

## BOARD OF HEALTH MEETING

Tuesday October 2, 2018 – 6:00 PM – Richmond Town Hall, 1529 State Road

**PRESENT:** Ms. Louise Maron, Chair; Mr. Peter Cohen; Mr. Andrew Fisher; Mr. Anthony Segal; Mr. Fred Schubert; Mr. John Olander, Agent; Ms. Phyllis LeBeau, Recording Secretary

**ABSENT:**

**GUEST:** Ms. Jayne Smith, Berkshire Public Health Alliance; Ms. Emilie Jarrett, R.N., Community Health Association, Mr. Neal Pilson, Richmond Selectman

**NEW BUSINESS:**

Ms. Maron called the meeting to order at 6:00 PM. She offered the floor to Mr. Pilson who spoke about the problems with the Stockbridge Bowl that brought the Josh Billings RunAground to Richmond this year. He expressed his concern for the quality of the water in all the lakes and ponds in Berkshire County and, in particular, about the possibility of a similar toxic bloom occurring in the Richmond Pond. He felt that local towns do not have the funding to address the various issues around ponds, lakes and rivers. This has been a concern of Mr. Pilson's for some time but has been brought into focus by recent events. He would like to see the Board of Health research the issue and advise the town of anything that we should be doing to prevent future outbreaks. He did note that the residences around Richmond Pond are all connected to the sewer system, which is not the case in Stockbridge and does create a difference between the two bodies of water.

Mr. Peter Cohen referenced an article in *The New York Times* that addressed the algae problem, as evidenced in Florida. The gist of the article was that they have not yet figured out what the causes are, although the problem has been around for decades. The one big difference between the situation in Florida and in the Berkshires is that the soil is so porous in Florida that everything finds its way into the bodies of water. In the Berkshires, however, that does not apply but there is a problem with phosphates, a great source of which is lawn fertilizer. Mr. Cohen suggested determining what is the critical level of phosphates.

There was a discussion of the possible causes of various kinds of contamination and what steps are being taken to address them. Mr. Pilson said he was meeting the next morning with Rep. Smitty Pignatelli, at which time he will address the inability of small towns to address an issue of this magnitude and the possibility of state leadership for this and other issues.

Mr. Pilson has been in touch with the Chair of the Stockbridge Board of Health and discovered that, despite their close monitoring of the Bowl, this toxic bloom still happened. Mr. Pilson wondered whether this was a warning of things to come or an isolated incident about which nothing much can be done. In response to the question of how Stockbridge was able to clean up the toxic bloom and reopen the lake, Mr. John Olander, the Board of Health Agent, said they

just had to wait until it resolved itself. He is aware of many lakes in the area in which this occurs every year.

Mr. Fred Schubert asked Mr. Pilson if he would raise the question to Mr. Pignatelli about the State of Massachusetts reaching out to Canada and the other surrounding states to work together on the health of the Great Lakes, in order to draw on their expertise and findings. Mr. Pilson said he would add that item to his list.

Another discussion followed that explored causes and possible remedies. Mr. Pilson asked whether there should be some leadership from the Town to protect the waterways in Richmond as is being done in Richmond Pond. The various waterways that feed the Richmond Pond were identified to determine what the sources for the water in the Pond were and what conditions they moved through. Mr. Pilson raised the question again as to whether there was something that the town should be doing or preventing from being done. The discussion turned to who tests which bodies of water and for which contaminants is the testing done. Questions were also raised concerning the cause of the development of toxins in the water and how those toxins are recognized. Ms. Jayne Smith suggested some ways that toxins have been discovered in the past – a sheen on the water that is not normal, dead fish floating on the surface, or some other visual clue.

Mr. Schubert said that the University of Syracuse has established a lab that can determine if blooms are toxic or not. He suggested that the State be asked if there is some way a process can be established so that samples from Richmond Pond could be sent to that lab for analysis and guidelines for remediation and/or prevention.

Mr. Cohen suggested contacting Housatonic Labs, who currently does the testing for e-Coli in Richmond Pond, and ask if they can test for toxic blooms. Mr. John Olander noted that such testing would be prohibitively expensive as it is a very sophisticated process and the lab generates a report on a regular basis that includes any unusual or unhealthy-looking elements seen on the beach or in the water. Mr. Schubert concurred that Housatonic Labs is the obvious first source for information on water they are already testing on a regular basis to determine if there is something more they could include in their protocol to broaden the monitoring of the health of the Pond. He also cautioned that there does not seem to be a need at this time to pursue remedies for something that has not and may not happen.

Mr. Segal suggested that the first question to be answered is what the causes are and what can we do to minimize the damage and he felt that no one small town is going to be able to get those answers by themselves. He proposed that Richmond reach out to the other small towns in the area that have bodies of water like the Stockbridge Bowl and the Richmond Pond and work together. Mr. Pilson suggested that the Richmond Board of Health meet with Mr. Charles Kenny, Chair of the Stockbridge Board of Health, for a fact-finding session.

Mr. Pilson advised the group that there will be a conference at BCC on Saturday, November 17<sup>th</sup> at 9:30 – 1:00 on the issue of lakes and ponds and suggested that representatives from the Board of Health attend that meeting.

Ms. Emilie Jarrett asked Mr. Pilson if, when he speaks to Mr. Pignatelli, it would be possible to have someone designated as the person in charge of having their fingers on the pulse of what's happening with all the lakes and ponds in the area. Perhaps create a State-wide Lakes and Ponds Association. Mr. Pilson noted that he is aware that Mr. Pignatelli has only a limited staff and resources, but he will certainly mention the idea to him. He offered the phone number by which Dr. Charles Kenny can be reached if any members of the Board of Health wanted to contact him directly (413-329-1449).

Mr. Cohen asked Mr. Pilson to let the Board of Health know the result of his conversation with Mr. Pignatelli. Mr. Pilson said he would do that.

#### **OLD BUSINESS:**

**Approval of the September 6, 2018 Minutes:** Mr. Segal moved to approve the minutes as read. He was seconded by Mr. Fred Schubert and the motion was adopted by unanimous vote.

**Action Items:** Notification of town residents that programs are available for testing and reports on their well water. Mr. Cohen noted that it was his charge to create that plan, but that he has not yet completed it. He will do so before the next meeting. Mr. Schubert note that he has been in touch with Ms. Anne Larkin of *The Richmond Record* and asked that she publicize the availability of well water testing information on line.

Review of September minutes and continued discussion of water testing, etc. to develop a protocol to protect our beaches. Mr. Schubert was to create an algorithm that would codify the necessary procedures. He advised the group that he has been having computer problems that has delayed his completion of that project, but that he will pursue a remedy. Mr. Cohen offered to work with Mr. Schubert.

Mr. Segal suggested that, since the winter is coming on and the issue is no longer pressing, it would be wise to delay any further action until the Board receives word from Mr. Pilson about the outcome of his meeting with Mr. Pignatelli.

Ms. Maron was to contact Ms. Jayne Smith to assist in the preparation of a letter to Camp Russell about the results of the State inspection of the camp and the Board of Health's concerns about their plans to correct the missing or failed requirements. Ms. Smith was present at this meeting.

**Camp Russell:** Ms. Smith and Mr. John Olander went with the State to do the follow-up inspection of Camp Russell. She was shocked to see what came up during the inspection. She cited the State's Inspection Report (see attached) to identify the Camp's various failures. Ms. Smith explained the color-coded notations she added to the report and the steps she had taken

to help the Camp eliminate those failures. She also explained her position on the methods the State used in their inspection that generated an unexpected mass of failures. For example, instead of going through a sample of the medical files, which is standard practice, they went through all 60+ files, out of which they found two that were incomplete. That does not mean that every file should not be complete, but it creates a skewed picture of the Camp's overall compliance. It felt to Ms. Smith like the State was looking for errors, which of course is their mandate, but it seemed to her that the progress of what the Camp had done was not represented. Ms. Smith assured the Board that many of the issues cited in the State's report have already been addressed and it is her belief that Camp Russell will be able to comply with everything in the report.

Ms. Smith noted that in the case of the policies and medical regulations, she felt that, since the new State regulations had been published only late in the year, they were not well understood and many of the documents had already been drafted by the Camp. She felt that next year those new regulations will be better incorporated into the Camp's documentation. Ms. Smith acknowledged that, although she was surprised at the level of detail conducted by the State in their inspection, she also felt that she learned a great deal from it and found that she needed to step up her own approach to inspections to be in line with the State's expectations.

Speaking for the Board, Mr. Cohen said he felt Ms. Smith had done an admirable job and had nothing to be embarrassed about in her approach. Mr. Olander noted that this Camp has recently experienced a complete change of management and needed to be brought into line with regulations a lot more than other camps who have been operating continually under the same leadership for many years. Ms. Smith did confirm that she felt confident that the camp will be able to be in compliance by the next round of inspections.

Ms. Smith offered to help write the letter to the camp in which she would recommend the Board specifying the items of non-compliance that she has highlighted in yellow as needing particular attention.

Ms. Smith also provided copies of a list of inspections she has done since the last time she attended a meeting. For example, earlier this day she had met with Heirloom Fire, a local caterer, who is doing high-hazard processes in their business. Those include, charcuterie (curing meats), pickling or canning of foods and "roping" which is reduced oxygen packaging. These items are finding their way onto their catering menu even though they have not been doing the required hazardous critical control point plan. Ms. Smith met with the owner of Heirloom Fire and advised him that to obtain a permit next year she would want to see a hazard plan for the charcuterie and the roping, acidification of the vinegar used in pickling, evidence that his water has been tested and proof of the pumping of the septic system. A lot of the foods are served on wood, so Ms. Smith is sending him a list of the only woods he is allowed to use. They will be working together to get Heirloom Fire properly compliant and protected from liability. Because of what Ms. Smith found at Heirloom Fire on a previous visit, she has required the owner to

provide a cleaning schedule for the premises. Ms. Smith did say that in her inspection today, she felt improvements had been made.

In response to a question from Mr. Cohen about the result of the inspection of the kitchen at the Richmond School, Ms. Smith reported that the pre-operational inspection showed problems with bare-hand contact with food. Ms. Smith will be working with the Manager of the kitchen to reinforce the need for sterile gloving when handling food. Ms. Smith will now do an operational inspection to see what progress has been made with compliance in such areas as not returning food to the refrigerator that has been out on the serving bar and increasing the amount of freezer space.

**Plan for Emergencies and Disasters During Preparedness Month:** The item was tabled.

**MAHB September Newsletter:** The Mass. Health Handbook, a resource for local Boards of Health, is being revised and will be available on line.

#### **NEW BUSINESS:**

**BRPC Awarded \$200,000 Grant for Berkshire Opioid Prevention Coalition:** There was a discussion of one of the major sources of excessive opioid prescription, which is certain doctors in the habit of over-prescribing these drugs.

**“Team Hinds” Staff Office Hours in Richmond and Williamsburg:** Mr. Cohen noted that he had attended this meeting, but that his attendance had nothing to do with Board of Health business and he, therefore, had nothing to report.

**2018 Massachusetts Arbovirus Daily Update:** One case was discovered statewide that included evidence of triple e. The total number of West Nile this year was 29. In 2017 there were six human cases of West Nile Virus in Massachusetts.

**Alliance and BCBOHA Sponsored Focus Groups with Boards of Health:** Sponsoring focus groups with Boards of Health to determine what are the essential public health services for each community, what challenges they face and what resources they would find useful. They will also ask attendees to tell them what is needed in each town. There will be three meetings held: in Adams, in Dalton and in Great Barrington at the Fire Station. Mr. Cohen has signed up to attend the one in Great Barrington.

**Amendments to State Tobacco Laws:** (See attached). One of the biggest changes noted in the law is the exclusion of marijuana and any herbal smoking devices not containing tobacco from the definition of “smoking.” Because the State Law is non-preemptive, local municipalities can continue to include marijuana and other non-tobacco products in the definition of “smoking” in their local regulations. Mr. Olander reminded the group that the law the Board of Health developed included both of those items and, according to the new legislation, that is permissible.

Ms. Marin noted that Mr. Mark Pruhenski, the Town Administrator, would be essential to this discussion. It was decided to table the issue for a future date when the Board will have had time to read through the new legislation.

**The Agent's Report:** (see attached) Mr. Olander reviewed and expanded on the items in his report.

**Unanticipated Topics:** Mr. Peter Cohen announced that he has arranged for the Richmond Library and Mr. Jerry Kowalski of the Norman Rockwell Museum to present "A History of Animation" and the processes of animation on October 20<sup>th</sup> at 11:00 AM.

Ms. Emilie Jarrett, R.N. announced the beginning of Flu Clinics. She also reported on a Hepatitis A outbreak of 65 cases in Massachusetts. Most of these cases are found among the homeless, both sheltered and non-sheltered and substance abusers – mostly among users of injectables. Most cases are being found outside the greater Boston area and are including many people showing signs of Hepatitis C as well. The State has asked Boards of Health to work with the clinics treating that population to get those people Hepatitis A vaccines. Ms. Jarrett has consulted with Ms. Laura Kittross who advised her that she is not aware of any public clinics being set up to deal with that problem at this point as no such cases are presenting locally.

**The Next Meeting – November 6, 2018 – 6:00 PM.**

There being no further business before the Board, a motion was made to adjourn the meeting. The motion was seconded and carried by unanimous vote.

The meeting was adjourned at 7:15 PM

**ADDENDUM:** As it was subsequently determined that the Board should not schedule a meeting on an election day (November 6<sup>th</sup>) a new date was set for the November meeting – Wednesday November 7<sup>th</sup> at 6:00 PM.

