

**Harvard Board of Health Meeting Minutes**  
**Zoom Meeting**  
**Tuesday, May 5, 2020**  
**Approved: May 12, 2020**

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

*Attending (not an inclusive list):* Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BOH”) Clerk; Joan Eliyesil, The Harvard Press.

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

Mr. Philippou called the meeting to order at 7:01 p.m.

**PUBLIC COMMENT-** None. Ms. Levison noted that Ms. Eliyesil will likely have questions for the COVID-19 discussion. Ms. Flynn reported that she extended an invitation via e-mail to Ms. Sission to express her concerns during Public Comment but did not hear back prior to the meeting.

**NEW BUSINESS**

a. Vote authorizing electronic signatures- Ms. Flynn explained that the document in the packet was tailored from a similar document approved for ConCom’s use by Attorney Lanza. Ms. Levison made the motion to approve the document as presented; Ms. McCarthy seconded. The vote was unanimous by roll call.

b. Update from the Emergency Management Team- Ms. Levison reported that plans are being made to re-open Town Hall, including that employees will need to wear masks unless they are alone in their offices. She also indicated that she learned that two of the school nurses are performing the required health screenings at the school construction site to save the Town the expense of hiring an outside company to do so. Ms. Levison reported that Dr. Dwight indicated plans are being considered to allow for teachers to prepare classrooms over the summer and for students to retrieve their personal items. Ms. Levison stated that Chief Denmark addressed a large group of motorcyclists socializing in the parking lot at Dunkin Donuts.

c. Clerk and Health Agent Update-

- Ms. Flynn asked the BOH to consider approving the Harvard Press Invoice of April 30, 2020. Ms. Levison made the motion to approve Invoice 8061 from The Harvard Press for \$48.00 for a legal notice regarding the amended trash hauler regulation requiring lidded containers; Ms. McCarthy seconded. The vote was unanimous by roll call vote.

- Ms. Flynn asked the members to consider the e-mail from Forrest Price on behalf of Region 2 PHEP regarding the primary and secondary locations of the satellite phone. Mr. Philippou indicated he would confirm the secondary location and follow-up with Mr. Woodsum regarding the status of installation of the base and antennae at the Bromfield School.
- Mr. Grossman reported that he confirmed on observation Ms. Levison's concerns that a Deerfoot Trail property appears to be building without a permit. He contacted the Town Building Inspector, Mr. Vallente, but has not heard back.
- Mr. Grossman indicated that he received a reply from Craftsman Village regarding the remediation plan responsive to soils testing showing contamination, but has not yet had the opportunity to review the reply.
- Mr. Grossman reported that he contacted the homeowner for 162 East Bare Hill Rd. and advised him of the May deadline for soil testing. The homeowner reported that they are not living at the property and would like some flexibility on soil testing and submission of plans. The members agreed to discuss the response at the next meeting.

## **OLD BUSINESS**

a. Continued discussion regarding COVID-19 response, preparedness, messaging, and enforcement of the Governor's Order of 3/23/20, including preparation of a Community Resources reference sheet and discussion about the process for testing in congregate housing-

Mr. Grossman indicated that DPH guidelines currently treat beaches much like parks, but more guidance is expected regarding the safe opening beach activities, such as lessons and camps.

The members acknowledged that the Trustees of Reservations plans to open the trails at Fruitlands with appointments required and limitations on the numbers of cars.

Mr. Philippou indicated he refrained from following-up with the Select Board regarding reopening of the track so that he could first discuss the issue again with the BOH. Ms. McCarthy expressed her feeling that Governor Baker's recent Order regarding masks gives the BOH reasonable cover to request the reopening of the track. Mr. Philippou added that residents should not have to wear masks if they can maintain social distancing at the track. Mr. Philippou indicated that reasons for reopening the track include that it has been documented that outside activity has a much-reduced likelihood of transmission of the virus, exercise is beneficial to residents in that it enhances immune function, improves mood, and helps reduce weight from increased eating, further, the track has been paid for by the taxpayers. Mr. Philippou will prepare a letter to the Select Board requesting a time for this discussion with participation from a BOH member on the next agenda. Ms. Levison made a motion for Mr. Philippou to prepare and send the letter to the Select Board; Ms. McCarthy seconded. All were in favor by roll call vote.

The BOH members agreed that discussion of the Harvard Sportsmen's Club is not necessary as its activities are under the jurisdiction of Boxborough.

Ms. Flynn confirmed that the drafted correspondence to the Managers and Residents of Foxglove Apartments and Bowers Brook Apartments were e-mailed last week, and confirmed as received and distributed. Ms. Levison suggested that a second correspondence be prepared if the enclosed information is updated. Mr. Philippou noted that Bowers Brooks' suggested policy requesting visitors show identification to security cameras could be helpful in the event contact tracing is necessary.

The BOH reviewed and considered a draft letter to Chief Denmark authorizing the Harvard Police Department (HPD) to act as agents of the BOH during the COVID-19 emergency. Mr. Philippou expressed concern that the Governor's mask order is unconstitutional, and allowing the Harvard Police Department the authority to apply fees up to \$300 is unnecessary. Ms. McCarthy indicated enabling the HPD to enforce the Order provides safety to the community. Further, she stated, charging Mr. Grossman with sole enforcement is not a good use of his time. Ms. Levison stated that the authority as currently defined in the draft letter, could be problematic in interpretation. Mr. Grossman encouraged the BOH to grant some enforcement authority, and to have a conversation with Chief Denmark about expectations. Mr. Philippou stated he received e-mails from two of residents who do not think using police in this capacity is an appropriate use of their time and abilities. Mr. Grossman noted NABH receives calls daily from residents concerned that others are not wearing masks in stores; in those instances, the Health Agent then calls to speak with the manager. Mr. Philippou agreed to speak with Chief Denmark and send the BOH members bullet points prior to the next BOH meeting when the draft letter will be revised. The members clarified for Ms. Eliyesil that the HPD does not currently have the authority to enforce the mask order with a \$300 fine.

Ms. Levison indicated she suggested draft language to the Emergency Management Team for signage at the Prospect Hill overlook. She will forward the e-mail to the BOH members for their input prior to the next EMT meeting.

The BOH members reviewed Ms. McCarthy's revised mask guidance for the BOH webpage and agreed that it could be simplified. Mr. Philippou will send Ms. Flynn revisions for posting.

b. Action items- Action items were not reviewed.

### **PERMITS-**

The members reviewed a septic permit for distribution box and septic tank replacement at 88 Littleton County Road. Ms. Levison made the motion to approve permit; Ms. McCarthy seconded. All in favor. Mr. Philippou stated Ms. Flynn or Mr. Grossman are authorized to sign the permit on the BOH's behalf.

The BOH members reviewed a letter of January 22, 2020 requesting local upgrade approvals & local variances for 2 Westcott Road. Ms. McCarthy made the motion to approve the requests and variances; Ms. Levison seconded. All were in favor.

Mr. Philippou asked Ms. Flynn to start adding stable permits to the agenda as she is able to review them.

**MINUTES-** The BOH members reviewed and revised the draft minutes of 4/28/20. Ms. McCarthy made the motion to approve the 4/28/20 minutes as amended; Ms. Levison seconded.

**ITEMS FOR NEXT AGENDA-** Items for the next agenda were discussed. The members agreed to revert back to their prior decision that the first and third Tuesdays of the month should be reserved for COVID-19 business, with additional business addressed on the second and fourth Tuesdays of the month. Ms. McCarthy suggested a discussion regarding the proposed emergency bill addressing arbovirus mitigation; Ms. Levison noted comments are due before the next BOH meeting. Mr. Philippou suggested Ms. Flynn convert the letter previously sent to Governor Baker expression concerns regarding roadside spraying into a letter to the Joint Committee on Public Health. He also suggested that each member write their own letter. Ms. Levison encouraged each member review the MACC response letter which includes information that some dispersal agents contain PFAS. Ms. Levison asked Ms. Flynn to copy Senator Jamie Eldridge's office on the letter.

**ADJOURNMENT-** Ms. McCarthy made the motion to adjourn at 8:00 p.m.; Ms. Levison seconded. All were in favor by roll call vote.

***Respectfully submitted,***

***Alison Flynn, Clerk***

**Documents Referenced:**

- Agenda
- Draft minutes of 4/28/20
- Draft Vote authorizing electronic signatures
- Draft guidance regarding the Order on masks
- Draft letter to Chief Denmark authorizing the HPD to act as agents
- MACC letter to the Joint Committee on Public Health regarding H.4650
- 88 Littleton County Road: Septic permit
- 2 Westcott Road: Variance request letter, Local Upgrade Conditions Form, proposed SDS plan, and permit