

Dr. David Driscoll, Chair, Ms. Sally Ann Rich, Clerk, Ms. Erin Kirchner, Board of Health Administrator, Jeff Thomas, Administrative Clerk present. Dr. Fares Mouchantaf, member Absent

Also present: Nick Ellis, Board of Public Works Commissioner, Westley Burnham, Board of Public Works Commissioner, Mike Galli, Public Works Superintendent, Mandy Davis Board of Public Works Administrative Clerk, and Ruth Pereen, Board of Selectmen, Chairman

Dr. Driscoll entertained a motion to start the meeting that is being recorded at 7:00 p.m. Ms. Sally Rich so moved. **Vote: All in favor**

Dr. Driscoll thanked the attendees from the Board of Public Works and Ms. Ruth Pereen, Selectman for attending the meeting.

Nick Ellis called the Board of Public Works to order at 7:01

- **Appointments**

7:15: Joint meeting with the Board of Public Works – discussion of the draft private trash hauler regulation – Rules and Regulations for Removal, Transport, and Disposal of Solid Waste or Recyclables in the town of Essex. Dr. Driscoll stated that we would not be discussing Black Earth composting during this meeting. Dr. Driscoll asked the Board of Public Works if they had any questions or concerns about the regulation or suggestions for changes or additions to the regulation. Mr. Nick Ellis answered no, that the regulation seems to cover the base requirements of the State regulations which is ultimately what the goal is. Mr. Ellis stated that we don't want to be too heavy handed with the regulation and we're not trying to put people out of business, we just want to make sure we are compliant with State regulations. Mr. Ellis stated that he thinks what we have in the draft regulation for Essex achieves that goal. Ms. Sally Rich stated that someone had mentioned that it was discovered that the State regulations require that trash barrels are required to be brought in within 24 hours and asked for confirmation. Mr. Westley Burnham stated that it was brought up in earlier meetings but that it was never proved that that was in the State regulation. Mr. Ellis stated that he is not aware if that is detailed in the State regulation. Ms. Kirchner stated that a representative from the Department of Environmental Protection was not familiar with any community having that requirement in their regulation. Mr. Ellis stated that there are a number of cities and towns that have regulations on how early you are allowed to put your trash out curbside. Ms. Rich asked if they are required to remove the trash receptacles by a certain time. Mr. Ellis answered the he is not aware of that. Mr. Ellis stated that more often than not, you have cities and towns that are trying to prevent people from placing garbage curbside too early because then you have a rodent concern and trash receptacles get knocked over, spilling trash. Dr. Driscoll asked, in reference to the reporting requirements of the haulers that are detailed in the draft regulation, what is the purpose of all the reporting because we don't require septic pumpers to report how many customers they serve or how much effluent is pumped. Ms. Kirchner explained that septic haulers are required to submit a pump slip for every tank they pump in town and the information on the pump slip gets logged into the computer with the slip being filed in the property file and the same for grease traps that get pumped. Ms. Kirchner stated that she believes it is

reasonable to ask the trash haulers for this information because then we know who is recycling and who is not recycling. Mr. Nick Ellis stated that he believes it is a DEP requirement that some form of reporting does occur and that the DPW has to report what they haul from the transfer station. Ms. Kirchner explained that the draft regulation is largely drafted from the State template which already had these reporting requirements within the regulation. Mr. Ellis commented that the State regulation does require reporting but that some cities and towns report much more frequently than once a year. Ms. Sally Rich asked if it is within our purview to be able to require haulers to have separate containers at the curbside for the recyclables and the trash. Ms. Kirchner answered that if the haulers separate the recycling then it is supposed to be in a separate container if the hauler is picking up recycling but they are not required to pick up recycling or provide recycling service if they are only picking up solid waste. Ms. Sally Rich stated that when Jared Epstein from J's Junk was at the last Board of Health meeting, he stated that he was going to tell his customers that they would have to get a sticker from the transfer station so they could bring their recyclables to the transfer station. Ms. Rich asked how that will be an impact. Mr. Ellis stated that he doesn't know if that is actually legal for Mr. Epstein to tell his customers that. Mr. Ellis stated that DEP says a residential hauler must collect both solid waste and recycling so a hauler is not allowed to say they are only going to collect solid waste. Mr. Ellis stated that the whole point is that if residents are only going to be able to place their trash curbside and then have to take their recyclables to the transfer station, then residents will then just throw all their recyclables in the trash. Mr. Ellis stated that the whole point is to try and prevent that from happening. Mr. Ellis stated that the regulation is written to make it just as easy for people to place garbage in the trash receptacles as it is to recycle. Dr. Driscoll read the regulation section addressing recycling where it states that recyclables shall not be co-mingled with solid waste when collected by permitted haulers. Ms. Mandy Davis stated that haulers would have to submit recycling slips separate. Mr. Ellis stated that haulers could say they dump 70,000 pounds of solid waste a month and three pounds of recycling then they may not actually be doing recycling. Ms. Sally Rich asked what the recourse would be if that happened. Mr. Ellis answered that haulers would then not be permitted to haul in Essex. Ms. Rich asked if they would then be reported to the State. Ms. Kirchner answered that they wouldn't be allowed to drive through town. Ms. Rich stated that it wouldn't just be the Town of Essex because the haulers would be servicing other towns and asked if there would be reporting to the State for the hauler's violations. Ms. Kirchner stated that she would be more likely to reach out to the Boards of Health in other communities to let them know about violations against specific haulers. Dr. Driscoll stated that he has no further questions concerning the draft trash hauler regulation. Dr. Driscoll asked Ms. Sally Rich if she had any further questions to which she answered no. Ms. Ruth Preen, as a resident, asked if the annual permit fee of \$150.00 is enough, because other towns have higher permit fees. Ms. Kirchner answered that after research on towns similar to the size of Essex, we fall in line with what those other towns charge. Ms. Kirchner stated that Rockport's trash hauler permit fee is \$75.00 but the Rockport Health Agent didn't even realize they had a trash hauler regulation when she reached out to them during our research. Ms. Kirchner stated that it is up to the Board of Health as to what they want to set the trash hauler permit fee to be. Ms. Preen suggested that the Board of Health track the time it takes working with trash haulers and then revisit the permit fee at a later date. Dr. Driscoll stated that we just have to make sure we are in line with other communities and not lower in cost compared to other communities. Ms. Kirchner stated that we are in line with other communities. Ms. Rich

stated that the Board could have a review of the process in six (6) months and see how much time is spent on the process to see if our pricing is cost effective. Dr. Driscoll asked if there were any further discussions to which there were none. Dr. Driscoll then thanked everyone for their input. Mr. Westley Burnham asked where this document would be located. Ms. Kirchner answered that it would be under Local Board of Health Regulations on the Town Web Page once it is voted on and accepted. Dr. David Driscoll entertained a motion that the Board of Health approve of the Rules and Regulations for Removal, Transport, and Disposal of Solid Waste or Recyclables in the Town of Essex as written with an effective date of January 1, 2024. Ms. Sally Rich so moved. **Vote: All in Favor.**

- **Minutes**

Ms. Sally Rich made a motion to accept the meeting minutes from 9/28/2023 as written with one typo correction on page three (3) where the word “bad” should be changed to “mad”. Dr. David Driscoll agreed and seconded the motion. **Vote: All in Favor**

- **Bills Payable**

Dr. David Driscoll entertained a motion to approve Bills Payable #723 dated 10/12/2023 for the amount of \$4,606.33 Ms. Sally Rich seconded. **Vote: All in Favor**

- **Title 5 Inspection Reports**

- **Septic System Plan Reviews**

None

- **Well Water Supply**

None

- **Permits**

Ms. Erin Kirchner explained to the Board of Health that the annual Clam Fest would not be held at Memorial Park as planned and that the Chamber of Commerce is looking for an alternate location which would possibly be decided the next day, Friday October 13, 2023. Ms. Kirchner further explained that all the permits listed say Memorial Park. Ms. Kirchner asked the Board of Health, if they accept the permits in general, that they authorize her to sign the permits when they are re-printed with the alternate location if the Chamber of Commerce decides to hold Clam Fest somewhere else. Ms. Kirchner explained that it would be the same permit numbers and just the location would be changed. Dr. Driscoll asked why Clam fest would not be held at Memorial Park. Ms. Kirchner answered that it is too wet due to the recent rains. Ms. Kirchner explained that it was the Chamber of Commerce’s decision and that the decision was left up to them after it was explained to them that it would be their responsibility if the field is damaged by vehicles and equipment. Ms. Kirchner explained that the Chamber of Commerce would be meeting at Woodman’s Restaurant the next day to discuss having the event at their location. Dr. Driscoll asked when the Clam Fest Event is scheduled to take place. Ms. Kirchner answered October 21st. Dr. Driscoll asked Ms. Sally Rich if she had any concerns. Ms. Rich answered no and asked if any of the vendors pay a fee for their permits. Ms. Kirchner answered that a lot of the private vendors do pay a fee but the participants in the chowder competition do not pay a fee. Ms. Kirchner explained that the Mobile/Push Cart vendors already have an annual mobile permit and licensed in town so they’ve already paid their fee. Dr. David Driscoll entertained a motion that the Board of Health approve the Temporary Food Service Permits and the Mobile/Push Cart Permits as listed below for Saturday October 21st at a location that has yet to be announced for one day with Ms. Erin Kirchner signing the permits after they are updated. Ms. Sally Rich so moved. **Vote: All in Favor.**

Temporary Food Service Permits

Permit#7 – BNFARM, LLC d/b/a The Farm Bar & Grille (Clam Fest Participant)

Permit#8 – Hog Island Inc. d/b/a CK Pearl (Clam Fest Participant)

Permit#9 – J.T. Farnhams (Clam Fest Participant)

Permit#10 – Fleur Cuisine Harborside (Clam Fest Participant)

Permit#11 – Essex North Shore Agricultural & Technical School (Clam Fest Participant)

Permit#12 – Woodmans of Essex (Clam Fest Participant)

Permit#13 – Mile Marker 1 (Clam Fest Participant)

Permit#14 – 3MB LLC d/b/a 35 Beach (Clam Fest Participant)

Permit#15 – Cape Ann Sea Salt (Clam Fest Vendor)

Permit#16 – Newburyport Crab Cake Co. (Clam Fest Vendor)

Permit#17 – Essex North Shore Agricultural and Technical School (Clam Fest Vendor)

Permit#18 – Three Gingers Jerky (Clam Fest Vendor)

Permit#19 – Nana's Fried Dough (Clam Fest Vendor)

Permit#20 – Crepe Du Jour (Clam Fest Vendor)

Mobile/Push Cart Permit

Permit#6 – Down River Ice Cream (Clam Fest Vendor)

Permit#7 – 5 Star Phresh Phood (Clam Fest Vendor)

- **Other Concerns, Issues & BOH Business**

Ms. Kirchner stated to the Board that she received a housing complaint for 21 Main Street and explained that there are a couple of violations that the owner of the property is responsible for and also a couple of violations that the occupant is responsible for. Ms. Kirchner explained that they are working with the building inspector and fire chief to get the violations corrected.

Ms. Kirchner explained to the Board that she held a flu clinic at the Senior Center and and at the Public Safety Building with a Covid booster clinic for the First Responders. Ms. Kirchner explained that we don't have enough Covid vaccine to hold a public clinic because the vaccine is so expensive but we are referring people who inquire about the Covid booster to Walgreens and CVS. Ms. Kirchner stated that we will still vaccinate the homebound residents. Dr. David Driscoll asked if the State is giving us early vaccine for a certain subset of the population. Ms. Kirchner answered that Essex is not eligible for the Bridge Access Program that offers no cost Covid 19 vaccines to adults without health insurance or whose insurance does not cover all the costs of the Covid 19 vaccine because Essex does not have a high enough percentage of people who are uninsured. Ms. Kirchner stated that the Board of Health has to buy the vaccine because Essex is not part of that program. Ms. Sally Rich asked if residents from Essex could participate in Gloucester vaccine clinics. Ms. Kirchner answered that she did not know and stated that she is not sure if Gloucester is even holding Covid vaccine clinics. Ms. Rich asked who is eligible for this grant. Ms. Kirchner answered that it's not a grant, it is a program through the State that you have to qualify for where the State will send you a certain number of Covid vaccine doses. Ms. Kirchner stated that she doesn't know if Gloucester is holding clinics but they may be eligible to do so because they have a higher percentage of their population that is uninsured or underinsured. Dr. Driscoll stated that he would imagine if it's a State program, people would have to prove residency.

Ms. Sally Rich confirmed that we would not be holding a flu clinic at the Clam Fest. Ms. Kirchner confirmed and stated that if the Chamber of Commerce decided to hold Clam Fest at Woodman's, we would not hold a flu clinic here at Town Hall because everyone would be at Clam Fest at Woodman's. Ms. Kirchner explained we would hold a small flu clinic at the Public Safety building on Saturday during Fire Prevention Day and there would be a flu clinic at Chebacco Terrace and that anyone can call and make an appointment to come in to the office to get vaccinated.

- **Items that could not be reasonably anticipated by the Chairman within 48 hours of meeting**
None

Ms. Sally Rich moved to adjourn the meeting at 7:38. Dr. David Driscoll seconded. **Vote: all in Favor**

Next BOH meeting: 10/26/2023

Prepared by: Jeff Thomas Attested by: Sally Ann Rich
Jeff Thomas Sally Ann Rich

Date Signed: 1-11-2024