

# 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, January 20, 2022**

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

Called to order at 4:00 p.m.

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; James Cooper; Meredith Lepore; Melissa Murphy, Select Board

### I. ANNOUNCEMENTS

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

1. None

### IV. DIRECTOR'S REPORT

1. Venison program – We don't have a final number, but they found a kitchen. There's been turnover in the process, and it seems to be back up and running with a kitchen available for next year.

### III. APPROVAL OF MINUTES

1. December 16, 2021

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

Roll-call vote Carried 5-0//MacNab, Lepore, Murphy, Cooper, and Visco-aye

### V. BOH APPLICATIONS REVIEW

1. Ratify condemnation of 19R Hooper Farm Road basement not for human habitation

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – Over the last 1.5 months, we've had multiple inspections: occupying, vacating, reoccupying, re-vacating. The basement apartment was never torn out per the original order; it was reported as a storage unit. We are seeking a permanent injunction.

**Cooper** – Asked if fines have been levied.

**Hedden** – Total of \$2,000 to date since 12/22/2021. It's been inspected 4 times by us as well as fire, wiring, building, and zoning. Most recently we received evidence of people moving back in; we inspected again and found occupants, so we issued another ticket. As of today, it is vacated. The 1<sup>st</sup> 3 fines for \$500 each were paid; the fourth was issued 2 days ago.

**Cooper** – If everyone is gone, does the owner still have to rip out everything done wrong.

**Hedden** – His opinion is yes. A building permit from 1999 was for storage units and there is no Certificate of Occupancy (CO) on it. This is the 3<sup>rd</sup> year we've been dealing with this property.

**Cooper** – Maybe a \$500 fine isn't enough.

**Hedden** – We hope \$500 a day is a catalyst to bring this into compliance.

**Santamaria** – We are taking him to court for a permanent injunction; if someone is found living there, that is a criminal offence.

**LaFavre** – We’ve had complaints from people who were living there that the area was unsafe. The police also responded to a death in the basement. Hopefully the court action will put a stop to it.

Action **Motion to ratify the condemnation.** (made by: Cooper) (seconded)

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

2. Variance for 1 Golf View Dr, Regulation 64, H-20 loading 7.

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – There is a section of Reg. 64 which requires H-20 rating over the entire Island; it’s something we missed. This property will be putting in a new septic; the system won’t be in the traveled way so doesn’t require H-20 loading.

**Dan Mulloy**, Site Design Engineering – There’s no basis for this system to be rated H-20 for traffic loading. We are asking the BOH to allow staff to grant waivers in similar situations, so they don’t have to come before the board for a variance.

**Hedden** – He’s been reviewing this plan; most of these chambers are high capacity leach chambers with H-20 loading. He noticed this chamber was different so reviewed Reg. 64. Title 5 doesn’t require H-20 loading. The reality is a leach field shouldn’t be in a driveway or roadway, but there are instances where that happens. There is no real reason to require H-20 leach chambers.

**Lepore** – Asked for more clarification about what this is for.

**Santamaria** – Explained the situation where a leach field might have to go in a traveled way so the H20 rating would be necessary. H-10 is the national standard for septic leach fields. We have no objection to granting the variance.

Action **Motion to Grant the variance for the H-20 requirement.** (made by: Cooper) (seconded)

Roll-call vote Carried 5-0//MacNab, Cooper, Lepore, Murphy, and Visco-aye

## VI. PUBLIC HEARING

Policy for Regulation 64: H-20 Loading

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Discussion **Santamaria** – Looking for a vote to allow the agents of the BOH to waive the need for H-20 loading without coming before the Board. Doing this is also easier than holding public hearings to change a single sentence in the regulations.

Action **Motion to Allow staff to sign waivers for the need for H-20 loading.** (made by: Cooper) (seconded)

Roll-call vote Carried 5-0//MacNab, Cooper, Lepore, Murphy, and Visco-aye

## VI. BOH BUSINESS

1. COVID-19 Emergency Order Discussion

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Emergency Order, Sewer reports

Discussion **Santamaria** – This is to keep the discussion going. The most recent sewer numbers show a 50% drop off from this time last week. Testing is hard to get now so we’re not seeing the positives except for those few who show up for PCR Testing. The only rapid antigen tests reported to us are from the school. The Vaccination Center is open again; requests for a time slot can be requested between 4 & 6 pm. We still have the mask advisory in effect. The good news is that hospitalizations have remained low; we contribute that to the Island’s high vaccination rate. Recommending no changes.

**Lepore** – She would bet the actual numbers are at least double. She’s concerned about the difficulty in getting PCR tests done. There is no way to get reports on the 5- to 11-year-olds who have gotten vaccines; the school tests are State run. Parents are having a hard time getting their kids vaccines; they have to go off Island.

**Santamaria** – Omicron is least severe among the vaccinated but very severe for the unvaccinated.

**MacNab** – Sounds like we have a disconnect of uncoordinated activities with the State, Town and Schools; he'd like some reassurance.

**Santamaria** – There is some discoordination. Our staff was doing the Nantucket Cottage Hospital (NCH) clinic as well; but we've pulled them out. He didn't realize the State was doing the school clinics; he believes those are supposed to end in a couple of weeks. We need to order the low-dose Pfizer vaccine. The Town will do all the vaccination, including students; the data gets uploaded to the State MIIS system.

**Lepore** – We can look things up on the MIIS State system, but we have to go student by student. The students are the population that needs the vaccinations.

**Santamaria** – When we do the vaccinations, we'll have a record.

**MacNab** – If someone has a positive antigen test, confirmed that NCH will not do a PCR test on them.

**Santamaria** – Yes, Mass General issued an edict not to send them our antigen positives to the hospital.

**MacNab** – That means we don't know the true numbers and don't know who's vaccinated.

**Santamaria** – We don't know the true numbers, but we do know who's vaccinated. We have a 71% vaccination rate of everyone 12 and over; only about 19% of youths. The issue really started at the beginning of last year when there was a situation of who would run the clinic. When NCH stopped, our nurse it picked up, then NCH started again and the schools.

**Lepore** – She believes the State offered the vaccine clinic and the schools reached out. Unless you were a patient of Briar Patch, you had to go off Island to vaccinate your child. In her opinion, the antigen test is still garbage compared to the PCR test.

**MacNab** – The antigen test isn't as accurate; it's a good test but doesn't provide the true numbers.

**Murphy** – Several meetings ago, we heard about the Town was getting its own PCR testing capability. Asked if there is any statement the BOH can make or ask the Hospital to partner with us in support of the testing and vaccine.

**Santamaria** – We did reach out to the NCH and ambulance companies to do testing. They are currently focusing on vaccination. The thought process is that you don't need PCR testing unless you're travelling; we prefer the PCR testing.

**MacNab** – In the priorities, vaccinations should be above testing.

**Santamaria** – Nantucket is the most vaccinated county in the State; we have a willing population who want to get this over with. Because we are so far ahead in vaccinations, we are looking for testing. We were given a small allotment through Health Resource Services Administration and Island Health Care; it's supposed to be delivered tomorrow. We're hoping to get about 2,000 tests.

**Murphy** – About COVID, she got an email from Kathy Grieder asking to make a note of outbreak at OIH and asked to recognize the efforts of the staff over the past 2 years to meet the needs of patients. Because of this outbreak, OIH is not allowing any non-staff into the facility, and they aren't allowing cards due to the possibility of infection. To reach residents, they are asking people send emails to [ourislandhome@yahoo.com](mailto:ourislandhome@yahoo.com).

**Lepore** – It is important to recognize OIH has done an amazing job.

## 2. PFAS Update

Sitting

Visco, MacNab, Cooper, Lepore, Murphy

Documentation

Supporting documents and plans, staff recommendations.

Discussion

**Santamaria** – We're moving along with the water testing; finally received the testing numbers from UMass Field Studies of the wells around the Island and got 10 hits with only 3 above 20 parts per trillion. The PFAS group is working to get information out to everyone and get those properties with high numbers connected to Town water for drinking water.

The biggest issue is categorizing everything; the State is regulating PFAS sticks specific to the regulated compounds. That number is about to PFAS 24 so all testings will have to be redone or re-categorized. If that happens, we will run into total PFAS numbers above the 20ppt. The state doesn't want to ban everything. There are trace amounts of PFAS in just about everything we own. We're starting a process to ban PFAS.

He met this morning with Town Manager and Solid Waste Manager about bio-degradable packages bylaw; we are talking about banning all food packaging containing PFAS; that is going to Town Counsel to be reviewed for legality. The school is looking at putting in artificial turf fields and there's been discussion about the BOH banning that; he recommends holding off on the in favor of the industry being able to produce artificial turf without PFAS. PFAS is mostly found in the infill the schools might use. With turf, PFAS is found in the extruding process; we're trying to figure out how much of that is leachable.

**MacNab** – Asked if there is one good unbiased peer review article that summarizes the issue.

**Santamaria** – No, not for artificial turf. There are thousands of products out there.

**Lepore** – At this point, we should have a moratorium on the artificial turf until we have more information. The Town is suing 3M because of what happened at the Airport; now there is talk about buying artificial turf from 3M. She wonders at putting PFAS in the schools exposing children and poisoning our Island. It is already in our aquifer, if not the lower level.

**Murphy** – The Campus-Wide Plan will be on the Town Warrant for the funding of the overall program; she's not sure there has been a decision on the material. Asked if there is harm in waiting to take a position until that decision is made, and would it benefit the BOH to hear about the plan. There's a lot of debatable science but there is the question of taking a risk. We need to understand those risks.

**Santamaria** – We could have a joint meeting with the School Committee and have the Campus-Wide Plan presented to us. It is on the warrant, but he doesn't think they have materials on the Warrant. If the funding is approved at Town Meeting and on the ballot, we will still have time to address the PFAS issue.

**Lepore** – She would also like to hear from some 3<sup>rd</sup>-party scientists who are doing the research, not just those SMRT is paying for.

**Santamaria** – We will reach out. The action group has some scientists working on this.

**MacNab** – We need to hear both sides; we should look at all the data and draw our own conclusion.

**Murphy** – The funding article will make it onto the Warrant and has to be voted in the ballot. There are a lot of good aspects to the plan and she wants us to be respectful of the work that went into it.

**Santamaria** – He's reaching out to School Superintendent Elizabeth Hallett, Ed.D to set something up so we can discuss this in more detail.

**Lepore** – If we do a moratorium, asked if it has to be done before the financial part is approved.

**Murphy** – Her understanding for the funding article is that we are approving the overall funding. If we vote on a moratorium after that, they have to adjust their plans. It might be prudent to make a recommendation before it gets to Town Meeting.

**Santamaria** – We are working on setting up a roundtable discussion on PFAS with the group that led the discussion in November. Those are open to the public. He will inform the BOH when the meeting is scheduled.

**VII. ADDITIONAL DOCUMENTS USED**

1. Draft BOH Minutes December 16, 2021

**VIII. ADJOURN**

Action                    **Motion to Adjourn at 5:07.** (made by: Murphy) (seconded)  
Roll-call vote            Carried 5-0//MacNab, Cooper, Lepore, Murphy, and Visco-aye

Submitted by:  
Terry L. Norton