

CHRISTINE McKIERNAN, M.D. - Chair
MICHAEL ROSNER, M.D. - Vice Chair
KAREN WALSH PIO - Clerk
TONY JUDGE
STEPHEN FRANTZ

SHARON HART, Director of Public Health

NOTICE

**BOARD OF HEALTH MEETING
&
AGENDA**

November 12, 2024

6:00 p.m.

NOTE: Not all the topics listed in this notice may actually be reached for discussion. In addition, the topics listed are those which the Chair reasonably expects will be discussed as of the date of this notice.

To: Board of Health Members

From: Sharon D. Hart, Director of Public Health

Re: A Board of Health Meeting will be held on Tuesday, November 12, 2024 at 6:00 p.m. at the South Hadley Library.

- 1: Chair to Call the Meeting to Order**
- 2: Acceptance of the Minutes of the October 8, 2024 meeting.**
- 3: Announcements/Open Forum (10 Minutes)**
- 4: Director's Report**
- 5: New Business:**
 - (a): Letter to Representative Richard Neal Regarding Gun Violence and the Springfield Armory Magazine – Stephen Frantz**
 - (b): Rental Registry Regulation – Amend**

6: Old Business:

- (a): Groundwater Protection Regulation – Update**
- (b): Master Plan Follow Up**
- (c): Credible Mind Presentation Follow Up**
- (d): Dry Brook Aquifer Isotopic Study – Update – Christine McKiernan**

7: Set Next Meeting Date – (TBD) at 6:00 p.m. at South Hadley Public Library

8: Adjourn meeting



Jennifer Jernigan <jjernigan@southhadleyma.gov>

Name Change

1 message

Stephen Frantz <frantz@mac.com>

Thu, Oct 24, 2024 at 1:12 PM

To: Sharon Hart <shart@southhadleyma.gov>, Christine McKiernan <cmckiernan@shadleyma.org>, Jennifer Jernigan <jjernigan@southhadleyma.gov>, Tony Judge [REDACTED], Karen Walsh Pio [REDACTED], "Dr. Michael Rosner" [REDACTED], Tamara Gheit <tgheit@southhadleyma.gov>, Georgina Maende <gmaende@southhadleyma.gov>, Stephen Frantz <sfrantz@shadleyma.org>
Cc: Stephen Frantz [REDACTED]

DRAFT

email to: RepRichardNeal@mail.house.gov

Honorable Richard E. Neal
U.S. House of Representatives
1st Congressional District

October ____, 2024

Dear Mr. Neal:

I realize that this request is coming at a critical time in our country's history (elections), but this is an issue that we think tarnishes our national/international image. The magazine "SPRINGFIELD ARMORY Life" represents a pro-gun affect that is in conflict with our latest state legislation to reduce gun violence. In fact, "Springfield Armory" is stamped on many of the guns shown in the magazine.

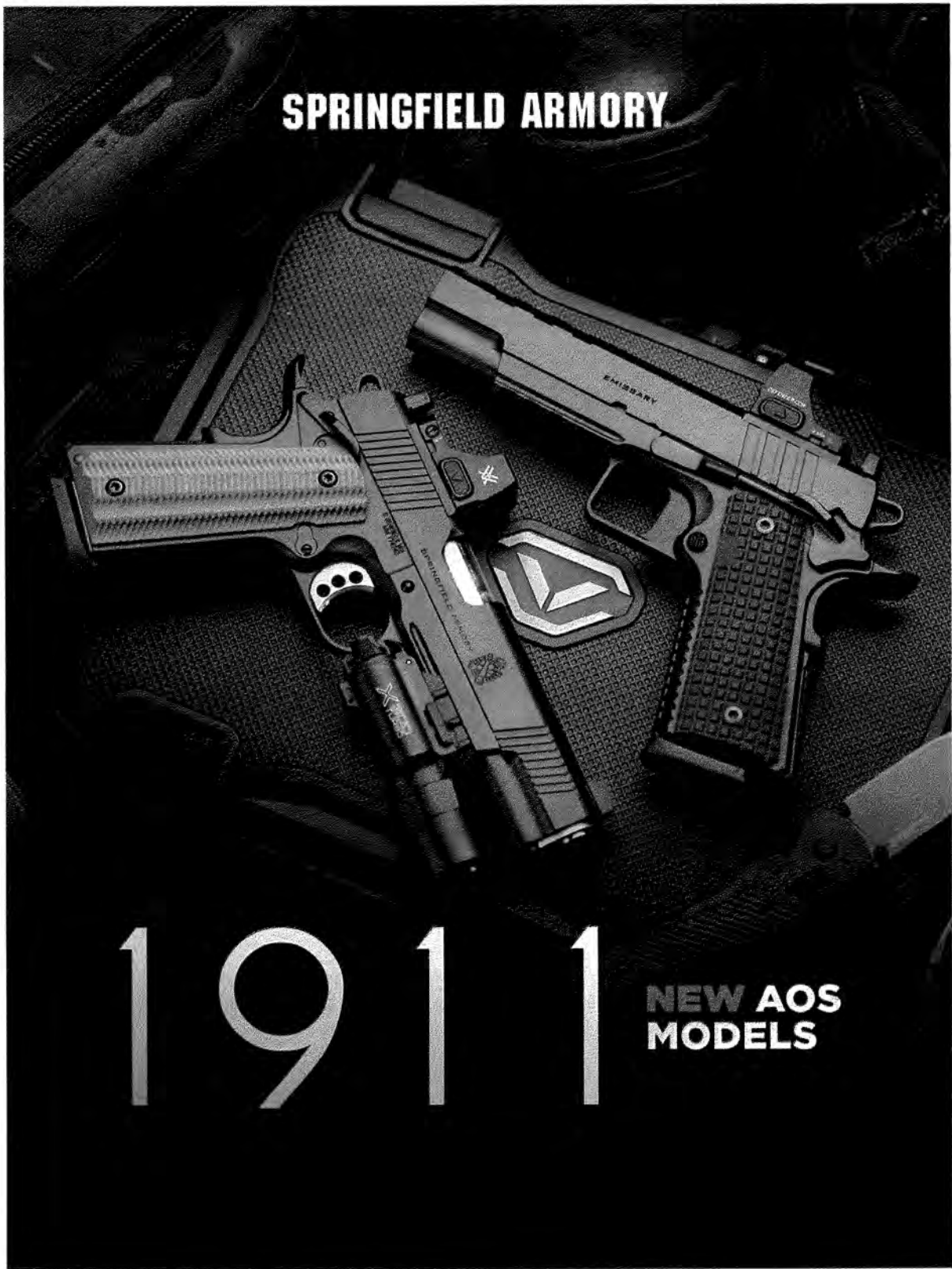
The actual Armory, a national Historic site, is in Hampshire County and in the 1st Congressional District. As a BOH, we strongly advocate for reduced gun violence. The magazine promotes high quality handguns and rifles, while addressing how to carry undetected, lightweight and silent, laser targeting, night vision and scare tactics (e.g., article's such as "Dominate the dark; Are you ready to react?") that encourages the public to arm themselves.

As your constituents, could you please attend a meeting with the South Hadley BOH to discuss the conflation of the name of a National Historic Site with this magazine? You are likely in a position to contact the publisher, Outdoor Sportsman Group in NYC, with a cease and desist order regarding the name of the magazine.

Thank you for your kind attention in this matter, we look forward to your response.

Sincerely,

South Hadley Board of Health



RENTAL REGISTRY REGULATION

PURPOSE:

The South Hadley Board of Health (SHBOH) adopts this regulation to ensure that safe and sanitary conditions exist in the rental housing stock and to promote and protect the health, safety and well-being of the persons occupying said premises and other citizens in the Town of South Hadley, and to provide clear and accessible guidelines for the operation of rental properties per 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II) for tenants, occupants, landlords, and to extend awareness of Health Regulations related to the operation of a rental property and related South Hadley Town Bylaws.

AUTHORITY:

The South Hadley Board of Health is acting under the authority of M.G.L. Chapter 111, Section 31.

DEFINITIONS:

Bed and Breakfast: means a private owner-occupied house where rooms are rented and a breakfast is included in the rent, and all accommodations are reserved in advance.

Board of Health: means a municipal board of health, a municipal health department, or its other municipal agent(s) or its authorized agent(s) or representative(s) under M.G.L. c. 111 s. 30.

Condominium: means the land or the lessee's interest in any lease of such land, the building or buildings, all other improvements, and structures thereon, and all easements, rights and appurtenances belonging thereto, which have been submitted pursuant to M.G.L. c. 183A.

Dwelling Unit: the room or group of rooms within a residence used or intended for use by an individual, family, or household for living, sleeping, cooking, and eating, and other areas of which the occupant has exclusive use.

Homeless Shelter: means a residence operated by a service agency which provides temporary, overnight sleeping accommodations and offers transitional assistance to homeless individuals and families in need of permanent housing.

Manufactured Home: means a structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein.

Manufactured Housing Community: means any lot or tract of land upon which three or more manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures, and equipment used in connection with the manufactured homes and licensed under M.G.L. c. 140 s. 32B.

Occupant: means any person living or sleeping in a residence.

Owner: means every person who alone or severally with others:

- (1) has legal title to any residence, or parcel of land, vacant or otherwise, including a manufactured housing community;
- (2) has care, charge or control of any residence or parcel of land, vacant or otherwise, including a manufactured housing community, in any capacity including but not limited to personal representative, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- (3) is a mortgagee in possession of any such property;
- (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) is an officer or trustee of the association of unit owners of a condominium.

Owner's Representative: means any adult person designated and duly authorized to act on the owner's behalf to effect compliance.

Rental Registry Permit: Annual certificate issued when the rental registry application submitted by the owner is reviewed and approved by an agent of the Board of Health.

Residence: means every building or structure used for or intended for, human habitation and every other structure or condition located within the physical boundaries of the same lot. Residences include, but are not limited to, single or multi-unit structures, rooming houses, manufactured homes, homeless shelters, temporary housing, alternative housing, and condominiums.

Rooming House: means every residence or part thereof which contains one or more rooming units in which space is rented for compensation by the owner, rental of which is based on a contractual agreement between owner and an individual or household for rent of a rooming unit and use of shared facilities. Rooming houses include, but are not limited to, boarding houses, hotels, motels, inns, lodging houses, bed and breakfast operations, dormitories, fraternity and sorority houses, hostels, and other similar residences.

Short-term Rental: transient lodging space with stay not exceeding 28 consecutive days.

Subsidized Housing: is owned by a private landlord or corporation that has received government subsidies to provide affordable housing.

Temporary Housing: means any tent, mobile dwelling unit, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 28 days.

EXEMPTION(S):

Dwelling unit (s) may be exempt from adhering to the requirements of the rental registry program if:

- * The dwelling unit(s) is not currently being rented. An affidavit attesting to this would need to be submitted to the Board of Health. Once the occupancy status of the dwelling(s) has changed, the owner must submit the rental registry application within 30 days.

- * Rooming Houses, specifically, boarding houses, hotels, motels, inns, lodging houses, dormitories, fraternity and sorority houses, hostels, short-term rentals, bed and breakfast operations, except;
Rooming Houses or Short-term Rentals lasting longer than twenty-eight (28) consecutive days **shall** require a permit.
- * Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, housing for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under a license by the Commonwealth of Massachusetts. Notwithstanding, such facilities, where required, shall comply with ***subsidized housing** requirements.

PERMIT REQUIREMENTS:

- * Every property owner renting/leasing a residence/dwelling unit(s) in South Hadley shall register with the South Hadley Board of Health.
- * Every property owner renting/leasing a residence/dwelling unit(s) in South Hadley shall submit a completed rental registry permit application with the South Hadley Board of Health.
- * All components of the permit application must be completed, reviewed, and approved before the issuance of the rental registration permit.
- * The permit must be renewed annually and is valid until the end of the calendar year (Dec.31st).
- * Every property owner has thirty (30) days to register with the Board of Health when acquiring/purchasing a rental property.
- * Every property owner shall post the rental registration permit, conspicuously, on the property.
- * No short-term residential unit shall be offered for rental unless such unit shall have adequate provision for on-premises off street parking. Adequate parking is defined as at least one off-street parking space per residential unit, with such parking space being additional to a parking space for the dwelling owner. A prospective operator must certify such parking access at the time of registration with the Town.

SELF-INSPECTIONS CONDUCTED BY OWNERS:

- * Self-inspections will be conducted by property owners.
- * Owners or their agent(s) will utilize checklist(s) issued by BOH to conduct inspections.
- * The inspection must be done annually, signed by the owner or their agent(s), and submitted in conjunction with the rental registration application. Any false statements or information provided on the Checklist(s) shall constitute a violation of this regulation.
- * Subsidized Housing will not require a Self-Inspection or Certification. An annual Certification by the owner that a rental unit has been inspected in accordance with state and/or federal law shall be provided and shall be accepted as evidence of Self-Inspection as part of the permit application or renewal.

- * Violations noted during inspections must be addressed and made to be compliant with 105 CMR 410.000, Massachusetts Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II).

COMPLAINT PROCESS:

1.) Complaints.

A complaint alleging that a residential unit is in violation of a provision of this ordinance or of any applicable law, code or regulation may be filed with the BOH. The complaint must contain the residential unit's address, unit number (if applicable), date and nature of the violations alleged, and the name and contact information of the complaining party.

2.) Review of Complaint.

Within 30 days after receipt of the complaint, the Board of Health Agent or designee shall investigate the complaint and shall determine whether a violation may have occurred. If the alleged violation is within the purview of another Town agency, or federal or state agency, the Agent or designee shall refer the complaint to such agency for further action. Upon a finding of a violation, the Agent or designee shall serve notice of such violation upon the operator of the residential unit at issue. Service shall be made by certified mail and first-class mail at the address listed in the Short Term Rental Registry or, if not listed in the Registry or, if not listed in the Registry, at the address of the unit at issue. The Health Department shall keep records of all complaints received and determinations made.

3.) Right to hearing.

An operator who has been served with notice of a violation may request a hearing by filing a written request for such a hearing with the Board of Health within 14 days of service of notice of the violation. Service shall be considered to have been made as of the date the certified mail is accepted and signed for or, if not signed for, as of five days subsequent to the date indicated on the notice served, whichever date is earlier in time. Upon receiving a written request for a hearing, the Agent shall notify the complainant of the place, date and time of said hearing. The hearing shall occur no later than 21 days after the date the Agent receives the request for a hearing. The time period in which violations must be remedied shall be stayed upon the Agent's receipt of the hearing request until such time that the hearing is held and a decision issued.

4.) Decision.

Within seven days after the conclusion of the hearing, the Agent or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom the notice of violation has been served, in writing, of its decision and the reasons therefor. If the Agent sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued, or as ordered in the modification. If a written request for hearing has not been filed within the required 14 days after notice of violation has been served, or if, after hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

VIOLATIONS:

It shall be the responsibility of the owner, to ensure compliance with all sections of this regulation. Violators shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00).
- b. In the case of a second violation, a fine of two hundred dollars (\$200.00).
- c. In the case of a third violation, a fine of two hundred dollars (\$300.00).

NON-CRIMINAL DISPOSITION:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D.

SEPARATE VIOLATIONS:

Each day any violation exists shall be deemed to be a separate offense.

ENFORCEMENT:


Enforcement of this regulation shall be by the South Hadley Board of Health or its designated agent(s). Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the South Hadley Board of Health or its designated agent(s) and the South Hadley Board of Health shall investigate the complaint.

SEVERABILITY:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

EFFECTIVE DATE:

This regulation shall take effect on 4/20/23

Name	Title	Date
Karen Walsh Pio	Clerk / Board of Health	4.20.23
	Genna A. Jucker CHAIR, BOARD of HEALTH 5.1.20	
Jessica J. Collins	Member / Board of Health	5/2/23

GROUNDWATER PROTECTION REGULATION
SOUTH HADLEY BOARD OF HEALTH

Section I. PURPOSE OF REGULATION

Whereas, siting of land uses that have the potential to release hazardous waste, petroleum products, or other contaminants significantly increases the risk of contamination; and

Whereas, poor management practices, accidental discharges, and improper maintenance of these facilities may lead to the release of pollutants; and

Whereas, discharges of hazardous wastes, leachate, pathogens, and other pollutants have repeatedly threatened surface and ground water quality throughout Massachusetts; and surface and ground water resources in the Town of South Hadley contribute to the town's drinking water supplies; therefore, the Town of South Hadley adopts the following regulation, under its authority as specified in Section II, as a preventative measure for the purposes of: preserving and protecting the Town of South Hadley's drinking water resources from discharges of pollutants; ~~and;~~

Whereas, minimizing the risk to public health and the environment to the Town due to such Discharges;

The Town of South Hadley Board of Health of adopts the following regulation, under its authority as specified in Section II, as a preventative measure for the purpose of preserving and protecting public drinking water quality and to minimize the risk to public health and the environment.

Section II. SCOPE OF AUTHORITY

The ~~SOUTH HADLEY~~South Hadley Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c. 111 s. 31 and ~~5~~122. The regulation shall apply, as specified herein, to all applicable facilities within the Zone II Area of the Town of South Hadley's Public Drinking Water Supply.

Section III. DEFINITIONS

For the purposes of this regulation, the following words and phrases shall have the following meanings:

CMR: Code of Massachusetts Regulations

Commercial fertilizers: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content, and which is designed for use, or claimed by its manufacturer to have value in promoting plant growth. Commercial fertilizers do not include unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum.

Department: The Massachusetts Department of Environmental Protection.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling,

leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

Hazardous Material: A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive, or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of or otherwise, managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under Massachusetts General Laws (M.G.L.) Chapter 21C and 21E, using the Massachusetts Oil and Hazardous Substance List (310 CMR 40.0000). The definition may also include acids and alkalis, solvents, thinners, and pesticides.

Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

Historical High Groundwater Table Elevation: A groundwater elevation which is determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

Landfill: A facility established (in accordance with a valid site assignment) for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

MGL: Massachusetts General Law.

Non-sanitary wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage, including, but not limited to, activities specified in the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6).

Open Dump: A facility which is operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)), or the regulations and criteria for solid waste disposal.

Petroleum Product: Includes, but is not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material which is a hazardous waste, pursuant to 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Use of Toxic or Hazardous Material: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with M.G.L. c. 21.5. 52A.

Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the MA Drinking Water Regulations 310 CMR 22.00.

Section IV. PROHIBITIONS

A. Notwithstanding any land uses which are otherwise permitted by local, state, and/or other federal laws, the siting of any of the following is prohibited in the Zone II:

1. landfills,
2. open dumps,
3. sludge and septage monofils, and
4. stockpiles (disposal) of chemically treated snow and ice that have been removed from highways and roadways outside the Zone II.

B. Facilities for the treatment or disposal of non-sanitary wastewater are prohibited, with the following exceptions:

1. Replacement or repair of an existing system is exempt if the existing design

—capacity is not exceeded.

2. Treatment works approved and in compliance with M.G.L. c.21E and 310

—CMR 40.000 designed for the treatment of contaminated ground or surface
—waters.

C. Facilities that generate, treat, store, or dispose of hazardous waste are prohibited, with the following exceptions:

1. very small quantity generators,

2. household hazardous waste collection centers or collection events,

3. waste oil retention facilities, and

4. treatment works for the restoration of contaminated ground or surface

—waters in compliance with M.G.L. c.21E and 310 CMR 40.000.

D. Removal of soil, loam, sand, gravel, or any other mineral substances within four feet of the historical high groundwater table elevation is prohibited with the following exceptions:

1. substances which are removed and redeposited within 45 days of removal on site to achieve a final grade greater than four feet above the historical high water mark; and

2. excavations for the construction of building foundations or the installation of utilities.

E. Land uses that result in an impervious cover-surface of more than 15% or 2500 feet of any lot,

whichever is greater, are prohibited, unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.

Section V. CONDITIONAL PROHIBITIONS

The storage of certain waste materials, chemicals, and petroleum products is prohibited except if contained in accordance with the following requirements.

1. Storage of sludge and septage is prohibited unless storage is in compliance with 310 CMR 32.00.

2. Storage of roadway de-icing chemicals (sodium chloride, chemically treated abrasives, or other chemicals) and the storage of chemical fertilizers are both prohibited, unless the storage is in a structure that prevents the generation and release of contaminants or contaminated runoff.

3. Storage of animal manure is prohibited unless covered or contained in accordance with the standards and guidelines of the **Natural Resources Conservation Service**.

4. Storage of liquid hazardous materials is prohibited unless the materials are either in a

free standing container within a building outdoors or in a free-standing covered container above ground level with spill containment capacity of 110 % of the volume stored.

5. Storage of any type of liquid petroleum products is prohibited, unless any of the following applies:
 - a. the products are incidental to normal household use, including outdoor maintenance, or for the heating of a structure;
 - b. waste oil retention facilities;
 - c. emergency generators; and
 - d. treatment works in compliance with M.G.L. c.21E and 310 CMR 40.000 designed for the restoration of contaminated ground or surface waters.

Storage of the exempted liquid petroleum products (5(a) through 5(d) must be either in a free standing container within a building outdoors or in a free-standing covered container above ground level with spill containment capacity of 110 % of the volume stored.

6. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire Code requirements.

Section VI. EFFECTIVE DATES FOR ALL FACILITIES

1. As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of South Hadley shall comply with the provisions of this regulation.
2. Certification of conformance with the provisions of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits.

Section VII. PENALTIES

Failure to comply with provisions of this regulation will result in the levy of fines of not less than \$200.00, but no more than \$1000.00 pursuant to M.G.L. c. 111, s. 31 and 32. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

Section VIII. SEVERABILITY

Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

This regulation shall take effect on

Effective date _____

Christine McKiernan, M.D., Chair

DATE

Michael Rosner, M.D., Vice-Chair

DATE

Karen Walsh Pio, Clerk

DATE

Stephen Frantz

DATE

Tony Judge

DATE
