

TOWN of HINGHAM

BOARD OF HEALTH

Board of Health Public Meeting

March 15, 2016

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the Central North Meeting Room, 210 Central St., Hingham, MA.

The meeting was called to order by Dr. Shilts at 7:08 PM

Members Present:

Kirk Shilts, D.C. Chairman

Peter Bickford, Member

Stephan White, Member

Staff Present:

Bruce Capman, R.S., Executive Health Officer

Andrea Benedetto, Administrative Assistant

Agenda:

Dr. Shilts reviewed the posted agenda with the Board.

Thereafter, the meeting's agenda was accepted as amended.

Disclosures:

Dr. Shilts disclosed he had discussions with both Mr. Bickford and Mr. White extemporaneous to a board meeting dealing with health department administrative and scheduling issues during Mr. Capman's absence in January.

Board Minutes

The Board reviewed the draft minutes from the January 12, 2016 public meeting.

Thereafter, a Motion was made by Mr. White and Seconded by Mr. Bickford and it was VOTED (unanimous); to approve the public meeting minutes of January 12, 2016 as drafted.

F.O.G. Regulation Violation:

Crow Point Landing, 6 Crow Point Lane

Spokespersons: Sean Sullivan & Eric Stenfors

Town Official: Steve Dempsey, Sewer Department Supervisor

Mr. Dempsey presented to the Board to discuss a regulatory violation by this food establishment.

- Mr. Dempsey reviewed the history including November 15th and 16th, 2014, when sewer effluent was found discharging onto the ground from the manhole connected to the establishment's sewer service. He said the clean-up cost to the Town was approximately \$4,000.
- He said inspections determined that this establishment was discharging excessive grease into the sewer system and the establishment was notified on 8/13/15 by Mr. Capman, via certified mail, to service their interior grease trap at twice per month.
- Mr. Dempsey said he inspected the establishment on 12/23/15 and upon reviewing their log books determined the establishment was not servicing their grease trap bi-monthly, as required, and that excessive grease had again built-up at the invert to the manhole.
- Mr. Dempsey said the establishment was notified on 1/4/16 of its violation of the Town's F.O.G. regulation and the matter would be put on the next Board of Health meeting agenda.

- Mr. Dempsey said the establishment was again notified that a follow-up inspection on 1/26/16 found the grease trap was still not being properly serviced.
- Mr. Dempsey said the establishment was ordered to appear at the Health Dept. office on 2/2/16 for an administrative hearing - but the establishment's owner did not show up. He said the owner (Mr. Sullivan) emailed him a week later stating his regrets for the situation and informed him that the establishment now had a contract in place for servicing to be performed bi-weekly.
- Mr. Sullivan stated he skipped four (4) services from August thru December; and went to biweekly servicing since 12/29/15.
- Mr. Sullivan stated the baffle within the grease trap was defective; and his service company, Windriver Environmental, had not checked that. He said a plumber finally identified the defect and he is now confident the repaired baffle, via a new grease trap unit, will remedy the problem.
- Mr. Dempsey asked if a plumbing permit was pulled to install the new grease trap unit – Mr. Sullivan said it had not. Mr. Dempsey said the plumbing work needs to be approved by the Town's plumbing inspector.
- Mr. Dempsey also said he was frustrated that persons with authority are not typically on-site and felt the establishment's staff was dismissive of him and to this problem.
- Mr. Capman said he will follow up with Windriver Environmental to make sure they are doing what they are supposed to and adequately knowledgeable of the regulations.
- Ms. Benedetto will send a list of permitted grease haulers to Mr. Sullivan.
- Mr. Sullivan acknowledged that if the sewer line has to be cleaned again within the next few years, it will be at his expense.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to sanction Crow Point Landing for violation of the Town's F.O.G. regulations for a first offence, but excuse the \$100 fine due to mitigating circumstances.

State Pool Regulations, Lifeguard Waiver:
The Meadows Condominium, Floret Circle
 Spokesperson: Jim Sheridan

The applicant is requesting a waiver from the state pool regulations to operate a semi-public pool without a lifeguard.

- Mr. Capman stated that the Meadows Condominium pool is small; the depth of the pool is 5.5 feet. The average age of the residents is over 55.
- The Meadows have been issued a waiver for a number of years. There have been no prior incidents.
- Some of the residents have grandchildren so it is required that two adults accompany anyone under 21. In addition, a single swimmer is not allowed to use the pool; two adults have to be present.
- They have an electronic keypad and all residents sign a waiver form.

Thereafter, a Motion was made by Mr. White and Seconded by Mr. Bickford and it was VOTED (unanimous); to grant a waiver through the last day of 2016 from the state's lifeguard requirement to the Meadows Condominium pool , conditional upon completion of the lifeguard waiver application and favorable outcome to the town's pool inspection.

State Pool Regulations, Lifeguard Waiver:
Hewitt's Landing, HMS Halstead Drive
 Spokespersons: Doug Thompson and Liz Delassandro

The applicant is requesting a waiver from the state pool regulations to operate a semi-public pool without a lifeguard from the hours of 8:00 a.m. to 10:00 a.m.

- Hewitt's Landing presented the same waiver request last year, which was not granted.
- The residents are diverse in ages including children of all ages.

- They will be operating the pool from 10:00 am to 7:00 pm with a lifeguard. The non-guarded hours will be 8:00 to 10:00 a.m. when children are not likely to be at the pool.
- Members have key fob and also have to sign a manual log book.
- They have repaired the potentially hazardous deck issue from last year.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to grant a waiver during daily hours from 8AM through 10AM through the last day of 2016 from the state's lifeguard requirement to the Hewett's Landing pool, conditional upon completion of the lifeguard waiver application and favorable outcome to the town's pool inspection.

**Tobacco Sales to Minors Town of Hingham Regulations:
Compliance Inspector contract**

The Board discussed hiring a tobacco sales compliance inspector.

- The Board established a revolving account for tobacco fees last year with the intent the account will be used to hire a compliance inspector.
- Because the contract is for a nominal amount, the Board is not required to put it out for competitive bid.
- Mr. Capman recommended hiring Mr. Jerry McLaughlin, a prior state trooper who provided compliance checks in Hingham a number of years ago through the former South Shore Board's of Health tobacco control collaborative.
- He will be in charge of doing quarterly compliance checks. He currently conducts checks in Braintree and Weymouth

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to authorize Mr. Capman to hire a tobacco sales compliance inspector.

Health Department Employee Reviews:

Food Inspector:

- Mr. Capman said Mr. Peterson has asked to return to the position after having retired last fall. He said his possible return would only be for part of this summer.
- Mr. Capman said Mr. Peterson spends the winter in Florida, and office staff performs food inspections in Mr. Petersons' absence.
- Mr. Capman said he has spoken to a potential new hire for the position.

Thereafter, the Board gave direction to Mr. Capman.

Public Health Nurse:

- Mr. Capman updated the Board on Ms. Crowley's activities and performance.
- Ms. Crowley is the Board's representative to the Hingham Substance Abuse Prevention Coalition.

Health Agent:

- Mr. Capman updated the Board on Ms. Nee's activities and performance.
- Ms. Nee is 6-months into the position, and progressing well to her new duties.
- Ms. Nee is signed up for the soil evaluation course.

Administrative Assistant:

- Mr. Capman updated the Board on Ms. Benedetto's performance.
- Ms. Benedetto is 6-months into the position, and a wonderful addition to the department.

Health Clerk:

- Mr. Capman updated the Board on Ms. Papasodero's performance.

Executive Health Officer:

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous, roll call vote); to enter into Executive Session at 9:32PM for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual.

open meeting resumed at 9:46 PM

Executive Health Officers Report

- **Pool Inspections:**

The Board discussed with Mr. Capman the status of the South Shore Collaborative School and Linden Ponds indoor pools, and the Black Rock outdoor pool inspections, including any request for a lifeguard waiver.

Thereafter, the Board gave direction to Mr. Capman.

- **Sewer Appropriations General Bylaw:**

Mr. Capman provided the Board with the 2016 Town Warrant article and Advisory Committee comments regarding amending the Town's Sewer Appropriations Bylaw.

- **Health Department Employee Policies:**

The Board reviewed the current employee office policies from 6-25-06. Mr. Capman suggested amending office policy #1 where the required morning office hours for the Health Agent would change to 8:30 to 9:30AM.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to update employee office policy #1 as amended.

- **Consulting Agreement, Ms. Susan Sarni**

The Board reviewed the proposed Consulting Agreement between Ms. Sarni and the Board. The agreement was signed by Ms. Sarni on 2-23-16.

Thereafter, a Motion was made by Mr. Bickford and Seconded by Mr. White and it was VOTED (unanimous); to execute the completed Consulting Agreement contract with Ms. Susan Sarni.

Adjournment:

The March 15, 2016 public meeting of the Hingham Board of Health adjourned at 9:59PM

Respectfully submitted,
Andrea Benedetto, Administrative Assistant