

Newburyport Board of Health Meeting
April 21, 2016

Date of Approval: May 19, 2016

Attendees:

Dr. Robin Blair, Chairman
Dr. Daryl Colden, Board Member
Frank Giacalone, Health Director
Patricia McAlarney, Note Taker

Call to Order: 7:12 pm Dr. Blair called meeting called to order

Approval of Minutes: Daryl Colden made a motion for approval of the Minutes from the February 18, 2016 Board of Health Meeting. Dr. Blair approved and Daryl Colden approved. Minutes were passed as presented.

Tattoo Regulations: Dr. Blair announced that he has asked Public Health Nurse, Pam Palombo to review the tattoo regulations that are proposed by the state and make recommendations for updating these regulations for consideration of adoption by the City Board of Health.

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

- Yard Waste Facility is open and operating well. Ticket sales are ahead of previous year's schedule, presumably due to the weather.
- A Food Waste Survey will be distributed via email by the Recycling division to permitted food establishments in the City. The purpose of the survey is to determine common causes for food waste (over-purchase, spoilage, etc.) Eventually DEP will require that food waste be separated out of the solid waste stream. The survey also questioned whether excess food is donated by the establishment to those in need; this practice has become a growing trend. Currently in Newburyport, excess food from school lunches at the Bresnahan School is rescued one day per and donated to a food pantry at Kelleher Park and to the residences associated with the YWCA. They are now looking to expand this program. Director Giacalone has checked with the state and confirmed that the City Health Department does not need to regulate or permit the food pantry that receives the food but the Health Department will inspect the site to ensure that food is received only from approved sources and that the operation is clean and sanitary. Director Giacalone met with the organizers of Nourish the Northshore and provided guidance regarding need for sinks, refrigeration etc. and confirmed that no food preparation for public consumption will be included in the operation. Dr. Blair noted that Panera Bread also donates day-old bread, etc. to those in need.

Updates from the Public Health Nurse

- Nourish the North Shore was featured in the Daily News on April 6, 2016 concerning the creation of a garden that will provide fresh vegetables for donation to residents in need.
- Hepatitis B vaccines were administered to 20 Department of Public Service workers in April.
- Mass. Association of Health Boards Grant was used to fund two focus groups to identify barriers that Newburyport seniors encounter when trying to obtain healthy foods. One

hundred surveys were sent out, with a 15% return rate. Additional surveys were distributed through the Senior Brown Bag lunch program. The grant provides funds for an assistant to compile the data for the final grant report.

- Food Recovery - As previously mentioned, food leftover from Bresnahan School lunches is donated every Friday to Kelleher Park and to the YWCA residential homes
- As part of Substance Abuse Prevention Week, the Health Department sponsored a screening of the movie, "Hungry Heart" which depicted several young adults battling opioid addiction. A local Newburyport resident who is in recovery from opioid addiction gave a live presentation and question and answer session that was very well received. There were approximately 50 people in attendance.
- CPR training was offered in April. Margot Pettler, from Youth Services, is now also a certified instructor and has been teaching some of the CPR classes. The classes are publicized through the Recreation Department brochure; however, the original (primary) purpose of the CPR classes was to train City employees. The public is invited to participate based upon availability of class space. The classes tend to be time consuming for the instructor(s) due to scheduling and preparation, conducting the classes and completing the certification requirements.

Food Permit Fee Schedule:

- Permit fees for Mobile Food Establishments and Residential Kitchen Permits were omitted from the Board's vote concerning increasing of permit fees. Daryl Colden made a motion to increase the permit fee by \$120 for Mobile Food Establishments and for Residential Kitchen Permits; and that the increase in all Food Permit Fee fees will take effect on July 1, 2016. Chairman Blair seconded the motion. The motion was unanimously approved as presented.

Tobacco Control Violations

- Three establishments recently received first offense violations for sale to an underage minor. Director Giacalone explained that the Tobacco Coalition conducts the inspections and notifies the City Health Department of violations. The City Tobacco Regulations indicate that establishments may be required to appear before the Board in the event of a first offense. Education by the Tobacco Coalition is also required. Daryl Colden made a motion; seconded by Dr. Blair that in this instance it will not be required for the three establishments appear before the Board, provided that tobacco education to staff of the three establishments was provided by the Coalition. The motion passed unanimously. The Board noted that if there is an increase in violations or repeat offenses, establishment owners may still be required to appear before the Board.

Transient Vendor

- Eric Metzdorf, owner of Metzzy's Taqueria, was awarded by City Council the third (of three) transient vendor permits allowed per City Ordinance. Mr. Metzdorf indicated that he would be willing to relinquish the Inn St. Transient Vendor permit location IF he is given a Transient Vendor Permit to operate a food cart (not Mobile Food Kitchen) at the NRA East lot (near the Harbor Master's Office). The Board noted that since this would require a fourth Transient Vendor permit be issued, it would require approval by the City Council and/or the Licensing Commission before consideration would be given for issuance of a food permit by the Health Department.

If Eric Metzdorf wants to approach the Board and request an additional sales location for his mobile food kitchen, the Board will take it under advisement. However, at this time,

the Board does not wish to pursue the possibility of adding to the number of pushcart permits that are available city-wide.

- Director Giacalone suggested that the Board make an amendment to the Board of Health Regulation to limit the number of Mobile Food Permits that are issued city-wide. If the number of mobile food permits were limited to three (for example) they may, or may not, always be the three transient vendor permits that exist on Inn Street. This would provide a means of restricting the number of push-carts/Mobile Food Vendors within the City, not just the number of carts allowed on Inn Street. Director Giacalone noted that Councilman Eigerman had indicated that it was his understanding that the three-transient permit limit applied only to the Inn Street location; and that the Ordinance does was not intended to, and does not limit, the number of pushcarts allowed city-wide.

Dr. Blair noted that if a Mobile Food Establishment applied for a permit to operate on private property, the Health Department would only be responsible for determining whether the mobile food vendor was approved based on food code and Health Regulations - not based on the location or number of transient vendor permits available for issuance.

- Frank will contact Eric Metzdorf and have him come before the Board of Health if he receives permission from City Council to place a mobile food pushcart at the NRA site. Dr. Blair said that he would rather see Mr. Metzdorf apply for a new location (at NRA site) for the Mobile Food Kitchen rather than adding another transient vendor permit/location. Chairman Blair said that Board of Health cannot overrule the City Ordinance. Chairman Blair suggested that Director Giacalone obtain clarification from the Mayor's Office and/or City Council to determine whether the three license permit limitation is specific only to Inn Street.
- Daryl Colden suggested that the item be tabled until next month's meeting when we can get clarification as to whether the limit on transient vendors applies only to Inn Street, or whether it applies to the entire City.
- With regard to Mobile Food Kitchen permits, Director Giacalone mentioned to the Board that Board of Regulations limit the number of Mobile Kitchen permits to three (3) and that there are currently two permitted Mobile Food Kitchens: Metzie's and Good Taste. Chairman Blair noted that the Mobile Food Kitchen, Good Taste, was not presented to the Board before issuance of their permit to operate in 2015.

Food Establishment Plan Reviews

- Ale House - Construction on the establishment is progressing and is expected to be completed around Labor Day.
- Lexie's is renovating both floors of the establishment to eliminate the dumb waiter and establish a cooking area upstairs and a food preparation area on the lower level.
- The owner of The Poynt restaurant is planning to open a food establishment at Ten Center Street. This will be the owners third restaurant.
- Buttermilk Baking Company is relocating from #3 Liberty Street to #9. All paperwork has been submitted.
- When Pigs Fly is a new establishment that will be opening at 1 Merrimac Street, Unit #3. All food preparation (bread baking) will be at their main location in Portland, Maine. The final product will be brought to the Newburyport location for retail sale.
- A new food vendor is interested in offering food demonstration and sampling at Shaws. This vendor will be permitted and inspected separately from Shaws.

- Leary's Fine Wine plans to begin slicing and selling expensive cheeses at their location. The only required renovation will be to add an additional warewash area.
- CVS / Shell Story Ave - The new CVS was a straightforward plan review. The Shell station had originally proposed inclusion of a sub shop at the location that the owner would run. They subsequently amended their application to incorporate a Subway at the location. Their current/final application does not include the sub shop; although the owner may decide to add the sub shop at a later date.

The proposed new Board Member, Dr. Dan Merabi, is being presented for consideration before City Council. The proposal must go through two sessions of City Council before he can be approved. It is likely that Dr. Merabi will begin his term on the Board in May.

Chairman Blair asked for any further new business: No issues were brought forward.

Meeting adjourned 8:35 pm