



BOARD OF HEALTH Emergency Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD (chair), Stephen Visco (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins
Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, Anne Barrett, Hank Ross

~~ MINUTES ~~

Monday, March 30, 2020

*This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 3:00 p.m. by Mr. Visco

Staff: R. Santamaria, Health Director
Attending Members: Malcolm MacNab, MD, PHD; Stephen Visco; James Cooper; Helene Weld, RN; Rita Higgins, Board of Selectmen
Town Counsel: Lauren Goldberg, K&P
Speakers: Chief of Police William Pittman, Select Board Chair Dawn Hill Holdgate, Hospital Director Gary Shaw, Town Manager Elizabeth Gibson

Agenda adopted by unanimous consent

I. EMERGENCY ORDER DECLARATION

Discussion **Santamaria** – Roll call of attendees participating by video conferencing. Read statement regarding suspension of Open Meeting Law requirement for meetings to be held in a publicly accessible location. There will be no public comments. Listed ground rules for remote participation. Public comments will be taken via chat after the meeting and addressed by staff.
Goldberg – The unique position of the Town as an Island and limited medical care capacity were considered in issuing the supplemental emergency order to suspend work at construction sites and landscaping; reviewed concerns about having workers commuting to the Island.
MacNab – Asked for clarification on the governor's position.
Goldberg – Our position is that with our ability to regulate construction and lawn services is that the authority is consistent with authority asserted through the governor. It has been specifically recognized that Boards of Health have the ability to make decisions specific to their communities. Essential services must be related to the COVID-19 emergency situation and issues that come up on an emergency basis. Work on residential and commercial structures do not constitute emergency work; if there is a place with emergency work, a COVID-19 liaison must be present to ensure safety measures are in effect. Work may continue on small construction sites which are unoccupied, only one worker is needed, don't have to comply with OSHA reporting requirements, and no deliveries are required; the order does not allow for deliveries. The idea is to focus on public health; if a person is in an unoccupied location by themselves, they won't transmit COVID-19.
Hill-Holdgate – Asked if a situation like a father-son team who live together can get an exemption.
Goldberg – It says single workers who are sole employees on an otherwise unoccupied property or their own property; they could work alone but not together.
Santamaria – They must alone whether or not they are family; also, it limits all work to emergency repairs.
Weld – Asked if this creates a burden on enforcement.
Pittman – We can make it work with just a single worker; it gets too burdensome otherwise.
Cooper – Asked if the Town is reducing the number of people on crews such as the Department of Public Works.

Pittman – All Town departments are either not working or doing essential work and reduced down to minimum levels to keep people home in the event someone becomes ill.

Shaw – You want to minimize physical contact as much as possible; what you’re talking about would minimize this. This disease doesn’t care about relations, just moving to another victim. He fully supports no more than one person on a site.

Higgins – She thinks it would be a slippery sloop allowing a second person on the site; father-son could lead to request for working with housemates.

Santamaria – We can hold the line on one person. We realize how hard this is and this is peoples’ livelihoods. This would allow work to continue in a safe manner.

Goldberg – The Select Board will revisit closures on a weekly basis. Information will be developing to help analyze whether or not this order should continue. Mr. Shaw has been helpful in explaining the risks if the construction ban were lifted; a spike in COVID-19 cases would preclude the hospital from being able to handle other emergency responses. We’ve included the rationale behind the decision.

Cooper – Asked if there had been any pushback from the construction business.

Santamaria – We have had some pushback; everyone is trying to justify their work as essential. We’ve only granted six waivers. In general, from what we see, people are complying.

Pittman – Most waivers have involved openings on a house with finished interior to prevent weather from getting inside. Two waivers involved removing dirt that had been soaked with hazardous material.

Higgins – The pushback she’s heard is whose order supersedes whose.

Golding – When the BOH adopts this order it will supersede any other; this is in fact the local law until the BOH decides to lift it. The governor’s order says that the only way essential businesses can operate is if they can demonstrate they can do so withing the guidelines.

Higgins – Asked who should determine the date.

Golding – That has been a collaborative process; the Select Board has said it will review things and their actions will be informed by the BOH and Mr. Santamaria’s position on the issue.

Pittman – Everything Ms. Goldberg said about the legality of the order is correct. How the list came about is: The Department of Homeland Security provided a list of essential services which the Commonwealth adopted with no modification. The cover letters says that additional public health concerns for a particular community must be taken into consideration.

Cooper – Asked about the public bus service.

Santamaria – That is still running. The driver has been boxed off and put 6-foot separation within the bus; they are providing limited service.

Action **Motion to Approve the supplemental Emergency Order as written.** (made by: MacNab) (seconded)

Voice Vote Carried unanimously: MacNab-aye; Cooper-aye; Weld-aye; Higgins-aye; Visco-aye

II. BOARD MEMBER UPDATES AND CONCERNS

- 1. Shaw – Thanked the BOH for their leadership and concern for public safety. This is an unprecedented time and we’ve made significant gains on containing this. What we’ve done here has contributed to why Nantucket isn’t seeing a surge in cases. This is the incubation time for cased identified a couple of weeks ago. It is known that right now is the time to double down and look at social distancing and washing hands; that will define what happens on the Island in the next 14 days. Our hospital is very ready for what we don’t want to see happen.

Adjourned 3:40 p.m.

Submitted by:

Terry L. Norton