

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**Tuesday, May 12, 2020**  
**Approved: May 19, 2020**

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

*Attending:* Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BOH”) Clerk; Joan Eliyesil, The Harvard Press; Chief Ed Denmark, Harvard Police Department (“HPD”).

Mr. Philippou called the meeting to order at 7:00 p.m.

Ms. Flynn read aloud the BOH Remote Meeting Preamble, including Confirmation of Member Access, the Introduction to Remote Meeting, and Meeting Business Ground Rules.

**PUBLIC COMMENT-** Ms. Eliyesil asked to reserve questions until later in the meeting; Mr. Philippou agreed. Ms. Eliyesil later requested copies of the letter sent by Mr. Philippou to the Select Board regarding the track, the letter to Chief Denmark providing limited enforcement authority, and the letter to the Joint Committee on Public Health regarding the arbovirus mitigation emergency bill.

**NEW BUSINESS**

a. Continued discussion and preparation of letter re MA House of Representatives bill, “an Act to Mitigate Arbovirus in the Commonwealth”- Ms. Levison stated that she believes the deadline for comments was missed, as the hearing was scheduled for the day prior. The members agreed to revise and submit the letter to the Joint Committee on Public Health anyway. The letter was reviewed and revised. Ms. Levison suggested that the BOH members review the letter submitted by the MACC which outlines many concerns associated with the chemicals used in the dispersal agents. Ms. Levison made the motion to adopt the letter, as amended; Ms. McCarthy seconded. All were in favor by roll call vote.

b. Clerk and Health Agent Update-

- Mr. Grossman indicated that he has no update except that we should all await the 4-phased reopening plan expected from the Governor. Ms. Levison asked whether Mr. Grossman had heard if regional phases might be a possibility; Mr. Grossman had not heard if this is being considered.
- Mr. Philippou noted that the first foundation is in at Pine Hill Village. Mr. Grossman stated the fill for the breakout area of the septic needs to be removed and replaced, as it

does not meet Title 5 requirements. Mr. Philippou added that he also noted they are installing one septic bed, and suggested Mr. Grossman review the sand.

## **OLD BUSINESS**

a. Continued discussion regarding COVID-19 response, preparedness, messaging, and enforcement of the Governor's COVID-19 Orders, including but not limited to preparation of a Community Resources reference sheet, discussion re status of the track and further discussion regarding granting limited enforcement authority of the BOH to the Harvard Police Department-

Chief Denmark joined the meeting for the discussion regarding granting limited enforcement authority of the BOH to the Harvard Police Department for the Governor's COVID-19 Orders. Mr. Philippou presented a draft letter prepared after his earlier discussion with Chief Denmark. The BOH members reviewed and revised the letter. Mr. Philippou explained that the BOH can empower the HPD in a very limited way with the primary function to allow the HPD to identify those that are in violation of the Governor's mask order, thus enabling the HPD to protect the town by enforcement of an Order in their best interest. Mr. Philippou clarified that the letter's statement "Assist the Board Members" is intentionally vague to allow for the HPD to provide support to the BOH as needed. Mr. Grossman stated that this letter is specifically to designate the HPD as an enforcement Agent for the BOH where the BOH members and Mr. Grossman already have that authority. Mr. Philippou indicated that the HPD will not be making the determination of the fine; it's ultimately the responsibility of the BOH to do so. Mr. Philippou stated that the focus of the Order and its enforcement is education, and he believes most residents will readily accept the guidance of education knowing there are consequences if they do not. Mr. Grossman indicated that the BOH's mechanism for enforcement is cumbersome without the use of the HPD as a tool; the BOH would issue an order and then would have to file with the court if the violator failed to respond. Mr. Grossman confirmed that with this letter, the BOH can direct the HPD to fine if necessary. Mr. Grossman reiterated that the enforcement is not about fining, but education. Chief Denmark explained that without the blessing of the BOH, the HPD does not have the authority to stop a resident who is not compliant and require their identification. Chief Denmark stated that the officers would make observations of noncompliance, identify the violators, and then make official police reports forwarded to the BOH to decide the fine. He also stated the reports could then be used as evidence in court. Chief Denmark explained that this process would give the BOH the opportunity to review the report and decide whether the offense was not worth a fine; giving an extra layer of review before assessing fees that the BOH members may or may not agree with. Mr. Philippou added that by collecting the identification of the violators, it also allows the BOH the opportunity to follow-up by providing written educational materials. Chief Denmark confirmed that the HPD/BOH will have jurisdiction over any non-resident violator in Harvard. Chief Denmark stated that the revised draft letter does what it needs to do. He also added that he intends to have officers carry extra cloth masks so that violators can be handed a copy of the order, provided with a mask, asked to put on, and then if not compliant, a report will be provided to the BOH.

The members considered whether a discussion is necessary at this time to decide how fines will be levied. Mr. Philippou suggested each incident would need to be considered on a case by case basis. Ms. McCarthy stated she does not believe a lot of discussion will be required because several boxes will have already been checked by the HPD prior to BOH review. Ms. Levison made a motion to accept the letter as amended; Ms. McCarthy seconded. All were in favor by roll call vote. Ms. Flynn will e-mail the Chief a finalized copy. Chief Denmark exited the meeting.

The BOH members reviewed the DPH announcement regarding the Governor's mask order, as well as the CDC guidance modified by COA director Deb Thompson to include instructions regarding washing cloth masks prior to use, and agreed to post both on the BOH website. Ms. Levison made the motion; Ms. McCarthy seconded. All were in favor by roll call vote.

Ms. Levison reported that the Lions Club have very kindly been making cloth masks to supply to the COA and all interested residents, and the COA has enclosed with the masks the CDC guidance noted above. Ms. Levison suggested the BOH contact the Lions Club to suggest the handout be distributed with all masks. The BOH members agreed. Ms. Levison will provide Ms. Flynn with the contact information to thank the Lions Club for their efforts, e-mail the electronic document, and offer to print copies of the handout when she is next in the office.

Ms. McCarthy reported that DPH volunteers working with Wenham prepared hard-copy materials for distribution by their COA to residents who are less likely to use web resources. Ms. McCarthy indicated that DPH stated these materials will be posted as resources for other Towns to modify. She intends to reach out to Ms. Thompson to see whether such resources would be helpful.

The BOH members reconsidered the current posted notice "State Implements Contact Tracing" on the BOH page. Ms. McCarthy indicated she will prepare a revised draft for next meeting.

The members confirmed that all were present for the LBOH call that day. Ms. Levison indicated that she wrote to Cheryl Sbarra and requested the draft guidance to LBOH regarding Annual Town Meetings; she already received the draft and Ms. Flynn circulated the document to the members via e-mail.

Mr. Philippou reported that he prepared and delivered a letter to the Select Board regarding reopening the track. He indicated Ms. Von Loesecke confirmed that the issue would be on the next agenda. Mr. Philippou stated he will attend the meeting on behalf of the BOH as he already plans to attend on behalf of the Transfer Station Committee. Ms. Flynn stated she forwarded a copy of Mr. Philippou's letter to the members prior to the meeting.

Ms. McCarthy stated she received a follow-up e-mail from the Trustees of Reservations regarding the e-mail to BOH members on 5/5 providing their plan for limited opening of the Fruitlands trails. Mr. Philippou offered to respond that the plans to maintain social distancing appears adequate but the members would suggest the addition that if dogs are allowed, they be leashed, and that the requirements be harmonized with those prepared by the Conservation Commission and the Harvard Conservation Trust.

b. Update from the Emergency Management Team- Ms. Levison reported that the EMT is considering how to reopen Town Hall and other Town buildings. She and Mr. Grossman stated that the Town Hall and two other buildings will be professionally sterilized on 5/15/20, and that the Town is considering purchasing a sterilizing machine for future occasions. Ms. Levison also stated much consideration is being given to how Annual Town Meeting will operate. Mr. Grossman suggested that Mr. Philippou use the opportunity during his attendance at the Select Board Meeting to express the need for access to toilets. He further stated that Mr. Bragan and Ms. Sobalvarro have already put a lot of thought into how this could work, and have made measurements for social distancing and handwashing stations.

c. 162 East Bare Hill Road: Continued discussion regarding timeline for septic upgrade- Mr. Grossman asked for the BOH's feedback on the e-mail from homeowner stating they are not living at the property and requesting additional time to replace the septic system. The BOH members agreed it would be reasonable to allow the homeowners additional time with the restriction that they cannot occupy the home until the septic is installed. Mr. Grossman will advise the homeowner and ask what they believe will be their timeline.

d. Review Action Items- Action items were reviewed. Mr. Grossman indicated that he spoke to Forrest Price, Public Health Emergency Preparedness Consultant, Worcester Division of Public Health, about his request for information about the locations of the satellite phone on behalf of PHEP Region 2, and provided Mr. Price with sufficient information.

#### **PERMITS-**

- Stable

The BOH members reviewed a stable permit application for 184 Old Littleton Road. Ms. McCarthy made the motion to approve; Ms. Levison seconded. Mr. Philippou asked that Ms. Flynn's cover letter to the applicant offer guidance from the Board of Health. All were in favor by roll call vote.

The BOH members reviewed a stable permit application for 301 Stow Road. Ms. Levison made the motion to approve; Ms. McCarthy seconded. All were in favor by roll call vote.

- Septic Permit

The BOH members reviewed a septic permit application package for 73 Bolton Rd. Ms. McCarthy made the motion to approve the permit; Ms. Levison seconded. All were in favor by roll call vote.

The BOH members reviewed a septic permit application package for 284 Still River Road. Ms. McCarthy made the motion to approve the permit; Ms. Levison seconded. All were in favor by roll call vote.

The BOH members reviewed a septic permit application package for Lot 4 Bolton Road, including a request for a local override for the percolation rate. Ms. Levison made the motion to approve the permit and request; Ms. McCarthy seconded. All were in favor by roll call vote.

**MINUTES**- The BOH members reviewed and revised the draft minutes of 5/5/20. Ms. McCarthy made the motion to approve the 5/5/20 minutes as amended; Ms. Levison seconded. All were in favor by roll call.

**ITEMS FOR NEXT AGENDA**- Items for the next agenda were discussed including Mr. Grossman's request for consideration of the soils report for Craftsman Village Harvard, and Ms. Levison's request to revisit the issue of frequency of meetings.

**ADJOURNMENT**- Ms. Levison made the motion to adjourn at 8:31 p.m.; Mr. Philippou seconded. Ms. McCarthy was no longer present. All remaining members were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

**Documents Referenced:**

- Agenda
- Draft minutes of 5/5/20
- Draft letter to Chief Denmark granting limited authority
- Draft letter to the Joint Commission on Public Health
- BOH notice "State Implements Contact Tracing"
- 184 Old Littleton Rd.: Stable Permit Application
- 301 Stow Rd.: Stable Permit Application
- 73 Bolton Rd.: Septic Permit, Proposed SDS Plan, Local Upgrade Conditions Form, Variance Request Letter of 3/22/20
- 284 Still River Rd.: Septic Permit and Proposed SDS Plan
- Lot 4 Bolton Rd.: Septic Permit, Proposed Plan, Variance Request Letter of 4/1/20