

From: [Ellen Lufkin](#)

To: [Town Clerk <townclerk@manchester.ma.us>](mailto:townclerk@manchester.ma.us)

CC: [Tiffany Marletta <marlettat@manchester.ma.us>](mailto:marlettat@manchester.ma.us)

Date: 1/9/2025 12:44:59 PM

Subject: RE: BOH minutes approved this morning - for posting - thank you ladies :)

Attachments: 11-14-24 B.O.H. Minutes.docx

10-24-24 B.O.H. Minutes.docx

12-12-24 BOH Minutes.docx

Please find attached BOH minutes approved this morning for posting.

Thank you,
Ellen
BOH Office

Manchester Board of Health Meeting

Meeting Minutes

Thursday, November 14, 2024

Town Hall Room #7 and by Zoom platform

Members present:

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

Members absent:

None

Also present:

Health Director Wendy Hansbury by Zoom

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

2 Desmond Avenue, Housing

Ms. Cottler, Ms. Peavey, and Dr. Hahn said they did not know the history of the property. Ms. Hansbury provided the following background information. The matter came into the Board of Health. It had been absent until May. At that time there was a formal complaint regarding the roof which went to the Building Inspector. At that time no permits were seen. The owners got appropriate permits at that time, and it was not generated to the BOH. Six months later nothing has been done and there was a report by a police officer regarding actions in a public building. Protective services and BOH got involved at that time and submitted reports. There is an active building permit and no activity on that active permit. A house visit was made, and public officials were not allowed into house. Exterior pictures were taken. The Public Health Nurse accompanied the Health Director and spoke with Katarina Gates at that time. The conversation was around the roof and its major

deterioration, the blocked access to front door (from chairs covered by a tarp), and the deteriorating retaining walls. An October 24, 2024 return to the property found that those chairs were removed but planters, wooden rods and a tarp was in place. Ms. Hansbury reported that she met with Tim and Katarina Gates and one of their sons at Town Hall. The property owners had shut the water off voluntarily 11 years ago. This is not legal per state code. It was stated in this meeting that they would work on the roof, cap off the chimney and then remove ladders from roof. They were given 30 days to get this work done. They questioned how much water is needed to run a house. Miss Hansbury reached out to Mass DPH Community Sanitarian Scott Consuela, who is leader in housing division, and he stated there is no minimum, but the property needs to have hot and cold running water that work.

Ms. Cottler was concerned that a family was living in the house while it is in poor condition and without running water. Dr. Hahn said that the Manchester Board of Health is not in charge of roofs and deterioration. Ms. Hansbury replied that the owners need to have a functional roof. Dr. Hahn noted that the Building Inspector says that the building is safe and meets codes saying it is a joint cause. Ms. Hansbury said that when there is new construction people think Building Inspector, but the Board of Health says that you have to have potable water supply, to meet minimum standards of human habitation. Dr. Hahn asked what the Board needed to do. Ms. Hansbury suggested working with the owners of the building to see that they appropriately address the issues. Adding that permitting is through the Building Inspector and the Board of Health deals with homeowners. Ms. Cottler said that help is needed.

Ms. Hansbury said that she will communicate with other agencies and that the last case resort is eviction. In cases where owners do not comply the Board could go through the housing court for court ordered help. She suggested she wants to work with people and not go to court. Mr. Colarusso asked who owns the other house, Ms. Hansbury replied it has the same family owner. Ms. Hansbury said the matter needs to be continued at the next Board meeting. Dr. Hahn made a motion to support continuing the 2 Desmond Avenue discussion at the next meeting. Mr. Colarusso seconded the motion.

Members, by roll call vote were unanimous to continue the discussion to the next Board meeting:

Ms. Peavey, in favor

Dr. Hahn, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

16 Highland Avenue, Wisner

Mr. Charles Wisner was present for this discussion. Ms. Hansbury said she had questions from her revision letter, that she had received the requested deed restriction last night that Mark Glovsky sent to the office, but she had not yet reviewed that document. Dr. Hahn asked if the file was complete now with receipt of the deed restriction – are the plans complete? Ms. Hansbury said there was still basic information that she needed. Mr. Wisner said that engineer John Judd had redone the plans. He questioned staff if the pump calculations had to be on the plan. He said they have specs of pump and pump calculations and again asked if John Judd needed to put those on the plan. Ms. Hansbury replied that the pump calculations and specifications of flow needed to be on the plan. She noted there was no number and that the run is an unusually long run without a pump chamber. She questioned what the pump is doing in the auxiliary building, adding she needed the calculations for what goes on outside. Dr. Hahn stated that if the plumbing involves the capacity of septic tank, it needs to be known to the Board of Health. Mr. Colarusso suggested both be checked by John Judd. Ms. Hansbury said it was unclear as the wrong plan was sent for the property. Mr. Wisner asked the Ms. Hansbury of Ms. Lufkin please write what John Judd needs to do. Ms. Hansbury asked Mr. Wisner to have John Judd call her. Mr. Wisner noted that Ms. Hansbury has said there is missing information, and he wants clear direction on what he needs to do. He noted that on October 2, 2024 it was said by the Assessors that this is a two-bedroom house, that that was determined. He added that there was talk that Ms. Hansbury was talking about misspelled words and address causing a back and forth with Mr.

Wisner. Ms. Hansbury replied that it is hard when a homeowner gives a map on 8 ½ x 11 paper. Mr. Wisner said that item had been corrected, and he was unsure why Ms. Hansbury keeps bringing up things that are in the past.

Ms. Hansbury said Mr. Wisner says she is delaying, yet she only had the full-scale drawing as of 10/24/24. She said she would talk to John Judd to have this wrapped up in a week and will put it on the second board meeting. Mr. Colarusso requested that Ms. Hansbury please send a memo, a written document of everything missing to Mr. Wisner. Specifically stating what is required to complete this. Mr. Wisner said he would appreciate more detail and in a timely manner. Dr. Hahn asked if the applicant showed the open space that was required, the open stairwell to the second floor. Mr. Wisner said that DEP said can't heat the second floor, that DEP was clear, and it is understood. Mr. Colarusso asked if it was clear to everyone. Mr. Wisner said he was looking for collaboration and timely detailed information with a little back and forth. Mr. Colarusso said the past cannot be changed and everyone can only move forward.

Open Door, Fee Waiver Request

Dr. Hahn made a motion to approve the food license fee waiver requested by the Open Door. Ms. Cottler seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Ms. Peavey, in favor

Dr. Hahn, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

Board of Health Budget

Mr. Colarusso asked if the medical expense budget of \$7,500 is adequate. Ms. Hansbury said she and Public Health Nurse Crehan believe its fine to keep due to the vaccine revolving fund in place.

Utopia Farms

Dr. Hahn was concerned that the discussion with the Building Inspector had not yielded results. He suggested the Building Inspector give them one to two months to update. Ms. Cottler suggested to proceed but in a supportive way. Dr. Hahn said a plan was needed to get the business legal by the first of the year. He requested that Zoning and the Building Inspector be copied on that plan.

MAC Pool

Ms. Hansbury said there were water quality concerns. She informed the Board that percolation testing had been set up for next week because the pool back wash system had failed. Also, that the M.A.C. claims there is excess phosphorus in the water causing the heavy metals and particles in the water. They are getting regular testing by a third part and are following State guidelines and making an extra effort to keep the pool clean. Mr. Colarusso questioned if the particles were coming from Gravelly Pond. Ms. Hansbury said there was a lot of turnover at the M.A.C.

Manchester Addenda to Title 5 Review

Members discussed who will work on the review and updates to the Manchester Addenda to Title 5. Mr. Colarusso offered to work on the review. Dr. Hahn said he will be gone January – March but can Zoom in to meetings and work on the Title 5 documents as well.

Minutes for Approval

Ms. Peavey made a motion to approve the minutes of October 10, 2024 as presented. Ms. Cottler seconded the motion. Members by roll call vote were unanimous to approve the motion:

Ms. Peavey, in favor

Dr. Hahn, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

Dr. Hahn made a motion to adjourn the meeting at 9:17 a.m. Ms. Peavey seconded the motion. Members by roll call vote were unanimous to approve the motion:

Ms. Peavey, in favor

Dr. Hahn, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

As submitted with notes from PHN Pamela Crehan,

Ellen Lufkin

Administrative Assistant

Approved by the Board of Health on January 9, 2025

Meeting Minutes
Manchester Board of Health
Thursday, October 24, 2024
Town Hall Room #5 and Zoom Platform #1

Members present:

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

Members absent:

None

Mr. Colarusso called the meeting to order at 6:35 p.m.

At 6:36 p.m. Dr Hahn made a motion to open the public hearing on the Boards tobacco regulations.

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

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

Mr. Colarusso provided some background on how the Board got to this point. He explained that the State had notified the Board in the spring that they needed to update their tobacco regulations, which was done earlier in the year. He added that the State has come back suggesting separating out the sections of the regulation. The result is that two of the separated sections are the same and two of the separated sections have changes.

Mr. Colarusso said he would present each section separately for review and comment.

Section 1 – Smoking in Public Places

Section 1 Smoking in Public Places

Mr. Colarusso advises there are no changes to this section. Both Dr. Hahn and Wendy Hansbury note there was a change from sale to use. Specifically, that a definition change was adding comprehensive municipal properties to now include boats and launches. Mr. Colarusso asked if anyone had any questions regarding this section. There were no questions. Dr. Hahn made a motion to approve the workplace regulation with the section A changes. Ms. Peavey seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

Section 2 Synthetics

Mr. Colarusso advised there were no changes. Mr. Colarusso asked if anyone present had any questions. There were none. Ms. Peavey made a motion to approve the synthetics regulation. Ms. Cottler seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

Section 3 Marijuana Products

Mr. Colarusso advised there were no changes. Mr. Colarusso asked if anyone present had any questions. There were none. Ms. Peavey made a motion to approve the Marijuana regulation. Dr. Hahn seconded the motion. Members, by roll call vote were unanimous to approve the motion:

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

Section 4 Tobacco Sales

Mr. Colarusso advised that spring amendments restricted sales to age 21 and over. The current proposal is to place a generational restriction, adding one year of age each year. Mr. Colarusso asked if anyone present had any questions or comments. Dr. Hahn said he was concerned, while understanding nicotine addiction starts young and in the 20's for the military, he was not sure that the generational restriction solves the problem. He noted that marijuana still has black market sales and was concerned about black market under the table sales including possibly laced products. He pointed out that raising the age more and more has always had the opposite effect, referencing Germany's drinking age of 16 vs. the United States drinking age of 21. He was not sure that aging out is helpful and not sure it would help with addiction.

Ms. Peavey replied that she saw what Dr. Hahn was saying but pointed out that the proposed regulation is not taking away from those prior able to purchase. She felt that the 2018 sales age going up to 21 has helped to decrease use and she feels the generational restriction will also help decrease use. She referenced an article in the Lancet. Dr. Hahn said the Lancet article references nicotine products only. He said in the perfect world there would be a public health benefit, that absolutely a nicotine free world is great but that the 2004 date will reduce access to people who are 21 years old. He also referenced alternative delivery models.

Ms. Peavey said she was willing to accept the risk as there is no age where she wants kids to start smoking. She referenced addiction, saying that as an oncology nurse she thinks a gradual phase out is good and that 50% are in favor of the ban. Dr. Hahn said that local people can get around the restriction. Ms. Peavey pointed out the North Shore communities where the restriction is being passed or being reviewed. Ms. Cottler said she understands the difficulty with quitting smoking. She felt there was a need for more education for doctors, physicians, and families. She was not sure that the restriction was fair to local salespersons, felt it was difficult for retailers, and was ambivalent it would help. She would prefer an increase in tobacco education, and personal choice.

Dr. Hahn noted that smoking is a huge burden to healthcare, as is marijuana and alcohol.

Ms. Cottler felt that the Board of Health does not know enough and does not have to set the standard.

Mr. Colarusso acknowledged that smoking is not healthy, but he was averse to making health decisions based on financing. He referred to asbestos bans and their effects on businesses. He suggested that implementing the generational regulation would be one year at a time, giving retailers time to adjust. He also commented on high school students with fake i.d.'s drinking in Town. He repeated that he did not want to make decisions based on either finances or enforcement.

Stephen Helfer, Cambridge Citizens for Smokers Rights

Mr. Helfer pointed out that the Board was talking about youth, yet the regulations apply to those 21 years of age and over. He made reference to veterans not being able to purchase tobacco soon. Also that people could potentially be able to buy alcohol, marijuana, and possibly even

psychedelics but not tobacco. He felt the proposed regulation was unfair and unrealistic adding that the purchase age only needed to be set at 21 and over. He added that the 2024 CDC stats show vaping at a ten-year low, teen smoking at the lowest recorded, and that of every three adult smokers two have quit even though it is hard. Also, that alcohol and opioid withdrawal are so difficult compared to tobacco. He believes that most proponents of the generational restrictions are career anti-tobacco people and that most private citizens are opposed to the proposal. He pointed out that most convenience stores that will be affected are owned by immigrants, creating a power disparity. He pointed out that if the restriction was passed, those born on 12/31/2003 would be allowed to purchase tobacco while those born on 01/01/2004 would never be allowed to purchase tobacco. He called the proposal arbitrary and capricious, questioning equal treatment as date of birth is arbitrary. He again noted that vaping and teen smoking is low, and that tobacco control has been successful and as such why does the Board have to push and push?

Kate Silbah, Citizen Sponsor of Brookline Regulation, Professor of law and Published Author. Supports generational restriction as it will be a generational break. Notes tobacco as the leading cause of preventable death, that tobacco is addictive, and that the tobacco industry depends on addiction. Adds that for those who started smoking as teens and up to age 25, two thirds of those wish they had never started. Points out that underage smokers get tobacco thru their social network while those over 25 do not. Also, that Needham cut tobacco use in half and that therefore shows the local effect is significant. That retailers will not lose existing customers who can purchase tobacco today. Believes the method of breaking the knot is the generational restriction. And that there have been 60 years of knowing tobacco causes death. Board of Health adoption is the appropriate process as the court decided in March. She felt the proposal encourages consideration in a moderate way. She noted that since 2021 not one Brookline business has closed. Mr. Colarusso replied that Brookline businesses had a lot more time to adapt, that retailers care but tobacco is largest causes of death. Mr. Colarusso summarized that the financial impact is minimal. Ms. Cottler noted the restriction would phase out.

Attorney Mark Nestor, representing Seabreeze Variety

Attorney Nestor said he was a 25-year smoker and a veteran at age 21. He applauds what the Board wants to do. He noted that the pool of buyers to help is 300-400 people in Manchester. He pointed out that if restricted people want to purchase tobacco, they only need to drive 3.2 miles to Gloucester, 2.1 miles to Beverly Farms, or 4 miles to Essex. He felt that prohibiting here without surrounding communities adopting means kids here can drive to other Towns, picking and choosing which towns. Only effecting 300-400 and not effecting surrounding towns. Noted that vets can fight but not purchase tobacco. He questioned the effective date, saying if January 2025 that is only two months away and not enough time. Also, that Brookline passed the regulation ahead of its effective date of August of 2021 and enforced date of September of 2021. He asked if the effective date would be without enforcement or sanctions, saying that was too selective. He asked the Board to please push back the effective date.

Kevin Johnson, Richdale's

Mr. Johnson said that he bought Richdale's in 1998. In 1998 he said he sold 200 cartons a week. In 2024 he said he sold 30-35 cartons a week. He felt that raising the purchase age to 21 has helped. He shared that he used to smoke, was in military, and that he quit as did others. He sees people

who have smoked and stopped. He said a ban on citizens who might go to war and die is wrong and it is not a good approach to ban adult purchase.

Brenda Johnson, Richdales

Ms. Johnson said the retailers are the first line of defense, they check i.d.'s, they are trying, it is not about the money or revenue, but the retailers need a chance to react to regulation changes.

Cathy Bilotta, 21 Pine Street Unit #9

Ms. Bilotta noted she was speaking as a private citizen not as a Board of Selectmen member. She expressed discomfort with the sheer number of nonresidents speaking at the meeting. Adding that there are still nonresidents waiting to speak. She asked the Board to please wait for Manchester residents to give comments as she is concerned not hearing from residents. She personally feels there is merit at State or National level. She repeated her request that the Board please hear from residents.

Anthony Ishak, Co petitioner on Brookline Article

In 2019 a flavored ban was imposed. He pointed out that Brookline decided to be proactive. He is the son of an immigrant smoker. And noted that addicts say that tobacco is the hardest to quit. He suggests the smoother approach to help the non-addicted. He is worried about the reference to veterans and smoking as he has VA experience. Notes that Manchester has diminished number of 300 affected where Brookline had thousands. Informs the Board that no Brookline business has closed after the four-year time period.

Jeanne MacDonald, Mass General Physician and mother of three

Ms. MacDonald said she has a family member who died of smoking and COPD. That that person spent decades trying to stop smoking. Felt that those currently addictive cannot stop. Said the Board had an opportunity for their Town, like planting a protective tree. She added that there is peer pressure to vape which is then hard to turn back from.

Emily Wieja from Cambridge, Professional Tobacco Control Activist

Professional tobacco control activist who worked in a coordinated effort. Notes confusing policy and prohibition of adults to make choices. Feels it is o.k. to dictate adult choices. Feels asbestos comparison is a non sequitur.

Dr. Tamu Green

Substance abuse specialist (not paid by anyone) and Robert Woods Johnson fellow in early 2000's. Notes tobacco is the number one killer. Says that C. Everitt Coop said if tobacco were a new

product the FDA would not put it on the market. But addicts would riot in the streets if already addicted to tobacco. Thinks creativity is needed to break the generational curse. As a mom of sons, she asks how she can protect them. She encouraged the board to show that they value the population while allowing retailers to phase in the sale of other products.

Ms. Cottler asked if any of the speakers waiting to speak were from Manchester. It was noted that those who want to speak are not from our Town.

Chris Bostic, Action on Smoking and Health

New product that is addictive and kills when used as directed would not be allowed

References those responsible for peanut butter and salmonella case that resulted in nine deaths are in jail. Responding to comments that a generational restriction is radical says that radical is that tobacco sales continue. Suggests a moderate approach. Notes that in 964 Surgeon General approach was to place the notice out on a Saturday. Feels the power is at the local level to percolate up, giving the example of tobacco smoke restrictions where the regulations were passed town to town and then up to the State level. Shares that England, E.U., all of Australia and 2 Canadian provinces already have restrictions.

Board members discussed the merits of having an additional public hearing. They were not sure that presenting the information again would increase participation. Ms. Cottler felt that while the updating of the regulation is important that she is not sure that now is the time to do so. Both Dr. Hahn and Ms. Peavey shared that other communities are enacting the generational restriction. Dr. Hahn felt that there were drawbacks to prohibitionist actions and advised to taking it slowly. Mr. Colarusso said that he also had relatives who had died from smoking and if the restriction prevented one kid from smoking that was enough. He did agree to a longer adjustment time, suggesting a date of birth of 01/01/2006.

Attorney Mark Nestor

Understands the age to purchase going from 18 up to 21 years of age. But pointed out to the members that they are talking about adding age 21 forward (as they age) effectively telling adults what they can do. He said that the effective date can be moved while agreeing that some birthdate is important.

Mr. Colarusso felt that an effective date change could result in people being able to purchase and later banned from purchasing.

Kevin Johnson of Richdale's expressed concern that the Board had not heard from enough Manchester residents regarding the regulations.

Mr. Colarusso for the record acknowledged correspondence from the following persons:

- 1.) Peter Brennan, Executive Director of the New England Convenience Store Association
- 2.) Emily Wieja, Cambridge resident
- 3.) Mark Gottlieb, Executive Director of Public Health Advocacy Institute at Northeastern

Ms. Cottler expressed interest that Town residents were not speaking. She questioned the regulation notices asking the Board what they had done to know that they had successfully notified residents. Mr. Colarusso replied that a minimum number of affected persons does not matter, that it was an option to give a start date that would allow establishments time, and that the only affected persons are teenagers who do not come to meetings. Ms. Hansbury said there were two residents and Selectperson Bilotta on the hearing. She made the following suggestions:

- Separate out the sales and generational portion of the regulations
- Not adopt the entire regulation and come back to discuss sales draft
- Approve the regulation without one piece

Dr. Hahn said that the regulation affects few people resulting in low participation.

Ms. Peavey said the Board had used the proper channels and that she herself had brought the proposal to the Board. She said she volunteered for the Board because she wanted to have meaningful impact on the community. She noted that a tobacco related family death combined with her medical work experience has her feeling strongly to enact the regulation.

Mr. Johnson said his establishment had done significant work on tobacco access with positive results. He did not feel that a generational ban would help and was concerned about the black market of tobacco sales.

Mr. Colarusso felt the options were to keep tobacco sales at age 21, adopt the generational rules or continue the public hearing to a future date. He added that he believed that the public hearing advertising was adequate.

Attorney Mark Nestor pointed out that Brookline adopted in 2000 and suggested the Board could choose any date that they wanted.

Mr. Colarusso suggested a delay of one year. Dr. Hahn said that would help. Mr. Colarusso suggested adopting the generational policy with amended dates. Ms. Hansbury said if there were a one year wait, she would recommend using that year to go out to children and residents. Dr. Hahn suggesting keeping the delayed implementation to January of 2026, with February of 2026 enforcement. There was discussion on the January 1, 2004 birthdate for the generational ban and on the implementation date.

Ms. Peavey expressed concern about special interest groups. Ms. Hansbury asked the Board to please think about an adjustment time for the Board of Health staff. Mr. Colarusso, noting that State compliance checks are random asked staff to be sure to notify the tobacco control program of any changes.

Dr. Hahn said he is still conflicted but more willing to pass the restriction.

Dr. Hahn made a motion to pass the regulation with NFG section E with a January 1, 2004 date of birth and implementation on April 1, 2025. Ms. Peavey seconded the motion. Members, by roll call vote approved the motion:

Ms. Cottler, opposed

Mr. Colarusso, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

Mr. Colarusso made a motion to close the public hearing. Ms. Cottler seconded the motion. Members, by roll call vote were unanimous to close the public hearing:

Ms. Cottler, in favor

Mr. Colarusso, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

At 8:15 p.m. Mr. Colarusso made a motion to adjourn the meeting. Dr. Hahn seconded the motion. Members, by roll call vote were unanimous to close the public hearing:

Ms. Cottler, in favor

Mr. Colarusso, in favor

Dr. Hahn, in favor

Ms. Peavey, in favor

As submitted,

Ellen Lufkin

Administrative Assistant

Approved by the Board of Health on January 9, 2025

Manchester Board of Health Meeting

Meeting Minutes

Thursday, December 12, 2024

Town Hall Room #7 and by Zoom platform

Members present:

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

Members absent:

None

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

For Review

146 Bridge Street, Ream

Present for this discussion were the following: property owner Patty Ream along with her realtor Robert McDermott and her engineer Robert Griffin.

Mr. Griffin provided background for the application including reporting that recent soil testing had found better soils for placement of a new on-site septic system. Ms. Hansbury listed the requested variances, noting that they are related to the Innovative Alternative septic system design “I/A” and include the following: depth to seasonal high ground water, a 50% reduction in size, and a 7’ setback from leach field to property line.

Dr. Hahn made a motion to approve the septic system design plan, including the requested variances, for 146 Bridge Street in Manchester dated 03/21/24 and last revised on 11/06/24 conditioned on the required Registry of Deeds filing for the I/A system as well as the required operations and maintenance contract for the new system.

Dr. Hahn then amended his motion to note the last revised date of 11/22/24.

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

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Ms. Peavey, in favor

Members asked if the system installer was aware of the required paperwork.

16 Highland Avenue, Wisner

Ms. Hansbury provided the Board members with an update on the application for the Wisner property at 16 Highland Avenue. She noted Monday's receipt of requested additional application information. Reminding members that they had asked that she clearly communicate with the applicant, Ms. Hansbury said the application needs thought and discussion. Dr. Hahn noting the number of changes and back and forth, with so many moving parts advised of the need for discussion and clarity. Mr. Colarusso asked if the project had started, Ms. Cottler replied yes. Ms. Hansbury said there had been an immense amount of time spent on the application review. All agreed that a formal summary with revisions noted and proposed by item was needed from the owner's side to have a proper paper record. As the application had changed so many times that summary was to include all notes and emails that were separately submitted. Mr. Colarusso expressed concern with all the plan changes. Ms. Hansbury said she would let the applicant and engineer know what is being requested. Ms. Cottler asked if the Board should set time limits for the submittal. Ms. Hansbury said it is right to set limits while following application to the end. She reminded the Board that she was asked to provide an update on this application at each meeting. Ms. Peavey asked for clarification on when a hand drawn sketch is acceptable, Ms. Hansbury

said it is o.k. for a floor plan. Ms. Cottler asked if there were circumstances where the Board would go out to the site, Ms. Hansbury replied yes. Members discussed a possible site visit and agreed that they could go out for a site inspection if needed. Mr. Colarusso suggested confirmation of a final plan before any site visit. Ms. Peavey asked if the closet space reverts to a shower if that changed the Board's review. Dr. Hahn replied yes, directing members to see Mass DEP representative Claire Golden's comments. Ms. Hansbury provided the following updates: 1.) the property now has a two-bedroom deed restriction on file 2.) the property is allowed a bathroom connection 3.) there was discussion between the owner and Mass DEP regarding the property 4.) the assessor's property records were reviewed 5.) weatherization and garage shell are waiting for design approval 6.) she had not yet reviewed the material received by the office on Monday. Dr. Hahn reviewed the design calculations in depth with Ms. Hansbury. He asked if there were drawings of the pump. Ms. Hansbury said she will forward same adding that possible freezing will result in the need to insulate the pipe. Dr. Hahn questioned why the design engineer John Judd did not submit a complete plan as he usually did. All members agreed that the Board would require a complete set of paperwork (summarizing everything) as well as a Board of Health visit.

Manchester Essex Little League

Dr. Hahn made a motion to approve a 2025 food license fee waiver for Manchester Essex Little League Sweeney Park Canteen on Summer Street. Ms. Cottler seconded the motion. Members by roll call vote were unanimous to approve the motion:

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Ms. Peavey, in favor

Ms. Hansbury requested the Board's approval for waivers of both the Manchester Essex Little League and Open Door Food Pantry food license fees in future on the condition that there are no operational changes. Dr. Hahn made a motion to give the office an allowance to waive the future food license application fees for Manchester Essex Little League and the Open Door as long as there were no operational changes. Ms. Cottler seconded the motion. Members by roll call vote were unanimous to approve the motion:

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Ms. Peavey, in favor

Annual Report

Dr. Hahn made a motion to approve the draft of the Board of Health Annual Report for 2023. Ms. Peavey seconded the motion. Members by roll call vote were unanimous to approve the motion:

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Ms. Peavey, in favor

Essex County Club Innkeeper License

Ms. Hansbury informed the Board that in the past the Board of Selectmen approved the Innkeepers Licenses in Town. It was noted that the rooms are not open to the public, only to members. Ms. Hansbury said she just recently found out that the Board of Selectmen oversee the licensing, while noting that rooms to let is a Board of Health jurisdiction. Ms. Cottler suggested allowing the Selectmen to continue to oversee. Dr. Hahn made a motion to waive Board of Health enforcement of innkeeper licensing, allowing the Selectmen to continue their oversight of same. Ms. Hansbury agreed to notify the Selectmen's office.

Manchester Addenda to Title 5

Ms. Hansbury, noting the Town has a 200' offset to vernal pools asked the Board how they would like her to enforce? Members discussed their own Addenda to Title 5 which has a 100' buffer to both vernal pools and resource areas to vernal pools. Ms. Hansbury had asked the chairperson of the Conservation Commission for clarification, and he advised which setbacks were ConCom setbacks. She asked members if they wanted her to have applicants list if they are within 200' and have the members award variances for waivers to same. Members discussed both the Conservation Commission setbacks and their own Addenda to Title 5, section 4.1 referencing Town resource areas. Members agreed to table this discussion to their next meeting.

2 Desmond Avenue, Gates Housing Hearing

Present for this discussion were the following persons: Katarina Gates, Timothy Gates, Christopher Gates, Michael Gates. The hearing was held at the request of Mr. and Mrs. Gates.

Ms. Hansbury noted that the office has issued a housing order to correct to Mr. and Mrs. Gates for their property at 2 Desmond Avenue with a first deadline of December 9, 2024 and a second deadline of January 6, 2025.

Ms. Gates asked to address the Board. She explained that she was coming back from a funeral in Hamilton to find 2 employees from Senior Services at her home with a complaint from an unknown person (she noted this was a repeat of an issue 20 years ago with her mother) as well as Ms. Hansbury and Public Health Nurse Pamela Crehan also present. She said that Board of Health staff offered to come back the following week and that appointments were set with both agencies. She reported that Ms. Hansbury said she had the worst roof in Manchester, and she agreed. She shared there was a lot of history including having a \$7,000 repair to the chimney which left it without a cap and 5 rows of missing bricks which were fixed one year later. She reported that the roofer involved took money from another elder in Gloucester. In reply to rumors she reported that the scaffolding on the roof belongs to her family and that materials belonging to their son Michael are all over the yard. She reported that the property was under construction when Covid hit and then she had a car accident. She said she was charged by the Town for the wall on her property bowing out and that she informed the Town that the sidewalk plow had created the damage to the wall. She said the Town sent a contractor to repair just the corner of the wall and not the remaining lines of the wall. She noted the Town's concern about the falling wall and having received two letters from the D.P.W. but does not want to have the Town rebuild the wall. She said she may fix or remove the wall. She said she pulled the loose rocks out of the wall and put them in front of the garage. After she took away the bowing rocks she called a mason three times with no return call and she does not know other masons to call. She shared that she had serious things happening, including her husband having a fall and her having a car accident and she was dealing with other serious issues. She said when Ms. Hansbury came to the site she explained all of this as well as how she removed her own gutters as something had been done to the gutters by teenagers which necessitated their removal. Ms. Gates said she has already purchased new copper gutters and downspouts.

Ms. Gates continued that at the same time as the site visits, there was also an incident at Town Hall with the Manchester Police Department regarding use of the public bathrooms. She informed the Board of her and her husbands use

of the public bathroom in the Town Hall. Mr. Colarusso noted that the public bathroom incident is not a Board of Health concern. Dr. Hahn said all are sorry about the Gates personal issues. He also asked how to move forward with the housing issues. Mr. Colarusso asked the Gates when they were going to turn the water on at 2 Demond Avenue. Ms. Gates replied that she was not going to turn the water back on as she goes away each spring, purchases water for use and uses the bathroom at their property next door where her son lives. Dr. Hahn replied that a house with running water is required. Mr. Colarusso pointed out that State housing regulations say you must have running water. Dr. Hahn repeated that by State law, the property must have running water for when someone is living there and that the requirements for same had not been met. He offered to give the Gates leeway. Ms. Gates proposed doing the roof work at 2 Desmond Ave. by the end of December 2024, Mr. Colarusso accepted that schedule. He added the need for entry access to the property, suggesting the owners have their sons help them move any obstructions.

Ms. Gates said that the entry had never been blocked but informed the Board that an outdoor light was broken 3 separate times. Following those episodes, she said they placed blocks intentionally. She said the family uses the front entry at 2 Desmond Ave. She expressed concern about there being a lot of misunderstanding. Dr. Hahn requested a date for completion of the work. At this time, Ms. Gates and her son adjourned for a few moments to the hallway for a private discussion. On her return Ms. Gates said her son was suggesting that she and Mr. Gates move to their other house next door at 31 School Street. Dr. Hahn agreed that such a move would allow them time to reconstruct 2 Desmond Ave.

Ms. Hansbury said Ms. Gates had informed her that the other house at 31 School Street had only 1 livable room, Ms. Gates clarified that her son choses to live in only 1 room. Christopher Gates said he has asked his parents to move to the other house. Mr. Colarusso asked Mr. and Ms. Gates when they will comply with the housing order. Ms. Gates said she will sleep at 31 School Street and will fix the roof at 2 Desmond Avenue by Christmas. Michael Gates amended the offer to repair the roof to a start date of December 25th rather than a completion date of December 25th.

Mr. Timothy Gates demanded time to speak on his own behalf. He likened the problems at his property to those at Notre Dam Cathedral in France. He said he would need to move the bathroom at the home. He also expressed having a conflict with both the E.P.A. and the Manchester Conservation Commission, the later due to the distance from his property to the nearby wetland and stream. Dr. Hahn asked Ms. Gates if she was confirming that she would move out of 2 Demond Avenue and then renovate 2 Desmond Avenue and she agreed.

Members due to the lack of additional meeting time and space did not complete the remainder of their meeting agenda including the review and approval of the draft meeting minutes.

At 9:55 a.m. Dr. Hahn made a motion to adjourn the meeting. Ms. Peavey seconded the motion. Members by roll call vote were unanimous to approve the motion:

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Ms. Peavey, in favor

As submitted,

Ellen D. Lufkin

Administrative Assistant

Approved by the Board of Health on January 9, 2025

