

**Newburyport Board of Health  
Minutes of the Meeting on July 19, 2018**

**Approved: August 23, 2018**

**Attendees:** Dr. Robin Blair, Chairperson,  
Dr. Rob Slocum, Board Member  
Dr. Sam Merabi, Board Member  
Frank Giacalone, Director of Public Health  
Molly Ettenborough, Energy & Sustainability

**Meeting called to order** at 7:08 by Dr. Robin Blair

**Approval of Minutes:**

The minutes of the Regular Board of Health Meeting and the Executive Board of Health Meeting from May 17, 2018 were reviewed. The following change was made to the minutes of the Regular Board Meeting Minutes: Page 6: the words “upwards to” shall be added to the following paragraph as follows:

Molly – Yes, after the task force completes its study – we’re looking at every sector- churches, nonprofits, downtown businesses, out of town businesses, condos, private roads. The costs have gone up substantially – not just pickup and transportation, but recycling – we used to get paid, now the cost is [**upwards to**] \$87 per ton, which is huge.

A motion to approve the minutes from the May 17, 2018 meeting with the change noted above was made by Dr. Slocum; seconded by Dr. Merabi. Votes to approve - 3; votes to oppose - 0. The minutes were approved as corrected.

A motion to approve the minutes from the May 17, 2018 Executive Board Meeting was made by Dr. Slocum; seconded by Dr. Merabi. Votes to approve - 3; votes to oppose - 0. The minutes were approved as submitted.

**100 State Street – Request for city pick up:** Walt Thompson petitioned the Board to receive weekly curbside trash pickup for the condominiums located at 100 State Street. Mr. Thompson submitted to the Board a document showing that seven of the nine units are currently owner occupied, two units are rented. Mr. Thompson submitted a print out from the City Assessor’s webpage showing that \$42,000 is paid annually in property taxes by the units of 100 State Street. Two units have changed ownership since the last update of the webpage; the changes were for unit #3 which closed on July 16, 2018 and for Unit #9 which closed in December.

Director Giacalone noted that although he has been unable to find a Board of Health Regulation specific to city trash pick up for condominiums, he was able to locate a legal notice posted in the local newspaper on March 22, 2000 and minutes from a Board of Health Meeting from February 24, 2000 showing that a policy was voted on and approved that provided for city pick up of solid waste from condominiums if they are at least 75% owner occupied. Copies of the minutes and legal notice were provided to the Board. Molly Ettenborough reminded the Board that a Task Force is researching the issue of solid waste pick up from condominiums; and therefore a moratorium is in force prohibiting the trash pick up by the city to any condominiums that do not currently receive these services. Ms. Ettenborough informed the Board that it was proposed by some City Councilors that since Mr. Thompson had submitted a request for city trash pick up prior to creation of the Task Force and implementation

of the moratorium, and since, he has submitted evidence of 75% or greater owner occupancy, that 100 State Street be considered for city trash pick up during the Task Force deliberation period. The original request from 100 State Street, which was received in January 2018, could not be ratified at that time because there was a discrepancy between information from the Assessor's Office and Office of the City Clerk concerning whether the complex was 75% owner occupied. Mr. Thompson surveyed all of the condominium owners and provided to the Board a letter, signed by him as Lead Trustee of the Condominium Association, which confirms that over 75% of the units are currently owner occupied.

Ms. Ettenborough noted that there are many issues to be considered when determining whether city trash pick up may be offered to condominium complexes, for example: total number of units, whether the complex is on a private road, newly added condominiums, sidewalk obstruction, safety issues, etc. Director Giacalone stated that the new solid waste contract with Mello states that only developments with under 6 units will qualify for city pick up. The condominium complex at 100 State Street has more than 6 units and, therefore, does not meet this qualification. It was noted that even if the Board approves 100 State Street for solid waste pick up at this time, the decision may be reversed depending on the outcome of the Task Force deliberations and final policy decisions. Mr. Thompson reminded the Board that in 1999 three townhouses were added to the complex; the necessity of having a dumpster (since city trash pick up is not offered to the complex) has caused the complex to lose three parking spots which were included in the original site plan for the complex. Mr. Thompson also informed the Board that the complex has been having issues with rodents because the association is having difficulty getting solid waste pick up more frequently than every two weeks. Mr. Thompson noted that the condominium complex at 102 State Street, which has 10 units (six of which are residential and four of which are commercial), does receive city trash pick up. Ms. Ettenborough stated that this is an example of some of the inequities that exist with regard to solid waste pick up in the city.

Ms. Ettenborough posed two questions to the Board: Should the City allow 100 State Street to receive trash pick up on a temporary basis during the Task Force's deliberation; and Should the City adopt a temporary moratorium on adding any new condominiums at this time (until the Task Force has completed their deliberations)? The Task Force is comprised of a varied group of citizens including: Molly Ettenborough, Frank Giacalone, D.E.P. Representative, Sharon Kishida, and five residents (of varying ages, single-family owners, condominium owners, renters etc.)

Dr Rob Slocum made the following motion which was seconded by Dr. Sam Merabi:

**MOTION:** To add 100 State Street to the list of complexes that receive city trash pick up based on the fact that the association submitted a request to the Board of Health in January 2018 which was prior to implementation of the moratorium that prevents any condominiums be added for trash pick up by the City; and given that 100 State Street Condominium has presented to the Board of Health a signed statement reflecting that 75% of the units are owner occupied; and given that the necessity of a dumpster at 100 State Street eliminates two parking spaces that are specified in the complex's original site plan. Municipal trash pick up for 100 State Street is subject to change in keeping with any solid waste policy changes adopted in the future by the City.

**VOTE:** Votes to approve - 3; votes to oppose - 0. The motion passed.

If any condominium complex approaches the Board to request city trash pick up during the time that the moratorium remains in effect, the Board shall consider each request on an individual basis and will take into consideration all extenuating circumstances which shall include: percent of owner occupied units, total number of units in the complex, city vs. private road, safety concerns, possible sidewalk obstructions, etc. The Board shall have 60 days to consider the request and shall require, at a minimum that the complex be at least 75% owner occupied if there are six or more units in the complex, be located on a public road and allow for safe access. The goal is that the Task Force will have developed their recommendations within 120 days (to meet the extension deadline of the current solid waste contract.)

Ms. Ettenborough informed the Board that a farm adjacent to Colby Farm Lane is for sale. It is expected that a cluster of 16 homes may be built on the property. Ms. Ettenborough has suggested to the Planning Department that a medallion be affixed to the homes or garages at the site that clearly indicates pertinent information, such as the presence of the nearby landfill and recycling and yard waste facilities, so that future owners are aware of specific issues related to the property and surrounding area.

#### **SOLID WASTE CONTRACT**

Ms. Ettenborough informed the Board that an amendment is in place extending the current solid waste contract until December 31, 2018 to allow sufficient time for the City to consider contract issues/proposed changes that have been submitted by City Council related to cost, concern of increasing number of households/condominiums, and to allow time for the Task Force to complete deliberations. She noted that the Board had reviewed the prior (proposed) contract and confirmed that they will have an opportunity to vote on the revised contract.

#### **SOLID WASTE POLICY & GUIDELINES**

Director Giacalone informed the Board that the Board of Health Regulations currently include only minimal reference to solid waste guidelines. He suggests that once the contract is approved the Board consider adopting Regulations that mimic the final policies.

#### **HEALTH NURSE UPDATE:**

Director Giacalone informed the Board that for the past few years a portion of the Public Health Nurse's salary was paid by the Human Resource Department to compensate her for five hours per week spent managing the Insurance Wellness Program (MIIA) for City employees. Because the duties of the Public Health Nurse's position have increased significantly over the years to include programs such as: Nourishing the North Shore (NTS), Visiting Mothers' Program, CPR Training, and Cooking Classes to promote health eating, Ms. Palombo's salary will now be paid entirely through the Health Department and Ms. Palombo's involvement with the MIIA program will be phased out as soon as a new Human Resource Director has been hired. Due to personal reasons, Ms. Palombo is currently not working on Fridays.

Nourish the North Shore was recently awarded a \$70,000 grant that will be used, in part, to expand the public garden located in West Newbury which produces food distributed through local Farmer's Markets which were extremely popular last year. The first Farmer's Market for FY19 was recently held at Bresnahan School in conjunction with Our Neighbor's Table. Ms. Palombo will also be teaching a series of cooking classes over the next six weeks at the Senior Center that will utilize vegetables from the NTS gardens.

### **TOBACCO CONTROL UPDATE**

Tobacco permit holder, State Street Mobil, was sold on May 7, 2018. Since the new owner has not submitted an application for a permit to sell tobacco, the permit is now obsolete.

Dr. Slocum informed the Board that The Great American Smoke Out will take place on November 15, 2018. Dr. Slocum will contact Ron Beauregard, Director of Healthy Communities' Tobacco Control Program, and also Andrea Egmont, Director of Newburyport Youth Services, to garner support for the program.

### **YANKEE HOMECOMING UPDATE**

Yankee Homecoming Event Organizer, Dennis Palazzo, approached the Board and requested a reduction in the Temporary Food Permit Fee for vendors participating in Yankee Homecoming. The food vendor cost in FY2010 was \$100 for the entire event. In FY2011, the Board voted to increase the food vendor fees (for all temporary events) to \$50 per day (\$100 for a single day event.) Since Yankee Homecoming runs for nine days, the food vendor fee was \$450 per vendor. At the May meeting, the Board voted to reduce the permit fee for Yankee Homecoming (only.) The new permit fee is \$50 per day with a maximum fee of \$200 for the entire event. Mr. Palazzo believes that this fee reduction will allow the Yankee Homecoming Committee to attract high quality, varied food vendors for the event. The permit fees received from temporary events are deposited into the revolving account and are used to pay for surveillance services by food inspectors, power washing of the brick area at the bullnose, etc.

### **FOOD ESTABLISHMENT UPDATE**

- There is a new café that is proposed for the location on Pleasant Street previously occupied by Beautique, but no plans or application have been received.
- A butcher shop has been proposed for Merrimac Street at the site previously occupied by the Warren Street Deli but no application has been received to date.
- Coffee Factory is the new establishment at the corner of Pleasant Street and State Street. The menu has not changed but the new establishment will not sell alcoholic beverages.
- Anchor Stone Deck Pizza on State Street has been sold to one of the employees.
- Moulton's restaurant is under new ownership and is now operating as Superfine Foods offering lunch and dinner only.
- Fowle's Market, High Street, is under new ownership and is operating as Eva's Farm Organic Butcher Shop.

### **FATS, OILS, GREASE (FOG) VARIANCE REQUESTS**

The Department has received requests from a few food establishments to reduce the frequency of required grease trap cleanings from monthly to quarterly.

Motion to adjourn made by Dr. Slocum and seconded by Dr. Merabi.

Meeting adjourned: 8:05 PM