



**TOWN OF PLYMOUTH
BOARD OF HEALTH MEETING
June 14, 2023 @ 4:00 PM
MINUTES**

The following Board of Health meeting was held on Wednesday **June 14, 2023** at 4:00 PM via PACTV

Present

Barry Potvin, PhD, Professor Emeritus, Chair
Teri Reid, MD, FAAP, Vice Chair
Amy Palmer, MPH
David Golden, MPA

Agenda

Department

Karen Keane, Public Health Director

Excused

Lorenzo Pizarro, MBA
Deb Zona, RN, MHA, CMCN, FACHE (alternate)

- Approval of Minutes: 4/26/23, 5/10/23 & 5/24/23
- Septic Variance Request – 11 Lake Shore Ave – Carmen Shay
- Tick and Mosquito-borne disease update & presentation – Blake Dinius
- Tobacco Regulation Changes & Possible Vote
- Director’s Report
- Chairperson’s Announcements
- New/Old Business
- Adjournment

- *Disclosure: These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting. – Open Meeting Law, G.L. c. 30A § 22.*
- *These minutes are a record as accepted by the Board of Health.*
- *All materials presented during this meeting are available in the Public Health Department.*
- *Administrative Business – May include topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.*

HYBRID PARTICIPATION IN-PERSON OR VIA ZOOM WEBINAR

Pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on March 29, 2023, this meeting will be conducted via remote means and in person, as long as members of the public can easily access the proceedings in real time and participate remotely, this meeting will be conducted both in person and via remote participation. Members of the public who wish to watch the meeting may do so in the following manner: tune into PACTV government cable access channels Comcast Channel 15 or Verizon Channel 47 and watch the meeting as it is aired live or watch the meeting live on the PACTV website at: <https://www.pactv.org/pactv/towns/plymouth>. You may also watch when the show is replayed on [pactv.org](https://www.pactv.org)

4:00 PM
Welcome

4:02 PM – Approval of Minutes: 4/26/23, 5/10/23 & 5/24/23

On a motion by Teri Reid and seconded by David Golden, the board unanimously voted to approve the minutes from 4/26/23. Vote: 3/0/1 (Reid, Potvin and Golden – Yes / Palmer – Abstain due to absence)

On a motion by Teri Reid and seconded by David Golden, the board unanimously voted to approve the minutes from 5/10/23. Vote: 3/0/1 (Reid, Palmer and Golden – Yes / Potvin – Abstain due to absence)

On a motion by David Golden and seconded by Amy Palmer, the board unanimously voted to approve the

minutes from 5/24/23. Vote: 4/0

4:05 PM – Septic Variance Request – 11 Lake Shore Ave – Carmen Shay

Dr. Potvin pointed out to Carmen Shay that the current plan states that there is municipal water available. Mr. Shay stated that this was a typo and that municipal water is not available, he will make the correction on the plan.

On a motion by Teri Reid and seconded by Amy Palmer, the board unanimously voted to approve the variance for 11 Lake Shore Ave subject to a copy of a recorded 3-bedroom deed restriction. Vote: 4/0

On a motion by Amy Palmer and seconded by Teri Reid, the board unanimously voted to approve the variance for 11 Lake Shore Ave subject to a copy of a satisfactory well water test. Vote: 4/0

4:19 PM – Tick & Mosquito-borne disease update & presentation – Blake Dinius

A presentation was shown by Blake Dinius.

4:48 PM – Tobacco Regulation changes & Possible Vote

A discussion regarding the changes on the Tobacco Regulations was as follows:

- (C.) Definitions: Health Care Institution: A motion to remove the wording that would allow a retail establishment that provides optician, optometric, hearing aid or audiology services but is not subject to regulation by the board of registration in pharmacy shall not be considered a health care institution was made by Amy Palmer and seconded by David Golden for discussion. *With no further discussion, a vote was taken; Palmer – Yes / Golden – No / Reid – No / Potvin – abstain Vote: 1/2/1*
 - o The exemption will remain in place.
- (F.) Prohibition of Smoking Bars: A motion to remove a prohibition of smoking bars in the Town of Plymouth was made by David Golden and seconded by Amy Palmer for purpose of discussion. *After discussion, a vote was taken; Palmer – No / Reid – No / Golden – Yes / Potvin – No Vote: 3/1*
 - o Smoking Bars are prohibited.
- (G.) Cigar Sales Regulated: A motion to change the price of the retail sale of a single cigar from \$2.90 to \$2.50 was made by David Golden and seconded by Teri Reid. The motion was amended to state that the price of the retail sale of a single cigar change from \$2.90 to \$2.50 and the change the price of any original factory- wrapped package of two or more cigars, unless such package is priced for retail sale from \$5.80 to \$5.00. *Golden – Yes / Palmer – No / Reid – Yes / Potvin – No Vote: 2/2*
 - o The prices will increase.
- (M.) Self-Service Displays: A motion to remove the “Adult-Only Retail Tobacco Stores are exempt from this section” so that the current regulations will stay the same was made by Amy Palmer and seconded by David Golden. *Palmer – Yes / Reid – Yes / Golden – Yes / Potvin – Yes Unanimous Vote: 4/0*
 - o The verbiage will be removed, Adult-Only Retail Tobacco Stores are NOT exempt from section M.
- (S.) Violations (a.): A motion to change “business days” regarding suspension of license in “S. (a)(b)(c) & (d)” to “days of operation” by David Golden and seconded by Amy Palmer. *Golden – Yes / Reid – Yes / Potvin – Yes / Palmer – Yes Unanimous Vote: 4/0*
 - o “Business days” will be changed to “days of operation”.
- (S.) Violations (d.): A motion to keep the word “may” as opposed to “shall” from

“...after such hearing **may** permanently revoke a Tobacco Product Sales Permit” was made by Amy Palmer and seconded by David Golden. *Palmer – Yes / Potvin – Yes / Golden – Yes / Reid – Yes Unanimous Vote: 4/0*

- The word “may” shall remain.

- (S.) Violations (a.): A motion to change the days of Tobacco Product Sales Permit suspension for the first violation from “three (3) consecutive business days” to “seven (7) consecutive days of operation” by Amy Palmer and seconded by David Golden. *Palmer – Yes / Golden – Yes / Reid – Yes / Potvin – Yes Unanimous Vote: 4/0*

- The number of days of permit suspension will be changed from three (3) to seven (7).

- (S.) Violations (b.): A motion to change the days of Tobacco Product Sales Permit suspension for the second violation from “seven (7) consecutive business days” to “fourteen (14) consecutive days of operation” by Amy Palmer and seconded by David Golden. *Palmer – Yes / Golden – Yes / Reid – Yes / Potvin – Yes Unanimous Vote: 4/0*

- The number of days of permit suspension will be changed from seven (7) days to fourteen (14) days.

A motion to adopt the amended Regulation in its totality, inclusive of the previous motions was made by David Golden and seconded by Amy Palmer. Golden – Yes / Palmer – Yes / Reid – Yes / Potvin – Yes Unanimous Vote: 4/0

A motion to change the number of tobacco smoking permits from 61 to 58 allowable smoking permits in the Town of Plymouth was made by Amy Palmer and seconded by Teri Reid. Golden – Yes / Reid – Yes / Potvin – Yes / Palmer – Yes Unanimous Vote: 4/0

- *The Town of Plymouth is now capped at 58 allowable smoking permits.*

5:51 PM – Director’s Report

See attached

6:01 PM – *A motion by Amy Palmer and seconded by David Golden for the Tobacco Regulation to be effective as of July 1, 2023. Unanimous Vote: 4/0*

6:02 PM – Chairperson’s Announcements

Dr. Potvin wanted to mention that there is a detailed summer safety guidance link on the Public Health website and encouraged folks to take a look at it.

6:03 PM – Adjournment

On a motion by David Golden and seconded by Teri Reid, the board voted to adjourn. Unanimous Vote: 4/0