



Town of Oak Bluffs
Board of Health
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William White
Chairman

James Butterick
Thomas Zinno
Board Members

Meegan Lancaster
Health Agent

**BOARD OF HEALTH MEETING
July 16, 2020 – MINUTES**

Members Present: William White, James Butterick, Thomas Zinno

Others Present: Meegan Lancaster, Lorna Welch, Ryan Ruley, Brian Packish, Robert Whritenour, Jackelyn Cavanaro, Phil Cordello, Alfie Daniels, Maura McGroarty

Chairman White called the meeting to order at 10:00 am.

BOARD MEMBER DISCUSSION:

- **Vote to require mandatory mask use in:**
 - a. **Oak Bluffs Harbor District**
 - b. **B1 Commercial District**
 - c. **B2 Small Scale Business District**
 - d. **Seaview Ave. from the intersection with Circuit Ave. Extension to the intersection with Tuckernuck Ave.**
 - e. **Lake Ave. between Kennebec Ave. and Seaview Ave.**
 - f. **Ocean Ave. from its northerly point at Lake Ave., curving around Ocean Park and intersecting with Seaview Ave. at its southerly point.**

Ms. Lancaster went over the area to be included in the proposed mandatory mask order and discussed with the Board. Mr. White took comments from meeting attendees. Mr. Ruley commended the Board for going about this in a good way by getting a plan in place before putting the order in place.

Jackelyn Cavanaro inquired about enforcement. Ms. Lancaster replied per the Governors order you have to be an agent of the BOH to enforce it so the only people who could can legally write tickets up to this point has been herself and the three-member, voluntary elected Board. The Police Dept. has three or four Community Service Officers (CSO's) who on off duty time will be functioning as agents of the BOH for enforcement and education. The Dept. of Public Health has been abundantly clear with Health Agents throughout the State that the path for enforcement is not immediately to move to ticketing. The goal of this is always to start with education with a request for compliance and then to move towards further measures if needed. Ms. Cavanaro stated that as a caregiver it is not fair that elderly people with cancer are not able to go out and that they should not be on lock down anymore and something should be done. She walks around and has seen people cough on a child just because they felt like it and it is ridiculous. She feels something needs to be done for their safety. By saying they you are going to talk to people about wearing masks that you are putting the entire island in jeopardy. After several more comments by Ms. Cavanaro, Ms. Lancaster replied that she completely understands her concerns and this was the best next step that we can reasonably take to start addressing this issue.

7/16/2020

Brian Dowd asked if Police Officers could not issue a ticket. Ms. Lancaster responded that they could not issue a ticket and that you have to be an agent of the BOH under State Law in order to issue a ticket. In our case this will be the CSO's that have been deputized to act on behalf of the BOH. She explained that this was the best solution for us because there are safety issues as well and the CSO's are trained officers who know how to deal with contentious issues.

Phil Cordella stated that he thought that there probably are many community members who would like to help. He thought we could cover a lot more ground/hours if we could expand the number of people who could help with this issue. Mr. White stated that if we deputize private citizens without training it could be a liability. Mr. Cordella offered his help if we ever decide to go that route.

Mr. Packish stated that he appreciated all the efforts and he agreed with Mr. Ruley about putting people in place to enforce prior the order was the right decision by the BOH. He feels that once the order is in place he doesn't think compliance with change on a large scale level but does think it is the right step. He thinks that the public outcry for tickets will get louder. He has received text messages from residents who want the order and has had just as many who think it is unconstitutional and they don't plan on wearing one. He expressed concern about how the BOH will manage the complaints and onslaught of photographs etc. but feels we are capable and having been managing a very difficult scenario for a long time. He looks forward to getting the order in place so it can begin to be enforced and that we will need to be relentless in our enforcement to attempt to find any significant change. He wished the BOH a lot of luck in rolling this out.

Ms. Lancaster stated that we have a dedicated email set up for complaints and we are having IT set up a phone number as well that will feed into that email account and it will be checked on a daily basis. There is also the opportunity to file complaints with the Dept. of Labor Standards online.

Alfie Daniels asked if this order will be similar to the Edgartown mask order. Ms. Lancaster responded that both of these orders were based substantially off work that had been done previously on Nantucket. They were both reviewed by Reynolds, Rappaport & Kaplan which is the law firm that Edgartown and Oak Bluffs both share and they are substantially similar. She also stated that Oak Bluffs is at the forefront in terms of the enforcement in this and she is really grateful for the participation of the police dept. and we are fortunate enough that our police chief as CSOs that have returned from previous seasons and he feels comfortable utilizing those staff members to support us. It is a resource that not a lot of other towns have so she is thankful for having that.

Mr. Butterick stated that he just wanted to point out the BOH has been meeting on a weekly basis and this will be an agenda item and we'll review what happens over the weekends and if there's more things that we need to do then we'll talk with Chief Blake and we will do those thing. He also pointed out that in the order where it talks about education and various levels of fines it does not preclude involving the police where more unlawful activity, assault or other kinds of things like that are happening. Ms. Lancaster agreed and stated that Chief Blake spoke about having a uniform officer on the harbor in support of the CSO's in terms of an implied threat or actionable threat to the CSO.

Maura McGroarty requested that the area included in the order be extended from Tuckernuck to where the tall seawall starts after the sidewalk ends. She also stated that Meegan was doing a great job.

Ms. Daniels requested that along the town beach all the way up from the Steamship Authority near Tuckernuck to put up additional signage in that area as the signage currently there is small. Ms. Lancaster responded that we have additional new signage going up.

Ms. Lancaster stated that there are two proposed amendments to the order. One is including Niantic Park area and the other one was extending further up to Farm Pond along the seawall. She asked if the Board would like to amend the way it is written currently or do they want to keep moving on the way it is written. The Board stated they would like to amend to include these areas.

Mr. Butterick made a motion to approve the mandatory mask order with the amendment discussed: the addition of Niantic Park, Grove Avenue and extending Seaview to the pedestrian crosswalk. All in favor. Roll call vote taken.

Ms. Lancaster stated the order goes into effect Friday, July 17th at 8:30 am and remains in effect until notice is given pursuant to the BOH's judgement that this order is no longer necessary or the COVID 19 Mass. State of emergency is suspended or whichever occurs first.

Mr. Butterick made a motion to adjourn. All in favor.

Respectfully submitted by Lorna Welch, Administrative Assistant.