

BOARD OF HEALTH MINUTES – April 4, 2019

The meeting was called to order by Chairman Thomas McLaughlin, MD at the Town Managers Meeting Room at 7:00 P.M. Also in attendance were; Edmund Kowalski, Member; Dutrochet Djoko, Member; Judith Ryan, Public Health Nurse; and, Mark L. Carleo, Assistant Director of Public Health.

ADMINISTRATION

APPROVAL OF MINUTES:

The Board unanimously voted to approve the minutes of March 7, 2019, as written.

ENVIRONMENTAL HEALTH

PERMITS AND LICENSING UPDATE

Carleo reported on a quiet month of permitting. In sum, 1 body art practitioner and body art establishment were issued, as well as 1 food establishment permit.

RETAILER DENSITY

Joyce Redford was present to finalize the adoption of the amendment to the Board of Health Restriction of the Sale of Tobacco Products regulation. A proposed cap on the number of permits issued in the Town of Danvers had been discussed over the last several months during Board meetings, and what was proposed was a cap that would allow for two additional adult only stores. Carleo suggested that if the goal of the Board was to reduce access to flavored nicotine products, then perhaps allowing for additional adult only retailers would be counterproductive. After a brief discussion, the Board accepted Carleo's recommendation and the cap was set at 29 retailers; or, the number of retail tobacco permits active on that day. Carleo further recommended that the regulation take effect upon publication and the Board agreed.

With the language settled, a motion to adopt the regulation was made by Djoko and seconded by Kowalski. All voted in favor of the amendment. The Board thanked Redford for her work and counsel.

PUBLIC HEARING: VILLAGE FOOD STORE

Carleo introduced Darshna Patel, Owner of the Village Food Store on High Street. She was present to contest a violation issued by Redford after a quantity of flavored tobacco products was discovered on and under counters in her store during a compliance check. The violation issued was a "second violation" of the tobacco regulation, the prior being an underage sale. The fine issued was for \$200 and the establishment was subject to a seven-day suspension.

The Chair asked Patel to state her request and supporting argument.

Patel stated that the prior youth access violation was on a new employee's first day and the employee was immediately terminated as she takes these requirements seriously and intends to remain compliant. In the case of the flavored product, she had been out of the country for some time. Much of the product she claimed was expired as it was all purchased from vendors prior to the restriction taking effect January 1. She simply hadn't had the chance to remove from the establishment. Further, the product was not on display, no sales of flavored products were made, and she didn't realize that the product was not allowed anywhere on the premises.

Chairman McLaughlin stated that the permit holder is always responsible, regardless of presence and that the violation notice should be sustained.

Djoko made a motion that the fine and suspension be held in abeyance for a period of 24 months. Any future violation of the tobacco regulations or laws will trigger the issuance of a seven-day suspension and \$200 fine. Kowalski seconded the motion.

Carleo interjected to make clear to Patel that in the instance of a third violation any time in the next two years, she will be subject to a \$200 fine, a \$300 fine, a seven day suspension and a thirty day suspension of her tobacco permit. He advised her to strongly consider this before a formal vote of the Board takes place.

Patel agreed to the abeyance and the Board voted unanimously to approve Djoko's motion.

NUISANCE REPORT

Carleo provided a nuisance report to the Board for the prior month. In sum, it was a quiet period. He provided an update for the Board for the 200 North Street housing case which had arisen in February. The case ended abruptly when a well-being check was requested by a neighbor of the dwelling in question. Upon Police arrival, the individual had barricaded himself in his trailer, and hidden under a pile of debris (rubbish). The Fire Department arrived to assist in extricating the occupant and the Police on scene requested a Health Officer due to the unsanitary conditions – unaware that Health was already involved in this case. The incident ended with the individual being removed and transported for medical care. Carleo condemned the dwelling at that time, and it was boarded up that evening.

Frustration was expressed by Carleo at the increasingly complex nature of such a housing case. Mental illnesses inadequately addressed are making compliance seemingly impossible in some cases. It has been our practice to involve social services early on and include other departments or agencies as appropriate. Each agency will play a separate role and using this team approach has been successful in the past. The justification for this was that condemnation and the resulting homelessness is not good for an individual's health either. Therefore, delaying condemnation while social services intervenes would be a proper solution and follows the spirit of the law, and rationale for Chapter II of the Sanitary Code – protection of public health. This wasn't the case this time though, and Carleo asked the Board if perhaps, we should be quicker to condemn the property.

Chairman McLaughlin suggested that we make better use of Section 12 (MGL Ch 123, S 12), referring to the involuntary commitment for up to 72 hours for psychiatric evaluation, and that condemnation may have to occur sooner, rather than later. If an individual is living in squalid conditions and this is due to or exacerbated by mental illness, then that illness must be addressed in order to progress. The Board was in agreement with this.

PUBLIC HEALTH SERVICES

NURSE'S REPORT

Nurse Ryan was present to provide her routine updates to the Board.

INFLUENZA

Ryan received thirty-one confirmed cases of influenza since the last meeting. Only three of these cases were Type B.

COMMUNITY HEALTH

Wellness clinics at Fairweather will continue. Additionally, Ryan will be working career day on April 11th at the High School and is assisting with Light the Night Purple on May 15th.

EMERGENCY PREPAREDNESS

Ryan was back from a recent conference on public health preparedness in St. Louis. The training was valuable and will be incorporated into our planning activities.

DISEASE INVESTIGATIONS

Ryan reported on a challenging case of salmonellosis.

ANIMAL CARE

ANIMAL HEALTH PROGRAM

Carleo provided the monthly report from the Animal Health Specialist Jean Marcotti. In sum, wildlife calls were taking the bulk of her time.

With no further business at hand, the Board adjourned at 8:45PM.

Respectfully submitted for your approval,

Mark L. Carleo
Clerk for the Board of Health