

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

April 25, 2018

Members Present: Giselle Perez 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.

Local Upgrade Approval Request for 23 Lincoln Ave. Variance to reduce the offset from 10' to 6'.

Dan Johnson presented the plan for the upgrade of the failed system at 23 Lincoln Ave. Test pits revealed sand and gravel with no water table issues. Mr. Johnson said the public hearing allowed for abutter notification as the offset was being moved from 10' to 6'. Form 9A included the offset to the house for the leaching area and tank. All other requirements met Title 5 specifications, including capacity requirement.

According to Dan Johnson, the abutter was involved and informed regarding soil testing. Mr. Johnson showed the drainage path. Leslie Whelan had a question regarding the tank location. Mr. Johnson responded that it was due to plumbing changes inside the house. Ms. Whelan asked what might occur if the plumbing were left in its existing place. Mr. Johnson responded that the tank would be lower than the leaching area. It was easier to change the plumbing in the house than to rip up the driveway, according to Mr. Johnson. Mr. Johnson added that due to elevations, a pump chamber would be required if the plumbing remained the same.

David Smith made motion that the Board approve a local upgrade at 23 Lincoln Ave. for the variance to reduce the offset from the proposed leaching area to the property line from 10' to 6'. Giselle Perez seconded.

Vote: Unanimous to approve.

Hearing: Amend Septic System Regulations.

Leslie Whelan said Donna Brewer had reviewed Draft 1 (in the members' packet) and made comments. Ms. Whelan accepted all of the comments and created a finished product. The final draft was distributed at the meeting. Ms. Whelan had amended the regulations to create a requirement so that companies that offered Title 5 inspection services would need to be licensed, plus there were a few sections that she and Donna Brewer found that needed to be cleaned up. Wind River was more of a problem than the inspectors who they hired, according to Ms. Whelan. Ms. Whelan hoped the new regulations would allow for the denial of licensure for Title 5 inspection companies when necessary.

The public hearing for changes was noticed in the newspaper. DEP had been noticed. David Smith noted the notice of the proposed regulations was duly filed on April 11, 2018 in the Salem

Evening News. The notice was published in the Hamilton Wenham Chronicle on April 19, 2018. Mr. Smith noted that no one was present to speak to the regulations. Mr. Smith and Giselle Perez were both satisfied that the regulations were appropriate.

David Smith made motion to adopt the Title 5 Supplemental Regulations for the Subsurface Disposal Sewage, dated April 2018 as presented in a handout by Leslie Whelan.

Seconded by Giselle Perez.

Vote: Unanimous in favor.

Hearing: Regulation Adopting Federal Food Code 2013.

Leslie Whelan recalled that in May 2016, the Board of Health adopted the 2013 Federal Food Code Regulations for food establishments in Hamilton. The 1999 Federal Food Code was the standard at the time, however Ms. Whelan noted science had changed requirements such as pizza needing to be held at 135 degrees rather than 140 degrees as was required in 1999. Instead of simply adopting the code, the Town of Hamilton was required to create a regulation that outlined what was adopted.

David Smith referred to Regulations 105.CMR590, the MA minimum food standard code and the 2013 Federal Food Code and suggested that the supplement hereby be adopted in its entirety. Mr. Smith added that the Town of Hamilton was adopting the regulation.

David Smith moved that the Board of Health adopt the Board of Health rules and regulations concerning sanitation standards for food establishments as presented and distributed at this public hearing on April 25, 2018.

Giselle Perez seconded.

Vote: Unanimous in favor.

Leslie Whelan added that all food establishments had been contacted in 2016 to educate them as to the changes.

By-law for the Improvement of Unsafe Structures or Property and the Maintenance of Vacant Buildings.

David Smith described the Annual Town Meeting wherein a great deal of conversation had been experienced for the adoption of the By-law. The By-law retained the unsafe and vacant building component, but the dilapidated structure section had been deleted. Andrea Carlsen had reportedly submitted the By-laws to the Attorney General, which would take 60 to 90 days for approval when the By-law could be enforced. At the last meeting, the Board agreed to allow Town Meeting to decide the future of the By-law and an amendment was proposed to provide the By-law without the dilapidated aspect, which had been previously anticipated by Donna Brewer.

David Smith recalled the history of the By-law and the presentation at Town Meeting. Mr. Smith had distributed his original presentation to residents, one of which was the neighbor of the original home that ignited the need for the By-law. The neighborhood network included Robin

Davis who became upset that Mr. Smith would be using a photo of a home on Lois St. to make his presentation. Ms. Davis took exception as she knew the owner of the home. It was suggested the neighbor speak with Mary Beth Lawton regarding the situation. Ms. Davis made an articulate speech regarding why the blighted section of the By-law should be deleted and her husband spoke regarding the procedural aspects of the By-law. Mr. Smith recalled that he offered an amendment regarding blighted and why it was important to keep the vacant section. Town Meeting approved the amended version of the By-law. Leslie Whelan said she thought the change might cripple the By-law but after review, thought it flowed nicely.

Health Agent Update.

According to Leslie Whelan, Wind River had not paid the \$500 fine but had also not filed any inspection reports. Ms. Whelan noted the benefit of not receiving the fine due was that she would not be obliged to accept inspection reports due to the lack of compliance. In response to David Smith's question as to how service companies would know there were new regulations, Ms. Whelan responded that outreach to companies would occur.

In response to a dilapidated complaint, Leslie Whelan inspected 957 Bay Road to find that the Title 5 inspection had not occurred upon the passage of ownership. Soil testing showed groundwater was deep and the two cesspools might pass Title 5 inspection. The inspection had not been completed to date. The inspector said inspection was scheduled for May 11, 2018.

15 Roosevelt was a vacant, bank owned property. Leslie Whelan had conducted a re-inspection with a maintenance company. Ms. Whelan described the bidding system for maintenance contractors, which allowed for multiple companies to conduct maintenance. One company had indicated that they removed debris in one section and wanted a letter saying the property was in compliance. When asked about the other issues, the company didn't know anything about them. Work was to be completed on the date of the inspection but the people Ms. Whelan had met with had not been on the site before the date of inspection. Some work had been completed.

Leslie Whelan said she inspected 22 Elliot St. The owner had spoken with Nancy Stevens indicating that there was too much snow to accomplish the work. When Ms. Whelan met with the owner, the owner wanted to know what was wrong and had done nothing. Ms. Whelan said the work could be accomplished in three weeks. The owner agreed to a re-inspection.

Leslie Whelan recalled that when inspecting the septic system at Howard St., she realized the men renovating the house with electric sanders/grinder had a vacuum that was not hooked up. The building was from 1960 and presumed to have lead paint unless proven otherwise. Ms. Whelan explained what needed to be done including tarps to collect the chips and to wearing Tyvec suits to avoid poisoning their own families with the dust. Ms. Whelan supplied the workers with brochures about lead renovations. Ms. Whelan was concerned that no one was taking care of the men working in the field. A house built in 1960 did not likely have lead as most houses of that era had already ceased usage, but the cut off for testing was a home

constructed in 1978. Ms. Whelan said it was not onerous to renovate in a lead safe manner. Shrouds were not needed, but chips and dust should be collected. Electric sanders must be connect to a vacuum with a HEPA filter. While the workers were wearing masks, tarps needed to be properly used to collect the chips. Caution tape should be laid out to restrict access through dust/chip covered tarps and the occupants should be notified. Windows should be closed.

Leslie Whelan described her frustration of the noise level of second floor Town Hall. Previously, Ms. Whelan had occupied Patrick Reffett's office. Ms. Whelan and Chris Lee needed to have private conversations with people. Ms. Whelan was trying to balance doing inspections during paper work related hours. Working from home was difficult due to inspection hours and technological issues. Ms. Whelan did not feel comfortable having her cell phone number used compared to an office line. Ms. Whelan would look for suitable office space to solve the issue.

Wastewater Treatment Services were discussed. Leslie Whelan said advanced treatment system properties were on a list once the plans were approved. The Health Department received the name and contact of the inspection company, but at times, did not receive reports. Annual inspections were required. Companies would send the reports when requested but requesting the information was time consuming. The regulations adopted would deny licensure for companies if reports weren't received.

Unanticipated Items/Announcements.

David Smith described the need for social media guidance to promote awareness for mosquito and tick borne diseases after May 1, 2018. Leslie Whelan thought Chris Lee was savvy at social media and the topic was under her purview. Mr. Smith would speak with her. Mr. Smith also praised Ms. Lee for helping in the effort to have the School District adopt the ALICE program.

Leslie Whelan noted the Tobacco Control Collaborative, which did inspections and compliance checks for those younger than 17 years old buying cigarettes. The Collaborative wanted signatures of support for a grant.

David Smith and Giselle Perez had both signed the gun violence health issue letter. Leslie Whelan said Sharon in Peabody would update the list at Ms. Whelan's request.

Review Minutes, dated March 28, 2018.

Giselle Perez moved to accept the minutes, dated March 28, 2018.

David Smith seconded.

Vote: Unanimous in favor.

List of documents and exhibits reviewed.

Title 5 Supplemental Regulations: Regulations for the Subsurface Disposal of Sewage. Draft 1, dated April 1, 2018.

Title 5 Supplemental Regulations: Regulations for the Subsurface Disposal of Sewage. Draft 2 dated April 2018.

Hamilton Town By-law – By-law for the Improvement of Unsafe Structures or Property and the Maintenance of Vacant Buildings, per ATM amendment.

Health Agent Update, dated April 25, 2018.

Meeting minutes of March 28, 2018.

Adjournment

Motion made by Giselle Perez to adjourn at 7:50 pm.

Seconded by David Smith.

Vote: Unanimous in favor.