

Town of Adams • Massachusetts 01220

Board of Health Department

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Approved

Adams Board of Health – Public Meeting Minutes

1st Floor Mahogany Room and Zoom

Wednesday, September 15, 2021

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

Others Present: Mark Blaisdell-Code Enforcer, Michelle DeRose-BOH Administrative Assistant, Atty Edmund St. John-Town Council, Jay Green-Town Administrator, John Duval- Board of Selectman Chair, Howard Rosenberg -Board of Selectman, Constituents of the Town who spoke: John_Cowie, Wayne Piaggi, Several other constituents in person and virtual attended. Tracy and John Sheerin – Original Seed Cigar & Lounge (virtual), Steven Ciuk – 8 Valley St, James Daunais-103 Friend St, Catherine Foster (virtual), Jack Guerino-iBerkshires (virtual)

In person or virtual participation in this meeting is allowed by Ch.20 of the Acts of 2021 suspending certain provisions of the Open Meeting Law, MGL c.30 §20. The Zoom information is given below. This meeting will be recorded via Zoom; a copy can be provided upon request.

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

Note: if you are having trouble joining, please call David B Rhoads, PH.D. BOH Chair, at 781-507-1627.

Direct link: <https://us06web.zoom.us/j/85420631573?pwd=VTdleCt3M1daaHdEVmhESTMxRkdpZz09>

or go to “zoom.us/join” or call 1-929-436-2866 (New York) and enter meeting information

Meeting ID: 854 2063 1573

Passcode: **050801**

Notices on Recording & Post-Pandemic Waiver to Conduct Public Meeting Virtually (Above)

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Public Comment: Please hold comments on our masking order until the next agenda item.

Mr. Cowie inquired about what the Board of health can do about notifying the first responders of Covid issues and believe the state had mandated that first responders are notified. Mr. Cowie wondered if the community can be notified as we are the ones around it. Dr. Rhoads indicated that there are privacy issues and suggested that Nancy Slattery may be able to answer. During the pandemic, the Board of Health was notified of those that did get sick. Mr. Cowie wondered how he can protect himself. Dr. Rhoads responded that those that have come down with Covid are obligated to stay home and isolate. There are cases of asymptomatic individuals in which they may not know they have Covid. He suggested that he continue practicing the Covid safety protocols that have been established. Wear a mask, social distance, wash hands, hang out with people you know and trust that are not ill.

Old Business / New Business:

- To consider issuing a “Covid-19 Public Health Directive regarding the wearing of masks, other face coverings and related safety standards”**

Dr. Rhoads shared a power point slide offering some websites from cdc.gov providing information about masks and how effective they are. He spoke of several study groups that were conducted and did find that masking and social distancing are effective.

Additional slides showed Berkshire County Covid-19 data from the weeks of August and September understanding that the data received on any given week, is already a 1 to 1.5 weeks old. The data showed steady increases and deaths. The data also showed that 22% of the cases from August and September were under 12 years of age, 10% 12-20 age group, 34% 21-30 and 34% over 40. He provided options for signage acceptable for the businesses to choose from to post at their establishments.

Dr. Rhoads asked Nancy Slattery if there was anything she would like to add after the slide show. She asked to edit the list of things people can do to stay safe from Covid is to “Get Vaccinated”.

Dr. Rhoads stressed that this is not a mandate and there will be no penalties at this point. We are relying on the honor system and community spirit to get the numbers down and slow the spread.

Ms. Slattery showed concern with the young children that cannot get vaccinated and the rise of cases in that age group. Last month there were no children and in September, they saw 19 and when she contacts these families, she discovered that about half are not vaccinated. There are cases in the schools because the kids are less than 6 feet apart. In households, she is discovering that 1 person out of the household that is not vaccinated and bringing it into the household. Those that are vaccinated are getting mild symptoms. Ms. Slattery did not get any feedback from those she contacted that they did not attend the Susan B Anthony event. Dr. Rhoads believes that those that attended the event, did so responsibly.

Mr. Cowie asked about the studies that Dr. Rhoads talked about were not clinical studies. Dr. Rhoads explained that with these studies, you can't place people in a room full of infected individuals.

Constituent Tracy Gale had some questions for the Health staff online regarding the current cases. How many people are seriously ill, how many are asymptomatic, or those that are just feeling symptoms slightly more than a cold. Ms. Slattery responded that the vaccinated folks have cold symptoms. Unvaccinated folks are very down and out with many symptoms from aches, upset stomach, diarrhea, hospitalizations with shortness of breath. And this includes the children. The hospitalizations count on the slides are from those at Berkshire Medical Center only. Ms. Slattery also said that those that have pre-existing conditions will put the patient “over the top” if they are infected with Covid, especially if not vaccinated.

Laura Kittross added that the older generations are mostly vaccinated. We are seeing younger generations hospitalized now than they did a year ago. Question was asked ‘Does Covid go through households faster than any other illness, such as the standard flu, cold, etc’. Ms. Slattery responded that it does. The Alpha variant last year, you could isolate the person in their bedroom and mask up through the house and no others in the household would catch it. Now, the Delta variant is much more contagious even with isolation, the whole household is getting it.

Tracy Gale summarized concerns of her thoughts as well as others of the town. With little notice of the urgent meeting last week regarding the directive proposal without providing data to back up the Call to Action or Directive. Businesses are already struggling without potentially losing business to the requirement of masking if they don't comply to the directive. There was also concern about mental health in regards to isolation and misinformation from government bodies. She also inquired if it was legal that the Board of Health can enforce these regulations and if not complied to, penalties could be put in place. Dr. Rhoads responded that a regulation/law, if violated would entail penalties.

It would also require a public notice published ahead of time. This is not a regulation. He asked Atty. St. John to respond.

Atty St. John stated that this is not a regulation, however the language from this proposal is used from Chapter 111, Section 31 which should be stricken from this as it is confusing and gives the impression that it is a Board of Health Regulation. He said that this is an advisory and is not enforceable by court action or the Code Enforcer. The Board of Health can take further action and have a public hearing should the need arise. Essentially, this is more of a cry for help.

John Duval-Chairman of Board of Selectman shared his confusion on what "Directive" could mean. It could mean an order that is binding or not binding. And other wording such as "shall" gives the impression of an order. Mr. Duval requested that the Board not approve this today and rewrite for approval with Town Council so everyone is on the same page with what is being asked of the community. Dr. Rhoads agreed that he will replace that wording. Dr. Rhoads was trying to have a stronger word than 'strong advisory.'

Wayne Piaggi stated that if the Board had brought the statistics of the last 10 years of the number of other illnesses such as flu, pneumonia and common cold compared to Covid 19, then there could be more buy-in from the community. Is the Covid number larger than all that? Ms. Slattery responded with Yes. In 2018, there were 88,000 deaths due to flu. Mr. Piaggi said that pneumonia, common cold illnesses need to be included in that number so they can see the comparison to the Covid 19 deaths. Is it worse or is it the same?

Ms. Kittross said that there is national data out there, but not at the county level. She thinks that there is enough research has been done to show that there has been an extraordinary increase deaths over what they would have expected since March of 2020. A patient that could die of their pre-existing conditions at some point, is dying sooner because they contracted Covid. Less people died from flu this year because they isolated themselves, stayed at home, etc. They still saw five to six hundred thousand more deaths over what they expected to see from the last 18 months.

Dr. Hoyt thought Mr. Piaggi's question about the statistics was a good question and believes that the people that would have the numbers you are looking for are prioritizing their efforts on pandemic health care at this time.

Jim Daunais commented that Denmark was taking all restrictions in their country because 77% of the country is fully vaccinated. The states of our country have told their hospitals that they can restrict admissions to their critical care beds because of an overload of patients. This is currently happening in Idaho. And another situation he's heard are health care workers are switching their careers due to being burnt out.

Dr. Rhoads suggested to review the proposal. Dr. Hoyt asked if they voted on anything, have they followed the correct process? Atty St. John said that if you are proposing to rewrite this based on what your intentions are and if it is to be a Regulation, then you must follow the process that is stated in Chapter 111, Section 31. If it is something other than that such as an advisory, it is recommended to get together to review the rewrite to be sure it is clear and concise as to not be ambiguous. Dr. Hoyt said, if the plan is to be an advisory, then why not keep the cover letter expressing the concern? Ask that the people be courteous and do what is necessary to help stop the spread and post this on the website. Dr. Hoyt agreed to rewrite the notice. Ms. Brewer reiterated that we are just asking the residents of Adams that this is a Call for Action and a reminder that we are part of a community and anything they can do to help prevent this issue from getting worse.

It was agreed to meet next on this subject on September 29. Any DESE information can be updated on our website since it is public knowledge.

- **Covid-19 Update (Berkshire Public Health Alliance: Laura Kittross; PH nurses Leslie Drager & Nancy Slattery)**
This was discussed during the bulk of the meeting discussions from the first Covid topic above.

Public Hearing: Original Seed Cigar & Lounge booth at Ramblefest

Dr. Rhoads motioned to open hearing, Dr. Hoyt seconded. All voted Yes unanimously. Ms. Brewer had concerns about voting on any decisions made because of her conflict of interest in her connection with Tobacco prevention education. Atty St. John suggested that she recuse herself from any discussion and voting on this topic.

Tracy Sheerin has requested to have a 1 day permit for a retail booth at Ramblefest and future community events to sell their cigar products much like the wine and malt booths.

Dr. Rhoads summarized that this establishment sells cigar products to be consumed on the property or can leave with the product. He stated that the current regulations indicate that the entrance must be secured. Ms. Sheerin responded that the product can be left in large carry totes with a list of product left on the table to choose from. After they confirm the patron is of age, they can complete the transaction. They understand that there may not be smoking allowed at the booth/event and would like the opportunity for their establishment be known for future sales at their business.

Atty St. John confirmed that if the regulation is to be altered, then the process of a public notice for the hearing would be required. Dr. Hoyt inquired about the timing as Ramblefest is Oct 10. Ms. Sheerin is not expecting this to be done for the event this year. She is hoping for future dated events even at the Forest Park Country Club.

Dr. Rhoads mentioned that by issuing special permits, it goes against the capping of permits of the number of tobacco outlets in town. More information is needed and to be able to compare to the liquor licenses. Dr. Hoyt agreed more information is needed and requested a formal proposal that addresses the concerns and how the process would work with the cigar sales.

Mr. Blaisdell thought that the request from Original Seed is not necessarily just for them but perhaps for other businesses as well. He requested a business plan and schematic so it could possibly be part of the regulation. Atty St. John said that the Board can make an amendment to the existing regulation. He said that Permit Eyes system be amended as well. Dr. Rhoads said that the regulation states tax permits need to be visibly displayed in the establishment. Mr. Sheerin from Original Seed suggested for Mr. Blaisdell to check into Pittsfield regulations as he is aware that Berkshire Beer Fest is in the Common every year and a vendor from Maryland comes up for the event called "Guy and Lady Barrell Cigars" and see how they regulate it.

Dr. Hoyt asked for a formal proposal from Original Seed Cigar & Lounge addressing some of the concerns that were brought up before considering starting the process of proposing the amendment of the regulations. Dr. Rhoads asked about who pays for the public notice for the public hearing for the consideration of the regulation changes. Atty St. John said it just needs to be a public notice and can be placed on the Town website. Ms. Sheerin agreed to write something up for the next meeting. Dr. Hoyt motioned to end public hearing, Dr. Rhoads seconded. Voted Yes unanimously.

Public Hearing: 8 Valley Street – Order to Demolish

Dr. Hoyt motioned to open public hearing. Ms. Brewer seconded. Voted Yes unanimously. Mr. Blaisdell provided a summary. On June 20, 2011, an order of condemnation was issued and the Fire Dept had applied a placard below the attic window indicating that no interior fire fighting should occur due to unsafe conditions inside the structure. Mr. Blaisdell refreshed the Condemnation Order on June 26, 2021 listing violations of that property. Mr. Ciuk's known address is a PO Box in North Adams, and Mr. Ciuk indicated that he is currently staying with friends in the Bennington VT area. Mr. Blaisdell stated that there was non-compliance to the condemnation order and no changes were made to the property except the regular lawn maintenance and now is requesting an order to demolish. Mr. Ciuk stated that

he does not have the means to make changes or demolish the property. There are no taxes owed on the property at this time. Options are to sell the property as is, Receivership to rehabilitate or demolish, demolish the structure and sell the land, Town demolishes and places lien on the property. This has been ongoing for 10 years and cannot continue and Mr. Blaisdell asks the Board to approve the Order to Demolish.

Atty St. John stated that there is a statute that governs Chapter 111, Section 127B that requires the Board of Health to make certain findings on the property. He asked of Mr. Blaisdell to produce an order from whenever it may have been issued, that declared this structure unfit for human habitation. There is also a Board of Survey, which consists of a group of individuals, such as the Fire Chief, Building Commissioner and another citizen to make a determination if the structure should be demolished. Another consideration is the cost of the demolition and who pays for it. Can the property owner afford it or if the Town takes on the expense, then it would need to be approved by Town Meeting and can the Town recover its lien from this property?

Mr. Blaisdell stated that Adams has a unique set of processes and after doing this job for 23 months, now has the reigns being pulled back. These same orders have been used previously. Dr. Rhoads agreed that this house needs to be dealt with. The Board of Health has a budget and asked who can approve these expenditures from the budget. He asked Atty St. John if the Board has the authority to approve such expenditures by our Health Enforcement Agent in order to accomplish something. Atty St. John responded that the Board must still remain within the budget that has been approved by Town Meeting unless getting a separate approval to spend money for demolition which would need to go through Town Meeting, Finance Committee, Town Administrator and Board of Selectman. Dr. Rhoads stated that there is funds in the Education/Travel expense account that could possibly be used.

Mr. Blaisdell stated that the only current cost at this time would be the postage of approximately \$8 to serve the Order to Demolish to Mr. Ciuk. There is no obligation of the Town, at this time, to demolish this property. The Order to Demolish is stating to demolish within 90 days.

Mr. Blaisdell said that he has postage in his possession at this time, and when he runs out, he seeks more from Mrs. DeRose who holds in the safe. He stated that he could not believe that we would have already used \$500 worth of postage funds. Mrs. DeRose shared that when the original order request for postage was received earlier this fiscal year, it would have exceeded the postage budget. The order request was amended as to not deplete the budget. Dr. Rhoads said that he will need to better understand the budget should in a couple of months, need to make a proposal about this demolition.

Dr. Hoyt asked if neighbors have been notified of this public hearing. Mr. Blaisdell said that they were. He said that the majority of his orders are due to complaints received by neighbors.

Mr. Blaisdell outlined the process of the Order to Demolish. Once served to Mr. Ciuk, he would have the option to secure the funds to demolish or find a buyer for the property. If purchased, re issue the order to the new owner. The new owner would be given options to bring the property within compliance.

Dr. Hoyt asked Mr. Ciuk what he would like to see done with the property. Mr. Ciuk said he does not have money to bring the property to compliance or demolish. He would like to see the option of Receivership. He's willing to give up the property. Mr. Blaisdell offered to set up a meeting to pursue a court complaint for Receivership. Atty St. John mentioned that there are costs involved with Receivership unless the Town can recoup the expense. Mr. Blaisdell stated in his experience, there are shared service fees, any cost for Town Council would be recouped at the end of the Receivership after the Receiver gets court approval to dispense of the property. In the past, there may have been costs that the Town incurred. He believes since 2017-2018, municipalities have recouped costs because they are now under a new structure.

Mr. Blaisdell requests that the Board approves the Order to Demolish. He can meet with Mr. Ciuk to review some of the options available to him. Should Receivership be one of the options to pursue, Mr. Blaisdell would set up a meeting with the Town Administrator and the Building Commissioner.

Dr. Hoyt has concerns that Town Council may not be comfortable voting on this Order to Demolish. Atty St. John reiterated that he does not have information that the previous Board had determined this property unfit for human habitation. Another option is that this current Board can make that determination. Mr. Ciuk has given the Board and Mr. Blaisdell permission to take a look at the property. Mr. Blaisdell stated that other officials had deemed this property unsafe and has no intention to step into or on the steps of the property. Mr. Ciuk had said that he did list the property some time ago with realtors and they did a walk through but did not reach back out to him. Mr. Blaisdell said that if an order of Condemnation is reissued, it will restart the clock over again. Mr. Blaisdell said that we will not find anything further on this in the files. Dr. Rhoads said that we can continuous this to the next meeting. Dr. Hoyt motioned to close the hearing, Ms. Brewer and Dr. Rhoads seconded, Voted Yes unanimously.

Dr. Rhoads offered Public Comment for those that are attending. Catherine Foster shared that on the Adams website Board of Health, 2021 page, it lists the meetings in chronological order, the meeting time shows for September 15, 2021 is 5:00pm instead of 4:00pm. Dr. Hoyt and Dr. Rhoads thanked her for pointing that out.

Approval of Minutes:

- **August 18:** Dr. Rhoads and Ms. Brewer provided edits. Dr. Hoyt motioned to approve minutes with edits. Ms. Brewer seconded. Voted Yes unanimously. Mrs. DeRose will make adjustments before posting.
- **February 10 amended:** A motion to approve the amended February 10 minutes clarifying that the reason for the meeting ending early was due to technical difficulties. The original minutes posted did not indicate the reason. Dr. Rhoads seconded. Dr. Hoyt and Dr. Rhoads voted Yes, Ms. Brewer abstained as she was not on the board then.

Code Enforcement Officer:

none

Old Business:

- **103 Friend Street – Nuisance & Housing Code Correction Order; Notice of Intention to Condemn**
Mr. Blaisdell stated that progress is slow and still has until next month to make further progress. Mr. Daunais said that the contractors have not been able to do the work due to rain, lack of workers or supplies. Dr. Rhoads stated this will be continued and Mr. Daunais will be notified when the meeting will occur in October.
- **172 Howland Avenue – Standard Housing Code Correction Order** (agenda indicated 72 Howland Avenue; should be 172 Howland Avenue) *To be carried over to a future meeting.*
- **76-B Howland Avenue – Condemnation Order** *To be carried over to a future meeting.*
- **25-C Pleasant Street –Housing Code Correction Order; landlord creating a condition imminently affecting/impacting occupants' health and safety** *To be carried over to a future meeting.*
- **Community Health Programs mobile vaccination van at SBA Festival** *To be carried over to a future meeting.*
- **Municipal Grant Opportunity for Air Quality Sensors: status** *To be carried over to a future meeting.*

New Business:

- **Cannabis Tab** for our web page; regulations now in Spanish [email 8/16] *To be carried over to a future meeting.*
- **Water Department Superintendent's Report** *To be carried over to a future meeting.*
- **BHS Community Health Implementation Strategy** [email 9/1] *To be carried over to a future meeting.*
- **Designation of Mark Blaisdell** as our health agent for **Code Enforcement** *To be carried over to a future meeting.*

Local & County Updates:

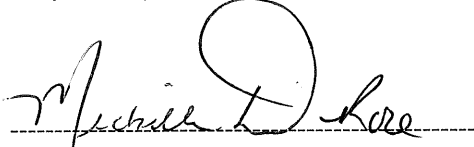
- **9/9: Berkshire Public Health Alliance** *To be carried over to a future meeting.*
- **9/10: Community Health Initiative (CHI) Improvement Plan (CHIP); 9-11 am** [email 8/17] *To be carried over to a future meeting.*
- **9/15: BCBOHA Executive Committee** *To be carried over to a future meeting.*

Schedule Next Meeting: September 29 at 4pm

Adjournment:

Dr. Hoyt motioned to adjourn. Ms. Brewer seconded. Voted Yes unanimously. Adjourned 6:43pm

Respectfully Submitted,



Michelle DeRose

10/22/2021

Date