

Dr. Driscoll, Chair & Medical Director, Ms. Roderick, Clerk, and Dr. Mouchantaf, Member, present. Ms. Kirchner, Health Agent, and Ann White, Administrative Assistant, present.

Dr. Driscoll opened the meeting at 7:01 pm and announced that the meeting was being recorded.

- **Appointments**

Dr. Driscoll opened the public hearing regarding Essex Tobacco Regulations Revision at 7:15 pm. Revision to be considered: Regulation of the Essex Board of Health Restricting the Sale of Tobacco Products, page 4, section C, definition of *characterizing flavor* would be amended to include menthol, mint and wintergreen in the list of tobacco products that are restricted to retail stores open to individuals aged 21+.

Approximately a dozen residents and business owners were in attendance at the public hearing regarding revision to the Essex tobacco regulations. Paul Chisholm, John Hickey, Scott DeWitt, and Ed Neal individually requested that tobacco regulations not be revised at this time. Current regulations already prohibit the sale of tobacco to those under 21; more regulation is not needed. A ban on menthol, mint and wintergreen flavored tobacco products may also negatively affect the bottom line of local businesses, of which three are permitted to sell tobacco in Essex. There was a request for the Board to table the vote until the Cumberland Farms lawsuit against the 6 towns that have adopted this revision to their tobacco regulations is settled.

Karin Carroll, Gloucester Public Health Director and Joyce Redford, M.Ed., Director, North Shore/Cape Ann Tobacco Policy Program spoke in support of the proposed revision to the tobacco regulations, specifically due to the epidemic of teen vaping and the use of flavored tobacco products.

Dr. Driscoll and Dr. Mouchantaf offered their professional medical opinions about the detrimental effects of tobacco and vaping on teenagers and adults.

Dr. Driscoll closed the public hearing at 8:00 pm.

Dr. Driscoll entertained a motion for the Board to table the vote on the tobacco relations revision. Dr. Mouchantaf so moved. **Vote: All in Favor.**

- **Minutes**

May 9, 2019: Dr. Driscoll entertained a motion for the Board to approve the minutes, as written, for May 9, 2019. Dr. Mouchantaf so moved. **Vote: All in Favor.**

***Minutes are available for review at [www.essexma.org](http://www.essexma.org) website.***

- **Bills Payable**

Dr. Driscoll entertained a motion for the Board to approve Bills Payable #604 in the amount of \$948.04, Bills Payable #605 in the amount of \$832.00 and FY 2020 Bills Payable #603 in the amount of \$150.00. Ms. Roderick so moved. **Vote: All in Favor.**

Dr. Driscoll entertained a motion for the Board to retroactively approve Bills Payable #601 in the amount of \$75.00 and Bills Payable #602 in the amount of \$1,133.35. Ms. Roderick so moved. **Vote: All in Favor.**

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

- **Title 5 Inspection Reports**

234 John Wise Avenue, Matthews, Map 105, Lot 19: Dr. Driscoll entertained a motion for the Board to send a letter to Matthews, 234 John Wise Avenue, stating that the Board is in agreement with the determination of inspector Jonathan Granz, that the system passed the official Title 5 inspection conducted on May 18, 2019. The next routine inspection of this Title 5 system is due no later than August 18, 2019. The grease trap must be pumped monthly. The next routine pump-out of the grease trap was due no later than May 26, 2019, so is past due. Failure to pump the grease trap as required may result in further enforcement. Ms. Roderick so moved. **Vote: All in Favor.**

136 Conomo Point Road, Cushing, Map 108, Lot 62: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Cushing, 136 Conomo Point Road, stating that the Board is in agreement with the determination of inspector Dan Johnson, that the system failed the official Title 5 inspection conducted on April 17, 2019. The property owner shall repair or upgrade the system within 2 years from the date of the inspection, or sooner, if environmental or public health hazards are caused by the condition of this system. Interim measures, i.e. pumping, may need to be taken until such a time as the system is brought into compliance. Ms. Roderick so moved. **Vote: All in Favor.**

19 Wood Drive, Gordon College, Map 154, Lot 45: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Gordon College, regarding 19 Wood Drive, stating that the Board is in agreement with the determination of inspector Jonathan Granz, that the system failed the official Title 5 inspection conducted on April 25, 2019. The property owner shall repair or upgrade the system within 2 years from the date of the inspection, or sooner, if environmental or public health hazards are caused by the condition of this system. Interim measures, i.e. pumping, may need to be taken until such a time as the system is brought into compliance. Ms. Roderick so moved. **Vote: All in Favor.**

7 Lufkin Point Road, Tory, Map 109, Lot 31: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Tory, Seven Lufkin Point Nominee Trust, 7 Lufkin Point Road, stating that the Board is in agreement with the determination of inspector George Norris, that the system passed the official Title 5 inspection conducted on May 14, 2019. The inspector noted in his report that the dwelling has a garbage disposal connected to the septic system for which the current 4 bedroom, single family system was not designed. Any other use, including periodic or continued use of a garbage disposal may cause premature failure of the septic system. Therefore, the Board recommended that the garbage disposal be disconnected. Dr. Mouchantaf so moved. **Vote: All in Favor.**

48 Rocky Hill Road, Winfrey, Map 148 Lot 10: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Winfrey, 48 Rocky Hill Road, stating that the Board is in agreement with the determination of inspector Rick Clarke, that the system passed the official Title 5 inspection conducted on April 24, 2019. Dr. Mouchantaf so moved. **Vote: All in Favor.**

12 Patriots Lane, Rainone, Map 145, Lot 14: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Rainone, 12 Patriots Lane, stating that the Board is in

agreement with the determination of inspector Rick Clarke, that the system passed the official Title 5 inspection conducted on April 24, 2019. Ms. Roderick so moved. **Vote: All in Favor.**

42 Lake Shore Drive, Eliastam, Map 145, Lot 37: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Eliastam, 42 Lake Shore Drive, stating that the Board is in agreement with the determination of inspector Jonathan Granz, that the system passed the official Title 5 inspection conducted on May 15, 2019. The inspector noted in his report that the dwelling has a garbage disposal connected to the septic system for which the current 4 bedroom, single family system was not designed. Any other use, including periodic or continued use of a garbage disposal may cause premature failure of the septic system. Therefore, the Board recommended that the garbage disposal be disconnected. Ms. Roderick so moved. **Vote: All in Favor.**

23 County Road, Fritzing, Map 131, Lot 1: Dr. Driscoll entertained a motion for the Board to retroactively approve the letter sent to Fritzing, 23 County Road, stating that the Board is in agreement with the determination of inspector Rick Clarke, that the system passed the official Title 5 inspection conducted on May 3, 2019. Ms. Roderick so moved. **Vote: All in Favor.**

***Title 5 reports are available for review in the Board of Health office.***

- **Septic Plan Reviews**

83 John Wise Avenue, Lawrence, Map 113, Lot 13: Dr. Driscoll entertained a motion for the Board to approve the 4 bedroom tight tank plan for Lawrence, 83 John Wise Avenue, designed by John Judd and dated April 17, 2019. Two requested local upgrades were also approved: to allow less than a 12" separation between the estimated seasonal high water table and the tank invert; and to situate a holding tank within 10' of the property line. Ms. Roderick so moved. **Vote: All in Favor.**

154 Conomo Point Road, Wendell, Map 108, Lot 42: Dr. Driscoll entertained a motion for the Board to approve the 3 bedroom tight tank plan, designed by Dan Johnson and dated April 29, 2019 with a revision date of June 19, 2019. Ms. Roderick so moved. **Vote: All in Favor.**

120 Conomo Point Road, Maher, Map 108, Lot 69: Dr. Driscoll entertained a motion for the Board to approve the 4 bedroom tight tank plan for Maher, 120 Conomo Point Road, designed by John Judd and dated April 17, 2019. Two requested local upgrades were also approved: to allow less than a 12" separation between the estimated seasonal high water table and the tank invert; and to situate a holding tank within 10' of the property line. Ms. Roderick so moved. **Vote: All in Favor.**

13 Town Farm Road, Maher, Map 110, Lot 22: Dr. Driscoll entertained a motion for the Board to approve the 2 bedroom tight tank plan for Maher, 13 Town Farm Road, designed by John Judd and dated May 7, 2019. Two requested local upgrades were also approved: to allow less than a 12" separation between the estimated seasonal high water table and the tank invert; and to situate a holding tank within 10' of the property line. Ms. Roderick so moved. **Vote: All in Favor.**

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

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

Keeping of Stable Animals Permit #19, Marshall, 19 County Road: Dr. Driscoll entertained a motion for the Board to sign Keeping of Stable Animals Permit #19 for Marshall, 19 County Road. Ms. Roderick so moved. **Vote: All in Favor.**

Food Establishment (Catering) Permit #39, Burnham's Catering, 65 Eastern Avenue: Dr. Driscoll entertained a motion for the Board to sign Food Establishment Catering Permit #39 for Burnham's Catering, 65 Eastern Avenue. Ms. Roderick so moved. **Vote: All in Favor.**

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

Dr. Driscoll entertained a motion for the Board to retroactively approve the following permits:  
Retail Food Permit #14, Ipswich Family YMCA, Centennial Grove Road  
TFE Permit #2, Melt, Art in the Barn, Cox Reservation, 6/7/19, 5-8:30 pm  
TFE Permit #3, Essex Lions Club, Essex River Day, 6/22/19, 4-8 pm  
TFE Permit #4, Mimzee's Ice Cream and Concessions, Essex River Day, 6/22/19, 5-10 pm  
Keeping of Stable Animals Permit #18, Julian Balili, 200 Western Avenue  
Permits to Operate a Bathing Beach: #1 Chebacco Lake, #2 Clammer's Beach, #3 Front Beach.  
Ms. Roderick so moved. **Vote: All in Favor.**

- **Items that could not be reasonably anticipated by the Chairman within 48 hours of meeting**  
Bills Payable #605, \$832: See Bills Payable above.

Dr. Driscoll closed the meeting at 8:30 pm.

Next BOH meeting: 7-11-19

Prepared by:  
Ann White



Attested by:  
Allison Roderick



Signed on:

7-11-19