

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES
March 12, 2019**

MEMBERS PRESENT: Paul Kirby, Chair, Dr. Jeremy Schiller, Kerry Murphy, 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, Nour Albeilani and Mirna Ramirez, representing A.L. Prime, Michael Busa, representing Busa Wine & Spirits. Jason Feran and Jennifer White, RNs from UMass Boston, were also present to observe the meeting.

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:00pm

2. A.L. Prime 3rd Offense Tobacco Violation - Decision to Suspend or Revoke

Nour Albeilani, area manager for A.L. Prime, addressed the Board to say that the tobacco violation was human error by his clerk, but he agrees there are no excuses. All their employees are trained and know the regulations. Unfortunately, he had to fire the employee that sold tobacco to a minor as it was a direct violation of their policy. The clerk did ask for ID, but when the customer said she didn't have it, she sold her the tobacco anyway - he still does not understand why. They have a Point of Sale system in place. He said the clerk was very shy, but again, that is no excuse. He apologized to the Board for the violation and said his family owns Witch's Brew and they have done business in Salem for many years and always try to do the right thing. He asked if anything can be done to decrease the 30-day suspension. The Board said they really have no choice but to uphold the suspension as they must follow the regulations they put into place. A copy of tobacco regulation #24 was distributed to all present. The regulation clearly states that the punishment for a 3rd violation is both a three hundred dollar fine and a 30-day suspension of the tobacco license.

K. Murphy motioned to have the 30-day suspension begin on Monday, March 18th. J. Schiller 2nd. All in favor. Motion passed.

3. Busa Wine & Spirits 3rd Offense Tobacco Violation - Decision to Suspend or Revoke

Michael Busa, owner of Busa Wine & Spirits, said that his violation was also due to human error. They have a lot of protocols in place, and all managers and employees involved in the violation have been fired. The clerk who sold to a minor was a new, part-time employee. Short of standing by the employees' side all the time, it is difficult to control what they do but he realizes the responsibility falls on the owner. He said they take pride in trying to not have violations and apologized to the Board for the violation. The Board explained, as above, that they must uphold the suspension as per the regulation.

J. Schiller motioned to have the 30-day suspension begin on Monday, March 18th. G. Yuhas 2nd. All in favor. Motion passed.

D. Greenbaum reminded both establishments that during the suspension period all tobacco products must be completely removed from the store and that someone will be checking. He warned that if any tobacco products are found on the premises during the suspension period, that would be an

additional violation.

4. Approval of Minutes
(February 11, 2019)

G. Yuhas motioned to approve the minutes. J. Schiller 2nd. All in favor. Motion passed.

5. Chairperson Communications

P. Kirby asked if the Metropolitan Area Planning Council (MAPC) has reached out to all Board members. Neither G. Yuhas, J. Schiller nor D. Elias has heard from them. They did, however, speak to the entire staff. P. Kirby announced the next ISD Task Force meeting is Wednesday, March 20th.

D. Greenbaum asked if anyone reached out to MAHB.

P. Kirby said he did, and they said they would, but he should probably follow up and see if it happened.

D. Greenbaum said he would like to reach out MAHB personally to see if they will send someone to one of our meetings and maybe even attend a Task Force meeting. We would also like to invite other stakeholders in the community to the Task Force meetings. The Board welcomed him taking that role.

6. Monthly Reports-Updates

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

P. Kirby welcomed S. Darmody back.

S. Darmody just returned back to work from maternity leave yesterday so there is no report this month, but she has been monitoring MAVEN from home for the past few weeks.

G. Yuhas asked how the vaccination rates are.

S. Darmody said our local numbers are great.

D. Greenbaum reported that MA has the leading immunization rates in the nation.

b. Health Agent's Report

Met as a staff yesterday to work through how we can best accomplish our inspectional goals while doing community outreach, etc.

D. Greenbaum reported that the Kokeshi trash can issue is being addressed. We will be hand-delivering letters requiring them to provide a trash storage plan. Engine House Pizza and Turtle Alley Chocolates will also receive the same letters in-hand because their trash cans are also out and he doesn't want Kokeshi to feel singled out. He will be going to a Neighborhood Improvement Advisory Committee meeting tomorrow night and he will report on the course of action they are taking to resolve the issue.

D. Greenbaum said the DIG community is working on a template regional body art regulation. Everyone is looking to update or replace their regulations to include microblading and micropigmentation. He has had conversations with people in the industry who are interested in sitting in the committee. They will be putting out an RFQ for a consultant to come in and do the leg work for it.

P. Kirby asked how long until they will have a draft available.

D. Greenbaum said he expects it will be three to six months.

S. Darmody and D. Greenbaum met with Wendy Kent today. They are getting the opioid coalition going again.

D. Greenbaum and Liz Gagakis met with the tenant association at 27 Charter Street at the Housing Authority to meet with residents and explain what the Health Department does and answer questions.

He also met with community gardens group at Splaine Park to see what we can do about rodent control issues they have had in the past couple of

years. He said we will continue to do community outreach with different groups.

He reported that the staff went to training on how to cite things with the new 2013 food code. They found it very interesting and informative.

G. Yuhas asked how the trash regulation licensing is going.

D. Greenbaum said he will work on it with Liz Gagakis and will also talk to Julie Rose. Recycling is becoming a real problem because no one is taking recycling any more. He doesn't know how the haulers are going to handle it.

G. Yuhas reminded that if the licensing is not in effect by June 1st, Julie Rose will lose her grant funding, which would also mean losing Micaela Guglielmi, the Waste Reduction Coordinator, as hers is a grant-funded position.

D. Greenbaum reported that he submitted his budget for FY2020. He did not ask for an increase, except for rodent control. He requested monies be moved from contracted services and part-time salary lines to the full-time salary line to allow Janet Mancini to be a full-time inspector. His budget meeting is on March 27th at 1:45pm if any members are able to attend.

K. Murphy will try to attend.

Copy available at the BOH office.

c. Administrative Report

Copy available at the BOH office.

d. City Council Liaison Updates

J. Schiller asked if there will be any discussion of the 3% tax on marijuana dispensaries that are going to be opening up.

B. Gerard explained that they will see it as an item in the letter from the Mayor that comes in the budget book. That money will go directly into the general fund.

B. Gerard reported that after hours upon hours of committee meetings, the vote to approve the zoning overlay failed by a vote of 7 to 4. To be approved, it required a vote of 8 out of 11. It was very disappointing because we have a serious housing crisis and we need to help our vulnerable populations. We have 50% of people who meet the low-income threshold, so we have a huge need for low-income housing. This is a public health issue. Unfortunately, there is no simple answer to this. With every vote the Council takes they have 24 hours to change their vote, unless someone moves for immediate reconsideration in the hopes it does not prevail. Reconsideration was requested and passed so it will be on the agenda for Thursday night, March 14th. Because it is a zoning issue, a decision needs to be made by April 15th or the whole thing starts over again. The vote requires two passages.

We currently have three unused buildings and we have people like Harborlight Community Partners and the NS CDC who are ready to jump to make them affordable housing so housing needs can be met. Banks will provide funding for rentals, but not for ownership. It is illegal to say the housing would only be available to Salem residents. With the Fair Housing Act, there are some limitations of how much you can make for local preference, meaning for Salem residents only, and the numbers are very small - such as three out of a hundred units.

Also, if we don't sell the old Council on Aging building, that is one million dollars the City is missing out on and that is a million dollars the taxpayers will have to come up with.

With the church buildings, the archdiocese is offering 99-year leases and

the money would go directly to the Boston archdiocese to help the local churches.

K. Murphy pointed out that the police often get called to the abandoned buildings, too.

J. Schiller asked if there will be any discussion of the 3% tax on marijuana dispensaries.

B. Gerard said that money will go directly to the City's general fund.

K. Murphy motioned to approve the reports. J. Schiller 2nd. All in favor. Motion passed.

7. Board Organization

J. Schiller is interested in the Chair position. His only concern is his schedule. The Board members all agreed to help out when he can't be there. He can designate someone to be Chair for any meetings he is unable to attend.

D. Greenbaum feels all Board members should be Chair at some point.

P. Kirby said it has been an honor and a great experience to serve as Chair and he learned a lot. He thanked the other members and the Department for their confidence in him.

J. Schiller and the other members thanked P. Kirby for all his hard work and dedication.

P. Kirby moved to appoint Dr. Jeremy Schiller as Chair of the Board of Health beginning at the conclusion of this meeting. K. Murphy 2nd. All in favor. Motion passed.

8. New Business/Scheduling of Future Agenda Items

D. Greenbaum said the Mayor sent an article from the Boston Globe to both himself and Chief Butler from the Police Department regarding bodyworks establishments in light of the human trafficking problem. She cited a regulation used by Arlington. The regulation doesn't include Massage Therapy because it is regulated through the State. However, there are about 1,800 massage establishments in the State with only two inspectors. He is not advocating for massage, but he was wondering if the Board would consider regulations. He will forward a copy of the article to the Board for review. He said it is a loophole in the State regulation that the Department of Professions Licensure uses to regulate massage therapy, so these places open up as a bodyworks establishment because nobody is regulating them and they often turn into houses of ill repute. They are popping up all over the place.

He would like to know if the Board wants to be involved in requests for subdivisions and construction developments. It used to be common practice. He will provide the Board with a list of standard conditions he used to use in the past. He would write a letter to the Planning Board about what the Board of Health placed for conditions on a project.

MEETING ADJOURNED:

Respectfully submitted,

J. Schiller motioned to adjourn. K. Murphy 2nd. All in favor. Motion passed.

8:27pm

Maureen Davis
Clerk of the Board

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