

Newburyport Board of Health Meeting  
May 19, 2016

Date of Approval : July 21, 2016

**Attendees:**

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

**Call to Order:** 7:07 pm Dr. Blair called meeting called to order

**Approval of Minutes:** Chairman Blair approved the minutes of the April 22, 2016 Board Meeting.

**Tattoo Regulations:** Dr. Blair noted that the Board will continue to pursue revision of the tattoo regulations currently in effect in Newburyport. The City regulations were adopted from the version suggested by the Mass Department of Public Health and are now outdated. Dr. Blair has asked Public Health Nurse, Pam Palombo, to review the regulations and make recommendations for updating the regulations related to tattoos and piercings.

**Board Membership -** Daryl Colden has notified the Board that he may be relocating out of Newburyport which would render him unable to continue to serve on the Board of Health. The Mayor has made an inquiry into another physician in town that may be interested in a Board position if one becomes available.

**Energy and Recycling Update:** Director Giacalone provided a copy of the Food Waste Survey that was distributed via email to all permitted food establishments to help establish the origin of food waste in the City (overproduction, under consumption, spoilage etc.) Director Giacalone noted that that last year the Department of Environmental Protection enacted a State regulation that requires all food establishments that produce more than one ton of food waste per week to separate their organic waste so that it may be picked up and brought to be composted. The goal is to remove food waste from the general solid waste stream. It is anticipated that this trend will continue and regulations will be expanded to include the smaller establishments.

**Public Health Nurse**

- MAVEN - Director Giacalone reported that last month Newburyport had 13 confirmed cases of influenza, 1 confirmed case of Hepatitis C and 1 suspected case of Lyme Disease.
- Zika Virus - The Health Department has already posted on the City website an advisory regarding precautions residents should take against Zika Virus. He noted that so far the positive cases that have been found in the United States are from individuals who have traveled out of the country.
- Nourish the North Shore – An article about this initiative and a photo of the area where some of the food is grown and a future location of the green house was posted in the newspaper. This program continues to grow and is enthusiastically received by the community. Pam Palombo has received certification to teach a ten week course on healthy cooking. More information about this program will be forthcoming.

### **Animal Control**

- Christopher Husgen has been hired as the new Assistant Animal Control Officer. He will provide coverage for the Animal Control Officer when the ACO is on vacation or in the event of the ACO's illness or for emergencies. Mr. Husgen is extremely knowledgeable about wildlife and up until his recent retirement worked at the Plum Island Refuge. Mr. Husgen provided Animal Control coverage during Scott Purdie's vacation and handled the issues that arose extremely well.

### **Water Treatment**

- Tom Smolski from the Water Treatment facility submitted a request for review and approval by the Board to have an area dredged and the collected sludge stockpiled and tested and then removed from the City where it will be treated.
  - **Motion:** A motion was made by Sam Merabi that the request by the Water Treatment Plant for an area to be cleaned and dredged be approved. The motion was seconded by Chairman Blair.
    - The Motion was passed with unanimous approval by Board Members.

### **Director Giacalone Vacation**

- Director Giacalone noted that he will be taking vacation the week of Memorial Day. Joe Tabbi will be providing coverage, if needed. Food Inspector, Christopher Webb, will be inspecting the vendors participating at the Springfest.

### **Marine Water Testing**

- As in previous years, marine water testing will begin the week before Memorial Day with a plan for beaches to be open for that weekend. The cost of marine water testing prior to July 4 has previously been paid by the Mayor's Office, however, beginning this year the Health Department will be required to cover this expense. The samples for the Marine Water testing will be collected by Health Department Staff, with assistance from the Harbormaster Office, and will be delivered to the lab. Testing will typically be performed on Mondays (except when there is a Holiday) so that there will be ample opportunity to re-test if the coliform level is excessive. Beach water failures most frequently occur following a rainstorm when animal feces runoff into storm drains and eventually to the beach water.

**Food Permit Renewal:** Current food permits expire on June 30, 2016. The renewal process is underway and going well. Food establishments have been reacting favorably to the new process of paying the \$130 routine inspection fees upfront as part of the Permit Fee rather than paying food inspectors directly at the time of the inspection.

### **Site Plan Reviews**

- **Loretta** – Owner, Ted Epstein, informed Frank that he wanted to re-open the State Street location. Director Giacalone inspected the restaurant and advised the owner of what improvements would be required (kitchen renovations, fire prevention devices, etc.) The owner has not come back to the Department and it appears that perhaps the plan to re-open may not be pursued.
- **Shell at Storey Ave** - The owner of the station originally submitted plans that included an on-site sub shop; however, during the planning and building process the owner changed his mind and was required to submit plans that did not include the sub shop.

Most recently, the owner has again changed his mind and is now planning to offer pizza and subs at the establishment however, the establishment will initially open without food preparation and add the sub/pizza preparation shortly afterward.

- **Newburyport Olive Oil** wants to install a conduction oven to prepare foods for sampling. The fire department has determined that a ventilation system is required.
- **Cafe DiSienna** also plans to implement use of a similar conduction oven for preparing crepes and is currently considering renovations and is undergoing a plan review which will require installation of grease traps (including one at the mop sink.)
- **Metzys**
  - **Pushcart** -The Health Department has not received any further word from City Council regarding placement of Metzys pushcart on Inn Street, or about increasing the number of Transient Vendor Permits from three to four and allowing Metzys pushcart to be located at the NRA East Lot; the issue may currently be at a standstill. City Council governs the number of Transient Vendor Permits that are issued in the City (3). The Board of Health does not currently have a limit on the number of Mobile Food Permits that may be in existence at any time; however, the Board does limit the number of Mobile Food Kitchen Permits to three. There are currently two Mobile Kitchen Permits in effect: Metzys and Buon Sabour. The Health Department also permits Mobile Food Establishments such as ice cream trucks and push carts
  - **Metzy's Cantina** – Director Giacalone stated that Eric Metzendorf's plan in his plan to open a brick and mortar establishment at the Newburyport train station is progressing. Once complete, the Cantina will serve as the base of operation for Metzys Mobile Food Kitchen and Catering operation.
- **Lexies** - The owner has three other locations in addition to the Newburyport site which is currently undergoing renovations. The owner is now applying for a Permit to Operate a Mobile Food Kitchen which Director Giacalone has inspected and found that they need to do more work to bring the truck into compliance (including installation of a grease trap.) Director Giacalone informed the Board that he has advised the owner that until their application is approved he cannot "hold open" the available permit; and only three Mobile Food Kitchen Permits are allowed per Board of Health Regulations.

#### **Housing Issues:**

- **26 Charles Street** - This property is under the Receivership Program by the Attorney General's Office. The City is collaborating with the Building Department and has issued an Order to Correct. This case was initially supposed to go before the Court tomorrow but the case was cancelled because progress had been made in addressing some of the violations and a potential buyer had stepped forward that would undertake the remaining corrections. The City has agreed that the sale of the property may proceed provided that the remaining violations will be corrected by the owners within a stated short period of time (likely two months.)
- **2 Christopher Street** - This was the second incidence of filth at this residence. Joe Tabbi had condemned the dwelling in the fall of 2015. The dwelling was cleaned and the condemnation was lifted. Recently the Health Department was notified that the property is, again, in disrepair. The owner has other medical issues and is still recovering at

Anna Jaques. The sister of the owner has now cleaned and sanitized the home and it is now back in compliance and the condemnation has been lifted.

**Massachusetts Association of Boards of Health –**

- At Dr. Merabi's request, Director Giacalone is looking into the training offered by the Massachusetts Association of Health Boards that is offered each fall, usually in November.
- Director Giacalone will make available the summary of a 15 Chapter document which outlines all of the various areas (such as Title V, Public Health Nursing, etc.) that fall under the Health Department

**Inn Street Fountain -** Director Giacalone noted that the Board had previously determined that the splash pad will be treated as a Special Purpose Pool. However, the state pool regulations call for the water (in a pool) to be tested four times each day. Director Giacalone called the state and was told that the concern is that if testing relies solely on the machine to report on the levels, there is a chance of a misreading. Director Giacalone suggests that an inspection port be installed at the end just prior to the discharge point and that testing by a human be required on a schedule that is to be determined. This testing would serve as a back up to the mechanical testing.

**The Poynt and Ten Center Street -** Dr. Colden had submitted an email asking that the Board make it formally known and recorded that his business partner is a part owner of the The Poynt Restaurant and Ten Center Street restaurant. Chairman Blair stated that Dr. Colden may recuse himself from any issues that he feels may appear to be a conflict of interest; however, since Dr. Colden is not financially involved with the restaurants a conflict does not legally exist.

**Ipads -** Each Board Member has been provided with an Ipad. Patricia Lawrence and Sue Beluk have returned their Ipads to the Department. Director Giacalone stated that an iPad will be made available for Dr. Merabi, if he so wishes to have one.

**Board Meetings –** Chairman Blair announced that during the summer months, if it is difficult to arrange a quorum and/or there are no pressing issues, the meetings may be cancelled.

Meeting adjourned at 8:18 pm