

# BOARD OF HEALTH

## Meeting

Town of Nantucket

3 East Chestnut Street

Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Meredith Lepore, Melissa Murphy Select Board

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

~~ MINUTES ~~

**Thursday, September 17, 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 3:04 p.m. by Mr. Visco

Staff: Libby Gibson, Town Manager; Roberto Santamaria, Health Director; Art Crowley, Assistant Health Director.

Attending Members: Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Meredith Lepore; Melissa Murphy

### I. ANNOUNCEMENTS

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

1. None

### III. DIRECTOR'S WRITTEN REPORT

1. Deferred for COVID discussion

### IV. APPROVAL OF MINUTES

1. August 20, 2020

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

Roll-call vote Carried unanimously//Murphy, MacNab, Lepore, Cooper, and Visco-aye

### V. EMERGENCY VARIANCE 287/289 HUMMOCK POND ROAD (83-39)

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Don Bracken**, Bracken Engineering – Reviewed the situation and previous variances. Erosion has cost about 32 feet in the last week; there still a lot of wave action and movement. We are working with the Conservation Commission to remove the 289 Hummock Pond Road house and contents; the existing garage was demolished. The intent is to move the house to next to the house at 287 Hummock Pond Road. We are going to have to revisit the whole plan; we can't act on the variance until we have a permit. One option we hope for is to put in a tight tank rather than an I/A system; we might come back with a demolition for the house at 287 and to move 289 into that footprint with a 2-bedroom tight tank.

**Visco** – We have another hurricane that could turn toward New England coinciding with astronomical high tides.

**Santamaria** – This isn't an emergency condemnation.

**Crowley** – There isn't enough room for a septic; The tight-tank proposal would be favorable to save the property and would be easier to clean up than a leach field

-Action None

Roll-call vote N/A

**VI. BOH POLICY ON TIMEFRAME CONVERTING IA TO CONNECTING TOWN SEWER**

- Public Bill Grieder, Chair Madaket Conservations Association (MCA)  
Charles Stott
- Discussion **Santamaria** – We have the 10-year blanket variance across the Island for new I/A systems. With the incoming sewer and feedback, we want to review the 10-year time.  
**Visco** – There are a lot of I/A systems we made people install. By changing this today, it should be retroactive for people who spent that money 10 even 15 years ago. He’d like to see 20 years from either installation or the issuance date for the certificate compliance.  
**MacNab** – He supports this. Looking at the permits from 2015, there were about 110. Madaket residents have spent almost \$6m of their money. Pollution of ponds and harbors is an Island problem. Assuming the sewer is installed in 2025, you only have about 10% residents who aren’t sewerred or on I/A system. He’d support 15 years while we can adjust accordingly later.  
**Cooper** – If we pick 15 years, asked if that mean everyone has a different date or would the 15 years start from today.  
**Visco** – Everyone who has an I/A system in would start from today; after today it would be from the date installed.  
**Murphy** – Agrees this is a nice solution for residents who are making that investment, so they don’t have to pay twice.  
**Grieder** – Thanked the Board for considering this change. MCA has been at the forefront trying to get members to do what’s right and install I/A systems. This move would be appreciated.  
**Crowley** – The motion should clear the start date to today and going forward from the date of issuance of the certificate of compliance.  
**MacNab** – He’s sad we have to do this; I/A is good but not as good as sewer.  
**MacNab** – Asked if this requires a public hearing.  
**Santamaria** – This is not a regulation change
- Action **Motion to Change the time to 15 years retroactive for installed I/A systems** (made by: MacNab) (seconded)
- Roll-call Vote Carried unanimously//Cooper, Lepore, Murphy, MacNab, and Visco-aye

**VII. DISCUSSION EMERGENCY ORDERS REGARDING COVID-19**

**Santamaria** – We only had one case come in from over 100 tests yesterday; he’s hoping the surge is slowing down. There have been 8,338 tests to date. We were able to trace the surge to someone who visited a contagious person in Boston. Our number of cases is back down to below 1% of our population. Reviewed the most recent metrics; we don’t have today’s sewer report. Age demographic of under 29 is the highest positive population; people aged 40 and above are being very conscientious. The largest race group is white non-Hispanics. Almost 40% of all our cases come from the surge over the last few days. As of yesterday, the curve is starting to flatten. The overall average is 3.75 cases a day. We are ready to start Steps 1 & 2 - enforcement and outreach.  
We are getting calls about violations; asked that if people see a possible violation and there is a truck with a company name, take a picture and/or call us so staff can follow up with that company. He believes the surge sent the message and people are back to wearing masks and social distancing. He doesn’t not recommend any limitations or shut downs at this time.  
**MacNab** – Going back to March or April, we didn’t know much about the disease; now we have better contact tracing and better understand how it spreads. Asked what the metric would be if we were to shut down.  
**Santamaria** – He’d like to use a 7-day R-calculation to make that determination.  
**Lepore** – She’s concerned about the possibility of asymptomatic carriers because they aren’t being tested. \$150 is a lot of money and the State has mobile testing units. It’s short-sighted to think the surge is over after a couple of days.  
**Santamaria** – The surge is not over. The State will discuss with us tomorrow about “stop-the-spread” locations here on Island. Reached out to Dr. Katherine Brown, of the Bureau of Infectious Disease for the state.  
Calculations for infections are based upon the 2010 census number of about 10,000 year-round residents; our current population is about 17,200. The 17,200 number drops our percentage.

**MacNab** – We have funding to support asymptomatic testing; asked how much is left.

**Santamaria** – We’ve used over half of that; he has to confirm that through Chris Glowacki.

**Cooper** – Asked if Mr. Santamaria is satisfied.

**Santamaria** – We are moving in the right direction; he’s satisfied with the trend.

**Cooper** – He sees blatant violations from people every day. Asked how that is being handled.

**Santamaria** – We are stepping up enforcement. If Mr. Cooper sees that, please forward it to the office.

**Cooper** – He’s not in favor of fining; he supports putting the hammer down on blatant violations.

**Santamaria** – Four guys with no masks is a \$1200 fine. As a member of the BOH, Mr. Cooper is authorized to take a picture and send that to the office; we can act on that information.

**“Mrs. Jonathan” Green** – Asked how many people can be in a car and do they have to masks on or on their person. Asked what the Town is doing to enforce quarantine of those testing positive.

**Santamaria** – Governor’s Order 61 requires a mask when within 6 feet of a person. Local Order 12 requires masks at all time within the downtown district to include on private property. Every person who fills out a travel order must have proof of testing, unfortunately, there are those who don’t fill out the travel orders and do not pay attention to the rules. Current positives are being visited on a regular basis by a local staff member.

**Lepore** – Pointed out that people are resistant to getting calls from the State.

**Santamaria** – If we mark a case as contacted, the State won’t duplicate that.

**Bill Grieder** – There’s a lot of companies trying to do the right thing. One issue is that the vehicle doesn’t have a company name on it; same with fertilization violations. Asked if there is thought that at the next go-round for licensing, requiring all vehicles be identified with company name.

**Santamaria** – Yes, however, that would have to be a new regulation, which requires a public hearing.

**Murphy** – Unfortunately there are a lot of incidents of community members asking that people put masks on and getting disrespectful responses. You don’t want to encourage people to get into confrontations. Likes the idea of businesses being asked to identify themselves.

**Santamaria** – Across the board, we are running into issues with independent contractor. It was brought up to the State Department today; some businesses are using “independent contractors” to get around paying the pay-roll task.

**Cooper** – Asked where the schools stand on a return date.

**Santamaria** – October 1<sup>st</sup>; their hands are tied to the State red-green-yellow matt.

**Lepore** – It seems like the Department of Public Health, Massachusetts General, and Brigham-Young have people’s hands tied regarding asymptomatic testing. She feels it will be the only way to control the surge.

**MacNab** – Regarding economic recovery, asked that they hold off looking at changing Order 11 about outdoor dining; he suggests not changing Order 11 until we see where we’re headed.

## VIII. BOH UPDATES AND CONCERNS

1. None

## IX. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes August 20, 2020
2. PPT COVID Report 9/14
3. COVID Report
4. COVID September Surge Report

## X. ADJOURN

Action                      **Motion to adjourn the BOH meeting 4:01 p.m.** (made by: MacNab) (seconded)

Roll-call vote              Carried unanimously//Murphy, Cooper, MacNab, Lepore, and Visco-aye

Submitted by:

Terry L. Norton