

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

January 25, 2017

Members Present: Giselle Perez, David Smith, and Lindle Willnow,

Others Present: Leslie Whelan, Health Agent and Walter Row

This meeting was called to order by at 7:01 pm at the Hamilton Senior Center

265 Cutler Road – Hearing Continued Keeping of Animals Permit – Minimum Standard for Keeping of Animals Regulation 12

Leslie Whelan had e-mailed Lane Chase two weeks before the meeting regarding the items needed for the current night's meeting. Ms. Whelan had notified him again earlier in the day regarding the meeting and the required material. Ms. Whelan said she was under the impression that Mr. Chase might drag the topic onward as Mr. Chase had done with the Building Inspector. The discussion had been going on for a year, according to Ms. Whelan. Giselle Perez said consequences had been noted in e-mails but not enforced.

Lindle Willnow suggested giving Mr. Chase notice that he had until a specific date and to comply or the animals would be removed. The Board of Health would need to hire someone to remove the animals if Mr. Chase did not remove them. Ms. Whelan noted that if it were a nuisance, the Board of Health had the authority to fix the nuisance with the cost being added to Mr. Chase's taxes, but this was a little different. Town Counsel would be contacted as the Board might need to take the problem to court and have a judge rule that the removal of animals needed to be done.

Leslie Whelan suggested the Board vote to send Mr. Chase a letter regarding the deadlines for his application and his request for a variance and if he failed to meet the deadline, the Board of Health would be forced to follow the advice of Town Counsel to either take him to court, or remove his horses. The Board agreed it was reasonable.

Motion made to vote as a Board to authorize Leslie Whelan to investigate what actions could be taken and set the date of the next meeting as a deadline for Mr. Chase's compliance. Ms. Whelan recalled that at the previous meeting, it was clear that there was information that needed to be submitted and when the meeting would be. Mr. Willnow recalled telling Mr. Chase when the next meeting would occur.

Leslie Whelan would write a letter with the deadline of the next Board of Health meeting to provide all of the requirements that Mr. Chase had been told to submit. The letter would include the "to do list" which dated back to August 24, 2016. The letter would include the consequence, which would be whatever Town Counsel opined, whether it be court or the right to remove the horses.

Motion made by Lindle Willnow that the Health Agent take appropriate action to notify Lane Chase of his continued noncompliance and that his failure to comply by the next Board of Health meeting would result in consequences determined by Town Counsel.

David Smith seconded.

Vote: Unanimous to approve.

Health Agent Update Discussion

Brick Ends Farm. A complaint had been received the week before the meeting, which was forwarded to Shawn Bowen of the Department of Agriculture to see if they could do anything regarding the problem. Mr. Bowen was unaware of odor issues but would try to help the Board. Mr. Bowen was new to the Department but Leslie Whelan thought his predecessor must have had complaints. The Town Manager wanted Ms. Whelan to meet with Peter Britton. Lindle Willnow stated Mr. Britton tried to be as conscientious as possible.

There were proposed changes to the Regulations requiring the 50/50 standards of percentage of compost used on site versus leaving the site. Leslie Whelan had questions about the annual application that Brick Ends Farm submitted to the Department of Agriculture, in particular the percentage of compost used on site. According to the application, Peter Britton used 50% on site, and had 50% removed. Ms. Whelan noted her surprise and wondered if he used 50% for the CSA site and alfalfa fields. While not currently a requirement, the percentage was listed on the application.

The application also did not state that Mr. Britton would bring in whales to decompose on site, which was done in December 2016 and once before. Leslie Whelan said it was unclear if it was allowable and wondered if that was the source of the odors. Ms. Whelan thought it should have been a part of his application. Ms. Whelan considered calling DEP to see what services they might provide. Ms. Whelan did not want to make composting more difficult, but noted that Mr. Britton should do what he was supposed to do, especially under an agricultural exemption. Lindle Willnow added that commercial composting regulations were stricter than those for agriculture. The Town Manager had received complaints separate from those previously discussed and would like the matter resolved.

Essex Septic. Recently Essex Septic had done well submitting reports every two weeks to the Board of Health, using the new form. Leslie Whelan had sent a letter to the company stating the Board of Health needed missing reports. During the previous week, Essex Septic submitted a stack of missing reports from 2016, using the form from years ago. Ms. Whelan said there was nothing submitted from 2015. Penalties included revoking their license, which was indicated in the letter. Ms. Whelan offered her concern that the company would slip back to the habit of not submitting forms on time. Gisele Perez suggested noting the penalties and following through.

While Leslie Whelan had accepted twenty-five reports on the old form, the company did not issue a statement regarding the condition of the covers. Lindle Willnow suggested contacting owners and asking if they wanted to voluntarily send photos of the covers because making the pumper go back and do it was probably not worthwhile. David Smith wanted to make sure Essex Septic knew the Health Agent was paying attention. Ms. Whelan stated there was no cross referencing as the forms submitted by the pumper, were the only record of the pumping. Various solutions were discussed including a check off on a town survey, end of the year report, the revoking of the permit, submitting a list of all pumping, and a new regulation that would include a fine. Giselle Perez added that if there were no consequences, there would be no change of behavior. Ms. Whelan said Mike Roy, Essex Septic was changing his behavior and she would just need to keep the pressure on him and any other pumpers that may not be in compliance.

Food

A probation letter had been sent to 15 Walnut. One and one-half weeks before the meeting, the food inspector had conducted an inspection when she found no violations. The food inspector would go out quarterly for surprise visits to determine if there were any repeat infractions. Nancy Stevens had sent a mandatory bill because they were on probation. Every inspection would have a fee to be paid within 21 days. Previous issues included not having PH strips for testing the sanitizer or not having a log for testing the PH of the sushi rice which needed to be at room temperature. There was also a lack of a certified person on site with proper training. Lindle Willnow noted that the actions taken had achieved results.

When a food establishment lost fresh water, an emergency plan needed to be in place. The restaurant would need to shut down immediately, unless they had a plan that dictated what they intended to do. The food inspector had sent a condensed version of what to do which was very helpful, but none seem to have read it or implement the plan. Leslie Whelan said she would write a memo stating that all food establishments needed to either adopt the plan or write their own plan.

Styrofoam and Plastic Bag By-law

Leslie Whelan reviewed the photo of a bag that appeared to be a thin film plastic bag for a takeout bag. The food inspector reportedly said it was exempt but Leslie Whelan didn't think it was because it did not appear to be biodegradable. The ASTM code number did not indicate that it was exempt. The burden of proof was on the manufacturer. The food inspector would go to the restaurant to determine if they met the required standards.

Requested Increase in Health Agent Hours from 12 to 16 per Week

Leslie Whelan needed to determine where the budget process was. The Town Manager and Patrick Reffett both approved the change. The FinCom would decide if they supported the increase.

27 Asbury St. Leslie Whelan said the property was all set.

30 Bridge St. Leslie Whelan said the property was receiving a screen door in April.

Septic cover weights. Leslie Whelan hoped to have something for the next meeting.

Pool Regulations. A certified pool operator was needed as State Regulations indicated a minimum visit would be once a month to check records. On site people needed to know how to maintain the pool properly, according to Leslie Whelan. The food inspector would be inspecting the pool and log.

Leslie Whelan would write letters to all pumping companies. David Smith agreed that it was important to let pumpers know the Town of Hamilton was serious about receiving pumping records.

The next meeting was proposed for Wednesday February 22, 2017 to discuss Septic Cover Regulations and Keeping of Animals Regulations.

Leslie Whelan recalled that the Town of Hamilton received the FDA grant.

Approve Minutes

Motion made by Lindle Willnow to approve minutes of December 7, 2016 as presented including noting that the hearing for 265 Cutler Road had been continued until this month's meeting and Mr. Chase was informed that he needed to comply by that time.

Seconded by David Smith.

Vote: Unanimous to approve minutes as amended.

Lindle Willnow had submitted his letter of registration on the day of the meeting and recommended appointing Walter Row as a third member. The Board would need to vote on a new Chairman. David Smith said he would be willing to be Chairman.

Motion made to recommend Walter Row to the Board of Selectmen as a member of the Board of Health by Lindle Willnow.

David Smith seconded.

Vote: Unanimous in favor.

Motion made to nominate David Smith as the Chairperson of the Board of Health by Lindle Willnow.

Giselle Perez seconded.

Vote: Unanimous to approve.

Motion to adjourn made by Lindle Willnow

Seconded by David Smith.

Vote Unanimous to adjourn at 7:58 pm.

