

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**
Virtual Meeting held via Zoom
and
Recorded by SATV
November 9, 2021

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, Patricia Morsillo, City Council Liaison, Joyce Redford, Director, North Shore/Cape Ann Tobacco Control Program, Mohamed Karim, Citgo, Ziad Nabbout, BP Station

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.

7:02pm

1. Call to Order

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

**2. Approval of Minutes
(October 12, 2021)**

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. Hearings for violations of
Regulation 24 of the City of Salem
Board of Health Restricting the
Sale and Use of Tobacco Products**
a. **Citgo – 105 North Street,
Hearing continued from
October 12, 2021**

J. Schiller said the continuation was requested to review the video. Mohamed Karim, Citgo, 105 North Street.

J. Redford said a couple of days after the last hearing she met M. Karim at Citgo to view his video. He only had four minutes of video. Unfortunately, it was not a big enough window to see the violation. She said typically they say the violation happened at an approximate time because it takes time for the sale to occur, for the youth to return to her vehicle, and for her to enter the violation live into a database. The process can take up to a half hour.

M. Karim said the violation letter stated the violation happened at 11:51am, so he checked his videos three minutes prior to that time and a couple of minutes after. If he knew the time was approximate, he would have viewed the video longer than the five minutes or so that he showed J. Redford. He feels three minutes for a convenience store should be enough time to see a

violation. His surveillance video only holds for a month and a half.

D. Greenbaum said he had a conversation with J. Redford after she viewed the video, and he will take ownership of the “at” phrasing in the letter and “at approximately” will be added to the time of the alleged violation in the letters going forward.

J. Schiller told M. Karim he is sorry, but the Board does not have discretion when it comes to violations.

M. Karim said he thinks it is a mistake and he should not be responsible for it.

J. Schiller asked him if he is saying it did not actually happen.

M. Karim said exactly.

J. Redford said even though we did not see the violation on the video, he would know who was working on that day and time, plus a description of the clerk was provided, and we have the evidence.

M. Karim said there are two of them working there and they both fit the description provided.

P. Kirby said J. Redford’s program does not require positive, preserved security video evidence, and the absence of the video does not constitute grounds for waiving the fine.

J. Schiller clarified with M. Karim that his point is that we provided a detailed time and when we go back to that time there is no evidence on the video.

M. Karim said exactly.

J. Redford said she has record of sales at surrounding businesses around his that are around the same timeframe. She has no reason to implicate him or pretend he sold something. She told M. Karim that she respects that his issue is the time, but clocks can be off by a couple of minutes, and five minutes is not a realistic snapshot of any of your customers walking in, purchasing something, getting change and walking out. She cannot enter information about a violation until it occurs, and her youth returns to the car to give her the information. She said they also tag and bag the product right there. She feels the Board can make a decision on this without haggling about seconds.

D. Elias asked if there was a printed receipt for the transaction.

J. Redford said no, the youth don’t ask for them because that is a tell. We only get receipts in grocery stores.

M. Karim said there is no actual proof. There is no receipt. He suggested to the Board that they get a receipt.

J. Redford said it could put the youth in jeopardy. Convenience stores don’t typically give receipts for small purchases like gum or cigarettes.

J. Schiller said we have been working with J. Redford for years. She has the most integrity and there would be no reason for us to doubt what she is saying, and there is no reason to doubt that this took place.

G. Yuhas said it doesn’t matter what time this happened, it happened. We have records that it happened. We trust J. Redford.

P. Kirby moved that the Board deny Mr. Karim’s appeal of the Citgo store’s tobacco violation fine.

G. Yuhas 2nd.

Roll call vote:

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

Motion passed by a vote of 5 to 0.

b. BP – 94 Jackson Street

Ziad Nabbout, BP Station, 84-94 Jackson Street.

J. Redford provided details of the violation which included the date and time of the sale, a description of the product sold, and a description of the clerk who sold the tobacco product.

Z. Nabbout asked if J. Redford leaves something after the sale.

J. Redford said no, they used to, but with the new State law the collaborative voted that with the fines as high as they are that could put the youth in jeopardy. For example, if the youth was on video and a business shared the video with another store, when the youth go to that other store they could be in jeopardy.

Z. Nabbout said he is not denying what happened. He only heard about the incident when he received the letter in the mail. He has been in the business since 2002 he does not recall getting any fines or warnings. He only sells 2 or 3 packs every other day. He is asking for a reconsideration, if possible.

J. Schiller said unfortunately we have no discretion. This is a violation, and we cannot change the outcome of the violation.

Z. Nabbout said he respects that.

J. Redford recommended to Z. Nabbout that because it is a 36-month period it is an opportunity to train his staff. If nothing else occurs in the next 36 months this violation goes away from his history.

S. Moore moved to deny the request of BP to appeal their tobacco violation fine.

G. Yuhas 2nd.

Roll call vote:

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

Motion passed by a vote of 5 to 0.

Attendee Harrison Schell, 170 North Street, said he goes to the Citgo all the time and the people there are some of the nicest, friendliest people at any convenience store he has ever been to. He said he also wants to back them up by saying that they always offer to give him a receipt.

J. Schiller said we appreciate that, and it's nice to know that kind of business exists in our community, but this has nothing to do with being nice or not.

J. Redford said she would like to meet with the Board again, perhaps at the January meeting, to discuss Delta 8 and Delta 9 products that are out there. They are a synthetic THC and are being sold in some of our retailers. She wants to give the Board of Health an update on what it is; it is illegal in MA because it is a synthetic cannabis product. You can get high off of it. She would like to show the Board some of the products. She said if they run into a location that has it, they are telling people they have to remove it. She wants the Board to know why she is doing it in case they hear something.

4. Chairperson Communications

J. Schiller said it seemed that everything with the mask mandate and testing went well. Mask compliance was great, and we had a very successful Halloween. The mask mandate expires this Saturday, November 13th at midnight. That was written in as an expiration date, so the Board does not need to take any action on it. He has not received any emails about the expiration date.

D. Greenbaum reported that there was an increase in cases; there were 32 cases between yesterday and today with an average of about 15 cases per day. He anticipated there would be an increase in cases post-Halloween, but it was a little more dramatic than he anticipated.

S. Moore had asked what the percentage of cases were by age.

D. Greenbaum said 73 out of 200+ cases since 10/25 are 0-19 years old. There is a dramatic drop in cases for people over 40.

There is a lot going on in the schools right now. The hope is with vaccinations now available for 5–11-year-olds that will help. The School Department, in coordination with the Health Department, is looking into getting vaccination clinics into schools in the next couple of weeks so those that want it can at least get their first dose before Thanksgiving. He thinks that will have an impact on our case counts as that goes forward.

He has been involved in conversations with the provider the State is sending our way to offer some robust vaccination programs for not just 5-11-year-olds, but for everybody.

J. Schiller said we will need to keep a close eye on the numbers as people move indoors with the colder weather. So far, the capacity in the hospital is good.

5. Monthly Reports-Updates

a. Public Health Nurse's Report

D. Greenbaum reported that Suzanne Darmody is out on maternity leave and is expected back in late January. We have a couple of nurses covering for her; a semi-retired former public health nurse that he worked with at his time in Saugus. She is very capable. The nurse in Beverly is also helping to cover as she did on Suzanne's first maternity leave.

b. Health Agent's Report

D. Greenbaum reported that he has been out on vacation last week and this. He informed the Board that he still has a significant amount of time to use, and he will be using it before the end of the year.

The Board agreed it is well-deserved.

P. Morsillo thanked D. Greenbaum for all the work during October keeping people safe and healthy. She appreciates the new testing facility at Riley Plaza, too.

D. Greenbaum said that Curative, who ran our downtown rapid testing site for large-scale events in October, has offered to run a PCR testing location in the City for as long as the City wants it. The good news is it is insurance

based, so the patient's insurance gets billed and there is no cost to the City. We don't know if the Stop the Spread testing will continue past the end of December. He thinks it will, but there is no guarantee and the City feels strongly that it is important that we have some testing locally. It will be a walk-up, heated trailer located at Riley Plaza. There will be someone there, but it will be a self-administered nasal swab and results are available within 36 hours.

He reminded the Board that the Contact Tracing Collaborative at the State level who is doing the bulk of the contact tracing for most communities will no longer be taking cases effective November 30th. They will handle their cases through December and will go away December 31st. All the contact tracing will come back to the local community effective November 30th. We are part of a regional grant for contact tracing that Peabody holds. They are in the process of hiring staff to fill the positions for contact tracing and management of contact tracing. We will rely on that grant heavily in Salem until Suzanne is back.

c. Administrative Report

Copy available at BOH office.

d. Council Liaison Updates

P. Morsillo said there are two more City Council meetings scheduled. The Urban Agriculture Ordinance will slide into next year, hopefully in January. Everyone is trying very hard to get as much done as they can before the last two meetings.

D. Greenbaum reminded the Board that the Urban Agriculture Ordinance also has a Board of Health regulation that goes along with it. Kerry Murphy in the office has been working extensively with Meg Riccardi, Beth Rennard, other members of the community, and the City Council to get the Board of Health regulation written so when they are ready with the ordinance the Board can take action on the regulation as well.

P. Kirby moved to approve the reports. G. Yuhas 2nd.

Roll call vote:

J. Schiller – yes

S. Moore – yes

D. Elias – yes

P. Kirby – yes

G. Yuhas - yes

Motion passed by a vote of 5 to 0.

6. New Business/Scheduling of Future Agenda Items

J. Schiller said if people had agenda items they would like to add, let him know.

P. Kirby suggested we get a syringe program update.

D. Greenbaum said we are working on the Healing Communities Study, which is a grant through NIH that we get awarded through Boston Medical Center. He thinks it would be good to have Meaghan Bransfield, the Community Coordinator we hired last year, join a meeting to talk about what has been done. There is a lot of work being done. There is a community forum on You-Tube and SATV. He can send the link to it. He said the folks who are doing the needle exchange sent him an article

which he found very interesting. It was about innovative safe practices and harm reduction happening in Ohio. He will send the article to the Board. It is something he would not be opposed to seeing happen in MA, and potentially in Salem.

P. Kirby said he started thinking about the topic again recently because there have been some statistics about opioid overdose deaths during the pandemic. They have surprisingly skyrocketed. It is one of our most urgent public health challenges, after the pandemic.

D. Greenbaum agreed and said the pandemic did isolate people more who are suffering from opioid use disorder. It will be good to hear from Healthy Streets as well as the Healing Communities folks.

J. Schiller said we could invite them to come to the December or January meeting to get an update.

D. Greenbaum will reach out to them.

D. Greenbaum said the City has been publishing a reopening policy since last year when reopening started. The City is requiring that all Boards and Commissions hold meetings remotely until December 31st of this year. In January, Boards and Commissions can make the decision on their own if they want to start to meet in-person. If there is no change in the Open Meeting Law as written in the Governor's Acts of 2020, then effective April 1, 2022, all Boards members should be aware that they will be required to attend in-person meetings beginning April 1, 2022. He just wanted to make the Board aware of that.

G. Yuhas announced that the Recycle Committee is having a textile drive at Riley Plaza on November 20th, the Saturday before Thanksgiving. Helpsy is a textile collection company that picks things up that you can't wear anymore, such as clothes, shoes, belts, purses, linens, etc. They recycle the material and will donate things that are still good. People can call Helpsy anytime and they will pick up at your house on Saturdays.

MEETING ADJOURNED:

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

Roll call vote:

S. Moore – yes

G. Yuhas - yes

J. Schiller – yes

P. Kirby – yes

D. Elias – yes

Motion passed by a vote of 5 to 0.

7:45pm

Respectfully submitted,

Maureen Davis
Clerk of the Board

*Next regularly scheduled meeting is
Tuesday, December 14, 2021 at 7:00pm*