

**BOARD OF HEALTH
PUBLIC HEARING MINUTES
DECEMBER 5, 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), Brad Kozak & son (Kozak & Sons), Paul Laliberte (PJ's Appliance & Trash Removal), Patricia Wojcik (President, Adams Agricultural Fair Association), Charles Felix (Fair Association member)

PUBLIC COMMENT: With no objections, we moved to the fore further feedback on our adopted town hauler regulations from licensed waste haulers, all of whom were sent a follow-up letter with answers to questions raised at the November meeting. Rhoads will draft a letter providing further information on the issues raised.

- Scrap metal scavengers: Mr. Kozak raised the question again as to why scrappers could operate without a license. Rhoads reiterated the BOH has no authority over scrap metal other than to assure that it is not disposed with household waste. Shepley emphasized our lack of authority. We had a wide-ranging discussion over fairness, competition for discarded materials that can be sold & potential subversion of rules by unregulated entities (e.g. improper disposal of white goods). Rhoads suggested that licensed haulers are free to pick up discarded scrap metal (noting that his plumber routinely leaves discarded appliances at the curb, which unfailingly disappears by morning). Mr. Laliberte countered that this is not a practical solution. Rhoads, reporting that an inquiry revealed that Egremont doesn't have a problem because residents do not leave scrap metal on their curb, asserted that he will conduct a more systematic survey & report next month.
- Provision of containers place a burden on haulers: At \$35/container, haulers present said that the initial cost of complying is too high. Mr. Towle noted that haulers in some communities pass the cost on to their customers. Haulers noted that this merely shifted the burden to clients, many of whom are on fixed incomes. Shepley noted that the Waste Management District may be able to supply recycle bins. He will check into this. Rhoads added that, given that the new regulations are a mandate from the Commonwealth, the MassDEP (oversight agency) should also be willing to provide resources to comply with this initiative. He will make further inquiries in this regard for our next hearing in January.
- Educational materials: Haulers present expressed their willingness to distribute whatever materials to their clients that we deemed necessary to foster compliance. Rhoads indicated that we will soon be assembling informative handouts for distribution.
- Finally, Mr. Laliberte raised the question as to whether dumpsters were charged a permit fee, as is done in other communities (e.g. Lenox). We discussed how such fees are structured. The board will explore the practice of other communities & proceed accordingly.

PUBLIC HEARING: Regulations regarding temporary camping: We briefly outlined the main features of the regulations & our rationale for adopting. Mr. Felix noted that he has consistently informs the Police Chief, Fire Chief, Forest Warden & Building Commissioner when camping events are planned at Bowe Field. We noted that it was also required that the BOH be notified. Mr. Felix readily agreed to add the board to his notification list. He also affirmed that he will request that food vendors apply for a Food Vendor permit in a timely fashion. Rhoads asked about campfires & camp stoves. Mr. Felix replied that campfires are forbidden unless approved by the Fire Chief & Forest Warden. Also, camp stoves are rare, as most campers rely on the food trucks or local restaurants. We all agreed that this presence of "open flames" was acceptable. Hoyt asked whether Boy Scouts camping on Greylock Glen, which is town property, would fall under these regulations. None of those present knew what process was followed in authorizing or overseeing the Scouts. Shepley offered to investigate, first by checking with town counsel. We ended by thanking Ms. Wojcik & Mr. Felix for their cooperation in assuring the health & sanitation of temporary camping events (formally referred to as "temporary housing" by the Zoning Board of Appeals).

APPROVAL OF MINUTES: Minutes from the November 7 meeting were approved unanimously as written.

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

- 218 Grove St.: Yard is largely cleaned up: Romaniak will keep an eye on it.
- 24 Overlook Terrace: Report of person living in dwelling without power or water. Unfounded: structure was basically a garage, with no one living there.
- 40 East Jordan St.: Damaged bedroom wall. Small hole in plaster was patched.

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

- 12 Crandall St.: Repair status (water leak, mold, unsecured ceiling fan) – The impasse continues. Romaniak has taken both parties—landlady & tenant—to court.
- 20 Anthony St.: Condemned; status of clean-up: Romaniak reported that the property has 2 prospective buyers: (1) the owner of a clean-up company who would remediate the house himself & (2) a “good” landlord, as characterized by Romaniak, who will be motivated to have the place remediated. We left this open until there is a stable resolution.

VIOLATIONS: The following violation has been resolved.

- 103 Friend St.: The Nov. 8 court appearance was postponed because the owner’s attorney didn’t attend. However, within the last week Romaniak negotiated a final fine of \$400, which was paid immediately.

OLD BUSINESS:

- Follow-up on temporary food vendor permit application deadline: The BOS intends to add our requested language to their Facilities Use Application. They are still in the process.
- Communication during town emergencies: Hoyt attended the November 16 meeting. He reviewed the status, basically that a draft report was being prepared. Attendees were charged with reviewing the documents for the next meeting, scheduled for December 6, which Rhoads would attend. Hoyt noted that agencies & boards should have individual emergency plans to coordinate with the overall plan. We agreed to wait until the town’s plan was closer to completion before developing a BOH-specific plan.
- BOH role in confronting smokeless tobacco use in underage individuals (Shepley): Shepley stated that (1) Jim Wilusz (Tobacco Awareness Program) has been a great resource; (2) the FDA has been moving forward positively, both for its increasing restriction on products that target youth, e.g. flavored pods & promotional program; (3) schools are really at the forefront in publicizing the dangers of vaping; (4) he has handed out numerous anti-vaping brochures to school nurses; & finally (5) peer-to-peer support groups seem to be the most effective way to reduce smokeless tobacco use. Shepley declared that most people recognize the difficulty in confronting this issue. Rhoads asked about warning on packaging. Romaniak responded that he was unaware of warnings but that they would take years to have a substantive effect on use (citing the cigarette case). Shepley will continue his inquiries. Hoyt offered that he was involved in an ACRSD group to address student issues, including nicotine use (e.g. smokeless). Hoyt will contact the ACRSD group to ascertain its current activity level.

NEW BUSINESS:

- Regulations for temporary camping: The draft regulations were passed unanimously as written. Rhoads will draft a letter for circulation.

LOCAL & COUNTY UPDATES:

- Green Team initiative with ACRSD (Rhoads): Superintendent Vosburgh has received his introductory packet & identified a high-school teacher who wants to incorporate the material into her curriculum. Rhoads & Linda Cernik are scheduling a meeting with her (date TBA).
- Berkshire Co BOH Assoc. (Shepley, Rhoads, 11/28): Canceled for lack of quorum, next meeting 12/19.
- Berkshire Public Health Alliance, budget meeting (Rhoads, 11/8): The Alliance is in financial good shape. We discussed focus group results, which were broadly shared here last month. There is an initiative to generate standard forms for county-wide use, including an easy-to-read & -modify fee schedule.
- Municipal Recycling Coordinators workshop: MassDEP recycling grants (1/31/19): Both Shepley & Rhoads plan to attend.

FOR THE GOOD OF THE ORDER:

- Rhoads noted that he had begun reading the Summary Findings of the 4th National Climate Assessment.

REVIEW MAIL:

- Scott Koczela of MassDEP provided us with his inspection report of the town lockup. There were a few

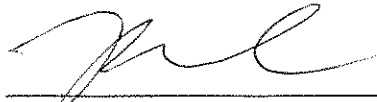
minor violations as well as some issues that fell short of best practices.

NEXT MEETING: The next meeting was scheduled for January 2, 2019 at 4:00 PM.

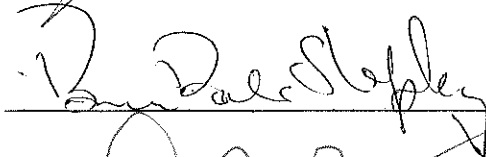
ADJOURN: A motion to adjourn was passed unanimously at 5:02 PM.

Respectfully Submitted,

Date Jan 2, 2019



Peter Hoyt, PhD



Bruce Shepley, RN



David Rhoads, PhD