

## **Newburyport Board of Health**

### **Minutes of the Meeting on January 18, 2018**

Approved February 15, 2018

**Attendees:** Dr. Robin Blair, Chairperson,  
Dr. Rob Slocum, Board Member  
Dr. Sam Merabi, Board Member  
Frank Giacalone, Director of Public Health  
Patti McAlarney – Note taker

Meeting was called to order at 7:22 p.m. by Dr. Blair

Motion to approve the Minutes from the November 9, 2017 Board Meeting was made by Dr. Blair; seconded by Dr. Merabi. Votes to approve: 3; Votes to oppose: 0. Minutes were approved as submitted.

#### **Trash & Recycling**

- **Municipal Trash Pick-Up for Condominiums**

Mr. Walt Thompson introduced himself, Carol Thompson, Sheila Duggin and Roger Deaker as residents from the condominiums located at 100 State Street. Mr. Thompson explained that the residents were requesting that the Board consider implementing the site plan for 100 State Street which included parking for a total of 18 cars. Because the city does not offer curbside pick up of trash for the association, it is necessary for a dumpster to be located in the parking area taking up two of the eighteen parking spaces. The cost for maintenance of the dumpster is approximately \$1250 per year; however, the resident's concern is not the cost of the dumpster, but rather the loss of parking spaces. Each unit of the association is privately owned and property taxes are paid to the city accordingly. Mr. Thompson noted that the condominium owners feel that the city is discriminating against them as condominium owners as opposed to owners of single family, residential homes. The owners of condominiums at 100 State Street are petitioning the Board to allow the condo owners to utilize curbside trash pick up. Mr. Thompson provided a written statement and data from observations of curbside trash pick ups from the following condominiums: 134 State Street, 102 State Street, 124 Merrimac Street (Heritage Landing) and The Village at Newburyport Condominium, Clipper Way. Please see attached.

Molly Ettenborough informed the Board that this issue has been addressed previously and she agreed that it is a continuing problem. She reminded the Board that the city is currently engaged in contract negotiations for renewal of the solid waste contract. The city has met with the lowest bidder (which is also the city's current hauler) Mello Disposal to discuss their proposed rate, which is 36% higher than the current cost. The hauler has made several recommendations to reduce the overall cost, one such recommendation is to cease all municipal trash pick up from condominiums and apartment complexes. Ms. Ettenborough further noted that previously the city was compensated for recycling but under the new contract, the city will be charged for recycling pick up. Ms. Ettenborough stated that there are currently a number of different rules that have been put in effect over the years (through laws, policies and/or regulations) regarding whether complexes are eligible for municipal trash pick up. She also advised that when she assumed her current position there was a list of complexes that received

municipal trash pick up; however, there was no documentation stating why certain complexes were offered trash pick up while others were not. Mello Disposal has indicated that in order to reduce the overall cost of solid waste collection, these 'exceptions' would need to be eliminated. Discussion ensued regarding whether the Mass. State Sanitary Code requires that trash collection from condominiums and apartment complexes consisting of greater than three units is the sole responsibility of the owner unless 75% are owner occupied.

Ms. Ettenborough informed the Board that in 2009 the Health Director, Jack Morris, had looked into charging an 'impact fee' to condominiums or apartment complexes that were 75% or more owner occupied that wished receive municipal trash pick up. The formula for determining the impact fee used a household average of 1.5 tons of collected waste per year, multiplied by the disposal cost (\$67/ton currently); multiplied by the collection cost and then multiplied by the number of units in the building. It would then be the responsibility of the condominium association to arrange for collection of the fee from individual owners. Ms. Ettenborough explained that since the Recycle Division is not an enterprise account, it is unclear how the division would actually bill the complexes for services. Director Giacalone will research to try to find information regarding discussion concerning this proposed policy and formula; however he did confirm that the impact fee is not included in the current Board of Health Regulations.

Ms. Ettenborough stated that another alternative that could be considered is a "Pay As You Throw" program, however, it generally has not been considered a desirable option.

Dr. Merabi stated that sanitation is a high priority as a public health concern and any obstruction to sanitary conditions is a threat to public health. Cost or feasibility issues related to solid waste collection must be left to other contingents in the City. The Board of Health must maintain a sole focus on sanitation and public health.

Dr. Blair stated that in his opinion, the condominiums should get the same trash pick up as all other residences and put their trash receptacles out weekly. Ms. Ettenborough noted that for large buildings with upwards of 100 units it may not be feasible for each unit to put out barrels since sidewalks would be occluded.

#### **Public Health Nurse Update**

- Pam Palombo remains on family medical leave but is now working approximately three days per week.
- Flu Clinics: The Flu Clinics have concluded and they went extremely well. The Department has expended the entire stock of regular dose vaccine; however, a limited supply (approximately 30 doses) of high dose vaccine is still available for seniors age 65 and older.
- North Shore Mothers' Visiting Nurse Program – A grant from the Swasey Fund has been secured which will be used to purchase baby care items to include in the baby boxes which will be distributed to new parents/caregivers during home visits by the Public Health Nurse.

#### **General Updates**

- **Food Establishments**
  - Riverwalk Brewery has opened for business and has been issued a food permit for operation of a full kitchen.
  - Bear House Brewery – An establishment that is brewing mead for retail sale has opened in the prior location of Riverwalk Brewery on Graf Road.

- Angry Donuts and Café will be opening on Winter Street at the location of the prior Goose Chase Bakery. The donuts will be cooked at Kitchen Local in Amesbury and transported to the Cafe for sale.
- **FOG:** A sewer back-up occurred last week at West Row Cafe at Market Square. The Sewer Division has also identified areas of significant blockage in the sewers in the downtown area. The Health Department is diligently tracking compliance by food establishments for the monthly cleaning and maintenance of grease traps and will be meeting with the Sewer Division again next week to coordinate efforts.
- **Tobacco:** The ban on flavored tobacco went into effect on January 1, 2018.
- **Noise Complaint:** A complaint regarding noise and vibration has been received from the owner of a condominium located above the new West Row Cafe. Results of testing by the Health Department showed one area of the residence where the acceptable decibel level was exceeded by 1.5 decibels and vibrations were noted to be present during the inspection. It is suspected that the cause of the noise and vibration is an exhaust unit that was recently installed by West Row Cafe. There is also a dental office that runs a large vacuum unit in the basement level that has existed for years but may be adding to the noise and vibration issue.
- **Merrimac River Water Quality** – This past week the Harbormaster, Paul Hogg, brought it to the attention of the Health Department that the water in the Merrimac River adjacent to the Harbormaster Office was an unusual brown color. A water sample was taken (on the banks of Cashman Park) and was sent for testing. The result was that 118 cfu which would have been considered an exceedance during bathing beach season. It is not known whether this exceedance is related to the recent overflow of sewerage at the North Andover Waste Water Treatment Facility.
- **Regulation:** As a result of a complaint from a tenant of a rooming house, a review of the Board's regulations was conducted which revealed a regulation which appears to have been voted upon during Jack Morris' tenure as Health Director. The regulation was set to take effect on January 1, 2010, however there was no indication that the regulation was ever enacted. The regulation called for inspection by the Board of Health for apartments to be let for rent and that a fee of \$50 was to be charged for each inspection. Dr. Blair stated that it was his recollection that this regulation was never put in effect. Director Giacalone stated that he would continue to investigate and would inform the Board of his findings.

The next meeting of the Board of Health will be held on February 15, 2018.

Meeting adjourned at 8:19 pm.