

## **BOARD OF HEALTH MINUTES – February 1, 2007**

The meeting was called to order by Chairman Edmund Kowalski, at the Danvers Senior and Social Center Great Room at 7:00 P.M. with the reading of the public notice, posted by the Town Clerk. Also in attendance were: Linda Carroll, Member; Robert Kellard, M.D., Member; Peter Mirandi, Director of Public Health; Mark Carleo, Public Health Inspector; and Tracy Camarro, Public Health Nurse. Stephen Prendergast, Emergency Management Coordinator and Marian Myers, Epidemiologist were excused.

### **MINUTES FROM THE DECEMBER 07, 2006 MEETING**

The Board unanimously voted to accept the minutes of the December 7<sup>th</sup> meeting of the Board of Health.

### **PUBLIC HEALTH NURSE'S REPORT**

Nurse Camarro summarized the 2006-2007 Influenza Vaccination Clinics for the Board. Two clinics were held at North Shore Community College and one was held at the Senior Center. Approximately 1000 people were vaccinated at these three clinics. Nurse Camarro also administered vaccine at the schools and sent notices out to Meals-On-Wheels recipients offering vaccination services. Mirandi praised Nurse Camarro's efforts during this annual public health intervention. The Board echoed his sentiment.

In addition, Nurse Camarro is working to implement a comprehensive wellness program at the Senior Center. Components will include nutritional counseling, healthy cooking classes, and opportunities for physical activity and exercise. The Board will be provided with updates as progress is made.

### **VARIANCE REQUEST**

The owner's of Cigars 'R' Us, Frank Ciampa and Tony Guarino were present to request a variance from the Board of Health's Environmental Tobacco Smoke Regulation to allow smoking inside their retail tobacco store. Chairman Kowalski asked the applicants to present their request. Ciampa began by reminding the Board that he had previously applied for a variance but was told by the landlord that they could not smoke indoors and therefore the hearing wasn't scheduled. Now the business has moved and the new landlord has approved of smoking indoors. Ciampa further stated that they do not sell lottery tickets, magazines or candy and that no one under 18 is allowed in the establishment. He claimed that during the cold winter months he loses much business and by granting this variance, his business will improve. He cited examples of other retail tobacco establishments which allow smoking and believes that this negatively affects his business as well. Ciampa believes cigarettes should have been banned many years ago due to the chemicals added to them to enhance their addictive properties, and in contrast he sells only premium cigars that contain only natural tobacco which do not hold the same harmful properties as cigarettes. He defended his store stating he is not a drug pusher, but instead offers a product that millions of Americans enjoy at a relaxing pace and is recreational in use. Co-owner Guarino presented the Board with the specification sheets for their air purification system. Kowalski opened the floor to any interested party.

Nick Pascuito, the owner of the surrounding buildings is concerned that the tobacco smoke from this establishment will present a nuisance to his many tenants and asked the Board not to approve the variance. John Zavaglia voiced his disagreement about Ciampa's statement on the health effects of

cigar smoking. DJ Wilson, attorney for the Massachusetts Municipal Association agreed with Mr. Zavaglia and further stated that air filtration does not work and in this day and age, suggesting that tobacco smoke in any form to be safe is irresponsible. Joyce Redford of Tobacco Control strongly urged the Board not to take any step back in their progress towards reducing illness and death resulting from the use of and exposure to tobacco smoke. Mr. Zavaglia presented the Board with several documents about the ineffectiveness of air filtration in reducing or eliminating carcinogens in the air and the dangers posed by cigar smoking. Ciampa re-buffed the claims of danger posed by cigar smoke stating the studies cited were for cheap blended cigars such as “Phillies” which do contain dangerous additives and that their studies do not apply to his products. He provided the Board with a petition “... to allow smoking indoors at Cigars-R-Us...” which contained 206 signatures. Owner of a neighboring business, Goodies Ice Cream, John Palmisano stated that he hopes that Cigars ‘R’ Us sells as many cigars as he sells ice cream cones, but that the smoking in front of the business negatively effects his business. He asked that if the Board provides a variance from this regulation that they be required to discontinue smoking outdoors. Several clients of Cigars ‘R’ Us spoke as proponents of granting this variance. Ellen Graham, landlord for Cigars ‘R’ Us stated that contrary to Mr. Pascuito’s statement, there are no apartments upstairs and does not believe these locations share a common wall.

Dr. Kellard made a motion that the Board continue this item until the next meeting. The motion was seconded by Ms. Carroll and passed unanimously.

Also under tobacco control, Mirandi informed the Board that Mr. Zavaglia’s proposal for a ban on outdoor smoking within 25 feet of the entrance to a building is on the warrant for the May Town Meeting. In his proposal, the enforcement authority is charged to the Board of Health. This is beyond the authority of the Board and is therefore unenforceable as written. The Board of Health hoped to have an opportunity to offer an opinion on this warrant article.

#### FOOD SAFETY

Carleo updated the Board on the activities conducted under the FDA Voluntary National Retail Food Regulatory Program Standards. Danvers was the first jurisdiction to enroll in this program and Carleo is currently going through an assessment of training needs by the FDA. This involves very lengthy inspections to observe his actions and procedures.

#### DISEASE INVESTIGATION REPORT

Mirandi asked the Board to continue the disease report until the next meeting. The Board unanimously continued this item.

#### PEST AND ANIMAL CONTROL

#### ANIMAL HEALTH

Carleo gave an update on the rabies control program:

	<u>Since Last Meeting</u> (12/07/06)	<u>Year to Date</u> (Beginning July 1, 2006)
Cat bites	0	0
Dog bites	0	3
Wild animal bites	0	0
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TOTAL =	0	3

Mirandi informed the Board that he has successfully moved the 12 hours per week paid to the Animal Control Intern from the operating budget to salaries and wages.

#### LICENSING & PERMITS

Carleo reported the following permits have been issued since the last meeting:

Type	Monthly <u>Since Last Meeting</u> (12/07/06)	YTD <u>Year to Date</u> (Beginning July 1, 2006)
Body Art (Indv.)	0	0
Body Art (Est.)	0	1
Disposal Works	0	1
Food Est.	0	1
Funeral Dir.	0	0
Mass Est	0	1
Motels	0	0
Pools	0	0
Rec Camps	0	0
Septage Haulers	0	0
Tanning Est.	0	0
Man Housing	0	0
Wells		0
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Total	0	4

#### PUBLIC & ENVIRONMENTAL HEALTH VIOLATIONS/NUISANCE INVESTIGATIONS

	This Month (Since the last meeting)	YTD (July 1, 06)
Air Quality	1	6
Animal Health	2	3
Bathing	0	0
Food Safety	0	7
General Env. Health	0	0
Housing	9	35
Hazardous Waste	0	0
Institutional Sanitation	0	2
Pest Control	0	7
Recreation Camps	0	0
Solid Waste	1	7
Swimming Pool	0	0
Tobacco Control	0	0
Wastewater	0	0
Water	0	0
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TOTAL =	13	67

## WATER STREET EXPLOSION

Mirandi attended a meeting with Jan Schlichtmann, an attorney who is advising the neighbors affected by the blast. At this meeting, Mirandi provided the neighbors with information on “Right-to-Know”.

## UPDATE – MENNINO BROTHERS

Mirandi informed the Board that they have installed charcoal filters and since then, there have been no detectable odors or complaints. They will remain under surveillance for the near future.

## UPDATE - SHADY OAKS

Mirandi informed the Board that Shady Oaks he had been informed by the Town Engineer that the proposed plan to make corrections to their waste-water disposal systems had been approved.

## UPDATE – SENIOR CENTER FOOD SAFETY

Mirandi informed the Board that we have retained Al Scoglio, RS of AlSCO Food Check to conduct training for Senior Center Food Handlers on February 6<sup>th</sup>.

With no further business at hand, the Board adjourned at 9:00 P.M.

Respectfully submitted for your approval,

Mark L. Carleo, CEHT  
Board of Health Clerk