

**MEETING NOTES OF THE GENERAL MEETING +
OF THE PEABODY BOARD OF HEALTH
May 23, 2024 @ 4:30 p.m.**

In Attendance: Chairperson Thomas J. Durkin III; Member Julia Fleet, D.O.; Health Department Director Sharon Cameron

Not in Attendance: Anthony Carli

The meeting was held in the City Hall Lower- Level Conference Room at 4:30 p.m.
with public access also available remotely Via Zoom

At 4:40 pm Mr. Durkin opened the General Meeting, read the hearing notice, apologized for starting a little late and welcomed everyone.

HEARINGS

Subject: - Application to Perform Body Tattooing submitted by Erin Oliver. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin read the hearing notice and opened the hearing at 4:30. He welcomed Ms. Oliver. Ms. Oliver said she is a few years into tattooing, that she works as a body artist in Abington, Ma, and lives in Peabody and wants to work closer to home and plans to work at 1000 Needles in Peabody. Mr. Durkin noted that Ms. Oliver had also worked at a few other places as well, and Ms. Oliver provided details about that work. Mr. Durkin thanked her and asked if any board members had any questions. None were put forth. Mr. Durkin invited Ms. Cameron to ask any questions she might have. Ms. Cameron reported that Ms. Oliver's application was all in order. She then asked Ms. Oliver to explain the procedures that she uses for preventing cross contamination. Ms. Oliver replied that she is blood-born pathogen-certified and uses those protocols, that she uses all single use disposable supplies, wears disposable gloves, disposes of needles in sharps containers, and puts trash into biohazard trash receptacles. Ms. Cameron asked Ms. Oliver what conditions a client might present with that would cause her not to work on them. Ms. Oliver replied that some conditions clients have that would cause her not to take them on are diabetes, being on blood thinners, allergies to inks or latex, but said in that case she can switch to nitrile gloves, and if someone is pregnant or breast-feeding she would need clearance from a doctor in all cases. Ms. Cameron asked if Ms. Oliver had been subject to any disciplinary action in any of the places she has worked. Ms. Oliver replied no. Ms. Cameron asked if she would be taking on any apprentices? Ms. Oliver replied that she would not.

Mr. Durkin said if anyone present or on zoom wished to speak on this matter to speak now and if online to use the raise hand feature. No responses were received. Mr. Durkin asked if the Board members had any further questions. None were put forth. Mr. Durkin said he also had no further questions and closed the hearing at 4:44 p.m.

Dr. Fleet made a **motion** to approve the permit. Mr. Durkin explained that since there are only two Board members present no second is required so he called for a vote. Both he and Dr. Fleet voted to approve the permit.

Subject: - Hearing re: Order to Correct issued to Ijeoma Ojiaku regarding 29 Hourihan St. Vote anticipated to uphold, modify, suspend or revoke Order and/or associated penalties.

Discussion: Mr. Durkin read the hearing notice and opened the hearing at 4:45. He welcomed Ms. Ojiaku and also welcomed Inspector Ramphis Medina and Conservation Agent Lucia DelNegro. Mr. Medina explained that he had received a complaint of trash in a wetland area on the property at 29 Hourihan. He had inspected and saw debris but noted that trash was actively blowing from another location into the area in question. He explained that the property with the uncovered barrels and uncontrolled trash were also notified of the issue but since the trash is on this property this homeowner is also considered responsible. Ms. Ojiaku explained that it is not her trash and the wetlands are not safe to go into to clean out. Ms. DelNegro agreed that the area is very wet and she would not recommend going into the wetland to clean it up but suggested cleaning up what is on the outer few feet of the area. Ms. Ojiaka said the area gets very overgrown this time of year and it makes it hard to see or get to the debris. She showed photos of the area. Ms. Cameron stated again that since she is the property owner she does retain some responsibility for keeping the area free of debris, but said they would continue to work with the other parties on proper trash handling. Ms. Ojiaku asked if she could install a fence. Ms. Cameron replied that it is not the Health Department that would have say over that matter, and Ms. DelNegro said the Con Comm would have to look into this further. Mr. Durkin said that he is inclined to uphold the violation, but recognizes that much of this was out of Ms. Ojaku's control, and that she should try to clear the debris within 3-4 feet from the road but not endanger herself by going into the wetlands. Mr. Durkin asked if Dr. Fleet had any other comments. Dr. Fleet said she agreed. Mr. Durkin closed the hearing at 4:55.

Dr. Fleet made a **motion** to uphold the violation notice for 29 Hourihan St. A vote was taken and both members agreed to uphold the violation notice.

Subject: - Hearing re: Order to Correct issued to 20 Wallis St. Realty Trust regarding 20 Wallis St. Vote anticipated to uphold, modify, suspend or revoke Order and/or associated penalties.

Discussion: Mr. Durkin read the hearing notice and opened the hearing at 4:56. He invited Inspector Ramphis Medina to provide his report. Mr. Medina reported that as part of an area cleanup he had identified that the parking lot behind this address had a great deal of debris including an unregistered boat. Mr. Norman Burnett, owner of the property, was present, and explained that he had been working on clearing out his property, but said the area that Mr. Medina was referring to is not his property and belongs to the Railroad company, so the boat is not on his property. He said he had looked into trying to find the owner but hadn't been successful but planned to get the registration number from the boat and finding out the owner from the Salem harbor

master. He does not want to remove someone else's property. He asked that the violation be voided. Mr. Durkin said he would be inclined to rescind the violation but asked that Mr. Burnett continue on with his research on locating the boat's owner. Mr. Burnett agreed. Mr. Durkin closed the hearing at 6:10.

Dr. Fleet made a **motion** to rescind the violation. A vote was taken and it was agreed by both members to rescind the violation.

Subject: - Hearing re: Request for variance from 105 CMR 435.23 – Provision of lifeguards- at Jayden Apartments, 7 Dearborn Rd. Vote anticipated to grant or deny variance.

Discussion: Mr. Durkin read the hearing notice and opened the hearing at 6:11. The project manager of Jayden Apartments was in attendance and explained that his company owns several properties and has experience with overseeing pools. He explained that the pool is fenced and residents could only enter with a fob. He said there are no parties allowed at the pool. He explained that there were two staff members who live on site who live in sight of the pool. Ms. Cameron asked if there is a 911 direct phone in the pool area. The applicant said the phone is wired for direct 911. Mr. Durkin asked if any board member had any questions for the applicant. None were put forth.

Mr. Durkin asked if anyone had any further questions or wished to comment on this matter to please use the raise hand feature to be allowed to speak. No responses were received so he closed the public hearing at 6:25.

Discussion ensued and Mr. Durkin said he was inclined to grant the variance.

Dr. Fleet made a motion to grant the variance from the requirement to provide lifeguards. A vote was taken and it was unanimously agreed to grant the variance.

BUSINESS

1.) Subject: Approval of Minutes from April 2024 Meeting.

Discussion: Mr. Durkin asked if anyone had any comments on the minutes. None were put forth.

Dr. Fleet made a **motion** to accept and approve the minutes from April 2024. A vote was taken and it was unanimously agreed to approve the April minutes.

2. Joyce Redford – North Shore Cape Ann Tobacco Control Program. Informational presentation on tobacco-free generation initiatives, flavored vaping products, and other vapeable products.

Ms. Redford discussed the "tobacco free generation" regulations that have been recently passed in Malden, Winchester, Melrose and North Reading. They have been adopted with the date that anyone born after 1/1/04 cannot purchase tobacco products in the

town. Over time, fewer people will legally be able to purchase tobacco products in the town. The Board requested that this issue be put on the agenda for the next meeting.

Ms. Redford also discussed the restrictions on sales of hemp products and the notice put out jointly by MDPH and MDAR. Beverly BOH has adopted a local regulation that prohibits the sales of these products. Mr. Durkin requested that Ms. Cameron share that regulation with Chief Griffin for his thoughts.

Ms. Redford informed that Board that the court decision on the menthol products that had been labeled "clear" had been upheld, and explained that the manufacturer claimed it was clear but it clearly smells of menthol so they sent out notification to permit holders that they are not allowed to carry it because it is considered menthol. She explained that another community asked if the Board has the authority to declare items are flavored, even if they have manufacturers letters, and the response was yes. Ms. Redford showed two items and asked the board to smell them. She explained that they are two vape products that are very popular and the labeling says they are clear. She asked what the board members smelled. Members replied that there was definitely a smell, something wintergreenish. All agreed that it is definitely flavored, with hints of Spearmint, fruity candy, or cotton candy, and Ms. Redford pointed out that the manufacturer is attesting they are not flavored. She said when a youth went in to purchase the product, the retailer stated "don't get Crave, get this", and were upselling an illegal product. Inspector Suckney said he sees these products in almost every convenience store. Ms. Redford gave those present another product and asked them to smell it. Mr. Durkin said it has a sweet fruity smell. Ms. Redford said she smelled menthol. Dr Fleet said it smells like a Vicks inhaler. Ms. Cameron agreed. Ms. Redford said Crave is now way outrunning Juul in terms of sales. She said Juul was the first product of its type but Crave is following their tactics on how to get kids hooked. Mr. Durkin asked if these products come with a manufacturers letter that is not correct. Ms. Redford said they do. Mr. Durkin asked what can we do. Ms. Redford said the Board can determine for themselves that they are flavored. Ms. Redford said their regulations already say no flavored products. Ms. Redford said before we do enforcement, we need to notify retailers because they think they have the right to sell them because they have the letters, but we have to let them know they cannot sell them despite the letters. Ms. Redford showed a photo and explained that they were images of flavored products that were not flavored 3 years ago. She indicated that one simply took the word berry out of the description, but it is exactly the same product as before but they just changed the packaging. She said concept flavors like blue and purple haze do not have a manufacturer letter. She said one product is a blunt which is flavored which is two violations, one for flavor and one for the local blunt wrap restriction. She said she wants all boards to be aware of this and wants to take some action to notify all retailers not just in Peabody. Dr Fleet said she agreed that these products are flavored. Mr. Durkin said he would support sending the letter and if they continue selling product after they have been notified, then they could fine them and if appealed we would uphold it. He asked if Ms. Redford would buy the product to identify it. Ms. Redford replied that usually she would not and the owner would allow her to open a product but if not and an item was questionable she may need to purchase it. Ms. Redford said she opens the

package with the retailer. She said if it turns out that she is wrong about it being flavored, she will buy the product to compensate the retailer. She added that the education component is important, and that they are looking at this state-wide. She said she doesn't think it was a good decision by the state to rely on the manufacturers to attest that a product is unflavored, but added that the sniff test passed in Yarmouth in a law suit, when Cumberland Farms sued in Yarmouth over Yaz and the court said if it smells like fruit then it is fruit flavored and is against state law. She added that in this case the products were bought by a youth, so she keeps the product, but they are best smelled when first opened. She said they identified 40-50 products of this type for sale locally. She said there were no tobacco violation in Peabody in their last go around of compliance checks.

The Board took a brief recess at 6:40, and reconvened at 6:50

Public Health Nurse report: Public Health Nurse Chasea Robinson joined the meeting and said she was there in regard to the question being considered by the regional group on tattoo industry requirements, and specifically medical requirements for body artists. She reminded that the issue was whether or not to remove Peabody's requirement of demonstrating immunity to Hepatitis B and getting a Tb test in order to be permitted as a tattoo artist. Ms. Robinson said these are not part of the model regulations from the state. She said Peabody is the only community locally that currently requests Hep B immunity and a Tb test. She said she reviewed the CDC recommendations, and tattoo practitioners do not fall under their high risk categories. She added that currently we give people options to prove immunity. Some applicants have their vaccine history but some don't, so those go for a titer blood test, which can be complicated to interpret, even for a clinician. She said she has one question: is your thought in supporting Hep B immunity for the protection of the practitioner or for that of the people receiving tattoos. Discussion ensued and those present said this was a good question. Ms. Robinson added that sometimes hepatitis testing results show Hep C positive and it is difficult to interpret risk in those cases. Dr. Fleet said this rationale is spot on. She said at first she thought more testing is better, and when this requirement was first put in place it was probably warranted. She said she believes all practitioners should be vaccinated for Hep B, but it is a personal decision, and we do not require it if they refuse, so it is not really enforceable anyway. She said we are not their individual doctors, and because we have that allowance to not pursue it through signing a declination form, she said she doesn't think they should require it. Ms. Robinson suggested we take out the language that says proof of immunity is required and instead say the Hep B vaccine is highly recommended for all body artists. Mr. Durkin said that at next meeting Ms. Cameron can give the board the recommended changes and we can take it up. Dr. Fleet said she agrees. Ms. Robinson asked if they would include a strong recommendation, or leave it off completely. Dr Fleet said she thinks it should be a recommendation but not to require verification. Ms. Robinson agreed.

Ms. Robinson said the surveillance report showed nothing out of the ordinary. She said all categories of diseases are included, like brucellosis, and explained that even a revoked case is kept on the list so you see the work being done but luckily that was

revoked. Mr. Durkin noted with surprise that people still get mumps. Ms. Robinson replied yes, they do, and this case was in a fully vaccinated child. She said mumps was suspected so they kept the child out of school, sent the test to the CDC, and the results came back negative, but it took time. She said they are seeing an increase in other communities of measles and added that it is a good idea to stay up to date on immunizations.

Ms. Cameron reported that for rodent control things continue moving forward. She said the Central Street Road Project is starting and is going to be significantly disruptive to the downtown. She said some strong rodent controls are in place, and Inspector Medina has created new informational materials for residents in that area.

Ms. Cameron reported that Rousselot continues to meet DEP-set milestones for their shutdown. She said the Mayor is meeting with a potential purchaser, who is doing their due diligence, and this site is not expected to be a gel manufacturing facility going forward.

Ms. Cameron reported that an Avian flu letter was sent out to animal permit holders, and they will continue to keep an eye on this developing situation. She said MDPH has stated that some people are seeking out raw milk to develop natural immunity to the Avian flu and that is not recommended. Dr. Fleet said she hopes people will be more careful and not do that.

Ms. Cameron reported that that there was an update on the issue regarding the DEP application from Wood Recycling. She had reached out to representatives from Wood Recycling to attend the meeting, but they stated they withdrew the application, and will keep the two processes (compactor and organics processing) separate. When they get to the organics portion of the project, they will come back before the board to discuss whether it falls into the existing site assignment. She will continue to monitor.

Ms. Cameron reported that for Code Enforcement update, there are mostly a lot of nuisance issues. For instance, mattresses are a significant problem, and she could keep an inspector busy just with mattress complaints every day. She reported that Inspector Suckney is still watching out for early pick up by trash haulers.

Permitting Updates- Reviewed.

Monthly report on respiratory illness- Reviewed.

Ms. Cameron stated she is going to invite their regional epidemiologist to the Board's June meeting to find out what reports you'd like going forward.

On the School Health reports Ms. Cameron shared the report prepared by Brenda Wollff that encompassed everything reported through March. She said there is nothing unusual there, but wanted to point out how much of the nurses time is taken up by "non-encounter" activities, like chapped lips, toileting, things that are not really nursing functions but are still a significant part of the workload and they asked her to point that

out. Every school needs its own nurse. The Carrol School is absorbing 100 new students next year due to renovations at the Center School, which will put the Carrol at over 600 students. That school will be a heavy lift for one nurse, but they are fortunate to have a full-time float nurse who can help supplement coverage at the Carroll school when she is not needed to cover leaves in the district. She said there are 185 days of school and about 160 shifts of leave coverage are needed each year.

Ms. Cameron reported on the Social Service division updates. She directed the Board's attention to the trifold flyer, which all reviewed. She said we've had a social worker a couple of months and our care coordinator started two weeks ago and they are already very busy just with referrals from other city departments, and will become even busier when the community becomes more aware of their services.

Ms. Cameron reported that she has been informally informed by the Lahey Foundation that they have been awarded a grant for another case navigator. They will receive \$300,000 over the next couple of years to hire and train someone to be a case navigator and will hopefully hire someone who speaks Haitian Creole. She said she hopes to recruit someone from the sheltered community if the skill sets match.

Ms. Cameron reported that the We care project is ending in June. We do have some rollover grant funding coming - it is not enough to sustain We Care, but they want to address post-pandemic mental health issues, so they plan to contract with an agency to run groups in each community dealing with bereavement, grief, and caregiver stress.

Ms. Cameron reported that she received correspondence from MDPH which thanked Board Members for their work.

Ms. Cameron reported that household hazardous waste day is June 1st. She said they will not accept latex paint. Mr. Durkin asked about monitors. Ms. Cameron said yes, DPS will take them but there is a \$20 sticker required.

Ms. Cameron said she wanted to see about changing the date of June meeting. Discussion ensued. The group agreed to meet next on Monday June 24th at 4:30 pm.

Mr. Durkin made a motion to adjourn and Dr. Fleet agreed. The meeting was adjourned at 7:13 pm.