

Board of Health / Board of Selectman Public Meeting Minutes

Adams Town Hall, 8 Park Street, Adams MA

1st Floor Mahogany Room and Zoom

Wednesday, June 30, 2021 4:00pm

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

Others Present: Mark Blaisdell-Code Enforcer, Michelle DeRose-Administrative Assistant, Gerry Garner-Building Commissioner, Atty Edward St. John – Town Council (Virtual), John Sherman-owner/occupant of 5 Summer St, Shana Snow-owner of 89 N Summer St, James Mullen-landlord's agent of 5 Temple St, Greg Fournier-iBerkshires

Call to Order: Chairman Rhoads called the meeting to order at 4:00pm

Join Zoom meeting by video

<https://zoom.us/j/91778844702?pwd=Y3BKQnpqT0NGMHAXY3RMRnE4YXBHZZ09>

Meeting ID: 917 7884 4702 / Passcode: 730197

Join Zoom meeting by phone, dial by your location

1-929-436-2866 (New York)

Meeting ID: 983 8375 4794 / Passcode: 595066

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 asked for a motion to amend the agenda to move the Old Business of Dangerousness of Trees at 5 Summer St to the beginning. Dr. Hoyt motioned, Mrs. Brewer seconded. Voted Yes unanimously

Old Business: Dangerousness of Trees at 5 Summer St:

Dr. Rhoads summarized that there was a complaint of several trees on Mr. Sherman's property (5 Summer St) that may be dangerous. Mr. Blaisdell responded and ordered that some of the trees be removed. Mr. Sherman appealed and provided an assessment of the trees and it was reported that the trees were not dangerous. Mr. and Mrs. Krol of 7 Summer St had followed up with their own tree assessment and it was reported there is some danger and in previous meetings, it was understood that this report held some merit. The Board of Health had obtained legal counsel before moving forward. Dr. Rhoads requested a motion to dismiss this matter from the Board of Health due to liability to the Town if the trees were removed or not removed and note that this is a private matter between the neighbors of 5 Summer St (Mr. Sherman) and 7 Summer St (Mr. and Mrs. Krol) and they should work it out amongst themselves. Dr. Hoyt motioned, Mrs. Brewer seconded. No further discussion. Voted Yes unanimously. Mr. Sherman left the meeting.

Public Hearing: Appeal of Housing Code Correction Order for 89 North Summer St:

Dr. Hoyt motioned to open this public hearing, Mrs. Brewer seconded. Voted Yes unanimously. Mr. Blaisdell summarized that the occupant had made a complaint and Mr. Blaisdell responded. He had issued a correction order on June 3, 2021 to Ms. Snow in which she is appealing. Ms. Snow offered to tenant in May a new lease to sign or leave. Near the end of May, she said the tenant told her that he was not going to stay. Since he was the property manager there at the time and was not doing anything, she had a new lease drawn up and presented to him the

new lease / full rent fee and asked that it be completed by May 29th. On May 29th, the tenant had told her that he was not signing it. This was when the tenant brought it to the Board of Health. She continued to say that he was aware that once nice weather had come, she had planned on redoing the windows. She had complied doing other orders. She agrees that the windows do need to be redone. She does not agree with the hair line fracture in the foundation. The inside of the foundation is completely sealed. She had thought that the railing was fine. She feels that the tenant is retaliating due to her presenting to him the new lease. She does not feel comfortable doing any work while this tenant is there. She knows the windows must be done and planned to do eventually but cannot buy all new windows for entire apartment. Under a separate court hearing, the tenant has been served a 30-day notice to quit by July 30. Mr. Blaisdell stated that the code still applies and can agree to an extension for a couple of months. Ms. Snow confirmed that she will do the renovations once this tenant leaves. It was decided to continue this in the August meeting to check in. Mrs. Brewer motioned to close this hearing, Dr. Hoyt seconded. Voted yes unanimously. Ms. Snow left the meeting. Mr. Garner left the meeting.

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

Dr. Hoyt motioned to open this public hearing, Mrs. Brewer seconded. Voted Yes unanimously.

Mr. Blaisdell provided a recap. The apartment was previously occupied by another party who then subletted to the subject party, Chad Slick. Originally, it was not disclosed to the tenant that they were responsible for the heat and hot water. The tenant did not buy fuel oil causing ruptures in the heating system which then flooded the apartment. A new correction order was issued with non-compliance. On June 2, 2021, Mr. Blaisdell issued condemnation. Mr. Sumner (original tenant) has left the apartment leaving Mr. Slick as the lone tenant. Mr. Slick filed the appeal and had not appear to any of the previous hearings or this hearing. The landlord filed eviction of both individuals and that case will be coming up on July 19. Mr. Mullen confirmed that Mr. Sumner was living there when the damage was done back in January. Mr. Sumner had moved out in March. Mr. Mullen feels that Mr. Slick is not a sublet, but a trespasser. The lease does state that the apartment would not be sublet. The correction order is towards Chad Slick in which he appealed. Mr. Mullen stated that they are not looking for monetary damages from this person. They just want him vacate the apartment so they can properly fix the damage. It is believed that Mr. Slick is still living there as of last week. Mr. Blaisdell had been working with Mr. Slick and put him in touch with housing organizations in which they did have housing available in Pittsfield for him and would provide transportation vouchers for him to travel to North County. Mr. Slick has abandoned those communications with the housing organizations. He also did not appear in court on Monday. Dr. Rhoads asked for a motion to uphold Mr. Blaisdell's order to condemn so that Mr. Slick must vacate the property. Dr. Hoyt moved. Mrs. Brewer seconded. Voted Yes unanimously. Mrs. Brewer motioned to close this public hearing, Dr. Hoyt seconded. Voted Yes unanimously. Mr. Mullen left the meeting.

Approval of Minutes: May 26, 2021 (Joint BOS/BOH) and June 9, 2021:

Dr. Hoyt motioned to approve May 26 2021 minutes, Mrs. Brewer seconded. Voted Yes unanimously.
June 9, 2021 minutes not available to approve at this time.

Public Comment: No comments

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

Old Business:

Dangerousness of Trees at 5 Summer St: moved to earlier in the meeting – see above

Covid-19:

Dr. Rhoads stated that Berkshire County has been looking good. Encouraged those that have not been vaccinated to get vaccinated. Things are opening up.

New Business:**Tobacco Awareness Program letter to our tobacco vendors:**

Jim Wilusz and his monitoring business found one major lapse as well as the FDA. The new tobacco law requires that the tobacco vendors have the letters specifying that the particular varieties of tobacco products they are selling do not contain flavors including spearmint, menthol, etc. Dr. Rhoads said that Jim Wilusz had stated that he would like a copy of these letters on file with him so when they go to the store, they don't have to go look for the letter each time they go to the store. Mr. Blaisdell shared inspection experiences that many times, the person in charge of the store at the time of inspection, may not be the owner or manager and may not know where those materials are kept. He agrees that Mr. Wilusz

' request is reasonable. Copies of the letters can be sent directly to Mr. Blaisdell or Mrs. DeRose to be uploaded to Permit Eyes. The vendor can also upload these documents directly to Permit Eyes to their existing permit. This should be done by August 13, 2021. Dr. Rhoads requested a motion to revise Jim Wilusz' letter to Tobacco vendors regarding the manufacturer's letters regarding flavorings for our Adams vendors and ask that they send copies of these letters to the Board of Health office by August 13, 2021. Mrs. Brewer recused in voting as she works for anti-smoking. Dr Hoyt and Dr Rhoads voted Yes. Dr. Rhoads will get the letter to Mrs. DeRose next week to be sent out.

Public health nursing contract:

Dr. Rhoads stated that the Visiting Nursing Association will no longer be the Public Health Service for the Town. Berkshire Public Health Alliance and Tri-County Health were 2 of the contracts that were reviewed. Previously, the Town paid approximately \$2400 to the VNA for their services and it was mentioned by other BOH colleagues that it was grossly underpaid for the amount of services provided. The cost of \$4500-\$5000 is closer to the truer cost for these services. Dr. Rhoads requested a motion to authorize him to request the contract from Berkshire Public Health Alliance and will bring back to the next meeting on July 7th. The annual cost is \$3970.00. The Town has Nancy Slattery through July 16th. Dr. Hoyt moved, Mrs. Brewer seconded. Dr Hoyt inquired if the contract was provided to Jay Green -Town Administrator and Gerry Garner –Building Commission/Board of Health Director as it may have impact on the budget. Dr. Rhoads stated that the public health nurse is a state mandate and he will formally provide the information to them. Voted Yes unanimously.

Local & County Updates:

Dr. Rhoads did not have any

Upcoming Events:

Nothing at this time

Review Mail:**American Lung Cancer Screening Initiative (webinar)**

Mrs. Brewer reviewed the website and heard through other people of this screening. The website appears to be a solid good site. She suggested that we look at it should they present something. North Berkshire County has a high rate of smoking. Attending the webinar will allow for questions to find out what is offered and how are any screenings, if any, are covered. Mrs. Brewer will reach out to schedule. Dr. Rhoads and Mrs. Brewer will plan to go to the webinars. Atty St. John concluded that the 2 board members may attend the webinars together so long as no Board of Health topics are discussed.

For the Good of the Order:

None

Schedule Next Meetings: July 7, 2021 4pm

Adjournment:

Dr. Hoyt motioned to adjourn at 5:56pm. Dr. Rhoads, Mrs. Brewer seconded. All agreed unanimously.

Respectfully Submitted,

Date


Administrative Assistant

