

Newburyport Board of Health Meeting
November 12, 2020

Date of Approval: 12/3/2020

Attendees

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

*Prior to the meeting being called to order a possible technical glitch in the Zoom process was identified. Upon investigation it was determined that the public was able to access the meeting through the link provided on the public calendar on the City website and, upon request by an individual, they would be invited into the meeting by the moderator. Only two requests for entry were made during the meeting and both individuals were accepted into the meeting immediately upon request.

Call to Order: called meeting called to order at 7:20 p.m.

Approval of Minutes: Motion to approve the Minutes of the Board of Health Meeting from October 29, 2020 was made by Dr. Slocum; seconded by Dr. Merabi. Votes to approve - 3; votes to oppose - 0. Minutes were approved as submitted.

Dr. Blair announced that going forward any meeting attendant that wants to address the Board may request to do so in the comment section of the Zoom platform. The moderator will notify the Board Members of the requests as they are received, rather than having a specific period of time during the meeting devoted to Public Comment. Director Giacalone noted that speakers should include their full name and address of residence in their request.

Director Giacalone shared with the Board the Mass Department of Public Health Report which included the tables which depict a community's COVID-19 risk level. Director Giacalone explained that Newburyport's current COVID risk level is at "Yellow" indicating that there had been either "more than 10 average positive cases per 100 K or more than a 5% positivity rate for the prior two week period." He specifically noted that Newburyport has had 56 positive test results over the past two weeks, with a corresponding positivity rate of 2.65. The average daily incidence rate is 20.5 per 100,000 persons. MADPH has recently changed the method of calculating the daily incidence rate. The calculation now assigns risk level according to population size as well as positivity rate and average daily case rate. Newburyport falls within the 10K-50K population category. This new calculation method and risk assignment has allowed Newburyport to revert from high risk (red) to the lower (yellow) risk category despite an increase in positive COVID cases.

Director Giacalone noted that the increase in positive cases that have occurred in the City seem to be related to household transmission and not through schools or restaurants. Although there have been a few incidences restaurant workers who have tested positive, the State Epidemiologist confirmed that it was not necessary for contact tracing to be conducted with the patrons because none of the interactions between the positive case (server) and customer met the definition of 'close contact.'

Governor's Orders - Director Giacalone

- **Order #54 – Social Gatherings** – Director Giacalone reviewed the Governor's Order #54 and explained that indoor gatherings at private residences are now limited to 10 people and outdoor gatherings at private residences are limited to 25. Indoor gatherings at event venues and in public settings are limited to a maximum of 25 people, while the maximum for outdoor gatherings depends on the risk level of the community where the event is held (Lower Risk Communities are allowed a maximum of 100, all other communities are limited to a maximum of 50.) (A copy of Order #54 is attached / linked to electronic version of minutes.)

Director Giacalone informed the Board that there had been a recent gathering at a Newburyport private residence at which there were multiple young people gathered without face coverings, multiple outdoor gatherings at which individuals were not wearing face coverings have also been reported. The Mayor has requested that the Board of Health pass a regulation that would authorize agents of the Board of Health and local police to enforce the Governor's Order for face coverings. The Board discussed the Governor's Orders for both Face Coverings and Social Gatherings at length, with particular attention being paid to warnings, fines and enforcement.

- **Order #55 - Face Coverings** - Director Giacalone reviewed the Governor's Order #55 "Revised Order Requiring Face Coverings in Public Places (copy attached / linked to electronic version of minutes.) He specifically pointed out that the Order requires that all persons in Massachusetts over the age of 5 years old wear a face covering when in public locations, whether indoors or outdoors. Customers who refuse to wear a face covering (for non-medical reasons) may be denied entry to an establishment. Employers may require documentation from employees that claim a medical exemption from the face covering requirement. The Governor's Order allows for a fine of up to \$500 be assessed for non-compliance with the Order.

The Board voted on both of the Governor's Orders:

Motion: The following motion was made by Dr. Sam Merabi and was seconded by Dr. Rob Slocum.

The Board of Health hereby adopts the Massachusetts Social Gathering Order and enforcement of a civil fine of \$300 per violation and an additional civil fine of \$50 for each person in attendance in excess of the number of people allowed by the Order to a maximum fine of \$500 per violation.

The Board of Health hereby adopts Governor Baker's Order #55 requiring face coverings be worn in public places and enforcement of a civil fine for violation of the Order including non-compliance or refusal in the amount of \$50 for the first offense, \$100 for the second offense and \$300 for the third or subsequent offense.

Vote: Votes to approve: 3; votes to oppose: 0. Motion passed.

The Board discussed non-compliance with maximum occupancy limits that has been observed at some local retail establishments, specifically at Market Basket. Director Giacalone stated that

he would send a stern reminder to Market Basket to remind them that occupancy limits must be monitored and observed in compliance with the Governor's Order.

Contact Tracing – Director Giacalone explained that there has been a significant increase in COVID cases that has been particularly taxing to Department because of the few staff available to conduct contact tracing. The School Nurses have assisted the Health Department by identifying school related cases (sometimes even before the case appears in the MAVEN system) and making preliminary contact with cases (parents' of students, faculty, staff, etc.) to ensure that infected/exposed students are kept out of school. Since many of these preliminary notifications occur on nights and weekends, it has been particularly helpful that the nurses have been willing to take the calls and provide initial isolation and quarantine guidance to cases/families. The Health Department remains responsible for monitoring the cases through the isolation or quarantine period and for entering data into the MAVEN system.

Due to the increase in number and complexity of cases, the Health Department has hired a registered nurse to work as a liaison with the school nurses, specifically providing contact tracing coverage on weekends. The Health Department is also planning to hire two additional contact tracers to assist the Department in handling non-school related cases.

Dr Merabi suggested that the school department consider implementing a process whereby students write down a list of the people with whom they had been in close contact since the previous day. This would help to expedite contact tracing if the student were to test positive for COVID-19. Director Giacalone stated that he could discuss this suggestion with the Superintendent of Schools.

Dr. Slocum emphasized a need for explaining to the general public (and perhaps within schools) the guidelines for how to handle situations such as: receiving a positive test result, experiencing COVID-like symptoms, being informed of an exposure to a positive COVID case, etc. It was discussed that it is less confusing when providing verbal explanation of COVID guidelines, than to try to explain the nuances of testing, isolating, quarantining, etc. in a written format.

Open Meeting Laws: The Board questioned whether email threads that include more than one Board Member may be construed as a violation of the Open Meeting Laws. Director Giacalone stated that it is likely that emails that are sent or replied to by multiple Board Members may be violations; and he urged the Board to avoid or at least be cautious with any such communications to be sure that the thread does not constitute a quorum of the Board.

Next Board of Health Meeting will be held remotely on December 3 at 7:00 pm.

Meeting adjourned - 9:14 pm