

**Meeting Notes from the General Meeting of the Peabody Board of Health,
Held at Peabody City Hall, Lower level Conference Room, with additional access available
remotely via Zoom Video Conference, Thursday June 24, 2021.
Participating in the Meeting: Chairman Thomas J. Durkin III; Dr. Leigh Ann Mansberger,
MD, MPH; Anthony Carli; Health Department Director Sharon Cameron; and Recording
Secretary Lisa Greene.**

Mr. Durkin opened the Meeting at 4:00 p.m.

HEARINGS

Subject: scheduled for 4: 00 pm – Application for Permit to Perform Body Tattooing submitted by Kit Marlow. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing at 4:00 p.m. and read the application. Mr. Marlow was present. He gave an opening statement and said that he wants to become a productive member of the artistic community here in Peabody and that he wants to be part of the growing Peabody tattooing community. Mr. Durkin asked if any board member had any questions. Ms. Cameron said that we require courses in Bloodborne pathogens which Mr. Marlow has, but we also require a pathogen training class, and evidence of that is not in the file. Mr. Marlow apologized for the oversight and said he took the pathogen training in Cambridge and will forward the documentation to her. Ms. Cameron also asked why Mr. Marlow declined receiving the Hepatitis B vaccination. He replied that he declined it for religious reasons. Mr. Durkin asked if anyone present or on zoom was there to discuss this matter. No one replied. Mr. Durkin closed the hearing at 4:06, then asked the board if there was a need for any discussion on this matter. All responded no. Dr. Mansberger made a motion to approve permit. Mr. Carli seconded. A vote was taken and it was unanimously agreed to grant the permit pending receipt of pathogen training documentation.

Subject: Scheduled for 4: 10 pm – Application for Permit to Perform Body Tattooing – Apprentice Only submitted by Thomas Halamoutis. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing at 4:10, read the application notice and asked if Mr. Halamoutis was present. He was, and Mr. Durkin asked for him to tell what brings him here. Mr. Halamoutis told that he had gone to Art School and got BFA in painting and always wanted to be a tattoo artist. Mr. Durkin asked if anyone present had anything to say on this application. Ms. Cameron told that the application was in order. She asked Mr. Halamoutis about the Covid standards his place of business is now using. Business owner Brad Colman told that he is still requiring Covid questions to be asked, temperatures to be taken, and said that he has stacks of the survey forms and is happy to share if anyone wants to see them. He said he plans to continue following the protocols until there is no chance of transmission. Mr. Durkin asked if there is anyone present or virtually who would like to speak on this, please use raise hand feature. No one replied. Mr. Durkin closed the Hearing. Mr. Carli made motion to approve apprenticeship permit. Dr. Mansberger seconded. A vote was taken and it was unanimously decided to approve the permit. Ms. Cameron reminded Mr. Halamoutis that he will have to re-apply after apprenticeship is completed for an independent tattoo artist permit. Mr. Colman said that he expects to bring Mr. Halamoutis back a year from December for that permit after he has completed the required hours.

Subject: Scheduled for 4:15 pm - Application for Permit to Perform Body Tattooing submitted by Danielle Soden. Vote anticipated to grant or deny permit.

Discussion: Ms. Soden was stuck in traffic and asked to have her hearing deferred to a later time on the agenda, so the board deferred this matter until her arrival and moved onto other matters. After Ms. Soden arrived, Mr. Durkin opened the hearing at 4:49 and read the meeting notice. Ms. Soden apologized for her lateness, saying that she had rented a car to drive in from her home in Boston and it took longer than she planned to get here. In her opening statement she told that she grew up in Lynnfield, went to Mansfield state, got a minor in Biology, studied makeup with Bobby brown, and studied under Julie Michaud, and has done over 200 hours of apprenticeship, has been doing cosmetic tattooing for close to

three years. Mr. Yale told that the establishment, Prettyology, at 58 Mills, hasn't been permitted yet, so she can be approved but the space is not permitted yet but will be inspected soon. Dr. Mansberger asked if the results of a TB test was received. Mr. Yale said that they have received the results and they were negative. Ms. Cameron reported that she had contacted Boston Public Health department and verified that Ms. Soden is in good standing there. Mr. Durkin asked if any one present or online had any comments or questions. None were received. Ms. Cameron asked if any covid safety protocols were still being followed. Ms. Soden replied that she will continue to wear masks and keep people social distancing until the chances for transmission are gone. At 4:53 Mr. Durkin closed the hearing. Mr. Carli made a motion to approve the permit, and Dr. Mansberger seconded it. A vote was taken and it was unanimously agreed to grant the permit.

Subject: scheduled for 4:20 pm – Application for Variance to use open air windows at The Double Bull Taphouse, 210 Andover St. Vote anticipated to grant or deny variance request.

Discussion: Mr. Durkin opened the hearing at 4:21 and read application summary. Jed Weber, Asia Weber representing Double Bull were present via Zoom. Mr. Durkin asked for an opening statement. Ms. Weber explained that this was a renovation at one of their restaurant locations, and told that they had decided to close the Bancroft Restaurant during COVID and to reopen a Double Bull branch there instead, and because of COVID they wanted outdoor seating, so they did extensive renovations to create outdoor eating space and to open up the indoor space, including installing openable windows. Since then they have discovered there are some guidelines regarding insect control and open windows in Peabody, they have spoken to their Pest Control consultant, Yankee Pest, about any additional steps they can take to prevent insects from entering. She said that they felt that they could increase their attention to the issue as warranted, including closing the windows if necessary. Inspector John Yale told that after Asia submitted her revised permit request, he discussed it with the Health Department director and she pointed out that other restaurants that have been granted open air dining areas have been required to install air curtains. Mr. Yale asked Ms. Weber if he is correct that the kitchen is essentially open. She said yes. He asked if the dining room has a door, and she replied that the room with open air room is a self-contained room, so that if air conditioning is going in the dining room they would not have the windows open. She said that they can also close off that room from the dining room to keep the air conditioning from going crazy. Ms. Cameron said she had spoken with the Manager Lisa Cowles and let her know that we have required air curtains in all other businesses and had expected that they would submit a revised plan including the air curtains but did not receive that. She told the Board that the petitioner's request is to allow this variance without the air curtains in the plan. Ms. Weber said that she would prefer not to incur the expense of installing air curtain, asked if perhaps screens would be acceptable. A discussion ensued, and it was made clear that, if screens were used, no variance was required as the screens met the requirement of containment, but if they did want to fully open the windows without the screen barrier they would need an air curtain. Mr. Yale explained the possible configurations for the air curtain system. Mr. Durkin said that he was there over the weekend and had a lovely time, but is still concerned about insects, and doesn't think it would be as expensive as she thinks, not as expensive as a full HVAC. Ms. Cameron told of the several restaurants with open air dining room all have air curtains with different configurations. Ms. Weber told that she has opened several restaurants and never heard of this requirement, so she is learning something new today, and will have to think this over. Mr. Durkin told that the board is interested in being consistent. Mr. Durkin said that if she'd like, the board could defer this issue until next month until she has made her decision. Ms. Weber said that would be fine. Mr. Durkin pointed out that she could consider enclosing the interior adjacent room they would likely reduce the distance of the air curtain. Ms. Cameron said that she would send Ms. Webber info on the date of the hearing next month. Dr. Mansberger made a motion to continue this until next month. Mr. Carli seconded. A vote was taken and all agreed to defer until next month.

Subject: Scheduled for 4:30 pm – Application for amendment to animal permit at 119 Washington St. Request to increase from current approval for 2 goats up to 3 goats. Vote anticipated to grant or deny amendment request.

Discussion: Mr. Durkin opened the hearing at 4:36 and read the hearing notice. Manuel Perreira was present, as was his son, Alan Perreira, who spoke on his father's behalf due to a language barrier. Mr.

Perreira told that they already got a goat permit for two goats, and then those goats had three babies. His mother had called John Yale to let him know that, and he said that five was a lot for that size property and suggested that they apply for three goats. Ultimately they decided to keep the babies and gave the parents to his brother in law in Framingham and they were happy to see them kept together, and that they are hoping that they will be allowed to keep the third goat. He told that his dad comes from the Azores and he wanted to have goats again, and found these Nigerian dwarf goats. He said that in the application it asks about education in caring for the animals and said that his dad had been taught by his father, who was taught by his father. He said that they are really hoping to keep the three goats together, said that having to give away the parents was devastating to his dad, and the family. He said that they have the land, keep it clean, and even when John came unexpectedly he saw that they keep it very clean. Dr. Mansberger asked what size these are. Mr. Perreira said they will get to be as big as German shepherds. She asked how long they have had goats. Mr. Pereira said that they had the babies since this March, and the others since May 2020. Mr. Yale said Clarinda the wife called herself to tell us the goats had babies. Dr. Mansberger asked what are they going to do if these babies have babies. Mr. Pereira replied that they are getting them fixed. John Yale said he was there today and the yard was impeccable, that they have rodent bait stations in place and a live trap. He said that they initially learned of the first goats because of a neighbor noise complaint but have had no further complaints since they were permitted and are doing a great job. Mr. Perreira told that these three are a lot quieter than the parent goats, and only tend to make noise when the owners come home to ask to be fed. Dr. Mansberger asked Mr. Yale if they have enough space for the three goats, and he replied that they do. Dr. Durkin asked if anyone had any questions on this matter, either those present or on Zoom. No one responded. Mr. Durkin closed the hearing at 4:48. Dr. Mansberger made motion to approve, Mr. Carli seconded. A vote was taken and all approved the permit for three goats.

Subject: Scheduled for 4:40 pm- Request for hearing from E-Market regarding Correction Order issued for sale of tobacco to a minor. Vote anticipated to uphold, suspend, revoke, or modify Order and associated penalties.

Discussion: Mr. Durkin opened the hearing at 4:54 p.m. and read the meeting notice. Mr. Durkin invited the representatives of E-Market to come forward, and invited Joyce Redford to give her report. Ms. Redford told that they had conducted unannounced compliance checks throughout the City on 4/27/21 and completed it on 5/4/21. She said that they visited this location at 7:39 p.m., and that their youth bought a Backwood cigarillo, and that an older adult male sold it to him. Charbel Sakr was present, told that this was a mistake, and is grateful for chance to explain. He said that the man working that day was a little tense, and while he was not sick, he had received the vaccine that day and was nervous, he was alone, and he had made a human mistake. Mr. Sakr explained that normally this person is very strict, and told for example that the man doesn't let Mr. Sakr bring his own menthol cigarettes into the store since menthol sales have been banned and he is a rule follower. Mr. Sakr said that he is asking to give them a chance for a reduction since \$1,000 is a lot and it is his first breach of the rules. Mr. Durkin told that our role is not to impose fines, just to make sure that sales are not made to youth. Ms. Redford told that the establishment had also received a flavor warning on June 17, 2019 for flavor restrictions, which was a written warning. She told that on the day of the recent incident the youth wore masks but the man selling the item had his mask pulled down. She also told that the fines are set by state law. She said that lots of work had gone into making sure that the convenience stores understood the regulations and the new State fine structure, and that she had sent out two notices, and had given them all the necessary signage on the matter. She said that the 36 month timeframe is still in place, and that the fines are significant because it is a significant issue. Mr. Durkin told that since these are the state mandated fines, we do not have the ability to reduce, but asked other board members their opinions. Dr. Mansberger and Mr. Carli agreed. Mr. Sakr said that he has been there for 20 years, and only asks for their understanding since it is a human mistake. Ms. Cameron offered that to prevent this from happening in the future, they can install some technology into the register to support the requirement of checking of licenses for any sale, and they can get more training. Mr. Durkin asked if anyone either present or on Zoom had any other questions. None were received. At 5:07 Mr. Durkin closed hearing. Mr. Carli made a motion to uphold the fine, Dr. Mansberger seconded the motion. Vote was taken and it was unanimously decided to uphold the fine.

Subject: Scheduled for 4:50 pm - Request for hearing from Barbaro (Bavaros) Liquor regarding Correction Order issued for sale of tobacco to a minor. Vote anticipated to uphold, suspend, revoke, or modify Order and associated penalties.

Discussion: Ms. Cameron told that the business owner is out of the country and requested to be deferred and put onto the July meeting.

Subject: Scheduled for 5:00 pm - Request for hearing from A One Market regarding Correction Order issued for sale of tobacco to a minor. Vote anticipated to uphold, suspend, revoke, or modify Order and associated penalties.

Discussion: Mr. Durkin opened the hearing at 5:07 and read the hearing notice. He asked if the person is present who requested the hearing. The parties indicated that they were. Joyce Redford was asked to give her report. She told that on 4/27/21 at 6:41 pm, a Backwood cigarillo was purchased for \$7.96, sold by older adult male who was balding. Arthur Pearlman, attorney for A One Market, was present, and Mr. Durkin asked if he has anything to say. He said no, because the video feed in the store had already been overwritten so he will have to rely on the word of the person here. He said, however, that the three men here are the only ones who work there, and they don't fit the description he just heard. Ms. Redford told that they are relying on the young person's description, so to a young person a person may look older and balding. Attorney Perlman said that he didn't come here to argue this but just to support his client, but said that he didn't know about the description until today, and since the report is wrong, he wouldn't be doing his job if he didn't object to that. Inspector Randy Suckney told that the description was e-mailed to Mr. Perlman, Ms. Cameron pulled up the email, which was sent on June 14. Ms. Redford showed a spreadsheet which showed the state database info which Mr. Suckney had cut and pasted from in that e-mail. Mr. Perlman said that he hadn't been able to read the chart as it came through in a strange format. Mr. Durkin told that the first issue here is that we need to decide if we think this happened, and he said that he believes it did, and asked if the others had an opinion. Dr. Mansberger and Dr. Carli agreed, and said that they believe that this incident happened. Attorney Pearlman said that in another such case they believed too, but it turned out that there was a simple error made and the sale happened in a different store. Mr. Durkin asked Ms. Redford to address this possibility, could it have been a mix up. Ms. Redford told that when youth came out of the store, they tag and bag the item purchased, and place it in an envelope. She added that she was parked right outside the store and saw the youth exit. She added that the youth must empty their pockets before going in, that they count the change, and always send them with just dollar bills to prevent confusion and to help make it easier to see that the sale had been made. Mr. Durkin asked if the board members have any further questions. Mr. Perlman asked the price of the item again. Ms. Redford replied \$7.96. Mr. Perlman told that at a liquor sting, they go in immediately after a sale and tell that your staff sold alcohol, and then the owners can check the video to learn more about what happened. He suggested that in the future, the investigators go right in and say you have been stung, or that they call them right away if safety is a concern, to put the owner on notice so that they will save the video, and also to send their violation letter earlier before the tape is overwritten. Mr. Durkin asked if anyone present or on Zoom wished to speak on this matter. No one responded. Mr. Durkin closed the hearing at 5:25 p.m. He then asked the Board members to begin discussions. Mr. Durkin said that Mr. Perlman makes a very good case for his client, but in this case, he has to make a decision, and he believes in the program and in Ms. Redford. Mr. Carli agreed, said that he believes in the integrity of the program. Mr. Carli made a motion to uphold the violation, Dr. Mansberger seconded. A vote was taken and it was voted unanimously to uphold the fine.

Subject: 5:10 pm – Request for hearing from D&R Market regarding Correction Order issued for sale of tobacco to a minor. Vote anticipated to uphold, suspend, revoke, or modify Order and associated penalties.

Discussion: Mr. Durkin opened the hearing at 5:29 and read the hearing notice. Brijesh Patel owner was present, along with his attorney, Arthur Perlman. Ms. Redford told that on 4/27/21 at 8:21 p.m. a youth was sold a Backwoods single, which was bought for \$2.66 from a young adult with dark frame Hollister glasses. Mr. Durkin asked for the inspector's report. Inspector Randy Suckney told that this was a second offence because in October 21, 2020 he was in D&R market and had found a humidior on salesfloor that was not locked, and he issued a \$100 fine at the time under the local Peabody regulation.

Ms. Redford told that the state law was in place at the time and D& R should have been fined \$1000, but was not, but moving forward this is still a second offence because the first was the humidior issue. Mr. Perlman said he does not believe it should be a second offence. He believes that there was a self service cigar case which was locked, but the bottom portion had a broken lock where the humidifier was located, but that lock locked out the humidifier not the cigars. He said that staff had been told that someone could reach in and around to grab the cigars, which is a stretch, but for \$100 they didn't argue it, and now this should be treated as a first offence, since if they had been fined the \$1,000, they would have known they have a first offence under state regulations and would have fought the case. Mr. Durkin asked if there was a request for a hearing then. Ms. Cameron said no. Mr. Durkin asked if anyone had any further comments. Inspector Suckney said that he wanted to stress that both parts of the humidior were unlocked. He clearly recalls that he found the humidior top section where the cigars are was unlocked. Jigar Patel of D& R was present that day and said the lock was there, but it was a broken lock, but people couldn't access it. Mr. Perlman said all were locked except the humidior door. Mr. Suckney told that the lock was there, but it was not locked, it could be slipped off and put in a pocket, it was accessible, and would not have fined if it was just the lock to the humidifier. Mr. Durkin said that the argument over the earlier fine is past, we need to move on, and we can continue to discuss the issues here. He said that he is compelled to side with Attorney Perlman, and say that the \$1,000 fine is what gets the store operators attention, and if that doesn't get it, the fines get more serious. He said that he is concerned that since this was not treated as a state offence originally, he is inclined to treat this as a first offence. Asked Ms. Redford her opinion. She asked if another violation, where does that leave us. Mr. Durkin said. that this new high-stakes modality the next offence would be a second offence. Dr. Mansberger made a motion to modify the offence to a first offence and the fine to \$1,000. Mr. Carli seconded the motion. Mr. Durkin closed the hearing at 5:44p.m. He asked if anyone present or on Zoom had any other comments. None were received. A vote was taken and it was unanimously decided to modify to a first offence and charge the \$1,000 fine.

Subject: 5:20 pm – Requests from Lifetime Fitness for variances to 105 CMR 435 regarding projections and deck clearance at three spas. Vote anticipated to grant or deny variance requests.

Discussion: Mr. Durkin opened the hearing at 5:54 and read the hearing notice. Kent Wood was present, representing the applicant. Ms. Cameron told that Mark Mariano, consultant to the City, is also present via Zoom. She told that in January 2020 a variance was requested for projections, and was approved by the Board but due to Covid issues it was not submitted to the state in 30 days as required. They have now inspected as these are now constructed, and we have found that they do not meet the state's requirements. Mr. Wood said they don't want to skirt any rules here, want to build what the city asks for, and joked that they have not given the city too much grief over asking us to change it, and believe we came up with an agreement on how to fix it. He asked Ms. Cameron if these photos are what she is looking for. The Board reviewed the photos of the new stair design in the spas, and Ms. Cameron replied that it is what was asked for. Dr. Mansberger asked what the original looked like and Ms. Cameron showed photos. She told that the original design had 90 degree sharp corners and to address those objections they proposed to radius those corners with a 4-inch radius. Bill Pasquale has been out and seen the in-progress stairs. Ms. Cameron told that, since it is a brand-new build, we normally wouldn't be asking for variances, so the bar to approve a variance is very high, the state would ask why we are deliberately building something that doesn't comply with code. She added that there are some new codes under discussion to bring pool codes to a national standard, so it might be why these were not designed to code. Mr. Pasquale said the steps looked very good, better than the sharp corners. Ms. Cameron told that because of the shallow depth of the spas, the consultant stated there is less concern about people swimming into them. Mark Mariano said that in code about protrusions, it is so that you are careful so you don't swim into the stairs protruding, in this case there is no chance of that. He asked about a second railing, Mr. Wood said he is adding second handrail. Mariano agrees the corners give a softer angle. Mr. Durkin asked Mr. Wood if having a handrail on both sides provides adequate barrier to force one point of entry. He agreed. Mr. Durkin asked about procedure. Ms. Cameron said the original variance will be rejected by the state, so this will replace it. Dr. Mansberger asked about Burlington location, how they were approved. Mr. Woods said he isn't the designer and can't speak on Burlington location.

Ms. Cameron explained that the regulations require a minimum four-foot deck clearance on all sides, but on the side with the accessibility chair there is just three feet. Mr. Woods told that there is a precedent, in code there is an allowance for three feet behind diving boards. Mr. Mariano told that a revision was proposed, in that updated code they allowed for up to 50% deck obstruction on accessible pools. ANSI does allow 50% of deck obstruction, so he doesn't see any issue with this, there is still enough space to walk around the pool. Mr. Durkin asked if anyone else has anything to speak on this application for variances. Hearing none, closed the hearing at 6:12. Mr. Carli made a motion to approve both applications for variances, on the obstructions and on the deck clearance. Dr. Mansberger seconded. A vote was taken, all unanimously agreed to grant variances.

BUSINESS

1. APPROVAL OF MINUTES – MAY 13, 2021 - VOTE ANTICIPATED TO APPROVE OR AMEND

Discussion: Dr. Mansberger made a motion to approve. Mr. Carli seconded. A vote was taken and all voted in favor of approving minutes as presented.

2. UPDATE ON COVID-19 RESPONSE ACTIONS

Subject: Data update

Discussion: Reviewed. Ms. Cameron told that numbers are extremely low, the State emergency orders have expired, and things are moving somewhat back to normal.

Subject: Revisions to state directives

Discussion: State contact tracing collaborative will be ending in September. The state has issued an RFR to support local health depts who will be picking up the workload. Peabody with surrounding communities will apply, will propose contact tracers supported by a nurse, and we are hopeful we will be awarded.

Subject: Vaccination update

Discussion: Staff are focusing on increasing vaccination rates, definitely have work to do. Demand for vaccine has slowed significantly. Working to get the word out, have hired vaccine ambassadors and have community champions doing short videos on face book to get the word out.

Subject: Equity/Outreach initiative

Discussion: A disparity exists, with fewer Hispanic residents being vaccinated. Hired vaccine ambassadors, stationed at Northshore mall now, will go to churches, and will return for follow up. Ambassadors are finding that people don't want to talk to them. Every community is finding the same thing. They are reporting that they might get 3 or 4 people per shift that want to be vaccinated. Mr. Carli told that is what they are seeing in Everett as well.

3. ENVIRONMENTAL UPDATES

Subject: Rousselot update

Discussion: Reviewed Woodard & Curran report. Ms. Cameron told that she had a really good talk with the state DEP, and they think it is a really strong report. She told that she looks forward to inspecting the site at some point with the state.

Subject: HHW day

Discussion: Ms. Cameron told that this was the largest turnout in recent history at one of these events in Peabody, with over 296 cars in attendance, and that the event went without incident.

Subject: Mass. Municipal Wholesale Electric Company project

Discussion: Ms. Cameron reported that she had attended the public meeting regarding this project and there was a large turn out and the meeting went very long. Mass. Municipal Wholesale Electric Company

told that they need the plant to meet capacity requirements, which they are required to have by NE-ISO. Cameron reported that the public presentation was heavily focused on the financial aspects of the project, rather than health or environmental impacts. The MMWEC reps told it allows them to free up other resources to build greener resources, that it will only run 250 or so hours per year to cover for shortages in capacity in other sites, and said that it is the best location to achieve this because there is already infrastructure in place. The arguments against the plant included those saying why should Peabody bear the environmental burden of this project when there are 14 communities benefitting, those concerned about the health impacts from the plant, including particulate matter. Many in attendance were surprised to learn that the state is only looking at the issue of does the plant meet the basic requirements, and that the project does not trigger the requirement to create an environmental impact report or to do a health assessment. The board members expressed their surprise at this as well. Ms. Cameron said that while we don't have any permitting authority over this project, we can request an environmental impact report and a comprehensive health assessment. She told that the project was placed on a 30 day pause, and has reached the end of that, but it has been extended but we are not sure for how long. Dr. Mansberger made a motion to allow Ms. Cameron and Mr. Durkin the power to create a letter to the state including requesting these items. Mr. Carli seconded and all voted to allow them to proceed. Mr. Durkin said that the list of elements from the comprehensive health impacts survey is important to him, so please spell this out to them. Ms. Cameron agreed.

Subject: Soil gas monitoring at Peabody Whole Site Landfill

Discussion: Reviewed.

Subject: 3rd Party Inspection report, Peabody Ash Monofill

Discussion: Reviewed.

Subject: 3rd Party Inspection report, Wood Recycling Transfer Station

Discussion: Reviewed.

4. CODE ENFORCEMENT UPDATES

Subject: Chapter II: 29 Oak St; 171 Lynn St; 5100 Avalon Dr.; 29 Crowninshield St; 3211 Avalon Dr; 216 Lowell St;

Discussion: Reviewed. Mr. Pasquale has received many complaints from residents of Essex Apartments, owned by JRK investments. There are 155 units in that complex, high end units, townhouses and flat apartments. Received complaints about overflowing trash and air conditioner units not working properly, some elderly people with no air conditioning for extended periods of time. The management provided some small 5,000 btu air conditioners but for 3 floor townhouses these would not work to cool all areas. Also received complaints of no hot water, that the management office on site is not open, and that no one answers calls. He said that he has put calls into corporate headquarters in California and got no response. Back on Wednesday we were called again due to a flood on third floor at 12:30-100 in the morning. Fire department called Ms. Cameron because they were unsuccessful in reaching the management company. Residents biggest complaint is lack of response from management. Due to increase in complaints over last two weeks, they brought in someone from Savannah Georgia to help cover the development on a temporary basis. Tenants complain that they have unqualified people doing work, which is why Mr. Pasquale asked the plumbing inspector to attend today, as he called him in to assist as he had received complaints from National Grid about water heaters incorrectly installed. Plumbing Inspector Mr. Foukas told that he had gone out to the site and found that they installed water heaters with flexible plastic hose which melted, so they had emissions from that and carbon monoxide detectors were going off, also flooding can occur, and with this 145 degree water escaping, someone can get badly hurt. Mr. Pasquale told that even today got a complaint by e-mail that a tenant tried to contact management and got no response. Ms. Cameron told that for a long time they have been receiving complaints of overflowing trash at the location. She also told that under MA law, a call with no hot water is required to be a 24-hour

turnaround to fix, but she left several messages over the course of several days with no response from the management company. She added that it is not our role to manage this apartment complex, that they have more than 150 units there, and simply need to have adequate staff available to serve the residents. She said that the fire department had to call her in the middle of the night for an emergency because no one from the management company could be reached. It is not acceptable to have no one for tenants to reach 24 hours per day.

Tom Manzo representing Essex Apartments was on the call and said that they have resolved the issue with the phones, have learned that one of the hunt numbers was not rolling properly, said they have three people out there now working on tenant issues, and have contractors lined up, tenants now have our contact information, and said if you reach out, we promise we will call back. He added that they have set up a system with four people in line to answer if the first is not available it will ring to the next and so on. He said that they do not expect there to be any further issues with reaching someone. Mr. Carli asked about the trash pickup issue. Mr. Manzo replied that trash was not full, but there is currently no visible button for the trash compactor to be operated by tenants, so it was looking like there was no room so tenants began leaving trash outside the compressor. He said that they are going to modify it by making the button more visible so that they can operate it on their own. Ms. Cameron said that we expect an on-site management staff so that if a trash issue is identified, staff they will address it. She also told that there is a requirement of an IPM. Mr. Durkin asked if there is an onsite property manager. Mr. Manzo told that there is, and that she has been there now for 3 weeks helped out by their staff from Georgia who come up regularly to help out. Ms. Cameron told that this is something that needs to be monitored daily. Mr. Manzo replied that he understands. Mr. Pasquale reported that a tenant told him that a worker showed up at a unit today to fix an air conditioning unit but when asked to see the permit for the work, the worker said that he didn't have one. Mr. Manzo told that the HVAC contractor they hired was to be pulling permits today. Mr. Pasquale also added that the water heaters, he believes 4, also need permits and licensed professionals. He added that the holders of keys for emergency firefighter access at the development, known as Knox boxes, was missing some of the keys, and this needs to be corrected. He also told that while the firemen were there they found that batteries were dead on all emergency lighting, and it is required that these be inspected and replaced annually, adding that their private fire services company has to immediately get these up to code. Mr. Durkin asked if another meeting is called for. Mr. Carli agreed, and all present agreed. Mr. Durkin told that Mr. Manzo that he will be asked back next month. Mr. Manzo replied ok. Mr. Pasquale stated that he had to stress that similarly sized complexes have four or five maintenance workers, and that he does not believe that one maintenance worker can handle all 155 units in this complex.

Ms. Cameron told that moving forward we will be fining \$1000 each day if they receive calls with trash complaints and the City finds that they are not adhering to the regulations regarding keeping areas clear of trash. Mr. Durkin said that this was significant, and said that he wanted to make sure that Mr. Manzo had heard Ms. Cameron about the fines. Mr. Manzo said that he had. Mr. Durkin told that these are beautiful units and said that he hopes they do well. Mr. Durkin closed the hearing at 6:34.

Subject: Nuisances: 45 Paleologos St.; 49A Lowell St; 3 Highland Pk; 45 Washington St; 15 Alden Rd; 17 Diane Rd; 25 Diane Rd; 21 Diane Rd; 7 Carlton St; 515 Lowell St; 181 Lynnfield St; 7 Hancock St; 1 Avalon Dr; 115 Lowell St.

Discussion: Reviewed.

Subject: Chapter X: 515 Lowell St;

Discussion: Reviewed.

Subject: Tobacco: 672 Lowell St; 50 Main St; 7 Main St; 100 Lynn St;

Discussion: Reviewed recent round of compliance checks and tobacco orders. Joyce Redford told that the failure rate throughout the region had had a big uptick after Covid. She told that they are going to do another round of compliance checks, and added that she wanted to stress, in response to a shop owner who said that he had been in business for 20 years, that we have been doing this for 25 years. She told that they had issued close to \$80,000 in fines in Lynn, for flavors, minor sales, high levels of nicotine, delta products with cannabis, some retailers are just paying fines and keeping under the radar. Mr. Durkin asked if store owners talk amongst themselves. Ms. Redford said absolutely and added that they also have a professional association that they belong to. She told that the Peabody fail rate was 22%, and she had thought that this may be because they did Lynn's testing first, but then a subsequent community did even worse so someone is not getting the word. Ms. Cameron asked about how to proceed with the Main Street smoke shop, since they had another violation, shall we allow them to continue to sell lottery and sell tobacco, a special variance allowed just for them since they had been in business so long. Mr. Carli said we can check the minutes from the last time they were in for a hearing, but said that he remembers that we had them in before and warned that he would have his special variance revoked if there were subsequent violations, and suggested that we should bring him back in on this even though he paid the fine. Ms. Cameron said she would issue a notice on revoking the variance and he can appeal at the next hearing. Ms. Redford told about another establishment where the youth got a sale right after an establishment had been shut down. Ms. Cameron told that the benefits of adult only tobacco sales permit are much less that before, so he may decide to change to a regular tobacco sales permit. Mr. Durkin thanked Ms. Redford for all she does.

5. PERMITTING UPDATES

Subject: List of permits issued in May 2021

Discussion: Reviewed.

6. PUBLIC HEALTH NURSING UPDATES

Subject: May 2021 surveillance reports

Discussion: Reviewed. Mr. Durkin said that the coronavirus numbers stand out, still in double digits.

7. CITY COUNCIL RESPONSES

Subject: 99 Lynn St; Comments on Aggregate Industries 2020 Annual Report

Discussion: Reviewed.

8. SCHOOL NURSING UPDATE

Subject: School Nursing

Discussion: None

9. BUDGET UPDATE

Subject: Budget

Discussion: Ms. Cameron discussed budget submitted and approved by City Council. She told that she was able to get an additional stipend for the inspectors, \$500, for their Certified Pool Operators credential and that they also approved a floating substitute nurse for the schools which is much needed. In past

years inspector Randy Suckney's salary had been split between Health and Building Departments, but since he spent almost full time on Health Department issues during the pandemic he is now billed to Health completely. She told that Brenda is completing the school end of year reports and so we will have that info soon. She told that we are expecting that by fall, social distancing and mask use protocols should be behind us barring any changes in the trends.

10. CORRESPONDENCE

Subject: From DEP re: 300 Forest St

Discussion: Reviewed.

11. OTHER BUSINESS

Ms. Cameron reported that Dr. Mansberger has indicated that she plans to retire and step down from the Board soon. The Board members all expressed their sadness at her leaving but wished her well. Ms. Cameron asked the Board members to think about if they know a suitable physician who might be interested to become a member of the board.

Next meeting date: July 22, 2021 @ 4:00 p.m.

Adjournment: 7:00 p.m.