

**CITY OF SALEM  
BOARD OF HEALTH  
MEETING MINUTES**  
Virtual Meeting held via Zoom  
and  
Recorded by SATV  
**May 11, 2021**

**MEMBERS PRESENT:** Dr. Jeremy Schiller, 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, Patricia Morsillo, City Council Liaison, Victoria Caldwell, Assistant City Solicitor, Craig Burnham, Burnham & Associates, Attorney John Fitzpatrick, representing Burnham & Associates

**ATTENDEES ADDRESSED:** (Please see minutes)

**TOPIC**

**DISCUSSION/ACTION**

- J. Schiller read aloud that, pursuant to Governor Baker's orders, there exists COVID-19 Emergency Open Meeting Law Guidance regarding the implementation of virtual public meetings, etc.
- 1. Call to Order** 7:02pm
- 2. Approval of Minutes** **P. Kirby motioned to approve the minutes. S. Moore 2<sup>nd</sup>. All in favor. Motion passed.**  
(April 13, 2021)
- 3. Hearing regarding trash violations at 70 North Street, Craig Burnham and Attorney Fitzpatrick** D. Greenbaum said we received a complaint through the online complaint system, See Click Fix, about some trash and debris along the walkway between North Street and the train station. On Wednesday, March 31<sup>st</sup>, Sanitarian Janet Mancini did an inspection and noted some trash and debris along the property. She issued a trash letter to the property owner, Burnham & Associates, Inc., requiring the trash and debris be removed. We did a re-inspection last week. The area has been cleaned considerably and we appreciate that, however, Mr. Burnham and his attorney requested a hearing.  
C. Burnham said he would rely on the input from Attorney Fitzpatrick.
- It was decided that agenda item #3 would be moved out of order until Attorney Fitzpatrick is present.**
- 4. Updates on COVID-19** D. Greenbaum said, as the Board knows, case counts have dropped considerably. Infection rates are down. We are seeing an increase in vaccination rates and are starting to see a critical mass. There is not as much demand as there is supply at this point. We are doing our best to make sure we are getting as many people vaccinated as possible. Over the last week or so, the Governor has made announcements about changes to the COVID protocols and reopening. One of the things we will talk about tonight is the lifting of the mask mandate that took effect April 30<sup>th</sup>.  
J. Schiller said the situation report from the past week was very encouraging. The data showed the case positivity rate is low in Salem and is at its lowest since October. Vaccination rates are increasing.

S. Darmody said 35% are fully vaccinated; those are people who have received two doses of either Pfizer or Moderna, or one dose of Johnson & Johnson. 16% are waiting for their second dose, so combined that is a total of 51% that have had at least one dose.

J. Schiller said that is good news and our rate of vaccination mirrors with the State's vaccination rate. Also, hospitalizations are down, and capacity is up. Those are all good things. The rates are dramatically different than they were five months ago.

**5. Review of Board of Health  
Emergency Public Health Order  
requiring face covering in the  
downtown B-5 District and City  
parks and playgrounds**

D. Greenbaum said we will discuss the outdoor mask mandate that the Governor lifted and where Salem stands with that. Our mask mandate is still in effect until the Board makes their decision tonight.

J. Schiller said he feels very encouraged by the numbers that he cited from the situation report. It is inspiring how the community of Salem has come together with the overall mask compliance to get through what was a very difficult winter. The Board was left with some really difficult decisions over the winter. As he reflected upon the decisions the Board has made over the past year, we have placed the greatest value on the science and the data and not fear or concern. We made decisions that were in the best interest of public health locally in Salem. The Board is meeting for the first time since the Governor changed the mask regulation, so it was not that Salem was doing anything different than the State, we just hadn't met yet, so we will discuss it tonight. He wants it to be clear that Salem hasn't decided - tonight we will make the decision as to which direction we go. He said from looking at the data and reading the CDC guidelines and recommendations, it is evident that the risk is low for outdoor spread without masks. He thinks we should follow the science. His biggest worry about not doing that is what metrics we would use to guide us as to whether we use masks or not. He feels our citizens are best served if we use the State and CDC guidelines to help us make these difficult decisions. We need to be uniform and clear about masks.

P. Kirby agreed.

S. Moore said knowing that Salem is a tourist destination, in the past she was concerned about lifting the mask mandate. Since the CDC and State guidelines have come out, she feels more confident in being able to safely unmask outdoors. She wonders about the busier spaces like the Willows though.

J. Schiller added that, even if we decide to lift the outdoor mask mandate tonight, in no way does that mean it is a relaxation of the precautions that we know work to prevent the spread of infection, namely indoor masking, social distancing, getting vaccinated and getting tested when you suspect you have been infected. We need to be clear about that.

He asked how we would enforce different zones with different requirements.

D. Greenbaum said enforcement overall is very challenging.

G. Yuhas said after reading the article from the CDC in the New York Times, it seems that the risk of getting COVID is really low just from being outside. She is all for lifting the outdoor mask mandate, but we should be strict about people wearing masks in stores and restaurants.

D. Elias supported J. Schiller's argument about the masks. She also just wants it to be clear about indoor masking and that people know they should still follow the protocol and be masked and keep their six feet distance

when inside. Even when outside, everybody has the right to keep their mask on if they want to.

D. Greenbaum reported that he held a webinar for businesses last week and one of the things we talked about was that between Health, Police, and Fire we would distribute signage to all the downtown businesses indicating that masks are required. We are trying to do everything we can to be proactive and make sure all the businesses and the patrons are aware of the rules.

Attendee APC, Ana Campos, 17 Orleans Avenue, and a Salem small business owner, said she recently attended the de-escalation training offered by the City and said she wishes we would stop pretending that the pandemic it is not happening anymore. We need to stop pretending people aren't still getting sick and still dying. This is not over, and we are a tourist destination. We know that close to half of people in red states are refusing vaccinations. We know that there are millions of people skipping their second doses. It is irresponsible to act like the minor inconvenience of wearing a mask is such a big deal. What you are doing by lifting the outdoor mask mandate is you are, once again, putting service workers at the front line of enforcement and safety because now the place where that happens is at the door of our businesses. We are already getting verbally assaulted and flipped off for trying to enforce something. If you lift the mask mandate in downtown, what's going to happen is people won't wear masks outside, they'll walk into the businesses and say they forgot and they don't have a mask. Meanwhile, they're still breathing on us. We don't know that much about the variants and mutations, and we know the vaccine is not 100% effective. At the de-escalation training, the expert who came in advised business owners to not ask people to put masks on right away, to establish a rapport and get on a first-name basis first because people don't want to be told to put masks on right away. We were told to treat it with humor, but I don't find it humorous to be forced to let someone put my life in danger. We need to remember that there are people with compromised immune systems who can't get vaccines and that unvaccinated people who don't believe in this pandemic are going to be flocking to Salem. She doesn't think it's smart or safe to lift the mask mandate downtown.

Attendees Benjamin and Alexis of Vampfangs, 244 Essex Street, said J. Schiller articulated the Board's position very well and it was well rooted in data. He and Alexis both agree with the Board's position. They are very confident in their ability, and the ability of their staff, to control their space. This past season the mask compliance within their business was overwhelming. Each individual's choice to wear a mask to protect themselves is still there.

Attendee Grayson Martinez Ocasio, 70 Boston Street, thanked the Board for the work they are doing and have done. He asked, if the mask mandate for outside is lifted, how will we support the business community so they can enforce the indoor mask requirement without putting themselves at risk for potentially combative people that don't want to comply. It is concerning because of the high number of out of state tourists that are not vaccinated and refuse to follow CDC protocols. He is incredibly concerned about the safety of business owners and residents. People can get really ugly about it.

J. Schiller reiterated that the State guidelines and the CDC recommendations are that indoor masking is important in a public space, so that is not changing.

D. Greenbaum said mask compliance downtown has been very high. He thinks compliance is 90-95% downtown. The parks are a little more challenging. We deployed the downtown mask ambassadors and the park rangers to assist us with education, not so much enforcement. Enforcement is our job.

Attendee Mary Whitney, 356 Essex Street, Unit 2, said she agrees with the Board's decision to follow the CDC guidelines for lifting the outdoor mask order. She said she knows the Board sees data and feels they would not lift the outdoor mask mandate if they thought it was a serious danger downtown.

S. Moore said she understands that people are anxious, and she wants to acknowledge that, but we have to make decisions based on science and data, not personal experiences.

J. Schiller agreed and said we make our best and logical decisions based on science and data, not fear or skepticism.

D. Greenbaum said we know a lot more about the virus now. Infection rates are way down, and vaccination rates are going up and that's where we want to be.

Attendee Josh Turiel, 238 Lafayette Street and Ward 5 Councilor thanked the Board and the Health Department for handling all the extra demands placed on them over the last 15 months. The decision to stop enforcement in the wide-open park areas is easy, the decision regarding downtown seems more complex. Based on the rates of vaccination, lower disease rates, and CDC guidelines, it seems like getting rid of the mask mandate downtown in the outdoor areas is probably the right call. He would prefer to see it gone. Outdoors is one of the safest places to have activities. As for issues with enforcement, hopefully we can work with the Health Department and, as necessary, the Police Department to make sure our businesses have the support they need to keep going because he doesn't think the indoor mask issue is going to change for some time. This is a step towards the new normal we are working towards and he is confident the Board will make a thoughtful and educated decision.

Attendee APC, Ana Campos, spoke again. She wanted to respond to the comment about anxiety versus science and was offended at the implication that her stance was based on anxiety and not science. She said a scientific fact is that 81 people died in Salem of COVID that didn't need to die. That was 100% preventable.

She said we heard from a male business owner, but it is very different to be a female in a service position. She said she has had 100% compliance in her business because she is very strict. The way people become aggressive towards women who are trying to enforce mask mandates is a lot different than if there is a male presenting person who is an authority figure. She asked if we are in such a hurry to get back to normal that we are willing to see more people die. She said science also says that continued mask wearing is ultimately safer. The CDC guidelines are a minimum of what we should be doing. She asked if Salem wants to do the minimum, or do

we want to be proactive. If you are going to insist on lifting this mask mandate, we need better de-escalation training that is for true safety. You cannot lift the mask mandate unless you do something to keep people in service positions safe. This is not a matter of anxiety; this is just the reality of what it's like to operate a business in Salem right now.

G. Yuhas said you can't force people to wear masks. Whether you have a mandate or not, there are going to be people who are not going to wear a mask. Outside, people are not congregating, they are walking by each other. She agrees it's important that people wear masks inside, but no matter what mandate you make, some people are going to fight you about wearing a mask going into a business. People are ready to get rid of their masks outside. She thinks it is important to follow the CDC.

D. Greenbaum said the police will be providing information to all the businesses about de-escalation techniques and when they should be calling the police. He said the intent of the de-escalation training was to prevent escalation in the first place rather than having to deploy de-escalation tactics.

P. Kirby said he is concerned about the Board of Health and the Health Department having very limited enforcement powers. He feels like not following the CDC or the State gives us an outlier status and causes a hit to credibility. If, down the road, there is some surge of a new variant, there would be a loss of credibility if we say to follow the science, but then take a different position when the scientific authorities make a decision. This is one of the reasons why he supports lifting the outdoor mask mandate. If we do decide to lift the outdoor mandate, we need to be clear that indoors continues.

J. Schiller added that he has no problem with the Board doing its own thing as compared to the State and being bold and progressive if we need to. We almost were that way this winter because our local hospital was reaching capacity. He cares about doing the right thing for Salem, based on data. The data that we know for outdoor transmission is very clear, and it's exceedingly low. Coupled with the vaccination rate and the overall positivity rate in Salem, these are all encouraging factors.

D. Greenbaum said it's important to point out that this Board has been on the forefront. We were one of the first, if not the first, to institute a mask order and to issue a number of other orders, and now we are the last, or one of the last, to roll the mandate back.

J. Schiller added that this Board has shown an amazing ability to be dynamic and meet outside of our regular monthly scheduled meetings. We have met multiple times on an emergency basis throughout these last 15 months. We have shown we have the ability to meet and make decisions and act when needed.

S. Moore reiterated J. Schiller's earlier point about what metrics we would use to say we no longer need to mask outdoors. It should be about balancing and making decisions based on the science and data and understanding that we do have some clarity now about how transmission works.

P. Kirby said we can begin to create the new normal as the disease becomes very well controlled, with the understanding that it is probably never going to be eradicated.

Attendee Daryl Bennett, Mount Vernon Street, said she appreciates

everything that everyone has done. It has been a long haul. She has a nursing background and can see both sides. She asked what kind of protocol is being used in the hospital that is helping.

J. Schiller said COVID patients are treated with anti-viral medications and steroids, which have worked well, but basically it is supportive care. She wondered if anyone had any information about treating people with IV Vitamin C. She heard it has been very helpful and lots of it was being shipped to Wuhan in the very beginning. She mentioned the use of Vitamin D or Zinc as well.

J. Schiller said he doesn't know the data on that.

D. Bennett said she can provide that information to him.

D. Elias commented with regard to de-escalation, it is very important that businesses have many signs that are clear about the need to wear a mask at their place of business. It is also helpful to give out masks for free for those who may put up a front about wearing one. These solutions actually work. She feels communication is key and holding your ground is key. There may be a lot of feelings going on, but business owners also have rights, and they don't have to welcome people into their business if they are not willing to follow their policies.

D. Greenbaum said the Fire Department will be handing out a box of masks to every business downtown, so they will have masks.

J. Schiller said we have heard a lot of important information and this is yet another difficult decision the Board has to make. He values the fact that our Board doesn't just automatically adopt State guidelines. We consider the guidelines specific to Salem, but as an entity that takes into account the data. He is proud of the Board for being careful in the decisions we make. We take these issues very seriously, as we should, and they are not easy decisions to make. He feels the only way to make the decision is to look at the data. His vote is to comply with the State regulation and lift the outdoor mask mandate.

**D. Elias motioned to rescind the Board of Health Emergency Public Health Order requiring face covering in the downtown B-5 District and City parks and playgrounds, as well as abide by the CDC guidelines and State regulations.**

**P. Kirby 2<sup>nd</sup>. All in favor. Motion passed.**

P. Morsillo said she has heard a lot of people are concerned about the second vaccine rate and whether people are not getting the second vaccine. She asked if there is data to indicate a reluctance.

P. Kirby said MA is doing very well with vaccination rates.

D. Greenbaum said he hasn't seen that and believes that about 99% of the people we are vaccinating are coming back to get their second shot.

S. Darmody said out of the roughly 1,500 doses we have given, only one person refused the second dose.

P. Morsillo was curious whether the fear of the side effects from the second shot are keeping people from getting it. She thinks the concerns may be just anxiety and not based on anything.

P. Kirby found something online from the University of Minnesota that said only 3% of vaccinees missed their second doses as of mid-February, and 96% of people who got their second doses did so within the recommended timeframe.

D. Elias was looking at an article in the Boston Globe dated 4/26/21 that reported 99% of our residents have gotten their second dose. It also quoted that according to federal estimates, MA has the lowest rate of vaccine hesitancy in the U.S.

P. Morsillo has been keeping track of the percentages by age group that have gotten their vaccine and it is really impressive. Each age group is over 70%, the top two are in the 80<sup>th</sup> percentile, so it is a good trend.

J. Schiller said the reason why we were able to comply with the State and make the decision we just made is because people have been vaccinating. People are driving down the rate of this virus.

Attendee Daryl Bennett spoke again and asked if there is a way to check if a patient has antibodies as part of a protocol.

D. Greenbaum said it is part of what is being done as surveillance for the disease. It is not something that we are doing locally.

**3. (Continued from page 1)  
Hearing regarding trash violations  
at 70 North Street, Craig Burnham  
and Attorney Fitzpatrick**

Attorney John Fitzpatrick joined the meeting.

He asked if the Board was inclined to dismiss what he regards as the ill-advised trash violation letter. If not, he will make his presentation.

D. Greenbaum told the Board it would not be his recommendation to withdraw it as a re-inspection has indicated that the violations have been corrected. We will issue a letter to that effect and that will solve the matter, but if Mr. Fitzpatrick wants to continue and have his arguments heard, that is his right.

J. Fitzpatrick said his client submitted eight questions to the Board. He never received a response. He said he will read the questions and the Board members can respond as they see fit.

V. Caldwell said she knows the first question was why the inspection was conducted and Mr. Greenbaum indicated at the beginning that it was inspected because there was a complaint received on See Click Fix, the City's automated complaint system.

J. Fitzpatrick asked if it was an anonymous complaint or was it from an identified individual.

D. Greenbaum said he believes it was anonymous, but he would have to look into the complaint to be sure.

J. Fitzpatrick said that is problematic because the timing of this stinks to high heaven because it is a commercial lot and a commercial business and not subject to the State residential Sanitary Code which was the basis for the letter violation that was dated March 31<sup>st</sup>. He said the timing of this, the chronology, is highly suspect, very dubious and it stinks to high heaven. In March there was a bit of a contentious series of public hearings concerning the City's plans to redevelop the harbor space and remove the last remaining designated port authority for working mariners and working nautical businesses from that area so it could be redeveloped in a mixed-use fashion, including residential and retail. Burnham & Associates, the subject of this enforcement attempt by the City, was among those few remaining maritime businesses in the area who objected to this proposal by the City. By letter dated March 24<sup>th</sup> it set forth its objections saying it wanted the designated port authority retaining its use for maritime purposes to be preserved. Then, a week later, March 31<sup>st</sup>, for the first time anyone can remember at Burnham & Associates, they receive this bizarre citation. That timing stinks to high heaven and it wreaks of retaliation, and that's

unlawful.

D. Greenbaum responded and said he is not aware of any of those hearings. We do not get involved in any of those hearings. We respond to complaints of this nature on a daily basis, and we cite many properties under the same codes and regulations. He recited the part of the Sanitary Code, under 105 CMR 410:602, that says that the owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish, and other refuse, etc.

V. Caldwell said that is not a new provision of the State Sanitary Code. It has been in existence for a long time, and it has been a basis for many citations beyond Burnham & Associates.

J. Fitzpatrick said just because the same mistake has been made over and over and over again doesn't make that mistake proper or lawful.

J. Schiller said in the interest of time and relevance to the Board of Health, we shouldn't be talking about who or why someone put in the complaint, we should be talking about whether or not the complaint was valid.

J. Fitzpatrick said you can't use this means to unlawfully retaliate against a business owner in this way.

D. Greenbaum said it's important for the Board to understand that this is not an unlawful retaliation. We, the Board and the Department, were not aware of this waterfront hearing. We got this complaint and we acted in good faith.

J. Fitzpatrick asked if there is any way to determine if this complaint was received from a member of the Salem City government or leadership.

D. Greenbaum said he will look to see who made the complaint.

J. Fitzpatrick said the purpose of the Sanitary Code is to govern residential properties, not commercial properties. Burnham & Associates is a commercial property. He thinks the City is absolutely wrong if it is taking the position that it can go to a local business owner and use the State residential Sanitary Code to take punitive action against that business owner; that is unlawful. It is not consistent or compliant with the statute or the applicable regulations. He has looked into it, and it looks like a pretty compelling case that the City has made a serious error and the City's actions are unlawful. He wants to make it clear that Burnham & Associates is not waiving its argument that the City has no lawful jurisdiction to do what it's been trying to do to against Burnham & Associates. There was no cleaning needed, but Burnham & Associates has cleaned up the lot because they are a good member of their civic community. At great expense, they had their workers and two dumpsters brought to the location and used equipment that has been lawfully stored on that site for many years without any citation or punitive action being taken because that is a lawful use of the property that they pay taxes on and that they have occupied for decades. He wants to make it very clear that they did not clean up out of any sense of obligation, they did it out of a sense of civic responsibility.

He suggested to both the Board and D. Greenbaum that in the future, if there is some anonymous complaint, perhaps instead of sending some kind of enforcement action on paper, maybe make a phone call or knock on the door of the business and ask them to tidy it up. It might be a lot more effective and take up less time for everyone.

D. Greenbaum respectfully responded by saying that is not the process that the Health Department or the Board of Health takes. When we have a



complaint, we investigate it and we cite it appropriately, which we did. J. Fitzpatrick asked about the nature of the investigation. He asked what prior notice his client was given by the City about the inspection and what prior opportunity was given to address the City's concern before this inspection and punitive violation notice was sent.

D. Greenbaum said there is never a previous notification. That is not how we handle any of our complaints. We investigate, view the violations, and issue an order. That is the standard procedure for any of our complaints.

J. Fitzpatrick made another suggestion that if the Board is interested in saving taxpayer money and saving time and in just being a good civic monitor, perhaps it makes more practical and de-escalatory sense to just reach out to a homeowner before enforcement action is taken. Then the City ends up in court, potentially, at great expense to everybody. He strongly suggested the City put some consideration into modifying its procedures to make it more civically responsible.

J. Schiller asked, again, in the interest of time, what J. Fitzpatrick is requesting from this hearing.

J. Fitzpatrick said it seems to be a sui generis (he spelled out each letter of the phrase), unique "citation" that he has never seen before in municipal law. He said he wants the March 31<sup>st</sup> letter to be withdrawn, but Mr. Greenbaum doesn't want it withdrawn because it has been complied with. J. Schiller asked him if, even though he has complied with the citation, he still wants the citation withdrawn.

J. Fitzpatrick said absolutely, because they don't waive their position that the City had no lawful authority to do this. If the City has concerns in the future, just give us a call; that is if the City is interested in working with the local business community.

J. Schiller asked what the harm is with not withdrawing the letter.

J. Fitzpatrick said the harm is that it is their position that there was no lawful basis to issue it in the first place. It also puts him in an awkward position to decide whether he wants to go to court and file a judgment action over all of this. He has been there before with the City. He said please don't misunderstand that as a threat; it is not a threat at all, he is just stating the current status. He would prefer not to go to court.

J. Schiller said the Board is in no position to make an educated decision about this and D. Greenbaum is an expert at what he does, and we have a City attorney here. He thinks this should be resolved amicably outside of the Board of Health meeting, if possible. Otherwise, we can meet specifically to address this matter, but the Board would need a lot more information to decide.

J. Fitzpatrick said he is open to all sorts of alternatives. We can recess and reconvene at a later time if it is not resolved.

D. Greenbaum said he doesn't think it should be recessed. The issues the City had concerns with have been resolved. We appreciate Burnham & Associates taking care of that. Whether they feel they were complying with our order or not, they have addressed the concerns. We can issue a letter to them that states that the violations we cited have been corrected and the matter is closed.

J. Fitzpatrick once again requested that the March 31<sup>st</sup> letter be dismissed or withdrawn.

V. Caldwell said it seems to be a moot point since there is no issue left to decide. There is not an order that hasn't been complied with.

J. Fitzpatrick agreed that the City's concerns have been addressed, and quite robustly and diligently by Burnham & Associates. He doesn't want to waive the point that the City has no lawful authority to come at us in a heavy-handed way with a violation notice and take punitive action against them. It is not a trifling thing.

V. Caldwell said she also doesn't think it is a trifling thing to accuse the Health Department of bad faith without any evidence or proof.

J. Fitzpatrick repeated again that the timing stinks – it wreaks to high heaven. It would be very hard to deny that the circumstantial evidence points towards some kind of retaliatory animus.

P. Kirby said the volunteer Board of Health is in no position to comment on the constitutionality of the residential versus commercial sanitary codes. We need to move on to the next agenda item. If, in the future, there is a reason to put this on the agenda of the Board of Health again, we are happy to do so.

J. Fitzpatrick asked if that means that the March 31<sup>st</sup> letter is now going to be left open and unresolved.

D. Greenbaum said no, we will send a letter saying the violations have been corrected. That is standard practice to send a letter of compliance, and we will.

J. Fitzpatrick said we need a decision, and if the decision is to continue with the March 31<sup>st</sup> letter, then our only recourse is to appeal it to the Superior Court, it appears. He would rather not do that.

**P. Kirby motioned to deny the appeal of the trash violation letter at 70 North Street because the violation letter has been complied with. S. Moore 2<sup>nd</sup>. All in favor. Motion passed.**

**6. Review of recent announcements about the timeline for final reopening**

D. Greenbaum shared his screen of the Phase 4, Step 2 Reopening Guidelines (Copy available at BOH office).

Subject to public health and vaccination data, the following changes will take effect:

Effective 5/10/21 road races will be allowed to take place with staggered starts and safety plans submitted to DPH.

Youth and adult amateur sports tournaments will be permitted.

Singing will be permitted indoors with strict distancing requirements.

Effective 5/29/21 gathering limits will increase to 200 people indoors and 250 people outdoors.

Street festivals, parades and agricultural festivals will be permitted with 50% of their previous capacity and after submitting safety plans to local boards of health.

Bars, beer gardens, breweries, wineries, and distilleries will be allowed to open subject to restaurant rules with seated service only, a 90-minute limit and no dance floors.

Restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and the maximum table size will increase to 10.

Effective 8/1/21 all other remaining industries will be permitted to open without restrictions and at 100% capacity.

The gathering limit will be rescinded.

D. Greenbaum asked if the Board feels comfortable with the Governor's reopening plan and if the timeline seems to fit Salem's needs.

J. Schiller said it seems appropriate. If it becomes inappropriate, we can

make changes.

D. Elias agreed and said the data will tell us if we have to make any changes, but for now we can support that.

P. Morsillo said it would be difficult to know if a street festival is at 50% capacity.

D. Greenbaum said it is based on their previous capacity, so it would be half of that.

## **7. Budget Update**

D. Greenbaum said the Mayor responded to the letter that was sent from J. Schiller on behalf of the Board. She indicated that everything was under consideration. Budget hearings are starting later this month and he will keep the Board updated.

## **8. Discussion on Health Disparities and Race Equity**

J. Schiller said he saw what he thought was disturbing data on the situation report about vaccination rates among Hispanics and people of color as compared to our white population. There is a lag. He feels it is something we need to look at and see if we can rectify.

S. Moore said she wasn't surprised with the data because the State's rollout of the vaccine program was not equitable when it came to administering vaccines to communities of color in particular. She would like to keep an eye on the data moving forward. A few months ago, the Race Equity Task Force health subcommittee at that point said they had not heard of any vaccine hesitancy among communities of color in Salem.

J. Schiller shared his screen showing a graph titled, "Salem – Share of Population v Share of Fully Vaccinated by Race". We need to be creative about how we encourage people to get vaccinated and make sure there is access to get vaccinated.

S. Moore said the neighborhood ambassador program is about to begin where people are being hired to communicate with people in their community about the vaccine and other COVID-related information, so that might be a way to address it if the problem persists. She thinks now that we have the more centrally located clinic operating at Salem State, just having a more accessible clinic in our own community might improve those rates, too.

## **9. Chairperson Communications**

J. Schiller said he appreciated all the comments and emails we received.

## **10. Monthly Reports-Updates**

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

Report not available.

### **b. Health Agent's Report**

Weekly situation reports were submitted to the Board.

### **c. Administrative Report**

Copy available at BOH office.

### **d. Council Liaison Updates**

P. Morsillo said this week at the City Council meeting there will be a second vote on Accessory Dwelling Units (ADUs). She hopes we will see some ADU small units come online soon at a very reasonable rent. The Mayor has submitted a proclamation for the meeting on Thursday proclaiming May as mental health awareness month. Especially after this past year plus dealing with the pandemic, and the issues that have come up

in the mental health areas, it is important to think about how we can better support people with mental health issues.

**G. Yuhas motioned to approve the reports and updates. P. Kirby 2<sup>nd</sup>. All in favor. Motion passed.**

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

G. Yuhas, on behalf of the Recycling Committee, said once COVID came the dumpster recycling and licensing program kind of got let go and they wondered when it will pick up again. She asked because they got a complaint from a woman who said the dumpster company never picks up any recycling.

D. Greenbaum said we will try to pick it back up as we move into a new fiscal year.

G. Yuhas asked if they can have their swap and drops, which are similar to yard sales, but the stuff is free. She asked if they need licenses.

D. Greenbaum said there is a permit required for yard sales. A lot of things are allowable with the reopening plans and guidelines and as we move forward through to August 1<sup>st</sup> things will become less and less restrictive. He said she can reach out to him for specifics.

D. Greenbaum thanked V. Caldwell for joining us and helping out with the hearing.

V. Caldwell said she and D. Greenbaum work well together, and it is always a pleasure to support the Health Department.

J. Schiller thanked her as well. He said he appreciates everyone's input and values so much being a part of the Board.

P. Kirby said J. Schiller did a great job tonight, as always.

**MEETING ADJOURNED:**

**P. Kirby motioned to adjourn. G. Yuhas 2<sup>nd</sup>. All in favor. Motion passed.**

9:00pm

Respectfully submitted,

Maureen Davis  
Clerk of the Board

*Next regularly scheduled meeting is  
Tuesday, June 8, 2021 at 7:00pm  
Virtual Meeting Via Zoom*