

**Board of Health
Special Meeting Minutes
May 20, 2020**

Present:

Sarah Thompson, Chair
Anita Raj, Co-Chair
Bea Brunkhorst
Ann Kiessling
Susan Schwartz

Staff Present:

Heidi Porter, Director of Health and
Human Services
Katharine Dagle, Assistant Health Director
Mark Waksmonski, Community Health Nurse
Margaret Root, Recording Secretary

Others Present:

Meredith McCulloch, *Bedford Citizen*
Karen Dunn, *Finance Committee*
Margot Fleischman, *Select Board*
Cathy Cordes, *Town Moderator*
Walter St. Onge, *Bedford resident*
Nance Wolk, *Bedford resident*

The meeting was called to order at 7:03 PM. Ms. Thompson chaired.

COVID-19 Response Update

Ms. Porter received the details regarding the phased opening of Massachusetts. On May 18th, houses of worship were able to open at 40% capacity, all construction was allowed to start again, and manufacturing facilities were allowed to reopen. On the 25th, lab space and life science industry, office space at 25% capacity, limited personal services including hair salons and barbers, pet grooming with curbside drop-off, touchless car washes, and retail will be remote fulfillment and curbside pick-up only. In addition, some outdoor courts will reopen, such as tennis and basketball, and hunting and fishing activities will be allowed. There are strict parameters that these establishments must follow in order to open, including guidelines regarding personal protective equipment, cleaning, and social distancing. Each phase will be at least three weeks long and the decision to move on to the next phase will be data driven. If the case number trend increases with time, the next phase will not be started and the State may go back a phase.

Ms. Dagle commented on the outreach to the businesses that are allowed to open in Phase I. At this point, all the businesses and establishments included in this phase have been contacted. Ms. Dagle has been working with some other Town departments, such as Code Enforcement, and the new guidelines will be included in the permitting process. The Economic Development Coordinator, Ms. Alyssa Sandoval, also helped to contact the businesses included in this phase.

Ms. Thompson asked how many manufacturing businesses were in Bedford. Ms. Dagle replied that she doesn't know since they are not permitted by the BOH. She sent the relevant information to Ms. Sandoval who then forwarded it to the businesses in Bedford.

Dr. Kiessling asked if the Bedford Car Wash would be able to open. Ms. Dagle replied that the car wash will be able to open on May 25th. She added that she has spoken to the owner already to make sure the business is ready to reopen.

Ms. Schwartz asked what concerns have been expressed during the outreach. Ms. Dagle replied that at this point there has not been any concerns and she thinks this is due to the templates that have been given to the establishments that are reopening. Some food establishments, which will not be able to open their dining rooms until a later phase, have been asking what they need to do to their restaurants in preparation. This information has not been distributed yet so Ms. Dagle did not have further information for those establishments. Ms. Porter added that many questions are coming from businesses that the BOH do not have regular contact with as they are not permitted by the BOH, such as hair salons and barbers. Those concerns were regarding if there will be inspections during the phased reopening. Ms. Porter informed the establishments that inspections would be complaint-based. Complaints are expected to come either from employees who are not ready to return to work or customers who have concerns when they visit the establishment.

Dr. Kiessling asked if the guidelines being used for reopening include any testing frequency recommendations. Ms. Porter replied that no testing guidelines are included. The most recent guideline regarding testing is for people who have an antibody test done to also have a PCR test at the same time to see if the person has an active case of COVID-19 or not. Dr. Kiessling commented that there is testing capacity in the State that is not being used. Ms. Porter commented that while there is a lot of testing available, it is not being promoted as part of the reopening of the State.

Dr. Kiessling asked if Bedford employees were going to be tested before being allowed back to their offices in Town buildings. Ms. Porter replied at this point, testing will not be a requirement. She has not seen any guidelines for the reopening that include testing as a requirement. Ms. Thompson commented that health care workers aren't tested unless they are symptomatic. Ms. Porter commented that the DPH only recommends tests for symptomatic people. Dr. Kiessling clarified that while testing is recommended, the State labs only have enough capacity for tests on symptomatic residents. A private lab can run the tests on asymptomatic residents. Dr. Kiessling commented she would really like to see guidelines regarding the frequency of testing of workers.

Ms. Schwartz asked if insurance companies would pay for the cost of all of the tests if frequent testing is required of an employee or just the first test. Dr. Kiessling replied that she doesn't know for sure. Ms. Schwartz commented that the reason people do not get tested is due to the cost and the uncertainty if the insurance company would cover the cost of the test. Ms. Porter commented another reason for low testing numbers is the fear that comes with what happens if a person tests positive, especially if the person was asymptomatic.

Ms. Dagle continued with the description of the requirements an establishment must follow before reopening. All businesses in Phase I have to meet the general mandatory workplace safety standards. From there, certain sectors of businesses have to meet other requirements. The State has provided templates for the steps regarding the safety standards that all businesses must follow before opening to the public. The first step requires the business to take information regarding social distance, hygiene, staffing, cleaning, and disinfecting to their business appropriately. The second template deals with developing a COVID-19 control plan. Each business has to develop a plan on how they plan on preventing any further spread of COVID-19. The third template is a compliance attestation poster, which is a self-certification that the business has complied with the first two steps. The posters are displayed to tell the customers and public what the business is doing to fulfill the first two steps. There is also a poster for the breakroom for the employees and

information relevant to them. All businesses permitted by the BOH must submit their attestation poster as part of the permitting process.

Ms. Dagle then commented on the sector-specific requirements that must be followed before opening the business. The first requirement is safety standards that are business-specific to their sector and includes a limit on occupancy. The second requirement is protocols that should be taken in their specific environment. The third requirement is a checklist that must be followed and is sector-specific.

Ms. Dagle commented that while food establishments were given all this information, they were also given extra guidance sent by the FDA and MA Restaurant Association. This should help establishments that have been closed to reopen and be in compliance with all the regulations and requirements. While the Food Code does not specifically reference COVID-19, there are a lot of relevant recommendations.

Ms. Dagle commented that additional information for outdoor recreation businesses will be sent out tomorrow. She added that all of the requirements related to housing construction/maintenance were sent to property managers throughout Bedford as they were considered essential and their employees will need to follow these protocols.

Dr. Brunkhorst asked for clarification regarding essential businesses and submitting a plan as described. Ms. Dagle confirmed that up until now, businesses were not required to submit a plan. If the business was considered essential, the owners have a few extra days to make sure they are in compliance with the requirements and submit their plan. If a non-essential business is in the process of reopening, their plan must be submitted before opening. Only BOH permitted businesses need to submit their plans to the BOH.

Dr. Brunkhorst asked if there were any problems so far. Ms. Dagle noted that many businesses have already submitted their attestation posters. While she hasn't received any complaints, Ms. Dagle did receive some calls expressing concerns. She gave an example of apartment complex residents concerned over construction starting at their complex, if the workers will be following the requirements, and having workers enter their apartment. The BOH reached out to both the construction company and the manager of the complex to make sure that the requirements were in place before construction started.

Dr. Brunkhorst asked if there was a plan in place to deal with a non-compliant business. Ms. Dagle replied that if need be, the Department of Labor Standards can come in for assistance. There is also the option of taking the business to court. Ms. Porter added that there are also guidelines for enforcement, including warnings, fines, and a Cease and Desist Order.

Ms. Schwartz asked who a person should call if a patron or an employee noticed something concerning in a business. Ms. Dagle replied that concerns should be directed to the BOH of their town. Dr. Kiessling commented the contact number is on the version of the attestation poster displayed in the employee break room. Ms. Porter added that she believes there is a note on the public version of the attestation poster directing patrons with concerns to contact the BOH.

Ms. Thompson asked if gatherings greater than ten are allowed outdoors. Ms. Porter replied that these types of gatherings are not allowed yet under Phase I. Dr. Brunkhorst commented that one

exception is places of worship, which are allowed 40% capacity using social distancing. Ms. Porter added that there is also limited capacity for office spaces and manufacturing will also be open, all of which could exceed the ten people limit. Ms. Schwartz commented that in the guidelines, there is no limit of people in an unconfined outdoor space. Ms. Porter commented that since “unconfined outdoor space” was not defined, no determination can be made until that time.

Mr. Waksmonski also gave an update regarding his work. He reported that he has been reaching out to group homes to collect information from some of the early cases, as well as to see how the residents were doing. Most of the new cases are being handled by the Community Tracing Collaborative (CTC), with the BOH following only a few people. Mr. Waksmonski is also working with the State to determine who handles the cases on Hanscom Air Force Base since most cases are not Bedford residents. Once residency is determined, the appropriate town’s BOH is contacted to follow the case. There is also staff on Hanscom doing follow-up and education.

Mr. Waksmonski has noticed a decrease in cases with only a few new cases over the past few days. He noted that he has had to reconcile some cases when people have been re-tested at the VA and received a positive result. Even though the person was already in the system as a patient, the positive result at the re-test results in a report of a new COVID-19 case. Ms. Thompson asked how far apart the tests were conducted. Mr. Waksmonski didn’t have the exact amount of time, but it was on the order of weeks.

Mr. Waksmonski has also been communicating with the CTC, run by Partners in Health, to make sure good communication continues. He also acknowledged Ms. Nancy Thorsen and Ms. Tracy Fernald for helping to enter patient demographic information into MAVEN, the State’s epidemiological network.

Mr. Waksmonski has also been doing lab monitoring for the VA and Carleton-Willard cases. Ms. Porter commented that there has been difficulty removing VA staff from the count of Bedford cases. While long-term care facilities do their own contact tracing, a lot of the demographic information has not been entered yet into MAVEN, which is currently being worked on as well.

Dr. Kiessling asked if VA staff that tested positive counted as cases in Bedford. Ms. Porter replied that at the beginning of the outbreak, if a VA staff member indicated their location as Bedford during testing, and their test came back positive, the case would be counted towards Bedford even if the staff member was not a Bedford resident. This can result in a disparity between the case numbers reported by Bedford and the State. Mr. Waksmonski contacts the appropriate BOH to ensure that the staff member receives the appropriate follow-up, including the contact tracing.

Ms. Thompson asked if any of the reporting processes will change with the reopening of the State. Ms. Porter replied that she does not see any changes being necessary. Wide-scale testing could increase the workload and require more staff to help with data entry and contact tracing.

Dr. Kiessling commented on her disappointment regarding the lack of guidelines on testing and testing frequency of workers. She commented that a business, in order to create a safer work environment, can purchase testing equipment to test employees. There are currently four machines FDA approved. Ms. Porter commented that the current State guidelines are to test symptomatic individuals and their close contacts. By July, the guideline will be to test any symptomatic individuals, including those with only mild symptoms, as well as high-risk individuals, such as

first responders and health care workers, and close contacts of symptomatic individuals. The state's goal is to test 45,000 people per day by July.

Mr. Waksmonski commented that while the State epidemiologist's office has protocols for a two negative tests enabling a person to come off Isolation, they promote a symptom-based strategy, so after a person's symptoms are gone and the required amount of time has passed, a person is not considered contagious.

Discussion on Phase I Reopening and Town Meeting

Ms. Porter would like to discuss options for Town Meeting. Since it was originally scheduled in March, the meeting has been pushed back 30 days at a time. Multiple meetings with town staff, the Select Board members and the Town Moderator have taken place to discuss the feasibility of holding Town Meeting before the end of the fiscal year, June 30th. It needs to be done in a safe manner, but also be a true public meeting. The current State messaging is that people who are immunocompromised or over 65 should stay home. The senior population makes up a large portion of Town Meeting attendees.

Some considerations being discussed include having the meeting outside, which opens up discussion for time of day issues. An evening meeting has issues with mosquitoes, while an afternoon meeting could result in hot conditions for attendees. Another consideration is whether to have the meeting on the turf versus a regular field.

Ms. Cordes, the Town Moderator, commented on some important points. The reason the town can still have a Town Meeting when groups of more than ten people are not allowed is because it is a legislative meeting, which is exempt from the rules on gatherings over 10. There is no way to have a virtual Town Meeting for Open Town Meeting as quorum is 100 and there is no way to verify who is attending or how many people are attending.

Ms. Cordes continued by discussing if the meeting can take place at this time. The decision-making process is described by law. Since MA is under a State of Emergency, the moderator can recess and continue the Town Meeting upon consulting with the BOH in this case. The Select Board is also consulted. Meetings have taken place in March and April and another one will take place next week to discuss if the Town Meeting should be continued to a later date. The meeting can be continued 30 days at a time, so the next continuation if issued which would be to July 3rd. Ms. Cordes described two conditions under which she is comfortable holding Town Meeting. Voters need to feel that the meeting is accessible and safe for them to attend. Staff members have developed plans and layouts for having the meeting on a field, as well as a parking lot. Holding the meeting inside was considered, but only briefly. Ms. Cordes is working with other Town Moderators in MA and only Boxborough is currently planning to have their Town Meeting inside as the town has a large convention center allowing for social distancing. Currently, the plan in Bedford is to set up the football field for the Town Meeting. The same check-in process would need to take place. Ms. Cordes would like comments from the BOH members, but she does not think the time is right yet to hold Town Meeting.

In lieu of Town Meeting passing a budget for the next fiscal year before the end of FY20, the Town would be able to operate based on 1/12th of the current fiscal year's budget for each month in the new fiscal year until the new budget can be passed. This results in salaries being held at current amounts, projects can be delayed if the funding for them was to be voted on at Town Meeting.

Both Bedford and the school district are looking at budget cuts next year. A Town Meeting must be held no later than 30 days after the State of Emergency has been lifted.

Dr. Kiessling commented MAHB guidelines say that the Town Meeting could be held at a suitable location in a neighboring municipality and asked if the meeting could be held at the convention center in Boxborough. Ms. Cordes replied she isn't looking at that option as an HVAC system analysis would need to be done to make sure it is sufficient enough to keep people safe and then figure out how to get everyone there. Many people don't have cars and buses would not be feasible, especially for large numbers of seniors.

Mr. Waksmonski asked about possibly using the covered field at The Edge, if it hasn't been removed yet, or one of the hangars on Hanscom Base. Ms. Cordes replied that a hangar was discussed, but there is a lot of security to get through and all the attendees would have to register with Hanscom.

Dr. Brunkhorst asked what is the downside of waiting, beside the budget, to hold the meeting until the Fall. Ms. Cordes replied that the budget is the main part of the warrant that needs to be passed. The warrant has been narrowed down to topics that need a vote, such as the budget, as soon as possible. With the budget not being passed, things like the purchase of some new trucks and some water projects would be delayed. Ms. Cordes commented that even if the Town Meeting is delayed by a month, that is another month of data collected, allowing for a more informed decision on when to hold the meeting.

Dr. Kiessling asked how far ahead does the date of the Town Meeting have to be posted. Ms. Cordes replied that the date for the Town Meeting was already posted for March 23rd. Since then, the meeting has been continued to a later date. Currently, the meeting is scheduled for June 3rd.

Ms. Schwartz asked if once everyone is comfortable having the Town Meeting, would there also be a Special Town Meeting in the Fall, or if everything would be combined into one large meeting. Ms. Cordes is unsure at this point. One possibility is to have multiple shorter Town Meetings, organized based on topic. It depends on how comfortable people are attending, for what amount of time, and how long it takes for the Town to reach that point. The edited warrant has been reduced to have a 60 to 90 minute Town Meeting, not including the time to register, getting people into seats, and having people leave, all while maintaining social distancing.

Dr. Kiessling thinks that an outside meeting with a tent would be suitable for the meeting. Ms. Porter commented a meeting without the tent would be even better so make sure air flow isn't restricted in any direction.

Ms. Cordes replied that currently 200 people are expected, but there is a large amount of uncertainty on if people would be comfortable attending the meeting no matter where or when it was held. One idea was to put out a survey to see the level of interest in participating in Town Meeting. Dr. Kiessling suggested using a mailing to reach out to residents to get people to take the survey.

Ms. Raj commented she supports another continuation to wait and see how the Phase I reopening turns out. She commented that maintaining social distancing is important, but is not sure how comfortable she would be sitting with the same people over a long time.

Ms. Thompson commented that three weeks at least are between the phases, so continuing until July 3rd would allow for more reopening of the State. She asked if another continuation can be done at that point. Ms. Cordes replied that the meeting can keep being continued until the State of Emergency is lifted.

The BOH members are in agreement of making sure no mixed messages are being put out as currently the message is that people are safer at home and to avoid large groups. Holding the meeting outside is also supported by the BOH.

Dr. Brunkhorst asked about the handouts at the meeting. Ms. Cordes replied that after a lot of discussion, the handouts will be prepared a couple of days before the meeting and then not touched until the meeting. At Town Meeting, the handouts will be placed on the chairs, reducing the amount of personal interaction.

Ms. Porter commented that a Special Town Meeting may need to happen in the short term because a business interested in coming to Bedford requires legislative action before they can move. She is hoping for a very quick meeting, outside, with the suggested protocols in place. Ms. Fleischman commented that the interested business is looking at purchase of a pre-existing commercial development building. She doesn't anticipate a lot of discussion based on previous similar situations. Ms. Porter added that the date of the Special Town meeting will be clearer once the business agreement has been signed.

Dr. Kiessling expressed concern that uncomfortable residents wouldn't go to the Special Meeting even if the meeting was short as it would still be a gathering of a large number of people. Ms. Cordes commented that by law, Town Meetings cannot be held virtually and voting can't be done by mail.

Ms. Raj asked how many articles need to be voted on in the edited warrant. Ms. Cordes replied that 12 articles are on the shortened warrant. Ms. Raj commented that it may be easier to vote on everything. Ms. Cordes commented that having both the Town Meeting and a Special Town Meeting at the same time has been done before.

Ms. Thompson asked if the date has been set for the Special Town Meeting. Ms. Cordes replied that the date hasn't been set. Ms. Porter added that the meeting would likely need to take place before the end of summer. Dr. Brunkhorst asked if the meeting could be held in July. Ms. Cordes commented that it could, and it could be held at the same time as the continued Town Meeting. Hopefully by July, data can support having a Town Meeting.

Multiple BOH members agreed on having the meeting outside sometime in July and combining the Annual Town Meeting with the Special Town Meeting as long as the data supports this decision. The warrant for the Special Town Meeting needs to be posted 14 days before the meeting. Ms. Cordes added that there will be a lot of information given out to the residents to make sure that everyone knows that the usual Town Meeting procedures will take place, people will be able to comment on the articles as usual, and that voting will be the same. The only difference will be the location and social distancing.

Personal Services Order Amendment

Ms. Porter reminded the BOH that Bedford enacted a Personal Services Order which restricted a variety of personal services. With the State beginning Phase I of reopening the State, the Personal Services Order needs to be amended. The Order needs to rescind the ban on houses of worship, hairdressers and barbers, and outdoor non-contact courts and athletic fields. Everything else on the Order is still closed until a later phase of reopening.

Dr. Kiessling asked if children can play baseball. Ms. Porter replied no because there is shared equipment. No organized sports can take place at this point. The opening of the fields is more for walking, frisbee, running, etc.

Dr. Kiessling made the motion: “I make a motion to edit the Emergency Order regarding Personal Services that includes the following amendments: hairdressers and barbers can open May 25th, outdoor athletic fields and non-contact courts can open May 25th, and houses of worship are open as rescinded on May 18th per Phase I of the Massachusetts Reopening Plan.” Ms. Raj seconded the motion. The vote was 5-0-0 to make the changes to the Personal Services Order as described.

At 8:36 pm, Dr. Brunkhorst moved to adjourn the meeting of May 20, 2020. Dr. Kiessling seconded the motion. The motion was approved unanimously.

Documents and Exhibits Used During this Meeting

Phase I Reopening Outline and Enforcement Parameters
Amendment of Personal Services Order
BOH Considerations for Town Meeting

The next scheduled meeting of the Board of Health will be June 8th.

Sarah Thompson, Chair

Beatrice Brunkhorst

Anita Raj, Vice-Chair

Ann Kiessling

Susan Schwartz