

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

September 13, 2022

MEMBERS PRESENT: Paul Kirby, Acting Chair, Geraldine Yuhas, Sara Moore, Datanis Elias

MEMBERS EXCUSED: Jeremy Schiller

OTHERS PRESENT: David Greenbaum, Health Agent, Suzanne Darmody, Public Health Nurse, Victoria Caldwell, Assistant City Solicitor, Megan Riccardi, City Council Liaison,

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:00pm

**2. Approval of Minutes
(July 14, 2022)**

G. Yuhas motioned to approve the minutes. S. Moore 2nd.

Roll call vote:

P. Kirby – yes

S. Moore – yes

G. Yuhas – yes

D. Elias-yes

Motion passed by a vote of 4 to 0.

**3. Sandi Power – Request to be heard
relative to code violations at 36
Loring Avenue**

OFF THE AGENDA

**4. Linda Zimmer – Owner 10
Howard Street – Request for
Hearing on Housing Order Dated
August 10, 2022**

Attorney Diadamo representing Ms. Zimmer explained that 10 Howard Street is large building consisting of a lodging house and other units. The owner has encountered issues trying to empty the building. It has been difficult to evict tenants for a variety of reasons. Attorney Diadamo explained that a little more than half the building is currently empty. Attorney Diadamo further explained that the action by the tenant was in retaliation for an impending eviction and that his complaints began after the eviction process began. Mr. Diadamo stated that the complainant has signed an agreement to vacate the property. He explained that the issue at hand is the requirement for an outside 3rd party exterminator to do the extermination. Ms. Zimmer is a licensed pest control operator and qualified to do the extermination. Applicant asks that the requirement of the outside exterminator be stricken, Ms. Zimmer is qualified to this work. Do not believe that the inspector can mandate the use of a 3rd party exterminator.

S. Moore asked is this a bigger or more persistent problem from the inspector's perspective?

P. Kirby asked is that a standard clause of a citation of this nature?

D. Greenbaum explained that in this instance particularly because this has been a persistent problem that we felt it was appropriate to ask for a 3rd

party exterminator to inspect and exterminate as needed. D. Greenbaum added that he believes a mouse problem can be eradicated completely and that because no invoices or reports have been received outlining actions taken, we do not know what has or has not been done.

Attorney Diadamo, offered to provide invoices and reports in the future if that was what the Board wanted.

G. Yuhas asked if these are single rooms. D. Greenbaum explained that the majority are single rooms with shared bathrooms but there are also a couple of apartments.

Ms. Zimmer stated the complaints began in April of 2021. She has taken steps to exterminate but tenant has removed them. Pest control requires assistance from the tenants.

D. Greenbaum asked what the date for the complainant's departure was and was informed it is October 1, 2022.

S. Moore felt it would be precedent setting not to allow the owner to exterminate and it doesn't sit right. However, if there is a problem then there is a problem, and it should be corrected.

G. Yuhas stated that it would be important that written documentation of what is being done must be submitted to the department.

P. Kirby asked D. Greenbaum if it is reasonable to waive this requirement.

D. Greenbaum stated it is reasonable as long as the documentation is submitted for the exterminations as well as a copy of Ms. Zimmer's pesticide applicators license.

D. Elias asked beyond just an invoice would it include a report outlining what was observed in the unit. that the report is not just an invoice but a report of what was seen and what is being done. Not sure how she is documenting the issues in the units.

S. Moore motioned to strike the clause neither the property owner or their associate from violation #1 and that Ms. Zimmer be allowed to continue to exterminate the property. Second G. Yuhas

Roll call vote:

P. Kirby – yes

S. Moore – yes

G. Yuhas – yes

D. Elias-yes

5. Regulation Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers

Assistant City Solicitor in attendance to present on the proposed regulations. This is a very simple regulation with definitions that moves to outlaw deceptive practices in terms of limited services pregnancy centers. It is drafted after ordinances in Somerville and Cambridge. There are other places outside of Massachusetts that have similar ordinances in place. These regulations have been subject to challenge. There have been First Amendment challenges, but this has been crafted with the hope that it would pass any challenge. There are currently none of these centers in Salem. In the Commonwealth of MA there are 29-30 with several on the North Shore with only five in the state licensed by the MA Department of Public Health. Right now, none in Salem and this proposed regulation would prohibit deceptive advertising should one come to Salem.

P. Kirby inquired what is the difference between those that are licensed by DPH and those that are not.

V. Caldwell stated she is sure DPH has requirements for every facility they license, and you have to meet all the criteria. This is part of the suite of actions the city is taking to protect woman's rights and in keeping with what the state has been doing.

S. Moore asked if this applies to a crisis pregnancy center anywhere else on the North Shore that decides to put up a billboard in Salem? Can we prohibit that?

C. Caldwell, if this regulation is passed, we would have to see if this type of advertising violated the regulation.

S. Moore asked if in the definition of limited services pregnancy centers the word medical referrals should be added when talking about referrals, that seems to be the larger issue. Other than that, it looks good.

V. Caldwell explained that regulations need to be advertised and it may be beneficial to have the Chair present.

P. Kirby inquired about public comment. D. Greenbaum explained if the Board held a public hearing, then people could offer comment at that time.

P. Kirby fully supports the regulation but reiterated the need for public comment.

Matter tabled to a future meeting for a public hearing.

6. Chairperson Communications

Acting Chair P. Kirby stated he had no chairperson announcements at this time.

7. Public Health Announcements /Reports/Updates

D. Greenbaum reported that he had nothing of substance regarding the public health announcements/reports/updates. He reminded the Board about the invitation to the sun safety kick off event on July 21, 2022. He also updated the Board that routine work was returning to pre-COVID levels.

a. Public Health Nurse Report

S. Darmody informed the Board that she is currently focusing on Flu clinic planning. Staying up to date with the state and Monkey pox and regular things in public health right now.

G. Yuhas asked about COVID booster clinics or if people should just go to CVS. S. Darmody informed her that there are so many providers through the state that we have not planned to order COVID boosters.

G. Yuhas asked if there was any recommendation for time between the flu shot and the COVID booster. There is no recommended time to wait between the two shots.

b. Health Agent Report

D. Greenbaum informed the Board that the City in coordination with Health Innovations will offer Monkey Pox vaccinations, both first and second doses at the CLC.

P. Kirby asked if there is a recommendation that everyone get the vaccine.

D. Greenbaum explained there is a strict eligibility screening and only those that meet the eligibility can get the vaccine.

S. Darmody informed the Board of all the places the clinics have been advertised.

D. Greenbaum advised the Board that the Tobacco Control Program and grant will be transferring from Lynn to Salem. Salem will become the lead agency on the grant.

D. Greenbaum informed the Board that the Mayor had sent an article about

Polio and how the State of New York had declared an emergency for Polio as there has been an outbreak in certain populations there. He wanted to bring this to the attention of the Board in case they felt something should be done in Salem.

S. Moore asked if there could be any discussion about masking and if so, could we get that message out sooner rather than later.

J. Schiller stated he thought the Board would have to look at the variants and conditions in the hospitals to make those determinations.

S. Moore requested messaging around the current state of COVID and should things change dramatically then the Board could look at additional restrictions in the fall and particularly October be sent sooner rather than later.

c. Administrative Report

Copy available at BOH office.

d. Council Liaison Updates

M. Riccardi updated the Board of the feeding of wildlife ordinance, it was voted out of committee and will be in front of the Council on September 15th. The Council did amend the existing ordinance around dangerous dogs. Two new sections were added, one around feeding wildlife on public property and a section on feeding wildlife on private property except for birds at least 5' off the ground.

7. New Business/Scheduling of Future Agenda Items

None

- **Items that could not be anticipated prior to the posting of the agenda**

MEETING ADJOURNED:

G. Yuhas moved to adjourn. D. Elias 2nd.

Roll call vote:

J. Schiller – yes

P. Kirby – yes

S. Moore – yes

G. Yuhas - yes

Motion passed by a vote of 4 to 0.

7:47pm

Respectfully submitted,

David Greenbaum
Health Agent

***Next regularly scheduled meeting is Tuesday, Tuesday, October 11, 2022,
at 7:00pm
At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA***