

BOARD OF HEALTH MINUTES – April 8, 2010

The meeting was called to order by Chairman Robert Kellard, at the Twoomey Hearing Room at Danvers Town Hall at 7:00 P.M. with the reading of the public notice, posted by the Town Clerk. Also in attendance were: Martha Swindell, Member; Edmund Kowalski, Member; Peter Mirandi, Director of Public Health; and Mark Carleo, Public Health Inspector. Excused were Jean Marcotti, Animal Care Specialist; Tracy Camarro, Public Health Nurse and Marian Myers, Epidemiologist.

APPROVAL OF MINUTES

Carleo informed the Board of an error in the minutes and asked that he be allowed to provide corrected minutes for adoption at the May meeting. The Chairman agreed.

FISCAL YEAR 2011 BUDGET

Mirandi informed the Board that the Town Manager asked all Departments and Divisions for a one percent decrease in their budget. Our reduction came from Canada Goose Control in the amount of three thousand dollars.

PROPOSED FEE SCHEDULE

Carleo introduced the Board to his proposal for a new fee schedule. The last change to this was made in 2004 and at that time, Kowalski asked that it be reviewed every three years. Carleo apologized for missing this deadline by several years but asked the Board to simply review the proposal and be prepared to advise staff of any comments or concerns at the next meeting.

ENVIRONMENTAL HEALTH

LICENSING & PERMITS

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

Type	Monthly Since Last Meeting (2/4/10)	YTD Year to Date (Beginning July 1, 2009)
Body Art (Indv.)	0	2
Body Art (Est.)	0	2
Disposal Works	0	0
Food Est.	2	230
Funeral Dir.	0	0
Mass Est	0	0
Motels	0	0
Pools	0	33
Rec Camps	0	4
Septage Haulers	0	3
Tanning Est.	0	1
Man Housing	0	0
Wells	0	0

Total	2	269

PUBLIC AND ENVIRONMENTAL HEALTH VIOLATIONS/NUISANCE INVESTIGATIONS

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

Type	Monthly Since Last Meeting (2/4/10)	YTD Year to Date (Beginning July 1, 2009)
Air Quality	0	4
Animal Control	0	3
Bathing	0	10
Food Safety	2	28
General Env. Health	1	7
Housing	12	196
Hazardous Waste	1	6
Institutional Sanitation	2	5
Pest Control	3	21
Solid Waste	3	24
Waste Water	0	6
Water	0	0

Total	24	293

Carleo also informed the Board of several difficult housing cases he recently prosecuted through courts. 313 Maple Street which had a damaged front porch and roof in danger of collapse after many months has completed repairs. 39 Chase Street has been demolished and construction of a new dwelling in its place is underway. 31 Elliot Street was demolished as ordered as well. Unfortunately new cases have been brought forward and Carleo will keep the Board abreast of this challenging housing crisis.

PUBLIC HEARING: CIGARS R US ON APPEAL OF TWO ETS VIOLATIONS

Mirandi re-introduced Mr. Frank Ciampa to the Board of Health and informed them that since the last meeting he has received two fines totaling three hundred dollars issued by Tobacco Control. These fines were issued based on affidavits from the Danvers Police Department. Also present for this hearing was Joyce Redford of Tobacco Control and Sgt. Robert Bettencourt of the Danvers Police Department. Dr. Kellard asked Redford why the tickets were issued. Redford explained that ETS violations were observed on two consecutive Saturday's by Danvers Police Officer McDonald. At this time, Sgt. Bettencourt read the two police reports for the Board of Health. Redford explained that the business was closed at the time. Swindell asked Redford if the ETS regulation still applies after a business is closed. Redford applied that it does apply after closing. Dr. Kellard asked Ciampa why he believed the fines should be altered or rescinded. Ciampa stated that he and some friends were outside and once the business closed they went into the business to watch the Olympics and enjoy a cigar. When the Police arrived, the patrolman stated he was unsure if what they were doing was illegal and that a report would be sent to the Director of Public Health for follow up. Ciampa telephoned Mirandi to inquire as to the legality of this and Mirandi was unsure. He referred Ciampa to Redford. Redford was out on personal leave that week and did not have the opportunity to reply. The following Saturday evening a second violation occurred under similar circumstances. Having not received a reply, Ciampa assumed it was acceptable to smoke in his business after closing time. Both Mirandi and Redford stated they did receive those calls from Ciampa. The Board expressed to Redford that they would like to reduce the fines based on Ciampa's attempt to clarify the regulation. Redford recommended that if they so desire, they could rescind the second fine of two hundred dollars. The Board unanimously voted to rescind the second ETS violation thereby reducing his fine to one hundred dollars. The Chairman requested payment to the Clerk by the end of the following business day.

At the closing of the hearing, Mirandi stated for the record that the Danvers Board of Health strongly supports Tobacco Control, knows that indoor environmental tobacco smoke is toxic and has never been soft on tobacco.

TOBACCO CONTROL UPDATE:

Mirandi informed the Board that there is once again a citizen's petition on the warrant for Town Meeting to ban smoking within twenty five feet of the entrance of a public building and demands that the Board of Health enforce this regulation. He requested the Board's thoughts on this proposed by-law. Chairman Kellard re-iterated the Board's position from 2007 when this petition was first brought to their attention. The Board of Health cannot support this proposal for two reasons. There is no study or evidence that environmental tobacco smoke in the outdoor environment has deleterious health consequences and likely not worse than that of the exhaust from the numerous motor vehicles which pass through the square every day; thereby creating an unreasonable law. Finally, the Board of Health may not under any circumstance demand identification of a person and therefore would be left with no way of enforcing this by-law thereby damaging the credibility of the Board of Health and frustrating citizens who wish to see this by-law enforced.

MOSQUITO CONTROL

Mirandi re-introduced Walter Montgomery, Director of the Northeast Massachusetts Mosquito Control and Wetlands Management District to the Board of Health. Montgomery was present to briefly review the goals of the Town's Best Management Plan for mosquito control. Montgomery reminded the Board that per their request, our BMP controls mosquitoes as a vector of disease and not as a nuisance. He stated that Culex species have dramatically decreased and this year the Culiceta Melinora, the primary vector of EEE will be the focus of our efforts. As in previous years we will larvicide wetlands and catch basins. He reminded the Board that the Town can petition for ditch maintenance. Due to heavy rainfall we can expect to see a heavy brood of spring mosquitoes. This however, does not mean a higher incidence of disease which is not typically seen until late summer or fall. The Board authorized Peter to make executive decisions as the season moves along on altering the BMP as needed, but to report back to the Board all changes made.

PUBLIC HEALTH NURSES REPORT

With no Nurse present, Mirandi asked the Board to expect an update at the next meeting.

EPIDEMIOLOGIST REPORT

Epidemiologist Myers was unavailable and will report her activities at the next meeting.

RABIES REPORT

No animal health report was provided. An update will be given at the next meeting.

With no further business, the Chairman adjourned the meeting at 8:45PM.

Respectfully submitted for your approval,

Mark L. Carleo, CEHT
Board of Health Clerk