

**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
March 1, 2018
5:30 p.m.
City Hall Annex
3 Pond Road
Gloucester, MA 01930**

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

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 Ms. Schweitzer to approve the Gloucester Board of Health minutes of the meeting of February 1st, 2018 as written. **Seconded** by Mr. Harris. **CARRIED.**

MOTION by Mr. Harris to approve the Gloucester Board of Health Septic Review Subcommittee minutes of the meeting of February 13th, 2018 as written. **Seconded** by Ms. Schweitzer. **CARRIED.**

STANDING COMMITTEE REPORTS

Septic Review Subcommittee Report for February 2018- *Mr. Harris* read the following report: “At its meeting of February 13, 2018 the Septic Review Subcommittee reviewed and voted 3-in favor, none opposed, to approve the septic system upgrade plans and requests for variances for the following property: 63 Sumner Street (Map 240, Lot 27).” “The proposed plan cistern and water filtration system for 11 Jebeka Lane (Map 252, Lot 17) was withdrawn and no vote was taken.”

The board accepted the Septic Review Subcommittee Report for February 2018.

NEW BUSINESS

James L Tolman of 655 Essex Ave Regarding Enforcement Order July 14, 2017 Trash in Yard of Property Located at 654R Essex Ave (Map 238/ Lot 11)–

Mr. Schenk stated that this has been an ongoing issue at 654R Essex Avenue. He stated that there is quite a bit of debris on the property and the Health Department received a complaint from the neighbors. He stated that they have asked for the property to be cleaned up and the items be put away properly and that has not happened. He stated that this item was originally scheduled on the January 4 agenda but that meeting was delayed due to inclement weather and *Mr. Tolman* stated that he did not receive the letter we delivered notifying him of the meeting postponement.

Robert Chatwood of 6 Staten Street appeared before the board on behalf of James L Tolman. *Mr. Chatwood* stated that he came to the meeting on January 4, during the storm, and no one was here. He stated that he waited for another notification for another meeting and he never got one. He stated that he went to the Health Department to ask when the next meeting was and *Mr. Schenk* told him the meeting already took place on January 11. He stated that *Mr. Costonis* told him he delivered the letter to *Mr. Tolman's* mailbox on January 3. He stated that *Mr. Tolman* doesn't have a mailbox nor does he live at that address any longer. He stated that this should be the first meeting since *Mr. Tolman* was never notified. He stated that he sold the property to *Mr. Tolman* three years ago and from 2008 until the date he sold it, he has been nothing but harassed by the Health Department and the Building Inspector. He stated that he went before a judge, a few years ago, and the judge ruled there was not trash on the property and nothing else has been put on the property since.

Mr. Schenk stated that from what he understands about the court case is that the judge did dismiss the fines that were involved but the violations still stood.

Ms. Schweitzer asked about the abandoned well on the property. *Mr. Chatwood* responded that that is like asking if he removed a junk car from the property and first of all you have to show me the junk car on the property. *Chairperson Sagall* asked if he was saying there is no wastewater system on the property. *Mr. Chatwood* responded that he isn't saying anything, he is saying that you prove there is.

Mr. Chatwood stated that the trees were just cut down a week before Christmas.

Chairperson Sagall asked *Mr. Schenk* about the two items bulleted on the letter dated January 18, 2018 and about the land owner providing evidence regarding the well and the wastewater system. *Mr. Schenk* responded that in talking with representatives for the Department of Environmental Protection when they were on site previously they saw a commode inside the collapsed portion of the home and it had to go somewhere, so there had to be some sort of well or water source as well as some sort of wastewater source. *Mr. Chatwood* responded that he has been on the property at least two hundred times and he has never seen a well or anything and if there is one there he doesn't know but when they find out there is one then they can come after them.

Chairperson Sagall asked if he or Mr. Tolman would give them permission to go onto the property to evaluate what the concrete cap is covering. *Mr. Chatwood* responded that he or Mr. Tolman will not be giving them permission to access the property.

Mr. Harris stated that a small child or a child with special needs might not be able to read the signs at the property regarding trespassing and get injured on the ladder that is standing up because it is a danger. *Mr. Chatwood* responded that maybe the ladder is a danger, sue Mr. Tolman.

Ms. Schweitzer stated that this issue should be overseen by the City's Legal Department. She stated that they need to find out how they can legally get proof regarding the well and the wastewater system.

Steven Mitchell of 652 Essex Avenue appeared before the board. He stated that Mr. Chatwood stated that he is harassing him and he has been convicted two times in court for zoning violations. He stated that DEP has filed numerous complaints about him. He said that Mr. Chatwood said that nobody could prove anything but he sent pictures to the DEP of him cutting trees down on the property that he said he didn't cut. He stated that in 2011 a letter was sent stating that the building was an unsafe and dangerous structure which has since collapsed and it is now completely gone because they dropped the trees on it. He stated that he would not classify the stuff on the property as trash but junk. He stated that the ladder has been in the tree for four years. He stated that they just want to see the property cleaned up and made safe.

Chairperson Sagall stated that at this point they need to speak with the Legal Department and he would like to see what the ruling was on the court case.

MOTION by Ms. Schweitzer to continue this item to the April Board of Health Meeting.
Seconded by Mr. Harris. **CARRIED.**

Mr. Schenk asked Mr. Chatwood what Mr. Tolman's address is. *Mr. Chatwood* responded that Mr. Schenk has received several letters from Mr. Tolman and he should read them and know the address.

Appeal by Loren French, 183 East Main Street, per City Code of Ordinances Section 13 "Noise", Under Section 13-15 "Notice of Violation; Hearing; Appeals", of the Decision of the Building Commissioner Regarding the January 23, 2018 Noise Complaint Against 159 East Main Street (Map 63/ Lot 34) –

Ms. Carroll stated that this item was removed from the agenda this morning at the request of Mr. French. *Mr. Schenk* stated that it was too late to remove it from the agenda, so the board can open or close it. *Ms. Carroll* stated that the Building Inspector was told it was removed from the agenda.

Mr. Schenk stated that this issue came to the Health Department as an appeal from *Mr. French* on a decision from the Building Department, though usually these appeals are brought on from the party who is causing the noise.

Mr. French stated that he would like to speak to the Board of Health regarding new noise that is much louder than the past noise.

Ms. Carroll stated that the Health Department received advice from the City's Legal Department that in the case of an appeal it would come before the Board of Health. She stated that in speaking with the Legal Department they ruled that this appeal would not follow that process that is written in the ordinance since *Mr. French* is appealing the decision of the Building Department which is a different kind of appeal. She stated that the ordinance states that the appeal is to address the company who is making the noise and is issued an order, if they disagree with the order from the City then they appeal it to the Board of Health. She apologized for the confusion but they just got clarification on the appeal process today. She stated that *Mr. French's* appeal should go before the Zoning Board. She stated that if *Mr. French* has a new concern it can be brought to the Board of Health in the first five minutes of the meetings.

Mr. French stated that the noise is affecting the health of the residents in the area, especially during the night when they need to sleep.

Mr. Sanborn stated that the Building Department has been out there three times since 2013 and they have never found a violation. He stated that two professional companies have come in and done surveys and both surveys found no violations present. He stated that the area is zoned for neighborhood business. He stated that the new owners of the company have made several changes to the equipment trying to reduce the noise.

Ms. Schweitzer asked if there was a violation recently. *Mr. Sanborn* responded that one of the meters near Chapel street did show a violation and the owner is working on addressing that violation.

Neal Costa of 134 East Main Street appeared before the board. He stated that in the studies that were done they didn't deduct the initial five decibels for a pure tone sound. He stated that they feel there has to be a greater sense of urgency.

Nick Osgood, owner of 159 East Main Street, appeared before the board. He stated that they bought the facility and the equipment has been neglected. He stated that they have gone through each piece of equipment and they are trying to determine the sound coming from each piece. He stated that they are changing out the belts, the bearings, and motors on every piece of equipment they have on the roof. He stated that are about half way done with doing that and they continue to work on this issue. He stated that all the motors should be replaced within the next ten days. He stated that they are going to put up a plywood wall around the equipment on the roof.

MOTION by Ms. Schweitzer to change the order of the agenda of the meeting. **Seconded** by Mr. Harris. **CARRIED.**

Drift Cafe - 3 Main Street (Map 7/ Lot 18) Request For Variance From the 2013 Food and Drug Administration Code, Section 6-202.15 "Outer Openings, Protected", in Order to Install Windows Allowing Access to the Outdoors in an Interior Restaurant Seating Area –

Mr. Schenk stated that Mr. Hosman has requested a variance from the Food Code Regulations to install open bifold windows in his cafe.

Richard Hosman of 4 Blueberry Lane appeared before the board. He gave board members copies of his proposed plan. He stated that the kitchen would be totally enclosed and they are not a full service establishment; they only have cold, ready to eat food. He stated that there is no grill. He stated that there will also be railings installed to prevent items from falling.

Mrs. Nicaastro reviewed the plan and stated that the kitchen must be enclosed, the trash barrels must have covers on them, and they cannot be on that open wall. She stated that she does not have any issues with the plan.

Ms. Schweitzer asked if the residents were notified. *Ms. Nicaastro* stated that it will not affect the neighbors.

Chairperson Sagall asked if there was any one in the audience that would like to speak for or against this issue. There was no one.

MOTION by Mr. Harris that the Gloucester Board of Health approve the variance request for Drift Cafe, 3 Main Street as written on the agenda of March 1, 2018. **Seconded** by Ms. Schweitzer. **CARRIED.**

OLD BUSINESS

Rats- *Ms. Carroll* presented some educational flyers on rodent prevention. She stated that it will be their promotional fall poster in their seasonal display. She stated that it would be \$450 to run an ad in the paper. She stated that they do not have money in the budget at this time to run an ad. *Ms. Schweitzer* suggested leaving some of the materials at City offices and buildings. *Ms. Carroll* responded that that is a good idea and they are also giving them to landlords. The Board thanked Ms. Carroll and the Health Department for the educational materials.

MONTHLY REPORTS

Presented by Karin Carroll and Max Schenk

The following "Monthly Report" was given to Board members.

[March Monthly Department Report](#)

Ms. Carroll stated that reports of influenza are still high. She stated that the shingles vaccine is now available through the Health Department, though there are no clinics scheduled yet.

Ms. Carroll stated that there has been a lot of earned media for the Health Department. She stated that there were a few articles in the Gloucester Times, they did a segment on Cape Ann TV with Chief Smith on winter safety, they were involved in the One Billion and Rising event at City Hall, and 104.9 did a segment with Ms. Hiland on influenza.

Ms. Carroll stated that the year end update of the strategic plan is included in the Board members' packets for them to review. She highlighted that there were 23 newspaper articles last year for the Health Department.

CONCERNS OF BOARD MEMBERS

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on April 5, 2018 at the CATA Training Room at 5:30 p.m. *Ms. Schweitzer* stated that she will not be able to attend the April meeting.

MOTION by Mr. Harris to adjourn.
Seconded by Ms. Schweitzer. **CARRIED.**
MEETING ADJOURNED – 7:02 p.m.

Respectfully submitted,

Bobbi Orlando

Accepted by:

Richard Sagall, Chairperson

Documents Referenced:
March 2018 Board of Health Agenda
February 1, 2018 Board of Health Minutes
February 13, 2018 SRS Minutes
February 2018 SRS Report
March 2018 Monthly Department Reports