



# BOARD OF HEALTH

## Regular Meeting

Town of Nantucket

16 Broad Street

Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://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, Hank Ross

~ MINUTES ~

**Thursday, May 19, 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; K. Lafavre, Health Inspector; H. Ross, Health Inspector; T. Norton, Town Minutes Taker

Attending Members: Malcolm MacNab, MD, PHD; James Cooper; Stephen Visco; Rick Atherton, Board of Selectmen

Absent Members: Helene Weld, RN

Agenda adopted by unanimous consent

### I. ANNOUNCEMENTS

### II. PUBLIC COMMENTS

None

### II. REVIEW AND APPROVAL OF MINUTES

1. April 21, 2016: adopted by unanimous consent.
2. March 24, 2016: adopted by unanimous consent

### III. WAIVER REQUEST

1. Great Explorations Camp –105 CMR 430.370 summer-camp bathroom requirements

Sitting MacNab, Cooper, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This variance request is similar to the request last month by Exploration Station; This camp is of a similar size and asking for one unisex bathroom for 10 children who spend most time off site.

Action **Motion to Approve.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

### IV. ADMINISTRATIVE CONSENT ORDER REQUEST

1. 60 Meadow View Drive (M/P 56-167)

Sitting MacNab, Cooper, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This system has failed hydraulically and needs to be repaired before sewer arrives. **Atherton** – Asked for clarification of issuing an ACO in an area that has sewer proposed. **Crowley** – Technical failures don't need to enter into an ACO. This allows for a non-compliant repair of a hydraulic failure to keep the system operational.

Action **Motion to Approve.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

## V. COMDEMNATION

1. 40 Macys Lane (M/P 68-103)
- Sitting MacNab, Cooper, Visco, Atherton
- Recused None
- Documentation Supporting documents and plans, staff recommendations.
- Discussion **Santamaria** – This property has come before the board in 2011 for carbon monoxide emissions and numerous times for occupation of uninhabitable space. They have a CO to use the basement but not as living space. It is entirely below ground; the window well opens up below the deck; and the second stairwell is locked from the other side. He is asking for a reconfirmation of the condemnation order; the owner has been fined \$1,500. Also the Health Department is pursuing a permanent injunction through Barnstable Superior Court that renders the space unusable so that if anyone is found living down there, it is a criminal violation. The occupants have left but have left some personal belongings. This property owner is putting lives at risk and we are doing everything possible to prevent loss of life; last time, 2011, was very close.
- Action **Motion to Confirm the Condemnation order for 40 Macys Lane.** (made by: Atherton)  
(seconded by: Cooper)
- Vote Carried unanimously

## VIII. VARIANCE REQUEST

1. Millie's Mobile Food Unit – variance from 105 CMR 590 B.12
- Sitting MacNab, Cooper, Visco, Atherton
- Recused None
- Documentation Supporting documents and plans, staff recommendations.
- Discussion **Santamaria** – They are applying for same variance as was issued for Lobster Trap; though this is the actual truck and the Lobster Trap request was for a trailer.  
**Chris Cochran** – We have grey water tank and have a refrigerated truck handling all temperature needs for storing and transporting food stuffs. This unit is also located at Cisco Brewery. Said it is fully cleaned every night.  
**MacNab** – Reminded the Board granted the Lobster Trap a variance with their trailer returning to the base of operation once a week for a deep cleaning and with random weekly inspections.  
**Santamaria** – Said that this request is more for sanitary reasons.  
**Atherton** – This is for sanitation but the related issue here is that the unit is no longer transported; it's on site 24-6 and that sounds like a restaurant.  
**Crowley** – Despite the good sanitation practice of bringing it back every night to its base of operations; we have to look at where the wastewater is going. Cisco Brewery is in the Hummock Pond Watershed and their system has been stressed; it makes sense for this to go back to its base of operation. Unlike the Lobster Trap trailer, this is a drivable vehicle, which is registered and inspected.  
**Cooper** – Asked the owner why they don't want to drive this back and forth.  
**Cochran** – The position of the trucks and moving them in and out on a daily basis is a logistical nightmare.  
Discussion about the differences between this request and the one made by Lobster Trap.  
**MacNab** – This vehicle can move and their wastewater storage tank is larger.
- Action **Motion Not to Grant the variance.** (made by: Atherton) (seconded by: Visco)
- Vote Carried unanimously

2. Old Thumper, LLC; 29 Youngs Way (M/P 67-690) – Emergency variance request

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	<b>Santamaria</b> – This was added under the open Meeting Law allowance for items not reasonably anticipated within 48 hours. The variance request is for the installation alternative method for gas, oil, and water separation for a plumbing business. The owner has been granted a preliminary approval from the State but needs the final BOH approval. He goes before the State within a week. <b>Crowley</b> – It is in the wellhead area and there should be a deed restriction limiting the use. <b>Visco</b> – He is putting in a commercial building that triggers a requirement for vehicle storage. <b>Santamaria</b> – There would be no repair to the vehicles; this is strictly for vehicle storage.
Action	<b>Motion to Grant the variance.</b> (made by: Visco) (seconded by: Atherton)
Vote	Carried unanimously

**VI. BIO-DEGRADABLE PACKAGING DISCUSSION**

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	<b>Santamaria</b> – Over the past couple of months, have started revamping and reinstituting the bio-D packaging. Sent emails to licensed vendors about starting to winnow out non-regulation. <b>Richard Ray</b> , former Director of Health – This subject has been discussed over numerous years. <b>Santamaria</b> – There is a 1999 law that says this is to be in full effect in 2015. He has asked vendors to start phasing out the non-bio-degradable packaging but he hasn't established a schedule. There are issues with the regulations: a lot of bio-degradable products don't degrade. He has been in conversation with various Town departments to see if it is possible to tighten up the regulations to ensure products are certified as bio-degradable. He is looking to provide recommendations to the board along with a list of exemptions for the regulations. Another issue brought up is the cost. Reviewed various products and their cost per item, which is about 75% more. Another idea suggested is mandatory composting which requires every item is certified as bio-degradable. <b>Matt Fee</b> , owner Something Natural – The products are more expensive. He put them through the digester and couldn't track them. We're trying to do something good for the island but we're mixing up the waste stream. Other places have people who sort the greenware out of the plastic; if the two are mixed, neither works. Noted that food vendors is actually a small portion of the population compared to other sources for plastic waste. <b>MacNab</b> – In the short term we need to deal with the current regulations. Medium term is looking at the regulations and bringing them up to date. The long term is looking at the whole picture. <b>Santamaria</b> – Reviewed some items that are labeled as bio-D and which are compostable and which aren't. The books state that anything no Styrofoam or plastic can be used. Suggested giving vendors at least the first round of using up current supplies. <b>Ray</b> – A number of years ago, there wasn't enough support to go forward with this. He found that many retail stores have allowed plastic to creep back in and food services establishment are using plastic which are replaceable by cardboard. The bio-D are out there and available for replacement. <b>Santamaria</b> – Setting up a list of replaceable items and phase out moving toward fully compostable by the end of next year. <b>MacNab</b> – That sounds a little loose; wonders how we would know when they have used up what they have. We have had this discussion before. We need a phase-out date. Discussion about a good phase-out date; consensus September 1, 2016. <b>Cooper</b> – Asked how it would be followed up. <b>Santamaria</b> – Each one has to be inspected; that's how we know.

**Atherton** – Would like to have a way to stop this stuff from coming onto the island.

**Fee** – All this stuff will be buried on the hill unless it is separated at the source. Once it is buried, it doesn't have the air and water to facilitate degradation.

**Santamaria** – One long-term goal is to establish a mandatory composting law that included residents; we currently have plastic and tin recycle bins and this would create a third bin for compostables.

**MacNab** – We start enforcing the regulation September 1 then revise the regulations.

## VII. LYME DISEASE TREATMENT OF MICE

Sitting MacNab, Cooper, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – He has been contacted by scientists from Massachusetts Institute of Technology about a presentation to set up a pilot program on Island to isolate a gene in some mice that makes them immune to Lyme disease; this gene is already in the Island mouse population. They would breed the gene into the mice making them immune then a group of the immune mice would be released into the wild to out-compete the non-immune mice.

**MacNab** – Noted that it is the mice which are infected with Lyme Disease, not the deer.

**Santamaria** – He will schedule the presentation for 2 p.m. on June 6; it will be open to the public.

## IX. DIRECTOR'S REPORT

1. The Fertilizer Advisory Committee (FAC) has been meeting. Mr. Ross has done a significant number of inspections; the department has issued four tickets. Landscaping companies have contacted the FAC about the classes. There are three main goals of the FAC: education and outreach, training, and regulations.
2. Two interns start June 1. Emma Ospelt from the University of Georgia School of Public Health will focus on water quality. Abigail Silber is returning to focus on policy issues in regards to the housing crisis.
3. Renovation for office has been going well. The main entrance is now 3 Chestnut Street. Interior painting and moving will start June 6.
4. The Health Department has been enforcing the septic bylaws. The "Inquirer & Mirror" article has generated a number of phone calls but also generated some confusion. He has received letters from two on-island engineers who were contacted by some of the violators named in the newspaper. Madaket and Hummock Pond will be focused on next.
5. The electrical vehicle has over 1,000 miles on it and they have had to refill it only once.
6. Right now there are 254 I/A systems permitted; they have operation-maintenance programs for all but 26.

Motion to Adjourn: 5:13 p.m.

Submitted by:

Terry L. Norton