

Manchester Board of Health

Meeting Minutes

March 13, 2025

Town Hall Room #7 and by Zoom Platform

Members present:

Peter Colarusso, Joan Cottler, Dr. Martin Hahn

Members absent:

Leah Peavey

Mr. Colarusso called the meeting to order at 8:32 a.m.

**Animal Control Officer Reappointment**

Mr. Colarusso asked members if they had any questions, members answered they had no questions. Ms. Cottler made a motion to reappoint the animal officer and inspector Hayes Demeule. 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

**2 Desmond Avenue, Gates**

Ms. Hansbury reported that certified mail sent to the Gates as owners of 2 Desmond Avenue was not signed for. Members agreed that the attempt to notify was appropriate. Mr. Colarusso said the Board must contact them somehow. Dr. Hahn said the Board needs to come up with specific dates and times for housing repairs after the Board had given a loose six months' time frame as good will to get going. He suggested the Board push the homeowners to act, to fix up the house and save it and comply with all recommendations. Ms. Cottler asked if property owners were able to understand what it is going on. Ms. Hansbury said that the decision is made at the court level. That was not brought forward prior and Mass Elder Services has been in touch with the property owners and they were stopped at door knock. Ms. Hansbury said the Board of Health does not have interest or authority to do that but can consider the competence to deal with the situation that they find themselves in and go to a judge to get an administrative order or receiver. Dr. Hahn asked for the next step including access, sanitation and health inspection to determine livability of the place and a 30-60-day deadline and if missed go to court. Mr. Colarusso said there is a need to have the owners come to a meeting and acknowledge receipt of the order.

Dr. Hahn asked if the Board could notify the sons. Mr. Colarusso detailed the option to have delivery with proof of notification by the Sherrif's Office. Ms. Hansbury said the Board had in the past not correctly stuck with the timeline outlined in the sanitary code. At the last meeting she noted their vacation and that the board, wanting to be kind and understanding, built a time frame into the conversation with them. She said the Board had a need to introduce what is wrong, what the deadline is and when the deadline must be met. She said the Board could reissue an order with return receipt mail. Dr. Hahn asked if the notice could be sent to the sons, noting that they had claimed to sleep there. Ms. Hansbury said she could send another letter including an order for correction and for meeting attendance. Ms. Hansbury said it was unlikely that they would acknowledge a problem or see anything as actionable. Dr. Hahn reminded that a June leeway was given. He doubted another meeting would help but felt that access to the property was important to determine sanitation and livability so that a list of corrections could be made with a deadline. Members agreed that the property without water is not habitable. Mr. Colarusso noted the importance of contacting the owners and listing deficiencies. Ms. Cottler asked if police assistance could require access for inspection.

Ms. Hansbury said no. Mr. Colarusso asked if a letter could be delivered with proof of delivery. Members discussed constable delivery, Ms. Hansbury said that could be confrontational and constables do not want to do that delivery. She said the Board has noncompliance with housing code and had authority but did not set any deadline except June which was identified as a time to provide an update. She suggested reissuing an order to correct saying there was no January update from the son. Adding that they appear to be in Town and could be working on the issues. She agreed to send the letter certified return receipt if it were not sent through the Sherrif's office. She noted that it would bring it to the end of April and at that point, if the Board decides to go that way, at least a deadline has been set at thirty days and the Board could take on an aggressive attitude to collect information for court after having issued an invitation to come into a meeting. Mr. Colarusso said the son had said he would start roof repairs in January. And that the DPW had said it would only take one day to turn the water on to the property. Dr. Hahn said the son should be held responsible as he said he would provide an update.

Members requested Ms. Hansbury put a letter together, run it by Town Counsel and put legal notice that they have not complied with what they agreed to, that they said they would not be here until June, and that the past agreements are null and void and they must comply with previous corrections and if they did not complied court action would follow. Ms. Cottler said if the son was part of the discussion and agreed to do work then he is defaulting and should be notified. Dr. Hahn said two sons are involved. Ms. Hansbury said she will make the notification and advised that there are a range of compliance times from 24 hours (for water) and up to 30 days. She suggested making it formal that they are giving 30 days for compliance. Dr. Hahn asked that both sons be given the letter as they were both at the meeting. Members agreed that Items to be identified in the correspondence included:

- Water on
- Roof fixed
- Accessibility for emergency personnel
- Front retaining wall repairs completed

Mr. Colarusso said the roof and wall may take longer than 30 days and that the roof will likely require full wood underneath. Dr. Hahn said they must be working on repairs within 30 days' time. Ms. Cottler asked if proof of contracts would be appropriate. Ms. Hansbury said the code references "fixed within a timeframe" and that contract delivery is not always followed through. She added that while the Board can be generous with follow-up, they ideally want work started and in progress in the thirty-day time frame. Ms. Hansbury said the building inspector said the wall was not structural, but she noted the wall is leaning out on the sidewalk. She agreed to get the letter out to the members for review and to also run it by the Town Counsel as requested by the members with the letter cc'd to the Town Counsel as well.

Dr. Hahn made a motion to notify the Gates family (including sons) with an official letter written in conjunction with the Town Counsel, outlining next steps, detailing their lack of follow thru, and detailing steps to comply with the Boards order. 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

#### **4 Dexter Lane**

Mr. Colarusso asked members if they had any comments or questions on the septic system upgrade plan for 4 Dexter Lane in Manchester. Members had no questions. Ms. Cottler made a motion to approve the modification to the septic system upgrade plan for 4 Dexter Lane. 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

Members did not sign the plans as Ms. Hansbury needed a cleaned-up plan with some minor modifications that she requested yesterday.

## **Septic System Plan Review Timelines**

Dr. Hahn asked about another outstanding plan (for 23 Old Neck Road) which has a review deadline running out.

Ms. Hansbury said the plan is on her desk and there is also a building permit application for 23 Old Neck Road. She said she has not completed either the review of the plan or the building permit review. She said her coming review letter will resolve Dr. Hahn's concern about running out of time (he felt March 19 was the deadline). Mr. Colarusso calculated March 13, 2025 as the review deadline. Ms. Hansbury said her letter will resolve that timeframe. She suggested the Board put the plan on the subcommittee meeting on March 20<sup>th</sup>, hold the plan for the first April meeting (allowing her letter to resolve the date requirement) or add an additional meeting. Ms. Cottler asked if the applicant would allow those choices. Ms. Hansbury said the builder is anxious. Dr. Hahn said if Ms. Hansbury's letter legally changes the legality of the March 19 deadline then he was o.k. with it. He asked if the timeline was business or calendar days. Members agreed to review and vote on the plan at their March 20 subcommittee meeting.

## **Orchard Lane**

Ms. Cottler asked about the Orchard Lane new lot status. Ms. Hansbury said there are other concerns beyond the B.O.H. including the mechanics of allowing a private road off a private road. She said there is however B.O.H. purview regarding legal access to do the work on the site.

## **2025 Mosquito Control Review**

Members discussed the 2025 mosquito control plan and the posting of plans by NEMMC.

Ms. Cottler asked if a public meeting is required for review of the plans. Ms. Hansbury said it is what has always been done here in Manchester. Dr. Hahn noted that there is concern regarding private spray companies and no control over same. Members agreed that those present at the past meetings now understood that spraying under the State program had oversight. Ms. Hansbury asked if the Board wanted to advertise the option of resident requested spraying under the NEMMC contract.

Ms. Hansbury advised members that there is a petition to the Town meeting to ban second generation rodenticides, those that sterilize the host and are poison. Mr Colarusso said if a regulation is impossible to enforce then you don't have a regulation. Dr. Hahn asked if this fell under animal control. Ms. Hansbury said the Animal Control Officer focuses on safe domestic animal practices, including rabies related issues. It was noted that the Animal Control officer is part time and shared with Hamilton. Ms. Hansbury said there are other regulations that have questionable enforcement. Dr. Hahn suggested asking Beverly and Gloucester if they have a problem with second-generation rodenticides and if so, who is responsible. Ms. Hansbury said those same questions may be asked at the Town meeting and that the office should get those answers ahead of the Town meeting.

## **Regarding Generational Tobacco Ban letter to Cricket.**

Mr. Colarusso has sent a draft letter to Ms. Hansbury and together they have been working on the draft. Members discussed the draft. Dr. Hahn requested that an explanation be provided on why the Board passed the generational plan. Ms. Cottler suggested a statement regarding ensuring better health. Ms. Hansbury will send out a new draft letter to everyone. Ms. Hansbury added that she has been trying to get in touch with the Cricket to have a one-on-one discussion on the matter. Dr. Hahn asked that the letter get in the Cricket before the Town meeting.

## **Public Health Excellence Grant**

Mr. Colarusso said that no one from Manchester is going to go to Gloucester for counseling, which is what the grant focus is on. He is concerned the Board is oozing in to more and more regional stuff. He suggested this as a trial only before any other regional work.

## **Opioid Funds**

Ms. Hansbury explained the opioid money that has come into the Town. That there is opportunity from a lot of departments on how to spend it. She said it is dispersed by the State Department of Public Health who prefer to hear board of health uses rather than having it used for police presence. Mr. Colarusso asked if the Narcan boxes came through these funds, Ms. Hansbury replied that it was State funding. Members discussed the school Naloxone training program. Ms. Hansbury said the Fire Department is providing a lot of the training. Mr. Colarusso said he is a strong supporter to have all kids in Town trained. Ms. Hansbury said she has had two discussions with the fire chief and police chief, and all have a desire to see programming, outreach, and community engagement. Also, the police and fire do not have needs (like overtime) that would absorb the money and as such are open to how the board wants to spend the funds. Ms. Hansbury said the programs are regional and provide access to programs like One Stop – to assist people who are indoors and using. She noted Gloucester would benefit the most, with Beverly and Rockport to follow. Manchester’s piece of funding is the smallest and Ipswich pulled out of the application. Members discussed possible hits to funding. Ms. Hansbury said the Town has \$23,000 of the \$27,000 in funds that are coming in.

### **Emergency Planning & Health Coalition**

Mr. Colarusso said he is seeing nothing happening with emergency planning. Ms. Hansbury said she is on the broader emergency response, which will take time. Mr. Colarusso noted that Ms. Hansbury has 30+ hours in Manchester. Ms. Hansbury said she is working 40+ hours, and some department heads work over 40 hours. Ms. Cottler asked if the recent harbor ice rescue training was part of this. Ms. Hansbury shared that she and Ms. Lufkin attended a coalition training course recently with the Manchester Police and Fire Chiefs also attending. She added that the board is getting more equipment from the Coalition. She referenced the local shelter plan worked on last year and a regional shelter plan, with help from police and fire departments in putting together that regional shelter. Mr. Colarusso asked if the fire department has a boat. Ms. Hansbury said a regional workshop was held last year at the Legion Hall. She noted that Manchester has a 10-foot tipping point surge where the water treatment plan and some roads would be underwater. Dr. Hahn, noting he lives on the harbor explained that on a full moon with 1’ surge the water goes into his yard. And with a 4’ storm surge the highest has been at the top of his fence. Ms. Hansbury said there is a lot of emergency planning being done and there are a lot of deliverables coming up. That the medical reserve corps is going to be beefed up by Liisa Jackson and animal rescue planning is also happening. There was also discussion on the emergency notification system but not everyone is signed up. Mr. Colarusso asked about a blue light notification system. Ms. Hansbury said that cell phones can be pinged within a certain area of a cell tower. Mr. Colarusso asked what notifications are. Ms. Hansbury said there is a reverse 911 system and sign boards for notifications and lists of medical reserve volunteers available to the Town. Also, that elderly, disabled and compromised people are being identified, and emergency planning is happening. Ms. Cottler asked if the fire department call system is still used.

Ms. Cottler made a motion to apply for the Opioid Recovery Partnership Grant.

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

Mr. Colarusso asked for follow-up on defibrillators at the athletic fields. Ms. Hansbury will investigate. Dr. Hahn suggested coaches bring them to both practice and games.

### **Public Health Excellence Grant**

In reviewing the MOU (memorandum of understanding) for the grant application there were edits requested by Mr. Colarusso including the following:

- section 6B is it one member and one alternate or two members and one alternate? Mr. Colarusso wants consistency throughout the document.
- An even number of decision makers is a problem during voting. Under 5B two voters have the possibility of a tie. There needs to be some way to break up a tie, possibly through negotiation.

Mr. Colarusso made a motion to move ahead with the PHE grant. Ms. Cottler seconded. Members by roll call vote were unanimous to approve the motion.

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

### **Director's Report**

- Please come into the office to see anything that you may wish to look at.
- Drought is still on; some towns are putting watering bans in place now.
- Building permits picking back up again and are challenging, more convoluted.
- A pool permit came in and the site plan included moving a house and building a new house. Discussion on 9 Proctor Street building permits.
- The board needs to appreciate the days of an onsite visit and one hour of time now requires more time.
- Ms. Hansbury said the PHE grant application has self-assessment and she will share it with members when completed.
- Ms. Cottler asked if the consultant study of Town Hall could be used. Ms. Hansbury said there was little discussion on not enough help. They also confounded the BOH into the COA and P&R, and now a super department is being created with the three. Mr. Colarusso said he doesn't want to have that happen even if just administrative only. Ms. Hansbury added that it is o.k. to boost her position and boost her pay to have her supervise everyone, including COA, Veteran's Services and Parks and Recreation. She added that it was also o.k. to give her an inspector as well. Mr. Colarusso reminded members that his Board of Health spot ends in June. And that in the absence of a new member/members he can appoint any member to a new three-year term. He said he is trying to get clarity. Ms. Cottler said the BOH has autonomy that other boards do not have. Ms. Hansbury said the board is still appointed not elected.

Ms. Hansbury asked if there were any questions on her director's report. She added it was great to have the chiefs at the Danvers workshop. Also, that having a Coalition Advisory Council seat would put her in a good position, but she doesn't know if she will get it. Mr. Colarusso said if the removal of the department of education stands up in court, he sees consolidation regionally will happen as the State cannot make up the lost federal funding. Members discussed finding out that there is no librarian at the middle school. Mr. Colarusso asked why the Town librarian cannot go over to the middle school for a couple of hours a week. Members discussed the lack of program space in Town, the new DPW building being planned, and the wastewater treatment plan for surge protection or relocation,

### **Minutes**

Dr. Hahn made a motion to approve the minutes of February 13, 2025 as presented. 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

Dr. Hahn made a motion to approve the minutes of February 27, 2025 as presented. 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

At 10:04 Mr. Colarusso made a motion to adjourn the meeting. 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

As submitted,

Ellen D. Lufkin

*Approved by the Board of Health on April 10, 2025*