

**CITY OF GLOUCESTER  
Board of Health  
Minutes of the Meeting  
December 5, 2019  
5:30 p.m.  
City Hall Annex  
3 Pond Road  
Gloucester, MA 01930**

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

The meeting started at 5:30 p.m.

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

**PUBLIC ORAL COMMUNICATION**

There was no “Public Communication”.

**APPROVAL OF MINUTES**

**MOTION** by Mr. Cowan to approve the Gloucester Board of Health minutes of the meeting of November 7<sup>th</sup>, 2019 as written. **Seconded** by Ms. Schweitzer. **CARRIED**. Mr. Harris **abstained**.

**STANDING COMMITTEE REPORTS**

Dental Advisory Committee- Ms. Carroll stated that the Dental Advisory Committee will have a formal report for the January meeting. She stated that the advisory committee has met twice and they discussed the mission of the group and looked at some different models from other dental centers. She stated that they invited guests from other dental centers to come and speak to the committee about their models. She stated that they are also looking at job descriptions for the dental center.

**NEW BUSINESS**

Appeal by 3D Smoke Shop re: Violations of Board of Health Regulation “Restricting the Sale of Tobacco Products”

Mr. Schenk gave an update regarding the violation at 3D Smoke Shop. He stated that the business has had three violations within a 36 month timeframe.

*James Cody*, attorney appeared before the board on behalf of the owner, Vimal Patel. He stated that Mr. Patel has owned the shop for about two years and he owns 5 stores in Massachusetts and he has never had any problems in the other stores. He stated that the child in the store was the daughter of the employee because they could not find childcare for that day. He stated that the Governor's ban did not tell business owners what they need to do with those materials. He stated that they were not on display for sale. He stated that the second offense was a minor who came into the store and the employee asked for identification; they said they needed to go out to their car to get it and they never came back in. He stated that you cannot physically block someone from coming into the store, they asked for an id, they didn't have one so they left.

*Mr. Vimal Patel* appeared before the board. He stated that this is a family-owned business and he owns seven other businesses in Massachusetts. He stated that when the ban went into effect, he lost 80% of his business and he did not lay off any employees.

*Ms. Carroll* stated that no one under 21 should be allowed past the threshold. She stated that that needs to be enforced through signage or someone sitting at the door. She stated that the young child in the store happened once before and they were told no one under 21 is allowed in the store. She stated that the day after the ban, Health Department and Police Department went around to all establishments on two separate visits and told them all products needed to be out of view. She stated that Ms. Redford doesn't typically write-up an establishment for a minor walking through the door, usually they would have to get to the counter, shop around, pick up products before a violation is given.

The board agreed to continue this issue until the January meeting, so they can invite Joyce Redford to the meeting.

### **OLD BUSINESS**

UPDATE: Sandpiper Bakery, 65 Middle Street, RE: Department order dated April 18, 2019-

*Mr. Schenk* stated that there is no update and the issue will be removed from the agenda.

UPDATE: 159 East Main Street Noise Complaint and Sound Re-test Requirement From July 11, 2019-

*Nick Osgood*, managing partner of NSDJ Real Estate LLC and president of Atlantic Fish and Seafood at 159 East Main Street appeared before the board. He stated that in looking at all the other modifications they made it does not make sense to change out the roof top equipment. He stated that they are going to implement a wall around an opening in the second level that they believe sound is escaping from. He stated that they are designing the modification and there is about an eight week lead time on getting the products.

*Mr. Rosa* asked if they had a contract in place for the proposed work. *Mr. Osgood* responded that they do not have a contract but they are working towards that. He stated that he thinks this new design is going to bring the sound level down considerably.

*Mr. Schenk* stated that he had communications from the abutters and they were not happy with the delay. *Ms. Schweitzer* stated that the abutters had the opportunity to be present at this meeting.

The item will be on the January meeting agenda.

### **MONTHLY REPORTS**

Presented by Max Schenk

The following “Monthly Report” was given to Board members.

#### **[November Monthly Report](#)**

*Ms. Carroll* stated that they have been partnering with the Police Chief and the City administration to set up a community policing unit within the Police Department. She stated that it will include a community navigator who will do outreach for substance abuse and Narcan training as well as a recovery coach and a social worker. She stated they are working on a grant to fund this.

*Ms. Carroll* stated that the “Seniors on the Go” transportation program is really picking up. She stated that the most activity is on Fridays to the Open Door Food Pantry. She stated that they are looking to extend the grant for another year or two. She stated that anyone that lives at any of senior housing buildings can use the van.

*Ms. Schenk* stated that there is a letter from Patricia Pierce in the board’s packet and the letter is from 1990. He stated that the letter is regarding the Seabrook power plant. He stated that a representative from the C10 group will be at the January meeting to present on this issue.

The board agreed to put Ms. Pierce on the agenda for the January meeting to speak before the presentation for ten minutes.

### **CONCERNS OF BOARD MEMBERS**

**Next Regular Monthly Meeting Board of Health-** The next Board of Health monthly meeting will be on January 9, 2019 at the CATA Training Room at 5:30 p.m.

**MOTION** by Mr. Rosa to adjourn.

Seconded by Ms. Schweitzer. **CARRIED.**

MEETING ADJOURNED – 6:30 p.m.

Respectfully submitted,

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Bobbi Orlando

Accepted by:

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Richard Sagall, Chairperson

Documents Referenced:  
December 5, 2019 Board of Health Agenda  
November 7, 2019 Board of Health Minutes  
November 2019 Monthly Department Reports