

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

August 23, 2017

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.

Continuation of Public Hearing. Essex Septic Service – Septic Hauler’s License and Pumping Reports.

Leslie Whelan said Essex Septic Service did not need to attend as they had submitted reports and pumping records within the time required. The applicant did not need to attend as Ms. Whelan was recommending the issue be dismissed. A reasonable action would be to conclude the hearing and dismiss the complaint. If there was a future problem, Ms. Whelan would let Essex Septic know they were out of compliance and alert the Board.

Motion made by David Smith to dismiss the complaint and conclude the hearing on Essex Septic Service. Giselle Perez requested an amendment to the motion to incorporate a plan with consequences for a reoccurrence. Leslie Whelan said she would employ the consequences, including fines in the letter written to Essex Septic Service. Ms. Whelan suggested the process should include a phone call or e-mail and if repair of the situation was conducted quickly, the infraction could be ignored. If another week or two passed, Ms. Whelan would write them another letter issuing a fine. Ms. Whelan stated that if the Board voted in favor of concluding the hearing and dropping the complaint against them, she could issue a letter explaining that any future non-compliance would result in an immediate issue of a letter of non-compliance and fines would be issued.

David Smith made motion that the Board of Health conclude the hearing, drop the complaint, but Leslie Whelan would follow up this action with a letter to Essex Septic indicating such, but also reminding them that a renewing of such action would occur in the event that they lapse into non-compliance again.

Giselle Perez seconded.

Vote: Unanimous in favor.

Discussion of Proposed Pool Policy

Leslie Whelan, who had many years as a pool inspector, submitted the Draft Pool Policy, dated August 2017. Ms. Whelan explained that State Regulations only required a trained person who once a week to review records, provide training, and offer guidance. Ms. Whelan stated that pools that used the method had problems as they did not receive guidance to help them. Ms. Whelan encouraged inn and hotel owners to get the training themselves. The proposed policy

required a Certified Pool Operator (CPO) be the same person that was doing all the work. Currently Bobby Cody was doing annual pool inspections.

Leslie Whelan said she preferred the FAS-DPD titration test kit, which offered a presence or absence of color rather than the DPD color comparator test kit, which was not very accurate. The chlorine/bromine testing must be done with a 0.2 ppm distinction, rather than 0.5 ppm. Ms. Whelan said the problem with the color comparator testing was that one person might read 3.0 and another might read 2.0, creating huge variations from two sets of eyes. The FAS-DPD titration test kit allowed for the counting of drops from pink to clear, which could be read by anyone. Ms. Whelan stated that it should be required.

Leslie Whelan recalled that she took over Bobby Cody's responsibility of pool inspector in Rockport, where some things had fallen away due to a shift in pool staffing and maintenance. Flow meters were not working and it was important to write down the flow as well as do daily checks with initials recorded. There needed to be three turnovers a day and each pool had different meters per minute. Ms. Whelan suggested writing it on the pipe.

Regarding the anti-entrapment device, there should be a safeguard that recognized a blockage and tripped the filter in the event someone were to sit on the drain. Leslie Whelan said a swimmer could be disemboweled if the pump was powerful. There was a need for a daily test record. According to Ms. Whelan, the State required record keeping four times a day.

In Hamilton the public pools included, Patton Park, Myopia, Pingree School, and Asbury Grove, which would be under the purview of the policy. The regulations applied to public and semi-public pools. A lifeguard was required for public pools, but not for condo or hotel pools. Ms. Whelan would take a test kit and see if it was the same or different to determine if they were simply filling in numbers.

If the Board of Health voted to adopt the policy, Leslie Whelan would write a cover letter and send it to those that the policy applied to. The letter would be mailed in September for next year with a reminder for next year. Pingree's pool was open all year. It was reconsidered that the policy would take effect in October. Pools were checked once a year unless they were non-compliant which generated re-inspections. Bobby Cody did a preoperational inspection and would arrive at an unannounced time to check for missing things and pool records.

Leslie Whelan suggested adding a line to the letter that the attached swimming pool record had all the information that was required on a daily basis. Ms. Whelan did not want to force pool operators to use the form, but to amend it to make it work for them. Everything on the form was State mandated.

David Smith recommended that Leslie Whelan amend the policy and issue it to all affected pool owners, attaching the section of the policy to complete the form daily as part of the requirement.

A sentence would be added that after the initial inspection, the pool owner should anticipate the Town would be inspecting the pool and records quarterly or semi-quarterly. Ms. Whelan would present the revised policy at the next meeting.

Discussion of Mosquito Spraying

David Smith noted that the Town had received complaints about Patton Park mosquitos, but it was unclear where and when the situation had occurred. Hamilton had a relationship with the Northeast Mosquito Control District (MCD), who, for \$40,000, placed larvae-cide pucks into the cleaned out catch basins. MCD also worked with the DPW to clean out ditches for increased water flow to keep them clear of mosquito breeding areas. A few years ago, MCD reported that sampling sites had indicated West Nile virus. According to Leslie Whelan, the disease was mild unless the subject was elderly or immune compromised. The MCD recommended spraying and the Town followed their suggestion. Some residents were upset and explained the illogical process of not spraying the wetland but spraying a person's yard or street. There was no evidence that it reduced disease. It was toxic to bees. The droplets needed to hit the mosquitoes in the air, but when the plants were hit, the bees were hurt as the spray had a residual effect on plants, but not in the air where mosquitoes were located. There was no evidence that it reduced disease in humans. The Board at that time, elected not to authorize spraying, which became a standing policy.

David Smith said he did research on two chemicals used. While one was not a danger to fish or bees, the other was toxic to bees. Mr. Smith's recommendation was to continue the policy but supplement it with a follow up for public health education. Leslie Whelan was instructed to return to the complaints and determine who the people were, take the information and surmise if this was an issue around dusk or after hours of pool operation. While there was much information regarding how to protect oneself from mosquito bites, at the pool, it would be difficult to follow them. Ms. Whelan would also contact the Recreation Department to see if they were aware of the problem.

Giselle Perez agreed and thought about the cost benefit analysis showing the effectiveness versus the consequences. Leslie Whelan would determine who was making complaints. The pond was a prime breeding area for the mosquitos. Ms. Perez said there were many bees at the pool. Mr. Smith suggested contacting the residents who had complained and if there were only a few of them, asking them to be specific about the nature of the complaint. Ms. Perez and Mr. Smith agreed to maintain the no spray policy.

Discussion – Health Agent Update

Leslie Whelan discussed the septic pump reports and said she made progress on the template that would be filled in when a pumper reported a failed system or saturated field. Ms. Whelan thought it was reasonable to add a sentence that indicated, the Board of Health required the homeowner to hire a septic inspector or system installer to determine if there was a problem and make recommendations for the repair. The condition of systems were listed in the pump reports

currently. The Board of Health had the authority to go through pump reports, flag problems, and issue a letter to the homeowner, according to Ms. Whelan. Giselle Perez said it was a significant issue to have a septic system that was failing, but thought the language might need to be more specific. The letter would be sent certified mail.

Once it was determined that the problem was not just a broken pipe, the homeowner would have 30 days to have an engineer create a plan and then replace the system if it was a break out. A homeowner whose system was not overflowing would have two years to fix the system, according to Title 5. The Board of Health could require a Title 5 inspector contact the Board of Health within 30 days of receipt of the notice to discuss the problem, according to Leslie Whelan.

David Smith suggested that the first sentence state the homeowner needed to hire someone to figure out what was going on and the second sentence would tell them what Leslie Whelan wanted them to do, which would be to let the Board of Health know what the professional found out.

Leslie Whelan discussed the housing inspection of a family that was having air quality issues. The family had been living in the building years ago and once they moved, their health issues improved, but once they returned, they had the same health problems. The physician reported it could be fibromyalgia or an allergy to mold. The college, where the housing occurred, hired someone to do testing of the air and submitted a copy of the report, which indicated no high mold levels. Ms. Whelan said it could not be seen or smelled, but the bathroom did not have a fan, while in another unit with a bathroom fan it was easier to breathe. Ms. Whelan said she could not breathe as well in the apartment with the non-working fan. Ms. Whelan's suggestion would be to fix the fan and replace the carpets as the apartment smelled old and dirty. Ms. Whelan was hopeful the new apartment would solve the family's health issues. Ms. Whelan would check other units in the building for fans. Tenants would be alerted about the random checks to determine if their fans were working.

Leslie Whelan announced that she had met with the FinCom and the Board of Selectmen, who both approved increasing the limit for the revolving fund to hire nurses or buy vaccine. The previous year, the schools had been serviced so there was a need to increase the spending. Ms. Whelan reported that the Selectmen wanted to talk about the Mother's visiting program and wanted to ensure that the Mother's Club would be involved. Mothers would be referred to the club in an effort to help isolated mothers. Town Meeting would be the next step in the approval process.

David Smith investigated the issues of how many horses were allowed per acre to find the subject "squishy." The bell shaped curve was from one horse per ten acres to ten horses per one acre. The variability was due to horses left out in pastures versus being kept in stalls in barns and turned out into paddocks. Drier climates required more land while lush areas such as

Massachusetts could allow for many horses per acre. Mr. Smith thought about a range of acceptability due to varying situations in Hamilton where horses lived in a barn stall and were turned out into paddocks. Mr. Smith thought the Town's numbers were reasonable and suggested providing an opportunity to licensed owners to apply for a variance for mini horses. The variance might be allowed if the land could support more horses than the regulations allowed. Leslie Whelan suggested waiting until a variance was requested and then vote upon the subject property. The Board implicitly adopted a policy to retain the existing policy on limits of keeping of animals per acre and would entertain a variance on a case by case basis.

Unanticipated items/announcements

Minutes – July 26, 2017.

Motion to approve the minutes of July 26, 2017 made by Giselle Perez.

Seconded David Smith.

Vote: Unanimous in favor.

Adjournment

Motion made by David Smith to adjourn at 8:05 pm.

Seconded by Giselle Perez.

Vote: Unanimous in favor.