

Newburyport Board of Health Meeting
June 15, 2017

Date of Approval: 7/20/2017

Attendees

Dr. Sam Merabi, Board Member
Dr. Robert Slocum, Board Member
Frank Giacalone, Health Director
Molly Ettenborough, Energy, Recycle and Sustainability Coordinator
Patricia McAlarney, Note Taker

Meeting called to order: 7:05 pm

Approval of Minutes: Dr. Slocum made a motion to approve the Minutes of the Board Meeting from May 4, 2017; Seconded by Dr. Merabi. Votes in favor - Dr. Slocum and Dr. Merabi. Votes to oppose - none. Minutes approved as submitted.

Energy, Recycle and Sustainability - Molly Ettenborough

- **City Trash & Recycle Contract:** Ms. Ettenborough explained that the City recycle contract goes out to bid next year and will be bid in conjunction with Merrimac and Amesbury. The City pays \$66 per ton for trash removal and is paid \$10 per ton for recycle.
- **Grants:** The Energy and Recycle Division applies for many grants. They recently applied for a grant from DEP known as Recycle IQ which focuses on increasing the quantity and quality of recyclables. The higher quality the recycling materials are, the more likely the City is to get better deals from recyclables sold on the market. Recycling can be very confusing which is the gist of the program. Ms. Ettenborough introduced Project Manager, Christin Walth who has been surveying residents' curbside recycling bins in the early morning hours to detect trends of problem recycling areas. The Top Five Recycling Problems have been identified as bagged recycling, the inclusion of filmed plastic and plastic bags in recycling, food, textiles, and "tangles" (i.e. anything that is long and easily tangled which can jam the assembly line machines.) A campaign will take place from August to November which will focus on eliminating these five problem items. Residents will be informed of the campaign via a mailer on August 2, 2017. Also, beginning on August 14, there will be two days each week (unknown to anyone other than Recycle Department) when resident's recycling will be checked by Christin Walth and Laurel Hanke. First time violations will result in a warning. Second violation will result in an "Oops Tag" and the resident's recycling won't be picked up that week. The grant includes funding for all collateral materials such as: "A frames", mailers, posters and personnel for the program. Some residents may be upset by the program, however, Ms. Ettenborough explained that other communities are equally, or far more, punitive. Ms. Ettenborough will report back to Board later in summer regarding the Recycle IQ Program and for the Municipal Contract.
- **Plastic Bag Ban –** Under the Plastic Bag Ban retail establishments are not allowed to distribute thin plastic bags with integrated handles. Some retailers have begun selling heavier plastic bags, which is allowed. There have been relatively few issues with the ban. The effect of the ban has been a significant decrease in litter, including shoreline litter of plastic bags, and a decrease in bags included in the recycling stream. Ms. Ettenborough will inquire with CVS and report back to the Board regarding how many bags were purchased in the time frames before and after the ban was in effect to provide some insight into the efficacy of the ban.

- Organic Compost Pilot - This pilot in which organic waste is collected from a group of residents located in the south end is nearing its end. So far the results indicate that it will be too expensive to roll out an organics compost program city-wide. Ideally the City would obtain an Anaerobic Digester, however, it is not feasible for the City. The Recycle Division may investigate other ways to collect organics and deliver it to farms or other communities that do have anaerobic digesters (available in York, Maine and Lawrence, MA.)

Health Nurse Update - Director Giacalone

- Interns: The Department currently has two summer interns: one is a student in a Master's program in Public Health and the other is in Bachelor's Program in Public Health. The interns are working on the Food Recovery Program and will be developing an SOP for the program that will track and outline the process so that it may be replicated by other communities.
- Northshore Visiting Mother's Program - The Public Health Nurse is participating in this program offered by Jewish Families' Program which provides instruction to nurses to provide postnatal training to new mothers and also provides an unlimited number of 'Baby Boxes' that are filled with baby care items that will be distributed to new mothers in the City beginning in December. The "Baby Box" is a cardboard box (bed) equipped with a tight fitting mattress, the use of which has been credited with reducing infant mortality in Finland during the five years that the program has been in existence. A vital component of the "baby box" program is the postnatal training that is provided to the new mothers.
- Sunscreen Grant - Public Health Nurse, Pam Palombo, applied for grants and requested donations that resulted in the City obtaining five stand-alone Sun Screen Dispensers that will dispense sunscreen free of charge to residents. The dispensers will be located at the Harbormaster's Office, Cashman Playground, Rail to Trail and Plum Island Point. The program was promulgated by reports of a skin cancer rate for Newburyport which was above the average for Massachusetts and reports from Anna Jaques Hospital that indicated a higher than normal incidence of melanoma for City residents. The Sunscreen Dispenser program is currently under consideration by City Council.
- MAVEN - Reportable Diseases: The Board was provided with a list of Reportable Diseases that were received by the Public Health Nurse during the month of May. The Board noted that reports of anaplasmosis and ehrlichiosis may be redundant since these are the same illness. Director Giacalone noted that there was one incidence of listeria that was reported and is being followed up by the Public Health Nurse in conjunction with the State Epidemiologist.

Evergreen Commons - Lisa Mead, Mead, Talerman and Costa

Lisa Mead stated that she represents the contractor for Evergreen Commons who was present at tonight's meeting because the Board of Health makes recommendation, or not, regarding the Definitive Subdivision Plan. She explained that the contractor had included in Evergreen's application to the Planning Board for the Special Permit a sum of \$10,000 that will fund future monitoring and testing of the wells. The funds will be held in an account overseen by the City's Department of Public Services. Ms. Mead further explained that the soil testing that the contractor was required to have done prior to construction has already been completed. In addition, a risk analysis was performed on the trace amounts of compounds that were found in the grounds. Ms. Mead explained that the Planning Board is currently reviewing the Definitive Subdivision Plan as well as the Water Resource Protection District Special Permit Application which the Board of Health will weigh in on, as well.

Steve Sawyer, Design Consultants, Inc. presented a schematic of the 36 acre subdivision and explained some changes that have been made to some of the roadways based on input from

the Planning Board and residents. He explained that the plan includes a depiction of a segment of land that the contractor proposes to convey to the City for a possible site for a new well. The segment of land provides a radius that would retain the zone 1 aquifer for the well. The plan also shows a very large pollinator meadow and approximately a mile of trail network for walking. The original concern about the run off from the existing Boyd Drive which allowed water to run to a clay lined area has been addressed to divert storm water from the well. Water will be piped back to a storm water wetland area. The plan includes a low and high marsh area which provides for removal of metals, phosphorous and nitrogen. The plan has been sized to overcompensate for the impervious paved areas. Rather than have one large treatment area, there will be five rain gardens installed that include deep sump pump catch basins with a hood. In addition, before discharging to the rain gardens there will be a swirl particle mechanical separator which can remove up to 80%. Mr. Sawyer indicated that this is a state of the art system. Mr. Sawyer also explained that one of the ponds in the area is designated under the Wetland Ordinance as an isolated wetlands area, however, it is not currently operating as such since it is typically dry even after rain events. The contractor will be proposing to the Conservation Commission that they be allowed to dig into the wetland area to construct a storm water wetland area. He stated that this project far exceeds zone 2 requirements and is vast improvement over what exists today. Ms. Mead noted that the project will increase the size of the wetland area and will allow groundwater to feed the wetland area to make it more functional.

Jay Billing reported that the contractor had worked with AECOM regarding concerns related to prior use of turf products and any residuals still in place. Samples from multiple areas throughout the site were collected and submitted to a laboratory in California that tested for 758 compounds (pesticides, herbicides, fungicides etc.) A total of 16 compounds were detected at very low parts per million (ppm.) Fifteen of the products identified were turf management products or breakdown of turf management products. One compound was a byproduct of pesticide/DDT. These products may have been applied as long as ten years ago. The majority of samples were found on the greens area (which is 2.6% of the entire area.). Enviro-Risk Solutions developed standards based on published information of these compounds, then performed a risk assessment as to whether the compounds posed a risk to human health. The conclusion was that the compounds posed "no significant risk based on the concentration at which they exist." Ms. Mead noted that the Planning Board, at AECOM's suggestion, has required that the Developer perform soil testing and water testing once per year throughout the construction process.

The Board expressed concern that funding be available to perform future tests, especially since it is possible that more precise testing may eventually be available. The \$10,000 is a start to addressing the future testing needs.

Dr. Slocum made a motion that recommendation be made to the Planning Board stating that the Board of Health has no concerns about the project and the Board would rather the funds for the two additional required tests instead be placed in a DPS fund for future use. The motion was seconded by Dr. Merabi. Dr. Slocum and Dr. Merabi voted in favor; no votes to oppose.

Director Giacalone will draft a letter to the Planning Board on behalf of the Board of Health to express the Board's recommendation regarding the use of the funds.

Other Matters:

Tobacco Collaborative - Ron Beauregard, Director of Tobacco Control

- **Flavor Restrictions to Tobacco Products** - Mr. Beauregard recommended that the Board consider adopting a restriction on flavored tobacco. The Massachusetts Municipal

Association and Mass Association of Health Boards has developed model language that was successfully adopted by the state of Rhode Island which restricts the sale of any tobacco product that contains characterizing flavors in the spectrum of fruits, dessert, sweeteners, chocolate, candy etc. unless it is sold in a 'retail tobacco store' (i.e. smoke shop.) Limiting the sale of these flavored tobacco products to these focused retail stores that sell primarily tobacco and tobacco paraphernalia has proven effective. A list of the nine communities (out of 18 communities in the Collaborative) that have adopted the flavor restriction was provided to the Board. North Andover was the first community to adopt the restriction. The Center for Disease Control (CDC) and several peer-review medical journals have stated that flavoring tobacco makes it more attractive. One argument against the restriction is that adults also like the fruit flavors; however, not allowing the flavors that masquerade as a "treat" makes it more likely to be appealing to youth.

- **Expand the Definition of Tobacco Product and Eliminate the phrase "Tobacco Delivery Product"** - Mr. Beauregard also recommended that the Board consider adopting wording in the City's tobacco regulation (4.4.2.09) that would broaden the definition of tobacco to include nicotine juices. Some nicotine juices are advertised as being "zero nicotine" but actually contain small amounts. While some nicotine juices/vape products are used as a means to wean people from nicotine, they may also entice non-smokers to try nicotine.
- **Cigar Pricing Provision** - The third recommendation Mr. Beauregard made was to the City's package provision for cigars which currently states that cigars cannot be sold in packages of less than four. The recommended wording would state that packages of cigars (regardless of the number of cigars contained in the package) cannot be sold for less than \$5. The cigar pricing provision helps to eliminate the low cost cigar options at retail stores. In communities that have adopted this pricing regulations there has been a decrease in the number of cigars offered for sale.
- **Ban Tobacco Sale within 500 Ft. of a School** - Mr. Beauregard further recommended that the Board consider adopting the provision that would ban the sale of tobacco within 500 ft. of a school. Since Newburyport has a ban on any new permits being issued, this is unlikely to occur; however, Mr. Beauregard suggests this language be adopted so that if a business were to change location it would not be allowed in close proximity to a school. The Board discussed whether the current regulation protects from the change of location since the language specifically notes the permit is associated with the business location. Mr. Beauregard indicated that, if adopted, the provision would not affect any businesses that are currently permitted.

Director Giacalone noted that any such changes to the current tobacco regulations would require a public hearing should be held since any of these changes constitute a significant change to the current regulations. The recommended changes will be addressed at the next Board Meeting and it will be determined which of the recommendations should be prioritized. Director Giacalone will contact other communities to inquire about their tobacco regulations.

Health Department Budget:

Director Giacalone informed the Board that the City Council approved an 'almost' level funded budget. The Weights and Measures budget was reduced by \$500 which should not affect the process since the City now contracts with the State for inspection of scales so there is no need for a supply budget. The Membership and Dues budget was reduced by \$1000.

The Animal Control Officer position has been upgraded by two steps based on a comparison with other communities. Director Giacalone informed the Board that the Health Department Office is in need of additional staffing; however an appeal for additional personnel was not approved. The Department had hoped to hire Laurel Hanke for 16 hours per week because she currently works 19 hours for Recycling and is already cross-trained with many of the functions of the Health Department Office. Unfortunately, the Mayor's Office denied the request because it would require that benefits be paid for the position.

Other Matters:

- The Department has secured two interns who will be focusing on projects related to Nourishing the North Shore.
- The Board reviewed the Revolving Accounts held by the Health Department for Transient Vendors, Medicare Reimbursement and Animal Control Services and the related spending limits assigned to each revolving account.
- Open Door Variance -Newburyport Salt Cellar has requested a variance for the open door policy. Director Giacalone does not foresee any issue with the request but will require a formal application for the variance.
- Transient Vendors - Currently only three transient vendor (push-cart) permits are offered in the City and are restricted to Inn Street location only. The City Council is considering expanding the number of permits for transient vendors. On Inn Street there would be permits available for two food vendors and two retail vendors; there would also be an additional eight permits available for various locations in the City. Mobile Food Kitchens would be restricted to three permits in the City which conforms to the current Board of Health Regulations. Director Giacalone recommends that the Board maintain regulations that mimic City Ordinances related to transient vendors and mobile food kitchens to reduce confusion.
- Dog Waste Bag Ordinance - The currently proposed City Ordinance would require all dog owners or guardians of dogs to have in their possession a means of picking up dog waste any time when they are in public areas. Director Giacalone noted that so far it does not appear that there is unanimous support by City Councilors for this proposed ordinance. The Board noted that there does seem to be an excessive amount of dog waste in City areas, which does present a public health concern. It was questioned whether it is reasonable or legal for the ACO to search for dog waste receptacle. Animal Control Officer, Scott Purdie, often encounters irate dog owners especially when enforcing regulations (dogs left in cars, etc.)
- Food Establishments – Director Giacalone provided the following updates on new Food Establishments:
 - Sea Level Restaurant opened for business on Wednesday.
 - Harbourside Creamery is progressing in their construction; however, the anticipated opening date is unknown.
 - Goose Chase Baking Company is expected to open within the next few weeks.
 - Hodgies Ice Cream on Low Street is undergoing renovations and is expected to open in approximately one month
 - West End Cafe at Market Square is still under renovation and is also regrading and replacement of pavers on Inn Street to provide an outdoor seating area.
 - It is unlikely that the Ale House will open in 2017

- Yankee Homecoming will take place July 29 through August 6. We have currently received only a few of the food vendor applications. There are a number of other events that take place during the Yankee Homecoming that also require temporary food permits.
- Farmers' Market continues to operate well; there have been no issues noted.
- Assistant Animal Control Officers (ACO) – The Health Department has hired two Assistant ACOs to cover time periods when the lead Animal Control Officer, Scott Purdie, is unavailable (vacation, sick time, etc.) and to provide extra patrols when needed. Tyler Gauthier will provide emergency coverage and extra patrols on weekdays and some weekends. Marianne Gasbarro will provide weekend coverage during Mr. Purdie's weekends off.
- West Newbury has approved renewal of the Intermunicipal Agreement for Animal Control Services and have increased their payment to Newburyport to cover a portion of the increase in Mr. Purdie's Salary.
- Abandoned Houses – Director Giacalone reported that there are several abandoned properties that are presenting issues such as unmaintained grounds and uncut lawns that may attract rodents. He noted that as long as the property is secured, the fact that there is no one living there does not present a problem.
 - Water Street property (located opposite Joppa Flatts) appears to be in good condition from the outside with the lawn maintained, etc., however, there is a large hole on the left side of the building and the interior is in disrepair with evidence of mold and excessive clutter.
 - On Bradbury Lane there are two abandoned houses on opposite sides of the street. One of these houses is abandoned due to death of the owner.
 - A neighbor of a home on Merrimac Street contacted the Health Department with concern that the property may have been the site of illegal operations (possibly drug related.) The owner had not been seen recently and the property was overgrown; in addition, the neighbor raised concern about a dog that lived at the property. Director Giacalone stated that, upon inspection, neither the owner nor dog were present. Other than the unmaintained lawn no other issue had been a dog at the property and that the occupant had a dog allegations of drug activity A report from a neighbor raised concern that Dir.

Dr. Merabi made a motion to adjourn the meeting; seconded by Dr. Slocum. Meeting adjourned at 9:11 p.m.