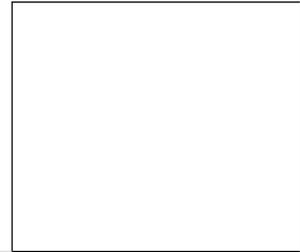




MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting **notices and agenda** must be filed and time stamped with the
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)



Committee/Board/s | BOARD OF HEALTH

Day, Date, and Time | WEDNESDAY, MAY 6, 2020 AT 3:00 PM

Location / Address | REMOTE PARTICIPATION VIA ZOOM AND YOU TUBE
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting
Law (Attached)

Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>

Signature of Chair or Authorized Person | STEPHEN VISCO

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

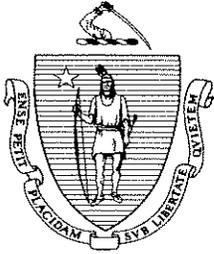
Please list below the topics the chair reasonably anticipates will be discussed at the meeting

Nantucket Board of Health

3 East Chestnut Street
Nantucket, MA 02554

Commissioners: Stephen Visco (Chair), Malcolm MacNab (Vice-Chair),
Rita Higgins, Helene Weld, James Cooper

1. Public Announcement - This meeting is being audio and video recorded
2. Public Comment
3. Covid update
4. Phased Work Plans - Construction Phase II
5. Phased Work Plans - Landscape Phase II
6. Board Member updates and concerns
7. Adjourn



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

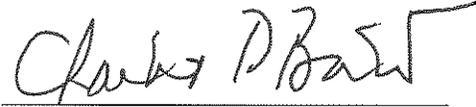
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script that reads "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Memorandum to: The Nantucket Board of Health

Date: May 5, 2020

From: COVID Analysis Team

Subject: ACK COVID-19 Mitigation Recommendations Developed by the Nantucket COVID-19 Analysis Team (CAT)

Recommendations

- Return to the original strict ACK-level of mitigation. This will keep the number of people on the Island to as few as possible pending the onset of the outbreak.
- Establish a community-level active surveillance program (testing & tracing) as soon as possible. Effective active community surveillance testing will identify the start of the outbreak sooner than relying on development of enough cases to signal on-island transmission.
- Organize an educational campaign for the community - “Keep ACK Safe”.
- Require:
 - Face masks: to be worn 100% in public, regardless of social distance, for the foreseeable future.
 - Hand sanitizer at every entrance/exit in every building with public access.
 - Enhanced Social Distancing protocols in public and recreational areas.
- Note: Private funding potentially may be available to support the surveillance program and the educational campaign.

Summary

1. Nantucket has not yet had an outbreak.
 - a. The early mitigation Nantucket put into place has prevented the introduction of enough infected people to instigate an outbreak on Nantucket. We have had 13 confirmed cases to date, but these have been, so far, contained and did not lead to an outbreak fueled by on-island transmission. Most of the cases we had were acquired off-island and brought to the Island.
 - b. It is not realistic to think that we can prevent the entry of COVID-19 into the Nantucket community regardless of any mitigation level.
 - c. We also believe that it is likely that there will be secondary outbreak clusters in the United States caused by people returning to their primary residences. They will carry

COVID-19 back into their community, and if under relaxed mitigation, the secondary outbreak in that community could be even worse than the first phase.

- d. If opened before the outbreak, the Island will most likely have to shut down/return to strict mitigation sometime in early June.

2. Nantucket will experience an outbreak of COVID-19 this summer. We project it will start by mid-June and will expand over the summer, reaching a peak sometime in the fall or early winter.

3. If we return to a stricter level of mitigation and limit people coming to the Island to just seasonal residents, we believe that the Island could experience over 2,221 COVID-19 cases by September 1st resulting in as many as 90 deaths. By October 1, there could be a total of 5,500 cases with nearly 250 deaths.

4. Under relaxed mitigation, short term visitors and seasonal off-Island workers will increase the starting outbreak population to the level that we believe that the Island could experience up to 2,900 COVID-19 cases by September 1st resulting in as many as 120 deaths. By October 1, there could be a total of 7,800 cases with nearly 325 deaths.

5. Due to the influx of short terms visitors and seasonal workers, we believe the “relaxed” outbreak would start earlier. The case/death rates would be comparable, but the most significant issue is that the Island would be better prepared for surveillance the later the outbreak occurs.

6. With reliable confidence, we believe that these are conservative death estimates.

7. The COVID-19 outbreak will cause people to not seek medical care for potentially fatal non-COVID-19 diseases soon enough to prevent them from dying. Additionally, more morbidity and mortality will be associated with the mental health impacts of the virus outbreak.

8. The issue you are facing - **IS IT WORTH OPENING THE ISLAND FOR 2-3 WEEKS OF “NORMAL” COMMERCE AND CAUSE AN ADDITIONAL 75 OR MORE DEATHS OVER THE SUMMER?**

Mitigation Strategy 1

- Strict levels of Nantucket mitigation are placed into effect now and no relaxation is allowed pending the outbreak.
- The population total on June 1 will be about 21,000: 18,000 year-round; 3,000 seasonal homeowners. *Note: population figures from the Nantucket Data Platform.*

Strategy 1

Calculator Day	40	70	100	130	160	190
Calendar Day	May 1	June 1	July 1	August 1	September 1	October 1
Cases to Date	7	39	166	645	2,221	5,865
Deaths to Date	0	1	6	25	88	247
Cumulative Cases in a Hospital Somewhere	2	7	29	107	344	759
New Hospitalized Cases per Day	0	0	1	5	12	13

Mitigation Strategy 2

- Nantucket mitigation is relaxed to the state level.
- The seasonal visitor population and seasonal workforce will be allowed to start arriving. As such, there is a period of relaxation prior to the start of the outbreak and more people are on the island when it begins.
- Stricter Nantucket level mitigation is reestablished once the outbreak is detected. (It is vital to understand the tightening is AFTER the outbreak has started.)
- The population total on June 1 will increase to about 28,000: 18,000 year-round; 3,000 seasonal home owners; 3,500 Visitors/day; 3,500 seasonal workers.

Strategy 2

Calculator Day	40	70	100	130	160	190
Calendar Day	May 1	June 1	July 1	August 1	September 1	October 1
Cases to Date	7	48	214	842	2,928	7,815
Deaths to Date	0	2	8	33	116	328
Cumulative Cases in a Hospital Somewhere	2	9	37	140	456	1,020
New Hospitalized Cases per Day	0	0	2	6	16	18

Comments about the Calculator: <https://gabgoh.github.io/COVID/index.html>

- ❖ This model is well respected and is being used by many medical and public health officials. This model's predictions are within a margin of error acceptable by most experts in the field. The forecasted outbreak, cases, and deaths for Nantucket are realistic and sound. They can be relied upon to make sound policy decisions.
- ❖ Epidemiology is based on Forecasts. *However, all forecasts are based on current human behavior. Models can change if behavior changes.*
- Epidemiologic values used: These represent the most widely used variables as of today.
 - R basis: 2.2
 - R mitigation: 1.8 (effective R value based on Massachusetts mitigation orders)
 - Incubation period: ~ 5 days
 - Infectious period: ~ 10 days
 - Case Fatality Rate (CFR): ~ 5.4 (from the Massachusetts DPH COVID Dashboard)
- Calculator Day that matches with Chronological Dates This Summer:
 - 40 → May 1
 - 70 → June 1
 - 100 → July 1
 - 130 → August 1
 - 160 → September 1
 - 190 → October 1
- The Cases to Date presented is the summation of Recovered, Hospitalized, & Fatalities (Deaths) predicted by the calculator.
- The calculator does not allow exact beginning population numbers to be entered. As such, the starting populations in the calculator were 22,163 for Strategy 1 and 28,854 for Strategy 2. These minor differences from the NDP estimates used in the strategies do not affect outbreak characteristics nor the key judgments developed.

EMERGENCY ORDER NO. ~~85~~
EFFECTIVE, 2020
OF THE NANTUCKET BOARD OF HEALTH

COVID-19 BACK TO WORK
PROGRAM FOR CONSTRUCTION
PHASE ~~4I~~

PURPOSE:

To provide the construction community on Nantucket with the ability to begin ~~working again and completing~~ projects with a ~~very limited scope and~~ number of workers on-site while still practicing social distancing and procedures to help prevent the spread of COVID-19, the Board of Health of the Town of Nantucket hereby issues the following Emergency Order No. ~~5-8~~ to establish the Phase ~~4I~~ Back-to-Work Program for Construction ~~and Landscaping~~ on the Island of Nantucket.

The intent of this program is to ~~be able to address the most important aspects of unfinished construction so that all work can be advanced to a point that protects the project from the dangers of prolonged exposure to weather, and to allow a certain limited amount of construction to complete much needed year round housing, workforce housing and employee housing. Without the work listed below dwellings and other buildings will sustain damage that will render materials unusable and existing dwellings uninhabitable and the years round affordable housing crisis will be worsened.~~ allow the continued construction of any structures for which a building permit was issued and for which construction commenced prior to March 20, 2020.

This Phase ~~I~~ level of work is limited to the work described below and is permissible subject to ~~approval by the Building Commissioner subject to~~ adherence with the general COVID-19 protocols enforceable by the Board of Health and the requirements of this Order. These protocols shall remain in place until the state of emergency is lifted or until further order of the Board of Health. New construction and renovation starts are not permitted, and only the work described herein will be allowed. Any application for an exception approved by the Building Commissioner pursuant to Emergency Order No. 5 shall automatically be deemed approved pursuant to this Order. Any work that has not been approved shall be subject to the application form and approval prior to the commencement of any work.

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Status of Emergency Order No. 1, as supplemented on April 2, 2020, and Emergency Order No. 5

The purpose of this Emergency Order No. ~~58~~ is to expand upon ~~and clarify~~ Emergency Order No. 1, as supplemented on April 2, 2020 ("Emergency Supplemental Order") and Emergency Order No. 5.

All projects described in the Emergency Supplemental Order will continue to be authorized in accordance with the terms of the Emergency Supplemental Order and Emergency Order No. 5, provided that said projects are conducted in accordance with the requirements of this Emergency Order No. ~~58~~.

Only the projects listed in the Emergency Supplemental Order, ~~and this~~ Emergency Order No. 5, ~~and this Emergency Order No. 8~~, will be permitted to begin or continue, and all other construction shall be prohibited until the moratorium is lifted or further allowances are incorporated in phases.

~~For purposes of the Emergency Supplemental Order and this Emergency Order No. 5, projects comprising “other work necessary to render occupied residential buildings fully habitable” shall mean work on a residential building used for dwelling purposes that was complete and occupied at any time prior to March 20, 2020, and where the work relates to the habitability of the structure, such as work on kitchens and bathrooms, plumbing and electrical work, including activation of existing utilities, emergency repairs and the completion of work on renovations started prior to March 20, 2020. This section shall not apply additions, unless they fit into one the categories described below, or any other work deemed non-essential by the Building Commissioner.~~

Part 1: Allowable Construction

1. For the purposes of this Order, “unfinished construction” shall mean any work on any dwelling, building or structure for which a building permit or Certificate of Appropriateness by the Historic District Commission was issued, and work actually commenced prior to March 20, 2020 and which work was stopped in accordance with Emergency Order No. 1.
2. For purposes of this Order, the terms site, jobsite and project shall all be deemed to mean all work occurring on the same property whether the work is occurring in one or more buildings/structures or pursuant to one or more permits, whether or not on the same property (i.e. Map and Parcel).
3. Beginning on ~~Tuesday~~Monday, April 21~~May 4~~, 2020, work on the following construction projects may resume in accordance with the terms of this Order:
 - a. Any work subject to a building permit for which work commenced prior to March 20, 2020.
 - ~~3-b.~~A maximum of 8 workers associated with work pursuant to a building permit are permitted on a jobsite. This maximum includes workers indoors and/or outdoors.

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Partially framed structures, dwellings or additions

- ~~To allow the continued construction of partially framed structures to be framed so that the structure can be made weathertight, including the installation of roofing materials, windows and siding, but no interior finishing such as dry wall, flooring, electrical, plumbing or HVAC work.~~

Unfinished roof work

- ~~To allow for the completion of any roofing work on new structures and structures undergoing renovation.~~

Unfinished sidewall work

- To allow for the completion of any exterior sidewall work that was affected by the emergency order.

Other Residential Construction

- Any work deemed to be specifically for (1) year round housing; (2) workforce housing; or (3) employee housing, as allowed by the Building Commissioner.

Essential and Emergency Work

- Existing and newly permitted projects which comprise essential construction as defined in Emergency Order No. 1, as Supplemented on April 2, 2020, may proceed with the approval of the Building Commissioner, provided that the project complies with said supplemental order and is conducted in accordance with this Emergency Order No. 5.
- Emergency repairs or other emergency work necessitated by circumstances beyond the control of the property owner or contractor may proceed with the approval of the Building Commissioner, provided that the work is conducted in accordance with this Emergency Order No. 5.

One Person Jobs

- Any construction work that can safely be undertaken with just one person on the jobsite.
- Workers wishing to perform one person jobs must register with the Building Commissioner prior to commencing work. Registration shall include the name of the worker, the property address, the type of work to be done and the dates that the worker will be on the site. A registration form provided by the Building Commissioner shall be completed and submitted prior to the commencement of any work. The application shall be submitted either by hand delivery or mail to 2 Fairgrounds Road, Nantucket, MA, 02554 or by e-mail to pmurphy@nantucket.ma.gov.
- Work on a single project may be undertaken by more than one person, provided that only one worker may be on the site each day. Each additional worker must also register with the Building Commissioner. Under no circumstance shall more than one worker be on the site at a time.
- Work performed on one person jobs shall comply with the General On The Job Procedures To Prevent Exposure And Limit The Transmission Of The Virus contained in this order, to the extent applicable to a one person job, including: providing 24 hour advance notice and obtaining consent of the property owner, social distancing requirements if the property is occupied, hand washing, wearing gloves and other PPE, and sanitizing all equipment and work areas.
- The Town reserves the right to reject any one person job registration if it is determined that, due to the nature of the work or its location, the work cannot safely be conducted by just one person at a time.

Part 2: General Protocols:

APPLICATION PROCEDURE

FOR MULTIPLE-WORKER JOBS

1. To request authority to proceed with an allowable project ~~(except for One Person Jobs with a registration described above)~~, the attached application form shall be completed and submitted to the Building Commissioner. The application shall be submitted either by hand delivery or mail to 2 Fairgrounds Road, Nantucket, MA, 02554 or by e-mail to pmurphy@nantucket-ma.gov.
2. Staff will endeavor to review and process the application in as short a time as possible and a response will be provided to the designated COVID-19 Officer by e-mail.
3. If the project is approved, a supplemental building permit will be issued by the Building Commissioner.
4. In order for construction to proceed, the COVID-19 Officer must display on the site the supplemental permit issued by the Building Commissioner and conduct the Construction Safety Stand Down as set forth below.

CONSTRUCTION SAFETY STAND DOWN

1. All construction sites with more than one worker **MUST** conduct a Safety Stand Down to disseminate and explain these Policies and Procedures to all employees, contractors, vendors and workers on the site upon the commencement of operations after issuance of approval and the commencement of each subsequent shift on that date. There shall be no work conducted on the site during the stand down, which shall take place during the first fifteen (15) minutes of each shift.
2. Each employee, contractor, vendor and worker on the site and the property owner shall sign a certificate that they have received and read this Order and that they will comply with the requirements hereof. Such signed certificate shall be retained by the COVID-19 officer and shall be available for inspection upon request. All notices must be translated for non-English speakers.
3. A copy of this Emergency Order No. 5 shall be conspicuously posted at the work site in such places as will be seen by workers and visitors to the site, including but not limited to at or near all employee entrances and break areas.
4. A laminated Placard on a form provided by the PLUS Department shall be posted at each jobsite with the name, phone number and e-mail address of each COVID-19 Officer responsible for the site. The Placard shall also include information for employees or property owners to report violations of this Order. No employee shall be penalized for making such a report.
5. Each company shall designate one or more COVID-19 officer(s) and provide their name and contact information to the Board of Health, Building Commissioner and PLUS Department. This step shall be completed by each company by completing and filing the attached form and prior to commencing work. At least one COVID-19 officer shall be on-

site at all times that workers are on-site and they shall be required to ensure that the requirements of this Order are strictly adhered to by all persons on-site.

6. The COVID-19 officer shall maintain a log of each employee, contractor, vendor, and worker on the site each day. The log shall include the arrival and departure time of the worker, method of transportation (company vehicle, personal vehicle, bicycle, etc.), the worker's home address, the worker's phone number and confirmation that the worker was screened and did not show any signs of being sick.

ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK

1. No person shall be permitted to enter the job site if they are exhibiting the symptoms below, and any person exhibiting any of the symptoms below, **MUST** report such symptoms to a supervisor of the COVID-19 Officer (via phone, text or email) immediately, and head home from the job site or stay home if already there.
 2. Anyone who notices another person on the job site showing signs or complaining about such symptoms, shall report such observations to a supervisor or the COVID-19 Officer (via phone, text or email) and such symptomatic person shall be directed to leave the project site immediately.
 3. The COVID-19 Officer shall make a written report of every person dismissed from or refused access to a jobsite due to the presence of COVID-19 symptoms. Said report shall include the person's name, home address, symptoms shown, date and time of dismissal, areas worked in and measures taken to protect other persons working in that area. Said report shall be provided to the Health Director and all other Supervisors on the jobsite as soon as possible but no later than the end of the work day.
 4. If a person is dismissed from the jobsite due to the presence of COVID-19 symptoms, all work shall stop, the all workers shall be dismissed and the person shall not be permitted to return to the site until they are cleared by a medical professional. Prior to resuming work, the contractor shall submit a site specific risk analysis to the Board of Health, the Building Department and the PLUS Department to include, but not be limited to a list of all workers, vendors, inspectors, visitors and other individuals who the suspected worker had close contact with, as well as a description of the areas in which the individual worked, the tools and equipment used and other individuals who had close contact in those areas and the actions taken to clean and sanitize the site. Work shall not resume until the risk analysis and plan are approved by the Town.
5. COVID-19 Typical Symptoms:
- Fever
 - Cough
 - Shortness of Breath
 - Sore Throat
6. Prior to starting a shift or other work or business on the job site, each person entering the jobsite will self-certify to their supervisor or other designated person that they:
 - Have no signs of a fever or a measured temperature greater than 100.3 degrees,
 - Had no cough or trouble breathing within the past 24 hours,

- Have not had "close contact" with an individual diagnosed with COVID-19.

"Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes (this includes riding in a vehicle with), or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.

- Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

Persons exhibiting symptoms or unable to self-certify must be directed to leave the job site and seek medical attention and applicable testing by their health care provider. They are not to return to the job site until cleared by a medical professional.

GENERAL ON-THE-JOB PROCEDURES TO PREVENT EXPOSURE AND LIMIT THE TRANSMISSION OF THE VIRUS

Each employee of the company shall be issued a copy of the COVID-19 protocols as laid out below. These protocols set forth the minimum standards for safety practices necessary to prevent the spread of COVID-19. All persons working pursuant to this order are strongly encouraged to adopt any other safety measures deemed necessary to protect themselves and others.

- Stagger arrival and departure times of workers as much as possible.
- Hiring preference shall be given to workers who reside on the Island or who are able to remain on the Island for the duration of their work.
- The jobsite and all tools and equipment shall be sanitized the site between shifts.
- All workers shall be required to have a copy of the protocols issued by the COVID-19 officer, which clearly identifies the company, including any subcontractors, for which they are working.
- For any property that is occupied, the owner/occupants shall be given 24-hour notice of the scheduled work by the company that does the work. Workers shall not enter any portion of the property unless they are required to do so to perform their work or related functions.
- All workers must notify the COVID-19 officer prior to coming into any building and must wash hands immediately after entering.
- A supply of washable gloves or nitrile gloves, non-surgical masks, and disinfectants will be distributed to all workers. Gloves and masks shall be worn at all times on the job site.
- Disinfect all equipment before and after use, focusing on 'touch points', of power tools

and hand tools and the like.

- Only enter offices for bathroom use and immediately wash hands. Disinfect all surfaces after use, including door handles of the bathroom and doors handles to the building.
- Social distancing will be mandatory. Workers will work independently as much as possible and shall maintain six-foot separation at all times unless workers need to be closer together to perform a specific task, and then only to preform that task.
- Communicate via phone, text, FaceTime, Zoom, etc. as much as possible. Document sharing, work lists, timesheets will be through electronic means only. No 'paper' will be allowed to be handled by other workers.
- Supplies and materials needed for the work shall be delivered to the site by the vendor when feasible.
- All materials received are subject to a 24-hour quarantine at the discretion of the Health Director. Nitrile gloves must be worn when handling the material after quarantine and while disposing of the material. Items delivered must be disinfected if possible. Finally, gloves should be discarded in the appropriate waste receptacle, and hands washed or sanitized.
- No more than **four (4)** people (Not including one COVID-19 Officer) are allowed on an individual construction site on any one time.
- Equipment specific (beyond continual disinfecting of all surfaces):
 - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
 - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
 - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- Only one person shall be in a vehicle at any time when traveling to and from the job site. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals for their company.
- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.

Commented [LG2]: Is this supposed to change to 8?

- Employees should avoid touching eyes, nose, and mouth with your hands.
- To avoid sharing germs, all persons must clean up after themselves. No person shall be responsible for moving, unpacking and packing up tools or other personal belongings of another person.
- All persons on a jobsite shall respect the privacy of others and shall not discuss symptoms or the diagnosis of any particular individual except for the purposes of making the disclosures required herein.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

Part 3: Enforcement

1. This Order shall be enforced as a regulation of the Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.
2. Any person or company who proceeds with work in accordance with this Order agrees that the jobsite and all related equipment shall be subject to random, unannounced inspections by any person authorized to enforce this Order.
3. The Contractor and COVID-19 safety officer shall be responsible for enforcing this Order on the site and they shall be responsible for any violations, whether or not they participated in or were aware of the violation.
4. Any person or company who violates this Order will be subject to issuance of an immediate COVID-19 related Stop Work Order and an assessment of the maximum penalty authorized by law. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.
5. Any person aggrieved by an order or determination issued pursuant hereto may request a hearing before the Board of Health. This request must be in writing, and received by the Board of Health within seven (7) days after the date the order or determination was served. You may attend the hearing and at that time you may produce any documentation and/or witnesses which show that why the order or determination should be reversed or modified by the Board. You may be represented by counsel at your own expense. A request for hearing Does Not operate as a stay of enforcement of an order and you will not be heard by the Board unless you are in full compliance with the terms stated herein.
6. Non-Criminal Disposition

This Order may be enforced by the Nantucket Health Director, Assistant Health Officer, Agent of the Board of Health, PLUS inspectors, and/or any Police Officer of the Town of Nantucket.

Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D

and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket.

If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

7. Other:

Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

**EMERGENCY ORDER NO. 8
EFFECTIVE [DATE]
OF THE NANTUCKET BOARD OF HEALTH
COVID-19 BACK TO WORK
PROGRAM FOR CONSTRUCTION
PHASE II**

PURPOSE:

To provide the construction community on Nantucket with the ability to begin moving to the next phase for construction projects to go back to work, by allowing the completion of projects previously started, provided that they limit the number of workers on-site while still practicing social distancing and procedures to help prevent the spread of COVID-19, the Board of Health of the Town of Nantucket hereby issues the following Emergency Order No. 8 to establish the Phase II Back-to-Work Program for Construction on the Island of Nantucket.

This Phase II level of work is limited to the work described below and is permissible subject to adherence with the general COVID-19 protocols enforceable by the Board of Health and the requirements of this Order. These protocols shall remain in place until the state of emergency is lifted or until further order of the Board of Health. New construction and renovation starts are not permitted, and only the work described herein will be allowed. Any application previously approved by the Building Commissioner to conduct work pursuant to Emergency Order No. 5 may continue and proceed with Phase II work and shall not be required to file a new application under this Order. Any work that has not been previously approved pursuant to Emergency Order NO. 5 shall be subject to the application form and approval procedure set forth below prior to the commencement of any work.

Status of Emergency Order No. 1, as supplemented on April 2, 2020, and Emergency Order No. 5

The purpose of this Emergency Order No. 8 is to expand upon Emergency Order No. 1, as supplemented on April 2, 2020 (“Emergency Supplemental Order”) and Emergency Order No. 5.

All projects described in the Emergency Supplemental Order and Emergency Order No. 5 will continue to be authorized in accordance with the terms of those Orders, provided that said projects are conducted in accordance with the requirements of this Emergency Order No.8.

Only the projects listed in the Emergency Supplemental Order, Emergency Order No. 5, and this Emergency Order No. 8, will be permitted to begin or continue, and all other construction shall be prohibited until the moratorium is lifted or further allowances are incorporated in phases.

Part 1: Allowable Construction Definitions

1. For the purposes of this Order, “unfinished construction” shall mean any work for which a building permit or Certificate of Appropriateness by the Historic District Commission

was issued, and work actually commenced prior to March 20, 2020 and which work was stopped in accordance with Emergency Order No. 1.

2. For purposes of this Order, the terms site, jobsite and project shall all be deemed to mean work occurring in one or more buildings/structures or pursuant to one or more permits, whether or not on the same property (i.e. Map and Parcel).

3. This Order is subject to the additional condition that the work must be included as an essential service as defined in Exhibit A to the Governor's Executive Order No. 21, which defines essential construction as follows:

- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, health care facilities, senior living facilities, and any temporary construction required to support COVID-19 response.
- Workers – including contracted vendors - who support the operation, inspection, maintenance and repair of essential public works facilities and operations, including roads and bridges, water and sewer, laboratories, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, and maintenance of digital systems infrastructure supporting public works operations. Critical or strategic infrastructure includes public works construction including construction of public schools, colleges and universities and construction of state facilities, including leased space, managed by the Division of Capital Asset Management; airport operations; water and sewer; gas, electrical, nuclear, oil refining and other critical energy services; roads and highways; public transportation; steam; solid waste and recycling collection and removal; and internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)
- Workers who support infrastructure, such as by road and line clearing and utility relocation, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Workers performing housing construction related activities, including construction of mixed-use projects that include housing, to ensure additional units can be made available to combat the Commonwealth's existing housing supply shortage.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, including allowing qualified private third-party inspections accountable to government agencies).

3.4. The above-referenced list **DOES NOT** include all construction and the following types of projects will not be permitted: work related to the installation and opening of swimming pools or associated plumbing work, the construction of sheds or other

Commented [LG1]: OR, this could say "the above-referenced list includes the following types of projects...." depending on what the Boards want to allow

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accessory buildings, the installation or construction of patios, decks or walkways,
construction of commercial or retail buildings, [list any others]

Part 2: Allowable Construction

Beginning on-[date] , any unfinished construction as defined above may resume subject to the condition that there shall be no more than eight (8) workers onsite at any one time and that the work is conducted in accordance with the terms of this Order.

Part 2: General Protocols:

APPLICATION PROCEDURE FOR MULTIPLE-WORKER JOBS

1. To request authority to proceed with an allowable project, the attached application form shall be completed and submitted to the Building Commissioner. The application shall be submitted either by hand delivery or mail to 2 Fairgrounds Road, Nantucket, MA, 02554 or by e-mail to pmurphy@nantucket-ma.gov.
2. Staff will endeavor to review and process the application in as short a time as possible and a response will be provided to the designated COVID-19 Officer by e-mail.
3. If the project is approved, a supplemental building permit will be issued by the Building Commissioner.
4. In order for construction to proceed, the COVID-19 Officer must display on the site the supplemental permit issued by the Building Commissioner and conduct the Construction Safety Stand Down as set forth below.

CONSTRUCTION SAFETY STAND DOWN

1. All construction sites with more than one worker **MUST** conduct a Safety Stand Down to disseminate and explain these Policies and Procedures to all employees, contractors, vendors and workers on the site upon the commencement of operations after issuance of approval and the commencement of each subsequent shift on that date. There shall be no work conducted on the site during the stand down, which shall take place during the first fifteen (15) minutes of each shift.
2. Each employee, contractor, vendor and worker on the site and the property owner shall sign a certificate that they have received and read this Order and that they will comply with the requirements hereof. Such signed certificate shall be retained by the COVID-19 officer and shall be available for inspection upon request. All notices must be translated for non-English speakers.
3. A copy of this Emergency Order No. 85 shall be conspicuously posted at the work site in such places as will be seen by workers and visitors to the site, including but not limited to at or near all employee entrances and break areas.

4. A laminated Placard on a form provided by the PLUS Department shall be posted at each jobsite with the name, phone number and e-mail address of each COVID-19 Officer responsible for the site. The Placard shall also include information for employees or property owners to report violations of this Order. No employee shall be penalized for making such a report.
5. Each company shall designate one or more COVID-19 officer(s) and provide their name and contact information to the Board of Health, Building Commissioner and PLUS Department. This step shall be completed by each company by completing and filing the attached form and prior to commencing work. At least one COVID-19 officer shall be on-site at all times that workers are on-site and they shall be required to ensure that the requirements of this Order are strictly adhered to by all persons on-site.
6. The COVID-19 officer shall maintain a log of each employee, contractor, vendor, and worker on the site each day. The log shall include the arrival and departure time of the worker, method of transportation (company vehicle, personal vehicle, bicycle, etc.), the worker's home address, the worker's phone number and confirmation that the worker was screened and did not show any signs of being sick.

ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK

1. No person shall be permitted to enter the job site if they are exhibiting the symptoms below, and any person exhibiting any of the symptoms below, **MUST** report such symptoms to a supervisor of the COVID-19 Officer (via phone, text or email) immediately, and head home from the job site or stay home if already there.
2. Anyone who notices another person on the job site showing signs or complaining about such symptoms, shall report such observations to a supervisor or the COVID-19 Officer (via phone, text or email) and such symptomatic person shall be directed to leave the project site immediately.
3. The COVID-19 Officer shall make a written report of every person dismissed from or refused access to a jobsite due to the presence of COVID-19 symptoms. Said report shall include the person's name, home address, symptoms shown, date and time of dismissal, areas worked in and measures taken to protect other persons working in that area. Said report shall be provided to the Health Director and all other Supervisors on the jobsite as soon as possible but no later than the end of the work day.
4. If a person is dismissed from the jobsite due to the presence of COVID-19 symptoms, all work shall stop, the all workers shall be dismissed and the person shall not be permitted to return to the site until they are cleared by a medical professional. Prior to resuming work, the contractor shall submit a site specific risk analysis to the Board of Health, the Building Department and the PLUS Department to include, but not be limited to a list of all workers, vendors, inspectors, visitors and other individuals who the suspected worker had close contact with, as well as a description of the areas in which the individual worked, the tools and equipment used and other individuals who had close contact in those areas and the actions taken to clean and sanitize the site. Work shall not resume until the risk analysis and plan are approved by the Town.

5. COVID-19 Typical Symptoms:

- Fever

- Cough
- Shortness of Breath
- Sore Throat

6. Prior to starting a shift or other work or business on the job site, each person entering the jobsite will self-certify to their supervisor or other designated person that they:

- Have no signs of a fever or a measured temperature greater than 100.3 degrees,
- Had no cough or trouble breathing within the past 24 hours,
- Have not had "close contact" with an individual diagnosed with COVID-19.

"Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes (this includes riding in a vehicle with), or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.

- Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

Persons exhibiting symptoms or unable to self-certify must be directed to leave the job site and seek medical attention and applicable testing by their health care provider. They are not to return to the job site until cleared by a medical professional.

GENERAL ON-THE-JOB PROCEDURES TO PREVENT EXPOSURE AND LIMIT THE TRANSMISSION OF THE VIRUS

Each employee of the company shall be issued a copy of the COVID-19 protocols as laid out below. These protocols set forth the minimum standards for safety practices necessary to prevent the spread of COVID-19. All persons working pursuant to this order are strongly encouraged to adopt any other safety measures deemed necessary to protect themselves and others.

- Stagger arrival and departure times of workers as much as possible.
- Hiring preference shall be given to workers who reside on the Island or who are able to remain on the Island for the duration of their work.
- The jobsite and all tools and equipment shall be sanitized the site between shifts.
- All workers shall be required to have a copy of the protocols issued by the COVID-19 officer, which clearly identifies the company, including any subcontractors, for which they are working.
- For any property that is occupied, the owner/occupants shall be given 24-hour notice of

the scheduled work by the company that does the work. Workers shall not enter any portion of the property unless they are required to do so to perform their work or related functions.

- All workers must notify the COVID-19 officer prior to coming into any building and must wash hands immediately after entering.
- A supply of washable gloves or nitrile gloves, non-surgical masks, and disinfectants will be distributed to all workers. Gloves and masks shall be worn at all times on the job site.
- Disinfect all equipment before and after use, focusing on 'touch points', of power tools and hand tools and the like.
- Only enter offices for bathroom use and immediately wash hands. Disinfect all surfaces after use, including door handles of the bathroom and doors handles to the building.
- Social distancing will be mandatory. Workers will work independently as much as possible and shall maintain six-foot separation at all times unless workers need to be closer together to perform a specific task, and then only to preform that task.
- Communicate via phone, text, FaceTime, Zoom, etc. as much as possible. Document sharing, work lists, timesheets will be through electronic means only. No 'paper' will be allowed to be handled by other workers.
- Supplies and materials needed for the work shall be delivered to the site by the vendor when feasible.
- All materials received are subject to a 24-hour quarantine at the discretion of the Health Director. Nitrile gloves must be worn when handling the material after quarantine and while disposing of the material. Items delivered must be disinfected if possible. Finally, gloves should be discarded in the appropriate waste receptacle, and hands washed or sanitized.
- No more than **eight (8)** people (Not including one COVID-19 Officer who may be present on the site solely for the purpose of supervising the work and ensuring compliance with the terms of the Order and shall not be assigned or participate in construction-related activities) are allowed on an individual construction site on any one time.
- Equipment specific (beyond continual disinfecting of all surfaces):
 - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
 - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
 - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- Only one person shall be in a vehicle at any time when traveling to and from the job site. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in

place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals for their company.

- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.
- Employees should avoid touching eyes, nose, and mouth with your hands.
- To avoid sharing germs, all persons must clean up after themselves. No person shall be responsible for moving, unpacking and packing up tools or other personal belongings of another person.
- All persons on a jobsite shall respect the privacy of others and shall not discuss symptoms or the diagnosis of any particular individual except for the purposes of making the disclosures required herein.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite site shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

Part 3: Enforcement

1. This Order shall be enforced as a regulation of the Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.
2. Any person or company who proceeds with work in accordance with this Order agrees that the jobsite and all related equipment shall be subject to random, unannounced inspections by any person authorized to enforce this Order.
3. The Contractor and COVID-19 safety officer shall be responsible for enforcing this Order on the site and they shall be responsible for any violations, whether or not they participated in or were aware of the violation.
4. Any person or company who violates this Order will be subject to issuance of an immediate COVID-19 related Stop Work Order and an assessment of the maximum penalty authorized by law. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.
5. Any person aggrieved by an order or determination issued pursuant hereto may request a hearing before the Board of Health. This request must be in writing, and received by the Board of Health within seven (7) days after the date the order or determination was served. You may attend the hearing and at that time you may produce any documentation

and/or witnesses which show that why the order or determination should be reversed of modified by the Board. You may be represented by counsel at your own expense. A request for hearing Does Not operate as a stay of enforcement of an order and you will not be heard by the Board unless you are in full compliance with the terms stated herein.

6. Non-Criminal Disposition

This Order may be enforced as a regulation of the Board of Health by the Nantucket Health Director, Assistant Health Officer, Agent of the Board of Health, PLUS inspectors, and/or any Police Officer of the Town of Nantucket.

Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket.

If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

7. Other:

Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

EMERGENCY ORDER No. 6
EFFECTIVE TUESDAY, APRIL 21, 2020
AMENDED ON (INSERT DATE)
OF THE NANTUCKET BOARD OF HEALTH
COVID-19 BACK TO WORK
PROGRAM FOR LANDSCAPING
PHASE 2
AS OF 4/30/20 – 3:45PM

Commented [LG1]: Would this be a “new” order? The Construction one is going by Order 8 (not an amended 5)?

PURPOSE:

To provide the landscaping community on Nantucket the ability to maintain individual sites and preserve vegetation, life and health while still practicing social distancing and procedures to help prevent the spread of COVID-19. The intent of this protocol is to be able to maintain health of existing landscaped areas, not to install new or substantially alter landscaped areas. Much of this work is time sensitive as lawns and plants come out of winter dormancy and immediate steps need to be taken to prevent potential long-term health problems or plant loss. This level of work shall be allowed with strictly adhered to protocols as listed below. This protocol shall remain in place until the state of emergency is lifted. Protocols will not include installation of hardscaping or new landscape installations. This exemption shall only apply to the maintenance of existing living plants.

Status of Emergency Order No. 1

So much of Emergency Order No. 1, as supplemented on April 2, 2020 (“Emergency Supplemental Order”) that prohibits commercial landscaping is hereby repealed and replaced with the following. All other aspects of Emergency Order No. 1 and the Emergency Supplemental Order that do not relate to commercial landscaping shall remain in full force and effect, subject to Emergency Order No. 5.

Part 1: Allowable Landscaping

The following landscaping activities may be performed by commercial landscaping companies, provided that the work is done in accordance with the requirements of this Order:

Primary Activities:

The following activities may begin on Tuesday, April 21, 2020:

Initial site openings and maintenance:

- Removal of plant wraps, mounds or covers (burlap from evergreens, other covers)
- Removal of debris or dead material
- Pruning as necessary to maintain plants in good health
- Tick tubes
- Deer Spraying
- Stabilization of loose soils within planting beds
- Watering of existing vegetation

Greenhouse/growing operations:

- Planting of bare root material to maintain plant health

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- Watering as needed to maintain plant health

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- Potting or transfers as needed to maintain plant health
- Receipt and processing of previously ordered plant material

Irrigation System Commissioning:

- Initial startup and repair of irrigation systems
- Occupied properties – water must be on prior to work on system; no entry to living spaces is allowed. Basements or crawlspaces may be accessed through direct exterior access points (bulkheads, panels) with no other person(s) present.
- Unoccupied properties – access to turn on water is allowed; all surfaces touched must be disinfected.

Lawns:

- Lime, Pre-emergents, pesticides or herbicides applied by properly licensed applicators
- Installation of grass/lawn to stabilize loose soils

Trees and shrubs:

- Cutting or pruning as needed to maintain plant health only or for safety purposes.
- Pre-emergents, pesticides or herbicides applied by properly licensed applicators

Golf Courses:

- Golf Courses that comply with site-specific orders of the Board of Health

Secondary Activities

The following activities may begin on Tuesday, April 28, 2020

- Mowing of lawns
- Installation of mulch or similar cover
- Application of fertilizers
- Other basic site maintenance
- Installation of greenhouse/stored material as needed to allow for the health of plants

Private Jobs

- Any landscaping work performed by one or more persons who actually reside on the site and who are not compensated for their work.

Phase 2:

Pool/Spa Commissioning:

- Water/well turn on
 - Occupied properties – water must be on prior to work on system; no entry to living spaces is allowed. Basements or crawlspaces may be accessed through direct exterior access points (bulkheads, panels) with no other person(s) present.
 - Unoccupied properties – access to turn on water is allowed; all surfaces touched must be disinfected.
- Inspection of all systems for proper function
- Removal of winter covers
- Chemical treatment of pools/spas

- Repair of the system as needed

Other site work services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and certain other buildings may be permitted following the application procedure outlined below:

1. The applicant shall provide the following:
 - Street Address
 - Map and Parcel
 - Work Description documenting the minimal amount of work to address the safety, sanitation or essential operation of the residence.
 - Photographs shall be provided of the area where work is proposed.
 - Property Owner sign-off allowing access to the site by the Town for the purposes of inspection
 - Estimated time frame for completion
2. Within 48 hours of receipt of the application the Natural Resources Department shall inspect the site and provide a written response authorizing the work or reasoning for denying the application.
3. Should more time be required to complete the work, a written request must be filed with the Department 48 hours prior to the expiration of this permit. The site will be inspected and a determination issued.
4. Upon completion the applicant shall notify the Natural Resources Department of completion. The Natural Resources Department shall inspect the site for compliance with the work description.
5. Should work not be in compliance or work done outside the initial scope of work the company shall be notified and shall be ineligible for additional applications and all other permits under this section shall be revoked under this part of the program. Companies shall also be subject to all other penalties within this Order.

Commented [LG2]: ?

Commented [LG3]: Mention the potential for a fine?

Except as provided above, all other commercial landscaping is prohibited.

Part 2: General Protocols:

APPLICATION PROCEDURE

1. To request authority to proceed with an allowable project, the attached form shall be completed and submitted to the Board of Health or Natural Resources Department either by hand delivery or mail to 2 Bathing Beach Road, Nantucket, MA, 02554 or by e-mail to jcarlson@nantucket-ma.gov.
2. Staff will endeavor to review and process the application in as short a time as possible and a response will be provided to the designated COVID-19 Officer by e-mail. If e-mail is not available a response can be made by phone.
3. If the application is approved, a copy signed by an Agent of the Board of Health shall be returned to the COVID-19 Officer requesting approval.

4. In order for work to proceed, the COVID-19 Officer and each crew member must display a copy of the authorization on the site conduct the Safety Stand Down as set forth below.

SAFETY STAND DOWN

1. All companies with more than one worker **MUST** conduct a Safety Stand Down to disseminate and explain these Policies and Procedures to all employees, contractors, vendors and workers upon the commencement of operations after issuance of approval and the commencement of each subsequent shift on that date. There shall be no work conducted during the stand down, which shall take place during the first fifteen (15) minutes of each shift.
2. Each employee, contractor, vendor and worker on the site shall sign a certificate that they have received and read this Order and that they will comply with the requirements hereof. Such signed certificate shall be returned to the Natural Resources Department. All notices must be translated for non-English speakers.
3. A copy of this Emergency Order No. 6 shall be conspicuously posted at the work site in such places as will be seen by workers and visitors to the site, including but not limited to at or near all employee entrances and break areas.
4. A Placard on a form provided by the Natural Resources Department shall be posted at each jobsite with the name, phone number and e-mail address of each COVID-19 Officer responsible for the site. The Placard shall also include information for employees or property owners to report violations of this Order. No employee shall be penalized for making such a report.
5. Each company shall designate one or more COVID-19 officer(s) and provide their name and contact information to the Board of Health, Building Commissioner and PLUS Department. This step shall be completed by each company by completing and filing the attached form and prior to commencing work. At least one COVID-19 officer shall be on-site at all times or primary COVID officer shall be inspecting each site to ensure that the requirements of this Order are strictly adhered to by all persons on-site.
6. The COVID-19 officer shall maintain a log of each employee, contractor, vendor, and worker on the site each day. The log shall include the arrival and departure time of the worker, method of transportation (company vehicle, personal vehicle, bicycle, etc.), the worker's home address, the worker's phone number and confirmation that the worker was screened and did not show any signs of being sick.

ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK

1. No person shall be permitted to enter the job site if they are exhibiting the symptoms below, and any person exhibiting any of the symptoms below, **MUST** report such symptoms to a supervisor of the COVID-19 Officer (via phone, text or email) immediately, and head home from the job site or stay home if already there.

Commented [LG4]: What changed in these two paragraphs? Or, are these new?

2. Anyone who notices another person on the job site showing signs or complaining about such symptoms, shall report such observations to a supervisor or the COVID-19 Officer (via phone, text or email) and such symptomatic person shall be directed to leave the project site immediately.
3. The COVID-19 Officer shall make a written report of every person dismissed from or refused access to a jobsite due to the presence of COVID-19 symptoms. Said report shall include the person's name, home address, symptoms shown, date and time of dismissal, areas worked in and measures taken to protect other persons working in that area. Said report shall be provided to the Health Director and all other Supervisors on the jobsite as soon as possible but no later than the end of the work day.
4. If a person is dismissed from the jobsite due to the presence of COVID-19 symptoms, all work shall stop, the all workers shall be dismissed and the person shall not be permitted to return to the site until they are cleared by a medical professional. Prior to resuming work, the contractor shall submit a site specific risk analysis to the Board of Health, the Building Department and the PLUS Department to include, but not be limited to a list of all workers, vendors, inspectors, visitors and other individuals who the suspected worker had close contact with, as well as a description of the areas in which the individual worked, the tools and equipment used and other individuals who had close contact in those areas and the actions taken to clean and sanitize the site. Work shall not resume until the risk analysis and plan are approved by the Town.
5. COVID-19 Typical Symptoms:
 - Fever
 - Cough
 - Shortness of Breath
 - Sore Throat
6. Prior to starting a shift or other work or business on the job site, each person entering the jobsite will self-certify to their supervisor or other designated person that they:
 - Have no signs of a fever or a measured temperature greater than 100.3 degrees,
 - Had no cough or trouble breathing within the past 24 hours,
 - Have not had "close contact" with an individual diagnosed with COVID-19.
"Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes (this includes riding in a vehicle with), or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.
 - Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

Persons exhibiting symptoms or unable to self-certify must be directed to leave the job site and seek medical attention and applicable testing by their health care

provider. They are not to return to the job site until cleared by a medical professional.

GENERAL ON-THE-JOB PROCEDURES TO PREVENT EXPOSURE AND LIMIT THE TRANSMISSION OF THE VIRUS

Each employee of the company shall be issued a copy of the COVID-19 protocols as laid out below. These protocols set forth the minimum standards for safety practices necessary to prevent the spread of COVID-19. All persons working pursuant to this order are strongly encouraged to adopt any other safety measures deemed necessary to protect themselves and others.

- Stagger arrival and departure times of workers as much as possible.
- Hiring preference shall be given to workers who reside on the Island or who are able to remain on the Island for the duration of their work.
- The jobsite and all tools and equipment shall be sanitized the site between shifts.
- All workers shall be required to have a copy of the protocols issued by the COVID-19 officer, which clearly identifies the company, including any subcontractors, for which they are working.
- For any property that is occupied, the owner/occupants shall be given 24-hour notice of the scheduled work by the company that does the work. Workers shall not enter any portion of the property unless they are required to do so to perform their work or related functions.
- All workers must notify the COVID-19 officer prior to coming into any building and must wash hands immediately after entering.
- A supply of washable gloves or nitrile gloves, non-surgical masks, and disinfectants will be distributed to all workers. Gloves and masks shall be worn at all times on the job site. Should an employee need to take a break from wearing a mask they must move greater than six feet away from any person remove the mask, rest and replace the mask when ready to return to work.
- Disinfect all equipment before and after use, focusing on 'touch points', of power tools and hand tools and the like.
- Only enter offices for bathroom use and immediately wash hands. Disinfect all surfaces after use, including door handles of the bathroom and doors handles to the building.
- Social distancing will be mandatory. Workers will work independently as much as possible and shall maintain six-foot separation at all times unless workers need to be closer together to perform a specific task, and then only to preform that task.
- Communicate via phone, text, FaceTime, Zoom, etc. as much as possible. Document sharing, work lists, timesheets will be through electronic means only. No 'paper' will be allowed to be handled by other workers.
- Supplies and materials needed for the work shall be delivered to the site by the vendor when feasible.
- All materials received are subject to a 24-hour quarantine at the discretion of the Health Director. Nitrile gloves must be worn when handling the material after

quarantine and while disposing of the material. Items delivered must be disinfected if possible. Finally, gloves should be discarded in the appropriate waste receptacle, and hands washed or sanitized.

- No more than **four (4)** people (including one COVID-19 Officer) are allowed on an individual site on any one time.
 - Exception: Any lot under 5,000 square feet in total lot area will keep a maximum of two (2)
- Equipment specific (beyond continual disinfecting of all surfaces):
 - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
 - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
 - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- No more than two people shall be in a vehicle at one time and shall be required to be wearing masks while in the vehicle. One person per vehicle is still the preferred method of transportation. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals for their company.
- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite site shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

Commented [LG5]: Can the COVID officer – work?

Commented [LG6]: Is the list subject to review? Or?

Part 3: Enforcement

1. This Order shall be enforced as a regulation of the Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.
2. Any person or company who proceeds with work in accordance with this Order agrees that the jobsite and all related equipment shall be subject to random, unannounced inspections by any person authorized to enforce this Order.

3. The Contractor and COVID-19 safety officer shall be responsible for enforcing this Order on the site and they shall be responsible for any violations, whether or not they participated in or were aware of the violation.
4. Any person or company who violates this Order will be subject to issuance of an immediate COVID-19 related Stop Work Order and an assessment of the maximum penalty authorized by law. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.
5. Any person aggrieved by an order or determination issued pursuant hereto may request a hearing before the Board of Health. This request must be in writing and received by the Board of Health within seven (7) days after the date the order or determination was served. You may attend the hearing and at that time you may produce any documentation and/or witnesses which show that why the order or determination should be reversed or modified by the Board. You may be represented by counsel at your own expense. A request for hearing Does Not operate as a stay of enforcement of an order and you will not be heard by the Board unless you are in full compliance with the terms stated herein.
6. Non-Criminal Disposition
This Order may be enforced by the Nantucket Health Director, Assistant Health Officer, Agent of the Board of Health, PLUS inspectors, and/or any Police Officer of the Town of Nantucket. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
7. Other:
Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

So voted by the Nantucket Board of Health on April 19, 2020:
Stephen J. Visco, Chair
Malcolm W. MacNab, MD, PhD, Vice Chair
James A. Cooper, Member

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Rita Higgins, Member
Helene M. Weld, RN, Member

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