

**Meeting Notes from the Regular Meeting of the Peabody Board of Health,
October 28, 2021**

In Attendance: Chairperson Thomas J. Durkin III, Dr. Julia Fleet (attending remotely via Zoom),
Anthony Carli (attending remotely via Zoom), Health Department Director Sharon Cameron, and
Recording Secretary Lisa Greene

The meeting was held in the Lower-Level Conference Room and remotely Via Zoom at 4:00 p.m.

Subject: Meeting called to order

Discussion: Mr. Durkin called meeting to order at 4:05 p.m.

HEARINGS

Subject: 4:00 pm – Hearing regarding application for permit to perform body tattooing submitted by Heather Sequeria. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the Hearing at 4:06 and read the hearing notice. Heather Sequeria was present and told that she is applying because she has held a piercing license but wants to change jobs and to do permanent eyebrow makeup. Ms. Cameron asked where Summit Ink is located. Ms. Sequeria replied that it is in Worcester and said she had the full curriculum sent over from her boss, Jay. Inspector Yale confirmed that he had received it, along with a letter of apprenticeship from Arizona. Ms. Sequeria said she did her apprenticeship first and explained that she had learned under a husband and wife team in Tuscon but had to come back here due to Covid. She went on to say that she had waited until August to take a microblading course here, which is required in Massachusetts but not in Arizona. She said that she has had 100 hours total apprenticeship. Ms. Cameron said that the medical piece is fine, and if Mr. Yale is satisfied with the training records, she is satisfied with them as well. Ms. Sequeria gave a printed version of the e-mailed document showing the 100 hours completed. Mr. Yale asked for clarification that this is a tattoo shop, but you are introducing micropigmentation, and Ms. Sequeria replied yes. She said that she will have her own separate station for this procedure. Mr. Durkin asked if she would do microblading exclusively. She replied yes. Ms. Cameron asked if she uses all disposable products. Ms. Sequeria replied yes and said that she uses a machine that gets wrapped in plastic but everything else used is disposable. Ms. Cameron asked about her Covid protocols. Ms. Sequeria said that she requires clients to wear masks and that she wears masks. Mr. Durkin asked if the board had any questions. None were put forth. Mr. Durkin closed the hearing at 4:13. Dr. Fleet made motion to approve the permit, and Mr. Carli seconded the motion, a vote was taken, and the Board unanimously agreed to grant the permit.

Subject: 4:05 pm – Hearing regarding application for permit to perform body tattooing submitted by Megan Madden. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing at 4:13 and read the hearing notice and asked Ms. Madden to tell why she is applying for the permit. Ms. Madden said that she has always been interested in learning to become a tattoo artist and had an opportunity to train under some talented people and couldn't pass on it. Mr. Yale asked Jay Mikila, the owner of the establishment, what Megan would be doing. He said that she had been working on the front desk and he has her drawing and working on art. Mr. Yale asked if the tattoo unit being used is disposable. Mr. Mikila replied that it is. Ms. Cameron asked Ms. Madden about her Covid safety protocols. Ms. Madden replied that she of course starts with keeping her hands clean, and masks are worn by both parties, and they use sterilization, germicide, and disposable items which they then dispose of properly. Mr. Durkin asked if any Board members had any questions for Ms. Madden. Dr. Fleet said that she didn't see anything about the Hepatitis immunization. Ms. Madden replied that she had provided a declination

form and handed a printed copy. Mr. Durkin asked if the Board had any more questions, but none were asked. Mr. Durkin asked if anyone on Zoom had questions. None were put forth. Mr. Carli made motion to approve the permit, and Dr. Fleet seconded the motion. A vote was taken, and the Board unanimously approved the permit.

Subject: 4:10 pm – Hearing regarding application for permit to perform body tattooing and application for permit to operate a body tattooing establishment at 2 First Ave. submitted by Brian Santora. Votes anticipated to grant or deny permits.

Discussion: Mr. Durkin opened the hearing at 4:20 and asked Mr. Santora to tell why he is applying for the permits today. Mr. Santora said that he is looking to operate out of 2 First Ave. Mr. Yale said that a woman called to ask if she could apprentice for Mr. Santora, but the Health Department did not know about him. Mr. Santora said that he is usually doing work out of state, and that he does lots of online training. Mr. Yale said that he had gone to the establishment today and asked if Mr. Santora has been doing tattooing there, and added that Mr. Santora had said no, that he does online training. He sends out a kit and then people can practice and submit pictures for his review. Mr. Santora said he does trainings here, but in New York he does hands on work and training and wants to do both here as well. Mr. Yale said the only problem he identified at the space is the hand washing station, which is portable, with a heater that was not working today. Mr. Durkin asked if a sink is required for a tattoo establishment. Mr. Yale said to do procedures it is required. Mr. Durkin asked Ms. Cameron if she thinks it is required to be plumbed. She replied that she does. Ms. Santoro said it would be too expensive to install plumbing in the shop, since they are on the ground floor and the floors are concrete. Ms. Cameron said she is concerned that this business has been there for not sure how long, but the fact that the applicant didn't take due diligence about complying with permitting requirements before starting their business is not enough reason for them to waive their requirements. The Board has not waived this requirement for other applicants. Mr. Carli said he is familiar with the portable hand wash systems that is referred to here and knows that even the clean water can become contaminated. Mr. Santoro asked if the bathrooms outside the office count. Ms. Cameron replied that they don't – the regulation requires handwashing capability within the tattooing establishment. Mr. Santoro said that he had not planned to do procedures at this location, just training and therefore he is not familiar with the requirements. Mr. Durkin asked if the Board could grant a permit to approve him as an artist without approving the business. Mr. Yale said that he has received all the documents and he meets all the requirements to be permitted as a practitioner, but he doesn't have a permitted establishment to operate from. Mr. Durkin asked are we able to grant permits to people without an establishment. Ms. Cameron and Mr. Yale agreed they do not. Mr. Yale asked if there was another space in the building he could move to, maybe upstairs so no concrete needs to be dug up. Mr. Santoro said he would investigate that. Ms. Cameron said we don't require bathrooms to be in the space, but the studio must have running hot and cold water, and if there are two closed rooms, they require two sinks. Mr. Durkin explained that we want to ensure the artists have a convenient place to wash hands because otherwise they might skip it; this is an important part of infection control procedures. Mr. Santora said he understands. Dr. Fleet made motion to continue the hearing until next month. Mr. Carli seconded it. A vote was taken, and all agreed to continue until next month.

Subject: 4:15 pm – Hearing regarding application for permit to perform body tattooing submitted by Mario Thompson and application for permit to operate a body tattooing establishment at 3 Bourbon St. submitted by Mario Thompson and Alicia Ciampa. Votes anticipated to grant or deny permits.

Discussion: Mr. Durkin opened the hearing at 4:34 and read the hearing notice. He explained that we had received some late information, and it would be advantageous to continue the hearing so the Board can review the information. Mr. Carli made a motion to continue to November's meeting. Dr. Fleet seconded the motion. A vote was taken, and all agreed to continue to next month.

Subject: 4:20 pm - Request for hearing regarding Notice of Correction Order and Fine at 136 Newbury St. submitted by Matthew Gaeta. Vote anticipated to uphold, modify, suspend, or revoke the Order and/or any associated penalties.

Discussion: Mr. Durkin opened the hearing at 4:35 and read the hearing notice. He asked if anyone was here to discuss this item. Ms. Cameron explained that Inspector Randy Suckney will be speaking on this matter and asked for a moment while Inspector Yale was replaced by Inspector Suckney in the hearing room. Mr. Suckney arrived shortly but Mr. Gaeta was not present. Mr. Durkin asked if anyone was present via Zoom to discuss this. Joyce Redford was present, but Mr. Gaeta was not. Mr. Durkin asked Ms. Redford to speak. Ms. Redford said that she had been to the establishment for a routine inspection, adding that her schedule is assigned by MDPH. She told that when she approached the kiosk area a younger attendant came to meet her at the door and identified herself and said she was there to do an inspection. The younger gentleman said they don't sell tobacco. A second, older gentleman said they do, and opened a locker and in it were two cartons of cigarettes, one carton of Camels and one carton of menthol Newports which was opened, and one packet was gone, adding that menthol has been banned for over 18 months. She noticed that the date on the cigarettes was 2020, and believes it was old inventory. She drove to another location owned by the same person, hoping to see the owner. Mr. Durkin asked about the location, she said that it is a Shell location near Duddie Liquors. When she visited the Shell, the owner was not there, but he did not have any of the prohibited product at that location. Mr. Durkin asked if anyone present wanted to speak on this matter. No replies were received. Mr. Durkin closed the hearing and asked for discussion among the Board members. Mr. Carli asked if any of this person's locations have been in violation before. She said that she hasn't been out looking at these issues for a long time, and this was not an issue 18 months ago. Mr. Carli noted that a worker there wasn't aware that they sell tobacco and the products on site were older but said the owner and workers should still know what was allowed and not have banned products on premises. Mr. Durkin read the regulation description and asked Ms. Redford if she thinks he is selling them. She replied that she thinks they would have if the older salesperson was asked for them. She added that she feels like this was old stock, and would understand if the fine was not enforced, but added that she would prefer to see something saying that if any other violation occurs, that the fine would be reissued. Mr. Durkin said that he appreciated Ms. Redford's candor, and the minutes will reflect that when you asked were there cigarettes there, and when asked they presented them. Mr. Carli made a motion that we recognize that these banned products were on site but to hold the fine in abeyance, and if any further violations occur that they will reinstate this fine as well as impose a new fine for the new violation. A vote was taken, and the Board unanimously agreed to that decision.

Subject: 4:30 pm - Request for hearing regarding Notice of Correction Order and Fine at 598 Lowell St. submitted by Nermeen Shaker. Vote anticipated to uphold, modify, suspend, or revoke the Order and/or any associated penalties.

Discussion: Mr. Durkin opened the hearing at 4:51 and read the hearing notice. Ms. Shaker was present in person. Ms. Redford explained that she was at this establishment for a routine inspection, and when she went into the establishment, which has a new owner, the establishment looked like it was undergoing some rehab. She said that she looked under some shelves and identified several blunt wraps. She explained that the blunt wrap was banned locally before the state law and

explained that a blunt wrap can be made of any tobacco, an actual leaf, or a processed product, some are leaves and some are the reconstituted squares. She said that she also found one flavored Cake vape product over to the righthand side back in a cubby area. She pointed out that there was only one of those, and the owner had said that she did not know this was in the establishment. She said she didn't know what they were. She said they are renovating the kitchen area because she is doing more food. Ms. Redford said that she believes that Ms. Shaker was unaware of these products, and believes they are residual inventory of the other owner, since her permit showed that she had taken over the business within the month. Mr. Carli asked if the prior owner had been in violation before. Ms. Redford said they had had violations, sold to a minor at this and one other location outside Peabody. Mr. Suckney added that the previous owner had at least a written violation for flavored products. Ms. Shaker said that the prior owner had left the product in the business and said that it is allowed in Massachusetts; he gave her a paper from the manufacturer saying it is allowed in Massachusetts. She said in Tewksbury where she had worked, they carry the same product, so she thought it was ok. She showed a document that says it's ok to sell Fronto wraps and other blunt wraps. Ms. Redford explained that blunt wraps are not against state law, that they are not a flavored product which is against state law, but the local law says the blunt wraps were disallowed in Peabody several years ago. Ms. Shaker said she did not know that. Mr. Suckney showed that the paper shows that the Fronto product is not flavored and can be sold, but in Peabody it is not allowed by local regulation. Ms. Cameron said that is correct and as part of the application process, all applicants for tobacco permits must certify that they have read and understood the local regulations as well. Ms. Shaker said she had read it but did not realize this was a problem. Ms. Redford said that these age-restricted products are governed by far more than state and local law, but as a new owner this should be front and center in importance. She added that she believes that the new owner didn't order these products, but she should be aware that these are not allowed. She added that, as in the former hearing, the blunt wraps are a local law, so a \$100 fine. Ms. Redford said the fine would be \$1000 for the Cake flavored vape and \$100 for the blunt wrap. Mr. Durkin asked about the one box of the Cake vape product and asked what it was doing in the store. Ms. Shaker replied that it was in back and she hadn't seen it at all. She added that she didn't know what it is, she thought it was candy, adding that she has only had the store for just two weeks. She said it is her fault, she should have found it, but she didn't. Mr. Durkin showed the photo to the Board of the one Cake flavor vape. Dr. Fleet said in Peabody we take these matters very seriously, these products are dangerous, and since it looks like candy it is very attractive to children. She said she would agree to hold the fine in abeyance as with the other earlier violation, with the understanding that if another violation occurs that the fine will be reinstated as well as a new fine imposed.

Mr. Carli said he agrees with Dr. Fleet, adding that he has kids, and appreciates the work that Joyce and Randy are doing, and suggested that the new owner get in contact with a convenience store professional association in their area to learn more about these issues and get some mentoring. Mr. Durkin said if they were to grant an abeyance, and if there were a second offence, then they would impose the \$1000 and \$100 fines plus any new fines incurred. Ms. Shaker said that she understands. Mr. Dunkin asked if anyone present or by Zoom would like to speak on this matter. No replies were given. Mr. Durkin closed the hearing at 5:12. Dr. Fleet made a motion, which Mr. Carli seconded, to uphold the violation but to put these fines into abeyance, and if a second violation occurs within the designated time frame, Ms. Shaker would have to pay the fines for both the first and second violations. Ms. Redford said that the tolling period is 36 months imposed by the state for the second offence. Ms. Redford said that if this location had another violation of sales to a minor or flavor violation within the 36 months, she would have to pay both, but if she goes 36 months without a second violation the slate would be cleaned. Mr. Durkin called a vote, and all agreed to uphold the

violations but to hold the fines in abeyance unless another violation occurs within the 36-month period.

Subject: 4:45 pm – Continuation of hearing from 9/23/21 to review nuisance complaints associated with the animal permit issued to Manuel Silva for 12 Tracey St., Peabody. A vote may be taken to uphold, modify, suspend, or revoke the animal permit.

Discussion: Mr. Durkin opened the hearing at 5:16 and read the hearing notice. Mr. Silva was present. Mr. Durkin reminded the Board that we heard this issue last month and hoped that the neighbors would come to an agreement. Mr. Yale said that he went out to Mr. Silva's house, and found that the property was clean, with no odors, no flies. The chicken coop was not moved, however. Mr. Richard Ramirez, Mr. Silva's partner, was also present and said that he could not move the coop, it would have to be torn down, and added that he and Mr. Silva thought the agreement was to block off the back so the animals wouldn't have access to the fence. He said that there are no noises and no bugs. Mr. Silva said the ducks don't make noise, the chickens only cluck when laying, adding that he is down one dog, and that he got rid of six rabbits. He added that the neighbor now goes to the third floor and looks over at their yard. He said he wished she would greet them and say how are you. Mr. Silva said after the meeting several years ago he had gone to her yard and helped her turn her soil. Dr. Fleet said she can appreciate with the size of the lots, it can be difficult, but we need to focus on the animal permits, and the number of animals on their land is a lot. Mr. Silva said that there are about 20 rabbits, he had 30 before, gave away 8, and none are multiplying. He added that one dog passed, of the five remaining one is 14 and the youngest is 8, he will not be replacing them. Mr. Silva said that three are with his niece in the third-floor unit. Mr. Ramirez said the dogs are not outside without them, and all have shock collars. Dr. Fleet said we don't regulate rabbits and don't handle dog permits. If your neighbors were to complain to animal control they may have a case, but again we must look at the overall animal burden. Mr. Silva said he was trying to raise turkeys for the international festival. Mr. Durkin asked how many ducks they have. Mr. Silva said 3 ducks. Mr. Durkin said along with 5 chickens, 20 rabbits and 5 dogs. Mr. Silva said that can we also point out that only one neighbor complains, we are so close to others and hear nothing from anyone else. Mr. Durkin said he understand this is a neighbor issue. He reminded the Board that last month based upon the neighbor's complaint they were considering revoking the animal permits. He told Mr. Silva that a reasonable view of this will say that 20 rabbits plus three ducks plus five chickens plus five dogs, can we agree that we want the animal load to decrease. Ms. Cameron said that the animal permits will have to be renewed in January. Mr. Silva said some may die by then. Mr. Ramirez said that he wants to agree that no replacements. Mr. Durkin asked if the Board agrees that the animal population needs to go down. Dr. Fleet agreed. Mr. Carli agreed as well, and said it is a lot of animals, and said even if it is just one of their neighbors, it still interferes with their enjoyment of their property. Mr. Silva said that he has had animals on that property for 50 years, if it was a problem, and other neighbors were affected, he would act, but it is not. Mr. Durkin said he is inclined to let them continue with the chicken permit, with the agreement that no replacements are made as animals die off. Dr. Fleet said it appears that he has done a good job with the animals, but we need to reduce the number of animals. Mr. Silva said that he had doves and no longer does. Mr. Durkin asked if there was anyone present or on Zoom who wants to speak. No one replied. Mr. Carli made a motion to uphold the permit, adding that the Board will revisit this issue at the time of license renewal in a few months with the understanding that Mr. Silva and Mr. Ramirez will not replace any animals and are working toward reducing the number of animals total on the property. Dr. Fleet seconded. A vote was taken and all agreed.

BUSINESS

Subject: Approval of minutes September 23, 2021- Vote anticipated to approve or amend minutes.

Discussion: Mr. Carli made a motion to approve the minutes as presented; Dr. Fleet seconded the motion. A vote was taken, and it was unanimously agreed to accept the minutes.

Subject: Update on COVID-19 response actions - Data update

Discussion: Ms. Cameron reported that we are seeing a decrease in our number of cases and percent positivity, adding that we are at less than 3% positivity, which is very encouraging.

Subject: Update on COVID-19 response actions -Vaccination updates

Discussion: Ms. Cameron reported that they are not seeing a lot of movement on the vaccination rate and are at 66% vaccinated. We are on the verge of approval for Covid vaccination for kids under 18 and are hoping to partner with another entity to administer vaccinations at the schools. She said that we haven't been administering boosters, which are now widely available in the community, so our strategy will be to focus on the school population. Mr. Durkin asked if we will be capturing data on children. Ms. Cameron replied that they will. He asked if we are tracking boosters. Ms. Cameron replied that there is a statewide system tracking vaccinations, and providers are required to report all vaccines administered into that system, and we can go into that system and do research.

Subject: Update on COVID-19 response actions - Review of masking guidelines

Discussion: Reviewed

Subject: Environmental updates - Rousselot update

Discussion: Reviewed

Subject: Environmental updates - Northeast Nursery update

Discussion: Reviewed

Subject: Environmental updates - Proposed cemetery at 530 Lowell St.

Discussion: Reviewed

Subject: Code enforcement updates - Chapter II: 124 Foster St; 50 Warren St; 88 Main St; 7 Truman St; 6 Crowninshield St.

Discussion: Reviewed

Subject : Code enforcement updates Nuisances : 5 Rawlings Rd.

Discussion: Reviewed

Subject: Code enforcement updates Tobacco: 79 Lowell St; 36 Foster St.

Discussion: Reviewed

Subject: Permitting updates - List of permits issued in September 2021

Discussion: Reviewed

Subject: Public Health Nursing updates - September 2021 surveillance report

Discussion: Reviewed

Subject: Public Health Nursing updates - Flu clinics

Discussion: Reviewed

Subject: School Health updates

Discussion: Reviewed

Subject: Grant updates

Discussion: Ms. Cameron reported that they are moving forward with hiring staff under the new contact tracing grant. She said that they are hiring staff from the state's Contact Tracing Collaborative who are already well-trained and experienced in this work.

Subject: Emergency preparedness updates – temporary overnight shelter

Discussion: Ms. Cameron said that she and a committee had met last week with the new pastor at St. John's church to discuss the Winter Cold Weather Emergency Homeless Shelter that is put into place at the church on extremely cold nights to prevent loss of life. She explained that the pastor has a few concerns over security issues but is willing to allow it to proceed this season. She told that this shelter is

set up from 10-20 nights each winter, and was previously staffed by Citizens Inn staff but due to staffing shortages, it is staffed by Firefighters at the current time.

Subject: Correspondence: none

Discussion: N/A

Other Items

Subject: Executive Session

Discussion: Mr. Carli asked if the Board needs to hold an executive session to deal with an item that was originally scheduled to be heard this month but was deferred since there may be privacy issues to address. Ms. Cameron replied that she has spoken with the City Solicitor and the Police Chief on this matter as a crime was reported. She said that although she is a mandated reporter, that does not come into play here as the complainant is over 18, and the complainant has already filed a police report. She said that they do not want to inadvertently disclose the name of anyone who was the victim of a crime, so she has put forth the question to the City Solicitor of whether this hearing should be an open meeting or an executive session and will let the Board know the response once she receives it.

Subject: Planning for Next Month's meeting

Discussion: Ms. Cameron explained that the matter of the Main Street Smoke Shop will be coming before them next month, and the City Solicitor will be joining them. She said that she believes this could be a challenging meeting and asked the Board members if they agreed that she should put off any non-essential items that are presented until the December meeting. All agreed that that was a good idea.

Subject: Adjournment

Discussion: Mr. Carli made a motion to adjourn. Dr. Fleet seconded the motion. A vote was taken, and all agreed unanimously to adjourn the meeting at 6:24 p.m.

Next meeting date: November 18th, 2021 **Adjournment:** 6:24. p.m.