

HAMILTON BOARD OF SELECTMEN &
HAMILTON BOARD OF HEALTH
MINUTES OF JOINT MEETING

Teleconference

March 30, 2020

Selectmen Present: Chair Jeffrey Hubbard, Shawn Farrell,
William Olson, Darcy Dale, and Rosemary
Kennedy

Board of Health Members Present: Chair David Smith, Giselle Perez, and
Chris Small

Town Manager: Joe Domelowicz

** All of the above participated remotely. This meeting was conducted via Zoom teleconference with all board members and other participants remaining in their homes.*

At 6:04 p.m., Chair Jeff Hubbard called the Joint Meeting teleconference to order for the Board of Selectmen (BOS) and took roll call. All were present except for Shawn Farrell. Chair David Smith called the meeting to order for the Board of Health (BOH) and took a roll call. He noted BOH staff members who were also on the call: Leslie Whelan, health agent, and Christine Lee, public health nurse. The Pledge of Allegiance was recited.

Mr. Farrell joined the meeting and was recognized for the BOS roll call.

ANNOUNCEMENTS & BOARD OPENINGS

- The Council on Aging, Hamilton Historic District Commission (HHDC), Open Space Committee, and Essex North Shore Agricultural & Technical School Committee (appointment by the Moderator) each have one opening. The HHDC position is for an alternate.

PUBLIC COMMENT

None.

Selectmen/Town Manager Reports

Mr. Farrell, Darcy Dale, William Olson, and Town Manager Joe Domelowicz gave no report.

Rosemary Kennedy added to the above Board Openings that the Conservation Commission has an opening.

Mr. Hubbard recognized and thanked first responders, the Department of Public Works (DPW), and Town employees and their families for their response to the COVID-19 crisis.

AGENDA

Update from BOH Chair on Community COVID-19 Response—David Smith

Mr. Smith referred to the agenda he'd created. In accordance with that agenda, Public Health Nurse Ms. Lee gave an update: COVID-19 positives in Hamilton—two; contract tracing—three who are showing symptoms or are in the 14-day, wait-and-see period due to having had contact; labor hours she expects—40-50 hours a week, but they will fluctuate.

Mr. Smith asked Chris Small to give a summary on the most recent conference call with the Department of Public Health (DPH). Mr. Small's key points: Round 1 of State funding was approved with another round coming, so Hamilton will be receiving so far \$10K (\$5K for each round). The State will be looking for people to do case tracing. Response time was discussed. Volunteers are being sought to assist public health nurses. Names and addresses of those who test positive are only shared with the public health responder. Towns can delay nonemergency complaint inspections. There will be reciprocity with regard to trucks and their licenses. Mr. Smith added he took comfort in learning the DPH is able to turn around test results within two days from the time of the sample collection to the test results being provided. He said the number of tests has ramped up considerably. Ratio of positives is about 10%. A publication by the DPH has a table that lists who may be tested. The criteria is still stringent but is more relaxed than before. Mr. Farrell asked if flu tests are being required first. Ms. Kennedy, who works at Mass General, said about 40 percent of the time they do run both tests.

Dr. Giselle Perez, a behavioral scientist at Harvard Medical School who also works at Mass General Hospital, gave a summary of what she is hearing and dispelled some myths. She talked about concerns on false negatives, which hasn't been discussed widely. Those considered low risk or who don't have symptoms aren't getting tested or aren't reporting because they are asymptomatic. More is being learned about aerosol transmission and that's why wearing masks is encouraged, although depending on the mask, the virus can go

through it. She doesn't want people to have a false sense of security because they are wearing masks. The incubation period of the virus is up to about 15 days. Some get better but then get sick again; when they feel better they can still shed the virus. New information is being learned each day so they shouldn't make assumptions. They expect the peak to be in approximately a little over a week. The risk remains lower if people are physically distant from each other. Changes in smell and taste are symptoms, according to new research. Mr. Smith added one week ago there were 70 cases in the State and now there are about 700. Mr. Domelowicz encouraged people to keep physical distance and talked about public service announcements the Town is producing. He is seeking some local officials to speak on the videos. He asked Police Chief Russell Stevens and School Superintendent Dr. Julie Kukenberger, who were on the call, if they would participate; both agreed. Mr. Domelowicz said anyone who knows a good messenger for getting information out should get in touch with him.

Ms. Dale said she forwarded information to the BOS showing when you look at Essex County, if they continue on the current social distancing track, they can expect around 100,000 cases. If they did nothing it would be more like 400,000 cases. If they did everything perfectly from the beginning it would be only about 7,000. She thought the math might help motivate people to comply with the guidance.

Chief Stevens asked for advice on enforcing protocols and whether they should shut down parks and playgrounds. Dr. Perez thought using caution tape or other visual reminders to mark off the playgrounds was a good idea. Wenham Town Administrator Anthony Ansaldi commented that Wenham echoes Hamilton's concerns about this. He said Wenham's BOH will take up the topic of enforcement on Wednesday. He noted Jackie Bresnahan [Wenham's Administrative Services director] was also on the call. Recreation Director Sean Timmons said they'd posted signs in the parks, but some people are ignoring them. Warmer weather will necessitate more signs. Ms. Kennedy said she did see a sign above the basketball courts, but it was gone now.

Mr. Domelowicz asked if the BOS wanted to make a motion that the Town take measures to prohibit playing in the parks, such as by taking down swings. They could also issue fines for infractions if necessary. Mr. Olson said he felt the Town message should use "broad strokes."

Decision #1:

Mr. Farrell made a motion that the BOS close the parks, playgrounds, and fields in Town. Ms. Dale seconded the motion.

Further Discussion:

Town Counselor Tom McEnaney advised they put in a date for when the action will go into effect, to give the Town time to take steps. He said if they closed parks just generally, that

might prevent people from walking in other areas where they could walk safely without close contact. The BOS discussed that trails can be left open, but said they wanted to shut down Patton Park. Ms. Perez said when you take away something, you need to offer an alternative and provide education based on people's needs. So if they close the parks, they needed to show what trails are open for use. Mr. Domelowicz asked if they could amend the motion to make it effective Thursday at noon.

Marybeth Ting commented she is employed by Wenham's BOH (as a public health nurse) and is married to the Wenham's BOH chair [Dr. Andrew Ting], but doesn't speak for the Board. She expressed concern the Rail Trail has been crowded with many cars parked along Route 97, where there was a tragic bike accident over the weekend. Mr. Hubbard asked for clarification on whether she was suggesting they close the Rail Trail. She said she was just noting it was crowded. Dr. Perez said people need to be able to go outside, but have to find different routes so they can stay remote. They discussed various locations still open, such as the county's Greenbelt trails.

Chief Stevens said there's worry about an uptick in domestic violence when people are locked in their homes; although they haven't seen that yet, they need to be prepared. If they shut down Patton Park, it was discussed that a Code Red should go out informing people. The Chief stressed giving people "an out" for where they can go to get outside and walk. People's tendency is to push back if they don't have an out, he said. Dr. Perez said families need safe places to park when they are going to walk the trails, and the Town should offer guidance on that. Chief Stevens said people also come from out of town who wouldn't get the information, and he said he thinks the tennis and basketball courts, etc., need to be shut down. He has heard the surge in the virus is going to be between April 7 and April 17. He said he wants education first and enforcement second. He will put a cruiser at the park to move people along. Mr. Hubbard asked if they should keep Patton Park open and just shut down the playground, courts, and fields. The Chief said no, he'd like to shut down the whole park completely, but wanted to give people options by telling them about the trails.

Decision #1 (Continued):

Mr. Olson amended Mr. Farrell's motion (above) to close down every field, court and playground in Hamilton, and added the following: "including the entire Patton Park, starting at noon on Thursday until further notice." Mr. Domelowicz asked if they wanted both boards to vote on it; the consensus was yes.

Further Discussion:

The issue was raised about taking action sooner than Thursday because there is worry over COVID-19 case numbers climbing. Mr. Domelowicz said they could start shutting things down, but wanted Hamilton's motion to be in line with Wenham's (who will be discussing the matter on Wednesday). Ms. Dale stressed lives were at stake. Mr. Domelowicz said they

would get a Code Red message out and take immediate steps, such as putting padlocks on the gates to the tennis courts, right away.

Ms. Lee said based on her experience with what is effective with kids, she thought having a fine attached to this order would help. Mr. McEnaney recommended specific penalties on infractions rather than having them discretionary. He said the BOH could take a vote similar to the BOS's to close the parks, but it was the BOH who should vote on whether to impose fines, and if so, what the fine schedule should be. He said other communities he's worked with who've adopted these types of orders have done so, not with an intention to issue tickets and fines, but more as a messaging effort to get the importance of social distancing across.

Decision #1 (Continued):

Mr. Domelowicz referred to the motion to close the playgrounds, fields, and courts and all of Patton Park, and to have the action effective Thursday at noon, but said he would begin the closings tomorrow. A roll call vote was taken with "ayes" from Mr. Farrell, Mr. Olson, Ms. Dale, Ms. Kennedy, and Mr. Hubbard, (5-0) unanimous. A roll call vote was taken by the BOH with "ayes" from Mr. Smith, Dr. Perez, and Mr. Small, (3-0) unanimous.

Decision #2:

BOH Chair Mr. Smith made a motion the Board of Health institute a fine schedule for violations of the motion just passed with fines consisting of: First offense—a warning. Second offense—a fine of \$500. Third offense—a fine of \$1,000.

Further Discussion:

Dr. Perez said she believed fines would change behavior, but she worried people weren't going to understand when it happened to them and wanted to make sure they were given enough warning.

Decision #2 (Continued):

Mr. Smith amended his motion to say the first offense would be a written warning with education provided to the offender as to why and with recommendations for alternatives; the second offense would be a \$100 fine with educational materials provided; and the third offense would be a \$500 fine.

Further Discussion:

Mr. McEnaney asked who would be enforcing the order, as the Police Dept. is not an agent of the Board of Health. In his opinion, the BOH could request that the Police Dept. serve as the enforcing officer for this situation.

Decision #2 (Continued):

Mr. Smith amended his motion again, this time to include that the Board of Health now authorizes the Hamilton Police Dept. to enforce the order along with agents of the Board of Health. Mr. Small seconded the motion with the two amendments. A roll call vote was taken with “ayes” from Mr. Small, Dr. Perez, and Mr. Smith, (3-0) unanimous.

Mr. Domelowicz thanked Chief Stevens for his willingness to provide the enforcement. He said he would work with Ms. Lee and Ms. Whelan to write up the educational materials. Chief Stevens asked that the materials include options for people (list of open trails). He also asked Mr. Domelowicz about moving the signboard for the closing of Patton Park. Mr. Domelowicz thanked Dr. Kukenberger, saying she had already sent an email to the School’s facilities director about the actions taken.

Mr. Smith said one last item on his agenda is that there’s a consistent theme on the Hamilton community’s Facebook page that some young people are still getting together in groups and not complying with social distancing. Most residents in Town, he said, were supportive of what the Town was doing. Dr. Kukenberger said young people had originally been told at the outset that the virus wasn’t affecting them much, and now they needed to hear new messaging. Mr. Smith said Dr. Perez had pointed out adolescents typically pay attention to peers they respect. Mr. Smith said they should identify the social leaders in those age groups to broadcast their message. Dr. Perez said they might also identify coaches and other adults kids respect. Dr. Kukenberger said she would pull that together.

Update on Local Government Operations—Town Manager

Mr. Domelowicz said last week, effective Tuesday at noon, Governor Charlie Baker had asked nonessential employees to stay home. He said the Town had adapted its work schedule to limit interaction with the public as much as possible. The Legislature was also taking up items to make things easier for towns, such as by a relaxing of quorum requirements for town meetings. The House, though, struck that out of the bill. Mr. Domelowicz said he had supported a letter asking that they return that language to the bill. It hasn’t been voted on yet. Chief Stevens discussed efforts to limit exposure and said his department has the PPE (personal protection equipment) they need for right now.

Mr. Domelowicz said the contract for the LED sign at Town Hall had been signed. Some pavement marking work will be done during this time of lower use of the roadways. The Hazard Mitigation plan was approved, and the Town will be getting reimbursement of about \$163K. He appeared virtually at an Asbury Grove Board of Directors meeting. The Grove is moving ahead with the water meter work discussed at previous BOS meetings.

Mr. Farrell asked for clarification about the Governor’s Executive Order, asking if the Town would need to seek a Special Act for postponing the date of Town Meeting. Mr. McEnaney said in the event it isn’t possible to hold a meeting prior to June 30, when the fiscal year

ends, he would expect there to be legislative action to address that. He thinks the Town would go to a measure whereby the Town can expend 1/12 of its prior year budget on a monthly basis.

Mr. Hubbard asked how residents have been and if Mr. Domelowicz were hearing complaints. He said no. One resident called to ask why Town employees were still working, concerned they stay safe. People are understanding, he said. He added the Town is not sending any inspectors into homes for anything that's not essential.

Updates from State Actions—Tom McEnaney

Mr. McEnaney said following the Governor's order on March 23, there were questions about construction services. On March 25, the Governor issued a letter trying to clarify some of those issues. Towns have said they don't want to rescind bans on construction because it's too hard to practice safety measures. The Governor said construction work was essential and tried to set forth guidelines on the conduct of tradesmen on the construction site to socially distance, maintain sanitary facilities for the workers to wash their hands, etc. There was also talk about town meetings and elections. Mr. Domelowicz said he and Finance Director Marisa Batista are keeping track of COVID-19 response receipts for later reimbursement.

Mr. Smith said he felt public health nurses might become overwhelmed with contact tracing and monitoring. He said it might be a significant increase in labor the Town might incur. He said the State so far seemed sympathetic, as the Town had already received money [the \$10K mentioned earlier]. Ms. Dale asked if contacts were going to be tested. Mr. Smith said contacts would need to record and report their temperatures daily and it would go into a data base. Those testing positive go into a 14-day isolation period and then after the 14 days, they submit to two consecutive day-apart tests before they can go back into the general population. Someone who has been in contact with someone positive has to go through the 14 days and then can be released. Ms. Dale wanted to make sure they were testing the contacts. Mr. Smith said yes if they meet certain criteria.

Update on Steps Taken by Other Municipalities—Town Manager

Mr. Domleowicz said this agenda item had already been discussed. Other towns have limited their use of ballfields, tennis courts, etc., and Hamilton is now doing similar.

Mr. Smith brought up his checkup on Crosby's and said the store seemed to be doing everything it can to comply with the health requirements, including instituting curbside pickup and online ordering.

Ms. Dale asked that the BOS continue to meet every week (on Mondays) as things are moving so quickly.

OTHER BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

None.

Adjournment

Ms. Dale made a motion the BOS adjourn at 7:50 p.m. Ms. Kennedy seconded the motion. A roll-call vote was taken with "ayes" from Mr. Farrell, Mr. Olson, Ms. Dale, Ms. Kennedy, and Mr. Hubbard, (5-0) unanimous. Mr. Smith made a motion the BOH adjourn. Mr. Small seconded the motion. A roll-call vote was taken with "ayes" from Mr. Small, Dr. Perez, and Mr. Smith, (3-0) unanimous.

Prepared by:

Mary Alice Cookson , 4-27-2020
Mary Alice Cookson Date
Minutes Secretary

Attest:

Darcy Dale , 4-27-2020
Darcy Dale Date
Board of Selectmen Clerk