

**PEABODY BOARD OF HEALTH GENERAL MEETING**

**Meeting Notes**

**October 23, 2025 4:30 pm**

**Lower Level Conference Room, Peabody City Hall, 24 Lowell St. Peabody**

**With remote participation via Zoom**

**In Attendance: Chairman Thomas Durkin, Dr. Julia Fleet O.D, Anthony Carli, Director Sharon Cameron, Clerk Lisa Greene, and Joyce Redford of the North Shore - Cape Ann Tobacco Control Program.**

Mr. Durkin opened the Meeting at 4:30 PM and read the meeting notice. He explained that the first matters before the Board were some hearings.

**HEARINGS**

**4:30 pm – Hearing regarding application for Permit to Perform Body Tattooing submitted by Margarita Hernandez.**

Mr. Durkin opened the hearing at 4:30 and read the hearing notice. Ms. Hernandez was in attendance. Mr. Durkin asked her to tell the Board about herself. Ms. Hernandez explained that her English is not very good. A translator, Kim Reis from the Health Department, was brought in to assist. Through Ms. Reis, Ms. Hernandez explained that she has worked at Adrianna's Academy for one year and before that, worked in the Dominican Republic doing micropigmentation. Ms. Cameron asked about the procedures used to prevent contamination. She replied that she always washes hand first, disinfects the area, always wears gloves, doesn't touch her phone or anything once starting the procedure. Prior to starting on a client she has them fill out a form asking about health issues like diabetes. If they answer yes she would not perform the tattoo. If they disclosed any medical issues she would have them see a doctor before getting the procedure. Once done with the procedure she takes off the gloves right away and washes hands and cleans and throws away everything. She cleans the tattoo machine. Before opening it is in a plastic package. Once it is in a package they tape it closed. She will be doing procedures on clients, not teaching. Mr. Durkin asked if she plans to do only face micropigmentation and she said yes. Mr. Durkin asked if anyone present or on the call wanted to speak on this matter. No responses were received. Mr. Durkin closed the hearing at 4:39 pm.

Mr. Carli made a **Motion** to grant the permit. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant the permit for micropigmentation only.

**4:35 pm – Hearing regarding application for Permit to Perform Body Tattooing submitted by Tien Phan.**

Mr. Durkin opened the hearing at 4:40 and read the hearing notice. He asked Ms. Phan to tell of her plans. Ms. Phan said she has done her one- year apprenticeship and multiple training courses and now wants to work on her own at Valspar Beauty on Main Street. Mr. Durkin

asked if the facility has been inspected yet. Ms. Cameron replied that the establishment has been permitted.

Mr. Durkin asked her to tell the strategies she uses to prevent cross contamination. She stated she cleans her hands, uses sanitizer and puts on gloves, cleans bed and trays beforehand, puts out disposable sheets, cleans, puts on gloves, cleans machine beforehand. The ink is put into new clean ink cups, and she cleans the ink bottles before returning them to storage. Mr. Durkin asked what she does with leftover ink. She stated she disposes of it. Needles are disposable as well. The machine is reusable, and she cleans before and after use. Ms. Cameron asked what tasks she performed as an apprentice. Ms. Phan replied that her mentor observed her performing micropigmentation on clients, and said she has done lips, blush and eyebrows. Mr. Durkin asked if anyone present or on the zoom call wanted to be heard on this matter. No responses were received, so he closed the hearing at 4:45 pm.

Mr. Carli Made a **Motion** to approve the permit for Tien Phan to perform Body Tattooing. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant the permit for micropigmentation only.

**4:40 pm – Hearing re: Correction Order and Fine and Notice of Intent to Suspend Tobacco Products Sales Permit at Olivia’s Market, 122 Foster St. Vote anticipated to uphold, modify, or suspend Order, Fine, and/or Suspension.**

Mr. Durkin opened the hearing at 4:45 PM and read the hearing notice. He asked if the owner of the establishment was present and Harold Mir introduced himself as manager of Olivia’s Market. Joyce Redford joined the meeting and told that on September 11<sup>th</sup> a compliance check was done, and a youth was able to purchase a cigarillo and backwoods product, and came out of the store with the products and with change. In addition to the sale to minor, the cigarello was sold for \$1.99 in violation of the City tobacco pricing regulation. Harold Mir, Manager of Olivia’s Market, said he has spoken with the clerk who was there that day. He looked up the transaction and couldn’t find it. He saw no receipt for this and couldn’t see this transaction on his camera footage. For the cigarello price he did have it set at that price, but now sells it at \$2.99 after being told it was not allowable. Mr. Durkin asked is he challenging this reported sale . Mr. Mir replied yes, there are not that many people who come in. Mr. Mir said he had no idea about a previous violation as stated in the Notice. Ms. Cameron said there was no prior offence in 36 months, the same visit resulted in a first and a second violation. Mr. Durkin asked if they wish to treat both of these as a first offence. Ms. Cameron said it is up to the board. She said they could consider it two first offences and it would be a lesser penalty, if a first and a second offense it would be a stacked penalty and more severe penalties. Mr. Carli stated that the rationale for more severe penalties for subsequent offenses was to prevent repeat offenses. Stacking fines is not consistent with this intent. General agreement among Board members not to stack the penalties.

Ms. Redford said as part of compliance check protocol they do a report that is time stamped at each location checked and they send it to Ms. Cameron. She showed a document with time stamps. The youth will not ask for a receipt when they make a purchase because that would be a tell. They have done 325 compliance checks since July this year in the region, and had 14 sales to a minor. They also had collateral sales, such as buying a pack of gum with tobacco, and in all those sales no receipts were given. The money we give them is counted before and after the purchase. We hold the evidence and document the change. Our new database allows us to take a photograph. The youth had a \$20 bill and came out with 18.99 in change. Mr. Carli said he is happy with the chain of evidence. Mr. Mir said in the future he believes they need better evidence, anyone can say anything. Dr. Fleet asked do you typically print receipts. Mr. Mir replied yes. Ms. Redford said they do get GPS coordinates on their reports she can pull up for them. Ms. Cameron asked Mr. Mir in your store do you have a software system that requires an id to sell tobacco. No, we have to physically check. Ms. Cameron asked if he signed onto the voluntary cooperation agreement that was implemented by the Peabody tobacco retailers. He had signed off but didn't know he was signing off on having that technology, but might need to get that software. Ms. Redford said they should require that every sale of tobacco requires that everyone get IDed, even if purchaser doesn't look young. Mr. Mir replied yes, everyone should get IDed. Mr. Durkin asked if anyone the call or in the room wished to comment. No response.

Mr. Durkin said he finds Ms. Redford credible. Mr. Carli said because this is essentially the first time Olivia's has been before us he would suggest a first offence for both counts. Mr. Durkin agreed. Discussion ensued about first and second offence. Ms. Cameron stated that sale to a minor carries a 3 day suspension under state and local law as well as the fine. With respect to the cigarillo, for a first offense it would be a \$1,000 fine for the single cigarette with the potential for a suspension at Board's discretion and for a second offense it would be a \$2000 fine with a 7 day suspension. Ms. Cameron suggested that Board consider waiving the second fine and allow the owner to use those funds to purchase the ID software for use at point of sale. Mr. Durkin asked Mr. Mir if they waived the fine would he be willing to purchase the software. Mr. Mir agreed. The total fine would have been \$3000, but the Board will impose only a \$1000 fine for first offence, contingent upon implementing the software and training all staff on ID procedures. Mr. Durkin closed the hearing closed at 4:59 PM.

Mr. Carli Made a **motion** to uphold the violation of sales to a minor with a 3 day suspension and a \$1000 fine as a first offence, and to uphold waiving all penalties associated with the second violation pending the receipt of confirmation of implementation of ID software.

Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to uphold the violations. Fine and suspension and implementation of new ID system must occur within 30 days. Mr. Mir to communicate with Inspector Suckney regarding days to serve the suspension.

**4:45 pm – Hearing re: Correction Order and Fine and Notice of Intent to Suspend Tobacco Products Sales Permit at Richdale's at 272 Lynn St. Vote anticipated to uphold, modify, or suspend Order, Fine, and/or Suspension.**

Mr. Durkin opened the hearing at 5:05 pm and read the hearing notice. He asked if the owner of the establishment was present. Mr. Mohammed Hossan stated he was present.

Ms. Redford reported on site visit to 272 Lynn St Richdale. We were told flavored products may be sold there. On October 1<sup>st</sup> she entered the establishment, identified herself, and behind the counter found Eras clear product. She asked the clerk if he had checked the product for flavor before putting it out for sale and he said he had not. She reminded the clerk that they had trained the retailers on this. Also behind the counter was a black bag that he flung into the trash, and in it was an unopened box of another flavored product.

Mohammed Hossan said he called her for a meeting, and she told them what can be sold. He knows that he cannot sell Eras clear. He said he asked about this one and she said they don't know and just said if it has a flavor or smell they can't sell it. He said he didn't think it had a flavor or he wouldn't have sold it. Ms. Redford said there are thousands of products so she couldn't show all of them at the training. Mr. Carli said it is impossible for the staff to speak on every product. Ms. Redford said she opens the product and asks them to smell it, to google it, and if still in doubt, to call and ask her or Randy. The fact that the clerk threw the bag containing the unopened product into the trash makes it seem that he knew this product was flavored. She said they did a compliance check at this location and a youth asked for Crave Clear and they did not have it, which showed that the retailer who was trained heard us on that product. Mr. Durkin asked what steps Mr. Hossan took to determine that this item was not flavored. He replied he smelled it before putting it out and also asked some customers their opinions. Ms. Redford said during her site visit he said he hadn't opened it to check for flavor before selling it. She said a google search of product reviews also would say it has a hint of flavor. Dr. Fleet said she googled it and the manufacturer said Clear has no flavor. Ms. Redford said they can also go into a chatroom and see what users said about the product. Mr. Hossan said the bag was to be brought to another store. Mr. Durkin said this flavor is not one that strikes you. Mr. Hossan said he will not sell if you tell him not to sell something. Mr. Durkin said it is up to you, the burden of knowing what to sell is on you, and we are trying to educate you on how to make these decisions, and if there is a question you might want to defer to not selling it. Mr. Durkin asked if a suspension was associated with this violation. Ms. Cameron said the board is able to add a suspension, but it is discretionary.

Mr. Hossan said his business is right next to Lynn, and everything is allowed in Lynn. Business is very slow. Ms. Redford said the City of Peabody has made a great effort to teach everyone the requirements. These trainings were done in April, and we told everyone to call with any questions. Mr. Durkin said he appreciated that of all the flavored products that could be sold Mr. Hossan only had the one product. Mr. Durkin said he would be open to waiving the suspension. Mr. Hossan said his landlord was there and she helps him. Elieen Finegan said Mr. Hossan gave her one of the vapes to smell after the violation occurred. She said she noted that the box says unflavored, and when she smelled it she didn't know if the smell was a flavoring odor or a byproduct smell, but he should have done more due diligence, but she can see how

he would have believed it was unflavored. Mr. Durkin asked if anyone present or on zoom wished to speak. No responses were received. Mr. Durkin closed the hearing at 5:28 PM.

Mr. Carli made a **motion** to uphold the violation and the associated \$1000 fine, but no suspension for Richdale at 272 Lynn Street.

Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to uphold the violation.

**4:50 pm – Hearing re: Correction Order and Fine and Notice of Intent to Suspend Tobacco Products Sales Permit at Centennial Express, 2 First Ave. Vote anticipated to uphold, modify, or suspend Order, Fine, and/or Suspension.**

Mr. Durkin opened the hearing at 5:31 PM and read the hearing notice. He asked if the owner of the establishment was present. Attorney Jack Keilty indicated that he was in attendance on behalf of the owner. Ms. Redford explained that she had entered establishment, told why she was there, and immediately saw unauthorized flavored products on the shelves. She showed photos of the items to the Board. She said she found Eras clear, but also clear pink, clear blue, etc. She asked the owner if he had checked the products before putting them out for sale and he said no and said he was not a scientist and was not about to smell every product. She said she had asked to open a product, and he said she had to pay for it, so she did, opened it, and clearly the product had a smell. He asked a customer if she smelled anything and the customer said she smelled vanilla. The owner asked Ms. Redford she is trying to put him out of business. She said she would report the incident to the Board of Health and said they would contact him. Attorney Jack Kielty said again that he was there on behalf of Ahman Farhat, the owner of Centennial Express at 2 First Ave. He said Ahmad had prepared some testimony in writing and said he would paraphrase it. He said Ahman is very happy with the program you put in place. His comment on putting him out of business was ill advised. He does not smoke and his two sons do not smoke. He said the box said unflavored, he has manufacturer letters that say unflavored. He smelled the contents and did not smell anything. He said olfactory senses are varied in people, age has an impact, diseases or injuries have an impact, so we don't all have the same sense of smell, so in court it would be hard to prove what smells. Ahmad did the training and took the steps, the package says unflavored, and it seems the manufacturers will identify products as unflavored when they turn out to be flavored. There are many smells in products, but some are just chemical smells. Ahmad did a lot of research online, and thought the products were allowed. He now knows they can't trust seeing clear in the name. He said they only want unflavored, the box says unflavored, the material says unflavored, but the investigator smelled something and brought them before the board. He said he believes he did his due diligence, what the training told them to do. The Chair said if in doubt he can call and ask Joyce or Randy of the Health department to assist. Attorney said in the past they were told it is our duty and not yours, and we realize there are 46 odd stores selling tobacco products in the city and they can't ask the city to do everything, but they would be happy to bring a sample to the board and have them test it since his client's sense of smell seems to be not reliable. He

said they would like a modification of the violation and the suspension of the fine. They have learned that they can't rely on the manufacturer and packaging, and the client did note the fact that they can't trust the term "clear." Manufacturers seem to be masking the flavors. Mr. Farhat is happy with the program with its aim to stop youth from using tobacco, but we don't seem to have the vehicle to overcome the manufacturer's word.

Ms. Redford said for a reference point, saying the smell test seems hokey, this has passed as a method of testing in Massachusetts courts, in Yarmouth, Chelsea, and Framingham cases these have held up in court. Also in the Newport case it was supported that menthols were in fact flavored and RJ Reynolds never sued, so we have case law supporting this. We hold trainings because we know manufacturers mislead the retailers. Another person said he doesn't have a good sense of smell, but the retailers all agreed except for 2 saying that these are flavored. Mr. Keilty said it is so subjective, and since Ahmad's smell test has failed he would love to have products reviewed by the board going forward. Ms. Cameron said they are asked by retailers to be the final arbiters, but we can't vet every product but we will be a resource after they do their own due diligence. She said one good thing that came from this program is that the retailers were setting up their own resource group to share guidance and info on flavored products, but unfortunately this retailer has not joined that group, and this is part of the steps they should take. Ms. Redford added that this case was similar to the prior hearing, except that the prior retailer had one product on his shelves, this one had 78 or more versions of the products. At the training he attended we talked about colors as clues. If he truly believed all of them were unflavored, why did he carry all of them, so in her view there is an understanding that they're different products. Mr. Kielty said clear ruby red, clear ruby is flavored, clear ruby unflavored is unflavored but happens to have a ruby experience. Al says there is an unflavored vape ruby red but now they know the Board views it as flavored. Mr. Durkin asked what differentiates the clear ruby from clear emerald. Mr. Farhat showed pictures and said some are flavored and some not, but the color differentiation appeals to some users. Mr. Carli said we cannot come out to make a judgment with every product, so retailers can't rely on us to give permission to sell specific products. Mr. Farhat said Board should send a message to retailers for every new product and said it would be easy. Mr. Farhat said he had a question: if a person reads a label in a grocery store, should they question it? Mr. Durkin replied that this case is very different, and a seller's responsibility is different from a buyer's. He stressed that permit holder has to be diligent, and that is the standard we place on you, and added that he knows Mr. Farhat has tried to be diligent, but said his diligence needs to be a little higher.

Mr. Keilty said they don't want to be punished because he cannot smell well, but added that the retailer's association is a good resource to check in with other retailers- not the be all and end all but a good resource. Mr. Durkin said this is difficult, and he is sympathetic to that, but nevertheless we are left with the fact that this product has a smell and shouldn't be sold. Mr. Farhat asked again why the health department didn't tell retailers that it cannot be sold. Mr. Durkin said even if the Health Department issued a list of prohibited items, the list would not be reliable because things change daily and it is not their responsibility to keep up to date on that,

it is the retailers. Mr. Farhat said the manufacturer says it is unflavored. Ms. Redford showed a picture of the Crave product to show what it used to look like in Massachusetts before the flavor ban was put into effect, noting that it was very colorful. She showed that now the company has pivoted and now all product packaging is grey. Up until a month ago the packaging on this item said Eras pink ice, now they have added the word unflavored. We used as an example in the training because of this tactic that the manufacturers are using. Mr. Durkin said he agrees and said he does find overall that they make a compelling argument about the difficulty retailing these. He said it is not compelling enough to waive the \$1,000 fine but maybe to waive the suspension. Mr. Carli said we have worked with the retailers and knows it is difficult, so he is in favor of not putting in place a suspension as in the previous hearing. Dr. Fleet said that while she is sympathetic about the difficulty in this in general, she believes that having multiple colors of a single product is a real tell that they are flavored. She said she is sympathetic to the smell test issue, but said retailers need to look at everything with a grain of salt and question why they would be selling multiple unflavored products. She said she would like to see that he understands the perils of youth smoking. She would like to see more of an effort in reduction, more of an effort overall on his part, and a little bit more of thinking for yourself on this. Mr. Kielty said she is right and said unfortunately this will keep coming up because of the efforts by the manufacturers. Mr. Keilty said he likes the idea of vetting products before receiving any new products and if there are any doubts to bring it in. Mr. Farhat said the reason we carry many colors of the same thing is because people like color. Ms. Redford said we can open one, adding that we have done this before. She opened and passed around a pink one, Mr. Carli said it definitely has a smell. Dr. Fleet said yes, it is subtle but definitely flavored. Dr Fleet said our goal is to reduce the attractiveness of these. Mr. Farhat said since we had the meeting why didn't they send a memo to tell us no one should carry them. Mr. Durkin said this is the same as earlier question, we are not doing that because we can't be the keeper of the list. Mr. Farhat said since you knew about it why didn't you tell us. Mr. Durkin replied why didn't you speak to your group of retailers. All of you can tell each other through your association.

Mr. Durkin asked if anyone present or on zoom wished to speak. No responses were received. Mr. Durkin closed the hearing at 6:05 PM.

Mr. Carli made a **motion** to uphold the violation and the \$1,000 fine but waive the suspension. Dr. Fleet said she would like to see the owner engage with the group of other retailers. Mr. Farhat said he didn't know how, does not know how to do social media. Ms. Cameron said the group is managed by Nermeen at E Market, and if you speak with her, she can add you. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to uphold the violation and fine and to waive the suspension.

**4:53 pm - Hearing re: Correction Order and Fine and Notice of Intent to Suspend Tobacco Products Sales Permit at Mobil TDZ Oil Services, 137 Newbury St. Vote anticipated to uphold, modify, or suspend Order, Fine, and/or Suspension.**

Mr. Durkin opened the hearing at 6:07 pm and read the hearing notice. He asked if the owner of the establishment was present. Ziad Manour, son of the store owner, joined by Zoom. Ms. Redford reported that they conducted a compliance check at this location, their youth went in and the youth was sold the product,. She explained that they had asked for black and mild, were asked for their ID but when they said they didn't have one, the sales clerk sold it to them anyway. Ms. Redford said this calls for a mandatory \$1,000 fine and 3 day suspension.

Mr. Manour said first he was sorry for what his clerk did. He said they have been there for 11 years, but he just took over 3 weeks ago. He has updated their ID system, so clerks are forced to scan an id to verify age, and spoke to all employees and told them they are required by law to check age, also said they know how to enter date of birth manually if needed. He said he believes one good thing that was shown in this is that when the youth asked for crave clear, they were told that they don't sell that, and said they don't have any vapes at the store. Mr. Durkin asked for confirmation that he is not challenging that the sale happened. Mr. Manour replied that he was not the manager then, so he cannot say. He said he spoke to the clerk, and she said she didn't remember, and asked what time it had happened. Ms. Redford replied that it was at 10:35, and the sales clerk was a younger female. Mr. Durkin said he finds Joyce's testimony to be credible, and said that her efforts are credible. Mr. Manour said he tried to check cameras and they don't go back that far so he is updating cameras as well. Mr. Durkin asked if anyone present or on zoom wish to speak on this matter. No responses were received. Mr. Manour said he is hoping they can maybe sort something out. Mr. Durkin said they are very concerned about protecting youth from tobacco, so much so that they have considered even further regulations but decided not to because we were convinced that the retailers were going to take this seriously through their voluntary compliance efforts. Mr. Manour said he does not want to violate any of the rules for the city of Peabody, so will make sure every person is carded. Mr. Durkin asked if anyone had any comments on this matter. No responses were received. At 6:16 Mr. Durkin closed the hearing.

Mr. Carli made a **motion** to uphold the violation; Dr. Fleet seconded the motion. A vote was taken, and it was unanimously agreed to uphold the fine and suspension.

Ms. Cameron said the fine should be paid within 30 days, and you can choose the 3 days of suspension to take place anytime within the next 30 days. She explained that he will have to remove all of the tobacco products from the store and not return them until the end of the 3 days suspension. She said he should call the number of the health department and ask to speak with Randy. Mr. Manour thanked the board.

**4:55 pm – Hearing (continued) re: Application for Permit to Keep Certain Animals (15 hens) at 105 Goodale St. submitted by Manuel Silva. Vote anticipated to grant or deny permit.**

Mr. Durkin opened the hearing at 6:20 pm and read the hearing notice. He asked if Manuel Silva was present. Keith L'Italien said he was speaking for Manuel, who was also present. Mr.

Durkin said there are some concerns about some police records reflecting cruelty to animals. Mr. L'Italien said one has nothing to do with the other, adding that Manuel is battling cancer, and that he takes care of the animals and no one else does. Ms. Cameron said she received some information from the owner's daughter documenting that the city did issue 3 licenses for the dogs at the address in September. She also had a copy of the criminal docket against Duarte Silva showing admission of sufficient facts of animal cruelty and documentation that he is participating in the animal cruelty prevention program. Duarte Silva was present and said there was no verdict of guilt, and said the case was continued without a finding. Mr. Durkin asked how can we know the chickens will be taken care of. Duarte said police brought them to the vet and could not find one thing wrong with those dogs. He said the dogs are not his and are his son's. He has two dogs, which are being well kept. Ms. Cameron said inspector Wodarski has gone out and inspected the home.

Inspector Wodarski reported that the two French bulldogs appear to be well, that the chickens appear very healthy, they have barrels for food and waste, coop is large and well-constructed, they had rodent control out there, and have a flap to cover to protect the hens against bad weather. Ms. Cameron asked in the event that Mr. Silva is sick and cannot care for the animals who will care for the birds. Mr. L'Italien said he would go over and take care of them. Mr. Carli said based on the inspector's report he would be inclined to approve the permit. Mr. Durkin asked if anyone had any further comments. None were put forth, so Mr. Durkin closed the hearing at 6:26 PM.

Mr. Carli Made a **motion** to allow for the keeping of 15 hens at 105 Goodale Street. Dr. Fleet seconded the motion. A vote was taken, and it was unanimously agreed to grant the permit to allow the 15 hens.

**5:00 pm – Hearing re: Notice of Inspection and Order to Correct Violations issued for 108 Lynn St. Vote anticipated to uphold, modify, or suspend Order. Christina Gandolfo Family Trust at 108 Lynn Street.**

Mr. Durkin opened the hearing at 6:27 and read the hearing notice. Inspector Wodarski explained that the neighbors had concerns about mosquitoes at the site. He explained that the special permit issued for the development of the site says the back yard had to be landscaped to allow drainage. He said the neighbors are most concerned about the flooding and how it can attract rodents and mosquitoes. Mr. Durkin said if the special permit has a condition, isn't this a violation of the special permit? Ms. Cameron explained that Inspector Wodarski also reports to the building department and will go before City Council on the special permit violation.

Thomas Gandolfo was present and said he is very impressed with this board. He said he bought the property in February of '78 during the big blizzard. In May after the snow melted, he got a look at back yard it was a grass field, but it was very soft and there was major run-off from Tom Paras' building next door. He said he has been in front of Board 3 times and wants to fix it. He has a problem and wants to do something about it. He said the building burned, he is trying to

repair it and is in the middle of upgrades, it is all demolished inside. He said he asked Dick Colucci if there is something that can be done with the gutter on the neighboring building and he said he can't do anything about it. As far as the accumulation of the water is concerned, he is not sure why this is coming up now since he has been pumping it for 40+ years. He changed building to mixed use when the city said he can't have his shop there. He put in an apartment for his daughter, as well as an insurance office. Mr. Gandolfo said he has to do something; he went down to pump it every time it rains but now there is no electricity so he cannot pump. He said he went to building department to ask what to do and then did what the city said and put a 15 x 15 x 15 French drain in the driveway. It collected water for 3-4 years, but after that the French drain got piled up and clogged, he cleared it out and all was good again until debris went in again. He said he will do whatever needs to be done, but said he is not going down there pumping again at age 76. He said he just needs a little support from the city. He said he knows he needs to pump the water somewhere but was told he can't put that water into the storm drain. He said just tell him what he should do.

Mr. Durkin asked Mr. Wodarski if he envisions a reasonable strategy to remediate this. Mr. Wodarski said they can get DPW in the room with the health department and anyone else to discuss possible ways to fix this. Mr. Gandolfo said he asked a couple of times and had the city down a couple of times, but at that time he had no money and the one remedy was expensive and required a serious hole with a pump, but what good is the pump when he can't put it into the storm drain. He said the property has always been kept clean and said he never had an issue aside from this. He said he is a reasonable person and is willing to do whatever makes sense. He added that it could take months, as he can't get a building permit to get this project back up and running until after this is remediated.

Mr. Durkin said before us today is the issue of the violation. He asked if there were any fines associated at this point. Ms. Cameron replied that there were not. Mr. Durkin said he finds Mr. Gandolfo very credible, and he thanked him for his testimony. Mr. Durkin said he is willing to continue this matter for another month or two to allow Mr. Gandolfo to ask city, maybe community development, and other technical resources and to get input.

Mr. Carli said he is in favor of this suggestion, to come back in sixty days with some plans. Mr. Gandolfo asked Inspector Wodarski for a business card to a person at DPS to speak to. Mr. Durkin said they will want to see documentation, like info from a landscape architect, etc., with plans. Mr. Gandolfo said the lot is virtually all paved, with just 18 inches of dirt and some trees. Mr. Durkin said this is not his area of expertise but said he has heard of permeable surfaces making a difference, so that might be an option. Mr. Gandolfo said there is too much water. Even when it was just dirt and grass, it still flooded there. He said he would do whatever he can do, but he doesn't want to pump any more. Mr. Wodarski said he is willing to reach out to the city people who might be able to give guidance in trying to remediate this. In the meantime, no building permits will be issued for this address until the water issue is remediated, per the Building Commissioner.

Mr. Durkin asked if anyone online or in the room wished to speak on this matter. Ms. Leanne Conrad asked to speak and explained that she lives at 112 Lynn She said that Inspector Chris had represented her concerns accurately. She said she grew up at 4 Coolidge Ave. and knew what the lot was like before it was paved. In the olden days, when there was no asphalt, when there were trees there, there wasn't water, and the building next door was there then so it is not due to the building. The water accumulation happened once it was paved, and they designed it so water goes to center where the pump was placed. It worked for a while but hadn't worked for a long time preceding the fire. It seemed like it was a sump pump, which required his tenant to clean out the leaves. Her concerns were generated because there was a rodent problem in the city but she has pest control every month, and A1 told her this water can be an issue. She is happy to hear that an effort is being made to get people to talk about how to fix this. She added that a brook was back there, which is culverted now, and runs under his building. Mr. Durkin thanked her for her testimony.

Cheryl Ricardi, owner 4 Coolidge Ave., said she is also here to get this corrected. It looks bad, and she saw her first rat a few days ago, she'd like to see it fixed and has lived here for 8 years. Mr. Durkin thanked her and asked if anyone else wished to be heard. No responses were received so he closed the hearing at 6:51 PM. He said this item will be on the agenda again in 60 days, at the December meeting.

#### **Other Business- Holiday Inn 1 Newbury Street**

The manager of Holiday Inn at 1 Newbury Street apologized saying that she has had two back-to-back deaths in the family and she just returned to work yesterday and knows she owes the Board an update which she thought she sent yesterday, but said she is truly sorry for her drop off the earth. Ms. Cameron explained that she did not post as a public hearing as she had not heard back. Ms. Cameron told the board that the site was not used as hotel when being used as emergency shelter, so now it has been refurbished and was in need of inspection, so she did that with Inspector Ramphis Medina, and a number of items had not yet been completed. Some items were underway, as they were continuing to do cleaning, were in the process of replacing the mattresses and carpets, some rooms had broken windows, some had no working smoke detectors, and there was no sign off from either the building or fire departments. There are a number of items to be addressed before we could issue a hotel permit. Unbeknownst to her, the Health Dept had already issued the permit in error through the new online permitting system. She said she told the manager that that was done in error, but the hotel has already been in operation, so she told the manager we would have a public meeting because she viewed this as operating without a permit.

Mr. Durkin said there is no permit for the hotel, so they need to know the status. The manager replied that the Fire dept did their inspection, the building inspector is currently on bereavement leave so she doesn't believe he did his inspection. The mattresses and pullout sofas were replaced, they replaced batteries in the smoke detectors, the chairs are on the way to the landfill, they have submitted quotes for all new drapery because even with professional

cleaning they could not get out the discoloration, the carpets were all cleaned and turned out well, and she said she told management that they put her reputation in jeopardy as she is the one here. She said they want to be a good community partner. She noted that they gave the fire department free space for an event and added that they want that good partnership to continue. She said she is sorry for the miscommunication, adding that the universe has been throwing a lot at us. She said they are also getting new door locks since the existing ones are from 1980.

Ms. Cameron said that while she appreciates hearing that corrections were made, it still remains that, as of now, they are operating without a permit from the Health or Building departments. Mr. Durkin said keep us apprised of this. Ms. Cameron said city council has to renew the special permit and as of now we can not recommend approval, the sooner it gets remedied the better. Your leadership group was really putting pressure on you to open for Halloween, but you need to have this remedied by early next week or we will start to issue daily tickets. We are willing to hold off on penalties for now on the assumption we can get you reinspected and just need building and fire sign offs by the middle of next week.

## **BUSINESS**

Approval of minutes of August 28, 2025

Mr. Durkin made **motion** to approve August meeting notes. Dr. Fleet seconded the motion and it was unanimously agreed to accept the August notes.

Environmental updates

Peabody Ash Monofil Bi-monthly third- party inspection report- reviewed

55 Russell- St.- reviewed

Code enforcement updates

Housing: Pine Grove Mobile Home Park- Ms. Cameron reported that this is in court, but the owner had no attorney so they are going back next week for the arraignment, and the judge told the owner to bring a lawyer. She explained that she has received calls regarding the sewer at this location backing up during rain, and the sewer backed up from their pumping station. They have seen toilet paper in street. This is an issue first cited last January, which is why we are pursuing this aggressively.

Nuisances: 25 Northend St.- reviewed

Tobacco compliance check reports from 9/11/25 and 9/25/25- Reviewed

Tobacco Retailer Alert- Reviewed

Violation notices: 7 Main St; 137 Newbury St; 672 Main St.- reviewed

Other: 1 Newbury St. - Reviewed

Permitting updates- List of permits issued in September 2025- reviewed

September 2025 surveillance report- reviewed

School health updates- reviewed

Social service updates- Ms. Cameron reported that there is a lot of concern from the community regarding food security with SNAP not being funded during the ongoing government shutdown. Food programs may be impacted as well. She noted that they are monitoring the situation and publicizing available resources.

Dr. Fleet made a motion to adjourn at 7:10. All agreed and **the meeting was adjourned at 7:10 p.m.**

**Next meeting date: November 20, 2025**

*Meeting notes respectfully submitted by  
Lisa Greene, Clerk to the Board of Health*