

BOARD OF HEALTH

MINUTES

12-14-2023

3rd floor Auditorium, Town Hall, 30 Martin Street, Essex, MA

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

Dr. Driscoll entertained a motion to start the meeting that is being recorded at 7:01 p.m. Ms. Sally Rich so moved. **Vote: All in Favor**

- **Appointments**

None

- **Minutes**

10-12-23 Tabled

11-16-23 Tabled

- **Bills Payable**

Bills Payable #726 (retroactive) - Dr. David Driscoll entertained a motion to approve Bills Payable #726 in the amount of \$1,231.14 retroactively. Ms. Sally Rich so moved.

Vote: All in Favor

Bills Payable #727 – Ms. Kirchner explained that we are using some of the funds from the Opioid Settlement Fund to buy the Nalox boxes for the Town but that the Narcan to supply the boxes comes for free because it is fully subsidized. Ms. Kirchner explained that she had heard from a few of the restaurants in town that said they were interested in having a Nalox box onsite, and that we would have one at the Town Landing, the ball fields, Conomo Point, downstairs at Town Hall, and the Public Safety Building. Ms. Kirchner also stated that when there is a new director of the Senior Center we would ask that person if they would be interested in having one at the Senior Center. Dr. David Driscoll entertained a motion to approve Bills Payable #727 in the amount of \$2,592.42. Ms. Sally Rich so moved. **Vote: All in Favor**

- **Social Worker Updates**

Ms. Kirchner explained that Ms. Jessie Palm, Social worker couldn't make it to the meeting but that she had updates to present from Ms. Palm. Ms. Kirchner explained that she is keeping office hours at Town Hall on Wednesdays in the conference room and at the Senior Center on Monday's. Ms. Kirchner stated that Ms. Palm holds a monthly caregiver support group for caregivers of spouses with Alzheimer's or Dementia. Ms. Palm has stated that she is available for additional support at the Senior Center while they are looking for a new director. Ms. Palm is collaborating with the school district and is connected with the counseling and nursing staff to see what needs they may have. Ms. Palm delivered winter jackets and warm clothes to the elementary school that came from the Essex Fire Department winter coat drive and the coat drive that Hamilton-Wenham held. Ms. Kirchner stated that One Stop Harm Reduction held a public presentation at the Town Hall on Wednesday night but no one came to the presentation but they did speak with two of the Town Police Officers. Ms. Palm is collaborating with the Ipswich Y.M.C.A. for social work support in their after school program at the elementary school. Ms. Palm holds monthly co-response hub meeting facilitated by the Beverly Police Department Clinical Department that Essex utilizes.

- **Septic System Plan Reviews**

None

- **Well Water Supply**

None

Ms. Kirchner explained that she can connect her laptop to the big monitor to display the new online permits since Ms. Sally Rich was not present at the last Board of Health meeting when the new system was introduced and asked if there are any questions about any of the permits listed on the agenda. Ms. Kirchner explained that now there is nothing for the Board members to sign since it is in electronic format. Ms. Rich asked if the permits on the agenda are just for information purposes. Ms. Kirchner answered that the Board will still need to approve the permits, they just won't be signing them. Ms. Kirchner connected to the display monitor and pulled up the online Board of Health permit applications listed on the agenda. Ms. Kirchner explained the process of the different sign off steps built in to the online application. Ms. Kirchner explained that historically, the Board would approve the application submissions and proceed to physically sign off on the permits at the Board of Health meeting but now, they will just approve the permits and then Ms. Kirchner will ensure all steps in the application are complete before checking off on the final Board of Health approval online, which will then issue the permit to the applicant. Ms. Sally Rich asked what happens if the applicant doesn't pay for the permit before the end of December. Ms. Kirchner answered that the permit won't be issued. Ms. Rich asked if that meant that the business would have to cease operations. Ms. Kirchner answered that if it's a business that's operating, we generally don't force them to cease operations but they are supposed to be up to date with application fees and taxes. Ms. Kirchner explained that if a business is behind on taxes, then the tax collector would put a lien on that property at which point the Board of Health would be discussing their business operations. Dr. Driscoll asked if the Board needed to go through each permit application individually. Ms. Kirchner answered that that would be up to the Board to decide. Dr. Driscoll entertained a motion to approve all permit applications as listed on the agenda. Ms. Sally Rich so moved. **Vote: All in Favor.**

- **Permits**

HAUL-23-4 – Wind River Environmental, LLC

HAUL-23-6 – Chuck Hulbert Construction

HAUL-23-7 – Wayne's Drains, Inc.

HAUL-23-8 – United Rentals (North America), Inc., d/b/a Reliable Onsite Services

HAUL-23-9 – Baker Commodities, Inc., Shawn Ordway

HAUL-23-10 – D.F. Clark Inc.

HAUL-23-11 – The Shed

Disposal Works Installers:

DWIP-23-4 – Ricker Excavation and Septic, Inc.

DWIP-23-6 – Chuck Hulbert Construction

DWIP-23-7 – Stoneworks Construction Co. Michael MacEachern

DWIP-23-8 – R.B. Strong Excavation & Sewerage Contractor, Inc.

DWIP-23-9 – Hamilton Construction, LLC

DWIP-23-10 – Ford Properties, Inc.- Timothy Ford

DWIP-23-11 – Wright Industries, Inc.

DWIP-23-12 – Filias Construction, Inc. – Alex Filias

DWIP-23-13 – Duncan Tree Landscape & Construction Co.

DWIP-23-14 – D.F. Clark Inc.

Tobacco Retailer License:

TOB-23-2 – Chebacco Liquor Mart, Inc.

TOB-23-3 – Schooners Market

Retail Food Service Establishment:

RFSE-23-2 – Energy North Inc.

RFSE-23-3 – Essex Seafood

RFSE-23-4 – Lark Fine Foods

RFSE-23-5 – Googan's Galley, LLC

RFSE-23-6 – Woodman's Inc. Ice Cream Shop

RFSE-23-7 – Maia, LLC d/b/a Dunkin'

RFSE-23-8 – Chebacco Liquor Mart, Inc.

RFSE-23-9 – Essex Pizza and Restaurant

RFSE-23-10 – Essex Wine Exchange

RFSE-23-11 – Captain Vince Inc.

RFSE-23-12 – John's Farmstand

RFSE-23-13 – Schooner's Market

RFSE-23-14 – RDS Restaurant Group d/b/a The Mill

Food Service Establishment:

FSE-23-2 – Essex Seafood

FSE-23-6 – Essex Meeting and Retreat Center, LLC d/b/a Essex Woods

FSE-23-7 – Fairway Pub

FSE-23-8 – Vita Bella Ristorante

FSE-23-9 – Googan's Galley, LLC

FSE-23-10 – Timothy Hopkins Catering, LLC

FSE-23-11 – Essex Historical Society and Shipbuilding Museum

FSE-23-12 – First Universalist Church of Essex

FSE-23-13 – Maia, LLC d/b/a Dunkin'

FSE-23-14 – Riversbend at Essex Marina, LLC

FSE-23-15 – Chebacco Liquor Mart, Inc.

FSE-23-16 – Essex Fire Company

FSE-23-18 – Essex Pizza and Restaurant

FSE-23-19 – Great Marsh Brewing Company

FSE-23-20 – C.K. Pearl

FSE-23-22 – Blue Marlin Grille

FSE-23-23 – MRG Inc., d/b/a Boathouse Grille

FSE-23-24 – Essex Elementary School

FSE-23-25 – BNFARM LLC, d/b/a The Farm Bar & Grille

FSE-23-26 – Mayflower

FSE-23-27 – RDS Restaurant Group d/b/a The Mill

Catering:

CTR-23-3 – Burnhams Catering Inc.

CTR-23-4 – C.K. Pearl

CTR-23-5 – BNFARM LLC, d/b/a The Farm Bar & Grille

Keeping of Animals/Stable License:

KOA-23-8 – Margo Kusulas

KOA-23-10 – Susanna McLaughlin

KOA-23-11 – Michael & Jayne Ginn

Recreational Camp, Hotel/Motel, B&B:

RCHM-23-2 – Shea's Riverside Inn & Motel

Solid Waste Haulers:

SWH-23-1 – J's Services

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

Leave Use Notification for Erin Kirchner - Dr. Driscoll entertained a motion that the Board retroactively approve the Leave Use Notification for Erin Kirchner for 12/7/2023 3 hours sick time, 12/11/2023 4 hours personal time, and 12/13/2023 4 hours personal time. Ms. Sally Rich so moved. **Vote: All in Favor**

Failed septic system at 18 John Wise Avenue –Ms. Kirchner explained that a real estate appraiser came to the office to view the property file in February and asked about the septic system. Ms. Kirchner explained to the appraiser that the septic system was reported as failed in 2008 and after researching the files for this property, determined the dwelling had not been connected to municipal sewer as required. Ms. Kirchner further explained that when the system failed, the report was a passing Title 5 inspection report but the previous Board of Health Agent and Board of Health members overrode the Title 5 inspector's passing report and deemed the system to be failed. Ms. Kirchner explained that there are a couple of options for the homeowner, one of which would be to hire a new inspector to perform a Title 5 inspection and see if the results differ; another option would be to cap the tank and use it as a tight tank so they would have to pump it as it gets filled up, until the owners figure out financing for the sewer connection. Ms. Kirchner also explained that the Board of Health could try to amend the details and expenses allowed by the Septic Loan Program, but this would have to be voted on at Town Meeting. At this time, the septic loan program may only be used to repair septic systems that have been failed – not to connect a dwelling to municipal sewer. The other option would be to order the homeowners to connect to the sewer system and then file this case in Housing Court if they do not comply. Dr. Driscoll stated that the last option would be the last route that the Board of Health would want to take. Ms. Kirchner stated that it would make sense to see if they could revise the septic loan program but that it wouldn't happen until the spring, so the issue is what interim measures should be required in the meantime. Dr. Driscoll asked what their excuse was for not tying into the sewer system. Ms. Kirchner answered that the owners said they weren't aware of the failure even though there is a signed certified letter card acknowledging receipt of the letter. Dr. Driscoll confirmed that someone signed for the certified mail. Ms. Kirchner answered yes that someone did sign for it. Ms. Sally Rich stated that her thought would be to require them to tie into the sewer at this point and also, check into what the Board of Health can do about rewriting the septic loan program. Ms. Rich stated that in the meantime, the Board could require them to pump out the tank. Dr. Driscoll asked, when tanks are pumped, do the pumpers record how many gallons are pumped out. Ms. Kirchner answered that the reported volume is based on the size of the tank because it then goes to the leaching field. Ms. Sally Rich asked if Ms. Kirchner has documentation on the septic tank. Ms. Kirchner answered yes, that it's a 1000 gallon tank and two 1000 gallon leaching pits. Dr. Driscoll stated that there isn't a lot of information why the Board of Health agent at the time made the determination to go against the Title 5 inspector. Ms. Kirchner explained that she feels it was an accurate determination because the property was vacant and the leaching pits should have been empty with no liquid. Ms. Sally Rich asked for confirmation regarding whether the septic loan program is a by-law or regulation. Ms. Kirchner answered that it's not a Board of Health regulation in that we can post a meeting and change the regulation. This would be a Town Meeting request, because it involves municipal/state funding. Ms. Rich stated that we can try and see if we can help them by changing the septic loan program but that the owners' connection to the sewer should not be contingent upon the Board of Health getting the septic loan program changed. Ms. Rich stated that the owners should still be looking for

funding on their end because there is no guarantee that the Town will vote to allow the Board of Health to make that change. Ms. Kirchner explained that the Board of Health could initially require the homeowners to pump every thirty days but if a pumping service comes in to pump the 1000 gallon tank that's full and then comes back in thirty days to pump again and the tank is not full then the pump frequency can be adjusted from the every thirty day pump requirement. Ms. Kirchner stated she would research the process for amending the language to allow the septic loan program to be used to tie in to municipal sewer. Dr. Driscoll stated that this is a good approach.

86 Belcher Street - Ms. Kirchner informed the Board that she had performed a Title 5 inspection review for 86 Belcher Street which was a conditional pass because they need a new electric service to the pump chamber which someone is working on now. Ms. Kirchner also informed the Board that she sent a letter to the owner by certified mail but they haven't signed for it yet although the homeowner is aware of what needs to be done.

16 Lowe Hill Road – Ms. Kirchner informed the Board that 16 Lowe Hill Road passed their Title 5 inspection.

64 Choate Street – Ms. Kirchner explained that the Title 5 inspection report at 64 Choate Street was rejected in October but the Title 5 inspector never made the corrections to the report and now the house is under agreement. Ms. Kirchner stated that the owner has hired another inspector to do the inspection properly. Ms. Sally Rich asked if new owners could move in without having this done. Ms. Kirchner explained that it can't be sold without a passing Title 5.

Ms. Kirchner explained to the Board of Health that while not on the agenda, the Department of Public Health Internship Application was just released. Ms. Kirchner had spoken with Police Chief Paul Francis about a Silver Alert Program. Ms. Kirchner explained that this is a Massachusetts program but the Town of Essex has not adopted it at this time. Ms. Kirchner explained that the program is not just for seniors but for people with dementia or for people who are prone to wandering off. Ms. Kirchner stated that she would like to apply for an Intern who has an interest in elder services and working with the Senior Center and Police Department to develop a program here in the Town of Essex. Ms. Kirchner stated that she didn't think this required a vote from the Board of Health but she didn't want to apply without presenting it to the Board first. Ms. Sally Rich stated that the Senior Center has been interested in a program like this for a while.

92 Southern Avenue Update – Ms. Kirchner explained that the court date has been continued so there would not be housing court on Friday. Ms. Kirchner explained that the owner has been in the hospital. Ms. Kirchner stated that she does not know when the new court date will be but will update the Board when she finds out.



21 Main Street – Ms. Kirchner explained that this property has some ongoing minor housing issues with some issues being corrected. Ms. Kirchner stated that she would be going back on December 20th to make sure the inhabitant has cleared out clutter from the hallway on the second floor and the hallway on the landing. Ms. Kirchner stated that she thinks the inhabitant will be moving out on January 1st, 2024.

Dr. Driscoll stated that he likes the Covid data on the Administrators Report with the Covid numbers trending down and that it will be interesting to see if the numbers will continue to go down in January and February or if they will spike upward again.

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

Dr. David Driscoll entertained a motion that the Board of Health close the meeting that is being recorded at 7:40 p.m. Ms. Sally Rich so moved. **Vote: all in Favor**

Next BOH meeting: 1/11/2024

Prepared by:  Attested by: 
Jeff Thomas

Date Signed: 1-11-2024