

Board of Health Meeting

July 23, 2018

Present: Gerald Maher, Chairman, Tyler Nims, Vice-Chairman, Mark MacDonald, Clerk, Peter Falabella, Director of Public Health,

The Board of Health Meeting opened at 7:00 p.m.

7:00 Proposed Amendment to Marshfield Rules and Regulations Ch. 670-23 Tobacco and Smoking.

The proposal is to include "Membership Associations" as a prohibited location for smoking. Mr. Eric Kelley attended the meeting. Gerald Maher read a letter from Mr. Cornwall, who supports the change to the regulation. Mr. Kelley asked whether the proposed change was a Town Bylaw. Gerald Maher stated that it was a BOH regulation, not a Town Bylaw being voted on. He also stated that the BOH learned that Smoke Eater equipment was voted down by the local Elks Chapter, and that they did not submit information on the specifications for such equipment as promised. Mr. Kelley stated that State Law allowed smoking at Membership Associations, and that he thought it was beyond the scope of the Board of Health to prohibit it. Mr. MacDonald stated that the ductwork for air movement at the Elks allows smoke to travel throughout the building, and that the Board of Health decision would be based on what is best for Public Health. Mr. Falabella stated that approximately 70 Massachusetts communities have already passed this prohibition, and that the Massachusetts Court has upheld the power of the Boards of Health to regulate smoking in Membership Associations. Mr. Kelley stated that he thought the Members should decide whether smoking would be allowed. After additional discussion, Gerald Maher made a motion to add a section to the Board of Health Rules and Regulations Ch. 670-23 (Smoking) which would prohibit smoking in Membership Associations. The BOH members voted to approve the regulation 3-0. An effective date of August 1, 2018 was decided upon, and the summary would be placed in the next edition of the Marshfield Mariner.

The meeting concluded at 8:30 p.m.