

Newburyport Board of Health

Minutes of the Meeting on February 15, 2018

Minutes Approved by Board of Health on 3/15/18

Attendees: Dr. Robin Blair, Chairperson,
Dr. Rob Slocum, Board Member
Dr. Sam Merabi, Board Member
Frank Giacalone, Director of Public Health

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

Minutes from the November 9, 2017 Board Meeting – Dr. Slocum made a motion to approve; seconded by Dr. Blair. Votes to approve – 3; votes to oppose – 0. Minutes passed as submitted.

Trash & Recycling – Director Giacalone reported on behalf of Molly Ettenborough:

Trash Pick-Up for Condominiums at 100 State Street - Director Giacalone noted that at last month's meeting Mr. Walt Thompson presented a request that municipal trash collection be made available to the condominium association located at 100 State Street. Director Giacalone stated that, per Ms. Ettenborough, the City is currently renegotiating the solid waste contract. The initial bid that was received was 36% higher than the city's current rate. As part of the renegotiating process, the City is reviewing means of reducing this overage. Two suggestions that are being considered are to stop collecting trash in the downtown business area and to review the current practice of trash collection from condominiums. Current practice is that condominiums with seven or more units do not qualify for municipal trash pickup, associations with fewer than seven units do qualify for city pick up. Additionally, Director Giacalone noted that if the City includes mandatory recycling by the end of June 2018, the City will qualify for two credits from DEP which will make the City eligible for additional grant funding. A draft Model Solid Waste Regulation was provided to the Board members for their review.

Director Giacalone informed Mr. Thompson and the Board that at this time no decisions have been made with regard to changing the current practice of offering municipal trash pick up to condominium associations. Mr. Thompson stated that his condominium has nine units. He stated that construction of 23 units in a new condominium association at Hynes Way is currently in process. Only six units are now completed and occupied and, yet, this association was added to the list for city trash collection. Mr. Thompson also informed the Board that he has identified 23 condominium associations in the City that have nine or more units. Of these 23, 11 of the condominiums did not have dumpsters and he believes that these condominiums are receiving city trash collection. Mr. Thompson is asking that there be equity among services offered to condominiums and to all city residents. Mr. Thompson referred to the State Sanitary Code that Molly Ettenborough had mentioned at the last meeting that required that condominiums must be 75% or more owner occupied in order to qualify for municipal trash pickup. He stated that this requirement puts undue restriction on condominium owners that may want to rent their unit, but don't because their association may then be disqualified for city trash collection. Mr. Thompson

feels that the City should compensate condominium owners when they are 'denied the right to rent their unit.'

Dr. Slocum stated that at the last Board meeting the Board of Health members agreed that the condominiums should qualify for the same pick up as other residents in the city; however, the open question for Board members is whether it is feasible for trash receptacles to be put out curbside (or whether a dumpster would be necessary.)

Director Giacalone stated that while contract negotiations are on-going, it is unlikely that any new services will be added. Once the contracts are signed, it may be a better time to present the request to add condominiums to the list for city pick up. Dr. Merabi noted even if city pick up is offered to the State Street Condominiums, it may be from a dumpster rather than barrels put out curbside. Dr. Slocum suggested that Mr. Thompson may want to first lobby for equal trash pickup for condominiums versus single family homes; then can lobby for barrels versus dumpster.

Dr. Blair stated that he recalled from a past administration (perhaps when Lisa Mead was Mayor), that a decision was made that the city would offer trash collection for existing condominiums that already received municipal pick up; any other existing condominiums and any future condominiums would not qualify for city trash collection. Mr. Thompson stated that all the new condominiums along the waterfront currently receive city pick up.

The Board offered to write a letter stating, in essence, that it is the Board of Health's opinion that a robust sanitation system which includes the most people is a proactive, best health practice for a town and that all condominium owners should receive municipal trash collection services just as is offered to single family residences. The Board will request that the City take this suggestion into account during negotiations for the solid waste contract.

Director Giacalone will send an email to Board Members containing the State Sanitary Code that contains the solid waste language related to municipal versus private collection.

Health Nurse Update – Director Giacalone

- North Shore Mother Visiting Partnership: Newburyport, together with the Public Health Nurses of Beverly, Peabody, Gloucester and Hamilton have received training to make home visits to any mother who has recently given birth (regardless of need, number of other children, etc.) The nurses will give each mother a "baby box" which includes a tight fitting mattress and sheet in which the baby may sleep. The box is filled with baby care items. The nurses will provide instruction for the mothers regarding breast feeding, baby care issues, post-partum depression, etc..
- At the Mayor's request, Director Giacalone is conducting an Inventory of AED's in all public buildings. There is a need for training of some personnel that Pam Palombo will be performing.
- MAVEN results for the 2017 and results for the month of January 2018 were presented to the Board. Influenza was noted to be significantly higher for this first month of this year.

General Updates

- **Food Establishments**
 - Coffee shop will be opening up on Pleasant Street
 - Butchery will be opening up on Warren Street
 - Convenient store serving fresh salads will be opening up at the Route 1 Rotary
 - Angry Donuts has opened on Winter Street

- Szechuan Taste on Pleasant Street – There have been a few inquiries about the property but to date, the Health Department has not received any serious requests.
 - Commune –Complaints regarding cooking odors have been received from the business next door and from the apartment above. The operation was initially not required to install a hood duct because they stated that they would be using only pre-cooked bacon but they are now using raw bacon and cooking it on site.
 - West Row Café – The owner has made some renovations to address the complaint of vibrations that are coming from the conductor on the roof of the building. Foam insulation has been installed to reduce the noise/vibration nuisance issues and the owner has hired a sound expert. The complainant has hired legal counsel regarding the matter.
- **FOG Regulations**
 - The Sewer Division alerted the Health Department to an ongoing problem with clogged pipes possibly resulting from restaurants failing to properly maintain their grease traps. A photo of the sewer line is available in the Health Department.
 - The Health Department and Sewer Division will hold another forum in April for all food establishments and grease haulers. Warning letters will be sent out to all food establishments that are not currently in compliance. After this first warning, second offenses are fined at \$1000. The Office Manager has been conducting monthly compliance checks for maintenance reports and the Sewer Division is currently conducting on-site inspections.
- **Budget**
 - Office Staffing – The Mayor is in support of adding a part-time office support staff at nineteen hours per week . The additional staff is needed because the Office Manager’s duties have expanded significantly. The next step will be to approach City Council for approval. Salary will be paid through the Revolving Temporary Vendor Account.
 - The overtime budget for the Animal Control Officer is overspent; therefore, the Department is requesting to move \$1500 from the Building and Grounds account. The reason for the over expenditure is that any time a dog is boarded at the shelter on Scott must tend to it three times each day (including weekends and nights.)
- **Recreational Marijuana** – Director Giacalone attended a meeting involving the Mayor, Police, Fire, Planning and Building Departments to discuss recreational marijuana and it was agreed that this is a zoning issue. City Council reported that the businesses at the Business Park do not want the operation to be located there. The Planning Department is compiling a list of alternative locations to consider. It is possible for the City to put a moratorium on this until December 2018. Director Giacalone also informed the Board that the state Department of Public Health has determined that none of the marijuana edibles will be defined as ‘food’ therefore; the establishments will not be permitted or inspected by the City Health Department. Director Giacalone explained that since the voters approved the sale of marijuana; the city cannot ban the establishment of sales locations. There would have to be another vote to let voters choose to ‘ban’ the sale, if the councilors wanted to pursue that option. While smoking is only allowed in someone’s own home, Director Giacalone noted that the Health Department may encounter nuisance complaints if the smoke permeates adjacent dwellings (condominiums, apartment buildings etc.)

- **Houseboats** – Director Giacalone informed the Board that this has become a heated topic and is occurring with greater frequency. These houseboats are not self-propelled and are not subject to tax or regulation. There is a houseboat that is anchored right in front of a condominium at the marina and there was a report of a houseboat that ran a ‘sewer line’ that empties straight into the city sewer system. The Health Department cannot apply the Housing Code because houseboats don’t meet the definition. If the houseboats were propelled, they would be subject to regulations.

Motion to adjourn was made by Dr. Slocum; seconded by Dr. Merabi. Meeting adjourned at 8:33 p.m.