

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

June 14, 2022

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

EXCUSED: Datanis Elias

OTHERS PRESENT: David Greenbaum, Health Agent, Suzanne Darmody, Public Health Nurse, Maureen Davis, Clerk of the Board, Kerry Murphy, Health and Wellness Coordinator, Joyce Redford, Director, North Shore/Cape Ann Tobacco Policy Program

TOPIC

DISCUSSION/ACTION

J. Schiller read the portion of the agenda regarding remote participation of the meeting, etc.

1. Call to Order

7:01pm

D. Greenbaum announced that there were technical difficulties because the camera was not working, so the meeting will be an audio meeting as opposed to an audio/video meeting. He apologized and thanked people for their understanding.

**2. Approval of Minutes
(May 10, 2022)**

G. Yuhas motioned to approve the minutes. P. Kirby 2nd.

Roll call vote:

J. Schiller – yes

P. Kirby – yes

S. Moore – yes

G. Yuhas - yes

Motion passed by a vote of 4 to 0, with one absent.

3. Quick Pick Convenience – Hearing for violations of Regulation 24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products

No representation present from Quick Pick Convenience.

J. Schiller said they requested this hearing, and this is the second meeting that they have not been present.

D. Greenbaum said he sent an invitation letter for this meeting by certified mail, and he received the signed return receipt showing they did receive it.

J. Schiller suggested we table the item until the end of the agenda in case a representative from the store shows up.

4. Public Hearing for the proposed Board of Health Urban Agriculture Regulations

K. Murphy distributed copies of the most recent draft, which included definitions. She shared a copy of an email from the state soil scientist to provide background on the reasoning behind the 200-ppm requirement, which is per MA state recommendations. The state soil scientist thought 200-ppm might be too conservative, but rather than having to put in all kinds of stipulations, we decided to go with the state recommendations. For those who would be selling produce, the state soil scientist agreed with the requirement of a one-time total heavy metals test. The cost is \$55.00.

Lead testing costs about \$15.00-\$20.00 and can be repeated every three years if the first test showed safe levels.

K. Murphy said she feels as though most people will be using raised beds. In lieu of testing, use of raised beds would require written documentation from the soil supplier stating the soil came from a clean source.

P. Kirby asked if we know how much lead would be in the soil in typical backyards.

K. Murphy thought most would have soil lead levels over 200-ppm.

D. Greenbaum agreed and said there are a lot of old houses in this community that have lead paint that chips or peels, and there are a lot of residential areas that have been built upon industrial areas that may potentially have some of the other heavy metals in the soil as well.

K. Murphy would like to provide a tool kit with safe practices for people growing for their own consumption.

The soil scientist also told her that the NRCS, through the USDA, is considering a grant program to provide funding for free raised beds for people who have high levels of contaminants in their soil.

The state bee inspector said she was absolutely fine with making the state inspections mandatory for Salem residents. The inspections are free.

Someone from the state would go out and inspect hives and also give people some education. The resident would get an inspection certificate from MDAR.

J. Schiller asked if the inspections would be annual.

S. Moore suggested that under the Honeybees heading #1, we add that the inspections would be at the frequency recommended by MDAR.

K. Murphy said at present there are only five hives in Salem registered with the state.

S. Moore moved that we accept the Board of Health Urban Agriculture Regulations with the amendment under Honeybees part one, adding the clause that we will go with the frequency of inspection recommended by MDAR, effective July 1, 2022. G. Yuhas 2nd.

Roll call vote:

J. Schiller – yes

P. Kirby – yes

S. Moore – yes

G. Yuhas - yes

Motion passed by a vote of 4 to 0, with one absent.

5. Chairperson Communications

J. Schiller said it seems like the COVID numbers are coming down.

D. Greenbaum said we saw a rise in cases in May and early June, as did the Commonwealth, and then they came down steadily. The wastewater data is showing a decrease. The hospitals had no significant increase in hospitalizations or severe illness during that surge.

J. Schiller suggested that to stay ahead of the curve we should start promoting boosters in the fall before people start spending more time doing activities indoors.

D. Greenbaum agreed and said the Mayor asked him to put together correspondence to all the large galas and balls letting them know that while

we are in a good position now, things could change at any time. They should be working towards notifying their customers that, depending on where we are in the fall, they should be prepared should the Board have to take some action.

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

**a. Public Health
Nurse Report**

S. Darmody reported that she is doing summer camp inspections.

b. Health Agent Report

D. Greenbaum reported that he went before the City Council with the budget. They accepted it as presented by himself and the Mayor. We are excited to be getting a second full time public health nurse. He plans to advertise the position as soon as possible and feels this shows an investment in public health in general. Since the pandemic started, people realize what public health actually does to prevent pandemics and to deal with pandemics when they strike. We hope to have the nurse work with health and wellness programs and community outreach. He did not get approval for a new vehicle. His vehicle has had many issues. If it breaks down again and cannot be fixed, he will put in a supplemental budget request to the City Council and see if he can get it approved. The Healing Communities Study grant ends June 30th. The final meeting with the coalition was at the Peabody Essex Museum today. That work will continue as we transition into other grants around substance use and opioid use. We recently applied for and got approved through DPH to be a Narcan distribution site at the Health Department. People can pick up Narcan for themselves or loved ones.

P. Kirby asked about training for Narcan.

D. Greenbaum said we can work with Healthy Streets. Meaghan, our Community Coalition Coordinator for the Public Health Excellence grant, has been trained to administer Narcan and can train others as well.

There are many programs going on through the Public Health Excellence grant. For example, you will be seeing some sunscreen dispensers going up in various locations across the city through Impact Melanoma. The coalition of eight communities has come together through the Public Health Excellence Grant to institute a sun safety program including sunscreen and some shade structures.

G. Yuhas asked about the mobile needle exchange van.

D. Greenbaum said the people who run it work for an organization called Health Innovations and their program is Healthy Streets. They do a lot of outreach around substance use. As part of the Healing Communities grant, they purchased a van to do mobile interventions. They have all kinds of screenings, needle exchanges, Narcan distribution, blood draws, etc. He gave kudos to the coalition for getting these interventions set up. He got pulled away because of COVID and the coalition was able to do a lot of good and sustainable work. In addition to the van, there is a bridge clinic at the hospital and recovery coaches at the hospital.

He reported that he recently took and passed the Certified Health Officer exam.

c. Administrative Report

Copy available at BOH office.

d. Council Liaison Updates

M. Riccardi not present.

(Revisit of Agenda Item #3) J. Redford distributed two packets of pictures taken at Quick Pick Convenience. One packet had pictures of items in violation taken during a compliance check on 3/20/22. The other had pictures of items in violation taken upon re-inspection four days later. The products were not removed and were still available for sale. There were pictures of vapable Delta 8 products, Delta 8 edibles, as well as flavored tobacco, blunt wraps, and other nicotine products with 5% nicotine, which should only be sold in adult-only establishments. Some of the packages even had written warnings on them that it is a controlled substance. Flavored tobacco is prohibited by state law now, and blunt wraps have been prohibited in Salem since about 2014. At the re-inspection she had the clerk call the owner and he gave her a lot of grief on the phone saying he did not know it was supposed to be removed. She told him the inspector who was there four days ago told him to remove it. He said he did remove it; it is under the counter. She told him that is not removing it and besides that, all of the products were not removed. D. Greenbaum said the owner came into the office on 4/18/22 with a letter requesting a hearing. He had a little back and forth with the owner because he became heated in the office saying we are killing business and that businesses should be allowed to do whatever they want. D. Greenbaum told him that is not how it works and there are a lot of regulations on his business, this one included, and this is a violation of state law. The owner did not agree with the fine of \$1,000.00. D. Greenbaum told him that is what the law requires, and we cannot change that. J. Schiller asked if the owner is arguing two things; one, that he did not know about these products and two, that he does not agree with the product ban? J. Redford said that is correct and said the phone conversation she had with the owner escalated to where he told her that he bought this business as an investment, and she is putting him out of business. She told him he has regulations; this is one of them and it is his responsibility to know them. J. Schiller said there is no argument here that we should uphold the regulations as they stand, and the owner should be levied the fine that is statewide. S. Moore said she feels like it is so clear-cut, and there have been two no-shows.

P. Kirby moved that, in light of the two no-shows by the owner of Quick Pick Convenience, the Board vote to uphold the \$1,000.00 fine for violations of the tobacco regulations. S. Moore 2nd.

Roll call vote:

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

Motion passed by a vote of 4 to 0, with one absent.

J. Redford added that the Board voted for the 3-day suspension beginning

July 1st, so if the violation had happened at that time there would have been an additional 3-day suspension. To that point, she sent a letter out to all the tobacco permitted retailers the end of last week stating that there were changes to the regulation, and also provided a reminder about some other components of the regulation, such as the Fenway Rule that says you are supposed to card every person every time.

Salem, Gloucester, Peabody, and Ipswich enacted the 3-day suspension for July 1st. Lynn will have an enactment date of October 1st. Beverly will be meeting soon, and she will suggest we get as many municipalities as we can on the same page at the same time.

7. New Business/Scheduling of Future Agenda Items

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

D. Greenbaum said we have received some complaints about dogs in outdoor dining spaces and we are working on getting all restaurants back in compliance with the variance.

We have received a number of complaints about dumpsters being out in the open and overflowing and attracting rodents. There is a city ordinance that requires all dumpsters in view of a public way be enclosed. He is working to notify establishments that they must be in compliance with the city ordinance.

J. Schiller recommended no meeting in August. We have not had August off since COVID. Further discussion will take place at the July meeting.

D. Greenbaum said there is a fats, oils, and grease (FOG) regulation the city requested the Board enact. When restaurants dispose of their grease and fats, it gets into the sewer system and when it solidifies it is like cement and causes significant backups and damage to sewer infrastructure. The city has had some issues with it. We can discuss at the July or September meeting.

S. Moore asked about putting out a statement against gun violence as a public health issue.

D. Greenbaum said he sent a statement to Dominick in the Mayor's office, and he submitted it to the Salem News as an editorial from the Board. He will put it up on our social media page as well.

MEETING ADJOURNED:

P. Kirby moved to adjourn. G. Yuhas 2nd.

Roll call vote:

J. Schiller – yes

P. Kirby – yes

S. Moore – yes

G. Yuhas - yes

Motion passed by a vote of 4 to 0, with one absent.

7:53pm

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is Tuesday, July 12, 2022 at 7:00pm
At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA*