

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**
Virtual Meeting held via Zoom
and
Recorded by SATV
January 11, 2022

MEMBERS PRESENT: Dr. Jeremy Schiller, Paul Kirby, Geraldine Yuhas, Sara Moore, Datanis Elias

OTHERS PRESENT: David Greenbaum, Health Agent, Maureen Davis, Clerk of the Board, Megan Riccardi, City Council Liaison, Steven Dion, CrossFit Iron Spider & B&S Fitness, Linda Zimmer, 10 Howard Street, William DiAdamo, Attorney for Linda Zimmer

ATTENDEES ADDRESSED: (Please see minutes)

TOPIC

DISCUSSION/ACTION

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| <p>1. Call to Order</p> | J. Schiller read the portion of the agenda regarding remote participation of the meeting, etc. |
| <p>2. Approval of Minutes</p> <p style="padding-left: 20px;">a. December 14, 2021</p> | <p>7:02pm</p> <p>G. Yuhas motioned to accept the minutes from 12/14/21. P. Kirby 2nd.</p> <p><u>Roll call vote:</u></p> <p>G. Yuhas – yes
S. Moore – yes
P. Kirby – yes
D. Elias – yes
J. Schiller - yes</p> <p>Motion passed by a vote of 5 to 0.</p> |
| <p style="padding-left: 40px;">b. Special Meeting
December 22, 2021</p> | <p>S. Moore moved to approve the meeting minutes for 12/22/21.
G. Yuhas 2nd.</p> <p><u>Roll call vote:</u></p> <p>D. Elias – yes
P. Kirby – yes
S. Moore – yes
G. Yuhas – yes
J. Schiller – yes</p> <p>Motion passed by a vote of 5 to 0.</p> |
| <p>3. Steven Dion, Co-Owner of CrossFit Iron Spider & B&S Fitness Programs, request for a waiver of the Board of Health mask mandate issued on December 22, 2021</p> | <p>S. Dion thanked the Board for the opportunity and for their continued dedication as a volunteer Board and said they have done an outstanding job.</p> <p>He shared his screen of the waiver request. He said they are requesting a waiver just for the mask mandate policy that would allow their athletes to</p> |

remove their masks when they are exercising specifically in their designated space of 140 square feet, which was the requirement set up by the CDC in order to be inside without a mask while exercising. It is not so dissimilar to when individuals are able to remove their masks in restaurants and bars while they are eating and drinking. Their members would put their masks back on when they enter a general area where there is comingling. At the 12/14 meeting he asked the invited expert guest Dr. Roberts twice to confirm if a business is able to, a. require and verify vaccination status, b. meet ventilation requirements, and c. meet spacing requirements was there a need for a mask to be worn. S. Dion claimed that both times he asked the question Dr. Roberts confirmed the answer was no, that masks don't need to be worn and he explained at least once in detail of why not as the minutes showed, though he admitted he had not seen the minutes. He said Dr. Roberts' responses prompted some excitement within their community. That is why they were definitely taken off guard on 12/22 when both the mask mandate and vaccine mandate were put in place. In his previous discussion most of the Board members agreed they made a compelling case when they showed visualizations of the large space they are in. At the YMCA people are still extremely close when exercising and there is a lot more comingling. The need of masks, based on your own expert, goes against the policy you have put into place. Your own expert said if we are able to provide the situation that we are able to provide then masks are not required. The Board's denial of our request last time was based on two main points; first, you were uncomfortable with making an exception and there was an aversion to having other businesses apply, and second, that this would be over soon. He doesn't think this is going to be over soon. He asked that the Board follow the CDC guidelines, or create their own guidelines, to create a standard so that if a business is able to meet the particular standard, then they can be exempt specifically from the mask policy. They are absolutely in favor of the vaccination mandate. He believes he is the only business member thus far in the fitness industry advocating for this and we should be following the established science-based standards. The YMCA can't provide the safe space that he can; they have too many members and too little space.

He and his wife Brandi spoke with the Mayor about the impact of the policy and she said it was up to the Board, which is why he is here. She was most interested in how she could assist the businesses.

He said it is their sentiment that they want Salem to be as healthy as possible, and as a result they are working with the city. They created and initiated a get-the-vaccine program specifically targeting the unvaccinated in the area of The Point where his gym is located. As part of their program, they are going to give those who get vaccinated a free membership to their gym. That is one way they are working with the city to try to advocate for the vaccine mandate. Hopefully the removal of the mask mandate will be another incentive to try to get more individuals exercising and focusing on their health.

G. Yuhas asked how many people are in the room at the same time.

S. Dion said at the busiest time there are 18 people, including the instructor, in an 11,000 square foot space. The majority of the time people have more space than the required 140 square feet of space.

G. Yuhas asked why people want to take their masks off in that area.

S. Dion explained that it is because a CrossFit workout has a significantly

higher intensity than exercise at a traditional gym.

P. Kirby said his discomfort comes from making an exception. The Board does not have the level of technical capacity to decide what constitutes sufficient space. If other people start to ask for exemptions, we need to be able to justify why or why not we grant an exemption.

S. Dion reiterated that the CDC specifically addresses this point. Much of the policies you are following are CDC guidelines. A year ago, when the mask mandate was initially put into place, CrossFit facilities across the U.S. turned to the CDC for their specific set guidelines for sports. CrossFit is considered a sport because they are training. The guidelines said if a training facility is able to maintain the 140 square foot requirements, then masks are not required. You don't have to set standards you just have to follow the standards that are already established.

S. Moore said she sees the guidance on CrossFit.com from December 2020 stating that if indoor ventilation meets the 600ppm standard masks may be removed, but that was a very different time in terms of COVID. She said she also sees on the CDC's website, which was updated on June 14, 2021 and doesn't even take into account the transmissibility of Omicron, that the recommendation specific to gyms and fitness centers is that masks be worn at all times.

J. Schiller pointed out that the OSHA guidelines are very specific as well; masks are to be worn in all indoor spaces with adequate ventilation as best practice. Those are the guidelines we have to go on. Our expert, Dr. Roberts, is a cardiologist, not an infectious disease doctor. He was brought in specifically to speak about the state of the hospital as it relates to the Board of Health. It is best practice to be masked.

J. Schiller told S. Dion that it bothers him that when we spoke on the phone, and I said the mask mandate would end after Halloween, you were skeptical that we would end it then and we did end it.

It is important to say in this public forum that, one; this Omicron variant is a new variant that surprised the entire world. The acceleration of this has been unprecedented, much more than Delta, and two; it is not true what you said about patients who are sick have comorbidities. Don't spread those things. He is in the hospital all day long seeing patients with COVID, so to say something like that in a public forum is irresponsible, unless you have expertise, which it is his understanding that he doesn't, but he does. He wanted to correct that. He respects his request for a waiver of the mask mandate, he thinks we should entertain that, and you bring up some good points, but to bring up other issues is beyond what this should be about.

S. Dion said his point of the continued waiver is this cycle will likely continue.

J. Schiller said that is not true, we don't know that. This mask mandate is going to be revisited in March. There is an end date potentially on that. Our track record is that we have kept to our word. The reason why Dr. Roberts was so critical was to provide us with some sort of metric. You quoted him as saying his metric would be no COVID cases. The Board's metric is that if the hospital is asking us to do anything we can to limit the hospitalizations we have a duty to act. He assumes he is using the no COVID cases as a metric to relax the mandates, and that is not true. The metric he would use is the hospitals pleading with us to do something that we know works, which is masks, and vaccines and that is short of shutting down businesses and having a lockdown.

S. Dion said he appreciates that sentiment. There is a sense of looking for stability. We all want stability. Our concern to mitigate as much damage as we can health-wise but also business-wise. We need to be able to tell our community that there is an end date. We are mindful that this may continue. The zero cases he mentioned are hyperbole. If there are set standards that we are able to follow or for businesses to abide by, then that eliminates the need for the Board to make these judgment calls.

J. Schiller agreed that stability is important. He said there are a lot of inconsistencies with what we are dealing with. Unfortunately, we are dealing with the reality of a dynamic situation that we have to react to constantly. He would love for us to be done with this and not have mandates, but we are doing the best we can based on the scenario, which changes. Everyone would like stability, but the reality is that we are living in a very fluid situation. He understands the frustration.

S. Moore added that in recent months people have asked if we can overlook the mask mandate so long as we have a vaccine mandate in place. Until the CDC makes a decision that fully vaccinated includes being boosted there are definitional issues about what constitutes fully vaccinated. There is data from the medical community to support that we are seeing a really high number of breakthrough cases from people who are vaccinated who are being infected with COVID. That is why it is important to have layered mitigation strategies so it is not either or, but both. Regardless of setting, that is what is going to keep our kids in school longer and hopefully keep people out of the ICU. Vaccines are incredibly effective, and everybody should be getting vaccinated, but that is not necessarily sufficient to address community spread and community transmission. She feels the situation that we are in now is considerably dire and it is not the right time to remove the mask requirement. She feels layered strategies are very important in as many places where we can implement them.

D. Greenbaum said mask mandates have been enacted around the region, so when people talk about how it affects businesses, it is important to note that there are several communities in the area with similar mask mandates. We are not the only one.

Attendee Andrew Meegan, 65 Dearborn Street, is in support of B&S Fitness' request.

Attendee Maria Vasilakis, 45 Barr Street, said she is a member of IronSpider, which is a small community of members only. She said she frequents restaurants downtown multiple times a week and is able to go into a restaurant with her mask on and sit at a table with friends and take her mask off. They are next to a table with other people from the public who are also unmasked. At IronSpider it is so much safer and spaced out than any restaurant she has ever been in. She thinks the Omicron variant is spreading in places like restaurants and grocery stores.

Attendee Debi Ardon, 71 Greenwood Avenue, has been a member of CrossFit IronSpider for years, and agrees with what attendee Maria Vasilakis said. She goes out to restaurants in Salem all the time. There are a lot of small restaurants with very small space. It is nowhere near the capacity of the CrossFit IronSpider facility of 11,000 square feet. She feels it is a little hypocritical of the Board to say it is okay to be unmasked in a

restaurant but it is not okay to be unmasked in a sport fitness facility. It is frustrating when you pay a membership to be part of a private club where you do have a lot of space. There are a lot of other opportunities out there and she would hate to take her business from Salem and have to go somewhere else where she can breathe a little better when the exercise is intense. She hopes the Board will consider that.

J. Schiller responded to attendee Debi Ardon's comment about restaurants by saying he recognizes that there is a contradiction there based on science but it is not a hypocritical action by the Board. The problem is that we don't have a choice; the only other option would be to not allow restaurants to be open. We are doing the best we can do to keep restaurants and businesses open.

D. Greenbaum pointed out that the Board did make it a little stricter in restaurants. Masks are only supposed to be removed while actively eating or drinking and at all other times people are supposed to be masked.

J. Schiller said this whole scenario we are in is hard and he empathizes with everyone. He wishes people could come to the hospital to see what it is like. It would put a lot of this into perspective. He has never seen it like this, even at the beginning of the pandemic. People are burned out and are leaving their jobs and careers because it is so overwhelming and stressful. We are all in this together, so everyone's healthcare is diminished based on everything that is happening with the pandemic. He reiterated that this is hopefully a short-term response to a variant that is out of control and hopefully by March we are in a different scenario. The Board has kept to its word in the past about that.

P. Kirby moved that we deny the request from B&S Fitness for a waiver from the indoor mask mandate. S. Moore 2nd.

Roll call vote:

G. Yuhas – yes

S. Moore – yes

P. Kirby – yes

D. Elias – yes

J. Schiller - yes

Motion passed by a vote of 5 to 0.

**4. Linda Zimmer, 10 Howard Street –
Request for a Hearing Regarding
Board of Health Order for
Sanitary Code Violations Dated
November 15, 2021**

D. Greenbaum provided background regarding the violations of infestation of bed bugs and mice in Unit 41 at 10 Howard Street.

L. Zimmer, 164 Georgetown Road, Boxford, MA, introduced her attorney, William DiAdamo.

Attorney W. DiAdamo said his office is located at 23 Main Street in Andover, MA. They have some issue with the request to return as often as needed to rid the building of mice. They believe it to be functionally impossible in a multiple unit dwelling like theirs. Over the last year his client has upped inspections from quarterly to monthly per the request of the Board of Health. They have records they can provide. People in tenant buildings, as opposed to an owner-occupied unit, tend to leave food out and leave messes that attract rodents. There has also been a good deal of

construction on that particular street, particularly next door, and construction has a tendency to dislodge some of the rodent population. His client has taken significant action to address this on numerous occasions. They are happy to continue to monitor the situation and when necessary go in and address any complaints as they come up and to do reasonable inspections. The primary problem they have is that they are being asked to prevent there from being any mice in the building and they believe that to be functionally impossible.

D. Greenbaum said that while they may not be able to permanently rid the building of mice, he believes that with integrated pest management there is a way to limit the incidences of mice, or any pests, from a building, even a building of that nature with several single-room occupancies. He would like to see the records the owner has for the exterminations that have been done. Part of the problem is that we have not seen any of those records to date so we don't know what has been done.

Attorney W. DiAdamo said he can send the reports to Dave.

D. Greenbaum said he would recommend that the Board not take any action on the order until we see proof of exterminations. It is his understanding that Ms. Zimmer is the pest control operator of record. The Board would like to see proof of L. Zimmer's licensure with the state.

Attorney W. DiAdamo said all they are really quibbling with is the suggestion in the order to get rid of the pests and that we are somehow going to be in violation if one ever shows up again. That is the problem.

D. Greenbaum said this appears to be more of a semantics issue. That way the order is written is to "rid the building" but we do understand that it is unrealistic to expect there would never ever be a problem again.

Attorney W. DiAdamo said that is all they are trying to clarify; that trying to meet that burden would be too much.

J. Schiller said he thinks we are pretty reasonable.

D. Greenbaum said he thinks this is just the way it is worded and we will work to make sure that the language is a little bit cleaner than that.

Attorney W. DiAdamo said that is really what they are asking. He just wants to make sure he didn't put his client in a position where they would potentially put themselves in violation. In his experience, boards are usually pretty reasonable, but it is better to deal with it in advance rather than try to clean it up after we have a problem.

D. Greenbaum said we deal with these situations all the time.

J. Schiller said you have our word and that will be reflected in the minutes.

Attorney W. DiAdamo said he will send the reports and the copy of L. Zimmer's license to D. Greenbaum tomorrow.

L. Zimmer said the specific items used and the dates they were placed are in the reports.

5. Reorganization of the Board

a. Appointment of Chair

J. Schiller said it has been an honor to serve as Chair, and a labor of love. He thanked Clerk Maureen Davis for the work she has done and said on behalf of Salem, it is greatly appreciated.

Board members expressed their appreciation to J. Schiller for his leadership and willingness to serve as Chair again.

J. Schiller expressed his appreciation for the Board members and said they are all wonderful to work with.

P. Kirby moved that we appoint Dr. Jeremy Schiller as Chair of the Salem Board of Health for 2022. G. Yuhas 2nd.

Roll call vote:

**G. Yuhas – yes
S. Moore – yes
P. Kirby – yes
D. Elias – yes**

Motioned passed by a vote of 4 to 0, with 1 recused.

**b. Appointment of
Clerk of the Board**

**J. Schiller motioned that we reappoint Maureen Davis to continue on as Clerk of the Board.
S. Moore 2nd.**

Roll call vote:

**G. Yuhas – yes
S. Moore – yes
P. Kirby – yes
D. Elias – yes
J. Schiller - yes**

Motion passed by a vote of 5 to 0.

6. Chairperson Communications

J. Schiller discussed the vaccine passport app.

S. Moore said the state has put out a website, myvaxrecords.mass.gov, where you put in some basic information and it will provide you with a QR code that you can then take a picture of and use it whenever you enter a place that requires proof of vaccination. It was very easy and took about three minutes to do.

J. Schiller said there is going to be a huge effort to get more testing throughout Salem.

D. Greenbaum said the City has contracted with a provider to provide four dates this month for PCR testing at the Community Life Center.

The City has also procured a significant amount of the at-home rapid tests and we are in the process of trying to distribute them. Distribution dates will be provided as soon as they are available, which should be in the next week or so. We will provide one kit per household to start. Kits will also be made available to businesses for their frontline employees.

J. Schiller said everybody on the Board will be more than willing to help volunteer with distribution of the kits.

He has been organizing with other regional board of health chairs to have open communication so that going forward we can potentially make some unified decisions. He is hoping to meet with them next week. He told members to please reach out to him with any specific items they want him to bring up.

D. Greenbaum welcomed the new City Council Liaison from Ward 6, Megan Riccardi.

J. Schiller welcomed her as well.

M. Riccardi thanked them and said she is excited to join the Board and appreciates the work they do.

There will be two items in front of the Council this week; one is the Urban Agriculture Ordinance. She is hoping to bring it to closure this year. She is requesting a joint public hearing on that with the Planning Board. There will be Board of Health regulations with that as well. The second item is being introduced and will need some Board of Health input. More to come on that.

Attendee Andrew Meegan, 65 Dearborn Street, said he is a fully vaccinated white male and he encourages the unvaccinated of Salem to make the choice to meet with their doctor and to get their shots. He believes the soul of our city is on the line. As of tonight, the majority of non-white folks in our city remain unvaccinated. That is 50.5% of the population. This vaccine policy impacts the non-white population of Salem at twice the rate it impacts the white population. How is this by definition not structural and systemic racism? He is also a breakthrough case. He contracted the virus from another fully vaccinated person. We can still be active and spread the virus, so what benefit will proof of vaccination offer? This is a failure of this Board to deliver your message to the very people you are urging to get vaccinated before cutting them out of our community. Frontline workers will be enforcing this systemic racist mandate, not the Board.

Attendee Nicole Oliva said she lives in Haverhill but frequents Salem and wanted to echo what attendee Andrew Meegan said. This is complete discrimination and segregation and you should be disgusted with yourselves. She will not be doing business in Salem as long as this is in effect. Vaccines don't protect you or stop the spread.

J. Schiller said he encourages people to have comments, but if people say things that are actually incorrect he doesn't think we should provide a platform for that.

Attendee Patrick Dewey, 33 Bow Street, asked what the science was behind the decision for putting the COVID passport in place and putting the Salem business community in the position of being the only town asking people for vaccination status going into restaurants, retail shops, gyms, etc. Why are we putting this burden on ourselves? For clarification, is this up for reconsideration in March along with the mask mandate?

D. Greenbaum said it is up for review in March. He pointed out that although our neighboring communities have not done it, several other communities in the area have, and several others are considering it. Boston, New York and San Francisco have done it. It is not anything new and he does not find it discriminatory.

Attendee Leila Hauck, 6 Mount Vernon Street, is concerned that by implementing this mandate we will be giving the impression to people that if they go into these establishments and they are vaccinated and masked then they are safe from contracting COVID. As much as she wants that to be true, it is just not true. Also, even though New York City enacted a vaccine mandate, it did not prevent the current explosion of cases there.

The old adage says the definition of insanity is to repeat the same action and anticipate a different outcome. Yesterday it was reported that the percentage of breakthrough cases makes up 44% of hospitalizations in MA. That is unsettling. What are you hoping to achieve with the vaccine mandates? What criteria need to be met for the mandates to be lifted? How do you propose to look out for members of our community that have medical and religious exemption?

Attendee Barbara Caufield, 10 Bowler Street, Lynn, MA, wanted to express her objection to requiring a vaccine passport. She provided some data. It seems to her that requiring a mandate is futile at this point and could be considered discriminatory. Also, hospitals letting people go who are not vaccinated seems hypocritical if there really is a health emergency. Her objection is data based and it seems like requiring these mandates is not going to change what happens with COVID going forward. S. Moore said she is hearing a lot of questions and it is not productive for people to comment. It is her understanding that public comment is intended for actionable items. Perhaps a moderated Q&A session is in order. J. Schiller agreed.

Attendee Jeff Cohen, 12 Hancock Street, congratulated J. Schiller and M. Davis for their reappointments and praised new City Council Liaison M. Riccardi. He had a question about the phone wallet vaccination card. He got one and it was really easy but some people have been posting online that their cards are not reflective of the vaccines that they got. He assumes that as long as people have the QR code it will be sufficient for the vaccine mandate.

D. Greenbaum confirmed that if people have the QR code it will satisfy the requirement. If they have problems with their vaccine record there is a mechanism to have those issues corrected through the state.

J. Schiller wanted to correct a couple of things.

The number of people vaccinated in MA is a success because the really sick people in the ICU who are dying from COVID are not the people who are vaccinated. That is very clear. The thing that has changed is vaccine misperception among the general public. Just because there are breakthrough infections that have increased with Omicron does not mean the vaccine is not effective. The vaccine is very effective for two reasons; one, it is effective for the person receiving it for not getting sick and not going to the ICU and not dying, and two, the transmission of COVID is much less in the vaccinated than the unvaccinated, and coupled with masks, you are preventing community spread to some degree. A good analogy is that speed limits and stop signs do not prevent accidents, but they help. These measures are to mitigate an unprecedented out of control spike in the virus. That's all it is.

7. Public Health Announcements /Reports/Updates

a. Public Health Nurse Report

Not available.

b. Health Agent Report

D. Greenbaum reported that our Public Health Nurse, Suzanne Darmody,

will be returning from maternity leave next week.

c. Administrative Report

Not available.

d. Council Liaison Updates

See prior comments under agenda item #6.

**8. New Business/Scheduling of Future
Agenda Items**

- **Items that could not be
anticipated prior to the
posting of the agenda**

D. Greenbaum said as M. Riccardi stated, there could be a discussion about a Board of Health regulation related to the Urban Agriculture Ordinance.

MEETING ADJOURNED:

G. Yuhas motioned to adjourn. S. Moore 2nd.

Roll call vote:

G. Yuhas - yes

S. Moore – yes

P. Kirby – yes

D. Elias – yes

J. Schiller – yes

Motion passed by a vote of 5 to 0.

8:30pm

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is
Tuesday, February 8, 2022 at 7:00pm*