

**BOARD OF HEALTH  
PUBLIC HEARING MINUTES  
OCTOBER 10, 2018**

**CALL TO ORDER:** Chairman Rhoads called the meeting to order at 4:00 PM.

**MEMBERS PRESENT:** Chairman David Rhoads, Peter Hoyt, Tom Romaniak (Code Enforcement)

**MEMBERS ABSENT:** Vice-Chairman Bruce Shepley, Pam Gerry (Administrative Assistant)

**OTHERS PRESENT:** Jack Guerino, (iBerkshires); Pamela & William Martischnig, Sayed Bokhari (Owner of Mount Royal Inn), Kelly Rice (Town Treasurer), Kevin Towle (Executive Assistant to the Town Administrator)

**PUBLIC HEARING:** A public hearing was held at the beginning of our regular monthly meeting to review Mr. Bokhari's application for an occupancy license for the Mount Royal Inn on Howland Ave (completely renovated from the defunct Dugout). Romaniak reported that he had accompanied Building Commissioner Don Torrico to inspect the facility. Hot water that was too hot was the only issue found, which was immediately corrected by the plumber also present. Rhoads commended Mr. Bokhari for all his efforts in recovering this site. A motion made to give Mr. Bokhari's application Board of Health approval passed unanimously. The board congratulated Mr. Bokhari and wished him all the best for a successful enterprise.

**APPROVAL OF MINUTES:** Minutes from the September 12 meeting were approved unanimously, as written.

**PUBLIC COMMENT:** Mr. Martischnig asked about the regulation against more than 1 unregistered vehicle on one's property & whether road-worthiness made a difference. We tried to explain that registration also required insurance (regardless of road-worthiness) & that insurance generally required a valid state inspection (validation of road-worthiness, but lack of one is without consequence if not caught). Moreover, this regulation only applies to those vehicles visible from the street or neighbors' properties.

**CLOSED CASES:** We voted unanimously to close the following cases.

- 103 Friend St.: We agreed that Mr. Daunais had finally complied with the board's requests to remove visible debris from his property. However, due to our previous levy of daily \$50 fines, Mr. Daunais's liability now stands at \$1,850 (37 days). Since our last meeting, we determined that the remaining tree debris on the north side of his property was not a violation. Regardless, Mr. Daunais had removed the debris a couple weeks before this meeting. Because of these factors, Romaniak & board members present felt that it would be in everybody's best interest to reduce the fine to a reasonable level. Romaniak had been in communication with the court clerk regarding such a reduction. We voted unanimously on a motion to authorize Romaniak to use his judgment to arrive at a figure that the court finds acceptable.
- 84-92 Columbia St.: Trash containers in front of buildings: Romaniak & board members monitored this situation since the last meeting. No evidence of a violation was found by Romaniak or health members. Rhoads reported that the complainant had texted him multiple times with several messages including pictures. Again, there was no evidence of a violation presented. Rhoads invited the complainant to attend tonight's hearing several times. He did not attend (nor reply to any invitation). Further complaints will not likely be taken seriously.
- 35 Temple St.: No working smoke detectors: The tenant had taken down the detectors, which the landlord subsequently re-installed.
- 107 Summer Street (rear apt.): Trash build up. The trash has finally been cleaned up. Nevertheless, Romaniak had issued a fine due to the tenant's failure to clean up the trash in a timely fashion.

**OPEN CASES:** The following cases were investigated but will remain open until resolution.

- 76 Friend St.: The trash remains (owner is deceased). Romaniak's calls have not been returned. Patience?
- 218 Grove St.: Romaniak had filed for a court order last month. While the occupant had agreed to clean up & had mostly completed the project, enough remains to be of concern. Further, the occupant hasn't returned multiple calls from Romaniak, so he may re-initiate court proceedings.
- 12 Crandall St.: Conditions within apartment (water leak, mold, unsecured ceiling fan). The recent court hearing was not helpful. Deficiencies in the apartment are not being repaired, presumably because she lacks the funds. Romaniak has a new court date of November 14, so we wait.
- 20 Anthony St.: This condemned property remains unchanged from the initial investigation (except for removal of the pets by the ACO). Romaniak remains in contact with the owner. However, 2 clean-up services have assessed the property & refused to take it on. Romaniak continues to look for a clean-up

service to accept the job. Meanwhile, Treasurer Rice asked about the status of the process. Rhoads noted that our authority was limited & Romaniak replied that the property must remain condemned for 1 year before the town may raze it. Treasurer Rice further noted that the town was in the process of assuming ownership for tax delinquency. Rhoads agreed to keep the Treasurer apprised of the board's actions.

- Bowe Field food sales: We now understand that this has been a long-standing issue. Moreover, Hoyt asked whether Bowe Field was indeed town property, which could reduce our oversight authority if it's not. Rhoads offered to investigate ownership & past practice. Romaniak also declared that, now that he is aware of the practice of selling food to campers, he will proactively monitor such camping events.
- 11 Jordan St.: Unregistered cars, trash. APD was the complainant in this case. Romaniak was unable to contact the owner. He will make further attempts.
- 50 Dean St.: Leaky roof. The landlord has presumably fixed the roof. Romaniak will confirm this before recommending closure.

**VIOLATIONS:** The following violation is currently under negotiation.

- 103 Friend St.: Please see "Open Cases," above.
- 107 Summer St.: \$50 fine to the tenant for failure to clean up his debris promptly when so requested.

#### **OLD BUSINESS:**

- Follow-up on temporary food vendor permit application deadline: Resolution of this issue is still in process. Romaniak noted that he was able to accommodate a last-minute application by an out-of-town Polish grill for the Ramblefest. Fortunately, the vendor's practices & food sources made review & approval relatively straightforward. Rhoads indicated that he is in communication with Interim TA Donna Cesan, her Administrative Assistant Deborah Dunlap (who processes requests for town facilities) & BOS Chair John Duval. Presumably, "Facilities Request Forms" are themselves often last-minute, so they may not be an effective way to publicize our proposed policy of the 5 business days' notice per application (complicated by the 4-day Town Hall business week). The aforementioned-group, possibly including Romaniak & other available board members, will meet to develop a practical strategy to satisfy all parties affected.
- Boil Water Order (AFD, review of documents from Superintendent Barrett) & Follow-up on communication during town emergencies: Discussion of these 2 issues overlapped. Rhoads noted that the main issue affecting the BOH was Sup. Barrett's note in his post-event evaluation that a broader segment of town staff should be trained on federal incident management systems (NIMS = National Incident Management System & ICS = Incident Command System). He reported that TA Cesan conferred with him regarding the communications issue & suggested that we arrange an in-person training for as many town staff as possible to "jump-start" Adams to national/FEMA standards. Rhoads said that Allison Egan of BRPC might be able to arrange such a training. EMD Richard Kleiner informed Rhoads that, while personnel of the AFD & APD (and, of course, Sup. Barrett's crew) have been trained, he thought that few if any Town Hall staff were trained. Rhoads noted that Shepley & Romaniak had taken an in-person ICS-100 course (Introduction to ICS). Rhoads reported that he had taken the on-line ICS-100 course & passed the exam last night, as well as starting the IS-700 course (Introduction to NIMS). Hoyt asked the status of the "communications working group" that initially met August 27 during the Boil Water Order to assess management of the situation. An outcome of that meeting relevant to the BOH was that the town's Emergency Management Plan needed to be updated. We asked Mr. Towle about the status of that process. He indicated that he & Donna Cesan were nearly finished with a draft update & would call a meeting of the relevant parties in a few weeks to complete the EMP (Mr. Towle couldn't be specific). Hoyt also indicated that he would ask around to spur some urgency among meeting participants.
- Note: Possible issue with Title 5 & quitclaim deeds (back to 2010). Romaniak reported that there has not been a quitclaim deed executed on an Adams property using a septic system over recent history. The concern is that property sales not involving a bank loan may evade the state-mandated Title 5 inspection on title transfer (banks are very rigorous about following this requirement).
- 20 Melrose St. strategy: The vacant property at 20 Melrose remains unattended. Rhoads confirmed the overgrowth as of last viewing 2 days prior. Romaniak has not been able to reach the current owner but did provide his contact information to the neighbors willing to mow the property. Romaniak is not aware of any communication or agreement between them. We will continue to monitor the situation.

#### **NEW BUSINESS:**

- Alignment of hauler regulations to conform with upcoming state code: We discussed adoption of state-mandated waste stream regulations (BOH responsibility under MA code). Adopting these regulations early would qualify Adams for a recycling grant program. Rhoads expressed concern that requiring all

haulers to except recyclable items, and to monitor household waste being picked up, (including refusal of unacceptable refuse & providing homeowners with explanatory written materials), and to report tonnage of each waste category & infractions annually. Mr. Towle, who has also been working on this initiative with Ms. Cesan, noted that (i) most of these requirements are already in town code & (ii) major haulers already adhere to the requirements. Thus, the smaller haulers may have to adjust. Mr. Towle circulated copies of the draft. The board will review & decide what action to take (including town meeting).

- Amendments to state tobacco laws: Notable regulations include treatment of vaping / e-cigarette sales, which have the same restrictions as cigars & cigarettes. Specifically, Adams is a 21-and-over limitation for sales of all nicotine products.
- Murray St. culvert: [This is a north-south culvert running from near the water treatment plant to Jordan St. parallel to the Hoosic River, which flows north & ultimately empties into the Hudson]. Murray St. residents have complained that the culvert is used for trash disposal. Moreover, the culvert is filled with sediment, with lawn to the north & rather large trees to the south. However, the board has no recourse against the individuals illegally discarding trash without eyewitnesses. Nevertheless, Hoyt had suggested enlisting the Berkshire County Corrections crew to clean up the culvert. Ultimately, this suggestion was passed along to the DPW, the department responsible for culvert maintenance, as well as requesting the Corrections crew. Unfortunately, that crew is fully booked in the near term. We're dropping this for now.

#### LOCAL & COUNTY UPDATES:

- Western MA Health Equity Network meeting (Rhoads, 9/14): Rhoads reported that this was a very informative meeting. Kudos to Jennifer Kimball of BRPC who presented their data tracking fluid-transmitted diseases (e.g. HIV, HVC) & their efforts in prevention.
- Berkshire Co BOH Assoc. (Shepley, Rhoads, 9/19): Nothing of Adams import to report here.
- Berkshire Public Health Alliance (Rhoads, 9/20): Jennifer Kimball presented her efforts to address the opioid crisis. Importantly, BRPC just received a \$2M, 2-yr initiative to develop collaborations with local agencies (e.g. Brien Center). A major concern is maintaining participation in this county-wide alliance. The November meeting will deal with budget.
- BOH Assoc. dinner (Mon. 10/22): Speaker topics are marijuana & vaping. Hoyt, Shepley & Rhoads will attend. Registrations will be submitted tomorrow.
- BPHA/BCBOHA Focus Sessions in Adams (10/11) & Dalton (10/16): Rhoads has registered for the Dalton forum & encouraged other members to sign up themselves for a forum.
- BOH Health Fair (9/20): Romaniak reported that "Sunglasses for Kids" was again a popular program. In fact, some parents approached saying that their kids' sunglasses had broken, only to find that they could receive a replacement pair for free.

#### FOR THE GOOD OF THE ORDER:

- MRC workshop (Rhoads, 9/20): Rhoads reported that the Municipal Recycling Coordinators workshop was very informative regarding the DEP's Green Team, a K-12 educational curriculum that includes hands-on projects for students. Rhoads & Linda Cernik (NBSWMD) will meet with ACRSD administrators to consider whether this program should be adopted by the district. Notably, the Springfield school superintendent reported that their MCAS scores went up after adopting The Green Team program.

#### REVIEW MAIL:

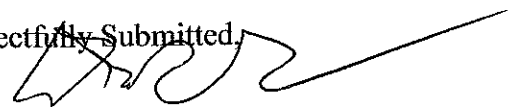
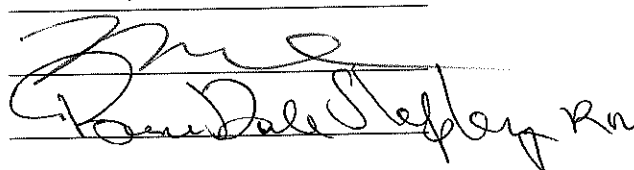
- Receipt of the satisfactory quarterly SMI inspection report was acknowledged.
- We noted receipt of TAP documents (state reg's, templates for license application & employee agreement).

**NEXT MEETING:** The next meeting was scheduled for November 7, 2018 at 4:00 PM.

**ADJOURN:** A motion to adjourn was passed unanimously at 5:09 PM.

Respectfully Submitted,

Date 11/7/2018

  
  
Ben Dale Shepley RW