

**CITY OF SALEM  
BOARD OF HEALTH  
MEETING MINUTES  
SPECIAL MEETING**  
Virtual Meeting held via Zoom  
and  
Recorded by SATV  
**December 17, 2020**

**MEMBERS PRESENT:** Dr. Jeremy Schiller, Paul Kirby, Geraldine Yuhas, Sara Moore, Datanis Elias

**OTHERS PRESENT:** David Greenbaum, Health Agent, Maureen Davis, Clerk of the Board, Patti Morsillo, City Council Liaison, Mayor Kimberley Driscoll

**ATTENDEES ADDRESSED:** Several (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**

7:04pm

**2. Discussion and vote on additional COVID restrictions, including rolling back to Phase 2, Step 2 of the Commonwealths phased reopening process**

J. Schiller thanked all participants, including the Mayor. There are a tremendous number of participants viewing. He said this is not a meeting we wanted to be having, but the trajectory is such that it required a meeting like this to consider a rollback. He has received the most amount of responses he has ever received from the public since he has been on the Board and they have had a big impact on him. The responses highlighted just how much exercise means to people. There were some comments about museums as well.

He said we are considering this rollback at a time when cases are spiking. We are now in the red, hospital admissions are way up, and capacity is entering a real critical phase. Museums and gyms are not being particularly targeted. This is a state-wide phase and protocol that the Governor set up in the beginning back in March. Metrics are either met or not met and trigger a response. Any decision made is to minimize risk of infection and it is not a decision we take lightly. He said he applauds all the responses we got. After reading the responses, he feels inclined to wait. Mask wearing and social distancing have improved since the spring, but either way, we are very close to having to make this decision, if not tonight, very soon.

D. Greenbaum would like the Board to weigh in on this issue before we take public comment.

G. Yuhas asked if there is a limit to the number of people in a gym at one time.

D. Greenbaum said he believes it is 40%, but he will confirm.

P. Kirby said he applauds J. Schiller's response and he, too, was moved by many of the responses. He is a member of the Y and also feels that, from a wellness perspective, gyms are important and closing them should be a last resort. If we could possibly avoid closing them, he would.

S. Moore suggested we discuss Boston's recent rollback decision so we can

all be on the same page about what we are deciding on.

D. Greenbaum said on Monday the City of Boston, along with four or five other communities, instituted a rollback to Phase 2, Step 2. The rollback included a broad cross-section of industry. He said nobody took this lightly. Boston was very thoughtful about their decision, as were the other communities who followed. We are not singling out one industry in this rollback. If the Board chooses to rollback, it has to include all industries in that Phase. It has to be equitable.

J. Schiller asked D. Greenbaum if he can give a snapshot of positivity, local rates of infection, etc.

D. Greenbaum said we are a red community and according to the weekly DPH health report, our daily case counts are skyrocketing with 74 new cases today. Our cases are much higher now in the fall and winter than they ever were in the spring.

In answer to G. Yuhas' question, the number of people in a gym is 40% of the Building Department's occupancy limit. It shall not exceed eight persons per 1,000 square feet of accessible indoor or outdoor space.

Mayor Driscoll said these are gut-wrenching decisions when we are trying to understand the impact of public health and trying to do everything we can without always having all the information. Boston Mayor Walsh informed us that he was making the decision to rollback to Phase 2, Step 2. His decision was largely based on conversations he was having with hospital presidents and the metrics that Boston uses, such as case counts, ER admissions and the number of available beds in the ICU.

She said we can't keep up with contact tracing, nor can the State, which means we really can't identify where spread is occurring. Yesterday we had the highest case count since the start of the pandemic.

Dr. Roberts at NSMC is 100% in support of this rollback. He is concerned about their capacity in the hospital. We are fortunate to have Boston hospitals to offload cases to. He believes any non-essential activity we can cut down on will help. Dr. Roberts has been a hero throughout all of this – he is terrific. He did not get to see the responses from the public and some of the counterarguments raised by people concerned about this rollback. She said the real benefit comes when we are acting collectively. If Salem rolls back and Beverly or Peabody doesn't, it makes it less beneficial overall. People will just cross the border into another city or town.

She is very worried about the next several months. We have a lot of hope with the coming of the vaccine, but we have a really tough time ahead with the holidays coming and people gathering despite being asked not to.

She said we are actively pushing for small business owners and advocating for assistance and relief for them. We are expressing our discontent with the State and federal governments for not acting sooner to help small business owners.

She said D. Greenbaum has been the MVP throughout this and the Board has been great partners.

She said she will support whatever actions the Board takes. None of these decisions are easy for anyone.

J. Schiller thanked the Mayor for her support.

S. Moore said she has gone back and forth on this decision in the last few days. One of the issues we discussed during our last meeting had to do with winter sports in schools. She felt very strongly that she did not think it was a great idea if our goal is to keep kids in schools. Ideally, she would

love to see leadership at the State level shut everything down for a few weeks, but it doesn't look like that is happening. Any site where people congregate increases the risk. This is an issue of health vs. health. People are making really compelling points about the value of exercise for their mental health. She also knows that our gyms are doing a really great job of trying to keep their spaces safe. So, to J. Schiller and D. Greenbaum's earlier point, we are not trying to single out any one kind of business. It is just a complicated issue. We don't have any evidence that these places are super spreaders, but at the same time we don't have strong enough contact tracing to say they are not.

D. Greenbaum said we have heard a lot that there is no evidence that the virus is spread within fitness centers, etc., but the reality is we do have some evidence in the region that there have been some clusters in fitness centers in particular. This is just in response to the many comments regarding fitness centers. There is still no definitive way to say that they are or are not causing spread at this point. We have heard stories of cases in Salem gyms and he would like to remind owners that it is their responsibility to inform the Board of Health of those cases so we can try to stop the spread.

G. Yuhas said she is on the fence. Maybe gyms need appointments and limited time there, as with restaurant limits.

D. Greenbaum said gyms can still stay open for one-on-one personal training, so while the general public isn't allowed, this proposal would still allow personal training.

P. Morsillo said the data is still so incomplete. To close gyms and museums before closing indoor dining seems backwards.

D. Greenbaum said this is in line with the State reopening. The State set up definitive guidelines at the beginning of reopening.

D. Elias said she is really focusing on the numbers and how quickly this virus is spreading. She is thinking of all of the families who have lost loved ones because of this virus. She understands how important the gym is to everyone. There were a lot of very persuasive arguments, but looking at the evidence, she still believes we have to do something to try to control this now. If we see a change, we could make a change, but she doesn't think we should wait a little bit to see what happens because someone could possibly lose their life. It is so contagious, and it could just wipe us out so quickly. We don't have the manpower to trace it. She is very concerned with the numbers she is seeing. Like S. Moore said, if we could shut everything down for three or four weeks, she would do it in a heartbeat. If she could be sure other neighboring cities and towns were also rolling back, it would be a positive thing for the safety of all of us.

S. Moore said with regard to race equity, many of our front line and essential workers will be disproportionately affected by continued spread.

G. Yuhas said the amount of people who can afford to go to the gyms is not that large. It is spreading to the community that can't afford to go to gyms. It is a disproportionate amount of people.

J. Schiller said there are a lot of people attending the meeting who would like to weigh in. It is an impossible decision that, at least with gyms, is a health vs. health issue, as S. Moore stated earlier. Particularly in the winter months, and for people working from home and not socializing, the gym is their only outlet. We are dealing with an unprecedented situation. He hopes people realize that the data shows there is a larger community

spread, so any risk of socialization increases the risk of getting the virus. He really appreciates the effort that the gyms have made. He did not get one email minimizing the impact this virus is having on all of us or that it is a hoax or overblown, and he really appreciates that. It needs to be a collective effort to control the spread. This is just a very difficult situation.

D. Greenbaum asked that attendees address limit their comments to a minute or so to allow others to speak.

Attendee Geoff Millar, 29 Boardman Street, read a letter he submitted to Dr. Schiller, which included that there is no data to support gyms as a culprit. Also, since the pandemic began his mental health has declined, he had to go on medication for depressions and he gained weight. He joined the Y and his overall health improved. If he were to contract COVID-19 now, he is in much better health to be able to fight it than before he joined the Y. He asked that we please don't take it away without data to support it. According to reports, gyms aren't the problem. Just because Boston decided to do something, doesn't mean we should decide to do the same thing.

Attendee Jillian DiNunzio, 39 Essex Street, said she agrees with everything attendee Geoff just said. At the Y, people are wearing masks, separated, etc. It is clean and safe. People of all economic backgrounds should be able to attend the Y. If we go back to Phase 2, personal training is allowed, but personal training is an added cost and would limit a lot of people from working out.

J. Schiller said he wants to make clear that this decision has nothing to do with whether or not the Y is doing a great job. Everybody who emailed has commented on how great it is and that is commendable. This is based on phased protocols set out by the State.

D. Greenbaum said it is about minimizing both risk and gathering to the best of our abilities. This, and other things like indoor dining, will be on the table if things don't improve.

Attendee Josh Turiel, Ward 5 Councillor and resident of 238 Lafayette Street, thanked D. Greenbaum and the Board for all they are doing. He said he and many others go to the gym daily and it is an important part of their lives. He admits the State data is not complete, but the vast majority of the data seems to be coming from household gatherings and not gyms. Restaurants are also a larger source. When the State first instructed shutdowns, they did not have a lot of information about the spread. The State reopening steps seem arbitrary. The Board has the power to close down problem areas. If we do rollbacks, we don't just have to go by what the State has defined as phases and steps. For instance, when indoor dining opened up, we kept our table capacity at six because we had good reason to do so because it was October. This is probably the crest of the wave now. The vaccine will be coming. Most of the spread seems to be coming from people who are tired of being inside and are beginning to socialize and gather. It's a social question more than anything else. The only thing that would help is a near total shutdown like we had in March and that is not happening on the State and federal level. They are not coming to help us. This is the livelihood of these people who did nothing wrong and

haven't been the source of infections. They may not make it through the winter and may not be able to open again after this. It is going to affect a lot of families. The Board is in an absolutely impossible position. He appreciates all that we are doing.

J. Schiller said we need to keep comments to two minutes, so everyone has a chance to speak.

Attendee Michael Reyes, owner of Salem Fitness Center at 38 Swampscott Road, said he opened in July and he feels the only reason the numbers have increased is because there are more testing sites in Salem and schools went back. Please make sure you have the facts before you decide to close gyms.

Attendee Charity Lezama, 33 Fairview Road and Executive Director of the Y, said she wants to recognize that there are no easy solutions. We now understand better how this virus transmits. To many people, their gym is essential. Members that come into the Y are not congregating – they have little to no contact. The Y has been complying with all of the strict guidelines. If you close gyms, you will dramatically limit community resources and increase job loss in the community as well. We need to try to maintain the community's physical and mental health when we need it most. I know that you will make this decision based on data.

Attendee Dr. Steven Dion, 10 Hemenway Road and one of the owners of B & S Fitness and CrossFit Iron Spider, thanked the Board for including everyone in this process. He has friends who work in the hospital who said many of the beds in the ICU are filled with non-Salem residents. We are a small enough community that businesses can be dealt with individually if need be rather than cherry-picking industries.

Attendee Kait McKenna wrote two letters to the Board. She feels the gyms are being targeted and lumped into this phase. The spreading is coming from social gatherings in private homes, not from the gyms where people are so spread out. This just doesn't make sense anymore. The vaccine is around the corner.

Attendee John Mahoney said his personal point of view is based on the fact that his wife is in constant pain. Swimming at the Y is the only thing that seems to help her. It is by appointment only. It is vital for her.

Attendee Beth Gerard, 49 Larchmont Road, works at NSMC and said we have to recognize that if Boston hospital ICUs get overfilled, where are our patients going to go? She understands the data can be very confusing. Any time you are in an enclosed space for over 15 minutes, you are increasing your risk. She urges the Board to shut down as much as we can.

Attendee Cyndi Johnson, 13 River Street, admitted if they closed the Y, she would just find another spot, such as the Sterling Y in Beverly, to go swim, spin, etc. She also feels the Peabody Essex Museum is doing a great job and she feels safe there as well.

Attendee Biff Michaud, CEO of the Salem Witch Museum, said he just installed new state-of-the-art UVC virus killing lighting for their HVAC system, as well as other safety measures. They usually have 750 people, but now they have 15-18 people at a time. He said they have made every attempt possible to prevent any risk, including online reservations. He applauds the Board with the fact that Salem seems to be more in tune than the rest of the State.

Attendee Kevin Harrington said he realizes the Board is in a very difficult situation, but he sees the proactive measures the Y has done and continues to do. He wants us to know how much the Y has helped his health.

Attendee Matt Cornell, 18 Briggs Street, thanked the Board for everything they are doing as an all-volunteer board and said it is unfair that State and federal leaders have put them in the position to make these piece-mail decisions. He is a Y member but has not set foot there since February. He echoed attendee Beth Gerard's comments to shut things down as much as possible to preserve the capacity for those who may get sick. He works in the concert industry and live concerts have not happened in about 300 days, but if this conversation tonight were to be about whether or not to open up night clubs, he would still ask them not to be opened.

Attendee Megan Brady, 24 Cabot Street and Aquatics Director at the Salem Y, a yoga instructor at Yoga Sakti and helps out at the Marblehead Y. She spoke about the many protocols taking place at the Y. She said she has a compromised immune system and she feels safe and supported at both Yoga Sakti and the Y.

Attendee Geoff spoke again and said the two places he has felt safest since COVID are the Salem YMCA and the PEM. He doesn't see any health benefit to closing these places down. He would like to encourage the Board to do things that make sense.

Attendee Biff Michaud spoke again and reiterated all the steps they have taken to keep people safe. He appreciates the job the Board is doing.

J. Schiller said the vaccine is a two-dose vaccine that takes a month to get immunity. We still don't know if people can still spread the virus once vaccinated. The vaccine is not a panacea.

Attendee Chris Bednar, 17 Beacon Street, said there is incredible work being done at the Salem YMCA. He asked the Board to think of industries within Salem that might be contributing to the spread of the virus and shut down places where we have good reason to.

Attendee Shaun Pasdon, 2 Hart Way, said if you close down the gyms, people may start doing prohibition-style fitness at friends' houses and it may create a bigger issue with spread as is the case in California.

Attendee Biff Michaud spoke again and said this is a tragic time, but we will get through this together. 100 years ago, the Spanish flu killed 55 million people and we are lucky to have all the scientists working for us

today.

D. Greenbaum said J. Schiller's point about the vaccine is important; it is not a cure. He believes we will be wearing masks for an extended period of time after the vaccines roll out.

He said again that we are not singling out fitness centers and gyms and nobody is questioning their work ethic and ability to maintain a safe environment. Any time you step out your door, you risk getting COVID. We can't say that the virus may be spread in gyms. There is so much asymptomatic spread, we don't know where it begins and leads to spread in other places.

J. Schiller said if we had the ability to target, we would, but he thinks that would be a Pandora's box. We are lacking in federal leadership and hopefully that will change. State leadership needs to provide more guidance. If Salem goes out on its own and decides to do something and other surrounding cities and towns don't go along then it means nothing. So, we are going within the guidelines the State has set up.

S. Moore said she is curious what surrounding municipalities are thinking. We don't have good data, but we need to make the right decision the easiest decision based on human behavior. Otherwise, people may just choose to congregate in less safe ways and may go elsewhere instead. She was just wondering if regionally this is being discussed on the North Shore.

D. Greenbaum said they are talking about it, but it doesn't seem as though they are ready to make the move. They weren't ready to go along with Boston.

P. Kirby said he is very sympathetic to Josh Turiel and others' point of view and it's not clear why we have to move only by the guardrails that were set up by the original State process, especially when they are not demonstrating leadership. He is very persuaded by the arguments about the fitness centers and the relative risk and reward. We don't have data that conclusively ties outbreaks or clusters to gyms. He agrees that they Y has been doing a fantastic job. If we close the Y, but continue to allow indoor dining, he is not okay with that. He doesn't think that is right.

J. Schiller said we can't pick and choose, and it puts the Board in a very precarious situation.

D. Greenbaum doesn't know where the State is on this, but he feels the only way to make it equitable is to lock down everything. So, there will be some inequity at some point. He doesn't disagree that indoor dining can be a problem. At some point something is going to have to be done if things don't get better.

S. Moore said she doesn't feel we need to follow phased guidelines, so we can pick and choose to some extent, but the manner in which we do that is more complicated. Regardless of our decision tonight, we need to be clear about what would move us forward.

J. Schiller said as a physician who treats COVID patients, he would like to invite Dr. Roberts to address the Board and hear his perspective. It would be really important and instructive for the Board. It's not just about the infections, but about who is getting sick and what the capacities are. Ultimately that is what is so critical. He liked S. Moore's point about possibly revisiting this and let it guide us to what phase we want to return to or whether we want to create our own phase or restrictions. He agrees that indoor dining should not be the last thing we rollback.

Mayor Driscoll feels the idea of hearing from Dr. Roberts is an important one. The impact of these decisions and our actions with stop the spread and flatten the curve were all related to trying not to overrun the healthcare system and we are perilously close to that. The healthcare workers are doing amazing work, but there is a lot we don't know about spread. A delay will enable us to better understand what is happening in neighboring communities. The goal is to have a uniform set of activities that lead to less spread in our collective communities. It is more effective if we do things as a group because COVID doesn't know where the town line is. With case counts rising and another holiday season upon us, time is not our ally so we should try to do it rather quickly. Unless everybody rolls back indoor dining it makes no sense for us to do it because people will just go over the town line.

J. Schiller feels strongly about the regional approach as well as having input from our local hospital.

P. Kirby asked if we could find an expert on infectious disease that could help us understand the gym issue because people's ability to exercise indoors directly relates to public health in a way the other economic activities don't.

J. Schiller knows several infectious disease doctors.

G. Yuhas asked how soon we can get Dr. Roberts to speak to us.

J. Schiller agrees with the Mayor that time is not on our side with the holidays. We can try for the week after the holidays. We can make a motion to delay the vote for tonight to gather more information.

J. Schiller wanted the people listening to know that their comments have made a huge impact on where the Board stands on this issue. We have taken your comments to heart, but at the same time we are left with a very difficult decision before us and he hopes people understand that.

J. Schiller asked if any members disagree with delaying to gather more information or if they felt strongly about voting tonight.

P. Kirby supports delaying.

S. Moore feels okay with delaying as well but would prefer to have this conversation next week if we can; the sooner the better. It's true that time is not on our side. She would feel comfortable with a few more days to do some more fact finding.

P. Kirby asked the Mayor if the City Solicitor should be involved in the fact finding. He is stuck on the question of the a la carte approach versus the phased approach.

D. Greenbaum said he feels confident saying the Board has home rule and we can do a more tailored approach if that's how we want to do it. The only question he would have for the legal office is if this is in any way discriminatory over one business or another. He can work with the Mayor to speak with Dr. Roberts.

The Mayor said we will prioritize it and look at schedule availability. The ability to meet next week would be helpful because the Board likes to give appropriate notice if any actions were to be taken. We would also have a firmer understanding if the State is going to be in a position to act.

G. Yuhas is okay with delaying.

D. Elias is okay with delaying for the sole purpose of finding out what our neighboring towns are doing. She is okay with taking the lead. She is pro-



exercise, pro-life, and pro-health. She thinks there are a lot of unknown variables and she will support anything that stops the virus from spreading. We have to modify our behavior for a short period of time. Even if other towns are not doing anything, she feels like Salem has a responsibility to its community.

D. Greenbaum said if there is a rollback, it will be temporary.

P. Morsillo said it feels like communities are waiting to see who is going to do it first. Back in March and April Salem was taking the lead many times, even before the State stepped up. She wants people to remember that as soon as Salem closed the schools or attacked this pandemic in a certain way, other communities jumped in and the State followed. She doesn't know why the State isn't taking the lead on these decisions, but they're just not. We can't wait for them.

J. Schiller said Salem has always been on the forefront with smoking and other issues. We have been a very active Department of Health and Board of Health for the City. He is not worried about whether or not we're the first to do it, he just thinks a regional approach is actually going to be more effective. With a delay, whether it's a week or two weeks, we can make a decision with some input.

**P. Kirby moved that the Board postpone its discussion on rolling back to Phase 2, Step 2, or any other tailored rollbacks, until a future Special Meeting of the Board to be scheduled as soon as is practical. G. Yuhas 2<sup>nd</sup>. All in favor. Motion passed.**

J. Schiller will reach out directly to Dr. Roberts to schedule a time. He hopes to get some regional input, too. If the State weighs in before that time that will be important as well.

He wanted to let the public know he did his best to respond to as many emails as possible. We received over 100 emails.

Mayor Driscoll thanked all the Board members for their efforts to really listen to everyone and for understanding what our actions are in trying to do our best to get it right. It is tough trying to manage risks and she appreciates all of them and their role in it.

The Board thanked the Mayor for her support.

**MEETING ADJOURNED:**

**G. Yuhas motioned to adjourn. S. Moore 2<sup>nd</sup>. All in favor. Motion passed.**

9:00pm

Respectfully submitted,

Maureen Davis  
Clerk of the Board

*Next regularly scheduled meeting is  
Tuesday, January 12, 2021 at 7:00pm  
Virtual Meeting Via Zoom*