

CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
August 6, 2015
City Hall Annex
3 Pond Road
Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA
15 SEP 11 AM 9:47

Board members present: Chairperson: Dr. Richard Sagall, Vice-Chairperson: Robert Harris, Frederick Cowan, and Joe Rosa. Present from the Health Department: Manager of Environmental Health: Max Schenk; and Kelley Ries, Public Health Nurse. Absent: Claudia Schweitzer and Public Health Director: Noreen Burke.

This meeting is being recorded by audio in accordance with State Open Meeting Law.

PUBLIC ORAL COMMUNICATION

There was no "Public Oral Communication".

APPROVAL OF MINUTES

MOTION by Mr. Rosa to approve the Gloucester Board of Health minutes of the meeting of July 9th, 2015 as written. **Seconded** by Mr. Harris. **CARRIED.**

MOTION by Mr. Cowan to approve the Gloucester Board of Health Septic Review Subcommittee minutes of the meeting of July 14th, 2015 as written. **Seconded** by Mr. Rosa. **CARRIED.**

NEW BUSINESS

1 WILLIAMS COURT (MAP 49/LOT 7)-

Property owned by Brek and Kim Beard

Appeal of Health Department enforcement, letter dated July 14, 2015.

Mr. Harris recused himself from the issue.

Mr. Schenk gave background information on the issue. He stated that there has been a concern regarding rodents at Williams Court. He stated that the property owners of 1 Williams Court have bird feeders and the overspill from the seeds are attracting rats. He stated that an enforcement letter was sent out to the property owners over a year ago and the owners would like to appeal to the board.

Brek and Kim Beard appeared before the board. *Ms. Beard* stated that she has been feeding birds since 2002 and has never had a complaint before this. *Mr. Beard* stated that they keep the yard clean and they spend a lot of time in the yard. He stated that the feeders are hanging from a pine tree.

Mr. Cowan asked if Mr. Beard has seen rats under the bird feeders. *Mr. Beard* responded that once in awhile he sees them coming through. He stated that they take the bird feeder in a night time.

Chairperson Sagall asked if they researched different types of seeds that the rats would not like. *Mr. Beard* responded that they will have to do some research on that.

Rob Harris of 3 ½ Williams Court appeared before the board. He stated that the Beards' resident is very clean, there is never any trash left out, it is just the bird seed that the rats are going for. He stated that he started to notice rat waste in his yard about four years ago and he asked the Beards to take the feeder down, which they did. He stated that he found out later that they moved the feeder to the other side of the house. He stated that the seeds fall to the ground and the rats come and eat the seeds. He stated that the quantity

of rats has increased tremendously in the last few years. He stated that on any given night at dusk you can see six or seven rats feeding on the seed under the feeder, later in the night you can see up to thirty rats moving through the yards. He supplied board members with a map of the pattern of movement of the rats in the neighborhood. He stated that they have two small children, and he is concerned with the diseases that rats carry and the health of his children. He stated that rats come up on his deck.

Kris Harris of 3 ½ Williams Court appeared before the board. She stated that she has seen the rats come from the marsh and travel through their yard to get to the bird feeder.

Mr. Cowan stated that the problem isn't feeding the birds, it is the seed on the ground and he believes they could feed the birds provided no seed hits the ground.

Mr. Rosa stated that this is a health issue, especially for young children.

Mr. Schenk stated that the homeowners have the best of intentions but there is an unintended consequence.

MOTION by Mr. Rosa to sustain the enforcement order issued by the Health Department and if the homeowners come up with some alternative ways to prevent the seed from falling down the Board would welcome them back. **Seconded** by Mr. Cowan. **CARRIED**.

29 & 34 MARBLE ROAD (MAP 75/LOTS 42 & 17)-

Property owned by Bernice Lichtenstein
Represented by Mill River Consulting

Proposed variances from local regulations for new construction including reducing the soil absorption system to the welland resource area from 100' to 50'; and reducing the setback distance from the soil absorption system to a private drinking water well from 150' to 100'. Pretreatment is provided with this proposed shared system.

Isaac Rowe, of Mill River Consulting appeared before the board on behalf of the owner. *Mr. Rowe* gave a brief overview of the potential variances from local regulations for 29 and 34 Marble Road. He stated that the variances they are requesting are only for the property owners well, not the abutters.

Ms. Kirchner stated that the Septic Review Subcommittee has been discussing these two separate requests. She stated that she does not have any issues with this proposal.

Mr. Rosa stated that one of the major issues that came up with the Septic Review Subcommittee is the shared system.

Attorney Mark Glovsky appeared before the board of behalf of the owners. He stated that this is an unusual situation because components of the system appear on both lots. He stated that the entire burden of the maintenance of the system will be with the big lot with the three-bedroom house. He stated that the wetland they refer to in the plan is not the pond but a small wetland up gradient to the smaller lot.

Joseph Leblanc of 35-37 Marble Road appeared before the board. He asked if they needed to move the road over to install the system. The board informed Mr. LeBlanc that that would be a Building Inspector question.

Mr. Cowan stated that on the question of public health the engineer has exceeded the requirements necessary for the system.

Bonnie Gunn of 41 Marble Road appeared before the board. She stated that she was concerned with the tests for the water table being done in August and not in the spring with the water would be the highest. She stated that she was also concerned about the stream that runs under the road.

Ms. Kirchner responded that they do not have to test during a particular month to determine the high water mark. They can observe the color variations of the soil in the area.

Jason Grow of 12 Marble Road appeared before the board. He stated that there should be a compelling reason to ask for such extensive reasons from the local regulations and he does not see a compelling reason for these variances. He stated presented that board a letter from Brian and Amy Barry of 9 Marble Road in opposition of the proposed variances.

Jay McLaughlin of 16 Marble Road appeared before the board. He stated that he agrees with Mr. Grow and believes it is very important to stick to the rules. He stated that the wetlands run through the whole area.

Mr. Rosa stated that the driving force behind the local regulations was created to reflect Gloucester's geology. He stated that City wants to have some assurance that the Board of Health has some leeway to address and satisfy the concerns of how changes in the topography might be affected by building here or there. He stated that that does not necessarily apply everywhere, but it gives the board some flexibility to satisfy Gloucester's needs while still accommodating people that otherwise would not be able to build.

Mr. Harris stated that the local regulations provide a little extra protection and this design is probably the best design in the entire neighborhood.

Mr. Cowan stated that he is convinced that they are offering an equal degree of protection to account for the request for the variances focused on the question of public health.

Chairperson Sagall stated that it is difficult to know if the owners were aware of a hardship when they bought the house in 1959.

MOTION by Mr. Cowan to grant request for two local variances for 29 & 34 Marble Road as outlined on the agenda of August 6, 2015. **Seconded** by Mr. Rosa. **CARRIED.**

363 CONCORD STREET (MAP 239/LOT 26)-

Property owned by James & Ann Albertson
Represented by William Holt, PLS, RS

Proposed variances from local and state regulations, including reducing the setback distance from septic tank to freshwater resource area from 100' to 77'; reducing the setback distance from the soil absorption system to the locus well from 150' to 67'; and reducing the setback distance from the soil absorption system to a neighboring well from 150' to 136'.

Ms. Kirchner stated that the property has a failed Title 5 inspection and is transferring owners within the family.

William Holt appeared before the board on behalf of the owner. *Mr. Holt* gave a brief overview of the potential variances from local regulations for 363 Concord Street.

Mr. Cowan asked if testing the neighbor's well would be beneficial. *Ms. Kirchner* agreed that testing the neighbor's well and their own for one year is a good idea.

MOTION by Mr. Rosa to grant request for local variances for 363 Concord Street as outlined on the agenda of August 6, 2015 with the addition of testing of the neighbor's well and the homeowner's well for one year at the cost of the homeowner with reports to be returned to the Health Department. **Seconded** by Mr. Cowan. **CARRIED.**

BOARD OF HEALTH DISCUSSION REGARDING TEMPERATURE REQUIREMENTS IN PUBLIC BUILDINGS-

Mr. Schenk stated that this issue was brought up to the Health Department after the temperature inside the library reached 86 degrees on July 29th, 2015. He stated that there are only State guidelines in place for the heating season. He stated that there are recommendations from OSHA, which he provided to board members.

The board agreed that it is not a health issue and to agreed to pass the issue with the OSHA guidelines to the Ordinance and Administration Committee of City Council.

OLD BUSINESS

FLUORIDATION IN COMMUNITY WATER SUPPLY-

Chairperson Sagall stated that he received an email from Victoria Chase and she has lined up two speakers for the October 19th, 2015 forum at City Hall.

DOGS IN RESTAURANTS: RESEARCH AND FURTHER DISCUSSION-

Mr. Schenk stated that he contacted the Mile Marker restaurant to inform them of the discussion tonight and he has not heard from them.

Mr. Schenk stated that Newburyport does not have any variances for allowing dogs in restaurants and they do not allow them into any of their food establishments.

MOTION by Mr. Rosa to consider the issue of "Dogs in Restaurants" closed and any restaurant that wishes to allow dogs should apply for a variance. **Seconded** by Mr. Harris. **CARRIED.**

MONTHLY REPORTS

Presented by Max Schenk and Kelley Ries

NEEDLE DISPOSAL SITES- *Ms. Ries* reported that they put wall mounted units at the Rose Baker Senior Center, the Action Shelter, and the Grace Center. She stated that the State delivered a kiosk to the North Shore Health Project for anyone to use. She stated that there is also a kiosk at Addison Gilbert Hospital for the public to use as well.

COMMUNICABLE DISEASES- *Ms. Ries* reported they have had nine communicable disease investigations. She stated that they have had 1 Tuberculosis, 2 campylobacter cases, 2 Babesiosis, 2 Salmonella, 1 Shigella, and 1 Pertussis. She stated that they have had 49 Lyme Diseases, but only 4 confirmed and 2 suspect cases.

FLU SEASON- *Ms. Ries* reported that they had a database training on the Massachusetts Immunization Information System (MIIS). She stated that anyone that gets a flu vaccination will be entered into this database. She stated that she was unsure if pharmacies would be using MIIS. She stated that she will attend the UMass Medical Reimbursement training for flu reimbursement. She stated that she has met with the former Public Health Nurses to prepare for the upcoming flu season. She stated that there will be three public and three private flu clinics this year.

MOSQUITO AND TICK-BORNE DISEASE EDUCATION- *Ms. Ries* reported that she did a mosquito and tick-borne disease education at the Farmer's Market for two weeks and also at the Health Fair.

SHINGLES VACCINE- *Ms. Ries* reported that she just purchased seven Shingles vaccinations with some reimbursement funds.

MID-YEAR REPORT- *Mr. Schenk* submitted a mid-year Health Department report for the number of inspections completed, as well as Children's Dental Center statistics and tobacco compliance data.

GRANTS- *Mr. Schenk* reported that he and Jenna Melvin, the Grant Specialist, attended the Budget and Finance Committee meeting to go through the acceptance process that the City requires for the Substance Abuse Prevention Grant for the Healthy Gloucester Collaborative which will support substance abuse prevention initiatives in Gloucester as well as other communities such as Manchester, Essex, Beverly, and Rockport. He stated that the Health Department has been involved in creating a grant for the Hoarding Task Force.

VEHICLES- *Mr. Schenk* reported that the Health Department will receive SUV vehicle. He stated that they may be getting three more electric vehicles as well.

POND ROAD- *Mr. Schenk* reported that the City has an initiative to improve customer service at the Pond Road Annex. He stated that they are trying to staff a reception desk and add more signage to the street and within the building.

STAFFING UPDATES- *Mr. Schenk* reported that Ms. Kirchner has accepted a job in Essex and her last day will be August 21, 2015. The board thanked Ms. Kirchner for her time at the Health Department.

CONCERNS OF BOARD MEMBERS

MARIJUANA USE- *Mr. Cowan* shared an article with board members from the Boston Globe on the absent of negativity with marijuana use. He stated that there is more and more research being done on marijuana use.

TEMPORARY WATER LINES- *Mr. Harris* asked where the water reports go from the temporary galvanized water lines that they City uses. *Mr. Schenk* responded that Larry Durkin would have those reports.


MUSIC IN RESTAURANTS- *Chairperson Sagall* stated that he was in a local restaurant this past week and they had music playing that was very loud. He asked if there guidelines to protect employees at restaurants. *Mr. Schenk* responded that employees have to submit complaints to OSHA and he will explore the issue further.

BOARD OF HEALTH MEETINGS- *Chairperson Sagall* stated that the next Board of Health Meeting will be on September 10th, 2015.

MOTION by Mr. Rosa to adjourn.
Seconded by Mr. Harris. **CARRIED.**
MEETING ADJOURNED – 8:01 p.m.

Respectfully submitted,

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Bobbi Orlando

Accepted by:



Richard Sagall, Chairperson

Documents Referenced:

August 6th, 2015 Board of Health Agenda
July 14th, 2015 Septic Review Subcommittee Minutes
July 9th, 2015 Board of Health Minutes
Monthly Reports