

**CITY OF GLOUCESTER  
Board of Health  
Minutes of the Meeting  
April 5, 2018  
5:30 p.m.  
City Hall Annex  
3 Pond Road  
Gloucester, MA 01930**

Board members present: Chairperson: Dr. Richard Sagall; Vice–Chairperson: Robert Harris; and Frederick Cowan. Present from the Health Department: Health Director: Karin Carroll; Assistant Director: Max Schenk. Absent: Claudia Schweitzer and Joe Rosa.

The meeting started at 5:50 p.m.

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**

The minutes of the Board of Health meeting for March 1, 2018 were tabled until the May meeting due to a lack of a quorum of members present at that meeting.

**MOTION** by Mr. Cowan to approve the Gloucester Board of Health Septic Review Subcommittee minutes of the meeting of March 21<sup>st</sup>, 2018 as written. **Seconded** by Mr. Harris. **CARRIED.**

**STANDING COMMITTEE REPORTS**

Septic Review Subcommittee Report for March 2018- *Mr. Cowan* submitted the following report:

“At its meeting of March 21, 2018 the Septic Review Subcommittee reviewed and voted 3-in favor, none opposed, to approve the following proposed plans with variance requests:

11 Jebeka Lane (Map 252, Lot 17) A proposed plan for cistern and water filtration system.

71 Crafts Road (Map 244, Lot 7) Proposed septic system upgrade for property.”

The board accepted the Septic Review Subcommittee Report for March 2018.

## **NEW BUSINESS**

### **Kara Blake, LCSW - Harm Reduction Program Manager and Outreach Specialist Update on North Shore Health Project's Harm Reduction Program- Mr. Harris**

*Kara Blake* and *Andrew Mae* of One Stop at North Shore Health Project on 302 Washington Street appeared before the board. *Ms. Blake* shared some year-one data with board members. She stated that they officially opened for syringe services on February 20, 2017. She stated that the HIV, Hep C, and STD testing started on June 1, 2017. She stated that Narcan distribution program started on September 1, 2017. She stated that since February they have had 17 enrollments for syringe services and 52 interactions. She stated that 12 of the 17 syringe services have been back more than once. She stated that they have distributed 962 syringes and they have received 2952 syringes. She stated that they have had 37 clients come in for testing and have done 41 tests. She stated that since September, they have had 43 enrollments in the overdose prevention program. She stated that 30% of the people they have served are homeless or unstably housed.

*Ms. Carroll* asked if the Health Department found a source for Narcan would the North Shore Health Project have a demand for it. *Ms. Blake* responded that they would have a demand for it.

The board thanked *Ms. Blake* and *Mr. Mae* for their presentation.

## **OLD BUSINESS**

### **James L Tolman of 655 Essex Ave Regarding Enforcement Order July 14, 2017 Trash in Yard of Property Located at 654R Essex Ave (Map 238/ Lot 11)–**

*Mr. Schenk* stated that at the last meeting there were some questions about the previous violations at the property and how they were levied by the Building Department. He stated that he checked with the City's Legal Office and they said in their opinion in the previous enforcement on the property by the Building Department although the fines levied against the property owner were dismissed, the violations were not. In regards to the septic system they assume is on the property because there was a home and a building on the location that was never decommissioned, information provided by the Mass Department of Environmental Protection states that the Board can order a Title 5 Inspection of the property, even if the home has been long abandoned and without needing to prove a system currently exists, under section 15.301 (9) and the Department recommends this action be taken. He stated that the Board's Well regulation states that any well must be properly decommissioned. Section 10 of the regulation provides conditions on how this is to occur. Given the previous active use of the property and lack of information on any of the well components being properly installed or abandoned/decommissioned, the Department recommends that the Board require that the well be located and decommissioned per the Board's well regulation. In regards as to whether the

items left on the property constitute "trash" - per the City Code of Ordinances trash is defined by the City Code of Ordinances as "...material considered worthless, unnecessary or offensive that is usually thrown away. The term "trash" is generally defined as dry waste material, but in common usage it is a synonym for garbage, rubbish or refuse, but not to include recyclables or yard waste." The materials on the property are not properly stored, and therefore the opinion of the Department is that they meet the definition of "trash" and must be properly disposed of/recycled.

During the Board's deliberations it was stated that the Department also considers the standing ladder, felled trees, exposed foundation, especially the foundation hole, and building remnants as dangerous attractive nuisances, harborage for pests and therefore, threats to public health and safety. These hazards should be ordered removed under the provisions of State Nuisance Law Chapter 111, Section 122.

*Mr. Schenk* submitted photographs of the property to Board members that were taken on April 5, 2018. He stated that the Health Department recommends that a Title 5 inspection be performed in order to ensure that the septic system on-site has been properly abandoned as well as the well. He stated that they also request that the items on the property that they consider to be nuisances be removed, or properly disposed of or recycled.

*Mr. Cowan* asked if there would be costs incurred by the property owner in the recommendations set forth. *Mr. Schenk* responded that he would imagine there would be as the Title 5 inspection and the abandonment of the well both have to be performed by people licensed to do that work.

*Robert Chatwood* of 6 Staten Street appeared before the board on behalf of James L Tolman. He requested to see the pictures that the Health Department submitted. He stated that whatever the City Solicitor said means nothing. He stated that he was found not guilty on the charges against him. *Chairperson Sagall* asked Mr. Chatwood if he had documentation showing that the charges were dropped. *Mr. Chatwood* responded that Chairperson Sagall should go down to the courthouse and get those papers. He stated that the only thing he was found guilty of was having a motorhome on the property. *Chairperson Sagall* stated that it is up to Mr. Chatwood to provide that documentation. *Mr. Chatwood* stated that it is not up to him. It is up to the board to prove he is guilty.

*James Tolman* stated that Mr. Chatwood was not found guilty. He stated that there is going to be a problem here if this continues. He repeated loudly that there will be a problem if this (expletive removed) continues.

*Mr. Chatwood* stated that people are lying. He stated that he owned the property from 2008 to 2014 or something and the whole time everybody was looking to find "What can they do against Chatwood?" All because of Mitchell. He stated it was just harassment. He stated that they came up with the well issue 8 years after he bought the property, and the City owned the property before that. He stated that he has never seen a well on the property. He stated that a week

before Christmas they cut down 9-11 trees and a letter was sent saying animals can get in there and next door has trees down and all over Gloucester has trees down and no one is going out with a chainsaw in the winter to cut up trees but they got some of it done and the next meeting there were pictures. *Mr. Chatwood* asked Chairperson Sagall what kind of trash he saw on the property. *Chairperson Sagall* responded that he could not recall as he went to the property months ago. *Mr. Chatwood* stated that a lawn mower, a chair, a bird bath, and a ladder are not trash. He stated that he asked today for the “meetings [sic]” of the last time he was here and the time before that because they have a lawyer who is going to look into suing you people. He stated that some people come with dead threats, he doesn’t, they are definitely entering a suit, you people can’t get around me. *Chairperson Sagall* stated that the public hearing was now closed.

Mr. Chatwood was escorted from the meeting by an officer from the Gloucester Police Department.

*Mr. Schenk* stated that the recommendation from the Health Department is that they move forward with an enforcement order that includes all the aforementioned issues and concerns that the Health Department had and Mr. Tolman will have 30 days to begin work on remedying those issues with a maximum amount of time of 90 days to complete the work needed.

*Mr. Cowan* asked what the benefit of this is to the City. *Mr. Schenk* responded that it is a matter of consistency and they send enforcement orders like this one to residents all the time. He stated that one of his biggest concerns is the foundation hole and the ladder is definitely an attractive nuisance.

**MOTION** by Mr. Harris that the Gloucester Board of Health proceed with the enforcements recommended by the Health Department for 655 Essex Avenue. **Seconded** by Mr. Cowan. **CARRIED.**

*Mr. Schenk* stated that he would like to send a recording of the meeting to the City’s legal office. He stated that he texted the Police Chief informing him that there was unacceptable behavior at the meeting and that he felt threatened. The board agreed they too felt threatened and Ms. Carroll stated that the staff of the Health Department feels the same when Mr. Chatwood comes into the office. *Ms. Carroll* stated that her recommendation is that all correspondences with Mr. Chatwood go through the Legal Department. The board suggested a restraining order be placed on Mr. Chatwood and Mr. Tolman.

### **MONTHLY REPORTS**

Presented by Karin Carroll and Max Schenk

The following “Monthly Report” was given to Board members.

[April Monthly Department Report](#)

*Ms. Carroll* stated that she had an initial budget meeting with administration. She stated that they asked for funds for 25% of their grant writer's salary.

*Ms. Carroll* stated that they got some nice press this month in the newspaper and there was an educational handout on rodents and the Salem newspaper had a front page article on rats.

*Ms. Carroll* stated that they have listed common complaints on the report for board members and highlighted a concern brought forth by the Youth Group on Tobacco Prevention Coordinator about youths being able to purchase flavored tobacco products at a shop in town. She stated that they are going to work on educating the shop owners. She showed some products to board members. *Mr. Schenk* stated that there will be an outreach event at CATA conference room on April 12, 2018 at 2 pm. *Mr. Harris* stated that they need to make sure no one under 21 goes into these stores.

### **CONCERNS OF BOARD MEMBERS**

Chlorpyrifos – EPA FAILNext Regular Monthly Meeting Board of Health- *Mr. Cowan* stated that he sent board members an article that appeared in the New England Journal of Medicine regarding the short terms effects of one Mr. Pruitt leading the EPA reversing plans for a National Ban on an insidious chemical that is used for pesticide and he would like to see this as an agenda item to discuss banning this pesticide in Gloucester. Chairperson *Sagall* stated that they first need to find out if they have the authority to ban it. *Ms. Carroll* stated that she will check into the issue.

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on May 3, 2018 at the CATA Training Room at 5:30 p.m. *Chairperson Sagall* and *Mr. Cowan* stated that they will not be able to attend the April meeting.

**MOTION** by Mr. Harris to adjourn.  
Seconded by Mr. Cowan. **CARRIED.**  
MEETING ADJOURNED – 6:53 p.m.

Respectfully submitted,

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Bobbi Orlando

Accepted by:

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Richard Sagall, Chairperson

Documents Referenced:

April 2018 Board of Health Agenda  
March 1, 2018 Board of Health Minutes  
March 21, 2018 SRS Minutes  
March 2018 SRS Report  
April 2018 Monthly Department Reports