



**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, PHD; Melissa Murphy Select Board

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

~~ MINUTES ~~

**Monday, June 29, 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 12:30 p.m. by Mr. Visco

Announcements

- Staff: Santamaria, Health Director; David Gray, Director Sewer; Chief William Pittman, Nantucket Police Department; Rachel Day, Assistant Town Manager
- Attending Members: Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Melissa Murphy
- Absent Members: Helene Weld
- Town Counsel: Gregg Corbo, K&P
- Documents Used: Emergency Order No. 12; June 8<sup>th</sup> Sewer Report; Town of Nantucket GIS Map Sheet; COVID Wear a Mask card sample

Agenda adopted by unanimous consent

**I. REVIEW/VOTE ON EMERGENCY ORDER No. 12 (MANDATORY FACE MASKS)**

- Discussion **Santamaria** – With the four new cases, we looked into the increasing evidence how the masks stop the spread of COVID 19. We are also seeing a significant number of people not cooperating with the Governor’s order to wear masks. This order will give us the ability to delegate authority for enforcement and outreach regarding use of masks. Mr. Gray will discuss the biobot report on the June 8<sup>th</sup> Sewer Report. These reports are indicative of what is to come. COVID 19 is being found on people shedding it in their waste. The 16 people cited in the report could spread up to 32 more people on that day alone. It is more important that we have the ability to enforce the Governor’s order. We want to get people out there encouraging downtown visitors to wear masks. This order will be enforced upon all Town employees.
- Gray** – Last sample went out June 23<sup>rd</sup> and will sample again around July 6 or 7 then every two weeks. This is a forecast of what is out there and is another tool in the toolbox. This waste stream includes all waste we get over a 24-hour period.
- MacNab** – If we look at the number of tests, we are getting more than we thought.
- Santamaria** – They put that metric into the report; it says 0.92% incident rate, which is very good. This could be included as Metric 7 but dovetailed with Metric 1; Metric 2 presents only positive cases.
- MacNab** – He’s getting nervous about more restrictions beyond masks. Asked the difference between the local order and the State order.
- Santamaria** – The more people use masks, the lower the number will be. The State order makes the Health Department the sole enforcer; we don’t have the staff for that. Our order requires masks at all times on Main Street regardless of social distancing.
- Visco** – He thinks the numbers could be even higher than indicated.

**Santamaria** – The good news is if the numbers are tripled, we are 2.7%, which is still under the 10%.

**Murphy** – Agrees on the adding the metrics to our list. She thinks the ratio is important. She understands that we are prepared to have some incidents of COVID and that is why we need sampling. In her mind this order isn't a reaction to numbers but a response to irresponsible behavior and is a way to support our business community. We need to find a way for our community to safely live with COVID 19. Asked if the samples will continue to take 2 or 3 weeks.

**Gray** – They say 5-7 days, but they are testing nationally as well. They promise the results will come back quicker.

**Murphy** – Not sure how we use historical data to influence policy.

**Cooper** – If we agree on this, asked how the enforcement would be done.

**Santamaria** – That is the biggest question. Moving to the Order itself, No. 8 states the Order will be enforced by the Health Department, NPD, Natural Resources, Building Inspectors, and other agents to the Board. The Agents job will be to observe and report: gain information for who to send warning letters and tickets by Health Department staff. At the minimum, they ask people to put on masks without getting into any confrontations. We will try to lead by example by having all Town employees wearing masks.

**Cooper** – Asked if local business will have masks available for people who want to go into the store.

**Santamaria** – Some businesses are doing that. We've ordered a lot of masks to have them available for people on the streets.

**Murphy** – She's confused about how enforcement will work: practicality, enforcement officers, range of fines. Denise Kronau has asked her if other municipalities using a similar enforcement model. A follow up to ticketing is will we issue warnings and how do we know if we are approaching a 3<sup>rd</sup> ticket.

**Santamaria** – The tickets are non-criminal disposition: 1<sup>st</sup> a warning then with each infraction after that fines up to \$300 – Nr. 10 and Nr. 11 address ticketing and fines. We don't have a System to log violations into the computer; we have an internal database, so Staff will know. Provincetown has a mask order, but he doesn't know how they are enforcing it.

**Pittman** – Enforcement is his biggest concern; a bad enforcement mechanism equals no enforcement and he sees no way to make this a good process. Business owners are our best chance of success be refusing entry for no mask. Police can't issue tickets, but we can assist in the event of a disturbance. If someone is questioned for not wearing masks, we are creating a record for that individual in our system and will have an adverse impact on minorities and could be perceived as anti-visitor. We are employing education on people but we're encountering a tremendous amount of resistance. He's had meetings with Cape Chiefs and most Massachusetts Chiefs; we don't want to become the mask police. Business should take responsibility. Our Summer Special Cops don't have the authority to issue tickets. Should have banners all over Town stating masks are required.

**Murphy** – She wonders if this Emergency Order requiring masks downtown gives businesses reinforcement of their policies. Loves the ideas of signs and banners to reinforce that message. She's concerned about vigilantism. We need to rely on education on why masks are required downtown.

**Santamaria** – We are in the process of ordering huge signs and setting up a volunteer group to help prevent vigilantism.

**Corbo** – He has worked on a number of these regulations and policies; his experience has been similar to what was described, and this is not a police matter. Having police involved in enforcement could escalate the situation. The Order as written provides another tool for the educational toolbox in getting people to comply with wearing a mask. Enforcement is when nothing else works; that next step is issuance of tickets to individuals and businesses. Any business with a Town license, those licenses could be at risk if the business fails to comply. He would never suggest a lay person put themselves in physical jeopardy; they aren't trained to deescalate a situation. Adopting this as an

Order sends a message of how important and serious the situation is by indicating this is a legal requirement on Nantucket.

**Cooper** – Asked if there is thought of going to the Steamship and Hyline ticket office and the Marina asking them to put of signs indicating masks are required in the core districts.

**Santamaria** – Absolutely; there has been a lot of discussion about where to put the signs: Steamship, Hyline, and Airport being top priority for the 38X48 signs.

**Day** – The banners will be about 5X8 feet and will be utilized at larger locations; we have five 38X48 signs. One considered location is the visitors' kiosk at Straight Wharf and other high-visibility locations downtown and noted other locations to include the landfill.

**Murphy** – The question has come up why this has to be an emergency order enacted today versus going through a public hearing. Asked also about how the police are responding to parties and gatherings.

**Pittman** – There are a lot of incident calls to large groups with no masks; any enforcement would be about the large noise or criminal behavior. There's been a lot of talk about the "core"; this order is for the historic district, which is significantly larger than just the core.

**Santamaria** – We can alter the wording for whatever is more tenable; I used the historic district because that boundary had already been created. This is an Emergency Order because if only 8 people are showing symptoms today, every one of those people can infect two people; if they infect only one person today, that's 16 people, in three days that's 32 people, in six days that's 64, in nine days that's 128 people, in twelve days that 256, and 15 days out that's 512 people infected. Using a conservative death rate of 1%, that's 5 people can die. The four cases from last week could result in 128 cases with 1 death if they infect only one person each. Saving one life is enough for him to make this an emergency.

**Visco** – He'd be willing to look at the historic district, which encompasses a very large area; he'd be willing to reduce it to the core district for Town and 'Sconset. There is a public announcement on every boat every time you come around Brant Point.

**Murphy** – Asked to see the map showing the boundaries.

**Santamaria** – If we want to change the area, we have to set the bounds and make a new map.

**MacNab** – He sees no reason to change the proposed boundaries to make it smaller.

**Corbo** – Exceptions are important: children and persons unable to wear a mask due to physical disability or medical reason; if a person asserts they can't wear a mask for medical reasons, you can't ask them what that condition is without being exposed to liability. Before the Board proceeds to a vote, noted some changes to the document. For non-criminal tickets, you have to lay out the fines for each offense.

**Visco** – He's fine with the historic district.

**Santamaria** – Read public comments: Mary Longacre feels the core area would be too small and asked to remind people to put used masks and gloves in the trash; Michelle Whelan has seen in 'Sconset a lot of maskless people; Marianne Haigley asked how to volunteer as a COVID Educator and noted it's not people going into retail but folks walking around the street with no mask and no social distancing; and Meagan Browers asked if police and Summer Specials can hand out masks and signs should be in Spanish and English on every post and street corner. We are translating the signs and creating signs you are entering a mask zone.

**Pittman** – We don't have "Summer Specials" we have Parking Enforcement people who could only have a limited number; Police officers have masks in their cruisers. We only have 3 officers on duty at time for the whole Island and they aren't out looking for people not wearing signs. To do that we'd have to create overtime for that additional duty.

**Cooper** – We know we won't get everybody; the extra people we can get to wear masks will help. He's ready to move forward with this.

**Santamaria** – Burt Wrights doesn't want people to be fined. We will fine in only the most egregious cases.

**Murphy** – Asked for a follow up at the Select Board meeting on how enforcement is going and how we are interacting with folks.

**Santamaria** – He'll add this to his weekly COVID update. The 4<sup>th</sup> of July weekend is a huge test-case for us.

**Murphy** – She has been contacted by folks in the Real Estate Association if there is information they can send to clients thinking of coming here and how to be here safely without quarantining.

**Santamaria** – The Summer 2020 link is our biggest way to put out information.

**Day** – That is where the most information is located; we are developing a video about wearing a mask which will be shared with businesses to put on their websites.

Action **Motion to Accept Emergency Order 12.** (made by: MacNab) (seconded)

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

Action **Motion the Implementation Date be June 30 by midnight.** (made by: MacNab) (seconded)

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

**Motion to adjourn the BOH meeting 1:39 p.m.** (made by: ) (second)

Carried unanimously by roll-call vote.: MacNab-aye; Cooper-aye; Murphy-aye; Visco-aye

Submitted by:

Terry L. Norton