

HAMILTON BOARD OF HEALTH

WEDNESDAY, JUNE 25, 2014

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

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

Discussion – 41 Lois Street Septic System Plan

Health Agent Leslie Whelan described how she had written a letter to the property owners in January saying that the Board of Health had been informed by the Assessors that a one-bedroom house was converted to a two-bedroom house. Since then she has done a walk through and confirmed the house has been two-bedroom for a considerable amount of time. She noted that the cesspool is working and suitable for two bedrooms and if the septic system were replaced it could be done for two bedrooms. This property, which is in the Zone 2 groundwater overlay district, does not have a deed restriction for one bedroom but it would need a deed restriction for two bedrooms. The Board will draft a revised letter retracting what was said in its initial letter.

Whelan explained that she had reviewed the septic system plan and it looks fine so the owners need to have a two-bedroom deed restriction to be filed with the Registry of Deeds when the building is demolished and rebuilt as planned. Dan Johnson mentioned that the septic system plan would note the two-bedroom deed restriction. Whelan indicated it would likely be approved. Property owners and Attorney Ken Dalton attended the meeting.

Daniel Johnson – Septic Access Cover Regulation

Johnson summarized how the plastic covers at grade could have issues if screws are removed and not replaced. He noted that use of safety grates have been preferred versus installing concrete risers and medium weight cast iron covers since this is a less expensive solution.

Johnson described how action has been taken to upgrade system covers in the field (i.e., when Title 5 inspections are done) to comply with the regulation for medium weight

cast iron covers at grade which can cost from \$500 to \$700 for homeowners. He mentioned that current practice prior to implementation of the regulation change is if covers are found to be broken during Title 5 inspections they are replaced with new covers of the same type. Johnson suggested that he and other contractors are interested in continuing this practice rather than adopting the conversion of medium weight covers with existing systems. He did agree with use of medium weight covers for new systems or upgrades to a failed system. Johnson suggested that the plastic covers for Waterloo-type systems would be an exception since the physical apparatus is close to the surface that would prevent anyone from falling into the system. He said a system with a filter below cover would require a cover at grade. The Board indicated its concern that non-conforming covers would not be addressed.

Discussion ensued about any possibility of liability for Board of Health related to compliance with regulation and structural integrity of systems such as cesspools if there is a failure caused by too much weight of concrete collar and medium weight cast iron cover. Lindle Willnow stated that the concern is if there are thin covers without bolts it is still a hazard until a system is upgraded or plastic cover is replaced. Johnson suggested that a 22" or 24" cover are a size such that someone could fall into a system and the contractors work to replace these covers with smaller ones such as 10". He added that sometimes old, broken covers are covered with larger, heavy duty covers, and at times homeowners put planters over these covers. Discussion ensued regarding the number of inspectors and pumpers working in Hamilton and that owners should be notified if their covers do not conform.

Discussion – Tobacco Regulations

The Board discussed options for revising current regulations in May and these were transmitted to Joyce Redford of the Tobacco Control Board. Whelan spoke to Joyce Redford's comments on the Board's decisions regarding smoking regulation checklist. Redford is recommending capping number of permits at six, and banning smoking in smoking bars and retail tobacco-only stores since there is the risk of these becoming vaping bars for use of liquid nicotine. Discussion ensued about whether or not the Board should ban vaping bars. Also, that the Board had banned tobacco sales in healthcare institutions.

Discussion addressed how the Town has tobacco sales at two liquor stores and three gas stations. The recommendation to cap six would allow one more establishment to sell tobacco in Hamilton. Also, Redford is suggesting that for nursing homes smoking need not be banned but as state law specifies if smoking is to be allowed at a nursing home

this has to go before the Board of Health. Although Redford had mentioned that 99% of nursing homes are smoke free.

A Housing Authority could ban smoking in public housing as the landlord; this is not the Board of Health's purview. The Tobacco Control Program is not recommending the Board of Health ban smoking in public housing. Redford had also suggested that the tolling period for violations be 36 versus 24 months. The reason being is her organization may not have enough time to do follow up check visits within 24 months.

Willnow moved that the Board of Health approve the regulation prohibiting smoking in work and public places and regulation restricting the sale of tobacco products and nicotine delivery products. Karen Zagorski seconded the motion. VOTE: Unanimous.

Discussion – Plastic Bags & Styrofoam Take-Out Containers

Whelan reported on conversation with Roberta Cody, Health Inspector, who also works in Marblehead where Cody inventoried the number of organizations that use plastic bags and Styrofoam containers to understand who would be affected by regulation in that community banning use of these items.

Discussion ensued about how Whelan would speak with Andrew Petty, her counterpart in Marblehead, to understand how the banning of plastic bags and Styrofoam containers was done in that community. Once Whelan has this information she will present it to the Board of Health for review and consensus. Subsequently, it will be discussed with Town Counsel Donna Brewer in preparation for a draft Town Meeting warrant article in October. This matter will be discussed with Board of Selectmen before Town Meeting.

Discussion – Bat Houses

Willnow reported on locations he identified for bat houses in Patton Park and Donovan field. Consideration was given to where light poles are situated at these sites. The bat houses would be installed away from these lights and trees on posts that the BOH would purchase (\$40 for post and \$20 for post mount per bat house) that would be high enough that the houses could not be disturbed. The HW Public Library is another non-school property that could be contemplated for bat houses. Whelan described her conversation with fellow in Amesbury who has built bat houses where he would charge \$60 a piece and she had specified that Board of Health was interested in purchasing two (for use in one park). The DPW will install the posts and bat houses provided by BOH.

Willnow agreed to work with HW Joint Recreation Board on this proposal relative to funding of the bat houses and agreement on location.

Discussion – Draft Mosquito Protocol Update

Discussion ensued about how last year the Town did a Connect CTY reporting the first time Eastern Equine Encephalitis was found in Hamilton during the mosquito season. EEE has a higher morbidity and mortality than West Nile Virus. Willnow suggested the Board have a notice to residents about taking precautions associated with mosquitos placed in the HW Chronicle on a weekly basis. The Board discussed the draft mosquito protocol being written by Whelan.

Review – Minutes dated May 7, 2014

Willnow moved to approve the May 7, 2014 Board meeting minutes as amended. Susan Wilfahrt seconded the motion. VOTE: Unanimous.

Other Business

Discussion ensued about needs assessment associated with Town's economics in development of downtown and potential wastewater treatment. DEP has not been involved because this assessment is in the discovery phase and analysis is being done by Hamilton Development Corporation. The HDC has purchased the McCrae property on Willow Street.

Meeting Adjourned:

Willnow moved at 8:35 p.m. to adjourn. Susan Wilfahrt seconded motion. VOTE: Unanimous. The Board's next meeting is on Wednesday, July 30 at 7 p.m.

ATTEST:

cc: Selectmen, Planning Board, Town Clerk, Conservation