

**Meeting Notes from the Regular Meeting of the Peabody Board of Health,  
Aug. 26, 2021**

In Attendance: Chairperson Thomas J. Durkin III, Dr. Leigh Ann Mansberger, Anthony Carli (attending remotely via Zoom), Health Department Director Sharon Cameron, and Recording Secretary Lisa Greene (attending remotely via Zoom).

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 4:02 p.m.

## HEARINGS

**Subject:-** Request for hearing regarding Order to Correct at 9 Ledgewood Way submitted by Dillon Brown. Vote anticipated to uphold, modify, suspend, or revoke the Order and/or any associated penalties.

**Discussion:** Mr. Durkin read the hearing notice, opened the hearing at 4:02 and asked for the inspector on this case to make his report. Inspector Randy Suckney told that he had received several reports from residents who were concerned about the elevator at building 9 at Ledgewood not working. He said he contacted and spoke to Nick Roccolla, who explained that they had to special order a part, a 70 ft piston, which would not be ready until October 1<sup>st</sup>, which is a substantial amount of time. He said Mr. Roccolla told him that maintenance there was helping residents with carrying grocery orders, having access to chair lift if needed for medical appointments, etc. Ms. Cameron said she had heard from Crowninshield. She said that her concern is that she wants to be sure that standard reasonable accommodations are in place for the residents during the entire time that the elevator is not functioning. Ms. Cameron told she had received correspondence from their condo association, and they detailed the accommodations that they had put in place but added that the concern is that some accommodations are limited to only during the work week and are not available in a timely way depending upon demand. She stated that she also understands the situation, and while there is a valid reason for the delay, there is still a concern about the ability of elderly residents to have safe egress in the event of an emergency. She added that the length of time and delay is what has caused us to bring this forward.

Attorney Dillon Brown indicated that he represents the board of trustees of Ledgewood Condominiums. Also present was Mary White of Crowninshield Management. Attorney Brown stated that pursuant to the order, the City has issued a claim that the lack of elevator has put in place a public health nuisance. He denied that that it is a public health nuisance and asked to have this withdrawn. He explained that the elevator is being repaired and that they have already provided reasonable accommodations. He added that the hydraulic system needs to be replaced, and that it needs to be specially manufactured. He said that they engaged a company to immediately take measurements and to the begin process, which will result in improved performance and improved safety. He reported that he had received an update and all repairs will be completed by October 20<sup>th</sup>. With regard to reasonable accommodations, he said that the condo trust had proactively attempted to provide information and to address concerns before there was a need for BOH involvement. On May 19 residents received a notice that Cataldo ambulance would be available to provide chair service for any residents who need it, and will immediately come to provide this service anytime between 8:00-3:00 Monday through Friday to assist bringing items into the building. On May 26<sup>th</sup> residents received another notice which informed them that the board had unanimously voted to provide Instacart grocery service to residents of the building for residents to access without any delivery fees. On May 27<sup>th</sup> Property management held outdoor meeting to inform on the status of the project, and then again were given a reminder of the availability of Instacart grocery delivery service and of the Cataldo ambulance chair service. Ms. Cameron asked how many tenants reside in this building. Mary White replied that there are 32 units total, with 24 of those on upper floors. Dr. Mansberger asked how many of those are mobility challenged? Ms. White replied that the number varies, we don't have that sort of information on everyone, and we just offer

residents to come to us on a case by case basis. She told that no calls for chair lift assistance were received by Cataldo Ambulance. Attorney Brown told that not long ago during elevator work on Building 5 they had also offered this service and many people asked for these services, but none have asked from this building. Dr. Mansberger stated that if Cataldo was busy then there could be a great deal of wait. Ms. White replied that there had been some residents in building 5 who were on chemo or dialysis and the service had worked out well. Dr. Mansberger said that she respects the desire to respect people's HIPAA right to privacy but suggested that it is a good idea to reach out to residents to ask if they might have a need for the service. She added that if you are dealing with older people, some may be very independent and not want to have to ask for help or to access these services but if offered directly may take advantage. She then said that on the issue of ordering through Instacart, a lot of older people are not comfortable working with a computer. Ms. White replied that they have a telephone number that they can use to access the service as well.

Dr. Mansberger asked Chief Carli about his thoughts of an evacuation of upper floors of the mobility challenged. Chief Carli replied that he had read through the information, and recalled when there had been a similar situation in his city. He said that he felt that the management was stuck between a rock and hard place in trying to keep elevators functioning, sometimes they have to be put out of service, but added that overall firefighters don't utilize elevators in the case of an emergency situation. He added that he agrees with Dr. Mansberger and thinks that residents might not call to ask for help, that some people are embarrassed and don't want to ask for services. He suggested that maybe by reaching out directly to residents would be best. He added that perhaps they can set up a system where Cataldo comes everyday at 9:00 a.m. and 5:00 p.m. so that people can plan for it. He added that overall it appears that they have covered things well by offering the grocery shopping service and chair service, and did well keeping people notified, but suggested maybe offering set times might be a good idea.

Dr. Mansberger recognized the board of trustees for all of their efforts to accommodate residents, and said that this is a difficult situation. Ms. Cameron suggested that there is value in keeping pressure on the manufacturer and by keeping the violation in place this accomplishes that. She explained that there is a sanitary code violation here- if an amenity is offered by a property company it is required to continue to offer it, so she believes it is a good idea to keep this order open. Ms. White reported that the company has already received the cylinder, and the next step is the controllers, so they are right on schedule for completion. Mr. Durkin added that he feels that the accommodations are satisfactory, that communications have been satisfactory, but said that he is not there on the point of withdrawing the notice, and asked the board members for their opinions. Dr. Mansberger agreed with Ms. Cameron that it is good to keep the order in place to keep the pressure on. Ms. Cameron added that there is no intent to impose penalties.

Ms. White told that one woman told her she is disabled but said she will not ask for help but said her son is very helpful. Ms. White gave the woman her cell phone number and said when they go shopping they can call her for groceries to be carried. She added that they have also put in chairs on stairway landings so people can rest between levels. She thanked the Board for their time. Attorney Brown asked what the next step would be. Ms. Cameron asked for an update on progress by the next Board meeting, adding that they do not have to attend, but she will need an update on progress before their meeting by the end of September. Mr. Durkin asked if anyone present or by Zoom would like to speak on this. No one replied. Mr. Durkin closed hearing at 4:27 p.m.

**Subject:** Request for hearing from Gary Less regarding Citation issued for 227 Washington St, Rousselot. Vote anticipated to uphold, suspend, revoke, or modify Citation.

**Discussion:** Mr. Durkin opened the hearing at 4:28 and Ms. Cameron told that on July 14 Inspector Pasquale had issued a ticket for odors emanating from the Rousselot plant that he had personally observed and that, in his opinion, had created a public nuisance, but said that Plant Manager Gary Less had expressed concern that he was not given the opportunity to observe the incident in real time, as is the usual practice when a complaint is filed. Mr. Durkin noted that the ticket was issued at 7:37 pm, so this happened in the evening. Chief Carli

asked how often have we issued monetary fines for these occurrences. Ms. Cameron replied that they have issued a number of fines over the years, but over past few years it has been increasingly our practice to issue tickets when we verify a nuisance condition, due to the ongoing situation. She added that typically for evening or weekend complaints we do not issue tickets when we do not have the opportunity to go out and verify the odors. Dr. Mansberger asked if any neighbors also made complaints about this occurrence. Ms. Cameron replied no. Linda Sapienza was present representing Rousselot. She said they always send someone out immediately when notified, but since they were not notified they could not check. She said that in 2020 there were 120 complaints, and so far this year there have been just 12, so you can see that the plant is working hard to correct problems. Ms. Cameron told that last night she had been running a covid testing event at Higgins School and our staff noticed an odor, but was too busy to act upon it. She added that they endeavor to reach out, but if they are running an event it is not reasonable to expect us to monitor your property. She added that historically, odors have been problematic during times when it was very hot out, so we would expect the plant to ramp up walks around the facility under such weather conditions. Dr. Mansberger asked for info on numbers of times their staff noticed an odor on a walkaround. Ms. Sapienza replied that if they notice an odor, they are able to get on it right away, lock the building down, and find the cause, adding that if Sharon calls with a complaint we may already have the info on it. Mr. Durkin replied that we all do appreciate the efforts you are making. He said that he understands that they want us to revoke this complaint. Ms. Sapienza replied that they are not disputing the odor, but are instead appealing the issue of the process. Mr. Durkin replied that there is a concept of progressivity, they seem to be making progress, and asked for any suggestions. Ms. Cameron suggested that she would not be adverse to reducing the fine in light of the progress made so far. Mr. Durkin said he wants to make note that if they do reduce it is not a reduction in the appreciation of the inspector. Chief Carli suggested reducing the fine to \$500, and Dr. Mansberger agreed. Mr. Durkin opened up the question to anyone present, anyone wish to speak on the matter. No one replied. Mr. Durkin closed the hearing at 4:41. Chief Carli made a motion to reduce the fine to \$500 but to keep the violation in place. A roll call vote was taken and all unanimously agreed to uphold the violation and to reduce the fine to \$500.

**Subject:** Application for Permit to Perform Body Tattooing submitted by Lakahna Canthanong. Vote anticipated to grant or deny permit.

**Discussion:** At 4:42 Mr. Durkin opened the hearing and welcomed Ms. Canthanong and asked her to tell the Board a little about herself and what brings her here. She explained that she is working with Prettyology and wants to move forward with becoming a tattoo artist and to become certified. Ms. Cameron asked about COVID safety practices. She replied we have reinstated our mask requirements. Dr. Mansberger asked if they are asking covid safety questions. She said she is not sure. Ms. Cameron strongly suggested having policies in place to ask symptom questions and to not penalize someone for cancelling an appointment for being sick. Mr. Durkin asked if full PPE is required. Ms. Cameron replied that it is not. Ms. Canthanong replied that the business owner is very aware of covid safety practices. Ms. Cameron said temperature is just one symptom, it is actually not the predominant symptom of the new variant, but headache is. Mr. Durkin asked if anyone on the call wishes to speak in opposition or in favor of this permit. No responses were received. Mr. Durkin closed the hearing at 4:47. Chief Carli made motion to approve the permit to perform body tattooing; Dr. Mansberger seconded the motion. A roll call vote was taken, and it was unanimously agreed to grant the permit.

**Subject:** Application for Permit to Perform Body Tattooing – Apprentice Only -submitted by Luther Thiogene. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin read the hearing notice and opened the hearing at 4:49 and noted that applicant was present. He asked Mr. Thiogene to tell the Board about him and why he is asking for this permit. Mr. Thiogene said he has always been an artist, and felt this was the best way to pursue it, since doing art on a body is forever. Mr. Durkin asked if anyone had any questions. Dr. Mansberger asked about a note in the file regarding the required anatomy and physiology class. Ms. Cameron replied that the applicant had attended a

training that we have approved for other applicants on this subject, but added that we just need to update our application to show that this item can be met by the class. She also asked about Covid protocol. Mr. Thiogene replied that they wear masks, take temperatures at the door, and require people to fill out questionnaires. Ms. Cameron told that they recommend when people are taking appointments to go through Covid questions and to have policies that will not penalize for people not attending. He replied that he would look into that since they require a \$100 deposit to prevent “no-shows” but assumed someone would reschedule if sick but maybe not. Mr. Durkin asked if anyone present or on Zoom wished to speak on this application. No one replied. Mr. Durkin closed the hearing at 4:54. A motion to approve was made by Dr. Mansberger. Chief Carli offered a second to that motion. Chief Carli reminded Luther that this permit is just for apprenticeship, and that he will have to come back again for a permit when ready for a full license. Mr. Thiogene said that he is aware. Mr. Durkin asked if there were any other questions. None were put forth. A roll call vote was taken and all voted to grant permit.

**Subject:** Application for permit for 6 chickens at 13 Peabody Rd. submitted by Milos Bogavac. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened the hearing at 4:55 and asked if the applicant was present. The applicant was present via Zoom and indicated so by a raised hand so was then promoted to a panelist on the conference. Present on the call were Drogana Bogavac, her brother Alex Bogovac, and father Milos Bogavac. Her dad had for a really long time dreamt of having chickens again, and when they moved to Peabody with a much larger property, they decided to make it happen. She said that her dad dreamed of having chickens for company and for the satisfaction of collecting a few eggs each day. Inspector John Yale told that he had met Milos and Alexander at the site. There are no neighbors directly behind them so it is an ideal situation. Mr. Durkin reminded of the importance of rodent control. Drogana replied that they are aware. Mr. Durkin asked if anyone on call wishes to speak on this. Jean Ahearn, a neighbor at number 12, across street, was on the call and said that she wanted to speak in favor of their application, saying that personally she loves the idea of them having chickens and have no issue with them having chickens there. Mr. Durkin asked if anyone else wanted to comment for or against. No one else commented. He closed hearing at 5:00 p.m., and asked if any discussion was needed. Dr. Mansberger made a motion to approve the permit which Chief Carli seconded. A roll call vote was held and all agreed to approve the permit to keep 6 hens.

**Subject:** Application for permit for 8 ducks at 19A Gardner St. submitted by Evangelos Luis. Vote anticipated to grant or deny permit.

**Discussion:** Mr. Durkin opened the hearing at 5:01 and read the hearing notice. Evangelos Luis was present and told why they want to keep ducks, because they feel that the general responsibility is important, because the eggs are more nutritious than chicken eggs, and the meat is something we are considering in the future. Mr. Durkin asked if any board members had questions? Dr. Mansberger asked if they had the ducks for a while. Mr. Luis replied that he is sorry but yes, they had 12 but are now down to 8. Dr. Mansberger asked if there was a pond on the property. Mr. Luis replied that like most people he uses a kiddie pool surrounded by river stone. Ms. Cameron told that she had a neighbor come in to speak with some concerns on this. She told that one issue is that it is important when changing out water and waste to do so in a way to not cause runoff to go onto anyone else’s property. She asked how far the drainage area extends. Mr. Luis replied probably five feet by six feet. Mr. Durkin said that is to help to keep the water from flowing onto other properties. Mr. Luis replied that it was. Dr. Mansberger asked about pest control. Mr. Yale said that report came in today and showed no evidence of rodents. Mr. Carli asked if there had been any complaints. Ms. Cameron explained that they had originally learned about this property from a noise complaint, so they made contact in July and issued an order to correct, so subsequently Mr. Luis applied for a permit. Mr. Durkin asked how can you contain their noise. Mr. Luis replied that they are outside his window and noise is not an issue, only if people approach them. Mr. Durkin asked if anyone on Zoom call wishes to participate in this discussion, anyone in opposition or in favor may speak up now since this is your opportunity. No one replied. Ms. Cameron said that the neighbor who came in also spoke of concern over pest control so Ms. Cameron had told her that all

applicants are required to have pest management. She told the neighbor that generally it is not the practice of the board not to issue a permit over concerns of what might happen but said that if anything does occur that the board would take action. Mr. Durkin asked if anyone wanted to say anything further, but there were no responses. He closed the hearing at 5:09 p.m. Dr. Mansberger made a motion to approve the permit. Chief Carli seconded the motion. A roll call vote was taken and all voted unanimously to approve the permit.

## **BUSINESS**

**Subject:** Approval of minutes – July 22, 2021 - Vote anticipated to approve or amend minutes.

**Discussion-** Deferred

**Subject:** Update on COVID-19 response actions- Data update; Vaccine equity/outreach initiative

**Discussion:** Ms. Cameron showed slides of a presentation she had given to the School Committee. She told that case numbers were down significantly from first and second surge, but now we are definitely seeing an uptick. Our percent positivity has gone up, now we are seeing a 2.6% positivity rate. She told that there have been 328 deaths in Peabody, most in the older age group, but added that we have had deaths in every age group, including one pediatric death. At the school committee meeting we looked at pediatric cases closely and saw that 17% of the cases were in people under 19 years old, so this is definitely skewing younger. People are struggling to understand this, though, since younger people have mostly been spared the worst symptoms, but almost 1000 kids who were otherwise well were sent home for quarantine, and some were quarantined multiple times. Many of the strategies that kept numbers down last year are not in place this year. Everyone is back full time, society is wide open, and businesses are all open, so this opens us up to more chances of exposures. She added that we do have better access to testing and vaccinations now, however. She reported that we have had 31 cases today alone. She pointed out that sports are back, and that they have had multiple calls about sport exposures. Dr. Mansberger told that the American Academy of Pediatrics has released updated data, and country wide we are back up to the level of the winter peak. Ms. Cameron told that we still have work to do on vaccination, adding that the Hispanic population is behind the general population in percentage of population vaccinated, so the department is working through churches and community groups in those neighborhoods to make people more comfortable with the idea of receiving the vaccination. She also told that the delta variant is more transmissible, 1/3 of new covid cases in Peabody were in fully vaccinated people. She told that the state mask mandate at the schools will remain at least through October 1<sup>st</sup>, and after that, if 80% of students and staff have been vaccinated, will be able to allow vaccinated people to not wear masks.

**Subject:** Update on COVID-19 response actions-Mask guidance

**Discussion:** Ms. Cameron explained that the CDC recommends indoor masking in areas of high or substantial transmission, and Essex County is an area of high transmission. She added that they have also made a recommendation that private business follow CDC guidance. Dr. Mansberger said she is very much in favor of a mandate to do so, very concerned with the way things are going, we are not even back to school yet and numbers are going up. Even if not enforceable, a mandate would send a stronger message. Mr. Durkin added that it is important to monitor the data, and if numbers go up, we can take it up a notch. Ms. Cameron said that she has received correspondence from parents stating that it should be a parental decision whether to have their kids wear masks, and indicated that those letters are in the Board's packet. She explained that she does not believe that this should be a democratic process, instead we need to give more weight to the groups and entities who are experts in this field. She compared to if a person from the fire department went to the school and said it is not safe for the kids to be in the school, there would not be a vote, they would respect the authority, but the same is not said for public health. She added that we continue to partner with Curative Health and North Shore Medical Center and hold pop up clinics at the schools and at the summer concerts.

**Subject:** Update on COVID-19 response actions- DESE guidance

**Discussion:** Ms. Cameron told that new guidance came out regarding quarantining that states if you are fully vaccinated and exposed to someone who tests positive you are not required to quarantine. Also the guidance says that if you are a close contact, you can be tested in school and if negative can stay in school, which will help with the issue of continuity. She explained that the department has conducted a tabletop exercise at the schools to go over things we may see once school is in session so that everyone knows their roles, who does the cleaning, who talks to the coaches, and all of the other things that can become more complicated in the heat of the moment.

**Subject:** Environmental updates: Rousselot update; Bimonthly Inspection Report, Peabody Ash Monofill

**Discussion:** Reviewed

**Subject:** Code enforcement updates: Chapter II: Update from Avalon Essex; 252 Newbury St; 116 Foster St; 24 Endicott St; 4 Mill St; 50 Warren St; 34 Donna St; 25B Bowditch St; 8213 Cranebrook Way

**Discussion:** Ms. Cameron told that regarding Avalon Essex the department continues to receive complaints from residents there regarding a failure to respond to their complaints in a timely manner, so this one is still a work in process. She reported that at 252 Newbury St. the owner paid a company to come clear out the unit, which was about a \$10,000 job. Structural issues were found in the unit, so it is still not considered livable, with no running water, but they are moving forward on those things. She added that a court hearing had been scheduled for today but we requested it to be continued since the owner has made significant progress.

**Subject:** Code enforcement updates: Nuisances: 15 Anthony Rd; 148 Washington St; 286 Newbury St; 1000 Cranebrook Way; 44 Central St; 183 Bartholomew St; 5 Bradley Ave; 7 Webster St; 10 Bowditch Ave; 22 Mason St; 1 Tucker's Ct; 0 Coolidge Rd; 10 Albert Rd; 7 Summit Terr; 10 Briarwood Ave; 84 Tremont St.

**Discussion:** Reviewed

**Subject:** Code enforcement updates: Tobacco: Main St. Smoke Shop

**Discussion:** Ms. Cameron reported that the establishment has not removed the lottery yet, have decided not to install a buzzer, but had gotten manufacturers papers. He has contacted the lottery and said he will be removing the machines. He has not trained his father, so we may see them back before us soon again.

**Subject:** Code enforcement updates: Animals:12 Tracey St.

**Discussion:** Ms. Cameron reported that there is a significant complaint history there, but most complaints were from four years ago and there have only been 2 recent complaints. They had turkeys and too many chickens, which has since been rectified. They also have 12 rabbits, 5 dogs, things we don't permit. They have rodent control in place, have put up fencing, but if we get subsequent complaints, we may have to bring them in for a hearing to discuss what can be done.

**Subject:** Permitting updates - List of permits issued in July 2021

**Discussion:** Reviewed

**Subject:** Public Health Nursing updates; July 2021 surveillance report

**Discussion:** Reviewed. Four legionella cases, people who are very sick. It is very unusual, don't know why, don't see a common link. Mr. Durkin asked about the symptoms for that disease. Ms. Cameron explained that it is a respiratory disease.

**Subject:** School Health updates

**Discussion:** Reviewed

**Subject:** Correspondence-From DEP re: 143 Lynnfield St.; From DEP re: 39 Wallis St.

**Discussion:** Reviewed

**Subject:** Other Business: Goodbye to Dr. Mansberger

**Discussion:** Ms. Cameron expressed her thanks to Dr. Mansberger, reminding the board that it is Dr. Mansberger's last meeting with the board, and said that she has served the board very well, and that she will be missed. Dr. Mansberger thanked the board members and addressed Dr. Fleet, who will be replacing her, and said that she is coming into a great group, this board is wonderful and does a great job, everyone gets along very well, and she will absolutely miss everyone.

Dr. Julia Fleet, who was present via Zoom, said she feels like she has big shoes to fill and is so grateful to have had the opportunity to observe the wonderful job Dr. Mansberger has done overseeing the medical side of things for the Board.

Dr. Mansberger made her last motion as a member of the board, to adjourn the meeting, which Chief Carli seconded, and all agreed, so Mr. Durkin adjourned the meeting at 5:46 pm.

**Next Meeting Date:** September 23<sup>rd</sup> at 4:00    **Adjournment:** 5:46 p.m.