

**CITY OF GLOUCESTER  
Board of Health  
Minutes of the Meeting  
July 7th, 2016  
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; and Joe Rosa. Present from the Health Department: Assistant Director: Max Schenk; Sanitarian: Thorsen Ackerley. Absent: Claudia Schweitzer

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. Cowan to approve the Gloucester Board of Health minutes of the meeting of June 2<sup>nd</sup>, 2016 as written. **Seconded** by Mr. Harris. **CARRIED.**

**NEW BUSINESS**

357 Concord Street-

*Mr. Schenk* stated that this was an enforcement order where all parties were notified to be at the meeting. He stated that there were a number of violations based on a site visit done by the Health Department. He stated that the landlord was notified of the violations and a follow-up site visit was completed and two of the violations were dealt with but two issues have not. He stated that there appears to be a conflict between the property owner and the occupant where the owner is trying to gain access to the property but the occupant is not allowing that. *Mr. Cowan* asked if there were any immediate health risks. *Mr. Schenk* responded that the red-lined violations were protective walls and railings, exposed wires, and a sliding glass door that cannot be locked.

*Kelly Mitchell*, of 151 South Street, Rockport appeared before the board. She stated that she is the owner of the property and she has had trouble gaining access to the property. She stated that she is being punished but she cannot get into the property to remedy the situation. She stated that the railings were put on the back of the house and the smoke detectors were taken care of.

*Mr. Schenk* stated that the Health Department will send a letter stating that they are aware that the property owner cannot gain access to the property.

The board agreed to continue the issue and allow the Health Department to further investigate.

2 Gardner Terrace (Map 110 / Lot 50) Margaret Botticello, Owner

*Failure to comply with Health Department order re: trash in yard.*

*Mr. Schenk* stated that this in an ongoing issue where the property has become very enclosed and cluttered. He stated that there is no food garbage but other items including construction materials. He stated that the Health Department has received complaints from neighbors complaining about rats. He stated that they did have bird feeders but they have since been removed. He stated that the property owner has been in contact with the Health Department and has stated that she is trying to remedy the

issue but the Department has not seen any progress. He stated that emergency services would have a difficult time accessing the property.

*Margaret Botticello*, owner of 2 Gardner Terrace appeared before the board. She stated that she appreciates the concerns of the board. She stated that there is nothing toxic on her property or no pesticides have been used. She stated that she has never seen a rat on her property or in her neighborhood. She stated that she is working on the issue and she got the notification on June 4<sup>th</sup> and she has been working on the clutter since then. She stated that she has some health concerns that have been slowing the progress but she is working on the property. She stated that she threw out four trash bags last week. She hopes by Labor Day everything will be done. She stated that she has someone who has been helping with the heavy stuff.

*Mary Jane Dagley* of 6 Gardner Terrace appeared before the board. She provided the board with pictures of the property and the rats that have been running around her property. She stated that the issue is overbearing and has been going on for quite awhile and there has been no progress.

The board agreed to have an inspector from the Health Department go every two weeks to take pictures of the property to monitor the progress.

**MOTION** by Mr. Harris to request that the Gloucester Health Department ensure compliance with the order by going to the site every two weeks to ensure steady progress for review at the August Board meeting and for completion by the September Board of Health meeting. **Seconded** by Mr. Cowan.  
**CARRIED.**

6 Seaview Road (Map 75 / Lot 52) Erik Anderson, Owner – Dan Johnson, P.E., Design Engineer

*Request for variance to Title 5 section 15.211 (1) (Minimum setback distances) in order to place septic system components within 37' of a wetland boundary (50' required per Title 5, 100' required by local regulations)*

*Mr. Harris* stated that within the last twelve months he had an accepted offer on the property and backed out due to inspection issues.

*Dan Johnson*, Design Engineer appeared before the board on behalf of the owner. He gave a brief overview of the variance requested. He stated that back in the 1980's when they did the subdivision a small parcel of land (behind 9 Seaview Road) was cut out to hold the leaching field for 6, 7, and 10 Seaview Road.

*Mr. Cowan* stated that it seems a little premature to come before the board and ask for variances with so many questions about the reliability of the piping to the house to the system. *Mr. Harris* suggested pressure testing during installation.

*Mr. Rosa* asked if 10 Seaview owns the property that holds the leaching fields. *Mr. Johnson* responded that he believes that is true but all three properties pay taxes on the property.

*Mr. Harris* asked if all abutters and owners of the leaching field have been notified. *Mr. Johnson* responded that he has all the green cards from the mailings.

*Mr. Akerley* stated that the design is not perfect but they can pressure test it in the field prior to installation and there is no other place out there to put a system and an alternate approach would be a tight tank.

*Mr. Schenk* stated that he trusts *Mr. Akerley's* opinion and the proposed design represents the best and most effective way to provide treatment to the property. He stated that he does not believe it is the

Board's purview to make legal determinations on the property owners' rights.

*Mr. Rosa* agreed that the boards' concern is the integrity of the septic system and not the downstream consequences that are unseen.

*Chairperson Sagall* stated that it is not the Board's responsibility to ensure the other owners understand this but whether or not they have been notified.

*Chairperson Sagall* asked if there was anyone that would like to speak for or against the requested variance.

*Derek Jackson* appeared before the board. He stated that he is purchasing the house and he has talked to both neighbors and they are perfectly fine with the proposed system.

**MOTION** by Mr. Harris that the Board of Health approve the variance requests for 6 Seaview Road (Map 75 / Lot 52) as written on the agenda of July 7, 2016 with the caveat that the abutter green cards are on file and the lines are pressure tested before installation. **Seconded** by Mr. Rosa. **CARRIED.**

4 Oak Street (Map 29 / Lot 86) Alan Forsley and Paul J. Nasser, Owners

*Request for variance to State Sanitary Code Section 410.503 "Protective Railings & Walls" in order to use the existing railings that are less than 36 inches.*

*Mr. Schenk* gave an overview of the variance request for 4 Oak Street. He stated the recommendation from the State Department of Public Health was to have the applicants ask for a variance. He stated that the Building Inspector had no concerns with the request for a variance. He stated that due to the stability of the railings as they are, the Health Department does not have any objections to the variance request.

*Margaret Marr* the realtor for the property appeared before the board. She stated that she had three contractors look at the railings and none of them wanted to touch the job. She stated that buyer is aware of the railing height.

**MOTION** by Mr. Harris that the Board of Health approve the variance request for 4 Oak Street (Map 29 / Lot 86) as written on the agenda of July 7, 2016. **Seconded** by Mr. Rosa. **CARRIED.**

Program Update – Healthy Gloucester Collaborative -

*Joan Whitney*, Director of the Healthy Gloucester Collaborative and *Cristina Hildebrand*, Coordinator of the Healthy Gloucester Collaborative appeared before the board. *Ms. Whitney* stated that the Healthy Gloucester Collaborative has many new wonderful initiatives. She stated that they work in partnership with the community to help make possibilities realities and create sustainable system change. She stated that they have provided the Police Department with crisis intervention and mental health issues training. She stated that they now partner with all of Cape Ann as well as Beverly and Ipswich on substance abuse training. She stated that they had a Grand Rounds in June.

*Ms. Hildebrand* stated that over the summer they plan on bringing youths from Gloucester and Danvers together to do a training to empower youth leaders.

*Ms. Whitney* stated that they are working with other towns to get consistent policies across the region. She stated that they are working on getting more access points for treatment throughout the city. She stated that they have been working on a regional partnership for the last three years with Danvers and

Beverly and now they are on the cusp of working with all of Cape Ann around youth prevention. She stated that the High Risk Task Force brought a presentation to Senator Tarr and showed him the disconnect where people get out of detox and problems that arise at the post-detox stage. She stated that there is not enough capacity in community based care so the same people keep going through the detox process. She stated that the lack of funding to get people to beds in the post-detox stage is an area of concern. *Mr. Schenk* stated that barring a veto by the Governor, Senator Tarr allocated \$25,000 in funds to assist in vouchers for beds for post-detox patients and \$50,000 to support the efforts of the high risk task force in Gloucester.

*Mr. Cowan* asked what the Board of Health could do to help the Gloucester Healthy Collaborative. *Ms. Whitney* responded that the Board could support regionalization. *Chairperson Sagall* stated that the Board of Health supports regionalization and has already sent a letter to the administration stating that.

### **OLD BUSINESS**

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

*Mr. Schenk* stated that the support letter that was sent to the City's administration has been sent to the State and they are now waiting for the final approval from the State and will hear by September 1<sup>st</sup>, 2016 if approval will be granted.

### **MONTHLY REPORTS**

Presented by Max Schenk

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



Adobe Acrobat  
Document

*Mr. Schenk* stated there was a needle stick by a youth on Niles Beach and the Health Department, especially Kelly Ries, did a lot of work around the issue, though the Department was not mentioned in the press release. He stated that there is a forum tonight to discuss ideas among city offices at City Hall tonight. He stated that Ms. Ries is attending that meeting.

He stated that they are looking at two possible locations for the Harm Reduction Program, on Maplewood Avenue and Blackburn Park. He stated that Action will not be able to partner the space if they choose the Blackburn location because it is out of their service area.

*Mr. Schenk* stated that Mr. Ackerley passed all his soil evaluation tests and is now a licensed soil evaluator.

*Mr. Schenk* stated that Marc Costonis has been hired as the Housing Inspector and will start in August.

*Mr. Schenk* stated that there was an inspection done by Joyce Redford of the Tobacco Control Program at Jeff's Variety and Jeff Tarr the owner sent a letter describing a confrontation that occurred. He stated that he will invite Ms. Redford and Mr. Tarr to the August meeting to discuss the issue.

*Chairperson Sagall* thanked Mr. Schenk for including the running data on the Monthly Reports.

A gentleman from 31 Prospect Street appeared before the board. He stated that they should put bar codes on the needles to indentify who left them. He stated that he is concerned about the spraying on the railways. He stated that Gloucester owns 150 acres in Rockport which is the main watershed for Babson. He stated that they should extend the no spraying zone past the reservoir, all the way to the border of Rockport if not further, because the water is coming from the water shed. He stated that he is also concerned with the oil the train leaks when the brakes are applied.

**CONCERNS OF BOARD MEMBERS**

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on August 4<sup>th</sup>, 2016 at the CATA Training Room at 5:30 p.m. *Mr. Harris* stated that he might not be able to attend that meeting. *Mr. Rosa* stated that he cannot attend that meeting.

**MOTION** by Mr. Rosa to adjourn.  
Seconded by Mr. Cowan. **CARRIED.**  
MEETING ADJOURNED – 7:28 p.m.

Respectfully submitted,

---

Bobbi Orlando

Accepted by:

---

Richard Sagall, Chairperson

Documents Referenced:  
July 7<sup>th</sup>, 2016 Board of Health Agenda  
June 2<sup>nd</sup>, 2016 Board of Health Minutes  
July 2016 Monthly Department Reports