



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

Town of Nantucket  
3 East Chestnut Street  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair) , James Cooper, Helene Weld, RN, Rita Higgins, Select Board

**Staff:** Roberto Santamaria, Artell Crowley, Kathy LaFavre, Anne Barrett, Hank Ross

~~ MINUTES ~~

**Sunday, April 19, 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 1:00 p.m. by Mr. Visco

Announcements

**Staff:** Libby Gibson, Town Manager; Santamaria, Health Director; Jeff Carlson, Director Natural Resources; Leslie Snell, Assistant Director Planning and Land Use Services  
**Attending Members:** Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins  
**Speakers:** Dawn Hill Holdgate, Chair Select Board; Gary Shaw, President NCH  
**Town Counsel:** Gregg Corbo, K&P Law, P.C.

Agenda adopted by unanimous consent

**I. REVIEW EMERGENCY ORDERS OF THE BOARD OF HEALTH**

a. Construction Phased Work Plan – Order #5

**Discussion**      **Santamaria** – Changes were requested and the previous meeting and been compiled into a final packet. The final draft has to be adopted.  
**Cooper** – The number of workers at a construction site is 4 workers and one COVID officer.  
**Corbo** – That is correct; the COVID officer can be one of the workers, in which case it is a maximum of 4 workers.  
**Cooper** – Asked if the vendors have agreed to deliver orders to the job site.  
**Snell** – MHC wants to incorporate with the order and asked for a list of approved work sites; haven’t heard from the others. About the deliver, delivery of items that needs to be cleared up  
**Corbo** – the order reflects the changes made after Friday. The deliver issue does have to be addressed; he understands that they would be required to receive deliveries of larger items.  
**Visco** – Thinks it’s common sense; smaller items could be handled with a curb-side pickup.  
**Corbo** – Language to be “supplies and materials needed for work shall be delivered to the site by the vendor when feasible.”  
Review of comments from Ms. Snell on the draft.  
**Corbo** – Emergency work to be permitted to go forward is limited to structures used and/or occupied prior to March 20, 2020. Allowable Construction needs a beginning date for work; Ms. Snell suggested April 21.  
**Discussion** – About the start date, the consensus agrees on April 21  
**Corbo** – We changed PLUS Department to Building Commissioner. Added language about a registration form and how to obtain it.  
**Higgins** – Asked if there is a single-worker job, does that person have to be a COVID officer.  
**Santamaria** – We need to include who the single-workers are.  
**Corbo** – Right now it’s any work that can be done by one person and is approved by the Building Commissioner.

**Gibson** – Noted some typographical errors.

**Corbo** – The next issue is under the application procedure which don't apply to the single worker; reviewed changes that indicate these apply only to multiple-worker jobs.

**Hill Holdgate** – She has been asked about having someone check in on single workers.

**MacNab** – We weren't checking on one-man jobs before COVID; thinks it would get too complicated.

**Discussion** – About COVID officer at the multi-person jobs, that person is supposed to be at the site all the time.

**Corbo** – General on-the-job procedures; the only comment was on deliveries, which we discussed. The final section is enforcement.

**Cooper** – On deliveries, it states all material is subject to a 24-hour quarantine, confirmed it will sit at the site and can't be used until the following day. It could be a problem with items that might be damaged to being left in the open.

**Shaw** – He will pass that question to Dr. Pearl to provide guidance.

**Santamaria** – If it's going to rain, it wouldn't be delivered; however, if it can be put inside, that's fine. There should be no need for the workers to leave the job site because items are sitting in quarantine. If necessary, an item can be ordered to be delivered the day before work starts.

**MacNab** – Suggested leaving it in and grant Mr. Santamaria the authority to take it out if that is recommended.

**Corbo** – Will add a qualifier, "at the discretion of the Health Director." Asked if there are other changes requested.

**Higgins** – She has been repeatedly asked about someone coming from off-island being required to self-isolate; the sense is people don't think that's strong enough.

**Corbo** – It says, "Hiring preference will be given to people who reside on Island or are able to remain on the Island for the duration of their work." We didn't adopt a quarantine period for workers from off Island.

**Visco** – Under the Stay-at-home (SAH) order, unless you are connected with essential work, you must be quarantined.

**Corbo** – If all workers have to quarantine for 14 days prior to work, it would be hard to get anything done.

**Hill Holdgate** – She thinks the SAH order is for people from out of state.

**Corbo** – The Emergency SAH order, expired on April 6; it then says the Governor's order is in effect. He doesn't think the Governor's order addresses the Island, just people coming from out of state.

**Shaw** – We are entering a couple of phases at once: taking the brakes off slowly and educating the public. He and Mr. Santamaria are working with legislatures to help them understand risks. A third document is for people from out of State; we're working on a plan to write a letter through associations to out-of-State property owners urging a 14-day quarantine upon arrival with ways to get home delivery.

Action **Motion to Adopt Construction Order 5 with the additions and subtractions discussed.** (made by: MacNab) (seconded)

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

b. Landscape Phased Work Plan – Order #6

Discussion **Carlson** – Some changes were made, and I provided some additions.

**Corbo** – Explained how this was made a document separate from the Construction document. An administrative support person isn't covered by this order; but nothing prohibits an office person from doing that type of work as long as they observe protocols. The scope of landscape under the governor's order is limited to essential work as detailed in the governor's order. Municipalities can enact regulations that are more stringent than the governor's but not less.

**Carlson** – His understanding for the administrative portion is if people should work remotely as long as possible. The initial charge was to maintain landscape in a manner that does not allow pests or insects to thrive and become a public-health issue. Pesticides are allowed under this. Feels this order doesn't go into that too much. We did limit work on trees and shrubs for the sole purpose of pruning for safety only.

**Higgins** – Allowing a single person to do work that can be accomplished by a single person sounds less restrictive than the State order.

**Corbo** – The governor's order has an exemption allowing people to work remotely; that's not clear what a brick and mortar premises would be for a landscaper and if it prohibits a single worker from doing his work.

**Carlson** – From what we've seen, it's a miss bag how that is being interpreted by communities.

**Corbo** – We could say that single-person work is permitted to the extent it is allowed by State law.

**Cooper** – Feels the single-person job should be kept in; we need to let them get back to work and define what they can do.

**Corbo** – As the regulation is written, you can have up to 2 people including the COVID officer; if a single person can do the job listed in the document, there's no reason to call them out. Part 1 lists the type of allowable landscaping work; asked Mr. Carlson if the secondary activities should be delayed a week or should they start at the same time.

**Carlson** – We wanted a week delay to ascertain if there were any issues with the primary activities and roll this out in measured degrees. If BOH feels it's going okay after one week, the secondary jobs will be released.

**Corbo** – Under Part 1 Allowable Landscaping, the primary activities will be allowed to start on April 21 and secondary activities on April 28. The second section limits some work to being done by property owners on their own property. Under Application Procedures, these are similar to the ones for Construction with a couple of clarifications.

**Carlson** – He had talked about a dedicated email address for that; the email address might not be ready by April 21 so suggested using his regular Town email. All mailing and contact information for applications is through our office.

**Corbo** – Safety Stand-down is identical to Construction. Zero Tolerance for Sick Workers is also identical to Construction. General on the Job Procedures should also be identical except for "no more than 2 people" being on site. Enforcement is also identical.

**Higgins** – Asked if these will be available on the website in Spanish.

**Carlson** – It will be available through the COVID link and will be emailed to everyone in our database. We will be translating it into Spanish; numerous services have offered to translate it into Portuguese and Bulgarian and one other he can't recall at this time.

**Santamaria** – We can translate these to at least Spanish and Portuguese.

**Higgins** – Had questions about health insurance covering the swab test; asked that information be made available. Asked what is being done about childcare.

**Santamaria** – He and Taylor Hilts are working on getting childcare up and running and make it available to more people. Three childcare agencies currently exist on Island.

**Shaw** – He sent Ms. Higgins a document from Partners describing the swab coverage. Suggested that information be put on the Town website; the hospital will put it on its website as well. Asked if the BOH will want a COVID update.

**Motion to Adopt Landscape Order #6.** (made by: Cooper) (seconded)

Carried 4-1: Weld-aye; Higgins-nay; Cooper-aye; MacNab-aye; Visco-aye

Action  
Roll-call Vote

c. Essential Worker Mask – Order #7

Discussion

**Santamaria** – This Order is based upon CDC guidelines; some retail establishments are already following them. We are getting complaints that workers at our largest retail establishment aren't wearing masks. Reviewed the sections of the Order. This creates a COVID officer for any food services. Listed other communities which have already passed this order. He and Mr. Corbo have reviewed this.

**Weld** – Asked if they have had conversations with S&S.

**Santamaria** – We have.

**Higgins** – Sections A & B call out portions of the governor's order. Regarding C, asked who that would apply to and who would be impacted.

**Santamaria** – The Bean in S&S is allowed to work. S&S has voluntarily closed the bakery and custom slicing of the meats and cheese. S&S is the only one because MHC has moved to curbside service.

**Hill Holdgate** – Asked what happens if employees refuse to comply or remove their masks. She's not sure why more regulations are needed at this point and why we can't encourage compliance and best practices. She doesn't know what level of micro-managing we want to get into.

**Santamaria** – It depends on each business to make the decision which workers are essential. We are asking employee to wear their mask when on the floor and interacting with the public. As our grocery and retail are concerned, we are looking to protect them as much as possible. 80% of people will comply voluntarily and 20% will not; we don't want to spend time and resources tracking down that 20%.

**Higgins** – This appears to be a long-term order and part of bringing more people back to the Island.

**Santamaria** – Intermittently, until there's a vaccine, we will see times of social distancing with flare ups of COVID. Having the masks in place is a long-term solution to mitigate a resurgence when the Summer people arrive.

**Hill Holdgate** – Asked that public input be taken on this to assess the possible impact. For some of the small businesses to hire an additional person to stand at a door could cause a financial strain on them.

**Higgins** – Asked who will enforce this and if there will be fines.

**Santamaria** – We have the ability to assess a fine, but we aren't looking to do that. We aren't forcing stores to hire anyone new. We are asking the manager to be vigilant. Section Nr. 2 asks for a sign to be posted at the door. We've had a huge influx of complaints about retail workers not wearing masks in triple digits; some are supporters, and some are detractors. This is an unprecedented time with difficult decisions.

**Visco** – He doesn't think the BOH will take public comment on this. He believes Mr. Santamaria has the authority to implement these.

**Higgins** – Under part II it states these are going to be mandated. Under Part B, who determines how many people per shop and how do we make that clear and if a COVID19 officer should be placed at the door of larger stores.

**Santamaria** – The State retail reiteration is asking stores to limit to 40% of their occupancy. Right now, the only group that has someone counting people entering is S&S; a lot of work still needs to go into this. Removing Part B requiring the COVID officer could be removed as long as stores are monitoring their traffic. All the guidelines indicated wearing PPE protects the most vulnerable portion of the population.

**MacNab** – He's not comfortable working on this unless that COVID officer requirement can be removed. He wants to think about Sections B&C

**Santamaria** – It is expected that the COVID officer already works for the store, usually the manager.

**Weld** – Suggested phasing this. Wearing masks should be required; occupancy becomes more of an issue as seasonal residents arrive and could be addressed at a later time.

**Santamaria** – The board could approve this with Part A requiring workers to wear masks, posting a sign at the door suggesting customers wear masks, reiterating the governor’s order on retail, and reiterate the Governor’s order on grocery.

**Higgins** – Likes the idea of a phased approach.

**MacNab** – Suggested scheduling a meeting for next week to provide time to think about this. Who knows what else could happen between now and then which might need to be addressed here.

**Consensus** – Strict Parts B&C and address those at another time.

**Motion to Adopt Order #7 striking Section II Parts B & C.** (made by: Cooper) (seconded)

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

**Higgins** – Stated the John’s Hopkins guidelines about assessing risks which were circulated were very helpful. How we assess risks across all agencies of the Island.

**MacNab** – left at 2:45 p.m.

**Shaw** – Suggests that we agree on what we are facing and how to navigate appropriate measures steps to reintroduce back into the world. We haven’t had any cases in 15 days and no on-island transmissions. We also see focus on safety and social distancing with a great amount of public awareness on not spreading COVID. COVID’s spread is largely attributed to parties and large gatherings, a lot of people in close proximity. We would be remiss if we did not assess the number of anti-bodies in the community; explained the steps to do serology testing. He and others have worked long hours on a plan to do that in 3 phases for permanent Island residents. The first round would tell us something about how it has circulated and how aggressively the BOH should consider opening. A second sampling tells us how a migrating population will impact the Island. A third sampling would be at the end of the summer to ascertain how much COVID is present. Our shift in policy was due to the fact that as we learned about COVID, we as an Island took fast and drastic measures early on. He believes that as the Boston death rate drops, we’ll see people who think we’re all okay and launch here in great numbers; if your returning to your home, expect to be required to meet certain safety measures to minimize the spread new cases on the Island. In his opinion, the BOH is taking the right steps. We would like the new testing to start before the end of April but have to be approved first. Mr. Santamaria has been part of the discussion to get this going and focusing on the scope and cost of the testing.

**Santamaria** – He and Mr. Shaw have been working together for the last 90 days; he doesn’t think we’ve this close an interaction between the Health Department and the Hospital in a very long time. The effort is evident in 15 days with no new cases and the collaboration with some of the largest names in medicine around the world; Nantucket should be very proud of that.

**Weld** – Asked for any information on Governor’s stay at home order being lifted or extended and if restaurants will be addressed.

**Santamaria** – We are working to have our restaurant guidelines be in concert with what the State and Federal Government are doing; however, if we get it wrong, the risks are too high. Restaurants are next with other retail after that. May 4 is still the end date but that could be extended.

**Motion to adjourn the BOH meeting 3:03 p.m.** (made by: Cooper) (second)

Carried unanimously by roll-call vote.: Weld-aye; Cooper-aye; Higgins-aye; Visco-aye

Submitted by:  
Terry L. Norton