

Newburyport Board of Health Meeting November 29, 2018

Date of Approval 1/17/2019

Attendees:

Dr. Robin Blair, Chairman of the Board
Dr. Sam Merabi, Board Member
Dr. Robert Slocum, Board Member
Frank Giacalone, Health Director
Molly Ettenborough, Energy, Recycle and Sustainability Coordinator
Patricia McAlarney, Note Taker

Meeting called to order: 7:05 pm

Approval of Minutes: Dr. Merabi made a motion to approve the Minutes of the Board Meeting from October 11 2018; Seconded by Dr. Slocum. Votes in favor – Dr. Blair, Dr. Slocum and Dr. Merabi. Votes to oppose - none. Minutes approved as submitted.

Health Nurse Update – Director Giacalone

Flu Clinics – The Flu Clinics went well and the City’s supply of vaccine is dwindling. Since the Department’s Epi-Pen is due to expire in December, no further vaccines will be administered at this time and the remaining vaccine will be returned to the pharmaceutical company for reimbursement. If it becomes necessary to administer vaccine before it is returned to the supplier, EMTs from the local ambulance company would be on-site with Epi-Pens. The Board recommended that the Department look into obtaining generic forms of “Epi-Pens” as a cost saving measure.

Community Gardens/Nourish the North Shore (NNS) – The Public Health Nurse has been working with NNS which secured grants that will allow for expansion of the gardens located in Newbury on Route 113. The grants provided funding for installation of a well, construction of a green house and addition of more community planting beds. The well has already been installed and the greenhouse is currently under construction.

Let Grow Communities – Pam is working with Youth Services to implement this program that encourages parents to allow children more independence. The program is based upon studies that have linked childhood depression to children’s perceived lack of freedom and self-reliance. The Board expressed concern that there are valid reasons for parents to be wary of allowing too much freedom for children (i.e. fear of abduction, etc.) Director Giacalone stated that he had also expressed this concern but was informed that the program addresses issues of safety.

Energy, Recycle and Sustainability - Molly Ettenborough

Solid Waste Task Force: Molly Ettenborough explained to the Board that the Waste Reduction Task Force has completed their review and will present their recommendations to the City Council as a power point presentation in January. Following the presentation, the recommendation will be sent to Committee for further consideration. The three options considered by the Task Force for the management of solid waste were:

1. Status quo – Trash and Recycling would continue to be collected as usual, the increase in cost would be covered by a fee or tax increase
2. A Pay as you Throw program in which each household would be provided with one free bag each month (First bag free program)
3. Pay as You Throw program with no free bags provided.

The Task Force is recommending to the Board and to City Council that the City adopt option #2 which would include the following:

- Pay As You Throw with a free bag provided monthly for each household
- Bags would be sold at local retail stores
- Households would be encouraged to participate in organics recycling and a subsidy would be provided by the City
- Restaurants in the downtown area which receive City services would be required to participate in organics recycling.
- The current limit for household trash would remain the same
- Trash collection from dumpsters would not be offered (with the exception of municipal trash dumpsters.)

Ms. Ettenborough also noted that the program could include further cost reduction options that would apply to residents with lower income, disabilities, etc.

Ms. Ettenborough explained that at this meeting, the Board is being asked to support the Task Forces' recommendations prior to them being presented to the City Council.

The Board discussed the various options and the associated costs and how these costs would be absorbed by the City. Considerations included whether those residents with lower income and/or disabilities are being adequately considered. A suggestion was made that those of lower income be provided with additional free bags or that any fees associated with trash collection be reduced based on income level. Ms. Ettenborough stated that these concerns had been considered, and that it is a possibility that accommodations for residents with lower income will be incorporated into whichever program is ultimately decided upon by the City. The Board noted that the focus of the Board of Health is on sanitation, not on the financial aspect of waste disposal or cost reduction. It was discussed whether the bag program may be an obstruction to ease of waste disposal. One Board member noted that the 'bag program' has received poor feedback from other communities; and it is not confirmed that the program would necessarily reduce waste. The question was raised as to why families that put out minimal amounts of trash have to be penalized by the implementation of the 'bag program?' It was suggested by a Board Member that raising taxes may be a better solution to the issue of handling the increased cost of waste disposal. Director Giacalone commented that this program eliminates the current issue of unfair handling of condominiums/apartments etc., and it equalizes the responsibility of renters to pay for disposal of their own trash. The Board expressed that at this time they are not comfortable endorsing the bag plan as proposed due to the complexity of the issue and the inherent necessity that residents' behavior be changed in order for the program to succeed. It was debated whether the program could/should be introduced as a pilot program.

In response to the Board's concerns, Ms. Ettenborough stated that over the past several years the City has been able to reduce the amount of waste through various programs including an increase in recycling and the addition of organics recycling. The Waste Task Force has compiled lists of all of the waste reduction programs that have already been implemented by the City. Despite these efforts, waste disposal costs continue to rise as disposal options are reduced through overcapacity of incinerators and the closure of landfills. Christin Walth, Waste Task Force, commented that the 'bag program' has a proven track record from many communities that have successfully run the program for decades.

The Board determined that the Waste Task Force Committee should present their recommendation for the Pay as You Throw – First Bag Free program to the City Council as planned. After City Council has reviewed the proposal and has either approved the plan as submitted or drafted their own proposal, the Board of Health would review and weigh in on the final proposal to determine whether the plan conforms

with the mission of the Board of Health. The Board of Health would then have the option of deciding whether they supported adoption of the program and whether they would approve it as a Board of Health Regulation. If the Board decided not to adopt the program as a Regulation, it may still be passed by City Council as an Ordinance. Ms. Ettenborough also reminded the Board that the final decision rests ultimately with the Mayor.

Insert: January 16, 2019 email from Dr. Sam Merabi

From: Sam Merabi [mailto:smerabi@gmail.com]

Sent: Wednesday, January 16, 2019 12:14 PM

To: Patricia McAlarney

Cc: Robert Slocum (rslokes393@gmail.com); Robin Blair (blair.rs02@gmail.com)

Subject: Re: Minutes from the Nov. 29 Board Meeting

I believe the minutes did not collect all of my concerns with the "Bag" program. Please include the following statements

****Sanitation has always been a cornerstone of public health infrastructure.**

In general, since the bags are more expensive and are of lesser quality than most name brands, residents collect bags and stuff them into the colored bags for pickup. The intent of the program is to discourage people to throw things away and thereby reduce trash costs or to push them to the resident.

HEALTH ISSUES

Sanitation is a NEED and not a luxury. It is not like a utility as people are not intending to swim in pools of trash or decorating their homes with extra trash for the holidays. Trash is a bi-product of consumption and the waste either is disposed of or ends up remaining in peoples homes.

THERE IS NO EVIDENCE THAT LIMITING TRASH PICKUP OR MAKING PEOPLE PAY FOR IT ACTUALLY REDUCES WASTE. IT MAY REDUCE WASTE THAT IS PUT OUT BUT THAT IS ONLY A PROXY INDICATOR FOR WASTE. MORE TRASH COULD REMAIN IN THE HOME.

Hoarding incidents continue to be a concern every year in Newburyport. Any sort of obstruction of sanitation needs does not help this situation.

Your basement may already have items like paint cans or chemicals that can't be thrown away with regular pickup. Similarly, trash builds up in homes without a robust sanitation.

This results in a health concern for both the individual and for the community as a whole.

We will have extra rodent, fire, and disease issues without a robust sanitation program that takes away all waste from community homes.

INCREASE IN DUMPING

-Businesses will need to purchase tops and logs for their dumpsters.

-Dumping is a problem that the Police Department continues to deal with as people try to avoid the cost and throw things away at other's expense. Residents complain that neighbor throw non-eligible bags in their barrels and their entire barrels don't get picked up as a result. Businesses complain of their dumpsters getting taken advantage of.

-Dumpsters for home construction that are largely uncovered get a significant amount of dumping at night.

-Litter continues to be a problem.

UNFAIR BURDEN ON THE POOR

Economically disadvantaged families that struggle to save a few dollars every year have an unfair burden in purchasing expensive bags to insure their basic sanitation needs are met. These individuals try most to purchase as little bags as they can get away with.

UNFAIR BURDEN ON THE DISABLED

Persons with disabilities who struggle with independently completing everyday tasks have the most difficult time with this program. Stuffing all their household trash into the special colored bag is a messy and difficult task for everyone but can be almost impossible for the disabled.

-Visually impaired individuals have the hardest time.

-Caregivers that may do shopping out of town will need to make extra runs just for these bags, in town.

ACCESS ISSUES

These bags are not sold in the bulk volume you can find the commercial bags in.

-Therefore, both in Worcester and Gloucester, they are not located for sale next to the regular bags in order to keep people from buying them all up. Instead they are rationed at the counter. In Gloucester one must go to a second line after purchasing their initial groceries to purchase these bags.

-Persons and families that do grocery shopping out of time due to proximity to work or preference for special grocery stores (Target, Whole Foods, Trader Joes) will need to do a second grocery run in Newburyport just for special trash bags.

What we should remember that waste is a human universal. Healthy sanitation is a human right. It is not an appropriate argument for a city to limit sanitation simply due to increase costs. Education and Construction have gone up in cost as well but we are not asking people to pay for their kids' teachers as they go.

Newburyport has a sanitation system that is robust and something to be proud of. A radical change like a pay-as-you-go bag program would only benefit the for profit specialty bag company.

End of email

Mandatory Hauler Regulations: Director Giacalone informed the Board that he is waiting for notification from the Department of Environmental Protection (DEP) as to whether the City has been approved for grant funding to pay for technical support for a proposed regulation that would require all waste haulers permitted with the City to institute mandatory recycling. Currently, recycling is mandated only for residents/businesses that utilize municipal solid waste (trash and recycling) services. Director Giacalone asked the Board for their support of this proposed regulation which would help reduce the quantity of trash (recyclable materials) that are incinerated or disposed in landfills. Director Giacalone will send a sample regulation to Board Members for their review.

Retail Marijuana – Director Giacalone provided the Board with a copy of regulations from the City of Belmont which had been provided to him by Councilor Afroz. Belmont's regulation raised the age to purchase marijuana from 21 to 25. The Board discussed whether the increased age would provide any substantive benefit. Director Giacalone will follow up with Councilor Afroz to obtain further information and will invite her to attend a future Board meeting to further discuss the issue. One grave concern raised by the Board was related to marijuana products that are available in 'candy-like' flavors and forms (gummy bears, etc.) Director Giacalone explained that because retail marijuana sales are not regulated at

the local level, the Board does not have the authority to restrict the type of marijuana products that can be sold within retail stores in the City. Board Members stated that they believe that the Board of Health should have authority to prohibit certain products (such as candy-like marijuana items) that pose a threat to public health. Director Giacalone will look into this and report back to the Board. Director Giacalone noted that Newburyport will only qualify for two retail marijuana establishments and that City Council has a moratorium in effect through the end of this year that prevents the opening of any retail marijuana establishments.

Cape Ann Botanicals - Director Giacalone informed the Board that a new retail establishment, Cape Ann Botanicals, is due to open soon on Pleasant Street. The store will sell products that are made from the hemp plant but which do not contain THC and, therefore, do not produce any psychoactive effects and are not regulated as marijuana products. Since the edible products will be pre-packaged (and no sampling of products will be allowed at the store) there is no need for the Health Department to permit the establishment. The store had planned to sell hemp-based oils that are intended to be consumed by vaping. Director Giacalone advised the owner that because the Board of Health Tobacco Regulation prohibits the sale of any vaping products, they will not be able to sell any hemp-based oils that require combustion and aerosolization for consumption.

New 2013 Federal Food Code: Vote on Adopting CMR590 and 2013 Federal Food Code

A motion was made by Dr. Sam Merabi and seconded by Dr. Slocum to approve the following change to the Newburyport Board of Health Regulations Section 9: Adoption of State and Federal Food Code:

2.9.001 - Replace 1999 with 2013.

Section 2.9.001 will now read:

The Board of Health adopts the Massachusetts State Sanitary Code 105CMR 590.000 and the 2013 Federal Food Code by reference, and any revisions now or in the future, as a local regulation. Said Sanitary Code and Federal Food Code may be enforced by the Board of Health and violations of said codes are subject to penalties as described in Chapter 1, section 19 of the Newburyport Board of Health Rules and Regulations.

Votes in favor - three; votes to oppose - none. Motion passed.

The Health Department is offering two presentations in January to help local food establishments better understand the impact that the new Food Code will have on their businesses. Changes to the food code include increased emphasis on managerial control, demonstrated knowledge by the Person In Charge, reporting of employee illness, diarrheal and vomiting protocol, changes to cooking and hot holding temperature requirements and alterations to the inspection process and the inspection forms.

Food Establishments – Director Giacalone informed the Board that the following establishments are due to open shortly

- Modern Butcher on Merrimac Street
- Coffee Shop on Pleasant Street
- Lolo Poke Establishment (menu items will include raw fish and hot cooked rice) on Pleasant Street
- Thai Lily Kitchen on Pleasant Street

Other Matters: Director Giacalone attended a meeting today regarding installation of solar panels at the Crow Lane Landfill. The energy produced will be sold back to the grid.

Meeting Adjourned at 8:21 pm