

Manchester Board of Health
Meeting Minutes
Thursday, September 28, 2023
Town Hall
8:30 a.m.

Members present:

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

Members absent:

None

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

For Review

Regulations

Mr. Colarusso noted that all of the board members had received a list of regulations to review, noting that some are required by law. He asked Ms. Hansbury to start this review with the current local regulations.

Ms. Hansbury began the review by providing the board members with the following information:

Animal Regulations

Regulations updated in the spring of 2023

Environmental Tobacco Regulations

Adopted in June of 2017. But in 2020 changes were made that mean that there are some updates needed including related to the fine schedule and mandatory closing of a business that violates youth tobacco laws

Ms. Hansbury noted that there is also a local by-law on tobacco license violation fees, and a need to make sure to coordinate with that. She also brought up prior that Beverly has synthetic marijuana and vaping in their regulation, and this is where Manchester can put in additional cannabis regulations. That one or two communities are considering same and it may be worth a multi community consideration for consistency. She said there is not a centralized mechanism to see what other towns are doing or considering.

Mr. Colarusso suggested going through the whole list of regulations and noting which need action and then going back to prioritize them.

Ms. Hansbury mentioned smoke-free workplace regulations are not only for indoors but also including parks, beaches, landings, ball fields and playing fields (those not school adjacent), and transfer stations. She noted particularly beaches as that is a coastal zone and there is trash associated with smoking.

Mr. Colarusso asks members if they agree they want to address this item.

Members all agreed that they want to address and update the Environmental Tobacco Regulations.

Title 5

Ms. Hansbury said an in-depth review of State and local regulations is needed as there have been many changes since the board's local regulation 2008 adoption. Also, there is an on-site wastewater management plan voted in November 2021 and a need to make sure there is no discrepancy there. She mentioned a suggested guidance document from a couple of years ago. She said that there may be community needs including tiny houses, business trailers and pre-sewer connection components on private property (which are not regulated anywhere currently). Also definitely having additional input from community and other stakeholders is needed

Members all agreed that they want to address and update the Local Title 5 Regulation.

Private Well Regulations

Currently there is an initial draft out for review. Ms. Hansbury went to a regional meeting last week and Hamilton is currently reviewing their regulations. Mr. Colarusso said Hamilton has an existing regulation, which Ms. Hansbury said is almost word for word identical to ours and all agreed like Manchester's 1989 regulation, is old. Hamilton has contracted with reputable retired health agent from multiple communities including Hamilton, and he has put out a request for a multi community conversation and working group to collaborate so that we have uniformity and standardization across Cape Ann. Dr. Hahn asked if this was strictly for the well regulation and Ms. Hansbury replied yes. Ms. Filias asks if that is Peter Mirandi, Ms. Hansbury says yes and that he has been involved in the field for a long time.

Mr. Colarusso asks how that would help the Board.

Ms. Hansbury said she thought it would be a good idea to have a Cape Ann area wide consistent regulation. That it would make sense as we are all dealing with the same well questions, water, and aquifer questions to a degree, and thinks it would be good to have that community and standardization really.

Dr. Hahn noted that drought conditions are not restricted to just us and consistency across the area is probably important, especially since aquifers are connected.

Ms. Hansbury said the well drillers would then have one answer on what to do.

Mr. Colarusso notes our regulation is vague on drought, saying only that you have to comply with the Town's order on drought.

Dr. Hahn disagreed saying the Town, not the BOH, makes the decision on when there are drought conditions. That the Board of Health does not make that decision.

Mr. Colarusso said that enforcement has nothing to do with Hamilton as Hamilton is in a drought every year. Dr. Hahn noted that Hamilton's resources are not as flexible as Manchester's.

Ms. Hansbury said this would be the discussion which would potentially be brought up during working groups and if we belong, she could bring back the considerations and talking points, she could ask what they want her to bring back to the working group, and how that would function within our needs. She said that while it would put it off for a while, it would be a stronger position for the Board to start from.

Mr. Colarusso said the Board has so much to do, he did not want to dilute or undue work already done.

Dr. Hahn said the Board doesn't need to redo it. And if the Board decides to do it, the Manchester draft could be put into the mix. He noted that there may be some things each side forgot to put in and could result in a coordinated draft. He said that time would be lost, but consistency is assurance that they are doing the right thing.

Mr. Colarusso said Manchester had used the State guidance draft. Dr. Hahn said that Hamilton had probably used the State draft too.

Dr. Hahn said the Board had changed a few things from the State draft.

Mr. Colarusso said Manchester had changed the geothermal and fines, those were the only thing changed. Dr. Hahn said Manchester changed three things including the testing, by adding irrigation and agricultural well testing to comply with drinking water. He noted that was a big change as that water ultimately returns to drinking water or vegetables. Also, that you don't want to irrigate with crummy water, then the vegetables are crappy. Dr. Hahn was unsure if other towns will agree with this.

Ms. Cottler said she has experience working on five hospital privacy regulations, and while there is an advantage of working to the same tune, there are things that may be unique to each community.

Mr. Colarusso said when he spoke to Beverly about the smoking and vaping item (at the six-member Board of Health chairperson group) he was told that it was hard to get six persons to agree on a policy. He said it is hard to get six communities to agree. He said the Board is taking the position that with the Boards adopting, they will have a policy and if others then want to adopt it they can go right ahead, that is fine. He said that not having been in this situation with other towns on something this important, he doesn't know.

Ms. Filias said that the Board will always have some control on local regulations as the Town has control over when they declare a drought. Ms. Filias noted Title 5 is a State Regulations with locals having a separate by law. That ConCom also has State regulation with local by law. She felt that Manchester

could choose to do the same with wells, repeating that the Town can decide where there is a drought. She said that Manchester could do the regional well regulations and also do a local well by-law.

Ms. Hansbury said each Town would have to adopt the regulations themselves. That they could vote to adopt and also vote to add a few items of their own.

Mr. Colarusso said that at the chairpersons meeting, Beverly shared that it is illegal to sell marijuana to students and that when Beverly had issues in their schools, they contacted the State to ask that they stop the retailers from selling to students, that Beverly was told that the State has no staff for enforcement. And that even though there is a State law, Beverly would have to adopt their own regulation locally and also do the enforcement.

Ms. Hansbury pointed out that there are no federal or State regulations on wells, unlike others being discussed today, there is nothing except the State model well regulations they had given. She said that according to

Mr. Mirandi, the State provided the model well document to tell municipalities to work from that State draft model and look at what local communities need and make local individual changes, allowing all boards of health to start with the same basis.

Mr. Colarusso noted his concern is with the quality of water down the road, i.e., you install a well in 2000 and we forget about it and you could be drinking all kinds of stuff. He noted that it was his personal driving force for wanting to work on the regulations. Dr. Hahn stated that the regulations are to ensure that the water for everyone is safe. He said that the Town will be dealing with PFAS down the road, including meeting 2029 goals. But in the meantime, the Board can work on cleaning up some of these things now and if other town aquifers do whatever they want it could affect our water. He felt that having the same regulations across the Board would help, even if it is a cumbersome job of coordinating the work between Towns.

Mr. Colarusso noted that attempts to get Hamilton (with their landfill next to Gravelly Pond) to protect Manchester's water supply there resulted in Hamilton saying go away this is not our problem.

Dr. Hahn said that with overarching regulations with various communities it will be easier to push those things down the road with that binding agreement.

Ms. Hansbury asked members if they thought it was a good idea. She asked if they wanted to talk to the group, saying the Board could provide comments. She did not know if the Board wanted to hold a public hearing if this was going on. And that she didn't know if they wanted to provide comments later on. But she thought that working as a group was a good idea.

Ms. Cottler said she saw no problem with participating to see where it goes, and the Board could always say that it is not working for Manchester and leave.

Ms. Hansbury said that Hamilton's plan is to resolve Mr. Mirandi's role by spring of 2024, not to spread it over years.

Mr Peavy asked what the process of collaboration would be and if Manchester would submit the Manchester draft.

Ms. Hansbury said Mr. Mirandi would be the lead and the group would start with State model guidelines. She believes he already has comments, and the Board could meet to review those either in subcommittee or Board. Also, that she could provide her comments and any other comments, and she could bring something solid back to the Board either in subcommittee or Board meeting.

Mr. Colarusso said it would come back to full Board.

Ms. Hansbury said it would be cumbersome but reminded that there is a point person through Hamilton and on Hamilton's dime.

Mr. Colarusso suggested not putting wells on the priority list, but on pending and not prioritizing it.

Dr. Hahn said it is already on the priority list as number zero.

Mr. Colarusso suggested having this item in the background while aggressively pursuing the Title 5 items.

Dr. Hahn said the well regulation is already being worked on and can continue to be at the same time as the other items, as an ongoing agenda item.

Hazardous Materials

Ms. Hansbury said this is already on the books, as are the next three items.

She noted that as an interesting piece on hazardous materials, the Board does have responsibility and input, but it is rather secondary to the State response. She said that the State has response protocol including the fire department and the regional response team who have specific training. She does not see that they have a space for Board of Health regulation there, there is not place for us. Also, the Board of Health is after the fact, so when you are talking clean up if it is left undone there will be an enforcement part, an unfunded mandate from the State. And that the State has mechanisms for, a whole department for, spills.

Ms. Cottler asks who will clean up, are we responsible for hiring and paying for a cleanup?

Ms. Hansbury said with a significant spill, the owner is responsible for cleanup. If it is an emergency response, if there is a fire department response and someone like Clean Soils would do follow through and hire the contractors.

The Board would get involved if the homeowner was not responding, by writing letters (and the State would be writing letters at the same time) and pull the owner in to meetings and go to receivership.

Dr. Hahn said it seemed that the Board has some logistical and supervisory responsibilities that get done under State regulations.

Mr. Colarusso said we should be focusing on if they don't complete the work.

Ms. Hansbury said the work is noted in different regulations, including housing, grounds, fields, etc. And that there are spaces where the Board comes in from the side to require clean up.

She noted there are tank regulations in there as well, a local by law for same, that calls out the Fire Department to permit and review with a small line where it affects the Board of Health.

Ms. Filias said the 1990 regulations happened when there were fewer items identified. She referenced tank changes at Richdale's. She wondered if there were storage tanks in Town, noting the club had removed tanks in past.

Ms. Filias mentioned underground oil tanks asking if they are covered under this old regulation.

Ms. Hansbury said yes, the Fire Department is called out to oversee same.

She mentioned double lined tanks

Ms. Filias asked if old local regulations are not followed, can the Board choose to follow State regulations instead?

Tattoo Regulations

Ms. Hansbury noted that most of the regulations are State regulations.

Dr. Hahn asked why a Board of Health is in charge of medical and hygiene for a tattoo business

Ms. Hansbury said State hospital regulations cover a standard of medicine, including medical waste handling, but that there is no level of oversight of individual tattoo businesses.

Ms. Cottler asked if someone wants a license and if there is a State license, why do we need a local license on top of that?

Ms. Hansbury replied that the esthetician license is State, and that license does not deal with blood

Further, tattoo includes or has dermaplaning, which deals with blood. She added that she did not come up with having a local regulation in place.

She shared that she has been called in to manicure and pedicure places, following complaints.

Dr. Hahn asked if we are required to regulate tattoo businesses.

Ms. Hansbury said she will research.

Mr. Colarusso asked to go back to hazardous tank regulations and Ms. Filias's question, can the Board hold on the old regulations? Ms. Hansbury said she could go to Town Counsel. Ms. Filias asked if the Board could choose to take them off the books and just follow the State regulations, and suggested the Town Counsel weigh in on this matter. And asked if a Town regulation is in place for 33 years and not enforced, is it necessary or should the Board just follow State regulations and what are the implications of doing so.

Back to tattoo regulations, Dr. Hahn disagreed with Ms. Hansbury, saying that a DPH license is needed for non-blood related activity including sputum. Ms. Hansbury said that is also body fluid.

Dr. Hahn said he has trouble believing that the Town needs to have local regulations for tattoo licensing.

Ms. Hansbury said there were model regulations from the State.

Dr. Hahn said those items are typically State or Federal and is surprised that it is not handled on the Federal or State level. He felt that the Board was lacking information on what is behind that and would be surprised if there are not overarching regulations for tattoo licensing.

Ms. Hansbury said she does not know what regulations are needed for rolling a blade over someone's face. Dr. Hahn shared that as an example, CLIA requires yearly State inspections and paperwork submittal. He added that if there is State regulation already, then he feels there is no need for additional local regulations.

Floor Drain Regulations

Ms. Hansbury said that there is a State draft for floor drain regulations. Also, that there is a sewer system here and she is finding that the DPW only looks at lines that are in a public way.

Ms. Filias, going back to tattoo regulations, added that tattoo parlors are limited to the commercial zone on other side of route 128 and that the zoning for it is extremely limited. She said she doesn't know if there will ever be a tattoo parlor given those restrictions. Ms. Hansbury said there is a trend to home businesses as noted during discussions with other health departments. Ms. Filias said the local regulation does not include microplanning or derma blading. She Ms. Filias noted that there is an existing med spa on Elm Street. Ms. Hansbury said there is a level of person, including a doctor or medical license holder, that can do these things without calling themselves a tattoo business. Dr. Hahn said that nurse practitioners often open these types of places. Ms. Hansbury said she did not look at the State's current tattoo version as the Town has their own.

Back to floor drain regulations, Mr. Colarusso asked if that should be set aside.

Ms. Hansbury said that in the same way that underground storage tanks are not necessarily holding waste, floor drains are not necessarily either. She said that the sewer system is only mapped in public way, with no tracking, permitting or review of sewer components going into the sewer system. And that all of that would be on the homeowner, who could do it themselves or have their nephew do it. She added that it is the same for the garage bay floor drain, no one is reviewing (except possibly the building inspector) and anyone can do it. Mr. Colarusso asked about water from washing off boats at the boatyard, where does the water go? Dr. Hahn said it would be important to know that information. Ms. Hansbury said she would ask the Harbormaster, including asking about the Yacht Club.

Dr. Hahn said a guideline should be created to mesh with wastewater guidelines.

Tobacco

Pass over

Dumpster Regulations

Ms. Hansbury said that she put dumpster regulations in with garbage, refuse, and transportation on purpose as there is a State requirement that we should have a local regulation for transport in and through the Town. Also, dumpsters are a unique item, with the building inspector currently informed if one is present. She identified two different types of dumpsters including for construction and clean outs

She said she gets complaints about dumpsters three or four times a year, typically for trash blown around. The construction dumpsters are not normally full and are at a raw site and apartment dumpsters she does not hear about. Ms. Cottler asked if a regulation would include residents bringing trash to the town transfer station. Ms. Hansbury said the regulation is typically a money generator. She reminded members that there is the transport issue, but that Manchester is not a thorough way as Rowley was where she used to work.

Lab Regulations

Ms. Hansbury said that lab regulations were reviewed in March. That abutting Towns have regulations restricting level 4 labs, as mechanical failures happen too frequently to justify the risk. She noted the risk is airborne virus and not wanting it in residential areas. Dr. Hahn said he thought we said level 4 would require further review. Ms. Hansbury said the Board left open level 4 and Mr. Colarusso agreed.

Dr. Hahn disagreed and requested that that be checked on the Board memo on the matter.

Ms. Hansbury said industrial holding tanks would be the next issue to look at and come up with something. Mr. Colarusso said that should be looked at soon in order to impact the construction at Cell Signaling. Dr. Hahn said there are State regulations in place for same and that the Town doesn't need to duplicate those efforts. Ms. Hansbury disagreed, saying that outside tanks are not included. Dr. Hahn disagreed with Ms. Hansbury. Ms. Hansbury said that there is no reporting or inspection of those outside tanks. Dr. Hahn again disagreed, saying of course there are, as with CLIA. Ms. Hansbury said she is familiar with holding tanks.

Portable Toilets

Ms. Hansbury said portable toilets are similar to dumpster, however there are many around Town and people just purchase them and put them out there and that homeowners can have them for their property. She said that complaints are usually after high winds. She told members that she felt this was similar to the dumpster regulation decision. Mr. Colarusso said the person who got a portable toilet on their property would be the first to receive a complaint about it. Ms. Hansbury said that as we have no large festivals it's no longer necessary to have a portable toilet regulation.

Members agreed to remove portable toilets from the list.

Nuisance Regulations

Mr. Colarusso said the Board needs to be careful with this item. Ms. Hansbury said there is State guidance on nuisances. Further that gets nuisance complaints that include housing, air, water, barking dogs, pickleball, chickens as well as rats and other pests. Mr. Colarusso asked that the Board be sure to review any nuisance regulations carefully.

Ms. Hansbury said she will give the Board the State guidance on nuisance regulations.

Food Regulations

Dr. Hahn said that food regulations are covered by the State.

Ms. Hansbury said that handwashing is required to be provided, but there may be best practice guidance to have hand wash stations. Mr Colarusso asked if Ms. Hansbury was satisfied with the regulations.

Ms. Hansbury noted that not covered in the regulation is the method of handwashing, as well as the distance between you and a bathroom or handwashing facilities (as with the library event, where there is a long walk to handwashing, and she feels no one is going to wash their hands at that event)

Ms. Cottler commented that the list of possible regulations is extensive. She also asked what people do in the park if there is an event. Ms. Filias said that Ms. Hansbury is asking that if facilities are too far away that someone bring in a handwash sink. Mr. Colarusso asked what members wanted to do. Dr. Hahn said down the road the Board could discuss best practices.

Members agreed that food regulations could be reviewed down the road.

Housing

Ms. Hansbury gave an example of a short-term rental complaint about mold in an Airbnb rental. She said she has no access to the site as the renter was no longer on the site.

Ms. Cottler said she should be able to report a complaint even if no longer in the building.

She asked if the Board can be allowed to go into a property that the renter no longer occupies?

Ms. Hansbury said the State housing regulation calls for an occupant to give the Board access.

She reviewed State housing regulation specifics on same. She asked if the Board has a desire to have rental units registered.

Ms. Filias interrupted to ask to move on to the rest of the agenda. She asked if the rest of the list could come back to the next meeting, as the list is too extensive. Ms. Hansbury asked that housing be considered at some time down the road and that grease traps be put on a priority list.

Ms. Filias asked to please continue the discussion on housing as Airbnb rentals are present. She added that the local regulation for those rentals is in place to use as a tool but only for rentals of more than six days.

Mr. Colarusso set the following priority list:

1. Title 5
2. Tobacco
3. Grease Traps
4. Floor Drains and Holding Tanks
5. Fertilizer and Salts

In a related matter, it was shared that when the schools were asked what they use for ice melt, Ms. Hansbury said she was told there was no answer.

Ms. Hansbury will forward additional information as needed for the regulations reviewed at this meeting.

Public Health Nurse Report

Ms. Hansbury said that the nurse did not update her September 14, 2023 report.

She provided the following updates:

1. Flu clinic is 10/4 is 9-12 at Legion
2. Covid and hospitalizations are increasing
3. Someone came in to do a Covid test at her desk that came out positive
4. Flu vaccine is all paid for, next years will be purchased with \$7,000 set aside for vaccine and the flu receipts and in 2025 the fall flu clinic will be outside of the budget.

Ms. Cottler asked if there were going to be Covid clinics, Ms. Hansbury replies no as State has not given any vaccine. She said that the Coalition had to throw away hundreds of thousands of vaccines following the change to the new vaccine. Dr. Hahn pointed out that there is a lot of Covid misinformation out there currently. Mr. Colarusso said you can currently get Covid vaccine at CVS and Walgreens for free. Ms.

Hansbury said that may not be the case as some insurance companies are not covering the Covid vaccine.

Substance Use Disorders

Ms. Hansbury said that opioid settlement money has been received and needs Town meeting approval.

She said that she was invited to a recent meeting regarding the same and has some interest in a comprehensive response with the North Shore which will be discussed at an upcoming meeting. Also, that she is putting her foot in for funds as is public health issue. She told the Board that if they wanted to redirect her to let her know. The regional school district had spoken to the grant social worker (the PHE grant has employed a social worker to go into the schools) who wanted to ask the school for permission to go in to the middle and high school. Essex Health Agent Erin Kirchner let Ms. Hansbury know that the regional school is enthusiastic about it. Ms. Hansbury said that if they do something she would like that social worker to come in and give the Board members that information. She added that several shared community groups would like to cooperate on youth outreach, including youth Beverly and two Gloucester places. She is receiving information on programming and said it would be good to work with the school and their new principal and school resource officer to strengthen that relationship to see what public health can help with. Ms. Hansbury said that she knows from the police and fire that binge drinking is a problem in Manchester. She said that she met with the new Gloucester Health Director and their regional coordinator Chelsea., both lovely people. She added that there is a prevention network that is working to put programming in place including flyer distribution and work with youth groups. She felt it was a great thing for Nurse Crehan and her to be doing, getting involved in the outreach community, adding that the work will not be five hours per week.

Septic Loan

Ms. Hansbury said the Town Treasurer received a letter from the State to repay existing funds versus having a next bond. That the Treasurer is asking if the Board wants the program and if so can we fund a different way instead of thru the abatement trust. Mr. Colarusso said that the residents with loans are paying them back over time. Ms. Hansbury said there are currently four loans at the rate of 4 percent (2 State/2 Town). She added that there had been no one in the past four or five years, but some prior.

Board members agreed that they are interested in keeping the septic loan program.

Board of Health Budget

Ms. Hansbury has reviewed the budget information and informed the members that she would send it out to them for them to review. She said she has a request to increase the HHW line item and to include a technical line item for a GIS layer for septic and well. Mr. Colarusso asked that he be provided with the COLA information for Board employees.

Dr. Hahn left the meeting at this time.

FOOD INSPECTION AND LICENSING

Jamie's Roast Beef

Ms. Hansbury said the new establishment is opening soon and she has an inspection next week.

The seasonal food inspections are complete, a couple were problematic so will check in with those after they close for the season.

Regular food inspections are being done and hope to be done by Thanksgiving.

Mr. Colarusso asked when the Antique Table inspection would happen.

WELCOING COMMITTEE

Mr. Colarusso asked Ms. Hansbury if she had a deadline for completing a Board of Health flyer for the October Welcoming Committee meeting. Ms. Hansbury said she is waiting to hear back from APAC regarding her request (submitted last Thursday) for assistance with the flyer. Mr. Colarusso suggested that two weeks may be needed for printing the flyer.

Minutes

Leaha Peavey made a motion to approve the minutes of September 14, 2023.

Mr. Colarusso seconded the motion. Members by roll call vote were unanimous to approve the motion:

Mr. Colarusso, in favor

Ms. Peavey, in favor

Ms. Cottler, in favor

Ms. Filias, in favor

Dr. Hahn, not present

Members agreed to Sharon Kishida's request to attend their October 12 meeting to listen to her presentation on paint stewardship.

At 10:04 a.m. Ms. Cottler made a motion to adjourn the meeting. Ms. Filias seconded the motion

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

Mr. Colarusso, in favor

Ms. Peavey, in favor

Ms. Cottler, in favor

Ms. Filias, in favor

Dr. Hahn, not present

As submitted,

Ellen D. Lufkin

Approved by the Board of Health at their 10/12/23 meeting