

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**
Virtual Meeting held via Zoom
and
Recorded by SATV
September 28, 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, Steven Dion, Co-Owner of CrossFit IronSpider and B&S Fitness

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

7:13pm (after some initial technical difficulties)

**2. Approval of Minutes
(August 10, 2021)**

P. Kirby moved to approve the minutes. S. Moore 2nd.

Roll call vote:

G. Yuhas – yes

S. Moore – yes

P. Kirby – yes

D. Elias – yes

J. Schiller – yes

Motion passed by a vote of 5 to 0.

3. Steven Dion, Co-Owner of CrossFit Iron Spider & B&S Fitness Programs, request for a waiver of the Board of Health mask mandate issued on August 23, 2021

J. Schiller welcomed Steve Dion and apologized on behalf of the Board for the technological problems we had last time and for the delay tonight. S. Dion thanked the Board for rescheduling and thanked both J. Schiller and D. Greenbaum for their communications back and forth. He introduced himself as one of the co-owners of B&S Fitness Programs and CrossFit Iron Spider located at 45 Congress Street and he and his wife Brandi live at 10 Hemenway Road in Salem. He said he knows the Board’s task is challenging and the entire community really appreciates the Board’s time and volunteerism. He understands their role in helping keep the City of Salem safe. He feels they have gone above and beyond to the best of their ability to keep their community as safe as possible and they continue to do so.

He shared a brief PowerPoint presentation titled, “Thank You, The Ask & The Rationale”. Some of the points he made were:

- 95-99% of their current active members are vaccinated
- They are not aware of any new and/or breakthrough infections
- No open gym time; members register for a time to workout

- Plenty of open space to workout; 200-300 square feet of space per person
- The facility is 11,000 square feet with a 20-foot ceiling at its peak
- Four large garage bay doors open to provide constant access to fresh air
- Two large exhaust fans provide a strong exchange rate/good ventilation
- Equipment is not shared

He said the city permits close quarters without masks while eating and drinking at restaurants and bars. He wants to at least be treated the same. He said athletes come into the space with a mask, but they are asking if they can be permitted to remove their masks during their workouts when they are in their own designated spots. Coaches will remain masked, and everyone will wear masks at all other times. The ask is to allow them the mask waiver since it is a safe environment and there is plenty of room. Not all gyms have the accommodations they do. He thanked the Board for their time and consideration.

J. Schiller said it was an excellent presentation. He commended S. Dion for the layout and air exchange and the way it is being run. It is all good and seems like minimized risk.

Attendee Maria Vasilakis, 45 Barr Street, said she feels safer at gyms than at restaurants. At certain gyms, like CrossFit or yoga, there are very designated spaces with plenty of room between other members. Masks are only taken off in that designated space. When out of the designated space masks are worn. It is very safe. The space allotted there is a lot more distance than in any restaurant she has been to in Salem. She hopes the Board will take that into consideration.

J. Schiller said a lot of really good points were brought up about restaurants and the inconsistencies. He corrected one point and said the mask mandate does expire. It expires based on a date that we have already agreed upon. The only way it would not expire would be for the Board to take action to extend it. The Board already voted that this is a time-limited mandate. He said while there are a lot of inconsistencies that may not seem to make the most sense, these regulations are part of an overall strategy for public health that is keeping as many people safe as best as possible. There are going to be some businesses that may not have a huge impact, but his personal opinion is that it is for a short amount of time and then it ends. He empathizes with the impact it has on people.

P. Kirby said it was a very compelling presentation. His biggest concern is about a lack of coherence as a way of setting policy. He wondered if there was any precedent for making exceptions or exemptions, but feels like it would open the flood gates. He asked S. Dion how burdensome people felt about masks when he was initially allowed to reopen.

S. Dion said everybody wore the mask then and there was a much higher commitment to that because everybody was not vaccinated. For the next six weeks, if we are not permitted the mask waiver, we will continue to wear the mask, but we are asking if we can get some leniency, such as 30 seconds or a minute to take the mask down to catch our breath without being in violation.

S. Moore said the Board's intention is not to micromanage about people being able to take their masks off for a moment. People take their masks down to take a drink, etc. That is acceptable. However, if it is a culture to feel the policy does not need to be followed for whatever reason, that is another thing. We heard from some members of the public who were

concerned that it was a larger issue. If you were able to do exercise outside in the past, perhaps it is possible to do that now.

S. Dion said it is not possible. He said the inspectors have visited twice for complaints and when they came in everybody was wearing their mask. They did have a group that they had to speak to a couple of times about wearing their masks, but they have since complied.

G. Yuhas said he is doing a great job at the gym, but if we change the rule for you, next week we will be having a special meeting because another gym or restaurant wants that rule changed for them because we already changed it for somebody else. She thinks it will snowball. We made this rule for a short period of time. We are opening a can of worms if we say it is okay for you.

S. Moore said for her the challenge is the tradeoff. The presentation was very well made, and she understands the arguments, but to G. Yuhas's point, this could have a snowball effect. In her opinion the tradeoff is not worth the six weeks for one space.

P. Kirby asked why working out outside is not possible.

S. Dion said they had rented an outside space at their location in Shetland Park. Since then, the management of the facility has said they can no longer have outdoor classes because it is a liability for them.

J. Schiller said we have to make so many difficult decisions over the last year and a half with these kinds of individual situations. He told S. Dion there is nothing about what you said doesn't make any sense. You are obviously a smart, accomplished person and nobody here would be doubting the wisdom of your logic that it is a low-risk situation and therefore the ask for the waiver. We have to balance that as a Board, weighing that with all the other challenges that invariably come our way. We have to weigh public health vs. individual requests. He repeated that this is time limited. We are just asking for everyone to cooperate so we can get through this.

D. Elias said she agrees with what all the Board members have said. She feels the waiver does not seem logical to her with six weeks left to go.

Attendee Kaitlyn Krauskopf said she wants to vehemently oppose any waiver for CrossFit Iron Spider. She has been a member there on and off four over four years. She now trains at Bean Town Barbell weightlifting club under separate ownership inside IronSpider's facility. On September 18th she reported IronSpider to the Board of Health because she walked in to Bean Town that morning and not one member of IronSpider was wearing a face covering while doing a high-intensity workout. She confronted co-owner Brandi Dion who was at the front desk also unmasked and her only response was that they were safer than a restaurant, which she strongly disagrees with.

Throughout the pandemic IronSpider has been repeatedly trying to circumvent public health measures by making their own rules and avoiding accountability.

Back in May when the state mask mandate was still in effect she noticed that members were not masking. Within a week there were three positive cases, including Dr. Dion and another coach. When she reached out to Dr. Dion and Brandi about her concerns she was told that technically they were not required to mask because Crossfit was considered a low-contact sport. She contacted the Board herself about that and confirmed that it was false.

In August right before the mask mandate took effect they announced in a private Facebook post to their members that they would not have to wear masks. When she asked them if they got approval from the Board for their new policy they told her that the rules don't apply to them. She immediately contacted the Board again who told them this time that they directly needed to mask up.

On the first day of the mandate not one person in Dr. Dion's morning class wore a mask. One of her Bean Town teammates was forced to confront him about it and his excuse was that the fine for a violation was inconsequential and that he would lose business if he enforced the mandate. She finds that odd because Dr. Dion is a co-owner of a CrossFit IronSpider in Marblehead less than five miles down the road, so in her mind it would be very easy to simply direct those members who are anti-mask to the IronSpider in Marblehead.

She connected with several former members, most of them moms like herself, who discontinued their memberships during the pandemic because they felt so unsafe. She said she is sharing all of this to illustrate the lengths to which Iron Spider has repeatedly gone to make excuses and to circumvent the rules that have been implemented by this very Board to protect the health and safety of our community.

She feels if she had not reported IronSpider on September 18th S. Dion would not be here tonight trying to find yet another work-around to the mandate.

She asked the Board not to grant any sort of exemption or waiver to IronSpider for masking indoors. The irony of a business that supposedly promotes health and fitness going against the public health directives of the Board during a pandemic is not lost on her. In her opinion doing something as simple as wearing a face covering during an hour-long workout should not be this difficult.

S. Dion responded that regarding the mask mandate, there was a long dialog among MA CrossFit facilities that they fell within the sporting regulations. Once it was brought to their attention that was not the policy and that they were treated more like a traditional gym then the masks were worn from that point on. The class that K. Krauskopf referred to was the morning group he also referred to where they struggled to have them wear their masks. Since then they have understood the severity of that decision to do so. He said Brandi was consuming a beverage when she was observed unmasked. K. Krauskopf and her group have valid concerns but at some point everyone takes their mask down for a period of time for various reasons. He said we know where this is going but want to thank the Board for your consideration and we appreciate your time.

P. Kirby moved that the Board reject the request of CrossFit Iron Spider & B&S Fitness for an exemption to the indoor mask policy.
G. Yuhas 2nd.

Roll call vote:

G. Yuhas – yes
S. Moore – yes
P. Kirby – yes
D. Elias – yes

J. Schiller – yes

Motion passed by a vote of 5 to 0.

4. Chairperson Communications

J. Schiller said he had nothing new to add because we have been meeting so often.

5. Monthly Reports-Updates

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

Report not available.

b. Health Agent's Report

D. Greenbaum gave said the indoor testing mandate goes into effect on Friday, October 1st. We have worked diligently over the last week to ten days to have Curative set up a testing site. It will be located at the Peabody Essex Museum Connect Building at 135 Essex Street. At this point it will operate Wednesdays through Saturdays Noon to 8:00pm through the month of October. There will be a shift out of that building into another building on October 30th and 31st because that building houses public safety as a check-in point where they can get warm and have something to eat, etc. The testing will all remain downtown. Additionally we have been able to secure an extra day at the St. Peter's Church location so they will be there on Saturdays as well from 9:00am to 2:00pm for anybody who wants to visit Stop the Spread through the month of October.

He said he has not heard any negativity about the testing requirement. He has received a lot of inquiries with people wanting clarification about what they have to do as far as testing goes. There seems to be a lot of misunderstanding of what the policy is. People are thinking they have to test to come to the city, so we are trying to clear that up for people.

G. Yuhas asked if rapid tests are only for people who are going to big events or can anybody get a rapid test.

D. Greenbaum said if people are downtown and they want to get a rapid test anyone can go but it is there to assist folks going to those large events that could not get a test at another time to get it while they are in town.

P. Kirby asked if we know the through-put capacity of the testing site.

D. Greenbaum said when they initially sent us a proposal it was around 120-150 people an hour. They have assured us they can meet that demand. He also thinks the 72-hour timeframe for producing a negative test will reduce some of the demand for the walk-up testing. The one thing they requested is that people pre-register through the registration link that he hopes should go out publicly tomorrow. If they register in advance it is just a matter of them arriving and being checked in. What takes time is actually having to input somebody into the system as a registration. It is the same at Stop the Spread testing; if people pre-register the lines move quickly.

c. Administrative Report

Copy available at BOH office.

d. Council Liaison Updates

P. Morsillo said the city is starting work on a housing goals and production plan to understand future housing needs. Mostly affordability in housing. There will be two public meetings. One meeting will be focused on seniors to understand exactly what types of housing options seniors are looking for. There is a working group of which she is a member of and there will be a survey going out in a few weeks. People from the public have signed up to answer some detailed questions about their housing experience.

D. Greenbaum updated the Board that Kerry Murphy has been working with the City Solicitor's office on an urban agricultural ordinance. It will be a zoning change. There will be a corresponding Board of Health regulation that will go along with it. We are hoping to potentially have it in front of the Board at either the October or the November meeting.

S. Moore moved to approve the reports. D. Elias 2nd.

Roll call vote:

G. Yuhas – yes

S. Moore – yes

P. Kirby – yes

D. Elias – yes

J. Schiller – yes

Motion passed by a vote of 5 to 0.

6. New Business/Scheduling of Future Agenda Items

J. Schiller said he thinks what the Board decided about the testing for large-scale indoor events was a courageous move and he thinks we made the right decision. In retrospect he thinks we have made the right decision about a lot of things. We have had a lot of hurdles. He has such an appreciation for everyone on the Board, for P. Morsillo and for the Department. We have all been guided by what is best and trying to make the best decisions in very difficult situations. He applauds everyone who has been involved with it. Out of all the bad things we have seen it has been a good thing to see that we all have come together with this.

D. Greenbaum agreed and said he got a call from a gentleman whose son is getting married at the Waterfront Hotel next month. He initially thought that he was going to get a lot of pushback on the testing requirement but instead he was very gracious and thought it was great that the Board did it and they were encouraging their guests to get tested. Hearing that kind of story just reaffirms that the Board did the right thing.

J. Schiller added that he got a handwritten note from Representative Paul Tucker extending his deep appreciation for what the Board has been doing throughout this pandemic for Salem. This has been a thankless job for all of us, so to get that recognition and appreciation really means a lot.

S. Moore said since we made that decision obviously some businesses and organizers were frustrated and scrambling but she also heard from so many residents who were saying that they feel much safer with this policy in place so she does feel very confident that we made the right decision.

J. Schiller said we should really be thanking the people of Salem. Ever since the mask mandate downtown first started the compliance has been amazing. There is always going to be a vocal minority. Everyone has had to make compromises and sacrifices and extend themselves in ways they are not used to in order to make this all work.

We have a deep appreciation for everyone in the community.

MEETING ADJOURNED:

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

Roll call vote:

G. Yuhas – yes

S. Moore – yes

P. Kirby – yes

D. Elias – yes

J. Schiller – yes

Motion passed by a vote of 5 to 0.

8:00pm

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is
Tuesday, October 12, 2021 at 7:00pm*