

Harvard Board of Health Meeting Minutes
Zoom Meeting
Tuesday, March 31, 2020
7 p.m.
Approved: April 7, 2020

Board of Health Members present: Sharon McCarthy; Libby Levison; Tom Philippou, Chair.

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health; Joan Eliyesil and John Osborn, The Harvard Press; Becca Edson, architect, 221 Littleton County Road; Kenneth Schalk & Rachel Kopay, homeowners, 221 Littleton County Road; Frans Frugala, contractor, 221 Littleton County Road.

After resolving technical difficulties, Mr. Philippou called the meeting to order at 7:29 p.m. and read aloud the virtual meeting preamble.

PUBLIC COMMENT- Ms. Eliyesil stated she learned through her e-mailed correspondence that Harvard does not currently have any positive COVID-19 cases, but that the State has advised to report only county-wide results as to not provide a false sense of security. Ms. Eliyesil asked the BOH whether the BOH would be reporting Harvard's positive cases going forward. The BOH members confirmed that guidance received from NABH and DPH is to report cases to the public by county or larger geographic area to avoid providing a false sense of security and risking HIPAA violation. Ms. McCarthy and Ms. Levison stated that DPH Deputy Commissioner Cranston was very clear in the afternoon's call to the local boards of health (LBOH) that if towns are considering releasing more granular data, they should first consult Town Counsel. Ms. McCarthy added that Mr. Cranston made it very clear that the addresses of known cases should only be communicated to First Responders. Ms. McCarthy and Ms. Levison stated it was their preference for county wide results release only. Mr. Philippou stated that while he requests openness whenever possible he questioned whether the release of numbers would jeopardize privacy. He asked whether NABH would be willing to provide the total results for NABH communities; Mr. Grossman indicated it was up to the BOH if they wanted to release that information. Ms. McCarthy questioned what would be the purpose of the release of that data. Ms. Eliyesil stated that people may assume that most cases in Worcester County are in the city of Worcester versus the smaller towns. Ms. McCarthy expressed concern that Harvard residents already have a false sense of security. She stated that the BOH needs to protect privacy and the residents need to take the precautions recommended by the DPH and CDC, and publishing the case numbers in Harvard will not further the cause.

NEW BUSINESS

a. 221 Littleton County Road: Room count discussion and consideration of 3-bedroom deed restriction- Mr. Grossman explained he initially stopped this building permit application on ViewPoint because he noted a room labeled “guestroom”, now clarified as a Scribner’s error, but would like the BOH to review the proposed plans for interior renovation as a room count discussion. Mr. Grossman stated that the applicants have already recorded a three-bedroom deed restriction in anticipation of the meeting. Ms. Edson, architect for the applicants, explained that the proposed plans do not increase the number of rooms or the footprint of the home, but reconfigure a room that had been a loft. She also confirmed that the room, mistakenly labeled “guestroom” has always been habitable space, used as an office, and the applicants intend to continue to use the space as an office. Mr. Grossman advised he has no objection issuing the building permit pending the BOH’s acceptance of the 3-bedroom deed restriction. Ms. Levison made a motion to approve the 3-bedroom deed restriction and issuance of the building permit for the renovation depicted on the plans provided to the BOH on 3/25/20; Ms. McCarthy seconded. The motion was approved unanimously by roll call vote.

b. 325 Ayer Road: SnoWerks’ request for assurances of tenancy- Mr. Grossman indicated the e-mailed advice from Town Counsel is clear that the BOH should not provide the requested assurances of tenancy requested by SnoWerks. Mr. Philippou agreed. Ms. Levison made the motion that the BOH does not approve unanimously and without condition the assurances of tenancy described in the memo from RJ Bradley’s Ski & Bike, subsidiary company of SnowWerks, to Nicholas Deane, dated March 19, 2020; Ms. McCarthy seconded. Mr. Philippou suggested the BOH provide correspondence to Mr. Deane in response, detailing what assurances the BOH is able to provide; Mr. Grossman agreed to assist Mr. Philippou in preparation of such correspondence, to be reviewed by the BOH at the next meeting. The BOH members agreed to request Ms. Flynn send Mr. Dollins and Mr. Deane a brief e-mail advising that the request has been rejected as submitted, but additional correspondence detailing assurances would be forthcoming. The BOH was unanimously in favor of Ms. Levison’s motion by roll call vote.

c. Transfer Station bag requirement- Mr. Philippou advised that, as Chair of the Transfer Station Committee, he suggested to the Select Board via e-mail that the requirement to use the designated bags at the Transfer Station be suspended for the month of April so that vendors can resupply & increase stock of Harvard Green Bags during the State of Emergency. Mr. Philippou stated that the Transfer Station Committee can only make a suggestion in the hope that the Select Board will adopt the recommendation. Ms. McCarthy advised she received an e-mail from The General Store indicating they have the bags in stock; Ms. Levison advised that customers can order the bags online for curbside pickup. Ms. Levison also noted that Shop N Save, Moore’s Lumber and Harvard Power Equipment are currently open and able to sell the bags. Mr. Philippou stated he received a call and e-mail indicating bags were in short supply.

Ms. Levison asked Mr. Philippou to remind Mr. Kilhart that cardboard disposal will increase drastically as a result of online ordering at this time.

d. Status of water quality sampling- Mr. Philippou advised that Nashoba Analytical is not currently sending lab staff to sample private wells. Mr. Grossman indicated he will continue to sample private wells, providing there is an outdoor spigot.

e. Request for reconsideration of the BOH Clerk's hours during the State of Emergency- Ms. Levison explained that Ms. Flynn's hours were increased over the last pay period while she made up for time lost while she was out sick and in response to COVID-19 related activities, and was advised to charge one 45 minute assignment prepared at the request of the Fire Chief, to the Emergency Management account. Ms. Levison explained that Mr. Ryan was also looking for confirmation of Ms. Flynn's ability to work hours over 19/week, as needed, if within budget. Mr. Philippou suggested Mr. Ryan be invited to the next "regular" BOH meeting for further explanation. Ms. McCarthy added that Mr. Ryan was also asking for a formal statement from the BOH indicating that cutting the BOH Clerk's hours by 12.5% as considered by the Town Administrator would be detrimental at this time. Mr. Philippou offered to generate a response letter for review by Mr. Grossman; the BOH members agreed that a response could not wait for approval by the BOH members at the next meeting.

f. Health Agent Update- Mr. Grossman stated all updates would be covered under specified agenda items.

OLD BUSINESS

a. Continued discussion regarding COVID-19 response, preparedness, messaging, and enforcement of the Governor's Order of 3/23/20- Ms. McCarthy summarized her notes from the DPH call to LBOH of that afternoon. The BOH agreed to Ms. McCarthy's request to include the link to the DPH's health professionals volunteer sign-up on the BOH & Town COVID-19 webpages. Ms. Levison informed Mr. Grossman that DPH stated tents are available to shelters for isolating homeless patients, in case this is relevant for another NABH town. Ms. McCarthy stated DPH has issued guidance on short-term rental properties indicating these should be reserved for healthcare workers. Ms. McCarthy and Ms. Levison explained that there was discussion of permit deadlines being changed in response to COVID-19, including that camp permits could be issued within 60 days of camp opening versus the usual 90 days. Ms. McCarthy noted that more guidance would be issued regarding the inconsistencies in regulations concerning self-service food and drink locations at grocery and convenience stores. Mr. Grossman stated he and Bridgette Braley have gone to some convenience stores to request they remove self-serve coffee areas. Ms. McCarthy said the call also included guidance from Ron O'Connor regarding the use of expired N95 masks. Ms. McCarthy said that there was a question regarding the security of MAVEN for illegal immigrants; Katie Brown answered that privacy is DPH's highest priority and that identifying information would not be provided to the federal government. Ms. McCarthy said DPH indicated contact tracing and case identification will be important to prevent a second wave of the pandemic. Ms. Levison added that it was explained that most contact tracing is done in the beginning and the end of an outbreak. Ms. McCarthy reported that DPH guidance will also be issued for testing of First Responders. Ms. McCarthy and Ms. Levison reported that Katie Brown indicated that recovered cases have presumed immunity for an unknown period of time. Dr. Brown also stated that there has been

no evidence of reinfection shortly after recovery. Ms. McCarthy stated that DPH indicated trailer parks and camper trailers will be receiving guidance to address communal bathrooms. Ms. McCarthy also noted a question was asked of whether the BOH can provide wrap-around services with the addresses of those in quarantine. DPH indicated LBOH cannot. Mr. Philippou suggested the BOH gather a list of wrap-around services available; the members agreed to each provide Ms. Flynn with a list of known services to be compiled. Ms. Levison stated that Mr. Cranston was clear that the LBOH should only provide the addresses of positive cases to First Responders, and Ms. Brown added that LBOH should speak to Town Counsel before providing this information to other services.

Ms. Levison reported on her attendance at the COVID-19 Emergency Team meetings. She also stated that the COA has stopped many programs, but that Minuteman is still providing Meals on Wheels to qualifying residents. She indicated there have been many discussions regarding obtaining PPE, and some supplies have already been received. She also indicated that several people in Town who have 3-D printers have been providing face shields. Ms. Levison indicated that there have been several discussions about people gathering at Prospect Hill. Ms. Levison drove there on Friday night, noting greater than 100 people were present. She indicated there has been discussion about the placement of barriers to dissuade parking on the shoulder and that the Police will start issuing warnings. Ms. Dwight stated that the DPH poster was provided to the nurses to be circulated to the students. Ms. Levison noted that the Town is currently looking to cancel the May weekend events. Ms. Levison indicated that the Boy Scouts are currently sorting bottles with deposits at the Transfer Station after closing, maintaining 6 feet of separation and wearing gloves. Ms. Levison stated that Chiefs Sicard & Denmark have indicated they have no concern with leaving the Conservation Commission trails open at this time.

Ms. McCarthy stated the Mr. Cranston indicated in the DPH call that DPH has been receiving requests for access to MAVEN, and DPH will no longer accept these without the requests being funneled through the LBOH. Mr. Cranston stated that MAVEN access should be reserved for those involved with active case follow-up. Mr. Grossman stated that he was advised a BOH member can apply for approval by DPH, but that application must be backed by a reason and a need for access. Mr. Philippou suggested the application be prepared, reserved for a time of need, and shredded if never necessary.

Ms. Levison asked that BOH members to consider preparing a response for Town Hall staff who receive phone calls about the number of confirmed cases in Harvard. The BOH members reviewed a letter issued by the Chelmsford BOH explaining why the Town would not be releasing resident results. The BOH members agreed to tailor this letter for use by Harvard and to distribute to the Town Hall staff, and to post to the website.

b. Continued discussion regarding the procedure for septic permit approval during the State of Emergency- Mr. Grossman asked the BOH to consider authorizing him to issue permits for single component replacements or systems meeting full Title 5 and local requirement compliance outside of meetings at this time. Mr. Philippou and Ms. Levison indicated they did not believe there would be any delay in issuance by the BOH now that the BOH was meeting

weekly. Mr. Grossman stated that as long as the BOH members would then authorize him to sign the permits on behalf of the members, he agreed there would not be any delay.

c. Continued discussion regarding the status of the track, beach and playing fields

during the State of Emergency- Ms. Levison stated that the Select Board recently discussed the BOH's recommendation regarding the track, and Ms. Wallace and Ms. Minar provided feedback that if the track were to open, the BOH would need to monitor for social distancing, and suggested abbreviated hours of 11am – 1pm. The BOH members and Mr. Grossman were in agreement that limiting the hours could force congregation, where opening for all daylight hours would spread out the demand. Ms. Levison suggested the BOH provide a response before the Select Board's Tuesday night meeting. Mr. Philippou volunteered to prepare a draft letter for comment through Ms. Flynn which would recommend opening for all of daylight hours with guidance to residents to socially distance by 6 feet between unrelated individuals, move in a clockwise pattern, refrain from congregating in the parking lot, and that if abuses are observed or reported to the BOH, the BOH will investigate. The BOH members were in agreement.

d. Action Items- Ms. McCarthy offered to send her typed notes from the DPH call to the LBOH to Ms. Flynn for Ms. Levison's review, comment, and posting to the COVID-19 Dropbox.

PERMITS

- 42 South Shaker Road- The BOH members reviewed and issued a permit for replacement of a distribution box.
- Lot 1, Bolton Road- The BOH members reviewed and re-issued a permit for a new, fully compliant system.

Ms. McCarthy made a motion to authorize Mr. Grossman to sign the permits on behalf of the BOH; Ms. Levison second. The motion was approved unanimously by roll call vote.

MINUTES- The members agreed to table review of minutes to a future meeting.

DISCUS ITEMS FOR NEXT AGENDA- Items for the next agenda were not discussed.

ADJOURNMENT- Ms. Levison made a motion to adjourn at 8:52 p.m.; Ms. McCarthy seconded. The motion was unanimously approved by roll call vote.

Respectfully submitted,

Alison Flynn

Board of Health Clerk

Referenced Documents:

- Agenda
- 221 Littleton County Road: Proposed plan, recorded bedroom deed restriction, Assessor's Card
- 325 Ayer Road: E-mailed correspondence from Town Counsel (3/24/20), RJ Bradley memo to Nicholas Deane (3/19/20)
- Septic permit application package for 42 South Shaker Road
- Septic permit application package for Lot 1, Bolton Road
- Chelmsford BOH Notice of 4/6/20