

HAMILTON BOARD OF HEALTH
THURSDAY, MAY 23, 2013

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

Meeting Opened: Lindle Willnow called the meeting to order at 7:07 p.m. at Hamilton Town Hall

Bruce Taylor, Asbury Grove – Beaver/Flooding Concerns

Bruce Taylor, Asbury Grove Camp Meeting Corporation business manager, described problem with beavers that has occurred since October in Asbury Grove where a beaver dam has stopped flow of creek feeding into a culvert. As a result water is backing up onto the Sharon Road area and the Grove has received a letter from residents in that area. In addition to trees at the Grove being in water that has not occurred before, the water is ponding towards the Grove's tabernacle building. Taylor noted that the Town had used \$26,000 of Community Preservation Act funds to restore the tabernacle structure.

He also mentioned that the stagnant water was ponding in previously dry areas (i.e., children's playground) and there is concern about the potential increase in mosquito population. Taylor described how Jack Card from Mosquito Control District had come to the Grove. He noted that the Grove is extremely concerned about the potential mosquito infestation and applied for an emergency permit November 19, 2012 to deal with the beaver population.

Discussion ensued about how a local trapper and Animal Control Officer for Hamilton, Steve Kavanagh, was contacted by the Grove to trap beavers and that the traps he uses are not allowed by Hamilton so Taylor said the Grove is seeking the permit. He added that he has met with Health Agent Leslie Whelan at the site. Taylor reiterated the Grove's concern about the potential impact of high water on the tabernacle.

The Grove's attorney Marshall J. Handly explained that the Grove was looking for a 10-day emergency beaver/muskrat permit and 30-day extension. He also noted that the area where the ponding is occurring is an artificial drainage area and besides the concern about mosquito infestation, the leaching fields in nearby septic systems are becoming flooded causing a public health issue. In addition,

that the nuisance of the beavers could potentially be dangerous to children in the area.

In response to Lindle Willnow, the Grove representatives said they had not used beaver deceivers or pursued permission from the Conservation Commission to breach the dam. Discussion ensued about how trapping the beavers would not be a complete solution since beavers return and that a beaver deceiver could be part of the long term solution. Also mentioned was that a temporary measure of sandbags at the tabernacle had not been implemented and it was agreed that action would not solve the high water problem.

Whelan explained that when concern from Grove about beavers and high water was first brought to her attention it was during the trapping season so she instructed the Grove representatives to hire a trapper without a Board of Health permit. However, Kavanagh only has the type of traps that can be used under emergency circumstances so he required a BOH permit. She noted that she did not understand why the Grove could not hire another trapper that could trap beavers during the trapping season since no proof would be required for trapping, the Grove would have the right to trap.

Whelan then instructed Card to investigate the Grove to assess if there was a mosquito breeding problem as a result of the backed up water. She reported that Card believed there could be a problem with mosquito breeding although there were no mosquitoes at the time when he made his observation. Whelan said the potential mosquito problem was reason to ensure water flows. In addition, Card had said if the water level rises above the road's culvert it would drop to the natural grade and scour out the road. Willnow concurred with this assessment.

Willnow noted that the beaver trapping is a temporary measure and encouraged the Grove to pursue additional solutions to problem. He referred to other dams in Town that need to be addressed by more than just beaver deceivers. The Grove's grounds keeper spoke to the situation describing how the nearby horse farm had installed two culverts as authorized by the Conservation Commission. Willnow suggested mitigation could be built into any development design for the horse farm site. The grounds keeper said the ponding water situation at the Grove was not seen in the area for 150 years.

It was noted that according to the State permit form for beaver control, if the Grove was interested in breaching the beaver dam as part of the emergency permit it would have to seek approval from ConCom. Taylor said it had previously met with ConCom and Conservation Coordinator Jim Hankin had

instructed him to seek the emergency permit from the Board of Health and if Whelan determines the situation is a safety concern or public health threat, the Board of Health could authorize the removal of the dam.

Taylor added that the Grove had hired conservation specialist Chuck Johnson who is working on filing paperwork. Willnow said if the Board of Health grants the permit that would be indicating there is a safety issue. The Grove's attorney suggested the Board of Health enter a finding that there is a public health and safety issue making the discussion with ConCom easier. Willnow and Whelan said this is the only way they can grant the permit.

Discussion ensued where Grove attorney asked the Board of Health to grant permission for Hamilton Animal Control Officer to be the hired trapper by the Grove. Willnow said if the Board of Health grants the permit that should be sufficient for Kavanagh and that any trapper could be hired to do the job. Discussion addressed that cona bear or cage/box type traps subject to regulation could be used. Also mentioned by the attorney was that the population of children at the Grove increases dramatically in the summer.

Willnow noted that Board of Health member Karen Zagorski was an Asbury Grove resident and would not participate in discussion and or be voting on this issue although two members of the Board constitute a quorum. He added that the basis of the emergency permit is hazard to health and structures created by the beaver dam in Asbury Grove.

Willnow moved that the Board of Health grant the 10-day emergency permit and 30-day extension. Susan Wilfahrt seconded the motion. VOTE: 2-0-1 with Zagorski abstaining.

The Board noted that the permit application would specify that the threat from high water exacerbates mosquito breeding ground and could wash out road. Discussion ensued about how the Sharon Road residents could have their leaching fields impacted by the high water resulting from the beaver dam.

Discussion – Health Agent Hours, also Housing (R. Cody – Health Inspector)

Whelan reported that she had spoken to Town Manager Michael Lombardo about how she needed more hours to complete her work for Hamilton. He had instructed her to do what she can in her current work hours and to take more time to complete assignments if necessary and to tell the people she is working

with that more time may be required. Discussion ensued about 45 day review period for septic plans. Whelan allots 1.5 hours during each of her Hamilton working days for Title 5 inspections and plan review. She had requested two more work hours for a total of 12 hours a week for the long term and Lombardo is analyzing the possibility.

Discussion ensued about having someone on call to support Whelan. This includes using Roberta Cody for housing inspections but would require more hours for Cody that the Board could request from Town officials such as Finance Director Deborah Nippes-Mena.

Whelan spoke to regulation that Board adopted that addresses when the Health Department does not have the expertise for a project, the applicant would pay for the cost of hiring a consultant. Willnow suggested this could be considered for the future. The Board discussed how there could be a need to increase Health Department fees so there would be money allocated for consultants. Whelan said the Town brings in 50% of what it costs to run the Health Department.

Discussion – Mosquito Update

Whelan explained how the Health Department had received a best management practice plan from Mosquito Control District. She had emailed Card for more specifics regarding locations in Town that would benefit from clearing of brush to help water flow and she asked him to investigate Asbury Grove. Card identified the Grove as a candidate for brush clearing as well as Howard Street where hand work would be done and there is road sand that needs to be removed with machinery; discussions are underway with public works and Conservation Commission on Howard Street project. Other areas identified by Card for brush clearing are Chebacco Road and Verandah Circle. Card had also addressed beaver influence backing up standing water. Discussion ensued about how much permitting is involved with Howard Street project being undertaken by the Town illustrating the need to address one project of this nature at a time.

In addition, since the Board of Health has assessed information and concurred with identification that spraying for mosquitoes is the least effective way to deal with mosquito control, more education is needed for the public regarding how to protect themselves. This includes removing standing water from yard containers.

Whelan elaborated on the specifics in the best practices plan that she is interested in such as what type of larvacide (bacillus) would be used in Hamilton and that

this should be clear in report for Town and to Mosquito Control District personnel working in the field. She is also investigating if there is a database identifying mosquito breeding areas in Hamilton. Whelan noted that the Mosquito Control District is used to doing the mosquito control work but not reporting to Town on specifics about what work was done.

Whelan mentioned that Council on Aging Director Mary Beth Lawton had asked her to speak to a group of seniors about West Nile Virus and she has agreed to do so on July 31.

Discussion ensued about how MCD will take away tires stored outside in Town and there could possibly be an annual drop off event for residents to dispose of abandoned tires.

In addition, discussion addressed the number of catch basins that MCD treats with larvacide for Hamilton: 600 in 2011 and 450 in 2012. Whelan noted that MCD only treats catch basins that have been cleaned out and it coordinates efforts with public works department. She will remind Card that the Town wants the catch basins treated with bacillus larvacide. Card provided Whelan with a list of street names where investigation of catch basins is done on three dates in April and May and where treatment occurs.

Discussion ensued about other mosquito control measures specific to Hamilton that could be provided to residents including use of bat houses and bird houses for purple martins since these species eat a large number of mosquitoes.

Discussion addressed Card's reaction to Hamilton's interest in being pro-active about mosquito control beyond readily spraying. Whelan noted that she had reported this standpoint to Card and Lombardo. Zagorski noted the importance of resident awareness relative to this issue. Willnow concurred.

Discussion – Covers at Grade Update

Whelan said she had not had time to address this issue. However, she noted that the Board had a regulation stating that when a Title 5 inspection is done the covers have to be replaced but this has not been enforced by Whelan. She mentioned this as an example of where more staff time is needed.

Discussion – Spring Informational Update

Discussion addressed information from BOH Administrative Assistant Nancy Stevens regarding mosquito season and organic waste collection that could be added to Town's website.

Willnow offered to provide the Health Department with information about the effectiveness of insect repellants. Discussion ensued about DEET products and how they should be used safely by using less concentrations applied more frequently. Also mentioned was the use of permethrin that is applied to clothing not skin and is very effective. The Board mentioned that citronella, eucalyptus and lemon oil are also effective but for short periods of time from 20 minutes to two hours.

Willnow addressed the information from Stevens and noted that the cleaning specifications for the organic green bin could apply as well to the black trash bin. Also mentioned was that spring health update information could be put on the HW local access cable television as well as HW Patch news website.

Review – Public Health Nurse Resumes

Discussion ensued about how the Town had received a number of resumes from nurses with pertinent experience for the public health nurse position supporting the Health Department. The Board suggested that there should not be a cut off date for resume submittal.

The Board noted that one of the RN candidates had experience working with a school department. The Board recommended Whelan begin interviews with three local candidates and suggested Lombardo could help identify candidates for interviews. Wilfahrt will assist Whelan with the 30 minute interviews that will be scheduled by Stevens.

Willnow suggested that after two top candidates are identified, Whelan could call the Personnel Board to ascertain if any other action is required relative to the hiring process (i.e., CORI check). Willnow suggested the top candidate resulting from the interviews could attend the next Board meeting.

Review – 9 Cottage Street Building Permit – 3-Season Room on Posts above Septic Tank

Discussion ensued on application to convert existing deck to 3-season room on posts above septic tank. Whelan said with Title 5 the posts are supposed to be 10' away from the septic tank. She described a conversation with Claire Golden of DEP who said such a situation should not be allowed because if the tank leaked effluent would creep up the posts. The Board addressed how barrier could be used around the posts.

Also addressed was how this is not a hardship situation and the homeowner will have to solve access to the septic tank if he builds deck over it. Also that the construction for the house addition was built 15 years ago and that Title 5 was different then.

Willnow moved to grant the variance to allow construction relative to distance to septic tank. Wilfahrt seconded the motion. VOTE: Unanimous.

Review – Board of Health Minutes dated February 27, April 2, and May 7, 2013

Whelan noted that she had received a revised plan for 0 Wood Drive.

Willnow moved to accept the minutes of February 27, April 2, and May 7, 2013 as amended. Wilfahrt seconded the motion. VOTE: Unanimous.

Meeting Adjourned:

Willnow moved at 9:13 p.m. to adjourn. Zagorski seconded motion. VOTE: Unanimous. The Board's next meeting is on Wednesday, July 10 at 7 p.m.

ATTEST:

cc: Selectmen, Planning Board, Town Clerk, Conservation