

**BOARD OF HEALTH
MEETING MINUTES**

JULY 6, 2016

SEP - 8 P 12:15

TOWN CLERK

CALL TO ORDER: Chairman Shepley called the meeting to order at 5:00 P.M.

MEMBERS PRESENT: Chairman Bruce Shepley, Vice-Chairman Peter Hoyt, Member Allen Mendel and Pamela Gerry (Recording Secretary)

MEMBER ABSENT: Tom Romaniak, Code Enforcement

OTHERS PRESENT: Jim Wilusz; Allan Lemoine, Susan Bush and Jack Guerino (Berkshires)

APPROVAL OF MINUTES: A motion made by Vice-Chairman Hoyt, seconded by Member Mendel to accept the minutes of June 1, 2016, passed unanimously.

PUBLIC COMMENT: Chairman Shepley introduced Jim Wilusz and stated that he was the head of Tri-Town Health. He stated to the Board members that he and Member Mendel worked closely on the Tobacco 21 Initiative. Mr. Wilusz told the Board members that he would take a moment to review the history of the tobacco control with them and update them on his involvement with them as well as providing information on the grant for tobacco control. He told the members that he was originally from the Town of Adams and has been working in the public health field for sixteen years. He continued to explain to them that he was the Executive Director of Tri-Town Health Department out of South County, adding that it was one of the "oldest health districts in the Commonwealth." He stated that they have been funded for tobacco control they are currently in their twenty-fourth year. He told them that the tobacco program was "fully funded by the Department of Public Health, adding that they have twelve which are currently being funded". He told them that a new grant would be offered and any towns that have not been on the program can sign up for tobacco control, education and compliance checks. He stated that at the present time they are funding 75% of neighboring communities. He told them that the contract for the new grant was expected by fall, 2016 and he encourages towns to join the Berkshire County Tobacco Coalition. He told them that they provide various services to towns that are engaging the retailers by providing education, state signage, and tax responsibilities by working with them "one on one in hopes that they comply." He told them that they hire, train and educate teenagers through a certification program to enable them to perform compliance checks for them. He stated that he assists the various Boards of Health offices in various towns with enacting their tobacco policies. Mr. Wilusz told the Board members that he would do whatever he can to support them when they "become a funded town." He told them that Berkshire County ranks "very poorly with tobacco use." He told them that Adams has good regulations in place currently regarding their "pharmacy band and cigar capping."

He stated that there are many "aggressive tobacco control measures" occurring at the present time. Chairman Shepley asked if there were many "variables within the towns?" Mr. Wilusz told him that the majority of towns are consistent with the tobacco initiative. Chairman Shepley asked him what the cost would be to the Town of Adams. He told them that it would not cost the town any money. Member Mendel was curious to know if Mr. Wilusz knew when the grant

would be implemented. He stated that they should hear something by the end of summer 2016 with the grant being implemented by FY18. Member Mendel wanted to know how many towns can join the coalition and based on this perhaps they should wait to hear before they move forward. ~~Mr. Wilusz told him that with "Adams, Lanesboro and Williamstown wanting to come~~ on board that it was very doable." He told them the Adams Board of Health was "very committed to tobacco control and education and it would be an easy relationship to build." Chairman Shepley stated that the Board members could write up a "letter of intent" and possibly vote on their intention to join the coalition. Mr. Wilusz encouraged their direction. Member Mendel suggested that Mr. Wilusz review the new changes to the regulations from the Board of Health for new members. Mr. Wilusz reviewed the various topics.

- Statement of purpose; new case laws by the state
- Authority of Boards to pass rules and regulations
- Definitions of restrictions
- Flavors of tobacco products
- Minimum sales age 21
- Tobacco products, nicotine delivery
- Attorney General regulations
- Tobacco 21 training

Mr. Wilusz stated that the first offense for underage tobacco sales would be a \$100.00 fine which would be the minimum fee but noted that towns only set \$300.00 for a maximum fee.

He continued to let the Board members know that they work with store clerks for extensive online "retail training." He emphasized to them that this has made "significant changes." Store owners have a responsibility to ensure their clerks have the proper training.

Chairman Shepley suggested to the Board members that they should raise some of these issues at their next meeting in August and then be more prepared in September to move forward. Member Mendel stated that they may need to hold a public hearing in the near future. Chairman Shepley and the Board members thanked Mr. Wilusz for his presentation on the tobacco initiative.

PUBLIC HEARING:

Alan Lemoine stated to the Board members that he had been a resident of Hastings Street for many years. He told them that he filed a complaint with Specialty Minerals regarding the noise levels reaching his property from their company. He told the members that he wanted to see if the Board could offer some direction as to how to handle this issue. He emphasized to them that the plant does operate 24 hours a day and it was difficult for him to open the windows in the evening due to this noise. Chairman Shepley asked him to call the Board of Health Office and leave his contact information so Code Enforcement, Tom Romaniak can "do some investigating" for him. He told him to send a letter to Specialty Minerals as soon as possible to see if any results can be made with the company representatives. Mr. Lemoine told the Board members that he contacted the Department of Environmental Protection and they suggested he contact the Board of Health to address the situation. He told Chairman Shepley that he had not yet communicated with Specialty Minerals, however, he agreed that he would submit a letter to them with his complaint. Vice-Chairman Hoyt suggested to Mr. Lemoine that he should attempt to "document all the specifics of his complaint."

CLOSED CASES:

- 20 Hathaway Street-Pause/Roberts. Tom stated to the members that he did a site visit and good progress was being made. Property cleaned up. A motion made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 98-100 Commercial Street-LaPlante; Neglected, abandoned property. Notice served 4/4/16, 30 days. No contact has been made with Tom. Attorney Shea will move forward. Property cleaned up. A motion made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 9 Baskin Ln-Safeguard Properties, overgrown yard. Tom spoke with Jason who stated it would be rectified in two days. Tom reported that the lawn has been mowed but hedges not trimmed. Tom will follow up. Property is cleaned up. A motion made by Chairman Shepley, seconded by Member Mendel to close the case, passed unanimously.
- 4, 6, 8 Liberty St.-John Hauser; Overgrown lawn, shrubs; Property cleared up. A motion made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 72 Friend St.-Paul Richardson; Trash complaint; Property cleaned up. A motion made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 7 Richmond Ln-Maryann Kamangar; Debris, trash; Property cleaned up. A motion made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 10-12 Mill St.-Rats from vacant property going to neighbors-Attorney Woodward notified, was told that Peter West purchased property and it's cleaned up. A motion made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 3 First St.-Susan Elbaum-Erica Brown, tenant complained about CO once again. Tom visited property and spoke with Charles Gillis her roommate who stated there were currently no problems. Old furniture outside times 5 weeks, notified to remove ASAP. A motion was made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 29 Elm St.-Joann Gagne-unkept lawn, trash complaint. Property cleaned up. A motion was made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously.
- 22 Bellevue Ave-Arora Sandeep; Enforcement Order; tenant moved out, no further information. A motion was made by Member Mendel, seconded by Vice-Chairman Hoyt to close the case, passed unanimously. A pre-rental inspection is required.

CURRENT CASES:

- 8 Albert Street- Saliba; Abandoned property, No updated reports.
- 10 Bellevue Avenue-Tanguay; No updated reports.
- 51 Summer Street- Bradley; Condemnation, litigation being pursued. A court case was held on June 6, 2016. Mr. Bradley was found not guilty on a jury trial in District Court.
- 18 Quaker Street-Gajda; 3-4 unregistered vehicles, corner of Hathaway St. onto Greylock Ave. Chairman Shepley stated that there were no changes made or discussions with the owner. He recommends Tom speak with him as well as Don Torrico, Building Commissioner regarding the town's unregistered vehicle bylaw. Chairman Shepley stated that Mr. Torrico would be speaking with the former Building Commissioner, Don Fitzgerald who had dealings with these cars in the past and would report to the Board members of his findings. Member Mendel will follow up on this case.
- 3 Weber Street-Wood; Granted 45 day continuation to 5/28/16. Tom reported that the roof looked good but the siding did not change. Chairman Shepley and Member Mendel agreed that the soffit and porch need work. Tom will follow up with Attorney Shea as to future of the case and investigate the past complaint. Chairman Shepley stated that the roof was repaired and a court case was scheduled for July 6, 2016 with Attorney Shea representing the town. He will update the Board members with the results of the case.
- 13 Pearl Street; Buda; Overgrown yard, debris, old vehicles. Orders sent. Tom stated that no change has been made. He is going to check the status of the orders originally sent to owner. If they are not current, he will resend new orders. Orders were not accepted by certified mail and sent back to BOH office on 6/23/16.
- 23.5 Murray St.-Gallagher-overgrown yard, trash accumulation. Tom will follow up on case and move forward. Attorney Shea will be report any current information to the Board members.
- Adams Ale House & Daily Grind-Reinspection-Tom would like assistance to complete inspections. Chairman Shepley stated that they will have to establish a food inspection protocol for Tom to follow. No follow ups as of yet. Member Mendel stated that Tom performed an inspection of C.T. Plunkett School and he recommended that Tom create a schedule of inspections.
- 15 Sayles Street- Pfister; Condemnation; Progress being made by homeowner unknown. Member Mendel recommends that the owner seek housing court assistance to see what their next steps would be to take. Mary O'Brien from Elder Service Abuse would like to be kept updated on any new information regarding the Pfister family. No information has been forwarded to this office at this time. Chairman Shepley stated that he will speak to Treasurer Collector, Kelly Rice and Attorney Shea to receive any updates on the property. Member Mendel stated that he had heard that the Pfister's had purchased another home in NY. He

mentioned that Animal Control Officer, Kim Witek will assist with contacting them also. Chairman Shepley suggested that Member Mendel submit any further information to Mr. Romaniak so he can assist with the follow up and acquire any guidance from Attorney Shea with this case.

- 1 Evans Street-Norcross; Condemnation. Need to clean up driveway. Tom left a message but did not receive a call back. He stated that the cleanup efforts looked up. Family still working on clean up. Chairman Shepley stated that he spoke with Robert Norcross and he was told that he had one year to clean up the property. Mr. Shepley told the members that he spoke with a family member who he could not identify from the phone conversation and he suggested to him that he contact his siblings to receive further information.
- 7 Hathaway Street-Schofield-Powell; Trash, debris and junk-Served with orders. No changes have been made. Attorney Shea will move forward.
- 52 (R) Summer St.-Milman, multiple housing violations. Tom reported that most issues were addressed but a screen needed repair. He stated that the bathroom leak was being worked on. Progress is being made. No building permits were applied for and now in hands of Building Commissioner Torrico.

NEW COMPLAINTS:

- 80 Summer St.-Greg Gundler; Food complaint; unfounded.
- 49 Glen St.- Safeguard Properties;Trash complaint; Orders sent
- 6 Apremont St. Trash complaint - Orders sent 6-30-16
- 29 Burt St.-Jeff Collins; Trash complaint, Orders sent. Tom will need to follow up. Vice-Chairman Hoyt stated that the property looked good at the present time.
- 4 Bellevue-Robert Gilman; complaint from tenant (angry minor made the complaint) property damages. Damages done by tenant and they agreed to make repairs. Tom will follow up.
- 12 Winter St.-Bruce Ronan; trash complaint; trash in bed of pickup truck owned by Joe Poplaski. He was advised he has one week to clean up. Tom will follow up. Eviction is in progress.

INSPECTIONS FOR JUNE:

Tom reported that he completed 18 inspections and 7 will need re-inspections. Chairman Shepley stated to the Board members that Tom has been very busy handling inspections quickly, adding that Tom was very organized. He stated that the Board of Health members have not had to step in and assist him.

OTHER BUSINESS:

Tobacco 21

Bike wash: Pending an application, non-business.

"Plastic Bag Ban" Approved at Town Meeting on June 20, 2016. Implementation date to be set. Chairman Shepley stated that there were no details on the topic.

MA Cancer Registry (2008-2012): Report submitted from state.

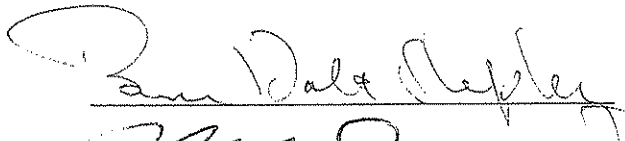
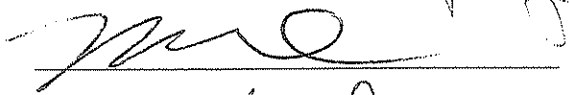
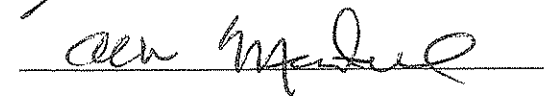
Appointment of Food Inspector: A letter will be submitted to Town Clerk Haley Meczywor officially appointing Tom Romaniak as the Town of Adams' new food inspector.

Online permitting expected to be initiated online in a month according to Mark Maloy of Berkshire Regional Planning Commission. Training will take place for Tom Romaniak and Administrative Assistant, Pam Gerry.

REVIEW MAIL:

SCHEDULE NEXT MEETING: Chairman Shepley suggested to the Board members that they postpone their August meeting with the intent to have a good discussion regarding a possible date to move forward on the Tobacco Initiative. The Board members will meet on September 7, 2016.

ADJOURN: A motion made by Chairman Shepley, seconded by Member Mendel to adjourn the meeting at 5:17 P.M., passed unanimously.

Date: 7 Sept 2016