



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, November 17, 2021

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

Others Present: Mark Blaisdell-Code Enforcer, Michelle DeRose-BOH Administrative Assistant, Atty Ed St. John- Town Council, Jay Green-Town Administrator, Howard Rosenberg-Board of Selectman Member, Isaiah Moore, Theresa Daignault and Amy Moresi-Adams Plumbing, Jim Daunais, John Duquette, Bernie (virtual), Brian Rhodes-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 4:01pm

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

- 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/86046090580?pwd=SDgyTUJFVjc5OjcEhldk1TMjI0STFUQT09>

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

Meeting ID: 860 4609 0580

Passcode: **337434**

Chairman Rhoads requested a moment of silence for Stavri “Steve” Yanka who lost his life recently. He had helped out at the Transfer Station for a few years and looked out for the seniors that were unloading their trash. He will be missed.

Dr. Rhoads reported on the Specialty Minerals findings to the change in color to the Hoosac River that was noticed on November 16th. Dr. Rhoads read the statement that Specialty Minerals provided. They stated that they had a “process upset” and upon discovery, shut down the operation until it cleared up. The samples collected reported that there is no harm to humans and the release was not toxic or inert.

Covid-19 Report:

Dr. Rhoads shared the Covid update that was posted on the website on Monday. The number of cases have increased not only in Berkshire County, but in Adams as well. We should continue to wear masks in public and all eligible are encouraged to get vaccinated to slow the transmission to someone that may not be able to withstand.

The pediatric vaccine is now available and there was a clinic for the Adams-Cheshire Elementary School on Monday and 90 of the 461 eligible children were vaccinated. Northern Berkshire Pediatrics have also vaccinated 600 children.

Dr. Rhoads continued on stating that the case count and 14 day average daily incident rates fluctuate and even when you see the numbers go down, it does not mean to relax because the numbers have been going up and down.

The reports show that those that are vaccinated have contracted the virus. The vaccine does not fully protect, but may lessen the symptoms or if hospitalized, length of time in the hospital.

Emergency Order:

Dr. Rhoads asked Atty St. John to comment on the Emergency Order that Mr. Blaisdell had posted on the website on Monday specifically to what is mandated and what is not along with the penalties only to the mandated portion. Atty St. John stated that the words “strongly encouraged” is not considered mandatory language and therefore, not enforceable. The penalties section of the Emergency Order should not be noted for that kind of language. Atty St. John had conversations with Mark Blaisdell about some of the mandates and there are couple of items that are mandated which are to report to the Board of Health upon discovery of a case and the cleaning and sanitizing of the establishment. The penalties can apply to those 2 circumstances.

Dr. Rhoads commented that the emergency order is needed due to the uptick in cases and by reporting cases to the Board of Health, it allows contact tracing to be put in place to help slow the spread.

Dr. Hoyt stated that from the calls he has had with the health agencies, that the numbers are higher due to the spread within a household from children bringing it home to their unvaccinated parents. How is this order helping with that situation? Dr. Rhoads answered that the other types of spread is within businesses and Mr. Blaisdell confirmed that the spread is from events and businesses.

Ms. Brewer had voiced her concerns with the holidays coming upon us and gatherings will be within closed buildings. Dr. Rhoads reiterated that this is where contact tracing would be important as soon as we are notified of a case. Then the individual(s) with a positive result would isolate themselves at home and those that have been exposed to someone that tested positive, would quarantine at home and minimize contact with others until they know they had not contracted the virus.

Dr. Rhoads reported that the contact tracing provided by the state will be ending as of December 17th so any contact tracing would fall upon our public health nurse. One of the reasons for the order mandating reporting a case to the Board of Health is to help in the contact tracing so that we can help reduce the spread. Mr. Blaisdell has also been very active in the follow up of these reports.

The members reviewed the Emergency Order:

- Section 3: Masking and Social Distancing. Dr. Hoyt pointed out that the bullet points to establish directional pathways and post clearly visible signage should be changed to Encourage or strongly encourage as the other bullet points are noted
- Section 4: Hygiene Protocols: Dr. Rhoads suggested indicating Encourage or strongly encourage be placed within this section as well.
- Section 5: Staffing and Operations. Dr. Rhoads suggested changing Encourage to Strongly Encourage at the top of the heading for all bullet points. And the 2nd open bullet point under the Facilities bullet point, there is a ‘3’ on the end of the 2nd line that should be removed.

- Section 6: Cleaning & Disinfecting and Section 7: Notifications: Include the word “shall” to denote that these sections are mandated
- Section 8 Non-Criminal Disposition: Atty St. John suggested changing the wording to reflect the mandates and will write the statement to be included in this section.

Dr. Rhoads asked for a motion to accept the revised order as discussed. Ms. Brewer motioned, Dr. Hoyt seconded. All voted unanimously.

Attendees asked how can the Board of Health vote before the people can comment? Dr. Rhoads stated this is not a public hearing and stated they are out of order and asked that they keep quiet or remove themselves.

Public Comment:

Dr. Rhoads asked for public comment and asked that comments to be limited to 5 minutes for each person. Theresa Daignault commented and said that many of her concerns were answered. She questioned how this emergency order was put in place and felt there was not emergency that caused this order to be put in place on Monday with the Board of Health meeting on Wednesday. She understood that the numbers were going up but also saw that they went down. She asked if a health providers are reporting Covid cases, why is it the responsibility of the owner of a business to report with penalties involved.

Dr. Rhoads answered one of her questions that she had sent to the Board prior to the meeting. There are slight differences between 2020 and 2021 but much is the same as the Delta virus spreads more rapidly and titers are higher. Dr. Hoyt clarified that the reporting from the health care provider goes into a reporting system, they do not contact the Board of Health. We do not have direct access to this information, only the public health nurse. It would be quicker for the business owner to contact us directly upon learning of a positive case so we can start contact tracing immediately to help prevent spread. Also, there are home tests being done which are not reported by anyone. Ms. Daignault had concerns that the employee may feel they are being called out. Mr. Blaisdell clarified that this information is protected and we do not need names, we just need to know that there was an employee of yours contracted the virus. The Board of Health team can help with contact tracing and guide the business through the steps they should take to minimize spread.

Public Hearing:

None

Approval of Minutes:

- **September 29:** Ms. Brewer provided one edit. Dr. Hoyt motioned to approve minutes with edit. Ms. Brewer seconded. All voted unanimously.
- **October 20:** Ms. Brewer provided edits. Dr. Hoyt motioned to approve minutes with edit. Ms. Brewer seconded. All voted unanimously.

Old Business:

- **103 Friend Street – Nuisance & Housing Code Correction Order; Notice of Intention to Condemn**
Mr. Blaisdell reported that work is in progress. Mr. Daunais reported that the 2 trees were taken down, the floor boards of the porch were replaced. The porch still needs to have some work done. Mr. Blaisdell asked that this subject be removed from future agendas and Mr. Blaisdell will continue to follow up on the progress in the spring.

- **Discover Books – Donation Bin: Update**

Dr. Rhoads reported that he attended a Board of Selectman workshop last week where they will take under advisement. There were 2 concerns; traffic flow at the Transfer Station and security of the box. Dr. Rhoads, DPW, District Manager, the Transfer Station Attendant and Jay Green can take a look at the traffic flow. As for security, there has not been any vandalism in the 500 boxes that are distributed as of yet.

- **76-B Howland Avenue – Condemnation Order**

Mr. Blaisdell reported that the owner has not done anything to repair the conditions. The tenant is still living there. The Berkshire Housing Authority is asking to be accompany the tenant to Housing Court to file a complaint.

- **25-C Pleasant Street –Housing Code Correction Order; landlord creating a condition imminently affecting/impacting occupants' health and safety**

Mr. Blaisdell reported that the landlord has made efforts to access and the tenant has not allowed. We are not doing any court action for that mediation. This can be removed from the agenda.

- **80 Friend St. – Declaration according to Ch.111, Sec 127B**

Mr. Blaisdell issued 4 condemnation order letters. Received 3 out of the 4 back. The condemnation order remains open and does not expire. If you so chose to advance to a demolish, then that can be done in a year or unless something happened that made it collapse. The taxes are being paid on the property. This item can be removed from the agenda for now.

New Business:

- **Review of code enforcement job description**

Dr. Rhoads said that the job description was reviewed and asked for a motion to ratify the job description by the Board of Health. Ms. Brewer moved the motion, Dr. Hoyt seconded. All voted yes unanimously.

Discussion: Dr. Hoyt asked what we are doing differently than what was done at the joint meeting with the Board of Selectman when Mr. Blaisdell was hired? Dr. Rhoads stated that this does not have to do with Mr. Blaisdell, it is the ratification of the job description of the code enforcer.

Mr. Green clarified that the process has not changed since October of 2019 when Mr. Blaisdell was hired. When the previous code enforcer retired, the Director of Inspectional Services, Gerry Garner, who is in charge of the budget and personnel of the department, was asked by Mr. Green to update the code enforcement job description with input from Mr. Blaisdell as they had worked together, previously, in Pittsfield. Since the code enforcer works closely with the Board of Health, Dr. Hoyt, who was the Chairman of the Board of Health at the time, was invited in the interview process for Mr. Blaisdell. When the Town Administrator decides on a hire, the process is to put the new hire in front of the Select Board to ratify them which may have been what Dr. Hoyt is remembering of being part of. Because the Board members are not structured to go out and look at a structure, that is why the code enforcer's job description includes this function. Mr. Green continued that the Boards of Health would not take part in writing the job description, however it can be reviewed so they are aware of the job functions of the position.

Dr. Hoyt mentioned that he could not provide Dr. Rhoads any information about the hiring of Mr. Blaisdell as to not violate open meeting law. Dr. Rhoads understood and stated that informational notices can be communicated as long as there is no deliberation or decisions made.

- **FDA/AFDO Food Grant: Overview, status, next steps**

The grants may provide training in inspectional services. Mr. Blaisdell stated that the biggest aspect is food borne illness complaints. The Board of Health would be part of any appeal process and be involved with there

is a food borne illness. The code enforcer would monitor and take necessary actions in the field. The food code has evolved. Any grant courses are at no cost and suggested to be taken.

- **Cannabis Tab: Web page tab**

Dr. Rhoads had shared with the other members and requested that they add other suggestions for resources.

- **2023 Budget: Considerations**

Dr. Rhoads plans to meet with the Director of Inspectional Services, Mr. Blaisdell to allocate the funds within the budget lines with level funds provided. Mr. Blaisdell stated that the code enforcement will not be able to be enforced in accordance of the statute with the current funds. His concern is that it may appear that he is not doing his job due to the limitations of the budget.

- **Discussion of meeting frequency & length**

Dr. Rhoads made the suggestion of meeting twice a month to keep the meetings shorter. Mr. Blaisdell stated that this comes back to budget with overtime. The longer a meeting is or frequent meetings, there could be a cost involved there as that would effect Mr. Blaisdell and Mrs. DeRose. Mrs. DeRose suggested that perhaps the meeting time could change from 4pm to 3:30pm so if the meeting extends past 5pm, the overtime may be minimal. The members stated that that time, would not be able to work that with their schedules. Mrs. DeRose also mentioned that if the frequency was increased, that would take time away from her other job functions for other depts as it takes time to prepare for each meeting and then the additional meeting minutes to be prepared for each meeting.

It was agreed to maintain the meeting once a month. If there is a requirement to meet an additional time, then it can be scheduled accordingly.

Local & County Updates:

- The Health Association met today and that's where Dr. Rhoads heard that about 600 North County children were vaccinated by Northern Berkshire Pediatrics .

Upcoming Events:

- **11/18: Berkshire Public Health Alliance Governing Board**
Dr. Rhoads is looking forward to attending their 10th anniversary.

Review Mail:

- Linda Cernik emailed that we received \$4900 from RDP program in acknowledgement of the work we have done with recycling.
- National Grid regarding herbicide program for the spraying around power lines around town.

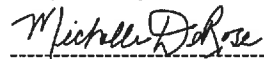
For the Good of the Order: Happy Thanksgiving

Schedule Next Meetings: December 15

Adjournment:

Dr. Rhoads asked for a motion to adjourn. Ms. Brewer so moved, Dr. Hoyt seconded. Voted Yes unanimously.
Adjourned at 5:50pm

Respectfully Submitted,



Michelle DeRose

12/21/2021

Date