

BOARD OF HEALTH MINUTES – DECEMBER 07, 2006

The meeting was called to order by Chairman Edmund Kowalski, at the Peabody Institute Library Danvers, Gordon Room at 7:05 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; Stephen Prendergast, Emergency Management; and Tracy Camarro, Public Health Nurse. Marian Myers, Epidemiologist was excused.

MINUTES FROM THE OCTOBER 5TH AND OCTOBER 11TH MEETINGS

The Board unanimously voted to amend the minutes of October 11th to accurately reflect the acceptance of the minutes of October 5th. The Board unanimously voted to accept the minutes of the October 11th meeting as written.

TOBACCO CONTROL UPDATE

In attendance for a public hearing was Shawn Leppanen, an employee of Dave's Mobil on Maple Street. This employee was on duty and made a sale of tobacco products to a minor in a recent compliance check by Tobacco Control. Also in attendance was Joyce Redford, Director of Tobacco Control and DJ Wilson, attorney for the Massachusetts Tobacco Control Program. Redford informed the Chairman that this employee was not fined for selling tobacco products to a minor, rather Dave's Mobil was. Therefore, Mr. Leppanen was not representing the proprietor of the establishment in question and is not eligible for a hearing. The Board expressed their displeasure with Mr. Leppanen's failure to demand proof of age prior to the sale of tobacco products. Board Member Carroll also strongly expressed her displeasure with the absence of management from Dave's Mobil.

Also present was John Zavaglia, a Danvers resident who has asked the Board to amend their Environmental Tobacco Smoke regulations (ETS) with the intent of banning smoking within 25 feet of the entrance to all public buildings and workplaces. Mirandi informed the Board that this has been proven to be impossible to enforce, however he asked the Board to amend the ETS by removing paragraph 5 which would remove open-air outdoor or sidewalk seating from Section F, entitled *Exemptions*. Mr. Zavaglia demanded the Board pass a ban on smoking within 25 feet of the entrance of all public buildings and workplaces immediately. The Chairman asked Attorney Wilson how a private entity such as the Liberty Tree Mall is able to enforce a 150 foot smoke free zone at all of their entrances. Attorney Wilson responded by stating that the Management of the Liberty Tree Mall maintains lawful control of the use of their premises and has a security staff which may enforce the policies of the Mall Management. He further stated that local board of health officials do not have the training or authority to demand an ID from an individual. Chairman Kowalski asked Mirandi about the possibility of conducting outreach and trying to start this on a voluntary basis. Mr. Zavaglia stated that during his research he found that voluntary efforts produced poor results and that the Board must exercise their authority provided in Chapter 111, Section 31 of the Massachusetts General Laws. Member Carroll stated she is not prepared to vote for such a ban. She wishes to receive input from the Police Department regarding enforcement activities and advice from Town Counsel on the definition of "reasonable" as used in Chapter 111, Section 31 of the Massachusetts General Laws. Attorney Wilson again explained to Mr. Zavaiglia that the Board of Health does not have the authority to order an individual to produce an ID. Mr. Zavaglia asked if the Police Department could be deputized as agents of the Board of Health similar to the School Department. Attorney Wilson explained that the Police Department in that situation would be acting as agents of the Board of Health and reminded Mr. Zavaglia that the Board of Health does not have the authority to order an individual to produce an ID.

Mr. Zavaglia provided the Board with photographs of patrons and employees smoking on Maple Street in front of Cigars 'R' Us and stated that he has witnessed employees and patrons enter the store with lit cigars. Redford offered to follow up on Mr. Zavaglia's complaint. Mr. Zavaglia reminded the Board that environmental tobacco smoke is toxic and that his wife has asthma. He further stated that after very short periods of time spent at the entrances to Market Basket or Goodies Ice Cream she suffers negative health consequences and that it is the Board's duty to adopt his proposal. Attorney Wilson reminded Mr. Zavaglia that the Board of Health does not have the authority to order an individual to produce an ID. At this point, Member Dr. Kellard made a motion to amend the ETS as Mirandi had suggested. Member Carroll seconded the motion and the vote was unanimous. Ms. Redford reminded Carleo to run a legal ad and forward the amended regulation to the Department of Environmental Protection. All parties thanked the Board for their time and consideration. The Chairman asked for Mirandi to continue investigating adopting and enforcing Mr. Zavaglia's proposal, to study the current budget for money which could be allocated for outreach on this topic and welcomed Mr. Zavaglia back to continue this discussion in the future.

WATER STREET DISASTER – Environmental Health Assessment

Present for introductions and a brief report on environmental health activities were affected residents of Bates Street and Riverside Street, as well as representatives of the Environmental Protection Agency, Mike Nalipinski and Angela Bonarrigo; Kate Robins, Centers for Disease Control and Prevention, Agency for Toxic Substances and Disease Registry; Michael Celona, Massachusetts Department of Public Health; and Massachusetts Department of Environmental Protection. Mirandi began by asking all parties involved to introduce themselves. Bonarrigo from the EPA announced the availability of a new website containing all relevant data can be found at www.epa.gov/ne/danvers. They will distribute their data to residents weekly and will continue to do so over the next few weeks. Mike Nalipinski provided the Board and residents with his timeline of events. The EPA arrived on scene on November 22, 2006 at approximately 5AM. They discovered fire runoff discharging into the Waters River that contained elevated levels of Volatile Organic Compounds (VOC). Thru a contract with the United States Coast Guard, Clean Harbors showed up to assist in the immediate cleanup. He discussed air sample data collection which measured the distribution of chemicals spread during the event. They found low levels initially which dropped off over time. Using the chronic risk based thresholds, because they were the most conservative, the ATSDR and MDPH determined that all chemicals were below background levels. EPA is continually conducting real-time air-monitoring on the site to determine the need for Personal Protective Equipment levels for responders. EPA has collected air samples from around the area while the site is not being disturbed. This provides background levels and the ability to evaluate their clean-up methods. Nalipinski has provided the neighbors with his cell number and if any neighbor smells anything in their home, they should call him and he will immediately respond. Nalipinski reinforced the notion that all of their activities are all undertaken to protect the neighbors. At the site, they are beginning to undertake more hazardous portions of the clean-up. 20-25 EPA contractors are on site. Chairman Kowalski asked what types of chemicals are on site. Nalipinski stated they have inventories showing 15,000-20,000 gallons of various chemicals. Their processes involved the use of VOC's to make inks and dies. He further stated that several barrels contain solids that are tar like. There are 6 underground storage tanks containing solvents that hold 9000 gallons each. Member Carroll asked about dust and air contamination at the homes in the neighborhoods to the north. Nalipinski stated that the minimal amount of chemicals released don't persist in the environment, especially after receiving an inch of rain the following day. A resident of 46 Riverside Street asked what time sampling was done. Nalipinski explained that sampling was started two hours after the explosion. The resident expressed his concern with this data gap. Michael Celona explained that chronic exposure scenarios were used

and that there is no data available for acute exposure scenarios. The same resident asked what has settled on the ground. Nalipinski explained that VOC's by nature volatilize in air and dissolve in water. The initial fire burned so hot and for so long that much of the chemicals were burned off and dispersed to the atmosphere and on Thursday it rained one inch. Rotem Marabella of 52 Riverside Street asked if it would be absorbed by the soil prior to evaporation and if the chemicals when mixed become something else or take on any type of synergistic properties. Nalipinski stated that most of these chemicals were dispersed into the air by a huge fire that burned for a day. The same resident asked why there were discrepancies between the two health consultations. Tom Marabella asked why the numbers of a certain chemical went up from report one to two and asked if they are expected to keep going up. Robins stated that either way, they are below any level that would cause a threat to health. Rotem Marabella asked for an explanation of comparison values. Celona explained that comparison values are used to determine what to look at and are not a determination of risk. The EPA has promised that they are taking this very seriously, have their labs working 7 days a week and provide data in a timely fashion to neighbors. However, they will use solid science and not provide data that is incorrect. The EPA is working to enhance their ability to get the info out to the neighbors and understands that they are disappointed with their outreach services so far. Mirandi recommended a Public-Involvement-Plan for the site. He asked that someone obtain ten signatures from the neighborhood in order to continue this discussion. Mirandi also announced that on December 20th at the Riverside School they should attend a presentation on the environment impact investigation. The EPA and DEP will be better prepared for this presentation. Carroll asked the EPA MDEP, CDC and MDPH to clearly state that they would not allow the residents back into their homes if it was a threat to their health. They all agreed that it is safe to re-enter their homes and neighborhood. The neighbors asked if there was any acute risk. ATSDR and MDPH replied in the negative. The neighbors asked if there were any symptoms they should be looking for. Nalipinski stated that the nose can detect odors below acute and chronic levels of concern and if they detect any odors, they should contact him immediately. A resident of 48 Riverside asked if he can guarantee that the children playing in the neighborhood during the cleanup will be safe. Nalipinski stated that he would be comfortable with his own children playing in the street there. A resident asked if anything could have been done to prevent this. Mirandi informed the residents of the "Right to Know Act" and Prendergast explained the duty of Local Emergency Planning Committees (LEPC). He discussed the prevention methods CAI undertook such as sprinkler systems and underground tanks. The LEPC gets annual Tier II reports which declare all chemicals on site. They had no issues in the past, and we must wait for the results of the investigation to determine if this could have been prevented. As the discussion evolved into zoning issues in this area of Town, Chairman Kowalski advised all the residents to be at the Riverside School on December 20th. Mike asked that we collect themes for this presentation. The residents were advised to contact the Board of Health with concerns they would like addressed at the December 20th meeting.

SUB REGISTRAR FOR BURIAL PERMITS

Mirandi asked the Board to appoint C.R. Lyons as a special agent of the Board of Health or "sub-registrar" for the issuance of burial permits on nights, weekends or other times when Mirandi is unavailable. The Board agreed and unanimously appointed C.R. Lyons as a Sub-Registrar for Burial Permits.

EMERGENCY PREPAREDNESS

Stephen Prendergast was present to provide the Board with an educational video on emergency preparations. The Board asked Prendergast to re-appear at the next routine meeting to present this video. Prendergast also informed the Board that Health Division staff performed well during the

recent disaster. He discussed food safety issues which arose at the shelter and how they were dealt with.

FLU CLINICS

Nurse Camarro gave the Board a summary of the three flu clinics held in November and December. The first two clinics were conducted at North Shore Community College and approximately 600 people were vaccinated. The third clinic was held at the Senior and Social Center. There is plenty of vaccine left and Camarro is accepting appointments at her office.

DISEASE INVESTIGATION REPORT

Mirandi gave the monthly disease investigation report.

The following diseases have been reported since the October 5th meeting (10/05/06):

	<u>Since Last Meeting</u> (10/05/06)	<u>Year to Date</u> (Beginning July 1, 2006)
Aeromonas Hydrophilia	0	0
Babesiosis	0	1
Campylobacter Enteritis	2	3
Chicken Pox	0	0
Cryptococcus neoformans	0	0
Cryptosporidium	4	5
Dengue Fever	0	0
Ehrlichia Chaff.	0	0
Ehrlichiosis	0	1
Giardiasis	1	2
Group B Strept	0	0
Hepatitis A	0	0
Hepatitis B	4	4
Hepatitis C	0	1
Influenza	0	0
Legionellosis	0	2
Lyme Disease	1	11
M.R.S.A.	0	0
Aseptic Meningitis	0	1
Bacterial Meningitis	0	0
Neisseria Meningitis	0	0
Pertussis	1	1
Salmonellosis	1	3
Shigellosis	1	1
Streptococcus pneumoniae	1	2
Toxoplasma IGG	0	0
Tuberculosis	1	3
Tuberculosis follow up	0	0
West Nile Virus	0	0
Yersinia Enterocolytica	0	0

TOTAL =	17	41
PEST AND ANIMAL CONTROL		

ANIMAL HEALTH

Carleo gave an update on the rabies control program:

	<u>Since Last Meeting</u> (10/05/06)	<u>Year to Date</u> (Beginning July 1, 2006)
Cat bites	0	0
Dog bites	1	3
Wild animal bites	0	0

TOTAL =	1	3
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MOSQUITO CONTROL

Mirandi informed the Board that he had recently attended a public hearing in Boston in which concerned citizens on both sides of the issue of pesticide use gave testimony to the General Court.

LICENSING & PERMITS

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

Type	<u>Monthly</u> <u>Since Last Meeting</u> (10/05/06)	<u>YTD</u> <u>Year to Date</u> (Beginning July 1, 2006)
Body Art (Indv.)	0	2
Body Art (Est.)	0	0
Disposal Works	0	1
Food Est.	1	3
Funeral Dir.	0	0
Mass Est	1	5
Motels	0	0
Pools	0	0
Rec Camps	0	0
Septage Haulers	0	0
Tanning Est.	0	1
Man Housing	0	0
Wells		2

Total	2	14
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PUBLIC & ENVIRONMENTAL HEALTH VIOLATIONS/NUISANCE INVESTIGATIONS

	This Month (Since the last meeting)	YTD (July 1, 06)
Air Quality	0	3
Animal Health	1	1
Bathing	0	0
Food Safety	6	6
General Env. Health	0	0
Housing	9	21
Hazardous Waste	0	0
Institutional Sanitation	1	2
Pest Control	2	6
Recreation Camps	0	0
Solid Waste	0	4
Swimming Pool	0	0
Tobacco Control	0	0
Wastewater	0	0
Water	0	0

TOTAL =	19	43

FOOD SAFETY

Carleo informed the Board that the application packet for all food establishments went out recently. This years outreach focus will be on procedures during emergencies such as voluntary closure and notification as well as how to be more cognizant of vendors and other people who walk in and out of food establishments and who may have malicious intentions.

RE-APPOINTMENT OF DR. ROBERT KELLARD

It was Mirandi’s pleasure to inform the Chairman that Dr. Robert Kellard has been re-appointed by Town Manager Wayne Marquis to the Board of Health. All parties congratulated Dr. Kellard and look forward to a productive year while working with him.

With no further business at hand, the Board adjourned at 9:30 P.M.

Respectfully submitted for your approval,

Mark L. Carleo, CEHT
Board of Health Clerk