

Meeting Notes from the Regular Meeting of the Peabody Board of Health, July 23, 2018.

In Attendance: Chairman Bernard H. Horowitz; Dr. Leigh Ann Mansberger, Thomas J. Durkin III; Health Department Director Sharon Cameron and Recording Secretary Lisa Greene.

The meeting was held at 3:00 p.m. in the lower level conference room, Peabody City Hall, 24 Lowell Street, Peabody.

Subject: Approval of Minutes from June 25, 2018 meeting.

Discussion: At 3:00 p.m. BH called meeting to order. BH asked for acceptance of minutes from June 23rd meeting. All approved.

Subject: Hearing regarding application for animal permit for up to 6 hens submitted for 43 Lynnfield Street.

Discussion: Applicant Seth Cohen was present, apologized for not attending meeting last month, explained that he had written down the wrong time and when he came he was unable to get in to City Hall and had missed the meeting. He explained that his church had bought chicks for children at Easter and six weeks later had contacted him because they needed someone to take the chickens, and he was willing since he had kept chickens before. BH asked if he planned to keep roosters and Mr. Cohen replied no, when males were hatched he had a woman from Middleton who would take them. BH explained about the rodent situation in Essex County and that the BOH might ask people with animal permits to hire a professional to exterminate. Mr. Cohen agreed. BH noted that inspector John Yale had been out to inspect in April and had approved the site and the chicken coop. BH asked if the members had any additional questions. TD and LM said they did not. Sharon Cameron said that there were no issues, just wanted him to be aware of the rodent issue in the area and to keep watch for signs of rodents. Mr. Cohen agreed. TD moved to approve the permit. All approved. BH explained that the permit is conditional and could be rescinded if BOH requirements are not met. Mr. Cohen said that he understands.

Action: Permit was granted.

Subject: Hearing regarding non-compliance with the Federal Food Code and State Sanitary Code at Kayla's Diner, 136 Newbury Street.

Discussion: At 3:10 BH opened the hearing. Operator did not attend or send a representative. BH reviewed the recent inspection history and the letter that SC had sent regarding several repeat violations and need for corrective action plan. The establishment was subject to an emergency closure earlier this summer, and then had reopened with several specific stipulations that the Health Department had required them to take, but they had not complied with those or the corrective action plan they had submitted. At their most recent inspection, the operator wrote a letter stating that they would voluntarily close permanently, in lieu of being ordered to close by the inspector. SC explained that they had put together a corrective action plan in an effort to re-open, but had not implemented it as evidenced by the 15 violations at the subsequent inspection. SC explained that the business has closed and it is opening under a new name and new management. BH suggested that the BOH stipulate that the new owners could not employ the former owners as managers or PIC. BH said that two issues are under discussion right now. Motion was made that the business not be allowed to reopen. All agreed. Motion was made that new owners would not allow the former owners to participate in the business in any ownership or management role, not as a Person in Charge, but would be allowable to employ them as a server or some other service-level employee. SC suggested that she could put in place language on the permit saying that the Health Department must approve

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any individuals slated to go into management role at this establishment. All agreed. SC added that both she and John Yale had spoken with the new operators and told them that the old operators could not be involved in management of their business, and that they agreed.

Action: Permit for Kayla's diner revoked, and language added to new owners' permit to not allow former owners to be involved in management of their establishment.

Subject: Hearing regarding an Order to Correct Violations issued to Robert & Pauline Glenn at 18 Winona Street regarding non-compliance with MGL C.111ss122,123, 127A and Massachusetts State Sanitary Code 105 CMR 410.000.

Discussion: BH called the hearing to order at 3:21. Timothy Glenn, son of the owners and caretaker of the property was present. TG explained that his father Robert had passed away and his mother Pauline is in a nursing home. He stated that no one is living there right now. BH explained that a neighbor had made a complaint and an inspection had been made and found discarded tires, tall grass, overgrown shrubs, unregistered vehicles. He explained that one of the vehicles is registered, and the truck is not running so he is trying to get that fixed because one of the cars is behind it and because he needs the truck in order to transport his lawnmower there. BH said that he had been given 14 days to comply, but asked how much more time TG would need to address the public health concerns. TG requested 30 days more. BH replied that that was too long since there is a rodent issue in Peabody and particularly this area and this situation was a problem and would need to be addressed sooner. TD said that the lawn height was the greatest issue, and BH asked if he could get the grass mowed by next Sunday or Monday, and get the vehicles out, then he could have two weeks to get the shrubs trimmed. TG said that was fine. BH explained that an inspector would be coming out to check. He added that the property would need to be maintained going forward as well. TG agreed.

Action: Owner has until Monday, July 30th to get grass cut and vehicles and tires removed, then has until August 6th to get shrubs trimmed. Inspector will go out to site to confirm.

Subject: Hearing regarding request for permit to perform microblading submitted by Kristin Scollin.

Discussion: BH called hearing to order at 3:29. BH asked for description of microblading. KS explained that they implant pigment into small cuts made into the eyebrow. She has been an esthetician for over 20 years, had a business in Danvers but sold it to focus on her eyelash extension business, but has clientele who are requesting the microblading. She explained that she had inquired in 2016 with John Yale about the requirements for permitting for microblading. She has done over 100 hours of training, but has been unable to find an apprenticeship program for microblading. She referenced a letter submitted by Julie Moon tattooing which supports her statement that apprenticeship programs are not available. She stated that she has done over 50 procedures for a total of over 150 hours of work. She said that she has trained under Brow Design International, and still submits photos of all of her work and receives feedback and correction. BH asked if she has any license in anything, tattooing, and she replied that she has an esthetician's license. She explained that she has been working under a woman who has been doing these procedures for over 20 years, and

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she has been her over shoulder supervisor. BH asked if her facility has been set up yet, and KS replied that it is not, because that would be a financial investment and she wanted to make sure that she can proceed with licensing. SC asked if all of the instruments are disposable or if they require sterilization, and KS replied that they are all disposable and she receives proof that they come to her already sterilized. LM asked if she puts down the lot number of the needles when she does a client, and KS replied that she does write down the type of needle and color pigment, but the lot number is a really good idea and she would do this. TD asked about permanence of the procedure, and KS replied that they are working on pigments that last longer, but for now it lasts 2-3 years. TD said he is more concerned about it if it is more permanent. KS replied that there are ways to correct errors with laser treatments. LM said that she feels KS has a lot of experience, TD said that he is impressed with the package KS has presented. KS added that she has already added microblading to her insurance in the event that she is approved, and has added an incident report form to her client files since John Yale had suggested one. SC explained that she is not a voting member of the BOH but wanted to disclose that she is a client of a hair stylist in the salon in which KS has her business. BH asked if there is a permit for microblading, and SC said she can create one just for microblading. SC said that she will change the permit language to specify that it is microblading only since she is not trained in the other micropigmentation techniques like permanent eyeliner. BH asked if there was a motion to approve the permit to perform microblading in Peabody; LM made motion and TD seconded, all agreed. SC explained that the BOH also needs to vote to approve the establishment permit as well, conditional upon the outcome of an inspection of the facilities once they are installed. BH asked for vote to approve the facility, conditional upon the successful inspection, and all approved.

Permitting updates:

Subject: Review of list of permits issued in June 2018- Vote anticipated whether to accept list.

Discussion: Reviewed. BH asked about whether retail establishments selling only prepackaged foods require a food permit under the state code. SC replied that the state has not yet adopted the Federal 2013 Food code, which does not consider establishments selling only prepackaged foods as food establishments, but the state might adopt the Federal 2013 code or could choose to do something more stringent. The big argument against getting rid of them from food code oversight is that permitting them helps with follow up on food recalls. On the other hand, not permitting them would allow the department with its limited inspectional resources to focus on those establishments that are more likely to pose a greater risk to public health. BH asked how many permits it would affect. SC replied that about 120 of the Peabody Food Permits are just prepackaged retail.

Environmental updates- no votes anticipated:

Subject: Rodent Complaints

Discussion: SC explained that the Health Department is getting inundated with rodent complaints. She added that the City Council has requested an update and also for the Health Dept to propose an ordinance around rodent control, adding that such an ordinance touches many City Departments, for example the Building department for building demolition projects, the parks department for how trash is managed, the fire department regarding dumpster permits, and public services in regard to

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projects where they would be opening up the roads, etc.. She explained that all departments are overtasked and would prefer not to take on any additional responsibilities, but without interdepartmental cooperation the situation can not be remedied. LM asked about the new plantings of ornamental grasses outside of the new Bancroft and Company restaurant at North Shore Mall, and said that it seems like it would be a haven for rodents. SC replied that she will follow up with the mall management. BH asked to return to the City Council request and asked how the Health Department can proceed with creating a rodent control plan as Council has requested and also get the necessary buy-in from all of the other departments. SC replied that she would set up a meeting to involve those departments and would propose some workable steps for all involved and see what the response will be, but would need to check with the Mayor to get his approval first. She said that she would have something for the BOH to review by the August meeting and hopefully be ready to go before Council with the plan by September.

Actions:

Subject: Northeast Nursery- Composting Report

Discussion: SC told board that there were two additional complaints received this month about odors at Northeast Nurseries in addition to those included in the packets she had distributed.

Actions: Reviewed

Subject: Other: Rousselot

Discussion: SC explained that she had received some new odor complaints about Rousselot from one woman. SC had contacted Rousselot and they claimed that the odor did not come from them. She added that she has asked Rousselot to come to the next meeting to update the board on the status of their odor control plan.

Subject: Request regarding natural gas infrastructure.

Discussion: SC reminded the board of their decision the prior month to allow T. Steven Jones to call in to discuss his request that communities sign onto a letter to the Governor to put in place policies to require a human health risk assessment prior to approval of any new natural gas infrastructure. TD said that he did not think that the request is unreasonable. SC initiated the call and TSJ thanked the BOH for speaking with him, explained that he had worked for the CDC for 26 years, is a board certified preventative medicine doctor, and, in the last year, had become very interested in issues around the safety of natural gas. He directed the BOH to a study on ventilation of gas stoves and chronic respiratory illness, explaining how this is one of a number of papers that demonstrate how gas stoves contribute to indoor air pollution, explaining that the burning of natural gas creates nitrogen dioxide and microparticles that are known to be significant respiratory irritants. He also referenced a handout which states that natural gas can be dangerous to children. He said that families with children with asthma might want to change from natural gas to electric stove. He went on to describe that in natural gas are contaminants such as benzene and formaldehyde that are carcinogenic, and that there are heavy metals including lead and mercury, radioactive elements such as radon, and other contaminants that the public should be aware of. BH asked about whether EPA

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regulates this. TSJ discussed that some contaminants, like Benzene, are burned off in the combustion process, but other things like radon and heavy metals like lead and mercury do not burn off and remain in the vicinity of the stove. People have been told that it is clean natural gas, but he feels it is important that people be informed of the dangers, because even he was not aware of some of the components of natural gas like radon prior to his work on the subject. He said that tens of thousands of people die prematurely from the effects of air pollution and people should be made aware of the dangers. BH asked what an independent Health Assessment would be. TSJ replied that the most important part is independent because we don't want National Grid or Columbia Gas to be the ones conducting the assessment. BH asked about the current studies and if we know who conducted them, and if it could have been politically motivated and conducted by the oil industry for example. TSJ replied that the one study he referenced was by the CDC and NHANES and is comprehensive, and he said there isn't any reason to think that it was politically motivated. He added that other studies by other researchers have also been conducted with similar results, and explained that the list of contaminants in natural gas was provided by the natural gas companies themselves and it is pretty reliable. SC asked about a map included in the packet which lists where the unrepaired gas leaks are in Peabody, wanted to clarify that he is asking for the BOH to support policies regarding any new natural gas infrastructure and that he is not talking about existing infrastructure. TSJ said yes, that is correct. TSJ replied that 140 gas leaks in this community is something that the BOH should know about, and is a way in which citizens are being exposed to natural gas and its contaminants. He suggested that the BOH could get in contact with National Grid to request that they fix the leaks. He added that communities who do their own surveys they typically find twice then number of leaks as are identified on that map he sent over, which is provided by the gas company. TSJ said that SC had attended the conference on this and has lots of materials that she can share and said to please reach out again if they have any questions and thanked the BOH for their service. SC asked if the board would like to vote on whether or not they would like to sign onto a letter to the Governor, and if so, which version they would like to use. BH asked for a vote on sending a letter to the governor regarding the need to require an independent health risk assessment prior to any new natural gas infrastructure work in the commonwealth. All voted yes to sending a letter. SC suggested that they use the shorter version. All agreed. LM asked if they should include more information on childhood asthma, and SC replied that she sees that as a separate issue, one of existing infrastructure, and that that piece, and the piece about asking National Grid to repair the gas leaks, could be addressed separately.

Actions: SC will draft letter for BH to sign for submission to the Governor.

Subject: Spring 2018 Environmental Monitoring at Peabody Whole Site Landfill

Discussion: The Board reviewed a report by Tighe and Bond regarding this site. The report stated, "TCE and associated breakdown products have been detected in the groundwater to the West of the Peabody Whole Site Landfill area. These chlorinated solvents are suspected to originate at an off-site release site at or upgradient of the Northway Industrial Park and are not due to the Peabody Whole Site Landfill area. MassDEP is aware of the monitoring data and has not required additional assessment work beyond a study completed by Roux Associates, Inc., for the former Vortex site located at 4 Dearborn Road in 2003."

Public health nursing updates (no votes anticipated):

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Subject: Review of surveillance data.

Discussion: SC reported that Chassea Robinson is doing some health fairs and is bringing the bite lab to educate on the dangers of tick and mosquito borne illnesses. BH noted two Salmonella cases and a suspected polio case were identified. SC explained that one of the Salmonella cases was linked to a larger statewide outbreak. BH asked about the report of polio vaccinations being administered at the High school, asking why these kids had not already received the vaccination at younger ages. SC said that she believes that in many cases people have received one but not the whole series of the polio vaccination. BH asked about the obesity numbers and wondered how the Peabody numbers compare. SC said that she will do a comparison of Peabody versus the state numbers for the Board for next month.

Actions: SC will prepare a comparison of obesity rates for Peabody versus the State figures.

School Nursing Updates (no votes anticipated):

Subject: Annual Report

Discussion: Reviewed

Grant Updates:

Discussion: Reviewed. SC explained that the EP grant is delayed as it has been in recent past years, so the EP staff haven't received contract yet, and last year they did not receive grant agreements until November. On the Opioid grant they have reached an agreement with Lynn that they will hire another person to run the task force here in Peabody and Salem. She also told that she had submitted a grant proposal to the Attorney General's Office in response to an RFP for programs that address social determinants of health, and one of those is housing so we put together a proposal with Danvers to hire social workers who could accompany housing authority inspectors, health and building inspectors or the police in cases such as homelessness, hoarding or other needs such as a need for connection to healthcare or other services. She added that there is large need for these services. The proposal requested funding for 3 part-time employees for two years, a total of .75 employees for each community per year for the total \$250,000 grant if awarded. SC acknowledged that sustainability will be an issue after the grant expires, but said that they might look at private foundations and to the income received from the payments of fines to support the position after the grant expires.

City Council Responses:

Discussion: Reviewed

Review of Enforcement cases (no votes anticipated):

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Chapter II: 3 Anthony Rd.; 25 Paleologos St.; 102 Main St.; 126 Lynnfield St.; 9 Brookside Path;
1118 Cranebrook ay; 66 County St.

Discussion: Reviewed.

Nuisances: 7 Newhall Pl.; 15 Raymond Circle; 34 Mt. Vernon St..

Discussion: Reviewed.

Regulatory Review-

Vote to Table Draft “Regulations to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Marijuana”

Discussion: BH asked the BOH to take a vote to table the work on draft regulations regarding the sanitary and safe operation of Marijuana establishments and the sale of Marijuana since the City Council has passed the ban on recreational marijuana sales. All agreed to table this for now.

Review of Draft Host Community Agreement for Registered Medical Marijuana Dispensaries.

Discussion: Reviewed. SC explained that the City Council had approved a draft community host agreement and included the three items she had proposed: money for the school based health center, money for the Healthy Peabody Collaborative for prevention work, and money for training for other staff at the middle and high school on drug use recognition because staff may see students for disciplinary events but need training to identify the health issues such as substance abuse as well. She explained that the requirement is that the costs requested must be tied to costs associated with the sale of Marijuana in the community, and all of the things she has asked for are tied to the issues that may arise with a greater availability of Marijuana.

Cryogenic Therapy-Review of Dedham Board of Health regulations.

Discussion: Reviewed. BH explained to LM that this had come up the prior month and that they had wanted to have this discussion with LM present to get her opinion on the topic. LM replied that she is concerned about cryotherapy in general because the AMA does not recognize it as a valid treatment, and because a worker has died in connection with cryogenic therapy, from asphyxiation due to the oxygen poor environment caused by the liquid nitrogen used in the treatment. She explained that she is glad that they are having a discussion about regulating this. LM said that we need to require that these facilities do a screening before treating a person, and should require a note from a doctor saying that they are healthy enough to have this treatment. She also pointed out that the reference to people should not use if taking certain medications without stating which

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medications. SC suggested that the first order of business is to determine if the BOH wants to regulate these facilities. LM replied yes, and all agreed. LM pointed out that since sports stars like Tom Brady use this treatment that many people will use it despite warnings that it is not regulated or approved by the FDA. BH noted that there is language here that requires an emergency phone at the site much like we require it at public pools. BH said that the BOH will keep this item on the agenda for next month. SC said that she sees these as a good starting point and asked if they have any suggestions for how to tweak the Dedham regulations that they should send them to her. SC explained that she may not have time by next meeting to work on both cryotherapy regulations and tobacco regulations, and TD replied that he sees the tobacco regulations as being the more pressing at this time, and all agreed.

Review of Template Regulations Regarding Restricting Sale of Tobacco Products

Discussion: Reviewed. SC summarized by explaining that the three main issues not yet covered by Peabody regulations are the flavor restrictions, prohibition of sales in pharmacies, which she explained may pass on a statewide level but also might not, and the third thing would be capping the number of permits allowed in the community. BH replied that he is unsure on the capping issue. LM replied that she has no problem with limiting permits, because they are not saying no tobacco permits, but rather that we know that tobacco is bad for you, we have enough sales in the city, so why would they want to have more sales. SC added that the rationale is that there is going to be a limit on the number of sites for marijuana sales, there is a limit on the number of alcohol permits, so it is an attempt to get people to see tobacco as they see those other substances. Another side piece to this is the issue of all of the drug paraphernalia we see in corner stores is because they claim that it is a tobacco related product and one benefit of limiting the number of permits then you are limiting the number of places selling those items as well, when it is really drug paraphernalia. BH asked if this cap would apply to someone looking to open a vaping shop. SC replied that it would. SC explained that if you cap it at the existing number they would have to wait until someone gives up their permit, and it is not transferrable to another party. LM stated that she feels it is reasonable to cap it because tobacco poses a significant public health problem like alcohol, and she thinks limiting tobacco permits makes sense since we have plenty of data showing that tobacco is bad for you, and while we are letting people make their decisions based upon the information they have, but why should we create additional opportunities for them to access it. BH wondered if it could be challenged in court. SC said that a lot of communities already have these rules in place and are not being challenged. LM pointed out that we do it for alcohol. SC noted that we currently have 62 establishments permitted for tobacco sales in Peabody. TD said that there is a permitting process as part of the special permit process for entertainment that states that there must be a public need for the use and with 62 establishments already there isn't a real need. SC said that these establishments don't require a special permit, but TD said that the premise remains the same and they can base their decision on a similar reasoning. BH pointed out that if they focus on that tobacco is poison then we can say as the BOH that it is in the interest of public health to limit the number of tobacco sales permits. LM agreed that it is reasonable to do so. SC said that she was looking for feedback which of the three suggested pieces they would like to include, and she would create a draft for a vote at a later time. LM said that the flavor issue is about marketing directly to kids, and SC added that we are not making flavored products unavailable, just making it harder for kids to access it by allowing it only

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in 21 and over tobacco sales establishments, like the Main Street Smoke Shop as opposed to convenience stores, which makes it harder for underage you to access it. TD said that he would like SC to focus on writing a draft for review next meeting, and they could tweak it and put it out for public comment the following month. TD asked about the reasoning for the prohibition of selling tobacco products in pharmacies, and SC read that the sale of tobacco products is incompatible with the purpose of a health care institution. LM pointed out that hospitals slowly added regulations to get rid of smoking in hospital rooms, then inside, and now it is not allowed anywhere on hospital campuses. TD said that he is not sure about the pharmacy prohibition. SC said that they could wait and see if the statewide pharmacy ban passes. SC said that she would check to make sure that this is included in the state bill and will let the BOH know next month.

Correspondence for review (no votes anticipated)

Subject: From Cooperstown Environmental re:15-18 Crowninshield St.; From Cameron Re:128 Newbury Street; From DEP Re: 15 Emily Lane; From MWRA Re: May 2018 Water Quality Update.

Discussion: Reviewed. BH brought up the letter SC wrote to Curt Bellavance, Director of Community Development, regarding 128 Newbury Street. It states that the site has a water source that could be a habitat for mosquitos and rodents. SC explained that it used to be the site where a billiards parlor was located. BH explained that before it was billiards it was a machine shop that used to dump chemicals, which contaminated the Pine Street well, which is closed because of the contamination with chemicals. SC said that it is not completely cleaned up and is an active site that is still being monitored by DEP. BH said that before the site gets developed we are looking for an integrated Pest Management Plan, and SC said yes, there have been a lot of rodent complaints in the neighborhood adjacent to the site.

Subject: Other Items: Funeral director request re: unclaimed body

Discussion: A local funeral director has an unclaimed body and has asked SC to declare a public health threat so that he can cremate it and dispose of it. She has looked into the public health regulations and state law and there is nothing dealing with this situation. She also contacted the MDPH and the state board of funeral directors for guidance. Based on their feedback, SC said that she is not inclined to declare this a public health threat, but wanted to make sure the BOH is ok with that. She said that she would recommend that the funeral director go through legal channels including placing an ad looking for next of kin and seeking a court order to allow them to proceed with cremation. All agreed with this decision.

Next Meeting: August 27th at 3:00.

Adjournment: 6:02 p.m.

Filename: 7-23-18 minutes.docx
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Title:
Subject:
Author: Lisa Greene
Keywords:
Comments:
Creation Date: 8/22/2018 11:05:00 AM
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