



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

The Board of Health Meeting Minutes

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| Date / Time / Location of Meeting | 03-15-2023 / 6:00pm / Room 120, Town Offices |
| Members Present | John Sullivan, Robert Barrell, Thomas Mullins, Christopher Whelan, Tracy Gagnon |
| Members Not Present | |
| Guests | Soloe Dennis, Director of Public Health CMRPHA; Cherry Tangri, Public Health Prevention Specialist (Tobacco) |
| Welcome – Call to Order | Time: 6:00 pm by Chair Dr. Sullivan |

Approval & Signing of Previous Minutes

Minutes for meeting 02-08-2023, were approved and signed by those present after having been reviewed online. Mr. Whelan noted a minor typo on page 4, and Ms. Lee stated she will fix it before submitting it to post.

Motion to Approve Mr. Whelan
Motion Seconded Dr. Mullins
Result Approved unanimously

- **Open Meeting Law violation**

Dr. Sullivan responded to the letter from the MA Attorney General’s office regarding OML 2023-28:

“The Board of Health received a response from the Attorney General on March 6, 2023 in response to two complaints of an open meeting law violation submitted by Mr. Crowley, Select Board member which were filed on June 7, 2022. The BOH was found to be in violation of the Open Meeting Law. These violations were related to my emails to the Board regarding issues we were facing and were suggestion of ideas we should consider. No actions were taken in response to these emails by the BOH. I did not send these emails with the intent to evade the Open Meeting Law but in view of the ruling I take full responsibility for these violations. I would ask for a BOH member to make a motion to post the emails and the Open Meeting Law violation response from the Attorney General’s Office on our BOH home page. Based on the letter received from the Office of the Attorney General posting these documents will resolve the complaints.”

Mr. Barrell made a motion that the letter from the MA Attorney General’s office and the emails referred to therein related to the Open Meeting Law violations will be posted on the Board of Health Website with the minutes from this meeting.

Motion to Approve Mr. Barrell
Motion Seconded Ms. Gagnon
Result Approved unanimously

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Discussion on the motion

Dr. Sullivan invited discussion. Mr. Whelan asked for an amendment to the motion requesting that the Board members' personal emails be redacted from the emails related to the OML 2023-28 being posted as previously noted and approved. All Board members indicated they were in agreement with this request. Motion is so amended.

- COVID-19 updates

Dr. Sullivan reported the most recent Info from Biobot reports from sewerage shows RNA counts of 300 million to 500 million copies per liter (or 300,000 to 500,000 copies per ml), the lowest levels in a year. UMass Memorial Hospital currently has 60 COVID patients at all their sites; he noted that these patients are not admitted for reports of having COVID but are found to have it once admitted. He added that it is hard to discriminate between those who are being admitted for the virus and those who happen to have it. The hospital is in the process of discontinuing testing in the next few weeks because the numbers are so low. Mr. Barrell said he understands that as of today, some of the emergency measures the Commonwealth put in place are being no longer enforced. Mr. Dennis said he believes that change takes place May 11th. Dr. Sullivan clarified that there are legal and regulatory issues tied to these proclamations, for instance the Federal end date is May 1st, and that funding is related to these dates, rather than tracking with the real-time prevalence of the epidemic. Ms. Lee noted that this also means free COVID test kits will no longer be free. Mr. Barrell asked whether the Town still has any tests we were allotted; the response was that we no longer have any because they passed their expiration date. Ms. Lee said it is her understanding that no more will be issued and people will be able to get them through their insurance. Dr. Sullivan noted that they were distributed to municipalities as part of a federal program for testing.

- CMRPHA

Mr. Dennis reported for Mr. Blondeau, who was unable to attend this evening. He reports the completion of seven routine food inspections, two camp inspections, and responded to one complaint about trash.

- PHEP report

Mr. Dennis, following up on the PHEP trailer from the last meeting regarding repairs needed, said that Worcester has a vendor who can, if West Boylston continues to house the trailer, replace the tires or complete other repairs needed. He stated he can work with Ms. Lee to schedule the work. Dr. Mullins noted the other concern regarding the trailer's location outdoors, which has contributed to the deterioration. Mr. Dennis responded that if the Board decides it no longer wants to house the trailer, he would present that to the PHEP committee for consideration to be re-located in one of the other Alliance communities. Dr. Mullins said that might be acceptable if there was a nearby location in Worcester. Mr. Dennis said he can check with his colleague who oversees the

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program, however as a regional asset its location in West Boylston was intended as a benefit to the Town. He noted that he does not know if Worcester can host the trailer, so the Board should take that into consideration in making the decision. He reiterated should the Board decide to house the trailer, their vendor would make all needed repairs and suggested the Board look into a better storage location. Mr. Barrell noted that the trailer needs to be repaired ASAP whether West Boylston hosts it or not, because it may be needed for an emergency. Dr. Sullivan noted that it has been pointed out that additional storage is needed for trailer supplies, and so having a storage container to house both the trailer and supplies would be the best solution for maintaining this infrastructure and investment. Ms. Lee suggested we ask other departments, including the Municipal Light Department, who will be building a new garage, to see if anyone might have room to store the trailer and supplies. It was noted that the trailer should be measured to determine an estimate of size needed. After some discussion, Mr. Barrell also suggested possibly seeking funding from the Commonwealth for an enclosure, such as a Quonset hut, to house both the trailer and the supplies, as currently the trailer is “stuffed”, suggesting potential difficulty in emergency response. It was agreed that Ms. Lee will reach out to municipal departments first to see if they have any options.

Dr. Mullins reported on the most recent PHEP meeting noting further discussion on the budget, upcoming trainings for emergency personnel, and commented on Homeland Alert Network information presented via spreadsheets.

Dr. Mullins asked if Ms. Lee emailed him a survey to complete and she acknowledged she forwarded to him; Mr. Dennis indicated it was designed to determine community needs in emergency situations. Ms. Gagnon asked if the Board members are required to complete the trainings offered (which are designed for emergency responders), and Mr. Dennis said they are optional but not required for Board members.

- **Office report**

Ms. Lee noted that she provided members with a copy of the memo from the Town Clerk regarding requirement for members to be up to date on Conflict-of-Interest training. She asked if members reviewed the email that she forwarded from the Town Accountant with the financial reports; all responded that they had reviewed it; there were no comments.

Two invoices were approved during this period, the IMA for January with Worcester, and Nursing Services for COVID for February.

No significant change to the Office report for Title 5 projects, with only two upcoming septic system replacements at 13 Winthrop Street and 33 Prescott Street, both design drawings have been approved. 41 Campground Road replacement was completed and the COC signed. She noted a correction to last month's report regarding 114 Lee Street Title 5 report, cited as

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passed, however was failed, and the owners are selling the property as-is. One T-5 passed at 26 Brooks Crossing with letter sent regarding issue with garbage grinder.

Ms. Lee also updated the Board on two septic issues, one at 104 Shrine Avenue and the other 242 Fairbanks Street. She consulted with Mr. Leger, and sent letters to both owners per his recommendation.

127 2023 Permits entered to date, three of which are in review: Gourmet Donuts is re-opening, UMM Hauling for trash, and a body artist for piercing only at The Heritage Rose. Ms. Tangri reported on her inspection at Choice Smoke Shop today; noting that subsequent to the new regulations in effect as of August 2022, they needed to either cease sales of Lottery Tickets or change their venue from Adult Only to meet the regulations for general retail tobacco sales. Adult Only stores cannot sell Lottery, Food, or Alcohol. She informed the owner that he needed to return his lottery license or change the store to meet requirements for general tobacco sales. She reviewed with him what products are allowed for each type of store. She also found he was selling flavored wrapping papers, which are not allowed, and instructed him to remove them; she noted he agreed to return them to his supplier. She said he was not happy about the changes but understood. She asked him to reach out with his decision, and thinks he is leaning toward the general retail tobacco so he can continue to sell Lottery. At this time, he was given a warning for the sale of the flavored wraps, since it was a first offense and a small amount of product. She indicated he is supposed to contact the Board of Health office with his decision soon, and she will follow up in four weeks.

- **New IMA discussion**

Mr. Barrell asked Mr. Dennis to speak about the new Inter-Municipal Agreement (IMA). Mr. Dennis reported that he and Zach Dyer (Deputy Commissioner of Health and Human Services) attended a West Boylston Select Board meeting recently and the subject was Sutton Board of Health Nursing Services having been providing nursing services for West Boylston, and Worcester potentially providing those services going forward as part of the IMA, briefly highlighting the comprehensive services they can offer. Dr. Sullivan and Mr. Barrell noted that they attended the meeting virtually where this was addressed. Mr. Dennis noted that the new IMA with West Boylston and the other municipalities in the Alliance (CMRPHA) will be signing a five-year agreement that will include Nursing services, based on the community needs. Mr. Barrell stated he was disappointed that neither a member nor the Chairman of the Board of Health was there because the Select Board did not understand the total needs of the Board of Health. Also, he would like to make it publicly known that our Public Health Nurse, Cheryl Rawinski did “a hell of a job” and corrected the idea that she did it by herself, noting she hired a cadre of school nurses who were not being utilized in the public schools because the schools were closed due to

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COVID. He stated that he was the Board's Chairperson during that period and made it clear that she did great service for this town, despite the stressors due to the pandemic at the time. Dr. Sullivan indicated that his understanding is that nursing services are being included in the IMA as part of a consolidation of services, and not because she did not provide good service. Mr. Barrell said he got the impression at the meeting that she was presented as not able to provide adequate services because she was operating by herself, but he wants to clear up that misunderstanding, and believes she provided excellent service and the town was well served by the Town of Sutton. Dr. Sullivan stated he does not see any disagreement with that.

- Next BOH meeting date

Proposed for 04-12-2023 by Dr. Sullivan. Ms. Lee will email Board members for confirmation.

Ms. Lee noted that the next meeting is likely her final meeting before she retires.

MOTION TO ADJOURN

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| Motion Originator | Mr. Whelan |
| Motion Seconded | Mr. Barrell |
| Result | Approved unanimously |
| Time of Adjournment | 6:40 pm |

Signatures

John Sullivan, MD , Chair

Christopher Whelan, MEd

Tracy Gagnon, MEd, Vice Chair

Thomas F. Mullins, MD

Robert J. Barrell, MPA

Submitted by: **Margaret Lee**
Date Submitted: **04-19-2023**

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