

GREAT BARRINGTON BOARD OF HEALTH MEETING MINUTES  
GREAT BARRINGTON TOWN HALL  
SELECT BOARD'S MEETING ROOM  
334 MAIN STREET, GREAT BARRINGTON, MA  
THURSDAY, JUNE 2, 2016  
7:00 P.M.

**PRESENT:**

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

**1. CALL TO ORDER**

**2. ELECTION OF OFFICERS**

**MOTION:** Michael Lanoue nominated Claudia Ryan as Chair.  
**SECOND:** Peter Stanton  
**VOTE:** 3-0  
(Claudia accepted the nomination)

**MOTION:** Claudia nominated Michael Lanoue as Vice Chair  
**SECOND:** Peter Stanton  
**VOTE:** 3-0  
(Michael accepted the nomination)

**3. APPROVAL OF MINUTES**

**A. APPROVAL OF MINUTES:  
Minutes of May 5, 2016**

**MOTION:** Michael Lanoue to approve the May 5, 2016 Minutes.  
**SECOND:** Peter Stanton  
**VOTE:** 3-0 (Claudia Stepped down as Chair) PASSED

**4. SPECIAL PERMIT RECOMMENDATIONS**

**A. Special Permit Application #855-16 submitted by Andrew and Marymar Ruggles for work in a floodplain to replace the foundation of an existing barn at 106 Hurlburt Road Great Barrington, MA, in accordance with Sections 9.1 and 10.4 of the Great Barrington Zoning bylaw.** Mike Henderson was present from Berkshire Engineering representing the applicants. He noted the scope of work proposed is to elevate the existing barn, reconstruct the foundation under the barn, set the barn back down. A small retaining wall will be removed to the north of it to get compensatory storage in a flood plain. A new bathroom will be installed on the existing finished first floor of the barn and tie into the existing leaching field. The barn will be approximately 18" higher with no change in elevation at the walkout. There will be no change in the footprint or use.

**MOTION:** Michael Lanoue to pass on a favorable recommendation with the condition that the applicant works with the Health Agent to ensure the property complies with Title 5.

**SECOND:** Peter Stanton  
**VOTE:** 3-0 (Claudia Stepped down as Chair) PASSED

**5. PUBLIC HEARING**

**A. Public Hearing for proposed amendment of regulations pertaining to "Restricting the Sale of Tobacco Products" and Local Smoke Free Workplace Law" regulations.**

a. Continued Public Hearing - from May 5<sup>th</sup> meeting.

b. Close the public hearing

**MOTION:** Michael to close the public hearing.

**SECOND:** Peter Stanton

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

c. Board Discussion - Jayne noted that in the packet there is a recommendation letter that has already been reviewed by the board. The regulations were updated to add the two definitions that were recommended by Jim Wilusz and Chery Sbarra at the last meeting. The changes are as follows:

- 1) Increase the legal minimum sales age to 21, known as Tobacco 21.
- 2) Regulation of cigar sales with minimum packaging and pricing.
- 3) The prohibition of flavored tobacco other than menthol, mint or wintergreen, except at smoking bars or at adult only retail tobacco stores.
- 4) Restriction of free distribution and coupon redemption for tobacco products.
- 5) Restriction of FDA approved cessation products containing nicotine from inclusion and self-serve displays or vending machines. Nicorette gum could not be self-service.
- 6) The incorporation of the attorney general regulation.

In addition, the name was changed from Youth Access Regulations to Restricting the Sale of Tobacco Products Regulations.

For the Environmental Tobacco Smoking Regulations - (the title has been changed to Local Smoke Free Workplace Law). The regulations prohibit smoking within 10 feet of main exits, windows, doors or other opening that will allow second hand smoke to protrude into a building open to the public. The fee schedule was adjusted to match what state law allows. In the public hearing last week there was a request by a small business owner for the board to write a letter to the state in support of making tobacco 21 state wide. Jayne noted the board members had a copy of the letter for their review.

**MOTION:** Michael Lanoue to eliminate the minimum age of 21 from the regulations Restricting the Sale of Tobacco Products.

**SECOND:** No Second

**MOTION:** Peter Stanton to adopt the "Restricting the Sale of Tobacco Products Regulations" as proposed.

**SECOND:** Michael Lanoue

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

**MOTION:** Michael Lanoue that we pass the "Local Smoke Free Workplace Regulations".

**SECOND:** Peter Stanton

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

**MOTION:** Michael Lanoue that both regulations will go into effect on September 1, 2016 pending final approval from Town Council.

**SECOND:** Peter Stanton

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

Jayne noted that she had drafted a letter to express support for the Act that proposes the minimum purchase age to be 21. It is being sent to Smitty Pignatelli and Brian Dempsey who is Chair of the House Ways and Means Committee. It talks about during the public hearing process we heard supportive measures that protect our youth and coupled with the desire to protect small businesses that border Tobacco-18 towns. It is the opinion of the board that this issue best be addressed by state wide adoption of the Tobacco 21 Youth Access Regulation. The Board members signed the letter.

## 5. NEW BUSINESS

6. **OLD BUSINESS**

7. **CITIZEN SPEAK TIME**

A representative of Unit 13 said that it was not tested. She said the dehumidifier has not shut off since the day it was installed. They want to give the tenant a \$6.00 allotment for the dehumidifier. There was a question on the civil engineer being involved and Jayne noted that the State Board of Health advised that the local Board of Health was over stepping their authority. We had an industrial hygienist whose business it is to look at and make an evaluation on the cause of the dampness. After the industrial hygienist inspected, it is up to the housing authority to fix the problem and not the Board of Health to oversee it. The hygienist felt it wasn't coming up through the floor but condensation because it is on a slab. The Board advised the representative of Unit 13 to address complaints to the Housing Authority.

8. **HEALTH AGENT REPORT**

Jayne said she met with the consultant (industrial hygienist) at the site on May 26 to look at Units 13 and 15. Unit 11 has restricted access in doing anything in the apartment including installing the dehumidifier or to do any remediation work. The tenant did submit a letter from her general physician noting that the process of dehumidification could make it so the mold could go airborne. Jayne noted she spoke to the state about it and it is a private tenant/ landlord issue and in most contracts with a landlord/tenant lease the tenant needs to provide access. The Housing Authority has the dehumidifier but has been told that they can't enter the unit. The dehumidifiers that are in the units have improved the air quality. Unit 15 which had a significant mold and mildew residue on their walls showed low levels of mold in the kitchen and living room molding. When the consultant was there he took out the sheet rock to install the dehumidifier and he did a test and there was no mold or mildew on the interior and there were no spores picked up in the retest. Unit 13 all areas were cleaned and the surface mold sampling showed no significant levels present. The humidity levels were almost 60% which is above where they should be so those dehumidifiers come with a factory setting and the industrial hygienist recommended that get turned down to 40 to keep it closer to 50. The effective range is between 30 and 50. The housing authority is going to monitor the situation for a while and they will make a determination about reimbursement rates, etc. There was a crack at the threshold of the door in Unit 13's floor which happened after they sealed the floor.

Jayne said we have had rabies and, a raccoon that scratched a 12 year old boy. The raccoon had to be sent in to be tested. There is a hive of honey bees on Furnace Street that is close to other residences. One of the residents has a child who is allergic to bees. There is nothing that says they can't keep them in Great Barrington. It would be an issue if they become a public nuisance. Jayne said she is going to work with the owner to be sure there is water, ventilation, etc. We are getting the pools inspected. Locke and Jayne have been going out and doing joint inspections. Training is also being done with the online permitting grant. The money for Locke ran out but the Town Manager allowed a transfer from supplies to salary to cover the rest of the fiscal year. Mass Gathering was last week and it took ½ a day to inspect.

9. **JULY MEETING DATE**

The next meeting is scheduled for July 14, 2016.

Respectfully submitted,  
Carolyn Wichmann, Secretary

