

**Meeting Notes from the Regular Meeting of the Peabody Board of Health,
February 23, 2023, at 4:30 p.m.**

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

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

Chairperson Tom Durkin opened the meeting at 3:31p.m. and read the meeting notice. He explained that the first order of business today are some hearings.

HEARINGS

Subject: Hearing re: Application for Permit to Perform Body Tattooing and Application for Permit to Operate a Body Art Establishment submitted by Raymond Young. Votes anticipated to grant or deny permits.

Discussion: Mr. Durkin opened the hearing and read the hearing notice and asked if applicant Raymond Young was present. Mr. Young was present and told that he has been tattooing for 12 years and decided it was time to start his own business. He said he also wanted to give his friends a good environment in which to work, adding that one of his friends he has worked with for 14 years. Mr. Durkin reminded the Board that they were deciding on the permitting of the establishment as well, and asked Inspector Yale for more information on the property. Mr. Yale said that the business is located at 80 Prospect St., and that he inspected the location on Wednesday. He explained that Mr. Young has refurbished the site, that it was also a tattoo parlor several years ago and then changed to something else. He said there are 4 artists' rooms separate from the waiting room, each has adequate space and a hand sink. He said that Mr. Young has 4 artists plus himself so one will fill in when others are out. Mr. Yale said the only issue he has is that the pest control report is not in the file, so Young still has to furnish that before he can approve, but added that he did not see any sign of pests during his inspection.

Ms. Cameron asked what Mr. Young's intentions are regarding having guest artists. Mr. Young replied that guest artists will have to go through the necessary steps getting permitted just as we do and come in front of the board and get permitted properly. He added that he doesn't have much room for one right now anyway but said that he will do everything properly if he does choose to bring in a guest artist. Ms. Cameron asked what sort of training and oversight he provides as a business owner- does he have any standard policies, consent forms, aftercare instructions. Mr. Young replied that he has a standard consent form and aftercare sheet and said he does pay for blood borne pathogen training and CPR/First Aid certifications for his employees. He added that they have all been tattooing a long time. He explained that James is his apprentice in Saugus and just finished his apprenticeship, so he personally trained him in all aspects of the business including safety precautions. Ms. Cameron asked if he has a written needle stick protocol. Mr. Young replied yes, and said he has a whole manual. He explained that if anyone did get stuck or poked, he would pay for them to have medical follow-up, they would not be able to work until that came back negative and would have to stop tattooing and inform the health department per regulations. Ms. Cameron asked if he has any active apprentices. Mr. Young replied no. She asked if he has been the subject of any disciplinary actions in any other jurisdictions? Mr. Young replied no, adding that he has had licenses in Salem, Haverhill, and in other states with no issues. Ms. Cameron asked if anyone ever

returned to him after receiving a tattoo with a complaint or infection. Mr. Young replied that this has only happened once seven years or more ago, and it was a reaction to a red ink, which he explained is the color that most commonly triggers allergic reactions. He said that he has since stopped using that type of red ink and hasn't had a problem since. He said that he wrote down the batch and lot number from that incident just in case. He explained that the customer went to doctor and got an antibiotic, and after it healed, they returned for the tattoo to be completed so he went over the area with a new type of red ink and they had no issue with it. Ms. Cameron asked about his procedures to prevent cross contamination. Mr. Young replied that everything is one-time use disposable and added that he even uses individual A&D packets, everyone has a sharps containers and he has Stericylcle scheduled to pick it up regularly, uses madacide disinfectant and wipes everything down, wears gloves, washes hands every time, always take off and replaces gloves. Mr. Durkin if there were any further questions from the board? None were put forth. He asked if anyone from the public wished to speak on this, and said to please use the raise hand feature if they are on zoom. No questions were presented so Mr. Durkin closed the hearing at 4:43.

Mr. Carli made a motion to approve both the application for a permit to perform tattooing and the permit to operate a body art establishment. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant both the permit to Perform Body Tattooing and the Permit to Operate a Body Art Establishment.

Subject: Hearings re: Application for Permit to Perform Body Tattooing submitted by David Conley. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the Hearing at 4:45, read the hearing notice, and asked if Mr. Conley was present and if he would tell why he has applied. Mr. Connolly was present and told that he has been a tattoo artist for a while and a friend is opening up 1000 Needles Tattoo and he wants to work with him here. Mr. Durkin asked if all of the paperwork is in order. Ms. Cameron replied that it was. Mr. Durkin asked if the Board has any questions. None were put forth. Mr. Durkin asked if anyone from the public wished to speak either in favor or against this. No responses received. Ms. Cameron asked Mr. Conley about the status of his Hepatitis B vaccination series, since he has only received 2 doses, and still needs to receive a 3rd dose. Mr. Conley replied that he plans on getting it. Ms. Cameron explained that he will have to provide proof of that before they will renew his permit. Ms. Cameron asked about plans he has to prevent cross contamination. Mr. Conley replied that he uses gloves, all disposable equipment, uses a sharps containers, his machine is wrapped, uses a madacide disinfectant to clean all surfaces between all procedures. Ms. Cameron asked if he has been the subject of any disciplinary actions in any other jurisdictions. Mr. Conley replied that he has not. She asked if he had ever had anyone return with problem or infection. He replied no. Mr. Durkin asked if there were any further questions from the board or the public. None were put forth. Mr. Durkin closed the hearing at 4:47. Mr. Carli made a motion to approve David Conley's permit to perform body tattooing. Dr. Fleet seconded the motion. A vote was held and it was unanimously voted to grant the permit.

Subject: Hearing re: Application for Permit to Perform Body Tattooing submitted by Brendan Pynn. Vote anticipated to grant or deny permit.

Discussion: Mr. Pynn appeared before Board and explained his interest in performing tattooing. Board reviewed his training and apprenticeship documentation and found all to be

in order. Pynn explained his procedures to prevent cross-contamination and exposure to blood-borne pathogens. Pynn stated he has not been the subject of discipline in any other jurisdiction where he has performed body art. Mr. Durkin opened discussion to anyone who would like to be heard and no responses were received. Hearing was closed and Mr. Carli made a motion to approve Brendan Pynn's application to perform body tattooing. Dr. Fleet seconded the motion. A vote was held and it was unanimously voted to grant the permit.

Subject: Hearings re: Application for Permit to Perform Body Tattooing submitted by James Kaldi. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing, read the hearing notice, asked if James Kaldi was present, and asked if he would tell the Board a little about himself. Mr. Kaldi explained that his mentor, Ray, was opening a shop here and had asked him to come to work in his shop. Ms. Cameron asked about his plans to prevent cross contamination. Mr. Kaldi replied that he uses a disinfectant cleaner with madacide, keeps his machine wrapped up, disposes of needles in a sharps containers, and frequently washes hands. Ms. Cameron asked if he had completed an apprenticeship program. Mr. Kaldi replied that he had worked as an apprentice in Saugus. Ms. Cameron asked if he had been the subject of any disciplinary actions while apprenticing there. He replied that he had not. Mr. Durkin asked if the Board had any further questions. None were put forth. Mr. Durkin asked if anyone from the public wished to speak on this matter. No responses were received.

Mr. Carli made a motion to approve James Kaldi's permit to perform body tattooing. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant the permit.

Subject: Hearings re: Application for Permit to Perform Body Tattooing submitted by Jesse O'Neil. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing, read the hearing notice, and asked if Jesse O'Neil was present. Mr. O'Neil was. Mr. Durkin asked him to tell the Board about why he is applying tonight. Mr. O'Neil said he has been tattooing for a long time and now is planning to join his friend Ray in his new business. Ms. Cameron asked him to describe his plans to prevent contamination. Mr. O'Neil replied that he always washes his hands before, during and after working on clients and always wears gloves, that he uses a sharps container, uses a disinfectant cleaner with madacide, keeps his machine wrapped up. Ms. Cameron asked about the status of his Hepatitis B vaccination. He explained that he couldn't find documentation of his prior series so he started it again. Ms. Cameron asked that he please get the board confirmation when the second one is completed. Mr. O'Neil agreed. He added that he had taught Ray to tattoo in 2011 at Sacred Harp in Salem. Mr. Durkin asked if the Board has any other questions for Jesse. Ms. Cameron asked if he had been the subject of any disciplinary actions at his previous locations? Mr. O'Neil replied no. Ms. Cameron asked if anyone had ever come back with an infection or any other problems. Mr. O'Neil replied no. No other questions were put forth. Mr. Durkin asked if all of his paper work is in order. Ms. Cameron said that it is. Mr. Durkin asked if anyone from the public had any questions to please use the raise hand function. No responses were received. Mr. Durkin closed the hearing at 4:57.

Mr. Carli made a motion to approve the permit to perform body tattooing; Dr Fleet seconded the motion; Mr. Durkin asked if there was a need for any further discussion; no responses were received. A vote was taken and it was unanimously agreed to grant the permit.

Subject: Hearing re: Application for Permit to Perform Body Tattooing submitted by Douglas Dos Santos Pereira. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing and read the hearing notice. He asked if Douglas Dos Santos Pereira was present. Mr. Dos Santos Pereira was present and stated that he had been trained and started doing tattoos in Brazil. He said that he had hoped to start up again when he came here, and now he has gotten his opportunity, at Kaleidoscope on Bourbon Street. He explained that he has been here in the US for a year and is applying for an apprentice permit. Mr. Durkin asked if board members have any questions. Ms. Cameron asked what sort of tasks he will be doing as an apprentice, and if there are any limitations, or anything he is not allowed to do. Mr. Dos Santos Pereira replied that he will look at other artists, clean, set things up, and that's it. She asked if he would be doing any work on his own. He replied that he would not but said that he will be watching and will start practicing on fake skin. Mr. Durkin asked about fake skin. Mr. Dos Santos Pereira replied that it is like silicone, and you can press it with the machine and try out the needles, and it helps to train you. Mr. Durkin asked for confirmation that he won't be performing tattooing? Mr. Dos Santos Pereira replied that he will not be tattooing except on fake skin. Mr. Durkin asked how long the apprenticeship period lasts. Mr. Dos Santos Pereira replied that he thinks it may be for one more year, or maybe it is six more months. Ms. Cameron replied that we require one year as an apprentice from the date of the apprenticeship permit being granted. Mr. Durkin asked if there were any further questions from the Board. None were put forth. He asked if there were any questions from the public. None were put forth.

Mr. Carli made a motion to approve the permit to work as an apprentice in body tattooing. Dr. Fleet seconded the motion. Mr. Durkin asked if there was any further discussion. No further discussion was presented. A vote was taken and it was unanimously agreed to grant the permit.

Subject: Hearing re: Application for Permit to Perform Body Tattooing submitted by Michael Martinez. Vote anticipated to grant or deny permit.

Discussion: Mr. Durkin opened the hearing, read the hearing notice, and asked if applicant Michael Martinez was present. Mr. Martinez was in attendance and said he is applying to be permitted here because he has relocated back to the North Shore. He explained that he is currently licensed in Taunton and has been for ten plus years, and that he worked in Manchester, NH, before that. He explained that he bought a home in Lynn and was happy that he was given an opportunity to work here as it will save him some commuting time. He clarified that he will also work by appointment in Taunton since he does a lot of large-scale pieces which take a long time, so he will finish those pieces, uphold the integrity of his contract until all of his work there is complete, but will take no new clients. Mr. Durkin asked if his Taunton clients will come to him in Peabody. Mr. Martinez replied that some will, and said that he has some clients fly in from different states, but said that he will continue to go to Taunton to finish up his work there. He explained that he is also involved in the community there, runs a children's homeschool art program, works with the downtown Taunton organization and helps to put on a yearly art show so he will continue to go to Taunton anyway, but will only accept new clients here. Ms. Cameron said that he has had his first Hepatitis B vaccination but will need to follow up. Mr. Martinez replied that he will be going for the second dose during the first week of March. He then said he is not sure how long until the final dose, and Dr. Fleet confirmed that it will be six months until the next one. Ms. Cameron asked Mr. Martinez to tell

the board about his procedures. Mr. Martinez said that he of course uses use PPE and one- time disposable products. He said he tries to use the leading manufacturers' products for tattooing, and that his equipment is top quality from Germany because it is the best for sterilization. He said he uses sterile paper towels that come in one- time use packages. He said everything is one-time use, except for his machines, and he uses barrier film to wrap machines and cleansers, and after care uses bandages because infections can happen just by leaving studio, so covering the tattoo is important. He said that he does follow up with clients after two weeks, makes sure he is washing hands frequently, and washes after stopping, has a sink in the studio, washes thoroughly, sets a timer to make sure he is washing his hands long enough, has a nail brush, keeps his nails clipped short, maintain certifications every year and stays up to date with training. He said he has a great teacher who comes into the studio and keeps them up to date on CPR, blood -borne pathogens, and first aid every year, even though it expires every two years but he likes to keep it up to date, and said he actually did it twice this year. Ms. Cameron asked about his inks. Mr. Martinez replied that they are never on display, are kept in separate storage away from everything, are dispensed into individual ink caps at beginning of process, never in the middle of a tattoo, as blood or plasma can be in the air, so he will never pour in the middle of a tattoo. He said that he is also cautious about grabbing new cartridge needles, and will never reach into the tool case in the middle of a tattoo. Ms. Cameron asked if he has been the subject of any disciplinary actions. He replied no. Mr. Durkin asked if the board had any further questions. None were put forth. He asked if anyone from the public wished to speak to use the raise hand feature. No questions were put forth.

Mr. Carli made a motion to approve the permit; Dr. Fleet seconded. No further discussion was put forth. A vote was taken and it was unanimously agreed to approve the permit. Mr. Durkin asked where the business is located. Mr. Martinez replied that Intricate Ink is in Centennial Park Industrial Park.

Subject: Hearings re: Application for Permit to Perform Body Tattooing and Application for Permit to Perform Body Piercing and Applications to Operate Tattooing and Body Piercing Establishments submitted by Jesus Baltazar Zuniga Escobar. Votes anticipated to grant or deny permits.

Discussion: Mr. Durkin opened the hearing, read the hearing notice, and asked if Jesus Baltazar Zuniga Escobar was in attendance. Mr. Baltazar Zuniga Escobar was in attendance and was accompanied by a translator as English is not his primary language. Ms. Cameron pointed out the Mr. Baltazar Zuniga Escobar was applying for permits to perform body tattooing and body piercing, and to operate a body art establishment. Mr. Durkin asked Inspector Yale if he had been to the establishment. Mr. Yale said that the business is called Suicida Ink at 145 Summit Street, and was formerly known as Intricate Ink. He said he had not been out to inspect for this permit application yet, but the place was fine when he was there last but hasn't been inside since it was closed. Mr. Durkin asked if the board could take a conditional vote pending the completion of the inspection. Ms. Cameron replied that they could.

Mr. Durkin asked Mr. Baltazar Zuniga Escobar if he was making any changes to the facility. Through his translator Mr. Baltazar Zuniga Escobar replied that he was not. Mr. Yale asked if he is going to take any sinks out. He replied he is taking nothing out. Mr. Yale said that he will schedule the inspection with Mr. Baltazar Zuniga Escobar after the meeting. Mr. Durkin asked Mr. Baltazar Zuniga Escobar to tell the Board why he is applying. Mr. Baltazar Zuniga Escobar explained that he started in this country seven years ago with a dream to open his own shop,

and came because there are a lot of opportunities here. He said he will follow all the rules and SOPS, and said that's why he is here. Mr. Carli asked if he was apprenticed and licensed in Everett at Ferry St., and Mr. Baltazar Zuniga Escobar replied that that was correct. Ms. Cameron told that Mr. Baltazar Zuniga Escobar's first aid and cpr certification is expiring in April so he will need to renew. He replied that he knows and will do it. She also said that he is due for his hepatitis B vaccine 3rd dose, which is due now. He said he is working on that and will get her the paperwork. Ms. Cameron asked if it will be only him working there. Mr. Baltazar Zuniga Escobar replied for now yes, but maybe later he might bring in more people. Ms. Cameron asked him to tell his procedures to prevent cross contamination. Mr. Baltazar Zuniga Escobar replied that he makes sure everything is sterile, everything he uses is disposable, has a biohazard bin, throws everything away after each work, repeats, makes sure everything is new, non-disposable ink tools are wrapped in plastic, chairs wrapped for each person. Ms. Cameron asked about his handling of his ink? He replied that he uses disposable plastic containers each time and after he is done it goes into the biohazard container. He said he uses new ink and cups each time, and his machine is sterilized and wrapped. Ms. Cameron asked when he washes hands and changes his gloves. He replied that he washes before starting, puts on gloves, frequency depends on the time it takes to complete the tattoo; for example, if he works for four hours he will usually repeat handwashing four times, at end he washes again, using one set of gloves for tattooing and another for cleaning. Ms. Cameron asked if anyone has ever returned to you with an infection or problem. He replied never. Ms. Cameron asked if he has ever been subject to discipline in any other towns. Mr. Baltazar Zuniga Escobar replied no. Ms. Cameron explained that since he is permitted in Everett, she has contacted their BOH as is her standard practice. They informed her that there were complaints that he was performing body art out of his home, and that they have scheduled a hearing to consider revocation of his permit. Mr. Baltazar Zuniga Escobar replied that this is just a misunderstanding and that they are working to correct. He said that there is a personal issue with an ex-coworker, so they are going to contact the right people to make this right. He said that they went to police station to see if they have records of what he is accused of, but the police have nothing about it. He said that when he quit his previous job at Ferry St. Ink , on a Saturday he moved his body art equipment into his home, and he filled out the application to work here right away. He said he moved his set-up to the basement in his home, but he was not tattooing. He said he is getting visits from someone from the city, with no paperwork or anything. People keep coming knocking. Mr. Durkin asked who came where? He replied that the Police came to his home. He said he went to the police department to ask for a report and they have no record of this. Mr. Carli asked if it was someone from Inspectional Services who made the site visit. Mr. Baltazar Zuniga Escobar replied that they didn't identify themselves. He said when he quit his ex-boss told him you don't know what you are doing, I know a lot of people. Mr. Durkin asked so you are not tattooing at home? Mr. Baltazar Zuniga Escobar replied no he is not.

Mr. Durkin asked if there was anything further that Mr. Baltazar Zuniga Escobar wanted to say on that matter? He replied no. Mr. Yale asked if the applicant knows the reason why it is important not to tattoo at home. Mr. Baltazar Zuniga Escobar replied that he does understand, and that is why he never does tattoos at home, he doesn't want to risk people's health or his career. Mr. Yale agreed and said that it is also because since homes are not inspected no one is overseeing the sanitation standards and procedures, and that is why we don't allow it. Mr. Baltazar Zuniga Escobar replied that he understands. Mr. Durkin asked if any board members

have questions? None were presented. Mr. Durkin then asked if anyone on zoom has any questions or comments and said to use the raise hand feature. None were received. Mr. Durkin said that the Everett proceedings are important to us, and we need to see that those have a satisfactory outcome. Mr. Carli asked if this application was approved tonight and he is found in violation in Everett, could we revoke this license based on that? Ms. Cameron replied that she would check with city solicitor but if he provided testimony here and if he is found to have lied you may have the ability to revoke based upon false information provided to you as part of the permitting process. Dr. Fleet said she would like to have a ruling on what is happening in Everett, since we don't have both sides here to tell us their sides. Mr. Durkin stated that if the board were to proceed, it can revoke permit if it turns out that he did what he was accused of in Everett, and Dr. Fleet agreed. Mr. Carli said that he is familiar with the Everett establishment and would not be surprised if some retribution was happening here.

Mr. Carli made a motion to conditionally approve the body art establishment pending inspection; seconded by Dr. Fleet. A vote was taken and it was unanimously agreed to grant the permit to operate a body art establishment.

Mr. Carli made motion to approve application to perform body piercing; Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant the permit to perform body piercing.

Mr. Carli made motion to approve permit to perform body tattooing, Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to grant the permit to perform body tattooing.

Subject: Hearing re: request for Site Assignment Modification at PMA Landfill. Vote anticipated to approve or deny request for modification.

Discussion: Mr. Durkin read the hearing notice and opened the hearing at 5:36 pm. He read that Peabody Ash Monofill is requesting a minor site assignment modification at the PMA Landfill. The current maximum rate they are allowed to handle is 700 tons per day, but under the modification request they seek to be approved to handle 1500 tons per day. They also are asking to formally modify the language of the site assignment to include the sources of ash that the Board had previously approved. He added that copies of the full documents are available at Peabody BOH. He asked if the applicant and those present would agree to dispense with rest of reading of the document. All agreed and Mr. Durkin presented the document as an Exhibit. Mr. Durkin explained that a hearing officer was present and would run the hearing from this point forward.

Attorney Christopher Myhrum introduced himself, thanked the board and said he has been hired as the hearing officer as required under Mass law to evaluate the requested site assignment modification. He told that in 45 days of the hearing, on April 10, 2023, the recording and exhibits will be made part of the record in the matter. He asked that everyone speak one at time. He explained that his job is to act as a neutral officer, he is not affiliated with Peabody Monofill Associates or Covanta; he was retained by the Board on behalf of the City.

Mr. Myhrum asked who was present for Peabody Monofill. Jacqueline Caceci said she was here for Peabody Monofill. Mr. Myhrum went on to explain that he is not like a judge who can dismiss matters or rule on laws, but said his job is to ensure BOH hears all evidence, and to rule on evidence, and said he may question witnesses. He said that this formal process is different

from other hearings and having him there to run the hearing allows board members to give the subject matter their full attention. He explained that the subject at hand is that Peabody Monofill currently is allowed to process 700 tons per day of ash maximum, and the applicant seeks to modify that amount to allow them to process a maximum of 1500 tons per day. He explained that the total amount deposited per day will still be limited to 1500 tons per day and that means that if City accepts 900 tons then Peabody Monofill will be limited to 600 tons. He added that they are asking to revise the language on the types of ash accepted, in alignment with what the Board has already accepted.

Mr. Myhrum asked Ms. Caceci if she was comfortable with how he presented the proposed modification. Ms. Caceci replied that she was. Mr. Myhrum swore in witnesses under penalties of perjury and asked that the public notice be entered as Exhibit A, and invited Ms. Caceci to give her presentation. Ms. Caceci shared her laptop screen and presented a PowerPoint presentation. Another gentleman was present, a Senior Project Manager from Tighe and Bond who works with Peabody Monofill Associates. He gave an overview of the site assignment minor modification map. Steve Melloni, manager of PMA landfill, gave a summary of this application for modification. He said that PMA is a Covanta company, was purchased by Covanta in 2008, commenced operation in phase 1, when that was filled they got a permit to build stage 2, were operating in phases 2-3, at same time they constructed phase 4, and implemented the Tar Tech project to remove metals and nonmetals from landfill ash. That project ceased in 2019 and was decommissioned in 2020. He said that they got approval to build a mobile processing unit in the Tar Tech footprint, and the next phase 3 is permitted and construction will begin next summer.

Ms. Caceci explained that they must go to the state for DEP permitting, then go before the BOH for site assignment, and then if construction is involved, must go before the planning board, Community Development, and the Conservation Commission. In this case it is a minor modification, there will be no construction, and regulations required that a public notice of the hearing be published in two newspapers in English and Spanish. The notice went out by certified mail, and no public comments were received by the BOH, and asked Ms. Cameron for confirmation that this was in fact still the case. Ms. Cameron said that was correct. Ms. Caceci went on to say that once a decision is made by the BOH it has to be published, and once that is done, it will need to be approved by DEP. She said that the original permit was issued in 1993, then they came back in 2019 and made a few modifications at that time, like a slight change in liner slope and to add soils from street sweeping to their ash sources. She said that subsequently in 2021 approval was granted to accept SEMass resources and this modification will add that language. This request is to allow them to deposit up to 1500 tons of ash per day, not up to 700 tons. She said that the language in the City's permit allows 1500 tons minus what Covanta brings in. She said that the whole site has a maximum of 1500 tons per day, so Covanta PMA is looking for similar reciprocal language to have up to 1500 so the site does not exceed 1500 tons per day but can allow Covanta to use more of the daily capacity if City of Peabody does not use the full 1500 tons per day. She said they are looking to add condition to confirm that the two sites together will not exceed 1500 tons per day. Steve Melloni added that it is confusing, because they are not looking for an increase in the overall amount, but to have the flexibility like the city has the flexibility to use more of the 1500 tons. He said that they receive most of the materials from their Haverhill facility, so on Monday mornings they want to unload, so they want flexibility to bring in more so the Haverhill facility can clean its ash house at the beginning of the week, and so they will have the same flexibility as the city. Mr. Durkin

asked how do you coordinate with the City to ensure you do not exceed total amount. Mr. Melloni replied that in the scaling system when a truck comes across the scale, there is a limitation of 700 tons, it won't allow you to print a ticket on a scale if you exceed that amount. He said it will be simpler for them to do that if it is 1500 tons, and they will have to do coordination the day before bringing in materials. Durkin asked how do you know how much you will be dumping. Mr. Melloni replied that they send 18 trucks per day with as much as 650 tons per truck, and that usually on Monday and Tuesday they ship the most. Ms. Cameron asked what happens if a conflict arises with DPS and you both want to bring in a larger amount. He replied that right now our 700 tons is first, that they never go over, but in the future if this gets approved, they will have to go to the DPS director to tell him he can't bring in more than the remaining amount. Mr. Durkin asked if the city will be losing flexibility on tonnage. Mr. Melloni replied that he doesn't think so, but maybe they will be limited on those two days, but they can bring additional material in the other days. He said that he had already talked to DPS director about the need for flexibility for those two days. Ms. Cameron said she had spoken with the DPS director as well and he said he is not opposed to this modification. Mr. Durkin asked Dr. Fleet and Mr. Carli if they had any questions. None were put forth. Mr. Myhrum explained that within 45 days the Board will have to act, and 45 days concludes on April 10, 2023. He said the board can impose limitations so it will not present a threat to health and safety. He said that site assignment regulations allow for closing arguments but those are not needed here. The record will consist of recording and exhibits, and board members should review those materials. Decisions should be made and a notice must be published within 7 days. Ms. Cameron asked about the 45 days. Mr. Myhrum explained that the Board must act within 45 days. Mr. Myhrum thanked everyone. Mr. Carli made motion to close the hearing and Dr. Fleet seconded the motion. The Board agreed to close the hearing for a brief break.

At 6:09 Mr. Durkin re-opened hearing. Discussion ensued about how to proceed. Mr. Durkin asked if the board should wait until they have a chance to review. He said his opinion is that the Board should review the record and act on the site assignment at the next meeting. All agreed.

BUSINESS

Subject 1: Approval of minutes of January 26, 2023- Vote anticipated to approve or amend minutes.

Discussion: Mr. Carli made a motion to approve the minutes from January 26th 2023. Dr. Fleet seconded the motion. A vote was taken and it was unanimously agreed to approve the minutes.

Subject 2: COVID-19 response actions-a. Contact tracing grant updates

Discussion: Ms. Cameron said that she had sent the board a summary of the work of the regional contact tracing team that serves the 7 North Shore communities. She reminded that this grant was supposed to end June 30th but said that the state has extended them for another year. She said that, even though covid is old news to most, when people find out they have covid they are usually happy to get the call to make sure they understand the protocols and have the support they need to isolate. She added that the state has approved the use of unspent contact tracing funds to purchase things that people will need to stay in isolation like diapers, formula, gift cards for groceries, etc. so that is good news.

Subject 3: Proposed Regulatory updates: a. Proposed revisions to tobacco control regulations

Discussion: tobacco control regulation to consider

Inspector Suckney joined the meeting. Ms. Cameron said she had provided the board an updated draft of the Tobacco Control Regulations that includes state language. She said that they are specifically looking at retirement permit caps but also looking at changing some other language to clean it up and to reflect current ways of defining products. She said that the main substantive changes would be the retirement permit cap, an explicit prohibition on hookah bars, and changing to a single fining system (she explained that now we have 2 fining systems, one for local ordinance infractions and one for state law infractions, which is confusing). She said that the new language proposes unifying both under one penalty structure. She said that she and Joyce Redford have reviewed, and said it merges the state and local fines together, which will help end confusion going forward. She said that explicit definitions will help as well. She added that this will be a more regional approach as well. Mr. Durkin said he would be interested in hearing how these will help you. Ms. Cameron replied that these provide for more consistency across the region. Mr. Suckney explained that they took language that is used in other communities. He added that the single fining structure will be much more streamlined and minimize confusion for the regulated community. Dr. Fleet had a question on page 4, about flavor, asking if we added menthol, mint or wintergreen under examples, do we need to omit the language above. Ms. Cameron replied that when the state flavor ban went into effect they omitted those flavors but later added them. She said that we will omit, and clarify to say that any taste or aroma other than the taste of tobacco is prohibited. Ms. Cameron thanked Dr. Fleet for pointing it out. Dr. Fleet asked about the issue of coupons, and said it seemed there was a discount sign, and if the definition of coupon should also say sign or notification. Mr. Suckney and Ms. Cameron agreed that it was covered on page 12 which says selling through multipack discount, so said she won't change definition of coupon but will add language to add a reference to signs and thanked Dr. Fleet for the suggestion. Ms. Cameron asked if the board had any other comments or edits? None were put forth.

Ms. Cameron asked about board members' thoughts on setting a number for the retirement permit cap. She explained that there are 48 permit holders currently. She asked if the board wants to set the maximum at 48, and the number will decrease from there as establishments go out of business, but pointed out that in this model no new tobacco sales establishments can come in and open a new store, so no new owners unless they buy an existing store. Mr. Durkin said he likens these permits to a liquor store permit, but Ms. Cameron reminded him that it is a little different as they can't use these permits in another location. She said the board could set the cap to 49 or 50 and that would allow some new tobacco businesses to come in. Mr. Carli said it would prevent an owner from moving their business, so a permit kind of dies at that location. Mr. Suckney pointed out that we just allowed Central Street Liquors to close and open up as Main Street liquors at a new location, but Ms. Cameron pointed out that it is the only one in the 17 years that she has been with the city where someone was relocating an existing business. She said that in this case, they relinquished their license at the first location and applied for a new one for new location. Mr. Durkin said that he would be open to allow one more permit than what we currently have to allow that circumstance, but then still reduce their overall number through retirements. Ms. Cameron replied that we can do that and we will gradually reduce our number but will always have one more than the existing number, but added that she is not sure if there will be a big demand for a new business. Mr. Suckney added

that some current businesses have tobacco permits but don't sell any tobacco, for example, Amazing does not, but used to. Mr. Durkin said he might be more comfortable with allowing a business to pick up and move, so he would be in favor of setting the cap at 49, and we can revisit it again like we have been doing. Dr. Fleet agreed that it makes sense. Mr. Carli asked pointed out that, if someone new came in for a permit, we could be at capacity again, and asked if there is a way to secure one extra just for establishments that wish to change locations. Ms. Cameron said that she will look into doing that, setting the one extra for an instance where someone in the city wishes to move within the city but not available for a new business. Mr. Durkin and Dr. Fleet agreed. Mr. Carli moved to propose the new cap at 49 but with one of those designated only for a Peabody business that needs to move. Ms. Cameron asked if everyone was in agreement that the number of adult-only tobacco permits will be dropping to one for the one existing establishment, with the cap at one and not allowing any new adult only establishments to come in. Mr. Suckney asked if it is also going to retire once surrendered. Ms. Cameron replied yes. She confirmed that everyone was supportive of that. All agreed. She asked about the explicit prohibition against cigar bars and hookah bars, and all were in support. She asked about the language about instituting a universal penalty structure and all were supportive of that as well.

Mr. Suckney reminded that they had spoken about language stating that flavored tobacco products were not allowed on the property, not just on the sales floor. Ms. Cameron said we will say on the premises and clarify that it can't be there even for their own personal use. Mr. Durkin asked if we can go to public hearing next month. Ms. Cameron asked if they need to see another draft with the amendments. Board members agreed that they are ok with holding the public hearing next month. Ms. Cameron said that she will send a mailing to all current tobacco permit holders to make sure that they are aware of the proposed changes.

Subject 3b: Proposed Regulatory updates: b. Proposed revisions to City ordinance on vacant properties

Discussion: Ms. Cameron directed the board's attention to the issue of the proposed revision to the city ordinance. She explained that this proposed ordinance was initiated by the Mayor and is requiring abandoned or foreclosed properties to register with the city, and the city will charge a fee. She said that this is modelled on the Lynn program, which includes a good maintenance requirement, adding that the existing ordinance already lists these but doesn't include foreclosed properties, so this will include those. She said that the City has 20 abandoned properties right now and adding foreclosed will add a lot to the list. Existing language states that the building department oversees the enforcement, but they may be looking to the health department to oversee this in the future. She said that she wanted to let the board know this is on the radar. She added that Lynn has a fulltime employee dedicated to overseeing this, and we will probably not need someone full time here but we would need someone at least half time, and added that we don't want this function to be at the expense of other core public health functions like restaurant inspections, and the Board agreed.

Subject 4a. Environmental updates-a.Rousselot update

Discussion: Ms. Cameron reported that there were a number of odor complaints over the past couple of weeks, and said that Rousselot staff had undertaken some planned preventative maintenance on their 80' clarifier, and had purposely scheduled this during the winter but unfortunately it ended up being 60 degrees out. This process involves draining down liquid

and removing sludge, and in the past they were not doing this preventative maintenance and the rake broke and the system went septic, creating greater odors. This time they implemented a new process, where they pumped sludge through closed pipes into a building with new dewatering system. The work is done now and the complaints have stopped and hopefully this will stop the odors. Ms. Cameron said that they are willing to come discuss with the board if you would like them to. Mr. Durkin replied that he is satisfied with the current report, and the other board members agreed.

Subject 4b. Rodent control update

Discussion: Ms. Cameron reported that the department continues to receive many rodent complaints. She said that we have had some vandalism and theft of the smart boxes, and an officer found some of the boxes were moved to one of the homeless encampments and some were destroyed. She explained that the fertility control program is on hold because the bait freezes in winter. She told the board that there is a company in Denmark that makes a type of trap that has a piston that comes down on the rat's head and has put one in one of our sewers in the James Street neighborhood as a pilot, and we are monitoring this to see if it has an impact. Dr. Fleet asked if the city has tried dry ice as has been used in New York. Ms. Cameron said she was told by their contractor A-1 Exterminator they stopped using it due to a regulatory issue in MA, but she was not sure about the details.

Subject 4c. 3rd party inspection report – Peabody Landfill

Discussion: Reviewed

Subject 5a. Code enforcement updates- a.Housing: 29 Sabino Farm Rd; 14 Washington Pl; 26 Endicott St; 57B Garden Rd; 12 Fulton St.

Discussion: Reviewed

Subject 5b. Nuisances: 45 Lynnfield St; 2 Wheeler St; 21 Elaine Ave; 10 Caller St; 79 Lynnfield St; 9 Lynnfield St; 150 Lowell St.

Discussion:

Subject 5c. Tobacco: Peabody Vapors

Discussion: Ms. Cameron said that Peabody Vapors had filed a lawsuit about the tobacco permit revocation but she had not been informed until after the lawsuit had already been dismissed for lack of prosecution.

Subject 5d. Other: Inspection of Lockup Facility

Discussion: Reviewed

Subject 6a. Permitting updates- a. List of permits issued in January 2023

Discussion: Reviewed

Subject 7a. Public Health Nursing updates- a. January 2023 surveillance report

Discussion: Reviewed

Subject 7b. Public Health Nursing updates- b. Narcan distribution

Discussion: Ms. Cameron told the Board that they had implemented the Narcan distribution project last month. They did some training at city hall for staff and Chassea had gone out to businesses who requested training. She said that everyone in her office has been trained, they have given 84 doses out in less than a month. They are also talking to the chiefs about leaving Narcan with families at scenes of overdoses.

Ms. Cameron reported that she had looked into Dr. Fleet's Zylozene questions, and the Police Chief was not aware of it but had a bunch of seized narcotics at the drug lab and when the results come back he will let us know. He was not aware they it had ever been found locally before. Ms. Cameron told that she had issued a press release in the Peabody Patch, the Salem News and the Lynn Item about the Narcan distribution project, and Dan Rea of Nightside also did a radio piece on it, and the next day some community members who heard about it on the radio came in and asked for it. She explained that the state doesn't let them order a lot at one time. She said that she had ordered more last week, and it was shipped right away. She also explained that it is temperature sensitive and expires in 2 years so it shouldn't be stored in cars. She said that they package the Narcan with a resource pamphlet and fentanyl test strips.

Subject 8. School Health updates

Discussion: Reviewed

Subject 9. Correspondence: from DEP re: Peabody Landfill

Discussion: Reviewed

Next meeting date: March 23, 2023.

Adjournment: Mr. Carli made a motion to adjourn and Dr. Fleet Seconded the motion, all agreed, meeting was adjourned at 6:50 p.m.