

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES
*December 10, 2019***

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

OTHERS PRESENT: David Greenbaum, Health Agent, Suzanne Darmody, Public Health Nurse, Maureen Davis, Clerk of the Board, Beth Gerard, City Council Liaison, Michael “Loki” LaChapelle, Salem Ink Tattoo, Michael Busa, Busa Wine & Spirits, Stephen Kapantais, resident, SSU students (observing the meeting)

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:01pm

2. Michael LaChapelle of Salem Ink Tattoo – Request for a Variance to the Requirement for an Autoclave in the Body Art Regulation

M. LaChapelle told the Board he is requesting a variance because in the past year they have gone to fully disposable and they haven’t used the autoclave in a year. He wants to keep it for guest artists or if they get a piercer. They will test the autoclave on a needed basis and will keep a log. D. Greenbaum said he has no issue as this is a common trend in the industry where people are going to single-use needles, dyes, colors, etc. The autoclave is kind of a thing of the past and is one of the things we will be looking at as we look to update the regulations.

S. Moore motioned to allow for a variance to the requirement for an autoclave in the body art regulation for Salem Ink Tattoo. G. Yuhas 2nd. All in favor. Motion passed.

3. Busa Wine & Spirits – Consideration of Reinstatement of Tobacco License

M. Busa addressed the Board about updates to their system that require employees to ask for an ID and put in a birthdate to process a tobacco sale. Joyce Redford from NSCATPP came in and did a brief training with his staff. She seemed happy with the changes they have made. Joyce was unable to attend this Board of Health meeting, but sent a letter confirming that the required training with Busa staff members was conducted on 11/24/19. She wrote that she wished the owner, Michael Busa, himself had also attended to be able to carry forward the training messages to other store staff and future staff. In her letter she also states that although she thinks the POS system is a helpful tool, she was surprised that it was only set up for tobacco product purchases and not for alcohol sales. She recommended, and strongly encouraged, adding alcohol to the POS system to be a fast-tracked priority for Busa.

M. Busa claimed he let Joyce know he was not going to be at the training because he had to be at one of the other locations. He said he runs an exception report daily that shows any weird transactions. He said they have not had any issues with alcohol sales and that is why it is not currently part of his POS system.

D. Greenbaum recommended we extend the suspension until the end of the year and allow tobacco sales after the 1st of January. If there is another violation in the future there will be a revocation, not a suspension.

B. Gerard asked if their system had a skip or override option.

M. Busa said it does not.

G. Yuhas asked if an employee could put in a false birthdate to allow for an

underage sale.

M. Busa said if they really wanted to, they could because the birthdate must be entered in manually but there is currently no system to block that. Resident S. Kapantais said there *are* scannable systems in place, such as SPIN, to confirm date of birth. The scooters around the City use a scannable system. He asked the Board not to reinstate Busa's tobacco license until they have a system in place, confirmed by Joyce, to prevent future sales and ensure they are following the law. Busa is before the Board because of a fourth offense in three years. This is the first time in about 20 years, since we passed the cigarette law, that someone has reached a fourth failure. His concern is that the Board could very well be setting a precedence by showing that any seller will only get a 60-day suspension for a fourth violation.

D. Greenbaum said he does not believe this to be the first time for a fourth violation. The Board can take further action down the road should this situation occur again. Again, Mr. Busa needs to understand if it happens again it will be a revocation.

M. Busa said that scannable technology systems are not presently available to retail environments. He is willing to do anything it takes, and it is important to them that they don't have a reputation of selling tobacco to underage kids. They do have systems in place and Joyce has seen them. Ashley Susa, a student observer from Salem State University, commented that the scooters are on campus and the scannable system allows people without a driver's license to scan their ID and still use the application. That scannable system still does not flag underaged people who don't have a license and allows them to use the scooters.

J. Schiller said he agrees with Mr. Kapantais' concern about what precedence this may set.

D. Greenbaum said to reset the clock there has to be no violations for 36 months from the date of the last violation.

J. Schiller said if we reinstate and then they have another violation within the next 36 months, that's it; there's no way the Board can allow any more violations.

M. Busa said 60 days without selling tobacco for a family-run business when it's a big part of their business is not just a slap on the wrist. He told the Board he is not trying to get them to let him pass one more time. He is embarrassed to be there again after he told us it wouldn't happen again. He is trying to make things better; they have a system in place but there is a user element to it that you just can't control. He has a very responsible group in place right now. It is important to them that they have a good rapport with the cities and towns they're in and he wouldn't want it any other way.

J. Schiller asked what percentage of their business is tobacco sales.

M. Busa reported about 15-25%. He said he can lose customers because they just want that one sale and if they can't get their beer and cigarettes together, they eventually go somewhere else.

D. Greenbaum said the fourth offense is at the discretion of the Board.

Joyce Redford agreed with his recommendation to continue the suspension to the end of the year.

J. Schiller said that is important information because she is the expert. He agrees with Mr. Busa that there is not a fail-safe program. He acknowledged that M. Busa has made the changes to comply, but it is his

risk at this point.

D. Elias asked M. Busa to elaborate why he doesn't have the system set up for alcohol sales. Is it just because of pushback from customers?

M. Busa said customers get annoyed because there is an added time element to it. They intend to put the system in after the new year when the busy season ends, but it needs to be perfected first. He will reach out to Joyce about more training and said he appreciates everything she did to help him.

G. Yuhas motioned to extend the suspension until the end of the year. P. Kirby 2nd. All in favor. Motion passed.

4. Introductory Discussion of Updating and Amending the Body Art Regulation

D. Greenbaum said NEHA put out new model body art regulations in October. In the spring he will have two student interns and he has plans to have them comparing and contrasting the model regulations to ours. He said he indicated to a number of other communities that he would take the lead and do the research and then collaborate with them to put together a draft that we would like to put out to industry. We would like to make regulations more regional so when a guest tattoo artist comes to the area, they will know what is expected of them. It will be a long process, so it won't be until the spring or early summer before there will be proposed regulations to bring before the Board. There is a lot going on in the industry, so he wanted to let the Board know it will be coming up. He said we will have more conversations in February or March.

**5. Approval of Minutes
(November 12, 2019)**

P. Kirby motioned to approve the minutes. S. Moore 2nd. All in favor. Motion passed.

6. Chairperson Communications

J. Schiller said he will reach out to our Health and Wellness Coordinator, Kerry Murphy, to see if she is able to attend next month's meeting to discuss what she is working on.

D. Greenbaum has asked Kerry to provide the Board with a monthly report going forward. She is doing a ton of work.

7. Monthly Reports-Updates

**a. Public Health
Nurse's Report**

S. Darmody reported she will be doing Hepatitis A and flu vaccines at Espacio for the Endicott College Hope Project on Sunday, 12/15/19.

P. Kirby asked if she has heard that scientists are saying the flu vaccine is not expected to be as effective this year. Does CDC monitor it as it goes along?

S. Darmody said they monitor the trend. She doesn't usually hear how effective the vaccine was until after the season, but she has only seen two captured cases of flu in Salem so far.

Copy available at the BOH office.

b. Health Agent's Report

J. Schiller asked how the collaboration with the hospital is going.

D. Greenbaum said Kerry Murphy attended her first meeting this month and discussed a healthy food options program where there would be a food pharmacy at the hospital to try to give people healthier choices. Doctors would actually write a prescription or give people a voucher to go down to the food pharmacy and get fresh vegetables and other healthier foods as opposed to going to fast food places. She is really trying to work with the

hospital to get that set up. Kerry said a lot of people were very interested and it's on the fast track.

G. Yuhas asked how the hauler meeting went. D. Greenbaum said it was not very well attended. He was hoping for 40 or 50 people, but only about a dozen showed up. Sharon Kashida from DEP was there and said it was done very well. She felt that was a usual turnout for such a meeting. People felt it was successful. We will have to do some legwork and follow up to make sure the haulers are getting permitted.

P. Kirby asked about the e-cigarette buyback program.

D. Greenbaum said the Mayor reached out to him about cessation services. The buyback will be a pilot program at the high school. In exchange for turning in e-cigarettes at the health clinic, participants will be given gift cards to places that don't sell tobacco, such as Target, Walmart, etc. Students will also have to sit through the cessation talk. His hope is that the program will also be at Salem Family Health Center. He would like to offer it to Salem Academy Charter School as well.

S. Moore asked if there is any privacy element involved or if it is all done in a group setting. She feels some students would not want others to know they are participating in the program.

D. Greenbaum said it would be one-on-one. The health clinic said they would take the lead on it. There are some logistics to be worked out such as tobacco products are not allowed on school property, so we have to figure out how the kids can bring them into the school to partake in the buyback without getting in trouble. He wants to see that the program works for the kids and then he would be very curious to see how it would work for adults.

D. Greenbaum said the City has invested in a permitting software program called ViewPoint Cloud, which will hopefully be inspection software for us as well. He would like to focus more on food inspections and food protection programs.

Copy available at the BOH office.

c. Administrative Report

Copy available at the BOH office.

d. Council Liaison Updates

B. Gerard said it has been her pleasure to be our liaison for her whole tenure as City Councilor. She has been bragging to people, especially the newbies, about the Board and what a phenomenal group we are. This is her last public meeting as an elected official.

There was very little that got carried over to 2020 at the last Council meeting, so she thinks it is going to be an exciting new year with an exciting new group.

She said we have a financially viable city, even with having many places that we don't get taxes from. We have an AA bond rating. We are in a good financial position because of what the Mayor and Finance have done over the years with free cash and other rainy-day funds. We do so much with so little.

The Board thanked her and said she has been excellent. Everyone agreed we will miss her.

P. Kirby motioned to approve the reports. G. Yuhas 2nd. All in favor. Motion passed.

8. Continue Discussion of Health Agent Formal Evaluation

D. Greenbaum said the union has an evaluation form in the contract, but it is not being used. The evaluation form is not tied to punishment or salary. J. Schiller said it is better to have an evaluation when there is no issue. Evaluations should be meant to be helpful rather than punitive. It is a dialogue tool. We can also choose to keep the evaluation informal. D. Greenbaum said he did inquire with the City Solicitor about what it would take to prevent a violation of the open meeting law but has not heard back yet. He said members can fill out the form Dee submitted at a prior meeting and submit them to Jeremy and then review the results with him either privately or at a public meeting. B. Gerard cautioned that we don't want to set a precedence that any evaluation can be done at an open meeting. She suggested we check with legal first. The evaluation may have to be done in executive session because it can be of a sensitive nature. D. Greenbaum will send the Board the Open Meeting Law that will show the reasons to go into executive session. If we choose to create an evaluation subcommittee it can only be made up of two members. J. Schiller will give an update next meeting.

D. Elias motioned to create a subcommittee comprised of D. Elias and the Chair, J. Schiller and have every Board member forward the evaluation to them. P. Kirby 2nd. All in favor. Motion passed.

9. New Business/Scheduling of Future Agenda Items

- Reorganization of the Board
- Discussion of possibly changing monthly meeting dates

D. Elias asked if there is a limit to the amount questions she can ask at meetings, for example, to ask for proof or information from someone who claims something at a meeting to ensure the accuracy of the claim.

D. Greenbaum said we encourage you to ask as many questions as you would like.

J. Schiller said each person should feel comfortable bringing their expertise to the Board. It is a highly educated Board.

S. Moore reviewed the community health needs assessment and was wondering if at some point in the new year we could discuss her ideas.

D. Greenbaum thinks in January or February we should put goal setting on the agenda and she can bring up her ideas then.

J. Schiller requested that Board members let him know as soon as possible if they can't make a meeting so he will know whether or not they will have a quorum to hold a meeting. That will give us time to notify the public if we need to cancel a meeting.

D. Greenbaum said on the back of Joyce Redford's letter there is some information about the vaping ban and what is happening with that. He recommends that we look at our local regulation and update the language to mirror the State regulation.

The Health Department is being highlighted in this month's employee newsletter. He will forward a copy when it comes out.

MEETING ADJOURNED:

**P. Kirby motioned to adjourn. S. Moore 2nd. All in favor. Motion passed.
8:25pm**

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is Tuesday, January 14, 2020 at 7:00pm
At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA*