

**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
January 9, 2020
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: 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. Rosa to approve the Gloucester Board of Health minutes of the meeting of December 5th, 2019 as written. **Seconded** by Ms. Schweitzer. **CARRIED.**

MOTION by Mr. Cowan to approve the Gloucester Board of Health Septic Review Subcommittee minutes of the meeting of December 5th, 2019 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 December 13th, 2019 as written. **Seconded** by Mr. Rosa. **CARRIED.**

STANDING COMMITTEE REPORTS

Septic Review Subcommittee- *Mr. Cowan* stated that at the meeting of December 5th, 2019 the Septic Review Subcommittee reviewed a proposed project at 2 Carrie Lane and requested the guidance of the Massachusetts Department of Environmental Protection on how to proceed with the approval of the system. He stated that at the meeting of December 13, 2019 the Septic Review Subcommittee approved the variances requested at 2 Carrie Lane.

NEW BUSINESS

Presentation by Patricia Pierce re: NextEra Energy Seabrook Station-

Mr. Schenk stated that after Ms. Pierce appeared before the board in the past regarding her concerns for the Seabrook Power Plant, the board agreed to add the item to the agenda.

Patrica Pierce, of 35 Broadway, Rockport appeared before the board. She stated that she has been following the Seabrook power plant since before it was open. She stated that the reactor is discharging into the waters that comes down into Rockport and Gloucester and is seriously damaging the environment. She stated that the reactor's concrete is progressively degrading and is posing a health and safety hazard. She stated that it is not just the health or environmental effects, it is morally wrong for the United States Government to allow this kind of radioactive deposition. She asked the board to express their concern on the issue.

Mr. Cowan asked where the electricity was going from the plant and who is benefiting from the electricity. *Ms. Pierce* responded that she did not know.

Mr. Schenk recommended that if the board wished to inquire on the issue, to contact the Department of Public Health to see where they stand.

The board agreed to reach out to the Department of Public Health on the issue and table the agenda item until the next meeting.

Presentation by C-10 Research and Education Foundation-

Mr. Schenk stated that they asked C-10 to present on the issue since it went along with Ms. Pierce's concerns.

Karen Clagett, Head of Outreach and Development of C-10 appeared before the board. She stated that C-10 uses their resources to support the health of the communities surrounding the Seabrook Power Plant and the health of the environment. She stated that safety is the first concern and they monitor in real time the beta and gamma rays that the plant emits as well as the wind direction and speed and that information is sent to the State of Massachusetts. She stated that they are trying to grow into New Hampshire and communities like Gloucester. She played a video for the board to watch. She stated that C-10 offers potassium iodide available for communities within 10 miles of the plant. (Ed note: A 50 mile radius was evacuated around Chernobyl.)

Mr. Cowan asked what agency at the state receives their report. *Ms. Clagett* responded that she did not know but would find out for him. She stated that agency alone is responsible for disseminating C-10's reports.

Mr. Rosa asked if their monitoring data is available through their website. *Ms. Clagett* responded that the data is not available on the website but they could get that data through her or from others at C-10 if they would like.

The board thanked *Ms. Clagett* for her presentation.

OLD 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 and at the last meeting the board requested *Joyce Redford* be present to give an update.

James Cody, attorney appeared before the board on behalf of the owner, *Vimal Patel*. He stated that he did not have any updates since the last meeting.

Joyce Redford, Director of the Tobacco Control Program, appeared before the board. She stated that on April 18, 2019, there was a compliance check and there were two violations as well as a young child in the store. She stated that the first violation was that a youth was able to enter the establishment and ask for a product and the second violation was that the youth was able to buy a product. She stated that on August 21 & 22, 2019 more compliance checks were completed. She stated that on October 30, 2019 they completed a pricing survey and inspection, which happens once a year to every vendor. She stated that when she was in there the same young child was running around the store; she told the employee that the child was not allowed in there. She stated that they also found vape liquids in boxes on the sales floor and the order called for all products to be “off the sales floor”. She stated that she told the Health Department to issue a cease and desist for violations of the Governor’s order.

Mr. Cody stated that the employee that was bringing her child to the store no longer works there.

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.

Mr. Schenk stated that aside from the violations from the Governor’s ban there was still a violation for cigar products for sale for less than five dollars. He stated that they paid \$100 fine for the April violations and they paid a \$200 fine and were closed for 7 days for the August violations.

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

MOTION by Ms. Schweitzer that the Gloucester Board of Health deny the appeal by 3D Smoke Shop and to uphold the violations. **Seconded** by Mr. Rosa. **CARRIED**.

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

Chairperson Sagall left the meeting at 6:45; Mr. Harris resumed as Chairperson. *Mr. Schenk* stated that the owner is not present at the meeting.

Vice-Chairperson Harris stated that at the last meeting Nick Osgood appeared and stated that they are replacing equipment to lower the noise levels at the factory.

Mr. Schenk stated that he received an email from Mr. Osgood on December 26, 2019 outlining the next steps and they are making progress on the acoustical barrier and baffle products and should have the contractor's proposal shortly and it is a highly customized design so it is taking a bit of time. He stated that he will contact Mr. Osgood to inform him that his presence was expected at the meeting.

Chris Leghorn of 6 Chapel Street appeared before the board. She stated that the noise varies quite a bit and it is somewhat better than what it was but it is still an issue.

Ms. Schweitzer stated that Mr. Osgood has been coming to the meetings monthly and he seems cooperative. She stated that he has assured the board that he is working to address the issue. She stated that the board is also working on rectifying the issue.

Mr. Schenk stated that Attorney Michael Faherty was in the audience earlier as an abutter to the property as well.

MONTHLY REPORTS

Presented by Max Schenk

The following "Monthly Report" was given to Board members.
[December Monthly Report](#)

Ms. Schweitzer stated that the next Dental Advisory meeting will be on February 3, 2020.

Mr. Schenk stated that the Health Department would be acting as the fiscal agent for the Health Communities Study and the SAMSA grant that is coming through for \$600,000 and they will be required to hire a community coordinator.

Laura Michelson the Community Facilitator for Gloucester appeared before the board. She stated that she works for Boston Medical Center. She stated that the community is driving the city for the interventions. She stated that the overall goal is to reduce opioid deaths by 40% in two years.

CONCERNS OF BOARD MEMBERS

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on February 6, 2020 at the CATA Training Room at 5:30 p.m.

MOTION by Mr. Rosa to adjourn.
Seconded by Ms. Schweitzer. **CARRIED.**
MEETING ADJOURNED – 7:12 p.m.

Respectfully submitted,

Bobbi Orlando

Accepted by:

Richard Sagall, Chairperson

Documents Referenced:

January 9, 2020 Board of Health Agenda

December 5, 2019 Board of Health Minutes

December 5, 2019 Board of Health Septic Review Subcommittee Minutes

December 13, 2019 Board of Health Septic Review Subcommittee Minutes

December 2019 Monthly Department Reports