

**Town of Heath - Board of Health
Meeting Minutes
May 4, 2020**

By conference call

PRESENT on Conference Call: Betsy Kovacs-Chair of Board, Susan Gruen, John Palmer, Armand Clavette.

ALSO PRESENT: Randy Crochier-FRCOG Regional Health Agent.

Absent: Henry Godek, Gene Garland, ex officio Board of Health member.

Presiding: Betsy Kovacs, Chairman

Meeting was **called to order** at 11:00 am by Betsy Kovacs.

2. Chairman's report: Betsy reviewed the following:

The reverse-911 call script distributed on Friday May 1st contained the message for the prior Friday's call. The Select Board member had changed the script to remove reference to absentee balloting which the BoH members had voted to include on the script. The next call will be distributed on May 8.

Enforcement of Governor's Order to wear face covering: Chairman of Select Board and Assistant EMD wrote to Betsy that enforcing the Governor's Order would be discussed at the EMT meeting on Wed, May 6 at 4:00 pm in preparation for that meeting.

3. Nurse update: Susan reported that all the masks people made and left at the Post Office, were quickly taken. We need more. She will ask Pam and Deb Porter who are making them if they could leave them at the PO for people to pick up rather than having to order them.

4. Covid-related issues:

Jessica VanSteensburg, Chairman Heath Agricultural Society, asked the BoH members to advise the Society about renting the Fairgrounds to clients for events in the coming months. The BoH members agreed to advise that events for June be cancelled. It would be best to wait to make a decision on further events until after May 18th when there should be additional information available at the deadline for the stay at home advisory. Betsy will respond to Jessica.

The Board members began a discussion about enforcing the Governor's Order. Some members needed to attend other conference calls.

The members of the Board voted unanimously to suspend the meeting at 12:00 pm and reconvene at 4:00 pm.

The members voted to reopen the Board meeting at 4:00 pm. Present: Kovacs, Gruen, Palmer.

1. The members of the Board of Health voted unanimously to send the attached letter to the Select Board members, EMD and Assistant EMD. The letter describes the procedures the Board of Health which is authorized to enforce the Governor's Order would use to enforce the Order.

At 5:00 pm, the members of the Board voted unanimously to suspend the meeting and reconvene at 7:00 pm. Present: Kovacs, Palmer, Clavette, Crochier.

2. Susan reported on non-compliance with wearing a face covering when entering the Town Hall. The members of the Board of Health voted unanimously to send a message to the Select Board requesting it to require Town employees to wear face coverings when working in public to set an example for residents. See attached. (Part of same attachment noted above) .

Motion to **adjourn** at 7:10 pm.

Minutes for conference call meeting written by Betsy Kovacs, Chairman, Heath Board of Health.

Attachment: Letter to Sb, EMD, EMD assistant on facemasks

ATTACHMENT:

Dear Select Board and EMD and Asst EMD:

We understand from the message Brian forwarded to Betsy, and from Sheila Litchfield, Asst EMD, that the EMT will discuss enforcement of the Governor's newest Order regarding wearing face coverings. The BoH members have been discussing this same topic in their meetings recently. We offer this information to you in advance of the EMT meeting on Wednesday so the EMD, Asst EMD and Select Board members can know what the BoH opinion is prior to the EMT meeting.

Given what we understand to be the requirements for enforcement of the Order, the BoH is prepared to do the following:

1. The BoH, its agent(s) and the police, and MDPH are the enforcing authorities.
2. Since proactive enforcement is not required, we will not monitor the Town Hall. However, if the BoH receives complaints about lack of face coverings, it will investigate those complaints as it does all complaints, and urge compliance.

If the BoH determines that the lack of compliance presents a danger to others or is being done with malicious intent, we will issue first a warning and then a fine according to Heath's non-criminal disposition. See Heath's General Town Bylaws which govern how warnings and fines are dispensed:

8.3 Non-Criminal Disposition

Any bylaw of the Town of Heath, or rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. Prior to the

issuance of a non-criminal fine, a warning shall be issued. Subsequent to the issuance of warning, the non-criminal fine for each such violation, if not otherwise specified, shall be \$100.00.

“Enforcing person” as used in this bylaw, shall mean any Town police officer of the Town of Heath with respect to any offense; and the Building Inspector and his designees, the members of the Conservation Commission and its designees, the members of the Board of Health and its designees, the Sealer of Weights and Measures and his designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. (May 11, 2002)

The Warning and ultimate fine will be served by the Town Police Chief.

3. If a person entering the Town Hall will not be within six feet of another person, including the PO mistress, we believe this cannot be construed to be a violation of the Order. Of course, the Select Board has the option to issue an Order requiring anyone entering the Town Hall or any Town properties to wear a face covering. In that case, we believe the Select Board would be the enforcing agency.
4. The BoH members today voted to request that the Select Board require all Town employees and essential workers to wear face coverings when working in public and when within six feet of another person. This is not only to protect themselves and others, but most significantly, to set a good example to our residents to protect themselves and each other.

We hope this is useful and look forward to our discussions on Wednesday at the EMT meeting.

Sincerely,

Heath Board of Health

P.S. Please note that the Greenfield DPH and Mayor issued a directive about face coverings today which states that fines will not be issued for failure to wear one.