

Principal Clerk
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TOWN OF ORLEANS – BOARD OF HEALTH

MINUTES OF MEETING

January 6, 2022

The Orleans Board of Health convened this meeting on Thursday, January 6, 2022, as a hybrid meeting. A quorum of Board of Health members was present in the Nauset Meeting Room of the Orleans Town Hall. Others could join the Board meeting in person or via remote participation, with real-time public access provided by Orleans Channel 18 on the Town website and cable television.

Board of Health members present: Chairman, Mr. Joseph Hartung, Vice Chairman, Mr. John Smith, Clerk, Mr. Sims McGrath, Jr., Mr. John Kanaga, and Mr. Luke Chapman.

Also present: Health Agent, Ms. Alexandra Fitch; Town Administrator, Mr. John Kelly

Mr. Hartung called this meeting of the Orleans Board of Health to order at 2:00 p.m. and explained the details of how to gain remote access to the meeting.

Agenda Item 1: Public and Press

There was nobody to speak during public comment.

Agenda Item 2: Variance Request – 136 Bakers Pond Road

David Currier, petitioner of the variance and owner of 136 Bakers Pond Road, was present to represent himself.

Mr. Currier proposed to install a swimming pool in the backyard of 136 Bakers Pond Road. The design proposes that the fence surrounding the pool area be up to 63 feet away from the apron of the pool at two different points. Mr. Currier proposed to install an alarm on the back door on the dwelling as well as an alarm on the gate for the pool fence.

Ms. Fitch cited the current regulations in the Town of Orleans Code, specifically that the distance from the pool apron to the swimming pool fence is not to exceed 20 feet:

§147-1 Fencing requirements:

Every residential, outdoor swimming pool shall be totally enclosed by a fence or solid structure four (4) feet in height, firmly secured at ground level, with no opening, holes or spaces larger than four (4) inches in any direction. Such fence or structure, including gates therein, shall not be less than four (4) feet above finished grade, and any gate shall be made self-closing and be equipped with a self-closing safety latch placed at a minimum height of four (4) feet from ground level on the inside of the gate or otherwise made inaccessible from the outside of the gate. For the purpose of this paragraph, an exterior door of a dwelling house can be used in lieu of a gate when such dwelling house is used to satisfy, in whole or in part, the enclosure requirements of this bylaw. Each swimming pool fence enclosure, as defined above, shall be placed at a distance no greater than twenty (20) feet from the apron of the pool.

Ms. Fitch continued to state that the Board of Health may grant a variance of 43 feet following a public hearing if it is determined that public health and safety can be maintained without strict adherence to the bylaw.

Mr. Currier confirmed that there is one door in the rear of the dwelling, and that there are no obstructions to the sightlines from the house to the pool. The shape of the pool would prohibit the use of an automatic

cover. As per the design of the pool area, it was indicated that there are six gates in the fencing. The Board indicated that some type of sensor, be it motion- or water-based, should be installed in addition to alarming the gates. Mr. Currier expressed that he feels installation of sensors would be excessive, and that the nature of the pool is to entertain private guests, during which the pool would be monitored. Mr. Currier agreed to install alarms on all 6 gates. The Board responded that the parameters for a variance would be aimed for unintended or uninvited guests. The Board also highlighted that the plan includes to install the swimming pool fence around a swing set area, so that inside the fenced area would be a general play area that could potentially result in someone entering the pool unexpectedly. Mr. Currier responded that a koi pond is present next to the swing set area.

The Board explained that in past variances that were granted of a similar nature, the conditions were to install alarms on gates and to install a pool cover. In the absence of a pool cover, a motion sensor should be considered as a substitution for an additional layer of security.

There were no abutters present for this variance hearing.

On a motion by Mr. Smith, the Board of Health voted in the matter of 136 Bakers Pond Road to approve the swimming pool fence variance of 43 feet as requested with the conditions of alarming the rear door of the dwelling, alarming all gates in the pool fence, and equipping the pool with bobbing sensors. Without further discussion, the roll call vote was 5-0-0.

Agenda Item 3: Approval of Minutes – May 20, 2021; December 16, 2021

The minutes of the Orleans Board of Health meetings held on May 20, 2021 and on December 16, 2021 had previously been distributed to Board members for review and comment.

On a motion by Mr. McGrath, the Board of Health voted to approve the minutes of the Orleans Board of Health meeting held on May 20, 2021 with a roll call vote of 5-0-0.

On a motion by Mr. McGrath, the Board of Health voted to approve the minutes of the Orleans Board of Health meeting held on December 16, 2021 with a roll call vote of 4-0-1.

Following the approval of previous minutes, the Board collectively took the time to highlight the work of Mrs. Lynda Burwell as Board Secretary as well as commend her for the dedication that she has shown over the years in her role.

Agenda Item 4: COVID 19 Update / Mask Mandate Discussion

Town Administrator, Mr. John Kelly, joined the meeting for this discussion.

Ms. Fitch provided to-date statistics of Covid-19 cases in Massachusetts, Barnstable County, and the town of Orleans, including 57 active cases in Orleans at the time of the January 6, 2022 meeting. Ms. Fitch also provided the to-date statistics that 5177 of the 5620 Orleans residents that have been vaccinated, representing 92%, and that 2,595 residents have received a booster vaccination.

Ms. Fitch reviewed the mask advisory that had gone into effect August 19, 2021:

Masks or cloth face coverings should be worn regardless of vaccination status:

- *Whenever indoors on the premises of a business, club, or place of assembly, including but not limited to retail establishments, restaurants, bars, performance venues, social clubs, event spaces, places of religious worship or in municipal buildings.*

Ms. Fitch commented that there have been numerous requests to review the mask advisory given the recent surge in reported Covid-19 cases. As of the time of this meeting, seven towns on the Cape/Islands have a mask mandate in place. Three of those towns mandate masks in municipal buildings only. The remaining four towns mandate masks in all indoor public spaces. All other towns on the Cape/Islands have a mask advisory that mirrors what has been advised by the Massachusetts Department of Public Health as well as the CDC.

Since the previous December 16, 2021 Board of Health meeting, the number of active Covid-19 cases in Orleans has doubled. The Board commented that with such a high percentage of vaccination rates in the town, it appears that the residents of Orleans make Covid-19-based decisions that are cautious and in keeping with current public health recommendations. As such, a town-wide mask mandate might be considered excessive.

Mr. Kelly stated that he is in favor of a mask mandate inside all municipal buildings, and that the onus of enforcing compliance within those buildings would be his responsibility. He does not want to get into altercations with members of the public, but he would like to protect the Orleans employees to the extent that is possible.

The Board asked for updates of test kits. Ms. Fitch confirmed that at-home test kits are selling out at pharmacies very quickly. She reiterated that PCR testing at the DPW is still available on Tuesdays. The discussion continued as to what the protocol is for a town resident that has a positive test result from an at-home test kit. Ms. Fitch explained that residents are encouraged to contact their doctors with positive at-home test results, and that PCR results get reported to the state database of known cases. Updated statistics of known positive cases are derived from the state database, with the understanding that the actual number of cases should be assumed to be higher given that residents are using at-home test kits.

Mr. McGrath commented that there has been an update of geographical availability of PCR testing. Testing has been made available at the Melody Tent, Barnstable County Fairgrounds, Cape Cod Community College. The schedules of these sites have made accommodations to include walk-in appointments so as to improve test availability for Cape Cod residents.

The Board asked for clarification as to what is considered a municipal building versus an open public space. Mr. Kelly stated that an open public space is considered anywhere that the public can congregate and has access to. Mr. Kelly gave examples of public spaces inside a municipal building where masks would be required, such as the hallways, breakrooms, meeting rooms. It was confirmed that the Council on Aging is considered a municipal building.

On a motion by Mr. Chapman, the Board of Health voted to approve a mask mandate for municipal buildings to include shared workspaces and public spaces inside those buildings. The Board asked how soon the mandate could be made effective, and it was decided to go into effect January 7, 2022. The mandate will be in effect until further notice, and will be reviewed at each Board of Health meeting. There being no further discussion, the roll call vote was 5-0-0.

Agenda Item 5: Health Agent's Report

Ms. Fitch commented that she has nothing to report in addition to what was already discussed.

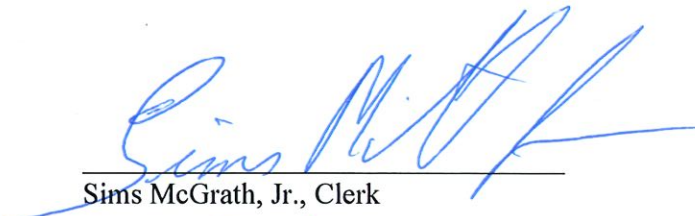
Agenda Item 6: Adjournment

On a motion by Mr. Chapman, the Board of Health voted to adjourn this meeting of the Orleans Board of Health at 2:44 p.m. Without further discussion, the roll call vote was 5-0-0.

Respectfully submitted,



Kelly Messier, Assistant Health Agent



Sims McGrath, Jr., Clerk

2/3/2022

Date Approved/Accepted