

## Board of Health / Board of Selectman Public Meeting Minutes

Adams Town Hall, 8 Park Street, Adams MA

1<sup>st</sup> Floor Mahogany Room and Zoom

**Wednesday, June 9, 2021 4:00pm**

**Members Present:** Chairman David Rhoads, Vice-Chairman Peter Hoyt (Virtual), Member Joyce Brewer

**Others Present:** Mark Blaisdell-Code Enforcer, Michelle DeRose-Administrative Assistant, Howard Rosenberg-Member of Board of Selectman, Steve Skrocki – Foreman of Parks/Cemetery, John Sherman owner/occupant of 5 Summer St, Diane and David Krol – owner/occupant of 7 Summer St, Francesca Barilla-Environmental Partners (Virtual), Ziad Kary-Environmental Partners (Virtual), Mark White – Environmental Partners (Virtual), Steven Thompson – Specialty Minerals(Virtual), Sharon Burke – Specialty Minerals (Virtual), Greg Fournier - iBerkshires

**Call to Order:** Chairman Rhoads called the meeting to order at 4:05pm

Join Zoom meeting by video

URL: <https://zoom.us/j/97797642230?pwd=SlJuYVNKVWJ3RkNvZGJaMEF1ajdoZz09>

Meeting ID: 977 9764 2230 / Passcode: 971719

Join Zoom meeting by phone, dial by your location

1-929-436-2866 (New York)

One tap mobile

+19294362866,,98383754794#,,,,\*595066# US (New York)

+13017158592,,98383754794#,,,,\*595066# US (Washington DC)

**Note:** If you are having trouble joining, please call David B. Rhoads, Ph.D., Chair, at 781-507-1627.

### Notices on Recording and Pandemic Waiver to Conduct Public Meeting Virtually

Dr. Rhoads requested a motion to move the Public Hearing of Prohibition of Dogs Regulation to the beginning of the Agenda, Dr. Hoyt motioned, Dr. Rhoads seconded. No discussion. Approved unanimously.

### Consideration of an ordinance prohibiting dogs from town athletic fields – moved from New Business to top of agenda

Steve Skrocki stated that in his 36 years working for the Town, there has been issues with dogs on the athletic parts of the fields defecating on the fields or when the field is used similar to a dog park leaving sticks on the field. This poses a problem when teams play on the field stepping or sliding into the feces or trip on a stick left by families of dogs causing a safety issue. Mr. Skrocki is requesting a local regulation and signage to prohibit dogs on the athletic portion of the fields, not the park portion. Mr. Blaisdell, at the last Parks Commission meeting, did present the idea of obtaining their endorsement of prohibiting dogs on parks and athletic fields. This concern not only for the safety of players and spectators but for sanitary concern as well. Mr. Skrocki has limited this prohibition to just the athletic portion of the fields. Dr. Rhoads stated that this will require a public hearing. This can occur at the next meeting. Dr. Hoyt asked if Dr. Rhoads or Mr. Blaisdell had contacted the animal control officer, Kim Witek. Dr. Rhoads stated he will and Mr. Blaisdell had said he had not and these were general complaints he had received. Dr. Hoyt mentioned there was a similar issue in the past and the result was to loop in the animal control officer prior to any decisions being made. Dr. Rhoads will contact the animal control officer, but did state that he believes she to be part time animal control and does not have the time to police the fields. The regulation request will require the help of the Police Dept, Animal Control and the Code Enforcer to enforce the regulation, it cannot solely be the Animal Control Officer. A motion to consider a Board of Health public hearing meeting was made by Dr. Hoyt and seconded by Dr.

Rhoads providing that all parties are informed accordingly and is present at the meeting. Voted Yes unanimously. Steve Skrocki left the meeting.

#### **Review and appointment of Joyce Brewer as a member of the BOH**

Dr. Hoyt motioned to appoint Joyce Brewer to the open seat on the Board of Health. Dr. Rhoads seconded. Voted Yes unanimously, no discussion. A brief recess was requested so Ms. Brewer could be sworn in by the Town Clerk.

#### **Public Hearing: 260 Columbia St., site approval for the Specialty Minerals landfill project**

Motion to open the public hearing made by Ms. Brewer, seconded by Dr. Rhoads. Voted Yes unanimously. A presentation was provided by Steven Thompson and Mark White to reclaim the existing quarry. As the limestone is quarried, there are coproducts such as Crusher fines, FS Dust, KFS Dust and Pond Solids. DEP had regulated FS Dust and Pond Solids as solid waste. Because the current facilities, located on the West side of the quarry, where the solid wastes are disposed of are approaching full capacity, Specialty Minerals is looking at a long-term program to dispose of these coproducts. The idea is to re-fill the quarry starting with the Southside with these coproducts and capping with native soil and vegetation that will help increase bio diversity and habitat of the area. Only materials from the Adams SMI facility would be placed in the quarry. Mr. White continued to explain the necessary Permitting Requirements and Reports

After Mr. White completed the presentation, Dr. Rhoads interjected to formally appoint himself as the hearing officer for this process. Ms. Brewer made the motion, Dr. Hoyt seconded. Voted Yes unanimously with no discussion.

Dr. Rhoads asked if anyone had any questions for Environmental Partners and Specialty Minerals. A motion was requested to vote to approve Specialty Minerals Landfill Project by Dr. Hoyt, Ms. Brewer seconded. Dr. Hoyt and Dr. Rhoads thanked the teams in being thorough in this presentation as well as past meetings. Voted Yes unanimously. Dr. Rhoads will draft a formal letter of approval. A motion was requested to close the public meeting by Ms. Brewer and seconded by Dr. Hoyt, voted Yes unanimously.

#### **Reorganization of the Board**

Dr. Rhoads stated before we continue to the next Public Hearing, we will address the reorganization of the Board which should have occurred prior to the Specialty Minerals Hearing. Dr. Hoyt motioned to keep Dr. Rhoads as Chairperson and Ms. Brewer to be Vice-Chair until next voting cycle. Dr. Rhoads seconded. Voted Yes unanimously. Congratulations to Ms. Brewer being promoted from member to Vice-Chair

#### **Public Hearing: Appeal of Correction Order for 5 Temple St.**

The parties of this hearing were not present and Mr. Blaisdell asked to continue this hearing to the next meeting. Dr. Hoyt asked if there were any updates. Mr. Blaisdell issued the condemnation and occupant has refused to move out. The landlord has been given 30 days to quit.

#### **Public Hearing: Dangerousness of Trees at 5 Summer St. (supplemental to 1/13/2021 BOH meeting)**

Motion to open the open the hearing. Dr. Hoyt seconded. Voted Yes unanimously. Mr. Krol presented their case. They wanted to have a few trees investigated as they had concern. They hired an arborist to review and found a few other trees that raised concern. The branches hang over onto their property (East side) and none on the other side of the property (West side) so all the weight of the trees is coming their way. All of the trees have moderate risk every day and real risk when special weather events happen. There are hidden decay and root conditions that can contribute to failure of the trees. The trees are situated on a rock wall and roots are growing up instead of into the ground. They are concerned that these trees can cause property damage and possibly personal injury. They cannot use their property like they would like to. They are requesting that all 5 trees be taken down to remove all risk. Mr. Blaisdell's original correction order was to remove only 3 of the trees. That order is no longer in place since Mr. Sherman had hired a tree expert and stated that the removal of the trees would eliminate the necessary vegetation.

Mr. Sherman stated that he had lived with the same situation for 10 years and lives in no fear. His tree expert (John Babson) had stated that the trees are sound. He has never seen any tree branches fallen from those trees on the Krol's property.

Dr. Rhoads presented photos of the trees in question showing. Diane Krol stated that the canopy of the trees is very high and overhanging so if a storm were to cause the tree to fall, it will extend to their home. Mr. Krol also stated that it has been known to have ice storms in October when there is still leaves on the trees causing added weight to those branches and trees which could also cause the trees to fall. The Krols stated that they inhabit the house 24 hours a day as Mrs. Krol works at home and felt they should have to live with any risk. The moderate risk is based off a clear blue sky, not when a special weather event occurs. Dr. Hoyt stated that there are other risk factors in a home than just the trees, such as, flammable objects, flames, electricity.

Mr. Krol stated that should something happen and one of them gets killed, there could be criminal negligence. He did state that he is not a lawyer, but thought it necessary to bring that thought to mind.

Ms. Brewer asked the Krols if there was a specific event that happened that precipitated your concern. Mr. Krol said no and just wondered if it posed a risk to their house. Their neighbor had suggested to have the Town Arborist take a look at them.

Dr. Hoyt motioned to close the hearing, Ms. Brewer seconded. Voted Yes unanimously. Dr. Rhoads and Mr. Blaisdell discussed options and/or compromise between the parties. There was concern that if a decision was made by the Board to not take the trees down and something significant happened causing injury or property damage to the Krols or the public, it could be a liability. Dr. Hoyt suggested that we review this matter with Town Council, Mr. St. John. Dr. Hoyt asked the Krols if they would pay half the cost to remove the trees. They responded No as the trees are not on their property and felt that the owners should do continuous pruning and care over the years. Dr. Rhoads stated that this matter will be continued to the next meeting in July. The Krols and Mr. Sherman left the meeting.

#### **Approval of Minutes: April 14, May 12**

Dr. Rhoads introduced Howard Roseburg who is a member of the Board of Selectman and has a passion in Health.

Dr. Rhoads provided edits to the April 14 minutes. A motion made by Dr. Hoyt to approve minutes with edits, seconded by Dr. Rhoads. Ms. Brewer recused herself. Voted 2 Yes.

Dr. Hoyt provided edits to the May 12 minutes. A motion made by Dr. Hoyt to approve minutes with edits, seconded by Dr. Rhoads. Ms. Brewer recused herself. Voted 2 Yes.

#### **Public Comment:**

Mr. Rosenberg stated that he is looking forward to collaborating with the Board of Health. He stated that his passion is based on personal experience and feels Western medicine does not determine root cause of the medical issues and treats symptoms. He is looking to have the Town be proactive in healthcare and create programs that can educate our community in to improve our health.

**Code Enforcement Officer:** Mr. Blaisdell has nothing at this time.

#### **Old Business:**

##### **Covid-19 Update**

No new covid cases in the past 3 weeks. A vaccine clinic was not able to be developed. The suggestion is to get vaccinated as the Town is in the Grey now and would like to see the numbers remain low.

**New Business:**

**Consideration of an ordinance prohibiting dogs from town athletic fields** – moved to top of agenda

**FDA/AFDO Grant to BHPA: Permission to name Adams in application (S Martin, May 26 email)**

Ms. Brewer motioned to approve the inclusion of Town of Adams in the FDA/AFDO Grant the the Public Health Alliance. Dr. Hoyt seconded. No discussion. Vote Yes unanimously. Dr. Rhoads to contact Sandra Martin to let them know to keep Adams on.

**Mobile Food Vendor permit – M & J's Taste of Home**

Mr. Blaisdell said that Mr. Lapier came in this morning at 7am. Inspection was done and permit was issued.

**Local & County Updates:**

Dr. Rhoads had some upcoming public health meetings coming up and the end of the emergency is expected to ending June 15<sup>th</sup>.

**Upcoming Events:**

None

**Review Mail:**

Jim Wilusz requested that the Tobacco Retailers submit letters stating that they do not have any flavored tobacco products and nicotine. Dr. Rhoads will add this to the next meeting agenda.

Insect born diseases are currently tick born. DPH is testing private wells for PFAS which Adams water supply has zero. Dr. Rhoads will look into further.

Dr. Rhoads stated that business cards will need to order business cards for Ms. Brewer and Mrs. DeRose or the Town Clerk can help her with that.

**For the Good of the Order:**

Welcome to Joyce and Howard to the Board of Health

Mr. Blaisdell stated that he received a request for a hearing for a correction order. It is not involving health or safety concern. Landlord will present that the tenant is being evicted. It can wait 30 days or can be added to the next agenda meeting.

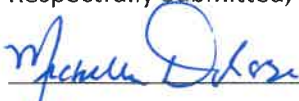
**Schedule Next Meetings:** June 30, 2021 4:00pm

Dr. Rhoads requested that the minutes be sent to Mr. Rosenberg upon completion. Dr. Rhoads will keep Mr. Rosenberg informed on anything big that comes up.

**Adjournment:**

Dr. Hoyt motioned to adjourn at 5:59pm. Ms. Brewer seconded. All agreed unanimously.

Respectfully Submitted,

  
\_\_\_\_\_  
Administrative Assistant

Date

8/30/2021