Board of Health Minutes

September 25, 2019

As Approved - November 25, 2019

Present: Diane Dietzen, MD, Chair; Jessica Collins, Vice-Chair; Walter Wolf, DPM, Clerk; Sharon Hart, Public Health Director; Jennifer Jernigan, Assistant Public Health Director

The Board of Health Meeting was called to order at 4:38 p.m. by Dr. Dietzen.

1. Acceptance of Minutes:

   Dr. Wolf motioned to accept the minutes of the August meeting. Dr. Dietzen seconded that. All were in favor.

2. Announcements/Open Forum:

   Kathy Davis asked for an update on where the Water Testing Regulations stand. Director Hart told her that the Town Counsel has the regulations and is reviewing them. Town Counsel is doing the same with the Food Regulations. The new Facilities Manager, Matt, is working with Angela Wang, the School Department’s Business Manager. Angela is in the process of getting prices on the new fixtures. Then Matt gets prices on having them installed. The order of installation will be Mosier School first, then the Middle School and then the High School. The balance of the funding that was set aside can be used for the installation. Once that funding has been used up, then we can go back to Town Meeting and ask for more. Dr. Wolf asked Director Hart to follow up with the Town Attorney on where the regulations stand. Director Hart stated that she would and that she would also copy in Town Administrator Mike Sullivan on the follow up email.

   Kathy Davis inquired about the fixtures that were testing higher than 1 ppb for lead. They will be looked at per Director Hart. Hart stated that it is recommended that the system be flushed before using it in that case. Kathy Davis wanted an update about the other public buildings in town in reference to lead testing of the water. She was told by Director Hart that Matt will be working on them and additional funding for the building is needed. Kathy Davis then asked Director Hart for Matt’s contact information and Director Hart stated that she would get it for Kathy.
A man then spoke up in the audience to say that he is recording the meeting in case the minutes are not totally complete.

Robert Pleasure then spoke. He wanted to give a petition to the Board. Pleasure stated that there have been regulations adopted in Granby and Amherst on drinking water and septic systems that go beyond the State Title 5 regulations. Granby’s regulations also include mining under Water Protection. Pleasure wants the Board to adopt similar regulations since land development in Town is proceeding. Pleasure stated that time is of the essence and wants the subcommittee to work on bylaws similar to be then put before the Board.

Dr. Dietzen asked Pleasure about the Amherst regulations. She wanted to know what it does differently. Pleasure responded that proposed grading is addressed differently. Director Hart then discussed the State regulations that are in place currently. She said that we don’t have any stricter Board of Health regulations than what the State regulations are. Also, per Dr. Dietzen, they haven’t heard back yet from the Attorney General on asking what the Board of Health powers are, after Jessica Collins asked on this.

Pleasure stated that he isn’t proposing to use the Amherst document but to look at other towns’ regulations and see what’s there and then the Board make their own judgment on if they want to go with what they have or develop their own.

Jessica Collins stated that we worked with the Planning Board to get more restrictive bylaws. She asked for an update as to where this was now. Pleasure stated that there was a hearing on October 7 on changes that the Planning Board is considering. He is not sure where the Board of Health comments are at. Collins wanted to know where those meetings ended up. How does this proposal of Robert’s align with the work they did with the Planning Board, she asked. Director Hart stated that the current State Title 5 regulations that the Board of Health follows currently align. Collins then asked if the Board of Health decides to do something more restrictive, it is just the Board of Health that votes on it? Director Hart said yes, it would be just the Board.

Dr. Wolf and Dr. Dietzen were in agreement about having the proposed subcommittee work on stricter regulations. Collins stated that Director Hart is an expert regulations drafter and that she would like to avoid the issues the last time like we had with the Water Testing Regulations Subcommittee and all its various versions. Director Hart already had a draft ready and it did get very confusing. Writing regulations is Director Hart’s job and she should be the regulation drafter for the Board. We don’t want to delay our process. Dr. Dietzen offered that the subcommittee give the Board of Health the information that they are looking at and then Director Hart writes the regulation. Jessica Collins offered to also check with MAHB if needed.
Kathy Davis then spoke and stated that with the Water Regulations, DEP suddenly came up with the 1 ppb and then it all became simple and the regulation got done. Collins stated that needing appropriate sources and really understanding what was being referred to as well was an issue. She felt it was very confusing. Director Hart then went on to explain the process she has in place when writing a regulation. Dr. Wolf stated that Amherst goes beyond septic in the document and excludes sand and gravel excavations and he likes that.

Dr. Wolf stated that he will make a motion to appoint a 3-member sub-committee to restrict and work with Director Hart to word it appropriately. Dietzen wants to see other towns’ documents that have been tested legally as well before they write something under the broad heading of protecting the water supply. Director Hart stated that the regulations in front of them now are for surface water (Amherst and Granby.) Pleasure stated he will do as much as he can, quickly. He will give to Director Hart the information and she will give it to the Board. Then the Board can meet.

Jessica Collins supports the first part of their request but said that the drafting of the regulations is up to Director Hart. Jessica Collins will reach out to MAHB for help as well to connect Pleasure with them. Dr. Dietzen is not sure they will be able to pass regulations within two weeks. Director Hart feels it would possibly work for septs, but it could not be possible for the gravel removal issue. Pleasure still feels that this should go forward for future projects then. Director Hart mentioned the posting deadlines for any meeting on this.

Dr. Wolf asked if they need to make a motion to form a subcommittee. It was agreed that they could just allow the subcommittee to do their work. All Board members were in agreement.

The Board agreed that they will meet on November 6, 2019 on this. The Sub-committee will prepare research and give it to Director Hart to give to the Board for review.

3: Director’s Report:

- The sewage that was discharged in to the Connecticut River was discussed and no follow-up is needed. Dr. Dietzen wanted to know about the follow-up for the deficiencies that were found at the Waste Water Treatment Plant. Director Hart stated that we did get notified from DEP on the deficiencies. They were given timelines for correction. They have 30 days from August 27 for one situation. They were also required to give a staffing plan within 60 days. Then we will get notified on the status from DEP.

As Approved – Board of Health
Meeting Minutes
- The meeting with Town Counsel last Wednesday was reviewed. No Board of Health member attended. Director Hart had no information on the meeting as it was for Board members.
- The Hangar Plan Review and restaurant plans were covered with the Board.
- Wingate sold to Vero and the lack of a food permit was discussed.
- The temporary food events done by the department were reviewed.
- Housing inspections have been down lately but the number of building permits and dumpster permits that we review is increasing.
- The department has two flu clinics scheduled: one at the Council on Aging and one at Town Hall. Questions concerning the flu clinics were answered.
- Dietzen asked about the Governor’s Vaping Ban and the work Hart did with the ban. Director Hart covered all that she did as well as the From Kool to Juul conference she and Jennifer attended. Menthol not being banned as a flavor was reviewed. Menthol cigarettes allow for more nicotine and the targeting practices of the tobacco industry with menthol was discussed. The Cannabis Commission must enforce cannabis issues involving e-cigs, vaping, etc. per Director Hart. The Health Department can’t at this point.
- EEE issues were discussed. The High School banning of school sports was also reviewed due to EEE.
- The work Director Hart has being doing on climate change was reviewed.
- The MVP meetings that Director Hart attended were brought up as well as the COA Winter Fair that she will be working.
- Director Hart reviewed her idea as Emergency Management Director that was approved for a mobile EOC unit that will also allow for a reduction in the town telephone bill for cell phones.
- Director Hart discussed the EMPC grant she put in for that would be used for a rescue dive team (police, fire).
- Jennifer Jernigan attended cannabis training. She learned that there is still confusion around what agency will be in charge of what and that the State is still working on it. Enforcement is also being ironed out. CBD food products are a concern and they can’t be sold right now.
- Director Hart asked the Board to okay her looking at her tobacco regulation and enhancing it to ban menthol and flavors like wintergreen. Dr. Wolf made a motion to ban all menthol and wintergreen flavors. The second part to that, per Director Hart, is that we can ban them to only adult tobacco only retail stores. These stores can only sell tobacco products, no food or anything else. There is also the thought that if we did that, and the town then banned adult tobacco stores…… Jessica Collins asked if there are stores that only sell tobacco. Director Hart responded that there are, like Northampton. Just about every other town has them. But not in South Hadley. We don’t have to worry about
- smoking bars because that is already in our Workplace regulation. We haven’t done adult-only retail stores, but we haven’t had any. We can move forward to put banning menthol and flavors to only adult tobacco only retail stores, but to ban adult-only retail stores isn’t our area. That would be up to someone to put that forward which may already be happening. That would happen at Town Meeting. Director Hart is not sure when. Someone in the audience stated that the next Town Meeting is November 20, 2019. No one was sure if it was on that agenda.

3. New Business:

(b): Permitting Timeframes:

Director Hart requested that there be a 14-day turnaround for permits other than food permits which have a 30-day turnaround. We have been so booked and someone emailed Jennifer a well permit at night and then called the next morning asking where he is permit is. Wolf motioned to go to 14 days and Jessica Collins seconded. All were in favor. Director Hart stated that if we can do faster, we will.

(a) Glyphosate Herbicide:

Dr. Stephen Franz did not attend the meeting. Debbie Boehner stated that he had been in Boston yesterday testifying on this very issue. The Board acknowledged that they received Dr. Franz’s article for review that Jennifer Jernigan sent them. Jessica Collins stated that she thinks this is an interesting idea – banning Glyphosate Herbicide. She did review with Springfield, MA their ban on it. Parks and Recreation there have taken their city completely green. They use only all-natural pesticides. Jessica said that she might ask Jim Reidy, DPW Superintendent about this. Director Hart stated that Jim’s last day is Friday so you may have to talk to the new Superintendent, once hired. Jessica said that Holyoke is also interested in hearing about this, because not only did Springfield get rid of all these chemicals, they saved money doing it! Jessica suggested beginning to educate themselves. Director Hart suggested also getting the information to Andy Rogers, Recreation Director for the Town. Dr. Dietzen stated that they could write a Board of Health Bylaw banning municipal use but more research would have to be done to ban its use in residential homes. Jessica Collins will try to bring forward as much information as she can get as to how Springfield did it and then the Board can look at it and decide what they want to do.
The next Board of Health meeting was set for November 6, 2019 at 4:30 p.m.

7: Adjournment:

Dr. Wolf motioned to adjourn the meeting at 5:50 p.m. Dr. Dietzen seconded and all were in favor.

Respectfully submitted,

Jennifer J. Jernigan
Assistant Director of Public Health
## ATTACHMENT A

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<tr>
<th>DOCUMENT</th>
<th>RECORD LOCATION</th>
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<tbody>
<tr>
<td>Proposal for a Hydrogeologic Study of the Dry Brook</td>
<td>BOH File</td>
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<td>Hill Aquifer – Email from R. Ternbach dated 7/22/19</td>
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<tr>
<td>Gun Safety Presentation Information</td>
<td>BOH File</td>
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