

Board of Health
September 22, 2011

In Attendance:

Board of Health Members: Robin Blair, Patricia Lawrence
Robert Bracey – Director of Public Health
Patti McAlarney – Administrative Assistant; Minutes Taker
Ghlee Woodworth – Off Leash Ambassador
Ron Klodenski – Newburyport Resident
Board of Health Member, Susan Beluk - absent

7 pm Meeting called to order

- RB: 7:05pm Meeting Opened
- RB: Presented a citation from the Board of Health to Ghlee Woodworth in recognition for her work on the Off-Leash Pilot Program.
- GW: Thanked the Board for the Citation. Gave a summary of the Off-Leash Program, specifically noting that the program began the first week of May. She's spoken with 456 people about the program (50 % dog-owners; 50% non-dog owners). Only two people spoke against the Program. Cashman Park receives heaviest use. She also monitors the Rail to Trail. Majority of people are following the rules. Overall, the Program has been a success.

Solid Waste Program - Molly Ettenborough

- ME: Has received a Tech. Assistance Grant from DEP.
The downtown area is consistently a mess on Thursday evenings. In order to continue to offer free trash pick-up, a decision has been made to reduce trash pick-up to once a week, but to increase recycling pick-up to a weekly schedule (downtown only.) Food establishments that need more frequent trash pick-up will need to arrange for it privately. Bob Bracey and Chris Webb are working on this.
- PL: Expressed concern that trash will be piling up within establishments if pick up is only once per week.
- RB: Questioned whether the city will provide barrels
- ME: Yes
- ME: October 10 is currently the planned 'roll-out date'; the barrels should be available by then. The area involved is from Merrimac and Pleasant St to Titcomb Street
- PL: Questioned whether Winter St. was included
- ME: Winter St. is not included in city pick-up; these establishments have their own dumpster.
- RB: Noted that some restaurants have taken responsibility for private pick-up for years.
- ME: Explained that businesses that are new to Newburyport really appreciate the free trash service. Also noted that the vote was unanimous for changing the Trash Ordinance to require that trash be contained.

Compost Facility – Molly Ettenborough

- ME: The Compost Facility is running well. Ron Klodenski called on August 31 and on September 1 to report that he smelled burning leaves. At this point in time, there had already been a pick-up of leaves scheduled (since monitoring of temperature of the compost piles had exceeded 100 degrees.) The leaf piles were moved out on September 6 & 9.
- ME: The Segment Report will be distributed.
- ME: Compost Facility Sticker Sales and use of the facility varies. We've sold approximately 2,000 stickers for an estimated revenue of \$33,000.
- ME: The new site (for Compost Facility) has been marked for wetlands. Conservation Commission has given approval for the new site and stakes are in place.

- ME: Some of the quotes received for preparing the new site exceed \$25,000 so the Procurement Officer is requiring that it go out for formal bid. The hope is that work will begin in mid-November.
- RK: Thanked Molly and suggested that Linda Guthrie be invited to address the Board and explain what the environment is like at the Compost Facility (consumer's attitudes, etc.) He stated that Linda had suggested that more education about the rules of the Compost Facility for residents is needed; and he offered to help out with such an education program.
- PL: Commented that Molly had done a great program on Cable TV about the Recycling Program.
- ME: Stated that she would be willing to do another similar program.
- PL: Suggested that in addition to written materials, alternative teaching methods are important: such as a cable telecast, or a live presentation that could be held at the library.
- BB: Suggested that it may be beneficial to run the educational programs/presentations a month or so before the Compost Facility open for the season.
- ME: Reported that she has brought classes of students and other groups for tours at the Compost Facility, Landfill, Water and Sewer Treatment Facilities. They have been very well received.
- PL: Suggested that Molly consider offering the tours for adult groups, such as SEED.
- ME: Stated that she may consider offering a tour of vernal pools in the future.
- RK: Offered to introduce Molly to some of his contacts who he believes may be helpful in planning a vernal pool tour.
- RK: Wanted to know the plan for the current site (when it is no longer in use.) Suggested that it be re-planted so that it doesn't become a dumping site.
- ME: Stated that they may try to transplant some trees from the new site to the old site.

Minutes from the August 18, 2011 Board of Health Meeting were corrected and approved.

West Nile Virus – Bob Bracey

- BB: On August 29, 2011 a public service announcement was sent out by the Health Department stating that the Northeast Mosquito Control Program had found one mosquito in Newburyport which tested positive for West Nile Virus and that ground spraying would be performed.
- PL: Asked whether there were any statistics that compare illness outbreak to the number of mosquitoes that test positive.
- BB: Replied that the State assigns a risk level based on test results and the number of mosquitoes that have been caught in each region. The state will continue to test the mosquito pools until the first frost. No other positive results have occurred since August 29.

Bathing Beaches – Bob Bracey

- BB - After the tropical storm the enterococci count exceeded the acceptable level and required that the beaches be closed. Repeated testing was performed over the following 3 – 4 days, but still did not meet the geometric mean. After Labor Day the marine water was retested and the geometric mean was met. The beaches were re-opened but bathers must swim at their own risk.
- PL - Questioned whether we enforce 'no swimming' if people chose to swim prior to Memorial Day.
- BB - Explained that there is no enforcement during non-season (which is when the waters are not being tested.) People may choose to swim, but it is at their own risk.
- BB - A meeting was held with John Eric White of the Department of Environmental Protection,, Mayor Holaday, Joe Tabbi and Bob Bracey to discuss the problem of storm water run-off from Haverhill and other cities located upstream such as Haverhill, Methuen, Lawrence and Nashua. A committee is being established as a means of supporting the efforts of those communities in improving their storm water and sewerage treatment systems.

Influenza Clinics – Bob Bracey

- BB - Noted that Commissioner Auerbach's message concerning the lack of vaccine was included in the handouts provided for the meeting. In past years Newburyport received 750 doses of Flu Vaccine from the state, this year only 300 doses were received. The state guidelines indicate that state supplied vaccine is not intended for insured adults over the age of 19. Anyone over 19 is recommended to obtain their vaccine from their doctor or from a local pharmacy.
- RB - Commented that Massachusetts was one of the only states that has offered free vaccines in the past. The public will now have to adjust to obtaining vaccine on their own.
- PL - Suggested that the Board of Health could offer assistance to the public by informing them where they can get the vaccine. One population that may benefit from information is the health adult population since elderly residents can obtain free vaccines through Medicare and children are often vaccinated by their pediatrician. Rite-Aid has run advertisements stating that the vaccine is free for the elderly; Medicare would pay 100% of immunization cost.
- BB - Stated that he felt that the Public Health Department has the responsibility of vaccinating anyone who wants it, as long as the Department can be reimbursed for the cost of vaccine.
- RB - Noted that it is important for the Health Department to educate and communicate to the public the fact that the state has reduced the vaccine supply.
- PL - Questioned whether public schools offered vaccines for students.
- BB - Explained that the Health Department had offered vaccinations last year, but the Superintendent had declined the offer.
- BB - This year's clinics will be carefully monitored so that we will be better able to gauge how we move forward next year (with immunization programs.)
- PL - Noted that Newburyport doesn't have a high population of individuals without access to immunization.
- BB - Recommends that since the Health Department has a Medicare Revolving Account that was established for situations such as reimbursement for vaccines, we should continue to offer vaccines as long as we can be reimbursed for the cost.
- RB - Agreed that we should "see how this year's program works out."

Public Health Nurse – Bob Bracey

- BB - Advised that Public Health Nurse, Dana Mustone, will be on a leave of absence from her position until early November.
- PL - Noted that, as a matter of formality, the letter advising of Dana's leave should not have been prepared on Board of Health letterhead since the Board did not originate the memo and hadn't been advised of her leave until the letter had been received with the meeting materials. Also questioned why the Mayor's Office was informed of the request for leave of absence instead of reporting directly to the Health Director
- BB - Explained that the letter had been generated from an email that had been received and had been re-printed on letterhead for the purpose of the meeting.
- PL - Questioned the reason for the leave of absence; is it for education?
- BB - Explained that Dana was gaining clinical experience that she felt she needed.
- BB - Informed the Board that a nurse from the Malden Health Department will fill in for the Flu Clinics that take place during Dana's absence. There will be no financial impact for the Department since Dana's leave is without pay.

Solid Waste Hauler Regulations – Bob Bracey

- BB - The fee schedule used by the city of Braintree was forwarded to the Board as an example. Their schedule is \$50 - \$300 for the permit, with an additional per vehicle cost applied.

The recommendation for Newburyport is to implement Solid Waste Hauler Regulations and adjust the Application for Site Plan Review for businesses to include the Solid Waste Contract requirement. No city or town ordinance can supersede the state regulations.

- BB - The first step is for the Board to vote and approve the Regulation; implementation would begin on January 1. Advance notification letters will be sent out from the Health Department. Collections will then be tracked and monitored.
- PL - Questioned what the fees would be.
- BB - The Board needs to discuss the application fee and the per vehicle fee. The Regulation could also be expanded to cover the transportation of any type of material.
- PL - Questioned what would be involved in the application process?
- BB - Solid Waste Haulers would come to the Health Department to apply. The Department would verify that the Hauler is registered with the state. We would assess the application fee.
- PL - Expressed concern with the amount of work involved in application process.
- BB - It should be manageable - Most of the time involved would be for the Administrative Assistant to process the application.
- PL - Questioned what the recommended fee schedule would be.
- BB - The suggested application fee would be \$150 - \$200 with an additional \$50 per vehicle fee.
- RB - Commented that Solid Waste Haulers may be very familiar with this process if it is general practice in other communities.
- PL - Recommended that the word "application" not be included in the title of the form since it will require annual renewal. Recommended that the form be titled "Permit to Operate."
- RB - Presented a Motion to Approve – A fee of \$250 shall be charged for a permit for the collection of recycling fats and grease and an additional fee of \$50 shall be charged for each vehicle.
- PL - Aye
- RB - Motion Approved. *Regulations approved by Board of Health with a vote of 2 – 0 (one member was absent): Effective January 1, 2012 a Permit to Operate and First Vehicle Fee of \$200 shall apply and a \$50 fee for every additional vehicle shall apply.*

Tobacco Control – Penalty Phase - Bob Bracey

- BB - Recommended two changes to the current regulation.
- BB - Section 4.4002 – Sales to Minors: Suggest a change to the Seven Day Suspension and Required Training penalty. The third offense will require a hearing before the Board of Health for possible revocation of their license to sell tobacco.
- PL - Prefers that the regulation only allows two offenses before license is revoked. Stated that the goal is to make Newburyport a smoke-free community.
- BB - Suggested that a vote be taken now on some changes and continue to discuss/consider future revisions.
- RB - Recommended a compromise of three offenses.
- PL - First Offense [of selling tobacco to a minor] would result in a 30 day suspension from tobacco sales and required training from Healthy Communities .
Second Offense would result in a six month suspension from tobacco sales and required training.
Third Offense would result in suspension of the establishment's Permit to Sell Tobacco until a hearing before the Board of Health to determine whether the Permit would be revoked.
- PL - Newburyport is moving toward becoming a smoke-free community; while existing Tobacco Sales permits are grandfathered, no new permits will be granted.
- RB - The number of Tobacco Sales Permits in the city will be reduced as existing permits drop-off.
- BB - Also confirmed that permits are not transferable to new owners [if an establishment is sold.] We can write a new regulation that every establishment that doesn't renew, or has had their permit

revoked, will not be granted a new permit.

- BB - Section 4.7.003 - Penalty Phase, page 48 and 4.003, currently states a fee structure of \$250 for first offense; \$500 for second offense; and \$1000 for third offense.
- PL - Re: Section 4.4006 - Commented that although she hasn't observed many tobacco displays in the city, she would like to see them eliminated entirely in Newburyport businesses.

Vendor / Festival – Bob Bracey

- BB - Health Department has received many complaints related to trash during festivals & events. Recommendation made that the Board of Health approve regulation that would hold festival vendors accountable for cleaning up
- PL - In the past the city picked up trash from festivals.
- BB - Met with the Chamber, they support this regulation. The vendors will be accountable for cleaning the area around their spot. Festival Organizers can hire city services or hire private contractors.
- RB - The Labor Day Festival was a private event.
- PL - Requested clarification of sign-offs that will be required for festivals; for example Fire Department sign-off for quick disconnect.
- BB - Every vendor that uses fats and grease is required to have two fire extinguishers at their location. Now we are also requiring quick disconnects for gas tanks.
- PL - Questioned whether two extinguishers are necessary. Stated that space may be limited at vendor's booths. How will we coordinate sign-off by Fire Department?
- BB - A check-box will be added to the Application for Temporary Food Permit for the Fire Department sign-off.
Andrea Egmont has been named as the ADA Coordinator for the City. There are rules concerning keeping areas free from blockage – requiring a minimum four foot clear path of travel.
- RB - The \$500 refundable deposit is a deterrent so that vendors will be careful to clean the area of their booth after the event.
- PL - Expressed concern that the \$500 deposit may be excessive for smaller vendors.
- RB - But the \$500 is refundable deposit.
- BB - It would not be necessary to cash the vendors checks unless there were damages.
- BB - Suggested that the Board vote on the Festival issues at the next meeting.
- RB - “Motion made by Mr. Chairman”
- BB - “So moved”

Restaurant and Food Establishment Integrated Pest Management (IPM) – Bob Bracey

- BB - Reported that last week a Pest Management Manager applied tracking powder 12” of the wall of a restaurant; once on the floor, this is a federal offense. The situation was handled, however, this example gives credence to the need for the Health Department to assume greater control over establishments integrated pest control. [Referred to Section 8 of Health Dept. Regulations] Recommended that guidelines be added that establishments must have evidence (invoices) of a contract for monthly services with an Integrated Pest Management company available for review.
- PL - Expressed concern that the wording should indicate that the Pest Control Management company would be required to inspect the property on a monthly basis; not necessarily treat the property.
- BB - The suggested wording for the guidelines comes directly from the Federal Regulation.
Topic tabled until October meeting.

Allergen Awareness Training – Bob Bracey

BB - A change in wording recommended for Section 2.8.005 – [establishments that cook, prepare or serve food intended for immediate consumption either on or off the premises]

PL - Questioned whether there is a requirement for the font size used for signage.

Change in wording approved by the Board.

RB - At next month's meeting the Board will review all suggested amendments to the Chapter II Regulations.

Meeting adjourned.

Identification of Speakers:

RB – Robin Blair

PL - Patricia Lawrence

BB - Robert Bracey

GW – Ghlee Woodworth

ME - Molly Ettenborough

RK - Ron Klodenski