

Town of Shelburne  
Board of Health Public Hearing  
Tuesday, January 15, 2013

The Shelburne Board of Health held a public hearing on proposed Tobacco Control Regulations on Tuesday, January 15, 2013 at 6:00PM in Memorial Hall, 51 Bridge St., Shelburne Falls, MA.

**Present:** Bob Gonzalez, Chair arrived at 6:46pm

Deb Coutinho

Rob Hicks

Mary Kersell, Franklin/Hampshire-STOPP, Substance and Tobacco Prevention Partnership of Franklin and Hampshire Counties

**Audience:** Mary Vilbon, SFABA, Kenny Patel, Keystone Market

**Press:** none

**Public Hearing:** Proposed Tobacco Control Regulations

1. Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products
2. Regulation Prohibiting Smoking in the Workplaces and Public Places

Deb Coutinho opened the hearing at 6:07pm. Bob Gonzalez had called and would arrive shortly. Deb reviewed the regulations being considered by the Board this evening.

**Hearing was opened at 6:07 pm.**

Deb noted that the public hearing legal notice that had been printed in the Greenfield Recorder had a typo error of the date as 2012. She had advice from the MAHB that it was a courtesy to post the notice and it was not necessary to repost the notice in the paper since the Board is not required to hold a hearing. An email from the Senior Staff Attorney of the MAHB is attached to these minutes. The Board of Health will be required to give notice by publication after adoption of the regulations.

**Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products**

Deb Coutinho asked if there were any questions or comments regarding these proposed regulations.

Mary Vilbon, Shelburne Falls Area Business Association SFABA: from the business association standpoint she had a couple of questions regarding how these regulations change what is currently happening in Shelburne. For example, are we changing the number of permits for sale of tobacco products in town. The Board stated the regulations set the number of permits available as the number that currently exist in town plus one.

Mary Vilbon asked the BOH to summarize what the changes are that will effect current tobacco product retailers in Shelburne.

Mary Kersell, Substance and Tobacco Prevention Partnership of Franklin and Hampshire Counties, had assisted the Shelburne BOH with drafting these proposed regulations. She itemized the changes that would take place if the Board approves these regulations. She noted that Buckland and several other towns in Franklin County have recently passed the same or very similar regulations.

Deb noted that she has given copies of these proposed regulations to all of the stores which currently have permits to sell tobacco products. Mary Vilbon thanked the Board and Mary Kersell for the time spent on these regulations.

Mary Vilbon asked if there was going to be a delay in the implementation of these regulations so that stores can sell out their products. Rob and Deb said it may make sense to have a 2 month delay to allow business to sell their stock. The Board will decide the enforcement date at their next meeting.

### **Regulations Restricting the Sale of Tobacco Products and Nicotine Delivery Products**

The Board summarized the purpose and the scope of these proposed regulations. Deb noted that she had tried to deliver copies of these regulations to any private clubs or organizations that would come under their jurisdiction. Deb and Mary Kersell noted they were still determining if these regulations would apply to the VFW.

Mary Vilbon stated that she was asking questions so that she can understand these regulations and explain them to members of the Business Association. Mary asked about restaurant workers who would like to take a break and have a cigarette – how can they be accommodated. These regulations say you can't smoke within 20 feet of a municipal building and you can't smoke near where people are served food. People will not be able to smoke outside of Mocha Maya or the Villager or the Brick Oven where there are tables out front for people to eat their food. An employee or a tourist can still smoke on a sidewalk but not near where there are restaurant tables or within 20 feet of a municipal building.

Mary Vilbon reviewed the scenario of the Villager restaurant—can the workers smoke in front of their building if no one is there eating. Mary Kersell said that even if it's before opening hours, an employee can't smoke there.

Mary Vilbon and the Board reviewed the fines for violations. Mary Kersell noted that if a businessperson chose to pay a fine and keep on smoking or violating the regulations that the BOH can revoke their license to operate the business. This would require a public hearing.

Kenny Patel asked who will be enforcing these regulations. Deb said she will be. Mary Kersell said that her organized can send an enforcement officer to help and discuss how to approach a situation in order to try to change people's behavior. Mary Kersell noted we really need to have signs up to let people know where not to smoke, for example by the bus stop and outside of the village restaurants. Mary Vilbon noted that some tourists seek out the Villager and the Bakers Oven because they could smoke at the outside tables. Deb noted that there are also tourists who have complained about the smoking.

Mary Vilbon said that she had been talking with the Selectboard about signage in the Village. In order to not have too many signs, she would like to be involved in that discussion. Deb said that she would be happy to work with the SFABA and the Selectboard on signage. Mary K suggested you make positive signs, such as “Shelburne is a healthy place to be.....” Mary Vilbon also suggested including a positive notice in the restaurant placemat that is printed each year – some line about Shelburne Falls being a smoke free, healthy, community.

On behalf of the Board and Shelburne, Deb thanked Mary Kersell for her help in preparing these regulations. The Board decided to wait to vote on the regulations until their meeting on February 19, 2013 to allow for more time for public comments to be received. If approved at their next meeting, the regulations would probably take effect on April 1<sup>st</sup>. The Board will put public notices in the Recorder as well as send information to a local reporter to encourage her to do an article in the paper as well.

**Motion** to close the public hearing was made by Deb Coutinho and seconded by Rob Hicks.  
Vote: 3 in favor, 0 opposed, 0 abstentions. The public hearing was closed at 6:45pm.

Respectfully submitted by

Liz Kidder  
Administrative Assistant