

Manchester Board of Health

Meeting Minutes

Thursday, June 08, 2023

Town Hall, Room #7 and Virtual by Zoom Platform

Members present:

Paula Filias, Peter Colarusso, Joan Cottler, Dr. Martin Hahn, Leah Peavey

Members absent:

None

At 8:30 a.m. Mr. Colarusso called the meeting to order.

Appointments

8:30 a.m. 39 Coolidge Point Road

Representing the homeowner were Brian Silva, David Hayes, and Bob Griffin of Griffin Engineering.

Mr. Griffin presented the septic system modification plan for the site. He noted that the modifications were made to accommodate the installation of a new pickleball court by the guest house.

He explained that the installation would require the removal of lawn and topsoil and the installation of pervious concrete (composed of sand and crushed stone). While unusual, the pervious concrete results in no runoff as water goes through the material. Mr. Griffin supplied that the modifications will include raising the two manhole covers to grade, which will make the flushing valves accessible. Also, there will be supplemental venting to the cultic chambers. He added that the last Title 5 was done 7 years ago, that he thinks the system is fine, that parking over a system is done on some systems and that the court is good for health.

Mr. Colarusso noted that the applicant had requested a variance on hardship. He explained that the Board is diligent about variances being granted on hardship and does not see a sports court as a hardship. Mr. Griffin replied that the variance had been requested from the Zoning Board of Appeals, not the Board of Health, that the plan meets Title 5, and that the hardship is the "only suitable location" being over the system. Regarding the pervious concrete, why is it not used more for Conservation Commission projects, also asking if it causes problems with freezing. Mr. Griffin replied that it is not used more as it is difficult to place and install.

Ms. Hansbury informed the Board that she had called the D.E.P. regional rep regarding the application and that they said that the applicant is not allowed to impact existing fields without a variance. She noted they are leaving 11" of cover over the system. Mr. Griffin said there is sand over the chambers and demonstrated the plastic snap together material being used for the project. Ms. Hansbury asked Mr. Griffin if he was exposing the leach pipes, Mr. Griffin replied that he was not. Ms. Hansbury asked if

she were asking the question wrong. Mr. Griffin said he will have to connect pipes to the shell plastic with 1" of geofabric. Ms. Hansbury asked if he was exposing the geofabric, Mr. Griffin replied he was not. Ms. Hansbury said that DEP says the question is "are you impacting the system"? Further, that this is a local decision to make, is pickleball court over system an impact?

Mr. Colarusso said he was concerned about the installation. Ms. Cottler asked about the neighbors and if they get a say regarding the court installation. Mr. Griffin replied that the neighbors had opportunity to provide input during the Zoning Board of Appeals review process. Mr Colarusso asked to have a report on the condition of the existing septic system, noting that system inspection schedules had been interrupted by Covid.

Dr. Hahn made a motion to approve the septic system modification plans based on the plans presented and dated 05/24/23 with materials and specifics presented for 39 Coolidge Point in Manchester.

Ms. Filias seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Ms. Cottler, in favor

Ms. Filias, in favor

Mr. Colarusso, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

Antique Table Restaurant

Present for this discussion were Antique Table General Manager Oscar Guerrero and Chef Bryan Lopez.

Oscar informed the Board that he had been working with Health Director Wendy Hansbury.

He noted that the restaurant had made a lot of changes during their voluntary closure, including taking care of the downstairs of the restaurant. He added that Chef Brian had gotten certified in food protection, a new SOP was created, Brian has been brought in as the full-time chef on site. Further, that all processes are in place with the goal of keeping food safe, including the meatballs which had been a problem. Oscar shared that he had hired a consulting company to assist with training and to facilitate on-site training. He informed Ms. Hansbury that he had emailed the consultant's contact information to her. Also, an experienced chef will come in and observe the operation and make appropriate corrections. Two ServSafe trainings have been set up by the consulting company. Oscar will also be cooking more, following the new SOP, complete the full cleaning. He said he is 100% committed to the work, knows they have failed in the past and feels Ms. Hansbury is happy with their progress. He agreed to submit quarterly reports and noted that the consultant is not temporary. He asked the members if they had any questions.

Mr. Colarusso said the establishment is an important part of the Town. He added that he was thrilled that Antique Table is taking aggressive action. Dr. Hahn agreed that they have taken good steps.

Oscar said that no one wanted to step up and hat as General Manager, he is stepping up and putting Chef Brian in place.

Ms. Filias said she understands that staffing is difficult and thinks that having a regular consultant is good to deal with rolling training.

Ms. Hansbury agreed that their step up is wonderful. She said that staff movement was a problem, that she appreciates the effort and was pleasantly surprised by her Monday visit. She looked at the procedures and changed operations and that they are fabulous. She was glad to see the picture downstairs. She said she was looking for a 3rd party agreement or letter. That she had seen an email conversation but wanted something more formal. She informed Oscar that they need process in place for going forward.

Oscar agreed to forward a letter regarding the consultant chef and training. He said he would expect Ms. Hansbury to visit the site and that visit would be pleasant. Ms. Hansbury noted that typically workers recognize her (as inspector) and roll their eyes.

Oscar said that he does not want to serve unsafe food. He thanked the Board, including for the decision to close the establishment, allowing them time to come together.

Ms. Hansbury asked Brian if he was comfortable running the kitchen. Brian replied that he was comfortable, that he will stay there, no longer running between the other sites. Also, that he feels happy to work as a team, that there was no team prior, but that now there is a team.

Ms. Filias said it was good to see progress, growth, and changes at the establishment.

Oscar said the team now arrives two hours before service, giving them time for checks.

Members agreed that the status was very good and thanked Oscar and Brian.

Mr. Colarusso suggested a contest between his Gramma's sauce and the Antique Table sauce.

Dr. Hahn made a motion to support Ms. Hansbury's decision to reopen the restaurant with the changes made and regular controls in place. Ms. Cottler seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Ms. Cottler, in favor

Ms. Filias, in favor

Mr. Colarusso, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

State Well Regulation Outline

Dr. Hahn informed the members that he and Mr. Colarusso had reviewed the State Well Regulation Guidelines forwarded by Ms. Hansbury, specifically referencing sections 3-8.

Related to Ms. Hansbury's questions Dr. Hahn suggested the following:

- separating out geothermal wells with no testing unless they served a dual purpose
- recommend keeping the same, not separating out drinking water wells and agricultural wells (It was noted that agricultural water goes to vegetables)
- coordination with Town related to drought was noted as difficult to coordinate
noted that aquifers and water supplies are being looked at
do not know which wells will affect the water supply
coordinating with Town on drought is a good thing
Town is having a difficult time in drought time with how to enforce the restrictions

Ms. Cottler noted the presence of "watered by well" signs during drought

Dr. Hahn added that the Town may need to develop regulations to limit irrigation

Ms. Cottler said residents may respond asking why they paid to install a well.

Dr. Hahn replied that well water is still free water.

Mr. Colarusso said that the Board of Selectmen are reviewing a proposal to increase the fees to large volume water users.

Ms. Hansbury said that withdrawal from wells is not impacted unless there is drought. Also, that the State determines drought. In instance of water restrictions such as only water from 6-8 p.m., that would be the time to lift up a Town decision. And that the State may make Town water and private water have the same standards.

Ms. Hansbury agreed that in the long run, going forward, the matter will get more extreme. She said the Town has bedrock and therefore there are pocket of water underneath, that wells and the public water supply will need to dig deeper to get water, and that hopefully in 3-5 years people will see the issue is a public health issue. Dr. Hahn said that well users are still tapping into a public resource.

Mr. Colarusso explained that Town committees are tapping into the issue. He referenced the Wenham Lake and related monitoring and controls for same. Dr. Hahn said that he is not sure it is the Boards domain, but that a recommendation may be made for geothermal wells. He provided an example of geothermal well problems in Germany, which could have been prevented by a geothermal study. He suggested it was not unreasonable to regulate for larger projects. Mr. Colarusso noted the importance of identifying the composition of layers going down.

Members were asked to report any comments back to Dr. Hahn.

Dr. Hahn provided the following summary:

- 1.) geothermal for single family homes, State for larger project geothermal wells or do same
- 2.) agricultural, drinking, and private wells all regulated the same

Geothermal wells for private homes are private wells or ground source

Dr. Hahn agreed that the Board can start drafting a regulation and incorporate this information into the draft.

Members were asked if they wanted to vote on the suggestions, given the authority and State purpose, to protect the aquifer, including from forever chemicals. Mr. Colarusso and Dr. Hahn felt that a vote may prevent future push back. While Ms. Hansbury felt it would give the Board something to lean back on. Mr. Colarusso said the Board would advise the Board of Selectmen, Planning Board and Zoning Board before any public hearings are held. Mr. Colarusso added that people agree that summer is bad time to pass regulations as residents are often away.

Ms. Hansbury noted the cost to advertise the public hearings.

Ms. Filias asked if the Board should vote on the suggestions for the drafting of a future new well regulations. All members were o.k. with the suggestions.

Household Hazardous Waste

Ellen Lufkin provided the Board with an update on options available under the State contract for a one-day household hazardous waste collection day. Members discussed the sale of the existing household hazardous waste vendor, which removed the ability for at home collections and left options only for a one-day collection where residents brought their materials to a Town site. Ms. Lufkin requested that the Board think about the future financing of the event, pointing out that for the at home collection the Town paid the set-up fees and the resident paid for the disposal of their waste items while the one site one day collections from 1989 – 2019 were fully paid for by the Board of Health. She also said that the State is pushing for permanent facilities to be located, which would make improper disposal less likely. Ms. Hansbury said that Town Administrator Federspiel is interested in the Board looking at the permanent facilities. But that the DPW is too busy currently working on building the Black Earth facility. Mr. Colarusso said he wished to keep the hazardous waste disposal costs low for residents. Ms. Filias suggested a copay or flat rate for participation. Dr. Hahn agreed, wanting to be fair to the residents. Members agreed to discuss further, following receipt of a fiscal year update on the State contract for household hazardous waste.

Members passed over the review of the minutes of May 25, 2023.

Health Director's Update

Miss Hansbury provided the following Health Directors Update

Camps

Brookwood School review and inspection is ongoing.

Title 5 Work

Many Title 5 applications are coming into the office.

Food Inspections

35 Beach St. application is pending a plan review

Beach Testing

All beaches open

Reminded members to have residents call office with questions related to beach testing.

Emergency Grant Awarded

Ms. Hansbury said that back in January, the Town wanted to turn in the grant application. And that in confusion it was turned in that day, with her name on it and Chief Fitzgerald as well. She said that Chief Fitzgerald is responding to the grant. Ms. Hansbury noted her enthusiasm for regional planning, adding that the Town Administrator wanted to work on flooding issues. She informed the members that Chief Fitzgerald had separately received a grant to go to Florida to train in hurricane response. When asked what the grant received is for Ms. Hansbury replied that it is a \$20,000 grant for emergency preparedness. Again, stating that Chief Fitzgerald is responding to the grant award. Mr. Colarusso said that the Town Community Emergency Management Plan (CEMP) had a lot of blanks in it. Members were hoping the CEMP empty spots would be filled in, but stated they the revision comments had never been put in.

Ms. Hansbury stated that if Chief Fitzgerald is the only one doing to the grant work, the plan will be shelter and emergency response. And if the Board steps in and up, it could be more rounded including non-emergency responder items like addressing food emergencies. She explained that CERT groups used to have to get technical training for directing traffic and moving supplies. Dr. Hahn said those responsibilities fall under the Fire Chief and the Police Chief. Ms. Hansbury said there is definitely that but that the Board of Health does not dovetail well with emergency planning. Noting that police and fire do rescues but the Board of Health gets the people to shelter them, as with Red Cross work. She said she was hoping to draw Town resources up to the table and see what they are. And that because it is regional, towns could work together. Dr. Hahn again asked what the \$20,000 grant is for. Ms., Hansbury replied that phase 1 of the grant is local. Dr. Hahn asked what the grant objective is. Ms. Hansbury replied that the Mass Emergency Preparedness Collaboration is trying to bring emergency preparedness planning and look at the gaps (which Board did with the CEMP), that one piece is technical assistance to look for other communities. She noted that the existing Board of Health Emergency Dispensing Site Plan ("EDS") is put into the Town emergency plan. She said that Phase 2 is to work with other Towns who said they would work together. Mr. Colarusso requested more specifics. Ms. Hansbury gave the example of a mass feeding plan, noting the Town has a local supermarket. Mr. Colarusso said there are unintended consequences when other departments drop the ball.

Ms. Hansbury said there are grant tasks, including identifying what is needed and setting up Memorandums of Understanding. Dr. Hahn, noting the Board had made a list for Chief Fitzgerald, suggesting getting that list together and sitting with the Chief to get options for the grant use, including identifying the direct needs of the police and fire department.

Ms. Filias reminded that the grant is not a shared services grant, but \$20,000 for the Town. She requested it be sorted out with Chief Fitzgerald to identify how much grant funding each department has. She stated that at this time, the Board of Health objects to any shared service grants with other Towns. Ms. Hansbury admitted that the way grants have been submitted to the State in the last three years is unique, attributing it to the pandemic. She said that grants take time and money and that there

are no grant writer left in Town, that it is backwards. Mr. Colarusso said that the Town does have a grant writer. Ms. Hansbury said the \$20,000 is over 2 phases and involves the Town Administrator, MAPC, the Fire Department and the Police Department. Dr. Hahn asked how much money is in phase I. Ms. Hansbury said unknown, as she has not seen the budget and the budget needs to get in.

Members informed Ms. Hansbury that it is o.k. for her to sit down with the grant team. However, members said they did not want to see multiple meetings, allocating time with little results. Also, that Ms. Hansbury did not have permission to have the grant go to a phase II regional, multi town effort before the Board decides if it benefits the Town. Mr. Colarusso said Ms. Hansbury may go listen and find out what they want. Ms. Filias and Dr. Hahn agreed saying that Ms. Hansbury could meet with the grant team, get the information, and come back to the Board with that information.

Mr. Colarusso reported that the Selectmen have scheduled their next governance meeting for June 27 from 6:00 – 8:00 p.m. at the M/E Regional High School.

Ms. Hansbury stated that Mr. Colarusso had requested that the Board of Health have information included in the Town's quarterly newsletter, including advising residents that the Board completes random restaurant inspections two times per year at all establishments. Ms. Hansbury said she may submit information on food protection, septic loans, and sun safety. Mr. Colarusso suggested submitting information on beach water testing, including when, why, and what is being tested for. Mr. Colarusso said that public awareness of Board of Health work is increasing and that prior the public had little awareness beyond septic information.

Food Truck Fee Waiver Request

Ms. Hansbury informed the Board that the Town recreation department is running a summer program at Tuck's Point and that the provider is looking to have an ice cream truck come to the site once a week to serve the campers. She said the truck would not stop anywhere else in Town, that it was licensed by the State and the City of Beverly, and that she had checked in with both the police department and the selectmen. She said a fee waiver has been requested, that a CORI/SORI would be done in the hometown, but she would double check with Chief Fitzgerald on that. Dr. Hahn asked about an inspection. Ms. Hansbury said it is probably not needed, but that she could go out. Ms. Filias said while prepackaged, any temperature problems could cause the loss of product. Ms. Hansbury said this is a special circumstance and that the operator has a hawkers and peddlers license from his hometown. Ms. Filias said she was in favor. Ms. Hansbury said there are no facilities and that it is providing a nice treat to the campers. Members were concerned that the Manchester sailing program ends at 12:30 and that there may be confusion by their campers, who are not being provided for. Members discussed the fee waiver. Ms. Hansbury noted the request is through the recreation program, is just for three weeks, and that the operator will be told not to come back to the site or drive around Town.

Ms. Cottler made a motion to waive the fee for the ice cream truck to serve a parks and recreation program at Tuck's Point.

Dr. Hahn seconded the motion, noting it was being waived as it is a parks and recreation related event.

Members, by roll call vote were unanimous to approve the motion:

Ms. Filias, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

Ms. Peavey, in favor

Dr. Hahn, in favor

At 10:16 a.m. Dr. Hahn made a motion to adjourn the meeting.

Ms. Cottler seconded the motion.

Members, by roll call vote were unanimous to approve the motion:

Ms. Filias, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

Ms. Peavey, in favor

Dr. Hahn, in favor

As submitted,

Ellen Lufkin