

**Town of Heath - Board of Health (BoH)**  
**Meeting Minutes**  
**February 3, 2021**

1. The Zoom meeting was **called to order** at 5:00 pm.

**Roll Call: PRESENT:** Betsy Kovacs, Susan Gruen, Henry Godek, John Palmer, Armand Clavette, Gene Garland-Ex Eficio.

**ALSO PRESENT:** member , Mary Sumner—BoH Clerk, Randy Crochier—FRCOG Health Director , Barbara Gordon

2. **Reviewed agenda.** Added Jonathan Diamond Recovery Theater proposal under Covid issues. Mary to leave at 6:00 pm. John Palmer to finish taking minutes.

3. Reviewed **minutes** of January 6, 2020 meeting; motion by Susan to accept minutes as amended (fix spelling mistakes); seconded by Henry; Kovacs-Aye, Palmer- Aye, Gruen-Aye, Godek-Aye, Clavette-Aye.

Reviewed **minutes** of January 12, 2020 meeting; motion by Susan to accept minutes as presented; seconded by Henry; Kovacs-Aye, Palmer- Abstained (not at meeting), Gruen-Aye, Godek-Aye, Clavette-Aye.

4. **Chairman's Update:** Betsy reviewed recent information from:

- MAPHCO (emergency preparations group) Tracy Rogers is lead for vaccine distribution in Franklin County. Vaccine continues to be limited, but there are sites and appointments available.
- Betsy is drafting a Reverse 911 for Heath residents about getting appointments for the vaccine and reminder to be patient as the rollout continues.
- District Local Technical Assistance (DLTA) Program: Betsy reviewed the request from FRCOG to request funds to support the Hawlemont EDS. Betsy has asked the Select Board (SB) to complete the form in support of EDS funding.
- CPHS Contract: Betsy recommends the BoH recommend to the SB to approve the renewal of the three-year contract. Susan made a motion the BoH sign the 3-year renewal contract; seconded by John; Kovacs-Aye, Palmer- Aye, Gruen-Aye, Godek-Aye, Clavette-Aye.
- Betsy thanked BoH members for their comments on the BoH Clerk, Mary's, review. Betsy reported that she and Mary discussed the review and objectives for the coming year. Betsy will submit the review to Mary's file.
- Betsy reported that Phoebe Walker of FRCOG told her that overtime incurred by Heath employees can be covered by CARES funding. The Town Administrator told Betsy that overtime would be paid from MEMA funds. Betsy will follow up further with the Finance Committee and Town Administrator to determine when overtime will be paid and from which funding source(s). Mary noted BoH should continue to keep track of hours as they may be counted towards Heath's percentage towards FEMA reimbursement.
- **612 Route 8A:** Betsy reviewed the Board's decision to require pumping the holding tank for the camper within six months of last pumping. Property owner agreed to do so, but notes the tank is currently frozen. Betsy made a motion that BoH request the tank be pumped as soon as it thaws; seconded by Henry. Kovacs-Aye, Palmer- Aye, Gruen-Aye, Godek-Aye, Clavette- Aye. Mary to write to owner.

**5. Budget:** Betsy reviewed the work and summaries Mary had prepared for tonight's meeting on the Revolving Fund (RF). The Select Board has asked the BoH to consider covering the expense for demolishing the barn at 3 Ledge from the Revolving Fund. Minutes of a BoH meeting in 2013, report that the BoH intended to write guidelines for the use of the RF. Betsy recommended that the BoH adopt guidelines before making a decision about the Select Board request of the use of the funds. BoH reviewed the draft proposed guidelines Henry and Betsy developed.

Members reviewed the draft guidelines and discussed adding more information on how spending on TOP program is done, and further define clean up. Betsy will work on the final wording for next meeting and final adoption.

The BoH members reviewed the costs incurred and anticipated by Town to address the issues at 3 Ledges which Mary presented. They discussed the possibility of other uses for the funds in the current fiscal year. They agree it is unlikely any additional properties will be ready for use of the funds by the end of the fiscal year.

Henry made a motion: The BoH approve \$2000 from the Revolving Fund to assist with the expenses incurred for the demolition of the barn at 3 Ledge as it presented a safety hazard; and in June 2021, the BoH will consider approving up to an additional \$3000 to further assist with costs if our fiscal responsibilities have not required us to spend Revolving Fund monies for other purposes. Seconded by John.

Roll call vote: Kovacs-Aye, Palmer- Aye, Gruen-Aye, Godek-Aye, Clavette-Aye.

Betsy reviewed the **FY22 budget** request. She reported that the final number for the CPHS dues are not yet known. Without a definite amount for this, Betsy asked to wait to submit our budget. Betsy review CODE Red increase for FY 21 was paid from CARES Act monies. This may not be the case for FY22, so the BoH will request the full amount.

Reviewed bill for the MPHA conference Betsy attended. Armand made a motion to approve payment of the fee \$65.00. Seconded by Henry. Roll call vote: Kovacs-Abstained, Palmer- Aye, Gruen-Aye, Godek-Aye, Clavette-Aye.

**Clerk update:** Mary noted she has not connected with Computer Solutions of Northampton as she is not sure that doing a screen share from home remotely into the office will work. She will check in with NEIT on security issues and then find a time to work at the Town Hall. Permitting remains slower; noted she has spent a lot of additional time this past week on Revolving Fund research.

**Nurse Update:** Susan reported on COVID vaccine updates and sites; reviewed the regional and local sites and pharmacies, reviewed process for identifying and contacting eligible Heath residents, reviewed possible use of 18 Jacobs Road as a vaccination site noting that the gym would be appropriate place for post-vaccine waiting period.

*Mary Sumner left meeting at 6:02. Minutes continued by John Palmer.*

Susan said she has been in conversation with Claire and Sheila. She reported on possibility of clinics opening in Bernardston, Deerfield, and at Mohawk. Susan said there are various clinics in Greenfield and North Adams, including one at St. Elizabeth's of Hungary.

Susan spoke about the slow rollout in Western Mass and expressed hope that things would open up in next two weeks. She is concerned about homebound people and the difficulty of letting the vaccine settle while waiting to give it. She noted the possibility of EMTs visiting people at their homes.

Armand said he tried to get on CVS website and was not successful. Susan said that you can try [mass.gov](https://www.mass.gov) and fill in form.

Bear photography and hibernation levity.

Vaccine available thru MRC as well.

Susan is still following two older people in town and has updated emergency list. Eileen wishes to add additional names.

### **Randy updates:**

Vaccine planning continues. Lisa White relieved from MAVEN to focus on vaccine planning. It has been a relatively quiet week. Randy is finishing up 2021 permit renewals. Covid infection numbers for Franklin County are going down-five today. Betsy hoped Super Bowl wouldn't be a super spreader

Regarding **properties on our list**: Randy suggested that Flagg Hill Road not be put on agenda yet. Apache Drive is ongoing. Number 9 Road appeared to be a camp site. Property on Sumner Stetson resolved for winter. Re: Sadoga Road, he said there is no legal reason to ask for access to property.

Betsy asked Barbara and Gene if they had any additional thoughts. Betsy had further questions about bear behavior in winter. Polar bear of particular interest.

Betsy expressed thanks to BoH members.

Motion to adjourn by Susan at 6:15. Henry seconded. All in favor.

Next meeting will be on March 3, 2021 at 5:00 pm

Minutes submitted by Mary Sumner and John Palmer

### **Attachments:**

- Draft revolving fund history report
- Draft guidelines for revolving fund use
- 3 Ledges cost summary

February 3, 2021

Revolving Fund History report:

Research and report by Mary Sumner, BoH Clerk

### **Revolving Fund:**

*I feel like every year we talk about the revolving fund and what it is or isn't, so I have tried to summarize some of the information in one place to help better understand this fund.*

### **What is the Revolving Fund?**

There is not a lot of history in the BoH records about the initial set-up of the Revolving Fund. I found a copy of the draft article that created the BoH Revolving Fund back in 2010 or 2011.

Article to establish revolving fund for Board of Health inspection fees: To see if the Town will vote to establish, in accordance with the provisions of M.G.L. Ch.44, Section 53E 1/2, a revolving fund for the Board of Health to deposit receipts received from fees and permits and to use the deposits for the purpose of paying costs and expenses related to the permitting and inspection processes. Said sum not to exceed \$3,000 in FY11. Said fund to be expended by the Board of Health, or take any action related thereto.

*(In the references section, I have included the first paragraph of MGL CH. 44, 53 E1/2, the full law chapter is available online)*

The Fund was amended a few years later:

From the BoH Meeting Minutes March 6, 2013: "The Board approved an article for the annual town meeting which creates an FY 14 Revolving Fund for temporary occupancy permits and expands the use of the funds to cleanup activities. It was agreed that the Board will need to establish some guidelines for how this money will be used."

In March and April of 2017 there were several discussions between Planning Board and the BoH to coordinate enforcement of Zoning Laws, General By-Laws, and BoH regulations on housing.

From the April 5, 2017 BoH meeting: "Doug Mason had suggested that the Revolving Fund for Temporary Occupancy permits be expended to cover enforcement of the various regulations and that the fines which might be collected be used to defray costs of enforcement. The Board members decided to inquire of the Treasurer if receipts from fines can be deposited into the revolving fund. Before taking any action the BoH will monitor the costs of enforcement to determine if it can be accomplished within the existing budget"

Betsy Kovacs queried the Town Coordinator (Kara Leistyna) and Accountant (Tracey Baronas) for information on "provisions for the revolving account we have for temporary occupancy permits "and "how much we take in and expend each year...does account carry over from year to year". Only part of these email exchanges were in the BoH archived email. The Accountant reiterated that the purpose of the account is in the language specified in the warrant article on Revolving funds "costs associated with inspections and to aid cleanup".

It appears the BoH made no change to include fines as revenue. Betsy notes her thought that this is most likely because the Board members were informed that fines could NOT be deposited in the Revolving Fund.

*Many of the BoH minutes are vague, like this one below, but it would appear the BoH was working on some document.*

From the May 3. 2017 BoH minutes:

"1. Minor language and punctuation changes will be provided by Betsy for approval at the next meeting. Revolving fund: Board members agreed not to request additional funds because there was too much on the ATM agenda. Fines must be deposited in the General Fund. We will try to use out existing revolving fund for all clean-up activities."

At the May 6, 2017 Annual Town Meeting, Article 20 was brought before the voters to incorporate Revolving Funds into the Town General By-Laws. The Article was approved, cleaning up the wording and incorporating all the Revolving Funds formally into the General By-Laws for Heath. These are the "laws" that we now operate by.

Attached is a copy of Article 20 from the May 6, 2017 ATM establishing Section 7 of the General By-Laws. (\*\*Please note, that at the 2020 ATM I believe we added a new Revolving fund for the 18 Jacobs building, so this listing may not be current to today. \*\*)

(Prior to the May 2017 ATM, revolving funds were handled in a slightly different fashion as money in the revolving funds in excess of the specified limit were 'rolled' back into the General Funds. **THAT IS NO LONGER THE CASE.** Monies deposited into a revolving fund remain in the fund from fiscal year to fiscal year unless expended and can only be expended up to the amount allowed by the wording in the bylaw.

**What can the BoH Revolving Fund be used for?**

The Revolving Fund may be used for the purpose(s) listed in the Town's General By-Law Section 7, 7.3 Revolving Funds which states:

“Costs associated with inspections and to aid cleanup”

**How are monies added to BoH Revolving fund?:**

Currently, fees collected for temporary occupancy permits and porta potty permits are turned over to the Treasurer for deposit into the BoH Revolving Fund.

*Camper inspection fees may also have been deposited into the BoH Revolving Fund back when the BoH still did inspections (Betsy Kovacs recalls stopping these inspection in her first or second term on the BoH.) I haven't looked back in the “Non criminal tickets” paper files to review the history on fines or where they were deposited. At this point I do not believe it is worth my time to research what was done in 2013 or 2015).*

*The terms “General Fund” and “Revolving Fund” are both used in BoH minutes, and seems like BoH members used these terms interchangeably. Again, prior to the 2017 ATM that may have been the case, but since 2017 when we talk of where the BoH fees and fines go, they are deposited into the BoH Revolving Fund. The BoH Revolving Fund is held in the section of line items deemed “Other Funds” versus BoH Expenses line items held in “General Funds”.*

**Who has authorization to spend the funds?:**

Board of Health and/or Board of Selectmen may spend the funds as specified in the By Laws Section 7.3.6

**What is the current status of the Revolving Fund:**

- a) Total monies in the Fund as of 2/3 /2021: \$8,670.29
- b) Limit on the monies that can be expended from the Revolving Fund in any fiscal year- specified in the By-Law in Section 7.3.7) :\$5,000.00.

Money remaining at the end of a fiscal year is rolled over to the following fiscal year. Again, since 2017, the monies deposited into a revolving fund stay with the revolving fund.

PRIOR to the 2017 ATM vote, Revolving Funds could retain from year to year a maximum of the amount they were allowed to expend.

AFTER the 2017 ATM vote and CURRENTLY, the funds deposited into a Revolving Fund stay with the revolving fund from fiscal year to fiscal year. After a current fiscal year ends on June 30, all the account balances are verified and the new balance is reported by the Treasurer or Accountant. The BoH may then spend up to \$5000 of that current balance in the new fiscal year. If the BoH has less than \$5000 in the fund, they can only spend what they have. As receipts are deposited into the account, they may be expended up to the annual maximum.

**References:**

**Section 7.3 of the Town of Heath General By-Laws**

**7.3 Revolving Funds**

7.3.1 There are hereby established in the Town of Heath pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.

7.3.2 Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

7.3.3 No liability shall be incurred in excess of the available balance of the fund.

7.3.4 The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.

7.3.5 Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

7.3.6 Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
Hearings Revolving Fund -Costs associated with hearings	Application Fees for Hearings	Conservation Comm., Planning Board, ZBA, or BOS
Animal Control Revolving Fund - Animal Control Costs and Expenses	Receipts and Fines in connection with animal control	Animal Control Officer, Town Clerk, or Board of Selectmen
Board of Health Revolving Fund - Costs associated with inspections and to aid clean-up	BOH inspections and permits	Board of Health or Board of Selectmen
Council on Aging Meals Revolving Fund - Costs associated with preparation of senior meals	Receipts from donations, or senior meals	Council on Aging Chair or Board of Selectmen
Board of Health Vaccine Program Revolving Fund - Vaccine services, and expenditures	Vaccine services, and expenditures	Board of Health, Town Nurse, or Board of Selectmen
Recycling Program Revolving Fund - Operation of Town's solid waste and recycling programs, membership in and services of FC Solid Waste Mgmt. District	Receipts related to the Town's recycling Program	Board of Selectmen

Senior Center Revolving Fund -Costs associated with normal operations of the Senior Center	Receipts received from donations or generated by Senior Center activities	Board of Selectmen or Senior Center Coordinator
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7.3.7 Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Hearings Revolving Fund	\$1,000
Animal Control Revolving Fund	\$2,000
Board of Health Revolving Fund	\$5,000
Council on Aging Meals Revolving Fund	\$3,000
Board of Health Vaccine Program Revolving Fund	\$3,000
Recycling Program Revolving Fund	\$10,000
Senior Center Revolving Fund	\$1,000

Information on Revolving Funds from the MA General Laws

### General Law - Part I, Title VII, Chapter 44, Section 53E1/2

Section 53E1/2. Notwithstanding section 53, a city or town may authorize by by-law or ordinance the use of 1 or more revolving funds by 1 or more municipal agencies, boards, departments or offices, which shall be accounted for separately from all other monies in the city or town and to which shall be credited any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund or in excess of the total authorized expenditures from such fund, and no expenditures shall be made unless approved in accordance with sections 41, 42, 52 and 56 of chapter 41.

# **DRAFT**

## **Board of Health**

### **Town of Heath**

## **Revolving Fund Expenditure Guidelines**

The Board of Health Revolving Fund was established to allow for the deposit of receipts from fees and permits issued by the board of health, and to use these deposits for the paying of expenses related to the permitting processes, and to aid cleanup.

Insert bylaw describing the RF.

The Board of Health is charged with maintaining the safety of its townspeople. Monitoring and enforcing state and local housing codes, safe food handling practices, and preventing the occurrence and spread of disease are some of the duties delegated to the Board of Health. Additional responsibilities include the protection of the community against environmental hazards, promoting healthy behaviors, responding to disasters, assisting in recovery from disasters, and ensuring accessibility to health services.

The following further defines “cleanup” as it pertains to the duties and obligations of the board of health and lists items considered appropriate revolving fund expenses.

1. Securing and/or removal of hazardous structures and/or materials which pose an imminent threat to the safety and health of the community.
2. Securing and/or removal of infectious materials or waste.
3. Remediation of hazardous conditions following disasters.
4. Procuring and distributing items needed to reduce the propagation and spread of infectious diseases or hazardous substances.

Eligible properties:

1. Owned by the Town
2. Condemned properties after the owner(s) have been given reasonable time to mitigate the risk. The expenses covered by the Fund will be a lien against the property.
3. Properties which are ordered uninhabitable after the owner(s) have been given reasonable time to mitigate the risk. The expenses covered by the Fund will be a lien against the property.
4. Town roads and byways are not eligible properties.



Summary of cost associated with the TOP program:

	FY 18	FY 19	FY 20	FY21 (what have we spent/earned so far)	<i>Estimate</i> of what I am thinking our FY 21 will cost/income will be
<b>Revolving fund expenses</b>					
postage, supplies, etc.	\$ 825.22	**	\$ 97.00	\$ 42.80	\$ 100.00
payroll	\$ 1,694.56	\$ 468.83	\$ 350.40	\$ 94.51	\$ 400.00
<b>Revolving fund income</b>					
TOP permits	\$ 5,750.00	\$ 900.00	\$ 4,000.00	\$ 200.00	\$ 1,200.00
porta potties		\$ 75.00	\$ 50.00	\$ 25.00	\$ 75.00

**FY 18 Notes:**

expenses were higher as the TOP regs were published in the greenfield recorder and new stickers were made  
Wages were higher as Margo trained Melissa in fall of 2017, and then Mary in spring 2018, so double the work

**FY 19 Notes:**

There were no noted costs for postage as Margo had a ton of stamps from previous year

**FY 21 Notes:**

Postage and payroll hours so far are mostly associated with the follow up on the camper issue at 612 Route 8A  
As FY 21 is a low TOP renewal year I am assuming costs/income to be similar to FY19

Current TOTAL Balance in the BoH Revolving Fund as of 1/17/21:	\$8,670.29
Current amount of money we have available to spend in this FY (\$5000 - FY expenses to date)	\$4,852.69