

8/11/2021

DATE: September 1, 2021
TIME: 9:35 AM

SELECT BOARD EMERGENCY JOINT MEETING WITH BOARD OF HEALTH

FRIDAY, AUGUST 6, 2021

REMOTE MEETING

8:00 AM

CALL TO ORDER

A joint meeting of the Select Board was called to order at 8:00 am by Chair Adam Dash. Vice Chair Roy Epstein and Select Board member Mark Paolillo were present, along with Town Administrator Patrice Garvin, Director of Health Department Wes Chin, and Town Counsel George Hall. Chair of the Belmont Board of Health Donna David, and Board of Health members Adrienne Allen, and Julie Lemay also attended the joint meeting.

[A joint meeting with the Select Board was called to order by Chair of Board of Health, Donna David.]

ACTION BY CONSENT

- Adam Dash announced that this emergency meeting was convened for discussion and possible vote on a revised mask policy for the Town of Belmont. Dash reported that at the last Select Board meeting, the members voted to require masks in all Town buildings, mandated remote town meetings and strongly encouraged masks in private settings in other indoor public places.
- Donna David said that the recent communication from Governor Baker leaves it up to the cities and towns to mandate rules regarding the COVID-19 virus and variants.
- Wes Chin stated that as of this morning, there have been 1,181 positive COVID-19 cases since the beginning of the pandemic. In the last week, Belmont added 14 positive cases. There has been a steady trend towards an uptick of cases since the beginning of July 2021. He said he is not aware of any hospitalizations or deaths in that same period. Half of the infections are with residents who have already been fully vaccinated. Chin said based on CDC metrics, Middlesex County is in the Orange Zone. The metric for being in the Orange Zone is 50 cases per 100K or a % positivity of 5% of all tests done. Belmont currently has 44 positive cases.
- Donna David explained that the Delta variant is much more contagious than other strains and the general Commonwealth of Massachusetts is trending toward a Red Zone classification.
- Dash said that the Board of Health, Health Department, Town Administration and schools have been working very closely to monitor the potential of reinstating a mask mandate. Town buildings now require masks, and committee meetings are now required to be held remotely. This emergency meeting has been called to decide whether we want to mandate masks in other public places. He feels that sensitivity towards business activity has to be taken into consideration.
- Town Counsel, George Hall, spoke towards the legal issues. Hall said that it is his recommendation for the Select Board to endorse a Belmont health order that is signed by both the Select Board and the Board of Health. He said the main question is which authority we want to cite. He stated that he would like the order to cite MGL Chapter 111, Section 31 because MGL Chapter 111, Section 104 is too broad in the current climate. This is not the same level of

emergency as at the beginning of the pandemic and Section 31 has a clear line of authority for the Town to regulate.

- Epstein said it seems useful to cite which authority we are relying on and he feels that Section 31 makes sense. He recounted that the incidence rate in June and July in Belmont was zero. When the Governor suspended the state of emergency, the Belmont average incidence rate on May 28, 2021 was 1.3. In the week ending July 31, the incidence rate was up to 4.7. Epstein said it seems that instituting some measures makes sense, but the details are important. He thinks we need to: 1) work out an effective date and differentiate the rules according to types of establishments, and; 2) review the draft language about the scope of the order and make modifications to specific references. Epstein feels that the minimum period that the order should cover is 2 weeks and we should decide on which statistic we should use to monitor the disease rate. He also suggested that maybe we should use statistics that are more local than the Middlesex County statistics because Middlesex County covers a large area and the incidence for Belmont may be different than other communities.
- Adrienne Allen said that the Belmont positivity rate has doubled in a week. If we start to use a smaller sample size for indicating infection rate, it will increase fluctuations. An adequate sample is needed to have a steady number. She thinks we should use one metric only and the CDC data would be the best guideline.
- Epstein thinks that the Select Board needs to endorse what the Board of Health mandates and, cite Section 31 with Section 104 as a backup. He also noted that the current draft of the new order is not clear about mask wearing for unvaccinated in an outdoor setting and it should address planned outdoor events in Belmont.
- Adrienne Allen feels we should focus on indoor environments and crowded outdoor areas. When a public event or place poses a high risk, all people should be masked. When risk is high, regardless of vaccination status, in order to stop the spread of the virus, the recommendation is for all people to wear masks.
- Garvin said whatever the order states, it needs to be clear about the requirement for outdoor areas. She reminded the group that we are going into a nice, summer weekend and the mask order needs to be communicated as quickly as possible.
- Julie Lemay thinks we should focus on an indoor mandate right now.
- The joint meeting members agreed that the order should have an indoor focus and that Monday, August 9 should be the earliest effective date.
- The group discussed age limit and decided that 2 years and above are the recommendation for mask wearing. Donna David has concerns about playgrounds if distance can't be maintained. Adrienne Allen commented that whatever we decide today, things may change; when you're sharing air, it's risky indoors or outdoors.
- Paolillo feels that some of the restaurants would not be happy with an indoor mask mandate. He wondered how much advance notice needs to be given to restaurants and shops? Dash commented that for restaurants, outdoor seating is still allowed, but agreed that it is important to give restaurants sufficient advance notice.
- Dash said that the Select Board has had close communications with the business community and wants to take their needs into consideration, but in order to protect the safety of the public, unpopular steps may need to be taken.

- Garvin reported that the mask order currently in place includes Town buildings. The challenge will be managing the mask order in outdoor recreational events like Movie Night in Belmont.
- Dash said we need to state an effective date now. We can give a grace period to enable businesses to put up signage. When and if circumstances change, we can reconvene. Also, there is always the possibility that the State could mandate changes in the future.
- Julie Lemay said we need to make sure that the public has been given clear and comprehensive information about the changes. Garvin replied that her office will spend Monday reaching out to the public by mobilizing online sign boards on the Town website and by notifying restaurant and store owners directly.
- Epstein suggested that the effective date should be later than Monday. There are large institutions that need to be given a lead time, like Star Market. He feels the larger institutions need to be contacted as soon as possible. He also asked if a private establishment could refuse an unmasked customer entry? Hall replied that as the order is currently drafted, establishment staff should supervise the mask order. But he realizes there is concern that staff are being put in a dangerous position when the establishment is required to police mask wearing. Hall said the Town enforcing agency could directly levy a fine for people who don't wear masks and the order applies to the public, whether or not the store cites it. Dash thinks the Town can't micromanage the mask requirement. It is up to the establishment.
- Hall suggested that both Chapter 111, Section 31 and Section 104 be cited in the new order. He feels that citing Section 104 does not weaken also citing Section 31.
- The group agreed that the order would be dependent on countywide statistics and would be modified based on whether a low to moderate CDC rating exists over a two-week period.
- Wes Chin noted that the draft order was similar to the one written by Provincetown after the recent spike and it may be more specific than what Belmont wants.

[Garvin put the draft order on the screen and the group proceeded to revise the current document.]

Key modifications to draft document:

- 1) Add "public and private spaces open to the public." This covers town buildings and businesses (not homes).
 - 2) Make effective date Monday, August 9, 2021 at 12:01 AM. (CDC data is published on Sunday night.)
 - 3) Change from workers to all individuals, 2 years and above.
 - 4) Remove some specific references to types of places for restriction to mitigate confusion about protocol.
 - 5) Add the two MGL sections that are being cited in the second paragraph.
 - 6) Add consecutive two-week period as the criterion for any changes to the order.
- Hall said it's difficult to enforce specific language about mask enforcement in private establishments. 90% of the effectiveness is that the order creates an expectation that is socially enforced and hopefully retail establishments don't have to do too much.
 - The group reviewed each bulleted point to make sure the order covers all relevant places and made some language revisions.

- The group agreed that this is going to be a constantly changing situation and that schools may want to make their own decisions. Donna David assured the group that the Board of Health is in constant communication with the schools. The schools can do something more stringent, if they want, but this new order is owned by the Select Board and Board of Health.
- Hall provided his approval of the revised document as shown on screen.

Motion was made by the Board of Health to adopt the mask mandate order as presented and revised at this joint meeting. The motion was approved by a vote of 3-0.

Motion was made by the Select Board to adopt the mask mandate order as presented and revised at this joint meeting. Motion was approved by a vote of 3-0.

Motion was made for the Board of Health to adjourn. Motion was approved by vote of 3-0.

Motion was made for the Select Board to adjourn. Motion was approved by vote of 3-0.

Respectfully submitted,



PATRICE GARVIN, Town Administrator