

**Town of Heath - Board of Health
Meeting Minutes
May 10, 2021**

I. The teleconference meeting was **called to order** at 11:00 am.

Roll Call:

PRESENT: Betsy Kovacs (Chair), Armand Clavette, Henry Godek, Susan Gruen, John Palmer

ABSENT: Gene Garland, *ex officio* BoH member, Mary Sumner—BoH Clerk, Randy Crochier, FRCOG
Regional Health Agent

Also PRESENT: Barbara Gordon

II. Reviewed agenda. Betsy wished to postpone till 12:30 the conversation on the mosquito control issue so that Randy could join us. Additions to agenda discussed below.

III. Mosquito Control Decision. We will wait to discuss recommendation to opt-out of State program until Randy joins us 12:30.

IV. Position of new BoH Clerk. Mary will be resigning position of BoH Clerk to take the elected position of Town Clerk. Kate Peppard who was the other candidate for the Town Clerk position is available to accept an appointment as BoH Clerk. Mary indicated she could continue to the end of her term, June 30. Kate already has broadband so can work at home easily. Barbara asked if there are enough funds to pay both during the overlap; Betsy said, yes, there's money in the Revolving Fund and, if necessary, funds from operating expenses might be moved to the salary line.

V. Susan's Three Questions:

A. Is everyone who applies to have an event at Community Hall or Jacobs Road required to have protocols approved by BoH? Betsy said that the State has protocols for all building use: it is incumbent on owner of property to ensure that the building is Covid compliant. Susan asked about CDC guidelines; Betsy said no, it is State guidelines that prevail and that it is up to SB to ensure that Town building user has appropriate documents regarding safety on file and available. Henry agreed. Susan said that it would be helpful to have a letter written by BoH to Building Use Committee regarding the need to have safety documents, which do not have to be approved by BoH. Betsy agreed to send a letter clarifying the issue to the Chairman of the Building Use Committee, Barbara Travers and copy the Sel Board.

B. 38 Bray Road: Susan detected a new camper trailer on property. What is the status of the property? Betsy requested that someone check with Alice or Hilma to determine status. Armand agreed to check with Alice and report back to the BoH hopefully when the meeting reconvenes at 12:30 pm.

C. Building Use Committee: Jonathan Diamond has changed plans again. What is the status of his program, which seems to include a request to keep 18 Jacobs Road open till midnight on two days? Betsy said his summer program must be certified as a camp or if it is held without certification, he may be fined \$100/day. Much conversation has occurred among Jonathan, Randy, and Betsy. Susan expressed her gratitude at not having email exchanges forwarded to her. We will ask Randy to discuss hours for the program with Jonathan.

VI. Letter to Moderator/SB regarding conditions under which meetings requiring in-person voting might be held. Just prior to the recent ATM, Sat, May 8, 2021, Henry sent a message to Hilma which Betsy had hand-delivered to the Moderator. No response was given to either Betsy or Henry. Many people did not come/left early due to the very cold temperature. Henry pointed out that hypothermia is dangerous for some people and can have a 50% mortality rate for some.

Vote on whether to send the letter as is: Betsy—No; Henry—Yes; Susan—No; Armand—No; John—No

Betsy moved that the letter be amended by Barbara for our reconsideration; seconded by Susan. Betsy wished the letter to make clear the authority of the BoH to make recommendations to prevent future risks to health of voters. Betsy—yes; Henry—Nay; Susan—Yes; Armand—Yes; John—Yes.

VII. Complaints at Mohawk Estates: Betsy reported that several complaints were received regarding water use and port-a-potty, including one from the Mass EPA. All have been resolved. ME to open later in month as usual.

VIII. 594 Route 8A timeline up in 20 days: Susan wished to know if there were any updates. Betsy said we will go thru the process if he does not leave as required.

Susan made a motion to suspend meeting until 12:30. Seconded by Henry; Betsy—Yes; Henry—Yes; Susan—Yes; Armand—Yes; John—Yes

IX. The teleconference meeting was **reconvened** at 12:34 pm.

Roll Call:

PRESENT: Betsy Kovacs (Chair), Henry Godek, Susan Gruen, John Palmer

ABSENT: Gene Garland, ex officio BoH member; Mary Sumner—BoH Clerk; Armand Clavette

Also PRESENT: Barbara Gordon; Randy Crochier; Kate Peppard

X. Response to Julie Sidon re: emptying of holding tank of trailer on her property. Julie thinks it is Bruce's responsibility to clean up trailer; Randy said, no, it is responsibility of property owner. John moved to let Julie have until Bruce's departure date of 31 May to empty holding tank; seconded by Henry. Susan—aye; Henry—aye; Betsy—aye; John —aye. Betsy will inform Sidon.

XI. Susan's question from earlier session about whether every building use has to be pre-approved by BoH. Randy said that Building Use Committee does not need pre-approval by BoH. SB, as the owner of the Town properties, has responsibility and must meet standards and require building user to have necessary safety protocols on file. Susan asked if it is sufficient to say that you are using State guidelines. Randy said that SB must make sure everyone understands need to have guidelines on file.

XII. Resumption of Discussion regarding Mosquito Control Decision:

Betsy asked, Does the BoH wish to offer some recommendation to SB about whether or not to opt-out of State-controlled mosquito spraying program.

John moved that the BoH recommend that Heath not opt out of State control over spraying; seconded by Henry.

Randy observed that some towns have decided to opt out. Gill is going to vote tonight but will withhold vote decision to State until later in the month, the new deadline. Randy still wished to determine whether

towns with state-owned land should/could opt out. However, there is still insufficient information coming from the sState and he's still waiting for answers.

Susan wondered how many other towns have annual agricultural fairs (like ours) that might be affected by spraying. Randy said Springfield, Northampton have fairs.

Betsy asked Barbara to share her findings. Barbara said she found a comprehensive State document (last revised in 2019) regarding spraying that included parameters for possible spraying. Barbara noted her background as a veterinarian and mentioned the frequency of having to study and deal with pesticides in animals (both for their protection, and due to their intoxication). She said she is not personally averse to use of pesticides but is concerned about non-judicious use of these chemicals. She mentioned attending the Mosquito Control for the 21st Century virtual program on May 3rd regarding mosquito control in Massachusetts and is glad we joined the Pioneer Valley Mosquito Control District as a step towards a balanced approach to this issue. She realizes that in Heath there is concern both about human health and the environment. If we don't opt out, we lose our legal power over what chemicals are introduced into our community.

Barbara reports:

Mass. currently uses the Clarke Co. of Illinois for providing AND some aerial spraying of the product currently used for adult mosquito control (Anvil 10 + 10). This product contains 80% inert ingredients, which don't have to be identified to the user. These "inert" proprietary ingredients must be revealed to the EPA, but not to the general public. Sumithrin is the listed active pesticide ingredient (a type of pyrethrin). She is not really worried about this product in regards to human exposure if used correctly, at night, and at the approved concentrations as it has shown a high safety index, and a very short half-life (rapidly degraded by sunlight). The other listed active ingredient, designed to help Sumithrin last longer inside the insects to improve killing, Piperonyl butoxide, is a bit more worrisome. It is a known Class C carcinogen with other public health considerations, including issues when inhaled, especially for individuals with respiratory problems, such as asthmatics. It also is not very long lived in the environment, but persists longer than the Sumithrin. Barbara is especially concerned with PFAS (acronym for per and polyfluoroalkyl substances), a chemical that is (for example) released from Teflon when heated, which has been recently detected as a "contaminant" in Anvil 10 + 10 that was inadvertently sprayed last mosquito season in eastern parts of state. PFAS is not considered safe at any level, and there was initially concern that it might have been added intentionally by an overseas manufacturer to gain optimal dispersion of the product by an overseas producer. PFAS are highly regulated here, but not in other parts of the world. EPA investigation and testing, however, has shown that PFAS has probably leached into the Anvil product from its storage containers. Communities are currently be asked to hold on to and not to use the Anvil 10 + 10 identified in this investigation, but it is still unclear what will become of the stored contaminated pesticide and what mechanisms will be put in place to ensure that future products used by the state spray program will be free of dangerous contaminants such as PFAS.

Agricultural and Ecological Habitat concerns: Sumithrin is very toxic to bees and other pollinators , though the impact to apiaries *might* be mitigated by night spraying and the covering of hives in advance of its deployment. The risks to night active insects persists, and there remain serious risks of contamination to organic crops if they are not carefully excluded from the spray plan with adequate buffer zones. The other ingredient, Piperonyl butoxide, remains in the soil longer and kills earth worms. It also persists for a longer period in waterways where it poses a significant threat to fish, amphibians, and invertebrates. Aerial spraying cannot avoid natural waterways. The very habitats where mosquitoes breed, are where these sensitive species live.

Benefits of opting out: maintaining control over what chemicals are used in our town that may have side effects on our residents, farmers, and our ecosystems.

Problems of opting out: the cumbersome process of developing a coordinated plan to control disease-carrying mosquitoes in such a short time period with so few resources. To be eligible, we'd also have to come up with a public education program and show that we had fulfilled it. Also, if we have problems with EEE, WNE, or other mosquito borne public health threats, we would not have State support for dealing with situation. We would have to find an intervention program, probably from an expensive private provider, who might not act in as carefully considered and effective manner as the State. The Massachusetts State program is recognized nationally as a model program and it is impressive to read the full multi-agency plan. The expense of a private intervention could be crippling to our local finances. Mosquito borne illnesses are potentially a very serious human health threat, and we need to be prepared to deal with them in a timely manner if they escalate in our part of the state.

If we do remain "in", Barbara would like to see some sort of pressure through our local government, or in coordination with the other member communities through our PVMCD on the State and the State Reclamation and Mosquito Board to discuss real risk-benefit ratio of aerial spraying in our specific region, and to convey our preference for channeling less resources into killing adult mosquitoes and more money and support into early detection programs, non-chemical interventions and larvicide, all of which are healthier ways of addressing the situation. Western Mass has a different environment than the eastern part of state, and so, owing to our unique situation, we cannot be part of a one-size-fits-all model.

Betsy thanked Barbara and asked to hear from Henry and Susan. Henry said that we do not have the financial resources if we face an outbreak of EEE to spray, if we opt out.

Susan thanked Barbara and agreed with Henry about finances. She wondered whether we could ask State to not use aerial spraying, which, owing to our verdant topography, would make it less effective.

Betsy said her own inclination would be to agree with Henry and Susan and that she has faith in State body to come up with least noxious mitigation actions.

John noted lack of trained personnel for implementing our own program.

Barbara is not personally in favor of opting out but wishes to actively pressure the State to continue to improve its implementation of spraying. She remains concerned that we lose all say in whether or not State sprays if we remain in the State program.

Betsy added the amendment that we ask Barbara to be our liaison with the Mosquito Control District to keep us informed and to continue to pressure State regarding its plans and its use of pesticide. Seconded by John. Betsy, Henry, Susan, John—aye.

Vote on recommendation to SB that Heath not opt out: Betsy, Susan, Henry, John—aye.

Betsy asked what we should communicate to SB: Betsy said that Randy suggested that our recommendation to SB, who have not asked for our opinion, be offered with both sides of the argument.

Susan moved that we advise/inform the SB that we have had an extensive discussion with Dr. Barbara Gordon and have decided that, with all due concern, we propose that SB not opt out of state program. Seconded by John.

Barbara said we should certainly notify SB that BoH has undertaken its recommendation with great consideration.

Henry, John, Susan, Betsy—aye.

Betsy clarified John Diamond's proposal—John needs a camp certification.

Betsy thanked Barbara for her review of her research. She also thanked Henry and Susan for their medical expertise and advice.

Barbara asked that Betsy make an introduction to Mosquito Control District Commissioners.

Henry moved to adjourn meeting at 1:52 pm; seconded by John; Aye—Henry, Susan, Betsy, John

Respectfully submitted,

John Palmer, BoH member