

HAMILTON BOARD OF HEALTH

WEDNESDAY, MAY 7, 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 7:06 p.m. at Hamilton Town Hall

Daniel Johnson – Septic Access Cover Regulation

Lindle Willnow noted that Dan Johnson had requested his input on the regulation be discussed at the BOH meeting but discussion with him will be postponed until Johnson can attend next month. The Board reviewed a written document with Johnson's comments.

Health Agent Leslie Whelan explained her original intent with the regulation was to have septic system designers specify cast iron covers when they were going to be located at grade. Now that septic system pumpers and Title 5 inspectors report condition of covers this has become more complicated than having plastic or fiberglass covers replaced with cast iron. In addition, Whelan is now responsible for opining on use of other materials for covers such as stone.

Many of these situations involve more than requiring a safety grate if a medium weight cover is not being used (i.e., cesspool with a metal cover and if retrofitting has to be done to meet standards with possibility of damage to cesspool). The regulation does not cover all of the scenarios. Whelan noted that she did not want to approve fiberglass covers at grade because the bolts are not always replaced. In this scenario she would require based on the regulation that cast iron cover has to be used.

Discussion addressed when the Health Department learns from a pumper that a fiberglass cover at grade is secure if it could be left without requiring replacement with cast iron. When repairs to a septic tank are being done then the Health Department would require retrofit with cast iron cover.

Whelan noted that Johnson is fine with the regulation when a new system is being built to require a cast iron cover. Discussion was on when a system is inspected could the inspector make a judgment about if a cover is secure. The Board will continue this discussion with Johnson at its meeting next month.

Discussion – Tobacco Regulations Checklist

Discussion ensued about smoking in public places and how the Town's current regulation covers this and sale of tobacco. The Board reviewed a Local ETS Regulation Checklist and defined where smoking would be banned locally: #1 – no, #2 – no, #3 – yes at 25', #4 – yes, #5 – yes, #6 – yes, #7 – no, #8 – yes, where there could be designated, well-ventilated smoking area that contains secondhand smoke, #9 – yes, #10 – yes, #11 – yes. The regulation incorporates Mass. Smoke Free Workplace Law, M.G.L. Chapter 270, Section 22, also bans use of electronic cigarettes where state law applies and section 4(c) where cities and towns can be stricter than state law.

Also discussed was a regulation restricting the sale of tobacco products and nicotine delivery products. The Board reviewed a related checklist for policy decisions with these results: #1 – #5 – yes, #6 – no, #7 – #16 yes, #17 – 24 months, and #18 – SHALL.

The Board will review what Director Joyce Redford from the North Shore/Cape Ann Tobacco Policy Program writes up based on the BOH decisions on these checklists at its next meeting with a goal of approving these regulations by July 1. Also mentioned was 4 cigarillos minimum would be sold for a retail price at \$2.50. In addition, was whether or not there was interest in increasing the legal age for smoking in Hamilton from 18 to 21 years old since the Salem Board of Health is having this conversation.

Discussion – Plastic Bags & Styrofoam Take-Out Containers

Discussion ensued about municipalities that had banned either plastic bags and/or Styrofoam containers. Marblehead has passed ban on plastic bags and Styrofoam take out containers and regulation speaks to composting in a marine environment. Whelan will draft a regulation for the Town based on Marblehead's. Discussion ensued about if any language could be put together for a by-law and warrant article by fall Town Meeting, if the Selectmen should be notified in a letter from Board of Health, what Town agency would enforce the ban, and how the regulation would apply to food establishments and shops that the Health Department already inspects so it could respond to complaints.

Discussion – Bat Houses

Discussion ensued about the improved version of prototype bat house built by John Cameron that varied from Bat Conservation International specifications. The Board addressed whether or not these variations matter in how many bats would use the houses, and that the cost could be from \$35 to \$60. The HW Recreation Board would

pay for the houses (i.e., likely five) and DPW would install for free. Willnow plans to work with Recreation Director Sean Timmons to suggest potential sites (i.e., Donovan field and Patton Park) based on the Recreation Master Plan. Whelan will research the total cost including installation parts and report to Willnow. Also discussed was that bat houses placed in groups typically are used more frequently.

Discussion – Draft Mosquito Protocol

Whelan suggested this discussion be moved to next month so she can create a document that outlines Board of Health thinking to date on the matter.

Review – Minutes dated April 9, 2014

Willnow moved to approve the April 9, 2014 Board meeting minutes as amended. Susan Wilfahrt seconded the motion. VOTE: Unanimous.

The Board reviewed Whelan's draft memo for consideration by the Board of Selectmen and/or Town Manager Michael Lombardo about the Board of Health vote that occurred on April 9 without opposition to stop the Christmas tree bon fire due to environmental concern. The Town now has an environmentally friendly means of recycling these trees.

Meeting Adjourned:

Willnow moved at 8:54 p.m. to adjourn. Wilfahrt seconded motion. VOTE: Unanimous. The Board's next meeting is on Wednesday, June 25 at 7 p.m.

ATTEST:

cc: Selectmen, Planning Board, Town Clerk, Conservation