

**MEETING NOTES OF THE GENERAL MEETING
OF THE PEABODY BOARD OF HEALTH
Lower- Level Conference Room, Peabody City Hall
Remote participation also available via Zoom
September 26, 2024 4:30 pm**

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

Not in attendance: Member Anthony Carli.

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 4:34 pm Mr. Durkin opened the General Meeting, read the hearing notice and welcomed everyone.

HEARINGS -

1.) 4:30 pm – Hearing re: Application for Permit to Perform Body Tattooing submitted by Trang (Tina) Tran. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin read the hearing notice and asked if the applicant was present. Ms. Tran was present via Zoom. Mr. Durkin welcomed her and asked her to tell a little about herself and what she plans to do. She replied that she has been working for two years in the industry, she just moved to Beverly and was looking for a place closer to her new home, and she found a place in Peabody. Mr. Durkin asked where she is planning to practice body tattooing. She replied she will be working at 2 First Avenue at New England Tattoo. Mr. Durkin asked if there were any questions from any board members at this point. No questions were put forth.

Ms. Cameron reported that Ms. Tran’s application was all in order. She asked Ms. Tran to describe the procedures she uses to prevent cross-contamination. Ms. Tran replied saying she has been doing this for two years and was trained in Arizona and is very confident, said she does tattoo microblading and does the lips. Ms. Cameron asked how she would prevent infections while doing her tattooing. Ms. Tran replied that she has also worked in a medical spa before with nurses, and said she asks for a medical history before she performs tattoos, for example if the client is breastfeeding or if they have diabetes, she will not tattoo them. Ms. Cameron asked about the instruments she uses and how she cleans them. Ms. Tran replied that she uses needles from a packet and does not reuse them but throws them away right away after use. Ms. Cameron asked Ms. Tran if she had ever been the subject of any disciplinary procedures in any other place where she had been licensed. Ms. Tran replied no. A brief pause was taken to adjust the sound on the monitor. Mr. Durkin asked the hours Ms. Tran plans to work in Peabody. Ms. Tran replied that she will only do two days right now as she is in school. Mr. Durkin asked if there were any further questions from the board. None were put forth. He asked if anyone present or on zoom wished to speak on this matter. No responses were put forth. Mr. Durkin asked Ms. Tran if she had anything else to say. She replied no. Mr. Durkin closed the hearing at 4:47. Ms. Cameron reported that she had checked with Lynn BOH and they have no violations on record for this applicant.

Mr. Carli made a **motion** to approve the Permit to Perform Body Tattooing submitted by Trang (Tina) Tran. Dr. Fleet seconded the motion. A roll call vote was held, and it was unanimously agreed to approve the permit.

2.) 4:30 pm – Hearing re: Application for Permit to Perform Body Tattooing submitted by Carl Grace. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin read the hearing notice. Mr. Grace was present via Zoom. Mr. Durkin welcomed Mr. Grace and asked him to tell the board a little about himself and what he plans to do. Mr. Grace said he has been tattooing since 1998, he lives in Las Vegas, and was the owner of the Boston Tattoo Company in Cambridge which closed down after Covid. He said one of his former artists opened a shop in Peabody so he hopes to get a license to be able to come do some projects for clients in the Greater Boston Area. Mr. Durkin asked if there were any questions from the board. None were put forth. He asked Ms. Cameron if she had any questions. Ms. Cameron asked Mr. Grace to tell about his procedures to prevent cross contamination. He replied that everything he uses is one-time use, he wraps his machine in saran wrap, uses alcohol to wipe down the tattoo site, uses madacide after he is done to clean the station, he uses barrier film to keep furniture clear, applies plastic film or second skin to send them home. Ms. Cameron asked what sort of medical conditions would cause him to question tattooing someone. Mr. Grace replied that he will not tattoo intoxicated people, those on blood thinners, on areas with recent scar tissue, or people with poor hygiene. He said he will observe and see but if they appear not to be in good health he won't do it. Ms. Cameron asked if he would have any apprentices. Mr. Grace replied no, absolutely not, he is a resident of Nevada, and he is doing this just to do a favor for his clients who live in the New England area, and he will go to Speakeasy to work a couple of times per year. Ms. Cameron asked Mr. Grace if he had ever been the subject of any disciplinary procedures in any other place where he had been licensed. Mr. Grace replied never. Mr. Durkin asked if there were any further questions from the board. None were put forth. He asked if anyone present or on zoom wished to speak on this matter. No responses were put forth. Mr. Durkin closed the hearing at 4:54 pm.

Mr. Carli made a **motion** to approve the permit to perform body tattooing submitted by Carl Grace. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant the permit.

3.) 4:35 pm – Hearing re: Application for Permit to keep 10 chickens at 25 Davis Terr submitted by Edward Martins. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin read the hearing notice. Mr. Martins was in attendance via Zoom. Mr. Durkin asked him to tell the Board why he is applying for the permit. Mr. Martins explained that he has an 8- year-old son so they hatched some chickens, a project to teach him some responsibility. Mr. Martins said he had grown up around farm animals so he saw this as a good opportunity for him to share that with his son. He added that these are his pets, they all have names. He said they keep the coop clean, and a professional pest control company comes in regularly for a number of years now. Mr. Durkin asked if there has ever been a problem with his neighbors and the chickens. Mr. Martins replied no, it is a 12,800 sf large lot in the back, and said the size is deceiving from the front as it opens up a lot in the back. He said he sent the Board a google map to show the size. Ms. Cameron said this permit came in not as a complaint, but the inspector was in the neighborhood due to rodents in the area, not at this address, but noted that there were chickens at this address and no permit. The inspector said he saw that it

was very clean, and pest control has been in place a long time. While ideally he would like to see the coop moved a little farther from the lot line, it has been in place for a long time with no issues. She added that the inspector said this is not contributing to rodents in the area and the inspector's recommendation is to approve it. Mr. Durkin asked if anyone in the room wished to speak on this. No responses were received. He asked if anyone on zoom wished to be heard, please use the raise hand feature. No responses were put forth. Mr. Martins added that the chicken run is lined a foot down with wire to keep rodents out, chickens are confined to the chicken run, and they are aware of the rat problem everywhere and don't want them in his yard so he has 4 bait stations around his property which are checked and refilled every three months. Mr. Durkin thanked Mr. Martin for being aware of this issue and being on top of it. Mr. Durkin closed the hearing at 5:02 p.m.

Mr. Carli made a **motion** to approve the permit to keep 10 chickens at 25 Davis Terr submitted by Edward Martins. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to approve the permit.

Mr. Durkin noted that that concludes the public hearings for the night, and said next were the items of business for discussion.

BUSINESS

1.) Approval of Minutes of August 15, 2024-

Discussion: Mr. Durkin asked if there were any comments on the August 15th meeting notes. None were put forth.

Mr. Carli made a **motion** to approve the August 15,2024 minutes as presented. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to accept the minutes.

2.) Regulatory Updates – Review of draft tobacco control regulations and CBD product regulations

Discussion: Ms. Cameron explained that she expected that there would be people in attendance hoping to speak on this matter. She suggested addressing the CBD regulations draft review first. Mr. Durkin said they are looking to refine their regulations in regard to CBD products. Ms. Cameron said the draft regulations have replicated the state messaging but add an enforcement structure to allow them to monitor and ensure that people are following the state requirements. Mr. Durkin said he has read the draft and has no edits. All agreed. Ms. Cameron said she herself identified a possible edit, and explained that the language allows them to enforce the regulations for all permitted establishments, but said she wants to make sure that they are allowed to have authority over other types of establishments as well, so the City Solicitor is going to propose some edits to cover those as well. Mr. Durkin said we can still schedule this for a public hearing. Ms. Cameron suggested putting this off until November, adding that they already have the state guidance and can enforce with those. She added that they don't want to put too much on the October agenda. Discussion ensued and all agreed to address this matter in November at a public hearing.

Mr. Durkin explained that the next item for review was the proposed revisions to tobacco control regulations. Mr. Durkin said he is interested to hear if any board members have any edits or

additions. Ms. Cameron said this was modeled after Brookline's regulation language, and said Brookline's was challenged and upheld by the courts. Mr. Durkin said the big proposed change is that anyone born after Jan 1, 2004 wouldn't be allowed to buy tobacco products in Peabody going forward, with the intent of creating a generation that would not be able to purchase tobacco products in Peabody. Dr. Fleet said she has reviewed the draft and has no edits. Mr. Carli said he has expressed concerns in the past about not allowing adults to make decisions, and understand the concerns from people who make their living selling these products. He said this is not a sales ban statewide so people can go to the next city to purchase tobacco. He said he was concerned because as people grow into adults they are allowed to make their own decisions. Ms. Cameron reported that two City Councilors are in attendance tonite hoping to comment on this matter. Mr. Durkin asked Councilor Manning-Martin, who was in attendance in person, if she would like to comment on the matter. Councilor Manning -Martin thanked the Board. She said she knows this is an appointed board, and said she doesn't envy their position, but thanked them for their dedication. She said as an elected official of 25 years she feels that she has a good idea of the pulse of the people in Peabody. She said it really concerns her, that taking action like this seems to create another class of people who won't be able to make the same decisions about their health, people have the right to make their own decisions. She added that she also questions the timing of this being proposed. She said it is her understanding that smoking dropped to less than 1% in 2021 due to educating people on dangers of smoking, clearly a public health achievement, and said why not pour efforts into educating people on the dangers of smoking. She said she doesn't understand creating a class of citizens who won't have the same rights due to being born one second too late. She said this is a cascading cause, this will benefit the black market, small businesses will be hurt by people going to other cities and towns. She said they should continue the education and prevention on the dangers of smoking and said it does work. She said people are not in favor of not treating people differently. She said she thought it would be helpful to share her thoughts as a representative of the city, to share what she has heard to allow the Board to make a decision on this. Mr. Durkin thanked Councilor Manning Martin for her service. She replied that she appreciates their service and knows that they keeps the city functioning.

Ms. Cameron explained that another city councilor is also in attendance on zoom. Mr. Durkin welcomed him and invited him to speak. Councilor David Gamache thanked the board for all they have done, and said that he feels it is important to move forward in a healthy manner. He said he wanted to impress upon the board that it would affect our small businesses badly. He said there is a diverse group of people here, and said education is an important thing to do. He said they will become an island if towns all around them allow sales and we are not selling to people born after 2004. He said small businesses are hurting, this is part of their livelihood, most of their sales are from cigarettes and lottery. As Councilor Manning-Martin said, smoking is down to 1%, what's next, alcohol, are we going to do this too. We have the ability to continue to educate and keep the local businesses that we are trying to keep in our neighborhoods. He concluded by saying thanks, and that he hopes they take this into consideration, and wishes them all the best.

Mr. Durkin said it is important to hear from you and said he appreciates you taking the time. He asked if there were any other elected officials in attendance on zoom. Ms. Cameron checked and said she does not believe so. Mr. Durkin said this is an important matter, as it would create a significant change. He said the next step is to hear from the people on this, so he thinks it is important to hold a public hearing to listen and then deliberate. Mr. Carli said he agrees and wants to hear what people have to say. Mr. Durkin asked if there were any thoughts or recommendations on how to move forward. Ms. Cameron suggested to hold a public hearing in

October, and said she will look into identifying a larger venue for that meeting, and they will allow Zoom participation. Mr. Durkin said that they did hear from people on both sides of the issue, and he wanted to let everyone know that tonight is not a public hearing, but if the board decides to move forward they would be allowed to speak then.

In attendance was Steven Helfer and Mr. Durkin asked if he was here on this matter. He replied yes and said he is representing Cambridge Citizens for Smokers Rights, and said he objects to the amount of vilification due to smoking. Mr. Durkin asked if the board should hear from Mr. Helfer since he took the time to come out tonight. Mr. Helfer said his comments are 2 ½ minutes long. Ms. Cameron pointed out that there were a number of people in attendance via zoom who may also want to speak, and if they let Mr. Helfer speak they should be open to allowing everyone to speak. Mr. Durkin apologized to Mr. Helfer and said they will let him go first at the public hearing. Mr. Helfer thanked the board.

Mr. Durkin asked if Board members had any further comments. Dr. Fleet stated that she wanted to clarify that the proposed regulation would put in place a ban on selling tobacco to those born after a certain date, but not on the consumption or use of tobacco, so they are not outlawing smoking. She said this is a statement that as a Board of Health, they know that smoking is the leading cause of cancer deaths. Secondly, she said one has to look closely at the statistics to understand them. While smoking has declined in people 21 and over, vaping continues to be a public health issue that affects the lungs and the entire respiratory system. She said while smoking has declined, there has been a marked increase in vaping, so we have to look at that as well as it is something the proposed regulations would address. She said she would be interested in hearing more about impact on the small businesses in Brookline, which the Globe article said were not greatly impacted. Ms. Cameron said she had read the same Globe article, and she did speak with the public health director in Winchester who had recently passed a similar regulation to hear about business impacts, and they said that local retailers expressed that having one consistent age would help them comply with the laws, as the sales date isn't changing every day, and added that this was an interesting point she hadn't expected to hear.

Mr. Carli made a **motion** to move forward and hold a public hearing on the proposed Tobacco regulations at the next meeting **Dr. Fleet** seconded the motion. A vote was held and it was unanimously agreed to move forward to hold a public hearing next month.

3A) Environmental Updates- Rodent Control

Discussion: Ms. Cameron explained that the current data shows that they continue to experience a significant number of rodent complaints. She said the other public health directors in the region state they are all experiencing the same issues, many are implementing similar programs, and they are working on a regional plan which will focus on sanitation and capture and fertility control measures. She reported that they had captured about 1200 rodents, mostly rats, in 25 locations in 11 months. Mr. Durkin noted that there has been attention given recently to poisons and predatory birds. Ms. Cameron explained that those poisons are second generation rodenticides, and if an animal ingests a poisoned rodent it can kill them as well, so we don't want to use those second generation rodenticides. Under our contract, we are asking them to use first generation products so they will have less impact on other wildlife. She added that most of the time bait boxes are using the typical second generation rodenticides unless you specify not to, so this is likely the case with much of the rodent control being done privately by property owners. She added that the Board could consider a local regulation against using second generation poisons if they so decide. Mr. Durkin said there will be more discussions on this in the future.

3B) Environmental Updates - Mosquito Control

Discussion: Ms. Cameron explained the state elevated the risk in Peabody for West Nile Virus to moderate due to a human case in a North Shore community. She said the case was not in Peabody, but they have put a prevention message out. They are not recommending cancelling evening activities but recommend personal precautions since sports practices take place in evening hours. She reported that the mosquito control program did a targeted spray of playing fields after finding EEE in North Reading. They did a spray of all athletic fields and playgrounds. She shared with the Board emails from two residents who reached out to express their concerns about spraying. The Board received the emails and took them under advisement. Mr. Durkin said he heard the robocall on this matter, and said there is a large list of locations that received the treatment.

3C) Environmental Updates – Rousselot

Discussion: Ms. Cameron explained Rousselot continues to send reports, and this looks like their last report as they have complied with the Mass DEP consent order. She explained that they are not really producing anything and their waste flow shows that.

3D) Environmental Updates - Northeast Nursery

Discussion: Reviewed.

4A) Code Enforcement Updates -Housing: 20 Truman Rd; 26 Endicott St; 261 Newbury St; 37 Margin St;

Discussion: Reviewed.

4B) Nuisances: 672 Lowell St; 5 Bourbon St; 95 Overpass/Lowell St; 20 Parsons St; 2 McIntire Ct.

Discussion: Reviewed

4C) Tobacco Control: 7 Main St; 85 Lynnfield St; 101 Foster St;

Discussion: Reviewed. Ms. Cameron explained that Regional Tobacco Control program did some compliance checks and these three retailers had violations. All served their suspensions and paid fines. She stated there was one particularly concerning sale. The underage youth are trained to say the truth, so when the clerk asked for their ID and the youth tester said they didn't have one, the clerk said they would use their own and swiped their own license into the register. That Clerk is no longer employed there, but it is discouraging that this is happening. Also concerning is that back in the day everyone would appeal their fines and permit suspensions, but now not so much. At least one retailer told the inspector they are willing to take the risk and do illegal sales, and it is still worth it financially for them even if they have a suspension, as it has become a cost of doing business to them. Not coming in to appeal is concerning, and she would rather have them appeal and come in to talk with the Board about how they are going to do better.

4D) Food: 114-128 Essex Center Dr; 210 Andover St; 62 Walnut St.

Discussion: Ms. Cameron reported that they had some issues in a few establishment and all are working to address them.

4E) Other: Republic Services; Life Time Fitness; Adriana's Academy

Discussion: Ms. Cameron shared a news report about an issue of overserving alcohol to patrons of the pool at Life Time. Mr. Carli asked if Life Time Fitness has a lifeguard variance. Ms. Cameron replied no, they have lifeguards. She said when they were building the facility, we were very uncomfortable with a bar so close to the pool area. They have life guards when the pool is open, and she checked into the state to see if we have any obligation on this matter as the permitting authority. The state said we do not have any obligation to take action. She explained that the language in the pool code around supervision is mostly related to managing water quality. The City's alcohol licending board will have jurisdiction in this matter.

5A) Permitting Updates- List of Permits Issued in August 2024

Discussion: Reviewed.

6A) Public Health Nursing Updates- August 2024 surveillance report

Discussion: Reviewed

7.) Social Service Updates

Discussion: Ms. Cameron reported that the Social Services Division has 3 vacancies, but they made an offer for one of the Care Coordinator positions, the bilingual case navigator to connect people to services. She reminded that they had received a grant from Lahey for \$300,000 over 3 years for this position. She said this person speaks three languages and they hope to have them on board in the next month. She said they have excellent candidates for the other positions and are hoping by end of October we will be back to fully staffed.

8A) Correspondence: From CEC re: Peabody Ash Monofill

Discussion: Reviewed.

8B)) Correspondence: From DEP re: 91 Lynnfield St.

Discussion: Reviewed.

8C)) Correspondence: From Tighe & Bond re: Peabody Whole Site Landfill

Discussion: Reviewed

Other Matters: Ms. Cameron explained that DEP put out a request for comment on the compactor project at the transfer station, which is an opportunity to provide feedback before DEP issues a final ruling on the matter.

Also, recently in a court case, a judge ordered EPA to do further research on fluoridation in drinking water, and now she has been asked if the Peabody Board of Health will be reconsidering its recommendation for fluoridation of drinking water. This will be on the next agenda. She said she has some news stories that have links to the actual studies so she will send to the board electronically to review them. Mr. Durkin said he has heard concerns about fluoridation before especially in his work with MWRA. Ms. Cameron said the levels of concern are twice the levels currently allowed so the judge charged EPA with reviewing the matter. Dr. Fleet said it is a very important issue, fluoride and dental health, and is considered to be a great public health achievement.

Ms. Cameron also reported that an order was issued to a tattoo training academy for use of live models. They were told an apprenticeship permit must be obtained before allowing students to work on live models. She said an apprenticeship permit allows trainees to do a lot more than

they would generally do in the training class, so she hopes to put together some guidelines on live models as part of training, and said she would like to get the boards' guidance on this, and will be asking to consider incorporating this into our regulations. She explained that the regional set of body art regulation are still 3-4 months away, but this business is now at a halt, and she would like to give guidance now with the idea that that these are interim rules to allow them to continue their program. Mr. Durkin asked if there was anything she expects any opposition to. Ms. Cameron replied no, she had already shared the proposal with them, and they felt this was a safe set of recommendations and something they can comply with. The recommendations are that the students can't work on live models until they have already had anatomy/physiology course, bloodborne pathogens, and CPR/First aid course, and there will be strong permitting requirements, no more than two students per permitted instructor. Those are the core of what they are proposing. Dr. Fleet replied that the ratio sounds good. Ms. Cameron asked if anyone had any other safeguards to suggest. Mr. Durkin said he had some unease over the apprentice role but don't have any issues with these.

Mr. Durkin asked if there was any further business. None was put forth.

Ms. Cameron said Dr. Fleet had given her some data about tobacco use, and asked if there is any other data you want to receive, or any groups you would like to invite to provide testimony at next month's public hearing. Mr. Durkin said he is curious about how it is working in Brookline, anyone close to the issue, with a focus on the impacts to businesses. Ms. Cameron said she has a sense it is being tolerated and will reach out to the health department in Brookline. She added that she will see if the light plant auditorium is available for next month's meeting, and if not they will find another place.

At 5:54 **Mr. Carli** made a **motion** to adjourn. Dr. Fleet seconded the motion. All agreed and the meeting was adjourned at 5:54 p.m.

Next Meeting Date: October 24, 2024

Adjournment: 5:54 pm