

**BOARD OF HEALTH  
PUBLIC HEARING MINUTES  
JUNE 12, 2019**

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

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Jack Guerino, (iBerkshires); William & Pamela Martischnig; Selectman James Bush; Kevin Towle, Senior Planner; Linda Cernik, Northern Berkshire Solid Waste Management District (NBWSMD); Paul Laliberte, PJ's Trash & Appliance Removal; Russell Holland, 64 Friend St.

**APPROVAL OF MINUTES:** Minutes from the May 8 meeting were unanimously approved with one redaction.

**PUBLIC COMMENT:** None.

**PUBLIC HEARING:** Revised private hauler regulations, specifically by requiring haulers to include commercial (business) customers in providing recycling & monitoring adherence. Shepley opened the floor for feedback on the proposed changes, noting that we are trying to align town regulations with state regulations. Rhoads pointed out the Department of Environmental Protection has proposed these regulations, but they have not yet been adopted as law or code. Ms. Cernik confirmed his understanding. Salient points included:

- Mr. Laliberte asked about the requirement to provide customers, whether residential or commercial, with recycling containers. Rhoads noted that we have publicly stated our policy that haulers may, at their discretion, charge customers for any requested containers provided. He noted that many customers likely have their own containers & advised Mr. Laliberte to assure that they were appropriately labeled. Rhoads revealed that he had intended to include this policy in the follow-up letter to be distributed to haulers after we adopted the original hauler regulations last November. Nevertheless, he did include this policy in the follow-up letter he's currently drafting as a follow-up to the revised regulations.
- Mr. Laliberte also expressed concerns regarding customers including yard waste (banned materials) with their household trash. This comment generated a wide-ranging discussion, including (i) such material must be refused; (ii) the customer given a letter explaining why—sample on BOH web page; (iii) the BOH informed as the enforcer; (iv) the need for a brush disposal plan—see next item.
- Brush has been a long-time issue. In 2017, the BOH forbade DPW from burning brush, as per DEP regulations. Ms. Cernik advocated for periodic brush drop-off at the old landfill with vendors enlisted to collect & chip the brush. Rhoads conveyed the willingness of Stanley Cote (Stash 'N' Da Boyz) to participate & asked Mr. Bush to contact Stash. We also noted the need to reactivate the Solid Waste Advisory Committee (from which Shepley & Ed Driscoll resigned). Rhoads volunteered to work with Mr. Bush & Ms. Cernik, in coordination with TA Green, to recreate this task force. Ms. Cernik also raised the possibility of either private or municipal composting. The latter could be set up with the schools. Addition of North Adams to NBSWMD would further the economy of scale.
- Shepley asked for a motion to adopt the revised hauler regulations. Rhoads objected, saying that he could not support the regulations as written, noting his multiple concerns that he had listed in an annotated version of the regulations circulated earlier to the board (as well as to Ms. Cernik & Mr. Towle). Shepley suggested that we could adopt now & revise the regulations later. Rhoads responded that, if so, he would not write the follow-up letters, violation templates, annual reports, etc. due to the inconsistencies & ambiguities. Shepley agreed, saying that he would take over these tasks. Rhoads then agreed to vote for the regulations, but still raised 2 concerns: (i) the need to change the effective date to the future from January 1, 2019; and (ii) the regulations do not require that commercial waste & recyclables be included in the annual tonnage reports. Hoyt suggested that July 1 be the effective date for the revised regulations; his motion to do so passed unanimously. Rhoads then moved to add "and Commercial Generators" to the reporting requirements, which was also passed unanimously. The revised regulations, with the above 2 changes, were passed unanimously.
- We thanked Mr. Laliberte (only hauler in attendance) for his involvement & keeping the challenges of waste disposal before us.
- Ms. Cernik gave us an announcement for a June 19 workshop on recycling at the Old Stone Mill.

**CLOSED CASES:** We voted unanimously to close the following cases. After Current Cases were dispensed, Rhoads noted that 20 Melrose (closed last month) had overgrown again but that it was subsequently mowed (the property is apparently being purchased by a new owner). Rhoads thanked Romaniak for pursuing this case, as that presumably contributed to its resolution. Romaniak noted that there are several similar properties on which he is working.

- 12 Valley St.: Status (receivership possibility; deficiencies—roof leaks, plumbing issues) — Deficiencies have largely been addressed; only about \$10 worth of repairs remain.
- 40-42 Maple St.: Trash, brush, construction debris. — Trash has been cleaned up. The shed that was damaged by a falling tree will be addressed once the insurance adjustment arrives.
- 64 Friend St.: Trash, rodents — Romaniak did not observe any rodents. The trash was cleared.
- 10-12 Valley St.: Rats, various wildlife, garbage piled on front porch and backyard — There are now just a few trash bags & vehicles in back. Appearance is acceptable.
- 8 Valley St.: Property appears as a wildlife sanctuary, property poorly kept, mowing minimal — The property is abandoned; there is not much that we can do at this time.
- 27 Spring St #10: Black mold odors, no fire or chemical alarms, windows falling apart. Romaniak has not been able to contact the complainant so he suggested that we let this go unless we hear from her again.
- Kearns Ln (Map 112, Parcel 63): Truckloads of gravel unloaded, leaves, branches, logs, large trucks onsite, looking like a junkyard — This is a zoning issue that was referred to the Building Commissioner.
- 5 Allen St.: Leak under sink & lights in basement — The 2 minor issues were addressed. However, given that the place was a mess, Romaniak issued orders to clean it up.
- 103 Summer St.: Unclean living conditions — The complaint was for urine odor emanating from the place. The occupant is wheelchair-bound & unable to maintain it. Her daughter, doing her best to attend to the challenging situation, has mostly taken care of the offending issues.
- 2-10 First St.: Unkempt lawn — The town is in the process of taking the land at which time the DPW will address the issue.
- 12-26 First St.: Unkempt lawn — The lawn was cut.
- 66 Summer St.: Unkempt lawn — The lawn was cut the day after Romaniak visited the property.

**OPEN CASES:** Romaniak recommended keeping the following cases open, which he will continue to monitor.

- 5 Summer St.: Trash buildup on porch and in yard. — Clean-up is nearly complete (although much remains on the porch).
- 8 Highland Ave: Unkempt property — reported last week, owner is working on upkeep.
- 13 Highland Ave: Unkempt property — reported last week, owner is working on upkeep.

**VIOLATIONS:** Two issues were brought to our attention.

- Adams Mobile Express Mart: An underage individual was sold cigarettes (Tobacco Awareness Program monitoring). Romaniak's investigation revealed that the employee was new & hadn't completed the required training. The owner paid the fine & the employee took the training. Rhoads made 3 points: (i) We should employ the checklists for employee training along with other requirements on our online form. Romaniak indicated that this was in progress (town may switch vendors next year, though). (ii) There was a discrepancy in the assessment of Jim Wilusz from the actual violation. Shepley emphasized the need for further investigation when TAP identifies an issue (Shepley had indeed dug further with Romaniak). (iii) Rhoads asked about the status of disposal plans for expired vaping pods. Romaniak said that most pods do not expire & that the only vendor in town considering selling them decided not to.
- Pine Street resident: Property was trashed, including car repair debris. Romaniak issued a \$50 fine. A week later, when the property remained trashed, Romaniak issued a 2<sup>nd</sup> \$50 fine.

**OLD BUSINESS:**

- Follow-up on waste hauler questions: Legal status of scrappers, recycling bin costs, dumpster fees and letter templates (Rhoads, continuation) — **Scrappers:** Shepley had investigated this issue. Massachusetts has regulations for the receivers of scrap metal; e.g. ID, documentation etc., but no regulations on scrappers. Mr. Laliberte noted that he follows that process here. On this score, Mr. Laliberte complained that it was unfair to licensed haulers to pay for permits & then have unlicensed individuals remove scrap metal, an income source for those who follow the regulations. Shepley emphasized the challenges involved in any attempt to regulate scrappers. As none of us could see a practical way to resolve this issue, we agreed to drop it from our agenda. Rhoads offered to continue his informal survey of other towns for a potential solution. **Recycling bin costs:** Rhoads noted that our policy as stated in meetings is that haulers may charge customers for bins. This policy will be included in the follow-up to haulers regarding the revised hauler regulations (see above). **Dumpster fees:** Rhoads wished to resolve the



question of creating a fee for roll-off dumpster (e.g. Egremont issues a \$25 permit) because it was raised by a private hauler at an earlier meeting. None of us were eager to institute a fee in Adams, particularly given that dumpsters do not appear to be a major problem. When questioned, Romaniak agreed, saying that he watches those few that become overfull & addresses renters as needed. We agreed to drop this item from consideration. **Letter templates:** These refer to letters that we offered to provide to haulers following passage of the earlier regulations for private waste haulers. Rhoads had written a sample letter for non-compliant hauler customers that is now posted on our web page. Shepley agreed to write the others in collaboration with Mr. Towle. Rhoads noted that he had circulated drafts in the past. In conclusion, these items may now be removed from our agenda.

- Temporary food vendor permit application deadline, still waiting for BOS & TA (Rhoads, continuation): There has been no movement; organizations requesting use of town facilities are now apparently apprised of our regulation (Town Facilities Use Request remains unchanged). We agreed to drop this item from our agenda. Ultimately, Romaniak is willing to abide our regulation as stated. Let the vendors beware.
- Emergency Management Plan: Status report & meeting with EMD (board); summary (Rhoads) – The board had met with EMD Kleiner last month before our regularly scheduled BOH meeting. Rhoads used the feedback to revise his Detailed BOH Responsibilities (7-8 pp) & his Summary (3 pp), both of which he submitted to Mr. Towle in preparation for the May 23<sup>rd</sup> Emergency Planning Committee meeting. Rhoads was informed that his Summary was still too detailed. Rhoads indicated that he would downsize his Summary once the next EPC meeting was scheduled & a summary from one of the other agencies was provided as a guide.
- Regulation of short-term rentals: status (waiting for state code, BRPC guidance, BOS input): Again, we wished to dispense with this issue. Mr. Towle noted that Building Commissioner Garner & the Planning Board were both interested in addressing regulations (we have yet to hear from BOS; Rhoads raised the issue in his April 4 appearance). Shepley volunteered to coordinate efforts with BC Garner & Planning.
- Follow-up on vaping (“Vaping Resources” for town website – Pete): Hoyt circulated options for review; Clerk Meczywor posted the final versions on our web page.
- Dog feces: Ashuwillticook Rail Trail, Greylock Glen, town streets & sidewalks: Responsibility for this initiative has been assumed by TA Green. He purchased better signs (Selectman Bush showed an image) & purchased appropriate waste containers (yet to be deployed). Shepley offered to post periodic reminders of Facebook.
- Follow-up on vaping (“Vaping Resources” for town website) – Hoyt had circulated a list of resources on vaping & tobacco. After receiving input, he & Clerk Meczywor posted them on the BOH web page.

#### **NEW BUSINESS:**

- SAPHE endorsement (State Action for Public Health Excellence HD 2682/SD 922; <https://mapublichealth.org/wp-content/uploads/2019/01/SAPHE-Fact-Sheet-HD2682-SD922-.pdf>) This legislative measure would provide for public health providers meet minimal standard, grant support to facilitate delivery of services & create a roadmap to bring Massachusetts up to national standards (note that our local public health model makes standardization challenging). Shepley said that there is an online site to endorse the legislation. He has done so himself & his motion that we endorse the legislation as a board passed unanimously.
- Summer meeting schedule: We decided to spread our schedule out over the summer to meet on July 17, August 28 & tentatively October 2 (thereby skipping September).
- Enumeration of inspections and other information: We continued our discussion, brought up by Hoyt last month during Violations, regarding ongoing reporting of Code Enforcement inspections in the previous month. Rhoads proposed expanding this reporting to include licenses / permits, noting that his compilation of the 2018 data for the Annual Report were missing 3 categories (all of which also required another revision of our Fee Schedule). To give us a timely view of our permit data (comparison to previous year, identifying missing entities) as well as to give us a heads-up for the Annual Report, Rhoads recommended that Romaniak & Gerry compile a list early each year (for July this year, probably February going forward). All agreed that this would be a good idea. As for inspections, Romaniak stated that he keeps a running tally each year. We agreed that quarterly should suffice & asked Romaniak to begin at our next meeting. Both data sets would be included in our Minutes.
- Budget close out for the FY19: Rhoads just wanted to remind the office to pay any outstanding invoices before June 30 to avoid generating encumbrances. Romaniak said that he & Gerry were on it, as well as restocking depleted supplies.
- West Road pump station resolution: Rhoads reviewed the separation of the West Road pump station from the Adams Fire District water supply. The pump station is outside the AFD & inoperable (originally constructed to supply the Greylock Glen development). The Department of Environmental Protection

ordered the AFD to separate the station in March, with BOH copied as the oversight agency. AFD agreed to separate the pump station & asked the BOH to pay for the two end caps (total \$688.62). Funds from our enforcement allocation were used (thanks to Mr. Towle for suggesting this rationale).

- Board of Selectmen appearance: Rhoads reminded Shepley that July would be the month for our next quarterly briefing of the BOS. Shepley briefly conferred with Mr. Bush, agreeing that they would schedule the appearance for a broadcast meeting.

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

- 5/15: Berkshire Co BOH Assoc. (Shepley, Rhoads) – SAPHE (see above)
- 5/19: Maple Grove Civic Club, PNA (Rhoads) – Rhoads reported that he felt that his presentation about our responsibilities & activities went well (Romaniak heard the same through the grapevine). Rhoads said that anonymity of complaints was a concern, which I assured them was our policy (& Romaniak confirmed). Both Civic Club President Cote & Selectman Nowak thanked Rhoads, saying how important it is for townspeople to hear what their elected officials do.
- 5/29: Operationalizing Emergency Planning Workshop (Rhoads) Rhoads reviewed the 6-h event. Attendees from various sectors (public health, hospital, nursing home, ambulance services) formed emergency operation centers based on FEMA's National Incident Management System (NIMS) in response to a simulated flu epidemic. We operated over 6 months, responding to challenges, communicating with other groups with questions/information as needed. The workshop provided useful lessons in the importance of prior preparation, organizing a response & how to communicate efficiently.

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

- Community Health Forum with presentations, free stuff: Is this something to consider? – Rhoads said that this was just an idea but, upon further thought, realized that we don't have the expertise or time to mount such an event. The others agreed; the item will not be considered at this time. Moreover, Shepley noted that the Council on Aging event is generally very well attended.
- "Bug Season" PSA sent to Channel 1301. Rhoads reported that 2 new PSAs for dog poop & vaping were currently running on cable TV (both noting June 12 as our next meeting date). He said that he had a "Sunglasses" PSA ready to roll, pending the date of our next meeting, to replace the current ones. Romaniak requested that Rhoads include a "sunscreen reminder" in the PSA.
- Temporary camping; Shepley, noting that Solid Sound was approaching, asked Romaniak about the status of his inspection plans. Romaniak responded that he was in contact with Chuck Felix (scheduler for Bowe Field) regarding upcoming events, including the Faerie Festival this weekend. Shepley requested that Romaniak bring a list of this season's temporary events to the next meeting.

#### **REVIEW MAIL:** The following mail was received, discussed as needed.

- Specialty Minerals 3rd party inspection report 5/2/2019 – Shepley [probably referring to the thick binder entitled "Quarry Mineral Management Area" received June 5], highly commended SMI for the thoroughness of planning, attention to environmental issues & their openness in sharing all the details with us. The plan is to develop 72 acres to dispose of processed waste on site rather than the far more expensive alternative of shipping the waste to Ohio.
- Water Consumer Confidence Report / Source Water Assessment Protection – Rhoads noted the release of our water quality report (great) & the referenced SWAP (not so great). He recounted a "field trip" with Superintendent Barrett visiting our 3 wells (located in Cheshire, only one of which is currently operational) & 7 pump stations (necessary due to the ranges on either side of town. Our water system works well but the aging infrastructure is fragile. AFD is working hard to maintain our water quality & safety (including installation of chlorinators). The SWAP also noted potential contamination sources for our aquifer & suggested that we work with Cheshire authorities to protect both water sources (their well is within eyesight of ours).

#### **UPCOMING EVENTS:** (Check with Dave Rhoads if you need more information.)

- 6/13: Berkshire Public Health Alliance (Rhoads)
- 6/19: Berkshire Co BOH Assoc. (Shepley, Rhoads)
- 6/19: Reuse Summit, 9-Noon, Western Mass Municipal Recycling Coordinators, Old Stone Mill, Adams
- 9/6: UMass Health Policy "Addressing the Opioid Crisis in Small & Rural Communities in W. MA"
- 9/9: Workshop on cannabis/CBD in Northampton

**TASKS:**


- Rhoads:
  - Reach out to TA Green (via Deb Dunlap) to re-activate the SWAC, with Jim & Linda
  - Informally investigate the scrap metal waste stream, largely focusing on unlicensed scrappers
  - Forward information on upcoming meetings (e.g. 9/9 workshop on cannabis / CBD in Northampton)
  - Compile information on immunization (safety, efficacy, consequences of disease outbreaks) – from May
  - Coordinate with Pam & Tom to generate a current list of permits issued
  - Coordinate with Tom, Pam & Jayne Smith to activate pertinent checkboxes on Full Circle
  - Post “Sunglasses” PSA
- Shepley:
  - Contact MEMA regarding how to set up an EDS (this was done but not reported)
  - Coordinate with Kevin to revise the hauler regulations & to develop follow-up documents
  - Endorse SAPHE on behalf of the Adams BOH
  - Contact Building Commissioner Garner & the Planning Board regarding strategies for short-term rentals
  - Arrange an update to the Board of Selectmen (Jim Bush will assist)
- Hoyt:
  - Provide medical facilities list (he mentioned Adams Internists at the May meeting)
- Romaniak:
  - Enumerate inspections to date (to be reported quarterly)
  - Apprise the board of upcoming temporary town events (both camping & food vendor only)

**NEXT MEETING:** The next meeting was scheduled for July 17, 2019 at 4:00 PM.

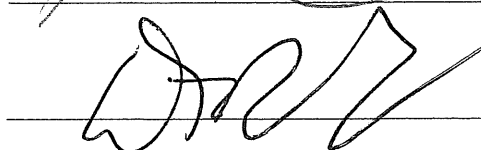
**ADJOURN:** A motion to adjourn was passed unanimously at 5:45 PM.

Respectfully Submitted, D Rhoads

Date 7-17-19

 Bruce Shepley, RN

 Peter Hoyt, PhD

 David Rhoads, PhD