

**MINUTES
GROTON BOARD OF HEALTH
EMERGENCY MEETING
SATURDAY, APRIL 10, 2021
8:00 P.M.**

Present: Jason Weber, Robert Fleischer, Michelle Collette
Also Present: Joshua Degen, Member, Groton Select Board
Mark Haddad, Groton Town Manager

This emergency meeting was called to order at 8:00 p.m. by Chair Jason Weber. The emergency stemmed from a complaint received about employees of Johnson's Dairy Bar not wearing masks while preparing food. Given the importance of the situation (masks must be worn at all times during this pandemic, unless they are taken off to consume food or beverages), the Board of Health met in an emergency session to address this violation.

Town Manager Haddad explained what had transpired during the day. At approximately 12:00 p.m. on Saturday, April 10, Mr. Haddad received a phone call from a resident informing him that he had just gone to Johnson's Dairy Bar to pick up an order and observed several employees behind the counter not wearing masks. He provided Mr. Haddad with a picture of the employees working without wearing masks (picture attached to these minutes). Mr. Haddad notified Ira Grossman of the Nashoba Associated Boards of Health and asked him to investigate.

Chair Weber explained that he was contacted by Mr. Grossman about the issue and went to Johnson's to investigate. When he arrived, he did not observe anyone without mask, but the picture evidence provided by the resident definitely shows a violation. He suggested that the Board order Johnson's to suspend the employees involved for 5 or 7 days because this would both send a strong signal and enable Johnson's to continue to operate.

After a spirited debate on the issue, Ms. Collette moved that the Board of Health order Johnson's closed to the public for two days, Sunday, April 11, 2021 and Monday, April 12, 2021 and that they be informed that any further violations may result in the suspension/revocation of their food service permit. Mr. Fleischer seconded the motion.

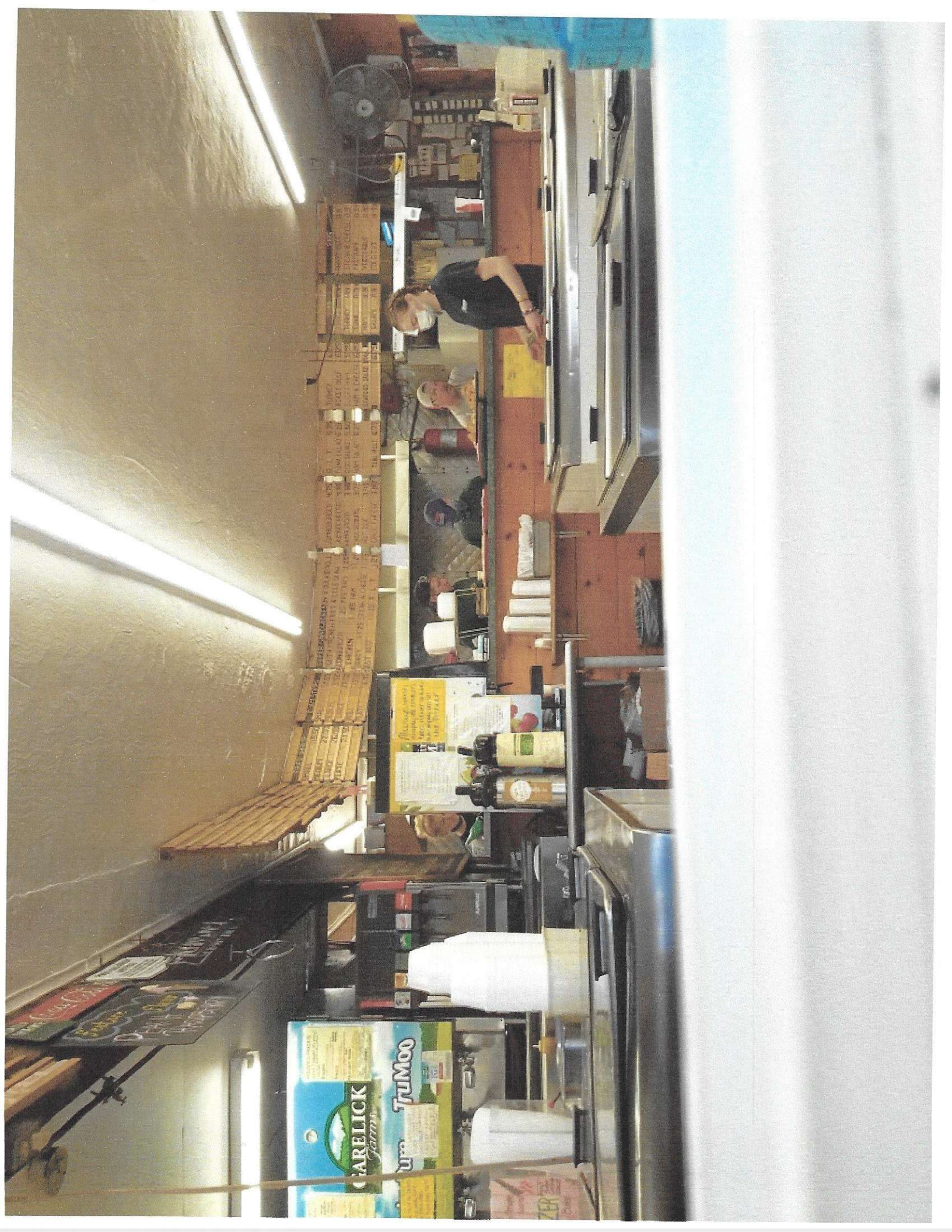
The vote was as follows: Ms. Collette, aye; Mr. Fleischer, nay; Mr. Weber, aye. The vote passed 2 In Favor, 1 Opposed.

Mr. Fleischer stated for the record, that while he was in favor of the Order to close for two days, he felt the days should be Monday, April 12th and Tuesday, April 13th. Mr. Haddad stated that he would have the Police Department notify Johnson's of the Order to close for two days.

Being no other business, Mr. Weber adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Mark W. Haddad
Town Manager



To whom it may concern

To address the issue of my staff, they are all wearing masks. At first Bridget Bradely told me if some of the staff had health or breathing issues near the grill and stove area they could pull the masks down for a few seconds every once in a while, but everyone is wearing a mask now.

We are fully compliant to all covid guidelines . also I am verifying that I never received emails from Groton board of health. Evidently they were sent to the wrong address Not my fault. If you have any further questions please call

Thank you

Rick Santiano (owner)

Rick Santiano
Johnson's Restaurant

03/10/2021

RECEIVED

MAR 15 2021

TOWN OF GROTON
BOARD OF HEALTH



Nashoba Associated Boards of Health

February 11, 2021

Richard Santino
P.O. Box 1124
Groton, Ma 01450

Re: Johnson's Restaurant – mask complaints

Dear Mr. Santino,

The Nashoba Board of Health and the Groton Board of Health have continued to receive complaints about staff not wearing masks in your establishment. As the attached COVID-19 order states, all individuals must wear a mask in a retail establishment.

The issue of chronic mask complaints at Johnson's was discussed at the Groton Board of Health meeting on February 1, 2021. The Groton Board of Health is requiring that you provide a written plan for you to comply with the states COVID19 protocols for gatherings, and restaurant specific requirements. This written plan should be submitted to the Groton Board of Health or to my attention at the Nashoba Board of Health by February 26, 2021. You may also attend a Groton Board of Health meeting to discuss this issue.

Please be advised that continued non compliance with the COVID-19 order 31 may result in further enforcement action by the Groton Board of Health which may include fines (\$300.00) for each subsequent violation.

Please let me know if you have any questions regarding this matter.

Respectfully,

Bridgette Braley R.S.
Senior Food Inspector

Cc
Groton Board of Health

enc



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COMMONWEALTH OF MASSACHUSETTS
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(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER REQUIRING FACE COVERINGS IN PUBLIC PLACES WHERE SOCIAL
DISTANCING IS NOT POSSIBLE**

COVID-19 Order No. 31

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have determined that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with environments where the virus may be spread;

WHEREAS, the Department of Public Health continues to urge all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus;

WHEREAS, public health experts have determined that it is possible for an infected individual to transmit COVID-19 even when the individual does not exhibit symptoms of the virus;

WHEREAS, the Centers for Disease Control and Department of Public Health have advised individuals to wear cloth face coverings when they are out of the home and may be in close proximity to others in order to prevent transmission of this highly contagious virus;

WHEREAS, the number of confirmed cases of COVID-19 continues to rise in the Commonwealth. As of April 30, 2020, the Department of Public Health had reported 62,205 cases of COVID-19, including 3,562 deaths, with all counties across the Commonwealth affected;

WHEREAS, the eventual reopening of businesses and public places in the Commonwealth will require residents to continue to take precautions, including the wearing of masks or cloth face coverings; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages and pedestrian travel in order to protect the health and safety of persons; transportation or travel; regulation of the sale of articles of food and household articles; and the policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

Effective Wednesday, May 6, 2020, any person over age two who is in a place open to the public in the Commonwealth, whether indoor or outdoor, and is unable to or does not maintain a distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face covering, except where a person is unable to wear a mask or face covering due to a medical condition or the person is otherwise exempted by Department of Public Health guidance. A person who declines to wear a mask or cloth face covering because of a medical condition shall not be required to produce documentation verifying the condition. This requirement applies to all workers and customers of businesses and other organizations open to the public that are permitted to operate as COVID-19 Essential Businesses as defined in Appendix A of COVID-19 Order 13, as extended by COVID-19 Orders 21 and 30.

All persons are required to wear masks or cloth face coverings at all times when inside grocery stores, pharmacies, and other retail stores. All persons are also required to wear masks or cloth face coverings when providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi-enclosed transit stop or waiting area.

All persons are strongly discouraged from using medical-grade masks to meet the requirements of this Order, as medical-grade masks should be reserved for healthcare workers and first responders.


The Commissioner of Public Health is directed to issue guidance, subject to my approval, to implement the terms of this Order, which shall include guidance for the use of face coverings by children between the ages of two and five years old.

If a customer refuses to wear a mask or cloth face covering for non-medical reasons, a business may decline entry to the individual.

The Department of Public Health, local boards of health and authorized agents pursuant to G. L. c. 111, § 30 are authorized to enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this Order or Department of Public Health Guidance may result in a civil fine of up to \$300 per violation, in the manner provided for non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D.

This Order is effective Wednesday, May 6, 2020, and shall remain in effect until rescinded or until the emergency is terminated, whichever happens first.

Given in Boston at 9:30 AM this 1st day of
May, two thousand and twenty

A handwritten signature in dark ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts