

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

June 11, 2019

MEMBERS PRESENT: Dr. Jeremy Schiller, Chair, Paul Kirby, Geraldine Yuhas, Datanis Elias

OTHERS PRESENT: David Greenbaum, Health Agent, Suzanne Darmody, Public Health Nurse, Maureen Davis, Clerk of the Board, Beth Gerard, City Council Liaison, John Femino, resident, Mary Wheeler and Denny DesRosiers, Healthy Streets, Mike Guida, City of Salem Plumbing Inspector, Joe Fitzgerald, NAPA Auto Parts, George Atkins, attorney representing Mr. Fitzgerald

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:00pm

G. Yuhas motioned to take the agenda out of order. P. Kirby 2nd. All in favor. Motion passed.

2. City Council Liaison Updates

B. Gerard said the Council had the budget hearing for the Board of Health and they approved Kerry Murphy's position into the Health Department as Health and Wellness Coordinator.

Kerry Murphy's position in the Health Department was confirmed at the budget hearing, so she has resigned as a Board member effective immediately.

Dr. Sarah Moore, PhD, a sociology professor at Salem State, has been recommended as the new Board member. She will be appointed at the next Council meeting on Thursday. Since appointments require two passages, she will be confirmed at the June 27th Council meeting, so she should be able to attend the July Board of Health meeting.

On Monday there will be a joint public hearing with the Planning Board. This will now be an ordinance change rather than changing the zoning. The original proposal has been broken out into two pieces; zoning discussions will be on Thursday and then at some point will discuss inclusionary zones which will be focused on affordable housing. Hopefully this will pass.

The June 5th Task Force meeting was canceled due to the budget hearings and has not yet been rescheduled.

P. Kirby asked if Kerry Murphy's role can be expanded beyond Mass in Motion.

D. Greenbaum said he had a brief conversation with her and they envision her role expanding to other areas. They want to use her expertise as a registered dietitian and certified personal trainer as resources.

**3. John Femino - Discussion of
Issues/Concerns with NAPA Auto
Parts**

J. Schiller informed the Board of Mr. Femino's request to record his presentation. All agreed to the request.

J. Femino addressed the Board regarding his concerns with a large volume heater exhaust at NAPA Auto Parts which is very near to his property. He showed a quick video of the system running which showed both the noise and some exhaust coming out of the pipe. He said the noise used to be louder, but the video was taken after the muffler was installed. He also stated the system is too close to the property line. In the winter when it's cold, the system is on near constantly. He is unhappy about the sound, the

location, the sight of it and what is coming out of it.

J. Schiller asked him what complaints he had that were within the purview of the Board as we can do nothing about the location or the aesthetics.

J. Femino said both the sound and the health effects of the exhaust gases.

D. Greenbaum said the original complaint was made prior to his return to the Department, but in response to the original complaint of excessive noise, Jeffrey Barosy from the Health Department took sound meter readings. The results of the tests were that the noise variance was over 10 decibels above ambient noise, which is a violation. NAPA was given an Order to Abate Nuisance letter and was ordered to put a muffler on the system, which they did.

D. Greenbaum said we have been negotiating with Mr. Femino to allow us on his property to take a recent check of sound meter readings and he has asked us to do them at different times than the original testing was done. He tried to explain to Mr. Femino that they are trying to compare this reading to the last and it would be more beneficial, for reasons of comparison, to test around the same time.

J. Femino stated that D. Greenbaum will not go out to do sound meter readings at different times, such as either 6:00am or 11:00pm when the ambient sound would be lower. He claims he said he would go out, but it has been two or three months and he just won't come out.

D. Greenbaum respectfully disagreed with his comments and stated he would be happy to accommodate him, even on a Sunday, if he is willing to work with both himself and his staff. He would like to close out the original complaint because it was satisfied. He will address the issue with retesting as soon as he is able. On some occasions staff were told not to go on his property when they tried to get more readings. He just seems to want things done his way and appears to be unwilling to listen to reason.

D. Elias suggested J. Femino provide three possible dates that he is available for D. Greenbaum to come for retesting.

J. Schiller agreed that the situation is not pleasant, and said he values his other complaint about testing during off hours and feels it is valid to make sure that there is not a violation at those times. J. Femino tried to interrupt, but J. Schiller said that his request must be a reasonable one and in order to come up with a clear solution to the complaint, he feels he should take the advice of D. Elias and provide possible dates that he and D. Greenbaum could agree upon for retesting.

P. Kirby asked if the issue is a bother to him at this time.

J. Femino said no but expressed his distrust that the City will help him and said he does not want to close out the case until some retests are done. He said he has asked D. Greenbaum for information about the heating system itself and got "zero".

D. Greenbaum said he informed Mr. Femino that he doesn't have any information about the system. He asked the Building Department and they said it is not part of the permitting process so they don't have it either. The plumbing inspector confirmed that the system was installed according to all plumbing and gas standards. He went on to explain that a retest at a comparable time is best to ensure that the Order letter is satisfied so they can close out the original complaint and move forward. He also pointed out that the City doesn't own a sound meter, so we have to borrow one from the State and that can sometimes take up to a couple of months to get. J. Schiller said that would work since J. Femino wants readings performed in cold weather anyway. He wanted to clarify that his request to the Board

is to make sure that sound measurements are taken both during business hours as well as off hours, either early morning or late at night.

J. Femino said his request is that the system is always less than 10 decibels, per the law. When it's sleep times, etc. He would rather not do retesting in the summer. He said retesting could have been done in the winter, but it wasn't. He said the system was fixed (muffler installed) before February 3rd, and he took the video after it was fixed. It has been more than three months and D. Greenbaum still has refused to come out to retest.

D. Greenbaum again respectfully disagreed with Mr. Femino's characterization of the issue. He said we did attempt to go out and take care of this *several* times and he told us not to go on his property.

J. Femino interrupted and said he just told them he wanted it done on the off time.

J. Schiller suggested he let D. Greenbaum know when he wants the testing done and cc the Board.

J. Femino thanked the Board and said that sounds reasonable.

He distributed copies of letters and reports and asked that they be added to the record. He said that NAPA is a business in an area that is residentially zoned. He feels the system should be moved to another location.

J. Schiller asked if the exhaust has been tested.

D. Greenbaum said no, but those high efficiency systems are designed to vent to the outside and not a chimney due to moisture issues. It was installed in conformance to the Code. The logistics and unsightliness are not something the Board can address.

J. Schiller said the meeting needs to move on and once again pointed out that some of the issues in J. Femino's letter, such as the look of the exhaust system, are not in the Board's purview, but he is happy that we have an agreed upon course of action with regard to the sound issue.

P. Kirby said the heater will not come on in warm weather so it would be difficult to do retesting at this time of year.

D. Greenbaum said he would need to coordinate with NAPA to have someone there to turn the heat up high so the system stays on and readings can be taken.

G. Atkins, attorney for NAPA owner and operator J. Fitzgerald, addressed the Board and said his client has owned the business for 36 years and has always complied with whatever the City requested of him. He immediately complied with the Order and had the muffler installed by a licensed plumber and inspected and approved by the plumbing inspector. The original placement of this heating system was also approved. He said the heating system is not a commercial unit, it is a high-efficiency, residential boiler. No gases are emitted from this system; the exhaust coming out is water vapor. He stated that this matter came before the Zoning Board because of the complainant's complaints about two of the Building Inspector's decisions and in both cases the Zoning Board unanimously approved the Building Inspector's decisions.

J. Femino ***loudly*** objected to what was said and was told by the Chairman that if he interrupted again he would be asked to leave because we are trying to listen to G. Atkins.

G. Atkins continued to say that after the unanimous decisions were made by the Zoning Board, J. Femino appealed them and brought the matter to court. He also has another court action pending related to the NAPA property. He feels this is an obsessive vendetta being carried out against his client. He showed the Board a large packet of paperwork he said were

communications sent by J. Femino over a short period of time in the Fall to *many* departments within the City. His communications are constant and unrelenting. As for his client, he will continue to comply with the requests of the City, including testing for the requirements of noise levels and testing what comes out of the vent.

J. Schiller said in defense of Mr. Femino, despite all those complaint letters, he was correct that the noise was in violation and he also appreciates the fact that the problem was vacated with the muffler.

G. Atkins said they don't disagree with the violation and they hoped the muffler would solve that problem.

J. Schiller asked if we have their assurance that we can measure on dates to be named in the future.

G. Atkins agreed.

J. Femino ***loudly*** disagreed and said it is **not** water being emitted.

J. Schiller assured him the Board will consider all the letters and review the issue of the exhaust concerns and will be in touch, but the meeting needed to move forward. He said we gave him a tremendous amount of time.

J. Femino disagreed that the Board gave him enough time and said no one told him he had a time limit. He said he only had 10 minutes to talk, but the record shows he had at least 40 minutes to talk.

J. Schiller said he was disappointed that M. Femino didn't feel like the Board has been reasonable with him, especially since we came up with a course of action. He said he found it personally irritating that he just told the attorney that he felt the complaint was valid and we were going to deal with it, so for him to suggest that we are not giving him due time is really irresponsible.

J. Femino continued to argue with the Chairman about the issue.

J. Schiller said the Board was moving forward with the meeting and suggested he email him.

J. Femino said no one told him he could email the Chairman. He said he apologizes if the Chairman thinks he didn't appreciate what he did. He said he did a lot of research and has been waiting for a year and a half.

4. Mary Wheeler, Healthy Streets - Narcan Training and Syringe Program Update

M. Wheeler from Healthy Streets distributed an updated Syringe Service Program report. They do syringe exchange, overdose follow-ups two days a week, outreach work at the local shelter and they will be starting HIV testing at their new day center.

The program is working very well. Salem is unique in that there is not a lot of street activity, which is good, but that makes it harder to find folks.

They work closely with and rely heavily on a young woman in Salem who does secondary exchange, gives out supplies and collects syringes. She does a really good job at collecting syringes. They disposed of almost 4,000 more syringes than they distributed.

They do on-foot exchanges on Monday afternoons and all the other times they are in peoples' houses.

D. DesRosiers and Office Vaillancourt do door knocks on Mondays and Fridays. They go to the door of users who have previously overdosed to check on them and provide services and see what they can do to help them with detoxes, etc.

G. Yuhas asked in there is any talk in Salem of having safe injection sites.

M. Wheeler said those sites are legally debatable on a state level, and *definitely* illegal on a federal level. There is a huge risk of opening one.

Workers there could face federal prison time. Unfortunately, there are plenty of unsafe injection sites throughout the City, like public bathrooms at restaurants and the library. Safe injection sites would take care of this problem.

D. DesRosiers said he is happy to report that several businesses in Salem insisted on having all their staff trained in Narcan administration. Salem's library has been amazing - they've all been trained and don't hesitate to call with questions. The House of Seven Gables staff has also been trained because they had an overdose there.

M. Wheeler and D. DesRosiers gave an excellent demonstration to all present on how to identify when someone is overdosing and is in need of Narcan and how to administer it. Fentanyl causes a person's chest to become very rigid during an overdose and can make it impossible to inflate their lungs with rescue breathing. As most people mistakenly believe, simply coming into contact with Fentanyl will not cause people to become sick.

Healthy Streets has a repour with most detox facilities and are happy to provide a ride and any other assistance needed.

The Board thanked them for their great work.

5. Approval of Minutes
(May 7, 2019)

G. Yuhas motioned to approve the minutes. P. Kirby 2nd. All in favor. Motion passed.

6. Chairperson Communications

J. Schiller reported that he met the Physician for the Board, Dr. Joseph Miaskiewicz. He introduced himself and said they had a good conversation and he was a super nice guy. He learned that the role of the Physician of the Board is that, in the event of a disaster in Salem, Dr. Miaskiewicz would be the one to respond on behalf of the Board.

J. Schiller said Kerry Murphy is helping to build the relationship with the hospital and it is in the works.

7. Monthly Reports-Updates

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

J. Schiller commented on the difference between the flu seasons this year and last year. Significantly less.

S. Darmody reported that most camp inspections are beginning in June. She shadowed a mother visit and will do another tomorrow. She is very excited about the program and feels it will be extremely helpful to connect people to resources.

Copy available at the BOH office.

b. Health Agent's Report

The Public Health Task Force sent out a draft summary executive report that they asked to be kept within the Task Force until it is final.

It seems like the recommendations are to either to make no changes or to adequately staff the Health Department.

The Special Commission on Local & Regional Health sent out a draft report and makes recommendations about staffing levels for local health. It is no surprise that most local health departments are well understaffed.

G. Yuhas asked if we have a job description for Kerry Murphy's new position as Health and Wellness Coordinator.

D. Greenbaum said not yet, but he and Kerry Murphy spoke and she said

she has a counterpart in Somerville that has a pretty extensive job description for her and she will get a copy for them to review. Letters and applications were sent out to the private waste haulers about recycling and we are waiting to get responses back. Recycling Works MA has offered to come out and do some trainings with restaurants and businesses around the mandatory recycling aspect of our regulation and recycling resources. He went and spoke at the restaurant meeting with the Chamber of Commerce to reintroduce himself and tell them what our expectations are and how we can work together. He reached back out to the Chamber to see if we can schedule something with restaurants around the recycling. He is waiting to hear back.

P. Kirby asked how it is going with all the additional Certificate of Fitness inspections.

D. Greenbaum said the City has contracted with an agency called Hamari for short-term rental registrations. They also monitor all the short-term rental websites for the City and can send a letter to those who are not registered. They will also be providing a link on their website for the application for a Certificate of Fitness. He said we are working with some graduate students from Harvard University for five or six years now. They created a program called Building Blocks with data from properties so we can try to prevent properties from becoming problem properties. We are hoping it will be one central system that can be used by all departments/

Copy available at the BOH office.

c. Administrative Report

D. Greenbaum said our budget was approved at the Council meeting, but he reallocated some money from other places in the budget to create a full-time position from a part-time position. That request was not included in the budget which that was disappointing. He thought with the position of the Health and Wellness Coordinator and the one part-time position to full-time would really strengthen the Department and give us some opportunities to do some things that we haven't been able to do. We'll try for the full-time position again next year.

Copy available at the BOH office.

D. Elias motioned to approve the reports. G. Yuhas 2nd. All in favor. Motion passed.

8. New Business/Scheduling of Future Agenda Items

J. Schiller thinks we should go forward with the hospital relationship to see what kind of options we have for collaboration. It will take some time, but it will be good.

P. Kirby was hoping we would have the final report from the Task Force so we could discuss it at next month's meeting.

D. Greenbaum said he will reach out to Mark Fine to see if he has an idea of when they will reschedule the final meeting.

J. Schiller asked about the summer schedule.

P. Kirby said we always take the month of August off.

D. Greenbaum said once a new member is approved, he will send a welcome letter and inform them of the date of the next Board meeting.

G. Yuhas asked about the resiliency meeting.

D. Greenbaum said it was interesting and they talked about things that could happen in the City, like a hundred-year flood or a category 1-4 hurricane, etc. and what resources the City has that could be impacted by

that, like the hospital, the power plant, the police station, etc. They gathered all the information from the stakeholders and others at the meeting and will put it together. There will be another meeting sometime in the future and they will present it to the public.

MEETING ADJOURNED:

P. Kirby motioned to adjourn. G. Yuhas 2nd. All in favor. Motion passed.

8:34pm

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is Tuesday, July 9, 2019 at 7:00pm
At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA*