

**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
August 4th, 2016
5:30 p.m.
City Hall Annex
3 Pond Road
Gloucester, MA 01930**

Board members present: Chairperson: Dr. Richard Sagall; Frederick Cowan; and Claudia Schweitzer. Present from the Health Department: Assistant Director: Max Schenk; Sanitarian: Thorsen Akerley; Food Inspector: Rosalie Nicastro; Health Inspector: Marcus Costonis. Absent: Vice–Chairperson: Robert Harris and Joe Rosa.

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 July 7th, 2016 as written. **Seconded** by Dr. Sagall. **CARRIED.**

NEW BUSINESS

Complaint Regarding Tobacco Compliance Inspection – Jeff’s Variety 71 Eastern Avenue-

Chairperson Sagall stated that Joyce Redford is unable to attend the meeting due to medical reasons.

Mr. Schenk stated that he received a phone call from Ms. Redford, who has been deputized by the Board of Health as a special agent so that she can perform tobacco compliant inspections in the community. He stated that it appears that there was a confrontation during an inspection at Jeff’s Variety on Monday, June 13, 2016 when Ms. Redford and an FDA inspector were performing an inspection. He stated that Ms. Redford asked to gain access behind the counter and Mr. Tarr refused her access citing concern for the security of personal property and other expensive items such as lottery tickets.

Jeff Tarr owner of Jeff’s Variety at 71 Eastern Ave appeared before the board. He stated that he does not have any hard feelings. He stated that Ms. Redford’s job was to check on flavored cigars and he was willing to work with her to do that. He stated that all the products can be seen from the front of the counter. He stated that he once let a vendor in his back room and something went missing so he no longer allows people back there or behind the counter. He stated that he started to pull the cigars out and Ms. Redford said “refusal” after he pulled two out. He stated that he wanted to work with her and she did not want to work with him. He stated that the FDA inspector stood in front of the counter and finished the inspection. He stated that the FDA inspector acted very professional. He stated that Ms. Redford should act more professional and not intimidate or bully store owners.

Ms. Schweitzer asked Mr. Tarr what he would like the board to do. *Mr. Tarr* responded that he just wants to clear the air and work professionally with Ms. Redford.

Chairperson Sagall asked Mr. Tarr if he would like this to be the end of it or if he would like to come back again when Ms. Redford can attend the meeting. *Mr. Tarr* responded that he would like this to be the end of it.

Mr. Cowan stated that he would like to prevent this from happening again.

Mr. Schenk stated that he will research with the City's Legal Department if the Tobacco Compliance Officer can gain access behind the counters of stores. He stated that there should be a code of conduct for any inspector and even in the most confrontational situations a professional manner is expected. The board requested an update at the next meeting on Mr. Schenk's findings and invited Ms. Redford to attend that meeting.

Ms. Nicastro stated that she does two unannounced visits at Jeff's Variety every year and the store is always clean and Mr. Tarr is always professional.

The board thanked Mr. Tarr for attending the meeting.

Discussion Regarding the Adoption of 2013 Federal Food Code-

Mr. Schenk stated that the Board previously discussed the adoption of the 2013 Federal Food Code. He stated that this is an effort that is being spear-headed regionally by Sharon Cameron, the Health Director of Peabody. He stated that the adoption is grant funded and those funds can be used to train food establishment workers. He stated that Ms. Nicastro currently goes by the 2013 Code.

Ms. Nicastro stated that it will lessen confusion if everyone adopted the 2013 Federal Food Code because all the cities and states would be uniform.

Mr. Costonis clarified some definitions from the 2013 Federal Food Code for the board.

The board agreed to move forward with adopting the 2013 Federal Food Code.

OLD BUSINESS

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

Discussion by the Board of Health regarding its July 7, 2016 approval for an onsite wastewater treatment system upgrade for the above referenced property.

Mr. Schenk stated that based on the Board's discussion at yesterday's meeting after a vote to reconsider he contacted the City's attorney and the attorney suggested getting a letter of certification from the co-owners of 9R Seaview Road confirming they understand the plan has been approved and that they accept that it may impact their ability to use that space to upgrade their system. He stated that he drafted a letter and sent it to the owner and had the letters signed and dated by the co-owners.

Mr. Cowan stated that with those two letters now in hand that completes the application that was before the board on July 7, 2016.

Chairperson Sagall asked if anyone would like to speak for or against the issue.

Erik Anderson of 6 Seaview road appeared before the board. He thanked the board for their consideration of the issue.

MOTION by Mr. Cowan that the Gloucester Board of Health sustain the decision that the Board of Health made on July 7, 2016 to grant the variances for 6 Seaview Road. **Seconded** by Ms. Schweitzer.
CARRIED.

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

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

Mr. Schenk stated that this is an ongoing issue where the property has become very enclosed and cluttered. He stated that there is no food garbage but other items including overgrown plants and construction materials. He stated that the Health Department has received complaints from neighbors about rats coming from the subject property. A neighbor had bird feeders that have since been removed and the rats seem to have disappeared. He stated that he received a phone call from a neighbor stating that not much had been done but *Mr. Akerley* drove by the house and found the owner outside cleaning up. The front walkway to the house has been cleared. The owner told *Mr. Akerley* that she is working on the issue to get the yard cleared by the deadline the board gave her.

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

Mr. Schenk stated that Mayor sent a letter of support to the State.

MONTHLY REPORTS

Presented by Max Schenk

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



Adobe Acrobat
Document

Mr. Schenk stated that the current Medical Director for the Board of Health has become increasingly more difficult to contact and asked board members for suggestions for other medical professionals that would be interested in filling the position. The board suggested that they find a professional that *Ms. Ries* is comfortable working with. *Mr. Cowan* inquired if a Nurse Practitioner could serve. *Mr. Schenk* responded that he would provide the specifications of the position to board members.

Mr. Schenk stated that he is sad to report that the Health Department's Clerk, Joanne Christopher has taken another job and her last day will be August 26, 2016.

Mr. Schenk stated that three defibrillators have arrived and will be mounted at City Hall, the Rose Baker Senior Center, and at the City Hall Annex.

Mr. Schenk stated that the Health Department obtained another electric vehicle. He stated that they now have two gas vehicles and two electric vehicles.

Mr. Schenk stated that he met with David Leader, the Lead Practice Coordinator and Director of DMD Dual Degree Programs for Tufts University. He stated that *Mr. Leader* is interested in supporting the Gloucester Children's Dental Center and is going to reach out to an orthodontist so children do not have to leave Gloucester when they need orthodontic work.

Mr. Schenk stated there was a needle stick by a youth on Niles Beach a few weeks ago and he, *Ms. Ries*, and *Sander Shultz* met with *Kiley Davis*, a representative from a community formed group. He stated that *Ms. Davis* offered that the community group would do outreach and education to the community.

Mr. Schenk introduced *Marcus Costonis* as the Health Inspector. He thanked *Elaine Wasney* for assisting the Health Department during the transition period. The board welcomed *Mr. Costonis*.

Ms. Schweitzer inquired about 1 Pilot's Hill. *Mr. Schenk* responded that there is still no running water or sewer to the property and he has not heard from any neighbors about anyone residing there.

CONCERNS OF BOARD MEMBERS

Health Director- Ms. Schweitzer asked when the new Health Director will start. *Mr. Schenk* responded that the Health Director will start on August 22, 2016.

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on September 1, 2016 at the CATA Training Room at 5:30 p.m. The board discussed possibly changing the meeting to September 8, 2016 due to the Labor Day Holiday weekend.

MOTION by Ms. Schweitzer to adjourn.
Seconded by Mr. Cowan. **CARRIED.**
MEETING ADJOURNED – 6:18 p.m.

Respectfully submitted,

Bobbi Orlando

Accepted by:

Richard Sagall, Chairperson

Documents Referenced:
August 4, 2016 Board of Health Agenda
July 7, 2016 Board of Health Minutes
August 2016 Monthly Department Reports