance with State Laws

governing the sale of Tobacco and Tobacco related products. (Discussion/ Roll Call Vote)

a. M. Lanoue provided a recap stating there was a vote of the Board to accept the changes to the draft, but there is an open question about permit retiring to be addressed before the public hearing. Jim Wilusz, TriTown Health Department, stated some towns have permit caps and retire permits based on slow attrition which works well to prevent further growth – though he noted there has not been much growth in Berkshire County. He further clarified that when a permit holder sells their business there can be a limit on the amount of time by which a new owner can apply for a permit. He added that Pittsfield has 60 days to apply and if not, it is retired. It was confirmed that GB's current cap is 12 and less than 10 permits are being used. J. Wilusz also pointed out that under state law, when there is an illegal sale to a minor, state law applies a minimum suspension of one year – but the GB Regulations impose a five day suspension on a first offense. It was discussed that more flexibility would give the Board more discretion – i.e., less than one, but no more than three days. He noted Pittsfield regulations are at least one day and up to 30 days.

J. Wilusz also stated regarding the prohibition of flavored paper/nonregulated product sales – the Town should add an effective date to alert stores to remove them from shelves.

b. The board discussed having a cap/retiring permits – including a timeframe to reapply. P. Stanton expressed concerns about difficulties in adding permits and that having 12 has worked well. R. Chang pointed out that it varies across stores whether tobacco sales are a significant part of their business and that the Board should be able to consider reapplications. She also expressed concerns about accessibility based on location. There was agreement that the Board is supportive of efforts to decrease smoking. Options around setting a cap, retiring permits and limiting opportunity to reapply for a permit were discussed further – and it was noted that the cap can be reviewed by the Board every few years. It was agreed the Board would consider the options and would discuss at the next meeting on September 7 when there would also be a public hearing. R. Jurczyk stated she would put the updated draft in the shared drive and will send it to existing retailers with notice of the public hearing on September 7.

3. Updating Temporary Food Permitting Policy, adopted 2018. (Discussion/ Vote). –

R. Jurczyk stated the Town's Temporary Food Permitting Policy was passed in 2018 – she noted more vendors are being permitted and event organizers are sent the food permitting policy so they know the requirements. She stated a vendor at an event without a permit may be asked to leave or fines imposed. She confirmed that it is within the Board's authority to ask a vendor to leave. She stated it would be helpful to clarify these items in the Policy. She shared suggested updates including that an unpermitted vendor will be asked to stop food preparation and may be asked to leave the event and language to clarify imposing and payment of fines.

M. Lanoue asked for any public input – there was none.

P. Stanton made a motion to approve the updated language as presented for the Temporary Food Permitting Policy; R. Chang seconded. M. Lanoue asked if any discussion – there was none. Roll call vote: R. Chang, "aye," M. Lanoue, "aye," P. Stanton, "aye." All in favor: 3-0.

CITIZEN SPEAK TIME: No citizens asked to speak

MEDIA QUESTIONS: No media asked to speak.

ADJOURNMENT: (Roll Call Vote) – P. Stanton made a motion to adjourn; R. Chang seconded. Roll call vote: R. Chang, "aye," M. Lanoue, "aye," P. Stanton, "aye." All in favor: 3-0. The meeting was adjourned by unanimous consent at 7:30pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk