

Manchester Board of Health
Meeting Minutes
Thursday, July 13, 2023
Town Hall
Room #7 and Zoom Platform 1

Members present:

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

Members absent:

Leah Peavey

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

Ms. Nicole DelRosario of Forest Street requested permission to record the meeting.

Mr. Colarusso granted that permission.

For Discussion / Review

17 Proctor Street, Manchester

Ms. Hansbury presented the Board with her review information for a septic system plan for 17 Proctor Street in Manchester. She said that she had requested the plan notes be revised to confirm the height of the proposed wall. Further, that the project included a new foundation and house as well as a new Presby septic system, which will require a filing at the Registry of Deeds. She noted minor review comments, including information cut off and an incorrect number on the plan profile had been addressed. She had no further comments and described the plan as straightforward.

Dr. Hahn made a motion to approve the septic system design plan for 17 Proctor Street, as revised by Dan MacRitchie and dated 07/11/23. Ms. Filias seconded the motion. Members, by roll call vote, were unanimous to approve the motion:

Dr. Hahn, in favor

Ms. Cottler, in favor

Ms. Filias, in favor

Mr. Colarusso, in favor

Antique Table, Update on Recent Board of Health Order

Manager Oscar Guerrero was present for this discussion.

He provided the Board with the following updates:

- * Hired State approved food handler trainer, noting previous trainer did not come through
- * Met with trainer to plan, additional meeting tomorrow @ 4:00 p.m. to compose an action plan
- * Has confidence in trainer, who has 15 years of experience
- * Assures board that consistent violations will become compliant now
- * Team meeting has been set up for August 18th
- * Shared he is taking immediate action, has a concrete plan and wants to work with Health Director to stay open

Dr. Hahn expressed concern that the Board was under the impression that items were addressed, and they were not. He suggested tight controls for moving forward.

Ms. Hansbury said she had spoken to the trainer, Ms. Hart, yesterday and that a contract would be in place by Monday, delivered to the Board of Health by Tuesday morning. She said that Ms. Hart was coming to the office tomorrow to review the file. Also, that the difference this time is that signed contract.

Mr. Colarusso noted that the establishment had 11 or 12 inspections with same violations. He shared that he expected the June reinspection to be perfect and was shocked by food safety issues. He questioned the possible status a month from now, asking for comment on the repeat violations.

Mr. Guerrero said that the right person has been hired, one who speaks the language of the employees. He said that Ms. Hart speaks Spanish and noted the staff is 85% bilingual. He said that Ms. Hart wants the restaurant to have 100% compliance, that she is serious and does not cut corners.

Private Well Regulation State Guidance Document Draft Update

Mr. Colarusso said that all members have received copies of the State guidance document. Dr. Hahn asked if he had a few changes, should he bring them up now or send them to Ellen Lufkin. Ms. Hansbury requested that any comments come into the office to be followed by scheduling of public meeting and forwarding to other boards.

Dr. Hahn noted that geothermal dual use open loop wells should fall under any well regulation.

Mr. Colarusso said he had been working with the Select Board on related fines, having requested background information on fines and having sent the State fine section to both the Select Board and Ms. Hansbury. Mr. Colarusso suggested the Town may wish to change the range, including an escalating fine as that sends a strong message. Ms. Hansbury said that during the public hearing people will have the chance to comment. Mr. Colarusso suggested a September public hearing. Dr. Hahn asked about advertising in the Manchester Cricket. Ms. Hansbury said the Cricket notice would be reference only.

Public Comment

No public comment was made. Ms. DelRosario asked that she be able to speak during the Director's Report.

Director's Report

Ms. Hansbury provided the following information:

*Public Health Nurse report has been sent out

Covid numbers, confirmed by pcr, are up with June travel

Blood pressure clinic monthly

Working on training and set up for visiting new mothers

For upcoming adolescent forum, Nurse Crehan asked to distribute flyers to Parks and Recreation, Public Library and Manchester Athletic Club

*Pickleball Court Complaint and Records Request

Ms. Hansbury informed the Board that a public records request had been made, that IT was collecting information and that the Town Clerk has requested that any email between a member and other members should be saved for 3 years or printed out and saved. Ms. Hansbury said that a 06/22/23 pickleball report had come into the office and was followed by her July 11, 2023 memo, which was sent to both Parks and Recreation and the Board members. Ms. DelRosario said she did not get records request documents; she was told to go check with the Town Clerk's office.

Ms. Hansbury noted that the report was done using modeling, without actual visits or readings. She noted that on page 14 the report stated that the street was lightly traveled, which she disagreed with.

Dr. Hahn noted Summer Street was a state highway, with a steady stream of traffic, including vans. Further, that if lightly traveled is 47 decibels that the numbers should not be over 50. Members discussed the process for evaluating noise levels and the recent Town funding appropriated to address noise complaints.

Ms. Nicole DelRosario of 8 Forest Street said that the Board of Health's own study was not appropriate, having used the wrong equipment. Dr. Hahn questioned how the Parks and Recreation sound study contractor could make comments on the Board of Health study as he himself did not visit the site. Further, that if he were to criticize, he should also come up with a plan in response. He noted that the Board of Health study was done using the equipment recommended and provided by the State.

Ms. DelRosario said she had sent NAIA information to the Town prior. She said that Bob Unitech and Lance Wallace of Arizona do understand it (pickleball noise) is torturing people. She referenced complaints from both Sky Rock Road and Harold Street. She noted that she is 60' away and having to leave the house for home schooling and to decrease blood pressure. Mr. Colarusso asked what happens

when the police go to the site. Ms. DelRosario replied that the police said they have drug overdoses to deal with. She said she is only calling the non-emergency number and that the players come back after the police and Parks and Recreation leave. Ms. Hansbury pointed out that police complaints go to the Manchester Police Department and the Select Board. Ms. DelRosario complained of players ripping their clothes off.

Dr. Hahn told Ms. DelRosario that he understands but needed proper measurements. Specifically, that Board recommendations can not be made on measurements that are not real. Even recommendation for relocation cannot be made without more objective data. He repeated that Mr. Unitech is basing his report on modeling generalized in other places.

Ms. Filias commented that if the big issue is the noise and the Board of Health are only ones who have tried to record, why hasn't additional recording been done, asking what the cost of that additional recording would be. Ms. DelRosario replied that the cost would be \$5,000. She added that she is spending her money on doctor's appointments.

Ms. Kim Logue of Summer Street complained that her mother cannot use the front of the house, as the pickleball noise starts at 8:00 a.m.

Dr. Hahn said that the Board has no way of knowing, no objective data – that objective data was needed to act. To get solved, he suggested the Board needed objective data to give to the Select Board and Parks and Recreation. He added that the Board does not know the cost involved and will not know until there is real data.

Ms. DelRosario offered her physician's letter. Dr. Hahn said that was not sufficient evidence.

Mr. Colarusso informed the abutters that they have everyone agreeing it's a problem, one which Parks and Recreations won't do anything about without the Select Board pushing.

Ms. Filias said the Board will make a recommendation. She asked Ms. DelRosario where she got her \$5,000 quote from? Ms. DelRosario replied it was from Lewis and Sheriden form Arizona.

Mr. Colarusso said he wanted to close the discussion, encouraging the abutters to request a resolution as soon as possible. He added that he appreciates the abutter's position.

Ms. Filias made a motion to recommend to the Select Board to hire an independent sound engineer to get actual readings to bring back versus the modeling study already submitted. Dr. Hahn seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Ms. Cottler, in favor

Ms. Filias, in favor

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Logue, noting the Select Board was meeting Monday, asked if there was any way to shorten the hours until September.

Ms. Hansbury noted that nuisance complaints include duration, concentration, and severity of noise and that that piece has not been addressed.

Ms. DelRosario said the noise is 12 hours per day with no break.

Ms. Hansbury said Ms. DelRosario is telling her the severity.

Ms. DelRosario referenced 310 CMR710 Noise, reading thru the section, including portion which states that anything within 100' should not be over 70. Ms. Hansbury also read thru the section.

Dr. Hahn stated he has been in the area and that the ambient noise will not get under 50. However, no actual numbers were provided to say what needs to be rid of. He added that the State regulations pertains to all noise, all within reason. He said the Board is trying to address the issue, but with facts and better information

Minutes

Ms. Cottler made a motion to approve the minutes of June 22, 2023, as presented. Mr. Colarusso seconded the motion. By roll call vote, members approved the motion:

Ms. Filias, abstained

Mr. Colarusso, in favor

Ms. Cottler in favor

Dr. Hahn, in favor

At 9:49 a.m. Ms. Cottler made a motion to adjourn the meeting. Dr. Hahn seconded the motion.

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

Ms. Filias, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

As presented,

Ellen D. Lufkin

Administrative Assistant

Approved by the Board of Health at their September 14, 2023 meeting.