

TOWN OF HARWICH



BOARD OF HEALTH

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**TOWN OF HARWICH BOARD OF HEALTH  
FRIDAY, JUNE 5, 2020-6:30 P.M.  
HARWICH TOWN HALL – REMOTE MEETING**

BOARD OF HEALTH MEMBERS PRESENT: Chairwoman Pamela Howell, R.N., Vice Chairwoman Sharon Pflieger, Member Ronald Dowgiallo, D.M.D and Member Matthew Antoine

STAFF MEMBERS PRESENT: Health Director Meggan Eldredge & Executive Assistant Jennifer Clarke

**Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Board of Health is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.**

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**I CALL TO ORDER**

Chairwoman Howell called the meeting to order at 10:00 A.M.

**II 10:00 A.M. - BOARD OF HEALTH WORK SESSION**

**A. Discussion and possible vote to adopt the Massachusetts Safety Standards for Restaurants and incorporate them into the Harwich Board of Health Food Service Regulations**

Health Director Eldredge reported that the Massachusetts State Sanitary Code, Chapter 1, allows for the issuance of emergency orders by Local Boards of Health. As we are currently in a State of Emergency as declared by Governor Baker, the Board of Health is able to take any necessary action to meet the emergency. The Massachusetts Department of Public Health, in conjunction with the Division of Labor Standards as developed workplace safety standards for restaurants in response to the COVID-19 pandemic. These standards allow for restaurants to operate under strict guidelines. Enforcement of these standards is through verbal and written

warnings followed by fines. By adopting the standards into the Harwich Board of Health Regulations, we will be able to effectively regulate non-compliance through Board of Health action, rather than rely on non-criminal complaints through the court system. The adoption of these standards would cease upon removal of the State of Emergency through the Governor's office, or when COVID-19 Order 35 and Order 13 are rescinded, whichever is sooner.

Health Director Eldredge provided the Board with an overview of the Massachusetts safety standards for restaurants.

Ms. Howell asked how we will know that restaurants are being compliant and that their staff has been properly trained. Health Director Eldredge responded that the standards require that every business complete a self-certification, which has to be provided at any time upon request.

Mr. Dowgiallo asked how restaurants without outside seating areas will operate. Health Director Eldredge responded that the Alcohol Beverage Control Commission (ABCC) is allowing for outdoor seating and expansion of licensed premises. There is a process that establishments will need to follow, which has been outlined during a remote call held earlier this week. If establishments are looking to expand, they will need to provide to-scale drawings of their plans, including number of seats and setup of the area. If the establishment is looking to go off of their own property, they will need to provide a lease or written document from that property owner. The Board of Selectmen will review the submitted plans and go through the approval process. If an establishment already has an outdoor seating, and they are not looking to expand, they do not need to do anything to move forward.

Ms. Pflieger asked what would happen if it rains. Health Director Eldredge responded that tents are allowed as part of the Governor's order, as long as 50% of the sides are open. Umbrellas and awnings are also okay. It is anticipated that indoor dining will be opening at some point during phase 2, but the date of that is unknown.

Adopting these regulations would allow the Board of Health to hold a hearing to amend, revoke or suspend a food service license due to a violation of the safety standards.

Ms. Howell had heard that there were violations over Memorial Day weekend. Selectman Larry Ballantine responded that there were violations at a couple of establishments, and that the Selectmen have authorized the Interim Town Administrator to hold enforcement hearings.

Restaurants have been e-mailed examples of signage that they can post in their establishments.

Mr. Ballantine reported that the Board of Selectmen will be meeting at 1:00 p.m. to define what action can be taken.

Mr. Ballantine stated that he received a call from our local democratic party who are hoping to hold an outdoor meeting in the near future. The group has plans to use social distancing while outside. He asked if this event would be allowed to move forward. Health Director Eldredge responded that gatherings of 10 or more are still restricted, unless they are in an unenclosed outdoor space and able to social distance.

**Mr. Antoine moved that the Board of Health adopt the Massachusetts Safety Standards for Restaurants under the authority of M.G.L Chapter 111, Section 31 and 105 CMR 400.000: The Massachusetts State Sanitary Code Chapter 1, to be effective immediately, 2<sup>nd</sup> by Mr. Dowgiallo. The vote was 4-0-0 with Ms. Howell, Ms. Pflieger, Mr. Dowgiallo and Mr. Antoine all voting aye by roll call.**

### III OTHER A. COVID-19 Update

Health Director Eldredge reported that Harwich has a total of 121 positive cases of COVID-19, which includes the 71 cases associated with Wingate. Of the 50 cases outside of Wingate, we have 38 that have recovered and 4 that have passed away, leaving 8 active cases. Some of the 8 active cases are household members of a previous positive

case and some are workers of long term care facilities outside of town. Health Director Eldredge reviewed the DPH reporting.

Ms. Pflieger feels that there will be a significant rise in positive cases after all of the demonstrations that are happening.

Ms. Howell was notified that off-cape CVS Pharmacies have COVID-19 testing available, but you administer the test yourself. Health Director Eldredge is aware that testing is available for those that are eligible.

Ms. Pflieger asked if there are any plans in place if the case numbers start moving in a negative direction. Health Director Eldredge responded that part of the re-opening approach allows for moving backwards into a previous phase if the public health data stops trending in a positive direction.

X **ADJOURN** -The meeting adjourned at 10:35 a.m.

**Mr. Dowgiallo moved to adjourn the meeting at 10:35 a.m., 2<sup>nd</sup> by Mr. Antoine and approved 4-0-0 by roll call**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Tuesday, June 16, 2020 at 6:30 p.m.**

Documents included in June 5, 2020 Board of Health Meeting Packet:

- Board of Health Agenda dated June 5, 2020
- Memo to Harwich Board of Health from Health Director dated June 4, 2020
- 105 CMR 400.000: The Massachusetts State Sanitary Code, Chapter 1
- MA Safety Standards for Restaurants
- Any other documents submitted for/at the June 5, 2020 Board of Health Meeting