

Board of Health Hybrid Meeting via Zoom and in Person at Town Hall  
334 Main Street, Great Barrington MA  
Thursday, June 1, 2023

1. CALL TO ORDER: (Roll Call Vote) - Chairman Michael Lanoue opened the meeting at 6:30pm with a roll call vote: Dr. Ruby Chang, “aye,” Michael Lanoue, “aye,” Peter Stanton, “aye.”  
Also present: Health Agent, Rebecca Jurczyk.
2. MEETING MINUTES: May 4, 2023 (Discussion/ Roll Call Vote)  
P. Stanton made a motion to approve the minutes of the May 4, 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: BUSINESS:
  - a. Composting Program; Recent Berkshire Composting Proposal, Mass DEP Funding Opportunities, and Draft Priority Proposal to Selectboard. (Discussion/ Roll Call Vote) – R. Jurczyk stated the Board had received a proposal from Berkshire Composting for removal service from the transfer station. She continued to state the plan is to ask residents to bring food scraps to the transfer station and deposit it in provided buckets - there would be same day removal and transport to a farm to finish off to viable compost. She noted the transfer station is open Friday-Sunday and a 3-time per week pickup is \$480 per month. She stated she asked for a two-day per week pick up as an alternate which would be \$320 per month. She noted the need to advertise the service and days available. She continued to state she sent the Board a draft of the Public Health Alliance mini grant application requesting \$3,840 to fund the compost program pilot – and added she would talk to the review board. P. Stanton suggested a preference for Friday to accommodate businesses. R. Chang stated it would be beneficial to have a shed to store the buckets. It was clarified that the DEP has a points/scoring system which includes having a Town “buy recycled” program and completing the survey – which are being worked on - which are required to be eligible for funding to initiate/expand projects. R. Jurczyk stated the program requires collaboration with the DPW and the Town Manager suggested reframing the proposal as a priority for the Town. She shared a draft priority proposal for the Selectboard suggesting adding a sustainable waste management topic to its priority list.
    - i. The Board reviewed the proposal letter for the mini grant and expressed its support. P. Stanton recused.  
R. Chang made a motion to send the proposal to the Southern Berkshire Public Health Alliance mini grant program for the purpose of a community composting pilot program; M. Lanoue seconded. M. Lanoue asked if any discussion – there was none. Roll call vote: R. Chang, “aye,” M. Lanoue, “aye.” All in favor: 2-0.
    - ii. Regarding the Town priority proposal letter, R. Chang suggesting establishing a sustainability committee separately or under the Board of Health made up of members of other relevant committees such as Zoning, Conservation, Agriculture, etc. M. Lanoue stated his preference to invite interested parties to provide input at Board public meetings. P. Stanton expressed concerns about starting a new committee and that many topics may not be relevant to the Board of Health. R. Chang stated examples of important topics such as hauler’s permits, hazardous waste disposal and drinking water safety – M. Lanoue agreed those are all important topics and could be considered longer term. R. Chang suggested adding the value proposition for suggesting this topic including reductions in solid waste, a healthier community and the potential for DEP points/funding.

P. Stanton made a motion to submit the proposal letter to the Selectboard with suggested additions; 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. Local Regulation Restricting the Sale of Tobacco Products; achieving compliance with State Laws governing the sale of Tobacco and Tobacco related products. (Discussion/ Roll Call Vote)

M. Lanoue stated there are 12 permits available and 9 are held by retailers – he asked if the Board would want to leave the number of permits the same, decrease or retire them as they come up – and the Board agreed to leave the number as is. The Board proceeded to review sections that are local policy decisions: the Board agreed on the definitions of blunt wraps and rolling papers; increasing setbacks to 25-feet; adding a prohibition on smoking bars; prohibiting sale of blunt wraps; and for permit suspensions for violations, 5 days for the first violation, 15 days for the second, 30 days for the third and holding a public hearing for 3 or more violations in 36 months which may lead to a permanent permit revocation. Regarding retiring permits, the Board agreed more information was required on how it works and Jim Wilusz, TriTown Health Department, would be asked. It was clarified that all of these items can be discussed at the public hearing. It was agreed the Board would hold the public hearing on the regulation on July 6 at 6:30pm.

c. Continued 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. Continue Public Hearing (Roll Call Vote)

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

ii. Presentation of the Proposed Regulations/ Board of Health comment period – M. Lanoue stated the addendum should be separate from the regulation as it is more suggestions/guidance and can be posted on the Health Department website. P. Stanton agreed and added it is more public education than policy. R. Chang stated the glyphosate regulation should be broader and the addendum is educational as most glyphosate use is private. M. Lanoue stated the opening paragraph is clear on why we are restricting its use. He added that he is satisfied with the drafted regulation and acknowledged the interest in broadening it, but noted the reasoning for the regulation was to take a stand on glyphosate use in the future due to its impact on food supply. He added if it is broadened it will need to be substantially rewritten – and noted the regulation is a good start and can be added to/amended. He also stated massive amounts are used in agriculture and efforts of groups such as the Agricultural Committee can help transition to organic farming. R. Chang stated she is satisfied with the regulation and noted the substantial amount of input/ expertise.

iii. Public comment period (time limit 2 minutes per speaker)

- Ambrose Clausen, 2 Samantha Lane, provided input noting glyphosate use should be phased out by the Town and its contractors due to concerns about its impact on the land and human health.
- Devin Arnold, 59 Taconic Avenue, stated there should be a stronger ban on glyphosate use and more support for promoting pollinators. He noted the habitat can be protected without using glyphosate and supporting its manufacturers.
- Nan Wile, Main Street, stated the regulation does not go far enough and asked the Board to do more. She added that glyphosate endangers biodiversity and human health and noted there are other safer methods of invasive species control. She asked for strict authorization for people to be licensed/trained and to indicate the dangers and need for precautions – she also urged more education and guidance. R. Jurczyk added this is a two-part process – the regulations and the Notice of Intent process which includes applications being reviewed/heard in open meetings with public comment.

She added the Board can add conditions to approvals that could require signage, and limits on application.

- Andrea Panaritis, 30 Seekonk Road, stated the regulation should be clearer and more specific about trying other methods and what defines success. She added the standard should be that other methods are ineffective. She expressed support for the Agricultural Committee promoting organic farming.
- Vivian Orłowski noted her previous comments about going beyond glyphosate and referred to materials sent about other pesticides and glyphosate's impact on soil and public water supplies. She expressed support for establishing a committee/task force on environmental health issues and offered to work with the Board on education.
- Tom Zetterstrom shared successful efforts using glyphosate in a limited/controlled way to manage knotweed and bittersweet.
- Sari Hoy, stated concerns about glyphosate come about in uses in conventional agriculture where it is used repeatedly. She noted glyphosate is a good choice for use in certain situations.

iv. Board of Health Discussion & edit period – The Board agreed the addendum needs work and would not be part of the regulation.

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

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

P. Stanton made a motion to approve the regulation with minor edits as discussed; 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.

M. Lanoue thanked N. Wile for raising this topic and providing information/materials.

The Board agreed the regulation would go into effect on June 1 and the addendum would be reviewed at the July 6 meeting. P. Stanton suggested reorganizing the information into categories and providing references. He also suggested adding a list of other herbicides and insecticides that require caution.

d. Correction Order Extension Request; 394 Park Street- March 30, 2023. (Discussion/ Roll Call Vote) – R. Jurczyk stated the Board has received a letter requesting an extension for a March correction order to the landlord who was in attendance and has been diligent in correcting each violation. She added that the one outstanding is for mold remediation and is delayed due to scheduling challenges with the contractor and tenant. She continued to note the issue is manageable mold, but the landlord would like to test and redo drywall/ceiling to prevent the issue from happening again - and is asking for a 30-day extension.

P. Stanton made a motion to grant the 30-day extension; 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.

#### 4. HEALTH DEPARTMENT UPDATES:

a. Beach testing – R. Jurczyk reported that beach testing at the Green River and Lake Mansfield has begun. She noted there have been calls about signs at the Green River and she explained that the river often has elevated e-coli levels so the signs are left in place though a bag is placed over the sign when the levels are acceptable. She clarified that for Lake Mansfield, if there are water quality issues the beach needs to be closed as it is Town property as opposed to the Green River which is private. She asked anyone with questions to contact the Health Department.

b. Camp inspections – R. Jurczyk stated extensive camp inspections would begin next week for Eisner, Open Hearts and Berkshire South camps.

- c. Added item – Special Permit application. R. Jurczyk stated there is a Special Permit application going to the Zoning Board on June 6 for a public hearing application is from Berkhill 777 LLC c/o Susan Shoval to expand an existing nonconforming residential use on the second floor of 777 Main Street, Great Barrington in accordance with Section 5.2 and 10.4 of the Zoning Bylaw. She continued to explain it is for bringing an existing use into compliance and suggested there may also be potential housing code violations.
  - i. M. Lanoue stated the Board is being asked to pass on a recommendation to the ZBA.
  - ii. Susan Shoval’s representative stated the owner was unaware of the violations and intends to bring the property into compliance
  - iii. R. Jurczyk clarified she was making an assumption about housing violations. The Board could consider doing an inspection as there is potential jurisdiction because of rental units. It was clarified that the ZBA is doing an inspection on June 6 at 6:00pm and R. Jurczyk could join.

P. Stanton made a motion to pass this matter along to the ZBA with the added condition that the Health Department Agent do a walkthrough on June 6; 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.

#### 5. CITIZEN SPEAK TIME:

- a. V. Orlowski stated she supports the Board’s efforts and public education plans. She clarified that herbicides and pesticides are usually a combination of ingredients sold under a brand name.
- b. S. Hoy asked for a copy of the addendum.

#### 6. MEDIA QUESTIONS: No media raised questions.

P. Stanton suggested and the Board agreed that items likely to include significant public comment be early in the agenda.

7. 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 8:55pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk