

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

October 18, 2017

Members Present: Giselle Perez, Walter Row, and David Smith (Chairman)

Others Present: Leslie Whelan (Health Agent).

This meeting was called to order at 7:00 pm at the Hamilton Senior Center by David Smith.

Hearing for a Tobacco Sales Violation at G&M Motors/US Gas.

Leslie Whelan said the owner received the notice of the hearing. This was his second offense within a 24 month period. The owner would be fined \$200 and incur a seven day suspension. The Board needed to decide when the seven days would occur. The owner was not present to discuss the timing of the suspension. The violation was due to the sale of tobacco to someone under the age of 18 years old. The North Shore Cape Ann Tobacco Program conducted compliance checks by bringing in someone under 18 years old who attempted to make a purchase. If the sales person had asked if they were 18, they would have told the truth and if the sales person had asked for an I.D., they would not have offered a fake I.D. The Tobacco Program would be honest that they were underage and would not attempt to falsify their age. The testing was done to determine if the vendor even carded those attempting to purchase tobacco.

The Board agreed that suspension would begin on Wednesday, November 1, 2017 through Tuesday, November 7, 2017 based on when the owner could be notified.

Motion made by David Smith to initiate the suspension under the notice provided to the owner to begin on Wednesday, November 1, 2017 through Tuesday, November 7, 2017.

Walter Row Seconded.

Vote: Unanimous in favor.

Walter Row questioned the notation that indicated failure to remove all tobacco products would constitute a second violation of the regulation. Mr. Row wondered if there would be a new violation each day as he did not believe the language was clear. Leslie Whelan said if the language was compliant with the regulation, she would add the term “per diem” to the sentence. In response to Giselle Perez’s question as to the consequences if the owner did not pay the fine, Ms. Whelan responded that the Town would take them to court and would not let them reopen for tobacco sales. The Board discussed the concept of outstanding violations causing other permits to be withdrawn. Ms. Whelan noted that previous violations had been paid by the owner. If there were a third violation, the suspension would be for one month with a higher fine.

Roberta Cody (Health Inspector) Annual Update

Bobby Cody explained her position and responsibilities including camps, food, and pools. Ms. Cody distributed a list of places she needed to inspect. Ms. Cody studied camp applications, policies, procedures, CORI checks, and medical records. Ms. Cody visited all sites.

Bobby Cody described the local camps. Beverly YMCA camp had 20 to 30 campers, Pingree had over 900 previously but currently had 300 to 400 campers. According to Ms. Cody, State Regulations allow a Recreation Center to run a summer program without a Board of Health license, unless an outside organization staffed the program. Ms. Cody described the difference between a camp and a clinic. Every camper had their own folder with emergency contact and medical records. Each camp had plans for traffic, food, and for situations when a child did not arrive or arrived with no registration. Each camp had a doctor on call and a supervisor to call the physician.

Food Inspection was conducted randomly twice a year. Bobby Cody was keeping up with bag and Styrofoam restrictions. According to Ms. Cody, the schools and churches were good in Hamilton. Ms. Cody said Dunkin Donuts had a blood incident, but had a good procedure. Complaints had been received regarding the Hamilton House of Pizza. Ms. Cody explained that gloves were not required if deli tissues or tongs were used or if food had not been cooked yet. Ready to eat food required gloves. Danielle's pizza sold and was okay on inspection. The Honeycomb Bakery was new and the owner was well educated with food safety. While the initial inspection for Café Shishco was acceptable, there had been repeated inspections. Ms. Cody thought language might be a problem. Myopia was in compliance with a new kitchen, but chefs had changed and the serve safe certificate was not available. The Hamilton Community House had changed use and it was determined that a temporary food permit would be needed to have the kitchen available for rentals.

Bobby Cody described seasonal ice cream trucks. Three years ago, MA regulations required that vendors needed to go to the police department for a permit. A photo in the right hand corner would indicate the vendor passed a CORI check. According to Ms. Cody, all food trucks would eventually need it.

The Green Meadows Farm stand was closed. Bobby Cody said the Town had a closing procedure for stores that had closed for more than two weeks. The concession stand at the park was acceptable. Ms. Cody described events including the Community House block party and the Myopia Dog Show. In MA a serve safe certificate and an allergen certificate was required. Vendors from out of state needed to provide the evidence of both.

Bobby Cody described her work at pools. In years past, the Asbury Grove pool exhibited problems due to budget issues. Ms. Cody explained that a Certified Pool Operator was needed at every pool, but the operator at Asbury Grove was not doing his job in the summer of 2016. In 2017 the pool was cloudy prior to opening and there was a need to fix the pumps. The pool did not open until the issue was corrected. The situation was corrected for the summer of 2017. The

pool at Patton Park worked well. At Pingree the pool was strickly for camp use. According to Ms. Cody, the Myopia pool exhibited a problem for the last couple of years. A violation occurred a couple of years ago that involved the lack of delineation for pool steps as well as lifeguards not wearing code uniforms.

Zambonis at ice rinks were now electric, so ice rink inspections only included locker rooms and bathrooms.

All restaurant inspections were open to the public with disgruntled employees being the best informants, according to Bobby Cody. Ms. Cody said she also inspected restaurants for pest control. Leslie Whelan noted that the City of Peabody required consultants for restaurants that had been placed on probation.

Tobacco Sales Permit Fees.

Leslie Whelan stated the permit fee for tobacco sales was \$25. Joyce Redford from North Shore Cape Ann Tobacco Control Collaborative reportedly recommended raising fees incrementally to up to \$200. Ms. Whelan suggested raising fees to \$100 for the annual permit fee. David Smith recommended an annual permit fee of \$75 as of August 1, 2018. Giselle Perez and Walter Row agreed.

Motion made by Giselle Perez to raise the tobacco sales permit fee from \$25 to be increased to \$75 on a yearly basis.

Second by Walter Row.

Vote: Unanimous in favor.

David Smith recommended an increase on August 1, 2019 to \$100, on August 1, 2020 to \$150, then on August 1, 2021 to \$200.

Motion made by David Smith to adopt a new tobacco sales permit fee schedule that increased to \$100 a year on August 1, 2019, \$150 per year effective August 1, 2020, and \$200 per year effective August 1, 2021.

Seconded by Giselle Perez.

Vote: Unanimous in favor.

Municipal Tobacco and Public Health Policy Program RFR #190128.

The Director of the Tobacco Control Program received grants from the State. Grants were coming up for renewal and the Director had asked the Board to sign onto the Request for Resources. One aspect of the request was for the sting and the other was to control selling illegal products, e.g. flavored products. There were rules about signage and easy accessibility for children. David Smith thought it would be good to support the request.

Motion made by David Smith to continue to be a party to the participating municipality agreement that was described in the document RFR #190128.

Seconded by Giselle Perez.

Vote: Unanimous in favor.

Leslie Whelan added that Hamilton's tobacco regulations were in large part due to the work of our local and State tobacco programs. One regulation was in regard as to where one could smoke and the other for the sale of products. E-cigarettes fell within the tobacco regulations. The Director coordinated issues for a dozen communities keeping them all on the same page, according to Leslie Whelan.

Gun Violence as a Public Health Threat. Discussion

David Smith thought the document was exceptional. Walter Row added that the document summarized key facts and figures and the need to take corrective action. Giselle Perez agreed.

Motion made by Giselle Perez to have the Board sign onto the regional letter regarding gun violence regulations.

Walter Row Seconded.

Vote: Unanimous in favor.

Proposed Pool Policy Revised.

Motion made by Walter Row to accept the newly revised pool policy proposal, as discussed at the previous meeting.

Seconded by Giselle Perez.

Vote: Unanimous in favor.

Open Meeting Law Changes

Walter Row thought the document needed changes and updating. David Smith said key changes had a bearing on the Board's function, including having the Town website as a meeting notification vehicle with all minutes, agendas, etc. posted on it. The Board needed to certify that they had read and understood the new rules and changes. As no complaints had been filed against the Board of Health, members agreed they would wade through the complicated procedures when needed. Meeting minutes needed to be filed in a timely manner and posted on the website. One key aspect of the Open Meeting Law included that members could not discuss items on the agenda outside of the meeting that had been noticed.

Crosby's Market – Public Service Program Encouraging Customer Owned Bags.

David Smith drafted a letter to Al Shepherd to commend Crosby's as to their customer owned bag policy. Leslie Whelan suggested sending the letter to the media. Walter Row recalled a casual conversation with an employee of the market when he learned the paper bags cost the market \$.50 each. The cost would be \$50,000 per year. Crosby's instituted the program before

the Town mandated the use of paper bags. Mr. Smith would follow up on the accuracy of the costs before sending the letter.

Health Agent Update

Leslie Whelan announced that Essex Septic's pumping records were being filed. The Hamilton Shopping Center grease trap maintenance was discussed. 15 Walnut and Café Shishco needed to be maintained and pumped every three months. Linda Mieggs (Hamilton Shopping Center) met with Ms. Whelan to provide evidence for each restaurant that they were regularly pumped out. Documentation was provided for the last year that the pumping had occurred.

A neighbor to the property at 957 Bay Road complained that the property did not look nice and that there was a concern about the septic system. The property had been sold without an inspection. Leslie Whelan had been in touch with Preventative Septic who was working on the issue.

Leslie Whelan noted the Board authorized licensing Title 5 inspectors and operation and maintenance providers for treatment device septic systems. Ms. Whelan recalled one operating and maintenance inspector who did not submit reports. In the future, a letter would be sent indicating that the license would not be renewed without the submittal of reports. Title 5 inspectors would be held to the same standard. A public hearing would be held. Ms. Whelan said a warning first would be a nicer way to obtain the information from the inspectors.

Leslie Whelan said she submitted grant applications to FDA for training and to conduct a verification audit. The town would be reimbursed. The glove technique was of interest to Ms. Whelan. A housing inspection in response to a complaint at 22 Elliott Street occurred. An order had been issued. Ms. Whelan stated a boarded up window would not satisfy the code requirements. .

The MAPC regional health collaboration was discussed. Progress may be made to try to ask for funds to help support a regional effort. Smaller Boards of Health often could not file for grants while a regional department would. Leslie Whelan said the goal often would be to both hire someone who focused on the big picture and inspectors who specialized, e.g. to do housing inspections. Ms. Whelan noted that Hamilton has one full time administrative assistant and the remainder of the staff equaled another full time position, leaving Ms. Whelan with a limited ability to the investigate the wide range of topics.

Minutes – August 23, 2017.

Motion to approve the minutes of August 23, 2017 with a minor change made by David Smith.

Seconded by Walter Row.

Vote: Unanimous in favor.

Adjournment

Motion made by David Smith to adjourn at 8:35 pm.
Seconded by Walter Row.
Vote: Unanimous in favor.