

BOARD OF HEALTH MEETING

Tuesday August 14, 2018 – 6:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Andrew Fisher; Mr. Anthony Segal, Acting Chair; Mr. Fred Schubert; Mr. John Olander, Board of Health Agent; Mr. Peter Cohen; Ms. Phyllis LeBeau, Recording Secretary

ABSENT: Ms. Louise Maron, Chair

GUEST:

Mr. Segal opened the meeting at 6:10 PM.

Approval of Minutes: Mr. Fisher moved that the minutes of the July meeting be approved as read. He was seconded by Mr. Fred Schubert and the motion was carried by unanimous consent.

Camp Russell Updates: Mr. Segal read the memo provided by Ms. Jayne Smith which contained a list of follow-up items that she will deal with including a septic tank issue, which is ongoing, and the use of mushrooms in the kitchen from an unapproved source. Ms. Smith is scheduled to do a repeat inspection this week.

Food Inspection Report for Heirloom Fire: Ms. Smith's report to the Board on her inspection of Heirloom Fire, a local caterer, revealed several issues that need to be addressed (see attached). Ms. Smith noted that she intends to work with the company to bring them into line with standards. She will do a repeat inspection in the coming week to determine what response her previous inspection has elicited.

Other Inspection Reports: Ms. Smith also attached inspection reports for Camp Russell and the Richmond Consolidated School. (See attached)

As Ms. Smith has assured the Board that she will follow up on all necessary issues, the Board need take no action at this time but will await receipt of Ms. Smith's subsequent reports from her follow-up inspection visits.

HHAN Alert: West Nile Virus Positive Mosquito Samples: An increase in WNV positive test samples in mosquitoes has been found in numerous Massachusetts towns, but a very low incidence of West Nile Virus has been reported in humans.

200 View Drive Pool Issue: Mr. John Olander referred to the letter received from Mr. Lazenby, the owner by Mr. Mark Pruhenski, the Town Administrator, in which he notes that the pool was originally built to code. Mr. Olander advised the Board that the response is meaningless as the question is whether the pool is currently up to standards required of a semi-public pool, which this pool is as it is used by persons renting the property at 200 View Drive. In a recent letter, Mr. Olander provided Mr. Lazenby with the information that he is running a semi-public pool and the regulations that apply, which include regular testing of the pool water, as well as the correct form to apply for a permit for a semi-public pool. Mr. Lazenby has not responded to that communication.

Mr. Segal read a statement from Mr. Lazenby that alleged that the pool is in compliance with all requirements he was aware of. It was evident to the Board that Mr. Lazenby is not responding to Mr.

Olander's instructions. Mr. Segal suggested that either Mr. Olander, as the Board's Agent, or the Board as a whole, send a second letter to Mr. Lazenby, requesting a response to the first letter and reiterating the need for him to apply for a permit for the pool to be run as a semi-public pool. If the Board receives no reasonable compliance by the coming winter, it can advise Mr. Lazenby that he will not be allowed to open the pool for use next summer.

A discussion of whether there are other rentals in Richmond who might also have pools being used by renters that are not in compliance with the semi-public pool regulations resulted in Mr. Segal volunteering to research Air B&B's in Richmond to determine if any of them advertise the use of a pool for the rental.

NEW BUSINESS:

Dept. of Public Health – Bats and Rabies Memo: An advisory from the Board of Health. (See attached)

Berkshire Public Planning – Market Match Flyer Distribution: Announcement of Farmer's Market Incentive programs (SNAP, WIC, and senior FMNP use). Looking for help with distribution of the proposed flyer. Richmond does not have a Farmer's Market. (See attached)

Governor Baker Proclaims, 'Hurricane Preparedness Week:' An advisory from the Governor's Office to residents advising ways to prepare for hurricane season. (See attached)

Annual Richmond/West Stockbridge COA Picnic Announcement: Reminder of the upcoming picnic on August 24th.

Be Well Informed & Model Board of Health Regulations: This is an on-line tool for well owners, advising them to check their lab results against State or Federal standards. The Board decided that it would be useful to ask the Town Administrator to post the notice on the Town website, to ask Mr. Paul Lisi, the Tax Collector if the notice could be printed on the back of the next tax mailing and Mr. Fred Schubert will contact Ms. Ann Larkin of the *Richmond Record* to ask her to put the notice in the next issue.

Unanticipated Topics:

New Subdivision Announcement from the Planning Board: Mr. Olander shared with the Board a letter from the Planning Board that they wished to have the Board of Health look at. It describes a property on East Beach Road owned by the Boys and Girls Club (Camp Russell), which contains a small house. The Boys & Girls Club wishes to create a subdivision out of that property and make it part of Richmond Shores so that they can sell it.

The reason this issue was referred to the Board of Health is that bylaws state that all subdivision requests must be reviewed by the Board of Health. There was a discussion of whether the property is on the Town Sewer system or if it has a septic system. Mr. Fisher pointed out that if they have a septic system and a well they will have to have those inspected for a sale. If they are on Town systems, there is no issue for the Board of Health. The Board's review of this proposal is pro-forma and, as there was no health issue evident, the Board agreed to sign off on the proposal. Mr. Olander will advise the Chair of the Planning Board, Mr. John Hanson of the Board's decision.

Richmond Pond Beach – Elevated Bacterial Culture Report: Mr. Olander explained that if a body of water tests positive for an exceedance of the allowable levels of bacteria, a second sample is taken the

next day and, if that sample shows lower levels, the beach need not be closed. If the second sample shows continued elevated levels, then the beach must be closed.

Samples are routinely taken by Housatonic Basin Sampling and Testing Lab under a contract that is paid for by the Town, the Richmond Pond Association and the Boys & Girls Club. The beaches are required to be tested weekly. Notification of the test results have historically been forwarded to Mr. Olander via email. In some cases, he has not accessed those emails in over a week or more and does not see the report in a timely manner.

Mr. Peter Cohen advised Mr. Olander that a system needs to be put in place that will allow for timely notification of elevated levels of bacteria in the pond so that Mr. Peter Beckwith, the Highway Superintendent, can be alerted to close the beach and post the warning signs there and at the boat ramp. Those signs are currently on order. Mr. Cohen suggested that the cell phone the Town has provided to Mr. Olander would be an efficient way for him to receive those reports from the testing lab via texts, email or voice mail. Mr. Olander would then be able to contact Mr. Beckwith in a timely manner to close the beaches and post the signs. Mr. Olander indicated that he does not carry that cell phone with him all the time for fear of breaking or losing it.

Mr. Cohen acknowledged that Mr. Olander has indicated at times that he does not have sufficient time to deal with certain issues. Mr. Cohen noted that it must be the Board of Health Agent who advises the Highway Superintendent to close the beaches as the people who are employed at the beach (lifeguards, etc.) are employed by the Highway Department. Since Mr. Olander works only four hours per week, he is often unavailable. Mr. Cohen suggested that Mr. Olander set aside two hours per week for following up with this kind of process, which must be dealt with immediately. In respect of the fact that Mr. Olander's time is limited, Mr. Cohen suggested that other issues of less urgency be handled by some other agency such as the Berkshire Alliance. Mr. Cohen asked Mr. Olander to provide his best guess as to what kind of time would be required for those other projects to be completed so that the Board of Selectmen can be asked to approach the Town to provide funding to hire the Alliance to back up the Board of Health Agent and allow him to be available to handle the more time-sensitive issues.

Mr. Olander stated that he was considering retiring. Mr. Cohen asked that Mr. Olander advise the Board of his decision so that steps could be taken to find a replacement. Mr. Olander outlined the reasons why he believes that it will be very difficult and inefficient for the Alliance to be responsible for Title V issues.

A discussion ensued trying to determine the best way to have Title V issues taken care of and also have a timely response to issues of contamination that require immediate response for the sake of the public's health. Two possible options were discussed: Hire the Alliance to deal with those issues or advertise for a part-time employee to take over those responsibilities.

The discussion included the specific system by which notices to close beaches that show bacterial levels above the allowable maximum are disseminated. The decision to close the beach is in the purview of the Board of Health. That decision is prompted by the receipt of a report from the testing lab that indicates unhealthy bacterial levels in the water. The testing lab currently emails those reports to Mr. John Olander, as the Board of Health Agent, and to Mr. Ken Kelly, as the President of the Richmond Pond Association.

Mr. Schubert raised the question of the exact timing involved between the taking of the water sample and the issuance of a report to the town to determine if there is a lag at that end. The testing lab will be contacted to determine the precise process and its timeliness

Mr. Fred Schubert suggested that, given that Mr. Olander does not check his emails on a regular basis and therefore has difficulty with receiving the lab reports in a timely manner, the lab be directed to send those reports to Mr. Peter Beckwith, the Superintendent of the Highway Department and to Mr. Anthony Segal and Mr. Andrew Fisher of the Board of Health. One or both of those Board members would contact Mr. Beckwith upon receipt of a report of levels exceeding State limits to determine if he has received the same information and to advise him to go ahead and close all three beaches if he has not already done so.

The plan arising from the discussion is for Mr. Beckwith to be deputized by the Board of Health to act on any lab report that indicated a need to close the beaches. Research will be done to determine if it is legal for the Board to deputize Mr. Beckwith for that service. If so, Mr. Beckwith will be requested to attend the September meeting of the Board of Health to discuss his taking on this additional responsibility. To respect Mr. Beckwith's availability, Mr. Peter Cohen will ask him to set the time of the meeting for his convenience and will advise the Board members of that decision.

Agent's Report: See Attached

The Next Meeting: The next meeting is scheduled for Thursday, September 6, 2018 – time to be determined.

There being no further business before the Board, Mr. Fisher moved that the meeting be adjourned. He was seconded by Mr. Schubert and the motion was carried by unanimous consent.

The meeting was adjourned at 7:35 PM.

ADDENDUM: Subsequent to the meeting above, Mr. Peter Cohen met with Mr. Mark Pruhenski, the Town's Administrator, to discuss the appropriate system for dealing with alerts about e-coli contamination. The plan arising from that conversation is that Housatonic Basin's representative, Mr. Nick Bruzzi, will contact Board of Health members Mr. Andrew Fisher and Anthony Segal with notices of test results requiring the closing of the town beaches. One or both of those Board of Health members will then contact Mr. Peter Beckwith, the Town's Highway Superintendent, to advise him as to which beaches should be closed.