

## BOARD OF HEALTH

## MINUTES

4-14-16

Senior Center, 17 Pickering Street, Essex, MA

Dr. Driscoll, Chair and Medical Director, Ms. Mazzarino, Clerk, and Ms. Papps, Member, present. Ms. Kirchner, Health Agent, and Ms. White, Administrative Clerk, present.

7:01 pm: Dr. Driscoll introduced himself and the other members then announced that the meeting was being recorded. Dr. Driscoll opened the public hearing and called for a motion to receive public comment concerning the proposed Regulation of the Essex Board of Health Restricting the Sale of Tobacco Products, requesting that comments be limited to 5 minutes. Ms. Mazzarino so moved. **Vote: All in Favor.**

Ms. Kirchner read the summary of the proposed ten changes to the Essex Board of Health regulations restricting the sale of tobacco products, as listed below:

1. Increasing the minimum age of purchase from 18 to 21,
2. Capping the number of tobacco sales permits to be issued in the Town of Essex to four,
3. Limiting the sale of cigars to factory-wrapped packages of two or more, unless the package is priced at \$5.00 or more. Single cigars may be sold provided the minimum price is at least \$2.50,
4. Prohibiting the sale of tobacco products as defined in Article C, Definitions,
5. Prohibiting the sale of blunt wraps as defined in Article C, Definitions,
6. Prohibiting self-serve displays and tobacco product vending machines,
7. Prohibiting distribution of free samples and coupons that provide any tobacco product free of charge or to be sold for less than the listed price,
8. Prohibiting the sale of tobacco products by Health Care Institutions,
9. Prohibiting the sale of tobacco products by Educational Institutions,
10. Revising the penalties for violations to the following schedule:
  - a. \$100 for the first violation,
  - b. \$200 for the second violation within a 36-month period,
  - c. \$300 and a 30-day suspension of permit for the 3<sup>rd</sup> violation within a 36-month period,
  - d. the 4<sup>th</sup> violation or repeated, egregious violations within a 36-month period will require the permit holder to appear before the Board of Health and may result in permanent permit revocation.

In attendance for the hearing: Dr. Lester Hartman, Joyce Redford, Diane Knight and Jack Chisholm of Chebacco Market. For the record, 11 letters in support of the new tobacco regulations were received by the BOH, with zero letters opposed.

Jack Chisholm commented that he does not oppose the changes to the tobacco regulations, but wanted clarification on the amendments and number of permits in the Town of Essex. With Ms. Kirchner's reading of the changes, he indicated that he understood the changes to the amendments.

Ms. Kirchner replied that 4 permits allowing the sale of tobacco are currently approved in the Town of Essex. The number of permits available will remain at 4. On the sale of a business selling tobacco, the permit will be held open for a period of 60 days for the new owner's application, and then, should the new owner not apply, will be open to application by another Essex business.

Dr. Lester Hartman, Pediatrician and Co-founder of Tobacco 21, Joyce Redford, Director of the North Shore/Cape Ann TAPP, and Diane Knight, Director of the Northeast Tobacco Free Community Partnership all spoke in support of the proposed changes to the Essex Tobacco Regulations.

7:25 pm: Dr. Driscoll closed the public hearing.

7:28 pm: Dr. Driscoll opened the BOH meeting.

Dr. Driscoll entertained a motion for the Board to approve the Town of Essex Tobacco Regulation changes affective 8-1-16. Ms. Mazzarino so moved. **Vote: All in Favor.**

7:30 pm: Due to a previous engagement, Dr. Driscoll departed the BOH meeting early, leaving Ms. Mazzarino to Chair the meeting, with Ms. Papps to act as Clerk.

- **Minutes**

March 24, 2016: Tabled until the next meeting.

***Minutes are available for review in the BOH office.***

- **Bills Payable**

#525, \$419.71: Ms. Mazzarino entertained a motion for the Board to approve bills payable #525 in the amount of \$419.71. Ms. Papps so moved. **Vote: All in Favor.**

***Bills Payable are available for review in the Accountant's office.***

- **Inspection Report Reviews**

177 John Wise Avenue, Beard, Map 106, Lot 15: Ms. Mazzarino entertained a motion for the Board to sign and send a letter to the property owner stating that the BOH is in agreement with the determination of inspector Dan Johnson, that the system serving 177 John Wise Avenue, passed the Title 5 inspection conducted on 3-10-16. A reminder to the owner, included in the letter, that an annual inspection is a requirement for I/A components. The most recent inspection on file was conducted on 4-12-15. Ms. Papps so moved. **Vote: All in Favor.**

***Inspection Reports are available for review in the Board of Health office.***

- **Septic System Design Plans**

3 Shea's Court, Lot 3A, PMC Realty Trust, Map 145, Lot 32 (was 8, 10G): Ms. Mazzarino entertained a motion for the Board to sign and send a letter to the property owner stating that the Board approves the 5 bedroom septic design plan, by George Zamboras of Atlantic Engineering, dated 9-2-02 with a revision date of 4-2-16. The newly assigned assessor's map and lot numbers must be shown on the as-built drawing. Ms. Papps so moved. **Vote: All in Favor.**

***Septic System Design Plans are available for review in the Board of Health office.***

- **Building Permit Applications**

51 Story Street, Cort, Map 134, Lot 39: Ms. Mazzarino entertained a motion for the Board to have Ms. Kirchner endorse the building permit for Cort, 51 Story Street, to install sheetrock in the basement and build a closet to enclose heating components. Ms. Papps so moved. **Vote: All in Favor.**

29 Robbins Island Road, Romano, Map 108, Lot 17: Ms. Mazzarino entertained a motion for the Board to have Ms. Kirchner endorse the building permit application for Romano, 20 Robbins Island Road, for a new structure to be built utilizing the same footprint as was previously existing prior to a structure fire in 2015. This will allow for a minimum setback distance of 6' from the foundation to the septic tank. Additionally, the concrete slab for the hot tub must be constructed in a way that will allow access to the septic tank covers. Ms. Papps so moved.

**Vote: All in Favor.**

***Building Permit Applications are available for review in the Building Inspector's office.***

- **Tracking of Housing, Food Service and Other Board Issues**

1, 3, 5 Lowland Farm Road, Lowland Farm Lot 4 Condo, Map 141, Lots 9-1, 9-2, 9-3: Ms. Mazzarino entertained a motion for the Board to sign and send certified letters to the owners of 1, 3, and 5 Lowland Farm Road, notifying them that, as per Massachusetts Title 5 regulations, an annual maintenance agreement is a requirement for the septic system serving this facility. Clearwater Industries, the company that previously held the annual maintenance contract, notified the Board that they are no longer contracted to provide annual service to this system. Owners are in violation of MA Title 5 and are ordered to contract with a licensed maintenance provider, and submit proof to the BOH of such contract, within 10 days of receipt of this letter. Ms. Papps so moved. **Vote: All in Favor.**

Leave Use Authorization, Ms. Kirchner: Ms. Mazzarino entertained a motion for the Board to approve Ms. Kirchner's leave use authorization, as written. Ms. Papps so moved. **Vote: All in Favor.**

Disposal Works Installers Permit #31, Robert T. Wogan: Ms. Papps made a motion for the Board to approve disposal works installers permit #31 for Robert Wogan. Ms. Mazzarino seconded the motion. **Vote: All in Favor.**

Disposal Works Installers Permit #32, Richard Misterka: Ms. Papps made a motion for the Board to approve disposal works installers permit #32 for Richard Misterka. Ms. Mazzarino seconded the motion. **Vote: All in Favor.**

Retail Food Permit #12, Devonshire Wine, LLC, Essex Wine Exchange, 91 Main Street: Ms. Papps made a motion for the Board to approve retail food permit #12 for Devonshire Wine LLC, dba Essex Wine Exchange. Ms. Mazzarino seconded the motion. **Vote: All in Favor.**

- **Items that could not be reasonably anticipated by the Chairman within 48 hours of meeting**

Ms. Mazzarino closed the meeting at 7:50 pm.

Next BOH meeting: 4-28-16

Prepared by \_\_\_\_\_  
Ann White

Attested by \_\_\_\_\_  
Allison Papps, Acting Board of Health Clerk