

**Newburyport Board of Health Meeting  
May 30, 2019**

Date of Approval: June 20, 2019

**Attendees**

Dr. Robin Blair, Chairman of the Board  
Dr. Sam Merabi, Board Member  
Frank Giacalone, Health Director  
Patricia McAlarney, Note Taker

**Call to Order:** Dr. Blair called the meeting called to order at 7:06 p.m.

**Approval of Minutes:** Motion to approve the Minutes of the Board of Health meeting on April 25, 2019 was made by Dr. Merabi ; seconded by Dr. Blair . Votes to approve: 2 ; votes opposed - none. Minutes of the April 25, 2019 meeting were approved as submitted.

**New Business:**

**60 Longfellow Road - Complaint:** Director Giacalone introduced Richard Winokur from 60 Longfellow Road who informed the Board that his neighbor at 50 Longfellow Road has been feeding animals and birds on her property and creating a nuisance by attracting pigeons which defecate on the roof of his home. The bird droppings roll off the roof and onto his porch in such abundance that he needs to sweep them off the porch to protect the health of his pets. Director Giacalone noted that he had inspected both properties about a year ago when Mr. Winokur first informed him of the issue. At that time Director Giacalone observed open cans of jelly, containers of water, spoons, utensils and various edible items in her yard. He spoke with the resident directly, informed her that she must stop feeding the animals and birds and she led him to believe that she understood the order and would cease the behavior. Last week Director Giacalone revisited 50 Longfellow and saw evidence that the behavior continues. Mr. Winokur stated that he has not noticed any reduction or change in the behavior over the past year. Director Giacalone informed the Board that he will issue a letter to the resident ordering her to cease feeding wildlife on her property and will also issue a fine of \$50. A copy of the order letter will be sent to Mr. Winokur.

**Solid Waste Task Force Update** - Molly Ettenborough, Recycling and Energy Manager, was unable to attend the meeting but provided the following updates which were presented by Director Giacalone.

The Solid Waste Proposal was presented to City Council and it was moved directly to the Public Safety Committee and to the Committee as a Whole. The comments at the Council meeting were all favorable and Ms. Ettenborough has not received any negative feedback about the proposal since it was submitted for consideration. A list of "Frequently Asked Questions" is currently being drafted and it will be forwarded to the Board of Health once it is complete. Next week there will be a meeting with Heather Shand, Ward III Councilor, to review the Service Recipients (how they are defined, etc.) Jared Eigerman, Ward II Councilor will review the final draft which will then be forwarded to the Board of Health and, finally, to legal counsel for review. The updated Solid Waste Rules and Regulations will need to be ratified by the Board of Health. Ms. Ettenborough had noted that Councilor Afroz Khan recommends that there be two meetings for the public sector to address questions and issues; Board Members were invited and

encouraged to attend. It is estimated that the proposal will be brought back to the Council floor in August for a final vote.

Also, Ms. Ettenborough reported that she has received multiple comments from residents who have noted that neither The Black Cow nor Sea Level recycle. Director Giacalone noted that these issues fall under the technical assistance grant that Sharon Kishida is currently working on to examine the feasibility of mandating that all solid waste haulers permitted by the city provide recycling services, in addition to trash collection. This issue will be brought back before the Board for discussion once Ms. Kishida has completed her research and recommendations.

#### **Evergreen Commons:**

Director Giacalone referenced the May 22, 2019 letter from Attorney Lisa Mead concerning Evergreen Commons, LLC – Municipal Trash Services, 18 Boyd Drive and 5 Brown Ave, Newburyport, Massachusetts. Director Giacalone explained that Ms. Mead is representing the residents of Evergreen Commons who are requesting that the City provide trash collection services for their association. Director Giacalone stated that when Evergreen Commons was being built the City Planning Board informed the developer/owners that municipal services (trash collection, snow plowing, street lights) would not be offered because the development is situated on private roads. He noted that in some past similar situations the City had made exceptions and reversed the decision and, therefore, some developments were allowed to receive municipal trash services. He explained that it is not the city's intention to make exceptions to the established rules. Dr. Merabi stated that the city's reasons for not providing municipal trash services to developments with private roads is neither irrational nor arbitrary. The original proposal for Evergreen Commons was approved, in part, on the basis that the city would not be providing these services. The City has the right to approve or deny projects depending on the impact that providing such services would have on available resources.

The Board discussed whether the developer could have applied initially to have the road be accepted as a public road, and, if so, why wasn't this done; and what process would be necessary if Evergreen Commons now wants to request that the roads be accepted as public roads? Director Giacalone noted that the three owners at Evergreen Common are currently receiving municipal trash collection because they place their trash on a public way (Boyd Drive) for collection. A point was made that if the Pay As You Throw program is adopted and if the city receives a grant that would provide for one free barrel for each property, would there be sufficient funds to include the 38 residences at Evergreen Commons (if the association were approved for municipal trash collection.)

Director Giacalone stated that the Board of Health's involvement in this issue is that solid waste regulations exist under which the trash policies would fall. The Board noted that their position is to ensure that sanitation is upheld throughout the city, whether the trash is collected under the municipal agreement or by private contractors (as in this case, paid for by the development's neighborhood association fees.) Director Giacalone stated that the Board will need to revise the Solid Waste Rules and Regulations to make them more comprehensive and in line with any City Ordinances related to solid waste. The current draft regulation includes language pertaining to how private roads may be handled with regard to provision of city services. Discussion ensued as to whether the final vote to approve or disapprove trash collection on private roads falls under the Board of Health's purview.

The Board stated that no response to Attorney Mead's letter is necessary at the current time.

### **Body Art Regulations - Director Giacalone**

Director Giacalone stated that for the next Board meeting he plans to have a draft of the revised Body Art Regulations including a draft of a medical release form that would be required when micropigmentation/body art is to be performed on a post-surgical site. He informed the Board that he will be inviting the city's currently permitted Body Art Practitioners to a meeting to ask for their input as to types of curriculum, typical micropigmentation equipment, common practices, etc. to enhance the regulations to include standards for schooling and/or training specific to the different practices (microblading vs. micropigmentation vs. tattooing, etc.) He explained that microblading, especially, is such a relatively new procedure that it is not feasible to require extensive experience/internship for applicants. The Board was asked to submit any suggestions or questions that they would like to have addressed in the meeting with the practitioners.

### **Grease Trap Regulations - Director Giacalone**

Director Giacalone explained that the Grease Trap Regulations need to be updated so that they conform with the city's F.O.G. (Fats, Oils, Grease) Regulations. The Grease Trap Regulation currently contradicts the FOG Regulations in regard to required frequency of grease trap cleanings. Dr Merabi made a motion to: propose a draft change to the Grease Trap Regulation that will be reviewed and voted upon at the next Board of Health Meeting. The motion was seconded by Dr. Slocum. Three votes to approve; zero votes to reject. The motion passed.

### **Health Department Budget - Director Giacalone**

The Budget Narrative was sent previously to the Board Members electronically. The department has submitted to City Council and the Mayor a level funded budget (with the exception of a two percent cost of living increase for staff members.) Director Giacalone anticipates that City Council may reduce certain line items, specifically the Per Diem Inspector account, and may also reduce funding of the revolving accounts (most likely the festival account.)

### **Health Department Fees - Director Giacalone**

Last year the Board agreed to reduce the Yankee Homecoming Fees to \$50 per day with a maximum fee of \$200 for each food vendor. Last year there was a slight increase in the number of vendors at Yankee Homecoming which may have been attributed to the lower permit fee. Director Giacalone explained to the Board that the Department would like the Board to consider a similar reduction to the other Temporary Event Permit Fees because there is such a variety of types of events. Many of the events are fundraisers for non-profit events, or small events that only run for a few hours; a permit fee of \$50 per day (rather than the current \$100 for a one or two day event) is reasonable for these events.

### **Health Nurse Update- Director Giacalone**

- Nourishing the North Shore is holding cooking classes for adults and for children throughout the summer. The classes encourage healthy eating and utilize produce grown at the NNS gardens.
- NNS received a grant that allowed them to hire an intern for the summer who will tabulate the amount of produce that is grown and distributed by NNS. The quantity of produce has consistently increased since NNS' inception.
- The Public Health Nurse has become recertified as a CPR Instructor and recently completed CPR classes for Youth Services and Department of Public Service employees.
- There were no reported outbreaks of infectious disease this month

**Animal Control Update - Director Giacalone**

- Animal Control Officer, Scott Purdie, is retiring in October 2019. Kayla Provencher has been hired as an Assistant Animal Control Officer and is expected to apply for the full-time position upon Mr. Purdie's retirement. Ms. Provencher is currently attending the ACO Academy and will complete continuing education courses as required by the state.
- The Shared Services Agreement with West Newbury for Animal Control Services is still under negotiation. West Newbury currently pays Newburyport \$24,000 annually and provides a vehicle that is used to service both Newburyport and West Newbury. If the contract is renewed, West Newbury Police Department is expected to provide a replacement vehicle because the van has considerable rust. Director Giacalone noted that City Council questioned whether the agreement allows for adequate services for Newburyport. It is the Director's opinion that both communities are well served by the agreement.
- Animal Control Services is gearing up for an uptick in complaints related to dogs which typically occurs in the summer. Many complaints are related to dogs at the basin at Plum Island. The basin is a difficult area for enforcement because, although it is not technically a beach, dogs are often walked on the basin side where the property is privately owned to the high water mark. Additional patrols will be scheduled for weekends, especially at Plum Island. The department also receives distress calls about dogs being left in cars on hot summer days, and complaints about dog owners that do not clean up their dog's waste.

**Food Establishments - Director Giacalone**

- Lolo Poke on Pleasant Street opened for service in May
- Thai Lily has been approved for a license to sell beer and wine
- Tuscan Kitchen may be opening at the previous Black Cow location
- Chipotle restaurant will be moving into the new building located at Storey Ave.
- Newburyport Brewery continues to hold pop-up events

The next meeting of the Board of Health will be held on Thursday, June 20, 2019.

Meeting adjourned at 8:28 pm