

**Meeting Notes from a Meeting of the Peabody Board of Health,
Re: Covid-19 Pandemic, Held remotely via Zoom Video Conference, Monday, May 5, 2020
Participating in the Virtual Meeting: Chairman Bernard Horowitz, Dr. Leigh Ann Mansberger, Thomas J. Durkin III, Health Department Director Sharon Cameron, Public Health Nurse Chassea Robinson, and Recording Secretary Lisa Greene.**

Subject: Meeting to be called to order

Discussion: Chairman Bernard Horowitz called the meeting to order at 4:30. Mr. Horowitz introduced himself and checked by asking if each board and staff member was present and if each could hear and be heard. All could, so Mr. Horowitz proceeded to explain that this open meeting of the Peabody Board of Health was being held remotely in accordance with Governor Baker's executive order of March 12, 2020 due to the current state of emergency in the Commonwealth due to the Covid-19 Virus. In order to mitigate the transmission of the covid-19 virus, we have 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 locations that are physically accessible to the public. Further, all members or public bodies are allowed and encouraged to participate remotely. The order, which can be found posted with the agenda materials for this meeting, 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 mean ensuring public participation, unless such participation is required by law. This meeting will not feature public comment, however, if the Mayor, city Solicitor, or another elected official is in attendance, I may call upon that person for comment. This meeting of the Peabody Board of Health is convening via video conference via Zoom, as posted on the City of Peabody website, identifying how the public may join. Please note that this videoconference is being recorded, and that some attendees are participating by video conference. Please be aware that other people can see you during this video conference, and that you should not screen share your computer screen as anything that you broadcast may be captured by the recording. All supporting materials that were made available to the board are available on the city website, unless otherwise noted. The public is encouraged to follow along using the posted agenda which has been posted on the screen. He reminded everyone to mute their speakers, and to remember to speak clearly in a way that will allow for accurate minutes. He also asked that people looking to speak please wait for the Chair to invite you to speak.

Subject: Approval of minutes

Discussion: Mr. Horowitz told that the minutes for the April 1st 2020 were now before the Board for approval or comments. Dr. Mansberger made a motion to accept the minutes as presented. Mr. Durkin Seconded the motion. A vote was taken and it was unanimously agreed to approve the April 1, 2020 meeting notes.

Subject: Other Business- State Reopening Schedule

Discussion: Ms. Cameron reported that she had just gotten off a conference call with the State which dealt with the issues around pools and camps and the possible reopening of those places. She told that the re-opening of those is part of a more comprehensive plan, with a possible reopening date of May 18th at the earliest. Callers are saying that they will need to begin now if camp programs are going to be allowed to open. Boards of Health are being instructed to advise those who run camp programs, etc, to proceed with planning for reopening, but if they can delay cost output to do so since these things are up in the air right now. Mr. Horowitz asked about inspecting these pools and programs, and if it is ok for the health Department inspectors to go out and inspect them. Ms. Cameron replied that it is safe as long as they adhere to social distancing and other safety protocols.

Subject: Hearing to Appeal the Decision of the Board to Defer Permitting of Mobile Food Establishments.

Discussion: Ms. Cameron prefaced by explaining that the issue up for discussion is not about delaying these businesses permits due to any sanitary issues, but only due to concerns related to safety during the Covid-19

pandemic. She informed the board that while one vendor, Anthony, requested a hearing to discuss this matter, another vendor, Joel, also called to ask to be heard so we will be hearing from both parties today.

Mr. Horowitz addressed those present to remind that on March 20th the Board drew up an emergency order to prevent the spread of Covid 19. At that time, while it was decided that bricks and mortar food establishments could continue to do business with certain protocols in place, they determined, after lengthy discussion, that ice cream trucks would not be allowed to begin operating again yet due to a concern over the likelihood that there would be crowds of children gathering at locations along the route and no way to enforce social distancing. He said that they are holding this hearing now to allow Anthony a chance to state his case.

Anthony, who had requested the hearing, asked if social distancing is the reason for not permitting the mobile food trucks. Mr. Horowitz answered yes, ice cream trucks especially attract crowds of kids, who may run over with no masks and it is unlikely that social distancing could be enforced. Anthony replied that back in the old days that was the case, where groups of kids playing in a neighborhood would all run over, but not anymore. It is a one family at a time situation, and they can put up signs on the vehicle regarding social distancing and masks. He added that the only time a crowd happens these days is at the parks and camps, but those are now closed so again, they would be going to houses and serving one family at a time. Mr. Horowitz said that he had envisioned children from a neighborhood gathering around the truck. Anthony said that kids run out from their houses now. He added that he will put information on his facebook page regarding the requirement to social distance, one family at a time, and please stand back.

Joel, who also runs an ice cream truck business, said that he doesn't think there will be any problems because it is not like it was in the 80s and 90s when groups of kids came over at one time. He said that these days it has been difficult to get kids to come out at all. He told sometimes a neighbor will come over when they are in front of one house, but that 2-3 kids are the maximum he is seeing at a stop, and then he will move on to the next place. He also told that he has purchased a decal for his truck that tells of the requirement to do social distancing and to stand back from the window. He also said that the only time they ever saw crowds was at park programs and school groups, but those are cancelled.

Mr. Horowitz asked the dimensions of the sign. Joel replied 12x16. Mr. Durkin asked how they would conduct the money exchange safely. Joel replied that he has a window and can keep it closed with just a narrow opening to pass money through. Mr. Horowitz asked Ms. Cameron how other communities were handling this issue. Ms. Cameron replied that she is aware that the issue was raised in Swampscott by Ice Cream truck business owners who asked for uniformity in the way that mobile businesses are handled. Ms. Cameron reminded the board that these are the only category of food vendor that is required to get police permits because they are dealing primarily with children. She added that with brick and mortar establishments, an employee is there to monitor the lines and enforce social distancing and masks, but these trucks have one employee in them, so they have limited ability to control these things. Also retailers have set up to allow for touchless transactions, which is different from small children reaching in with cash, since these vehicles aren't set up for touchless.

Health Inspector John Yale added that he is also concerned about the immediate consumption of the product, as is often the case, without facilities to wash hands or sanitizer stations, etc. Mr. Horowitz agreed that kids will go right on and open the ice cream. Joel replied that little kids are always accompanied by an adult to watch over them.

Mr. Horowitz asked Anthony about his window, and Anthony replied that he can also leave it partially closed, or is willing to install plexiglass. Joel agreed that he would as well. Mr. Horowitz replied that he is trying to think how this can be made to work. Joel replied that the City of Somerville approved ice cream trucks, and he has a friend in New York State who is operating his ice cream truck.

Mr. Horowitz asked if the trucks have loud speakers for announcing social distancing requirements. Both Joel and Anthony replied that they do not. Mr. Horowitz told that he is inclined to permit these since typically there are adults with the kids, if there is plexiglass, clear signage, and if they use a loudspeaker to remind to please socially distance, and if the vendors wear masks, even though it would be difficult to force the public out in their driveways to wear

them. He proposed that it is not much different from a pizza delivery and asked what the other board members thought.

Dr. Mansberger asked if it were possible to do hands free transactions. Joel replied not really but reminded that these are wrapped ice cream bars. Dr. Mansberger reminded about the kids eating the ice cream right away without washing hands. Joel proposed that this is no different from going to an ice cream shop, many will not wash hands there. Dr. Mansberger asked if they could wear gloves to hand out the ice cream. Joel replied that they have plenty of gloves and can do that. Mr. Durkin asked again why not go hands free, asking if there was a shelf where ice cream could be placed rather than handed. Anthony replied that he has a good sized shelf there so he could and Joel said he could as well. Mr. Horowitz said that he would be inclined to allow with the requirements of plexiglass at the window, using a shelf for hands free service, a sign that is 16 inches or larger, and the loudspeaker. Joel told that he doesn't have a loudspeaker but asked if a megaphone would be acceptable. Mr. Horowitz said yes, any kind of speaker is fine. Joel said that he can get one. Anthony said he would also need to get one. Mr. Horowitz reminded that ice cream truck drivers can help by being promoters of public health and being advocates of public health. Joel said that Inspector Yale knows that they are good at following the Health requirements. Anthony asked if he could use his existing sliding window if he keeps it mostly closed. Mr. Horowitz replied yes, subject to Mr. Yale inspecting and saying it is acceptable.

Ms. Cameron added that the inspections may be done virtually. She also reminded the operators that if they are not feeling well they should not operate that day.

Mr. Horowitz made a motion to modify the emergency order to now allow ice cream trucks to operate, subject to the following: Trucks must have a shelf and conduct contact free transactions; Trucks must have a sliding glass or plexiglass window to act as a barrier; Trucks must have some type of speaker to project operator's voice to give guidance on issues such as social distancing; Trucks must have a sign of at least 16 x 12 inches which instructs to socially distance; and Operators of trucks must tell customers to socially distance. A vote was taken and it was unanimously agreed to modify the emergency orders to allow permitting to commence for ice cream trucks. Mr. Durkin reminded the operators to please be very careful. Mr. Horowitz instructed them to get in touch with the health department to schedule their inspection when they are ready to proceed. Mr. Horowitz closed the hearing at 5:10 p.m.

HEARING

Subject: Request for Variance to Allow Open Dining at Stanzy's Restaurant

Discussion: Mr. Horowitz asked and found that Mr. Robert Stanzy was present. Mr. Horowitz said that Mr. Stanzy had come before them before. Mr. Stanzy replied yes, he had come 3 or 4 months earlier to discuss it and the board had asked for more details. Mr. Horowitz said that we were concerned about pests. Mr. Horowitz asked if Stanzy's is currently open. Mr. Stanzy replied no, he chose to remain closed for now to keep everyone safe.

Mr. Durkin requested a brief recess, so meeting was paused. Mr Durkin returned, and the meeting was called back to order. Mr. Horowitz asked Mr. Stanzy why he hadn't opted to open for pick up only. Mr. Stanzy replied that he just wanted to keep everyone out and away from danger, since he has kids he didn't want to risk exposing them if one of his workers tested positive. Mr. Horowitz asked if there were any concerns about the pest control plan. Inspector John Yale reminded that there are 5 things that are important to remember regarding open air dining: Most important is employee awareness of the issue, that flies carry pathogens; that they keep food at the bar covered; that they use an air curtain at the kitchen opening & keep food covered in the kitchen; that they keep trash covered; that they follow sound sanitation practices; and that employees are empowered to take action around these issues. Mr. Stanzy told that he will be telling everyone to let staff know if they notice any flies around. Mr. Horowitz told that Peabody and all surrounding communities have a rodent problem, which is why a pest management plan is required. Mr. Stanzy said that he wasn't aware but thanked them for letting him know. Mr. Horowitz made a motion to allow the variance for open air dining at Stanzy's Restaurant. Mr. Durkin and Dr. Mansberger agreed and it was unanimously approved. The hearing was closed at 5:25 p.m.

BUSINESS

Subject: Update on COVID-19 response actions- Data update

Discussion: Ms. Cameron provided a brief update on COVID statistics. She told that there has been an increase in the availability of testing, so the number of people tested has been increasing and the number of positive cases has been going down which is a good sign. The State reported that about 53% of hospital beds were being utilized, which means that we have plenty of reserved capacity. She told that Peabody has 758 cases, and the slope of cases is starting to lessen. She told that they are still seeing a significant number of cases coming from long term care, which accounts for 44% of cases and 80% of deaths. She told that they are starting to see individuals recovering, and that there are 111 people who have recovered and have been released from case management. She added that the number of cases is likely under represented, but the state has expanded its definition of positive cases to include probable cases, so the view will be a more accurate one.

Public Health Nurse Chassea Robinson added that they are starting to use the expanded definition now (using probable cases as well as confirmed). Also when a person died, if the medical examiner reported it to be due to Covid, we would enter it into MAVEN. She told that the 70+year old population has a much higher incidence here than the state average. She said that this may be because of the large number of elder care facilities in Peabody. She told that all long term care facilities now have one of our public health nurses assigned to them who will consult with them on infection control.

Ms. Cameron told that the Governor has awarded \$130,000,000 across the state to do universal testing and to put infection control experts into long term care facilities. She told that she had requested these services in April so she is happy that they have come about. She also told that the plan includes a mechanism to report out to families. She told that universal testing was not a mandate, but an incentive program, and there is one facility in Peabody that still refuses to join in. Ms. Robinson told that not all nursing homes in Peabody are doing universal testing, so some deaths that have occurred are not being counted as Covid because they did not test. She said that long term relationships with the facilities is also important, and her team are working to bring them up to speed. She has had conference calls with them with a state epidemiologist on the call, and are working with them all and hope they will get to full testing of all patients.

Ms. Cameron reported that now nurses are working with group homes, reviewing infection control, and the state is making testing available to them. Since an agency may own multiple group homes, staff is often shared between locations, working different shifts at different homes, so there is a risk of exposure at multiple facilities. When a public health nurse gets a case from one of those facilities, she provides an intensive level of technical guidance and support around things like needs like PPE, staffing resources, communication with families. Everyday a new cluster pops up. Mr. Horowitz asked if there were any specific ages they were seeing there- older people, people in their 50s or 60s? Ms. Robinson replied yes. Ms. Cameron reported that the Department of Developmental Delay group homes also included people with brain injuries, and DMH deals with mental health and substance abuse issues. She told that small clusters have been seen, and while they may not have necessarily contracted covid at the facility, they still assign nurses and an inspector to work with the facility to review the status of employees, and inspectors role is to understand how things will function going forward to prevent spread within the facility. She told that we want to be seen as a resource to turn to for them, to make their workplaces safer.

Subject: Surveillance Report

Discussion: Reviewed. Ms. Cameron reminded that tomorrow is nurse appreciation day, and said we are fortunate to have these nurses who have been working around the clock since March 8th or 9th, doing emotional work, dealing with families, dealing with people suffering loss. She said that she can't say enough about these nurses, and wants to make sure we say thank you to them. All agreed thanks are in order.

Subject: Governor's Statewide Order on Facial Coverings

Discussion: Ms. Cameron told that the Governor's order supersedes local orders, and the first change is the penalty structure- the state is ticketing up to \$300, and a lot of concern has been expressed over penalties, especially now that the state penalties are hefty, but we have not issued a single penalty. Our approach is one of compliance assistance, and we talk through the options. When we deal with establishments, we look to see if they are aware of the regulations, if they have signage, if they have systems in place, like people at the door, recordings in the store. The governor's order makes clear what the expectations are, so if we revise our local order we would want to include that language and language regarding people who are agents of public health and possibly police, and also include always issuing a warning before a fine. She also said that our order includes language about proper disposal of PPE. Mr. Horowitz said that its fine to let that stand. Mr. Horowitz told that he had heard there was a pastor being belligerent and still holding services, so that could be one instance where a \$300 fine may be helpful. Mr. Horowitz then asked if it could be seen as a possible criminal offense to do this. Ms. Cameron stated, in the case of mask wearing, a business owner can refuse service to anyone who is not wearing a mask, and if the person won't leave the police can come in as it is a criminal trespass.

Mr. Horowitz said that it seems there will be no more stricter restrictions coming, and that things may be relaxing soon. Some nonessential businesses were allowed to fill orders. Ms. Cameron agreed that things are relaxing a bit, and told that the Mayor called a task force on reopening and they met with the NS Mall business manager to discuss occupancy limits, physical modifications like plexiglass, traffic flow, restricting entrances. She told that the CDC has created some guidance on reopening which she has synthesized into a checklist .

Mr. Durkin asked if Rousselot was open. Ms. Cameron replied that it is as it falls under the category of essential services, as it provides a service to the medical world. She added that Rousselot had recently donated 4,000 masks to the City.

Ms. Cameron told that the State's Contact tracing Program has hired 1,000 new tracers to assist in that work. She told that it is likely that as things begin to reopen we may have many more cases, because when people return to work the number of contacts will be much greater, with 10-12 people potentially exposed from one positive coworker, the numbers could grow quickly. Contact tracers will be assigned to each city, and it is not optional. She told that this will be helpful since it will connect to MAVEN, so we will just have to promote it and tell people it is a legitimate thing and it should be ok.

After reviewing the remainder of the binder materials, Mr. Horowitz asked if the Board had any other business to discuss. All replied no, so the meeting was adjourned.

Next Meeting: May 19, 2020 @ 4:30 p.m.

Meeting Adjourned: 6:04 p.m.