

PERU BOARD OF HEALTH MEETING MINUTES

Wednesday March 13, 2024 10:00 AM

Community Room 3 E Main Rd

1. The meeting was called to order at 10:00 AM.
2. Roll call: present Peggy White, Nanette Mone, Darryl Darby and Valerie Bird Health Agent.
3. Nanette recording.
4. Request for yearlong camping permit by Robert Grandbois minutes were done by Peggy as Nanette recused herself for knowing his brother and aunt.
5. A motion was made to approve the minutes from 01.22.2024. All in favor. Peggy had thought there was missing items, but Nanette pointed out that the items were included.
6. Heath Inspector's report attached. Also discussed was one residents' plan to build a dwelling for a relative during which build, a camper will be set up with a hookup to a septic system. On Middlefield Road a barn will be built, then the septic system installed and finally a house will be built. Last, a lot on Ash Lane will soon have a perc test done. All these are works in progress.
7. Well regulation revisions with the comments from town counsel. The board went over the various items again (see the minutes from 1.22.2024) There was additional clarification from Valerie regarding the penalty section. Town counsel had some concern that the board might want to remove the section that represents the ticketing system, that for instance, Pittsfield uses. The board decided not to change it. Valerie said that system would need approval at annual town meeting. The board could hold a hearing on any violations and, if necessary, turn enforcement over to housing court. Peggy made a motion to approve all the edits and the final draft. All in favor. The date needs to be changed to 2024; Val will ask Ed to do that & Val will send us that.
8. Confidentiality Policy update. Since the last meeting, town lawyer has sent Terry his opinion that the board should not sign the policy in its' current form. Nanette asked if the other members had read his comments. Both said yes, then Nanette proposed that the board strike the issue from our consideration for the present. Peggy wanted to put it in the hands of the alliance. Peggy did talk to Laura Kittross about it. The board will leave it up to the alliance to go back to the lawyer for a rewrite and make sure the policy is enforceable. And understandable, Nanette said. A motion was made to not sign the current policy and wait for further communication from the alliance.
9. Governing Board update. Dan Hasset, the new housing inspector, is assisting the alliance in seeking to hire a social worker but so far have not found a candidate. There are many issues in the housing area that could need a social worker and the job description is long. There were other news items, but Peggy did not have her notes with her. She will update the board at the next meeting.
10. The review of the fee schedule was tabled until we get going with the well regulations. Peggy will ask Valerie to get the most recent recommendations from the alliance. A motion was made to table the review. All in favor.
11. Regarding how the minutes are provided, Nanette has approached Terry who said she will do the minutes if the meetings are on Mondays. She has a busy schedule otherwise. The only caveat is that the meetings have to held upstairs in the town meeting room due to Terry's allergy to mold. Darryl said he is OK with that. Peggy asked Nanette to make the arrangements and keep her posted.

12. The Annual Town Report for the BOH is due. Valerie gave Peggy new numbers for the fiscal year 2023. Peggy has included what Valerie does over and above issuing permits. Peggy will submit the updated report to Terry. A motion was made to approve the new text. All in favor. Peggy said the board needs to update the town website. She asked Nanette to edit the report for that purpose and send it to Kim, our town clerk.
13. The next meeting will be Tuesday March 19, 2024. The agenda will be focused on the preparations for the public hearing on well regulations and follow-up on Mr. Robert Grandbois' permit request.
14. A motion was made to adjourn at 12:22PM. All in favor.

Minutes respectfully submitted as a draft by Nanette Mone 04/14/2024.

Attachments: February 2024 Heath Agent's report; the attendance sheet for those interested in the Grandbois permit request; town counsel's email comments on the confidentiality policy; annual report of the BOH

Nanette Mone



Peggy White



Darryl Darby



Approved 4/16/24



PERU BOARD OF HEALTH MEETING MINUTES

March 13, 2024 10:00AM

Community Room 3 E Main Rd

Item 4. Request for year long camping permit by Robert Grandbois 32 North Road. Nanette Mone has recused herself as she knows Mr Grandbois's brother.

Mr Grandbois stated his intention is to be able to camp occasionally throughout the year. Mr Grandbois stated has had numerous complaints over the years and expressed that these complaints are interfering with his pursuit of happiness. One complaint resulted in an inspection that allowed him to be there as he presented pumping records for his RV tanks. He has a contract from White Wolf to pump his septic and removes his trash to Cheshire. He carries in his potable water and they state they do not shower at this property. He has no plans to build a permanent residence as his full time residence is in Cheshire. Mr Grandbois was notified that there is no permit for "year round camping" the only possible option is a 90 day temporary housing permit. 10 Peru residents were in attendance including abutters and residents of North Road that expressed concerns: John Beery expressed concern that this property is not raw land as there are 3 campers parked there, Jesse Pelkey expressed concern that one of the structures is actually a mobile home and thus would require a concrete footing and appropriate tie downs. Bill Tatro agreed. Jim Kenney inquired on the process of the 90 day temporary housing permit. Valerie Bird clarified that the permit must outline waste disposal, water use and be considered to be issued during the non-heating season, and the board can set individual stipulations as they see necessary. If all conditions are met the temporary permit may be able to be granted and renewed. Val stated that in 2003 a similar case was presented to the Peru select board and they required the unit have both a well and septic system installed. Phyllis Zakhary who lives across the street requests a fence and Charlie Goyette also from across the street is concerned about the dumping of garbage on the property. Keith Blake expressed concern about the presence of multiple propane tanks but was not opposed to the 90 day permit. For the sake of the public it was repeated that the BOH is complaint driven and needs to stay focused on issues of water, septic, sanitation. Many of the issues with this property are zoning in nature and need to be taken up by the planning board. After further discussion Valerie recommends that an inspection be performed of the property by the housing specialist/inspector Dan Hassett and herself before any further action and decisions be made. A motion was made re this, seconded and Peggy White and Darryl Darby in favor. During the meeting Valerie was able to arrange the inspection with Dan Hassett and Mr Grandbois for the following day, March 13th at 6:00PM. The board will meet with a limited agenda of follow up from the inspection of 32 North Road with recommendations on how to proceed on this matter and to discuss follow up well regulations on March 19, 2024 at 10:00AM

Minutes respectfully submitted as a draft by Peggy White on

4/16/24

Approved

Nanette Mone

Peggy White

Darryl Darby

Peru Town Clerk
Ken Deal
APR 17 2024



Peru BOH Monthly Log

Board of Health and Local Health Department Standard Operating Procedures (SOP)

February 2024

Date	Issue/Work	Address	Contact Info	Fee Due	Fee Paid	Comments
2/5/24	DSCP	7 Ash Lane	Berkshire Eng.	\$150	Yes	Design for 4 bedroom system approved. Issue permit in spring R Cox installer is approved too from Brimfield MA
2/22/24	Housing	2 Bonny Lane	Lori Bonfiglio 829-9281	NA		Call from Elder Protective services about mold. Courtesy inspection – made recommendations
2/24/24	Perc Test	0 Curtin Road	Marc Delgrande		Yes	ESHGW at 30" – Perc rates 4.6MPI and 7.3MPI
2/28/24	Well permit	20 Bonny Lane	Henshaw Drilling	\$100	Yes	Plans approved by Health Agent – for horse barn

BOH Inspector/Agent Valerie Bird Date Submitted 2/29/24

Sign In Sheet 3-13-24
Pem Bd of Health

KEITH BLAKE

Louise Blake

Jesse Pelkey

Phyllis ZAKHARY

CHARLES GOYETTE

Courie Pelkey

Robert Grandbois

Cathy Hitchcock

James P. Kenney

Sam L. Bean

Bill Tatro North Rd.

John Beery North Rd

Administrative Assistant

From: Brian M. Maser <BMaser@k-plaw.com>
Sent: Monday, February 12, 2024 3:38 PM
To: Administrative Assistant
Subject: [External Sender]RE: [External Sender]RE: [External Sender]RE: Board of Health question

Hi Terry:

I understand that the Berkshire Public Health Alliance (the "Alliance") sent the Board of Health (the "Board") a guide regarding Board of Health Confidentiality Policies (the "Guide") as well as a sample Confidentiality Policy (the "Policy") for the Board to adopt and sign. You have informed me that one of the Board members, Ms. Nanette Mone, has been questioning the Policy as to its legitimacy. We have reviewed and analyzed the Guide and the Policy, and in our opinion, there are several legal concerns with what has been proposed, and we would not recommend adopting the policy in its present form.

As an initial matter, the Guide states that it "highlights many of the steps needed to adopt a BOH Confidentiality Policy under G.L. c. 4, §7(26)(o)," and that Section 7(26)(o) gives Boards of Health the authority to adopt and have members and staff sign a Confidentiality Agreement to keep certain protected information—such as trade secrets, identifiable medical information, and active and ongoing investigations—unavailable to public records request. These statements are inaccurate as a matter of law. While G.L. c. 4, Section 7(26) contains various broad categories of records that are exempt from disclosure under the Public Records Law, Section 7(26)(o) does not provide Boards of Health with the authority to adopt Confidentiality Policies nor does it provide them with the steps to do so at all. For your information, Section 7(26)(o) permits a public entity to withhold from public disclosure:

the home address, personal email address and home telephone number of an employee of the judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6.

It is unclear how the Alliance concluded that Section 7(26)(o) provides the Board with authority contemplated under the proposed Policy.

Moving next to the Policy itself, it lists: (a) identifiable medical files or information as long as the person is alive; (b) trade secrets as long as still valid; (c) anonymous complainants until they disclose themselves; and (d) any other documents that would constitute an unwarranted invasion of an individual's personal privacy, as "permanently protected information" under the Policy. It further lists: (a) active and ongoing investigations; (b) active and ongoing legal proceedings; and (c) personnel files and information including home addresses and contact information as "temporary protected information" under the Policy. While some of these categories of records quite possibly may fall within an exemption to the Public Records Law in a particular situation, in our opinion it is overbroad to categorically state that all such records will always be withheld from public disclosure. As you know, in most instances, records made or received by public officials or employees are presumed to be public, and we are concerned that the Policy is too broad in scope and the Board could not possibly ensure that all of the types of records listed will not be disclosed. It would be unlawful for the Board to agree via a Policy that it will withhold records that otherwise might be required to be disclosed under the Public Records Law.

Ultimately, in my opinion the Board should refrain from signing the Policy in its current form. If the Board would like us to get in contact with the Alliance and work with them to draft a new and more narrow Policy, then we are happy to do so. However, it is important to note that our firm represents a number of communities in the Alliance; therefore, we would need to seek their determination and consent before we begin to do so.

I hope that this information is helpful and please do not hesitate to reach out with any further questions or concerns.

Thanks,
Brian

REPORT OF THE BOARD OF HEALTH

The Peru Board of Health strives to provide high quality services to the Town of Peru. Health inspection functions in Peru are mandated by State laws and regulations and local Board of Health regulations, with additional priorities set by the Board of Health and Selectboard. While Health Departments across the country are regionalized on a county or state level, the Commonwealth of Massachusetts leaves it up to each city/town to provide their own health services. In a small town like Peru the Board of Health has to be ready to address a wide variety of questions and issues. To meet this need, the Town of Peru has contracted with the Berkshire Public Health Alliance who provides a Registered Sanitarian and Public Health Nurse to provide professional services to the board and conduct many of the necessary functions. Some of these services include follow up on complaints, housing issues and inspections, research for tax payers and home owners, witnessing percolation tests, Title V inspections, septic plan review, inspection and approval, researching and issuing well permits, providing office hours for consultation and information. The Health inspector accepts and processes permit applications and payments. This year activities in Peru included: Disposal System Construction Permits (7), Septage Hauler (3), Food Permits (3), Septic Installer (3), Title 5 witness (3), Perc Test Witness (6), Camp Permit (1), Pool Permit (1), Private Well (1) and Bathing Beach (1). Some of the services do not generate a fee but are required by Massachusetts General Law

The Board of Health has oversight of the following issues: Beaver Nuisances * Public Nuisances * Demolition Inspections * General Complaints * Private Wells * Public/Semi-public Pools * Flu Clinics* Public Beaches * Food Establishments * Septage Haulers * Garbage Haulers * Recreational Camps for Children * Septic System Review and Inspections* Housing Complaints and Inspections* Temporary Food Events * Monitoring Infectious Diseases.

The prevalence of COVID-19 has continued to impact the duties of the Board of Health, to include providing free COVID home test kits and free KN95 masks to the residents of Peru. The Peru Board of Health was the recipient of a mini-grant from the Berkshire Public Health Alliance that allowed the purchase of CPR mannequins for training purposes, baby changing tables, first aid kits, a stand up sign board for announcements and tick removal devices. Funds from the Rural Equity Grant were also received and utilized for gas cards and a yoga class. The role of the public health nurse includes the mandated reporting of contagious disease cases, contact tracing, conducting flu/COVID vaccine clinics and providing support and public education as deemed appropriate.

The current Sanitarian/Health Inspector is Valerie Bird who can be reached at inspectors@berkshireplanning.org. The Sanitarian/Inspector holds office hours 6-8PM the first and third Monday of the month at Town Hall. Contact information can also be found on the town website at www.townofperuma.com/boardofhealth for residents who would like to request inspection, ask questions or file a complaint or inquire about public health related issues.

Respectfully submitted,
Peggy White, Chair
Nanette Mone
Darryl Darby