

MINUTES
Tuesday, August 8, 2023
Board of Selectmen Meeting – 5:00pm
Joint with Lake Oversight Committee and Board of Health
Town Hall - 1st Floor Community Room & Virtual
27 Sturbridge Rd.
Holland, MA 01521

Select Board Members in attendance: James Whalen, Ernie Fancy, Kate Landers

Others in attendance: Stacy Stout (Town Administrator), Lake Oversight Committee Members, Board of Health Members

Meeting called to order at 5:00pm

1. The Select Board held a Joint Meeting with Lake Oversight Committee and Board of Health to discuss the bacteria testing of Hamilton Reservoir, to include, any recommendations/discussions/budgets/authority.
2. The Board of Health gave a presentation on Beach Testing and stated that testing commenced on 8/4/2023 on 10 beaches and results were all negative.
3. The presentation covered plan to test Semi-Public beaches, and BOH will work with the Lake Oversight Committee (LOC) to identify lists of beaches, per the presentation.
4. There were some public discussions back and forth, on testing timing (after heavy rains vs regular schedule) and locations (beaches vs inlets).
5. There were some public comments questioning process for posting signs/closing beaches if positive results. BOH can look into options.

Chair Closed Meeting - Meeting Adjourned at 6:18 pm

Respectfully submitted by Jennifer Gumlaw

Items listed are those reasonably anticipated at time of posting. Not all items may be discussed and other items may be brought up to the extent permitted by law.

Beach Testing Presentation

Holland BOH

8/8/2023

FY 2023 Beach Testing

- Testing commenced 8/4/2023
- Tested 10 beaches so far
- Samples will be gathered Wednesdays
- Results returned to Town Hall on Fridays
- Will add 2 new Semi-Public Beaches (SPB) each week
- Cost of testing for 2023 season will be paid for by BOH
- BOH will work with LOC to gather complete list of SPB by end 2023

FY 2024 Beach Testing

- Permits will be issued for beaches that want testing.
- Permit fees will cover partial cost of testing, BOH will cover balance.
- Expect SPB's members to self identify for billing purposes.
- Samples will be gathered Wednesdays
- Results returned to Town Hall on Fridays
- Estimated cost of testing for 2024 (per beach):
 - Bathing only beaches: \$700 per year.
 - Boating and bathing beaches: \$1,100 per year.
 - Estimate cost for all SPB's per year is \$12,000 per year.
- BOH will work with LOC to gather complete list of SPB by end 2023

Guiding Authority Documents

- 105 CMR 445.000: MINIMUM STANDARDS FOR BATHING BEACHES (STATE SANITARY CODE, CHAPTER VII)
- 445.001: Purpose The purpose of 105 CMR 445.000 is to protect the health, safety and wellbeing of the users of bathing beaches, to establish acceptable standards for the operation of bathing water and to establish a procedure for informing the public of any bathing water closures.
- 445.002: Authority 105 CMR 445.000 is adopted under the authority of M.G.L. c. 111, ss. 3,5S and 127A.
- 445.003: Citation 105 CMR 445.000 shall be known and may be cited as 105 CMR 445.000: Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII). 2
- 445.004: Scope These regulations shall apply to all public and semi-public bathing beaches.

445.010: Definitions

- Bathing Beach means the land where access to the bathing water is provided. It shall not mean a swimming pool as defined in 105 CMR 435.000: Minimum Standards for Swimming Pools (State Sanitary Code, Chapter V).
- Bathing Water means fresh or salt water adjacent to any public bathing beach or semi- public bathing beach at the location where it is used for bathing and swimming purposes.
- Board of Health means the appropriate and legally designated health authority of the community, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town, or its authorized agent or representative.
- Operator means any person who (a) alone or jointly or severally with others has legal title to a bathing beach whether or not that person has legal title or control of the bathing water; or (b) has care, charge or control of such bathing beach as agent or lessee of the owner or an independent contractor. 3 Public Bathing Beach means any bathing beach open to the general public, whether or not any entry fee is charged, that permits access to bathing waters.
- **Semi-Public Bathing Beach** means any bathing beach that has common access and/or common use by a group or organization, which includes
 - (a) any bathing beach used in connection with a hotel, motel, a manufactured home park, campground, apartment house, condominium, country club, youth club, school, camp or other similar establishment where the primary purpose of the establishment is not the operation of the bathing beach, and where admission to the use of the bathing beach is included in the fee or consideration paid or given for the primary use of the premises.
 - (b) any bathing beach used in connection with a neighborhood or residential association
 - (c) any bathing beach operated solely for the use of members and guests of an organization that maintains such a bathing beach. Private Bathing Beach means any bathing beach not considered to be a public or semi-public bathing beach.

445.035: Sampling and Analysis at Semi-Public Beaches

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 - (A) The operators of semi-public bathing beaches shall pay for the costs of testing, monitoring and analysis of bathing waters adjacent to such semipublic bathing beaches.
 - (B) Operators of semi-public bathing beaches may enter into contractual agreements with the Board of Health to have the testing, monitoring and analysis of bathing water conducted by the Board of Health, the Department or other qualified persons as determined by the Board of Health or the Department.

445.300: Permit - Issuance

- (A) Permit Required to Operate. After May 28, 2010 no person shall commence the operation of, or continue to operate, a bathing beach unless the operator is the holder of a valid permit issued by the Board of Health or the Department.
- (B) Application. By no later than April 26, 2010, any person currently operating a bathing beach desiring to continue operating said beach shall file a written application for a permit with the Board of Health, on forms prepared by the Department and obtained from the Board of Health. Any information as required by the Board of Health and payment of any fee required by local bylaw, ordinance or regulation shall accompany the application.

445.400: General Administration

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 - The provisions of 105 CMR 400.000 shall govern the administration and enforcement of 105 CMR 445.000. 445.500:
- Severability
 - In the event that any section of 105 CMR 445.000 is found to be invalid or unconstitutional, the remaining sections shall not be affected and shall remain in full force and effect. To this end, the provisions of this regulation are hereby declared severable.