

Regular meeting of the Board of Health, January 25, 2018. In attendance: Chairman Bernard Horowitz; Thomas Durkin; Dr. Leigh Ann Mansberger; Sharon Cameron; Lisa Greene: lower level conference room, Peabody City Hall, 24 Lowell Street, Peabody.

SUBJECT	DISCUSSION	ACTION
APPROVAL OF MINUTES from December 18, 2017.	At 3:00 p.m. BH called meeting to order and called for vote to accept the minutes of the last meeting minutes. LM requested one typographical error be corrected. BOH unanimously accepted minutes of last meeting with that correction.	SC will correct error in minutes.
HEARING		
Hearing regarding order to cease and desist issued to Casella Waste Management Systems, Inc. regarding non-renewal of offal permits.	BH read hearing notice. Jack Manning of Casella Case Management was present. BH explained that JM had requested the hearing, and asked SC if check had been received for renewal. SC explained that they had received a check but no renewal application had been received so there was no information provided on the number of vehicles, etc., so they could not process the renewal. Multiple calls were made to Casella but no response was received, so a follow up letter was sent. SC had reached out to her contact, learned he was no longer working there but was given another person's voicemail and left a message and received no response, and finally left another voicemail before issuing the cease and desist order. JM explained that the company had a similar issue last year. He explained that Steven Culleton, the last manager, was remiss in submitting the renewal and it subsequently ended up costing the company extra money last year. JM then asked his staff to ensure this year that this was taken care of, and ensured that the check was processed. He explained that there has been a separation of employment with Steven, who had left shortly after mailing the check, and the holidays came. The letter from the City had been sent to Rutland Vermont address on the check, as opposed to Forest Street in Peabody so there was a lag, and he received the voicemail when he returned from vacation and replied right away. BH asked if everything had now been received and SC said yes, the question now was the fee, since the normal fee is \$50 per vehicle but the fee to renew after the permit expiration is \$100 per vehicle, so the issue before the BOH is the fees. BH asked how long JM had been with the company and he responded nine years, but that it is generally the operations manager's role to ensure the renewal is taken care of, but again that person's employment was separated and there were some issues there and it was not handled. BH asked if the check had been received for the \$50 per vehicle amount. SC said it had been. TD said that sending the check showed their	BOH will waive penalty but if completed renewal application and fee are not received by the deadline next year the penalty fee will be imposed and not waived.

	<p>intention to renew at least. BH suggested that the BOH accept the \$50 per vehicle and waive the penalty and release the cease and desist order, and all were in favor. SC added that a great deal of extra follow up and effort was required by her staff and requested that, given that it was the second year in a row that there has been this issue, should they encounter this next year that the board impose the penalty fees, and the BOH agreed. JM said that he would support that. SC asked if a new operations manager was now in place but JM said that is still in process. SC asked that she be sent that name as soon as the person is in place. BH asked if there are 50 trucks, and JM said yes. BH asked if they are all for Peabody and JM replied that they serve a large region up to East Boston and store all of their vehicles at the Peabody site. SC said that there had been some complaints of rodents in the area and that she had been working with the former operations manager on that issue. JM pointed out that there is also a transfer station across the street, to which SC replied that they had contacted all businesses in the area about this. JM said that they do not have a pest control problem in their facility but do have a contract with a pest control company that comes each month and switches out the bait but they have very little pest issues. BH asked if the trucks are emptied every night before returning to the site. JM said that as a rule they are but cannot say that it is always the case because there are situations that arise with traffic and problems at the end site that make that impossible, but it is always the intention to have them emptied before returning because they work on the trucks at night and need them emptied to do that. BH thanked JM coming in. The Hearing was concluded at 3:14.</p>	
<p>Hearing regarding the order to correct violations issued to Pine Brook Estates regarding non-compliance with MGL 111 ss 122,123, 127A and Massachusetts Sanitary Code 105 CMR 410.000.</p>	<p>SC explained that this hearing was being postponed for a month at the request of the attorney for the condominium association who had requested the hearing. That attorney has consulted with the city solicitor and the attorney for the occupant and they assented to a continuance because a contingency plan has been put into place where condo association will accept responsibility for anything that would happen in the intervening month, and the BOH will have this before them next month. BH said that he feels that a unit owner had other legal remedies and thought they should deal with this on their own and said that it doesn't even seem to be relevant under Chapter II. SC replied that it falls under Chapter II because there is a section that deals with condo associations being responsible for common areas and said that the owner had tried to handle this on their own for two years and there was quite a bit of water running down the walls when the inspector came. She said that she encourages condo owner to investigate all other avenues before getting involved. SC added that the attorney</p>	<p>Postponed. Hearing to be included on next month's agenda.</p>

	had said that the extra time would be helpful since they were having contractors in to put a plan together. SC said that the problem seems to arise when there are ice dams.	
Business		
Permitting updates		
Review of list of permits issued in December 2017 – Vote anticipated on whether to accept list.	Reviewed. BOH voted unanimously to accept list.	
Review of Orders to Cease and Desist due to non-renewal of permits.	SC pointed out that several year-end cease and desist orders have gone out, but most have now been wrapped up, but not all. Dunjaski Dairy has not yet responded so they will follow up with him. She added that there are also some animal permits not renewed. Some of these are cases where owners are now giving up their animals but there are a few others but since the city animal inspector has to inspect these once per year she will work with her and ask her to look for these in her next round of inspections. SC explained that one challenge for the department to enforce is the offal permit holder which are harder to enforce because they don't know which private business have contracted with which haulers. She has reached out to the fire department since they issue dumpster permits to share their information to see if they can match dumpster permits with those that should have offal permits. BH suggested that they should see if they could add to their application a request for the name of their offal vendors, who their commercial contracts are. TD added that they could require them to inform if they change contracts. BH asked if offal in the ordinance refers to only things like animal waste and grease. SC said she would double check.	SC will confirm definition of offal in ordinance.
Recycling Initiative	SC explained that DEP has monetary incentives to promote recycling. The program is called recycling dividends program and to be eligible for this money we have to have a minimum of eight points and for the number of household we have each one of our points is worth \$3,500 so the amount of money is sizeable, a minimum of \$28,000 up to \$84,000 depending on what we have in place.. Peabody right now has just seven points so we are not eligible yet and are looking at ways to earn additional points. It was suggested that the city adopt as other neighboring communities are considering a requirement that commercial trash collection be required to bundle trash and recycling, so that businesses have to purchase trash and recycling. This is a way to promote recycling and to reduce waste. This would have to be	BOH will continue discussions on this issue at future meetings.

	<p>done as a board of health regulation or a city ordinance, but was just being introduced now for their consideration and would be put before the mayor to learn his opinion. BH asked if there is already an ordinance in Peabody requiring recycling and SC replied that this is handled by procurement so the city provides recycling for residential trash but this new policy would require it for businesses as well since there is currently no enforcement of the existing state regulations prohibiting companies to dispose of recyclables in the trash stream. DEP gives points for creating this requirement and for making it harder for trash collection companies to offer trash collection without recycling. SC wanted to get first thoughts on whether this is something they should consider and if so would put on the agenda for further conversation and for consideration by the Mayor. All agreed that this is a good idea. TD asked about how this process would be introduced to businesses, and SC replied that a public hearing would be held and advertised and additional outreach to businesses would be done. BH pointed out that there are considerations such as space to keep recycling containers. SC pointed out that there is already a prohibition from putting recycling into the waste stream under state requirements and this change would simply be a tool to enforce the state law. TD asked about new regulations about food wastes. SC replied that there is already in place a regulation that prohibits commercial food waste from going into the waste stream but applies only to larger scale institutions like college campuses, but this may trickle down to smaller establishments later. She added that DEP is pressing for home composting and if a community implemented it they could earn a point with the state as well but said that she is unsure about making a move in that direction at this point given the rodent problems that residents continue to deal with. LM asked on that note if SC had thought any more on the possibility of creating an integrated pest management plan for the City. SC explained that their regional district incentive group of cities and towns had some available funds and she had suggested this project for those funds as it is better to approach this as a region. That group voted this morning to go forward with that project on a regional basis. SC informed the BOH that Beverly, Newburyport and Salem are also considering the mandatory recycling plan.</p>	
<p>Environmental Updates</p>		
<p>Review of Operations and Maintenance</p>	<p>BH asked to bring the board’s attention to a point in the operations and maintenance report saying that the metals recovery system, Tartec, not the whole landfill, has been closed and will be for several months, and asked if there have been any complaints during that time about dust on cars from the business across the highway because that might be something that</p>	<p>BOH will note if any complaints of ash are received from neighbors during period of time the</p>

Report, Peabody Ash Monofill.	would show that the dust could actually come from that process. SC replied that they had not had any complaints on that issue in some time. BH also noted a line that said that the scale house attendant maintains logs to monitor water activity, and asked if there was a system in place for sending out the water trucks, was it done every day, or if the scale house attendant just makes a determination of when to send out the water truck. SC replied that it is not done every day and believes that the attendant makes a determination. BH replied that he hopes that that person who takes on that extra responsibility is qualified and can determine when there is a need for dust control.	metals recovery operations is closed down.
Regulatory updates		
Review of Smoking exemption for Private Clubs-vote anticipated as to whether to propose amendment of regulations.	BH asked about proposed state regulations he had received by email from the MAHB. SH said that the state had just sent out two documents, one is guidance for municipalities regarding marijuana, which includes a link to the proposed state regulations, and the other is a review of the draft regulations and a memo prepared by Cheryl Sbarra, who works for the MAHB Tobacco Control Project, which highlights some of the issues that municipalities may face. BH said that he reviewed the actual proposed regulations as well because he hoped that there may be references there that might prohibit smoking marijuana in private clubs. SC replied that she did not think that was likely since part of the regulation that passed talks about cannabis cafes and lays out rules about how to set these up. BH suggested that they go on to review the proposed revised local smoking regulation language. The proposed language change now states “This exception shall not apply to the smoking or vaping of marijuana, its extracts, or other products containing cannabis or tetrahydrocannabinol.” BH pointed out that the police chief had expressed concern about not only second-hand smoke but for the safety of those who are smoking it and difficulty of servers to identify impairment especially in a venue where alcohol also being served. SC pointed out that the change to exclude marijuana smoking was also made to the ordinance section dealing with smoking in hotel rooms. BH made a motion to accept the proposed changes to the language of the BOH regulation, which clarifies that the exemption for smoking in private clubs and hotels does not apply to marijuana or its related products, and to hold a public hearing to receive comments on these changes. LM seconded the motion and all voted in favor.	The BOH will hold a public hearing on the proposed changes to the BOH environmental smoke regulation regarding smoking exemptions and private clubs and hotels and marijuana smoking.
Public health nursing updates		

Review of surveillance data	Reviewed. BH asked about the numbers of reported cases of influenza. SC reported that the information provided in the BOH packets did not include the updated numbers, which show that in January of 2017 there were 19 cases of influenza in Peabody and in January of 2018 there were 51 as of this date, including 10% of one elementary school the prior week. The city issued a letter home to all parents regarding guidance on handling the flu, including instructions to keep children home until it has been 24 hours without fever without the use of fever reducing medication, and the advice to get the flu shot. This notice was also placed on the city's FaceBook page. Guidance on cleaning high touch surfaces was given to the elementary school and that cleaning was done there.	
NS MVP project	SC updated the BOH on the mother visiting project. She explained that people are loving this project. She reminded the BOH that the project includes home visits by nurses to new mothers but also allows them to take an online lesson and receive a certificate to receive a free baby box and it has been very popular.	
School Nursing Updates		
Monthly report	Reviewed.	
Staffing update	SC reported that the city physician has resigned, so they will be looking to contract with a new city physician. She is waiting to hear back from Lahey whether they will continue to provide this service, which is critical because the city cannot be without one. She explained that the current physician wants to leave as soon as possible but will stay on until another can be found. She explained that the role of the City Physician is to write standing orders for things like the immunization clinics, and if a complaint is ever received on patient care the city physician would review records to try to identify the issues and make recommendations. Another significant piece of news was that the mayor has approved the hiring of a new full-time school nurse immediately so they are in the process of hiring someone now.	
Grant updates-no votes anticipated		
City Council responses –		
	BH pointed out that a response was written by SC to the City Council regarding a trucking company, CEVA logistics, that may from time to time handle potentially hazardous materials. He explained that it was important that SC noted the reference to the fact that they do	

	sometimes handle these materials and requested that they demonstrate that they have procedures and policies in place for when they do handle these types of materials, such as special handling and designated storage areas.	
Review of enforcement cases		
Chapter X:532 Lowell Street	BH noted that a letter was received from the owner of the business who had been before the board the previous month for a hearing. SC explained that the business was closing for good in March and that the health inspector had been out and found everything was in good order and that the owner was present at that time, and she had explained that she had fired her staff and was closing the restaurant when she could not personally be there. Because the inspection was favorable and because the owner requested a reduction in the amount of the fine that had been imposed the prior month, SC had reduced the amount by 2/3 and a fine of \$300 was paid by the owner.	
Chapter II: 55 Holten St.; 196 Washington St.; 7 Park St.; 1001 Pine Brook Way; 41 Forest St.; 12 Crowninshield St., 2 Hancock St.	Reviewed. BH noted that at 7 Park Street there was a complaint of second hand smoke. The BOH had replied that that was the responsibility of the condominium association. BH noted that there had been an emergency condemnation and order to vacate at 41 Forest Street due to a fire. SC explained that the fire was started by unsafe electrical wiring, and there were hoarding issues and there was no working heat or plumbing in the building so the Fire Department had called the Health Department and the inspector informed the resident that the building was condemned, and allowed the tenant to return to remove his belongings for 24 hours but said that he could not stay because there were no systems in place. The resident moved from the property. BH asked about 2 Hancock Street, heating systems not functioning and using space heaters and stove to heat, were given 24 hours to comply. SC replied that they had fixed the issue.	
Nuisances: 150 Main St., 170 Newbury St.	BH noted trash at 150 Main Street seems to be an ongoing issue. SC replied that JY would continue to ticket whenever the issue is observed. BH asked what had occurred at 170 Newbury Street which was listed as having a violation of smoking regulations. SC explained that the complaint was regarding people smoking outside on patios.	
Title V: 176 Newbury St.	BH re the BOH has not yet received a plan for the future of that site which is currently a manufactured housing community, but they are monitoring the site and providing monthly reports and there has been no breakout over the past several months since they had been before the BOH.	

Homelessness Task Force Update	<p>SC reported on Cold Weather Emergency Shelter that had been set up for the homeless in a local church during an exceptionally cold spell last month. They did not have many takers, but had expected that it might be the case partly because of the location, which is in Centennial Park, and the known homeless are closer to the downtown area. She added that the City would be conducting its annual homeless count the following week, and the good news is that it appears that the numbers of homeless have been greatly reduced and we will know more after the count has been completed. Since the number of people identified living out of doors was so low during the extreme cold spell, the Health Department paid for hotel rooms for the few that did come looking for shelter as it was more cost effective than opening and staffing the cold weather emergency shelter. She explained that the Task Force is investigating other locations of churches closer to the downtown area that may be used for these events in the future should the need arise. BH asked if a police officer found a person sleeping out of doors if that person would be brought to this shelter. SC replied that they would but clarified that the shelter is only opened during severe cold or other weather emergencies. A vehicle was sent to Haven from Hunger to see if any persons at the evening meal there was interested in using the shelter. SC explained that some members of the clergy were on the Homelessness Task Force and were discussing these issues and trying to identify a better location for the shelter. She added that the City pays for staffing during these cold weather emergencies so the church would only be required to provide the space and of course the space would have to be inspected to meet building and health codes. LG added that the state law designates that these emergency shelters can only be in a church facility. BH asked what constitutes a church since anyone can designate themselves a church. LG explained that the state law states that it must be a location whose primary function is for religious functions. BH said that he knows some locations are not handicap accessible or sprinkled, but SC replied that it does not have to be sprinkled but has to have smoke and carbon monoxide detectors and have emergency signage for egress. SC explained that the shelter was not widely advertised and was focused on the group of people known to be currently living out of doors in Peabody, but despite that the Red Cross somehow learned of it and sent over a couple from outside of Peabody who were looking for shelter, but since the shelter was not staffed until 8:00 and they did not want to wait they found other arrangements.</p>	
Review of Integrated Pest and Vector	<p>BH noted that the report allows for an exclusion from spraying of a specific address. SC explained that there needs to be a request put in annually to allow for the spray vehicles GPS systems to be programmed to shut off in those areas. BH asked about the reference to aerial</p>	

<p>Management Plan from Northeast MA Mosquito Control District</p>	<p>spray. SC relied that the aerial spray would only be put into use under special circumstances such as when a case of EEE in a human is identified in an area, and this happened once recently on the south shore. It is only done when authorized by the MDPH and usually requires a declaration of emergency. BH asked if there were cases of West Nile Virus. SC replied that three years ago there was a school nurse who had West Nile Virus, and last year there were mosquitos identified with West Nile but no human cases identified in Peabody. TD asked about the problem of sitting water in things like tires, pools, and SC replied that they receive complaints of abandoned pools and other issues, and explained that anything can be a breeding ground for mosquitos from a dog bowl to a wash bucket and it is up to the owners to remain vigilant to empty sitting water and prevent mosquitos from breeding. SC explained that the state does mosquito testing but limits the number of pools they will conduct in a community. She explained that in this area there are both urban mosquitos and salt marsh mosquitos. BH noted that the share for Peabody of this regional bill is 4.48 %, which is \$82,210.90.</p>	
<p>Correspondence for Review- No votes anticipated</p>	<p>BH noted that there had been an oil spill at 7 Webster Street. Engine One of the Peabody Fire department had responded on January 12th for a large oil sheen on Webster Street. They observed a large oil tank at this residence with a large split down the seam and oil spill. Rudy's Oil Company was able to pump about 75 gallons of oil out that remained in the tank and an estimated 100 gallons of oil was spilled. David Ahern from the Fire Department stated that apparently either they were selling or giving away waste oil to neighbors. DEP was notified of the spill arrived at around 1:30 p.m.. DEP was given a verbal report and was put in charge of the scene at which point DA and PFD cleared the scene.</p>	
<p>Other Business: Water quality Updates.</p>	<p>BH read the MWRA district Water Quality Update which stated that their Carrol Water Treatment Plant was undergoing winter maintenance and during that time half of the facility would be closed. TD stated that the MWRA manages that facility and if the BOH members ever wish to tour the facility he could bring them to do that. BH asked about the Coolidge Street Water Treatment Plant that had been shut down due to a fire, asking if it had come back online yet. SC replied that it had not and the City was purchasing water from the MWRA to make up for the loss of that plant. She added that it should be coming back on line within a couple of months.</p>	
<p>Other Business: Follow up on</p>	<p>SC stated that she has information to follow up on the BOH's question last month re: Aggregate Industries' Noise report, specifically, the details on how they were able to reduce</p>	

reasons for Aggregate Industries Noise reduction.	the noise levels at their site. She had been told that they in the past had used wire screens on their crushing equipment but now had replaced those with rubber screens which had reduced sound levels.	
Other Business: Special Commission on Local and Regional Public Health	SC gave an update on the Special Commission on Local and Regional Public Health that she had been asked to participate in. She explained that she sits on two Task Forces there, a Workforce Qualifications and Development Subcommittee; and Standards Subcommittee. On the Workforce Subcommittee they have not yet come to a consensus, but on the Standards Subcommittee they have come to a consensus that everyone in the state of Massachusetts should be entitled to a minimum set of services regardless of the type of community that they live in, and they agreed on what that minimum set looks like. The committee agreed that it should be more than what is legally mandated but probably less than a fully accredited health department. They had discussed wanting to create the ten essential public health services and discussed what those should be, and have found a document called Foundational Public Health Services that match up with those ten essential services so that is what the committee recommended and they will see if it is adopted. SC gave members a summary handout on that document. BH asked how often the group meets, and SC replied that they are meeting frequently, twice a month in Worcester, which requires an entire day with travel, and since the group was set up by special legislature and they are working against the clock to produce a report. She added that the structure subcommittee will look at models of how to best implement these services.	
Other Business: Disabling comments on FB page	SC explained that she had been receiving disruptive comments in response to some postings she had placed on Health Department Facebook Page and asked the BOH if they are in agreement with her blocking comments from being left on the Health Department Facebook Page. All agreed that it is fine.	
Next Meeting	Thursday, Thursday, February 22nd, 2018 at 5:00 p.m.	
Adjournment	4:47 p.m.	

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