

Manchester Board of Health
Meeting Minutes
Thursday, May 11, 2023, at 8:30 a.m.
Town Hall, Room #7
Also Virtual by Zoom link

Members present:

Paula Filias
Peter Colarusso
Joan Cottler
Dr. Martin Hahn

Members absent:

None

Also present:

Public Health Director Wendy Hansbury

Paula Filias called the meeting to order at 8:30 a.m.

Ms. Filias announced that due to increased work responsibilities she is resigning as Board of Health Chairperson. She asked members for nominations for a new chairperson.

Dr. Hahn made a motion to nominate Peter Colarusso to serve as the next B.O.H. Chairperson. Joan Cottler seconded the motion. Members, by roll call vote approved the motion:

Ms. Filias, in favor
Mr. Colarusso, abstain
Dr. Hahn, in favor
Ms. Cottler, in favor

Mr. Colarusso recognized Ms. Filias for her efforts over several years and time to update the Board of Health. Further, that residents will benefit from her efforts, but never know.

Dr. Hahn concurred, adding that she had put the Board back in compliance. All present thanked Ms. Filias for her work as Chairperson.

Health Director 6 Month Review

Ms. Cottler stated that Health Director Wendy Hansbury would share her self-evaluation first.

Ms. Hansbury began by stating that the situation prior was unique, resulting in a lot of necessary work. She stated that she had worked towards a team, with clearer communication with the board and the staff and is willing to continue to put in effort in the work.

She noted that members had been given her form, and she would read over her form. She explained the format of the self-evaluation, noting that she would appreciate comments. She expressed appreciation for the forum.

1 Development Opportunity

Daily activities good, working on efficiencies and better public access, including online permitting and inspections online

Mr. Colarusso asked about the scope of the online permitting, wondering if it could rid the office of the files. Specifically, could the old information in the files go on to the new online permitting system. Ms. Hansbury replied that hours of labor would be needed, but she is working to get all permits online including inspections. Regarding the existing files going on to the online permitting system, she replied no.

Ms. Cottler stated that in this area, working with the staff is one of the most important things for Ms. Hansbury to work on. Dr. Hahn seconded that opinion, hoping that things were smoothing out and he hoped moving upward.

Ms. Filias stated that she appreciated, and the Board needed Ms. Hansbury's knowledge and proficiency. Further, she understands it was not an easy transition, incorporating Ms. Hansbury in. Ms. Filias said that while she appreciates Ms. Hansbury's direct nature, she is concerned about when the reigns are released that she may be too authoritarian for and with the office.

Ms. Cottler said that Ms. Hansbury's level of skill is impressive.

Mr. Colarusso said it has been a learning period for the Board also. He requested that Ms. Hansbury give the Board all information. He thanked her for last night's email and reminded Ms. Hansbury to give the Board information, even if they don't need to act on it.

Ms. Filias said that with everything the Board of Health touches, the Board has big lineage with same people. Also, the Board has not had a heavy hand and is not needed. Describing the various applicants who come before the Board, she added that she felt that while larger Town's may need a heavy hand, that is not the way the Board has operated. She told Ms. Hansbury that if she could understand that she will meld easier into the job. Ms. Hansbury asked for an example of a heavy hand. Ms. Filias replied with a question to Ms. Hansbury, asking her to explain her mindset when she goes out to a job site. Ms. Hansbury said that she does not automatically assume that contractors are doing bad work. She described arriving on sites with a friendly demeanor, locating the field general contractor, smiling, introducing herself and establishing a communication level, with friendliness and openness as that will lead them to calling her when there are problems. Ms. Hansbury provided a similar description for arriving at a restaurant inspection. She stated that while out in the community she is friendly and approachable and that is the picture of her out in the community. She added that her regulatory face is done with a smile.

2 Oversees Inspections, etc.

Ms. Hansbury gave the example of the State inspections at lock up facilities, asking the members how many were aware of those inspections. Ms. Cottler noted that two of the items caught in that inspection were related to suicide. Ms. Hansbury said these inspections bring to attention identified risks that may show possible need for an officer with the person.

Ms. Hansbury said she will work with people to come into compliance. Also, that she is doing well with paperwork and permits that come in, including some reinspection's and seasonal permits.

3. Supervised Nursing

Ms. Hansbury said the Board has an excellent Public Health Nurse. She provides direction to the nurse when needed, supports development of the position. She said that the nurse does need support and encouragement, sometimes Ms. Hansbury can point her in the right direction. Ms. Cottler said the Board is lucky to have Nurse Pam, adding that the nurse does not need direction.

4. Annual Budget

Ms. Hansbury said she put that she is proficient in this area, because she was not involved in the last budget. She added that she was able to work with the funds and does have complete awareness of the budget.

5. Enforcement of Rules and Regulations

Ms. Hansbury said she put that she exceeds expectations in this area. She stated she had no experience with many of the items in Manchester. Also, that she was working with the new animal regulations.

Mr. Colarusso asked if animal control had gone over the language in the new animal regulations, stating that a resident had asked that question of him. Ms. Hansbury agreed to follow up with the animal inspector. Ms. Filias asked if information gathering had been helpful. Ms. Hansbury replied yes. Also, that she could say that the management techniques are good, that there are no issues with rodents, and that it is good not to have to chase the information. She gave an example of a possible discussion regarding rodents. Ms. Filias said that adding the 10' property line setback for new applicants will help with this. Ms. Hansbury agreed, adding that she uses the term existing and does not use the term grandfathering. She added that the biggest change has been made is with the chickens.

Camps and Beaches

6. Development of Grants

Ms. Hansbury said this is not applicable as the Board has directed her not to work on grants at this time.

7. Policy, Procedures, Reports and Compliance

Ms. Hansbury said the staff has a good process in place. Also, if there is a concern or question, the staff takes that to Town Counsel. She said that is other than her understanding of how the office works.

Ms. Filias stated that there is no grant work because the Board wants to handle the in house work before spreading out. She reminded Ms. Hansbury that the Board has told her several times not to pursue grants. She added that when the Board's comfort level is there, they would then like to hear what Ms. Hansbury thinks about the six months following that time. Ms. Hansbury said the State is pushing shared services and that there are shrinking opportunities. She said the prior

grant group is reviewing their structure and an opportunity may come back. She added that there is money and effort hours available as well as the opportunity to join other grant programs including emergency preparedness and household hazardous waste. She shared that Manchester is not the only town that has not participated in the State first four grant rounds. She said there will be opportunities coming around and if someone calls, she will advise.

Dr. Hahn said that shared services present a unique set of circumstances, including who is available and when. He said that there were issues with the previously presented grant and in future the Board would have to decide how beneficial. Ms. Filias asked if the grants were all in or can the Board pick and choose. Ms. Hansbury replied that the participation is as a group.

Ms. Hansbury reminded the Board that on March 2 they identified goals for the Board and the office. She said that she would put something together in the late summer of fall, including answering Dr. Hahn's questions as well.

8. Prepares Documents in Compliance with Regulations

Ms. Hansbury said she put that she exceeds expectations in this area. She said she completed the Keeping of Animals regulations and is actively engaging in the beginning of the well regulations.

9. Compliance with Title 5

Ms. Hansbury said she wanted to give exceptional in this area but gave excellent as no one is perfect.

10. Participate in Regulations and State Regulations and Boards

Ms. Hansbury said she put that she exceeds standards in this area. That she speaks knowledgeable with others, including emergency preparedness.

11. Represents Board of Health

12. Similar or Related Work

Ms. Cottler said that Ms. Hansbury's knowledge is more than the Boards. However, Ms. Hansbury's communication up and down was the problem. However, Ms. Hansbury responded to the Board.

Mr. Colarusso suggested that the Board end the conversation and see Ms. Hansbury at the one-year review and also address issues as they come up. There was discussion about a shorter time frame, with Mr. Federspiel noting that quarterly reviews are happening already, including quarterly reviews for himself and quarterly reviews for both the Fire Chief and the Police Chief.

Ms. Filias suggested that because of the drastic shift, that a quarterly review would be good.

Ms. Cottler said there is no question on the knowledge and ability of Ms. Hansbury, but there

are two major areas that need focus, including Ms. Hansbury's relationship with the staff and Ms. Hansbury's relationship with the Board. She agreed to go with quarterly reviews moving forward. Mr. Colarusso and Mr. Federspiel both asked what schedule would be used. Mr.

Federspiel said what is important is just to space them out every three months. It was agreed that the next quarterly review would be held in August.

Ms. Hansbury said she would continue to work on Board of Health and staff relationships.

Mr. Federspiel asked the Board to identify goals for Ms. Hansbury for the next three months. The goals were set as follows:

- 1.) Inspections
- 2.) Title 5 related work
- 3.) Special Projects

Well regulations were agreed to be a special project item. It was unclear how long it would take to work on the well regulations. Ms. Hansbury said it could be done in three months, but that other adjacent issues may take longer.

Mr. Colarusso, noting the Board of Health department is unique, questioned what the new governance group of the Board of Selectmen will ask of the Board.

Mr. Federspiel asked if Household Hazardous Waste would be in that three-month list. Ms. Hansbury said that staff are working on a list and when the list is ready, it will be presented to the Board. Dr. Hahn noted the increased cost of the vendor used in 2022. Ms. Cottler asked if anything related to mosquitos should be on the list. Mr. Federspiel asked if the fall flu clinics schedule would be in place in the next three months.

Members asked if the Covid funding was over. Ms. Hansbury said that Federal funding ends on June 30th and then the State will decide next steps. Mr. Federspiel said that the costs may then shift to insurance companies. Ms. Hansbury said there is a push for the State to bulk purchase vaccine.

Ms. Filias reviewed the goals, including office computers.

Mr. Colarusso made a motion to adopt the Town's quarterly review process.

Ms. Cottler seconded the motion. By roll call vote, members were unanimous to approve the motion:

Ms. Filias, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

State Well Information

Members reviewed State well information provided by Ms. Hansbury. Members had a general feeling that the existing well regulation is thorough on construction of the well. Ms. Hansbury said the Board asks for well information but does not follow up – giving an example of testing and withdrawal. A question was asked about properties that have both well water and Town

water. Ms. Hansbury explained that no cross connections are allowed. She explained that the Board does not get to regulate individual aquifers. However, the Town itself can identify areas and then the Board can refer to the Town regulations. Mr. Colarusso shared that the Water Quality Task Force had identified more aquifers than previously identified. Mr. Federspiel said that the areas already identified are part of the Zoning Board regulations. Ms. Hansbury agreed that the future identification of areas is not for the Board, as the Board does public health issues. Mr. Colarusso shared that (Tank Force Chairperson) Steve Gang will propose an expansion of the water protection zones.

A hypothetical question was asked by Mr. Colarusso, if a house were built on upper School Street can the Board do something when they apply for a well permit.

Ms. Hansbury stated that wells are the Board of Health, and that drinking water is public health. However, private water is not regulated at the State level. Further, Boards of Health can refer to other regulations, but they cannot use less restrictive regulations.

As an example, she said that the 128 corridor has other water supplies, the MAC has one of those, which is regulated at the State level. The State regulated public water supply wells for some requirements are included but with many different levels.

Ms. Hansbury said it is harder to set a maximum gpm on well withdrawal, that a maximum with a meter would be almost impossible, along with the serious expense for piping and metering. Mr. Colarusso said this may be a good time as the Town is looking at new Town water metering. Ms. Hansbury said it is a challenge, outside of drinking water wells, harder to do for agriculture wells.

Dr. Hahn gave the examples of aquifer problems in the State of California, adding that those problems make maximums defensible. Ms. Hansbury asked if the Board wanted to work with the Town on conservation measures, specifically during drought. Mr. Colarusso gave another example of summer residents using wells for drinking water, instead of using the Town water.

Ms. Hansbury said that Manchester treats all types of wells equally, asking the Board if they wanted to treat wells differently, agricultural versus drinking water.

Ms. Cottler suggested that Mr. Colarusso and other members who are aware of the subject work on this as a subcommittee and make a recommendation to the full Board. Members agreed that it is normal to have a subcommittee, however some executive decisions to be made (watering vs. drinking vs. geothermal vs. irrigation) would need to be done by the entire Board.

Mr. Colarusso stated that there is no reason why the enforcement cannot be overlapping, noting that it may be easier to separate out the drinking water first. He also noted that the review may bring up a discussion on watering and residents asking, "why do you care what I put on my lawn". Dr. Hahn noted that geothermal is mostly a closed loop system, which is different from the others. Ms. Hansbury said that a lot of people do not ask for a permit for the geothermal, because they are different. Mr. Colarusso advised that the Conservation Commission may make a big push for that. Ms. Hansbury asked if the Board wanted to regulate them the same, with members Hahn and Colarusso stating yes and Ms. Cottler unsure. Dr. Hahn asked where to start the process. Ms. Hansbury asked that the members read through the materials and send her their notes on same.

Restaurant Inspection Update, Referenced Restaurant

Mr. Colarusso gave a history of a past food inspection he was at, which included a lack of ServSafe certified food handlers on site. He added that his opinion was that the establishment had not had a violation free inspection since opening and that a stronger approach was needed. It was noted that the establishment has floor sanding currently being conducted.

Dr. Hahn asked how the Board knows if a qualified person does the training. He suggested that the establishment provide a monthly list of employees and note each staff person's training.

Ms. Hansbury and Dr. Hahn discussed options for checking on compliance with that training.

Dr. Hahn suggested training be required prior to the start of work, with proof provided to the Board.

Mr. Colarusso suggested that the establishment be required to come into compliance by June 30, 2023, and then maintain compliance. Ms. Hansbury noted her desire to have the Board put a letter in place. She agreed that the first letter was not written right. Dr. Hahn requested that include a requirement to document training and also that the Board at their discretion can check compliance. Mr. Colarusso asked that the violations be shown on the letter, as they had not been shown. Ms. Lufkin advised the Board that the establishment has received reinspection fines that each list the violations noted. Ms. Hansbury noted that some of those violations were identified as critical. Mr. Colarusso questioned if the Board should change the fine schedule. Mr. Cottler asked at what point the food license should be taken. Mr. Colarusso said that in his opinion, it should have been removed last year. Dr. Hahn agreed that the steps outlined were good. Ms. Cottler agreed that the letter include up to and including removal of the food license. Following review of the proposed letter, members agreed that they would require the owners to come before the Board.

Ms. Cottler asked how the establishment was operating at their Salem location Mr. Federspiel agreed that the Health Director could reach out to her Salem counterpart to check on the Salem location and see if there is a pattern of behavior. Ms. Hansbury agreed to confirm if there is a pattern. Also, she will send a draft letter to Dr. Hahn for his review.

Members agreed to hold their next meeting on Thursday, May 25th , followed by June 8, 2023.

New Board of Health Member

Mr. Federspiel informed the Board that the Selectmen will conduct a candidate interview on Monday for the open Board of Health spot. He requested that the Board have members present for that meeting. Ms. Hansbury will also be attending the meeting.

Public Health Nurse Report

Members advised that they could not open the public health nurse report. Ms. Hansbury agreed to forward a copy to the members. Ms. Hansbury read the report to the Board. The report included the following: 2 Covid cases (pcr confirmed), 1 Lyme case reported, 125 pounds of diapers and wipes were collected and donated to Beverly Bootstraps.

Health Director Update

New Business

- Mr. G's Café at Manchester Athletic Club opening
- Todd Crane applying for new catering license
- Captain Dusty's and Singing Beach Canteen having seasonal inspections
- Mooring Restaurant has closed
- Allies' Beach Street, new operator has not filed license application
- Sweeney Park Canteen opening
- H.S. Canteen licensed and will open in fall
- Camps – Brookwood application in, Sailing Association application not submitted

Mr. Colarusso asked that the camp inspection process be explained. Ms. Hansbury reviewed the process. Mr. Colarusso also had a question regarding the sailing association and campers at Misery Island.

Septic Systems, Reviews, and Installations

- 113 Ocean Street, plan revision
- 31 Smith's Point, plans submitted
- 6 Smith's Point, plan revisions required due to ledge
- 85 Bridge Street, compliance letter needed regarding system capacity
- 20 Loading Place, compliance letter needed regarding system capacity
- 14 Smith's Point, site review for construction and regarding system capacity

Irrigation Wells

- 1 application may need a setback variance, if location is not changed

Meeting Attendance

- Attending regional coalition meeting
Project plan required for equity
- June 20, 2023 governance workshop

Other

- Ipad needed for permitting, \$380 purchase and \$39.99 per month
Members asked costs be out of the existing Board of Health budget
Dr. Hahn made a motion to approve the spending. Mr. Colarusso seconded the motion. By roll call vote, members voted to approve the motion.
Dr. Hahn, in favor
Mr. Colarusso, in favor
Ms. Cottler, in favor
Ms. Filias, abstain
- Correspondence forwarded to members

Minutes

Dr. Hahn made a motion to approve the minutes of April 20, 2023, and May 3, 2023 as presented. Ms. Cottler seconded the motion. By roll call vote, members voted to approve the motion.

Dr. Hahn, in favor
Mr. Colarusso, in favor
Ms. Cottler, in favor
Ms. Filias, abstained

At 10:21 Dr. Hahn made a motion to adjourn the meeting. Ms. Cottler seconded the motion.

By roll call vote, members voted to approve the motion to adjourn.

Dr. Hahn, in favor
Mr. Colarusso, in favor
Ms. Cottler, in favor
Ms. Filias, abstain

As submitted,

Ellen D. Lufkin
Administrative Assistant

