

Board of Health Hybrid Meeting via Zoom and in Person at Town Hall
334 Main Street, Great Barrington MA
Thursday, April 6, 2023

1. CALL TO ORDER: (Roll Call Vote) - – Chairman Michael Lanoue opened the meeting at 6:34pm with a roll call vote: Dr. Ruby Chang, “aye,” Michael Lanoue, “aye Peter Stanton, “aye.”
Also present: Health Agent, Rebecca Jurczyk.
2. MEETING MINUTES: March 2, 2023 (Discussion/ Roll Call Vote)
P. Stanton made a motion to approve the minutes of the March 2, 2023 meeting; 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. BOARD OF HEALTH QUESTIONS/ UPDATES:
 - a. R. Chang stated she had connected with the DEP’s drinking water expert who advised that the BOH has the ability to make water protection policies and advised the BOH should have regulations to protect groundwater, separate from the Zoning Board - and manage hazardous waste by requiring floor drains. She stated she would send guidelines and sample regulations to the board for discussion. M. Lanoue suggested discussing with the Zoning Board as there may be overlap - and asked if other towns have those regulations.
 - b. R. Chang reported work is being done regarding composting grants and the DPW is gathering data that is needed to apply.
4. BUSINESS
 - a. Continued; Recommendation to Selectboard on how Opioid Settlement funds are spent. Speaker, Gary Pratt from Rural Recovery Center. (Discussion/ Vote) – R. Jurczyk stated there should be a plan for the appropriation process by tomorrow to allow funds received in this fiscal year to be used next year, though she noted it could be fiscal 2025 - but she noted the recommendation can be made now. She added that the Rural Recovery Center is the only request that was received and suggested the BOH consider making a recommendation to the Selectboard to vote affirmatively that all opioid settlement funds be appropriated to the Rural Recovery Center through 2032.
 - i. G. Pratt provided background and an update including efforts to secure funding for sustaining ongoing operations and programs. He noted the Center is well positioned to receive the settlement funds as it provides direct services and fills gaps in services. He also stated for the last reporting period, the Center had 270 visitors – 76 of which returned for at least a second visit and 73 of which are from Great Barrington.
 - ii. M. Lanoue asked for public input – there was none. He also noted there are 14 people in attendance.

P. Stanton made a motion to recommend to the Selectboard all opioid settlement funds be directed to the Rural Recovery Center; 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.

 - b. State Tobacco Control Updates; Restricting the Sale of Tobacco Products Local Regulation. Speaker; Cheryl Sbarra, MAHB and Jim Wilusz, TriTown Health Department. (Discussion) – J. Wilusz stated he had sent information in advance regarding updating tobacco regulations. He provided background on TriTown’s efforts in administering the regional tobacco awareness program funded by the Department of Public Health and MAHB’s efforts across the state around education, outreach and retailer compliance.

He reported that state regulations were updated in 2019 which have made local regulations out of date

and unenforceable. He added that he is working with boards of health to merge local policies and state law with the goal of having one set of regulations for retailers and the community. He also noted there have been recent violations across the Berkshires.

C. Sbarra stated there is a new fining structure for selling tobacco to anyone under age 21 – with \$1,000, \$2,000 and \$5,000 for the first, second and third violations – plus a mandatory suspension. She clarified that the tobacco control program notifies the BOH of violations and the BOH is responsible for enforcement of state regulations. She stated next steps are to review what the Town currently has and compare state minimum requirements. It was stated that local policies and fines should be considered for violations not covered by state law – and having two fining structures is not difficult to manage. J. Wilusz stated he would review GB’s local regulations and add in the state’s and then review each one with the BOH – Board members agreed. He added that in the meantime if there are violations, state law should govern.

- i. R. Chang asked how violations are reported – J. Wilusz replied they are sent to the Health Agent/BOH and it was clarified that there is extensive retailer education and monitoring through regular compliance checks.
- ii. The Board agreed to proceed and will put the matter on the next agenda. J. Wilusz stated he would send a draft of potential new regulations to M. Lanoue and R. Jurczyk prior to that meeting.

c. Public Health Excellence Grant and Southern Berkshire Public Health Collaborative Update. Speaker; Cheryl Sbarra, MAHB and Jim Wilusz, TriTown Health Department. (Discussion) - J. Wilusz stated GB is part of the Collaborative and R. Jurczyk is very active and in a leadership role. It was noted that towns will need to clarify/sign on for either the Collaborative or the Alliance. Mike Hugo, MAHB, stated the Southern Berkshire Collaborative is the best organized and working well - he noted there is a lot of data and GB’s capacity assessment was comprehensive. He stated there would be funding available through ARPA and CDC beyond the \$300,000 currently received for workforce development and capacity-building. M. Lanoue clarified the additional funds would be a one-time allocation. It was noted that if a town’s capacity is below the state average there will be funds to level the playing field and beyond to get people to a higher level – and the capacity report is aggregated, not broken out by town, but that information can be accessed. It was clarified that the Collaborative has identified staffing as its top priority, and specifically regarding GB, priorities include shared staffing/services, consolidating contractor work across towns, documentation and training and achieving performance standards – and it was noted there will be funding to address these priorities. He added MAHB will hold a program June 3 for board of health members and encouraged the Board to attend.

- i. R. Chang asked if environmental sustainability is part of the BOH’s purview such as composting, recycling, glyphosate – C. Sbarra replied those things are included and more – and the manual of public health laws describes statutory responsibility for public, environmental, community and preventive health.

d. Public Hearing: on enacting the Proposed Regulation on limiting the use of Glyphosate containing chemicals (herbicides and pesticides) on Town Owned and Operated Properties.

- i. Open Public Hearing (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.

- M. Lanoue stated this topic would require multiple meetings to hear/consider public comments on the proposed regulation. He asked that the Board make revisions prior to meetings so meetings are reserved for public input and decision-making. He also stated there were no applications since the moratorium – but it is an issue the BOH wants to consider/support and to make a statement expressing its concerns to ensure a regulation/guidance is in place for the future. He noted glyphosate is not a big issue and so this is an ideal time to address it. He continued to note he sits on the Conservation Commission which oversees McAllister Park and has seen significant, ongoing efforts to manage invasives there. He noted he would not propose an outright ban on glyphosate as it is important in habitat restoration if it is used responsibly. He noted there are other ways of habitat restoration and invasive management but towns have limited budget/resources so glyphosate use can be reasonable. He noted the goal is to have policies in place to understand glyphosate use and be sure the right people are using it – but stated he is open to discussion and other perspectives.
- R. Jurczyk stated there have been no Notice of Intent applications in the last 1.5 years. She noted the current working draft is the moratorium, but noted it does not address enforcement when glyphosate is applied on Town owned/managed land without the NOI process or is there is a disregard of the process – and she asked the Board focus on that aspect. She also noted the Parks Commission, DPW and Conservation Commission are gatekeepers of the regulation and would be relaying them to staff/contractors. She recommended not closing the public hearing until their feedback is received. M. Lanoue stated we can let them know what we are doing and encourage them to weigh in. He added that he would raise it with the Conservation Commission at its next meeting.

iii. Public comment period (time limit 5 minutes per speaker)

M. Lanoue stated there would also be opportunity for public comment at the next meeting.

- Vivian Orłowski, Chair Agricultural Commission, provided her own and shared expert perspective on treating and managing invasive species. She noted alternatives to glyphosate use such as replanting better species and allowing invasives to self-limit over time – and shared that for other towns, land management professionals and farming glyphosate is not used – she also noted the potential impact on water quality.
- Andrea Panaritis, 30 Seekonk Road, stated she is an Agricultural Commission member and asked the board to consider exemption language used by other towns that have banned glyphosate – she noted they can offer guidance when reviewing requests for exemptions. She also stated the Board should guide the public regarding risks and education for alternative methods and products.
- Ambrose Clausen, 2 Samantha Lane, stated she has experience in organic farming where no spray of any kind is used, but instead, other methods are used such as plastic cover to kill invasives. She stated concerns about the ability to measure glyphosate and noted its binding agent is as harmful - and that it generally has broader reach than just the specific application. She asked that other options be explored.
- Devin Arnold, Taconic Avenue, stated he works with habitat restoration and invasive management and is opposed to using glyphosate and noted that are other options with less ecological impact on soil, food, etc. He expressed concerns about industry practices and stated glyphosate makes preserving resources, regenerating damaged areas and encouraging pollinators more difficult.

- Christopher Wiltshire, 39 South Street, stated he works with a nature organization and has invasive removal experience. He encouraged small scale, slow management and noted invasives are a systemic issue.
- Randi Jordan, 55 Blue Hill Road, asked about the availability of ARPA funds and asked if they could be used to help farmers, landscapers and others use alternatives to glyphosate - M. Lanoue replied the state will determine how funds are distributed and the Agricultural Commission would be the lead on agricultural land. He added this regulation would only apply to Town owned/managed land, not private land.
- V. Orłowski stated the Agricultural Commission has an advisory role and collaborates with other boards/committees and Town departments. She stated she would like to have input on this regulation and suggested it is presented to the Selectboard. She also stated this is a Right to Farm community and we cannot control what farmers put on their land. She also emphasized the importance of educating the public.

iv. Board of Health Discussion & edit period

- R. Chang shared information on the impact of glyphosate on saplings and noted there are other chemicals similar to glyphosate so the discussion should be broader. She also noted glyphosate has been linked to lymphoma.
- M. Lanoue stated suggestions should be emailed to R. Jurczyk for discussion at the next meeting.

v. Motion to approve, Amend, deny the Glyphosate Regulation. (Roll Call Vote)

P. Stanton made a motion to continue the public hearing to May 4 at 6:30pm; 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.

- e. Earth Day Clean Up (Discussion) - R. Jurczyk stated Earth Day is April 22 - groups are being coordinated and bags are available along with sign up via the Town website, Department of Health Facebook page and via a QR code. R. Chang added participants should wear gloves and only use yellow bags from the DPW,

5. HEALTH DEPARTMENT UPDATES:

- a. Housing Updates – R. Jurczyk stated there is a new housing complaint and the correction order is in the packet. She added it is a heat and amperage complaint, there is a 30 day timeline for addressing the violations and the landlord is currently working on it.
- b. 2023 Rabies Clinic – R. Jurczyk stated the clinic was held and 23 vaccinations were given. Since attendance was low, Bilmar suggested holding another clinic in the fall - and the Board agreed.

6. CITIZEN SPEAK TIME

- a. R. Jordan stated Earth Day volunteers should be aware of ticks.

7. MEDIA QUESTIONS: No media asked to speak.

8. ADJOURNMENT: (Roll Call Vote) - P. Stanton made a motion to adjourn; R. Chang seconded. Roll call vote: R. Chang, “aye,” M. Lanoue, “aye,” P. Stanton, “aye.” All in favor: 3-0. The meeting was adjourned by unanimous consent at 8:39pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk