

**BOARD OF HEALTH
PUBLIC HEARING MINUTES
SEPTEMBER 12, 2018**

CALL TO ORDER: Chairman Rhoads called the meeting to order at 4:00 PM.

MEMBERS PRESENT: Chairman David Rhoads, Vice-Chairman Bruce Shepley, Peter Hoyt, Tom Romaniak (Code Enforcement), Pam Gerry (Administrative Assistant)

MEMBERS ABSENT: None

OTHERS PRESENT: Jack Guerino, (iBerkshires); James Daunais; Peter Varno, Deborah Varno and Debbie Varno

APPROVAL OF MINUTES: Minutes from the August 1 meeting & the August 29 special hearing were approved unanimously as written.

NEW BUSINESS: We unanimously approved a motion to move discussion of the "Boil Water Order" to the beginning of the meeting for the convenience of Superintendent John C. Barrett.

- **Boil Water Order:** Superintendent Barrett discussed his mandated follow-up to the MassDEP boil water order of Thursday, August 23. He provided the board with a series of documents, (all of which had already been given to Romaniak, in his role as the town's Code Enforcement Officer: (1) MassDEP Boil Water Notice, August 23; (2) Rescind Notice, dated August 28; (3) the MassDEP Emergency Report; (4) Information on the National Incident Management System (NIMS), a preparedness system for which all municipal officials should be certified; (5) the MassDEP Level 2 Assessment; (6) the MassDEP Sanitation Survey; (7) the MassDEP Compliance Plan; (8) Chain of Custody forms for the water samples taken in August; and (9) the Bacteria Report from Howard Labs (Hatfield lab that analyzes our water samples). We agreed to review these documents & to invite the superintendent to attend our next meeting (currently scheduled for October 10) or an earlier special hearing if deemed necessary. Superintendent Barrett encouraged us to become NIMS certified (Shepley & Romaniak already are) & to join the town's Emergency Management Plan (the semi-autonomous Adams Fire District has a robust plan). We again thanked the superintendent for his ongoing efforts to assure the safety of the Adams water supply & especially for his exceptional management in getting us through this challenging situation.

PUBLIC COMMENT:

- Mr. Daunais, 103 Friend St.: The owner cleaned up all requested debris except for some tree debris on the north side of the house. We had authorized Romaniak to issue daily \$50 fines until completed. However, it was unclear to us when Mr. Daunais completed the above-mentioned request because he apparently never called Romaniak to return for an inspection. In any case, we agreed not to fine Mr. Daunais any longer & Romaniak will provide Mr. Daunais with his calculated total. As to the tree debris, board members would see for themselves & provide an opinion at our next meeting.
- The Varno family, residents of 16-18 Melrose Street, reported that the vacant lot at 20 Melrose St. (corner with Marmon) had quite overgrown with grass & weeds. These concerned neighbors asked if they could mow the lot. Romaniak said that we have no authority to permit them to mow, but that similarly we have no power to prevent them either. Romaniak will confer with other town officials and then meet with them to address their concern & offer of mowing.

PUBLIC HEARING: None

CLOSED CASES: We voted unanimously to close the following cases.

- 3-5 Mill St.: Conditions within dwelling unit. Occupant is making good progress on cleaning up, no need to monitor further.
- 234 Columbia St.: Overgrown grass, dead trees; (Steepleview Realty). Grass was cut; property sold.
- 9 Glendale Dr.: Overgrown property. Complaint was unfounded.
- 3 Gavin Ave. Unit D: Feces & flies. Unit was a complete mess; landlord did a great job in cleaning it up.
- 14 E. Hoosac St.: Filthy conditions. Similarly, cleanup of this housing unit is moving apace.

- 2 Bellevue Ave.: Trash & junk. Complaint was from landlord; occupant has cleaned up the property.
- 6 Harmony St.: Garbage smell coming from garage. Romaniak did not detect any problematic odor. The town is in the process of taking over this property.
- Big Daddy's Commercial St.: Food unrefrigerated. Complaint was unfounded.
- MacDonald's Commercial St.: Inoperable hand dryer in men's room. Romaniak provided paper towels for use until the appliance could be repaired.
- Big Y, Myrtle St.: Odors coming from dumpster. This problem is difficult to control, particularly with the recent hot, humid weather. Big Y cleaned the offending dumpster & will try to keep up going forward.
- 3 Upton St.: Trash on sidewalk. The trash was removed immediately after the complaint was made.
- 23 Commercial St.: Trash in yard on regular basis. Trash was removed by the time Romaniak arrived.
- 4 Pleasant St.: Water restored. Bill paid, water restored.
- 45 North Summer St.: Poor living conditions. This tenant complaint was unfounded.
- 35 Pleasant St.: No electricity. The court-ordered condemnation order is set to expire Monday, Sep 17, at which point contractors will be allowed to enter to correct the problem(s).
- 5-7 Richmond St.: No electricity. Interruption was due to non-payment of the bill. Electricity was restored once the account was cleared.

OPEN CASES: The following cases were investigated but will remain open until resolution.

- 76 Friend St.: The trash remains, but given the owner's death, resolution will take more time.
- 103 Friend St.: See "Public Comment" above & "Violations" below.
- 218 Grove St.: Romaniak filed for a court order last month. The occupant has since agreed to clean up.
- 12 Crandall St.: Conditions within apartment (water leak, mold, unsecured ceiling fan). Romaniak has taken the landlady to court to compel her to repair deficiencies in the apartment.
- 20 Anthony St.: Romaniak condemned the house following investigation of a dog barking. He found debris & other conditions that rendered the house unlivable. Animal control officer Kim Witek had removed the dog soon after the complaint & was attempting to trap the 2 cats (somewhat undermined by neighbor(s) feeding the cats). DPW shut off the water because a plumbing leak on the 2nd floor led to rotting of carpentry below.
- 84-92 Columbia St.: Trash containers left out front of building. This is a row of brick houses. Occupants typically leave their trash barrels out front tucked against the building but within the property line. The complainant reports that the barrels often overflow (pictures were later texted to Rhoads). Romaniak investigated but could not find anything in violation of the town by-laws, as long as the barrels didn't overflow. Indeed, the deep maroon barrel color blends in well with the brick. Members agreed to observe the barrels over the week (trash pickup is Monday) & further discuss the issue at our next meeting.

VIOLATIONS: The following violations have been issued since our July meeting.

- 25 Pine St.: Trash frequently left in front (occupants have also been taken to court)
- 103 Friend St.: Daily fines of \$50 were levied for failure to remove debris from the yard beginning Monday, August 6. Owner was to contact Romaniak once completed. While most of the debris was removed, owner never called Romaniak. Thus, there is ambiguity over when fines should be terminated.
- Poppies Food Vendor: Serving without a temporary BOH permit. Romaniak found Poppies serving at the Aggie Fair without obtaining an application for a temporary food permit. On the advice of Rhoads, he charged them the usual fee (\$25) for the permit & fined them \$50 per trailer, \$150, total. Subsequently, Poppies was sent a formal letter (dated 8/7/18) explaining the fine & inviting them to our next BOH meeting to discuss issues. They did not attend.

OLD BUSINESS:

- Timeline for temporary food vendor permit applications: The board agreed that adoption of a deadline for temporary food vendor applications could best be communicated via the town's Facilities Request Form, which all event planners must file with the BOS. Specifically, we unanimously voted to request that "Item #4. Special circumstances" include a 3rd entry "(c) If vendors will be invited, inform them to apply for a Board of Health permit at least five (5) business days (Monday-Thursday) before the event. Later applications may be accepted but issuance of a permit cannot be guaranteed." This policy will facilitate planning by the Health Department while allowing some flexibility when unforeseen situations arise in recruiting vendors. Rhoads will transmit this request to the BOS.

NEW BUSINESS:

- There was no other new business.

LOCAL & COUNTY UPDATES:

- Berkshire Co BOH Assoc. (8/15): Rhoads attended, see note below about quitclaim deeds.
- Bulky waste disposal (9/6): Item should not have been on the agenda.
- Berkshire Co BOH Assoc. Dinner (10/22): The event will be held at the Berkshire Hills Country Club (topics are marijuana & vaping). Interested members should contact Pam Gerry, who will register them with Eventbrite using our BOH account (cost \$35 each).

FOR THE GOOD OF THE ORDER:

- Potential evasion of Title 5 inspections with quitclaim deeds: Rhoads pointed out that some titles on houses with septic systems in Berkshire County have been transferred without a Title 5 inspection. Jayne Smith of BPHA recommended that letters be sent to local realtors to remind them that the inspections are indeed required (mortgage lenders are consistent in ensuring inspections). Romaniak noted that there are relatively few houses in Adams that have septic systems. However, he will inquire at the Registry of Deeds to ascertain the potential extent of the issue. The board agreed to wait to decide if action is needed.
- Hoyt attended the public meeting in which LC Square described their plans to convert the building at 173 Howland Ave. into a marijuana cultivation facility. He gave them a high five, said that their plan is solid.
- Hoyt also attended a meeting of town officials with Superintendent Barrett on Monday morning, August 27, to help in responding to the MassDEP boil water order (Rhoads was also invited but couldn't attend). Along with drafting the rescind order, attendees agreed that communication during such emergencies would be facilitated by regular meetings of stake-holders in emergency responses. Hoyt did not know when the next meeting would be scheduled. If none is by our next meeting, we will reach out to the group.

REVIEW MAIL:

- Tim Rougeau, complaint about the transfer station: Complaint was referred to the Solid Waste committee.

NEXT MEETING: The next meeting was scheduled for October 10, 2018 at 4:00 PM.

ADJOURN: A motion to adjourn was passed unanimously at 5:04 PM.

Respectfully Submitted,

Date 10/10/2018



