

MEETING NOTES OF THE GENERAL MEETING OF THE PEABODY BOARD OF HEALTH

August 24, 2023 @ 4:30 pm

In Attendance: Chairperson Thomas J. Durkin III; Members Julia Fleet, D.O. and Anthony Carli; Health Department Director Sharon Cameron; Social Services Director Sara Grinnell; and Recording Secretary Lisa Greene.

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 4:30 Mr. Durkin opened the General Meeting, read the hearing notice and welcomed everyone to the meeting. He said the first order of business would be a visit to the Healthy Streets Mobile Outreach Van. He informed those present that the Board members and anyone interested would go outside and see the Healthy Streets van.

1. BUSINESS

Subject: (Scheduled for 4:30 pm) – On-site visit with syringe service program, Mary Wheeler, Healthy Streets

Discussion:

Board members left City Hall and went outside to see the Healthy Streets mobile outreach van. Mary Wheeler, Director of Healthy Streets, invited Board members and Health Department staff to come inside and view the van. Ms. Wheeler gave an overview of the types of things their team can do including needle exchange, HIV and other testing, distribute condoms, provide wound care, distribute Narcan, and provide case management services including connecting people to insurance and transporting them to services. She said that if a resident asks what they do in the van she replies that they do overdose and HIV prevention. She said that they typically go to homeless encampments to offer services or will respond to people's homes if they call. She said that they are in Salem two days per week, making home visits to known houses and to homeless encampments, homeless shelters, the thrift store, adding that they stop if they see folks they know to see if they need anything. She added that diabetics can also use their services if they can't afford alcohol wipes and supplies and can also dispose of their sharps with them. She said that they also offer Naloxone trainings to businesses, the libraries, and tourist spots. Ms. Cameron asked if they had a good relationship with the Salem police department. Ms. Wheeler replied that their entry into Salem was with the Police doing overdose follow up. She said that Chief Butler was very supportive, and the police were instructed not to follow them and not to arrest people who come to the van.

Ms. Cameron asked how the needle exchange works, was it a one for one exchange. Ms. Wheeler replied that theirs is a needs based program, and that studies have shown that one for one exchanges do not work, people are more apt to reuse or share needs, so they will offer up to 20 needles if no needles are offered in exchange. She explained that some users inject up to 10 times per day so that would mean they need 70 needles per week and they provide them. She explained that some houses call and ask them to come for exchanges and also asked for sharps boxes to dispose their used needles and the van goes back and picks the boxes up weekly to make sure they are disposed of properly. Ms. Cameron asked if there were parameters set by the state for the exchange rate. Ms. Wheeler replied that there were not. She also said that they do regular sweeps for discarded needles at homeless encampments and other common use areas. Ms. Cameron asked if anything they carry requires any special handling for waste. Ms. Wheeler replied that the sharps are disposed of at one facility and their testing waste goes to another special waste facility for biohazardous waste.

Dr. Fleet asked if Ms. Wheeler has a relationship with any suboxone or methadone clinics. Ms. Wheeler replied that they were approached by a gentleman who opened a new suboxone clinic in Peabody and they

met the people from the methadone clinic when it began. Ms. Wheeler explained that for some who use, they have difficulty in filling a prescription because of lack of photo ID, but in Saugus the police will give a printout of their mugshot as identification and added that the prescribing doctor can write "no identification available" and the pharmacy is supposed to fill the prescription.

Public Health Nurse Chassea Robinson asked if when they have interactions with people with drug use issues do they put in a plug for going to treatment. Ms. Wheeler replied that they had actually asked participants what would happen if they repeatedly offered treatment, and all said that they would stop using their services. She added that when a new person first use their services they tell them that they can help with getting treatment when they give them the whole rundown on what they can do to help. She added that if they really know someone they will tell them if they are looking really bad. She said that they like to offer opportunities for people to ask for help and know that if someone lingers and if they see their body language they can tell that the person wants help and is scared. Another thing that helps is that there is no limit to the number of times we will uber or send people to detox.

Ms. Cameron asked if they collect data on their clientele. Ms. Wheeler replied that the syringe exchange is anonymous, but otherwise they collect gender, race, ethnicity, single person or drug house visit, number of naloxone kits distributed, whether insured, whether pregnant, if they have received prenatal care. They can assist people with accessing prenatal and other medical care. Test data base has an electronic database. She added that they can test for HIV, TB, Hepatitis, and substances. She added that if people choose to they can also access other services through them, like helping people get IDs, licenses, and to learn to read, but that is not all tracked but is happening.

Ms. Cameron asked what their policies are if a child approaches them for services. Ms. Wheeler replied that they are required to ask for a birthdate and not an ID, and added that people are savvy enough to lie. She added that there is no state mandate for ID at pharmacies either. She said that they are allowed to do testing for people aged 13 and over with no state requirements. She said that kids typically do not approach, and said she has had one 15- year-old in 23 years. Ms. Robinson said that there is a residential treatment program for youth on Route 1 and asked if Ms. Wheeler has any relationship with them. Ms. Wheeler replied that they did not and said that they generally do not look to work with people who are under 18.

Dr. Fleet asked if they ever get large groups of people around the van. Ms. Wheeler replied that they sometimes do, but typically people get what they need and go as most don't want to stand out or to be asked what they are doing there and don't want the general public to know they participate in a needle exchange.

Ms. Cameron asked what they would say if a group of teens approached and asked what they were doing. Ms. Wheeler replied that they would tell them that they are doing pregnancy prevention work and offer them condoms.

Dr. Fleet asked if they ever get harassed. Ms. Wheeler replied sometimes, by religious folks or police, or folks with a lot of drug use going on in their neighborhood who ask them to move the folks away. She said in that instance they will drive people home or to another area. She added that overall the response to the program has been really positive. Ms. Cameron wondered if people are afraid that if users know what the van looks like so do the drug dealers who might be drawn to the area to sell to them. Ms. Wheeler replied that does not happen and added that the people who use already know where to go to access drugs. She added that they also check in at Saugus hotels to provide sharps containers and to see if the people there need anything.

Ms. Cameron thanked Ms. Wheeler for coming and for allowing them to see their van. The Board members then returned to the meeting and resumed their discussions. Mr. Durkin had asked what was expected of the Board next. Ms. Cameron replied that eventually the Board would be asked vote to decide if they would like to allow a syringe service program to operate in Peabody. She said that the next step would be to then send a letter to Mass. Dept. Public Health who would then issue an RFP for a provider to come to Peabody to provide

these services. She added that it is likely to be Healthy Streets who is contracted by the state but it is not guaranteed. She added that if you decide in favor of it, they will want to do community outreach to make sure everyone understands their services, which was Ms. Wheeler's recommendation. Ms. Grinnell said that they will need to make sure the police and fire chiefs and the mayor are all on board as well. Mr. Carli agreed, adding that he had learned in his past career that it is important to educate the residents just as we have just been educated, and it will be beneficial to let people know what it is, the more education the better to get everyone on board. Mr. Durkin summarized by saying that for now the Board is in a consensus to proceed to a needle exchange but want to take the necessary steps before they proceed. Ms. Cameron said that she would then talk to Ms. Wheeler, meet with Mayor and plan the community outreach after that.

2. HEARINGS

Subject: - Hearing re: Application for Permit to Perform Body Tattooing submitted by Natalya Kushpel (Apprentice micropigmentation only).

Discussion: Mr. Durkin opened the hearing and read the hearing notice at 5:10. Ms. Kushpel was in attendance. She said she is ready to apprentice at Prettyology Academy. Ms. Cameron said all paperwork was in order and asked Ms. Kushpel about her understanding of what she will be doing as an apprentice. Ms. Kushpel replied that she will be doing a lot of observation, and over the next 24 months would be doing her practical work doing micropigmentation on lips, eyebrows and eyeliner. Ms. Cameron asked her to tell what she had learned about preventing contamination. Ms. Kushpel replied that they taught us to use all disposable products, including the needles, cover sheets, cotton balls, and to use gloves and masks. Ms. Cameron asked if she is applying only for micropigmentation. Ms. Kushpel replied yes. Mr. Durkin asked how long will the apprenticeship last. Ms. Kushpel replied at least one year. Mr. Durkin asked if anyone on zoom or present wished to speak on this application. No responses were received. He then closed the hearing at 5:14.

Mr. Carli made a **motion** to approve Ms. Kushpel's apprentice permit for micropigmentation. Dr. Fleet seconded the motion. A roll call vote was taken and it was unanimously agreed to grant the permit.

Subject:- Hearing re: Application for Permit to Perform Body Tattooing submitted by Charles Reilly.

Discussion: Mr. Durkin read the hearing notice and opened hearing at 5:15. Mr. Reilly was present via zoom. Mr. Durkin asked him to tell why he is applying for this permit. Mr. Reilly replied that he had been tattooing for six years, had spent two years as an apprentice, that he had primarily been travelling, doing conventions, and doing work with friends who own shops, but now his home base will be in Massachusetts. Ms. Cameron said all of the paperwork is in order, and that she had checked with Lynn Board of Health and they said that Mr. Reilly is in good standing there. Ms. Cameron asked Mr. Reilly to tell about his blood borne pathogen procedures. Mr. Reilly said that he washes his hands well, all tools and materials are sterile and disposable, and there is no touching multiple items. Ms. Cameron asked if he had ever had someone return with infection. Mr. Reilly replied that he had, but said that infections happen, but added that he now uses Tagaderm, a non-adhesive transdermal patch which traps plasma in and avoids infections completely. Ms. Cameron asked if he would be supervising apprentices. Mr. Reilly replied that he has no intention to since he doesn't have time and will still be travelling for work as well. Ms. Cameron asked if Mr. Reilly has had any disciplinary action taken against him in any other jurisdiction. He replied no and said that he had never had any issues. Mr. Durkin asked Mr. Reilly how different is it for him to do his craft when travelling. Mr. Reilly agreed that at his homebase everything is in one place, but when travelling it's different, but over the years of conventions he has come to learn from experience how to contain things and keep things in order. He said it is more work when travelling to make sure things are perfect but in his shop it is really easy to stay on top of things. Mr. Durkin asked if there were any questions from anyone present or on zoom? Mr. Jeffrey Brito was present in

the audience and said that he knows Mr. Reilly and has worked with him for 5 years and said he's a really good artist and that he supports granting the permit. Mr. Durkin closed the hearing at 5:22.

Mr. Carli made a motion to approve Mr. Reilly's permit. Dr. Fleet seconded the motion, and a roll call vote was taken and it was unanimously agreed to grant permit.

Subject:- Hearing re: Application for Permit to Perform Body Tattooing submitted by Jeffrey Brito.

Discussion: Mr. Durkin read the hearing notice and opened the hearing at 5:23, asking Mr. Brito to tell why he is applying for the permit today. Mr. Brito was present in person and said that he has been a tattoo artist for ten years, had apprenticed at Boston St Tattoo, and had opened up his own shop, Hood Ink, in Lynn five years ago, and now hopes to bring another quality establishment to Peabody. Mr. Carli asked if he would still be maintaining Hood Ink as well as his shop in Peabody. Mr. Brito replied yes and said that this will be his second location and will be opened where Shining Star was located. Ms. Cameron said all of the paperwork is in order, she had spoken with the Lynn BOH and Mr. Brito is in good standing. Ms. Cameron asked Mr. Brito to tell his procedures to prevent contamination. He replied that he will wash hands and put on gloves and do his station set up: he will use madacide to clean the station, throw those gloves away, wash hands, put on new gloves, wrap plastic wrap around his machine, then he will shave the tattoo site, change gloves, clean the site with alcohol or hand sanitizer, then will apply the stencil to the skin and allow to dry for 15- 20 minutes, then will wash hands again and begin the tattoo, using everything disposable, and used needles go into the sharps container. He said the machine is the only thing that is used over and over but is wrapped in plastic and sensi wrap. He went on to say that his inks are wrapped in plastic to set up, he pours the ink, then takes the wrap off. He said that for every ink he uses he takes a picture of the label in case if there are any issues with the ink in future it is easier to communicate with the board of health. Ms. Cameron asked if Mr. Brito plans to have apprentices? Mr. Brito replied yes. Ms. Cameron asked how does he plan to supervise, oversee and evaluate when they are ready. He replied that when he takes on an apprentice he gets a feel of them to see what type of person they are, which is most important because he doesn't just want any type of person to represent him. He said if he likes them, he will let them come around and draw, see how they greet people, if they pass all of that, if their art is up to his standards, will get fake skins and they can practice on that. He added that everyone learns at a different rate, so he will see how they are gradually improving, but said that at least a year of apprenticeship is needed. Ms. Cameron asked if he had had any discipline against his license in any other towns? Mr. Brito replied no and said that he had never gotten into any trouble or had to pay any fines. Mr. Durkin asked if there is any continuing education programs in tattooing, like how do you learn about things like Tegaderm as Charlie mentioned. Mr. Brito replied that the tattoo community is very tight and shares information. He said that they learn a lot online, but added that while older people tend to stay in their lane, new people coming in with new information helps a lot. Mr. Durkin asked if any board members had any questions. None were put forth. He then asked if anyone present in person or on zoom wished to speak to please use the raise hand function. Mr. Charlie Reilly raised his hand on zoom and said that Shining Star was started by a tattoo legend and said he'd like to see another respected artist like Mr. Brito in there and to see the good people that will come from his shop. Mr. Durkin closed the hearing at 5:33. Mr. Carli made motion to grant the permit to 59 Central St for Hood Ink and to grant the permit to perform body tattooing. Dr. Fleet seconded the motion. A roll call vote was taken and it was unanimously agreed to grant the permit.

Subject:- Hearing re: Application for Permit to Perform Body Tattooing submitted by Brenda Zotarelli.

Discussion: At 5:34 Mr. Durkin read the hearing notice and opened hearing and asked Ms. Zotarelli to tell a little about why she is applying for this permit. She replied that for over 3 years she was an apprentice at Hood Ink in Lynn, and then worked about 2 years, and loves it, loves helping people feel good about how they look, and is happy and it is exciting to be expanding. Ms. Cameron said that the paperwork is in order and Lynn BOH confirmed her good standing. Ms. Zotarelli said that she learned from him referring to Mr. Brito. She said that she wraps everything, the lamp, the power source, etc, and after she is done with the session she will unwrap and wipe down with madacide, all materials are disposable, including needles, washes hands and

puts on gloves before every procedure, before stencil, gloves come off again repeats again before starting, wash hands and change gloves. Ms. Cameron asked if anyone had ever returned with an infection? Ms. Zotarelli replied no. Ms. Cameron asked if she would be involved in supervising apprentices? Ms. Zotarelli replied yes. Ms. Cameron asked what that would entail. Ms. Zotarelli replied that she would start with going through the everyday process, showing the teamwork behind keeping the shop running, do weekly drawings and assess, start with fake skin, coach on how to hold the machine, watch over their shoulder, and if they were off coach them on how to get it right, show and allow them to watch, explain what we are doing. Ms. Cameron asked if she had received any disciplinary action against her license? Ms. Zotarelli replied no. Ms. Cameron asked if she would work at both locations. Ms. Zotarelli replied that she would work mostly in Peabody, but might possibly still do some work in Lynn, and will still have a license there. Mr. Durkin said he has developed respect for the art and the community and business. He explained that the Board's focus is the health part, the sanitizing and care, and hope that you will be careful with that. Ms. Zotarelli replied yes. Mr. Durkin asked if anyone on zoom or present wished to speak on this matter. No responses were received so Mr. Durkin closed the hearing at 5:40.

Mr. Carli made motion to approve permit. Dr. Fleet seconded the motion. A roll call vote was taken and it was unanimously agreed to grant the permit.

Subject: - Hearing re: Order to Correct Violations and Notice of Suspension issued to Sami Girgis/Saint Bishoy Inc., E Market, 598 Lowell St. Peabody.

Discussion: At 5:41 Mr. Durkin opened hearing and read the hearing notice. Attorney John Keilty was present representing Nermeen Shakir and her husband Sammy Girgis and submitted a memorandum (see attached), which he read aloud, which was a rebuttal of allegations regarding Crave flavored products. He said that they disagree with the allegation that they were unable to produce state letters from the manufacturer. He added that all of the products in question are hemp derived and have manufacturers letters. He said that this is an evolving industry, and said that he is learning that the manufacturers seemingly have a compliance letter for every product and it is up to us to see if they are in compliance. He said that he and another attorney have begun delving into issues around these products, which are not injected with nicotine, and all are hemp derived products which is clearly listed on product packaging. He also added some lab related analysis reports for two items. He said that moving forward, if we were to get past this evening, he knows the Board needs vendors to receive paperwork from the manufacturer but if there are any new products, should they bring them to the board and meet with an inspector to see if they are legal instead of relying on compliance letters from manufacturers. He said that he believes the owner is not in violation, as the products are hemp derivatives. He said that if anything the charge that paperwork was not in order is the only violation. He said he would ask where to go from here to say who would be final arbiter to see if these products are legal or illegal.

Mr. Durkin replied asking if the argument attorney Keilty is making is not disputing whether the products were there for sale at the store, but that they are legal to sell, but Inspector Suckney says they are not legal to sell, so we need to get to the arbiter, adding that luckily they have a person present who is very knowledgeable on this matter. Mr. Keilty replied that in court you'd have your expert and I would have mine. He added that Inspector Suckney had taken packages of the products so you can send them out for testing and we can come back another evening if you'd like when we have a better sense of the contents. Mr. Carli asked if Joyce Redford, the director of the North Shore Cape Ann Tobacco Program, would speak on this. Ms. Redford explained that delta 9 has synthetic hemp in the formula, and MDAR (Mass Dept. of Agricultural Resources), the lead enforcement agency for hemp, says they can't sell synthetic hemp products. She said that she can e-mail the regulation after the meeting. She added that the other issue is that, it is a flavored vape-able product, which is not FDA approved, and one can't sell anything that is flavored and vape-able, since September of 2019, regardless of nicotine content. She added that this owner's first violation was in 2021, and at that time

the inspector and she provided their contact info and said that if there are products in question the owner is invited to contact them and ask them. When she bought the store we had a non-compliance issue with a flavored vape-able product in the store but the fine was put into abeyance because she said it was there when she bought the store. She said that in the MDAR info, it is clear that it doesn't matter if it's a nicotine product - if it is flavored and vape-able, it is illegal to sell. Mr. Carli said "skittles" and "cookie crave" products are clearly flavored. Ms. Redford said that in Delta 9 products the THC exceeds the allowable levels. Delta 8 doesn't fit the cannabis definition, but both products are synthetic and flavored and vape-able. Attorney Kielty said that he believes that it was the nicotine that can't be flavored. Ms. Redford said that anything that is vape-able cannot be flavored in Massachusetts, and added that the owner also did not have documentation from the manufacturer on hand which is also required under state law. Mr. Keilty said they do not have a defense for that but said his client was nervous.

Ms. Redford found the citation she had been looking for, 105 CMR 665.005, the definition of a tobacco product, and said that it is regardless of nicotine level. Ms. Redford said that she is aware of the products and is aware that they are not legal to sell in Massachusetts. Ms. Redford read that the regulation said flavored tobacco products are illegal. Ms. Redford said that the regulation says for any device that is inhaled any flavor is not allowed. Then it says the prohibition on flavored products is regardless of nicotine content or another substance, and nobody shall sell a flavored tobacco product or any product that aerosolized regardless of nicotine content. It was an aerosolized product. Nothing flavored can be vaped unless they have FDA approved for a medical reason.

Mr. Durkin asked Attorney Keilty's understanding of what avenue would he take for his client next. Attorney Keilty replied that most appeals of BOH rulings are sent to district court. Ms. Cameron explained that the Peabody BOH has promulgated its own regulations on flavored products and stated that since this is a local regulation, BOH members have the authority to interpret their own regulations. She read from the local regulations that the sale of flavored tobacco products is prohibited, and that the definition of tobacco products includes other e-liquids regardless of nicotine content that involve aerosolization. Mr. Durkin said that Mr. Keilty's argument was that these are not tobacco products. Mr. Carli said the regs say electronic delivery any device that aerosolizes anything and said it doesn't mention tobacco at all, and said that after reading that he believes that these products will fall into that. Under MDAR, Redford said the charge is due to the device versus the product. Ms. Cameron acknowledged the rationale behind the prohibition of flavors is to prevent the sale of products marketed to children. It is not something that we want businesses in this city selling. These products in question are clearly intended to appeal to children with candy and cookie flavors.

Mr. Durkin said that he is comfortable that at least some of these products violate our regulations. Mr. Carli said he would be inclined to say that all of these are illegal, especially since the owner has acknowledged that it is a vaped product. He added that he believes these are all very similar, and that we have enforced these regulations before. Ms. Redford added that state law is the lowest threshold. Local BOHs have the authority to adopt more stringent requirements, as we did with blunt wraps. Even in in a community with no local regulations they would enforce state law. Mr. Carli said this is also because we had the operator in for violations before, and since we held the fine in abeyance because she was a new owner, and said we hate to see someone back again and especially not in such a short period of time. Mr. Durkin said that he is sensitive to ambiguity, but he read the minutes from the owner's previous appearance, which said that they said these products came with the store, so we held that penalty in abeyance. He said these products here tonight didn't come with store this time, so that doesn't apply in this case. He added that Inspector Suckney is willing to work with merchants to ensure the products they're selling are allowed, but nobody took advantage of his offer to guide you through that, so it makes it difficult. He added that in the past they have voted on flavored vapes as being illegal for sale. Mr. Keilty said that he doesn't dispute what you said and that the owner has been here before. Mr. Durkin said that the hearing notice today says that they will vote to uphold, modify, suspend or revoke the permit. Mr. Durkin asked if anyone on the Zoom call wanted to speak on this matter to use the raise hand feature, or if anyone in the room wished to speak. No responses were received. Mr. Durkin closed the hearing at 6:15.

Mr. Carli made **motion** to uphold the fine and 30 day suspension as it was issued. Dr Fleet seconded the motion. A vote was taken and unanimously agreed to uphold the penalties. Mr. Durkin said that he wishes them well.

Subject: - Hearing re: Order to Correct Violations and Notice of Suspension issued to Bangla Corporation, Richdale Convenience Store, 272 Lynn St. Peabody.

Discussion: At 6:16 Mr. Durkin opened the hearing and read the hearing notice. Shordan Mudoona, owner, was present and said we don't sell any flavors, it just happened that the inspector found one thing, and said they don't know how it happened, but perhaps a customer came in and they switched products, so maybe that was what happened, but clearly he doesn't sell any flavored nicotine devices, and he is very sorry, he should be very careful and asks the Board to pardon him. Mr. Durkin said he understands that the inspector found one and not several. Mr. Carli said that was one flavor violation but there were additional types of violations, including failure to have the proper paperwork on the products it carries, and then the violation for a flavored product and for a 5% nicotine content product. Ms. Redford said there were two products, one was a 5%, one was flavored. She showed that there were two products not one. On the blunt wraps, they were concealed, in a bag in a concealed location. Owner stated that was not for sale, he wrapped those products up when they were prohibited to sell, put them there for two years, and forgot they were there. He never sells this product. Redford asked why keep in store if not intending to sell? He stated it was there for two years or three. Redford stated that blunts have been prohibited since 2016, a much longer time than 2-3 years. Mr. Carli stated when we issue a fine and find illegal products, the products are removed and the inspector circles around and does a reinspection. Ms. Cameron confirmed that if someone is selling illegal products the inspector will go in and verify the products are removed. Ms. Redford said that once per year she goes out for educational visits, and also when there is a suspension. She added that the idea of a black bag is very common for a concealed item, and said because we didn't notice it last year doesn't mean it is ok. Mr. Durkin said the violation says one flavored item, and the countertop display because it is self-service. Ms. Cameron said vendors are not allowed to do countertop displays at all under state law, even if opening is facing the clerk. Also there were cigar 21 blunt wraps, and the permit holder had no manufacturer letters, and flavored products and 5% products are two issues.

Mr. Durkin asked if anyone wished to speak on this matter. On Zoom Eileen Finegan, trustee of the Finnegan Realty Trust and owner of the building, said she rents to Bangla Corporation who is responsible for business. She said that she had spoken to them, and they assured her that the prohibited products were not purchased by them, the display was specifically for clear and not flavored products, and Mohammed has always been very honest, but he needs to be more careful and inspect products. Maybe a customer switched it, which is not a good excuse, but said that she understands it is a repeated violation from 3 years ago and asks for a temporary suspension and not a permanent revocation of the tobacco permit. Mr. Durkin thanked her and asked if anyone in the room or on zoom wished to speak. No responses were received. Mr. Durkin said all violations are unique, the 5 violations are all the ones from July 17th. He asked if this store had been in before for violations. Ms. Cameron replied that they had, a 30 day suspension in February of 2020, which is just outside of the 36 month lookback. Mr. Durkin said that on the table is a 30 day suspension and a \$5,000 fine. Dr. Fleet asked if they are also before the board to permanently revoke their permit. Ms. Cameron said that the Board can revoke the permit if there is a repeated history of non-compliance, and also if there are 4 or more violations it may be egregious enough to revoke. The question before the board is if you want to uphold the 30-day suspension and \$5,000 fine, and then separately, do you see the compliance history as egregious enough to revoke the permit. Mr. Durkin said he is predisposed to uphold Inspector Suckney's order and not to revise it at this time. He added that they often hear "we had it under the counter and didn't plan to sell it" but that is usually until someone asks.

Mr. Carli made a **motion** to uphold the 30 day suspension and \$5,000 fine. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to uphold the fine and suspension. Ms. Cameron added that there were also some serious violations of food code, and they continue to sell expired food as cited before. Also, there were insects in the cooler, meat and dairy products that had expired that could be a danger, so we will be requiring them to hire an independent consultant to help with that. Ms. Finnegan said in response to the food violations she was very concerned as well, contacted a cleaning company for an overall deep cleaning and sanitation of all coolers, growth of mildew in corner, agreed with their estimate for deep cleaning, so it's just a matter of coordinating dates with Mohammed. She said they will also do monthly cleaning, and will also have cleaners go through looking for expired food as well, so this shouldn't ever happen again moving forward. Ms. Cameron said that that was all great and will help a lot but that will not be a substitute for having the on- site management do regular monitoring of inventory and cleaning. Ms. Finnegan said that she agrees with that as well. Mr. Durkin thanked her for joining in.

Ms. Redford said some communities are establishing local regulations to prohibit THC and cannabis products, so will provide an example of one from Beverly for the Board to review. She said they tied their tobacco violations to those other two products as well, and added that this will be helpful going forward. Mr. Durkin thanked Ms. Redford.

1. BUSINESS (continued)

Subject: Approval of minutes of July 27, 2023- Vote anticipated to approve or amend minutes.

Discussion: Deferred to next month.

3. Environmental Updates

Subject: a. Allied Waste Systems – proposed modifications to Wood Recycling Transfer Station.

Discussion: Ms. Cameron reported that they had received the nuisance mitigation plan from the applicant, and they have provided a template letter which says a modification to the site assignment is not required, and if we are in agreement we will modify the first line and send off to DEP. All agreed to allow it to move forward.

Subject: b. Rousselot

Discussion: Ms. Cameron reported that she had sent a copy of Rousselot's submitted closure plan to the city engineer to check, and he said it looked good, as long as they keep trained personnel on staff until they have the facility closed down. She said she had received a number of odor complaints this week due to a mechanical failure in the 80- foot clarifier. They had switched to their backup clarifier- the one we had a lot of issues with in the past, but they have received the part and will make the repair. She added that she had issued Rousselot a \$1,000 fine for this because they should have identified it themselves without having been told about it. She said that there will be a drain down to make the repair and they expect a couple of days of odor but hopes that it coincides with the rainy weather coming up so people are not outdoors.

Subject: c. Rodent control

Discussion: Ms. Cameron reported that they had concluded the one year contract with Modern Pest Control, so had put the contract out to bid again, and now would be contracting with A-1 exterminators, who would conduct surveillance and trapping, fertility control, and they also have a smart box which has a data collection piece, so they will move forward with that contract.

4. Code Enforcement Updates

Subject: a. Housing: 21 Parsons St; 619 Lowell St; 17 Calumet St; 3 Caller St; 7 Spring Ct

Discussion: Reviewed

Subject b. Nuisances: 15 King St.; 570 Lowell St; 229 Andover St; 15 Newbury St; 1 Newbury St; 13 Jacobs St; 29 Abington Ave; 107 Foster St; 12 Charlotte St; 17 Central St;

Discussion: Ms. Cameron said that a hearing is scheduled for 15 King St for next week. The City Solicitor had heard from their attorney, they have made a lot of improvements, but we are still keeping court date but things are improving.

Subject c. Food: 136 Newbury St;

Discussion: Reviewed. Ms. Cameron reported that she had held an administrative hearing for 136 Newbury Street, Pho Paris, and said that they delivered a good corrective action plan so she will go with John Yale on Monday to reinspect. They are bringing in more training, and she is hopeful that they will be in good shape on Monday.

Subject d. Animals: 4 Berry St;

Discussion: Reviewed

5. Permitting Updates

Subject a. List of permits issued in July 2023

Discussion: Reviewed

6. Public Health Nursing Updates- July 2023 surveillance report

Discussion: Reviewed

7. Social Service Supports

Discussion: Ms. Cameron reported that there was a hot water tank release on the 5th floor of a building at Brooksby Village that affected units below it; they relocated some people to hotels, but kept many there who didn't want to be relocated, but some are living there without electricity in their units, which is not a great situation. She said she had visited the site with the fire chief, and there is a remediation plan in place. There were dozens of vehicles from service providers on site so they are acting with appropriate diligence. They are without an elevator but there is one in the adjacent building that connects to this building and they are providing transport assistance to residents who need it. They have electricity in the common areas, where they residents can get some air conditioning, and the property owners gave everyone flashlights. The electricity is restored and now they are dealing with flood damage, they have ServPro there now, so they are doing all of the right things. She said that at her site visit she was concerned about extension cords for fans etc. in the hallways posing trip hazards so they made some improvements there. Relocating elderly people can pose a threat to their safety with going to an unfamiliar environment so she supported the decision to do on-site relocation when possible. She said that she felt it is being handled with appropriate urgency and diligence.

Ms. Cameron reported that in regard to Social Services, there are still migrant families being placed in hotels here, and we now have over 100 families, over 300 people, in local hotels. She said that the state finally had a meeting with all of the communities hosting families. All families in Peabody currently have case management, but the state is now putting families into hotels with no case management, leaving it up to the communities to meet the various needs. She said the state characterizes this as a humanitarian crisis, with 40-50 families per day arriving in the state, some arrive at 7:00 pm and they need to place them right away. Even though the families placed in Peabody have case management services now, she is concerned that might not be the case with future placements, so this is something we need to keep our eye on.

Ms. Cameron said that school will be starting in 2 weeks, and a lot of kids from the hotels will be starting, and don't have complete immunization records. They can't be held out of school due to lack of documentation. The MDPH is contracting with a company to go in and vaccinate. She said this is not like a flu clinic, since every person has different needs for vaccine, so it is too complex to do on short notice.

8. Correspondence:

Subject: a. From DEP re: 201 Warren St.

Discussion: Reviewed

Subject: b. From Tighe & Bond re: minor modification application, Peabody Ash Monofill

Discussion: Reviewed.

Subject: c. From Hayes Engineering re: 0 Forest St/27R Farm Ave.

Discussion: Reviewed.

Other Matters:

Ms. Cameron reported that Covid is again becoming an issue, and people are asking for test kits and for information on mask regulations. Dr. Fleet reported that she is not seeing a lot of cases herself but has heard of cases.

Next Meeting Date: September 28, 2023

Adjournment: 7:01 p.m.

