



Town of Agawam

Board of Health

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| Gladys Fernandez-Largay, MD | - Chairman |
| Mary Jo Safford, NP | - Vice Chair |
| Mary Lee Bertrand, BSN | - Member |
| Michael Theroux | - Health Agent |
| Sherry Petrucci, RN | - Public Health Nurse |
| Beth Ceccarini | - Secretary |

Meeting Minutes - May 12, 2021

REMOTE MEETING VIA ZOOM DUE TO THE CORONA VIRUS PANDEMIC

Attendance : Sherry Petrucci, PHN absent, City Solicitor Steve Buoniconti present

Documents distributed at meeting :

-Board of Health Agenda

Meeting Called to Order : 5:00 pm by Chairman Fernandez

Chairman Fernandez read to the Board the policy guidelines for running a municipal meeting remotely. These guidelines are from Governor's executive orders due to Corona Virus. Included with these minutes is a copy of this policy.

Approval of minutes : A motion to approve the April BOH minutes was made by Vice Chair Safford and seconded by Member Bertrand with one correction to the address of 79 Carr Avenue. Motion to approve minutes: 3-0.

Citizen Speak Time : None contacted the Health Department nor joined in the zoom remote BOH meeting.

Old Business : 79 Carr Avenue: Agent Theroux told the Board there was another Housing Court hearing last week. The owner has since moved more vehicles and a boat off the property. He did say that progress is being made at the residence and they are complying with court orders to make bi-weekly trips to the dump. He feels with the nice weather coming the owners can get much more done including mowing and ground clean up. The next inspection will be done around the 1st week in July.

Elizabeth Manor : The management company did repair the cracked foundation on the outside of B building. They are still trying to grant themselves access to the actual apartment (B1) to get the work done. The renter does not seem to want to cooperate and has since filed another complaint with the courts against the management company. The Health Agent stated that they have been in touch with him upon completion of each project and are moving along with the items on the Correction Order.

20 Ottawa Street : The Health Agent informed the Board that he and the Building Inspector tried to do a joint inspection of the property but were denied access again. The owner has not let any inspectors in the house since the initial inspection when the Correction Order was issued. The next and last attempt at do an inspection will be on May 19th. At that point they will let the Housing Court know the results. After that point, they can proceed with the next steps such as receivership or other mean of access if needed. She does have legal counsel that has been in on the zoom Court Hearings.

Bakery at 369 Walnut St Ext : All the proper paperwork has been files and we are waiting for the Building Inspector to sign off on the permitting so Agent Theroux can do a final inspection before they open

sometime in the beginning of June.

New Business : Massage/Body Work Regulations

Atty. Steve Buoniconti addressed the Board members with an update on what has been going on in town with regards to “massage parlors”. The Agawam Health Department has been in regular contact with the state licensure division of body works at some locations due to concerns with questionable businesses of this type. The State is doing inspections and they have brought their concerns to our attention. At the local level they are concerned about some of the practices there, people living there, and the overall health conditions of these locations. Atty. Buoniconti said this is a complicated issue and while the State does license these businesses there are loophole attorneys use to keep them open. He would like to know the Boards feeling about updating the current regulations for Agawam in the near future. He also said that at this moment he did not have any updated massage/body work regulations from other towns he could show the Board as a reference. He stated that this is becoming a concern in Agawam between the BOH, Police Dept., Fire Dept. and the Building Inspectors office. In 2006, the State enacted legislation that took ‘massage parlor’ licensing and regulatory authority away from local Boards of Health and now the Commonwealth is responsible for the licensing. They are licensed under Chapter 11 Sections 227 & 228. He read to the Board the definition of a message: “the systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, and vibration by manual or mechanical means in range of motion for the purposes of demonstrating muscle excursion or muscle flexibility and stretching”. The challenge being what exactly is considered a massage parlor? He noted that there are some exceptions to the rule which are some Asian forms of body therapy. Such exemptions are Reike, Acupuncture, Shiatsu, and Body Mind Centering to name a few. The actual words “body work” is not defined in these chapters listed above. So what Agawam and other towns are facing is the pop-up massage parlors that are not licensed by the Commonwealth. Typically it is up to each town in the Commonwealth as to what to do with unlicensed businesses of these types. Most businesses try to argue the point that they do fall within the parameter of the chapter and section and are not technically “massage parlors”. They claim they are a “body work” business. This has been the battle the Commonwealth has been fighting since then and if these businesses are legitimate or not in their practices. Atty. Buoniconti stated that in Agawam it would be up to the BOH to address these issues through legislation. One recently found is at 1226 Springfield Street 2nd floor, owned by DeCaro’s. The name of the business is Miracle Body Works. On the bottom floor of that plaza is Java Stop (coffee) and Joey’s Deli. The State Licensing Division called the Health Agent and the Building Inspector for a joint inspection at this location. All inspectors present believed that people were residing at that business based upon their findings. There are bed rooms that looked lived-in, a stocked kitchen and a full refrigerator. People should not be living at their business. The town did issue a “cease & desist” order. There also may be ADA compliance issues at that location. A subsequent “cease & desist” order was issued to the land lord as well for the renovations he had been doing to the second floor where the massage parlor is located. As of now, that business is shut down. The main issue becomes can we (Agawam) prove this activity in court? He told the Board that most of the employees come from Flushing, New York and are not licensed therapists or body workers. There may also be immigration issues with the workers as well. Atty. Buoniconti noted the legal battle continues over these “body work” locations all over the Commonwealth. These entities are hiring attorneys to represent them claiming they are a legal body work business. They seem to be challenging towns where there are no set of adopted regulations in place. If the BOH came up with regulations, that would give the town a greater authority for enforcement. We can develop and adopted specific guidelines including “use of property” zones to deter those types of businesses in the future with no loop holes. Atty. Buoniconti said he would need time to see what other towns have done for drafting legislation and adopting policies. He noted it would be the Tobacco Regulations in procedure. The draft regulations or guidelines would need to be sent to the City Council for approval. He again asked if the Board of Health was interested in pursuing this cause or would they like to ‘wait and see’ the outcome in this matter. Vice Chair Safford would like to look up some rules and regulations on her own to gain more knowledge of the actual process of massages. She does know that true Reike masters have to pass multiple levels in order to become masters in status for this particular massage technique. She would be glad to take on the issue with more knowledge of it. Member Bertrand had some concerns with legitimate businesses and questionable businesses providing that service. She is absolutely willing to aid in drafting some body work legislation for Agawam. Chairman Fernandez stated she needed to do some homework regarding this matter as well, to make sure these regulations would keep residents safer. She also is willing to draft legislation. She did have some follow-up questions for clarification. All Board members would like to move forward with research and investigating. Atty. Buoniconti will do more research and come before the Board in the fall. Chairman Fernandez

thanked him and Health Agent Theroux for their diligence on this matter. Atty. Buoniconti lauded the Health Agent and the Health Department for all its efforts over the past year in combating health issues, complaints, informing people of new State guidance as well as the clinics that were held for residents. He then left the zoom call.

Six Flags New England: Agent Theroux told the Board that SFNE was going to do a soft opening on Thursday May 20th for some invited guests. On Friday May 21st, they would open to season pass holders. On Saturday May 22nd they would open to the general public. He told the Board he has no real concerns with them opening as they have been sending him guidelines for each stage of openings for various parts of the park. He feels they have definitely covered all their bases for safety and health protocols for the public and their own staff as well. He did tell the Board he plans on doing surprise spot inspections each month just to be sure they are following the most current safety and sanitary protocols issued by the State. He did note that this year SFNE will have their own enforcement group surveying the grounds because they don't want to be closed again and loose revenue. They would like to open their water park by Memorial Day so they have been working hard on sanitary and safety protocols to ensure its opening on that date.

Phase 4 Step 2 State Guidance : New guidance will be released to each town on May 29th about mask usage for sports, camps and the general public. As of today, the indoor capacity for events is still 100 people. The capacity for outdoor events is still 150 people. Hopefully by May 29th the new guidance will change to be 200 people indoors and 300 people outdoors at events. Agent Theroux stated that parades for Memorial Day in Agawam can go on as long as guidance is adhered to. New pool guidance will come out soon as well which will be good for the apartments and condos with pools. Agawam High School will also have a graduation ceremony this year outside. That will happen in early June.

School Nurse Activities : We are still in need of 2 full time nurses. One of the 2 school nurses at the High School is now permanently at the Jr. High to allow for consistency for students and nursing services. The second nurse position has been filled with our pool of substitute nurses. We will have some interviews for the 2 openings which are a Full Time Float Nurse and a Full Time School Nurse. We did have interest from a Bay State Medical Center nurse who shadowed her friend and former classmate at one of the elementary schools last week. She did show interest in a position that that is a promising start. We are trying to get our staff complete for the beginning of school on September 7th. Hopefully we will have good news next month.

Public Health Nurse : The COVID clinics that were sponsored by the Health Department are wrapping up by the end of the month. The final clinic is for Agawam's school personnel will be on May 20 with the second dose being issued. Total vaccination numbers for Agawam are 2,309 (first and second) doses administered. The case counts are holding steady with no significant rises. Nurse Sherry will also start inspections for the town's recreational camps that are set to open in mid-June. The last day of school this year for our students is June 17th.

Adjourned: Motion to adjourn was made by Chairman Fernandez seconded by Vice Chair Safford. With a vote of 3-0, the meeting adjourned at 5:59 pm.

BOH/bc