

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

August 21, 2019

Members Present: Walter Row and David Smith (Chairman)

Health Agent: Leslie Whelan

This meeting was called to order at 7:05 pm in the Memorial Room, Hamilton Town Hall by David Smith. David Smith announced that the recorder was present for the recording of minutes.

Public Hearing to determine if the dwelling at 51 Old Cart Road was unfit for human habitation.

The Board of Health had received an anonymous complaint regarding mold growth and the lack of running water in the home. Leslie Whelan visited and confirmed the observation. Ms. Whelan served a notice to have the hearing. Walter Row said he read the report and viewed the home from the street. Walter Row said he reviewed the August 21, 2019 draft letter. Carole Reid (owner) was present. Ms. Reid said after Ms. Whelan visited, she took steps to sell the home and explained that her husband had been sick for years. Ms. Reid was not in receipt of any offers to date. Ms. Reid said she had applied to 20 different places on the north shore for housing. Ms. Reid was staying in temporary housing but her husband was still in the home. Ms. Reid found storage units and placed her two cats in temporary placements. Ms. Reid said she needed access to the home to sell the property. Tracy Hutchinson was the realtor. Ms. Reid needed another week to retrieve her belongings. Holly Andrews (Senior Care) said she was the protective case worker. Ms. Andrews was present to advocate for Ms. Reid and that a caseworker had put in a referral to the housing specialist, Diane Moses.

Leslie Whelan said that if the Board found the unit unfit and decided to condemn it, the process would elevate the case to an emergency situation and help the Reids find some sort of assistance. As occupation was defined as living in the building, Carole Reid would be allowed to enter and exit the building.

Motion made by David Smith that the Board accept the August 21, 2019 letter indicating that the subject dwelling was unfit for human habitation at 51 Old Cart Road.

Walter Row seconded.

Vote: Unanimous in favor.

David Smith noted that if the Board accepted and approved the letter, Mr. Reid would need to vacate the home by the end of the day Tuesday, August 27, 2019. Holly Andrews thought having a letter with a condemnation date might help the housing special referral process. Mr. Smith suggested extending the date to Friday August 30, 2019.

David Smith moved that the Board accept and approve the letter, dated August 21, 2019 of condemnation and order to secure and vacate 51 Old Cart Road with an amendment of the date to Friday August 30, 2019.

Walter Row seconded.

Vote: Unanimous in favor.

David Smith said the determination was effective immediately but the order to vacate would not be effective until August 30, 2019. Carole Reid would be free to enter the building at her leisure. David Smith amended the letter and copies were provided to Holly Andrews for documentation purposes.

Discussion on the subject of banning use in Hamilton of Roundup herbicide presented by Gretel Clark.

David Smith announced that Richard Boroff, who was present, was recording the meeting. No one objected. Gretel Clark was present. Ms. Clark had sent a quick summary of Glyphosate and noted she was interested as a beekeeper and wanted to defend not only the bees but the people of Hamilton who hoped to have healthy lives. According to Ms. Clark, non-Hodgkin's lymphoma was caused by Roundup. Ms. Clark hoped to ban the product entirely and not just on public land as it damaged the soil. Ms. Clark recalled that three major legal cases (\$18M to \$2B) had been won in CA against Monsanto. There were 13,000 cases pending. Ms. Clark said 17 countries had banned or restricted the product and many cities and towns had banned the use on public lands. Ms. Clark noted that Hamilton was the first town to compost and the ninth to ban plastic bags, proving they were always in the forefront of efforts. Ms. Clark wanted Hamilton to be the first town to ban the use of Roundup everywhere within the town not just on public land. Ms. Clark noted that Corliss Brothers had taken the product off the shelves but still had it in the basement for purchase requests. Ms. Clark said there were many pages of research proving a correlation between Roundup and illnesses.

Walter Row said Roundup had been on the market for decades and only recently been associated with a health issue. Mr. Row asked how long it would take for Glyphosate to break down to elemental parts so that it was not within the system. Mr. Row said as the product broke down, the risk would be diminished. Gretel Clark responded that she was not a student of chemistry but had the documents that showed it was in the water and soil. Mr. Row said he had been told that Glyphosate broke down to water and vinegar and would not build up in the ecosystem after it decomposed.

Discussion ensued regarding beekeeping near agricultural sites. Walter Row compared the relative risks of using Roundup to eating tuna that may have increased mercury exposure, which he said he ate in moderation. Mr. Row also compared the relative risk of eating processed meat, which increased the chance of men getting colon-rectal cancer. Mr. Row said the study indicated that non-Hodgkin's lymphoma was 2% to 3% and after long term use of Roundup, would increase to 3% to 4%. Mr. Row thought the benefits of the product and crop production might be

worth the minimal risk. Mr. Row compared the appearance of organic versus non-organic vegetables and found the non-organic to appear more robust. Mr. Row noted that the new spray was concentrated but wanted to know how long it would take for the product to break down once it did its job.

Patrick Reffett said he believed Glyphosate could stay in the soil for six months, according to an article he read. Gretel Clark thought vegetables that had been sprayed were not as healthful as organic vegetables. The use of Glyphosate killed weeds but also produced bigger weeds, which added to the problem. Walter Row said the Environment Protection Agency (EPA) had jurisdiction over the product and if they thought it was unsafe, they would have said so, which they had not done. Ms. Clark responded that the EPA was not to be trusted as documents showed Monsanto infiltrated the EPA to protect the company. David Smith suggested looking through the literature and requested that residents send him any article that would help him understand the relationship between the health of bees and the exposure to Glyphosate.

Richard Boroff said he had a Master's Degree in biology and said the documents presented were not scientific but rather news articles. Mr. Boroff said an associate of his had a PhD in chemistry and had conducted post doctorate work at Harvard. The associate had been in the industry for 40 years. The associate agreed that items were merely talking points without scientific references. Mr. Boroff said a greater danger to bees was a dust insecticide named Dryon. Fungicide was also a danger to bee larvae. Mr. Boroff said Glyphosate would need to be used in huge amounts to affect human beings. Mr. Boroff referred to the testing on rabbits and mice. Mr. Boroff said the chemical didn't work on mammals but worked on plants.

Patrick Reffett said he had used the product years ago. Mr. Reffett said a quick reading from the National Forest Service indicated the product breaks up and doesn't get into the water stream. Richard Boroff said the Audubon has used the product for several years even near the Ipswich River to control invasive species. Mr. Boroff added that Rodeo breaks down quicker than Roundup.

Gretel Clark reiterated that there were many solid data studies and countries that had banned the product. Richard Boroff said he went to the links provided and each one was "garbage." He said the links were only news without scientific titles such as "A Study of the Effect of Glyphosate in Mice in Varying Amounts."

David Smith said he wanted to wait and have the third member of the Board, who was not present, listen to the tape and allow her time to do research on the subject. Mr. Smith suggested the Board decide at its next meeting if they wanted to take a position on the topic. Mr. Smith wondered if the Board had a legal right and authority to ban a specific product or chemical in the town. Mr. Smith would consult with Town Counsel. Mr. Smith wondered how the Board would implement or enforce the ban as there were currently no stores in town that sold the chemical. Gretel Clark said the ban would make a statement for the benefit of the health of the community.

Walter Row asked if the Board would be liable if someone were to get an illness and the Board had not enforced the ban. Mr. Row said the Board of Health was not a scientific board and asked what would be the framework about making a decision on this topic. Ms. Clark said many people with bees in town have been grateful for the policy on spraying for mosquitoes. The topic would be continued until the next meeting.

22 Elliott Street. Housing order. Next steps.

After receiving another complaint regarding the property, Leslie Whelan did an inspection from the street and wrote up five violations from the sanitary code and Vacant Building By-law (Chapter 37). Ms. Whelan issued an order to the owner giving her several weeks to make an attempt to rectify the issues. Ms. Whelan said a few days before the re-inspection, the owner called to say she was selling the property and would not attend the re-inspection. The day of the re-inspection, Ms. Whelan inquired with owner about status of sale. Owner stated all she knew was that her brother had hired a lawyer to handle the sale. Ms. Whelan said the owner had previously made poor repairs and didn't want to spend the money to bring the house up to code. Ms. Whelan issued a fine of \$700, which the owner had 21 days to pay. Currently the owner had two more weeks. If the fine was not paid, the new Building Inspector would go to housing court and ask for a hearing with the Clerk. The process would lead to asking a judge to put the house into receivership until the repairs were completed. The receiver would be paid via a lien that would be provided when the house sold. Peter Blanchette (Building Inspector) reportedly said attaching fines as liens on the property would make it harder for her to sell the property. Ms. Whelan recalled that the first complaint might have been as long as six years ago. An order was written in 2017 but the owner did not do a good job of fixing the issues and said she was selling the property. She was allowed to board up a window instead of fixing it.

David Smith said taking the owner to housing court was more effective and efficient. Housing Court would be the first step to resolving the issues. If the owner did not pay fines or make repairs, receivership would be sought. Mr. Smith read Town Counsel's opinion on the subject. The sense of the Board was that the action was appropriate.

Update on public concerns regarding Town drinking water quality.

David Smith announced that since the Town water meeting in June, there had not been a single posting on Facebook expressing concern about town water, which meant the meeting was successful in removing unrealistic fears about town water quality and quantity. The water ban was discussed. The electronic sign in front of the Public Safety Building announced the ban. Mr. Smith said the ban was a matter of State law requiring a ban for irrigation uses of water between 8 am and 8 pm. due to the fact that the Town of Hamilton draws water from wells in the Ipswich River watershed. The river suffers from over usage and low flow because of hot, dry summers. Previously the water treatment plant could not operate at more than half capacity but the problem had been fixed.

Health Agent Update.

Leslie would post signs at Round Pond announcing that toxic blue green algae had bloomed.

Unanticipated items/announcements

Review/approve July 17, 2019 Minute and March 13, 2019 Hamilton Wenham Joint Meeting Minutes.

Motion made by Walter Row to approve the minutes of July 17, 2019

Seconded by David Smith.

Vote: Unanimous in favor.

Motion made by David Smith to approve the March 13, 2019 minutes with the Hamilton and Wenham Boards of Health.

Walter Row seconded.

Vote: Unanimous in favor.

List of documents and exhibits reviewed.

Letter dated August 9, 2019 to Alan and Carole Reid, including housing inspection report and draft Order to Vacate and Secure.

Talking Points re: Glyphosate (weed killer)

Glyphosate – the New Boggeyman.

Does the Herbicide Roundup Cause Cancer?

Letter to Catherine J. Sargent, dated July 22, 109 regarding 22 Elliot St. and Hamilton's Vacant Building By-law. .

Adjournment

Motion made by David Smith to adjourn at 8:21 pm.

Seconded by Walter Row.

Vote: Unanimous in favor.

Prepared by: Marcie Ricker

