



BOARD OF HEALTH

Town of Nantucket
16 Broad Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD, (chair), James Cooper (Vice chair), Helene Weld, RN, Stephen Visco, Rick Atherton

Staff: Roberto Santamaria, Artell Crowley, Kathy Lafavre, Anne Barrett

~~ MINUTES ~~

Thursday, January 21, 2016

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:00 p.m.

Staff in attendance: R. Santamaria, Health Director; A. Crowley, Assistant Health Director; T. Norton, Town Minutes Taker

Attending Members: Malcolm MacNab, MD, PHD; James Cooper; Helene Weld, RN; Stephen Visco; Rick Atherton, Board of Selectmen (BOS)

Absent Members: None

Agenda adopted by unanimous consent

I. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMISSIONERS AT THIS TIME

1. None

II. ANNOUNCEMENTS

III. APPROVAL OF MINUTES

1. December 17, 2015 – Approved by unanimously consent.

IV. WAIVER REQUEST LR 55.003 & 64.03

1. 43 Millbrook Road

Sitting MacNab, Cooper, Weld, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Staff** – The applicant contacted staff about not being able to attend the meeting and asked this to be moved to the February 17 meeting.

Action Continued to Feb 17 without objection

Vote N/A

V. BETTERMENT LOAN REQUEST

1. 24 Miacomet Avenue (aka 16 Miacomet Avenue)

Sitting MacNab, Cooper, Weld, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:02) **Staff** – This is the same request as two months ago; at that time, the property had a number of housing violations which have been corrected and inspected. Dispersement of the funds will require the signatures of both the engineer and the owner. Loan is for \$34,000-\$36,000

Action **Motion to Approve the loan.** (made by: Weld) (seconded by: Cooper)

Vote Carried unanimously

VI. REAFFIRM SEPTIC LOAN APPROVAL

1. 79 Madaket Road, M/P 41-465

Sitting MacNab, Cooper, Weld, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:03) **Staff** – This was initially approved in 2012 in care of the custodian who never asked for the money. Now the owners are over 18; this needs to be reaffirmed before it is dispersed.

Action **Motion to Reaffirm the loan.** (made by: Atherton) (seconded by: Cooper)

Vote Carried unanimously

VII. FERTILIZER DISCUSSION

Sitting MacNab, Cooper, Weld, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:06) **Staff** – During a discussion at the BOS meeting, it was brought to light that there are loopholes in the current regulations and enforcement; those comments elicited responses from the industry.

Steve Gibson, Steve Gibson Landscaping LLC – Stated that there is a huge number of certified and landscapers in the industry who are concerned about the welfare of the island and he takes exception to aspersions cast at the BOS meeting.

Michael Misurelli, J&M Landscape Services – He was on the Article 68 Workgroup Committee; one recommendation to the Town the committee made was to create an advisory group, which has not happened; that group, made up of landscapers and citizens, could be a great help for the BOH and suggests setting up that group.

Atherton – An advisory group has come up before and landscapers have offered to serve; he thinks this board should move forward on that.

Brian Diggle – His main concern is the apparent negative mindset members of the BOS showed toward fertilizer use; it seemed a lot of emotion and hatred was being generated against landscapers. Asked if there is any information about the influence on the nitrogen numbers the jetties work by the Army Corps of Engineers will have on the increase of flow in and out of the harbor.

Atherton – The BOS feels strongly about the harbor and what is going into it. The community could work better together with a reasonable dialogue.

MacNab – Flow will help significantly. Septic systems is a small part of the problem and fertilizer is a small part of the problem and nitrogen from the atmosphere might be a small part; the point it is, we must control what we can rationally using scientific information.

Santamaria – Nitrogen, septic, and runoff are the three things influencing the nitrogen level in the harbor. If the nitrogen level can be brought down, nitrogen will start leeching out of the sediment and the harbor will get healthy again.

Gibson – Noted that what comes out of the drain pipes into the harbor after a heavy rain is disgusting; there are many aspects to the problem.

Visco – Stormwater runoff is being addressed.

Atherton – There are reports and models that indicated the jetties are one of the bottle-up points. Addressing only one aspect is not going to move the nitrogen enough; they all have to be tackled.

Misurelli – Asked about the timeline.

MacNab – All regulation changes have to come to this board. Instructed Mr. Santamaria to examine the logistics of forming the committee.

Diggle – The regulations have been in place two years; the goal now is not only to be able to come up with new regulations but also education and the renewal of licensing and that could be the focus of the group. He would like to see the current regulations given an opportunity to work before changes are made.

Gibson – Reviewed some problems with the seminars and reach 100% of the attendees.

Mark Lucas, Nantucket Golf Club – Since the conclusion of the workgroup, none of their recommendations have been enacted and they came up with a program that was lauded nationwide. Asked what the loopholes are.

Visco – Enforcement was what he gathered is the problem.

Lucas – Agreed that an advisory committee would be a huge help and that the BOH review the original recommendations. Also the advisory was supposed to create a Best Management Practices document, which also never happened.

MacNab – Other communities followed the template created by the workgroup. The hope is to tweak the regulations to make them better; not changing them. Need to work on the enforcement aspect.

Santamaria – An enforcement loophole is the inability of Health Department staff to get onto properties to ensure permitted fertilizers are being applied properly. Education is another aspect; proposed ideas to make that better and geared toward supervisors and crew.

Gibson – Asked how it would be policed.

Santamaria – Currently a Natural Resources person; Hank Ross will be trained the same way the landscapers are trained so that he knows what he’s looking at.

MacNab – Enforcement should be put on the February agenda to ensure it is in place before the Spring. Also need to set up the advisory committee; people here today are excellent potential members. Mr. Santamaria should work with Mr. Carlson on the make-up of the group and bring it back to the BOH at the Feb meeting.

Discussion about the make-up of the advisory committee.

Discussion about what the public hearing would entail and including input of the advisory committee.

Action

Motion to Hold a Public Hearing at the February 17 meeting on fertilizer enforcement.

(made by: Weld) (seconded by: Cooper)

Vote

Carried unanimously

VIII. DIRECTOR'S REPORT

1. BOS voted to remove Madaket area from sewer district; the ramification for the BOH is the consideration of Administrative Consent Orders (ACO). Suggested the board wait until after Annual Town Meeting before making any decision about removing the ACO program from Madaket. Discussion about Madaket, as a sewer needs area, being pushed out at least another year and the effect on BOH.
2. The venison donation program was successful with over 200 pounds going to the Food Pantry. Next year it will be opened for the full hunting season; This year it was open only 4 weeks. The State was really happy about the program and other communities are looking at it.
3. Asked if the policy workshop should be on February agenda or pushed back to March. MacNab – February.
4. The Zoning Board of Appeals has asked the BOH to provide comments in regard to the Surfside Commons 40B project. Asked member to have their comments to him by February 12 to be discussed as a board at the February 17 meeting. Discussion about areas of concern within BOH jurisdiction and whether or not the BOH should make recommendations thus possibly setting a precedent.
5. Human Resources has asked all Open Meeting Law and Ethics forms be reviewed and signed by board members.
6. In May there is a Centers for Disease Control (CDC) sponsored tick-borne disease conference to be held in Washington.
7. The Health Department applied for a CDC sponsored intern for the summer, that has been approved. The CDC will pay for the transportation of the intern to the island and his/her wages; the intern is responsible for securing housing.

Motion to Adjourn: 5:07 pm.

Submitted by:
Terry L. Norton