



# Town of Danvers Board of Health

1 Sylvan Street, Danvers, Massachusetts 01923

p: (978) 777-0001 x. 3022 | f: (978) 762-0215

[www.danversma.gov/departments/health-department/](http://www.danversma.gov/departments/health-department/)

Dr. Thomas McLaughlin, MD

Dutrochet Djoko, PharmD

Sheila Laffy

Meeting Minutes of December 1, 2022

All members of the Board were in attendance and staff members Judith Ryan, Public Health Nurse; Frank Giacalone, Director of Public Health and Alicia Linehan, Clerk.

## 1. ADMINISTRATIVE

- 1.1 Notice of the meeting as posted by the Town Clerk.
- 1.2 Minutes from December 01, 2022, were approved as written.

## 2. NEW BUSINESS

- 2.1 Breanna Livingstone, new full time Public Health Sanitarian was introduced to the Board. She was previously a Health Inspector in the state of New Jersey and moved to MA about a year ago. She has been assigned to work with establishments on their annual permitting renewals.

### 2.2 Tobacco Regulations

Joyce Redford, Director of the North Shore/Cape Ann Tobacco Policy Program, was present to review the changes of the local regulations.

One change to the regulations would be to prohibit the sale of flavored sheets, rolls, tubes, cones, or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine. This would impact ALL flavor enhancers.

Other changes would include the prohibition of the sale of tobacco products in Health Care Institutions and Educational Institutions.

If adopted all State Law violations and suspensions to the local regulations would be as follows:

- First Violation, a fine of one thousand dollars (\$1,000.00) with a suspension of three (3) days for sale to a minor.
- Second Violation within 36-months of the previous violation, a fine of two thousand dollars (\$2,000.00) and a suspension of seven (7) consecutive days.
- Three or more violations within a 36-month period of the previous violations, a fine of five thousand dollars (\$5,000.00) with a 30-day suspension and the Board of Health may revoke a Tobacco Product Sales Permit.

Redford is proposing the Board adopt these changes.



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Redford explained to the Board that when the retailer applies for their tobacco permit, they agree to allow for random inspections and this language should be placed in the regulations. The goal of these inspections is to keep the retailer compliant, not put them out of business. She told the Board that during some of these random inspections, retailers were carrying flavored products, storing them under counters, back rooms, overheads, or basements.

She also suggested that the Board decide on a date when these regulations would go into effect and include this in the signed document. Usually 2-months is a reasonable time to allow the retailer to get rid of their current stock.

If the Board adopts the changes this evening, a copy of the revised regulations will be sent to those owners who were unable to attend the public hearing to review, prior to the Board's signatures. Redford also agreed to conduct virtual training session for all retailers.

Nelish Patel, Owner of City Smoke Shop, has been fined and suspended in the past. Redford reached out to him, and he is now much better educated on what products are allowed. He told the Board that this industry has been hit hard and hopes that the Board does not adopt changes that are too aggressive, putting these retailers out of business. Djoko thanked Mr. Patel for attending and commenting on the changes.

Redford responded to Mr. Patel's comment, stating that these are no more aggressive than the State regulations. It would place local regulations in line with the State regulations.

Djoko told the tobacco establishment attendees that the adoption of these regulations is to protect the people of the community, especially keeping the kids safe. He asked Mr. Patel if 60-90 days is enough time to allow retailers to get rid of their products. Mr. Patel told the Board that it depends on the situation, not everyone has the same amount of traffic. Sixty days may not be enough because some of these products do not sell as well, or it may be a low volume establishment. But for the high volume shops, 60 days may be enough.

Djoko suggests that the Board adopt the regulations as amended, review the amendments, and sign them at the next Board of Health meeting, making the regulations effective June 1<sup>st</sup>. This would give the retailer a 90-day opportunity to sell their current stock and receive training.

Motion: The Board voted unanimously to approve the regulations as amended with an effective date of June 1, 2023.

Motion: The Board voted unanimously to close the public hearing.

Linda Leonard & Bob Gamer attended the public hearing, requesting the Board consider the banning or use of polystyrene.



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This topic was raised during the plastic bag ban, but it was suggested by the former Public Health Director that this be revisited at a later date. If approved by the Board, it would be a change to the Bylaw requiring to be heard at Town Meeting.

Leonard and Gamer were asked on what basis the Board should place a ban on these types of containers. Gamer responded that these products release potentially hazardous chemicals, a carcinogen, and are not biodegradable, taking hundreds of years to break down. Also, when ingested by marine animals, they can cause suffocation.

Dr. McLaughlin raised the point that delivered packages, coming from outside of Danvers, contain this material. Leonard suggesting starting with Danvers businesses, banning food containers, used by local food establishments.

Laffy stated polystyrene consists of other plastics not just Styrofoam. So it should be clear as to what type of polystyrene and which products the Board should consider banning. For instance, yogurt cups or the packaging on the bottom of grocery store meats are polystyrene. Leonard and Gamer are suggesting “take out” Styrofoam packages, distributed by local food establishments.

Dr. McLaughlin stated that this could create a lot of controversy when Danvers is only using a small amount of this product and most of it is coming from retailers outside of the Town, such as Apple, Amazon, etc. He asked how much is produced locally, but neither Leonard nor Gamer knew the answer.

Djoko is not sure the Board has the authority to ban this product and suggested that Town Counsel should weigh in on this. The Board can make a recommendation, but to implement a change to the Bylaw, it must go to Town Meeting. Giacalone will confirm if the Board has the authority and if this would require a Bylaw change.

When considering this change, a disposal plan for these items will need to discuss. If a ban is implemented, then JRM will not pick up these items, so then how will residents dispose of these Styrofoam items for deliveries received outside of Danvers.

### 3. PUBLIC HEALTH SERVICES

#### 3.1 Public Health Nurse Update

December to January Report (Board did not meet in January)

Hepatitis C – 1, probable case

Influenza – 99 cases

Lyme Disease – 1 probable case, 5 suspect cases

Novel Coronavirus – 308 cases

Salmonellosis – 1 case



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Tuberculosis – 2 confirmed cases, 1 suspect case

January – February

Hepatitis C – 1 probably case

Influenza – 10 confirmed cases

Lyme Disease – 3 suspect cases

Novel Coronavirus – 127 confirmed cases

Salmonellosis – 1 confirmed case

Tuberculosis – 1 confirmed case

Salem Public Health is housing Haiti refugees in the Salem State University dorms. They need daily supplies and there have been discussions of conducting diaper drives and fund-raising events. Ryan will be assisting with tuberculin skin testing.

Ryan received a case of Glanders through Mavin. This is a very rare find in humans, it is predominantly found in horses and rare to be transferred from horses to humans. Turns out it was a coding error from the hospital.

Conducted the last flu clinic at Danvers High School last week, but unfortunately only 3 people showed.

Continuing the Narcan training. Conducted a 4-hour session today and will conduct another 4-hour training next week. Will be ordering more for the community. St. John Prep is not ready for these discussions just yet, but public schools are bringing in Nurse Ryan to conduct training.

In April will conduct a Town diaper drive again.

Conducted training for the North Shore Mother Visits, and very excited about participating in this initiative. The problem about getting into this now, is that there is no funding. The communities that had been involved in it, did have funding and were able to buy equipment. Birth certificates will be obtained from the Town, postcards will be sent to all new moms and dads, and they will receive a visit between birth and a year old. All kinds of resources are provided to the parents and a wellness check is conducted. Laffy will share resources with Nurse Ryan.

#### 4. ENVIRONMENTAL HEALTH

Giacalone is condemning a home of a repeat offender with the understanding that cleaning must be done. The person was admitted to Beverly Hospital and then taken to another facility and has received help in the past. The condemned property cannot be cleaned without resident's presence. Laffy will follow up with Giacalone because she may be able to provide some assistance.



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A couple of messy yard complaints were received.

Giacalone is working with Zoning and Conservation on a huge shed that was built in the back of a home on conservation property and lots of junk is being stored behind it. They have been sited to take down the shed.

Establishments status:

- Dunkin Donuts on High Street is remodeling.
- Panera at Liberty Tree Mall is remodeling.
- McDonalds on Route 114, Andover Street is remodeling.
- 466 is remodeling the kitchen.
- iPazzi, still renovating new location.
- Modern Butchery moving into Maple Street (previously Dunkin Donuts).
- Mr. Phalafa will be a new establishment in Liberty Tree Mall
- Aldi's – Officially opened at the Liberty Tree Mall

Livingstone, with her experience, is going through the permitting system and finding that establishments are cleaning their own grease traps or not cleaning them at all. The current online permitting system is through Full Circle which was upgraded last year. The Town will be transitioning to Opengov but Public Health is the last on the list. In the meantime, all Full Circle permitting will be cleaned up, so all applicant information is current to make for an easier transition to the Opengov.

The Public Health Department took on another inspector that is funded through the Shared Services Grant.

### 5. HEALTH DEPARTMENT UPDATE

The Town has a new website. Livingstone will go through the training and add information to the Public Health section.

The inspection tablets still require ITs assistance to install the WinWam Food Inspection Program. Giacalone has assigned Livingstone to work with the IT and WinWam.

The current Tattoo Regulations are outdated. When last adopted, they were from a state regulation some time ago. As part of the Emergency Preparedness Group, they are being updated to adopt the same regulations with all the surrounding cities/town. The Sub-Group is working on a couple of key points, mostly to do with training requirements, one specifically for the skin course. The next regulation meeting is scheduled for February 16, 2023. Giacalone will distribute a draft to the Board to review.



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Giacalone spoke to Rodney Conley, Finance Director, who confirmed that the Opioid appropriation has to Town Meeting. This money must be spent on these efforts. Public Health has been told that they can spend the money as they see fit, whereas in other cities and towns it needs to go through a more rigorous approval process. Ryan has lots of ideas on how Public Health will allocate the money, some through education, speakers and the installation of vape detectors at the schools. Some of the allocation was used to purchase fentanyl strips and Narcan that Ryan has available to distribute.

There has been interest to open a doggy daycare at the old Hollywood Hits site. In the future it may include an animal hospital and possibly an eatery.

Djoko is seeking educational topics for his DCAT show.

### 6. GENERAL BOARD OF HEALTH DISCUSSION

#### 6.1 Other matters

With no further business at hand, the Board adjourned at 7:50pm

Respectfully submitted for your approval,

Frank Giacalone  
Director of Public Health