

**CITY OF GLOUCESTER  
Board of Health  
Minutes of the Meeting  
November 6, 2014  
CATA Training Room  
3 Pond Road  
Gloucester, MA 01930**

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CITY CLERK  
GLOUCESTER, MA

Board members present: Chairperson: Dr. Richard Sagall, Vice-Chairperson: Robert Harris, Frederick Cowan, Joe Rosa, and Claudia Schweitzer. Present from the Health Department: Public Health Director: Noreen Burke; and Manager of Environmental Health: Max Schenk; Lianne Cook, RN MPH, Public Health Nurse; Rosalie Nicaastro; Food Inspector.

**PUBLIC ORAL COMMUNICATION**

There was no "Public Oral Communication".

**OLD BUSINESS**

**KEEPING OF FOWL-**

*Chairperson Sagall* stated that the Board of Health has made no decisions in the "Keeping Fowl" discussions. He stated that it is important to understand that the Board of Health is neither anti-chicken nor pro-chicken. He stated that they will not be making any decisions tonight and they would like to form an ADHOC committee with various representatives from different parts of the community. He stated that since the room is too crowded they would like to postpone the issue until they can secure a larger forum to have a public discussion. He stated that the next meeting will be December 4, 2014 at City Hall. He asked audience members to fill out a card with their information on it, if they would like to be on the ADHOC committee.

*Ms. Schweitzer* stated that the Board of Health started to look at other city's regulations and somehow it got out that those regulations were going to be Gloucester's regulation, and that was never the case. She thanked everyone for coming to the meeting.

*Mr. Rosa* stated that this issue was driven by a concern raised by some citizens in the community and the response was to look at what other communities have done. He stated that they want to satisfy the health concerns of people but at the same time do not want to impose a burden on individuals in the community.

*Ms. Burke* stated that the monthly Board of Health's agenda for the every meeting is posted on the City's website and the next meeting will be at the Kyrouz Auditorium on December 4, 2014. She announced to the audience her email address if any residents have any concerns before the December meeting. She thanked the audience for attending the meeting, as well as Councilor Verga and Councilor Cox.

*City Councilor Verga* appeared before the board. He stated that the Board of Health is heading in the right direction with an ADHOC committee. He stated that he is doubtful that the City needs regulations for chickens.

*Councilor Cox* appeared before the board. She stated that the reason she brought this to the board is because she received a complaint from a constituent and she addresses all complaints received by constituents. She stated that she was instructed to bring it to the Board of Health to see if there were any regulations in place. She stated that she did not ask for regulations but felt it was an issue that needed to be addressed. She stated that she appreciates the board forming the ADHOC committee to see if there is a need for regulations. She stated that the residents need to have an avenue to make a complaint and to be taken seriously when they make a complaint. She stated that it is a Board of Health issue if there are

concerns about rats or if there is a noise complaint.

*Jason Grow*, of 12 Marble Road appeared before the board in opposition of fowl regulations. He asked when the public would be heard. *Dr. Sagall* responded that the public will be heard at City Hall at the December 4<sup>th</sup> meeting. *Mr. Grow* stated that maybe the City needs to look at how to deal with resolutions between neighbor complaints. He stated that he does not feel that Gloucester needs fowl regulations.

*Carlton McKay* of 160 Washington Street appeared before the board in opposition of fowl regulations. He stated that he does not own chickens but he would like to be on the ADHOC committee.

*Chairperson Sagall* stated that it is important to understand that the Board of Health did not come up with this issue, the issue was brought to the Board of Health and they are not anti-chicken, they are pro-health. He stated that if there are no health issues then nothing will be done by the board.

*Mr. McKay* asked how the issue came about.

*Mr. Schenk* responded there was an issue where residents were not taking very good care of their chickens. He stated that some chickens were hit on the street. He stated that this was not the only complaint they have ever received. He stated that the Health Department receives five or six complaints a year regarding chickens. He stated that there are many people that come to the Health Department because they want chickens and they want some guidance as to the steps they need to take. He stated that they have nothing at this time to offer those people.

*Mary Ann Albert Boucher* of 93 Mt. Pleasant Avenue appeared before the board. She stated that she does not have chickens and has never had chickens. She stated that for two and half years she has been trying to get the Board of Health to deal with a leaking gas issue. She stated that her granddaughter has serious respiratory issues due to the leak. She stated that nobody has helped her.

*Chairperson Sagall* stated that this is the first that the Board of Health has heard the issue. He stated that there is a procedure to get on the agenda but any member of the community can speak for five minutes at any Board of Health meeting during "Public Oral Communication".

*Peter Leathers* 4 Finch Lane appeared before the board in opposition of fowl regulations. He stated that if this is a noise complaint, the City already has regulations in place to deal with that. He stated that if it is a sanitation issue then the City has regulations for that. He stated that he does not understand why the Board of Health needs to add more expense to chicken owners because two neighbors cannot get along or a noise or sanitation concern.

*Kyle Silva* of 42 Friend Street appeared before the board in opposition of fowl regulations. He stated that everyone at the meeting is sick and tired of the regulations and the fees.

*Cliff Taylor* of 8 Adams Place appeared before the board in opposition of fowl regulations. He stated that he is the Agriculture Manager at Essex Tech as well as the Vice-Chairperson of the Essex County Farm Bureau. He stated that the Board of Health should not be involved with animal problems. He stated that the Police Department should be able to deal with neighbor complaints. He stated that it is not within the Board of Health's jurisdiction.

*Denise Foley* of 57 Western Avenue appeared before the board in opposition of fowl regulations. She stated that she has been to a lot of City meetings and this meeting is one of the most professional meetings she has been to. She stated that she does not have chickens but she should be able to raise chickens for food if she wants to. She stated that that is her right. She stated that this is about the commoner being able to grow their food and be self-sufficient. She stated that the City does not need more regulations.

*Kristen Ryan* of 15 Highland Street appeared before the board in opposition of fowl regulations. She stated that her chickens bring her children joy. She stated that her chickens make her happy and brings a little piece of a farm to her house. She stated that coyotes are a problem in the City. She stated that she should be able to determine herself if she has enough space for ten chickens.

*John Francis* of 383 Magnolia Avenue appeared before the board in opposition of fowl regulations. He stated that he has had chickens for eight years and has never had a complaint and they do have three roosters.

*Josh Ulrich* of 7 Grandview Road appeared before the board in opposition of fowl regulations. He stated that something went drastically wrong with the decision process that brought them to this point. He stated that if this is about a neighbor dispute then the Police Department should be handling it. He stated that this is not something they need to create new laws for. He stated that this is the wrong forum for this issue.

*Don Landergren* of 5 Gee Avenue appeared before the board in opposition of fowl regulations. He stated that he was a victim of a neighbor complaint regarding roosters fifty five years ago. He stated that the police came and told them about the complaint and they decided to move the chickens closer to their home and away from the neighbor's house. He stated that the issue was resolved between them and they did not need regulations to resolve the issue.

*Patty Page* of 3 Title Cove Way appeared before the board in opposition of fowl regulations. She stated that she does not own chickens but her family does. She stated that she would like to see the written complaint so they know what they are dealing with. She stated that there needs to be a change in the chain of events.

*Mr. Rosa* stated that these issues come before the board and the board decides occasionally that the issue ought to be considered so that people can have a redress. He stated that we have begun considerations on this issue and by no means has it been concluded. Also, as Max Schenk has noted, the issue has been raised 5 or 6 times over the past year. Councilor Cox, speaking for a constituent, was simply the last. He stated that while he agrees with virtually all the sentiments put forward there is another side to the issue that the board has to consider that there may be legitimate complaints that some citizens may have with this issue within the purview of the Board of Health.

*Dr. Sagall* thanked the audience for attending the meeting. He stated that everyone at the meeting are responsible chicken owners but there are probably chicken owners in this town who are not responsible chicken owners and those are the people that they need to address. He stated that the next meeting will be on December 4<sup>th</sup>, 2014.

**MOTION** by Mr. Cowan to suspend the order of business and move to item 6 under "New Business".  
**Seconded** by Ms. Schweitzer. **CARRIED.**

## **NEW BUSINESS**

**Review of Proposed Subdivision per Board of Health Subdivision Water Quality Assessment Regulations – 52 Whittemore Street (Anchorworks) – The McNiff Company LLC, Property Owner**

*Chairperson Sagall* recused himself as Chairperson for the item since he has a business relationship with Mr. McNiff. *Mr. Cowan* stated that he also is on the Board of Director's of Needy Meds. The board agreed that that is not a conflict of interest for Mr. Cowan.

*David Biancavilla*, of the BSC group, civil engineer for the project, representing The McNiff Company appeared before the board. He gave a brief overview of the proposed subdivision plan.

*Mr. Cowan* asked what type of fuel they would be using to heat the subdivision. *Mr. McNiff* responded that they will use natural gas with lines, no tanks.

In regards to the Anchorworks proposal, the Health Department, in consultation and collaboration in their review with the Shellfish Constable, David Sargent, has the following requirements and recommendations for the project's approval by the Board of Health:

1. All stormwater treatment systems must be of suitable size to provide treatment for a minimum of 1-inch rainfall events.

2. The Natural Resources Conservation Service (NRCS) classifies this site as having urban soils. NRCS states "the properties and characteristics of this soil are so variable that onsite investigation is needed to determine the limitations and suitability of any use." Because there has been a great deal of fill and excavation at this site, it is highly unlikely to have soils of a homogenous nature over the entire area of the proposed infiltration systems. The proposed drainage system is designed on hydrologic group "B" (sandy loam) for infiltration. If soils are less pervious at or near the bottom of infiltration systems, then the recharge requirement in the applicable standard will not be met. It is recommended that areas of infiltration be investigated during construction and if unsuitable material or lack of adequate depth of suitable material is encountered, then that area must be excavated and replaced with suitable hydraulic group "B" soil.

3. Given the sensitive nature of the local wetlands ecosystem, there must be a prohibition on the application of chemical herbicides and/or pesticides.

4. Shut-offs are required for critical areas (DEP Stormwater Management Manual Volume 1- 26). In order to allow maximum detention time in the event of a hazardous spill, it is recommended that they be located near the two discharge points. Functionality of these shut-offs must also be included as part of regular Operation & Maintenance (O & M) inspections.

5. Because snowmelt water will be discharged to an inter-tidal environment, the applicant should consider using more salt and less sand in their snow management plan.

6. It is recommended that copies of O&M inspectional reports must be sent to the Community Development and Health Departments.

7. There must be a legal mechanism (deed restriction) in place that prohibits the transfer of property if stormwater O&Ms are not current.

8. Although stipulations have been put in place for providing animal waste bags and containers along the proposed public path adjacent to the project, responsibility of the operations and maintenance of the dispensers and barrels must be associated with the property owners.

The board thanked *Mr. McNiff* and *Mr. Biancavilla* for their presentation and wished them luck on their project.

#### **CONSTRUCTION NOISE COMPLAINTS - 3 Old Salem Road; Susannah Wolfe, Property Owner**

*Mr. Schenk* stated that *Ms. Wolfe* asked him to bring this forward to the board. He gave the board an overview of the noise complaint. The board agreed to continue to monitor the situation and support *Mrs. Wolfe* in any way they can within the confines of the regulation and work with *Mrs. Wolfe* and the contractors to ensure that there is communication and some type of mitigation of the issues.

**CONSTRUCTION NOISE COMPLAINTS** - 15 Long Hill Road; Mark and Louise Nestor, Property Owners  
*Mr. Schenk* gave a brief overview of the complaint from Mr. and Mrs. Nestor. The board agreed to monitor the issue and mitigate if possible.

## **APPROVAL OF MINUTES**

**MOTION** by Mr. Cowan to approve the Gloucester Board of Health minutes of the meeting of October 2, 2014 as written. **Seconded** by Ms. Schweitzer. **CARRIED.**

## **MONTHLY REPORTS**

Presented by Noreen Burke, Lianne Cook, and Max Schenk

**FLU CLINICS-** *Ms. Burke* gave board members an assessment of the flu vaccine campaign. She stated that she started the campaign earlier this year compared to the previous years. She stated that they are on track with last year's numbers and they have vaccinated 2300 people thus far. She stated that they have one clinic left to do at NOAA still and a few sub contracted clinics at Action Inc. and Beauport Ambulance. She stated that next year will be different; the State Department of Public Health announced that it will no longer provide influenza vaccine for anyone over the age of 18. She stated that next year the State will limit the amount of vaccine they will get. She stated that they do get reimbursed for some of the vaccine. She stated that next year they will have to purchase three quarters of what is needed. She stated that the State as of January 1, 2015 has ended its adult immunization program. *Mr. Cowan* asked when they should place the order. *Ms. Cook* stated that last year she ordered this year's order at this time.

**13 CEDARWOOD ROAD-** *Mr. Schenk* reported that Erin Kirchner attended Housing Court regarding the compliance issue at 13 Cedarwood Road. He stated that they are still failing to comply with the court order so there is a warrant out for the owner's arrest.

**STAFFING ISSUES-** *Ms. Burke* stated that Dianne Corliss, the Animal Control Inspector, is now the Assistant Animal Control Officer under direction of the Police Department. She stated that they would like to roll in the animal control functions such as rabies control, and stable regulations. She stated that it is unclear at this time how the two roles will merge. She stated that interviews will be scheduled for the Public Health Nurse position. She stated that Joan Whitney is working about 25 hours from home for the Health Department.

**GRANTS-** *Ms. Burke* reported that they were successful with the Cape Ann Mass in Motion Grant. She stated that the Mass in Motion program encourages healthy living. She stated that the grant is \$30,000 a year. She stated that the program will work with Manchester, Essex, and Rockport. She stated that there is a regional meeting at the Addison Gilbert Hospital where they will launch the grant on December 9, 2014 from 1-3 pm. She invited board members to attend.

**EVENTS-** *Ms. Burke* reported that she attended a workshop on emerging infections last night. She stated that Ebola awareness has been keeping them very busy. She reminded board members of the Mass Association for Health Boards certificate training that is coming up. Dennis Conroy is leaving Addison Gilbert in January. She stated that Joe Guzzo submitted a letter to the Mayor on toilet facilities at the beaches. She stated that Jenna Melvin and Joanne Christopher have been doing a great job in their positions at the Health Department.

*Mr. Cowan* stated that Title 5 has changed their regulations on new construction and tight tanks, so the facilities at the beaches should not be an issue any longer.

## **OLD BUSINESS**

### **KEEPING OF FOWL-**

*Chairperson Sagall* suggested that the board draft a letter to the local newspaper thanking residents for attending the meeting tonight. The board agreed that that is a good idea but also discussed waiting until after the December meeting.

### **ARBORVIRUS FINAL SEASON UPDATE-**

*Ms. Burke* stated it was a relatively quiet arbovirus season overall. She stated that there were only four cases of West Nile virus throughout the whole state and zero human cases of EEE. She stated that there were seven mammal specimens tested for EEE and only two tested positive. She is going to write a follow-up memo to the Mayor regarding arbovirus.

### **TOBACCO REGULATIONS UPDATE-**

*Ms. Burke* stated that there was a push back from City Council regarding the new tobacco regulations. She stated that Councilor Whynott voiced his concern over the increase tax on the small cigars. She stated that he viewed this as something that would hurt local businesses. She stated that DJ Wilson, the lawyer of the Massachusetts Tobacco Control Program addressed the concerns brought forth. She stated that 57 other communities in Massachusetts have adopted these same regulations. She stated that the changes to the regulations go into effect on December 1<sup>st</sup>, 2014. She stated that a number of communities have gone from 18 to 21 years of age including Salem and Saugus. The board stated that they would like to know how many communities have gone forth with this age restriction.

### **FLOURIDATION IN COMMUNITY WATER SUPPLY-**

*Ms. Burke* stated that the Cape Ann Fluoride Action Network has met the threshold for the conducting a public hearing on the matter of removing fluoride from the City's water supply. She stated that the hearing will be on December 16<sup>th</sup> at City Hall from 7 to 9 pm.

### **WORKING SUBCOMMITTEES OF THE BOARD, BRIEFING UPDATES –**

*Children's Dental Center Planning* – *Ms. Burke* reported that the Children's Dental Center Planning is moving ahead. She stated that they are finalizing the write up from their first planning session.

*Performance of Mandated Enforcement Services* – *Mr. Schenk* stated that they are continuing to move forward with the Performance of Mandated Enforcement Services Subcommittee.

*Local Public Health Accreditation Discussion* – *Ms. Burke* stated that the accreditation is moving across the nation. She stated that they are planning on meeting to discuss accreditation; however they have some staffing issues that will take precedent over the accreditation discussion. She stated that the State Public Health Department is moving towards accreditation now.

## **CONCERNS OF BOARD MEMBERS**

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**SALAD BAR AT THE SENIOR CENTER-** *Mr. Cowan* stated that the salad bar at the senior center is operational and the numbers are reflecting that more seniors are taking advantage of the lunch program. He stated that Open Door for free is offering the salad bar alone on Thursdays and with a soup tureen on Monday's without an age restriction Open Door's contribution is drawing people from the lobby, younger people, etc. He stated that he had a meeting with Stephen Doyle, Executive Director at Seacoast Nursing and Rehabilitation Center. As of January 1, 2015 Seacoast is going to sponsor the co-pay portion of Senior Care's lunch program on Mondays at the senior center.

**BOARD OF HEALTH MEETINGS-** *Ms. Burke* stated that the next Board of Health Meeting will be on December 4<sup>th</sup>, 2014.

**MOTION** by Mr. Rosa to adjourn.  
Seconded by Mr. Harris. **CARRIED.**  
**MEETING ADJOURNED – 8:45 p.m.**

Respectfully submitted,

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Bobbi Orlando

Accepted by:



Richard Sagal, Chairperson