

Newburyport Board of Health Meeting  
July 21, 2016

Date of Approval: September 22, 2016

Attendees:

Dr. Robin Blair, Chairman  
Dr. Sam Merabi, Board Member  
Frank Giacalone, Health Director  
Patricia Moore, Chief Administrative Officer  
Patricia McAlarney, Note Taker

**Call to Order:** Dr. Blair called meeting called to order at 7:13 p.m.

**Approval of Minutes:** Motion to approve the Minutes of the Board Meeting from May 19, 2016 was made by Dr. Merabi and seconded by Dr. Blair. Minutes were approved as submitted..

**Energy and Recycling Update:** Director Giacalone presented information provided to him by Energy and Recycle Coordinator, Molly Ettenborough.

- The Organics' Pilot Project continues to go well with minimal issues encountered.
- The company that had been accepting styrofoam for recycling has gone out of business
- A complaint was received concerning a tenant that moved out of a residence on Longfellow Road and left behind numerous large items. The owner of the property was contacted and held accountable for having the tenant properly remove the items.
- The Yard Waste Facility is being carefully monitored due to high weather temperatures.

**Updates from the Public Health Nurse**

- A summary of the infectious disease cases received through MAVEN for the past two months was presented to the Board. Of note were four cases of giardia; however, these all evolved from the same family. There was also one case of a traveler who contracted malaria. There were no other unusual incidences of disease occurrence.
- Second dose of Hepatitis B vaccine was administered to staff of Department of Public Services
- A First Aid class was held for summer staff of the Youth Services Department
- The Elder Nutrition Program is underway. Four focus groups were held and a series of surveys were conducted. The results will be compiled in the grant report that is due on July 30.
- Nourish the North Shore continues to be very successful. A thank you note was received from a resident stating their appreciation for the donation of fresh fruits and vegetables. The pick up locations for fresh produce are Sullivan Building, Kelleher Park, YWCA, Pettengill House, Food Pantry, and Our Neighbor's Table. The supporting farms include New Harmony Heron Pond, and Three Sisters.
- A five-week cooking and senior nutrition course will be held next month and will utilize some of the produce from Nourish the North Shore.

- The Health Department is preparing for upcoming Flu Season
- A fall CPR course is being planned.

### **Animal Control Services:**

**Shared Agreement with West Newbury** - A copy of the Agreement with West Newbury was previously provided to the Board for their review. It was determined that the agreement had originally been drafted by former Director of Policy and Administration, Peter Lombardi. Dr. Blair noted that the Board of Health is an autonomous Board and does not report to the City Council, it falls under the State. Dr. Blair further noted that the Animal Control Agreement is between the Board of Health and the corresponding agency for the City of West Newbury through the Mayor's Office and approved by City Council. The Council has taken it upon themselves to reduce the length of the agreement to three months. Dr. Blair noted that if the agreement is cancelled, the City of Newburyport will be required to replace the ACO vehicle, an expense that is likely to be approximately \$20,000, as well as replacement of the \$20,000 fee that is paid by West Newbury to Newburyport. Patricia Moore stated that the problem, as explained by City Council, is that complaints had been received from constituents that there was dog waste in various parts of the City. The Council felt that the time required by the Animal Control Officer to tend to issues in West Newbury was taking from the time that would have been spent addressing issues (such as proper disposal of dog waste) in Newburyport. Patricia noted that if the Shared Agreement was set up as an intermunicipal agreement, then it would require approval by the Board of Selectmen and the City Council; she will be looking into how this agreement was arranged.

At the present time, City Council has agreed to a three month extension of the agreement. Patricia Moore stated that she supports continuance of the Shared Agreement with West Newbury because it seems to benefit both Cities. Director Giacalone noted that during the City Budget process he received a considerable number of questions concerning Animal Control and it was specifically stated by a Councillor that because of complaints the Councillor had received from constituents, he was unhappy with the performance of Animal Control. Director Giacalone informed the Councilors that these complaints had not been referred to the Health Department Office/Animal Control Services; and therefore, were not addressed. Director Giacalone pointed out that the Health Department took immediate and continued action to address complaints that were brought to our attention concerning animals at the Bresnahan School. Every complaint that is received by the Department is logged into the Department records. We typically receive complaints of off-leash dogs, dog bites, dogs in hot cars, etc. As in past years, the Health Department has hired an Assistant Animal Control Officer for the summer months who will provide additional coverage and patrols at various days and times each week.

Director Giacalone stated that he will attend the City Council meeting and will draft a letter outlining the Board's points in requesting the agreement be continued. Patricia Moore noted that the records kept by the Animal Control Officer as far as complaints received and duties performed are outstanding and clearly show attention to all complaints and issues brought

forward to the Department. Patricia Moore stated that she will also speak to the City Council about this issue.

**Dogs on Beaches** - Councilman Zeid informed the Health Department that he had received complaints from constituents about dogs off leash and dog waste on the basin side of Plum Island and at the location of the Captain's Lady. Director Giacalone informed the Board that he had looked into this issue and had determined that these areas are all privately owned and are not under the jurisdiction of the Health Department. Beachfront property laws date back to Colonial Days and each owner owns from low tide to high tide and everything between. The public may only access these areas if they are swimming or boating (and their feet may not touch the ground.) The owner of Captain's Lady informed Director Giacalone that he allows dogs on or off leash on his property, which is his legal right. Director Giacalone stated that he also confirmed with the Harbor Master, Paul Hogg, that these areas are not public property and are not covered by lifeguards. Director Giacalone said that he will not have Animal Control patrol this area.

### **Yankee Homecoming**

Director Giacalone noted that we are working with the Chairman of Yankee Homecoming and have received many applications from temporary food vendors. Chris Webb will be performing food inspections at Yankee Homecoming; however, the number of hours of inspections will be less than previous years because as Health Director, Director Giacalone will be available throughout the festival to help monitor the temporary vendors. Director Giacalone has also done away with the need to hire staff to monitor the public bathrooms for supplies and cleanliness since he has confirmed that this process is already handled by the Department of Public Services.

Director Giacalone noted that the Department will be revising the Temporary Food Permit application to allow it to be accessed online and to make it a more user-friendly document.

**Fire at Abraham's Bagels** - Director Giacalone noted how impressed he was by the outpouring of support from the business community following the fire at Abrahams. The fundraising event took place on July 20 and seemed successful with an estimated \$24,000 raised. He also stated that the fire had caused considerable smoke damage to the apartment upstairs and to the adjacent business, Buttermilk Baking. Buttermilk has now been allowed to open for business since the interior has been cleaned, and although some residual odors can be detected when the air conditioning is operating, there are no toxic fumes present.

**Board Member Vacancy:** Dr. Blair asked Patricia Moore to discuss with the Mayor whether she has any candidates for the vacant position on the Board. Dr. Blair noted that he believed that there was another candidate identified at the time when Darryl Colden was appointed and suggested that this individual may still be a viable candidate for this position. Dr. Blair stated that his concern is that as a three member Board it is important to have all positions filled.

### **Food Establishment Review:**

- Metzies - Director Giacalone noted that there has been no update on the issue of offering Metzies an alternate position at Atkinson Common for his pushcart (in lieu of the Inn Street location.) Metzie's continues to hold the Temporary Vendor Permit for the Inn Street location.
- Metzies Cantina - This establishment is almost ready to open and will serve as the commissary for Metzie's Food Kitchen, as well. Since the location is state owned, the establishment falls under state jurisdiction for everything other than the Food Permit. Director Giacalone expects to complete his final food inspection next week.
- Stone Crust Pizza - This establishment underwent renovation and has now reopened for business. The owner, George Aspirgiannis, who also owns Famous Pizza was ordered to make extensive renovations to Famous Pizza to be in compliance with ADA laws. Mr. Aspirgiannis had received a temporary waiver by the ADA which granted him an extension on the deadline to complete the renovations. Director Giacalone discovered that the variance is now expired and has discussed this with Mr. Aspirgiannis. The renovations are expected to be underway in September.
- Commune - Mr. Vogel and his business partner have expanded the menu to include crepes. Two major pieces of cooking equipment were added which were inspected by the fire department and determined not to need to be vented. However, soon after opening a neighboring business complained about odors after a batch of crepes had been burned. Since then, no further complaints have been received.
- When Pigs Fly - Director Giacalone stated that this business opened without incidence. They will be selling breads that have been prepared and baked elsewhere; the only food preparation will be slicing of the bread. The owners plan to go before City Council to request adding outdoor seating at the establishment.
- Dr. Merabi informed the Board that it is his understanding that a new restaurant named, Paddle Inn may be planning to establish business at the previous location of Loretta on State Street. Dr. Merabi will forward the article about proposed transfer of ownership to the Board.

## **Other Business:**

### **Evergreen Common**

Director Giacalone informed the Board that a development known as "Evergreen Commons" is proposed to be constructed at the location of the Evergreen Golf Course. A site plan was provided for Board Members to review. Director Giacalone noted that the residents of Boyd Drive are in opposition to the proposed project. The project was initially designed to include 48 units and has since been reduced to 37 units. The residents and the Mayor have expressed concern with the issue of water run off and with the impact the run off could have on the City water supply. Dr. Blair noted that when the Golf Course was in operation there were restrictions in place regarding types of fertilizers and chemicals that could be used to minimize any contamination of the City well. Dr. Blair noted that if the new residential area is built, similar restrictions will need to be applied to residents of the development regarding use of yard fertilizers. Director Giacalone stated that this was the same concern that was voiced by the Mayor and Andy Port of the Planning Department at a meeting held to discuss the Evergreen

Common project. Former Mayor, Lisa Mead, is the attorney representing the developer of the project. Director Giacalone noted that during the meeting concerning the Evergreen Commons Ms. Mead was unable to provide details concerning how the use of chemicals or fertilizers by residents would be monitored. Dr. Blair noted that this issue is a big concern and it is also unclear as to how well the Golf Course adhered to the restrictions and how their use of fertilizers was monitored. Director Giacalone stated that he would draft a letter on behalf of the Board stating that the Board has concerns about the impact on the City wells stemming from the use of chemicals and fertilizers at the location of the Evergreen Commons.

**MAHB Seminar** - Dr. Merabi asked to be informed regarding the opportunity to attend the Introduction to Board of Health seminar that is offered annually by the Massachusetts Association of Health Boards (MAHB)

**Meeting adjourned 8:09 p.m.**