



TOWN OF YARMOUTH

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Board of
Health
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Health
Division

BOARD OF HEALTH MINUTES January 28, 2019

MEMBERS PRESENT: Hillard Boskey, MD, Chair
Mary Craig, Vice Chair
Charles Holway, Clerk
Debra Bruinooge
Eric Weston

MEMBERS ABSENT: None

OTHERS: Bruce Murphy, MPH, Health Director
Amy vonHone, Assistant Health Director
Kevin Hook, Housing Inspector, Health Division
Jess Oyer, Fletler Jillon PC / CRR
Leanne Jacques
Bahecharbhai Putel
Vishal Shukia, Retailer
Bhudresh Putel, Retailor
Kathy Love, Retailer All Town

I. Public Comment - None

II. Discussion – Town Housing Rental Program

Health Director, Bruce Murphy introduced the Yarmouth Housing Inspector, Kevin Hook to the board as he informed the Board that our Housing Rental Program has been in effect since 1976.

Mr. Hook indicated he has held the position of Housing Inspector for the Town of Yarmouth for the past 2 ½ years. Mr. Hook believes the 1976 Town Rental By-Law which was updated in 1988 needs no further evaluation at this time. He stated the by-law requires all rental properties to register with the town annually and schedule an inspection with the Yarmouth Housing Inspector. These inspections verify that state sanitation and housing regulations are met.

Mr. Hook stated the Health Department receives 20–25 complaints weekly involving rental properties and owner occupied properties. This number includes follow up calls and visits. In 2018 The Health Department received 1,164 complaints. These complaints range from no heat,

mold, overcrowding of residence, rodent sightings, septic problems as well as trash and other debris causing an eyesore in the neighborhood. The Health Department registers roughly 2,700 seasonal/annual rental properties in the Town of Yarmouth. Tracking down owners for yearly registration payment and required inspections each year can be a daunting task for Mr. Hook and staff. First responders and neighbors generally are the ones to alert the Health Department of rental properties that have failed to register with the Town. Owners are given 1st, 2nd and 3rd violation letters prior to fines and/or Summons to Court are issued. These violations are imposed due to non-registration, failure to comply with inspection process or if required improvements to a rental property(s) are not completed in a timely manner. Mr. Hook has been summoned to court approximately five times since he has been in this position. Reasons for these summons are tenant and landlord disputes.

This position also requires Mr. Hook to go into our larger facilities such as Mayflower Residence, Mill Hill, Swan Pond Village, Davenport Properties, Simpkins Schools and the new Cavalier Units being built on Route 28. The Department works closely with the staff of our local housing authorities. Such as Housing Assistance Corp of Cape Cod, Barnstable, Dennis & Sandwich Housing. Not all housing authorities inspect the properties so they are relying on our department to fulfill that requirement.

The new Airbnb short term tax bill which recently passed will add additional units to be inspected adding to the already cumbersome work load of our housing inspector and the housing program. These rentals are classified as short term rentals not to exceed 31 days and no less than 14 days. This new state tax will be paid directly to the state.

Our stats currently show a required need to hire an additional housing inspector for the purpose of completing the required housing inspections and for safety. Of the 2,700 registered rental units Mr. Hook is only able to accomplish half of the rental inspections. The Health Department has one housing inspector and one division assistant both full time fully self-funded through the money taken in from this program.

Vice Chair, Mary Craig asked if the final notices sent are accompanied by the \$200 fine. The town By-law states that a \$200 a day fine may be imposed for non-compliance. Mr. Hook stated that typically the department does not impose a fine on the initial two or three attempts to contact owners for payment or inspections. Vice Chair asked what then incentivizes a person to register and follow up with inspections of their properties? Does a final notice mean anything to them? Do they actually follow through after receiving final notice? Mr. Hook stated he had been to court only twice since his employment for this type of violation and a fine of \$200 has never been imposed. People are responding and the issue in both cases was resolved. Vice Chair inquired about the 1,200 inspections completed wanting to know if they were done in one year or was that number year to date? How the ones that have not been inspected approached? Mr. Hook and Health Director stated that a new electronic system has been put in place as well as a new division assistant that are working to eliminate this deficiency. When applications come in the division assistant is checking recent inspections and if the property has been inspected recently a permit will be issued. If not then the assistant will contact owner to schedule an inspection.

Chair, Hilliard Boskey asked what happens to property owners who are renting last year and didn't register or who have never registered? Mr. Hook indicated this person would be in multiple violations and summonsed to court. The department does have an owner who was summons to court and did not show. This situation has happened more than once. Chair stated the Health Department may bring those owners in front of the Board to address their violations. Mr. Hook indicated that some owners have been brought in front of the administrative boards with the Health Director, Health Inspector and The Building Commissioner.

Vice Chair asked what the Board could do to help in procuring an additional inspector. Health Director stated the new tax funds could help support the housing program which has been brought before the Town Administrator for review of yearly budget. It was not in this year's budget yet there is hope with new tax law that funds will be available for next year. Health Department has had a summer intern in the past to help with inspections, follow up calls for complaints.

III. Update – Food Service Grading Statistic

Health Inspector, Phil Renaud submitted to the Board, via the Health Director, a copy of the Food Service Establishment Inspection and Grading Regulation adopted May 1, 2017. As well as stats collected in 2016, 2017, & 2018 of establishments, inspections and the percentage of their standing under the new A, B, & C grading system. The Health Director informed the Board that the number of restaurants in the Town of Yarmouth has increased as has the number of restaurants receiving an A on the grading scale. The New Regulation does require re-inspections of establishment's scoring a B or C giving them an opportunity to improve their overall grade. Health Director gave an overview of critical vs non-critical criteria violations of food establishments as dictated under the new food code.

Language within the code has changed, instead of critical violations they will now be call priority violations. As well as a middle area of grading which the Health Department plans on adopting to keep language and scoring the same across the board. Smaller retail stores that serve only packaged items may no longer need a permit to sell those items. Such as a few gas stations and candy stores in the area. The Health Department is still looking over those areas of the new food code to determine whether or not these establishments would need to be permitted. Under the new code, food establishments are required to produce a copy of the inspection report when asked.

MOTION: (Mary Craig, Vice Chair) Continue to require Bed and Breakfasts establishments to obtain a food service license through the Health Department and that the Health Department to continue conducting food service licensing spot inspections.

Seconded: Hillard Boskey, Chair

Discussion: None

Vote: Unanimous

IV. Protect Our Cape Cod Aquifer – POCCA

Chair, Hillard Boskey asked the Board where each member stood on their recommendations of the use of glyphosate within and on Town of Yarmouth properties. The Health Director, Bruce Murphy informed the Board of recent input received from Conservation Administrator, Kelly Grant. The Conservation Commission initially voted to ban the use of Round Up on town property but there are Conservation Contracts with local landscapers in place which currently use Round Up. Conservation had also suggested that the Health Department could issue an emergency use of pesticides within the town. Health Director is unclear how the Department could justify such an issuance. Conservation has decided to put vote back on for discussion at their next meeting. Survey of various department in the town that was requested by the Town Administrator. Showing that very little Round Up is used on town property by DPW, Golf, Conservation and Natural Resource on the trails. When the product is used by these departments it is by a licensed applicator with direct contact discharge.

Chair asked if the Board was ready to vote or should the topic be put back on as a discussion for the next meeting date of February 11, 2019.

MOTION: (Eric Weston) Wait to vote until next meeting on February 11, 2019

Seconded: Hillard Boskey, Chair

Discussion: None

Vote: 3-2 wait until next meeting to vote

V. Discussion – Tobacco

The Board requested the discussion of about banning menthol, mint and winter green tobacco in the Town of Yarmouth as well as banning all vaping devices. At this time menthol, mint and winter green flavored tobaccos are not a part of the current tobacco regulations in the Town of Yarmouth. Some towns have moved to include these flavors as restricted, those being Summerville, Ashland and Needham. These restriction have been adopted as recently as a week ago and no longer than a month ago. Summerville went so far as to restrict vaping products sales to 21 and older establishments that do not have a food service license. The Board was given a copy of the regulations adopted by the above mentioned towns to review and discuss for possible options for the Town of Yarmouth. As of now these towns have not been challenged by the Tobacco Industry over banning of these flavored tobaccos yet they may still come to fruition. The Town of Yarmouth was challenged by Cumberland Farms over the initial banding of flavored tobacco. The Board of Health did win that first case and that win is being appealed to the State Court.

The increase of vaping is a national problem not just a local issue. Health Director spoke with a person in the Attorney General's office and stated they are looking into regulating or controlling the sale of vaping products and flavored tobacco on line. Strengthening Massachusetts regulation in that venue. The Town of Yarmouth is a 21 and older for the sale of tobacco, have banned the sale of other flavored tobacco and has put a cap on the number of tobacco retailers in the town. The Board of Health has been very proactive on the tobacco front. The Chair indicated that area schools are seeing an increase in juuling with an estimated 75% of teenager's vaping. There is a cross message happening. "Quit smoking and start juuling." Though the nicotine percentage is

actually higher in some vaping pods than with traditional tobacco cigarettes. Board of Health will need to make a determination on this topic.

The topic will be put on February 11, 2019 meeting agenda for further discussion. A proposed regulation will need to be drafted and a hearing for public comment needs to be scheduled. There will be a public comment session at next meeting with written comments welcomed prior to.

VI. Update – Wastewater Planning

Clerk, Charles Holway updated the Board of Health on The Wastewater Planning Committee meeting he attended. Mr. Holway stated The Wastewater Planning Committee is proposing a 80 year tax increase to all home owners of the Town of Yarmouth. This proposed tax increase is to help pay for the 7 stages of a centralized sewage system for the Town of Yarmouth. The cost is approximately 400 million dollars. Clerk, Charles Holway feels this would create an incredible burden on the people of Yarmouth within the next 20 years. The Wastewater Planning Committee is set to be in front of the Board of Selectmen with proposal on January 29, 2019. The committee will then proceed with public education.

VII. Approval of Minutes – January 7, 2019

MOTION: (Hillard Boskey, Chair) To approve minutes

Seconded: Mary Craig, Vice Chair

Unsubstantiated: Deb Bruinooge & Eric Weston

Discussion: None

Vote: Unanimous

VIII. Adjournment

MOTION: (Eric Weston) To adjourn meeting

Seconded: Deb Bruinoogge

Discussion: None

Vote: Unanimous

There being no further business, the Chair adjourned the meeting at 6:25 PM.

Respectfully submitted,

Charles Holway,
Clerk

Minutes Taken by Christine Slack