

**CITY OF SALEM  
BOARD OF HEALTH  
MEETING MINUTES**  
Virtual Meeting held via Zoom  
and  
Recorded by SATV  
**March 1, 2022**

**MEMBERS PRESENT:** Dr. Jeremy Schiller, Chair, Paul Kirby, Geraldine Yuhas, Sara Moore, Datanis Elias  
**OTHERS PRESENT:** David Greenbaum, Health Agent, Suzanne Darmody, Public Health Nurse, Maureen Davis, Clerk of the Board, Megan Riccardi, City Council Liaison, Kerry Murphy, Health & Wellness Coordinator  
**ATTENDEES ADDRESSED:** (Please see minutes)

**TOPIC**

**DISCUSSION/ACTION**

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| 1. <b>Call to Order</b>  | J. Schiller read the portion of the agenda regarding remote participation of the meeting, etc.<br><br>7:03pm   |
| 2. <b>Approval of Minutes</b><br>(February 8, 2022)                                  | <b>G. Yuhas motioned to approve the minutes. P. Kirby 2<sup>nd</sup>.</b><br><br><b><u>Roll call vote:</u></b><br><br><b>S. Moore – yes</b><br><b>G. Yuhas – yes</b><br><b>P. Kirby – yes</b><br><b>D. Elias – yes</b><br><b>J. Schiller - yes</b><br><br><b>Motion passed by a vote of 5 to 0.</b>  |
| 3. <b>Additional discussion regarding the proposed Urban Agriculture Regulations</b> | D. Greenbaum said there will be a joint hearing of the Planning Board and City Council.<br>M. Riccardi said on Tuesday, March 15 <sup>th</sup> the Planning Board will be hosting a joint public hearing with the Council and the Planning Board. They will solicit public comments during that meeting as well because it has a zoning change in it, so it has to go to public hearing.<br>J. Schiller asked what the Board can do to facilitate it.<br>K. Murphy said they are soliciting public comments to support the ordinance, so it would be great to have either something in writing or someone commenting at the meeting.<br>S. Moore said she is happy to create a first draft of a letter of support this week and will share it with the Board for review.<br>J. Schiller said this is so exciting and is such a great idea.<br>K. Murphy said some outstanding questions on the proposed Board of Health regulations are regarding soil testing and inspections as far as beekeeping and chickens. She has been reaching out to some other communities who have adopted these types of regulations to try to get more information on how they do the soil testing. The ordinances she has read have been vague or just included lead. She wants to make sure we are |

doing everything we can to do this safely while not being overly restrictive for people's budgets.

P. Kirby said this is great, and because we do not know anything about it, we are relying on what other communities have done and what the best practices are.

K. Murphy said she is happy to send the Board examples of other board of health regulations that have been adopted in conjunction with urban agriculture ordinances.

G. Yuhas wanted clarification that these regulations are just for people who are going to sell their product, and not for a private garden.

K. Murphy said the soil testing requirements would be for those selling their produce.

P. Kirby asked if this is not currently allowed.

K. Murphy said the sale of produce is currently prohibited. No farm stands are allowed.

J. Schiller reviewed aloud the timeline of the regulations.

D. Greenbaum said the draft regulations are available.

S. Moore asked if, in preparation for our letter, we can get a full recent draft of the ordinance so she can include the different elements the ordinance is going to cover in it.

K. Murphy said she can send the most recent draft of the ordinance.

S. Moore said the soil testing and the lead testing were her outstanding questions and she wonders if we would have the opportunity to revisit that even after City Council votes on the full ordinance because that pertains specifically to us.

M. Riccardi said that is why they took that specific requirement out of the ordinance and put it into the Board of Health regulation to provide a little more flexibility in that regard so that it can come to the Board to make changes if needed. She will send the Board the related documents.

J. Schiller said he imagines the soil testing would be the part we would need to figure out the most.

K. Murphy said all of the other urban agriculture ordinances she has seen in MA have an annual soil testing requirement. The ones she has seen have been primarily for lead. We need to figure out how extensive it needs to be. The Board may want to include a one-time testing for other metals and then for subsequent years just lead. There are a few different ways we could do it. We also want to provide a best practices guide for any resident who wants to sell, along with the ordinance, just so we make sure we are doing it as safely as possible.

S. Moore said she thinks it would be helpful to have an outside person with expertise in that area to provide a recommendation and an overview of what is necessary from a science perspective.

J. Schiller agreed and said we should get educated about it, too.

Attendee Andy Varela, 23 Cedarcrest Avenue, spoke as a resident, not a City Councilor. His fear with the Board of Health regulations is if you make someone do a heavy metal test every year it can get quite costly. Lead is the biggest issue concerning contamination. Once you test for lead once, if it is there in a small amount there could be an issue down the line. If there is no lead, the chances of more lead happening are insignificant. The reason for an annual soil test is to find out what is being used for

herbicides, pesticides, and fertilizer. The biggest issue with contamination concerning heavy metals is phosphate-based fertilizers. After you use them over and over and over the biggest issue is cadmium, and cadmium is toxic. Phosphate-based fertilizers are mostly used in a commercial agriculture scale. Most of the over-the-counter fertilizers people can get at nurseries and home improvement stores are not phosphate-based. Most are based in either fish or seaweed. The lead test to begin with is very important, but the cost of a yearly test after that can be prohibitive to some of our residents. He agrees with S. Moore about getting a soil scientist to give us a quick synopsis. The biggest issue for the Board of Health should be what the residents are spraying on their plants and what are they fertilizing with. That is going to have a bigger impact than what is already there with the metals.

K. Murphy said we could provide education for people who are going to grow and sell their own produce as far as using organic practices and the types of pesticides and herbicides to use. The \$20.00 test does include lead, but other tests that include other heavy metals can be \$60.00 or more.

P. Kirby asked if we could mandate no phosphate-based fertilizers.

A. Varela believes the Board should make that determination. There are enough options out there that are not cost prohibitive and are not phosphate-based. He said pesticides are the biggest thing to worry about. Luckily, the pesticides available to our residents from garden centers are fairly okay but there are some that are pretty nasty, so writing additional language for that might be beneficial.

J. Schiller told S. Moore he is happy to contribute to the letter of support.

Attendee Lisa said under open public meeting laws she is not required to give her address but said she lives in central MA. She wanted to know where this idea was born. She said she knows that national associations are calling the shots. She asked what role the National Association of Local Boards of Health played in the desire to implement this new costly restriction to private property owners.

D. Greenbaum said the NALBOH did not play any role in this. This is a local ordinance and zoning change that involves a local board of health oversight. The national association had no role in it.

Attendee Jeff Cohen, 12 Hancock Street, and Ward 5 Councilor, said he is grateful to have been on the working group with K. Murphy, Councilor Andy Varela, Councilor Meg Riccardi and others who helped with the Mack Park Food Farm. He represented the Sustainability and Resiliency Committee, so he does not know as much about farming, agriculture, and fowl as the other people in the working group, but he is very proud of the work that was done. K. Murphy did a great job. He acknowledged that a letter and regulations from the Board of Health will lend credibility to the project. He said he is proud to live in a city where the Board of Health relied on science and their willingness to do right by the residents of Salem. It has been very hard for him to understand how people have had opinions about facts. He thanked everyone on the Board and the Health Agent for all the great work they have done.

J. Schiller said everyone seems pretty excited about this and we will do whatever we can to support it.

K. Murphy said having the support and voice of the Board behind it will go a long way. She said she and A. Varela can provide any information they need.

D. Greenbaum said we will get information about the topics discussed to the Board so we can get items written into the regulation as needed and hopefully have it ready for the April meeting.

#### **4. Discussion and vote on the format for future Board of Health meetings**

D. Greenbaum said when we scheduled this meeting, we thought the Governor's orders regarding the Open Meeting Law would expire at the end of March. Since then, the Governor extended the Open Meeting Law allowing Zoom and virtual meetings through July 15<sup>th</sup>, so the Board has a few options. They can either stay fully remote as it has for the last two years, they can go in-person with a hybrid remote component, or they can go fully in-person. His recommendations are to go back in person and use a phone line as the remote participation option, no video, and then go back fully in-person in August or September.

S. Moore said she feels a remote component is important. Public comment is really important. Our remote meetings have been well attended compared to our in-person meetings in the past. She thinks there is something meaningful about democratic participation that remote participation allows for. She thinks either of the options D. Greenbaum suggested sound good and keeping the remote component would be helpful.

P. Kirby agrees there should be a remote component or hybrid model.

J. Schiller asked if it would be prohibitive to resume in-person meetings. He thinks there is value for all of us gathering together, not only so we get to see each other in person again, but also to signal an end of a certain aspect of this pandemic. There is also value to people being able to participate remotely and increasing participation, and value in people coming to the Board in-person and making that effort to show up and participate like we are.

G. Yuhas thinks that if people have something to say to the Board they should come in person. It was too easy for people to come on the line and complain and not have to come to a meeting.

P. Kirby said we have taken a lot of public comment at meetings.

D. Greenbaum thinks the Board has been more than accommodating when it comes to receiving and taking public comment. He thinks there is going to be some effort on all boards and commissions to have some remote aspect to their in-person meetings. He thinks it is worthwhile to hold one more meeting virtually and see where we are at in April.

J. Schiller said whatever we decide is not a static decision. We can revisit this and tweak it to something that works best.

S. Moore added that as a matter of equity, remote participation has been helpful for those with children or with transportation or mobility issues. She appreciates the School Committee's process where people must sign up for public comment by a certain time beforehand, and those are the people who are permitted to speak at the meeting. Written comments may also be submitted ahead of time. There is a thoughtfulness to it. It might be something worth considering.

D. Greenbaum said he looked into how that would work and was told that it is allowed as long as we make it known at the posting of the agenda that people need to register to speak before the meeting.

P. Kirby agreed with S. Moore that remote participation has been helpful

for people. He is hoping that maybe in the future when there are not as many issues with COVID the number of people that want to vent about stuff, as opposed to speak about an actual issue, is going to go down so we may not need to set up a whole new system.

J. Schiller likes the School Committee's process that S. Moore described. We can see how it goes and if it becomes an issue, we can move to a process like that. He said he tends not to be a very formal person, however there were some bothersome things about some of the public comments, but he also feels it was a little barometer of where people were at.

P. Kirby likes the informality and thinks it makes our meetings approachable.

D. Greenbaum said the Board can table the vote on the format for future meetings until April. With the Governor's extension, we can meet virtually in April and then reassess. He thinks waiting one more month makes sense.

**P. Kirby moved that the Board hold its April meeting virtually and then hold its May meeting with an in-person hybrid model with a remote component.**

**S. Moore 2<sup>nd</sup>.**

**Roll call vote:**

**G. Yuhas – yes**

**D. Elias – yes**

**S. Moore – yes**

**P. Kirby – yes**

**J. Schiller - yes**

**Motion passed by a vote of 5 to 0.**

**5. Chairperson Communications**

J. Schiller said COVID numbers look much better. He feels like we made the right call at the right time. He is proud of this Board and how proactive and reactive we have been when it comes to public health. The fact that we were unanimous in all of our decisions is remarkable and good for the City.

**6. Public Health Announcements  
/Reports/Updates**

**a. Public Health  
Nurse Report**

S. Darmody said our COVID case count numbers are improving. She said she is happy to continue to update the Board as they see fit as far as reporting.

**b. Health Agent Report**

D. Greenbaum said we are in budget season. He submitted part of the budget and he will be working to complete it this week. He is putting in some requests and he will keep the Board up to date.

He asked what kind of reports the Board is looking for in the future as we transition from a pandemic to an endemic. He asked if the Board wants to continue receiving similar reports as before or if they have an idea of what information they would like to see.

G. Yuhas said she does not think the positive COVID case count numbers are as accurate now since so many people are doing at-home testing. She would prefer to see the hospitalizations once a week.

P. Kirby said he gets G. Yuhas' point, but he would still like to see the PCR

test results, but weekly.

J. Schiller thinks that even though the numbers are not as accurate because so many people are taking home tests, they have given a sense of what is in the community.

D. Greenbaum said we are one of, if not the only, community reporting daily case numbers. He agrees that the numbers are not necessarily reflective of what we are seeing. At the end of March, the Stop the Spread testing sites are supposed to close. We have not received an extension notification yet. It is his understanding that the testing sites will not be extended past the end of March, so it will be a little more difficult to get the PCR test results and case counts. He thinks weekly is more than sufficient at this point, but if the Board feels strongly that they want them daily we will continue to do that.

He wanted to clarify that when he is talking about reports, we used to do a monthly report about our activities, the number of inspections, etc. If the Board still finds value in that we are happy to put them together and provide them on a monthly basis. If there is other information they would like to see, just let him know.

J. Schiller said it would be important to know if there are cases of TB and some other unusual infections.

S. Darmody said she can provide monthly counts of reportable diseases and can also provide information on outbreaks and clusters.

S. Moore said she likes to see the data on infectious diseases, like flu, etc.,. She feels that COVID has changed the nature of work so much, and she does not feel like she needs to know about every activity the Department does in a month. If there are any new initiatives, it does not necessarily need to be in a written report; they can be mentioned at a meeting, and it will end up in the minutes.

P. Kirby agreed and said COVID made us all realize that we did not necessarily need the monthly activity reports. We were doing it because that is what we have always done.

J. Schiller said he will leave it up to D. Greenbaum and S. Darmody to inform the Board about what they feel are important issues.

D. Greenbaum said several departments are working on an initiative with the Mayor to do some data point presentations on the things they do; for us it would be the number of inspections, permits, etc. The first presentation is supposed to be at the end of this month. He can share the presentation with the Board. It might give some good information from a data perspective of what is going on with the Department.

**c. Administrative Report**

Copy available at BOH office.

**d. Council Liaison Updates**

M. Riccardi said the Urban Agriculture Ordinance joint public hearing will be on Tuesday, March 15<sup>th</sup> at 6:30pm.

A Wetlands Ordinance was recently submitted to OLLA (Ordinances, Licenses and Legal Affairs). There was a working group last year if anyone is interested.

An ordinance submitted to the Public Health, Safety and Environment Committee by Councilor Varela regarding a poly Styrofoam ban for food service and retail establishments is currently under discussion. There will be a Board of Health aspect for enforcement.

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

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

N/A

**MEETING ADJOURNED:**

**G. Yuhas motioned to adjourn. P. Kirby 2<sup>nd</sup>.**

**Roll call vote:**

**D. Elias – yes**

**G. Yuhas - yes**

**P. Kirby – yes**

**S. Moore – yes**

**J. Schiller – yes**

**Motion passed by a vote of 5 to 0.**

7:54pm

Respectfully submitted,

Maureen Davis  
Clerk of the Board

*Next regularly scheduled meeting is  
Tuesday, April 12, 2022 at 7:00pm*