

**MARBLEHEAD BOARD OF HEALTH
EMERGENCY MEETING
MINUTES, December 27, 2021**

Present: Chm. Todd Belfbecker, Helaine Hazlett, Joanne Miller, Andrew Petty, Director
Also Present: Dr. Tom Krueger (League of Women Voters)

Web-based video conferencing meeting of the Board of Health via Zoom.

Meeting called to order at 7:34pm.

In accordance with M.G.L. c. 111, & 31, the Board will vote on the following:

- A determination that a public health emergency exists due to the current state of the COVID-19 Pandemic;
- A mandatory indoor mask requirement in all public indoor spaces;

Chairman Belfbecker began the meeting by mentioning the rapid increase of COVID-19 in Marblehead prior to and after the holidays. PCR tests are the only official results that are reported to the health department and many residents are self-diagnosing with at home rapid tests which means the actual number of cases in town is likely higher than reported. At the last meeting the Board voted on a strong recommendation to wear a mask or facial covering indoors in any public space. Helaine states that she visited 20 different establishments in town to see if people were wearing masks. Some store owners and employees were not masked. Marblehead is the only community in the area that does not have a mask mandate. Quarantining has now been reduced from 10 days to 5 days from the CDC. Helaine said she would like to see the Marblehead Reporter and MHTV get the word out to the community on masking. Joanne said she was grateful to town residents for the high vaccination rate but said Marblehead is not in a bubble and should be aware of what other communities are doing.

Todd read aloud the following COVID-19 Public Health Emergency Mask Mandate:

Notice is hereby given that on December 27, 2021 the Board of Health adopted the following emergency regulation under the provisions of MGL Chapter 111, §§ 31, 104 and 122: Based upon review of current COVID-19 caseload and testing positivity rates in the community and the rise of the Delta Variant, the Board of Health has found that there exists in the community a disease and cause of sickness that is dangerous to public health and that action is necessary to minimize the further spread of that disease

1. Effective at 12:01am December 28, 2021 face coverings that cover the nose and face are required for all individuals, regardless of vaccination status, aged two years and above in all indoor public spaces, including but not limited to restaurants, retail establishments, restaurants, bars, performance venues, social clubs, event spaces, places of religious worship and municipal buildings, or private spaces open to the public.
2. Notwithstanding any provision in this Order, face coverings should not be placed on young children under 2-years-old, anyone who has trouble breathing, anyone who is unconscious, incapacitated or otherwise unable to remove the face covering without assistance, or anyone who due to disability is unable to wear a face covering.
3. Food service establishment customers may only remove face coverings when seated and consuming food and beverages.

4. Indoor performance venue customers may only remove face coverings in the actual act of eating and drinking, if permitted in the venue.
5. Lodging guests and workers are required to wear face coverings when inside hallways and common areas.
6. Residents and employees of multi-family dwelling units are required to wear face coverings inside hallways and other common areas. Notice of this requirement shall be posted at all entry doors to the building and common areas.
7. Fitness Center/Health Club workers, customers, and visitors are required to wear face coverings during fitness activity, including strenuous activity and group activity.
8. At Personal Services establishments, including, but not limited to, barber shops, hair and nail salons, massage, all customers and workers are required to wear face coverings, except for skin or beard care that occurs on the face, where the customer may temporarily remove the face covering but must immediately put the face covering back on for the remainder of the visit.
9. Face Coverings remain mandatory for all individuals on public and private transportation systems (including rideshares, livery, taxi, ferries, and buses), in healthcare facilities and in other settings hosting vulnerable populations, such as congregate care settings, as directed by the Governor and the Massachusetts Department of Public Health.
10. Nothing in this regulation shall affect the state and federal orders already in effect in Massachusetts and mandates established by the Commissioner of the Department of Elementary and Secondary Education regarding the wearing of facial coverings in school.
11. All entry doors of businesses open to the public must post notice advising customers that face coverings must be worn inside the establishment. Establishment staff must supervise and enforce this requirement. If a customer refuses to wear a face covering for non-medical reasons, a business may decline entry to the individual.
12. The Board of Health and authorized agents pursuant to MGL chapter 111, § 30, are authorized to enforce this regulation and if necessary, may do so with the assistance of the Police Department, in the sole discretion of the Chief of Police.
13. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to: for a first offense, a written warning; for a second offense, a penalty in the amount of one hundred dollars (\$100), for a third offense, a penalty of two hundred dollars (\$200); and for a fourth or subsequent offense, a penalty in the amount of three hundred dollars (\$300.00). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
14. Notwithstanding the foregoing, agents and officers are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, and they may issue verbal or written warnings prior to determining that an offense has occurred.

This Regulation shall remain in effect until March 8, 2022 unless rescinded earlier by the Board of Health.

As the mandate was read many citizens were interrupting and voicing their opinions.

MOTION to approve mask mandate for the Town of Marblehead. On a polled vote the Board voted as follows: Ms. Miller, in favor; Mrs. Hazlett, in favor; Dr. Belfbecker, in favor.

The vote will be reconfirmed on Wednesday, December 29th.

MOTION to close meeting. On a polled vote the Board voted as follows: Ms. Miller, in favor; Mrs. Hazlett, in favor; Dr. Belfbecker, in favor.

Meeting adjourned at 8:06 pm.

Andrea Flaxer
Senior Clerk