

**BOARD OF HEALTH  
PUBLIC HEARING MINUTES  
NOVEMBER 7, 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); William Martischnig, Kevin Towle (Executive Assistant to the TA), Water Superintendent John Barrett, Kyle Delmolino (Delmolino & Sons, Inc.), William Lillie (SCS Trash Removal), Brad Kozak (Kozak & Sons), Paul Laliberte (PJ's Appliance & Trash Removal)

**PUBLIC HEARING:** Alignment of town hauler regulations with Commonwealth requirements. This item was moved to the top of the agenda as this was the publicized agenda item affecting many regulated businesses. Several waste haulers attended the meeting, offering many insightful & challenging questions, as listed below. The board agreed to address the questions by reaching out to (e.g. Massachusetts General Law & Code; Linda Cernik, NBSWMD Director; MassDEP). Rhoads will draft a letter to inform permitted waste haulers of the adopted regulation, answers to the questions raised & a toolkit of resources to assist haulers in complying with the new regulations. We noted that our proposed regulations are in line with those that MassDEP will be adopting as administrative law in the near future. Our motive is that early adoption will advance the overall goal of increasing recycling as well as to position the town for higher levels of grant support for recycling. We affirmed our commitment to provide resources to the haulers to facilitate compliance, e.g. posters, flyers, letter templates & internet resources. The board unanimously passed a motion to accept the draft regulations as presented with 2 changes: (1) adoption date is January 1, 2019, so that haulers would have 1 year to document tonnage, if they haven't done so before; & (2) the permit fee would remain at the current \$100 annual level. The issues raised are as follows:

- Hauler uses TAM waste facility in Pownal, VT, which has a single fee for both trash & recyclables, so their single weighing doesn't provide breakdown between them. The board will explore options, e.g. including a line item on the online application that states that the facility separates waste post-delivery or allowing the hauler to estimate the breakdown.
- Composting / garbage (food waste) disposal: Hauler noted that disposing garbage with trash was forbidden in 2016. How should haulers proceed when that's difficult to enforce & clients may lack other options?
- May a client refuse a recycling container? Hauler noted that many elderly clients only accumulate a small bag of trash each week. We will explore options to accommodate cases such as this.
- Are scrap metal scavengers under these regulations? Why are they allowed to collect without a license?
- For internet challenged clients, would haulers be provided with written, internet-independent materials?
- Define residential. Must haulers provide containers to each occupant in multi-family residences?

**REPORT FROM WATER SUPERINTENDENT JOHN BARRETT:** Superintendent Barrett appeared before the Board to explain the current situation with the town's water supply. He touched on multiple issues.

- Emergency communications: Sup. Barrett has been in communication with town administration. He noted the 2 meetings scheduled for November 16 & December 6. Rhoads said that he might not be available on 11/16 but Hoyt indicated that he would be able to attend. In any case, the BOH will be represented.
- Chlorination program: Sup. Barrett noted that the AFD had been under MassDEP orders to install temporary chlorination capacity, with an April 2019 deadline, due to an earlier coliform finding. AFD was 70% along with installation when the coliform detection & "Boil Water" issuance occurred in August 2018. As a result, MassDEP required that the AFD install a continuous chlorination capacity by December 31, 2018. Sup. Barrett objected to the earlier deadline, particularly to requiring redesign the chlorination system at an increased cost of \$950,000 vs. the previous \$750,000. The redesign, the shortened time-frame & upgrading the SCADA (see below) all contributed to the increased cost. Moreover, because our well fields are in designated wetlands, a chlorination plan must comply with

conservation regulations as well as assure that groundwater not be contaminated with chlorine (essentially, a toxin). He has retained legal assistance in his appeal to MassDEP for a delay to accomplish the desired goals economically & as soon as possible.

- SCADA (supervisory control & data acquisition) upgrade: As noted earlier, the telemetry system currently used by the AFD, relies on telephone lines that often fail in bad weather, are vulnerable to cyberattack & are only tested once a day for functionality. To address this issue, the AFD is adopting radio-based system, using a secure radio frequency, a dedicated antenna & real-time warning of system functionality. Sup. Barrett judged that adoption of an internet-based telemetry as one suggested solution would still be vulnerable to cyberattack. Thus, Sup. Barrett expressed his support of the proposed local radio-based system & affirmed that this system would be much more secure & reliable.
- The Board again offered its gratitude for Sup. Barrett's for his efforts both in upgrading our water supply as quickly & as efficiently as possible. Moreover, we offered our services, inasmuch as we can, to assist him in his efforts.

**APPROVAL OF MINUTES:** Minutes from the October 10 meeting were approved unanimously as written.

**PUBLIC COMMENT:** None.

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

- 76 Friend St.: Trash in backyard – Trash has been cleaned up.
- Bowe Field food sales – We realized that the larger issue was camping on Bowe Field, a practice that requires notification of the Board & submission to a health inspection. We agreed that adoption of a regulation to that effect would be a prudent way to assure compliance. A vote on such a regulation could be taken at our next meeting, following a Public Hearing on the matter. Rhoads offered to write the announcement letter explaining the situation, proposing a draft regulation & inviting stakeholders to our next meeting. The letter would be addressed to the Adams Agricultural Fair Association, lessee of Bowe Field & currently sole host for camping events in town, with copies to the Town Administrator, Board of Selectman, Zoning Board of Appeals & Building Commission.
- 11 Jordan St.: Unregistered cars with trash – Romaniak hasn't heard from occupant but the cars are gone.
- 50 Dean St.: Leaky roof – This has been fixed.
- 86 Park St.: Trash build up – Situation was temporary during a tenant move.
- 23 Columbia St.: Rats, mice, no window screens, insufficient heat & electricity – The complaint was exaggerated. The main issue was a broken door, which was subsequently fixed.
- 8-10 Murray St. Apt. C: Faulty GFI's in bathroom, mold in tub – This complaint appears to be part of a dispute between landlord & tenant, who was in the process of leaving the unit.
- 160 Howland Ave.: Unfounded complaint [This is new Express Mart.]
- 84 Columbia St.: No hot water – Plumber was called; problem was quickly resolved.
- 64 Summer St.: Bug problem – Exterminator was called; no insects were found.
- 53 Summer St.: Unfounded; no heat – Problem was quickly identified & resolved.

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

- 218 Grove St.: Status of yard clean-up – Work is slowly progressing. Romaniak is holding off on court.
- 12 Crandall St.: Repair status (water leak, mold, unsecured ceiling fan) – The impasse continues. Romaniak has a court date scheduled for mid-November.
- 20 Anthony St.: Condemned; status of clean-up – Romaniak reported that a clean-up company may be interested. Work would be paid through a lien on the property. The "owner" has been cooperative.

**VIOLATIONS:** The following violation is currently under negotiation.

- 103 Friend St.: Romaniak is scheduled to appear in court tomorrow (11/8) to resolve the ultimate fine.

**OLD BUSINESS:**

- Follow-up on temporary food vendor permit application deadline: Rhoads had no update. Mr. Towle indicated that TA Cesan & the BOS were working on a more comprehensive system for facilities use.
- Boil Water Order (AFD, review of documents from Superintendent Barrett) & Follow-up on communication during town emergencies: See above Report from Superintendent Barrett.
- Alignment of town hauler regulations with MassDEP recommendations: See Public Hearing, above.

- 22 Melrose St. strategy: Both Romaniak & Rhoads were able to contact the owner & the neighbor, providing each with the other's phone numbers. The owner had indicated approval for the neighbor to mow the property, but we didn't know if the parties did communicate directly. Rhoads reported that the property was still overgrown on his way to the meeting. Romaniak opined that nothing would be done until spring.

#### **NEW BUSINESS:**

- Registry for rental units & regular re-inspections: There was little enthusiasm to institute these measures. Romaniak stated that most landlords were highly motivated to inform him of tenant moves, as his inspections provide them with the security of his approval & documentation if issues arise. There are a few problematic landlords, but blanket inspections (Adams has 1300 units) would not be worth it. Shepley ultimately offered to create a rental registry as an aid to oversight when he has time.

#### **LOCAL & COUNTY UPDATES:**

- BPHA/BCBOHA Focus Session in Dalton (10/16): Shepley & Rhoads attended along with representatives from a few other towns. Several suggestions to support public health work included (i) recommendations for standard operating procedures, including form templates; (ii) more ready access to expert resources; (iii) training opportunities; (iv) one-on-one mentoring; (v) O&A listserve (currently in testing phase); & (vi) public education. Jayne Smith will compile the suggestions & recirculate for a second round.
- Berkshire Co BOH Assoc. (Shepley, Rhoads, 9/19): Nothing of Adams import to report here
- MassDPH Quarterly Rural Public Health Series (Shepley, 10/22): The radon presentation was straightforward, noting that the highest radon levels run diagonally across mid-state from NE to SW (bend sinister). The EMS-local collaboration initiatives don't really apply to our area.
- BOH Assoc. dinner (All 3 board members, 10/22): Speaker topics were marijuana & vaping. The data on the dangers of smokeless tobacco were troubling & the data on underage use were truly alarming. For instance, approximately one-fourth of Berkshire County high school seniors vape regularly (i.e. are addicted). Note that Adams is a Tobacco-21 town, so individuals under age 21 are also prohibited from purchasing smokeless tobacco. We discussed possible actions that we could take as a board. Hoyt & Shepley noted that the Commonwealth & the FDA have been very active in efforts to discourage underage vaping. Romaniak reported that he handed out numerous pamphlets at September's Health Fair. Shepley noted that school nurses with whom he works have underscored the problem & he offered to discuss ways with them as to how we could reinforce the messaging.
- PHIT-Housing course offered in Western MA: Romaniak took this course in Needham (information only).

#### **FOR THE GOOD OF THE ORDER:**

- Nothing was offered.

#### **REVIEW MAIL:**

- Adams Water Department: Final conditional approval for chlorination plan by MassDEP: See above.

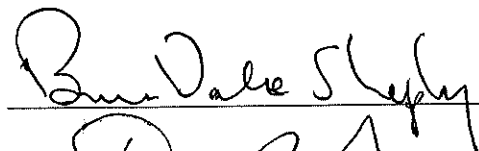
**NEXT MEETING:** The next meeting was scheduled for December 5, 2018 at 4:00 PM.

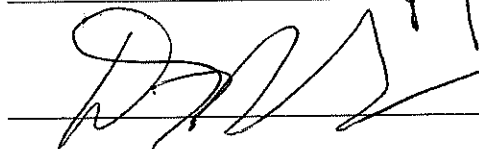
**ADJOURN:** A motion to adjourn was passed unanimously at 5:29 PM.

Respectfully Submitted,

Date 5 Dec 2018

 Peter Hoyt, PhD

 Bruce Shepley, RN

 David Rhoads, PhD