

BOARD OF HEALTH MINUTES – February 06, 2020

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

ADMINISTRATION

INTRODUCTION OF A NEW BOARD OF HEALTH MEMBER

Carleo expressed his heartfelt thanks to Edmund Kowalski for his many years of service to the Town of Danvers and that this will be his final meeting as a Board Member. He then introduced Sheila Laffy to the Board, and Laffy provided the Board with some personal information as a Danvers resident, and her professional background.

ENVIRONMENTAL HEALTH

PUBLIC HEARING: VILLAGE FOOD SHOP, Flavor Restriction Violation

Carleo re-introduced Darshna Patel to the Board as the owner of the Village Food Shop, and she has been ordered to appear. In the last round of compliance checks, several establishments have been found to be selling flavored tobacco products. He further remarked that tobacco companies appear to be labeling products in ways that may be concealing the flavored components, but the onus is on the permit holder to exercise due diligence in determining if a product is flavored. She is subject to a thirty-day permit suspension and a \$300 fine as this is a third violation. Additionally, the Board had held the seven-day suspension and \$200 fine in abeyance. In total, she is subject to a thirty-seven-day suspension, and a \$500 fine. She has already paid her \$300 fine which is an admission of guilt. Carleo has spoken with her between the occurrence of the violations, and Patel's assertion is that Black and Mild Royale, the product in question, is in fact, not flavored. Carleo provided a printed page dated February 06, 2020 from the Thompson Cigar Company (<https://www.thompsoncigar.com/p/black-mild-royale-cigarillo-natural-25-pack/95342/>), an online retailer advertising for sale, Black & Mild Royale Cigarillo Natural – 25 Pack. In the description and details section of the page it states in part "Black and Mild Royale is a tasty addition to their growing list of flavored cigarillos." Additionally, it states under the section titled "Flavor," the word "infused." He provided the Board members, Joyce Redford, and Darshna Patel a copy of this page. He then asked the Board to hear from Joyce for her professional opinion, and then provide Patel the opportunity to be heard.

Joyce Redford, the North Shore Tobacco Policy Program Director re-introduced herself to the Board for the benefit of Laffy, and others present. Redford stated that her inspector conducted inspections in all Danvers establishments. Violations were noted and those establishments received orders to correct, for selling unflavored vape products with no letter from the manufacturer stating the concentration. She misspoke and stated Patel's violation was for these unflavored JUUL products. She added that Patel had a flavored product and incorrect minimum cigar pricing. Further, she provides training to help establishments understand that "concept" flavors exist which may be difficult to identify. Flavored tobacco violations and sales to minors are a consistent issue at the Village Food Shop. Redford reminded the Board of their holding her second suspension in abeyance, in the hope that Patel would seek training and knowledge to protect her permit and public health.

Carleo then asked Dr. McLaughlin to turn the floor over to Patel. Patel corrected the assertion that she was carrying JUUL products, but it was an empty display on the counter. She provided the Board with documents which she believed state that the product is in fact not flavored, but natural. Dr. McLaughlin asked her to clarify what the documents she provided state, and she pointed to sections of the document that were highlighted and stated “black and mild natural and royale and that other flavored products are labeled as such.” Dr. McLaughlin stated that the Board has documentation to the contrary, showing that the product is infused. Patel stated again that they found Black and Mild Royale, and a counter display, but it held no product.

Redford stated she stood corrected and that there was a JUUL counter display but no JUUL products. Regardless, that was not counted as a violation, only the cigar pricing and Black and Mild Royale are the violations.

Carleo reminded all parties that Patel’s assertion that the product is not flavored, is the subject of the hearing and the counter display is irrelevant.

The Board spoke amongst themselves, particularly regarding the confusion of whether these products are flavored or not. During this time, Patel spoke directly with Redford. Dr. McLaughlin asked Redford to reconcile the two documents. She described examples of concept flavors, such as Green Game is not flavored, yet Blue Game is. Game provides a graph showing which products can be sold in Massachusetts. “Sweet” tobacco is not flavored. She further reminded the Board, that regardless of the flavor violation, there is still the incorrect cigar pricing.

Carleo asked Joyce what her recommendation to the Board would be. Redford stated that Patel has consistently violated several sections of the regulation, from sales to minors, flavored products, and minimum pricing. She as the owner is responsible. She believes that the Board has been generous already, and that another generous offer will only lead to additional violations. She felt it was egregious and that the suspension should be enforced.

Carleo stated he agreed, and that after he received notice of the violation, he visited Patel at her store, and when he pointed out she has missing required signage, and her response was that it was his fault for not providing the signage. He reiterated that we are not responsible for a store’s compliance. The Board of Health did everything they could in the past to help. The Board extended her tremendous trust in holding her second violation in abeyance. The Board moved to suspend her permit for thirty-seven days for the two violations.

APPROVAL OF MINUTES:

Carleo requested that the minutes from the January 16th meeting be placed on the agenda for the next meeting of the Board.

PERMITS AND LICENSING UPDATE

Carleo updated the Board on recent permitting. Since the January 16th meeting, four food establishments, two body art practitioners, and two body art establishments were permitted.

TOBACCO CONTROL UPDATE

Carleo and Redford briefed the board on changes to Massachusetts Law under an Act Modernizing Tobacco Control. Recently, the 16 area boards of health that are a part of the collaborative met, along with Redford and DJ Wilson. He informed the Board that there will be some updates to our local regulations needed going forward. Additionally, there will be some policy discussion needed surrounding the increase in fines under this law, along with suspension lengths.

VIOLATIONS/NUISANCE REPORT

There were three emergency hoarding situation calls received after hours within days of each other. On December 27, 2019 Peter Mirandi was contacted and responded to 353 Andover Street (corner of Shawmut Street and Andover Street). The house is run down. Carleo is not sure what caused DPD and DFD to respond, but when they arrived the occupant was face down in trash, deceased. He was an elderly veteran and currently with the medical examiner. Not aware of any next of kin, however Town Counsel is researching. If one is not found, then the Town will be responsible for the burial. The house was condemned and boarded up. The court will transfer the home to a third party and it will probably be demoed.

The following day, December 28, 2019 another call came to Mirandi for a resident at 17 Hunt Street. Carleo is familiar with the occupant, who he met in 2002 when called to his first hoarding case on High Street where she resided with her mother at the time. The residence had a strong odor of ammonia and adult diapers were being hoarded. The owner who happens to lives in New York happened to be in town at the time of the call. The owner had the place completely cleaned out by a mediation company. Carleo lifted the condemnation on January 7th, due to the owner's quick response. And Maureen Howlett from the Senior Center was able to get her in a new apartment on Perry Street very quickly. There is a signed agreement between this woman, Carleo and the Sr. Center for regular inspections with 48 hours notice to continue routine inspections of her apartment. Her next steps should be seeing her physician.

On January 2, 2019 another call came in for Mr. Coon. His file goes back to 1995, an extreme hoarding situation. The resident doesn't have an odor but when you walk in, it is like walking into a tunnel of papers. He is Harvard educated but extremely difficult, very combative. The Danvers Fire Department responded to an emergency and had cut down a tree growing out of his porch, then rip out a second floor window in order to get him out of the home. Carleo met with the wife and both of his daughters. It is believed that the wife is in an abusive situation. A few cleaning companies were brought in to look at the home and provide quotes. Carleo told the board that this type of hoarding is usually related to dementia. There are no plans of him returning to the home which has been condemned and clean-up will begin.

Now that BOH is seeing more of these cases, there will be a more aggressive approach to condemn the it and provide social services.

Carleo is looking into social dominants of health. This would issue a certificate for the BOH to inspect.

PUBLIC HEALTH SERVICES

NURSE'S REPORT

Nurse Ryan reported 30 confirmed cases of the flu, all but 5 were since Christmas until now. They started out as the B strain which is common this time of the year but usually A strain begins first. The number of children with flu this year has increased. Dr. McLaughlin had a patient as young as 3 weeks old who was admitted to Mass General and now doing well. Ryan usually starts out by calling to inquire whether they have been vaccinated, half have been, half have not. Nothing in the nursing homes, in the schools, Riverside had 9 and 1 at RCA. Two physicians have recommended 2 flu shots, one is an allergist. Dr. McLaughlin doesn't feel this a bad idea however their insurance may not pay for it.

GI reported. Ryan contacted the facility and told that the state had walked in on them for their annual inspection, so she will check in with them on Monday.

There were 30 flu clinics held this year. In town, Town Hall, Senior Center, RCA and all of the schools were 22 in total. One regional with Public Health nurses in various towns at YMCA. And Ryan helped out with 7 clinics in other communities. Thank you to D for helping out at the flu clinics.

Emergency preparation drill information has been submitted to the state which will help with the grant. There are mandatory deliverables every year. This qualified as the large deliverable.

Ryan is stilling doing the blood pressure clinics which are winding down now.

Ryan met today with police and Maureen Howlett to discuss installing a prescription disposal at the Senior Center. It was denied due to security reasons. The Danvers police station has a box and all CVS locations have them. There is an outside company that picks up within 24 hours after call from pharmacist. Ryan had initially volunteered to collect the medications from Seniors and bring them to the police station, approved by Pat Ambrose. The Board and Carleo stated that this is illegal and against it.

There are 3 places for emergency dispensing at the Senior Center, YMCA and Danvers High School. Danvers High School is for larger measures. It is not for weather issues, but for handing out countermeasures so the need for a generator is not that imperative because Danvers doesn't buy a pleather of vaccines. Carleo did mention that the Senior Center has been used for warming and cooling purposes which in that case a generator would be useful. He has spoken to public works in the past about purchasing one and will revisit this conversation with them.

Ryan is working with the police department through Danvers Cares has purchased of 25 doses of Narcan that will be handed out to those who are interested in carrying them. All public buildings will have them, located near the AEDs. A great number of Town employees have been trained on how to use them. The next big thing is it will be handed out to Danvers residence who are interested in carrying it. They will be required to meet with Ryan for a ½ hour training on use and care. Narcan is now 4 milligrams. Ryan would like to get the literature on the website. DCAT would like to do a segment on this with Ryan.

Ryan has helped out with stop the bleeding training, a tunicate program, in other towns, not Danvers. All of the schools have received their kits.

ANIMAL HEALTH

ACO

Lots of issues with cats lately. ACO does not want to handle the cats and there are no laws that requires cats to be taken.

OLD BUSINESS

TOBACCO

From the second paragraph in the November minutes regarding things Mr. Patel would be doing to avoid future violations. There is nothing on regulations that triggers actions but to pay a fine after the first offense. Second offense would be a permit suspension. Carleo would like to have after first offense, pay the fine and do some training as well. In the next couple of months, some policy would useful to require the training. Eventually Carleo would like required training to anyone applying for a tobacco license.

The Act on Modernizing Tobacco Control is not significant for Danvers because there was already a flavor restriction in place, but now will see mint and menthol restriction. In June there will be no flavored tobacco in Danvers because they have to be consumed on site and the Town has banned smoking bars.

The 21+ stores will be able to sell regular tobacco flavored products including unflavored vape products and over 35milligram doses. Convenient stores can only sell tobacco flavored vape products. If they are under 35 milligrams. Joyce, tobacco inspector, came across literature in one of the stores for JUUL stating that they can't guarantee it is above or below 35 milligrams. If it can't be documented then they may need to remove JUUL products. One of the requirements under the new law is that the consentants must be documented from the manufacturer.

BOH was invited to give a presentation to the Board of Selectmen on vaping epidemics and antidotes on store employees selling out of the trunk of their cars to kids for a nominal fee. A representative from the Board of Health, Danvers Police and Danvers Cares spoke to BOS on prevention. Carleo gave a presentation that was well received. One of the sections covered was the new law the state and how it affects the local regulations. Changes will need to be made to the new regulations and discussion with the Board will be included in future meetings.

As of date, the penalties are \$100, \$200 and \$300, 7 day and 30 day suspension. Would like to change to \$1,000, \$2,000 and \$5,000. There is no criminal law, the fine is issued and ticket is paid. The maximum amount under state law is \$300. Carleo received a 7-page document from Joyce, which explains options that he needs to review.

Next steps will be to clarify the fines and discuss the length of suspension.

With no further business at hand, the Board adjourned at 8:50PM.

Respectfully submitted for your approval,

Mark L. Carleo
Assistant Director of Public Health