

# BOARD OF HEALTH

## Meeting

Town of Nantucket

131 Pleasant 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

**Staff:** Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Anne Barrett

~~ MINUTES ~~

**Thursday, April 21, 2022**

*Community Room, 4 Fairgrounds Road & Remote Participation via ZOOM.*

Called to order at 4:00 pm by Mr. Visco.

Staff in attendance: R. Santamaria, Health Director; K. LaFavre, Health Inspector; J. Hedden, Health Inspector; C. Flynn, Health Inspector; J. Visco, Health Inspector; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; Malcolm MacNab, MD, PHD; Meredith Lepore; Melissa Murphy, Select Board

Absent Members: James Cooper;

### I. ANNOUNCEMENTS

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

1. None

### IV. DIRECTOR'S REPORT

1. Fertilizer is a Citizen's Warrant Article at Annual Town Meeting (ATM); this is a citizen's article, which the Town did not sponsor this article. We are receiving a lot of accusatory comments. We have draft regulations for fertilizer ready, so, depending on the vote at Town Meeting, he can bring those to the Board for approval. If that is approved, it goes onto the NP&EDC agenda for their approval; it will then go to the State house for final approval. When all that is done, he recommends we disband the Fertilizer Advisory Committee and go through the new Environmental Contaminant agent, once that person is on board.

### III. APPROVAL OF MINUTES

1. March 24, 2022  
Action **Motion to Approve.** (made by: MacNab) (seconded)  
Roll-call vote Carried 3-0//Lepore, MacNab, and Visco-aye; Murphy-abstain

### V. BOH APPLICATIONS REVIEW

1. Loan Request for 23 Flintlock (75-87) Roethke, septic repair  
Sitting Visco, MacNab, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – For a septic repair. The loan program needs to be overhauled or ended as we move more toward sewer. No objections.  
Action **Motion to Approve the loan.** (made by: Murphy) (seconded)  
Roll-call vote Carried 4-0//Lepore, MacNab, Murphy, and Visco-aye
2. Release loan for 14 Dukes Road (41-60) per Tax Collector  
Sitting Visco, MacNab, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – The loan isn't needed and can be released.  
Action **Motion to Approve the release.** (made by: Murphy) (seconded)  
Roll-call vote Carried 4-0//Lepore, MacNab, Murphy, and Visco-aye

3. Referral documents from Barnstable County re: no Operation & Maintenance agreement (O&M).

- a) 20 Ellen's Way (81-178)
- ~~b) 22 Capum Pond Road (40-112)~~
- ~~c) 25 Ellen's Way (81-181)~~
- d) 31 North Pasture (44-78)
- ~~e) 72 Pocomo Road (15-37)~~
- f) 26 Pequot Street (80-128)

Sitting Visco, MacNab, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – 22 Capaum Pond, 25 Ellen's Way, and 72 Pocomo have put their O&Ms in place; no action is necessary on them. The BOH needs to vote to authorize for the Health Department to fine the remaining three properties \$300 a day until O&M is in place.  
**Lepore** – Asked if these are I/A.  
**Santamaria** – Yes; an O&M must be in place to ensure they are working properly. The O&M is a State-wide requirement for all septic systems.  
**Visco** – This has been an on-going problem, which the staff is dealing with; it shouldn't be so difficult. He would support sending out the fines.  
**Santamaria** – Our tracking is all through Barnstable County and we need to accept their letters.  
Action **Motion to accept the Barnstable County Department of Health and Environment letters for the three relevant properties and authorize staff to fine each property \$300 a day until the O&M is filed.** (made by: Murphy) (seconded)  
Roll-call vote Carried 4-0//Lepore, MacNab, Murphy, and Visco-aye

4. Variance request for 6 Deer Run Road (57-14.5) BOH Local Reg 56.02 A – nitrogen loading in HPWS (Ted King)

Sitting Visco, MacNab, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Ted King** – Lot is 80,000 sf in the Hummock Pond Watershed so asking for the variance; there are no objections  
**Santamaria** – This is for nitrogen loading. The bedrooms are restricted to 1 bedroom per 10,000 sf.  
**Hedden** – Staff has no objections.

Action **Motion to Approve.** (made by: MacNab) (seconded)  
Roll-call vote Carried 4-0//Lepore, MacNab, Murphy, and Visco-aye

5. Variance request for 14 Woodland Drive (64.04) B.1 nitrogen loading in well protection district

Sitting Visco, MacNab, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – This is similar to Deer Run Road; they are looking to install an I/A system with 2 existing bedrooms and 1 proposed.  
**Don Bracken**, Bracken Engineering – Zone 2 is not in any local water protection areas. This is allowed under Title 5 with an I/A system.

Action **Motion to Approve.** (made by: Murphy) (seconded)  
Roll-call vote Carried 4-0//Lepore, MacNab, Murphy, and Visco-aye

**VI. BOH BUSINESS**

1. PFAS update:  
**Santamaria** – Two weeks ago, he attended a Science of PFAS Conference set by NEWOMA; we liaised with Department of Environmental Protection, Western Solutions, and CDM Smith, which is working with the Town. Went through PFAS destruction technologies and connected with manufacturers. The hope is to implement some of new technology here. The PFAS Action Group from Nantucket gave a presentation on our firefighter gear. Nantucket is so far ahead of the rest of the State. The process of our work is still going slowly. Wannacomet

Water Company broke ground to install water system west of the Airport. We will be finding it in other water sources as well as waste streams. We have to build a knowledge base before we can do an action base.

2. COVID-19 Update:

**Santamaria** – We're doing well despite a small spike after teacher Appreciation Week. Doing 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> boosters through the State program. You can sign up at the Town website and on Wednesday from 4-6 at the 131 Pleasant Street trailer. Those are for the full range of ages. We can do home visits for homebound people. Hopefully we're looking at the endemic side of COVID. The Federal mandate was lifted by a judge, but DOJ is appealing that. Local mask mandates are not affected as they are protected by 10<sup>th</sup> Amendment.

**MacNab** – Asked if the spike is based on PCR or antigen testing.

**Santamaria** – The large amount of antigen testing has under reported our PCR number. The Sewer numbers put us closer to 50 cases last week of BA2, which is a subvariant of Omicron.

**Lepore** – Asked if the State provides and PCR testing. Antigen doesn't seem to detect until after infection

**Santamaria** – The only way to get a PCR test is to present at the Emergency Room with symptoms or go off Island. With the flood of antigen testing, we saturated the population so now we are getting a significant under reporting of the general population. We will continue waste water testing through the summer at least, if not in perpetuity. Due to the cost, we now test every other week; it's about \$1000 per test. You have to be at least 4 months out from your 3<sup>rd</sup> booster to get your 4<sup>th</sup>; this is recommended for 55 or older

3. Immuno-Enhanced Mice update:

**MacNab** – Massachusetts Institute of Technology was here 1½ weeks ago. They have made miraculous progress in getting close to having a mouse immune to Lyme. We're a long way from getting an immune mouse on the Island; they would first introduce mice to an uninhabited island and would need Town approval to introduce them to Nantucket. The steering committee has lost some members; he'll be putting forward to the BOH names for the committee membership.

**Santamaria** – Science is conflict and debate; we need that. This morning, the Boston Globe ran an article on this project; it was very neutral, expressing just the facts.

**MacNab** – The grant in combination with Martha's Vineyard, asked if a Lyme disease person was involved in that.

**Santamaria** – Yes, Patrick Reynolds will be our tick expert. We're working with State funding to get him over here for 1 week this summer. Last year we 169 suspect and confirmed Lyme cases on Nantucket; that's much higher than where we were before COVID.

**Lepore** – Asked if we've seen anything about Lone Star Ticks.

**Santamaria** – Lone Star is the primary tick on Martha's Vineyard and the town of Gosnold; we are not getting them in the numbers the Vineyard or Gosnold are seeing. There is concern they will become the primary tick here in the next few years. They carry Southern Tick Associated Rash Illness - STARI, Powassan, Ehrlichia, Alpha-galactose allergy, and Borrelia miyamotoi.

4. Pools

**Santamaria** – We keep going back and forth over what a pool regulation would look like; we got one through Town Counsel for approval. Ms. Gibson wants to meet with us Tuesday to go over our progress; he will bring that back to this board. This summer we will go with the *status quo*.

5. Staffing

**Visco** – Mr. Santamaria said we might need input on staff positions requested at ATM.

**Santamaria** – Finance Committee recommended approval for funding our staffing request. Review the positions requested.

6. Article 39 (Bylaw: Short-term Rental Regulations)

**Murphy** – Asked what will happen if Article 39 STR is passed. Asked what the inspection requirements would be.

**Santamaria** – If 39 passes, Health will look at employing the services of a company like Granicus to gather the data; they offer the ability to do the registration for us. We would still need to have BOH vote to fine violators. Inspections would need to meet the standard housing requirements. Don't know if we have enough staff for that, but he hopes Granicus technology will help focus on problem properties.

**VII. ADDITIONAL DOCUMENTS USED**

1. Draft BOH Minutes March 24, 2022
2. Boston Globe April 21, 2022, article “In an effort to cub Lyme disease, scientists hope to release thousands of genetically altered mice on Nantucket.”
3. Article 39 (Bylaw: Short-term Rental Regulations)

**VIII. ADJOURN**

Action                    **Motion to Adjourn at 4:44** (made by: Murphy) (seconded)  
Roll-call vote            Carried 4-0//Murphy, Lepore, MacNab, and Visco-aye

Submitted by:  
Terry L. Norton

PROPOSED