

Board of Health Hybrid Meeting in Person at the Great Barrington Town Hall, 334 Main Street
Thursday September 7, 2023

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.

MEETING MINUTES: August 10, 2023 (Discussion/ Roll Call Vote)

P. Stanton made a motion to approve the minutes of the August 10, 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.

HEALTH DEPARTMENT UPDATES:

1. Southern Berkshire Public Health Collaborative Fall Vaccination Schedule – R. Jurczyk provided an update on clinics being held in GB and noted the CHP van is at Town Hall the first week of the month in the afternoon, She also noted preregistration is recommended for flu shots.
2. Pesticides and Children's Health Panel; September 21 at 7:00PM – announcement. R. Jurczyk asked if the Board would take a more active role in the event by hosting it on Zoom and participating in Q&A. The Board agreed. Vivian Orlowski stated she would send information on the speaker's work and she provided an overview of community outreach to promote the event.
3. Berkshire Mosquito Control – next steps. The Board discussed Berkshire Mosquito Control which the State Department of Public Health contracts with to monitor for viruses and control mosquitos. R. Chang stated virus infections are up this year and it may continue over time so monitoring may be helpful to understand and track the prevalence. M. Lanoue stated he believed the company had presented in past years and the cost for services was significant and he added they use full spectrum insecticide which is harmful and of uncertain effectiveness. It was agreed that the Board should understand the options for mosquito control/management and would invite Chris Horton of Berkshire Mosquito Control to the October meeting. R. Jurczyk clarified that the Town had applied to the state for an exemption from mosquito spraying.

BOARD OF HEALTH QUESTIONS/ UPDATES: Board of Health Speak Time / Business.

1. R. Chang stated CDC numbers indicate that COVID cases are going up again and noted precautions to limit risk of infection. R. Jurczyk stated she would ask the public health nurse to give an update on the COVID numbers at the October meeting. The board discussed the effectiveness of masking.

BUSINESS:

1. SP 938-23: Special Permit and Site Plan Review- Application from WDM Properties, c/o David Carver, 37 Main Street, Suite 202, North Adams, MA 01247, for an 8-unit multiunit residential redevelopment in the former Housatonic School at 207 Pleasant Street, Housatonic, MA 01236. Application is filed in accordance with Sections 3.1.4 A(3), 8.3, 9.9, 10.4 and 10.5 of the Zoning Bylaw. (roll call vote/ discussion)
Steve Mack, Foresight Land Services, presented highlighting that the building is served by Town water and sewer and that the connections will have to be replaced and that water treatment/ filtering will be installed. He stated he would send the board information about the system(s) being considered. He also stated that asbestos/lead in the building is being remediated.

P. Stanton made a motion to pass this Special Permit along to the Selectboard; 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.

2 PUBLIC HEARING: To Consider a Revision of the Great Barrington Sale of Tobacco Products Local Regulations;

- Open the Public Hearing (Roll Call Vote)

P, Stanton made a motion to open the Public Hearing; 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.

- Presentation of the Proposed Regulations/ Board of Health comment period

M. Lanoue stated there are a few open items to review. The Board discussed and agreed that provisions for permit retirement, distance between permit holder locations and the time period for fines should remain as stated in the updated regulations,

- Public comment period (time limit 5 minutes per speaker) – There was none.
- Board of Health Discussion & edit period
- Motion to approve, Amend, deny the Sale of Tobacco Products Regulation. (Roll Call Vote)

P. Stanton made a motion to adopt the updated regulations; 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 PUBLIC HEARING: To Review the August 18, 2023 Correction Order for 179 Main Street, discuss violations, review the Health Agent’s determination that the Unit is Unsafe for Human Habitation, and Consider a Vote to Condemn the Unit.

- Open the Public Hearing (Roll Call Vote)

P, Stanton made a motion to open the Public Hearing; 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.

- Presentation of the observed violations / Board of Health comment period

R. Jurczyk reviewed the Correction Order and provided information on the inspection of the premises on August 17 in response to complaints from occupants regarding a leak. She stated the inspection identified 12 violations, six of which would be a condition deemed to endanger. She detailed multiple violations such as evidence of rat infestation, garbage accumulation, broken stove/oven, ceiling and wall holes and leaks, only one egress for two units and potential structural issues. She stated that given the number of violations, several of which are deemed to endanger, the building is unfit for habitation and she recommended condemning the building, but with an effective date of 30-90 days out so tenants can find emergency housing/relocate. She also noted she has not been able to gain access to the building since the August 17 inspection - and clarified for conditions that are deemed to endanger, violations must be remedied within 12 hours of receiving the Correction Order.

The landlord Jimmy, spoke noting issues with the occupant including having back rent due and not getting access to the unit to make repairs – M. Lanoue stated rent payment issues are not relevant to the Board’s concerns. Jimmy also stated the roof has been fixed and that he would make other repairs. L. Lanoue asked that the landlord provide a copy of the Building Permit for the work at the follow-up inspection. Egress for the unit was discussed noting the balcony as is not a safe egress. It was stated the Health Agent needs to access the apartment to confirm repairs. The occupant of the unit spoke detailing the history and status of the disrepair/damage to the unit and stated repairs have not been made other than to the roof. He also noted the landlord did not provide notice when entering the unit. The impact of a condemnation was discussed with the occupant and landlord.

- Public comment period (time limit 5 minutes per speaker) – There was none

- Board of Health Discussion & edit period

M. Lanoue stated the options in this matter are - to continue it to the next meeting and perform a follow up inspection or to condemn the unit and have it take effect in 60 days. The Board discussed it is important to have a window of time for the unit’s occupants to find emergency/permanent

housing and for the landlord to make repairs.

- Motion to Condemn Unit 1, 179 Main Street, and determine that this unit is unsafe for human Habitation.

P. Stanton made a motion to condemn Unit 1 at 179 Main Street due to the unit being unsafe for human habitation to take effect in 60 days; 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.

R. Jurczyk clarified that based on the violations the unit is not fit for habitation and the vote to condemn cannot take effect immediately, but will be extended to November 7 – and she stated she would send a written condemnation letter to the landlord via mail. She also clarified for the landlord that when repairs are to be made, 24 hours’ notice is required in writing. M. Lanoue asked for the landlord to produce evidence of that notice.

CITIZEN SPEAK TIME:

1. Donna Jacobs, 260 Park Street, referred to a DPU letter to the Board of Health and stated she would send it to M. Lanoue who would share it with R. Jurczyk and the board. She also asked that the Board and Selectboard file a petition to intervene in the Housatonic Water Works rate case.
2. Kathy Regan, asked the Board to file a petition to intervene in the HWW rate case and asked for more assistance for HWW customers. She shared observations on the Mosquito Control Project and stated spraying is not warranted with so few West Nile cases.
3. Kevin Regan noted a study about masking and how they contribute to landfill.

MEDIA QUESTIONS: No media asked to speak.

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 8:30pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk