

**CITY OF GLOUCESTER**  
**Board of Health**  
**Minutes of the Meeting**  
**October 4<sup>th</sup>, 2016**  
**6:30 p.m.**  
**City Hall Annex**  
**3 Pond Road**  
**Gloucester, MA 01930**

Board members present: Chairperson: Dr. Richard Sagall; Vice–Chairperson: Robert Harris; Frederick Cowan; and Joe Rosa. Present from the Health Department: Public Health Director: Karin Carroll; Assistant Director: Max Schenk; Sanitarian: Thorsen Akerley; Health Inspector: Marcus Costonis. Absent: Claudia Schweitzer.

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 September 8<sup>th</sup>, 2016 as written. **Seconded** by Mr. Cowan. **CARRIED**.

**NEW BUSINESS**

11 Ryan Road - Map 193, Lot 27 - Request for Variances to Title 5  
(Property owner Gene Marshall - Represented by John Judd, Gateway Consultants)

- Request for variance to CMR 15.405 (1)(h) for a reduction to 2.5 feet separation to groundwater from 4-feet, with use of a Presby I/A system
- Request for variance to CMR 15.415 (2) to use less than 2 feet of naturally occurring pervious material beneath a soil absorption system (1.6-feet provided).

*John Judd*, Design Engineer for Gateway Consultants appeared before the board on behalf of the owner. He gave a brief overview of the variances requested. He stated that this project was previously presented to the Septic Subcommittee.

*Mr. Akerley* stated that there was an error on the agenda and the first listed variance request on the agenda was resolved at the Septic Subcommittee meeting and was accidentally carried over to this meeting's agenda.

*Mr. Cowan* asked Mr. Judd why he chose the Presby system for this design. *Mr. Judd* responded that the Presby system is the only system that qualifies as an Innovated Advanced (IA) treatment system that does not require a pump so it's a passive sand filter.

*Mr. Cowan* asked Mr. Judd if he was aware that the Health Department has put a temporary moratorium on the testing of the Presby systems. *Mr. Judd* responded that there has been some discussions regarding the moratorium between himself and Mr. Akerley.

*Mr. Rosa* asked Mr. Judd if there was a port where you could monitor the Presby systems. *Mr. Judd* responded that in the past they have had ports installed with perforated sand pipes and then put an impervious barrier in the bottom which is perpendicular to the sand pipe. He stated that it is difficult to grab the effluent out of the Presby for testing. He stated that they have tried it and it is nearly impossible.

He stated that an IA Treatment System with a pump will add about \$6,000 to the cost. *Mr. Schenk* added that the cost of electricity can be upwards of \$500 a year as well.

*Chairperson Sagall* asked if anyone would like to speak for or against the issue. There was no one.

**MOTION** by Mr. Harris that the Gloucester Board of Health approve the two variances as written (not the first one listed) on the agenda of October 4, 2016. **Seconded** by Mr. Cowan. **CARRIED.**

### OLD BUSINESS

Update to request by Tyler Palm, Palm Ventures LLC, to permit smoking in a retail tobacco store located at 242 Main Street unit #3 (Map 13 / Lot 12-3)-

*Chairperson Sagall* stated that at the last meeting the Board of Health asked that Mr. Palm to inquire to get objective certified data on the zero nicotine products that he plans on selling for sampling. *Mr. Palm* stated that unfortunately he could not get any information from the manufacturers regarding the nicotine levels in the zero nicotine products. He brought products that contained ingredient lists and there was nicotine listed on the nicotine products and there was not nicotine listed on the zero nicotine products.

*Ms. Carroll* stated that the Attorney General's Regulation does not distinguish what is used inside a vaping device; regardless if a nicotine liquid or a zero nicotine liquid is used in a vaping device it is still falls within the tobacco regulations as a tobacco delivery product according to the Attorney General.

*Mr. Schenk* stated that Mr. Palm is ready to open his store; he was just waiting for a decision on the sampling of products.

*Mr. Rosa* stated that he is in favor of allowing the applicant to get his shop open and for the time being require his customers to test the products outside the establishment. *Mr. Rosa* recommended Mr. Palm come back before the board in a few months with some feedback and apply for a variance to enable purchased products samples that do not contain nicotine to be aped within his shop. He stated that the board may or may not be willing to approve a variance but that would be a good path to take.

The board agreed to Mr. Rosa's suggestion.

Adoption of the document "Food Code - 2013" issued by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration-

*Mr. Schenk* stated that the Board previously discussed the adoption of the 2013 Federal Food Code. He stated that this is an effort that is being spear-headed regionally by Sharon Cameron, the Health Director of Peabody. He stated that the adoption is grant funded and those funds can be used to train food establishment workers. He stated that Ms. Nicastro currently goes by the 2013 Code. Ms. Nicastro had stated at the last meeting that it would lessen confusion if everyone adopted the 2013 Federal Food Code because all the cities and states would be uniform.

**MOTION** by Mr. Rosa to adopt the "Food Code - 2013" issued by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. **Seconded** by Mr. Cowan. **CARRIED.**

The board agreed to allow the Health Department to set a start date to implement the new Food Code as they see fit.

### 1 Williams Court-

*Mr. Schenk* stated that the board had a letter from an attorney in their packet regarding an enforcement letter regarding bird feeders attracting rodents at the property of 1 Williams Court. *Mr. Schenk* and *Mr. Harris* **recused** themselves from the agenda item.

*Mr. Costonis* stated that there are seven or eight bird feeders available that are rodent proof and that do not allow feed to hit the ground. He stated that he is willing to approach the owners and show them the alternative feeders and then monitor the property.

*Chairperson Sagall* stated that the issue is not feeding the birds; the issue is attracting the rats. He stated that *Mr. Costonis* should affirm to the owners that the Board of Health does not have an issue with them feeding the birds and they are happy to work with them in finding feeders that are rodent proof.

*Mr. Harris* of 3 1/2 Williams Court appeared before the board. He asked if the owners of 1 Williams Court were still feeding the birds. *Mr. Costonis* responded that they were still feeding the birds. *Mr. Harris* asked how the Health Department would monitor the property. *Mr. Costonis* responded that he would approach the property from public points of view. *Mr. Harris* stated that the Health Department can use his property to monitor 1 Williams Court as well.

The board asked for an update at the next Board of Health meeting.

### **MONTHLY REPORTS**

Presented by Karin Carroll & Max Schenk

The following "Monthly Report" to Board members.



Adobe Acrobat  
Document

*Chairperson Sagall* stated that he was surprised by the decrease in the Children's Dental Center in August. *Mr. Schenk* stated that the numbers do fluctuate and a portion in the decrease in the numbers is due to unfulfilled appointments.

*Ms. Carroll* stated that the next tobacco control check at Jeff's Variety will be done by *Ms. Redford* and a staff person from the Health Department. She stated they are both in agreement of the arrangement.

*Ms. Carroll* stated the Healthy Gloucester Collaborative is holding a forum on Question 4 on the ballot on Thursday from 5-7 at the Beauport Hotel. She stated that there will be a segment with the League of Women's Voters on Cape Ann TV that will promote the forum. She stated that the forum does not promote opposition or favoritism, it is just informational.

*Ms. Carroll* stated *Ms. Ries* had a big flu clinic at the Rose Baker Senior Center and over 300 people were vaccinated. She stated that there is another clinic tomorrow at the Addison Gilbert Hospital and again on Thursday, October 13 at the Sawyer Free Library at 10-1 and 3-6.

*Ms. Carroll* stated they have been discussing strategic planning and will present the data they collect at the next board meeting.

*Ms. Carroll* stated they interviewed seven candidates for the Senior Clerk position and they have hired *Lee O'Leary* to fill that position. *Ms. O'Leary* will start on October 17, 2016.

*Ms. Carroll* stated that the Healthy Gloucester Collaborative is now located at 103 Maplewood Avenue.

*Mr. Schenk* stated the owner of 1 Pilot's Hill Road will be taking a loan to start cleaning up the yard to keep the abutters content and then fixing the water, sewer and then the inside issues. Mr. Costonis will continue to monitor the property.

*Mr. Schenk* stated that back in February there was a concern brought to the Health Department on 9 Marsh Street by the Fire or Police Department and it was brought to their attention that the resident was living in squalor. He stated that they have been working with the Building Department on a condemnation order that was issued. He stated that they have been working with the family and Social Services to get the property cleaned up and to place the resident out of the home.

### **CONCERNS OF BOARD MEMBERS**

Busse IA Treatment System- *Mr. Cowan* stated that the Busse system's PR/Service response time reports are abysmal. He stated that those reports show real problems in parts delivery time and customer service. It has been recommended to the Health Department that until there is improvement that they shy away from recommending these systems. This is not however a reflection on the suitability of approving a Busse IA Treatment System in Gloucester.

City's Response to Incidents of Domestic Abuse- *Mr. Cowan* stated that the he was pleased to hear that the Police Department now has a fulltime officer designated to respond to domestic abuse complaints.

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on November 3, 2016 at the CATA Training Room at 5:30 p.m.

**MOTION** by Mr. Rosa to adjourn.  
Seconded by Mr. Harris. **CARRIED.**  
MEETING ADJOURNED – 6:38 p.m.

Respectfully submitted,

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Bobbi Orlando

Accepted by:

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Richard Sagall, Chairperson

Documents Referenced:  
October 4, 2016 Board of Health Agenda  
September 8, 2016 Board of Health Minutes  
October 2016 Monthly Department Reports