



BOARD OF HEALTH
Emergency Joint Meeting
with Select Board

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 ~~

Thursday, May 7, 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 4:00 p.m. by Mr. Visco

Announcements

Staff: Roberto Santamaria, Health Director; Leslie Snell, Deputy Director Planning; Paul Murphy, Building Commissioner; 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: Draft Emergency Order #8; Draft Emergency Order #9

Agenda adopted by unanimous consent

I. PUBLIC COMMENTS

a. None

II. PHASED WORK PLANS

a. Construction Phase II – Order #8

Discussion **Corbo** – We will work off the draft Ms. Snell sent around. For a simpler document, he separated out the allowable construction guidelines for all construction sites into its own document from Order #8. Reviewed the statement of purpose.

Under Allowable Construction: defined all unfinished construction as any structure which had an Historic District Commission (HDC) permit and building permit issued prior to March 20, 2020; that work may now continue. Defined a job site and addresses work authorized under Emergency Orders #1 and #5. Under this order, a single worker no longer has to apply with the Building Department. Covenant Housing is also addressed in this order.

Higgins – She thinks a simple document is clearer; suggested the list of work allowed under Emergency Order #1 be an addendum to this document.

Consensus – Agrees with Ms. Higgins

Corbo – Under Paragraph 4, he will add, “as described in addendum hereto.” The next issue is should this Order make specific reference to the Governor’s Exhibit A or not.

Cooper – No.

Visco – Agrees; this is confusing enough without that.

Santamaria – A reference to Exhibit A tells you where it’s coming from; likes the idea of attaching it as an addendum. If we are falling back on Exhibit A, asked if we should list Order 5 and go back to the State.

Higgins – Agrees with Mr. Santamaria. The information should be easily accessible.

She prefers to err on the side of caution and doesn’t want to loosen restrictions too much.

Santamaria – The only difference here is the number of people on the site; the rest is the same as the Governor’s order.

Corbo – New construction isn't allowed unless it is an emergency; that and number of people per site is stricter than the Governor's order. Paragraph 7 of the draft states this Order is subject to the original conditions as listed under Governor's Order 21; PLUS recommends that be deleted. Does the BOH want that to stay in with a list as an addendum.

Snell – We think it is unnecessary; we have to follow the Governor's Order.

Murphy – Suggests it be removed; that is the practice throughout the Commonwealth. Leaving it in will be confusing for the community and there could be dissatisfaction with an interpretation.

Santamaria – The purpose of our Board is health and safety; leaving that in leads to that purpose. However, Mr. Murphy makes a good point about interpretations.

Corbo – The buck stops with the Building Commissioner; if it makes his job is easier without it, then do so.

Action **Motion to Strike the verbiage, "conditions as listed under Governor's Order 21."** (made by: Higgins) (seconded)

Roll-call Vote Carried unanimously: Higgins-aye; Weld-aye; MacNab-aye; Cooper-aye; Visco-aye

MacNab – We have to agree about increasing to 8 people per site and no new construction; that is what we should be focusing on. You can have a one-page summary of what can and can't be done.

Corbo – Wants to know if everyone is satisfied with the guidelines. The first section talks about an application procedure; he doesn't know if that is necessary any longer.

Snell – She would support removing that. The Vineyard is no longer requiring registration for work.

Corbo – There is no need to have an extra layer of permitting for something that is permitted.

Cooper – We're picking this to death; Dr. MacNab is correct about the number of people on a job and the no new construction being our focus here. At the rate we're going, we'll have to have another meeting to approve this.

Action **Motion to remove the application procedures.** (made by: Weld) (seconded)

Roll-call Vote Carried unanimously: Higgins-aye; Cooper-aye; Weld-aye; MacNab-aye; Visco-aye

MacNab – He's tired of hearing what everyone else is doing; he wants to know what's best for the Island. He agrees with Mr. Cooper.

Corbo – He changed the 1 person per vehicle to no more than 2 people per vehicle at any one time. The Board needs to decide when this will go into effect and the number of people allowed per job site.

Weld – Asked when this could be ready since it's being translated into three languages.

Santamaria – We should give our translator until Monday to translate the document.

Weld – Monday, May 11 sounds reasonable if we can get it translated and distributed.

Cooper – Construction should have 4 people per site unless there is work that requires more people. It would be up to the Building Commissioner to decide if more people are to be allowed.

MacNab – He thinks going to the Building Commissioner makes this more difficult, but he'll go with the Board. He'd be comfortable with up to 8 people.

Higgins – She wants to stick with four; if six are needed, that should be the Building Commissioner's call.

Corbo – We'll change "8" to "6" and add "unless a greater number is approved by the Building Commissioner."

Action **Motion to Allow up to 6 people per job site.** (made by: Weld) (seconded)

Roll-call Vote Carried 3-2: Cooper-aye; Higgins-aye; Weld-aye; MacNab-aye; Visco-aye

Snell – There are some administrative changes that need to be made under Construction Stand Down to reflect the approved changes.

MacNab – We should authorize the chair to sing in our behalf

Action **Motion to approve Executive Order # 8 as shown on the screen and discussed at this meeting and the Nantucket Construction Guidelines and Rules for getting back to work provided that staff may work with Town Counsel to make non-substantive administrative changes for the purpose of consistency and the chair is authorized to sign on behalf of the Board of Health.** (made by: Cooper) (seconded)

Roll-call Vote Carried unanimously: Cooper-aye; MacNab-aye; Higgins-aye; Weld-aye; Visco-aye

b. Landscape Phase II – Order #9

Discussion **Corbo** – There are few substantive changes necessary.

Cooper – Confirmed that this Order includes the change to allow 2 people per truck.

Corbo – Asked if there is a reason to have the procedures in the Landscape Document or if they are the same as in construction. If so we can delete them and refer to the guidance for construction.

Carlson – He hasn't looked at the construction document that carefully,

Corbo – We can have a motion that authorizes Staff and Town Counsel to work on marrying the documents or leave this as is.

Higgins – Questions what the benefit to marrying the two documents would be; as a landscaper she wouldn't normally look at a construction document.

Cooper – He agrees with Ms. Higgins; landscapers should have their own guidance.

Carlson – There is a provision to allow up to 4 people per larger lots and 2 per smaller lots.

Visco – Agrees with Ms. Higgins and Mr. Cooper. Leave the protocols in.

Santamaria – Noted this had Order #8 on it and it should read Order #9. For consistency sake, Monday May 11 should be the implementation date.

Higgins – If translation can happen in that time frame, that would be fine. Mr. Carlson provided information to the Select Board on how many new permits were processed; asked if we will continue to get information without the registration.

Carlson – We are still processing company applications; as if this afternoon, we've processed 157 applications averaging just over 5 employees per company. This document provides a provision for applying for jobs affecting safety and sanitation.

Action **Motion to Approve Landscape Phase II Order #9.** (made by: Cooper) (seconded)

Roll-call Vote Carried unanimously//Higgins-aye; Weld-aye; Cooper-aye; MacNab-aye; Visco-aye

III. BOARD MEMBER UPDATES/CONCERNS

- a. Higgins – Would like the Building Department to provide a list of jobs per week.
Carlson – Town Administration has asked us to provide the Emergency Operations Team a weekly report on Orders #5 and #6; he can continue to do that with Orders #8 and #9.
- b. Visco – People working on Septics want to know where they stand.
Santamaria – Septic permits are the same: no new construction but allow repair for septic failures. Since the office is still closed, plans should be sent electronically until the drop box is installed.
- c. Visco – We will probably start looking at Phase III. Asked if any members want to work with staff in the PLUS and Natural Resources on Phase III.
Santamaria – We need to wait for what Gov. Baker says about the May 18 deadline. He will get a report together for the Select Board and BOH.
- d. Carlson – Emergency Order #4 was the extension of shellfish licenses until the state of emergency is lifted.
- e. Weld – She asked about the timeline for the next meeting and opening restaurants.
Santamaria – May 21 is our next regularly scheduled meeting.
- f. MacNab – Suggested finding a way to allow public comment for our next meeting.

Motion to adjourn the BOH 5:10 p.m. (made by: MacNab) (seconded)

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

Submitted by:

Terry L. Norton