

**GREAT BARRINGTON
BOARD OF HEALTH MINUTES
TOWN HALL
334 MAIN STREET, SELECTBOARD'S MEETING ROOM
THURSDAY, DECEMBER 3, 2015
5:30 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 October 1, 2015

MOTION: Michael Lanoue to approve.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia Stepped down as Chair) PASSED

3. WATER QUALITY REPORT

A. Issuance of a Water Quality Certificate to Joseph Domaney, 6 Abbey Hill Road.

Jayne explained that Joe is here because he is in the final stages of building his new house and part of the process to obtain a Certificate of Occupancy is to get a Water Supply Certificate from the Board of Health for his drilled well. The Water Supply Certificate requirements for chemical analysis are in the Well Regulations. Everything came out within guidelines except the sodium is a little bit high and he is here to ask the Board of to consider issuing him a Water Quality Certificate. The well is approximately 50 feet off of Abbey Hill Road where salt runoff is likely contributing to higher sodium levels. Joe said he has been in contact with Culligan in Lenox and they have done a few tests at the house and they suggested doing a reverse osmosis on just the cold water in the kitchen where he would drink out of.

MOTION: Michael Lanoue to approve the Water Quality Certificate.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia Stepped down as Chair) PASSED

4. JOINT MEETING WITH THE GREAT BARRINGTON HOUSING AUTHORITY

A. Regarding ongoing chronic dampness issues at Flagg Rock – Jayne said she received a call over the summer in regard to a home that had some mold growth. During an inspection there were several possible contributors to chronic dampness that would support mold growth, including: water discharging close to the foundation; disrepair of siding; vegetation around the foundation; and negative grading/drainage by the foundation for units 11 and 13. Afterwards, Unit 15 contacted her. Jayne said she has been working with Barbara Heaphy of the Housing Authority. When the first correction order was issued it was very specific about what was discussed in the field for Units 11 and 13 instead of generally just ordering the chronic dampness to be corrected. It was unclear if the items mentioned in the Order were going to be effective at eliminating chronic dampness. On October 28, 2015, a second correction order was issued that

summarized all of the situations in 11, 13, and 15. The items that are asterisked are the ones identified in the previous correction order. Most things were completed, with the exception of a broken fan and several areas of unattached soffit and areas of chipped siding on Unit 11 and cleaning/remediation of areas affected by mold in Unit 13. Some of the residents living in the units had to pay the electricity to keep having humidifiers running. This strategy seemed to help the situation, as indicated by Unit 15 where there was no dehumidifier and there was an increased presence of mold vs those units running the dehumidifiers. Under the State Sanitary Code, the residents are not required to pay for remedies for chronic dampness. We asked the Housing Authority Board to attend the meeting to see what measures have been taken and to discuss how to move forward if this continues to be a problem.

Representatives from the Housing Authority noted that the electricians AC technicians came in and discovered the fan was working backwards, now a new fan has been installed in Unit 13. The downstairs fan in Unit 13 was taken down and reattached the way it was supposed to be. Jayne said we won't know if these measures will work till next spring. Jayne said she found information on how to clean mold from OSHA . Barbara Heaphy noted that they have done most of the correction orders. It was noted that they would be willing to cut some holes in the wall to make sure there is no mold on the inside.

Bart Siegers, Attorney was present representing one of the residents. Housing court has approved money to do a mold analysis in Unit 11 by an expert. He said there is no such thing as cleaning up mold remediation. They are looking to see how the buildings are built. He said no matter how long the dehumidifiers run, there is chronic water on the floors in each of those units. He noted if the Board of Health is interested in the service, he would give the individual's name. Jayne said she spoke to the Commonwealth and as far as testing for the specific type of mold and because the state doesn't recognize under the housing code, it wouldn't be relevant to the Sanitary Code. Mr. Siegers suggested that the Board go to the EPA under mold standards and they are responsible for federal housing standards.

Ariane Blanchard said she got an apartment in February 2005. The first letter she brought to the housing authority was in September of 2005. She said she sat on the board for 7 years and repeatedly asked to have this situation addressed. Unit #13 contacted Jayne because 2 children under the age of 3 became sick. Ariane said she has been since for 3 years. She said she has mold toxic which represents Lupus. Ariane showed pictures of the mold to the board. She said she was told she had to buy a dehumidifier and has been paying the electricity for 6 or 7 years running constantly. The tile floors sit directly on the cement slab. The cement slab has been green for 6 years outside her apartment. There is no water barrier.

The tenant from Unit #13 said they have taken measures to correct the problem but it is still not corrected. She noted she is trying to find a new place to live but the problem still needs to be corrected. The bathroom and kitchen and under the rugs there is still mold. She said she also purchased a dehumidifier which causes the electric bill to go up. The upstairs fans are also running 24 hours a day.

Jayne noted that at the time the October 28, 2015 Correction Order was sent, the Housing Authority had accomplished mostly everything except for the couple of items Unit 11.

Claudia suggested getting the floors inspected to see what is below the floor and inside the walls.

Jim Wilusz of the Tri-Town said the Board of Health does have a lot of authority to enforce the state sanitary code. He suggested the board contact an environmental company.

The attorney for the plaintiff said if the plaintiff qualifies, the court will make \$2,500 available to the tenants to do an assessment. He said the board should be concerned that there is something structurally wrong with the buildings and the housing authority should be ordered to hire an industrial hygienist, mold toxicologist and structural engineer and a ground water expert to investigate the structural nature of the chronic moisture.

Jayne noted she would draft a letter addressing what the board would like to have accomplished and to determine the extent of the problem and what corrections need to be made to the property. She noted she would contact the state for direction as well. It was suggested to give a time line of 60 days.

5. **TOBACCO**

Smoke- Free Workplace Initiative – Allison Hope – Tri-Town Board of Health as Tobacco Prevention Coordinator. She noted she is trying to increase the number of smoke free housing units in Berkshire County. She stated she works for the Berkshire Regional Planning Commission and the Berkshire County Boards of Health Association. She noted there is smoke free on the interior but people tend to smoke at the entrance of the door or the exit and people who are walking into the building are being exposed to second-hand smoke. She noted she would supply landlords and tenants with information and technical assistance on forming a smoke free policy.

Tobacco Cessation and Prevention Program Update – Jim Wilusz – Tri-Town which covers Lee, Lenox and Stockbridge Boards of Health. Tri-Town is working with the hospitals on smoking cessation and towns. They staff that does merchant education where we go into the tobacco stores two or three times a year to educate them on not selling to minors and make sure they have the correct signage up. Inspections are done and we let the various towns know if there are issues. The board was updated on the tobacco regulations. The [make smoking history.org](http://www.make-smoking-history.org) website has every community profile in Massachusetts. It gives you information on how many smokers there are in town and the adult smoking rate. Some towns are capping the number of tobacco licenses in their municipality. There can be a minimum price for cigars at \$2.50 or a package of 2 or more at \$5.00. Some municipalities are banning flavored tobacco products. Flavored cigarettes are banned. Jim said that Needham, MA initiated the 21 age to be able to purchase cigarettes and saw a significant decline in tobacco sales. Lee, Lenox and Stockbridge rose the minimum age effective January 2 to age 21.

6. **HEALTH AGENT REPORT**

Jayne noted that the housing inspections have been frequent and time consuming. Locke is nearly finished with the food inspections. There has been a general increase in temporary events. An event that is normally at Tanglewood is moving to Great Barrington in the summer. It is on Memorial Day. There will be bands and people will be camping at Butternut. Jayne noted she has already done 3 Title 5's for the month as well as perc tests. She noted she passed her soil evaluators course which will reduce the dependence on the Berkshire County Public Health Alliance. Locke is starting to be cross-trained for Title 5's as well in order to further reduce the potential for reliance on the BCPHA. The fees have been coming in.... on November 24, we

deposited \$12,057.50. 4 Flu Clinics were done between October and November. Jayne said she has been working with the Opioid Task Force to help identify gaps and increase communication in order to help people get into treatment.

7. **NEW BUSINESS**

A. **Online Permitting FDA Grant** – The letter of intent has been signed. It is through the FDA Voluntary Standards Grant. The FDA has 9 different standards that are components of a good inspection system. This grant will help bring up the level of Inspections County wide as well as making it consistent between towns. Jayne said she would have more specific details at the January meeting.

B. **2017 Budget and Goals** – The Board of Health generates the Budget for the Health Department and the Animal Inspector. (A copy of the Budget Draft is attached). Jayne said she would like to propose increasing Locke's hours to 19 hours a week. By increasing his hours, we cannot rely on the Alliance as much.

MOTION: Michael Lanoue to support the increased hours for an assistant health agent and approve the budget goals presented by the health agent.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia stepped down as chair)

8. **OLD BUSINESS**

A. **1097 Main Street, Update** – Claudia Ryan updated Jayne on the situation at 1097 Main Street, Housatonic, MA with the water situation. Jayne said they are suing to overturn the decision of the Board because Mr. Hobart wants to drill a well rather than have his water line fixed. There will be a time period where the judge will look at the facts and the judge will make a decision whether or not he can put a well in or not.

B. **Short-term rental with pools** – Jayne said she has been looking into short term rentals with pools. It was noted this would be discussed at a later date.

The next meeting of the Board will be January 7, 2016.

Respectfully submitted,



Carolyn Wichmann
Secretary