

**Meeting Notes from the Regular Meeting of the Peabody Board of Health,
September 15, 2022 4:30 pm**

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

Subject: Meeting called to order

Discussion: At 4:38 Mr. Durkin opened the meeting and read the meeting notice. He apologized for the delayed start and explained that it was due to technical difficulties.

BUSINESS

Subject 1: Preliminary Health Analysis in Area of Proposed Peaker Plant (4:30 pm)

Discussion: Mr. Durkin thanked everyone for attending and said a special thanks to Sudi Smoller and her group Breathe Clean North Shore for being in attendance. She thanked the Board for having them, and for their multiple entreaties to the Governor to require a health impact assessment of the proposed peaker plant. She added that she is proud of their collaboration that resulted in the purchase of air monitors. Mr. Durkin thanked presenter Kathryn Rodgers for joining. Ms. Rodgers explained that she is a PhD student at the Boston University School of Public Health in the environmental health department and has worked in environmental health for 12 years. She said that she was an intern at MCAN over the summer and while there looked at baseline health risks of populations that are and will be affected by the plants in Peabody. She showed on the screen her presentation, "Pollution, People and Powerplants: Health Burdens in Peabody." She said that she is representing MCAN tonight and is happy to share any questions with MCAN Director Logan Malik who could not be here tonight. She reported that Project 2015A is the name of the proposed Peabody peaking 55 megawatt power plant that will use natural gas and diesel as backup fuel. There will be a 200,000 gallon diesel storage tank on site and a gas compressor on site. It is permitted by DEP to run for 1250 hours per year, although it is projected to run less than this. There are 14 municipal partners who have signed on with MMWEC (Mass. Municipal Wholesale Electric Company). It will be sited at the Peabody Municipal Light Plant, where there is already an existing power plant with two turbines that provide power. Some regulatory background: MMWEC has filed an environmental notification form with Mass. Executive Office of Energy and Environmental Affairs, and it did not require an Environmental Impact Report (EIR) or a Comprehensive Health Impact Assessment (CHIA), the project was exempt from the Wetlands Protection Act, and DEP approved the air permit. Peabody BOH has requested an EIR and a CHIA, as have other BOHs. She explained that the objectives of her work were to evaluate the baseline health data in populations surrounding project 2015A, to look at differences in health status in populations near the site versus the rest of state, and to look at explanatory variables for differences in those health outcomes, and also look at vulnerability data such as age or environmental justice status of those in the area we are talking about. She showed the location on a map and pointed out icons designating vulnerable facilities such as schools, hospitals, and long-term care facilities. She pointed out a red line designating the 2 kilometer radius around the plant, and explained that this is the area that she chose as her focus. She said that other obvious characteristics shown on the map were the environmental justice (EJ) block groups, and the ones colored green designate the neighborhoods that meet the EJ definition for low income, the purple color designates the neighborhood meets the EJ definition of minority at least 40%, and another color designates the area as meeting both EJ criteria for minority and income. The CDC publishes health prevalence data each year, and MDPH has some pediatric health data for youth that is not collected by the CDC but is contained in the Mass Environmental Health Tracking data. The facilities on the map are from Mass GIS. She told that neighborhoods in the two kilometer zone include some in Peabody, Beverly, and Salem.

Ms. Rodgers explained that the CDC data is from 2015 which is the most recent year that is publicly available, and you can look at some of these differences by census tract. Some of what they found in that area: several census tracts fall into the highest quartile of cancer in the state; several census tracts have the highest prevalence

of chronic kidney disease; some of the highest in chronic pulmonary disease numbers in the state; and again many in the highest quartile for coronary heart disease; two census tracts showed the highest quartile (in adults) in diabetes, similar to the diabetes map is the map for high blood pressure and one for obesity prevalence. In thinking about other explanatory variables, CDC does provide data on smoking prevalence and lack of health insurance, a couple of risk factors we can look at. Two tracts in area are in the highest prevalence category for both. She said that they counted the number of times a census tract shows up in the highest quartile for these 10 diseases we referenced earlier. One tract in the area has the highest quartile for cancer, chronic kidney disease, chronic obstructive pulmonary disease, coronary disease, diabetes, high blood pressure, high cholesterol, and stroke. Another census tract was in the highest quartile for a subset of those diseases. We need to think about it in aggregate what is the overall health burden on these communities. There is an overlap of those census tracts more burdened with health outcomes, the number of times a tract shows up in the highest quartile, track had highest quartile for cancer, chronic kidney disease, pulmonary disease, diabetes, high blood pressure, and stroke. She added that it is important to think of other risks contributing to health outcomes like social risks. She showed a chart which showed health outcomes in the area versus the rest of Massachusetts and told that the mean prevalence of asthma in the area is significantly lower in the focus area than the State. Prevalence of cancer is significantly higher in the focus area, even when we are adjusting for smoking and aging status and lack of health insurance. Chronic kidney disease is also slightly higher in the focus area, as is chronic obstructive pulmonary disease, coronary heart disease, and stroke. The prevalence of obesity is significantly lower than the rest of the state.

Ms. Rodgers explained that they did a comparison of age as compared to the rest of the state. There is a higher percentage of people in the focus area are younger than age 5 and older than age 65 and that is a significant difference. She then said she would now move away from CDC data and move to Mass Department of Public Health tracking tool regarding prevalence of pediatric asthma, submitted by each municipality, and compared Peabody to Mass. She noted that in Peabody the prevalence of pediatric asthma is significantly less than in the rest of Massachusetts. However, when looking at frequency of emergency department visits due to asthma for under 5 and ages 5-14 they were higher, there were more visits for asthma when compared to the state, which cannot be explained, but she certainly would think about health insurance for that population, or are there some events in the community that could lead to a higher incidence of emergency room visits for asthma even though overall prevalence is lower .

Ms. Rodgers said that she knows that the Board of Health has requested a Community Health Impact Assessment, and since there are a lot of components that go into a good CHIA, she wanted to discuss some of the important components that would be important to include. A good one would build trust between regulators, community members and stakeholders, She reported that community engagement is important and must include vulnerable groups, must build trust between community members and stakeholders, otherwise a badly done one could potentially harm those relationships. Some key components of a CHIA would be to look at health outcomes and disparities, paying particular attention to those in vulnerable communities, and determine where the more health burdened communities are, and what other risks are those households facing, from environmental justice risks or other polluters. Pay particular attention to those communities. She said that it is wonderful that there will be air monitors set up to measure for particulate matter. A more detailed look at those PM numbers will be really helpful. Also modelling the criteria air pollutants from the power plants when those power plants run at peak rates for consecutive days. In 2019 the Waters River Plant ran 5 hours at a time, so to look at that interval rather than looking at emissions over just one hour, because that is what is a peak day here would look like, so really determine what are the emissions on peak days, and then add in cumulative emissions from other background sources, and if all three turbines were running, and think about the health effects associated with those air pollutants.

There is a lot of evidence in the Environmental Health literature illustrates that even small increases in these criteria air pollutants can have real effects on people's health. When we look at even small increases for a one

hour period over a long period of time there can be significant impacts on health. She asked if anyone has any questions. Mr. Durkin said thank you for the presentation and asked if anyone would like to speak.

Steward Lazarus explained that he is the chairman of the Peabody Conservation Commission, and said that the ConComm is really only responsible for wetlands and water, and in this case the peaker plant that is proposed is near the Waters River and the concern he has is that he is not sure if we are adversely affecting the environment and the wetlands. He said that the law says it is not within our jurisdiction, it is exempt from any study if built within their fenced in boundary, which it is, so we have no jurisdiction. The idea of doing air quality assessment when it is running is ideal. He added that historically the area has been abused by industries for centuries, so quality of the land and water has got to be less than ideal to begin with, and adding to this does not help. He said that as he understands it, the main mission of PMLP is to sell electricity, so they buy it from other places and distribute it, but when they don't have enough they have to run a peaker plant to keep up with the demand, and said that is one way to do it, but said that the BCNS group promotes other ways of doing it.

Judith Black of BCNS asked a question of Ms. Rodgers, and said that there are dairy farms near the peaker, and wonders if cows' milk could be effected. Ms. Rodgers replied that she does not have enough information to answer that question but said that for compounds to end up in milk they need to be lipophilic. It is possible there could be lipophilic air pollutants.

Regional Epidemiologist Laura Nash said the presenter did a really great job highlighting differences and socioeconomic factors, and asked if there is any other data from other countries where other peaker plants have been installed, have they seen any increases in increases in asthma or COPD or lung cancer incidences. Ms. Rodgers said that that is a very good question but is a very hard question to answer. She said it is very hard to disentangle that when you already have existing baseline pollution, so it is difficult to tell, but additional measurements will help to quantify that. She added that some folks at MGH are interested in the question: are there differences in hospital visits on days when peaker plant is running or around those dates. There might be acute effects but we don't know, might not see on an annualized average of prevalence in a census tract. Trying to look at a percentage change as a result of a peaker plant running just 1200 hours per year, it's going to be really hard to read, looking at data on a more granular level would be helpful.

Mr. Durkin told that on zoom we have Jerry Halberstadt in attendance. Mr. Halberstadt said congratulations to the department for being open to help gathering this information, congratulations and appreciation to Ms. Rodgers and Mass Climate Action Network (MCAN) for this very important and difficult work. He said without being in any way critical of what she said, he would want to widen the scope for all of us. He said that Phil Landregan put together a study of pollution and health effects across the Commonwealth, kind of crude due to not a lot of air monitors, but overall Peabody came across as outstanding in a bad way, based on some info from air monitors similar to those we are trying to install here. Peabody gets about 22 years -worth of pollution per year, based on 5 micrograms per cubic meter as a baseline per year, and we get 10 mcg per month, and the whole north shore is under a similar cloud, so there's probably a lot of health issues that affect everyone in Peabody. Also about 70% of air pollutants, particulates, are from transportation, 1/3 are from places like factories and power plants, so he said he is definitely on board with being upset about power plant which we can do without, but also have to think of impact on the health of people throughout Peabody. We are beginning to plan a program of education and will ask the health department to participate and sponsor, but we feel it is imperative to educate about invisible risks, know about pollution and the steps we can take, and, in the long run, how to avoid fossil fuel pollution and try to save the planet and stop climate change.

Mr. Durkin asked if anyone else on zoom want to contribute to dialog. No responses were received. He thanked Ms. Rodgers for speaking to them. Ms. Rodgers replied thank you for having me speak and said that her e-mail address is kr Rodgers@bu.edu if anyone wants to reach her. Mr. Durkin and the Board thanked her.

Sudi Smoller said she'd like to bring things back to BCNS and the plant already there. BCNS has expanded No More Fossil Fuels to include not only the new plant but also the two older gas and oil burning plants at the site, as the waters river power plant is surrounded by environmental justice areas. BCNS is committed to increased transparency and increased community engagement and wants to inform and educate citizens on environmental justice issues, energy efficiency measures and other new and developing opportunities. We are encouraged by MMWEC's recent announcement to close Peabody's smallest 20 megawatt, 53- year old generator. They hope to get it on the decom list and that it could be closed in 2026. She handed out a letter that MMWEC posted on this and read that the benefit is to lower noxious emissions by 70%. They attribute the ability to close one to the building of the new peaker plant. PMLP gets paid to not run yet make available on demand. It is ISO New England that controls what and when the peakers burn and MMWEC is asking to close it and is also asking please do not call on us to burn oil in this plant because if we can avoid burning oil in the winter we can save the same amount of emissions as closing the plant will, lowering emissions by 70%. We support taking the unit one out of service immediately, and want to pressure them not to burn oil ever. We hope the BOH will join this campaign and join us in asking that they not burn oil this winter, and that they give a plan to close the 42 megawatt turbine C as they are now building another 60 megawatt turbine. They are promising a new and more efficient peaker being built, but we must go beyond and have the conversation of do we need it. It has been proven around the country that we can replace oil with other types of energy. We try to focus on environmental justice. In 2010 census, which was used when the project was proposed, these areas were not identified as Environmental Justice areas, but in 2020 census it is now in the middle of one and surrounded by others.

Mr. Lazarus stated that across river the power plant was built near a coal depot and burned coal. In 2016 they closed the plant and introduced gas, and people thought that was good, but even burning gas does not result in clean air. He went on to say that Peabody has historically been an industrial community. We went from terrible polluting tanneries to now having climate laws. Ms. Smoller said that it is peculiar that none of the requirements of being an EJ neighborhood include looking at the cumulative effects. She pointed out that in the vicinity now are two daycare centers, 91 apartments, another complex proposed across the street, as well as Bishop Fenwick HS and now there will also likely be a new charter school. She said she thinks that when a new project comes to the city there should be a required carbon sequestration plan as part of that plan. She said that anything presented as a project in Peabody should have a layer of how are you protecting the people in those neighborhoods, seeing all kinds of developments near or in the EJ neighborhood, and we are supposed to be protective of them, but how can we do that- we need your help board of health, anything you can do to help is pressuring ISO New England to stop burning oil, if must run they can use gas. Mr. Durkin thanked everyone and said we are ending this part of the agenda here and start hearings portion of the meeting.

HEARINGS

Hearing 1: (5:00 pm) – Hearing re: Application for Use of Land for Human Burial (Cemetery), 530 Lowell St. Vote anticipated to grant or deny approval for use.

Discussion: At 5:30 Mr. Durkin read the hearing notice and asked if the applicant was present. Attorney Jack Keilty indicated that he was present representing the Cemetery owners. Attorney Keilty said that their engineer Tony Capachietti is attending via Zoom. Attorney Keilty explained that they had been before the conservation committee before for a filing and that the city has hired a 3rd party consultant, Tom Daly, and he had pointed out

several deficiencies with the proposal and several needs with respect to their special permit. Capachetti from Hayes Engineering has put together a package subsequent to their initial application that has answered several questions and addressed the concerns the consultant had, so he would like to discuss what has changed. Most significantly is the type and style of vault to be used; they have had a more in-depth analysis of the soils; more information on the water table and ground water depth. He said that all has been presented, but still has questions on easements and right of ways, and on the type of corporation. Daly stated a cemetery should be incorporated as a 501c13 and his clients who are in attendance filed as 501c3. He will be careful to look at that issue and will amend the corporation if need be, but does not believe that this is an issue for the BOH but rather one for the IRS. He said that he would like to turn the presentation over to Mr. Capachetti to describe the kind of changes we've made and hopefully the board will be able to act tonight. Ms. Cameron said that she would like to have consultant Tom Daly from Cemetery Helpful Solutions to join in the discussion. Tony Capichetti said he is from Hayes Engineering 603 Salem Street, Wakefield. He said that they have been dealing with Cemetery Helpful Solutions. He said they have gone through engineering information, have had discussions about types of vaults and sizes and quantities of graves, and updated the plans for 832 vaults. Location of water is in zone 2, surface water flows in zone 2 but away only. Surface water in zone 2 is only pumping a backup water supply and we are outside of that area so we would have no effect on drinking water supply. The excavation plan is to remove soil from site possibly keeping a small amount to put back after filling grave, but there will be no large-scale stockpile of soil. During spring they looked at ground water, when you would look for seasonal high water levels beyond the monitoring wells. Because it is all fill, not native material, we were unable to rely on soil modelling. There were some discrepancies found between the wall layout in the approved order of conditions and what was built; we have been in conversations with the Conservation Commission and there is some other additional clean up to do out there but are in the process of applying for our certificate of compliance to do the work and that would be required to put the site into occupancy.

Mr. Durkin addressed Cemetery Consultant on this project, Mr. Daly, and said that he knows that he reviewed this application and has made some recommendations for us, and we asked if the applicant has heard them yet. Mr. Daly thanked the Board for the opportunity. He said he'd like to compliment Mr. Capachetti and the group for providing all the information that was requested. He said that as Attorney Keilty mentioned we made recommendations to get more clarification in our April letter and you responded. He said he had talked to Tony and they proceeded to go through the response because he needed additional clarification, which was provided. He said they provided new information on water levels, new survey plan submitted on August 12th which is completely a variation from the order of condition, from that and speaking with the civil engineer who stamped the form and laid out the graves we did have some questions regarding number of graves, the definition of vaults and so forth. He has been in the cemetery field for 54 years, and has focused on legislation and compliance. The issue of a vault is a new item that was brought before you because the order of conditions from ConComm was for a full green burial, which doesn't include a vault. The tradition in the Muslim faith is to bury the body in a muslin shroud in the ground without an outer container. The decision was later made to use a vault, as was discussed in the April letter, and then the concern was the size of the graves, which were 3x7, which is too small to hold a vault as produced today.

He said he did follow up with Mr. Capachetti in reference to a few of the concerns that he submitted to us- Capachetti submitted the order of conditions, he submitted the updated new layout plan, which now also takes into consideration the direction of the graves which will now be in the direction of Mecca to the northeast. He confirmed that the size of the grave is now going to be 3 x 9 which will allow a different number of graves, he confirmed 3 water wells, he did not include 1 & 2 in the developed area, and there is still a little bit of conflicting data on the number of graves that are proposed to go inside this land. The map itself had three

different numbers on it, one was 833 vaults. Mr. Durkin questioned the number, and engineer Mr. Capachetti replied that the plan had said 833 but upon recalculation the number will be 812. Mr. Daly said that on the locus part of the map there are two other numbers, 791 and 121 for a total of 912 graves. Of course there was a note that the engineer placed as well that said that a structural engineer shall verify proximity of any burial graves to the wall because the safety of the wall is a concern, and it would require design shoring by the structural engineer if the area is so used. Based on the total area, we believe it is approximately 20,200+ sq ft space; Capachetti said correct. Daly said he divided that by the size of each grave at 27 sq feet and came up with approx. 759 graves. He said that there were two other areas related to information supplied by structural engineer and applicant, pertaining to the need to get a certificate of completion with Con Com. He said he had some questions on that so he called and found that as of now there is no hearing date set for that.

Mr. Daly stated that the following are his recommendations in the event that you would like to add them as conditions with your approval: 1) A vault as defined in MGL Chapter 114 section 1 will be required for all individual burials. That is a two- piece, sealed unit. 2) Only 760s grave maximum to be allowed. 3) Per Mass General law, each individual grave will have a grave number installed in the ground and shown on a map recorded for record keeping and information. 4) As condition of approval as a cemetery the applicant should request and receive a written approval from Peabody City Council of a granted special permit in their name, as the current special permit is issued to S&S consulting and not the Boston Muslim Cemetery Corporation; 5) the applicant must present a certificate of compliance on the As-Built from the ConComm. There have been many changes, graves now oriented in different directions, change in number of graves, the change from green burial to vaults, so I suggest you ask for a certificate of compliance from ConCom before proceeding. Attorney Keilty replied that they would submit the As-Built tonight in anticipation of ConCom issuing a certificate of compliance, and in that application will enumerate any major and minor changes. Mr. Daly said that he had visited the site and didn't realize it had been built on but saw that it was completed. Mr. Keilty interjected that there are no bodies yet. Mr. Daly said yes thank you, you don't want fines. 6) Checking the deed and easement situation, which is referred to but there is no documentation of the easement, the road has been a traffic nightmare, on the little, short road to the other cemetery and their parking area, and the parking was a problem, and a building was started. As a condition of approval, a written agreement and a plan be executed by both the grantor and the grantee of the easement to allow passage both ways to and from either property along with parking and record said agreement at the registry of deeds. This written agreement would define the limits, restrictions, and intent of the restriction, the right of passage to and through Temple Beth El cemetery to the public way. The applicant responded to their question on the building saying that it would require a variance. Since the building would be in the roadway, it should be included in the variance and agreement. Daly once again added that he is providing this information for the benefit of the applicant. 7) As a condition of approval, the applicant should install a fence along the border of Lowell Street. The fence may be similar to the one installed on the construction wall. This is a suggestion, because of all the debris that has been blown in. There is a reference to large arborvitaes which are not there, and all of the current plantings are dead, the area has not been maintained; 8) There will be no storage of excess soil other than for an individual grave burial service on land designated for grave layout. 9) Only one grave will be pre-excavated with vault installed, waiting a future burial service, covered to protect families. He told that the applicant had hoped to open up graves at once and leave fill on site, so that would mean 18 open feet, a big opening. He told that we do have trench laws but they are not applicable in cemetery, but it is still a safety issue. Mr. Durkin asked why they wanted that many open graves at once. Mr. Keilty replied for convenience. Mr. Daly told that in the Muslim faith they only have 24 hour notice (similar to the Jewish faith) before they need to have a grave ready. He recommends that they be allowed to open one extra grave at a time, unless there is a specific situation where you need more than one. 10) As a condition of approval per Mass General Law, the applicant will form a cemetery corporation described as

a501c13. He said there is no reason why Boston Muslim Cemetery Corp cannot remain as a 501 c3 and set up a separate cemetery corporation as a 501 c 13 for running and maintaining the cemetery, because right now there are three areas of the laws they are not following he saw after reading their draft bylaws. He said he also went online and saw that they have memberships which get a donation deduction, and then there is the question of the mortgage, no cemetery is allowed to have a mortgage on a property, nor can you purchase a grave and get a deduction for it in a charitable way. That is why I am making the recommendation that the applicant must run the cemetery as a 501c13; 11) As a condition of approval, applicant will provide addition clarification on practices for perpetual care maintenance.

Mr. Durkin thanked Mr. Daly for all of his recommendations. He asked if the applicant has had enough time to consider these recommendations? Attorney Keilty replied yes, to the extent that they have heard these things before and they are now trying to clarify some of them and fleshing out what needs to be done, but the one thing he would like to discuss further would be the one grave at a time. He asked could they open more than one grave if a family needs them. Mr. Daly replied that the one grave is in addition to any needed at the time. So they can open as many as are needed for burial plus one more to get ahead. He said he thinks it is enough to have one additional grave, as opening more would be a safety issue, and if more than that open with these ground contours, soils, surface waters, what he has seen water will automatically go to that area. Engineer Tony Capachetti interjected that this may be his fault, when he said preinstalled, he meant that the area would be prepared, they would install six vaults, then the graves would be backfilled, covered with a couple of feet of soil, so they could be used quickly when needed by taking off a couple of feet of soil. Mr. Daly replied that that process is something some cemeteries do, they use a lawn crypt, which allow for the burial of two bodies on top of one another. But those are not a sealed water-tight unit. In this cases, putting the vault in place then covering with soil would seal it and make it difficult to open it again. Mr. Capachetti said understood. Attorney Keilty replied that his clients are here and say that they can agree with these recommendations, and will set up the 501 c13, and that they cannot secure property with a mortgage. Attorney Keilty said he will just figure out how to get rid of the mortgage, might secure it with something else. Mr. Durkin asked if any Board members had any other questions. None were presented. He asked if Ms. Cameron needed anything else. Ms. Cameron replied that she had some questions for Tony: How much soil goes on top of graves? Mr. Capachetti replied probably 3-4 feet of soil. Mr. Daly said the question is to what depth they will do a single death burial, in most cases it will be five feet, which would give you two feet of soil on top of the vault. He said that after filling the grave you will end up with a good yard and a half of fill leftover so what are they going to do with all of that. He said that the Jewish Cemetery and Conservation Commission have concerns on where the fill will go. Ms. Cameron said that she shared the report with the city engineer to see if he had any comments. We had asked the applicant to go back and sample the water table. The city engineer was glad they did that but would have preferred they do that over several periods not just one sample, to determine if enough space has been allowed for the water so the graves wouldn't be dislodged. Mr. Capachetti replied that they added another foot to numbers knowing that they only had a spot check. Ms. Cameron asked if he added the extra foot to the reading in September or in May. He replied that they added it to the higher of the two. Mr. Daly said that the two major wells in the construction area were not used which is why he made the recommendation. Ms. Cameron said the applicant had talked about excavating and storing soil on site until it was disposed. How much soil and how long will it be there, and how will it be managed so that it isn't a nuisance to abutters. Mr. Capachetti replied that the plan was to haul off the excess material but to just store the soil needed for backfill on-site. That material will be stored on site either adjacent to the storage shed or in an unused area then backfilled quickly, since the burial has to happen within 24 hours. Mr. Daly said one of the recommendations was no storage of soil on site except for at a burial, and they must follow OSHA requirements for distance from the grave for safety reasons. He said that he understands that they had hoped to do burials for vaults that were pre-interred, and said that he had some

concerns with the grave layout and so forth. Even though we gave them the grave numbers based on his calculation, that might have to be revised, based on erosion and other things, so even though he gave a maximum number, that might not be possible due to the wall and the other items of concern. Mr. Keilty said isn't that the case as we start to inter more of the community and he may be out of business way before then. Mr. Daly replied please don't say that, as we don't want the community to have this fall to them to maintain the cemetery. The question is how does will the corporation have the funding and structure to provide perpetual care, even once they are not receiving income from selling new burial sites. The Board of Health has the right to put whatever requirements that will protect the city. He said laws in the US require a cemetery to plan for perpetual care.

Mr. Capachetti apologized and said he had to leave for another meeting and asked if there were any other engineering questions that he could answer. Ms. Cameron asked about where he had referenced how the proximity to the brook not being a problem because the water runs in the other direction, but said that the way that she read the statute it seems that if there is any surface water discharged to a brook you would have to get DEP approval, and a second question is this land within a flood zone. Mr. Capachetti replied that the land is not within a flood zone, and said that we are not discharging to a brook, that is just the way the regular surface water runs through. There is no effect on groundwater or drinking water. The DEP approval would be Conservation approval and we do have Con Com approval although we do have some modifications to submit. Ms. Cameron thanked him and Mr. Durkin asked if anyone else had any other questions for Mr. Capachetti. None were put forth.

Dr. Fleet said that she has a concern over the financing. She asked how common is it for a cemetery to have membership fees. Mr. Daly said that he has concerns following cemetery laws. The idea of a mortgage on the land is not allowed. However they can set up a separate corporation. In the past when development stalled some developers thought they could make money on cemeteries, but when they found out that it had to be wholly owned and can not be encumbered they changed their minds. In this case, from their website, it looks like the membership is \$1,000 and the grave is \$2,500. The owner replied we are not selling the grave. The family gets the right to choose the site. There should be a grave fee, but said his concern is that it seems like the corporation can all be dissolved and that members would be left with the upkeep of the cemetery. Sayed Nuruazaman, president of the Muslim Cemetery Group, replied that he didn't have the intention to have members and can amend that. Another thing from the original approval of the cemetery was 900+ graves, and now that number is changed. Another thing he would ask is instead on the one extra grave is to allow us two so that we don't have to wait. He said that they will do everything and follow the regulations of Peabody but ask that you please allow us to bury our deceased. We are not giving deeds. We do not sell graves. We are a non-profit attached to the mosque. We have Imams ready for prayer. He added that he has been doing body work for 40 years. He said that this is the first Muslim cemetery around here, it is not too different from a Jewish cemetery, except we do not use vaults, we prefer not to do it except we will because you are requiring it. This will be tied to the mosque, we can guarantee you there will be no mismanagement. On the question of paying off loans, we have spent over a million and a half dollars, we have a loan of around \$500,000- \$600,000 now, but we will pay that off quickly, people will donate money, he himself has donated \$50,000. Attorney Keilty asked about the funds for upkeep, will there be a fund. Mr. Nuruazaman said there already is a fund. Mr. Daly stated that a portion of the fee they pay will have to go to a fund, not to the Boston Muslim Cemetery Corp or to the Mosque. You will need to put a portion of that \$2500, most cemeteries do 50%, to create a fund to upkeep the cemetery. Mohammed, board member said the \$1,000 membership fee came because people wanted to donate to the fund. In order to honor the donation we said we can offer them a membership. Now about the corporation, we will have to sit down and see what we can do to incorporate. And we need funds for perpetual

maintenance, we are aware of that, we have to have a fund so there is no question that there will be funds forever. Mr. Daly also reminded that they need to go to the City for a special permit in their name, and need the certificate of compliance from Conservation. Md Islam said that in 2020 these three men came together with \$50,000 to get together a cemetery. He told of all of the work they had put in and money spent so far. About the special permit, he said they went to city council and got their permit before they had incorporated, so they would go back to City Council to fix it. He told that his dad was in intensive care and said if he died please bury him nearby so I can visit him more often. He added that since this has gone on so long that they have had deaths among seven of their families and could not bury them locally. He asked if there is any way that the Board could approve even a small corner to allow us to begin burying our members. Mr. Durkin asked if anyone on zoom had any questions. None were presented. He asked if the board has any other questions. Mr. Carli said that he has the same concern that Dr. Fleet brought up. He said that he thinks the recommendations of the consultant are valid, and appreciates the applicant's concerns about moving forward quickly, but he feels there are still a number of things that must be clarified in order to proceed, including the mechanism to ensure perpetual care. He said he would have a hard time taking this vote without the corporation being in place and those other things.

Mr. Keilty said that the corporation can be done well before your next meeting. He said he would like, and his clients would like, to get a conditional approval which could very well be the adopted recommendations of Mr. Daly and we would be in a position where there was still much work on our part to get done. He said he shares the opinion that the biggest hurdle is not the establishment of this separate corporation but the establishment of this fund in perpetuity, which requires their board members to restructure their fee schedule. If their \$1,000 membership contribution would continue he would like to see those funds being put into the perpetual care fund. Mr. Daly said that the fee should come from a portion of the sale of the grave, not from the membership donation, since a deduction can be taken for that donation and no deductions can be taken in relation to the sale of cemetery lots. He added that he also does not know what conservation is going to say on your certificate of completion. Attorney Keilty interjected that they have met with Conservation will certainly take obtaining our certificate of compliance as a condition. But every board has meeting dates that are somewhat separated, so we would like to get an approval that would require us to complete other tasks and then report back at your next meeting. Mr. Durkin said that we have our letter from September 8 from Tom outlining 11 recommendations. Mr. Daly said he is very concerned about the question of erosion, and he said that he doesn't see any place where burials could happen at this point. Mr. Durkin replied that he is suggesting, if we were to vote to grant the permit conditionally, it is not approved, there is no permit to bury until the eleven conditions are satisfactorily met. Ms. Cameron said that the assistant city solicitor was in attendance and she asked his thoughts, we have special permit that is in the name of a different entity, and we don't have ConCom approval at this time, do you have any legal opinions in the order in which approvals should be given. Attorney Barrett replied no, but said that as the chairman is suggesting, if you condition it there is no ability to proceed with burials until all conditions are met, so they can go pursue Con Com and do all things concurrently. Mr. Durkin said that under recommendation #11 you would include the perpetual care. Mr. Carli said that he doesn't want to give an approval because we have been in that situation before where pre-existing conditions are ignored. One questions he said he had for Keilty was are they going to look to increase later back up to the 900 graves number. Attorney Keilty replied no. Mr. Durkin asked about the fence in the conditions, adding that we wouldn't want to see a chain link fence there. Mr. Daly replied that he wouldn't either, and said that cemeteries usually have their boundaries marked. He said that there is no parking there, that if there was a fence there it would help mark this as a cemetery boundary. Mr. Durkin asked attorney Keilty how they might meet that. Mr. Nuruazaman replied the six foot arborvitae wall. Mr. Daly replied that the bushes planted are not 6 foot arborvitae and have all died, to which Mr. Nuruazaman replied that there was a drought, and Mr. Daly said you

did not do the maintain them, Mr. Nuruazaman said we will replace them. Mr. Durkin asked Mr. Keilty what he would say would work. Mr. Keilty said the 6 foot arborvitae. Mr. Daly said he recommended a fence as most cemeteries do. He noted that he doesn't think they would need to put a fence around the entire cemetery because they would need to get in with equipment to dig graves and would need to get around without walking across the graves, and said the brook is right there and will impact it as well. One of the things in the order of conditions that they did not keep to the 25 feet from the wall, and that is probably where the first grave would be. Mr. Daly added that his recommendation to the Board is to table the vote until the applicant meets all the conditions. Mr. Durkin asked if there was anyone else who wished to speak on this. No responses were received so Mr. Durkin closed the hearing and asked the Board what they would like to do. Mr. Carli said that he prefer to continue this. Dr. Fleet said that she agrees with that. She said that she has enough concerns for the public health and seeing that they are just seeing this second set of recommendations tonight for the first time she would like to see more action on the recommendations before we approve it. Mr. Carli made a motion to table this request until next month. Dr. Fleet seconded it. Mr. Durkin asked if there was any further discussion, and the board replied no. Mr. Durkin called for a vote and it was unanimously agreed to defer this request until the next meeting.

Subject: Other Matters: Ms. Cameron introduce Laura Nash, the regional epidemiologist to the North Shore Health Departments, to the board. Her position is funded by state MDPH grants to Peabody and Salem.

Discussion: The Board welcomed Ms. Nash.

Hearing 2: (5:30 pm) – Hearing re: Application for Permit to Keep Certain Animals at 37 N. Central St. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin read the hearing notice and opened the hearing. He said that the applicant is Dominique Furtado and asked if she was present. She did not reply. Ms. Cameron said that we had run very late and she had heard from another applicant who said that they had to leave for work. She said that she is comfortable with tabling this until next month. Mr. Carli made a motion to table the application until next month, Dr. Fleet seconded, and a vote was taken and it was unanimously agreed to defer this hearing until the following month.

Hearing 3: (5:35 pm) - Hearing re: Application for Permit to Keep Certain Animals at 13 Bradford Rd. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin read the hearing notice and opened the hearing. He asked if the applicant was present. Ms. Cameron reported that she heard from this applicant he had to leave the meeting. Mr. Carli made a motion to table the application until next month, Dr. Fleet seconded, and a vote was taken and it was unanimously agreed to defer this hearing until the following month.

Hearing 4: (5:40 pm) - Hearing re: Notice of Violation and Fine issued for 54 Paleologos St. Vote anticipated to uphold, modify, suspend or revoke Notice and penalty.

Discussion: Mr. Durkin read the hearing notice and opened the hearing. He asked if anyone could give a briefing on the matter. Ms. Cameron said that she would and asked if the applicant was present. He was not. Mr. Carli made a motion to table the application until next month, Dr. Fleet seconded, and a vote was taken and it was unanimously agreed to defer this hearing until the following month.

Hearing 5: (5:45 pm) - Hearing re: Application for Permit to Perform Body Tattooing (apprentice only) submitted by Angelo Vranaj. Vote anticipated to approve or deny permit.

Discussion: Mr. Durkin read the hearing notice and opened the hearing. He asked if Angelo Vranaj was present, and Mr. Vranaj was. Mr. Durkin asked Mr. Vranaj to tell the board why he was applying for this permit. Mr. Vranaj told that he had moved here one year ago from Italy and moved to Boston and had been an apprentice in Italy. He had started at 17 until he was 22. He said he looked around and found an establishment in Cambridge that has another branch in Peabody and he plans to do his apprenticeship in Peabody. Mr. Durkin said it looks like all of the paperwork appears to be in order. He asked if there was anyone who wishes to speak on this matter, in favor or in opposition. No responses were received. Mr. Durkin closed the public hearing. Mr. Carli made a motion to approve the permit to tattoo as an apprentice. Dr. Fleet seconded it. A vote was taken and it was unanimously agreed to grant the permit.

Subject 2: Approval of Minutes of August 18, 2022; Vote Anticipated to Approve or Amend Minutes.

Discussion: Ms. Cameron reported that the minutes from last month will be available at the October meeting.

Subject 3: Update on COVID-19 response actions

Discussion: Reviewed.

Environmental Updates

Subject 4a: Rousselot update

Discussion: Reviewed. Ms. Cameron reported that there have been six odor complaints about Rousselot since the last meeting. This time the odors seem to be associated with their manufacturing side rather than their wastewater operations. She said that she had contacted them and they have installed a blower on where they boil the bones, called their super kettle. They used to have passive filtration systems wherein the steam and exhaust from the kettle would get sucked into the biofilters, but now they have installed a blower to more aggressively blow the air into the biofilters so it will be a more effective way to remove odors. She said that was installed two weeks ago and we are hoping that will have an effect on odors. Ms. Cameron said that they did acknowledge that they had a violation of their total suspended solids, which is one of the things that SESD measures and has cited them for. They said it was an issue of the solids not settling in their 80 foot clarifier, and they investigated and determined that it had to do with the quality of the polymer in the system. They have implemented another polymer and it is filtering out and SESD is going to do some spot checking.

Subject 4b: Northeast Nurseries update

Discussion: reviewed. Mr. Durkin noted that a ticket was issued to NE Nurseries. Ms. Cameron said yes, and they didn't pay it. Mr. Durkin asked if she thought they might appeal it. She replied that she did not think so.

Subject 4c: Rodent control update

Discussion: Reviewed.

Code Enforcement Updates

Subject 5 a: Housing: 22 Pulaski St; 43 Shore Dr; 39 Central St; 268 Lowell St; 7 Central St; 17 Tucker's Ct; 74 Aborn St.

Discussion: Reviewed.

Subject 5b: Nuisances: 274 Lynnfield St; 570 Lowell St; 88 Endicott St; 55 Holten St.; 100 Birney St; 79 Lynnfield St; 4 Putnam St; 39 Fulton St; 64 Fulton St; 40 Fulton St.

Discussion: Reviewed.

Subject 5c: Animals: 37 Holten St; 33 Holten St;

Discussion: Reviewed. Ms. Cameron told that they were called out to a case at 33 Holten St. The MSPCA was involved and the animals were removed, but the sanitary conditions left behind still remain.

Subject 5d.: Food: 80 Walnut St; 288 Washington St.

Discussion: Reviewed.

Subject 5e: Other: Win Waste Innovations

Discussion: Reviewed.

Permitting Updates

Subject 6a: List of permits issued in August 2022

Discussion: Reviewed.

Public Health Nursing Updates

Subject 7a: June and July 2022 surveillance report

Discussion: Reviewed.

Subject 7b: Flu clinics

Discussion: Reviewed. Ms. Cameron said that they have their flu clinic schedule out and have already starting up their flu clinics again, and told that they did their first Flu clinic at the International Festival, and have another next week at the Brooksby Farm Senior day. She added that they just got their first shipment of the Bivalent Covid Booster and there is a renewed interest in the covid vaccine. She said they are not going to be co-administering flu and COVID vaccine at the same clinics but that we will have some flu clinics and some Covid clinics so the nurses are going to be busy.

Subject 8: School Health updates

Discussion: Reviewed.

Subject 9: Opiate response updates

Discussion: Reviewed. Ms. Cameron told that she and the Mayor and the Healthy Peabody Collaborative presented the most recent opioid data to the City Council subcommittee on substance abuse, and they talked about the primary prevention programs of the Healthy Peabody Collaborative, about the behavioral health resources available in the city and in the schools, and the Mayor talked about some of the preliminary ideas for use of the opioid settlement funds. Some ideas are to give scholarships for treatment, purchasing Narcan for distribution to people, and one of her priorities would be to hire a case manager who really understand the whole treatment network and could help facilitate getting people into treatment, detox, outpatient or inpatient,

and to navigate that system. Mr. Carli said in Everett he had hired a civilian who did outreach and she would go out to the address of an overdose call a couple of days later and talk to them and offer resources. They also did scholarships to treatment and gave them Narcan. His budget funded the position but the program also received a ton of grants. He said they did see a decrease in recidivism. Also saw a huge change in morale among firefighters. They are trained to put fires out and go to a home and do CPR and administer Narcan. Through this program, people would seek them out for counseling and referrals, because they knew someone was following up. The outreach worker would share success stories and it was great for morale. He said that you really can help. Ms. Cameron said that they do have some data, Healthy Streets out of Lynn does the door knocking with the fire/police after an overdose and they collect data.

Subject 10. City Council responses: 113 Main St; 23 Central St; 10 Main St; 114 Foster St.

Discussion: Reviewed.

Correspondence

Subject 11a: From Arcadia Technology re: 10-12 Munroe St.

Discussion: Reviewed.

Subject 11b: From Weston & Sampson re: 133 Forest St.

Discussion: Reviewed.

Mr. Carli made the motion to adjourn. Dr. Fleet seconded the motion. All voted to adjourn.

Next meeting date: Thursday, October 13th, 2022 @ 4:30 pm. Adjournment: 7:16 p.m.