

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

November 29, 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.

**Chris Lee (Public Health Nurse) semi-annual update.**

Chris Lee could not attend the meeting. The topic would be discussed at a future meeting.

**Update on proposed letter to Crosby's Market – Public Service Program to encourage utilizing customer-owned bags.**

David Smith said he had met with Al Shepherd and showed him the draft letter. Reportedly Mr. Shepherd's only concern was that the Board was giving him too much credit for the program, which was a company-wide program implemented at the local level. The credit would be due to Crosby's. Mr. Smith had made the change to the letter, which would be submitted to the newspaper. Leslie Whelan suggested that Bobby Gates also post the letter on Facebook. Giselle Perez suggested using the Residents of Hamilton and Wenham Facebook page.

**Update on the proposed Nuisance By-law.**

The Board of Selectmen discussed the proposed Nuisance By-law at their most recent meeting. David Smith presented the By-law and thought the Selectmen seemed favorably disposed toward it. Ultimately it was decided the next steps would be that the Board of Health would sponsor a public hearing for the proposed Nuisance By-law, most likely in January 2018. Michael Lombardo and Scott Maddern would work with the Board to use the Town's social media vehicles to obtain publicity for the public hearing so the townspeople would receive adequate notice regarding the By-law appearing on the Town Meeting floor.

There were one or two enforcement issues regarding the By-law, which would be resolved by Patrick Reffett and Michael Lombardo. Scott Maddern had provided a few minor comments. David Smith had compiled a list of seven properties within the town that were the subject of complaints as being a nuisance. The properties might be a starting point as to how the By-law would be useful. 22 Eliot St. was one property with issues having been addressed under the State Sanitary Code. Looking at the definitions, Mr. Smith said the property at 22 Eliot would easily qualify as the property was a blight, dilapidated, and a hazard or nuisance under the By-law. The property would fall under Section 3, vacant building as all requirements imposed would apply.

The property at 86 Meyer Road had a vacant building and the home at 89 Asbury St. would qualify under the definitions. Walter Row said the first definition of blight was in regard to

appearance of the property, which he thought was very subjective. Mr. Smith said he would delete the word appearance as it was subjective. The Board of Selectmen had suggested that a good way to solve the problems of nuisances brought to the Town's attention would be to have a Nuisance By-law as a tool to deal with a property that the Town found to be a nuisance, which was the origination of the By-law.

Walter Row recalled that he had walked through town and one property had the appearance of blight and one neighbor came out to speak regarding the issue. The property may not have been in disrepair, but it looked terrible. David Smith said the way to filter out the neighbor versus neighbor issue would be through the enforcement process. The Building Inspector would make the initial judgment. The Board of Health would not be involved in enforcement. If the complainant was unsatisfied with the Building Inspector's decision, the complainant would have the right to appeal to the Board of Selectmen. The Town Manager or Director of Planning and Inspections would be incorporated as an intermediate step to a solution.

Donna Brewer had reportedly indicated that any unreasonable interference with the common interest of the general public would be a nuisance. There was a need to maintain decent, safe, and sanitary structures that were not dilapidated. The paragraph noted was the nexus of the Nuisance By-law, according to David Smith. Walter Row offered that neighbors would have an interest in the value of the property and how it reflected on the neighborhood. Leslie Whelan added that the Selectmen would set the tone to the Building Inspector that specific properties were the type of situation that they wanted him to enforce. David Smith said the majority of cases would be settled at the Building Inspector level.

According to David Smith, the term "abandoned" had specific legal attributes, including if the owner was current on their taxes. If the owner was current, the property did not qualify as an abandoned building, but might be considered vacant.

#### **Public health problem regarding dog owners who fail to clean up after their dogs.**

David Smith recalled that he walked his dogs at Pingree Park in Wenham each day and frequently found dog excrement. Mr. Smith spoke with Wenham employees, who were in favor of the proposal. There were public parks in Hamilton that might have a similar problem. Giselle Perez said the schools had the same problem. Mr. Smith suggested public health education and sensitizing dog owners to be responsible. An initiative might be taken the following year, according to Mr. Smith. Walter Row noted the dog bag dispensary in Pingree Park. Ms. Perez would like to see more dispensaries around town. Leslie Whelan wondered who supplied the bags. Mr. Smith responded that the parks department would likely supply the bags and Ms. Whelan noted the parks might be part of the DPW. Ms. Whelan said the new animal inspector worked in Hamilton and Manchester and might have the authority to issue tickets for people not picking up after their dog. The violation would need to be witnessed.

#### **Health agent update**

Leslie Whelan described a septic tank that had not been filled in with sand when it was abandoned and collapsed. Ms. Whelan said the installer needed to describe how they would fill in the old system when it was abandoned as it would collapse eventually. The State Code said an old tank needed to be properly abandoned when a new tank was installed but if Ms. Whelan was not present, installers might not fill the tank in according to code. The owner had contacted Ms. Whelan and the situation occurred when an addition had been planned. There was the possibility that the tank would have been removed when the addition foundation was being excavated.

The property at 926 Bay Road had not submitted a Title 5 inspection when the property was sold. Leslie Whelan was in contact with the owner and an inspector who described the preliminaries of the inspection. The report was at least one month overdue.

The process for the hiring of an animal inspector included the Town hiring the employee and the State Division of Animal Health appointing the employee. The State would only appoint the employee that the Town had nominated. The Board of Health was the Board that would nominate the position.

#### **Unanticipated items/announcements.**

Giselle Perez noted the public health concern that would be solved by the implementation of offering sunblock via dispensers as was done at Lynnfield Marketplace. Patton Park would be the ideal location. Leslie Whelan responded that the Town could attempt to obtain a grant or ask the Town for the money to have one installed. The Recreation Department was responsible for the park and would be contacted to see if money could be provided for a dispenser.

Discussion ensued regarding the health risks of playing tackle football. Walter Row wondered about the appropriate rules and regulations for contact and tackling, including the potential for concussions and having doctors on site. Leslie Whelan hoped the schools would be ahead of the concern. Giselle Perez added that soccer and hockey had similar rates of brain trauma. Giselle Perez said there were politically involved layers of involvement and suggested educating families regarding what to look for after an incident. David Smith suggested asking the question to the Schools to see if they had guidelines or protocols. While Ms. Perez noted that children would avoid discussing incidents so they could continue to play, Walter Row added that families who were sensitized to the risk would not allow the children to play the sport.

Walter Row questioned the semi-Styrofoam cup that coffee was served in from Cumberland Farms. Leslie Whelan responded that it was the alternative to Styrofoam and was recyclable at a higher level.

#### **Nomination of Animal Inspector, Hayes Demeule**

Leslie Whelan said she had met with Hayes Demeule, who had been studying animal health and worked in Essex as an assistant animal control officer. Ms. Demeule would be both animal

inspector (Board of Health) and animal control officer (Police Department). Ms. Whelan was satisfied that Ms. Demeule was a good candidate.

Motion moved by Giselle Perez to nominate Hayes Demeule as animal inspector for the Town of Hamilton.

Walter Row seconded.

Vote: Unanimous in favor.

**List of documents and exhibits reviewed.**

Revised draft letter from the Hamilton Board of Health to Crosby's.

Nuisance By-law – Draft 6.

Health Agent Update dated, November 29, 2017.

Meeting Minutes of October 18, 2017.

**Review Minutes dated, October 18, 2017.**

Motion made by Giselle Perez to approve the minutes of October 18, 2017.

Seconded by Walter Row.

Vote: Unanimous in favor.

The next meeting would be January 10, 2017 when the public hearing for the Nuisance By-law might occur. David Smith would meet with Scott Maddern to determine the proper date. Walter Row thought combining the two meetings into one might be too ambitious. The location was discussed with the Selectmen's Room being considered an appropriate venue for the hearing.

**Adjournment**

Motion made by David Smith to adjourn at 7:40 pm.

Seconded by Walter Row.

Vote: Unanimous in favor.