

**Meeting Notes from the Regular Meeting of the Peabody Board of Health,  
November 18, 2021**

In Attendance: Chairperson Thomas J. Durkin III, Member Dr. Julia Fleet, Member Anthony Carli,  
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 4:00 p.m.

## HEARINGS

**Subject:** 4:00 pm – Hearings at the request of Brian Santora to review and vote on the application to perform body tattooing and to review and vote on the application to operate a body tattooing establishment at 2 First Ave. Peabody. Votes anticipated to grant or deny permits.

**Discussion:** Mr. Durkin opened the Hearing at 4:00 p.m., read the hearing notice, noted that Mr. Santora was present and invited him to approach the board. Mr. Durkin reminded that this hearing is a continuation from last month. He reminded that the issue of concern from last month was the matter of a satisfactory handwashing sink being required but not present at the location. Ms. Cameron said that John Yale had subsequently conducted a site visit and had found that a satisfactory handwashing sink is now present. Mr. Santora explained that the plumbing has now been set up. Ms. Cameron explained that they were able to use an injector pump, which made it less expensive than the other options. Mr. Durkin asked if there was anyone present or on Zoom who wished to speak on this issue. No responses were received. Mr. Carli made a motion to approve the permits. Dr. Fleet seconded the motion. A vote was taken and the board voted unanimously to grant both an establishment permit and a practitioner’s permit to Mr. Santora.

**Subject:** 4:05 pm - Hearing re: Notice of Inspection and Order to Correct Violations issued to JRM Hauling & Recycling. Vote anticipated to uphold, modify, suspend or revoke the Notice and/or associated penalties.

**Discussion:** Mr. Durkin opened the Hearing at 4:05 and read the hearing notice. Mr. Sal Cunha, Operations Manager of JRM, was present. Inspector Randy Suckney was also present. Inspector Suckney told that the problem has been ongoing for some time. He explained that he lives at 107 Foster St., and the building at 111 Foster St. has been getting their trash emptied at times as early as 4:00 a.m., which is before allowable trash pick-up hours in Peabody. He explained that he had identified that it was a JRM truck this time, whereas other times he has logged complaints but could not verify the name of the hauler. He added that he has received complaints from other residents as well. Ms. Cameron explained that other residents have logged complaints with the Health Department of early trash pick-up by JRM in the past. She told that the City ordinance prohibits trash pick-up between 7 p.m. and 7 a.m. The issue before the board is one specific occurrence, but this has been a recurrent issue. She added that when she or her staff speak to JRM management they say that they have a new driver and that they didn’t know the rules. She said that she views this as a management issue and believes that they should control when trucks leave the yard and said that from her perspective this is more than a first-time issue. Mr. Cunha explained that the regular driver on this route was out sick with Covid, so they had a fill in driver. He also told that all route sheets say “Do not pick-up before 7 a.m.” so when drivers do early pick-up, they decide to do it on their own. He explained that drivers have been written up several times, and the next step is termination.

He added that everyone needs a job, especially now. He explained that they have a meeting set up next week to come up with another option, adding that maybe they can take the vehicle keys away and only give to drivers at 7:00 each day, or maybe you can have the police catch them and tell them they will be arrested. He said that he apologizes and want to correct this and will do anything he can to correct. Ms. Cameron said that she is curious to learn what towns actually allow pick-ups in the middle of the night, as she knows many of the surrounding communities have similar ordinances restricting pickup hours. Mr. Cunha replied that many areas are commercial areas with no residents and therefore there are no complaints. Ms. Cameron asked if the vehicles are in a gated yard, and if management is there. Mr. Cunha replied yes. Ms. Cameron asked then why release vehicles in middle of night? What is not being addressed from management side? She added that this hasn't been managed, someone has to step up and put something else in place. Mr. Cunha said we monitor them, have cameras, we tell them every day, do not go to any areas they can't be at before 7:00 a.m. If they are going to a place with no residential areas they can go, but we remind every day about the times for residential areas. They take it on themselves to do it. He added that maybe it's just more convenient for them. He apologized for the inconvenience, adding that maybe he will have to take away their keys to ensure they are not leaving before 7:00.

Mr. Carli agreed with Ms. Cameron, there are more things that can be done by management, they issue route sheets, they know where their drivers are going, so they can control this. Mr. Durkin asked if these are independent agents or employees. Mr. Cunha said they are employees. Mr. Durkin asked if they have in place any formal steps? Mr. Cunha replied that they are written up and suspended, and the next step is firing. Mr. Durkin said there are other strategies that can be taken before termination. Mr. Suckney said this has been ongoing for years. He explained that he has been hearing people complain for years and only recently have neighbors started to call the health department and officially complain about it. He added that this happens in other locations besides 111 Foster, and when asked they get same response from JRM each time, that it's a new driver. In training they tell the drivers what to do, but apparently there is a big gap in communication as to what is allowed and what is not. He said that residents are not happy. He added that JRM did pay a fine for an incident at the Brown School. Mr. Cunha asked when you give someone their work, and say please do not go to this location before 7 am, how do you control them, what can you do? If the person says ok, but does it anyway, the only other thing we can do is go with them, but there are too many drivers to do that. Mr. Durkin asked if anyone present or on Zoom had anything to say. No response. Mr. Carli made a motion to uphold the fine. Dr. Fleet seconded. Mr. Durkin said there is a history of this happening back to 2012, so there is a pattern, and this fine may be a motivation to keep on top of this. A vote was taken and it was unanimously agreed to uphold the fine of \$300.

**Subject:** 4:30 pm – Hearing regarding Notice of Revocation of Adult Only Tobacco Product Sales Permit at Main Street Smoke Shop, 7 Main St. -Vote anticipated to uphold, modify, or revoke the Notice of Revocation.

**Discussion:** Mr. Kentankumar Patel was present but explained that his legal counsel was not there yet and he asked for a moment for him to arrive. Mr. Patel's legal counsel attempted to call in to the zoom call and was at first unsuccessful. The Board waited and allowed him to try again. They attempted again but again were muted and could not unmute as they were on a phone. Mr. Patel contacted him and he or someone from his office attempted to join via zoom, but at 5:06 Mr. Patel's attorney arrived in person. Mr. Durkin opened the Hearing at 5:06 and read the hearing notice. Ms. Cameron reminded that in May a compliance check occurred and a minor entered this adult-only establishment and there were other violations in May. She went on to remind that the board held a

hearing in July and voted to revoke Mr. Patel's adult-only tobacco sales permit. She explained that adult-only tobacco businesses have special privileges that other tobacco stores do not, for instance they are allowed to display products in a different way and to sell specific adult-only items that can't be sold in regular tobacco retailers. But also with these privileges there are also the associated special requirements, for instance, no children are allowed to even enter the business, and usually these businesses are not allowed to sell other items like lottery, but Mr. Patel had been granted a variance by the board when the laws went into effect to allow him to continue his lottery sales, since his establishment pre-dated the change to the laws. The Board found Mr. Patel to not be in compliance with his adult-only license, so the board voted to revoke it. However, the board gave him a month to decide to choose how to proceed- he could give up the adult only status or give up the variance and therefore the lottery sales and retain his adult only status as long as some steps are put into place to ensure compliance with the regulations. Mr. Patel had decided that he wanted to keep his adult-only tobacco sales permit and to give up the variance and his lottery sales. He also agreed to do specific things like move the register, put in a lock, install a bell, and to remove the lottery machine by a certain date. However, upon inspection it was found he had not complied with the conditions put forth and had not removed the lottery machine. As a result, Director Cameron viewed this as a de facto decision to operate as a regular tobacco retailer, and issued a notice that his adult-only tobacco license was then revoked and being replaced with a regular tobacco product sales permit, and this is what is being appealed.

Joyce Redford, the Director of the North Shore/Cape Ann Tobacco and Alcohol Policy Program, was present and offered to provide some history on this case. She told that some of this story dates back to before the state law when this store requested variance to continue to sell lottery. They had come before board and asked not be classified an adult only establishment but were granted the variance to continue the lottery sales. The list of compliance checks includes: In 2019 they allowed access to establishment and a sale to minor; On October 15, 2015 a youth was not sold product but still allowed entry; on 7-28-18 a youth was allowed to enter but not sold product; On 7-12-17 again a youth was not denied access; on 8-30-18 a youth was not denied access, but they asked for id before he was able to ask for the product; on 8-7-19 a youth was denied access. She went on to say that on 2-10-20, which was during Covid, no compliance checks were being conducted because of the pandemic, but they had a violation because it was found that they had blunt wraps which are not allowed under Peabody's local regulations, and also had menthol cigarettes and menthol vape products; on 7-10-20 they received a violation regarding flavors found after flavored products had been banned. In April 2021 compliance checks began again, and on 5-24-21 a youth was allowed into establishment. She concluded that there is a long history of non-compliance here, both to local and to state regulations, and also during the moratorium on sales when the Governor's order called for no flavored vaping products to be sold.

Inspector Suckney told that on August 6, 2021 he had gone into the Main Street Smoke Shop with Ms. Redford, walked the store to go over the requirements with Mr. Patel to go adult only without lottery and the options. Inspector Suckney told that on August 26, the end of the period allowed to decide how to operate, he went on site to verify that everything had been completed, but the changes agreed to at the board meeting had not been made: the cash register was not moved, there was no buzzer, and he said he had not trained his staff, his father being his only employee, on state regulations. Suckney stressed that none of the previously agreed upon changes were in place by the deadline. He told that while there he had spoken via telephone with Ken who said he would come down immediately but said that he didn't need to install buzzer since it was not required by law, just suggested, and he said that he cannot move the cash register. Mr. Suckney told that Ken called him

later that day and said lottery had been removed, so Inspector Suckney had returned and saw that it was in fact gone. Inspector Suckney told that then on August 30<sup>th</sup>, Mr. Patel called and said that the Lottery Commission had made him reinstall lottery machine. He then said that Mr. Suckney should call the Lottery to figure it out. Mr. Suckney went on to say that for a period of time now he has learned that lottery has not been sold at the store, and a buzzer system has been installed, so Patel has made a couple required changes, adding that he only learned of this from a colleague who went to buy lottery tickets there and was told that no lottery was available.

Patrick Jameson, attorney for Mr. Patel, thanked the board for its patience in his delay arriving. He told that the one main development in this matter is that Mr. Patel has elected to go in favor of keeping the adult-only designation and removing the lottery, so he will not be needing the variance issued prior. He added that the reason for this is in part because he is selling the business, so he is willing to make that concession. Attorney Jameson went on to say that the list he has of items completed seems to line up with what Mr. Suckney had listed was required: Patel has installed a buzzer, has removed lottery, he has moved cash register nearer to the front entrance, he has trained his employee in proper tobacco regulations, so for those reasons would argue that Mr. Patel has met and complied with the board's requirements, and is willing to give up the variance regarding the lottery. He added that he heard the list of violations, going back to 2015, but said that the grounds for revocation come when you have 4 violations in a 36- month period, in this case only 3 violations in 36 -month period, just short. He added that while the Board may be interested in those violations and they may say the others are egregious violations, but from what we have heard, Patel had only one sale to minor in 2015, and minor on premise in 2015, 2016, denied 2017 and again in 2018 and 2019, then did have a minor on the premises in 2021, so only one violation on record in the 36 month period. He added that as he sees it, the Board had the ability to call 1<sup>st</sup> violation and second violation and scale up fines, but chose not to do that, so violations, while violations, were not egregious. He opined that the overall purpose of the regulations is to not allow minors to purchase tobacco, so other than the one case in 2015, Patel has not sold to a minor. He added that at this point Patel has done everything to comply with the regulations, and he was still complying with the spirit of the law to not sell products to minors, so feels the board should allow Mr. Patel to continue with his adult-only license.

Mr. Patel stated that while he has moved the cash register to a different place, it is not the place that Inspector Suckney had indicated for him to move it to, and he wanted to explain why. He told that Inspector Suckney had wanted it to be moved right next to the door, but if it was there and his staff was across the store, somebody could grab product or cash and run out of the store. Since his dad is the only one working there, and he cannot run or fight, he doesn't want to move the register right next to the door. Mr. Carli asked what has changed with lottery being removed, as you said Mass Lottery said you couldn't get rid of it. Mr. Patel said that he told them he would remove it, and was supposed to drop it off to them, but got a call from someone at the state who said the city could not make him take it out. After last hearing, he took everything down, and told the lottery that until the next hearing, he was not going to sell any lottery until told that he is allowed to. He added that he is now telling them he wants it all taken it out. Mr. Carli asked how many fines were given to this establishment over the past few years. Mr. Suckney replied that he has had 3 since 2020. Mr. Carli asked if we escalated? Mr. Suckney replied that we did not, explaining that one was a local violation, then there was a state violation, then a different sort of state violation during the Governor's temporary cease and desist, so no fine was issued on that one. Ms. Redford said that we revoked his variance, so he is in compliance, but he has agreed to do this before and did not, so if he back tracks, he need to know that the tobacco permit is in jeopardy. Attorney Jameson said that he agrees, and if

there are any more violations in 36 months the board is in its right to review the permit. Ms. Cameron explained that the Board gave him a choice, and Mr. Patel chose to keep the lottery, and de facto decided to give up the adult-only permit, which is why they issued the revocation notice. Mr. Durkin said that there was a violation for having flavored products, then a month later a minor in the store, and he recalls that it could have been deemed a second violation and they could have fined him two thousand dollars but did not in an effort to be empathetic to a small business owner, and because of that you conclude that we see these violations as not egregious. Attorney Jameson replied that he would argue that that decision illustrated that the board determined that the violation was not egregious. Mr. Durkin said that this gave him something to think about for future decisions like this. He asked how the board would like to proceed. He added that we actually have a revocation of the variance to address, and suggested that perhaps now they will be asking inspector Suckney to monitor the items. Ms. Cameron explained that the Board needs to officially vote to rescind the variance and to revoke the revocation of the adult-only permit. Mr. Carli made a motion to rescind the variance and to revoke the revocation of the adult only permit. Inspector Suckney asked that the vote be phrased pending final inspection, since he hasn't been there since August, it would be best to make it conditional upon a successful site visit. Mr. Durkin stated that the question before us is to uphold, modify or revoke the revocation, and we have a motion to revoke the revocation conditional upon a satisfactory inspection. The motion was seconded by Dr. Fleet. Attorney Jameson asked for time frame, to which Ms. Cameron replied that it has to be completed within 7 days. Mr. Durkin closed the hearing at 5:35 and asked if there were any further questions or a need for further discussion on this matter. None was put forth. A roll call vote was taken and it was unanimously agreed to revoke the revocation and to make the decision conditional upon a satisfactory inspection by Inspector Suckney.

## BUSINESS

**Subject:** 1. Approval of minutes October 28, 2021- Vote anticipated to approve or amend minutes.

**Discussion:** Mr. Carli made motion to accept as presented. Dr. Fleet seconded. A vote was taken, unanimously agreed to accept the minutes.

**Subject:** 2. Update on COVID-19 response actions-- a. Data update

**Discussion:** Ms. Cameron reported that the Covid caseload is at its highest since last February with 225 cases over two weeks, a 14-day incidence rate over 30, a 7- day incidence rate over 40, adding that we are back up to last winter's numbers. She said there are a lot of cases in the younger population, with biggest proportion in the under 18 year old population. Total of 9000 cases in Peabody, 343 deaths, 66% of which were in long term care facilities, and the remaining in the general community. She told that another piece of this that is concerning is the increase in the number of hospitalizations, adding that during summer they had many days with no hospitalizations.

**Subject:** 2. Update on COVID-19 response actions --b. Vaccination update

Ms. Cameron explained that many cases are breakthrough cases in those who were vaccinated. She told that the percentage of people vaccinated is very slowly increasing by just 1% per week, up to 68%. Of the 5-11 year-olds only 4% have received them. Rates of vaccination in Hispanic residents continue to lag behind by 10% as compared to the entire community. She told that they have seen clusters of cases related to special events, 3 weddings, 1 had 30 positive individuals, and sporting events. She told of one Peabody restaurant birthday party which is linked to 54 cases, including 1

death. She said there is a lot of concern about social gatherings, and everyone expects an increase in the number of cases over the holidays coming up. She added that she would not recommend a retreat on masking at this time. She told that school cases are up, with 43 and 45 new cases over past two weeks. The schools continue to do test and stay program which is catching kids who were exposed in school but who are asymptomatic. She told that her department is seeing wide spread noncompliance with public health protocols, people unwilling to share info, people outright lying. She became aware of a group of people who were exposed and had gone to a water park with others at a hotel, but they denied it but the hotel confirmed it. They didn't want to get tested and find they are required to quarantine. She told that there were 4 cases within the PVMHS football team, so she requested the athletic department to require or encourage the team to get testing, and she arranged extra testers and supplies for this, but not a single team member participated. She added that this is discouraging, this is why our numbers are continuing to go in this direction, and it looks like not a whole lot of people are caring about the community and those who are vulnerable, so the staff are very discouraged. A large number of exposures have been at sporting events. There have been some clusters in some elementary schools. Mr. Carli asked if when people get booster shots, are they reported? Ms. Cameron said they are. She added that it is very concerning with Thanksgiving coming up, adding that we had a bounce up in cases after Halloween, which was expected, and outdoors mostly, so we expect one for Thanksgiving as well. Ms. Cameron told that the department is holding a booster clinic for first responders, then some for everyone but mostly focused on those seniors who need assistance with registration since most others can access boosters easily in the community. She told that we have been to High School and the Middle School, and are now going to the eight elementary schools to offer vaccination. We want to focus efforts on kids that have barriers that prevent them from getting it elsewhere. Starting week after Thanksgiving we will be partnering with North Shore Medical Center and Fallon Ambulance to offer in-school vaccination, and after Christmas break will be giving out second doses. A little less demand expected than flu shots, and 30-60 kids typically get flu shots, but if greater demand we could go back.

**Discussion:**

**Subject:** 2. Update on COVID-19 response actions --c. Review of masking guidelines

**Discussion:** Ms. Cameron told that some towns nearby are looking at masking mandates, we have done this in indoor municipal spaces, but not yet in other indoor places open to the public. She told that Salem put in place a public mask mandate through Halloween because of the large number of tourists that are expected there. She said that she is not making recommendation today to expand the mask mandate but is keeping it under consideration.

**Subject:** 3. Environmental updates - a. Rousselot update- i. Complaint data

**Discussion:** At 4:46 Mr. Durkin asked those present who were interested to come forward and explained that this is under environmental updates. Ms. Cameron said the number of complaints about Rousselot is down, and has been lower than past years, but one thing concerning is that there have been a number of violations of wastewater releases with SESD, and they have been told there is a connection with odors. Gary Less of Rousselot was present and explained that the issues were in regard to their lime tanks, they had a high discharge rate, had to clean out the tank after the fact. He told that the last SESD violation had been due to a mechanical failure at 6:00 a.m.. They couldn't get it up and running, had to drain an 80- foot clarifier to fix it and the same day had it back up and running. He said that when they are using back up clarifiers that is when we will have a stronger

odor. New tank, higher effluence, had to wait for solids to settle to clear. Rake failed, this time it was mechanical, the actual weld failed, so the system stopped the rake. This happened under 15 feet of water, so they can't see it. A system is in place which worked so that there was not extensive damage, it didn't over-torque, and they were able to have it up and running in 12 hours. He added that the other time there was a failure was back in 2019, and that was related to an operational issue. They have made progress in improving their operational procedures. Mr. Durkin thanked Mr. Less for coming in.

**Subject:** 3. Environmental updates - a. Rousselot update - ii. MDPH evaluation of cancer incidence data

**Discussion:** Ms. Cameron gave the background, explaining that residents adjacent to the Rousselot plant often express concerns over the odors from Rousselot, wondering if this is just a nuisance odor or more, asking what are we breathing in and is it going to make us sick. She explained that, over the years we have been assured in every instance by DEP that it is just a nuisance odor, nothing is present that would cause any disease, cancer or other illness. We believe that DEP is on top of things as they regulate and monitor plant emissions, but neighbors are still concerned about the potential for cancer causing agents. So we thought it would be a good idea to request that MDPH provide a formal analysis of cancer rates, back in 2019. There were delays in the MDPH report due to Covid, but the report was finalized in October 2021. She said that the findings should be reassuring to neighbors, adding that she will post and share with the community. She said that she didn't share with Rousselot yet because she didn't want it to be released until the board had reviewed it. Mr. Durkin said that he had read it and was reassured by no unusual occurrences of cancers. Mr. Durkin asked if anyone had any questions about the report? Mr. Less asked if he could receive a copy? Ms. Cameron replied that she would e-mail him a copy. All Board members expressed no concerns about the findings of the report.

**Subject:** 4. Code enforcement updates- a. Chapter II: 6112 Cranebrook Way; 20 Central St.; 29 Abington Ave; 25 Abington Ave; 116 Foster St; 52 Central St; 16 Warren St; 88 Walnut St;

**Discussion:** reviewed

**Discussion:** Subject: 4. Code enforcement updates-b. Nuisances: 40 Oak St; 1000 Cranebrook Way; 49A Lowell St; 100 Main St;

**Subject:** 5. Permitting updates- a. List of permits issued in October 2021

**Discussion:** reviewed

**Subject:** 6. Public Health Nursing updates- a. October 2021 surveillance report

**Discussion:** Reviewed. Mr. Durkin said that the 521 coronavirus cases jump out, but everything else looks ok.

**Subject:** 6. Public Health Nursing updates- -b. Flu clinic summary

**Discussion:** Reviewed. Ms. Cameron said gave summary of flu clinics, over 490 + individuals were vaccinated, but some clinics were held subsequent to this report, so now closer to 500 individuals

have been vaccinated by the health department, and we have now wrapped up our flu clinics for this season. Flu vaccine is still readily available at other venues in the community.

**Subject:** 7. School Health updates

**Discussion:** Reviewed

**Subject:** 8. Grant updates

Ms. Cameron told that the State's contact tracing contract is winding down. She told that we have been tracking just the school population, but now we will have to take on all the cases that were going to state. She reported that her staff is overwhelmed, but good news is that we have hired 5 regional staff, 3 who are bilingual who speak Spanish and Portuguese. She said that these staff are committed to working for the state until the state's program winds down. She added that it is a great team but not big enough. We are looking at maybe contracting with a provider to do an automatic call if someone has been identified, tell who them to contact with questions. This approach will free up the staff, adding that every case has 5-20 contacts, so contacting every one of those people is not sustainable, but we'll do what we can and see what happens. The state funded partners at \$120 million to contact trace, but only disbursed \$20 million to local health departments, to take it over so not enough funding to meet the need.

**Discussion:**

**Subject:** 9. Correspondence: a. From DEP re: Danvers Landfill

Reviewed. Mr. Durkin asked why the Board received this communication about a site in Danvers. Ms. Cameron replied that the property abuts Peabody.

**Subject:** 9. Correspondence: b. From DEP re: Peabody Ash Monofill Landfill

**Discussion:** received

**Subject: Other Business:** Ms. Cameron was recognized by Rotary

**Discussion:** Mr. Durkin congratulated Sharon Cameron on her recent award by the Rotary Club. She thanked him and said it was really recognition of the entire department and they deserve it.

**Next meeting date:** December 16th, 2021

**Adjournment:** 5:35 p.m.