

**Newburyport Board of Health Meeting  
August 13, 2020  
Webinar Meeting Held Remotely due to COVID-19**

Date of Approval: 9/24/2020

**Attendees**

Dr. Robin Blair, Chairman of the Board  
Dr. Sam Merabi, Board Member  
Dr. Rob Slocum, Board Member  
Frank Giacalone, Health Director  
Patricia McAlarney, Note Taker

**Call to Order:** Dr. Blair called the meeting to order at 7:15 p.m.

**Approval of Minutes:** Motion to accept the Minutes from both the Board of Health Meeting on July 2 and July 16, 2020 was made by Dr. Sam Merabi and seconded by Dr. Rob Slocum. Votes to approve: 3; Votes to oppose: 0. Motion passed.

**Emergency Order for Face Coverings in Downtown and on the Rail Trail – Frank Giacalone:**

Director Giacalone explained that the Mayor had requested that the emergency face covering order be passed due to ongoing non-compliance and repeated complaints related to lack of face coverings being worn in the downtown area, including the boardwalk and on the Rail Trail. Pursuant to Massachusetts General Law, Director Giacalone issued the order on an emergency basis and is now presenting it to the Board for consideration for approval. Director Giacalone recommended that the Order be amended before passing by including in section #4 the following language concerning face coverings for children: *Mask use by children 2 years of age and up to the age of 5 is encouraged but should be at the discretion of the child's parent or guardian at this time. Parents and guardians should ensure that the mask fits snugly and does not obstruct a child's ability to breathe.* The proposed Order would read as follows:

**CITY OF NEWBURYPORT, MASSACHUSETTS, BOARD OF HEALTH**

**DECLARATION OF PUBLIC HEALTH EMERGENCY**

**EMERGENCY ORDER REGARDING USE OF FACE COVERINGS IN THE DOWNTOWN DISTRICT  
AND CLIPPER CITY RAIL TRAIL**

**On Thursday, March 19, 2020 Mayor Donna D. Holaday and City of Newburyport Board of Health declared a Public Health Emergency in the City of Newburyport.**

Pursuant to 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, acting by and through its agent authorized under MGL c. 111, §31 we, the Mayor and Board of Health of the City of Newburyport, Massachusetts, hereby order the following:

1. All persons shall wear a facial covering over their mouth and nose when in public at all times within the boundaries of a designated area within the City of Newburyport Central Business District, including the Central Waterfront and Boardwalk ("Downtown Mask Zone"). Map of Mask Zone is included in this order.

2. All persons must wear a facial covering over their mouth and when utilizing the Clipper City Rail Trail. A map of the Clipper City Rail Trail is included in this order.
3. This Order shall apply to all places open to the public, whether indoors or outdoors.
4. Exception: Children under the age of 2 years should not wear face coverings or masks. For children 2 years of age and older, a mask or face covering should be used, if possible. Mask use by children 2 years of age and up to the age of 5 is encouraged but should be at the discretion of the child's parent or guardian at this time. Parents and guardians should ensure that the mask fits snugly and does not obstruct a child's ability to breathe.
5. Exception: This Order shall not apply to persons for whom a face covering would cause impairment due to an existing health condition, or persons requiring a reasonable accommodation/modification as a result of a qualifying disability as required by the Americans with Disabilities Act and/ or any applicable laws of the State.
6. Exception: This order shall not apply when people are participating in the following activities, a) while people are eating and b) while sitting in private vehicles.
7. All businesses shall not allow a patron to enter their establishment who is not wearing a face covering unless the patron qualifies for an exemption. All businesses shall post a sign on their main entrance doors advising consumers or patrons that it is mandatory that the consumer or patron entering the business or establishment wear a face covering. All business shall be responsible for requiring and overseeing that patrons waiting or queued to enter their place of business wear a face covering while waiting.

**This emergency order shall be effective beginning Friday, August 7, 2020 AT 12:01AM and remain in effect until notice is given, pursuant to the Board of Health's judgement, that the Public Health Emergency no longer exists.**

**Violations of this Order may be punishable by monetary municipal fines and to the extent necessary, this Order shall be enforced by Board of Health officials and staff, Newburyport Police Officers, or other City staff as designated by the Mayor.**

**MOTION:** Dr. Blair made a motion to approve the Emergency Order for Face Coverings in the Downtown Area and on the Rail Trail, as written, above with inclusion of the amendment to #4. The motion was seconded by Dr. Slocum. Dr. Merabi abstained from the vote. Two votes to approve, one abstention, no votes to oppose. Motion passed.

#### **SCHOOL RE-OPENING: Director Giacalone**

Sean Gallagher, Principal of Newburyport High School addressed the Board and explained the plan for re-opening Newburyport Public Schools. He explained that the district assembled a professionally diversified task force of over 70 members which was further broken down into specific focus areas to develop a comprehensive plan for the safe re-opening of the schools, grades Kindergarten through High School. Some of the focus areas that were outlined included: District Focus (food service, transportation, and business), Health and Wellness (protocols, guidelines & requirements, Social and Emotional Concerns) and Facilities Management (safety protocols, ventilation, disinfection, etc.) A sub-committee of the Task Force focused on special needs education. On July 31, 2020 the Task Force submitted three options for learning that incorporated in-class learning, remote learning and a hybrid model of learning. Any in-person learning

incorporates the wearing of face coverings, physical distancing of 6 feet, cohorting and contact tracing, daily screening for COVID symptoms and cleaning protocols.

Dr. Su, who is a member of the Task Force and a parent of four Newburyport students, as well as being an epidemiologist and Associate Professor at Harvard Medical School and Brigham and Women's Hospital presented to the Board a description of the work that the Task Force had prepared for the schools. She addressed some of the protocols for student/faculty movement within the school to limit possible exposure to COVID. She also explained that the school plan allows for a very conservative approach for determining when quarantining for COVID would be required. Specifically, the plan requires that classmates of an individual who tests positive for COVID-19 would all be subject to a 14 day quarantine, even if they were not within six feet of the person who tested positive. Under the hybrid plan, trends from within the school, community and state would be continually monitored over periods of three week increments to allow the opportunity to 'pivot' plans to best meet the current situation. Dr. Su explained that cohorting of students is an important component of the plan, as well as isolating and contact tracing so that an entire school may not need to be shut down (in the event of a positive COVID case.) Also, a metric of exposure has been created so that exposed individuals will be tested and results will be received as quickly as possible. Anna Jaques Hospital has offered to provide faster turn-around COVID testing for up to six teachers at a time if a teacher(s) are exposed to a COVID-positive individual. Test results would be expected to be received within 48 hours of sampling.

The Board questioned whether budget constraints are hampering efforts by the schools to allow for the safest in-person learning options (building ventilation, etc.) Dr. Gallagher stated that the Task Force included environmental professionals who were able to assist in evaluating the air quality in the schools. He noted that the air ventilation systems for the schools were all inspected and air filters were cleaned and that Newburyport High School has chillers on the roof. He also informed the Board that the school system had received federal grants that have helped in planning, and that the district had already begun accumulating personal protective equipment earlier in the school year.

Dr. Su and Dr. Gallagher agreed that there are many challenges related to testing, including the lag time in receiving results of COVID tests. The state guidelines still require that 14 day quarantine is required (even if the exposed individual tested negative for COVID-19) Dr. Su stated that parents who were concerned about the chance of possible exposure, could opt to have their students switch to remote-only learning. The Board noted that it is also important to address the reality that many youth may be 'hanging out' with one another outside of the school setting, and it is unsupervised gatherings such as these that are of particular concern for causing spread of the disease.

Dr. Gallagher expressed appreciation for the Board's input and guidance and stated that although the Board of Health is not required to approve the school plans, he values the Board's input. The Board noted that it is important that it be understood that the Board of Health has not been involved in the establishment of the protocols for either the public school system or the Charter School in Newburyport.

Director Giacalone informed Dr. Gallagher and the Board that the State has implemented a new COVID tracking system that assigns color codes to cities and towns based on the communities' positive rate for the preceeding 14 days (Previously, the state had posted cumulative positive test results for each community.)

Dr. Gallagher informed the Board that the Task Force has recommended to the School Committee that the City institute a Hybrid Method for re-opening schools which will be a phased in approach for all students. Students in grades 1 - 8 will be divided into two cohorts. Each cohort will attend school in-person for two days and remotely for three days. Kindergarten students will attend school half-days (either morning or afternoon) on Mon, Tuesday, Thursday and Friday. Students in special education classes will be grouped in

small cohorts and will receive in person instruction. Schools will be closed on Wednesdays to allow for cleaning. High School students will be full (live) remote for academics on Monday and Tuesday. An in-school, 90 minute to two hour 'Advisory Block' will take place on a different day for each grade.

The Board questioned whether any accommodations were being established for families that have additional challenges (such as an apartment /small living spaces, single parent households.)

Councilor Sharif Zeid questioned what conditions would be required for the City to be able to revert to full in-person learning, and how the City could work toward that goal. He specifically asked if there were items that could be included in the budget that would allow full in-person learning to occur, including hiring additional teachers.

Dr. Gallagher stated that full in person learning using a 3 foot distance between desks is not feasible in part because students will need to eat lunch (which requires 6 foot social distancing.) The physical limitation of space makes this impossible (unless the guidelines were reduced.) Dr. Gallagher also noted that transportation guidelines, which require a 3 foot minimum between students on busses, reduces the number of students per bus from 50 to 23, which poses a significant challenge.

Dr. Su noted that the school department/task force would be monitoring the COVID statistics for the school and City as part of the evaluation process that spans three week periods. By watching the trends, the school department would be able to make a determination when it would be appropriate to consider reverting to in-person learning.

Councilor Zeid stated that of the three issues that would allow for full in-person learning (i.e. a need for more space, COVID being 'behind us', and a relaxation of the State's standards) the only one over which the City has control is finding larger space. In response to the Board's question about utilization of outdoor areas for in-person learning, Dr. Su stated that the current plan does include use of nine outdoor 'regulated spots' for use by the High School. Dr. Merabi noted that the availability of low cost tests that provide fast results that could be utilized on a daily basis by all students/faculty (similarly to how Harvard University is currently operating) could allow Newburyport to keep the schools open. The science exists but it just isn't accessible for our students at this time.

#### **COVID-19 Update – Director Giacalone**

Director Giacalone informed the Board that the State has reduced the allowed size of outdoor gatherings from 100 to 50 persons. The Travel Guidelines issued by the state now require that any traveler coming from a non-low risk COVID-19 state must register online and provide contact tracing data. Director Giacalone explained that the system relies upon honest reporting by travelers. The State has shared information about this requirement with hotels, inns, short term rental companies, etc. so that they will, in turn, notify any customers registering to stay at their locations.

Director Giacalone noted that the Health Department has received multiple complaints about private boats docking in Newburyport and the owners and guests not adhering to social distancing and/or face covering orders. The Health Department had also addressed complaints about commercial vessels, the Erica Lee and Capt'n's Lady, for failing to maintain social distancing while on board. The State guideline has been updated and now requires that the capacity of every level of the vessel be maintained at 50 percent capacity or less; which is in addition to the (previous) requirement that the vessel operate at 50 percent capacity, or less.

Director Giacalone also stated that there have been a few issues at restaurants that had allowed patrons to sit and be waited on at a bar, which is not allowed. Director Giacalone advised the establishments of the rules and no further complaints about bar-seating have been received. Director Giacalone noted that the

Alcohol Beverage Commission will be stepping up enforcement and will be instituting a fining process for non-compliance with the new regulations.

The State has also updated the guidelines for Youth & Amateur Sports which now require that all spectators, players and coaches wear face coverings. Baseball players must wear face coverings when in the dug-out and while at bat. Director Giacalone has shared these guidelines with the Newburyport Baseball teams and with the Parks' Department.

With regard to COVID-19 testing, Patti McAlarney informed the Board the State Health Department has advised that an individual who is exposed to a positive case of COVID-19 will not be required to quarantine (or be re-tested) IF within the past 90 days that individual had previously tested positive for COVID-19 and has recovered from their symptoms and had completed the 10 –day isolation, providing, however, that they remained asymptomatic for COVID-19.

#### **Non-Compliance with Mask Requirement**

The State has provided a template for issuing fines for non-compliance with COVID related regulations. Director Giacalone indicated that this process will be utilized to assess a fine to a food establishment that has been the source of multiple complaints for failure to wear a mask; inspections of this establishment on two separate occasions by Director Giacalone and Pat McAlarney found staff members in the kitchen area and customer service area not wearing face coverings.

#### **Flu Clinics – Director Giacalone**

Due to efforts to minimize chances of transmission of COVID-19 this year's flu clinics will be held outdoors as drive through clinics at which participants will remain in their vehicle while receiving their immunization. The Clinics will be held on two Saturdays in September at the Senior Center. In contrast with previous years, the Health Department will not be conducting any on-site flu clinics at the senior housing locations.

**Board Meetings** – The next Board meeting is scheduled to be held remotely on Thursday, September 17, 2020.

**Motion to adjourn** made by Dr. Merabi; seconded by Dr. Slocum. Votes in favor: three; Votes to oppose: 0. Motion passed.

Meeting adjourned at 8:43 pm.