

Scituate Board of Health Meeting
July 24, 2017
Scituate Town Hall- Selectman's Hearing Room
6:00 P.M.

MEMBERS PRESENT: Mr. Steve Pansey, Chairman
Mr. Russel Clark, BOH Member
Mr. Doug Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health,
Ms. Joan Schmid, Administrative Assistant

Mr. Pansey called the meeting to order at 6:03 p.m.

Acceptance of the Agenda- A motion was made and seconded with all in favor of accepting the agenda.

Scheduled Items:

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

SCHEDULED ITEMS

Discuss/Vote: Scituate Harbor 146-162 Front Street Shared Dumpster Area- Hamilton Company Inc., Restaurant Oro, Sam's on the Harbor and Scituate China Gourmet

The Board asked Ms. Keefe to share information on the topic with the attendees present.

Ms. Keefe informed the Board that the dumpster behind Restaurant Oro has been a difficult area to keep clean over the last 1 ½ years. The food inspector has been inspecting the restaurants around this area for a number of years. The food inspector originally brought to Ms. Keefe's attention in February 2016 the deteriorating conditions of the dumpster area behind Restaurant Oro. Ms. Keefe originally sent a letter to Restaurant Oro with the understanding that it was their dumpster, since it was physically located behind their restaurant. The office received a response from Restaurant Oro that they contribute to it but it was a shared area with other tenants of the building. Ms. Keefe reached out to the point of contact of ownership with no response. There were complaints from the food establishments that the dumpster was unkempt, unclean and unsanitary. Complaints were also received by people passing by, residents and people who frequented the shopping and restaurants. that the smell, the look and the garbage all over the area was unpleasant. Ms. Keefe reached out to the owner of the building in June of this year documenting the concerns at the Board of Health. Ms. Keefe and the food inspector witnessed on a number of occasions, loose food and garbage bags on the ground, the cardboard dumpster was overflowing, the dumpster lid was left open and there were seagull droppings everywhere. This was not a good representation of what the area should look like. Ms. Keefe, with the food inspector, visited in July and met with a gentleman cleaning the area and discussed the owners of the building and the restaurant owners' responsibilities. There does not seem to be a simple way to make sure the area is kept clean despite all of these correspondences. Ms. Keefe noted that the Board thought it was best to have all involved be present at the meeting to discuss and come up with a solution to reach compliance with the sanitary code.

Ms. Keefe was in the area on other business on Friday, July 21, 2017 and there was cardboard overflowing the dumpster and it was the same as of the morning of the meeting. Despite this conditions in the area had improved and there were no overflowing food and the container lid was closed. Ms. Keefe noted that on Friday it looked the best it has looked in the last one and half years, except for the 4th of July weekend when she watched it being cleaned up.

The Board asked to hear from each of the responsible parties in attendance with their responsibilities and concerns.

Neil Campbell attended the meeting for the owners of the building and indicated that they maintain a contract with a waste provider for the dumpsters in that area. The garbage was originally picked up three times a week and it has since been increased to four times a week. He indicated that they moved the cardboard container on site into the dumpster area. The superintendent, Brian Stiles, inspects it daily. The Board noted that the updated policies include daily trips to the dumpster area. Mr. Campbell noted that people from the marina come over and dump their trash in these dumpsters. Sam, from Sam's on the Harbor, noted that he has witnessed people from the marina throw trash in the dumpster and also has seen people throw a bag of trash over the fence into the dumpster area. It was noted that the marina does not have a dumpster. Mr. Campbell feels they are doing what they should be doing and wants to comply with whatever the Board wants them to do. They have added a lock to the gate and will be adding signs noting that it is a private dumpster and that the area is monitored by video. He has seen the gate left unlocked a couple of times.

The Board asked if there are two dumpsters. It was noted by Brian Stiles, the superintendent, who monitors the area for the building, that there is one for cardboard and one for trash. Mr. Stiles noted that about 1 ½ years ago they had a shorter compactor that was below the fence line and you could not see it but it was too small. They added a 10 yard dumpster, which is above the fence line. Everyone driving in and out can see it and they think it is a public dumpster. Mr. Stiles said that the area has improved, since they added the no loading and no parking signs. He also noted that the compactor that was there was contained and could be a logical solution. Mr. Campbell noted that it worked great but it does not get physically picked up allowing things to get caught underneath it, allowing garbage to smell bad especially in the summer. He indicated that was why they switched to the current dumpster.

The Board noted that those using the dumpster are China Gourmet, Sam's on the Harbor, Restaurant Oro and they are each responsible for breaking down cardboard and putting the trash in the dumpster. Mr. Campbell noted that they are also responsible for locking the gate. He also noted that the offices are cleaned by cleaning people, who take the trash out. The other tenants that do not want to contribute to the maintenance fee for the dumpster take their trash to the transfer station.

Ms. Keefe noted that a couple of weeks ago she did not see the do not park sign and asked if they noticed a difference in the parking getting better with the sign up. Mr. Stiles noted that it was put up four months ago and if the gate was open she would not see the sign. The food inspector, Nelly, had asked Mr. Stiles to put another no parking sign on the other side of the fence but they have not put one up yet. Mr. Stiles also noted that the toy store collapses their cardboard and takes it to the transfer station on their own but the restaurant owners disagree. The restaurant owners have seen a considerable amount of cardboard from the toy store in the cardboard container. The labels on the boxes indicated that they are from the toy store. Mr. Stiles indicated that they claim they do not use the cardboard container. The Board confirmed that the restaurants bring their items to the dumpster area.

Ms. Keefe gave the Board the pictures of the dumpster area. Mr. Campbell asked if the cardboard was broken down. Ms. Keefe noted that the pictures were from Nelly, the food inspector, and taken on July 3rd during a long busy weekend but the photos are indicative of what she has routinely seen in the dumpster area. Ms. Keefe noted that what she saw this morning was a combination of broken down cardboard, and intact cardboard boxes sitting next to the dumpster. She noted that even though there were boxes broken down they were overflowing in the container and spilling on the ground. Ms. Keefe was pleased to see the vast improvement in the area from where they have been.

Mr. Stiles noted that the Scituate transfer station was closed on Monday, July 3rd and the Holiday, July 4th. Prior to these dates, they had someone take cardboard to the Scituate transfer station. There was a lot of cardboard and trash that weekend and they were trying to stay on top of it.

The Board noted that they seem to be working to improve the area. The Board also noted that the neighbors and customers seeing and such conditions will only hurt their businesses.

The Board would like them to continue to work on improvements. They suggested installing more signage, cameras, and lighting. Mr. Stiles noted that the lights have been vandalized on a number of occasions and the area is a hiding spot for use of nips. The Board asked if they can cage the lights or change the location, and put them up higher. The Board thinks they are moving in a positive direction and it needs to be resolved. Mr. Stiles noted that the lights are caged and up higher and the camera is in the loading dock area. The Board asked if higher fencing would help the area. Mr. Stiles noted that last week he was there between 6-7am one morning and there were three people with out of state plates. Two of them threw trash over the fence and one ripped open the gate to put in trash. He was getting dirty looks from people when he was taking pictures of their license plates. The entire building and people from the town are going to that area to throw away trash. The Board thinks the lock on the gate is a good idea to keep people out and hopefully it will work. This is why the Board had them all come in to listen to their issues with the area. Ms. Keefe asked when the lock was installed. Mr. Campbell noted it was installed within the last week and half. Ms. Keefe noted that she was able to get in to the area this morning. Mr. Stiles noted that a cable lock was put on with a combination given to the restaurants but at times the cable is left draped over the fence and is not locked. The fence has been damaged and the only way to lock it is with the cable. They need to find a way to keep the lock on. Mr. Stiles feels that getting the dumpster below the fence and out of sight is the best option. He noted that the problems started happening when they changed from a compactor to an open dumpster. Mr. Campbell noted that they had complaints too when it was a compactor because items get caught underneath but the area was not as messy as it is now.

The Board noted that it is likely not usually the restaurant owners but the employees, who are not complying with the rules, however, the owners of the restaurants need to police it. Sam noted that they are trying to do their best. Mr. Campbell noted that he is sure that happens but it is more of a cumulative problem. They have to now unlock and lock the gate and forget to do it because they never had a lock before. The Board noted that there might be an issue the dumpster contractor does not get out of the truck and lock the gate.

The Board suggested Mr. Campbell sends a memorandum to the restaurants and any other tenants regarding rules associated with use of the dumpster area. Mr. Stiles has done this verbally. Mr. Campbell noted that he wants his tenants to be successful. Mr. Campbell noted that they are doing what they can and they spend \$25,000 a year on that area's trash.

Ms. Keefe asked if the dumpsters are full at the time of pick up by the waste hauler with the increase of frequency of the pick. Jill from Oro Restaurant indicated that absolutely it is full.

Mr. Campbell noted that it is much better already with the increase frequencies of pickup, which started two weeks ago. Ms. Keefe asked Jill of Oro if she has seen an improvement in the added frequency of pick up. Jill noted that she has seen an improvement but feels that it can be picked up every day since it is serving three restaurants and others in the building. She also noted that the Mill Wharf restaurant has their own dumpster for their one restaurant and they fill it up. Jill feels it is the frequency of the pickup that is most important.

The Board asked if the marina has their own dumpster. All agreed that they have not seen a dumpster in that area and there are only two trash cans.

Ms. Keefe noted that the Mill Wharf is not struggling with the illegal dumping in their dumpster. The owners and Mr. Campbell feel that it is on their way out of the parking lot and that is why the public is using the one behind Restaurant Oro.

Ms. Keefe stated that the dumpster appears to be a reflection on Restaurant Oro because it is outside their door. Most people would think it is their dumpster and public seeing it may ask if this is the back of the house what is happening in the front of the house. Ms. Keefe asked for suggestions from the group to come to a resolution.

Jill noted that they step over and walk over it. Their deliveries come in and there is trash everywhere and they cannot get by. The dumpster contractor picks up the dumpster and puts it down where they can fit it and sometimes it blocks the door, and when that happens, their delivery vendors have to go through the restaurant to make the delivery. Jill indicated that it is a small space and there is a storage issue for the whole building and frequency of the pickup needs to increase since the space is limited. Mr. Stiles noted that there have been times when the dumpster contractor puts the dumpster back down blocking the egress to Restaurant Oro. Mr. Stiles is an advocate for the compactor.

The owners noted that someone would have to be there to make sure it is put back correctly and the dumpster contractor comes at different times.

Mr. Campbell noted that they will keep the frequency of four days a week and did not indicate when they will reduce the frequency of the pickup. He indicated it will probably be in the winter.

The Board asked if the dumpster contractor rinses the dumpster with bleach when they empty it. Mr. Campbell noted that they do not but he indicated that they will be spraying it with a disinfectant. Brian noted that the spray bottle disinfectant costs \$25.

The Board asked if there is a way to block the bottom of the compactor so nothing goes underneath it or if they could put it on a mat. Mr. Stiles indicated that things cannot get under it but the Board noted that a comment was made that items can get under it and that leads to bad odor. Mr. Campbell noted that it is the liquid that gets underneath it. The Board noted that compactors do leak liquid from the trash. The Board noted that if it was raised the underneath could be sprayed but they would need a drain and that will cause another issue not having a drain.

Jill noted that the cardboard is only picked up twice a week and now the trash four times a week. If the dumpster is full, there is nowhere to put the trash. Mr. Campbell noted there are two other cardboard containers next to the hardware store for the restaurants to use. The owners of the restaurants noted that no one will walk over there.

The Board indicated the building owner needs to re-educate the tenants and the tenants need to re-educate their employees. Ms. Keefe noted that the building owners should be reminding the tenants that choose not to participate in the dumpster to not use the dumpsters. If part of the problem is cardboard being left from tenants that do not participate, then they should be reminded and excluded from using the area.

Ms. Keefe noted that there are cameras. Mr. Campbell noted that if there is an issue brought to his attention then he will look at the cameras but he does not regularly police it.

Ms. Keefe indicated that they should see how it goes over the next several weeks. Ms. Keefe suggested that the building owner educate the tenants on what they can and cannot do. Ms. Keefe also noted that collectively they should decide what makes sense for volume and height visible to the general public and if the additional pick up is not enough. She suggested they put up signage and everyone provide feedback. The restaurant owners and building owner will give feedback to Ms. Keefe. She wants to know how it is going, since they all have a different perspective. If necessary the Board can revisit the issue for new improvements.

Mr. Campbell noted that he is only there once a week and the restaurant owners are there every day. If the owners of the restaurant touch base with Ms. Keefe, then he would also like the feedback and come up with additional steps as needed.

The Board noted that they should add a sign regarding illegal dumping. The Board suggested to Mr. Campbell that he check with the police department on what the result is for illegal dumping. If it is on the sign, then it could be enforced. Mr. Campbell noted that he will put up signage on the gate and if necessary will add a camera. Mr. Stiles noted that there is a camera that looks down on the dumpster but you would not be able to see license plate numbers of the cars from its location.

The Board asked Mr. Stiles if there were boaters when he was there at 6am. He indicated that there appeared to be boaters from the marina. They come off their boat, grab coffee and then throw the trash in the dumpster.

Ms. Keefe suggested a conversation with the marina owners since they are saying the people illegally dumping are coming from the marina. The restaurant owners indicated they would not feel comfortable addressing the issue with the marina owners.

The Board again reiterated that the signage needs to go up, policies put in place and the tenants notified of their responsibilities. The Board noted that the team effort affects everyone.

Ms. Keefe asked that all of them let her know what is working and what is not working so they can come up with a final resolution. She noted that there were vast improvements at her visit today.

Ms. Karen Campbell attended the meeting as an observer and asked if the Board of Health can send a letter of concern to let the marina owner know that it is private property and the marina should find a solution. The Board noted that they still do not know, who it is that is dumping illegally.

Ms. Keefe noted that this is the first time she is hearing, who is participating and the alleged marina users with out of state plates.

Sam noted that the illegal dumping starts at the end of April and is common through the end of October but not as much in the winter time. Ms. Keefe noted it has been over a twelve month problem and she has sent letters in February and December 2016. Sam noted that there is an increase of people during the summer months and he has seen it with his own eyes.

Ms. Keefe noted that they are trying to get to a resolution and she has spent a lot of time on this issue and they need to come with a manageable workable solution. Mr. Campbell will call Ms. Keefe in a couple of weeks to follow up.

The Board thanked them all for coming.

NEW BUSINESS

Discuss/Vote election of Board of Health Chairman- A motion to move to elect Doug Whyte to the Chairman, which was seconded with all in favor of accepting Doug Whyte as Board of Health Chairman.

Director's Report

Ms. Keefe gave following report:

- Ms. Keefe asked the Board to spend a moment to recognize Frank Lynch, a previous member of the Board of Health, who passed away recently. Mr. Lynch was on the Board of Health for a long period of time. Mr. Clark made note that he had the honor of serving on the Board with Frank. Mr. Lynch was a great mentor, a good listener. Ms. Keefe commented that he had a long history of community service and he will be sorely missed.
- Ms. Keefe gave an update on the areas that the Board of Health covers for the town to remind everyone in general that there are a lot of responsibilities of the Board of Health. These areas include pools, camps, and beaches, which are seasonal. Year round responsibilities include septic, housing, emergency preparedness and shelter, which is a 365 day effort to prepare, the turbine, nuisance, monitoring environmental releases, tobacco, food establishments, and private well permits. She also noted that it has been one month since the well regulations were put in place and there have been good questions and inquiries. Ms. Keefe made note that the education process includes the real estate community during property transfer and asking them to assist us in educating homeowners. Therefore, she noted that the office will be sending out a letter to all of the private well owners that have registered with the Board of Health and include the regulations. This will start the education process.
- The beach sampling will take place tomorrow and hopefully storm water will not impact the water quality.
- There are ten housing cases with two new complaints.
- There are four nuisance cases with none of them new.
- There are six environment releases.
- Septic is very busy with five new plans received over 7 days. Three are as-builts, three are revised plans, and two are new plans received this morning.
- There are twelve septic failures.
- Food is extremely busy. The food inspector is continuing seasonal inspections of the farmer market with un-announced visits. The office is currently in the process of permitting for Heritage days with the deadline this Friday for temporary food applications. This allows the office two weeks to process and request missing information from the applicants.

Ms. Keefe noted from the last meeting that it had been a rough couple of weeks with food code violations. Between June 28th and July 13th, there have been sixty inspections, included sixteen re-inspections, five new opening establishments, ownership changes, or pre-opening inspections for new owners. The farmer's market opened and the carnival inspections were successful. There was also response to two complaints. Ms. Keefe noted that critical violations included the lack of choke safe trained personnel, missing dates/ labels, food covering not being adequate, improper food protection, no paper towels at hand sinks, a lack of access to a hand sink, glass or dishwashers not sanitizing properly, improper food separation, no sanitizers being used, coolers or food not at appropriate temperatures, dirty can openers, dirty ice machines, no gloves being used for ready to eat foods, sell by dates missing on pre-packaged foods, and people in charge were not knowledgeable. Ms. Keefe informed the Board that it has been challenging with the same violations found over and over and over again. Nelly, the food inspector, feels she is working hard to education the establishments with summer help or long time employees running at a hectic pace. Nelly is struggling with the same violations over and over again. She is disappointed she had to do sixteen re-inspections. The Board asked if it is time to raise the inspection fines to make it a harder hit on these establishments. Ms. Keefe agreed and noted that the office is in the process of reviewing fee schedules from other communities and not just food fees to see how Scituate fits. Ms. Keefe noted that food establishment owners that cannot follow through need to realize that this is serious. Hopefully, by increasing the re-inspection fee it will make a difference. Ms. Keefe will bring the fee schedule evaluation results to the Board for review and to implement for calendar year 2018.

The Board asked if there has been any talk with the repeated establishment offenders to give refresher training to their employees. Once this is done they have a sign off sheet for the food inspector. Mr. Whyte made note from working in the food industry that he has seen this done in the past from other Boards of Health. Ms. Keefe noted that they have not required it but have brought repeat offenders to the Board of Health in the past.

There was one particular week where almost every place Nelly went seemed to have critical violations. The Board reviewed the food inspector process and noted that visits are unannounced. Nelly gives the results at the time of the visit with a date she will be back. The Board asked if she is seeing issues not being fixed when she returns. Ms. Keefe confirmed that Nelly is seeing problems not being fixed when she returns in some cases.

The Board indicated that if the violation has not been fixed after the second or third time, the establishment should come before the Board. The Board noted if the food establishments are going to ignore these violations, which are for safety reasons, they should come in to the Board to be in the public eye. The Board feels there is an issue with the establishment if they cannot fix the problem when they know when the food inspector is coming back. Nelly stresses to the establishments that the inspection reports are all public. Additionally, Ms. Keefe noted that the \$75 re-inspection fee does not seem to be a deterrent. Ms. Keefe noted that sometimes it takes two or three letters to get some establishments to pay the re-inspection fee. The Board wants the repeat offenders to come before the Board. Ms. Keefe noted that Nelly tries to educate the restaurants and tries to work with them to make them successful.

The Board asked to put a due date on the letter for re-inspection fees and if the fee is not received by the due date then they need to appear in front of the Board. The Board does not want establishments to ignore the violations for safety reasons. The Board asked Ms. Keefe to send the Board an email with the repeated offenders.

- The Board noted that the Board of Health office also works hard on other items. Ms. Keefe noted that the part time public health nurse works very hard on putting together flu clinics and the Dana-Farber mammography van which she is working on for September. The public health nurse also schedules blood pressure clinics every week. The department provides tick borne disease education and follow up, and works with recreation division and community members on melanoma education since it is the one cancer in town significantly elevated for Scituate relative to cancer reporting.

OLD BUSINESS

Ms. Keefe reminded the Board that the ethics and sexually harassment paperwork is due and she will resend the information to the Board members.

OTHER BUSINESS

Karen Campbell attended the meeting and informed the Board that she is running for Selectman. She noted the amazing work everyone does for the Board of Health.

Administrative Invoice Approvals- The Board approved and signed the invoices.

Mr. Whyte and Mr. Pansey reviewed the June 26, 2017 meeting minutes. A motion was made and second with all in favor of accepting the meeting minutes.

A motion was made and seconded with all in favor of accepting the July 10, 2017 meeting minutes by all three Board members.

ADJOURNMENT:

A motion was made and seconded with all in favor at 7:10 pm.