



BOARD OF HEALTH MEETING

October 27, 2015 – 6:30 PM
Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore-Chair, Dr. Russell Sandfield, Dr. Sydney Jimenez, Health Agent Leslie Whelan, Assistant Town Administrator Mitchell Vieira, and Secretary/Clerk Marianne Peters. Also present was Attorney Kevin Kiely of Kiely and Ferrante, LLC (representing Sandy Bay Estates), and Bruce Cohen (Board of Health Member nominee).

6:30 PM: Meeting called to order.

Community Concerns: None.

Hearing: Sandy Bay Estates – Attorney Kevin Kiely Requests to Be Heard to Dispute Reinspection Fees: Attorney Kiely asked that all violation fees, reinspection fees, and any financial matters associated with Sandy Bay Estates be pushed off and dealt with later; stated that he questions the legitimacy of the complaints (and, in turn, the fees assessed). Attorney Kiely requested a meeting for Health Agent Leslie Whelan, Sandy Bay Estates Property Manager, and he to discuss the validity complaints and the assessed fees. Dr. Wedmore pointed out that all reinspections that the Health Agent performed to date *did* happen for a legitimate reason and will be considered *fees* due and are separate from outstanding violation *finer* assessed. Dr. Sandfield reminded Attorney Keily that an initial *inspection* itself is no charge, the *first reinspection* is no charge, but that any further needed reinspection by default means that there was indeed a problem that had not been remediated obviously and therefore, the reinspection fees (for second or more times visited) would stand. Dr. Jimenez added that all fees should be collected due to the inordinate amount of time and effort put forth by the Health Agent and that these fees should not be seen as ‘negotiable’. Dr. Wedmore added that the way for the Sandy Bay Estates owners to avoid the fees would clearly be by remediating the problems themselves at the onset of findings. Dr. Wedmore added that the fees must be paid either on an ongoing basis as they occur or at the end, but nonetheless are and will be considered due. To that, Health Agent responded that she would insist that the fees be paid *now* in order to be keep financial matters current. Dr. Jimenez concurred with Agent as payments being kept current and pointed out that all other service-type industries/visits in general are payable at the time that services are rendered. Dr. Wedmore stated that the Board of Health expects payment on the reinspection fees and Health Agent recommended that payments going forward (for reinspections) be due at time of reinspection, that check/payment be ready upon arrival rather than the Board of Health/Town trying to collect the fees on the back end after the reinspections. Health Agent stated that there are several outstanding violations (including sewage backup in unit currently unoccupied), mold, water and pipe leaks and damage, among others. Dr. Wedmore stated that delays in remediation are unacceptable; Health Agent recommended additional fines for non-remediation and asked if we should send them a bill to that effect; Dr.

Wedmore stated that Agent should accrue the outstanding violations (\$100/day per violation) and report on amount due. Dr. Wedmore added that a lien could be put on the property (as was done in the sewer issue of Pigeon Cove). Dr. Wedmore instructed Attorney Kiely to give Health Agent an update on items remediated and Agent will report on the status at next meeting.

Minutes of September 29, 2015 Meeting: Dr. Sandfield moved to approve; Dr. Jimenez seconded and it was voted unanimously to approve.

Trash Barrel Regulations – Food Establishments Offering Take-Out Food/Drink:

Discussion about the Trash Barrel Regulations that require a 30-gallon minimum barrel outside of take-out establishments; Food Inspector Laura Osmond continues to have ongoing discussions with proprietors, DPW, and Beautification Committee on solution. Health Agent asked if perhaps we should rescind the requirement/regulations due to the fact that the DPW is now diligently emptying the nearby Town barrels more frequently (at least twice daily May-October) and that the overflow problem seems to have dissipated, to which Dr. Wedmore added that the regulations are currently 'on hold' pending definitive solution. Drs. Wedmore and Sandfield indicated that Food Inspector should continue working with others to finalize solution.

Agent Update:

Health Agent provided the Board with two Conflict of Interest Disclosures.

New Animal Inspector:

Health Agent discussed new inspector; also requested Animal Inspector stipend increase as it is not in line with the amount of hours/work involved/on call. Dr. Wedmore suggested that a log of hours worked/day of week/etc. be kept to get a clearer picture of the role/demands and stated that the Board should add an agenda item for Spring Meeting in January to increase the stipend. Mr. Vieira said Personnel Board is aware of the inequitable stipend and will review. Dr. Jimenez stated that stipend is equivalent to \$5.00 or less per day and unreasonable in relation to demands. Dr. Wedmore requested adding it to January's BOH agenda.

Regional Drive-Through Clinic in Peabody:

Health Agent attended a drive-through flu clinic and reported observations of the event.

Rat Complaints:

Health Agent informed Board that 17 Curtis Street rat complaints are being addressed and is working with property owners on resolving.

Housing/Mold Complaints:

Health Agent reported on current complaints.

Bruce Cohen – Board of Health Member Candidate:

Mr. Cohen confirmed his interest in membership on the Board of Health. Dr. Sandfield nominated Mr. Cohen, Dr. Jimenez seconded, and it was voted unanimously to approve. Mr. Cohen to submit Letter of Interest to the Board of Selectmen for their next meeting seeking approval.

Smoking/Tobacco Regulations:

Dr. Sandfield expressed concern and asked that the Board revisit the recently approved Smoking Regulations as he feels that perhaps they may be a bit restrictive and unfair in certain circumstances, for example if a patron wanted to go outside of a food establishment to have a cigarette and for the residents (who are smokers; possibly life-long smokers) of Den Mar Nursing Home and them not being able to have the privilege of going outside to smoke. Dr. Wedmore stated that the Regulations can be revisited at the next meeting.

Dr. Sandfield moved to adjourn; Dr. Jimenez seconded; approved unanimously.

Next Meeting Date:

Next meeting to be held on Tuesday, December 8, 2015. Agenda Prep meeting November 30th @ 8:30 a.m.

8:45 P.M. Meeting Adjourned.