

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**
Virtual Meeting held via Zoom
and
Recorded by SATV
June 8, 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, Zeljko Tonicic, owner of 10 Orne Street, Cynthia M. Johnson, resident at 13 River Street

EXCUSED: Patricia Morsillo, City Council Liaison

TOPIC

DISCUSSION/ACTION

D. Greenbaum said we may be back to in-person meetings starting in July. The State is looking at some legislation and may extend the open meeting law guidance, but there has been no word on that yet.

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

7:03pm

**2. Approval of Minutes
(May 11, 2021)**

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

Roll call vote:

G. Yuhas – approve

S. Moore – approve

P. Kirby – approve

D. Elias – approve

J. Schiller – approve

Motion passed unanimously by a vote of 5 to 0.

3. Hearing requested by Zeljko Tonicic regarding housing code violations at 10 Orne Street

D. Greenbaum said we received a complaint from a tenant of Mr. Tonicic. Inspector Barosy did an inspection of the residence and felt as though rooms were being rented in violation of zoning. He did cite a number of Housing Code violations. He worked with the Building Inspector to get the property inspected and determine if the unit was an apartment or a room. Today the Building Inspector informed us he determined that this particular space was nothing more than a room and could not be rented as such. Some of the violations may go forward depending upon how Building and Zoning determine to move forward in their enforcement action against the property owner.

Z. Tonicic said his original request for a hearing was due the fact that the inspection assumed that this was an illegal apartment and violated a variety of health codes. It is actually a large room in his condo unit. In light of the recent inspection by the Building Department and the Fire Department, he

understands that if they determined the room cannot be rented as a bedroom in his home, then so be it. It is his position that it will not be rented anymore.

J. Schiller said it seems clear since it is a violation to rent a single room and the space was deemed a room.

Z. Tonic said he did not know it was a violation. He said his story is that he resides at and owns a large condominium unit. After his wife departed, in order to be able to afford to stay there, he rented several of the spare bedrooms to tenants and he did not know that was in any way prohibited. He probably should have checked, but he did not. So basically, he has roommates in his condominium unit.

J. Schiller said it sounds like a violation the Board does not have discretion over.

D. Greenbaum said it is a violation of City zoning that does not allow for more than three unrelated people to reside in a dwelling. You cannot rent rooms to people who are not a relative.

Z. Tonic said it is his understanding that he can rent to two people that he is not related to, is that correct?

D. Greenbaum said that is a question for Zoning. He cannot give permission to do anything related to zoning as that is not in our purview. He said some of the orders we issued will not be relevant since the space was deemed a room and not an apartment.

J. Schiller said it sounds like the issue is with the Zoning Board and since the space has been designated as a room and not an apartment, Z. Tonic needs clarification from them about what he is able and not able to do.

Z. Tonic said he has been waiting for the results of the inspection by the Building Department and the Fire Department and he has not heard from them yet.

D. Greenbaum recommended he follow up with them.

J. Schiller said it sounds like you need direction from them as to what you need to comply with them, and then we can determine if there are any Housing Code violations with the Board of Health. We are happy to help you, but it does not seem like there is anything that merits a decision by our Board at this point.

Z. Tonic said that is fine but asked if that means the current items that are listed as violations will stand or if the whole thing is mute at this point.

D. Greenbaum said some of the items are mute, but after Z. Tonic speaks to Building and Fire we will see what exactly needs to be complied with from a Health Code standpoint.

Z. Tonic said he already corrected some of the safety violations that were cited, but he has not complied with all of them because he knew there was no purpose to doing it because he knew it was not going to wind up being an apartment because it never was, and it never will be.

J. Schiller suggested he get clarification based on the designation and what he can do within that designation and then we can decide if and how the Board can help.

Z. Tonic agreed.

D. Greenbaum said he should start with the Building Commissioner and based on his determination we can let him know what, if anything, he needs to correct from the list on our Order to Correct.

**4. Cynthia M. Johnson, 13 River –
Request for a variance to Board of
Health Regulation #23 Exterior
Paint Removal and Abrasive
Blasting**

C. Johnson said she lives at 13 River Street. Her house is over 200 years old. They have slowly been replacing the clapboards on each side of their house year after year, but this year has been more challenging because the cost of getting clapboards is twice as much now and they are hard to source.

This year on the side facing their neighbor they would like to try to use a tool called a Diamabrush to do the exterior paint removal because the boards on that side of the house are in good condition, but the paint is so caked up. It just needs to be cleaned off, and the abrasive tool would do that for them. The tool would be connected to a shop vac, and they would grind down all the old paint off of those boards.

D. Greenbaum said Regulation 23 prohibits power sanding, abrasive blasting, or anything of that nature to remove paint on the exterior of a home. The regulation was written a long, long time ago and it may be due for an update to look at new technology to see what can and cannot be used, but in this instance, there are some concerns he feels the Board should take into consideration. First and foremost, has the house been tested for lead paint and how is that going to be contained? Is the shop vac going to have a HEPA filter on it? How are we going to dispose of lead dust and lead paint chippings?

J. Schiller asked if the lead level would determine anything.

D. Greenbaum said yes, the lead needs to be below a certain level in order to be considered not in violation of the lead paint laws. On the exterior, a power abrasive is going to create dust that could potentially fly around into other people's property. It is a concern to make sure that is contained. Homeowners can take the lead paint trainings through the MA Dept. of Public Health Childhood Lead Poisoning Prevention Program. They can get certified so they can do the work themselves, so they do not have to hire someone certified to do it. We just want to make sure they are in compliance with the lead paint laws.

J. Schiller read some of the requirements and asked C. Johnson if she has ever had the paint tested for lead.

C. Johnson said she has not, but she can.

J. Schiller so it is just the lead testing that is the issue.

C. Johnson said the tool also has a dust hood, so that will help.

S. Moore said, from her experience, it can take several weeks to get lead abatement work done. She would feel more comfortable waiting to see what lead levels the inspector finds. She would assume in a house that old that it is likely that there is lead paint.

D. Greenbaum agreed that there probably is lead. He can give C. Johnson information about the Childhood Lead Poisoning Prevention Program to make sure whoever does the abatement does it appropriately. The law has changed over the years. The most recent update was in 2017 and it made things a lot less strict than they were prior to that.

J. Schiller asked C. Johnson if she agreed that we should wait to see what the lead levels are before we make a decision.

C. Johnson agreed and said she would get that information to the Board.

J. Schiller asked her to be in touch with more information and hopefully we can make a decision in July.

D. Elias motioned to continue this hearing under advisement regarding the variance for a Diamabrush to be used at 13 River Street pending

the lead results.

S. Moore 2nd.

Roll call vote:

D. Elias – approve

S. Moore – approve

P. Kirby – approve

G. Yuhas – approve

J. Schiller – approve

Motion passed unanimously by a vote of 5 to 0.

5. Updates on COVID-19

D. Greenbaum said we are in a pretty good place at this point. Vaccination rates are rising steadily, though not as fast as we had hoped. The Governor lifted all restrictions effective May 29th and the State of Emergency will end on June 15th.

6. Review and discussion of the Eviction Moratorium

J. Schiller asked where the State is with the eviction moratorium.

D. Greenbaum said he has not heard, but he does believe it is going to end with the State of Emergency on June 15th. There is some discussion among other communities in the region who are looking at potentially doing June 30th, so extending it two more weeks. He does not think that would be any more of a burden than it is right now.

J. Schiller said, just to clarify, if we do nothing the moratorium stays in place.

D. Greenbaum said the Board would have to determine when the moratorium would end and make it official.

S. Moore said the State moratorium ended in October, so this is the federal moratorium that would be ending. She heard on NPR last week that MA has been diligent about trying to get the word out about programs like the additional rent relief from the Cares Act, etc. She heard there is still approximately eight hundred million dollars in funds still available for rental assistance for MA residents. She appreciates that if we allow the moratorium to lapse, there are resources at the State level that can continue to support renters and landlords.

P. Kirby asked if we have any sense of how many people are at risk of eviction in Salem.

D. Greenbaum said he does not know off hand, but he may be able to find out through the Planning Department. He said the Board wants to put an end date on the moratorium, so it is not hanging out there indefinitely. The Board has already voted to end the local State of Emergency on June 15th. The moratorium is in place until the Board deems that the public health threat is no longer there, which appears would have been made based upon the decision to end the public health emergency on June 15th.

J. Schiller said the Board needs to be clear about this item. Salem's moratorium is in effect with no lapse date. His inclination is that we should use the State metrics rather than our own.

P. Kirby asked if there is an end date for the federal moratorium.

S. Moore said she believes it is June 30th. If we choose to end Salem's moratorium tonight, the federal moratorium is still in place.

D. Greenbaum said he talked about it with Vickie Caldwell, the Assistant

City Solicitor. Her recommendation was to vote to end all orders and regulations in accordance with the public health emergency tonight, including the eviction moratorium, and choose an end date for it. S. Moore would like to recommend that, when it is made public that the moratorium is ending, it would be helpful if we somehow can get the information out about the different programs that are available for tenants and landlords.

J. Schiller said that was a great idea.

D. Greenbaum said he will talk to the mayor's office and the economic development recovery group to see if they can put it out in their fliers as well.

D. Elias said housing court has also been very helpful providing sources.

P. Kirby motioned that we rescind the eviction moratorium, effective June 15, 2021.

D. Elias 2nd.

Roll call vote:

D. Elias – approve

S. Moore – approve

P. Kirby – approve

G. Yuhas – approve

J. Schiller – approve

Motion passed unanimously by a vote of 5 to 0.

7. Budget Update

D. Greenbaum said he went in front of the Council's Committee on Finance and Administration last Tuesday. He had what he thought was a good hearing. Everybody spoke very highly of the Department and the Board. They appreciated all the action that was taken during COVID and all the restrictions that were put in place to protect people. He said kudos to the Board for that.

The budget was reviewed and approved, as written. The only item that will not be funded is his request for a new department vehicle. The staff he requested for the department went through with flying colors. That is very good news for our department.

The Board agreed that was great news and said it is well deserved.

D. Greenbaum thanked the Board for their support.

8. Discussion on Health Disparities and Race Equity

D. Greenbaum said there is some inequity in vaccine administration. We are definitely seeing lower participation rates of our ethnic populations and our people of color getting vaccinated. There have been some targeted approaches, for example, the health center was doing some vaccination clinics right in the Point neighborhood. The hospital is out with their care van going to different events throughout the city. They were at the Arts Fest this past weekend. He is waiting to hear how many vaccines they did. We are trying.

P. Kirby asked if Salem State University will require students to be vaccinated.

S. Moore said as of right now the Department of Higher Education is saying for all State schools there is a vaccine requirement for students, but

not for staff.

D. Greenbaum said the vaccination site at Salem State saw very poor participation. It was a bit discouraging. We had the potential to do 1,000 doses a week, and we were doing less than a hundred. At this point it does not make a lot of sense for us to be putting a lot of resources into a clinic that we cannot justify keeping open.

S. Moore said it seems like the neighborhood ambassadors are starting to be more active. They are out knocking on doors and putting up signs on businesses and are trying to get the word out to get vaccinated.

D. Greenbaum said if somebody that is known and trusted in the community gets the word out that makes a big difference. Our goal is to just get people vaccinated, no matter where they go to get vaccinated.

S. Moore said she heard of some good strategies, like people who were going to Saltonstall for their second dose could bring a friend who could get the Johnson & Johnson vaccine. She feels like those strategies seem like they could potentially be really helpful, but probably tailored to particular neighborhoods and communities.

D. Greenbaum said the hospital has access to both Pfizer and Johnson & Johnson. He believes they are using a lot of Johnson & Johnson at the events they are going to.

He said there is a North Shore coalition of 10 communities that are working on a PR campaign called “Have a Safe Summer”. It is all about getting vaccinated and what you can do when you are vaccinated. The group is going around to businesses in all 10 communities trying to get them to be more proactive in getting their employees to get vaccinated. We are hoping to increase vaccination rates as we move forward.

9. Chairperson Communications

J. Schiller said he had nothing to add.

10. Monthly Reports-Updates

a. Public Health Nurse’s Report

S. Darmody said case rates are much lower. She is working on clinics. Camp inspections are coming up. Lots of camps are getting licensed this year.

b. Health Agent’s Report

D. Greenbaum informed the Board he will be taking a vacation at the end of the month and is hoping to finally unplug. The Board wished him a relaxing, well-deserved vacation.

c. Administrative Report

D. Greenbaum said as we move into the summer, inspections and permits will go up for sure. Things are wide open, so we think we are going to see a lot of things that were not happening last year happening this year, so it is going to be a busy time.

He mentioned that our inspector, Janice Duhaime, gave birth to a baby boy, Oscar, on May 27th. Janice is out on maternity leave until sometime in August, so getting the budget approved was huge so we can get that full time position and pick up some of the slack during her maternity leave.

d. Council Liaison Updates

P. Morsillo was not present, but D. Greenbaum feels she would want the Board to be aware that she has been fielding some complaints about rodent activity in the greater Endicott Street neighborhood. He did a couple of walk throughs in the neighborhood with her and some of the residents and

looked at some areas of concern. We have done some rodent control through the city on streets that we have received a number of complaints from.

He is putting together a mailing to the neighborhood with some information about how to help limit the rodent population. We will try to find some targeted areas that we may need to address directly with some property owners.

S. Moore motioned to approve the reports and updates. P. Kirby 2nd.

Roll call vote:

S. Moore – approve

P. Kirby – approve

D. Elias – approve

G. Yuhas – approve

J. Schiller – approve

Motion passed unanimously by a vote of 5 to 0.

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

There was discussion of possibly changing the July meeting date. Members will email J. Schiller their availability for the week of 7/5.

Agenda items for July:

- Approval of minutes from 5/25/21 special meeting
- Revisit C. Johnson variance request

MEETING ADJOURNED:

**P. Kirby motioned to adjourn. G. Yuhas 2nd.
7:55pm**

Roll call vote:

S. Moore – approve

G. Yuhas – approve

P. Kirby – approve

D. Elias – approve

J. Schiller – approve

Motion passed unanimously by a vote of 5 to 0.

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is
Tuesday, July 13, 2021 at 7:00pm
(Subject to change)
Virtual Meeting Via Zoom*