

**Board of Health Meeting Minutes**  
**Great Barrington, Massachusetts**  
**Via Zoom**  
**June 3<sup>rd</sup>, 2021**

**Present:**

Michael Lanoue, Chairman  
Ruby Chang  
Peter Stanton, Vice Chair

Rebecca Jurczyk, Health Agent  
Ned Saviski, Health Inspector

**A. CALL TO ORDER: (Roll Call Vote) 6:34 PM**

**B. APPROVAL OF MEETING MINUTES**

April 1 Meeting Minutes (Discussion/ Vote) Approved **3-0**

**C. SPECIAL PERMIT REVIEW:**

**SP # 921-21:** Application from Kenneth Alpart, 15 Daisy Place, Tenaflly, NJ, of 250 Long Pond Road, Inc., for a moderate income home occupation at 250 Long Pond Road, Great Barrington, in order to host events on the property. Application per Sections 3.1.4 G(9), 3.3, and 10.4 of the Zoning Bylaw. Ruby Chang – Due to a conflict of interest Ruby excused herself from this Special Permit Review. Rebecca Jurczyk – This Special Permit request is jurisdictional for the Board of Health as there is a private well and septic on site. After inspection of the septic last year the system was found to be too small for the amount of bedrooms on the property. The Health Agent requested a new septic design be submitted that will accommodate the amount of bedrooms on site. This design was received June 3<sup>rd</sup>, but not reviewed yet. Review of recommendations to the Select Board:

- For events: guests and staff should use temporary/ portable toilets so not to overload the private septic system.
- The private well shall service no more than 25 people per day for 60 days within one calendar year.
- All caterers and food prep must be approved and permitted through the GB Health Depart. Caterers must obtain Food Permits and schedule inspections with the BOH.
- The kitchen on site is not currently permitted/ inspected by the BOH so therefore no food prep shall be conducted for public consumption in the home kitchen. If the owner/ operator chooses to license the home kitchen as a commercial kitchen, they shall work directly with the Health Department to ensure compliance with the MA Food Code is achieved.
- All garbage and food waste shall be properly disposed of so that unsecured rubbish does not become a nuisance or food source for wildlife, insects, and rodents.
- In accordance with Section 135-6 of the Town Code, it is unlawful to sell non-sparkling, unflavored drinking water in single- use plastic water bottles of one liter or less.

Attorney Susan Smith; representing Kenneth Alpart, owner of 250 Long Pond Road.

- Food prep to be done off site by licensed Caterers
- Portable toilets to be required at all events
- 15 events per year with less than 125 People
- Garbage and food stored inside garage until a contractor can pick up-within 2 days
- Section 135-6 of the Town Code – understood- Plastic bottles will not be used or sold.

Peter Stanton: Has anyone addressed the noise containment?

Attorney Susan Smith: No one has addressed this. Will investigate if someone addresses this.

Michael Lanoue: We're not granting this permit. The Selectboard will hear any issues or concerns regarding noise. The BOH will focus on our jurisdiction when making recommendations to the Selectboard.

Trevor Forbes, 325 North Plain Road: Noise is a public health concern, how will this be enforced?

Rebecca Jurczyk: The Noise Ordinance is enforced by the Police Department

Denise Forbes, 325 North Plain Road: Also concerned about the noise, late night parties and traffic on Long Pond Road

Michelle Loubert, 70 Division Street: Concerned about the noise also. In addition, the late night traffic and the intersections on Division Street with Long Pond Road and North Plain Road.

Jan Wojcik, 253 Long Pond Road: Also concerned about noise pollution and sanitation issues. This residential neighborhood is not a place for large gatherings, The Town should stick to the Master Plan.

Trevor Forbes, 325 North Plain Road: The BOH should give an opinion to the Select board from a public health point of view.

**Motion:** Peter Stanton, Motion to pass along to the Selectboard with the conditions as outlined

**Second:** Michael Lanoue, and in agreement as well

**Vote: 2-0:** Dr. Ruby Chang recused herself from the discussion and vote.

#### **D. PUBLIC HEARING**

To review, uphold, or amend the March 2021 Correction Order, as amended on April 13<sup>th</sup>, 2021 following the April, 8<sup>th</sup> 2021 Inspection of all four dwelling units located at 232 Stockbridge Road.

Rebecca Jurczyk: I would recommend continuing this public hearing at our next meeting. July 1<sup>st</sup>, 2021 at 6:30PM Zoom.

There is a potential buyer of the building who may want to use both the downstairs retail and upstairs housing rental spaces. If the sale goes through we will need to reassess our path forward but the violations will remain regardless of new ownership. We have not filed our complaint in housing court yet for these reasons but pending more information we may be moving forward as previously intended.

**Motion:** Peter Stanton to continue until July 8<sup>th</sup>, 2021 BOH meeting, moved forward from July 1<sup>st</sup>, 2021 due to holiday.

**Second:** Ruby Chang

**Vote:** 3-0

#### **E. BUSINESS**

1. **Housing Concern** Discussion regarding complaint and follow up Inspection of indoor air quality issues at 899 South Main Street, Unit 126, Great Barrington, MA 01230.

Rebecca Jurczyk: I've spoken with Sanitarians at DPH, and housing inspectors from the city of Pittsfield and Northampton. None of which were able to give me advice from direct experience with this type of concern (fumes and air quality affecting resident health). However, all said that they would liken it to how they address concerns related to mold. If a source of the fumes are identified the BOH could require that the property owner make the necessary repairs under "owner maintenance responsibilities, section .500" the two city Health Departments also said they have in some situations related to mold required an environmental assessment to be done of the unit or common areas but that the resulting analysis is purely informational in that BOHs cannot issue any orders related to the results since there is no safe measurements of mold, I would say that the same would be true for fumes. The DPH or the Housing Code have not established thresholds related to safe indoor air quality. DEP may have such established levels but that would be within their purview. So I am willing to continue this housing concern to our next meeting while we await a response from Berkshire Housing Authority on our questions related to the maintenance of the heating and cooling system. Housing Authority has not contacted the Health Department.

Recommend continuing this until our next meeting while waiting for a response.

Michael Lanoue: Put it on the Agenda for our next meeting.

2. **Updates Related to Public Health and Housatonic Water Works.** Re-occurring agenda item, only new concerns and/or updates shall be shared. (Discussion)

Rebecca Jurczyk: No Updates, Have not heard from Department of Environmental Protection (DEP). We received communication from Housatonic Water. They submitted an engineered proposal to DEP to address manganese, but to our knowledge DEP has not responded yet.

Michelle Loubert, 70 Division Street: Our citizens basic needs of clean water are not being met. Taking a water sample and having it tested out of the area, and she will share the results. Sharon Gregory, 32 Hollenbeck: Perhaps the Board of Health could speak on behalf of the people, and ask the Select Board where we stand, who is doing anything to forward the DEP recommendations from the prior year's citations of Old Equipment, and lack of an alarm system for danger zones.

Michael Lanoue: This is why this is a reoccurring agenda item each month. We've done everything we can do at this point.

Ruby Chang: We need to move further with this. It is a health hazard. Would appreciate a draft

from Sharon Gregory that the Board of Health can propose to the DEP stating that we as the Board are extremely concerned about the citizens that are exposed to this water.

Sharon Gregory: Will draft a report that we can send to them, and address the DEP directly.

Ruby Chang: The Board of Health to review this draft prior to sending it along to DEP.

Garfield Reed: Selectboard has no jurisdiction over Housatonic Water. We are looking to see what can be done.

Rebecca Jurczyk: We were copied on an email from Housatonic Water to DEP, requesting a response to the engineered proposal.

Ruby Chang: Can BOH send agents to collect water from Residents and send to state lab for testing?

Rebecca Jurczyk: We do have testing kits, and there is a testing center in Lee, MA. We are heading into warmer months. Most problematic months are during the warmer months. We should encourage more residents to come to the BOH meetings as it is a recurring item on the agenda.

Trevor Forbes, 325 North Plain Road: Two public people seem to be doing the most on this; Michelle Loubert and Sharon Gregory. This is clearly a problem for the town of Great Barrington. Elected Boards should also take an initiative to be more involved, rather than private citizens.

Michael Lanoue: We can always do more, but we haven't done nothing. The fact that we have this as a recurring agenda item says something.

Sharon Gregory: Possible alternative is to create something like the Great Barrington Fire District.

Michael Lanoue: If there is any money available or could be made available to facilitate testing that would be a big help.

Michelle Loubert: Would be willing to help with getting the word out about testing water.

#### **F. HEALTH DEPARTMENT UPDATES:**

Beach Monitoring Season Commences.

Rebecca Jurczyk: Housatonic Basin Testing and Sampling: began testing Lake Mansfield and two sections of the Green river last week. All levels were low.

Cyanobacteria: Beach Signs created for Lifeguards as well as a link on our Town Website

Public Health Nursing for FY22.

Rebecca Jurczyk: A local Great Barrington resident Amy Hardt has accepted the position of Lead Public Health Nurse and will be getting to work with the collaborative right away.

Updates on recent changes to Board of Health jurisdiction in passing local bylaws and/or regulations with agricultural impacts.

1. Rebecca Jurczyk: Last week I attended a webinar hosted by the Mass Assoc. Of Health Boards on a new amendment that passed in January. This new legislation gives all local Agricultural Commissions the right to review any Local Board of Health Regulation impacting farming related activities. This includes: Farmer's Markets, Farms, Non- Commercial keeping of chickens, livestock, or bees, and non-commercial production of produce or horticultural plants.
2. So anytime we pass local board of health regulations or policies it is our common practice to hold a public hearing. This is not necessarily a requirement but it would now be recommended that we invite the Ag Commission to weigh in on these discussions. But what is required is that the BOH must provide a copy of the proposed regulations to the AG Commission. The AG Com then has a 45 day review period to submit comments back to the BOH. In the case of an emergency the BOH may act to address the emergency.
3. In terms of glyphosate, which was on my mind during this presentation it was not explicitly talked about. However there would be agricultural impacts to limiting or banning the use of or banning the sale of the pesticide. Therefore, it was helpful in learning that we will want to work collaboratively with the Ag Commission on this topic.
4. This is a cool opportunity to work with another local commission on intersecting interests. GB is a farming community which has direct and important impacts on the public health.

#### Mask Advisory for Businesses (Discussion/ Vote)

Rebecca Jurczyk: The Governor changed the Mask Order to a Mask Advisory, effective Saturday, May 29<sup>th</sup>. In some settings masks continue to be required regardless of vaccination status, on public transit, inside healthcare facilities, congregate care facilities, emergency shelters, by home health care workers, prisons and jails. Businesses are encouraged to implement their own store policies keeping in mind some of the public health best practices that we've honed over the last year. The shift from mandate to an advisory felt a little too sudden for some and GB businesses have expressed that some direction from the Local Board of Health may help them make policies specific to mask usage. I would like to come up with something in writing that is simple to send out to our email list to food establishments and to the Southern Berkshire Chamber of Commerce so it reaches all other businesses that are now again outside of our jurisdiction. One thing to keep in mind is that since this is no longer an official order, Boards of Health no longer have authority to issue fines for folks not complying with the advisory. It's up to the stores to enforce their own guidelines.

Ruby Chang: The State needs to be careful with recommendations, it could be dangerous for store owners to decide who they can question about vaccinations.

Rebecca Jurczyk: The BOH should talk about requiring masks. Feedback after mandate was lifted was that the BOH should provide feedback about whether masks should be required inside.

Michael Lanoue: It seems like requiring masks inside seems too strong. We should be supportive of businesses who advise people to wear masks, but not recommend it. If they've gotten the vaccination we would need concrete basis as to why they need to wear a mask.

Peter Stanton: Do not use require, use recommend or advise. Thinks there is good support for recommendation to wear masks.

Ruby Chang: Vaccine has been good for most mutations, but we don't know about all. If something happens the advisory could change so we need to be careful what we say. At this point we need to go by what the recommendations are. Don't think we should put out a local advisory.

Rebecca Jurczyk: We should put out something that says to contact the local BOH with any questions or for recommendations.

Michael Lanoue: Use the language "Strongly Encourage" rather than recommend or required.

Michelle Loubert: Does not agree with "Strongly" recommend or encourage. BOH should tread carefully with wording as it could amplify hostility.

Rebecca Jurczyk: A brief advisory will be put together and emailed to the Board to review and edit prior to sending it to the Chamber of Commerce to forward to local businesses.

**Motion:** Peter Stanton: To approve the language that the Health Agent will draft as an advisory to local businesses.

**Second:** Ruby Chang

**Vote:** 3-0

#### G. COMMUNITY COVID-19:

Health Dept. Review

Rebecca Jurczyk: DPH changed the definition of a close contact to remove any persons near a COVID-19 positive person while outside.

Move to in person meetings or stay on Zoom?

Rebecca Jurczyk: Should ask this question now?

Peter Stanton: In favor of sticking with Zoom until September as this seems to attract more participation.

Ruby Chang: Agrees with Peter

Rebecca Jurczyk: Plan on exclusive Zoom meeting July 8<sup>th</sup>, and discuss more in July and August.

Michael Lanoue: In agreement.

Michelle Loubert: Would love to see a hybrid meeting.

Rebecca Jurczyk: No active Covid 19 cases last week in Great Barrington

#### H. BOARD OF HEALTH QUESTIONS/ UPDATES:



- Town Meeting Article 25 Zoning Amendment (discussion).  
Citizen Q & A  
Sharon Gregory: Feels strongly about changing 500 Feet guideline to 200 Feet. We've lost sight of where we want to go. Attended many planning board meetings. Doesn't understand why we need so many dispensaries. Asking for people to vote no on Article 27.  
Trevor Forbes: Asks the Board of Health to consider the spirit what is trying to be done with Amendment 25. This raises a lot of children's health questions.  
Processing Marijuana is a dangerous process, and has contributed to explosions in the West.  
Encourages the Board of Health to reflect on this and vote no on Article 27  
Ruby Chang: Feels we should not have any stores in the Village area. Should be somewhere where children do not have access.  
Michelle Loubert: Sponsor of Article 25. Children should not be exposed to Marijuana plants in their front or back yard. Citizens are taking action here, but the Board of Health should take action on Article 25 and Article 27 as well.  
Michael Lanoue: Doesn't feel we should make a statement as a Board, but rather individual statements at the town meeting.  
Ruby Chang: Do we have a statement we can reissue about the 500 feet zoning with facilities? Feels that the Board of Health should have something to say about this.  
Trevor Forbes: It's sensible for the Board should revisit or reconsider submitting a letter on behalf of the Board at the town meeting.
- Town Bylaw banning the sale of single use, non-sparkling, plastic water bottles of 1liter or less.  
Ruby Chang: Why are we not following through on the plastic bottle ban? We should go into the 3 major grocery stores and check.  
Rebecca Jurczyk: Thinks the water bottle ban was reinstated last year when plastic bag ban was reinstated but will check with the Town Manager.

**I. MEDIA QUESTIONS:**  
None

**J. CITIZEN SPEAK TIME**  
Louis Stark, 183 Main Street, Housatonic: Complaint about railroad Ties in Housatonic.  
Rebecca Jurczyk: Housatonic Rail Company stated they do pile up Railroad ties when doing construction or repairs. We are waiting to hear back from the Superintendent about these concerns.  
Michael Lanoue: We will follow up on this.

**K. ADJOURNMENT: (Roll Call Vote) 9:44 Pm**  
**Peter Stanton: Motion to Adjourn**  
**Second: Ruby Chang**  
**Vote: 3-0**

Respectfully Submitted,

  
Ned Saviski