

Board of Health / Board of Selectman Public Meeting Minutes

Adams Town Hall, 8 Park Street, Adams MA

1st Floor Mahogany Room and Zoom

Wednesday, July 7, 2021

BOH Members Present: Chairman David Rhoads, Vice-Chairman Peter Hoyt, Member Joyce Brewer

BOS Members Present: Chairman John Duval, Vice-Chair Christine Hoyt, Member Joe Nowak, Member Howard Rosenberg

BOS Members not Present: Member Richard Blanchard

Others Present: Mark Blaisdell-Code Enforcer, Michelle DeRose-BOH Administrative Assistant, Deborah Dunlap-BOS Administrative Assistant, Steve Skrocki – Parks/Cemetery Foreman, Edward St. John -Town Council, 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/91607855068?pwd=ci9zbkZiZURjMDlhSHpzdm1iV3ZmZz09>

Meeting ID: 916 0785 5068/ Passcode: 115638

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

Public Hearing: Review & adoption of regulations pertaining to prohibiting dogs from town athletic fields

Mr. Hoyt motioned to open the public hearing, Mrs. Brewer seconded; voted Yes unanimously. Mrs. Hoyt questioned the draft regulations documents as there were 2 different versions. Dr. Rhoads explained that the draft on the website did not include the wording of enforcement since the subject is Town Facilities, the question was raised if the Adams Police Dept and Animal Control Officer would be included in the enforcement of the regulation. The website version did not include the questionable enforcement paragraph. Mrs. Hoyt also pointed out a redundant word in section 2.

Mr. Skrocki requested the dogs not be on the athletic fields where games are actually played. Reid for softball, Valley for soccer /baseball, Russell and Renfrew. The park portions are okay to have dogs on it. Dr. Rhoads shared Coach Cory Bishop's opinion as he, also, is in favor of banning of dogs from the playing fields. Dogs can be frisky with each other and distracting. Mrs. Hoyt questioned the other Town fields. Skrocki clarified only the athletic fields. It was decided to adjust the regulation to specify the athletic fields. Mr. Skrocki stated that the workers have said that the feces is showing up in the mowing equipment and when weed whacking, the feces is thrown and have stepped in it. Mr. Blaisdell stated that others have approached him regarding the dog feces. He left it with Mr. Skrocki to bring to Parks Commission. It was brought to Parks Commission and was denied as the original language stated all parks and fields, not just the athletic playing fields. Mr. Blaisdell said there is signage in way of being part of the large sign that has several regulations on it and a few small signs, but not on every field. There is no indication of when the signage came about and the signage is not uniform at these fields. Mr. Nowak stated he was concerned that this meeting

was not made publicized as he believed there would be more public input. Dr. Rhoads did clarify that this issue had been publicized twice in Berkshire Eagle and on the Town website. Mr. Nowak stated he expected this subject be brought to the Board of Selectman so they could place this in the televised meeting. He also stated that Valley Field would have to be banned completely as it is a complete with Soccer and baseball fields. Russell Field would require a ban as the other areas of that field would be small and there is a playground. Mrs. Hoyt indicated that the regulation draft was not posted on the Town website on the events calendar so it may not have been made public. Dr. Rhoads confirmed it was on the website under the regulations section.

The current signs are either not seen or are being ignored because others are bringing their dogs on the field. Dr. Rhoads asked that we start this tomorrow (July 8) and if regulation is violated, then fines would occur. Service dogs would be permitted. Mrs. Hoyt asked if research was done to determine if there is a regulation already in place since there is some signage and as to not rewrite a regulation. Mr. Blaisdell nor Dr. Rhoads stated they did not find anything. Atty St. John stated that there may be a previous regulation at one time, but this is a different situation addressing nuisances and health issues. There should be a definition of athletic fields so it can be enforced.

Mr. Blaisdell revisited the statement about public notice stating that he did contact the seasonal coaches that use the Town fields and they were invited to provide input in writing or in person at the meeting. They were also provided the draft regulations.

Mr. Nowak suggested that dogs should not be on all fields so no there is confusion and there could be an enforcement issue. Mr. Blaisdell had stated that was one of the reasons he presented this to the Parks Commission initially to include all parks as he had several complaints of dog feces at the parks such as the Quality street (playground). Quality Street and Siara Street already have signs for No dogs allowed. Dr. Rhoads suggested that the regulation be put in place from the Board of Health. Mrs. Hoyt inquired if there is already a regulation since there is signage already in place. Mr. Blaisdell confirmed that there is not a Board of Health regulation already in place. Should Atty St. John find a bylaw or other regulation, then the Board can revisit this.

Mr. Novak suggested that the Board of Health go back to the Parks Commission to get their endorsement of this regulation proposal. Dr. Rhoads said that athletic fields have out of town guests invited to the games. He feels there is an urgency that this be addressed now. Mr. Blaisdell stated there is a Parks meeting on Monday July 12. He had believed that this subject was to be included in the Parks Meeting Agenda but it had not been. Mr. Blaisdell suggested that we proceed without Parks Commission. Mr. Skrocki answered Dr. Rhoads question related to issues at hand is although there are dog feces in the parks as well as the athletic fields, the concern is more with the athletic fields.

Mr. Duval stated that this draft should be reviewed with Town Council and then revisited. Dr. Rhoads confirmed that Atty St. John has reviewed it. Atty St. John stated that animal control officer works for Police Dept who is under the jurisdiction of the Town Administrator. The Code Enforcer, Mr. Blaisdell, would be the sole enforcer at this time. Mr. Duval asked how he would enforce this regulation. Dr. Rhoads stated that enforcement would not take place until signage is in place. Mr. Blaisdell said there is a complaint process in place already and he would follow up on the complaints the next business day if complaint came in after hours. The Board of Health has the ability to appoint other enforcers. Mr. Blaisdell said the signage is already there, just not the new signage that is planned. He said most people will most likely contact Police if they see a violation, not the Board of Health at the time of the complaint. If the call came in after hours and the police feel it is urgent, they will contact Mr. Blaisdell. Complaints have also come via social media, photos and would need to track down the individuals. Mr. Duval asked Dr. Rhoads if the code enforcer would be the only person to enforce until the Police, Board of Selectman, Town Administrator along with Town Council will be able to be come up with a plan to help enforce without hindering other police

priorities. Mr. Blaisdell stated that one more enforcement will not be an issue and will be able to manage this addition.

Mrs. Hoyt suggested that Section 7: Fines be in line with the bylaw 14-8; 3rd offense be \$300 instead of \$200 as the draft indicated. Mrs. Hoyt was concerned with the Cemetery signage and who enforces the cemeteries. It is believed that it is a bylaw and the Police Dept have that authority of enforcement. It was also said, that most individuals visiting the cemetery are respectful and will accommodate when asked to exit if they are with their dog. Any guests visiting the cemetery are walking slowly. The concern of this meeting is based on the athletic fields, not the cemeteries.

Dr. Rhoads asked Atty St. John if the Board of Health is issuing this regulation with Mr. Blaisdell as the sole enforcement officer, do they need the approval of the Board of Selectman. Atty St. John answered No, Chapter 111, Section 31 and has the authority to make reasonable health regulations with caution as the definitions are not complete.

Dr. Rhoads suggested motion to proceed with the Board of Health to continue with this and close the public hearing. Dr. Hoyt motioned to close, Mrs. Brewer seconded; 3 voted Yes unanimously.

Dr. Rhoads asked for a motion to adopt the regulations from the Board of Health of Prohibition of Dogs on Athletic Fields with the following amendments. Dr. Hoyt requested the definitions portion be repeated for Town Council approval. The playgrounds would not be part of this regulation for now. It was agreed that if a dog is not leashed, then the Police Dept can enforce that portion of violation. With those amendments noted below, Dr. Hoyt motioned, Mrs. Brewer seconded, Voted Yes unanimously.

- **Section 2 Purpose:**
 - **Paragraph a:** state "Town's athletic fields". The specific named fields are noted in Section 3 Definitions
 - **Paragraph d:** deleting the 2nd repeated word, organizers and adding the Town employees
- **Section 3 Definitions:**
 - **Athletic Field** (as it applies to this regulation): The playing surfaces of the following four (4) town fields: Russell Field (tennis and softball areas), Renfrew Field (baseball, football, soccer and basketball areas), Valley Field (entire field), Reid Field (fenced in area for softball)
- **Section 6 Enforcement:**
 - **Paragraph a:** Added this sentence: For the purpose of this regulation, the Code Enforcement Officer of the Town of Adams shall serve as the Board's designated enforcement agent.
 - **The suggested Paragraph b:** has been deleted (*appointment of the Animal Control Officer and officers of the Adams Police Dept as authorized agents to enforce the regulation*)
 - **The suggested Paragraph c:** has been deleted (*regarding paragraph b: The Animal Control Officer and officers of the Adams Police Dept to forward copies of any related responses and actions to the Code Enforcement Officer within 24 hours of its occurrence.*)
- **Section 7 Fines**
 - 3rd and subsequent offenses shall be no less than \$300 instead of \$200 as the original draft indicated
- **Section 9 Effective Date**
 - Adopted/Approved on July 7, 2021 (today's date) and effective on July 14, 2021. Fines will be waived until July 28, 2021 however, violations during this waiver period will still count in assessing fines for violations after the waiver period.

Dr. Rhoads asked for a motion to move 2 items from New Business to be next on the agenda. Mrs. Brewer motioned, Dr. Hoyt seconded, Voted Yes unanimously.

New Business:

Discover Books – Donation Bin

Handouts regarding the Discover Books – Donation Bin were handed out to view. Dr. Rhoads explained that this is a 2nd recycling option similar to the Textile recycle bin placed at the Transfer Station. Mr. Blaisdell stated this will help reduce the books in our landfills and are recyclable in various forms. Dr. Rhoads had the question of will this divert the books from being donated to the library as this is a source of fundraising for the library. Dr. Rhoads had indicated that what he found was that the pricing for the recycled books on discoverbooks.com was similar to that of Amazon.com. Mrs. Brewer wanted to find out more information about how much the library depended upon donations for fundraising. Mrs. Hoyt did not want to interfere with the gently used books program, Berkshire United Way Book House (in front of Memorial School). The website is stating that this is for communities that the libraries are not accepting book donations. It was agreed that more exploration is required before a determination can be made. This should be continued to the next meeting.

Town Facilities Request Form – Food vendor notice

Dr. Rhoads suggested that the form can be edited to indicate if a Food vendor would be included so the necessary permits can be obtained in a timely fashion for the event. It could be listed in the Special Circumstances. It was suggested by Mr. Blaisdell that this form be placed on Permit Eyes. Mrs. Hoyt thought it may not be user friendly. Mr. Blaisdell requested 2 weeks' notice. This will need to be discussed further with the Board of Selectman to determine the best place to put it on the form.

Dr. Rhoads stated there is no further business for the Board of Selectman. Mr. Nowak motioned to adjourn the Board of Selectman meeting, Mrs. Hoyt seconded. Voted unanimously. The Board of Selectman exited the meeting.

Approval of Minutes: June 9, June 30

Nothing to approve today

Old Business:

American Lung Cancer Screening Initiative (webinar)

Mrs. Brewer summarized what she researched and what they are looking for are communities, organizations, agencies, that are willing to promote a 45-minute video that walks through importance of lung screening. It could be recorded and played at a later date. It was agreed that it would not be beneficial at this point and to pass on this option.

Review & approval of the Berkshire Public Health Alliance FY2022 public health nursing contract

Dr. Rhoads stated that Alliance is the main option available at this time. Dr. Rhoads requested to vote to send quotes the contract to individuals, Jay Green-Town Administrator, Atty Edward St. John-Town Council and Crystal Wojcik-Town Accountant, Gerry Garner- Inspection Services. The cost is \$3970 (\$992.50 quarterly installments). It is \$900 over the allotted amount, but it also covers PT monitoring which is over \$4000 for one patient. It's a good deal per Dr. Rhoads. Dr. Rhoads requested a motion that the Town accept this contract from the Berkshire Public Health Alliance with annual fees. Dr. Hoyt motioned, Mrs. Brewer seconded. Voted Yes unanimously.

Review Mail:

No mail

For the Good of the Order:

None

Schedule Next Meetings: August 18, 2021 4pm; Mr. Blaisdell said if there are any correction orders that arise, they must be done within 30 days. Dr. Rhoads if something comes up, arrangements can be made.

Adjournment:

Mrs. Brewer motioned to adjourn at 5:52pm. Dr. Hoyt seconded. All agreed unanimously.

Respectfully Submitted,

Date



Administrative Assistant

8/30/2021