



BOARD OF HEALTH Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins, Select Board

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

~~ MINUTES ~~

Wednesday, May 6, 2020

*This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 3:02 p.m. by Mr. Visco

Announcements

Staff: Roberto Santamaria, Health Director; Jeff Carlson, Director Natural Resources
Attending Members: Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins
Town Counsel: Gregg Corbo, K&P
Documents used: COVID Advisory Spread Projection PowerPoint® presentation.

Agenda adopted by unanimous consent

I. PUBLIC COMMENTS

- a. None

II. COVID UPDATE

Santamaria – He's been looking at permitting issues for lodging, foods, restaurants; trying to get State guidance. The packet has a report by the COVID Advisory Taskforce (CAT) regarding projections. Gave a PowerPoint® presentation regarding those projections: Nantucket did well putting mitigation in place to minimize the spread of COVID on Island; CAT used the Kermack & McKendrick Susceptible, Exposed, Infected and Resistant (SEIR) model dependent upon behavior; the State Case Fatality Rate is 5.4. The CAT recommendations to keep the numbers down are: return to strict mitigation and the need for an active surveillance program and educational campaign, "Keep ACK Safe." This is a long-term event from 18 to 26 months; another severe outbreak could result in another lockdown.

MacNab – Modelling is difficult and requires correct assumption when we know very little about the virus. We need to know the true infection rate and the true death rate, which we can't tell that without knowing the true incident of the disease. Models are only as good as the underlying data, which in this case is flawed; but at the same time, we can't throw out the idea of have a model. There are other models; he'd like to know more about this model and if the numbers used are correct and can estimations be made on a small but inconsistent population. There is no one on the BOH or Select Board with the experience to accept this model outright. Mr. Santamaria should send this report to the State Health Director for comments; we need a non-Nantucket non-biased review of this report.

Santamaria – Dr. MacNab's points are great; this model isn't vetted, to his knowledge. One thing we need to do going forward is using information we have at hand.

Corbo – It's good to understand the background, which is the basis for decisions. In this case you aren't likely to find perfect science; for purposes of BOH discussion, you don't have to get bogged down in the details of the science. From a regulator perspective, the standards for judging BOH actions is if they are reasonable in relation to public health and safety and do they achieve the desired result. You aren't required to wait until the danger materializes in Public Health; you can take preemptory action to prevent harm. You aren't required to have absolute scientific perfection; the question is, are the proposed actions reasonable steps to take regarding a positive impact on public health.

MacNab – We have no manual for dealing with this disease. We have to be careful in making decisions. Mr. Corbo is correct, we should not get hung up on science, which for COVID it isn't very good at this time. It is very important that a non-Nantucket person vet the report. Going forward we should listen to Mr. Santamaria's advice and the hospital. We need to ascertain how to deal with and manage COVID-19. Another question is, what degree of infection are we willing to accept; that is based upon the capacity of the hospital. His recommendation is to let Mr. Santamaria guide us until we get additional input.

Higgins – We've gone from emergency phase where the hospital leads us to now when we are looking at a broader picture. The Select Board is looking for who will guide us on the science. Agrees with the point about different models.

Santamaria – It was said that the worst decision is no decision at all. The comparison of data is real and important. He will reach out to experts as he needs advice. We have to pay attention to our rules and mitigation and decide if we want our orders to be stricter than the governor's. We need to look into more active surveillance. Explained how the CAT came about. Asked if the BOH wants to continue with the group or go to a more formal vetting process.

MacNab – Thinks the CAT should be an advisory board to the BOH rather than to the Select Board.

Corbo – Your advisory board should have a good cross section of the community on such an *ad hoc* committee if you are taking data from them. The statement in the preliminary of the packet about if it is worth opening commerce in two or three weeks and causing 75 deaths over the summer, makes it sound like the BOH would be responsible for those deaths when the Board is not. Public Health involves all aspects of society. The Board shouldn't eliminate all measures; people are able to be responsible for themselves. A lockdown would be safe, but it isn't really reasonable; the inability to make a living could have an impact on people's health. The information you rely on should come from the appropriate cross section so as not to favor one particular view.

MacNab – He shares the same concerns mentioned by Mr. Corbo; he is concerned about bias. Suggested disbanding that group and Mr. Santamaria creating his own group.

Visco – This is an ever-evolving situation. The model is a tool to look at but agrees it should be vetted more. Agrees with Dr. MacNab.

Higgins – She would support Mr. Santamaria letting us know who he needs to talk to. Collateral damage from lockdown keeps coming up; we need an on-going, consistent view of numbers to understand the impact of our policies. The Select Board might have to look at a reallocation of resources to deal with the disease. Testing and tracing seems to be important in fighting COVID. Asked when we might be able to increase our testing to test regularly.

Santamaria – The testing standards are getting ramped up; there is talk about groups willing to donate tests. A lot of testing has to do with the expansion of symptoms. There's a big funding problem with testing everyone on the Island and there's a problem with sera-testing to ascertain the amount of virus in the blood. The secondary effects of lockdown is something we are looking at; he will be reaching out to the organizations that deal with those issues to get numbers on increased incidents of substance abuse, abuse, etc. He will continue working on getting the correct information into the hands of both boards.

MacNab – Reiterated his concern that the advisory board should be selected by Mr. Santamaria or the BOH and have a good cross-section.

Corbo – Recommend that the advisory board be constituted by a vote of the BOH.

Higgins – Asked if it would be an application process and what the timeframe would be. Her concern is how some of these *ad hoc* groups have come together and the varying levels of transparency.

Weld – An application process would take too long; suggested Mr. Santamaria come up with a list of names with credentials; the BOH would then vote on the members.

Santamaria – He will ask CAT to focus on reopening guidelines for restaurants and he will focus on reopening procedures for the Town using experts he knows of. He will compile academic and journal references for the Board. This is moving too fast to go through the effort of creating and vetting a new group. He will move forward as he did two weeks ago in providing updates and weekly reports. Regarding liaison, he will call members as needed.

III. PHASED WORK PLANS

a. Construction Phase II – Order #8

Discussion

Cooper – The Intent comment refers to “any structure”; asked for clarification if that means any structure that had a permit issued before March 20 can go forward to completion.

Santamaria – This has to fit under the governor’s order; we can’t be less strict. Mr. Cooper’s question is a good question for Leslie Snell at the next meeting with the Select Board.

Cooper – If it’s just Nantucket residents or Affordable Housing, that can be completed quickly; that would soon leave people out of work again.

Corbo – In the packet are two different version of this order; the first version includes the amendments; the second version starts on page 19. We are phasing construction back in, that is to level the State allows, which is residential or necessary construction to maintain safety and sanitation of structures. We put the definition right in there to prevent confusion.

Santamaria – One comment brought up is the Covenant Housing; we don’t have permitting for Covenant Housing, which was shut off. He feels that would be a fair exemption to include as long as it doesn’t run afoul of the governor’s order.

MacNab – Asked for the number of infected workers and how it relates to timelines.

Santamaria – Of the 13 cases on Island, about 1/3 were workers in construction, landscaping, and painting; over half of the cases are Hispanic. Two of the 3 cases that came up after Phase I was implemented were construction-related workers.

Coopers – Asked if “any structure” will be stricken. He wants it left in but is confused by what it means.

Santamaria – We have to discuss that with PLUS, unless the Board wants to strike it.

Corbo – That sentence was removed from the draft starting on Page 19. The attempt of Phase II was to allow continuation of any project that had a permit prior to the state of emergency and providing it can continue under the State order.

Visco – There is still no new construction; previously permitted structures can be brought to habitability providing they are allowed under the governor’s order.

Cooper – When you talk about going up to 8 people per job site, asked if that is just for construction going from 4 to 8.

Santamaria – That would be total people on site; if there are 6 construction workers on site, 2 landscapers would be allowed. That work still has to be registered and permitted by the appropriate departments.

MacNab – His concern is the timing; he wants to track the infection rate for another week or two.

Weld – Cited a quote from Dr. Anthony Fauci about the dangerous impact of opening too soon.

MacNab – The proposed numbers are an arbitrary swag; he can’t vote for this before we have further tracked the disease.

Santamaria – We have a joint Select Board meeting at today at 5 p.m. and another meeting tomorrow, Thursday May 7th. Pointed out that in the past two weeks, we’ve only had 3 cases.

Cooper – Asked if we should keep the one person per truck.

Visco – He doesn’t think that is necessary.

Santamaria – As long as personal-protection equipment (PPE) is worn, there can be more than one person per truck. PPE is required in the governor’s order.

Visco – He’d like to keep it at 4 for most sites but allow up to 8 for larger projects.

Higgins – She thought it interesting that about 195 permits are currently out; this would open up work to about 400 projects. The Select Board was contemplating the 4 versus 8; we will get additional State directive on May 18th. She doesn’t understand why Dr. MacNab thinks the 8 is an arbitrary number.

MacNab – He wants to know upon what the 4 and 8 workers per site were based.

Higgins – Certain jobs require 4 people to accomplish a job safely; the 8 was driven by a building perspective. The number of people who share tools and space and the level of compliance will impact the number of COVID cases. She'd rather it remains 4 people per site.

Corbo – The relevance is to have a number; the two things to be protected against are: a surge of workers to the Island and keeping workers reduced to limit the possibility of spread on a job site.

Weld – In a week and a half, the governor will issue additional orders; asked if this could be put off until we have that information.

Visco – He is willing to move forward; what we have is more restrictive than on the mainland.

Cooper – He'd be willing to allow 4 construction workers and 2 landscapers since they are working in different areas.

Action None

Roll-call Vote N/A

b. Landscape Phase II – Order #9

Discussion Carlson – The only added activity is opening pools; there has been concern about swimming in the pools and an application process, so companies can apply for work which they believe are within the governor's order; we can inspect those sites to ensure they are staying within compliance. The last change is a provision allowing up to 4 workers on a lot over 5000 square feet. An enforcement issue is allowing 2 people per truck; we are seeing unmarked trucks with two people not wearing PPE.

MacNab – He thinks allowing 4 on larger lots is an important addition.

Higgins – Some of the safety issues are at Mr. Carlson's discretion. The problem is not when they are working but when they are in trucks or helping each other. Asked how the 2 people in the truck is enforced.

Carlson – Often we call the company if the vehicle is marked; if we see where an unmarked vehicle is going, we can locate the truck and speak to them then; Natural Resources doesn't have authority to pull vehicles over.

Santamaria – He and Mr. Carlson will look into enforcement; it isn't a good idea to have a blanket response. He will come up with a written interpretation.

Corbo – Read the requirements in the governor's order for wearing masks; under the order, you aren't required to wear a mask outside as long as the 6-foot separation is maintained.

Action None

Roll-call Vote N/A

IV. BOARD MEMBER UPDATES/CONCERNS

a. None

Motion to adjourn the BOH meeting 4:31 p.m. (made by: Weld) (seconded)

Carried unanimously by roll-call vote.: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye; Visco-aye

Submitted by:

Terry L. Norton