

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**

May 9, 2023

MEMBERS PRESENT: Jeremy Schiller, Geraldine Yuhas, Sara Moore, Paul Kirby

MEMBERS EXCUSED: Datanis Elias

OTHERS PRESENT: David Greenbaum, Health Agent, Joyce Redford, Director, NSCA Tobacco Control Program, Robert Carp, Owner, Bunghole Liquors

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:01pm

**2. Approval of Minutes
(April 11, 2023)**

S. Moore motioned to approve the minutes. G. Yuhas 2nd.

Motion passed by a vote of 4 to 0.

3. Robert Carp, Owner, Bunghole Liquors - Appeal of violation of Regulation #24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products.

Mr. Carp, owner of Bunghole Liquors appeared before the Board to appeal violations of Regulation #24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products. Mr. Carp inquired if the letters he sent included a request for information regarding the alleged violations. His concern as a former attorney was around due process, he had requested information about the violations that he did not receive so it was going to be difficult to argue a defense of the alleged violations without this information. The second issue is that the letter stated it was a \$2000 fine, he reviewed the regulations and could not find the fine amount of \$2000 anywhere in the regulation.

J. Schiller stated that in response to the information not being received, Joyce Redford was present to discuss the circumstances of the violation and the Board could address the issue of the penalties in the regulation.

J. Redford addressed the Board and provided the information on both the 1st and 2nd violations at Bunghole Liquors. She explained the fine schedule from state law that went into effect on June 1, 2020, and the rationale for the 7-day suspension of the tobacco retailers permit.

Mr. Carp asked why Salem has its own set of fines. It was explained that Board of Health adopted the state law as the regulation for the City of Salem.

J. Schiller asked Mr. Carp if he was aware of the first violation and if it had been paid. Mr. Carp stated he was an absentee owner and was not aware of the first violation.

Mr. Carp stated, returning to due process, he didn't have notice of the first violation, and he would like to review the minutes of when the Board adopted the current regulation. He is requesting all information about the violations.

J. Redford advised that regardless of if a community adopted state law as their local regulation or not the municipality would still have to enforce the

finest as dictated in state law, they cannot implement fines less than state law.

J Schiller asked if Mr. Carp was requesting a continuance of the hearing until he had an opportunity to review the requested documents.

G. Yuhas motioned to stay the Board of Health decision on this appeal for a month. P. Kirby 2nd.

Motion passed by a vote of 4 to 0.

Further discussion ensued about the regulations online and the local and state fine schedules.

J. Redford advised the Board that if they wanted to, they could revisit the fine schedule and bring all fines in line with state law, the City of Beverly is considering this.

J. Schiller stated that the regulations should be clarified further to ensure no confusion between penalties for violations of state law and penalties of local regulations.

Additional discussions took place on how best to address the discrepancies between fines for violations under state law and local regulations.

J. Redford informed the Board that the City of Beverly will be holding a public hearing on May 24, 2023, to update their tobacco regulations to bring all violations in line with state law and will also hold a public hearing to adopt a local regulation to give the Board of Health the authority to issue penalties to establishment not licensed by the Cannabis Control Commission found to be selling cannabis products. Additionally, Beverly will be holding a public hearing to address synthetic marijuana products like Delta-8.

4. Chairperson Communications

J. Schiller updated the Board about the recent meeting held to discuss the opioid settlement funds and the desire to utilize some of those funds for behavioral health services. the Opioid Settlement funds could be used in relation to mental health took place.

D. Greenbaum stated that the discussion around staffing was informative. He is requesting a coordinator to spearhead all the activities of the settlement funds. He further discussed the Peer Recovery Centers. He really likes this idea and will be investigating the grants discussed at the meeting. J. Schiller explained the concept of the Peer Recovery Center to the Board.

D. Greenbaum discussed the Naloxone boxes the City of Lynn is purchasing and said it would be a good idea for Salem to also consider purchasing these. He also informed the Board about upcoming Narcan training the Health Department would be holding in conjunction with Healthy Streets.

5. Public Health Announcements /Reports/Updates

D. Greenbaum informed the Board that the budget hearing is scheduled for Monday, June 5, 2023.

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| 6. Administrative Report | Copy available at BOH office. |
| 7. Council Liaison Updates | NONE |
| 8. New Business/Scheduling of Future Agenda Items | NONE |
| 9. Items that could not be anticipated prior to the posting of the agenda. | NONE |

MEETING ADJOURNED: **P. Kirby moved to adjourn. G. Yuhas 2nd.**

Motion passed by a vote of 4 to 0.

Meeting Adjourned: 7:36 PM

*Next regularly scheduled meeting is Tuesday, June 13, 2023, at 7:00pm
At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA*

Respectfully submitted,

David Greenbaum
Health Agent