

**Newburyport Board of Health Meeting  
June 20, 2019**

Date of Approval: August 15, 2019

**Attendees**

Dr. Sam Merabi, Board Member  
Dr. Rob Slocum, Board Member  
Frank Giacalone, Health Director  
Patricia McAlarney, Note Taker

**Call to Order:** Dr. Merabi called the meeting called to order at 8:16 p.m.

**Approval of Minutes:** Motion was made by Dr Merabi and seconded by Dr. Slocum to approve the minutes of the Board of Health meeting for May 30, 2019. Votes to approve: 2 ; votes opposed - none. Minutes of the May 30, 2019 meeting were approved as submitted.

**Evergreen Commons:**

Jason Talerman from Mead, Talerman & Costa, LLC, informed the Board that his office is representing the residents of Evergreen Commons. He stated that when the city issued the permit for Evergreen to be built, the developer was told that the association could request municipal trash pick up in the future. On behalf of their clients, Mead, Talerman & Costa is dutifully asking for the city to extend municipal solid waste services to Evergreen just as has been offered to other private ways in the city, some of which are less easily accessible than the road within Evergreen Commons. Mr. Talerman explained that in all circumstances his clients would like to be approved as a public way once the subdivision is complete. Mr. Talerman explained that a few waivers were issued to Evergreen however, the road within the subdivision has sidewalks and is a throughway which is more easily navigable than other private roads in the city. Mr. Talerman explained that the subdivision does not currently qualify for municipal street lights or snow removal services. The Board noted that at the time of petition it was made clear to them that Evergreen was not applying to be a public way and that it was understood by the developer that the association would be responsible for the upkeep of lawns, solid waste removal, snow removal, etc. and that it was the Board's understanding that even upon completion, the development would not present financial stress by requiring city services. Dr. Merabi pointed out that the City is already stressed to provide sanitation services to the residents that already receive these trash pick up by the City. Mr. Talerman stated that certain classes of properties should be treated the same in a rationale basis. Three of the houses in the subdivision are located on Boyd Drive, which is a public way, and they will receive city trash pick up. Ms. Ettenborough noted that a year ago when the Solid Waste Task Force was formed a moratorium was instituted so that city services would not be provided to any new developments; this moratorium is still in effect today. She stated that a Solid Waste Proposal that would provide for one free barrel for residences in the city and a pay-as-you-throw program for overages is now being considered by City Council. Alongside of this program will be Board of Health Rules and Regulations that will clearly define what the trash rules are, including the handling of private roads. Ms. Ettenborough confirmed that Evergreen could approach the Board to request city services for the subdivision once the solid waste program and rules and regulations are in place to determine whether Evergreen qualifies for municipal trash pick up. Ms. Ettenborough explained that for any private road that qualifies for solid waste services would be required to meet certain criteria and would have to sign a letter of indemnification and have road insurance

in place; it also needs to be understood that acceptance for trash pick up does not set precedent for qualifying for any other city services.

Mr. Talerma questioned what the cost impact would be of Evergreen being accepted for municipal trash pick up; whether the tax income from the new homes would cover the increase to the total cost of the city's solid waste services. Ms. Ettenborough explained that until a final decision is reached regarding the details of the solid waste program, it isn't possible to determine what the cost impact would be.

One of the goals of the Toward Zero Waste is to avoid increasing taxes to pay for the added cost of trash services. Dr. Slocum noted that addition of a home to the City should be tax neutral, so that taxes paid cover any increase in services used by that residence.

### **Solid Waste Task Force Update - Molly Ettenborough, Recycling and Energy Manager**

Public meetings to discuss the solid waste proposals have been held recently by the Ward 2 Councilor and by an At-Large Councilor. Many residents have voiced concerns about how condominiums will be handled under the proposed program. Some of the complexes that should never have been granted city services are now receiving trash pick up. The proposal calls for condominiums that are over eight units

Director Giacalone explained to the Board that there are two documents that need to be adopted within the City; the City Ordinance which will be developed and approved by the City Council, and the Rules and Regulations which will be adopted by the Board of Health. A draft of the Rules and Regulations, which provides the details of how the Ordinance will be applied to various residences such as condominiums, private roads, etc. has been presented to the Board for their review and consideration.

Dr. Merabi questioned whether the financial breakdown of the impact of implementing the proposed solid waste program has been developed; he explained that other municipalities that have adopted similar programs have typically reported a reduction of approximately 20 - 25 percent. One concern that was discussed will be how to evaluate the effectiveness of the program if new developments that receive municipal services are continually added. The Board suggested that once the new rules are applied to identify all properties that will receive trash service (including any 'grandfathered properties') there should be a year long moratorium during which no new developments would be offered trash services so that a cost analysis of the program could be conducted.

Ms. Ettenborough stated that the grant that is planned to be used to cover the cost of providing the free barrel to residences that qualify for trash pick up should be sufficient to include Evergreen Commons (if they were to be approved for municipal trash pick up), however, there are many possible future developments that could be built and at some point those funds may be exhausted.

The Board asked Molly to send them an updated version of the proposed rules and regulations that includes the following statement: "Everyone who currently receives municipal trash service will continue to receive the city's service program." The Board's justification is that it would be too much of a burden for an existing/older development to organize themselves into a homeowner's association that would provide trash services for themselves, whereas a new development has the opportunity to plan for trash services at the time the development is built.

The Board discussed that one year after implementation of the program they could review the financials and determine whether the solid waste program should be changed to possibly allow other categories that were previously not included for city services. Ms. Ettenborough will ask that Councilor Jared Eigerman review and edit the proposed Rules & Regulations which will then be returned to the Board for their consideration.

Under the proposed solid waste program and using a conservative estimate, such as a 20% reduction for disposal (based on Ipswich's history), Newburyport should experience a \$76,000 reduction in solid waste costs per year. The cost per household per year for solid waste disposal would be \$187.

Molly suggested that Board Members consider attending the upcoming Public Safety Committee Meeting on July 11. After the Public Safety Committee has completed their review the proposed ordinance will be brought before the committee as a whole.

#### **Public Nurse Update - Director Giacalone**

- Chokesaver Classes – The Department would like to offer ChokeSaver Classes for staff of food establishments and has asked the state Department of Public Health to approve our proposed curriculum.
- Nourish the North Shore continues to offer nutritional cooking classes at the Senior Center which are being very well received by participants.
- There were no concerning reports of communicable diseases this past month.

#### **Animal Control - Director Giacalone**

- Still waiting for City Council to make a decision regarding approval to continue with Shared Services with West Newbury. Some Councilors are concerned that too much time may be taken with West Newbury animal issues. Director Giacalone explained that the Animal Control Officer spends approximately 30% of his time in West Newbury and the rest of his time in Newburyport. Some areas of Newburyport are prone to complaints such as the basin side of Plum Island. The Assistant Animal Control Officer will be conducting weekend patrols on the beaches at Plum Island.
- The full-time Animal Control Officer, Scott Purdie is planning to retire in October. The Assistant Animal Control Officer plans to apply for the full time position.

#### **Food Establishments**

- A Poke establishments may be applying for a permit for the previous D'Angelo location at the Storey Ave Plaza
- Chipotle may be opening at the Storey Ave Plaza at the previous Papa Gino's location
- Haleys – The Board raised concerns about conditions at Haley's. Director Giacalone will look into these concerns.
- It is rumored that Tuscan Kitchen is planning to open at the previous Black Cow location.
- A Bubble Tea establishment plans to open on State Street

**The next meeting of the Board will be Thursday, August 15, 2019.** (There will be no meeting in July.)