

**GREAT BARRINGTON
BOARD OF HEALTH MINUTES
TOWN HALL
334 MAIN STREET, SELECTBOARD'S MEETING ROOM
THURSDAY, OCTOBER 1, 2015
7:00 P.M.**

PRESENT:

**CLAUDIA RYAN, CHAIR
MICHAEL LANOUE, VICE CHAIR
PETER STANTON, MEMBER
JAYNE SMITH – HEALTH AGENT**

1. CALL TO ORDER

2. APPROVAL OF MINUTES:

A. Minutes of September 3, 2015

MOTION: Michael Lanoue to approve.
SECOND: Peter Stanton
VOTE: 3-0 (Claudia Stepped down as Chair)

3. SPECIAL PERMIT APPLICATION TO SELECT BOARD (RECOMMENDATION)

A. Recommendation to the Select Board on the Special Permit Application #848-15 of 79 Bridge Street Realty, LLC to construct a 95-room hotel on the “Searles School” building at 79 Bridge Street, Great Barrington, MA

Attorney Kate McCormick was present to explain the project representing the applicant, Vijay Mahida. Attorney McCormick explained it is a 95 room boutique hotel. A 60 seat restaurant will be included with the hotel. The special permit consists of a hotel use, waiver of the 45 room hotel limit, the redevelopment of excess of 25,000 square feet, flood plain overlay district and the water quality protection overlay. The property is served by both public water and sewer which is considered adequate. There is a sewer main that goes through the property that has some title issues. The applicant has agreed to convey that to the Town in a 30’ access easement so the sewer can be maintained. Sarah Schultz from SK Design was present to further explain the project. The plans were reviewed noting the layout of the building will remain the same. Ms. Schultz noted that they will be returning to the various boards with information on drainage, sewer, water and the restaurant design.

MOTION: Peter Stanton to forward a favorable recommendation to the Select Board.
SECOND: Michael Lanoue
VOTE: 3-0-1 (Claudia Ryan recused herself)

4. HEALTH AGENT REPORT

Jayne advised that September was a very busy month. She noted she had 6 days out of the office for the Soil Evaluator Class. Jayne said she was in contact with the Commonwealth in regard to the mold at the Bernard Gibbons Drive apartments and was advised that the Board of Health had to limit the inspections to chronic dampness. Jayne noted that the Board of Health wants to open up the walls and test for mold and she was told by the state that mold results mean nothing to the state sanitary code. She was told she can make them clean up the damage caused by the chronic dampness but she can't order them to do anything destructive. Jayne said there is a private effort to test the mold and as residents they have a right to do that. Jayne said that she went there 3

times during the month and it was discovered that the fans were blowing the wrong way. One of the interior bathroom fans was full of bees. The bees were removed but the flap isn't closing so the bees will probably return. Jayne advised they did most of the repairs that they were asked to do. The main issue is the chronic dampness. The finished floor is only two feet above standing water near the wetland. The stream is full of debris and at the end there is a pipe across a recreational path that is crushed and full of rocks where the water would exit. We can tell them there is chronic dampness and they need to eliminate it. A letter was received from Jane Green from the Senior Center who also has issues. It was suggested to invite the Great Barrington Housing Authority to the November 5th meeting. Jayne said she would forward the letter from Jane Greene regarding Flag Rock to the Board.

There was an illegal de-leading. Information was given to the owner on the proper procedures. There was an issue on Park Street where water was pouring into a house. The landlord was very receptive and it is being fixed immediately. There are three hoarding issues and they are being addressed. Jayne said she has been working with the hoarding situation at Bostwick Gardens for about six months. It has gotten to the point where you can't even walk into the room it is so cluttered and smells bad. Jayne said she is going to work with Construct on it.

Jayne advised that there was a tremendous amount of inspections done. Titles 5's were low but random things came up and that combined with the soil evaluator class; it has been nonstop. Jayne advised she did a Title 5 at an Air B&B on South Egremont Road. The property owner did not want her or the Title 5 inspector to enter the house. Jayne advised the property owner that they had 30 days to come up with a date and time when she can enter the house. A second Title 5 was done at another location that had a failed Title 5 done a year and a half ago. The pipes were completely clogged with solid carryover. The new Title 5 inspector didn't mention the previous Title 5 when the inspection 5 was set up. He is aggressively saying he doesn't see anything wrong with the system because nobody has lived there for a 1 ½ years. Jayne said she told him he could come before the Board if he chose. He will be sent a letter advising him that after the two year period has expired and nothing has been done, that a daily fine for noncompliance will be charged.

Jayne said Locke and she are reviewing the food code because we don't have our own regulation in Great Barrington and one of the things that continues to be brought up is nonprofits. In Administration: A. It notes are that everyone needs a person in charge over 18 and full time. B. states the person in charge needs to have a manager's serve safe certificate and C. notes nonprofits; sporting boosters are exempt from B. We haven't interpreted that in the past. Jayne said we need some clarification and she would like to put out a clarification document so that we are consistent and following the code. Jayne said she was able to clarify that is If nonprofits want to sell non- potentially hazardous food that they can without a permit.

There is a fall dinner with MOHA and it is on November 5th. The November meeting was changed to November 4th.

5. UNFINISHED BUSINESS:

A. **Short Term Rentals:** Discussion of unlicensed establishments that advertise rooming, pools or food within Great Barrington and Housatonic is being kept on the agenda for discussion at a later date.

6. **NEW BUSINESS:**

- A. **Flu Clinics** – there have been three so far. We have immunized 94 people so far. There will be one on the 6th of October at Simon’s Rock. There may be another one on Election Day.

- B. **Tobacco Report and new state Requirements** – Regulations were received from the Attorney General’s Office relative to the sale of cigarettes, cigars, smokeless tobacco and electronic smoking devices (including e-cigarettes). The regulation notes that all products must be placed out of the reach of all customers and accessible only by retail personnel. The Glass Shire Shop has sampling and they have a room they are preparing. The regulations are effective as of September 25, 2015. The Tri-Town Health Department forwarded the FY 15 Town of Great Barrington Status Report. There is one non-compliant which means they sold to someone under 18. Jayne noted she has not heard any follow-up on the pricing survey. They may be handling that internally. Information on recertification will be forwarded to all the tobacco vendors with the renewal applications.

- C. **MAVEN Quarterly Results** – Jayne noted there is a large amount of Lyme disease. The report is dated July 1, 2015 through September 25, 2015.

- D. **Agent approving groundwater separation local upgrade approvals with Soil Evaluator Certificate.** The Board gave the direction to Jayne that once she receives her soil Evaluator certificate, that the groundwater separation requests can be approved in house unless there is a situation where she feels it needs to be reviewed by the board.

The meeting adjourned at

Respectfully submitted,



Carolyn Wichmann

Secretary