

Regular meeting of the Board of Health, April 24, 2018. In attendance: Chairman Bernard Horowitz; Thomas Durkin; Dr. Leigh Ann Mansberger; 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	DISCUSSION	ACTION
APPROVAL OF MINUTES from March 22, 2018 meeting.	At 3:00 p.m. BH called meeting to order. BH asked for approval of minutes from March hearing. TD requested additional time to review. BH stated that the BOH will vote on those minutes at the next BOH meeting.	BOH will vote on approval of March 22 Meeting minutes at May BOH meeting.
HEARING		
Hearing regarding application for animal permit submitted for 45 Coleman St.	BH read the hearing notice which was a continuance of a hearing from 3/22 for Stephanie Magnarelli regarding her request to keep 6 hens on her property. Joseph Magnarelli, her husband and co-owner of the property, was present and stated they had never received the notice of the prior hearing. SM is a veterinarian and very knowledgeable about caring for animals. Discussion about the issue of rodents and the fact that that the BOH may be requiring permit holders to hire exterminator to assess and treat their property if necessary, which might add to the expense of keeping chickens in the future. Discussion that the BOH might suspend permits if it appears that the chickens are attracting rodents or creating nuisance conditions. JM expressed understanding. BH reviewed testimony of neighbors who attended or wrote in prior to last hearing. JM said that he has spoken with most of his neighbors and addressed their concerns. SC asked if he had spoken with Michael Liggierro, who had provided testimony about his concern that chickens would attract rodents and coyotes; he had not. LM made motion to approve, and all voted in favor of up to 6 hens being kept on the premises. SC explained the need for an inspection of the coop once it has been built,	BOH unanimously approved permit application, conditional on passing inspection of coop.

	and JM agreed to contact Health Dept for inspection. Hearing concluded at 3:15 p.m.	
Informational hearing regarding City of Peabody drinking water quality. (no votes anticipated)	<p>Hearing commenced at 3:15. SC explained that beginning in early March the Health Dept started receiving complaints of a very strong odor in the drinking water from Winona Treatment Plant. The Department of Public Services worked closely with the consulting firm Weston and Sampson, who explained that the odor was due to an algae bloom. The DEP was notified and water testing was conducted. The results showed that the water continues to meet all drinking water standards, with no restrictions on usage. The City has been flushing lines and they believe the issue has been resolved, and they are no longer receiving complaints. SC attended a conference in April and attended a session on drinking water safety, in which she learned that they are seeing more and more of these algal blooms across the country. EPA stated that the issue is aesthetic, and the only health risk would be if there were cyanotoxins detected. Tests here demonstrated cyanotoxins were not present in the Peabody water. SC introduced DPS Director David Terenzoni to discuss the issue further. DT introduced engineer Bruce Adams of Weston & Sampson. BOH member Tom Durkin interjected at this point to ask that it be placed into the record that he is employed by MWRA, adding that he is also a resident of West Peabody and drinks the water there. For full disclosure, TD also handed out a written statement that said that he is employed by the Massachusetts Water Resource Authority, and that the MWRA has been in discussions with the City of Peabody to provide additional water to the City. He stated that he has also made all of the necessary disclosures with his employer, and that he has no beneficial interest in the City's decision to purchase additional water from the MWRA. Bruce Adams of Weston & Sampson stated he has worked on Peabody water since 1990. He explained that in Late February temperatures went up to 70 degrees, ice melted, and brown algae was released. Water from the Ipswich River flowed in and brought nutrients and the algae bloomed in a day. This is rare and had never happened like this before in Peabody. Due to increased variability in the climate, they are seeing</p>	

these sort of issues arise more frequently and they have a response plan ready. Two things are used to address this issue: copper sulfate is added to the pond where the Ipswich River comes in, which is important to keep algae down. Copper sulfate application is done in the winter, spring and sometimes into summer, so that Cyanobacteria, which produce cyanotoxins, are kept from developing. They monitored levels and added the CuS compound through February 1st. However, the required permit was late in being renewed, so there was a gap in applying CuS in Feb-March, and that had an impact on the algae levels. Going forward the permit will be applied for early, the copper sulfate will be added without a gap and during the winter when water is pumped in when the river is high, the water will be tested at the pump station. The filtration system gets rid of the algae, but when algae dies it has a pretty nasty odor, and even in small amounts that odor travels far. For issues like turbidity and disinfectant residual, if levels are off then the system is designed to shut down so that there is a safeguard. Algae does not affect pH. In the water world it is known that this smell is algae, so they tested for that and to determine what type. This type usually runs its course in about 2 weeks, but this time the algae rebloomed. A Permanganate feed was set up (which is an oxidant) which is not harmful and within 2 days got algae under control and got rid of smell at the sources, but it took longer to flush from the entire system. They cannot simply treat to kill all bacteria because some algae are needed to keep the dangerous cyanobacteria in check. BH asked how often they check the water for cyanobacteria. BA replied that they typically check after a bloom occurs, and it typically presents with a blue-green color, so there are lots of warning signs. One thing in the plan going forward is for Solitude to monitor ponds. BH asked if this will mean that they won't need permanganate, but BA replied that they will still need it, this has happened before and could happen again, and the best test is to take a glass of water and heat it and sniff and it will have the odor. BA stated that there are routine tests for lead and copper, and for pH. BH asked about if the schools are tested for their water quality. SC replied that there have been extensive rounds of

tests for lead and copper in all Peabody Public schools, and all fixtures were taken off line if unsafe lead levels detected, some were unnecessary and will not be replaced but others are being replaced. DT added that it was mostly older fixtures in classrooms that were no longer used that were found to have lead issues. Tim Healy, the City Facilities Manager, is overseeing the replacement of those bubblers, faucets, etc. He added that it is corrosion in pipes that causes the problems, and here we routinely treat the system with anti-corrosives, but in places like Flint Michigan there were no anticorrosives used. Mayor Bettencourt had entered for this hearing, and reported that his office had received a great number of calls, and reported that he had experienced the odor at his home as well. He told how he and Dave Terenzoni spoke daily with DEP, something like this was unexpected in February, and with the low water usage that time of year, the issue was made worse because it took longer to flush the system. Another factor was that this happened in Winter, with new storms hitting frequently, and they could not safely flush hydrants without causing dangerous conditions. He explained that they sent water samples into the DEP labs and asked DEP for their input, and the tests were negative for cyanobacteria. He told that the City has entered into an agreement with Solitude Lake Management to do additional testing and treatments year- round, so that we are taking preventative measures and not just being reactive in the future. Testing for cyanobacteria is not a required routine test, but this testing will be done regularly going forward.

BH asked if anyone else present intended to speak on the water issue. Mark O'Neil, Ward 6 City Councilor, introduced himself and inquired about the copper sulfate permitting issue, and asked what happened, what was missed in that process. DT replied that that permit is really a notification process where the City informs DEP of their plan, and an NPDES permit must be obtained to administer algaecide. The City does this every year, but with a change in staffing there was a gap. Mayor Bettencourt interjected that there was no alarm because they did not expect a bloom at this time of the year. Going

	<p>forward they are aware and will not let this happen again. BH asked if the recent change in water disinfection processes had any impact on this, and DT replied no. DT added that the only thing some other towns do but we do not is to use activated charcoal filter. SC asked about testing at residences as she knows water tests are conducted at places like fire stations. DT explained that this is because there is a need for consistency, for regular access to the building to test on a regular schedule which is more difficult in a residence. DT reminded the BOH that there are no lead pipes in Peabody, just lead gooseneck connectors, and when doing any construction these are replaced as well, replacing about 40 per year. The meeting was adjourned at 4:00 p.m.</p>	
<p>Hearing regarding non-compliance with regulations of the Peabody Board of Health Restricting the sale of Tobacco Products and Nicotine Delivery Products at 117 Newbury Street. A vote may be taken to modify, suspend, or revoke the tobacco and/or nicotine Delivery Products Sales Permit and/or the food establishment permit.</p>	<p>BH read the hearing notice. Business owner Sajad Sofi was present, and Joyce Redford of the North Shore Tobacco Control Program and Liquor Licensing Board Chairperson Mini Dakos also were in attendance. SC explained that in March the BOH had held a hearing regarding the sale of a tobacco product to a minor at this location. That had been a second offense and the Board had imposed a fine of \$250 and imposed a 3-day suspension of the Tobacco and Nicotine Delivery Product sales permit. The Board had instructed SS to call by the Monday following the hearing to tell which 3 day period he would choose for the suspension. Mr. Sofi did not call, so SC called him, and SS chose the dates of April 2nd, 3rd, and 4th for the 3 day suspension. SC instructed SS on what must be done for the suspension: all tobacco and nicotine products must be removed from the premises for the three-day period, and stated that she and Joyce Redford would conduct a site visit on 4/2 to confirm that he had removed all of the products. A letter dated March 27 was hand delivered to SS on that date, and SS called SC later that day to discuss his interaction with the inspector, and SC again explained what was required. On 4/2, SC met JR at the site and found that while the tobacco products had been removed from the display cases behind the sales counter, they found numerous other tobacco products in cabinets and boxes in the store, such as cigars, liquid nicotine, vape devices, and boxes of cigarettes were stored under the sales counter near the cash register. SC and JR</p>	<p>BOH issued a 30 day permit suspension to occur May1-May30th.</p>

explained that SS had not complied with the terms of the suspension, SS said that he didn't understand that he had to remove everything from the store. He also claimed to not be aware that some of the products he had on display were nicotine delivery products. SC and JR were at the store for several hours working with SS to remove products but at that point still not all of the product had been removed, and the letter from March 27th lay unopened on the counter. SC informed SS that failure to comply with the suspension was a separate violation. SC and JR left and returned the following day, April 3rd, and found that he had complied. BH addresses SS, saying he was surprised to see him before the board again. SS replied that he didn't know he had nicotine products there, he had been in the store until 3:00 the night before they came to remove and took all that he could but didn't have any place to put everything. He said that he was unaware of what products had nicotine, saying that what he knew had nicotine he removed. He explained that he reached out to a former boss who has now trained him. BH replied that the fact is that SC had called and explained what needed to be done, and asked why he had not opened or read the letter. SS replied that the reason is because he cannot read or write English. SS introduced his former employer, Raphael Guzman, who was the manager of the 7-11 store on Lincoln Avenue in Saugus, and told how SS had asked him to guide him so that he can get better at what he needs to do. BH replied that SS had been before them 3 times in the past few months. Joyce Redford added that SS claimed not to know what liquid nicotine was, and had been displaying it on the counter on top of energy drinks. TD added that even if he didn't know what some of the stuff was, like the liquids and vapes, he still had cartons of cigarettes under the counter by the register, not locked, and a variety of different brands ready to sell, and asked why he hadn't removed them as instructed. SS replied that he had forgotten. Raphael Guzman asked to speak, and explained that SS is now recognizing his mistakes and has reached out to him for help and is willing to cooperate and do whatever is necessary to work on his mistakes. TD pointed out prior history of noncooperation and noncompliance. BH

	<p>moved to suspend the tobacco and nicotine product sales permit for 30 days beginning on a date the BOH would decide. LM stated that if the BOH decides to issue just the 30-day suspension SS must learn from it or risk permanent revocation of the license. SC added that the BOH will have to decide whether or not to issue a new permit as of May 31st, adding that there are 12 pages of requirements for this permit and there are multiple other issues besides the requirement not to sell to minors. BH stated that SS would have to sign off stating that he had someone translate the regulations for him and that he understands. He added that, under the regulations, the BOH also has the right to suspend the food sales permit, but added that he is not suggesting that they do that at this time. BH stated that as of May 1st through May 30th the suspension would be imposed, and that no tobacco or nicotine delivery products could be in the store as of May 1st, and if there were, the BOH would convene an emergency meeting and would vote on revoking the permit permanently. LM chose to abstain from the vote stating her grave concerns about these incidents. BH asked for a vote and BH and TD agreed to the 30-day suspension effective May 1st. Mini Daikos stated that SS can still sell food and liquor. JR reminded SS that she would be in to check during the suspension. The hearing was closed at 4:45 p.m.</p>	
<p>Other item: Discussion re state template tobacco regulations</p>	<p>SC explained that there are parts of the state template tobacco regulations that the City had not adopted in the past, but suggested that we may want to add them in. These include a cap on the number of tobacco/nicotine permits allowed, a ban on flavored tobaccos/nicotine, and a ban on tobacco/nicotine sales by health care facilities. JR explained that Saugus, Beverly, Danvers, Lynn, Salem, Hamilton, Wenham all ban non-FDA approved nicotine delivery products in health care facilities, including pharmacies. She explained on the flavors issue that the federal government banned flavored cigarettes in 2009 but failed to include other tobacco products like cigars, chewing tobacco, liquid nicotine, which is why they would like to add that language now. SC asked if the BOH would like to put this item on the agenda for next month, all agreed.</p>	<p>SC will add discussion of adding language to tobacco regulations to April BOH meeting.</p>

Permitting updates		
Review of list of permits issued in March 2018- Vote anticipated whether to accept list.	Discussion and approval of amended language to animal permit application that BOH may require pest control as a condition of the permit. SC will give members copy of guidelines given to animal permit applicants.	Unanimous approval of amended language.
Environmental updates- no votes anticipated		
Rodent Complaints	Review and discussion of data showing rodent complaints and proximity to animal permit holders. SC stated Health Dept staff will be filming a rodent control program for Peabody cable access TV.	
Northeast Nursery- Composting Report	Reviewed. Noted that no odor complaints received yet this season.	
Landfill Soil Gas Report	Reviewed. BH read from the report for the record, “in conclusion, for reporting for 2017, the GCR landfill areas are required to report to the US EPA using the electronic GHG reporting system and the Mass GHG registry, using an E-DEP system, however, the City of Peabody landfill and Peabody Monofill associates areas are exempt from the reporting requirements because they generate less than the 25,000 part of CO2e. TD asked if GCR landfill is required to report on one specific month since they did exceed that level that month, but BH and SC replied that it is referring to exceeding for the entire year. He asked if it was expected to exceed, and asked if the exceedance is concerning. SC said that she does not know but would check with the engineer on this.	SC will check with engineer on exceedance.
Third Party Inspection report for Wood Recycling Transfer Station	Reviewed. BH pointed out on page 14-15 the report by SIT environmental states no deviations from the applicable performance standards and no additional requirements identified, so they are in compliance.	
CBD Products	SC explained that she is meeting with about CBD products to discuss possibility of going out to educate people working at convenience stores about these products. She explained that the Walpole Police Department and the Norfolk County DA say that these products are illegal but there are some	

	differences of opinion on this so each community will decide on their own how to address.	
Regulatory updates		
Public health nursing updates- no votes anticipated		
Review of surveillance data	Reviewed.	
School Nursing Updates-no votes anticipated		
Monthly Report	Reviewed.	
Grant updates- No votes anticipated		
	Reviewed. SC reported on the status of the emergency preparedness grant, and the two consultants working on EDS plans and social media. She explained that they are in discussions with two possible businesses regarding signing on to be closed point of dispensing locations in the event of an emergency.	
City Council responses		
77 Main Street, 3 Bourbon St., 795 Jubilee Dr., 36B Walnut St., 145A Summit St., Aggregate Industries Annual Report.	Reviewed. BH asked about a City Council response in regard to Granite Coast Brewing regarding the possible issue of odors from the brewing process. SC has been told by other health agents with breweries that the main odors were from grain waste and if not emptied daily can be an odor issue and can draw rodents, so those points were being put into requirements for the brewery. TD asked about 145A Summit St, SC explained that it is a preexisting licensed food business that did not have a retail customer component but now will.	
Review of enforcement cases- no votes anticipated		
Chapter II: 258 Washington St.; 22 Pulaski St.	Reviewed.	

Nuisances: 79 Lynnfield St.; 82 Newbury St.; Sunset Drive	Reviewed.	
Regulatory Review		
Review of template “Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and Sale of Marijuana.” – No votes anticipated	SC explained to other board members that there was a plan to hold a public hearing this month on these proposed regulations, but she and BH had discussed and since the recreational marijuana vote was coming before City Council this month they decided to hold off on the public hearing. BH asked to go through the template regulations and provided feedback on typographical errors and some suggested edits.	SC will work edits into a draft.
Gun Violence	SC reported that more communities have signed on to this letter.	
Other issues: Pinebrook Condominium	SC reported that Pine Brook has provided the mitigation plan as requested, only for the one unit that had been cited by the BOH. All agreed that this plan met the obligations of the hearing.	
Correspondence for review (no votes anticipated)- From Dept. of Housing and Community Development re: Objection to Proposed Amendment to Family Estates Cooperative Park Rules and Regulations	Reviewed.	
Other items: Next month some variances coming before the Board for new food establishments.	SC explained that some new food establishments would be opening at the mall, and some would like to be open wall style, so there would be variances required. LM asked about smoking, and SC replied that the mall is a no smoking facility.	
Next Meeting	Thursday, May 24th, 2018 at 3:00 p.m.	
Adjournment	6:03 p.m.	

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