



**BOARD OF HEALTH**  
**Emergency Joint Meeting**  
**with Select Board**

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, Madison Humphrey

~~ MINUTES ~~

**Thursday, November 12, 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 10:30 a.m. and announcements by Mr. Visco

- Staff: Libby Gibson, Town Manager; Roberto Santamaria, Health Director; Paul Murphy, Building Inspector; Terry Norton, Town Minutes Taker
- Attending Members: Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Meredith Lepore; Melissa Murphy
- Late: Cooper, 10:38 a.m.
- Speakers: Dawn Hill Holdgate, Chair Select Board
- Town Counsel: Gregg Corbo, K&P
- Documentation: Draft Emergency Order No. 14; State Sector Workplace Standards; CDC Facilities COVID-19 Screening

**I. PUBLIC COMMENT**

**Bill Grieder**, Madaket Conservation Association – Wants to put forward this subject for inclusion on a future agenda for further discussion. On the mainland, it has been reported that leachate from a landfill transferred to the wastewater treatment plant has compromised the local water supply with PFAs. He realizes Massachusetts doesn’t require testing of landfill leachate. Given the potential health concern and the size of the landfill, asked for testing of the landfill leachate now.

**Santamaria** – A risk assessment is under way; he will add this to the next regular meeting agenda.

**II. REVIEW EMERGENCY ORDERS OF THE BOARD OF HEALTH ROLLBACK TO PHASE 2**

a. Construction and Landscaping Sites

Discussion **Santamaria** – Over the last 14 days, the State has reported 57 COVID cases for the Island. Based on the information, we are still considered Yellow; however, our local numbers have our positivity rate above 5%. As a result of this surge, we are looking to roll back restrictions on construction and landscaping and merge the previous orders under a single order. A lot of the outbreak is happening within the construction and landscaping industries and associated high density living conditions. Looking to roll back to 6 people per job site. The State standards addresses much of what we intend to do. Subparagraph A restricts person on a site to 6; the Nantucket Building Association (NBA) asked that it be a phased approach.

**Murphy** – She didn’t realize the safety standards were set by the State and supports adopting them. She does not support placing limitations on job sites. Her first reason is in April and May we had significant economic support on the State and Federal level in the COVID relief checks; feels without that support, we would need significant more cause to stop people from working; she does support working with the Building Association. Asked if it would be prudent to go back to registering those small sites; the building Department would at least know where people are working. She would recommend removing the 6-person limitation.

**Santamaria** – The registration is under subparagraph B. We would go back to creating a COVID Officer and registering with the Building Department; that would give a connection to know who is on the site; the State assumed that would be the job-site foreman.

**Murphy** – She wants to stress enforcement and the need for outreach with the COVID Officer as the point of contact to help them with mitigation efforts.

**Cooper** – Yesterday in ‘Sconset, he saw 7 landscapers working on a lawn that was not a building site; all of them had masks but only 3 had them pulled up over their face. He asked them who was in charge and got no response; he then told them that if they did not comply, he believed he has the power to shut the job site down. He sees that behavior all over this Island among other people but most of the problem is with landscapers.

**Santamaria** – Non-compliance is a solid mix between construction and landscaping.

**Lepore** – Asked if the proposal now is to not limit the number of people on a job site.

**Santamaria** – Because it has been 1-to-1 transmission on job sites, we would still see the same rate of transmission if there are only 3 people on a job site. The email he is getting from NBA is they want a different type of approach on that issue. We should probably scratch paragraph A and he will come back next week with an alternate way to handle it.

**Lepore** – She is looking at this from the school perspective and wants our students back in school. If numbers keep climbing, she doesn’t understand not taking a stronger stance.

**Santamaria** – After discussing this with other department heads and organizations, we would continue to see the same rate of transmission even with 6 people per site. We are trying to pin-point target issues, which might allow us to shut down a site easier.

**Murphy** – Regarding the COVID Officer and paragraphs B & C, asked if it is worthwhile to have the COVID Officer taking temperatures.

**Santamaria** – Subparagraph B indicates there is supposed to be screening. He will add temperature taking.

**Lepore** – She has to fill out a survey every day before she goes to work. She thinks limiting people would be helpful.

**Santamaria** – We can add a screening checklist; there are plenty of examples on line.

**Cooper** – Asked if it would be one COVID Officer responsible for the job site or one for each trade on the job site.

**Santamaria** – It should be one individual responsible for every tradesman working the whole job site; also, specific crews should have a COVID Officer.

**Visco** – He agrees with Mr. Santamaria about keeping the 6-person limit out of it; if it gets worse, we can add that limitation next week.

**Lepore** – Asked if there is a threshold at which point we would institute the limitation.

**Santamaria** – We are at 5%, that’s the reason for the Emergency Order. In his opinion, if we hit 10% that would be cause for an Island-wide closure.

**MacNab** – We are at 5%; he sees no indication it is going down. He’d like to know the sewer numbers. He’s uncomfortable and wonders if we should be doing more. It’s easy to limit the trades because we can see it there. He has concerns we aren’t being consistent; he feels we will have to realize the need to be more drastic.

**Santamaria** – We are limited by the State to no more than 10 per construction site.

**Murphy** – Feels there is confusion within the community; about how the average person is to keep up with the differences between the State and Local Emergency Orders. Suggested working on a simple graphic or statement to help track what’s currently in effect. Now we have a lot of information for people; people will be coming for Thanksgiving and staying longer. We’re working on messages about how to return and travel safely to Nantucket. The information is overwhelming and adds to the sense of COVID fatigue. She’s a little on the fence about restriction and if we need to do further restrictions, we can do that at next week’s meeting. She’s concerned about caving to the mis-actions of a few.

**Hill Holdgate** – She doesn't support limitation on people; it's already limited to 10. A lot of spread is limited to people who are comfortable with each other; that is where we should target education. Supports going back to the assigned COVID Officer to keep logs for contact tracing and more check points. We also need to be cognizant of potential Federal actions under a new administration.

**Santamaria** – It is getting worse.

**MacNab** – Targeting where it is coming from has been a retrospective policy. Asked what when we get 6%, 7% or 10%. He doesn't think this is going to get better.

**Santamaria** – The 10% is our set threshold voted in back in April for starting to shut down targeted industries. Reviewed the CDC Facilities Screening checklist; we can add it as an appendix.

**MacNab** – This checklist should be available to all workers of all industries; make it mandatory that you can't go to work without having done the screen.

**Santamaria** – He would suggest a separate order for that; he can ask Town Counsel help write up an order for that for next week. The CDC has a version, which can be imbedded and filled out on line; it is a PDF and can be altered to meet local needs.

**Murphy** – Suggested a training session for the COVID Officers.

**Santamaria** – He can contact the NBA to see what they can do to help work that out.

It's important for everyone know that we are having a rough moment and Massachusetts has highest numbers, but New England is better off than the rest of the country; Massachusetts is a little high due to the metropolitan center. Nantucket is still in relative good shape compared to the rest. Colder areas of the country where people are moving indoors, the numbers are getting higher. We are working with the hospital to expand Stop the Spread testing.

Update for Mr. Corbo, who just joined: looking to strike subparagraph 3.a. and add a specific screening tool.

**Murphy** – From Burton Balkind asked, as a one-person landscape contractor, what are his responsibilities to follow the guidelines.

**Santamaria** – As a one-person show, you are your own COVID Officer and you should wear a mask and should screen yourself before going to a job site. All Town employees have to screen themselves for symptoms.

**Murphy** – From Steve Theroux, Nantucket Architectural Group, he passes lots of people on the road with 3 or 4 per vehicle or working with no masks; throwing a big blanket over the trades isn't fair; transparency needs to be shown so we know which ones are performing better.

**Santamaria** – On chat, we have some comments. Chris Hancock said the light-up sign at the hospital is easy to read and attention getting; suggested using more. Frank Dailey asked that BOH read into the record the suggestion from NBA.

**Murphy** – From Amy Eldridge, asked what's being done to help those being isolated due to positive tests or awaiting results on limiting contact.

**Santamaria** – We are compiling that information and will put that on the Website; he can email that out as well. One issue we run into is people with other health issues.

Read into the record comments from NBA: asked to introduce more rigorous COVID log, handing out comprehensive information to everyone on site including movers and owners; implement a swift and decisive 3-strike compliance – 1<sup>st</sup> violation results in a fine, 2<sup>nd</sup> violation results in a 1-week shutdown, and 3<sup>rd</sup> violation results in a 2-week shutdown.

**Lepore** – Asked that the list be given to the hospital to give out to people who are being tested; it is important for people being tested to isolate until they know their results.

**Santamaria** – He will talk to Chris Glowacki about doing that.

Continued review of the Emergency Order.

**Cooper** – Asked that the Sheriff be given the right to issue tickets.

**Corbo** – We can add the sheriff under paragraph 8 and delegate that authority to him; you might need to check with his counsel about the Sheriff's authority in enforcing local regulations.

**Gibson** – The Sheriff is an agent of the State.

**Corbo** – That’s why you should check with his counsel; we could add a qualifier i.e. “(to the extent authorized by law.)”

**Santamaria** – Continued review. Paragraph 10 is the maximum fine and paragraph 11 sets that maximum fine at \$1000.

**Murphy** – We will put together for the hospital to give people regarding isolating and not going back to work or school and resources available; asked if that would include assistance for a place to stay when for those can’t isolate at home.

**Santamaria** – He will put that brochure together by Friday. We don’t have the resources to provide a convalescence place for people; we looked into it extensively.

**Murphy** – Asked if it would be worth reinvestigating that now that we are in the shoulder season.

**Santamaria** – We looked into it the week after the two deaths. He can open the inquiry again. We have a staff member who goes out to the communal living situations with information on how to isolate. Unfortunately, by the time we find a person to be positive, they’ve already infected other residents in that communal housing.

**Murphy** – This will be a big issue as we head into the winter and cases rise. She will be happy to help the department and would be willing to work on a plan for convalescence housing for those who can’t isolate.

**Santamaria** – Janet Schulte has been helping by getting information out to individual businesses. There is a question for confirmation of numbers of people at gatherings not following into the definition of event and if that applies to job sites. At a work site it’s 10 people inside and 20 outside

**Corbo** – His understanding is those gatherings don’t apply when there is State-specific guidance; there is State guidance for construction sites. There is no limit if all safety protocols are being followed.

**Santamaria** - Posted the State guidelines; that will be included into the BOH packet on the website.

**Murphy** – Wants to ensure the information being passed out at the testing site is all translated.

**Santamaria** – We always translate information into Spanish; we don’t have certified translators for other languages.

**Lepore** – Asked what the start date.

**Santamaria** – Reviewed the changes discussed at this meeting. We need to set the implementation date.

**Visco** – Friday would be short notice. Suggested Monday, November 16<sup>th</sup>.

**Lepore** – We need to start it on Friday; we need to get ahead of this.

**Corbo** – Noted there is a time in this, which might be a holdover. Asked about a start time.

**Visco** – Suggested 7 a.m., at the start of the workday.

Action **Motion to accept the implementation date Friday, November 13<sup>th</sup> at 7:00 a.m.** (made by: Cooper) (seconded)

Roll-call Vote Carried unanimously//Cooper, Lepore, Murphy, MacNab and Visco-aye  
**Murphy** – Suggested sending this to the NBA for them to distribute through their mailing list.

Action **Motion to Adopt the Construction-Landscape Emergency Order as amended.** (made by: Mur (seconded)

Roll-call Vote Carried unanimously//Cooper, Lepore, MacNab, Murphy, and Visco-aye  
**Murphy** – Asked if the CDC checklist is for all or just construction and landscapers.

**Santamaria** – It is currently just construction and landscape but would like to expand it to all industries. Can talk about that at the next meeting.

**MacNab** – Asked the false-positive rate.

**Santamaria** – He doesn’t have that information. We accept any result as a true positive; it’s better. We’ve had about 200-plus tests; that would be about 16 false positives.

**Murphy** – Asked why the State didn’t want to increase our asymptomatic testing from 75 to 100. Asked if we have confirmation we have that testing through December 30<sup>th</sup>.

**Santamaria** – Yes, we are looking to extend it further. Currently we are the only county in the State without a full-time Stop the Spread; we are trying to make that permanent.

### **III. ADJOURNMENT**

Action                    **Motion to adjourn the BOH meeting 11:47 a.m.** (made by: Murphy) (second)  
Roll-call Vote        Carried unanimously//Cooper, Lepore, Murphy, MacNab, and Visco-aye

Submitted by:  
Terry L. Norton