

Town of Concord  
Board of Health

Minutes of the Meeting

Friday, May 8, 2020

**1. OPEN MEETING**

Board Member Mark Haddad introduced himself as the designated Chairman for this meeting in Dr. Deborah Greene's absence. Mr. Haddad opened the meeting by informing the public that the meeting was being held on the ZOOM platform in accordance with the Town's Policy Directive and Guidelines issued on April 1, 2020 as amended. He read a brief meeting format protocol and noted that the meeting was being recorded and would be available for later viewing on the Town's website. All Board votes will be taken via a roll call, including an attendance roll call.

Roll Call for Meeting: Mark Haddad, present  
Jill Block, present  
Alma Healey, present  
Ray Considine, present  
Susan Rask, Public Health Director, present  
Karen Byrne, Administrative Assistant, present

Audience: Gabrielle White, Public Health Inspector, present  
Greg Guarriello, FinCom Observer, present  
Chris Carmody, Town Manager's Office (Zoom Host)

**2. DISCUSSION COVID-19 - Proposed Face Covering Mandate**

The Board discussed a proposed Public Health Emergency Order mandating face coverings and Prohibiting Non-Essential Visitors to Concord Housing Authority Properties.<sup>1</sup>

Public Health Director Susan Rask provided a brief overview noting that the draft mandate was more Concord-specific than the Governor's Order. She drafted it using a template that had been adopted by the Town of Needham. She noted that the Health Department Office had been getting numerous resident complaints about individuals using the Town Conservation Land/Trails as well as the Bruce Freeman Rail Trail without face coverings and Item #7 of the draft mandate addresses that point. Some other items that PHD Rask thought should be made clear such as requiring employees at all licensed food service establishments to wear acceptable coverings over their mouth and nose when preparing food she explained were also included even though they were not addressed in the other orders (Needham/Governor's Mandate).

Members debated whether it is better to issue the proposed draft as guidelines or as an actual mandate. PHD Rask explained the difference (a mandate was enforceable; guidelines were not). Consensus was that a Board of Health Mandate made more sense so that everyone was following the same set of guidelines and not picking and choosing from the list. Jill Block had heard from several members of the

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<sup>1</sup> Public Health Emergency Order Mandating Face Coverings and Prohibiting Non-Essential Visitors to Concord Housing Authority Properties

business community and said that they were looking for clear guidelines on what to do to make their businesses safe and how to maneuver throughout the community in a safe manner as we all adapt to the COVID-19 pandemic. Specifically, what that will look like moving forward as businesses start to reopen. Ms. Block felt it made sense to provide more specificity than the State guidelines and add the sections on Concord Housing Authority buildings as well.

Board members Alma Healey and Dr. Deb Greene (via email comments) initially felt that the Governor's Order was sufficient. Ms. Healey stated that if people were adhering to proper social distancing guidelines then a face covering would not be necessary in all cases. Other members reiterated Ms. Block's comments that the public and local businesses were looking for specific guidance in moving forward and that the State mandate was ambiguous. PHD noted that the Health Division had been contacted by Crosby's Marketplace and other stores asking if the Board could mandate face coverings because not all customers were complying with store recommendations or signage.

Ray Considine asked what the advantages would be to issuing a mandate versus guidelines or an advisory. Ms. Rask repeated that a mandate was enforceable and guidelines were not. PHD Rask said that moving forward, in her opinion, as "we" collectively begin to reopen (no matter the business or location) that face coverings were going to be part of the short term reality.

Board members asked about enforcement and expressed concerns relating incidents of protests and other displays of upset towards police or public officials. Ms. Rask said that the Police Department had approached her offering assistance to help ensure that the community adhere to public health policies and mandates (the Board would be discussing that topic on next agenda item -appointing police officers as Health Agents during a public health emergency). Ms. Rask said that no one was looking to be an enforcement "heavy" but that educating the public in a friendly consistent manner was going to be important and that the Police Department had the manpower to assist.

Following further discussion, Ray Considine moved to APPROVE the "Public Health Emergency Order Mandating Face Coverings and Prohibiting Non-Essential Visitors to Concord Housing Authority Properties" as written to become effective at 6:00 a.m., Saturday, May 9, 2020. Jill Block seconded it. All VOTED in favor. Roll Call for the Vote (Considine, Block, Healey, Haddad – YES; Motion Carried 4-0).

Ms. Rask will suggest that the Town Manager consider a robo-call to Town Residents to inform them of the new mandate as well as get it out on News and Notices/Town Website and the Concord Journal. Mark Haddad suggested reaching out to Dr. Laurie Hunter, School Superintendent for her to include with information relayed to parents.

### **3. DISCUSSION COVID-19 – BOH and Police Enforcement Practical Collaboration**

Public Health Director Rask advised the Board that Police Chief Joe O'Connor had reached out about the possibility of appointing local police officers as Board of Health Agents during the pandemic/public health emergency.<sup>2</sup>

Ms. Rask noted that the Boards of Health had the authority under MGL, 111, S 30 to appoint agents to "act for them in cases of emergency...and any such agent ...shall have all authority which the board appointing him had" and in her experience other communities had utilized this authority on occasion. However, she noted that because Concord was under a Strong Town Manager form of government there was some debate on whether the Town Manager had to make the appointment of the agent. Regardless,

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<sup>2</sup> COVID-19 for Cops: 5/4/20 – Board of Health & Police Enforcement: Practical Collaboration

Ms. Rask felt it was a great opportunity for collaboration between both departments and that it would be a tremendous help to the Health Division staff moving forward ensuring compliance with new social distance and face covering mandates. If the Board was so inclined, Ms. Rask suggested it vote to authorize the collaboration and appointment of police officer's as its' agents during the state of emergency to have it on record. She would advise the Town Manager of the Board's recommendation in the event that he determined that he was the appointing authority.

After a brief discussion, consensus was that this appointment was appropriate particularly while the State of Emergency was in effect. Ray Considine moved to APPROVE the appointment of Police Officers as Health Agents while the State of Emergency remains in effect or otherwise determined unnecessary by the Board. Jill Block seconded it. All VOTED in favor. Roll Call for the Vote (Considine, Healey, Block, Haddad – YES; Motion Carried 4-0).

#### **4. DISCUSSION COVID-19 – Options for Protecting Public Health at Annual Town Meeting**

Board member Jill Block brought a memorandum written by the Town Moderator on April 30, 2020<sup>3</sup> addressed to the Select Board and Town Manager outlining possible Town Meeting options for protecting the public health while conducting Annual Town Meeting. Ms. Block was advised of the memorandum by FinCom member Wade Rubenstein (her husband).

Ms. Block expressed her displeasure that the Board of Health was not included on the distribution list and/or even contacted for its input as the Public Health Board for the Town. In her opinion, that was a problem and suggested that the Board discuss its' concerns and then perhaps forward its' "unsolicited" input to Town Leadership.

In reviewing all of the options, Ms. Healey said that none of them were ideal and no quick answers relative to logistics. Ray Considine asked why the Town could not issue some sort of lottery per household and limit live participation in that way; Mark Haddad said it was doubtful that would be legal.

Moving on to reviewing the "Options" outlined in the memorandum consensus was that Option #4 (Multiple locations with social distancing) was the best scenario to ensure public health protection but likely the most cost intensive and if that was not feasible then a delay option might be best to ensure the health and safety of the public, however, the Board was cognizant of the fact that the legal ramifications of a delay may dictate whether that could even be considered.

Mark Haddad asked whether the Board felt it had to have direct input or could it defer to the Public Health Director to provide guidance stepping in if needed. Ms. Rask said that everyone was challenged at this point in trying to establish guidelines and figure out the most reasonable safe way to conduct the business of the Town (Town Meeting). In her opinion, the Select Board needed to pick an option and then the Board of Health could weigh in on the public health protocols to put in place to make it happen.

Board members agreed but Ray Considine recommended that the Board write a letter to the Town Manager to go on record stating the importance that it and the Public Health Director be involved in providing input to the public health measures taken for Town Meeting. The Board directed the Public Health Director to draft and send the letter on its behalf.

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<sup>3</sup> Memorandum dated 4/30/20 – from Carmen Reiss, Town Moderator "Options for Protecting Public Health in Conducting Annual Town Meeting"

## 5. **BOARD CALENDAR & MINUTES**

The Board discussed the upcoming meeting schedule and decided to keep the May 19<sup>th</sup> meeting on the schedule for the time being. The meeting will be held at 7:00 p.m. on the ZOOM platform.

The Board reviewed and discussed the minutes from the following meetings:

- December 16, 2019
- January 21, 2020
- February 11, 2020
- March 17, 2020

Alma Healey moved that the Board APPROVE the minutes for the (4) meetings listed above; Jill Block seconded it. All VOTED in favor. Roll Call for the Vote (Healey, Block, Considine, Haddad – YES; Motion carried 4-0).

## 6. **BOARD MEMBER REPORTS**

There were none.

## 7. **STAFF REPORTS**

Public Health Director Rask expressed her deepest gratitude and admiration for Emerson Hospital Home Care public health nurses Tricia McGean and Kathy Castle who have been worked tirelessly on the contact tracing and COVID-19 case follow up. Ms. Rask said their commitment and efforts have been amazing to say the least. Some of the follow up will now be switched from MAVEN (the State's infectious disease/vaccine surveillance database) to the Partners in Health Community Tracing Collaborative (set up by the Governor for contact tracing) but certain cases (Nursing Homes) will be kept under the Public Health Nurses/Health Division.

Ms. Rask advised the Board that all things considered the total number of positive cases in Concord residents had been relatively low in comparison to other communities. However, she remained certain that case numbers were likely higher because not all people who have been sick have been tested. She also believes that the majority of residents have done their best to comply with all of the public health measures and guidance put forth by the Massachusetts Department of Public Health and the Governor and those efforts have had a positive effect to flatten the curve. As of this date, the official case data from Massachusetts Department of Public Health for Concord: 138 total; 42 [official][is this the right phrase? Or should it be "regular residents" or some other phrase?] residents; 96 residents of skilled nursing or assisted living facilities.

### Care One, 57 ORNAC

The Public Health Director updated the Board on the COVID-19 outbreak at the Care One Facility that started early on in the Public Health Emergency. Ms. Rask said that this has been a very difficult situation for everyone involved but for all intents and purposes the Nursing Manager and Management Team at Care One have followed all appropriate measures and it is just an unfortunate situation. To date, operating at approximately 100 beds – Care One has had 78 positive cases and 16 deaths – 42 positive staff members; 19 have returned to work; currently there were 34 positive residents.

Ms. Rask advised that in conjunction with the Health Department and Public Health Nurses, the Department of Public Health has held conference calls three times per week with Care One extensively reviewing protocols and safety measures and they have been forthcoming with information and cooperative in implementing all protocols asked of them to prevent further spread to their best abilities. For example, there are now (3) units – positive, negative and unknown and protocols are in place for residents and staff to implement the best sanitary and public health practices possible.

Board members asked if the Public Health Director had any theories on why this situation got away from Care One so quickly and if the other facilities in town were experiencing similar case counts. Ms. Rask stated that early on there was most definitely Personal Protection Equipment deficits (as with many other facilities – unfortunately) as well as staff members that rotate out from facility to facility and who in all likelihood work other jobs in addition to those and perhaps at no fault of their own are unable to adhere to the social distancing protocols and sheltering in place policies that would be ideal.

PHD Rask provided the Board with the following case counts to date from River Crest – 22 total cases; 7 deaths; 8 staff members; Concord Park – 2 residents; 1 staff member. She noted also that Minuteman Arc had an outbreak at one of its' group homes but that was contained quickly.

Ray Considine asked what the testing protocols were for nursing homes at this moment in time. Ms. Rask said that all staff and residents at Care One have been screened and tested; Concord Park – the National Guard tested all residents and staff; and at River Crest Deaconess it was her understanding testing was being done selectively on units where residents were exhibiting symptoms to date.

The situation will continue to be followed closely by all applicable parties.

Several Board members had heard that other communities were offering “drive thru” community wide testing. Ms. Rask was unaware of any nearby local communities providing that specific service. Testing is becoming more readily available and is much less limited than it was previously, so the need to conduct a town drive-thru testing site is not necessary at this time.

Ms. Rask said that Dr. Deb Greene was contacted directly by a person affiliated with the Partners in Health Care organization and has offered a financial commitment to pay for 1,000 COVID-19 antibody tests for Concord residents to see how many people have the disease in Concord and perhaps determine if there were any clusters. Dr. Greene is in conversation with the Town Manager's office to see how and if this could work.

The Governor released Golf Course guidance and safety protocols to follow as we start to move into slowly reopening and the Health Division will ensure that the two clubs in Concord are prepared to adhere to those measures before opening to the public.

Prior to adjourning the meeting, Chair Pro-Tem, Mark Haddad wanted to thank Public Health Director Susan Rask and Administrative Assistant Karen Byrne specifically for their work throughout this public health emergency in keeping the Board apprised and continuing on with the daily operations of the Health Department behind the scenes.

The meeting adjourned at approximately 10:30 a.m.

Respectfully submitted by,

Karen M. O’Keefe-Byrne, Administrative Assistant  
Concord Board of Health

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Mark Haddad, Esq., Chairman

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Jill Block

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Raymond Considine

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Alma Healey, RN