

**BOARD OF HEALTH
TOWN HALL
334 MAIN STREET
THURSDAY, APRIL 3, 2015
7:30 P.M.**

PRESENT:

RONALD MAJDALANY, CHAIRMAN
MICHAEL LANOUE, MEMBER
JAYNE SMITH – HEALTH AGENT

ABSENT:

CLAUDIA RYAN, VICE CHAIR

The Meeting was called to order at 7:30 p.m.

1. **APPROVAL OF MINUTES:**
(A) Minutes of March 5, 2015

MOTION: Michael Lanoue to approve.
SECOND: Ronald Majdalany (Stepped down as Chairman)
VOTE: 2-0

2. **VARIANCE REQUEST:**

(A) Nancy Flaxman, 12 Hemlock Hill, Great Barrington, MA, is requesting a one foot (1') reduction in separation between the SAS and high ground water distance from 4' to 3'. The proposed system is a replacement system designed for a 3 bedroom single family home with a designed flow of 330 gallons per day. The percolation test/soil evaluations were completed by Bill Allen and witnessed by Scott Krzanik on March 5, 2015. Bill Allen was present to explain the request. He explained the previous system was partially under the driveway and had failed Title 5. The new system is now behind the house. Jayne said this reduction was allowed with a repair that the one foot reduction would likely adequately protect the ground water in this case.

MOTION: Michael Lanoue to approve the variance.
SECOND: Ronald Majdalany (Stepped down as Chairman)
VOTE: 2-0

3. **HEALTH AGENT REPORT:**

Jayne noted that the only real issue in March had to do with frozen water pipes. There are two homes that have frozen water pipes on the corner of North Plain Road and Linda's Lane. It has been over a month since they have had water at this site. The North Plain Road property is unoccupied and has since tapped into a new water main with Housatonic Water. The resident at Linda's Lane is still without water. The homeowners are not living there and hence not posing a public health problem. The connection comes

out of the house into a 2" water line that is on Linda Lane and only serves these two residences. The homeowner has attempted to fix the situation. The water shut off has been dug up and has been moved onto the property. The road has been dug up to find their water line hooks into the water line that is coming down Linda's Lane. The homeowner is calling it a main. Housatonic water is calling it a service line. There is disagreement between the Water Company and home owner as to who's responsible to fix it. Parallel to that water line is a larger water main that was put in when Linda's Lane was developed. This main serves the rest of Linda's Lane. It is outside the purview of the Board of Health to decide who is responsible for repairing the water line. They will have to work this out privately.

4. **NEW BUSINESS:**

(A) **Minimum Standards for Keeping of Animals Update** – Jayne said Michael Cahill from the Commonwealth of Mass Division of Welfare of Animals talked about the Board of Health's ability to regulate or form regulations based on public sources of sickness, filth or public nuisance. He advised that the welfare of animals isn't under the statute that allows the Board of Health to regulate the conditions that animals are in. That portion of a regulation would not be held up in court because it is not a bylaw. Our regulation that we have concurs with the MSPCA's regulation, Chapter 77. Beef Cattle are treated differently within the MSPCA.

(B) **FY16 Board of Health Budget** – The Board of Health budget was very conservative. We did get an updated amount from the Public Health Alliance. Jayne said the Alliance was used during the transition and will be used until the end of June until she receives her soil evaluator's license. She noted currently she can only do new construction or when they are not asking for a variance from ground water. We received an invoice for \$300.00 for their services so far.

(C) **Temporary Food Establishment Training** – Jayne stated that in order to adequately protect our citizens and visitors, that education of food handlers and organizers of temporary events is something we need to focus on. Jayne said we have two temporary food events that are happening in July. One is the circus and the other is a 3-day festival for Mindful Living. The festival is proposing to have campers. There needs to be restroom facilities, and as well as the need for feeding up to 200 people for two days. Jayne said she worked with the BCBOHA to offer a temporary food event training in May and we are offering it to all of the vendors that come to the farmer's market, etc. She said she would like to strongly encourage the organizers of these events to come to the training. Jayne noted that the amount of porta-potties needed, sources of water for hand washing and electricity need to be assessed. Jayne asked the board for support to implore that organizers attend a temporary event training in Great Barrington as part of the process of applying for a permit to make sure they understand everything involved to keep the public safe.

(D) **Proposed Summary of Food Operations – new draft board policy for review** – Jayne said a lot of the calls that the Health Department gets are people who are confused as to

whether or not they need a license for certain things and if they need a certified food operator. Jayne said the Town of Andover had put together a summary to make it really easy for people. The information guides potential food servers on licensing requirements. Jayne noted she would like to develop something like this for Great Barrington and if the Board could review it and come back with changes, etc. There is a fund raiser pot luck dinner for a family that lost their home on the 11th and that is what began the research. There was a state law that went into effect in November prevents cities, municipalities and the state from regulating pot lucks.

- (E) **Citizen's Speak**: David Magadini requested that the Board of Health put the porta potty in the park behind the Town Hall. He said it is usually put out in May or June. David was advised it is not the responsibility of the Board of Health. David also said he was told by the police that his things might be involuntarily moved if he doesn't clean up the area around the bandstand. Jayne noted that if she receives a complaint, it is the policy of the Board of Health to explore and notify the interested parties prior to any action being taken
- (F) **Summer Meeting Schedule** - Jayne asked if the Board wanted to keep the schedule of having meetings on the first Thursday of the month. Jayne explained that some of the meetings fall close or on the first day of the month and would the board want to postpone the meeting in those cases to give her more time to compile her Health Agent's Report and contact Locke for updates on restaurant inspections, etc. The board felt that the current schedule was adequate and asked she let them know if she needed more time.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,



Carolyn Wichmann
Secretary