Minutes for August 18, 2016, adopted Sept. 15

BOARD OF HEALTH
Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

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

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

~~ MINUTES ~~

Thursday, August 18, 2016

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:01 p.m.

Staff in attendance:	R. Santamaria, Health Director; A. Crowley, Assistant Health Director; H. Ross, Inspector; T. Norton, Town Minutes Taker
Attending Members:	Stephen Visco (acting chair); James Cooper; Helene Weld, RN; Rick Atherton, Board of Selectmen
Absent Members:	Malcolm MacNab, MD, PHD
Early Departure:	Cooper, 4:54 p.m.

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

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

1. **Helene Blair**, 54 Hummock Pond Road – Variance 69.05 "enforcement will do manifest injustice to the property of the owner"; prior to doing the septic, the owner needs an engineer which in some cases is an exorbitant cost. Her nephew talked to his lawyer, who said under the circumstances as described, she cannot be forced to hook up to Town Sewer. She chooses not to and doesn't know how she can be forced to do so.

Visco – This is on the agenda and will be taken up at that time.

III. APPROVAL OF MINUTES

1. July 21, 2016: Adopted by unanimous consent.

IV. BOH APPLICATIONS REVIEW

1. Waiver on biodegradable packaging regulation 71.00 – coffee lids

Sitting	Visco, Cooper, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – there is a request do not use compostable coffee lids because customers prefer the flat lids. The dome lids are found in compostable material. **Terri Dion**, Espresso to Go & Fast Forward – Brought a sample of the two lids and the plug, which is for the dome lid. The flat lid is for regular coffee and is not compostable; they aren't made yet. Once flat lids come in compostable material, she will use them. **Santamaria** – Can do the dome plugs but that's the same amount of plastic as the flat lid. Explained what happens to the compostable lids versus the plastic lids when they go through the composter. **Cooper** – Suggested a temporary waiver to see what happens.
Action	**Motion to Grant a temporary waiver for 1 year.** (made by: Cooper) (seconded by: Weld)
Vote	Carried unanimously

2. Extension on deadline for sewer connection 8 Nobska Way 67-101

Sitting	Cooper (acting chair), Weld, Atherton
Recused	Visco
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:13)	**Santamaria** – This is a request not to connect to sewer until the property is transferred; this is a hydraulically failed system and needs to connect as soon as possible. The current hookup deadline is December 1, 2016. **John Cartwright**, for Janet Lane owner – This property has a Purchas and Sales (P&S) agreement being signed. Toscanna indicates they won't be able to install the pipes to hook to sewer until the end of January 2017. Money is being held in escrow for that work. Closing on the sale is will be in September 2016. **Atherton** – Asked what happens if the sale fails. **Cartwright** – The reverse mortgage is due and the lenders have filed to forward to foreclose in absence of a P&S. Whoever would buy the property under a foreclosure sale would be obligated to connect to the sewer. Noted that no one is currently living there and the residence has been empty for one year. **Atherton** – Under the circumstances, this sounds like a reasonable request. We could require it remain empty until a new owner takes possession. **Santamaria** – One way to enforce it is to get a sewer entry permit in hand. **Crowley** – It is difficult to track multiple properties with different hook-up dates. A simple solution is to have them get into a contract with an engineer who will be in contact with the Health Department.
Action	**Motion to Grant the extension to February 1, 2017 with the conditions that the residence remain uninhabited and a permit be applied for.** (made by: Atherton) (seconded by: Weld)
Vote	Carried 3-0

3. Policy review for the connection to sewer – distance from structure to line

Sitting	Visco, Cooper, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:24)	**Santamaria** – At a previous meeting the board discussed creating a distance policy for enforcement of connection to Town sewer; some properties are over 1000 feet from the sewer line. Reviewed the policy he developed, which defines "manifest injustice." A sewer line within 200 feet is immediately available; moderately available is 201 to 399 feet; anything beyond 400 feet is not readily available. In that situation if we get estimated costs comparing connecting and replacing the sewer, the board will review the need to connect. We won't accept waiver requests under this policy until sewer becomes available to that area. This would be an internal guidance. **Visco** – In a lot of sewer districts, the sewer doesn't abut all the properties so someone can be in a district but sewer isn't available due to where the line was laid. **Atherton** – Asked that "abutting road or way that has sewer pipes available in it" be added. **Cooper** – Clarified that if this is passed, anyone more than 200 feet and wishing a variance has to come in with comparative pricing. **Atherton** – His concern is for lots that abut a way with a sewer line but the lot is so deep the structure is over 200 feet from the line; those structures technically meet the criteria while the hook up is technically readily available. Discussion about how the policy will handle land-locked lots versus pork-chop and deep lots. **Santamaria** – He will redraft the policy looking at exceptions.
Action	**Motion to Table.** (made by: Atherton) (seconded by: Cooper)
Vote	Carried unanimously

4. Variance from 69.05 sewer connection for 54 Hummock Pond Road 56-76

Sitting	Visco, Cooper, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:47)	**Helene Blair** – Explained the proximity of her property to Hussey Farm Road where the sewer would run; thinks it would be a line of about 600 feet under the road, bike path, and driveway. **Santamaria** – Would have to be connected by September 1, 2016; the sewer turns down Oak Hollow Road. **Cooper** – The house could connect when sewer comes down Meadow View Drive. That would be the shortest route and so less expensive. Asked what she would have to do to hook to the Meadow View Drive sewer when it is installed. **Santamaria** – Sewer is available on Hummock Pond Road; this would require a waiver. **Visco** – The line she would have to tie into is a pressure line from Aurora Lane. **Paul Blair** – We need some kind of financial relief; we both are retired on a limited income. The systems, one for each house, are regularly inspected and pumped. Only two people live on the property. **Santamaria** – The Betterment Loan Program is down to $90,000. He is applying for the next $1 million. **Atherton** – There is financial assistance available through the betterment program. That should be pursued in this situation. **Santamaria** – They will have to apply for the program. This is a nitrogen sensitive area and sewer is available **Visco** – If they are showing good faith and moving forward, the fee could be waived.
Action	**Motion to Extend the deadline for 30 days and the owners are to talk to the Health Department to clearly understand options for financial assistance available.** (made by: Atherton) (seconded by: Weld)
Vote	Carried 3-0//Cooper departed

5. Variance from 69.05 sewer connection 79 Old South Road 68-128

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:04)	**Santamaria** – Asked for the same variance based on a similar situation. The system has a metal tank which is an automatic failure. **Visco** – The sewer line, which is a gravity line, is on her side of the street and very close. **Atherton** – Suggested the owner talk to the Health Department about the privilege and connection fees. **Visco** – The extension allows 30 days to get the permit which then allows 1 year to hook up.
Action	**Motion to Extend the deadline for 30 days.** (made by: Atherton) (seconded by: Weld)
Vote	Carried unanimously

6. Variance from 69.05 sewer connection 76A Old South Road 68-408 (Egan Lane)

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:08)	**Santamaria** – This is an abnormal situation with a significant distance from the gravity line on Old South Road. The line installed would require every owner of the abutting properties to sign off on it. Discussion about whether or not 78 Old South Road is hooked to Town sewer.
Action	**Motion to Extend the deadline for 60 days to November 1, 2016.** (made by: Atherton) (seconded by: Weld)
Vote	Carried unanimously

7. Variance from 69.05 sewer connection 80A Old South Road 68-412 (Egan Lane)
8. Variance from 69.05 sewer connection 84 Old South Road 68-415 (Egan Lane)
9. Variance from 69.05 sewer connection 82 Old South Road 68-413 (Egan Lane)
10. Variance from 69.05 sewer connection 82A Old South Road 68-414 (Egan Lane)
11. Variance from 69.05 sewer connection 72A Old South Road 68-404 (Egan Lane)
12. Variance from 69.05 sewer connection 80 Old South Road 68-411 (Egan Lane)

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:08)	**Santamaria** – Like 76A Old South Road, all of these are a similarly abnormal situation with a significant distance from the gravity line on Old South Road. Every line installed would require every owner to sign off on it; it would be a surveying nightmare. He doesn't believe there are other such situations on the Island. Recommend issuing a waiver.
Action	**Motion to Grant a waiver until such time as sewer is available which is more convenient than the Old South Road line.** (made by: Atherton) (seconded by: Weld)
Vote	Carried unanimously

13. Variance from 69.05 sewer connection 11 Oak Hollow Lane 56-127.

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is a case that the GIS map shows them inside the district with an abutting line; however the sewer line ends at a manhole and then crosses to the Aurora Way pump station and is over 100 feet away from the corner of the lot. Feels this is a prudent request. **Joe Sinnkiewicz** – The line stops over 100 feet from the property with another 100 feet to the house. In 2011 the septic was inspected and that indicated low usage. If construction goes through and a sewer line is brought past his property, he will tie in at that time. He paid $10,000 for the line that stops at the manhole; he is concerned about having to pay that again. **Atherton** – The owner should not have received the letter and the BOH won't require a hook up.
Action	No action taken.
Vote	N/A

14. Lobster Trap mobile unit review

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:27)	**Santamaria** – This is an update as to how this is proceeding in light of other similar requests; voting on the variance is scheduled for the September meeting. **Ross** – So far he has been inspecting it every Monday; they have done a good job of taking care of the unit, cleaning it, and restocking it. He thinks they should have it granted. **Santamaria** – The manager at the brewery confirmed the Lobster Trap owners are effectively treating the trailer as a restaurant.
Action	No action at this time.
Vote	N/A

15. Release of Betterment Loan for Baker Inventions 74 Arkansas Avenue
16. ACO for 74 Arkansas Avenue

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:30)	**Santamaria** – We voted to provisionally accept the Administrative Consent Order (ACO) based upon payment of the Betterment Loan which has been paid off and now needs to be released.
Action	**Motion to Release the Betterment Loan and Approve the ACO for 74 Arkansas Avenue.** (made by: Weld) (seconded by: Atherton)
Vote	Carried unanimously

17. Variance to allow shed with bathroom to be placed over leach pit 9 Beach Street 73.1.3-24

Sitting	Visco, Weld, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:31)	**Mike Dagesse**, General Manager for Roberta Brown owner – The leach pit takes up the front yard and the owner wants to put a shed over it. It will be put it on six anchor piers so that no holes will be dug. The shed could be moved to affect repairs to the system. **Visco** – Under Title 5, sonotubes are considered a foundation. Moving the shed when a failure occurs will be difficult. **Crowley** – Clarified that Title 5 doesn't address sonotubes in regards to setback from the leach pit but states that a structure can't be over the leach pit. Noted that this more than a shed, it is a finished studio with a bathroom. **Dagesse** – Explained how he would move the shed should work on the leach pit be necessary. The septic is a 3-bedroom septic with only two bedrooms in the house; this would count as a third bedroom. **Crowley** – Driving 36" pipes into the ground could damage the leach facility. **Atherton** – We would have to know where the leach line is. **Visco** – He leans toward going with Title 5 and not having a structure over the leach pit.
Action	**Motion to Deny the variance request.** (made by: Weld) (seconded by: Atherton)
Vote	Carried unanimously

V. OTHER BUSINESS & DIRECTOR'S REPORT

1. Approve "Certified Authority to File" for septic loan money

Sitting	Visco, Weld, Atherton
Discussion (5:44)	**Santamaria** – Need to request the next $1 million ofr the Betterment Loan and the BOH needs to authorize him to sign the file on behalf of the BOH.
Action	**Motion to Authorize Staff to sign the file.** (made by: Weld) (seconded by: Atherton)
Vote	Carried unanimously

2. Set interest rate for Betterment Loan Program

Sitting	Visco, Weld, Atherton
Discussion (5:45)	**Santamaria** – The new loan rate is now set for 2%. Either we maintain our loan at the current rate at 2%, which would break even or set it at 5%. **Visco** – He doesn't want the loan rate to become a deterrent.
Action	**Motion to Set the loan rate at the same rate as the borrowing rate.** (made by: Atherton) (seconded by: Weld)
Vote	Carried unanimously

3. Abby Silber, Intern (4:40) – The project she is working on is a report on housing. When she started, she focused on housing needs and bringing affordable housing above 10%. It has changed to reflect how the Health Department can mitigate the health risks associated with substandard housing. She found there is a great need for housing but couldn't quantify it due to the lack of metrics to be able to understand how deep the severity of substandard

housing goes. At the next meeting, she will present a proposal to start collecting data on people coming and going from the island. She also wants to address classic problems when Health Department comes involved due to lack of adequate housing and will present a proposal for a "healthy housing project." She will present a housing report at the September meeting. Explained how the summer worker population can be quantified.

4. Director's Report (5:47)
   a. He recently finished certification for 6 Sigma; he will start reviewing projects and applying aspects to their database; he will respond to a lot of issues within the department. The primary focus is to eliminate waste in staff hours spent on processes. Looking into on-line permitting. He will also be looking into internal permitting processes and the feasibility of digitizing files.
   b. With the increase in the Health Department revolving fund due to raised fees, he is asking to increase the capital for the intern program.
   c. Tick-borne disease numbers were abnormally low; we know the numbers are higher and are looking to get actual numbers from the doctors. We know cases are not being properly reported; it is a state law to report tick-borne disease cases. Discussion about why the cases aren't being reported.

VI. ADJOURN

Motion to Adjourn: 5:53 p.m.

Submitted by:
Terry L. Norton