



Board of Health Minutes

Date: May 13, 2020

Time: 2:00 PM

Location: Conducted by Remote Participation

Attendance:

AGENDA ITEMS

1. Administrative

BOARD OF HEALTH MEETING AGENDA

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the May 13, 2020 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

Public access to this meeting shall be provided in the following manner:

Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote participation. This application will allow attendees to request an opportunity for public comment, and allow the Board Chair to grant attendees the opportunity for public comment. Attendees can use either phone or computer to participate in the meeting. Public comment can also be sent in advance of the meeting by emailing the Board of Health at boh@town.arlington.ma.us by no later than 5pm on May 12, 2020. Submitted public comment will be read into the record at the appropriate points in the meeting.

Zoom Login instructions:

Instructions and the meeting link for this specific meeting can be found on the Board's agenda and minutes page or on the Town's meeting calendar. The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

Please register in advance for this meeting:

<https://zoom.us/meeting/register/tJYsduqrpzgjH9fN555RQ-UA5BvuGF5MS1aa>

After registering, you will receive a confirmation email containing information about joining the meeting.

Director Natasha Waden provided the following opening statement. Thank you for joining the meeting today. Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and allowing us to adhere to social distancing requirements during the Covid-19 crisis, this Town of Arlington Board of Health meeting is being held virtually via Zoom for audio and video participation of Board Members and the public.

Guidelines, controls, and procedures for conducting the virtual meeting were provided to ensure that the meeting is safe and effective. Confirmation was made that all members and persons anticipated on the May 13, 2020 agenda were present and had audio and visual capabilities.

Director Waden continued her statements by informing all participants that in order to mitigate the transmission of the COVID-19 Virus, the Town of Arlington has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will have 2 public comment periods during the meeting during which members of the public will be able to provide comments to the Board. If you would like to comment during the public comment period, please use the "Raise Hand" function if on a computer, or "Dial *9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

For this meeting, the Board of Health is convening by telephone and computer conference via Zoom as posted on the Town's Website identifying how the public may join.

As the meeting facilitator, Kylee Sullivan will be the only participant sharing their screen. Board Members and Department Staff may be participating by video conference. Accordingly, please be aware that other folks may be able to see you. Anything that you broadcast may be captured by the recording.

All of the materials for this meeting are available on the Novus Agenda dashboard, and it was recommended that Board Members and the public follow the agenda as posted on Novus unless otherwise noted. Similarly, members of the public are encouraged to provide written public comments, but should understand that not all participants, nor all Board Members, will be able to see any written comments during the course of this meeting.

Director Waden reviewed some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

Marie Walsh Condon, the Board Chair, will introduce each agenda item. After the item is presented, she will go down the list of Board Members, inviting each by name to provide any comment, questions, or motions. Please hold comments or questions until your name is called and

you are unmuted. For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

Finally, each vote taken during this meeting will be conducted by roll-call vote.

For anyone who speaks during today's meeting please remember to speak clearly in a way that helps generate accurate minutes.

2. COVID-19 Situational Update

Dr. Marie Walsh Condon welcomed all to the meeting and asked Director Waden to provide a situational update regarding the Town's response to the COVID-19 pandemic.

Director Natasha Waden reported that as of today, in Arlington, there have been 264 positive COVID-19 cases reported resulting in 31 deaths. Long-term care facilities numbers have remained stable. The Health Department is bringing on additional Contact Tracers to reach out to contacts of confirmed cases. The Health Department has temporarily brought on 3 additional staff including: Lucille Nicholson, former APS Nurse Supervisor, Catherine Barker, student at NEU and former Health Department intern, and Joanne Sliney, Council on Aging Geriatric Nurse Clinician. Contact Tracing will be conducted 7 days per week. Additionally, the Health Department is working to develop a partnership with AFC urgent care to increase COVID-19 testing in town. More information will follow and updates will be posted on the Town Website on the COVID-19 page, which will also provide information for other testing locations nearby, including local hospitals. Director Waden informed the Board that the state is now recommending that direct contacts of confirmed cases be automatically tested, whether they are symptomatic or not. This is a newly revised recommendation.

Director Waden stated that at this time she did not have additional information to share regarding the May 18th Phase 1 re-opening. The state is reporting that the 1st Phase may include retail establishments with curb-side pick-up, as well as details regarding other essential services. The Department of Labor Standards will be enforcing the re-openings, and it is being reported that this would be a self-certifying process.

Director Waden yielded the floor to Chair Marie Walsh Condon.

3. HEARING:

SUPPLEMENTAL ORDER REQUIRING FACE COVERINGS IN PUBLIC PLACES WHERE SOCIAL DISTANCING IS NOT POSSIBLE

Dr. Marie Walsh Condon highlighted last week's discussions regarding Governor Baker's May 6th Order requiring face coverings for all individuals over the age of 2 years old in public and private places where social distancing is not possible. As previously discussed, the Board will be reviewing a supplemental order specific to Arlington which clearly identifies the fining structure and

enforcement. At this time she asked that the Draft Order be shared on screen and asked that Director Waden review the proposal with the Board.

Dr. Marie Walsh Condon yielded the floor to Director Waden.

Director Waden reported that in conversations with Doug Heim, Arlington Town Counsel, it was believed the Governor's Order could be better clarified by putting it under Chapter 111 for proper enforcement. Additionally, it was believed the fine structure could be reworded to provide a clear direction for enforcement in the Town of Arlington. The Governor's Order uses wording that a fine can be issued up to \$300.

Director Waden, yielded the floor to Inspectors Kylee Sullivan and Pat Martin to provide information gathered from their research of other communities throughout the Commonwealth regarding the fine structures and enforcement.

It was reported that the Inspectors looked at and reviewed over 30 different communities Orders regarding face coverings in public. Some are endorsing Governor Bakers Order as is, and others created their own Order entirely. They reported a large variety of fines are being implemented, and stated one community has a fines up to \$1,000. It was reported many communities have a tiered structure such as:

- 1st offense (warning/educational)
- 2nd offense (\$50 - \$100)
- 3rd offense (\$200)
- 4th and subsequent offense (\$300)

The floor was yielded to Chair Marie Walsh Condon.

Marie Walsh Condon – Thanked the staff for all their hard work on the Draft Order and believes making this an Arlington specific order is a good idea. She also would like to make this order clear regarding regulatory issues. Dr. Walsh Condon stated she is in favor of a tiered fining structure, but will hold off for Board Comments, and Staff Recommendations.

Dr. Marie Walsh Condon yielded the floor to Board Member Kevin Fallon.

Dr. Fallon asked if the Inspectors had an idea of volume once enacted based on other communities experience. It was reported that although no specific data was made available, most communities did not anticipate issuing many tickets. He further inquired who would be tracking the multiple violations if a tiered system was to be enacted. Director Waden stated they would be relying on the Arlington Police Department, because they have a fining/ticketing structure already in place. Health and Human Services Director, Christine Bongiorno, also shared that the police use a computer system that can search previous offenses while “on the street” or by “checking at the office”. Dr. Fallon stated he is in favor of a tiered fining structure as well.

The floor was yielded to Mr. Kenneth Kohlberg.

Mr. Kenneth Kohlberg inquired who is going to be responsible for enforcing this Order. He stated it is unclear who will be out there on the street observing the violations (Police or Agents), and if the APD has authority to write the tickets or would other designated agents have that authority. He stated

it is a little unclear how, we as the Board, are going to be able to enforce and track violations, even though it falls under our jurisdiction. Mr. Kohlberg also believed a tiered structure makes sense, but also contemplated wording such as: "a warning or a fine up to \$300.00", to give some discretion based on the conduct of the offender.

Mr. Kohlberg yielded the floor to Chair Marie Walsh Condon who stated the following:

Any member of the public that would like to comment on the draft order is asked to please use the "Raise Hand" function if on a computer, or "Dial *9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments. Please note, comments should be related to the draft order at this time, there will be a public comment period at the end of the meeting for general comments.

No Public Comments were made.

Dr. Marie Walsh Condon yielded the floor back to Director Natasha Waden for Staff Recommendations.

Director Waden stated the Staff recommends, and believe it would be most beneficial, to go with a tiered structure. She stated the intent is not to fine, but is about education and compliance. The recommended fining structure would be:

- 1st Offense (Warning)
- 2nd Offense (\$50)
- 3rd Offense (\$100)
- 4th and any subsequent offences (\$300)

It was recommended not to leave discretion up to individuals, but to set a clear standard and put it in place.

The floor was yielded to Dr. Marie Walsh Condon.

Board Members, do I hear a motion regarding the Temporary Order on Masks or Facial Coverings in Public Places?

Motion made by Kenneth Kohlberg

Do I hear a Second?

Second by Kevin Fallon

Roll Call Taken:

When I call your name and unmute you, please respond with your vote.

Marie Walsh Condon – in favor of supporting the staff recommendation

Kevin Fallon – in favor of supporting the staff recommendation

Ken Kohlberg – in favor of supporting the staff recommendation

Motion Approved (3-0) Unanimously

PUBLIC COMMENT

Our final agenda item is the public comment period.

If you would like to comment during the public comment period, please use the "Raise Hand" function if on a computer, or "Dial *9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

No public comment

Floor was yielded to Inspector Kylee Sullivan who wanted to inform the Board that last week the State Guidance for Isolation of individuals who tested Positive for COVID-19 was changed from 7 days from the date of on-set or test date to 10 days.

Floor was yielded back to Dr. Marie Walsh Condon.

That concludes the Board of Health's agenda for today's meeting. Does a Board Member move to close this meeting?

Motion to Adjourn made by Kenneth Kohlberg

Second by: Kevin Fallon

Roll-call vote to close today's meeting. Please respond after I call your name:

Marie Walsh Condon - Yes

Kevin Fallon - Yes

Ken Kohlberg – Yes

Vote 3-0 in favor of the motion (Unanimous)

Thank you everyone for attending and participating in today's meeting. Have a nice night.

Next Board of Health Meeting is scheduled for 5/27/20 at 2:00 pm (Remote – via zoom)

Adjourned 2:35