

BOARD OF HEALTH MINUTES – May 11, 2006

The meeting was called to order by Chairperson Edmund Kowalski, in the Senior Center Conference 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 Leslie Carabello, Public Health Nurse.

MINUTES FROM THE JANUARY 12, 2006; FEBRUARY 9, 2006; MARCH 2, 2006 MEETING

The Board unanimously accepted the minutes of the January 12, February 9 and March 2 meetings.

PLUMBING PERMIT FEES

In attendance were Richard Maloney and Peter Sakelakos from the Department of Code Administration. They were present to request that the Board of Health increase the fee's for plumbing permits. The Board of Health has the authority to set the fees for such a permit. Maloney cited examples of how his Department has been unable to recoup costs from the process of plan reviews, rough inspections and final inspections. Maloney provided the Board with the proposed fee schedule which requires \$150.00 plus \$5.00 per fixture for non-residential dwellings, \$100.00 plus \$5.00 per fixture for commercial with residential units and \$100.00 up to three fixtures plus \$5.00 for every fixture thereafter. The Board unanimously approved the increase to the fee schedule.

FOOD SAFETY UPDATE

Carleo provided the Board with an update on food safety. In sum, a very low number of critical violations were noted during the last round of routine food safety inspections. In addition, all permits were delivered by March 31, 2006.

Mirandi informed the Board that earlier in the day, the 99 Restaurant and Pub on Commonwealth Avenue were ordered to cease and desist upon the discovery of a sewage backup in the bar area.

Finally, the Board requested a status report for the Sheraton Ferncroft. Carleo stated he has conducted two walkthrough inspections and noted significant improvement. The Board requested that their staff conduct a more thorough inspection. Mirandi agreed and will contact the Middleton Board of Health prior to the inspection.

TOBACCO CONTROL UPDATE

Country Farms Convenience Store – In attendance was Joyce Redford, Director of North Shore Tobacco Control and Bipin Patel, Owner of the Country Farms Convenience Store. Redford was present to report to the Board that the Country Farms Convenience Store on Maple Street has sold tobacco products to a minor in several compliance checks. The first violation was on August 17, 2005 the second on November 7, 2005 and the third on January 7, 2006. However, Redford was able to report that they passed a compliance check the night before. Kowalski explained he was facing a seven day suspension. Dr. Kellard stated these regulations are meant to keep cigarettes out of the hands of children and they have failed. Linda stated she did not believe they were careful as a new business owner and the regulations should be enforced. The Board then provided Mr. Patel and opportunity to be heard. Mr. Patel simply apologized to the Board and stated that it will not happen

again. Dr. Kellard moved that the Board deny the appeal and enforce the regulation. The Board ordered Mr. Patel to remove all tobacco products as of Saturday May 13th at 5:30AM until the close of business the following Friday 19th. Redford applauded the Board for upholding their regulations.

Compliance Checks: Redford went on to state that compliance checks conducted the previous night had three repeat violators and two new violators. She provided the Board with a memo detailing who failed and the amount of fines. After a lengthy discussion with the Board, Redford reminded the Board that the primary goal of her organization is to educate merchants. Reminders were mailed out to all the tobacco establishments very recently. Kowalski requested that the new regulations be distributed to our new establishments. The Board held a discussion about how to handle repeat violations that occurred before and after the adoption of the new regulations. The Board reached a consensus that the regulations should be followed as written and all decisions will be handled on a case by case basis.

Polish Club – Mirandi began by reminding the Board that the Polish Club and the Knights of Columbus were allowed to smoke based on their submitting an HVAC report to the Board of Health by December 31 of each calendar year. Once again, the Polish Club provided an inadequate HVAC report. Mirandi recommended that the Polish Club be free of environmental tobacco smoke until such time that an HVAC report is submitted and accepted by the office of the Board of Health. Mr. David Sullivan, Polish Club President, stated that he can get a report on letterhead so long as it doesn't have to be signed by an engineer. Mirandi replied that a report from an HVAC company stating that the HVAC is operating per design would be acceptable. Mr. Sullivan told the Board that if they banned smoking tonight it would make his life easier. However, Kowalski stated that time and effort was put into the regulations because at the time of drafting, Knights of Columbus and the Polish Club wanted to be able to continue smoking. They will get their HVAC maintenance technician to sign a letter attesting to its proper design and maintenance. Kowalski asked that the staff provide Mr. Sullivan a copy of the Knights of Columbus report. Linda moved that smoking is suspended as of Monday and until an HVAC report is received. The Board unanimously agreed.

Joyce updated the Board about the Salem News reporter participating in the compliance check in a "ride along" capacity and that although the North Shore Tobacco Control Program appreciated the coverage resulting from that ride along she felt that the media continues to report only the punitive side of the story and misses the other important element of why the checks are conducted... to prevent tobacco products from ending up in the hands of underage youth and that the program trains the teens and gives the merchants every opportunity to do the right thing by not allowing the youth to lie or carry any identification. Joyce further expressed concern that the article did little to protect the identity of the youth when the reporter chose to indicate that he was using the youth's middle names and identified the vehicle by color, make and model; which in her opinion has the potential to put the youth in harms way. Therefore, the North Shore Tobacco Control Program will no longer be willing to invite any media outlets along on a "ride along" because there was no way to ensure the youth's identity could or would be protected and as such she could not ensure their safety.

DISEASE INVESTIGATION REPORT

Nurse Carabello gave the monthly disease investigation report.

The following diseases have been reported since the February 9th meeting (02/09/06):

	<u>Since Last Meeting</u> (02/09/06)	<u>Year to Date</u> (Beginning July 1, 2005)
Babesiosis	0	0

The following diseases have been reported since the January meeting (01/12/06):

	<u>Since Last Meeting</u> (02/09/06)	<u>Year to Date</u> (Beginning July 1, 2005)
Campylobacter Enteritis	1	3
Chicken Pox	1	0
Dengue Fever	0	0
Erlichia Chaff.	0	2
Giardiasis	0	1
Group B Strept	2	4
Hepatitis A	0	0
Hepatitis B	0	1
Hepatitis C	2	3
Influenza	0	0
Legionellosis	0	1
Lyme Disease	1	22
MRSA	0	0
Nisseria Meningitis	0	0
Pertussis	0	0
Salmonellosis	1	2
Shigellosis	0	0
Streptococcus pneumonia	1	3
Toxoplasmosis	0	0
Tuberculosis	1	0
West Nile Virus	0	0
Yersinia Enterocolitica	0	0

TOTAL =	10	42

Chairman Kowalski asked about the widely reported case of mumps in Danvers. Mirandi responded by stating that there is no laboratory confirmed case, however a physician is generally able to diagnose this illness organoleptically. Leslie informed the Board that she was immediately notified by the Danvers School system and has been working with the school to educate the staff as a public health intervention. She will be conducting an immunization clinic for staff at the school that may need a booster. Mirandi again made clear that there is no laboratory confirmed case of mumps. He also has been in contact with the Department of Public Health who were impressed with the efforts of our Public Health Nurse.

In addition, Mark informed the Board about refugee and immigrant health protocols. In sum, upon application for a visa, the U.S. Department of State initiates a comprehensive medical screening of the applicant. This includes a check for TB, syphilis and other STD's, HIV, Hansen's Disease, substance abuse, mental disorders, pregnancy, a history of vaccination as well as exams for cardiology, pulmonology, neurological, psychiatric, obstetric endocrinology and hematology, malignancy, chronic renal disease, chronic hepatitis or other liver malfunction and visible disabilities such as loss of limb or paralysis. The physician documents this and qualifies or disqualifies the individual for travel to the United States. The individual will arrive in the US through one of eighteen airports with CDC quarantine stations. Upon release, the CDC forwards the documentation to the appropriate agency such as a state department of public health.

PEST AND ANIMAL CONTROL

ANIMAL HEALTH

Carleo gave an update on the rabies control program:

	<u>Since Last Meeting</u> (02/09/06)	<u>Year to Date</u> (Beginning July 1, 2005)
Cat bites	0	0
Dog bites	3	7
Wild animal bites	0	1

TOTAL =	3	8

Two animal patrol interns from North Shore Community College have begun patrolling at our parks conducting outreach and education. This effort was successful last year, and Mirandi is hopeful that we will be able to continue this practice in the future.

LICENSING & PERMITS

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

	<u>Since Last Meeting</u> (02/09/06)	<u>Year to Date</u> (Beginning July 1, 2005)
Body Piercing & Body Art	0	0
Food Establishments	183	185
Funeral Directors	0	0
Massage Establishments	1	1
Motels	0	0
Public & Semi-Public Pools	0	0
Recreational Camps	0	0
Septage Haulers	0	0
Tanning Establishments	0	0
Manufactured Housing Parks	0	0
Private Wells	0	7

TOTAL =	184	193

ENVIRONMENTAL HEALTH NUISANCE INVESTIGATIONS

Carleo reported the following investigations have been conducted since the last meeting:

	<u>Since Last Meeting</u> (02/09/06)	<u>Year to Date</u> (Beginning July 1, 2005)
Air Quality	2	13

Carleo reported the following investigations have been conducted since the last meeting:

	<u>Since Last Meeting</u> (02/09/06)	<u>Year to Date</u> (Beginning July 1, 2005)
Animal Health	1	5
Food Safety	3	8
General Env. Health	0	0
Housing	4	15
Hazardous Waste	1	1
Institutional Sanitation	1	3
Pest Control	7	14
Recreational Camps	0	0
Solid Waste	4	12
Swimming Pools	0	1
Tobacco Control	0	0
Wastewater	1	5
Water	0	1

TOTAL =	24	80

Mirandi described recent complaints regarding the use of an outdoor wood-fired boiler. Staff is working to resolve this issue but the Board can expect to hear about this in greater detail at the next meeting.

EMERGENCY PREPAREDNESS

Carabello has requested additional duties with the Emergency Preparedness Coalition. Mirandi agreed to have her present at these meetings and she will report any vital information in the future.

REQUEST FOR A VARIANCE FROM CHAPTER II

During the course of several housing inspections, Carleo cited three landlords for violations of 105 CMR 410.480. This section requires that dwellings with more than three units be equipped with an automatically closing and automatically locking main entrance with an electric striker mechanism and “buzzer” system. All three landlords requested a variance from this section due to the significant expense of installing the electric striker mechanism and associated equipment. The Board granted the variances with a requirement that the doors of the dwelling be automatically closing and locking.

LIFESTYLE MANAGEMENT INSTITUTE

Linda Carroll will be meeting with Danielle Finacharro of the Recreation Division who will assist in the development of this fledgling program. Jim Hincheon, also from the Recreation Division may also be interested to help. At next months meeting, David Mountain may be present and will assist as we continue to craft this program.

SOLID WASTE HAULERS

Mirandi explained that it is our responsibility under Massachusetts General Law to permit all solid waste haulers in town and that staff is studying the feasibility of doing so. It was beyond Mirandi’s

understanding, as well as that of the Board's, why solid waste haulers have not been permitted in Danvers in the past. The Board may be asked to consider adopting a set of regulations for this industry in the future.

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