



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD (Chair), Meredith Lepore (Vice Chair), James Cooper, Kerry McKenna, Ann Smith

Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Sean Reid, Heather Nardone

~~ MINUTES ~~

Thursday, July 6, 2023

4 Fairground Road, Community Room

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 12:00 p.m.

Staff in attendance: Roberto Santamaria, Health Director; John Hedden, Chief Environmental Officer; Jake Visco, Health Inspector; Cathy Flynn, Health Inspector; Sean Reid, Health Inspector; Heather Nardone, Public Health Coordinator

Attending Members: Malcolm MacNab, MD, PHD; James Cooper; Meredith Lepore; Kerry McKenna; Ann Smith

I. ANNOUNCEMENTS

None

II. ELECTION OF OFFICERS

1. Chair:

Action **Motion to Nominate Dr MacNab as Chair.** (made by: Cooper) (seconded by Smith)

Vote Carried unanimously

2. Vice Chair:

Action **Motion to Nominate Ms. Lepore** (made by: McKenna) (seconded by Cooper)

Vote Carried unanimously

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

None

IV. SUMMER HOUSE APPEAL OF STAFF LETTER OF NON-RENEWAL OF FOOD SERVICE ESTABLISHMENT PERMIT

Sitting MacNab, Cooper, McKenna, Lepore, Smith

Documentation Supporting Documentation, Federal and State Food Code 105 CMR 590.00, Staff Recommendations

Discussion **Mary-Ellen Manning, Attorney**

(4:31) **Danielle Debenedictis, owner of The Summer House Restaurant**

George Reddick, Siasconset resident.

Greg Corbo, Town Counsel, KP Law

Manning- Requesting continuance for July 20, 2023.

Tom Loughlin, abutting neighbor- Concerned that they are attempting to renew permits that have already failed.

Corbo- It is the Boards discretion to grant or not grant request for continuance. Reasonable to allow the operator to complete as much of the corrective action as possible. This will narrow down issues for the Board going forward.

Jamie Howarth- Former employee. Has witnessed the Summer House addressing outstanding violations.

Santamaria- Letter was issued to verify the restaurant could operate safely. They are not “shut down”. Their permits were not renewed. Today’s hearing is an appeal of the letter. He recommends the Board continue with the hearing, instead of postponing.

Cooper- Nothing has been addressed since last year.

Lepore- Agrees with the Director.

McKenna- Wants to know specifics of what’s been addressed.

Manning- Issue from Fire and Building has been resolved. Waiting on gas connections to restore hot water and have employee dorm re-inspected. All known Health Department issues have been resolved. Wants continuance because outstanding issues are Building Code issues.

MacNab- Does not agree with a continuance. The issue is the appeal of the Health Department letter.

Corbo- Clarified that only the Board could grant continuance not town Counsel.

Santamaria- Requesting a plan review.

Manning- Case law suggests past violations should not be included. Stated her client was not properly noticed.

Santamaria- Ms. Debenedictis was properly noticed per Open Meeting Law and Food Code requirements. Suggests time better spent for a plan review,

Debenedictis- Stated that she was denied to speak with the Health Department. Was informed yesterday regarding this hearing from Heather Nardone.

Nardone- Emailed notice as a courtesy.

Reddick- He feels the Health Department is racing to get things done.

Hedden- He feels that it has been demonstrated that the operator is not responsible enough to run a food service establishment. Discussed last year’s violations, as an example.

MacNab- Asked the Board if they feel adequate notice been given? Do we issue a continuance or go on with the hearing?

Cooper- What will a continuance solve?

Santamaria- Before a food permit is issued, we need Building and Fire sign-off. If the Board continues the hearing, the timeline does not change.

Manning- Reiterated that they did not receive proper notice and will take the matter to Superior Court.

Corbo- There is potential that this can be resolved without having a hearing or litigation. It does not harm the Board to give the applicant that opportunity if the restaurant is closed during that time.

Smith- Agrees with Town Counsel.

McKenna- We are discussing options.

Santamaria- Suggests moving hearing to July 20,2023. Is requesting one representative to work with the Staff.

Lepore- Confirmed date and time of next meeting July 20, 2023, at 3:00PM.

Manning- Stated that she would work with the Staff. Questioned if there would be enough time for her matter to be heard since there was another public hearing scheduled on July 20, 2023.

Corbo- Suggested time start for each public hearing.

MacNab- Feels like the Board is being forced into a continuance.

Action **Motion to continue the hearing to July 20, 2023, at 3:00PM** (made by: Lepore) (seconded by: McKenna)

Vote Carried 3-2// MacNab and Smith - opposed

Action **Motion to close the public hearing** (made by: Lepore) (seconded by: McKenna)

Vote Carried unanimously

V. ADJOURN

Action **Motion to Adjourn at 12:59 pm** (made by: Lepore) (seconded by: Cooper)
Vote Carried unanimously
Submitted by:
Cathy Flynn