

**Approved: May 19, 2020**

**Board of Selectmen Joint Meeting: May 1, 2020**

**Present: Freiman, Ulfelder, Olney, Sullivan Woods, Morgan**

**Also Present: Jop, Frigulietti**

**Warrants approved: none**

**Meeting Documents:**

1. Agenda
2. List of communities with mandatory face covering orders

**1. Call to Order**

Ms. Freiman, Chair, called the Emergency meeting of Board of Selectmen and the Board of Health to order at 12:05 pm online joining the Board of Health. Mr. Cohen called the Board of Health to order.

Board of Health members present: Chair, Mr. Cohen; Vice Chair, Ms. Testa Simonson; Secretary Ms. Oliver Grape. Health Department Director, Mr. Izzo.

Mr. Harrington and Ms. Rubin from Town Counsel's Office and Chief Pilecki joined the meeting

**Upon a motion by Mr. Morgan seconded by Mr. Ulfelder, the Boards were polled and voted (8-0) that to facilitate the joint meeting between the Board of Health and the Board of Selectmen both Boards move to appoint Marjorie Freiman to act as Chair of the Meeting and to appoint Shephard Cohen to act as Secretary.**

**Sullivan Woods - Aye**

**Olney - Aye**

**Ulfelder - Aye**

**Freiman - Aye**

**Morgan - Aye**

**Mr. Cohen - Aye**

**Ms. Testa Simonson - Aye**

**Ms. Oliver Grape - Aye**

Ms. Freiman announced the meeting was being streamed live on Comcast channel 8 and Verizon channel 40 and by Wellesley Media and recorded for subsequent viewing on the cable channels or at [wellesleymedia.org](http://wellesleymedia.org).

Ms. Freiman declared that the Chairs of both the Board of Selectmen and the Board of Health were not aware of the topic for discussion more than 48-hours prior to the commencement of the meeting. She added that there was an eminent need to hold the meeting and postponing the meeting in order to allow for 48-hours notice was not practicable given the circumstances.

Ms. Freiman stated that the Boards would hold all comments until after deliberations as the discussion would likely answer many of the questions and concerns of those wishing to speak. She noted that speakers would be asked to limit their comments to no longer than three minutes.

**2. Citizen Speak**

Mr. Hanron of 141 Great Plain Avenue he stated he believed the number of cases presented in the Town issued daily briefings was confusing and asked for additional information to be released publically. He asked for the information regarding hospitalization and asymptomatic positive cases be released without compromising patient privacy.

### **3. Joint Meeting with the Board of Health to Discuss and Vote Mandatory Mask Order Due to COVID-19 Outbreak**

Ms. Freiman stated that there had been no single factor or incident that had given rise to the meeting and no information had been withheld from the public. She added that the meeting was taking place given the large number of comments and concerns from residents expressed to staff and individual Board members about safeguarding public health. She noted that given the increasing nice weather the Boards deemed meeting essential to discuss and provide the public with advance notice of any potential new policies. She noted that should a decision be made a reverse 911 call would go out. Ms. Freiman stated that since COVID-19 had emerged in Massachusetts, Town staff and officials had been meeting regularly to become educated on the virus and to ensure the continuation of Town operations and services. She added that the Town had been following the CDC, the State Board of Health, Wellesley Board of Health and the Governor's Daily press conferences on an ongoing basis. She stated that the Board of Health and the Selectmen are authorized and directed under Massachusetts law to use all possible care to prevent the spread of infection when a disease dangerous to public health exists in the town. She added that many comments received by the Boards related to concerns related to those unknowingly transmitting the virus and the large amount of those who are asymptomatic carriers.

Ms. Freiman stated many comments received by staff and Board members indicated that the percentage of residents using facial coverings in public was much lower than many believed given the guidance from the Town and state officials. She added that discussions amongst officials and staff had centered around the balance of protecting public health and allowing residents to maintain physical and emotional health by being outdoors. She stated that the Board had received over 120 emails regarding the proposed order mandating facial coverings in public. She added that that the majority of written comments received by the Board were not in favor of wearing facial coverings while exercising. She noted that many comments stated clearly that a large number of residents are not adhering to social distancing advisories while out in public. Ms. Freiman added that the Boards had received many emails requesting that any limitations of the use of Fuller Brook Park be removed from the order and that those communications influenced the latest draft.

Ms. Jop read for the record and the public, the drafted order regarding face coverings in public.

Mr. Morgan expressed concerns for the ability of any individuals to properly socially distance on trails and parklands as the width of most is less than 6 feet. Ms. Olney stated she believed that the order allows for many exceptions and could create confusion and it may be better to have a blanket guideline. She added that in her own experience on the Town trails there were still too many people congregating in groups. She stated she believed mandating face coverings in public spaces was necessary. Mr. Cohen stated that the Board of Health had discussed not requiring residents to wear face coverings in public while exercising. Ms. Testa Simonson noted questions regarding the effectiveness of homemade masks and other non-medical types of face coverings. She added that she was generally supportive of the drafted order though she had concerns that she had seen no evidence that mandating face coverings while exercising would slow the spread of the virus. The Boards discussed the proposed order and potential revisions.

Ms. Sullivan Woods asked for clarification for the enforcement of the order. Ms. Freiman stated that the order did not speak directly to violations and enforcement as to not place undue burden on the Police

Department. Mr. Cohen noted that the Health Department would be responsible for compliance in many essential businesses, specifically those that sell food. Ms. Jop stated that electronic message boards and a reverse 911 call would be utilized to notify the public regarding the order. She noted that signage would be available to the businesses to use for notification and warnings to the public. The Boards continued to discuss the drafted order.

Chief Pilecki stated that he was in favor of the order as written. He noted that Police Officers would be out reminding residents of the order. He stated voluntary compliance was the primary goal rather than assessing fines.

Mr. Nelson of 69 Temple Road stated he objected to how the emergency meeting was handled. He stated that the matter could have been addressed at either the previous Board of Health or Board of Selectmen meetings with proper posting. He offered assistance to residents on behalf of the Wellesley Republican Committee.

Mr. Hanron of 141 Great Plain Avenue stated he believed face coverings were not reliable and the Town should not enforce a mandate.

Mr. Jones of 5 Halsey Avenue stated he would like to see the accounting of cases in the daily updates revised and believed the information was confusing.

Ms. Parker of 134 Abbott Road stated she believed the order makes significant changes to the public paths and believed the Town would need to put up many signs. She added that the RDF needed further enforcement of masks.

Mr. Lee of 60 Arlington Road stated he opposed any mandate of face coverings outside and was concerned that the order may change in the future to mandate outdoor face coverings. He added that wearing a face covering while exercising makes breathing difficult.

Ms. Baker stated that the Board should not consider mandating face coverings for residents in outdoor public spaces. She stated that wearing a face mask would make exercising difficult for her.

Ms. Bedard stated she did not want the Board to mandate face coverings in outdoor spaces. She added that many people are using ineffective face coverings.

Mr. Zani of Burke Lane stated he believed residents should wear face coverings in stores to protect themselves and others. He added that he believed there was non-compliance of social distancing specifically in grocery stores.

Mr. Hennessey of Lake Road stated the Town should focus its efforts on requiring facial coverings within essential businesses rather than in open air spaces.

Mr. Grossetti of 38 Pine Plain Road stated he believed the Boards had reacted too quickly and believed the order would be impossible to enforce. He added he did not intend to comply with the Town's order of wearing a face covering in outdoor public spaces.

Mr. Cohen stated that the Governor had just issued an executive order that all residents in the state must wear face coverings in public places where social distancing cannot be met such as grocery stores and public transportation effective May 6<sup>th</sup>.

The Boards further discussed the drafted order and the Governor's Order issued while the meeting was proceeding. Mr. Harrington stated he would review the Order from the Governor but the Town would have the authority to make guidelines that are more restrictive than the state. Ms. Jop read the Governor's Order for the record and Board review. The Boards discussed the differences between the Town's drafted order and the Governor's Order. The Boards agreed to reflect on the Governor's Order and meet jointly to continue the discussion of issuing a separate Town order at the Selectmen's meeting on Monday, May 4<sup>th</sup>.

**Upon a motion by Mr. Cohen and seconded by Ms. Testa Simonson the Board of Health was polled and voted (3-0) to adjourn their meeting.**

**Mr. Cohen – Aye**

**Ms. Testa Simonson – Aye**

**Ms. Oliver Grape - Aye**

The joint meeting was adjourned at 2:37 pm