

HAMILTON BOARD OF HEALTH

WEDNESDAY, FEBRUARY 12, 2014

Present: Board of Health members: Lindle Willnow, Susan Wilfahrt, Karen Zagorski, and Health Agent Leslie Whelan.

Meeting Opened: Lindle Willnow called the meeting to order at 7:00 p.m. at Hamilton Town Hall

Chris Lee – Semi-Annual Update

Public Health Nurse Chris Lee presented her semi-annual update noting that two flu clinics were held where 495 people were vaccinated with the help of local nurses and nursing students from two colleges: Salem State University and North Shore Community College along with the Medical Reserve Corps members.

She added that the flu clinic site (Senior Center) is also the emergency dispensing site. For the second flu clinic, a representative from the state was timing throughput time when a person enters and exits the building to determine how many people can get through the building. This year people went through the building in five to ten minutes. She commended BOH Administrative Assistant Nancy Stevens for her excellent organization of event.

Lee met with school nurses in December and this year 155 school staff members were vaccinated with the flu vaccine on site at the school. She mentioned that some students had expressed interest in getting flu shots at school site. School nurses told Lee that they would be willing to vaccinate students at the High School building possibly next year. The only issue is parental consent which could be added to a form that parents would already be signing for the school.

Lee spoke about the Hamilton Shelter Team where there are 12 active members. She noted that the stock room in the Senior Center has an inventory of supplies kept up to date, equipment is in the room as well a pet cage. There will be a set up drill in March. MIIS has developed quick access to immunization records eliminating any confusion related to flu vaccination given once a year to residents older than eight years old. Lee described the advantages of the access to medical records but noted that residents can decline to have their medical information in this system.

She also described the MAVEN state tracking database system for communicable diseases. In Hamilton between June 10, 2013 and February 12, 2014, there were the following cases: two Babesiosis, two Hepatitis C, three influenza, eight Lyme disease and two probable Varicella (chicken pox).

Discussion ensued about how MIIS is not required from the patient's perspective but the Board of Health is required to be involved especially if the Town wants to get state supplied medicine. Discussion addressed availability of AT&T's interpreters for medical personnel when there are patients where English is their second language and procedure involved with vaccinating children.

Discussion was about Essex using a revolving account for shingles vaccine and how Hamilton got reimbursed through insurance for flu vaccine. Also, whether or not Board of Health was interested in the shingles vaccine for Hamilton in consideration of \$170 per vaccine cost. Discussion addressed how the CDC has specified that only 60 and older would be inoculated with shingles vaccine.

Discussion – Tobacco Regulation & Compliance Check

Director Joyce Redford from the North Shore/Cape Ann Tobacco Policy Program presented Board with narrative associated with Hamilton Tobacco Compliance Check.

Discussion ensued about grant funding for one full round of inspection in Town of cigarettes relative to tobacco regulation and compliance check. Another check will occur in Hamilton before the end of the year and it could be for cigarettes or for other tobacco products (i.e., e-cigarettes and cigarillos). Historically, Hamilton has not had many complaints about sale of tobacco products to minors.

Redford explained that in the area there is an escalation of sales of tobacco products to minors at liquor license establishments and there are not as many compliance checks. Inspections done by program adults rather than under-aged youth are done annually to inform establishments about any compliance changes at the state and federal levels as well as to do a pricing survey to identify industry trends and Department of Revenue standard minimums (i.e., approximately for a \$10 a pack of cigarettes).

Discussion addressed potential item for Board's regulation as pricing for small, flavored (i.e., grape) cigarillos that are youth friendly and selling individually for 49 cents. State law specifies that tobacco products are not self-serve.

Redford spoke to the memo that reported on the Community Package Store being issued a violation notice for the sale of tobacco to a minor on February 4, 2014 and information was provided on lock not being in working order on humidor to the left of the counter where key was in lock. An authorized person from Redford's organization would write the violation notice to merchant and Board of Health relative to any component of the municipality's regulation. When a violation occurs, Redford speaks to the merchant directly after it happens. Discussion ensued about how some neighboring communities including Hamilton send letters notifying a merchant of violation while others are written a violation ticket immediately by a representative such as Redford.

Discussion addressed how Hamilton does not have fines for violations through a ticket but does through a letter and order to correct. Discussion ensued about the two violations that the Board dealt with a few years ago regarding the gas station on Asbury Street and how there have not been any further violations.

Also mentioned was how CVS pharmacy is not going to sell cigarettes any longer beginning in October as part of healthcare institution ban and this is the only pharmacy in Town with a tobacco permit. Discussion addressed how Board's regulation would include first violation of sale of tobacco to a minor as \$100 fine and in the case with the humidor at the Community Package Store there could be an additional \$100 fine associated with an order to correct. Redford recommended this based on what Hamilton does relative to violations.

Discussion was on how a public hearing was not needed for the Board to take a look at potential regulation. Redford reviewed proposed regulation and recommended where the Board could rescind its current regulation and adopt the components of the new regulation.

She summarized details about e-cigarettes relative to environmental tobacco smoke restricted by age and no self-service dispensers treating them as if they were tobacco and the use. This is relative to any nicotine delivery product that is not FDA approved and smoke-free workplace law. E-cigarette use is expanding at a fast rate and the products (including hookah water pipes) are carried by tobacco selling merchants. Also mentioned was electronic hookahs that resemble pens and deliver nicotine (measured amount of milligram levels are not tested), are typically flavored, are not FDA approved, and are widely used by kids (age 14 can purchase) in part due to colorful packaging, candy flavor/scent. This product is not tamper or child proof. If someone used the whole amount of nicotine (i.e., 26 milligrams) there is risk of cardiac arrest. Suggestion is to make

these e-cigarettes not available to minors and they have to be sold from behind the counter. Redford offered to bring samples to a future Board meeting for the members' review.

She spoke to educational signage that the Board could require establishments with tobacco permits to display regarding the cigarillos and e-cigarettes being age restricted for sale to individuals 18 years old and older. Also addressed was the Department of Revenue minimum pricing for the tobacco products, permit renewal relative to outstanding fines, caps for merchants that have tobacco permits (Hamilton currently has 6 and this will drop down to 5 due to changes at CVS), minimum package size, banning of blunt wraps, redemption coupons, self-service, roll your own machine, tobacco sales in healthcare and educational institutions, fining structure mirrors state law, and tolling period for violations (i.e., from 12 to 36 month look back).

Redford reiterated her organization's suggestion for the Board to rescind its existing regulation language and replace it with the new regulation language. Discussion ensued about MGL and Hamilton workplace law relative to smoking in work places in Town. Some communities have referenced MGL regarding e-cigarette use in any public organizations where public tobacco use is not allowed. Redford offered to email the Board language about environmental smoke laws relative to workplace, youth access, private clubs, and use in ETS regulation.

Discussion – Covers at Grade Regulation

Discussion ensued about changes to Section 4 relative to access covers being mid-weight cast iron and stone. Lindle Willnow recommended the Board get feedback from septic system designer Chuck Johnson on the updated regulation. Willnow moved to approve the amended supplemental regulations for Title 5. Seconded by Susan Wilfahrt. VOTE: Unanimous.

Discussion – Bat Houses

Willnow described how the HW Joint Recreation Board was receptive to the idea of the Town locating bat houses at public parks to help control mosquitoes. Discussion ensued about how that board has funds and it asked Board of Health to determine where the houses should be located in public parks in Town.

Discussion addressed bat houses for sale in Massachusetts, New Hampshire and Pennsylvania with prices ranging from \$60 to \$200. There is also the estimated cost of installation post at \$40, pole mount, and house for \$79 to \$119, with more cost for paint, shingling, adhesive as well as shipping so the estimated cost is from \$165 to \$210 per bat house. This does not include labor to paint, shingle, install pole and mount house.

Discussion was on how 4-chamber bat house could hold up to 140 bats. Whelan bought the bat house plans with specifications for the houses where bats want to live and sent them to the Amesbury man who builds bat houses and asked him to estimate cost to build. Also mentioned was that construction of the houses could potentially be a Boy Scout project and investigation could be done to determine if the bat houses could be funded with Community Preservation Act funds. In addition, the Board noted that a \$35 house from the person in Amesbury has associated installation costs for as much as \$150.

Discussion ensued about the Board determining the parks (i.e., Patton Park, Donovan field, Cutler Park, HWRSD recreation fields – this might be under school proposal versus Recreation Board proposal, Asbury Grove – if this is possible since it is private) where bat houses could be used and a cost proposal. Also mentioned was that the Recreation Master Plan has a map of facilities that could be used to determine the number of houses required as part of estimating costs. Whelan will determine the cost and will ask DPW what it would cost to do the construction and installation work. The Board would like to get the proposal (just recreation fields – not school related) to the Recreation Board by that board's next meeting.

Discussion addressed Whelan determining a proposal for a single installation and Willnow will look at Recreation Master Plan and bat conservation website to define type (3-chamber versus 4-chamber) and number of houses that would be required to maximize most efficient use. He added that some of the suppliers have suggestions on placement.

Discussion – Mosquito Control Update

Discussion ensued about form that residents are required to complete if they are interested in not having their property sprayed for mosquitoes and that it no longer contains requirement that abutters be notified. Also addressed was if copies of the certified letter that has to be sent to Town Clerk by these residents could be made by the clerk and sent to Board of Health. Information on required

paperwork is on the Town website and included on HW Patch. BOH Administrative Assistant Nancy Stevens has called nine residents who expressed an interest in this matter for the past three years to notify them of the March deadline for paperwork submission. Two people have sent in the form. Whelan will ask Stevens if she has submitted this information to the HW Chronicle newspaper.

Discussion ensued about how Jack Card is no longer the director of Mosquito Control and is now operations manager. He has been replaced by Bill Mehaffey, district supervisor. Whelan spoke with Mehaffey who was aware of Hamilton's stance to only use bacillus product in its catch basins when larvacide is used in the Town's 650 catch basins. She is facilitating communication between Town's DPW and Mosquito Control regarding catch basin cleaning schedule so the catch basins can be treated early enough for the larvacide to be most effective.

Discussion was on a memo from Mosquito Control regarding helicopter application of larvacide (not the growth regulator). The larvacide is not of any use against Eastern Equine Encephalitis. Also addressed was that it costs Mosquito Control \$50,000 every time it uses the helicopter so it is used sparingly and contributes a large percentage to the Mosquito Control's budget. Mosquito Control applies the larvacide in marshes three to six times a year. Hamilton's annual assessment is \$45,532; the same as last year.

Discussion – Plastic Bags and Tree Bonfire

Discussion ensued about Marblehead Board of Health banning use of plastic shopping bags in that community due to the environmental concern (i.e., long time to breakdown and large amount found in the ocean). The Board discussed how if there is community interest in Town perhaps the Board could help initiate a similar practice of banning use of plastic shopping bags in Hamilton stores. Discussion addressed how the Board of Selectmen could issue a statement about the Town considering adopting this practice. Whelan offered to see how this practice was implemented in other communities (i.e., Brookline and Manchester).

Also mentioned was the environmental impact of the Christmas tree bonfire and that recycling of trees is available. In addition, the Board expressed interest in learning from public works department about the number of Christmas trees that were composted versus burned this year. Whelan will investigate how many residents attend the bonfire event to understand the importance of the event to the community.

Review – Minutes dated January 15, 2014

The Board provided revisions to the minutes. Willnow moved that the Board approve the minutes as amended. Wilfahrt seconded the motion. VOTE: Unanimous.

Other Business

Discussion ensued about bedroom count and deed restrictions on the number of bedrooms. The Board had agreed on a definition of a bedroom that would be coordinated with the Assessors based on its inspection and if a change from before to after is identified at a property the Board would be notified. At 41 Lois Street the number of bedrooms has changed from one to two. Whelan issued a letter to the homeowner about the conversion from one to two bedrooms stating that the Board of Health does not have any record of approval of the additional flow to the septic system. Although the Assessors considers this to be two bedrooms, the Board of Health considers the septic system to be suitable for no more than one bedroom. This is of particular importance when the homeowner is selling or upgrading the property.

The homeowner cannot upgrade the septic system due to the property that is in Zone 2 of the public water supply and does not have a lot with the square footage for a larger septic system. In order to increase the number of bedrooms and supportive septic system the property owner would have to within Zone 2 find another piece of land with the requisite square footage that would remain undeveloped and specify that the bigger septic system would be on their property. Discussion was on how the Board of Health could send another letter notifying the homeowner to take out the closet in the second bedroom.

Also mentioned was 21 North Street where the house was torn down and new house was built and deed restriction specifies this is a two-bedroom house. So two of the three spaces on the second story have to remain unfinished. On the first floor a closet was added to one of the rooms so this is now a three-bedroom home. The property owner is trying to get an abatement on his taxes since he is not allowed to have more than a two-bedroom house. Whelan met with the property owner a few years ago who understood that she was looking for him to limit the house to two bedrooms. The septic system was inspected in 2011 and passed. Discussion ensued about enforcing the rule by sending a letter to the property owner regarding the deed restriction. Also mentioned was conundrum related to if the property sells what would prevent completion of the second

floor of this property and the impossibility of increasing the size of the septic system to accommodate increased flow. Discussion ensued about how large animals have been removed from 84 Old Cart Road.

Meeting Adjourned:

Willnow moved at 9:31 p.m. to adjourn. Karen Zagorski seconded motion.

VOTE: Unanimous. The Board's next meeting is on Wednesday, April 9 at 7 p.m.

ATTEST:

cc: Selectmen, Planning Board, Town Clerk, Conservation