

Newburyport Board of Health Meeting
May 4, 2017

Date of Approval: 6/15/2017

Attendees

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

Call to Order: called meeting called to order at 7:05 p.m.

Approval of Minutes: Motion to approve the Minutes of the Board Meeting from March 23, 2017 was made by Dr. Merabi; seconded by Dr. Slocum. Votes to approve - 2. Minutes were approved as submitted.

Meeting called to order: 7:04 pm

Public Health Nurse Update - Director Giacalone

- A report of Reportable Diseases and Classifications for the City of Newburyport from 1/1/17 to present was presented. It was noted that there is expected to be an increase in tick related diseases this year. Director Giacalone will obtain information from 2016 regarding tick-borne diseases for comparison with this year's results. Zika Virus - It was noted that there were four cases of Zika Virus listed on the MAVEN report, however the final status of these diagnosis were noted as 'revoked.'
- Nourish the North Shore (NNS) - Several grants have been received that will allow NNS to add fruit trees to the established gardens in Newbury and to renovate the greenhouse. A grant was also secured which allowed for a garden to be planted at the Bresnahan School will be used as to supplement curriculum for students. NNS also supplies fresh produce to three local food pantries
- CPR Training is offered to City employees and to the general public.
- Director Giacalone announced that Public Health Nurse, Pam Palombo is expecting a child, due in mid-September. The Department will be looking to find some coverage however, Pam is planning to work part-time throughout her maternity leave.
- The Health Department has secured two college level interns for this summer. One Intern is majoring in Public Health and the other is majoring in psychology and nursing. The Interns will be working with the Public Health Nurse on projects associated with NNS and possibly with a soon to be implemented Postnatal Program which provides support to new mothers in the community.

Solid Waste - Director Giacalone

- Hazardous Waste Day will take place this Saturday, May 6. Some fees apply for disposal/recycling of certain items.
- The Department has received inquiries from some community members as to whether businesses are required to recycle. The City's current Health Regulations do not include such requirement although some businesses do recycle voluntarily. Director Giacalone noted that the Department of Environmental Protection (DEP) continually increases the list of items that are not allowed in the waste stream (i.e. fluorescent bulbs, cardboard) and also requires that cities adhere to certain disposal requirements in order to qualify for grants. Organic waste disposal is coming under increased scrutiny and regulation by

the State. Director Giacalone stated that Energy & Recycle Coordinator, Molly Ettenborough, has expressed interest in considering whether mandated recycling by businesses would be feasible, taking into account issues such as adequate storage space and enforcement. Director Giacalone stated that DPH has drafted Model Regulations that the Board may want to review since the Health Department permits solid waste haulers. Requiring that solid waste haulers recycle may be the means by which the Health Department could regulate recycling by businesses. Questions concerning permitting of intermittent solid waste haulers (such as 1-800-Got Junk) as opposed to the haulers that contract with businesses was discussed. Currently 1-800-Got Junk is not a permitted hauler however, several companies that rent dumpsters for residential use are permitted. It was noted that it is the Department of Public Services, not the Health Department, that permits dumpsters. In response to discussion regarding the City's plastic bag ban, Director Giacalone offered to ask Molly Ettenborough to provide the Board with information regarding the effectiveness of the ban.

Body Art Permits - Director Giacalone

Beautique - A permit was recently issued to Beautique on Pleasant Street, however it has since been determined that the state Board of Cosmetology does not allow multiple operations to be performed at the same business location. Rather than risk her state license, Ms. Lynch decided to relocate the microblading establishment.. The new location has been inspected and a new permit has been issued.

Micropigmentation - The process of performing micropigmentation had previously been voted upon by the Board and the regulations now require that micropigmentation may only be performed under the direct supervision of a medical doctor. There is one applicant that may decide to come before the Board to further discuss the microblading regulation. The Board discussed whether performance of body art should come under a doctor's license since it is not generally a medical procedure; however, it was noted that there are certain psychological determinations that may be evaluated and medical considerations when the body art is performed as a follow-up to surgery (mastectomy) or near mucous membranes (micropigmentation in the area of the eyes.)

Tattooing - The regulations require certifications such as Blood Borne Pathogens, CPR, First Aid and prior tattoo experience; however, Newburyport regulations do include an apprenticeship requirement.

Fats, Oils & Grease (FOG) Program - Director Giacalone

The Board of Health enacted a regulation in 2012 that requires food establishments to have their grease traps cleaned and maintained on a monthly basis. The grease haulers are required to be permitted as Septage Haulers by the Health Department. The Department has determined that a large number of establishments have not been complying with the regulation (less frequent cleanings, self-cleaning of traps, etc.) In addition, the Sewer Department is consistently facing extensive and expensive sewer system blockages and overflows (SSO). As a result of these circumstances the Health Department and Sewer Department held three presentations for the food establishments to review the requirements and to distribute binders which contained a year's supply of two-part System Pumping Records, a grease trap survey and a copy of the FOG Regulations. Food establishments are required to present these reports upon request by City Food Inspectors or Health or Sewer Department officials. The feedback from attendees of the presentation was extremely positive. Attendees were informed of their right to apply for a variance which would allow them to reduce the frequency of cleanings to not less than

quarterly. Director Giacalone informed the Board that the fines that were included in the Regulations seem to be excessive, especially for lesser violations (failure to provide reports, etc.) The fines for violating the regulations are significant: First Offense is a warning, Second Offense is a \$1,000 fine, Third Offense is \$5,000 and Fourth Offense is a \$10,000 fine. Director Giacalone recommended to the Board that the present fines be applicable to more serious and egregious violations (failure to have grease traps cleaned on the required frequency) and that a lower fine be applicable to lesser violations (clerical issues, failure to provide access to reports, etc.) Dr. Slocum recommended that the fines be higher than the cost of the grease trap cleaning. Director Giacalone asked if the Board would grant permission for the Department to assess lower fines for the less egregious violations. The Sewer Department Regulations also include fines that are assessed when sampling of discharge from the trap shows a level in excess of 200 mg/liter. Dr. Merabi noted that it would be very difficult to assign blame for the cause of back-ups of sewer lines since a sewer back up at an establishment may be a cumulative effect caused by excess or improper disposal of grease, etc. from homes or establishments further up the sewer line.

The Sewer Department has hired StanTec, a consultant company that will perform onsite inspections over the next few months to evaluate all of the grease traps in the City to ensure that the traps are of appropriate size, number and efficiency.

Budget - Director Giacalone

- The Department had approached the Mayor to request a part time staff person to work in the Health Department 16 hours per week to assist the Office Manager. The Department's choice candidate is Laurel Hanke, who currently works 19 hours for the Recycling Division and would require minimal training to assume some of the office responsibilities. The Mayor responded that hiring Laurel on a full time basis is not possible since benefits would have to be included. There is still a possibility that the Mayor will approve hiring a part-time (non-benefitted) staff person to assist in the office.
- The Department's budget for FY2018 has been reduced by \$1500: The line items for Dues and Membership was reduced by \$1000, Weights and Measures was reduced by \$500.
- Director Giacalone explained that the Health Department has three revolving accounts: Medicare Reimbursement (for payment of vaccine costs and funded by insurance reimbursements), Animal Control Account which pays for expenses associated with Animal Care; it is funded by Shelter and Pick Up Fees. The Shelter is currently undergoing renovations which includes including new siding, windows, improved heat and air conditioning. The Temporary Vendor Account which pays for food inspections at temporary events, and is funded by temporary permit fees. The City Council applies a cap to the amount of money that can be spent annually from each revolving account.
- Director Giacalone pointed out the Department's goals and objectives, many of which center on training and certifications. The Office Manager, Patti McAlarney, has completed state certification for housing inspections and will soon complete certification that will allow her to perform food inspections.
- Dr. Merabi asked if there is any way that he could assist the Department, perhaps by writing grants that may supplement Department income. Director Giacalone stated that he appreciated the offer and encouraged Dr. Merabi to let him know if he becomes aware of any grants.
- Director Giacalone informed the Board that he would like to see the City enroll in the FDA program, "Program Standards." The program requires assessment of each food

establishment to determine the degree of risk and the appropriate number of inspections that should be performed annually. The FDA offers grants that would pay for consultants to review each establishment's file to identify repeat violations, etc. and perform on-site inspections to establish the required frequency of inspections. The program requires outreach and training for the establishments and considerable communication between the Health Department and the establishments.

Festivals and Fees - Director Giacalone

Director Giacalone reviewed the Schedule of Fees charged by the Health Department, specifically noting the fees associated with Temporary Food Permits for festivals and events. The Temporary Food Permit fee is \$100 for a one or two day event, and \$50 for each additional day. The Event Organizer is also charged \$100 permit fee. The Organizer and Food Vendors are also charged a refundable security deposit for events that are held on public property.

Director Giacalone explained to the Board that while these fees are appropriate for the larger festivals (such as Yankee Homecoming and events organized by the Chamber of Commerce), the fees are excessive for smaller events and non-profit/fundraising events. Director Giacalone asked the Board if they would approve a lesser temporary food permit fee for these types of events. The Department currently waives the temporary permit fees for events that are held as fundraisers specifically geared to raising funds for schools or City programs. An example of a 'smaller event' for which a lower permit fee would be appropriate are the weekly food events held at the Newburyport Brewery. Since the Brewery is not a permitted food establishment, they contract with a food vendor to provide food from 5 pm – 8 pm. In contrast to these 'typical' weekly events for which the Department would prefer to charge the lesser permit fee (\$25), the Brewery occasionally organizes larger "special temporary events" which may have multiple food vendors, require an additional liquor license, operate from a larger area outdoors, etc. For these Special Events, the Health Department would charge the usual Temporary Food Permit Fee (\$100 for 1 or 2 day event; \$50 for additional days.) Director Giacalone requested that the Board allow the Department to use discretion in charging a reduced Temporary Food Permit Fee of \$25 when the event is held by a nonprofit and/or is a fundraiser or is of a small, low risk nature that the regular temporary permit fee is considered by the Health Director to be excessive for the proposed event.

- Dr. Merabi made a motion to approve a \$25 permit fee for non-profit temporary food events and a \$25 permit fee for Other Temporary Food Events. The Motion was seconded by Dr. Slocum. Dr. Merabi and Dr. Slocum voted to approve; no votes to oppose. Motion passed 2:0.

Food Establishments - Director Giacalone provided the following updates on new food establishments in the City.

- Fig Tree – New food establishment on Liberty Street. Will be opening shortly.
- Goose Chase Baking - A new bakery on Winter Street
- Harbour Creamery – New Ice Cream Shop on Pleasant Street
- Hodgies Ice Cream – New Ice Cream Shop on Low Street at the site that was formerly Woodman Farms
- Newburyport Ale House – Merrimac Street – Date of expected opening is not yet known
- Sea Level - expected to open within the next two months

Yankee Homecoming - The Health Department has been in contact with the Yankee Homecoming Committee to prepare for the upcoming festival this summer.

Farmers' Market - New vendors have been added for the summer market that will be beginning soon.

Assistant Animal Control Officer – Assistant Animal Control Officer, Christopher Husgen took a full time job and is no longer working for the City. The challenge is finding qualified individuals that have sufficient availability to provide weekday and weekend coverage. The Department has interviewed five candidates and may decide to split the position and hire two Assistants in order to provide adequate coverage.

Blue Water Spa - The State Department of Public Health has notified Director Giacalone that they are forming a committee to draft regulations for float tanks. The Newburyport Health Department required that the float tank at Blue Water Spa be equipped with a chlorine disinfectant system, and that the tank be drained and cleaned every 14 days.

Meeting adjourned - 8:54 pm