

BOARD OF HEALTH MEETING
Thursday, September 1, 2022

1. CALL TO ORDER: (Roll Call Vote) – Chairman Michael Lanoue opened the meeting at 6:39pm.
Those present via zoom: Dr. Ruby Chang, “aye,” Michael Lanoue, “aye,” Peter Stanton, “aye.”
Also present: Health Agent, Rebecca Jurczyk

2. MEETING MINUTES:

- a. June 16, 2022 Meeting Minutes (Discussion/ Roll Call Vote)

P. Stanton made a motion to approve the minutes of June 16, 2022; R. Chang seconded. M. Lanoue asked if any discussion – there was none. Roll call vote: R. Chang, “aye,” M. Lanoue, “aye,” P. Stanton, “aye.” All in favor: 3-0.

3. HEALTH DEPARTMENT UPDATES:

- a. Local COVID-19 – R. Jurczyk reported in August there were 53 cases in Great Barrington. She also provided an update on the next booster which was authorized by the FDA for people 18yo+ - but she noted guidance from the Advisory Committee on Immunization Practices (ACIP) advises ages for the Pfizer booster as 12yo+ and Moderna 18yo+. She also shared a slide with updated guidance re: quarantining to clarify that the protocol is to isolate for 5 days and wear a mask days 6-10. She stated the slide will be posted to the Town website.
- i. John Grogan asked how is new COVID case data collected – R. Jurczyk stated Public health nurses provide updates on southern Berkshire County including our nearby towns and Great Barrington specifically, and she pulls data from that report. She clarified this is tracking PCR tests and there is no mechanism for reporting at-home testing so those cases cannot be tracked.

4. BOARD OF HEALTH QUESTIONS/ UPDATES:

- a. Housatonic Water Works – R. Jurczyk noted she had invited the DEP to attend the meeting, but a representative is not in attendance. She updated the Board on two recent items:
- DEP email reminder to Housatonic Water Works regarding the agreement with HWW under the administrative consent order that requires seasonal testing for the manganese treatment pilot/study. The email states HWW’s position is that manganese is most prevalent in August - and the DEP is inquiring why an inspection has not been scheduled since August is most problematic.
 - Press release from HWW about the most recent haloacetic acid sample reports it at 32 parts per billion as a running average of the last four samples which is well below the required 60 parts per billion contamination level – indicating it is no longer a violation.
- i. R. Chang stated the DEP’s position is there is no need to test during the year since the problem is limited to the summer – and she suggested the DEP reconsider as the policy is most filtration is year-round. She stated it is up to HWW to determine whether they will continue with testing using a green sand filtration system. She also noted HWW has taken water samples, and once the DEP has results, they and a DPH expert on water contaminants have agreed to come to a Board meeting. She also suggested inviting Mr. Mercer. She also stated vulnerable populations at Flag Rock need immediate help in getting water.

- ii. The Board discussed the rationale for providing water to HWW customers – considering

both customer concerns about water drinkability and the Board's position/authority in this regard. R. Chang emphasized the Board would be responding to public concerns. In response, M. Lanoue urged caution in acting without data or DEP findings showing the water is not safe to drink – he expressed concerns about the Board making a statement that implies the water as harmful. He noted as a health entity, there needs to be stronger reasoning. He also stated his view that the situation is due to a state regulatory failure.

5. BOARD OF HEALTH BUSINESS:

a. Presentation of Draft letter to the Selectboard regarding Housatonic Water Works, (Discussion/ Roll Call Vote).

i. The Board reviewed/discussed the draft letter to the Selectboard - M. Lanoue stated the Selectboard has been discussing HWW/water quality issues in executive session and expressed interest in knowing their thinking. P. Stanton stated the draft letter is good and expresses the Board's sense of urgency and concern about the situation. He asked about water test results – it was confirmed there is high manganese, but only a few other contaminants are tested for – and there has not been additional testing for other contaminants. To better understand the test result data, R. Jurczyk stated she would organize information on tests taken and results received. The Board agreed to highlight in the letter that customers have been warned not to drink the water and it is a public health issue requiring immediate relief. In addition, the letter will ask the Selectboard to attend a public meeting of the Board to address the issue.

ii. Public comment –

- Trevor Forbes, 325 North Plain Road, noted the Board of Health's important role in local/state government and stated it is difficult to say the water is safe. He stated letters from HWW advising people not to drink the water provide rationale for a stronger letter – he said no letter has been sent from HWW that the water is better.
- Donna Jacobs, 260 Park Street, stated HWW's letter advised elderly people not to drink the water due to high levels of manganese. She stated the Selectboard letter needs stronger language and should focus on advocating for residents.
- Denise Forbes, 325 North Plain Road, stated there should be stronger language in the letter exerting the power of the Health Department. She also shared her water testing results for manganese as .28 and noted .05 is an acceptable level – she will be sending results to the Board. She also urged immediate solutions and suggested the Town supply water, reimburse for filtration systems, or provide tax credits for installing a well.
- John Grogan, 360 North Plain Road, noted the HWW's letter advised the elderly, pregnant women and children not to drink the water due to haloacetic acid levels. He also stated he is Chair of the Great Barrington Housing Authority and they are providing water to Flag Rock residents. M. Lanoue asked if the advisory is ongoing or just at certain times – J. Grogan stated it was an issue for a year before HWW notified customers. He stated haloacetic acid levels have now decreased.
- Eileen Mooney stated she would provide the Board with the letter from HWW.
- Sharon Gregory, 32 Hollenbeck, stated she is looking into public vs private water companies and noted discussion has focused on the Town asking to supplement a private company to remedy their situation. She also noted HWW was forced by the DEP to send the letter to customers.

P. Stanton made a motion to approve the letter; R. Chang seconded. M. Lanoue asked for any further discussion – there was none. Roll call vote: R. Chang, “aye,” M. Lanoue, “aye,” P. Stanton, “aye.” All in favor: 3-0.

- b. Berkshire Harm Reduction services update, 401 Stockbridge Road, Great Barrington. (Discussion)
 - R. Jurczyk stated this is an update on the new facility in Great Barrington providing harm reduction services and a mobile service unit. Sarah DeJesus, the operations manager was unable to attend the meeting, but it can be added to the October agenda. R. Chang asked that information on the number of people served be provided to understand program impact.

PUBLIC HEARING to review and vote on adopting a local Board of Health regulation against Feeding of Wildlife.

R. Jurczyk stated there is currently no draft to review and she is trying to get a representative from Mass Wildlife to join the meeting to advise. She also stated there are sample provisions from Northampton and Stockbridge which can be used to create a draft. She also explained this is supplemental to the Housing Code provision that requires securing garbage/eliminating rubbish which could be considered a nuisance under MA General Law. She noted there are more frequent complaints.

1. Open Public Hearing (Roll Call Vote)

P. Stanton made a motion to open the public hearing; R. Chang seconded. Roll call vote: R. Chang, “aye,” M. Lanoue, “aye,” P. Stanton, “aye.” All in favor: 3-0.

- 2. Presentation & Board of Health Speak Time – M. Lanoue asked for a draft ordinance be prepared to review in advance and discuss/get comments at the October meeting. He also stated it is not critical to have Mass Wildlife participate. R. Chang asked about how enforcement would work – R. Jurczyk replied the Animal Inspector in the Health Department or Animal Control Officer in the Police Department can deal with a wildlife issue - or the Police Department can be agents and issue a ticket in case they are called. She stated the procedure if there is no immediate threat and a warning is appropriate, can be a two week or 30-day timeline.

3. Public Comment Time – there was none

4. Motion to Close the Public Hearing (Roll Call Vote)

P. Stanton made a motion to continue the public hearing to the October 6 meeting; R. Chang seconded. Roll call vote: R. Chang, “aye,” M. Lanoue, “aye,” P. Stanton, “aye.” All in favor: 3-0.

5. Motion to approve the Local Regulation against Feeding of Wildlife. (Roll Call Vote)

R. Chang asked about the glyphosate mandate - and to review information/discuss public education – R. Jurczyk replied it is on the October agenda. The Board can then review the moratorium, get public comment and discuss. She noted there have not been any applications for use of glyphosate on Town owned/operated property so there is nothing to review/add to the discussion. She recommended reviewing the language in the moratorium and Notice of Intent application, having citizen speak and then voting on making it more permanent. She clarified the options – continue the moratorium for 6-12 months or establish an official policy of the Board which is like a regulation with enforcement power. It was approved to invite Joe Aberdale to the October meeting to ensure coordination with DPW, and perhaps others at a later date – though it was stated anyone can participate during citizens speak. M. Lanoue asked to receive sample regulations from other towns prior to the October meeting.

- a. Denise Forbes stated the Town received \$2m in ARPA funds, but nothing has been dedicated to the HWW issue. She also pointed to government climate change funding which is being used for the Lake Mansfield project. She stated she would send to R. Jurczyk the HWW letter warning against drinking the water and her water test results where manganese was high and color was 30 and NCL acceptable level is 15. The Board clarified that ARPA funds are for COVID-related issues.
- b. Sharon Gregory stated the crux of the issue is who should provide supplemental water to HWW customers and what are the obligations of private vs public water companies. She urged thinking around a larger scale remedy. She noted the state allowed this to happen – it is not for the Town to correct. M. Lanoue agreed this is a regulatory failure.
- c. Trevor Forbes stated ARPA funds are for investing in water and urged consideration for funds to be diverted to HWW customers. He noted under consumer regulations if a product is not fit for its purpose, customers can get a refund - but there is no recourse in this situation. He stated it is the Town's role to facilitate and noted the directors of HWW be held accountable.

R. Jurczyk asked about scheduling another meeting in September if the DEP can join – the Board stated they generally have availability, but for maximum public attendance the evening is best.

7. MEDIA QUESTIONS: None

8. ADJOURNMENT: (Roll Call Vote) - Chairman Lanoue called for the meeting to adjourn by roll call vote: R. Chang, "aye," M. Lanoue, "aye.," Chairman Lanoue adjourned the meeting by unanimous consent at 8:50pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk