

**CITY OF GLOUCESTER**  
**Board of Health**  
**Minutes of the Meeting**  
**August 29, 2013**  
**CATA Training Room**  
**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: Public Health Director: Noreen Burke; Manager of Environmental Health: Max Schenk and Lianne Cook, Public Health Nurse.

**PUBLIC ORAL COMMUNICATION**

There was no “Public Oral Communication”.

**APPROVAL OF MINUTES**

**MOTION** by Mr. Cowan that the Gloucester Board of Health approve the Minutes of the Meeting of July 11, 2013 as written. **Seconded** by Ms. Schweitzer. **CARRIED**. Mr. Rosa **abstained**.

**NEW BUSINESS**

- a. *Appeal by Sunny Variety of a Notice of Violation to the Gloucester Board of Health Regulation “Restricting the Sale of Tobacco Products and Nicotine Delivery Products” Section I “Self-Service Displays”*

*Salvatore Frontiero*, attorney, appeared before the board on behalf of the owner Jignesh Patel of Sunny Variety. He stated that the establishment was found in violation on June 5, 2013 for self-service of tobacco products. He stated that this is the second violation; the first violation was on April 26, 2013 where they were in violation of having three unlocked humidors. He stated that the incident was isolated and the establishment has been proactive to ensure that it does not happen again. He stated that the employee, Sunil Patel was working and there was a tobacco delivery and the store was empty, so he started unlocking the humidors to stock the product. He stated that they keep them locked at all times since the first violation. He stated that a customer came in and he left the stock there and went to help the customer at the counter. While he was helping the customer at the counter a woman came in and sat at the table and another regular customer, Walden O’Donnell went to the humidors and took out a cigar. He stated that Mr. O’Donnell can testify that the thirty times he went in before the humidors were always locked. He gave board members photos of the humidors inside the store and discussed how the owners are taking steps to ensure that this doesn’t happen again. He asked the board to consider waiving any suspension and perhaps incur a fine instead.

*Joyce Redford*, Director of the North Shore Cape Ann Tobacco Alcohol Policy Program appeared before the board. *Peter King*, Inspector with the North Shore Cape Ann Tobacco Alcohol Policy Program also appeared before the board. *Ms. Redford* stated that they were the ones who did both inspections on the violations at Sunny Variety. She stated that the first violation of April 26, 2013 was a result of a complaint that came in through the Health Department; this triggered them to go out and do several checks throughout the City. She stated that Sunny Variety was found in violation of having three humidors unlocked as well as having small cigars right on the counter. She stated that once a violation has occurred they tell the owners that they have been put on notice and another inspection will occur.

Appeal by Sunny Variety of a Notice of Violation to the Gloucester Board of Health  
Regulation "Restricting the Sale of Tobacco Products and Nicotine Delivery Products"  
Section I "Self-Service Displays, Con't."

*Ms. Redford* stated that when they returned on June 5, 2013 the customer came in and without hesitation went right to the open humidor. She stated that the ice cream case had a variety of tobacco products on it as well, whether they were being stocked or not, the clerk was not standing near them and never turned his head to say "Wait, I'll be with you in a second".

*Chairperson Sagall* stated that he has an existing relationship with attorney, Salvatore Frontiero and he spoke with the City Solicitor and she did not see any conflict of interest.

**MOTION** by Mr. Cowan that the Gloucester Board of Health sustain the fine and suspension as written in the City of Gloucester's Regulation on Restricting the Sale of Tobacco Products & Nicotine Delivery Products for Sunny Variety. **Seconded** by Ms. Schweitzer. **CARRIED.**

*b. Discussion of Public Restroom Availability in Gloucester*

*Mr. Schenk* stated that there have been some complaints about trash being left and people urinating and defecating around Burke's Field on Western Avenue. He stated that people have been questioning whether it is the user's responsibility or the City's responsibility to obtain a portable restroom. He read the City Code of Ordinance that states "rubbish, trash, or litter shall be deposited in barrels or other containers as may be provided, leagues, groups, companies or other individuals who schedule and reserve a facility are responsible for policing the grounds at the conclusion of the scheduled activity."

*Mr. Cowan* stated that this is not a Board of Health issue but should be brought to the City Council. *Ms. Schweitzer* stated that she sees it differently and that if it is a city-owned field that the City should provide the facility and the permit fee should include the cost of the facility.

The board agreed to draft a letter to bring the issue to the DPW. *Mr. Schenk* stated that he will bring the issue to DPW.

*Mr. Rosa* stated that putting signs up to address the trash issue might assist in the interim. *Chairperson Sagall* stated that they should suggest to DPW to give permit applicants some written information on the issue.

*c. No More Fukushimas, Briefing to Gloucester Board of Health*

*Sunny Robinson and Bruce Scud* appeared before the board. *Ms. Robinson* stated that they are concerned about the safety of the nuclear power plant in Seabrook, New Hampshire. She stated that they would like to go before the City Council in Gloucester but was hoping to get a letter of expression from the Board of Health as they go to City Council. *Mr. Scud* stated that he is a concerned with the safety of the plant and they are not looking for a referendum on nuclear power. He stated that if there was a radiological release from the plant it would not stop at a ten mile radius, which is the federal radius around a plant, it is certain to flow where ever the wind drives it. He discussed the Seabrook Plant and operational and structural concerns around the plant. He also discussed the wet storage of the radioactive waste at the Seabrook plant. He stated that dry storage is more stable than wet storage. He asked board members to suggest or recommend to the City Council that they consider writing a simple letter of concern to the Nuclear Regulatory Commission.

*No More Fukushimas, Briefing to Gloucester Board of Health, Con't*

Mr. Rosa stated that he would support the recommendation that the City Council send such a letter primarily focusing on the idea that reauthorization of their license should not be started in the middle of their current license. Mr. Cowan and Ms. Schweitzer stated that they agree with Mr. Rosa.

Mr. Rosa stated that he will draft the letter to the City Council. Chairperson Sagall stated that he is concerned that this might not be their role at this point. Ms. Schweitzer stated that this is a public health issue.

The board thanked Ms. Robinson and Mr. Scud for their presentation.

**MOTION** by Mr. Rosa that the Gloucester Board of Health draft a letter in support of a plea to the City Council of Gloucester to express concerns to the Nuclear Regulatory Commission about the Seabrook Power Plant and re-licensure process. **Seconded** by Mr. Cowan. **CARRIED**. Dr. Sagall **opposed**.

d. *Title 5 and Gloucester BOH Variance Requests for Septic System Upgrade 10 Oakes Ave (Map 166/ Lot 46) – Design: Mill River Consulting*

- Reduction in setbacks from components to property line
- Reduction in setbacks from components to cellar wall
- Reduction in distance from inlet and outlet tees to estimated seasonally high groundwater
- Reduction for the requirement of two (2) deep-hole evaluations per disposal area
- Reduction in setback distance from soil absorption system to a coastal resource area

Isaac Rowe, of Mill River Consulting appeared before the board on behalf the owner of 10 Oakes Lane. He gave a brief description of the property and the proposed variances. He confirmed to the board that this is a building of small rented apartments. The Maintenance Contract will be signed by a member of the owner-family.

Chairperson Sagall asked if there was anyone to speak for or against the proposed variances. There was no one.

**MOTION** by Mr. Harris that the Gloucester Board of Health approve the variances for 10 Oakes Lane as written on the agenda of August 29, 2013 with the addition that the system include a 500 gallon grease trap installed with the system. **Seconded** by Ms. Schweitzer. **CARRIED**.

e. *Title 5 and Gloucester BOH Variance Requests for Septic System Upgrade 8 Sea Rule Lane (Map 202/ Lot 2) – Design: Mill River Consulting*

- Reduction in distance from inlet and outlet tees to estimated seasonally high groundwater for a septic tank
- Reduction in distance from inlet and outlet tees to estimated seasonally high groundwater for a Waterloo Biofilter
- Reduction in setback distance from soil absorption system to a coastal resource area.

*Isaac Rowe*, of Mill River Consulting appeared before the board on behalf of the owner of 8 Sea Rule Lane. He gave a brief description of the property and the proposed variances.

*Chairperson Sagall* asked if there was anyone to speak for or against the proposed variances. There was no one.

*Mr. Schenk* stated that he received a letter from an abutter, Beverly Fienberg, and she had concerns regarding the project, mainly regarding the building and access. He stated that most of the issues involved the Conservation Commission.

**MOTION** by Mr. Rosa that the Gloucester Board of Health approve the variances for 8 Sea Rule Lane as written on the agenda of August 29, 2013. **Seconded** by Mr. Cowan. **CARRIED**.

f. *Request to Gloucester Board of Health for use of Sanitary Tight Tank  
13 Brooks Road (Map 246/ Lot 25) – Design: Gateway Consultants*

- Approval by local Board of Health required before being submitted for review by the Mass Department of Environmental Protection

*John Judd* of Gateway Consultants appeared before the board on behalf of the owners. He gave a brief description of the property and the proposed tight tank.

*Mr. Cowan* asked if it was a year round dwelling. *Mr. Judd* responded that it is a year round dwelling and it is owner occupied.

*Chairperson Sagall* asked if there was anyone to speak for or against the proposed variances. There was no one.

**MOTION** by Mr. Harris that the Gloucester Board of Health request for a tight tank for 13 Brooks Road as written on the agenda of August 29, 2013. **Seconded** by Ms. Schweitzer. **CARRIED**.

## OLD BUSINESS

MEDICAL MARIJUANA- *Ms. Burke* reported that many towns are adopting zoning ordinances for medical marijuana dispensaries. She stated that the first applications have been received at the State Department of Public Health. She stated that Gloucester has amended their zoning ordinances to add a section on a temporary moratorium on medical marijuana treatment centers and to also add a new definition for medical marijuana treatment centers. She stated that local Boards will not have jurisdiction over these centers unless food is prepared or served.

ARBOVIRUS AND MOSQUITO CONTROL- *Ms. Burke* stated that the Mayor had asked her to develop a specific arbovirus and surveillance response plan for Gloucester similar to Salem, New Hampshire. She stated that Gloucester is not different than any other Massachusetts community in regards to arbovirus, so she has not yet completed the plan. She stated that Mr. Schenk, Chairperson Sagall, and she appeared before City Council to respond to their ongoing questions regarding joining the Northeast Mosquito Control District. She stated that they have been pushing prevention messages on the Health Department's website and other press releases as well and through Cape Ann Television. She stated that Rockport has declined to join the Northeast Mosquito Control District mainly because Gloucester and

Essex hasn't joined and they aren't in favor in larvicides. She stated that the most recent report from the State has Gloucester listed at low risk for West Nile and a remote risk for EEE. She stated that children and senior's health in particular are most at risk. Highest concentration of mosquitoes is at dusk and dawn.

ANNUAL REPORT- Ms. Burke stated that Chairperson Sagall spoke to the Health Department staff in July regarding the annual report. She stated that the staff has been very supportive. She stated that they are happy to help in any way they can.

## **MANAGER ENVIRONMENTAL HEALTH, PUBLIC HEALTH DIRECTOR, & PUBLIC HEALTH NURSE REPORTS**

Presented by Noreen Burke, Max Schenk, and Lianne Cook

LYME DISEASE- Ms. Cook shared an article on ticks with board members. She stated that the tick borne illnesses including Lyme disease are increasing rapidly. She stated that in one year they had 54 cases of Lyme disease, but only 11 were confirmed. She stated that the article states that any increase in the disease should be by tenfold and the CDC looked at reports and they initially predicted 30,000 cases nationwide and now they are reporting that the number is closer to 300,000. She stated that the article also stated that the predicted cases for Massachusetts are 40,000.

FLU CLINICS- Ms. Cook reported that she has begun preparation for flu clinics. She stated that they are having a volunteer orientation next Wednesday, September 4, 2013. She stated that they are looking at collaborating with many community organizations.

BED BUGS- Mr. Schenk reported that on August 15<sup>th</sup> the Gloucester Daily Times printed an article on bed bugs at the Heights. He stated that a tenant from the Heights called the Health Department and she had already thrown all her furniture out. He told the tenant that it was not considered a public health issue. He stated that the management team at the Heights has been very proactive with the issue. Mr. Cowan reported that he was informed by a former tenant that this is not the only apartment at the Heights infested with bed bugs.

SANITARIAN- Ms. Schenk reported that Erin Kirchner, the new Title 5 Sanitarian will start on September 2, 2013.

STAFFING UPDATES- Ms. Burke reported that Dr. Schwabb, the Children's Dentist at the Dental Center has recently retired and Dr. Poland has agreed to add an extra day. She stated that they are also looking into adding another part-time dental hygienist. She stated that Terry O'Hanley will be out for a month for medical reasons and she will retire at the end of the year. She stated that Jamie Corliss was promoted to General Ledger Accountant and her last day at the Health Department will be on September 13, 2013. She stated that she will still be able to assist the Health Department 3-5 hours a week with high level grants until they hire a new grant administrator.

GRANTS- Ms. Burke reported that she is supporting Joan Whitney with the Regional Opiate Abuse Prevention Grant. She stated that the grant writer is working on a small foundation grant for the Dental Center. She stated that she continues to work with Dodi Swope, strategic planner, on issues such as sustainability planning, building a team, bringing stability, etc.

MANAGERS' MEETING- Ms. Burke reported that the Mayor is campaigning vigorously and access has been limited, all managers' meetings and one-to-one meetings have been canceled until the end of the year.

## **CONCERNS OF BOARD MEMBERS**

BOARD OF HEALTH MEETINGS- *Ms. Burke* stated that the next Board of Health Meeting will be on October 3, 2013. *Mr. Cowan* stated that he will not be able to attend the meeting on October 3<sup>rd</sup>, 2013.

**MOTION** by Mr. Cowan to adjourn.  
Seconded by Ms. Schweitzer. **CARRIED.**  
**MEETING ADJOURNED – 8:15 p.m.**

Respectfully submitted,

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Bobbi Orlando

Accepted by:

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Dr. Richard Sagall, Chairperson

09/19/2013

President Hardy,

As chair of the Board of Health, I was instructed by the board to send you this letter.

The Board of Health respectfully recommends that the City Council write to the Nuclear Regulatory Commission urging the denial or, at the very least, the continued delay, of the current relicensure application by NextEra Energy Seabrook for the Seabrook nuclear power plant.

It has come to the attention of the Board of Health that the Seabrook facility is currently licensed to operate until 2030. The new license application would extend the date to 2050. Consideration of such a relicensure now, with 20 years remaining on the current license, would appear to be imprudent from a safety perspective since it is highly unlikely that the risks associated with the facility and the technologies needed to assess and correct them will remain unchanged for decades.

The requested letter would add Gloucester's voice to Representative Tierney, Senator (then Representative) Markey and the communities of Newburyport, Salisbury, Newbury, West Newbury, Ipswich, and Merrimack.

Thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Sagall, MD". The signature is fluid and cursive, with the first name "Rich" and last name "Sagall" being the most prominent parts.

Rich Sagall, MD  
Chair, Gloucester Board of Health

cc: Mayor Carolyn Kirk