

**CITY OF GLOUCESTER  
Board of Health  
Minutes of the Meeting  
March 3, 2016  
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; Thorsen Akerley, Sanitarian/Title 5 Inspector; and Rosalie Nicastro, Food Inspector.

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 February 4th, 2016 as written. **Seconded** by Ms. Schweitzer. **CARRIED.**

**MOTION** by Mr. Harris to approve the Gloucester Board of Health Septic Review Subcommittee minutes of the meeting of February 3rd, 2016 as written. **Seconded** by Ms. Schweitzer. **CARRIED.**

**NEW BUSINESS**

47-49 Valley Road – Map 242, Parcel 102 & 103-

(Property owned by Keith and Catherine Scott, represented by John Judd, Gateway Consultants)

*To discuss a variance from Gloucester’s Onsite Wastewater Management plan, which includes reducing the setback distance from a drinking well from 150 feet to 100 feet.*

*John Judd* of Gateway Consultants appeared before the board. He gave a brief overview of the proposed variance. A Presby Septic System is ordered.

*Mr. Cowan* asked if the abutters have been notified. *Mr. Judd* stated that the only impacted well is the subject property.

*Mr. Rosa* recommended that the owner have the well water tested before and monitor it as well.

*Mr. Akerley* stated that it is a difficult site and he does not have any concerns with the proposed variance.

*Chairperson Sagall* asked if there was anyone that would like to speak for or against the proposed variance. There was no one.

**MOTION** by Mr. Rosa to approve the request for variance for 47-49 Valley Road as outlined on the agenda of March 3rd, 2016. **Seconded** by Ms. Schweitzer. **CARRIED.**

**OLD BUSINESS**

Proposed addition to the Gloucester Board of Health regulation “Prohibiting Smoking in Workplaces and Public Places”:

#### SECTION 4A: NOTIFICATION OF SMOKING IN OUTDOOR SERVICE AREAS

- (1) *It shall be the responsibility of any food service establishment, with outdoor seating, to post a notice at the entrance(s) of their facility stating whether or not smoking is allowed.*
- (2) *Depending on the establishment's policy and what is permitted by existing laws, the sign shall state: "Smoking is (or, "is not") allowed in outdoor seating areas of this establishment". The font used shall be bold, sans serif and, at minimum, 48 point.*

The board reviewed the proposed amendments to the "*Prohibiting Smoking in Workplaces and Public Places*" regulations.

**MOTION** by Mr. Rosa that the Gloucester Board of Health accept the modifications to the Gloucester Board of Health regulation, Section 4A "*Prohibiting Smoking in Workplaces and Public Places*", as presented in the agenda of March 3, 2016 effective June 1<sup>st</sup>, 2016. **Seconded** by Mr. Cowan. **CARRIED.**

Proposed changes to the Gloucester Board of Health regulation "*Restricting the Sale of Tobacco Products & Nicotine Delivery Products*":

##### Section C, Definitions

- The definition of "*Minor*" to now read: "*Any individual who is under the age of twenty-one (21)*".
- The definition of "*Retail Tobacco Store*", line four, to now read: "*...is merely incidental, and in which the entry of persons under the age of 21 is...*"

##### Section D, 2. Required Signage

- Subsection C., line three, to now read: "*The sale of nicotine delivery products to minors under 21 years of age is...*"

##### Section D, 3. Identification

- Line three, to now read: "...identification containing the bearer's date of birth that the purchaser is 21 years old..."

The board reviewed the proposed amendments to the "*Restricting the Sale of Tobacco Products & Nicotine Delivery Products*" regulations. *Mr. Harris* stated that the retail stores are the ones that have to police these regulations and he commended them for that. He stated he is a little bothered that only five people vote for a change like this. *Chairperson Sagall* stated that the public did have an opportunity to speak on the issue last month at the public hearing and there was only one retailer that appeared.

*Ms. Schweitzer* stated that they should do a press release to inform the public. *Chairperson Sagall* stated that *Mr. Schenk* has prepared a press release contingent on approval from the board.

*Mr. Schenk* stated that they received a letter of support from the Gloucester Youth Council.

**MOTION** by Mr. Cowan that the Gloucester Board of Health accept the modifications to the Gloucester Board of Health regulation, Sections C, D2, and D3 "*Restricting the Sale of Tobacco Products & Nicotine Delivery Products*", as presented in the agenda of March 3, 2016 effective June 1<sup>st</sup>, 2016. **Seconded** by *Ms. Schweitzer*. **CARRIED.**

#### Annual Report Update-

*Mr. Schenk* submitted the rough draft of the Annual Report and highlighted the proposed changes. The board agreed if there is a sharp difference in numbers in a particular area that a notation be made

indicating the reason for the change. *Mrs. Nicastro* stated that she will break down the Food Inspections for this year.

The board agreed that the Annual Report looked great and thanked Mr. Schenk and the Health Department for their work on the Annual Report.

**MOTION** by Mr. Rosa to approve the 2015 Annual Report with amendments, subject to the approval of Chairperson Sagall. **Seconded** by Ms. Schweitzer. **CARRIED.**

#### Report of Board of Health – Health Director Search Committee-

*Mr. Cowan* stated that the City has not yet hired the Director of Personnel in Human Resources, so Jim Destino has asked if the Board of Health would submit the job description at the end of March so the new Director of Personnel can oversee the process.

*Ms. Schweitzer* stated that she feels that that is a long time because resumes are not going to come in on the first day. The board agreed that they can wait until the Personnel Director is hired as long as it doesn't snowball into a longer time period.

Chairperson Sagall stated that the Search Committee should screen the initial applications and conduct first interviews. The full board is encouraged to participate in second or further interviews.

Mr. Schenk stated that the text of the Job Description previously approved by the board should be amended to reflect the improvement in Grade Classification from M8 to M9.

#### Updates: North Shore Health Project's Harm Reduction Programming-

*Mr. Schenk* stated that the only thing new is a support letter from the North Hampton Police Department. The board agreed to keep the item on the agenda for upcoming meetings. *Mr. Cowan* asked if there have been meetings scheduled with the Health Project's Director Coviello and City Councilors. *Mr. Schenk* stated that he did not know if that has happened.

### **MONTHLY REPORTS**

Presented by Max Schenk

*Mr. Schenk* submitted the following "Monthly Report" to Board members.

#### **[FEBRUARY 2016 - DEPARTMENT REPORT](#)**

*Chairperson Sagall* asked if people give blood regularly does it get tested for Hepatitis C. *Mr. Schenk* responded that he will ask Ms. Ries.

*Mr. Schenk* stated that because of the February 14<sup>th</sup> cold snap, the Mayor has asked for him to work with Action and the Open Door to look at developing some policy or procedure on how the City responds as a whole in housing the homeless when no other services are available. He stated that it appears that there are only a very few hours that are not available for people to shelter from the cold.

*Mr. Schenk* stated that the Healthy Gloucester Collaborative is losing a large chunk of their funding in September because the Drug Free Communities Grant is ending. He stated that the grant was for \$125,000 worth of funding for that Department which funded a full time and part time positions. He stated that he will approach legislators since they have been very supportive around the opiate issues in the area.

**CONCERNS OF BOARD MEMBERS**

Ethics Test- *Mr. Harris* stated that Human Resources contacted him about completing the Ethics Test again. *Mr. Schenk* stated that Mr. Harris will have to submit it again if he cannot find his original certificate of completion.

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on April 7<sup>th</sup>, 2016 at the CATA Training Room at 5:30 p.m. *Mr. Cowan* stated that he cannot attend that meeting.

**MOTION** by Mr. Harris to adjourn.  
Seconded by Mr. Cowan. **CARRIED.**  
MEETING ADJOURNED – 7:00 p.m.

Respectfully submitted,

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Bobbi Orlando

Accepted by:

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Richard Sagall, Chairperson

Documents Referenced:  
March 3<sup>rd</sup>, 2016 Board of Health Agenda  
February 4<sup>th</sup>, 2016 Board of Health Minutes  
February 3<sup>rd</sup>, 2016 SRSC Minutes  
Rough Draft Annual Report  
February 2016 Monthly Department Reports