

**Meeting Notes from the Regular Meeting of the Peabody Board of Health,  
July 22, 2021**

In Attendance: Chairperson Thomas J. Durkin III, Dr. Leigh Ann Mansberger, Health Department Director Sharon Cameron, Anthony Carli (appearing remotely via Zoom), and Recording Secretary Lisa Greene.  
The meeting was held in the Lower-Level Conference Room and remotely Via Zoom at 4:00 p.m.

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**Subject:** Meeting called to order

**Discussion:** Mr. Durkin called meeting to order at 4:06 p.m. He told that the first order of business today was hearings.

## HEARINGS

**Subject:** 4:00 pm hearing regarding Emergency Condemnation and Order to Vacate at 252 Newbury St. #10. Vote anticipated to uphold, modify, suspend, or revoke the Order and/or any associated penalties.

**Discussion:** Mr. Durkin read the hearing notice and asked if the homeowner, Ms. Florence Venezia, was present. She indicated that she was present. Mr. Durkin asked Ms. Cameron for some background on the reason for this hearing. Ms. Cameron explained that the Health Department had received complaints from some other residents of this mobile home community with concern about conditions at this property. She told that when she and an inspector went to the home in early July they met with Ms. Venezia and were joined by a case worker from North Shore Elder Services who had previously been working with this client. She told that Ms. Venezia allowed them to view her home but not enter. Ms. Cameron told that they found that the home is in unsanitary condition, and said she is very concerned that if someone had to get out quickly they would have difficulty doing that. She told that they also saw some structural damage to the mobile home, including some rotting floors. She explained that, because of the unsanitary conditions, she had to condemn the unit as it is not fit for human habitation. She told that Ms. Venezia continues to stay in the home, however, and Ms. Venezia wants the Board to allow her to remain there. Ms. Cameron asked Inspector Suckney to tell more about the history with this address. Inspector Suckney told that in April of 2019 he was first made aware of this property when he received a complaint about rodents and a report that this homeowner was feeding animals outdoors and had badly overgrown vegetation. At that time he had issued an order to correct, and the homeowner made the requested improvements and he was satisfied with the results and closed the case out, and hadn't heard anything further about the home for two years. In April of 2021 he received more complaints about rodents and the condition of the property. He told that he then contacted Elder Services to get more resources to assist the homeowner and to have another person see the property. He told that they went and had a joint inspection and to tour the mobile home, but there was too much clutter and blocked passages. He told that he also had concerns about the large volume of empty cat food cans that were present under the skirt of the home and that they might be causing the infestation of rodents. He told that he saw evidence of rodents and noticed several burrow holes there and around the three adjacent properties, and said he saw the carcasses of three dead animals, possibly rodents, on the property.

Ms. Cameron explained that her greatest concern about this property is about an escape route in the event of an emergency. Since the bedroom is inaccessible due to the accumulation of debris, the occupant sleeps near the window, and must walk on materials that are 3-4 feet high, and it would be impassible to most people. Mr. Durkin asked Ms. Venezia to please tell the Board her view of what is going on. Ms. Venezia said that she disagrees with everything. She said that she bought the place in winter and never went underneath the trailer skirt, isn't responsible for what is under there, said she picks up cat food cans, that she doesn't feed birds but the neighbor does. She added that she owns the mobile home and leases the land, that it's her home, that she walks back and forth to work, and that it would be a huge hardship to have to move, and that she can't afford to move. She told that she only has one day off per week, and cleans up little by little. She said the concern over her getting out are wrong, she is 'like a deer, I can climb over anything'. She added that the weather was hot so she can only work on cleaning out her home a few hours per day. She said that as far as neighbors are concerned she doesn't care and doesn't associate with them. She said that she feels like the Board is against her, and that she should not have allowed the inspectors to take pictures because the pictures are being used against her. She asked what the Board wants her to do. Mr. Durkin said that the

staff take pictures not to go against her but to help us understand the situation. Ms. Venezia replied that the situation is that she let things get out of hand. She said that she never had a problem with the Board of Health before, and said that it is not just here but that others in the park have rats. She said that when she was told there were complaints about carriages in her yard and long grass, she got rid of them and cut grass, got rid of trash. She said that she can't afford to put new windows in, but is saving to fix things up. Ms. Cameron asked if the toilet is functioning. Ms. Venezia replied that it is. Dr. Mansberger said that there appears to be a lot of paper as well, which is a fire hazard. Chief Carli said he is concerned about that as well, about the paper being a fire hazard to her and of the danger to any first responder going there. He added that fighting a fire in a mobile home is already difficult, but under these situations it is even more dire. He added that there are services she can get to help with this situation. Ms. Cameron said that a social worker from Elder Services is working with Ms. Venezia, but they are limited in what support they can provide since Ms. Venezia said she would not complete their enrollment paperwork. Ms. Venezia said that she does not want Elder Services involved or anyone who will try to take control. Mr. Durkin said that it is his belief that the intake is needed to work with you, not to control you. Ms. Venezia said she would take care of it, and would just empty out the whole place. Ms. Cameron said that we don't need you to get rid of all of your things, but just need the materials that are not of any value because they are decaying organic matter, that most people would say is trash, to be removed. She added that we need you to get to a place where you can have safe passage, no pest problems, access to sinks, toilets, stove, all of the fixtures required for a home to have. The order requires that you have a home that is livable without having obstructed passages, and that you can safely access your heat. Ms. Venezia replied that she is the only person living there, so she is the only person in danger. Mr. Durkin said he doesn't agree with that either, because the fire concerns and rodent issues can affect your neighbors as well. Mr. Durkin said that this is why we are here, we care about the neighbors as well as about her. He asked if anyone else was present to speak on this case. Lisa Cammutus introduced herself as a friend of Ms. Venezia. She said she sees a wonderful woman who is very intelligent. She said she understands the problem and has talked to Florence about it. She told that Florence understands what needs to be done and is working on it little by little. She added that she understands that we need to take more immediate action than Florence can do on her own. Ms. Cammutus told that she is willing to work with Ms. Venezia and to bring people in to help her. She explained that Florence has a fear of people from the outside coming in, and of someone else coming in taking over. She said that her plan was to get a cleaning crew to come in, and since her husband is a contractor, she knows people and has resources to help. She told that everyone has different levels of comfort for cleaning, but we can help her get her to where she needs to be. She said that her recommendation is to allow her to work with Florence and do this. Mr. Durkin asked Ms. Venezia "what do you think?" She replied that she has to do it, and added that the Board is against her. Mr. Durkin replied that they are not against her. Ms. Cameron interjected that what she had hoped would happen today was that we can agree that Ms. Venezia will come up with an action plan, with a timeframe for completion, and that this be done within a short time frame, because it is not safe to live there. She added that she agrees completely that it is not possible for Ms. Venezia to complete the work needed on her own, and that she needs some outside help. She said that there also need to be worker safety protections put in place for those doing the cleaning. She added that we need to hear a commitment that this will happen soon. Ms. Cammutus said that she understands the Board's perspective and Florence's, that she understands the fire concerns, and is very clear on how they can get this done. Mr. Durkin said that she can work with Florence, come up with a plan and present to Sharon, adding that she may need to change it a bit, but a plan can be agreed on pretty quickly. He added that we need to see incremental progress.

Ms. Cameron explained that since we deemed the home uninhabitable and since that Order wasn't complied with, we have filed a complaint application with the Peabody District Court. She said that Ms. Venezia should have her action plan ready for that hearing on August 28th with specific time frames for project milestones, and if we concur that the plan is reasonable, we will request that the court give a continuance to allow for execution of the plan. She added that it is even better to come to court with a signed contract with a contractor. Ms. Cammutus replied that it will be difficult to have a contract by the 28<sup>th</sup>. Mr. Durkin said that it sounds like Florence has made some progress, so some updated photos would be helpful too. Inspector Suckney told that financial resources are available to help, resources that Irek of Elder services can help provide.

Arriving late to the hearing was Irek Kaczmarczyk of North Shore Elder Services. He told that that since beginning of May 2021 he was connected with Florence's case. She is very independent, she works, and any change to move would cause a chain reaction, would she lose her job, and asked the Board to think about how overwhelming it can be. He told that he received confirmation yesterday that he was able to get a spot for her in a hoarding program,

usually a long wait, three weeks, but Karen Sullivan, a clinical hoarding specialist, has agreed to come on board to work with Florence on an emergency basis. He added that it is up to Ms. Venezia to cooperate. He told that from the beginning, Florence was faithful with what she made her plan. She bought dozens of large 55 gallon containers and began sorting through things. She rented a self storage unit and spent many hours sorting. He told that he has visited once or twice and saw some trash bags being put out, and, as slow as it is, there is a plan. He said that she was trying to stay frugal, and made a mistake, but would like to resolve by herself, and asked the Board to think about granting an extension. He said that she will eventually get the unit more empty and get it cleaned, get fixes done to address all of the conditions from your Order. He added that from the point of view of someone who works with people in this situation, this plan makes sense. He told that as requested Ms. Venezia has been calling every Monday reporting on her progress, and sometimes allows him to go over. She showed her good will, and fortunately she has a friend who is willing to support her so hopefully we can come to a satisfactory solution. Ms. Cameron replied that since court is next Wednesday, they need a plan in by Tuesday by end of business. Florence stated that she will work with Lisa and no one else. Florence said she is not willing to go to senior citizens meetings or meetings about hoarders. Mr. Kaczmarczyk said that he was glad to have an opening for her in the hoarding program and they could discuss more later. Ms. Venezia said that she is not going to any counseling, that she is not interested. Mr. Carli stated that he is apprehensive about her willingness to work with the Board. He told that she is not just putting herself into danger, she is endangering her neighbors as well, and he understands that she does not want help, and appreciates that she is being very honest with us, and hopes she carries through with her plan. He added that he knows there are trash companies available and she can get someone there to clean up in 24 hours, so he'd like to see something in that time frame. Ms. Venezia said that she will get a contractor out there to empty the unit to make the Board happy and the fire department. Mr. Durkin said let's get a plan by next Tuesday. Ms. Venezia said she has to empty the place of everything. Mr. Durkin said that is not what we are saying. Ms. Venezia said she's stubborn, and said that she knows that the Board of Health is against her, and said that you want it empty so it will be empty. Mr. Durkin asked if anyone else was present or on Zoom who wanted to be heard. Ms. Cameron replied there is no one raising hand. Mr. Suckney said Mike Dodge the park manager was on the Zoom call. Ms. Cameron promoted Mr. Dodge to panelist. Mr. Dodge said he was present because he was curious about the outcome. He said that he is happy and will be satisfied if the plan is put in place and works. He added that complaints about rats continue to come in, and Ms. Cammuto replied that it is not necessarily related to the situation at this unit. Mr. Dodge said he understands, said that his park backs up to Bagel World and there are other things that attracts rats. He added that he hopes it all works out for Florence because she is a good resident. Mr. Durkin told that the Board will accept a plan by next Tuesday. Mr. Dodge said that he is happy there is a timeframe, wished Ms. Venezia would accept help, and said that she won't accept rides, etc. Dr. Mansberger said that she is uneasy about the situation, worried about getting cooperation, and said that we need to be on top of this, that setting a date of Labor Day is not timely enough. Ms. Cammuto said that she can provide every two weeks a progress report. Dr. Mansberger said every week would be acceptable. Ms. Cammuto said she that she works but will try her best. Dr. Mansberger said there is more to be done than Ms. Cammuto can do. Mr. Durkin said that the Board feels strongly about the work being done sooner rather than later. Ms. Venezia asked if the Board is going to make her leave her home. Ms. Cameron said that she feels strongly that the unit is unfit for human habitation, and that it is unsafe for her to live there in its current state. She added, however, that they are not planning to forcibly remove her. She asked the Board for a vote in agreement with her findings, and to say if we are upholding the order that the unit is not habitable. A vote was taken and the Board unanimously upheld the finding that the unit is not habitable. Ms. Venezia stated "I take responsibility for my own life and health." Mr. Durkin asked if anyone had any additional comments. None were received. The Hearing was closed at 5:00 p.m.

**Motion made by:** Dr. Mansberger made motion to uphold the finding of unfit for human habitation and the Order to Correct.

**Seconded by:** Mr. Carli

**Results of Vote Taken:** All voted to uphold the findings.

**Subject:** 4:20 pm hearing regarding an 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 5:00. Ms. Cameron said that hearing has been cancelled by the applicant. She explained that the applicant had decided to install screens as they were less costly.

**Subject:** 4:20 pm hearing regarding an Application for Variance from lifeguard requirement at Essex Apartments, 1 Avalon Drive. Vote anticipated to grant or deny variance request.

**Discussion:** Mr. Durkin opened the hearing at 5:01. Tom Manzo from the Essex apartments was present via Zoom. Ms. Cameron told that there have not been any recent complaints at this location regarding trash. She told that she has asked for an IPM and a plan for the trash management at the property. She added that they do still have some units with outstanding violations, and added that our plumbing inspector, Paul Foukas, who is present, has concerns. There is also a violation notice from June regarding problems with air conditioning. She asked Inspector Suckney to speak. He told that he had gone out to the site and found that workers were there who had pulled no permits. He explained that the first time a permit was pulled was on July 15, a whole month after a violation notice on June 14, of an air conditioning unit leaking into walls and into the electrical wiring. They had cut holes in walls at that time, and when he went back there are still holes, there are windows that are not weather tight, and the resident said that management has informed her they will just caulk the windows shut. There are also issues around a tub and a front door in need of replacement. Plumbing inspector Paul Foukas was present and told that on July 15 he was called in to inspect units 3211 and 5112, and that this was the second time he had inspected, had found venting back pitching, water leaks, and no carbon monoxide detectors. He was told that the owners had hired Brandano plumbing, so he spoke to that plumbing company and ordered them to look at every unit and every appliance, water heaters, etc. He told that the owners had instead then hired RBK maintenance, who are essentially painters, but had been doing the gas work there. He said that he is concerned about missing carbon monoxide detectors because of what had happened in Tyngsborough. Ms. Cameron asked for confirmation that the first crew was not licensed as plumbers, Mr. Foukas said no they were not and are allowed to only do painting and carpentry. He said he thinks the owners don't want to pay but the work needs to be done by licensed workers, adding that it is a battle, and we have to stay on top of them.

Mr. Durkin told that before us today is an application for a lifeguard waiver, but he said that the issues of concern discussed have to do with the management of the development. Ms. Cameron said that she wanted the board to be aware of everything going on at the location. Tom Manzo spoke for Essex Apartments, telling that the tenant of Unit 54 will not let them enter to make repairs, and said that she said she will let them in next week, so they will bring in another contractor. He said he is being told there is not an issue there, but they haven't been in her unit in two weeks and need to have access. He told that unit 83 will only allow them to work on Fridays, so he scheduled to have work done last Friday at 10:00 a.m., but at 5:30 the night before they texted tenant who said now he had something else to do and asked if they could show up at 8:30, but they couldn't accommodate that schedule, so he refused the work, which is now scheduled for tomorrow. As for the plumbing issues, he had a hired contractor, they didn't do the work up to code, so they fired and hired another contractor. He stated they plan to have properly-licensed contractors do the work, and Brandano has started, they will pull permits and do a full audit of the units and make repairs. Mr. Foukas said that he has heard from Brandano plumbing that they are doing the work now, and he said tenant Paul Thacker spoke to him a few times about progress and is doing a good job since the initial issue happened. Mr. Durkin asked about other issues. Mr. Manzo said they cannot get into unit 54, but they definitely did not say they will just caulk the window closed. He told that the door they ordered was the wrong one which is the reason for that delay. Ms. Cameron said that she is concerned that a month has gone by and the wrong contractor was hired without the correct licenses. Mr. Manzo said he pulled the permits for the replacement work, licensed plumbers. Mr. Foukas told that the people who actually did the work were not licensed plumbers, or registered plumbers or licensed journeymen. Mr. Manzo said that he had hired them to do it the right way, what happened was not what he understood was going to happen, and we fired them when we learned of it, and added that he doesn't work on any of our properties anymore. Mr. Foukas replied that there needs to be more oversight, it isn't just about pulling a permit, you have to make sure the people coming to do work on your property are licensed or journeymen. Mr. Durkin said more is required of you as management to see who it is who is actually doing the work. Mr. Manzo replied that we will not have that problem going forward, but understand the need to provide proper oversight.

Inspector John Yale spoke about his review of their application to waive the requirement of having a lifeguard at their pool. He told that he had inspected on July 19, to verify what was reported in their plan is on site. The pool

inspection was completed, and he found two violations on the 19<sup>th</sup>, chemical in nature, which were corrected by the 21<sup>st</sup> when he returned. The variance request included several items that would add protection, but they reported one item as part of their plan, a camera, but since the camera is not monitored, he suggested that it shouldn't be included in the variance request since it doesn't add to the safety of swimmers without being monitored in real time. Mr. Yale told they are proposing to have pool monitors there all hours they are open, from 10 am -8 pm, and he is comfortable with that. They have fencing secured by gates, keycard is required to enter or residents may enter through main clubhouse, but he just wanted to put on record that the camera is not part of the safety plan. Ms. Cameron asked if the Pool monitors are CPR certified? Mr. Manzo replied that this is not clear. Mr. Durkin asked Mr. Manzo, John's recommending that you remove the camera from the application. Mr. Manzo replied yes. He added that both pool monitors have CPR and first aid training and will be in attendance any time the pool is open. Ms. Cameron asked if there were any questions. Chief Carli asked if the monitors will have any other duties besides monitoring pool. Mr. Manzo replied that they will not. Dr. Mansberger asked if the monitors are vaccinated. Mr. Manzo replied that he did not ask. Ms. Cameron asked if the pool monitors are paid or volunteers. He replied that they are compensated. Dr. Mansberger said that she wants to remind everyone that we are having a hearing on a variance we granted but for a party we are having significant management issues with on another front. She said that she is not comfortable with granting a variance to a place where there has been evidence of such poor oversight. Chief Carli said that he agrees, adding that there are serious management issues there, and that he is very apprehensive about granting a lifeguard variance for even the best managed properties, and this one isn't showing that they are properly managed. He said that he is not comfortable granting this request. Mr. Manzo stated that they had been granted the variance each year since 2016, that he feels they have addressed the management issues, not all, but most, and that they may not be able to find lifeguards at this time, since there is a shortage of labor. Mr. Durkin said that as of late many serious issues at this property have been brought before the Board, with issues like improper installation of gas-fired appliances, carbon monoxide detectors missing, so he too questions the management capacity.

Ms. Cameron said that she agrees the concerns about inadequate property management but said that it is possible that the apartment complex will not be able to open the pool if we do not grant the variance. She added that since the inspector said he supports it and the safety measures are consistent with variances granted at other pools, she wonders if it is necessary to combine the two issues. If taken as a separate issue we would likely have granted the variance because the inspector has recommended it, and the precautions proposed are as rigorous or more so than locations of other pool variances that have been issued. Dr. Mansberger said that they submitted a variance request with a reference to a camera that is not monitored, and added that she will not be voting to issue a variance. Mr. Carli said he agrees, the issues of poor management are too big, he would not support it. Mr. Durkin asked if anyone else would like to speak. No one replied. Mr. Durkin closed the hearing at 4:25

**Motion made by:** Dr. Mansberger made a motion to deny the application for a variance.

**Seconded by:** Mr. Carli seconded the motion.

**Results of Vote Taken:** All voted and agreed unanimously to deny the application for a variance. Ms. Cameron clarified that the pool could be issued a permit to operate with a lifeguard; it is only the variance from the lifeguard requirement that is denied. It is up to management to secure lifeguard staffing if they wish to open.

**Subject:** 4:25 pm hearing regarding a request for hearing from Bavaros Liquors 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 read the notice for the Hearing re Luis Ruiz re notice of correction at 12 Foster Street Peabody. Inspector Suckney said that the owner had been in attendance at this meeting but he had left and said he is just going to pay the fine and leave. Mr. Durkin asked the Board to vote on the matter.

**Motion made by:** Dr. Mansberger made motion to uphold the correction order and fine.

**Seconded by:** Mr. Carli seconded

**Results of Vote Taken:** The Board voted unanimously to uphold the correction order and fine.

**Subject:** 4:25 pm Hearing regarding the violations of tobacco control regulations at Main Street Smoke Shop, 7 Main St., Peabody on 5-4-21. A vote will be taken to uphold, modify, suspend, or revoke the variance granted on 2-28-19 to permit the sale of incidental items in an adult-only establishment.

**Discussion:** Mr. Durkin read the hearing notice re 7 Main Street Smoke Shop violation notice of May 24, 2021 and variance for adult-only establishment to sell non-incidental items. Ms. Cameron asked if anyone was here to speak. Mr. Patel was present via Zoom so Ms. Cameron promoted him to a panelist. Mr. Durkin asked for a summary of this item. Joyce Redford told that this violation notice came as a result of a routine compliance check. At 5:19 on May 4<sup>th</sup>, a youth was able to enter the adult only establishment, and although denied sale of tobacco, he was not denied access to the establishment, and the owners have not denied that young people are entering the establishment. Ms. Cameron said that the reason youth are not supposed to even enter the premises is because adult only establishments have greater latitude in how they display their products, out in the open and easily reached, and there is a reason why we don't want youth to have such easy access to the product. Ms. Redford told that this is the fourth time we have issued violations for allowing minors to enter, three times they have sold to minors. This establishment has not illustrated that they are adhering to the most basic parts of the requirements for adult only sales establishments. Mr. Suckney told that the first infraction at this location involved the sale of blunt wraps, then in 2020 they were found to have flavored product despite the statewide flavor ban, and then they have also allowed youth to enter. Mr. Durkin said that on May 4<sup>th</sup> they incurred a \$1000 fine. Previous fine for sale of flavor was \$1000. Subsequent offense in May of 2021 for youth access was also treated as a first offense with \$1,000 fine. He asked about whether these should both be considered first offenses, or is the May 2021 violation a second offense. Ms. Redford said that these could be seen as offenses of the same law so the May 2021 could have been considered a second offense of state law. The offense regarding sale of blunt wraps was under local regulation, not state law. The flavor issue occurred after the Governor signed the state law that pulled all flavors from everywhere in MA.

Mr. Patel said that he wanted to clarify that for the flavor product violation in July 2020, a product was left inside the store after the Governor banned the products. We tossed it out, but we later found that we were actually allowed to sell it. We did not sell anything but did let minor walk into the store, we try our best not to allow any minors into store. Mr. Durkin replied that it is still a violation. Mr. Patel replied that we asked when we realized. Ms. Redford clarified that if the youth gets over the threshold it is a violation, and this person was able to get up to the counter and the staff was in the back. Mr. Durkin asked how the youth got in. Mr. Patel replied that he just walked in, but added that they have a sign on the door saying that they will be prosecuted. He said we do our best. He added that kids can walk into a liquor store but they just can't sell to them. Mr. Durkin replied that this is not an apt analogy, because the prohibition in liquor stores is not to sell to minors, but you have a special restriction on your premises that allows you to display items in the open but prohibits you from allowing youth to even enter. Ms. Redford added that they also get to sell a product that other retailers cannot carry. If youth access was allowed, every tobacco retailer could have self service displays and high percentage nicotine products. Mr. Durkin asked if Mr. Patel heard what Ms. Redford said. Mr. Patel indicated that he did. Mr. Durkin said that while we appreciate that you didn't sell to the minor, the offense is that you let them come in. Mr. Durkin asked if we are now considering removing the permit. Ms. Cameron replied that they are not, but the Board is considering whether the variance allowing him to continue to sell incidental products should remain in place, given the history of repeated non-compliance with the basic safety precautions of an adult-only establishment. They were given special privileges to continue to do that when they were granted their adult only tobacco sales, a privilege that no other establishment in Peabody has. If the Board revokes the variance, he will have to decide, does he want to stop selling lottery and all other incidental products, or stop being an adult only establishment. Mr. Patel said they don't have anything besides lottery that all other stores don't have. He added that other stores sell flavored products under the table but he doesn't want to identify them. Mr. Durkin reminded that Mr. Patel said he does his best to keep minors out of the store, but then earlier he said they just used a sign to keep people out but no other precautions. Mr. Patel said that when someone walks in and if we are working with someone we ask for IDs right after that. He said that if people look younger than 35 we ask for IDs.

Mr. Patel said that if we are allowed to keep the special variance, we can get a lock company to come put a lock on the main entrance so we will have to unlock for people to enter and will check IDs of anyone before letting anyone enter. Dr. Mansberger referenced her comments from the prior hearing are true also of this establishment, and concerns about management are big concerns. She said that she recalls her earlier statement during a prior hearing

for this establishment that if there were any more compliance issues with this establishment that they should remove the variance and she stands by it. Mr. Patel said that if we lose the lottery then the state will not allow us to sell lottery again. Dr. Mansberger said this will show you how seriously I take this, I do not want to allow the variance. Mr. Carli said that this special variance was worth a lot, and he feels that they should have done anything possible to follow the rules to protect it, but they haven't. He added that he hasn't been on the Board very long, just about a year, and to see Mr. Patel here again with another violation within a year bothers me. Adhering to the regulations should be paramount. The Tobacco coalition does a great job, but he wonders how many times other kids get in there and get the product. He said that this is not tough for him since we have had this conversation before. Mr. Durkin said that he agrees that this not a good compliance history, but he wonders if getting rid of lottery is too much of a penalty. He asked how much does lottery bring in. Mr. Patel said that Lottery pays for 80% of his rent, rent is \$2,700. Mr. Durkin asked what percentage of total revenue is from lottery. He replied that it is 20% of his gross profit. Ms. Redford explained that Mr. Patel would have the option to keep the lottery and stay in business selling tobacco under a general tobacco permit, but wouldn't be able to have self-service displays and not be able to sell higher levels of nicotine in vaping products. The fine is not the issue, it's his practices with the adult only delineation, and allowing him to have lottery when no other adult only establishment has in the entire collaborative is the issue. Mr. Durkin asked how many of the fines listed are related to adult only. Ms. Cameron replied that four are adult only violations, but also at one point flavor was as well, so every violation is related to the adults only permit. Mr. Durkin said that this is a troubling history of violations for an adult only establishment, if we were to revoke the special variance that allowed you to keep the lottery, you would have to make a decision to keep the lottery or the adult only status. Mr. Patel replied that the amount of space in that store would not allow a convenience store. Mr. Durkin asked how detrimental to your business would it be if you did not sell higher level nicotine products, and added that he is trying to understand how impactful this would be to your business. Mr. Patel replied that 70% of his sales are tobacco, and added that he will lose his customer base if he doesn't carry adult products. Mr. Suckney asked how many employees at this establishment. Mr. Patel replied one, it is just his dad. Mr. Suckney asked if his dad has received any training. Mr. Patel said that he followed up with him as soon as he heard about this. Mr. Durkin asked if there were any more questions? None were put forth. Mr. Durkin asked if there was anyone else who wishes to be heard. No one replied. Mr. Carli made a motion to revoke the variance to allow incidental sales in an adult only tobacco sales establishment. Dr. Mansberger seconded the motion. A vote was taken and all voted unanimously to revoke the variance for sales of incidental items.

Ms. Redford told that if he chooses to keep his lottery and stop being an adult only establishment he can't have products with over 35 mg nicotine, and he must lock humidors and remove any other self-service displays. Ms. Redford suggested that the Board give Mr. Patel a period of time to decide what he wants to do, and suggested that it would be reasonable to allow 30 days. Mr. Durkin said that Mr. Patel needs to decide if he wants to give up his adult only permit and become a regular tobacco seller or give up the lottery and continue adult only sales. The Board agreed that they will enforce this in 30 days so that Mr. Patel can decide. Mr. Patel said he understands. Ms. Redford said she will coordinate a visit in the next week.

**Motion made by:** Mr. Carli to revoke variance to allow incidental sales in an adult only tobacco sales establishment

**Seconded by:** Dr. Mansberger

**Results of Vote Taken:** Unanimously voted to revoke variance.

**Subject:** 4:30 pm – Request for hearing from Patricia Flomp regarding Citation issued for 26 Howley St/91 Walnut St. Vote anticipated to uphold, suspend, revoke, or modify Citation.

**Discussion:** Mr. Durkin read the hearing notice. Ms. Cameron checked to see if the parties were in attendance and they were not. Ms. Cameron said they had come in today and paid the fine so may have decided to forego the hearing.

**Motion made by:** Mr. Carli to uphold violation and penalty.

**Seconded by:** Dr. Mansberger

**Results of Vote Taken:** Unanimously voted to uphold the citation and penalty.

**Subject:** 4: 35 pm – Application for Permit to Perform Body Tattooing submitted by Paula Vesce. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened the hearing at 6:09 and read the hearing notice. Ms. Vesce told that she was a cosmetologist and instructor, went to college to teach cosmetology, has taken anatomy and physiology at NSCC, worked at cosmetology lab as well. She told that she was the first person to get a permit in Revere in 2006. She also got licensed in Boston, and is now applying to be instructor in Peabody. Dr. Mansberger asked if she had taken a Hepatitis B and immunity test. Ms. Vesce replied that she has not heard back about those shots, will follow up with her doctor. Ms. Cameron told that she had tested Negative on TB, and that Chassea Robinson had reviewed the TB Test results and said it is good, so they are just waiting on Hepatitis B results, but said that Chassea approved the application. Dr. Mansberger said to get that paperwork in. Inspector Yale said typically we see certificate for anatomy and physiology, but she provided her teaching credentials in anatomy and physiology and since she works with Julie Michaud and uses Julie's reference manual he is comfortable that she meets the requirements there. Mr. Durkin asked if anyone wanted to speak. No one replied.

**Motion made by:** Dr. Mansberger made a motion to approve the permit conditional upon the receipt of the Hepatitis B paperwork

**Seconded by:** Mr. Carli seconded the motion

**Results of Vote Taken:** unanimously agreed to grant the permit to Perform Body Tattooing

**Subject:** 4:40 pm hearing re: Application for Permit to Perform Body Tattooing – Apprentice Only submitted by Gina Antonelli. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened hearing at 6:16 and read the hearing notice. Ms. Antonelli told that she has been licensed in another community but wants to work here in Peabody. Dr. Mansberger asked about Hepatitis C results. Mr. Yale said we have it. The Board reviewed the file and saw no deficiencies.

**Motion made by:** Dr. Mansberger made a motion to grant a Permit to Perform Body Tattooing -Apprentice Only

**Seconded by:** Mr. Carli

**Results of Vote Taken:** unanimously voted to approve the permit.

**Subject:** 4:40 pm hearing re: Application for Permit to Perform Body Tattooing – Apprentice Only submitted by Denise Alves. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened hearing at 6:20, read the hearing notice. Ms. Alves was present via Zoom and told that she took a course with Julie Michaud and want to start her own business eventually and wants to do it the right way and do her apprenticeship. Mr. Durkin asked Mr. Yale if he had any comments. Mr. Yale had none. Dr. Mansberger asked about her Anatomy and Physiology course work, Mr. Yale said the curriculum of the course she took covers that.

**Motion made by:** Dr. Mansberger made a motion to grant a Permit to Perform Body Tattooing -Apprentice Only

**Seconded by:** Mr. Carli

**Results of Vote Taken:** unanimously voted to approve the permit.

**Subject:** 4:40 pm hearing re: Application for Permit to Perform Body Tattooing – Apprentice Only submitted by Robin Doukkara. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin read the hearing notice and opened the hearing at 6:22. Ms. Doukkara told that she is a Mass Board of Medicine certified acupuncturist. Mr. Durkin asked if there were any questions. None were received. Dr. Mansberger then asked for paperwork on Hepatitis B. Ms. Doukkara replied that she is in process of receiving those shots. Dr. Mansberger said to make sure to submit that paperwork to the Health Dept.

**Motion made by:** Dr. Mansberger made a motion to grant a Permit to Perform Body Tattooing -Apprentice Only

**Seconded by:** Mr. Carli

**Results of Vote Taken:** unanimously voted to approve the permit.

**Subject:** 4:40 pm Application for Permit to Perform Body Tattooing – Apprentice Only submitted by Andrea Sacco. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened the hearing at 6:24 and read the hearing notice. Ms. Sacco told that she is a Boston apprentice and got trained and got certification with these other ladies and is also looking to continue her apprenticeship. Mr. Durkin asked if anyone had any questions. No one replied.

**Motion made by:** Dr. Mansberger made a motion to grant a Permit to Perform Body Tattooing -Apprentice Only

**Seconded by:** Mr. Carli

**Results of Vote Taken:** unanimously voted to approve the permit.

**Subject:** 4:40 pm Application for Permit to Perform Body Tattooing – Apprentice Only submitted by Stephanie Lopilato. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened the hearing at 6:26 and read the hearing notice. Ms. Lopilato told that she has been a cosmetologist for 20 years, has a shop in Stowe, Ma and wants to add services for her clients so is becoming an apprentice to Julie Michaud. Mr. Durkin asked if anyone had any questions. No one had any. Julie Michaud, the instructor, offered that there would be more applicants coming before the board regularly, every three months.

**Motion made by:** Dr. Mansberger made a motion to grant a Permit to Perform Body Tattooing -Apprentice Only

**Seconded by:** Mr. Carli

**Results of Vote Taken:** unanimously voted to approve the permit.

## **BUSINESS**

**Subject 1:** Approval of minutes – June 24, 2021 - Vote anticipated to approve or amend minutes.

**Discussion:** Mr. Durkin asked for motion

**Motion made by:** Dr. Mansberger

**Seconded by:** Mr. Carli

**Results of Vote Taken:** voted to accept and approve minutes

**Subject:** New board member

**Discussion:** Ms. Cameron introduced Dr. Julia Fleet, who was present via Zoom, and told that she had interviewed Dr. Fleet and the Mayor will be putting her before City Council as a nomination to replace Dr. Mansberger who is retiring.

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

**Discussion:** Ms. Cameron said we are starting to see an uptick in cases. Breakthrough cases number 43 new cases in June and July; 26% of new cases in this time are in people who are fully vaccinated. Also through case management we have learned about symptoms, some are getting mild symptoms but since it presents like a head cold or allergies, it is probably underrepresented since people aren't getting tested. The good news is that the vaccination is preventing severe illness, none of the breakthrough cases were severe enough to be hospitalized to our knowledge, but some are tracked by state's contact tracing system and we don't get that level of detail but would have been informed if any deaths, and have not been notified of any. The President mentioned that we may have to reissue mask requirements, and some communities in MA on the cape and islands have already re-issued mask mandates. Dr. Mansberger said she does not think an indoor mask mandate is a big deal, people don't want to but she would prefer to see a lower threshold, want to jump on it sooner than later. Mr. Durkin said he agrees. Dr. Mansberger said she continues to wear masks indoors, and most infectious disease experts continue to do so as well. Ms. Cameron said she expects this will be an agenda item next month. Ms. Cameron also told that she has received a

doctors note from the parent of a student for the fall, which said the child is immunocompromised so everyone in the class must wear a mask even if vaccinated, which is going to be extremely challenging if there is not a universal mask requirement.

**Subject 2:** Update on COVID-19 response actions-b) Equity/Outreach initiative

**Discussion:** Ms. Cameron told that vaccination numbers are not where we wish they were, rates are lagging, and there continues to be a significant gap in our Hispanic populations. Vaccine ambassador teams are out canvassing some of our neighborhoods, downtown and other areas where vaccination numbers are lower, been to bodegas, YMCA, but the larger grocery stores said no to on-site vaccination clinics. Some nursing homes have requested ambassadors on-site to address staff hesitancy. They have also been to Spanish masses, going to Portuguese churches, going to sports events, partnered with NSMC and brought van to St Johns, will bring to summer concerts. Partnerships with NSMC and Curative Health are really beneficial. She told that she had given a presentation to Essex County Community Foundation about the ambassador project and they want to give us more money to continue. We are looking at spending it on incentives like gift cards. The work continues but getting people to change their minds is difficult. Mr. Carli said he's struggling with convincing his staff at work too.

**Subject 3:** Environmental updates: a) Rousselot update

**Discussion:** Reviewed. One or two complaints in month of July; Health Dept issued a fine.

**Subject 3:** Environmental updates: b) Mass. Municipal Wholesale Electric Company project

**Discussion:** Reviewed. Ms. Cameron had finalized the letter from the Board and sent it to the Governor, the Dept. of Public Utilities and MDPH. DPH gave updated data on environmental justice populations. Project is still moving forward. The utility says they are not going to do an environmental impact assessment or community health impact assessment but have agreed to decommission an older station that doesn't have rigorous emission protections in place and will remove one of the large oil tanks that was of concern, so there was some benefit to sending the letter. Mr. Durkin said he doesn't know if there is anything else we can do, unless there are any more public meetings we could speak to. Mr. Durkin said he can't think of anything. Ms. Cameron said we have no role in permitting anything like this, except make ourselves heard on the possible health impacts but we don't have any regulatory control. Ms. Mansberger said to save that letter because many years from now it may come up.

**Subject 4:** Code Enforcement updates: a) Chapter II: Update from Avalon Essex; 22 Essex Lane

**Discussion:** Reviewed.

**Subject 4:** Code Enforcement updates: b) Nuisances: 115 Lowell St; 48 Washington St; 515 Lowell St; 250 Washington St; 46 Aborn St.

**Discussion:** Reviewed.

**Subject 4:** Code Enforcement updates: c) Tobacco: 116 Central St; 44 Margin St; 60 Aborn St;

**Discussion:** Reviewed. Ms. Cameron said all Tobacco item fines have been paid.

**Subject 4:** Code Enforcement updates: d) Other: 24 Main St; 7 Hancock St.

**Discussion:** Reviewed.

**Subject 4:** Code Enforcement updates: e) Pools: Lifetime Fitness variances

**Discussion:** Reviewed. Ms. Cameron said that the state conditionally approved the variances, with the addition of a demarcation on deck around the handicap accessibility lift to delineate the zone.

**Subject 5:** Permitting updates: List of permits issued in June 2021

**Discussion:** Reviewed.

**Subject 6:** Public Health Nursing updates: June 2021 surveillance reports

**Discussion:** Reviewed.

**Subject 7:** Grant updates: a) Public Health Excellence grant

**Discussion:** Reviewed. Grant was awarded, Salem is the host community. It involves 8 local health departments receiving resources to hire a shared inspector and shared nurse, will focus on mother visiting program. Started to work on implementing that.

**Subject 7:** Grant updates: b) COVID case management grant

**Discussion:** Reviewed. City of Peabody as host community submitted application for 7 North Shore communities (Lynn is doing a stand alone program) providing resources to allow us to do COVID case management and contact tracing. The funds will allow them to hire a supervising nurse and other health workers, who will be sitting with us so it will increase our workload. Mr. Durkin said you work hard to find these grants. Ms. Cameron said this came to us in an email blast, but it is definitely needed with the numbers we have in Peabody and we will need the support.

**Subject 8:** Correspondence- From DEP re: 63 Pulaski St.

**Discussion:** Reviewed.

**Subject:** Next Meeting August 26, 2021@ 4:00 p.m. Meeting Adjourned: 6:59 p.m.