



BOARD OF HEALTH Joint Meeting with Select Board

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Meredith Lepore, Melissa Murphy Select Board

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

~~ MINUTES ~~

Friday, August 7, 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

BOH called to order at 2:02 p.m. by Dr. MacNab

Select Board called to order at 2:17 p.m. by Mr. Bridges

Announcements

- Staff: Libby Gibson, Town Manager; Santamaria, Health Director; Amy Baxter, Police Department; Police Chief William Pittman; Erika Mooney, Operations Administrator
- BOH Members: Malcolm MacNab, Vice chair; James Cooper; Meredith Lepore; Melissa Murphy
- Absent BOH: Stephen Visco
- Select Board: Jason Bridges, Vice chair; Melissa Murphy; Matt Fee; Kristie Ferrantella
- Town Counsel: Gregg Corbo, K&P Law, P.C.
- Documentation: Governor Baker's Emergency Order announced August 7; DPH May 1 Mask requirements;

I. PUBLIC COMMENT

None

II. BUSINESS

A. COVID Update

1. **Santamaria** – The Governor just issued new orders, 30 minutes ago, regarding restaurants and enforcement: all restaurant gatherings have been brought down to 50 from 100; all alcohol must be consumed on premises with a food order; and Police can enforce as well.
 - Gibson** – We have not had a chance to sort through it all. There is a growing issue with lines and crowds especially on Lower Broad Street. There was talk of putting up barriers to parking, but that is problematic for deliveries. We are looking for increased police presence. One issue of reducing gatherings to 50 to include all properties – public and private. We are looking now at closing the take-out sites to mid-night.
 - Corbo** – He hasn't seen the Governor's order, but he has a press release: the safe reopening plan is being put on hold and the outdoor gathering limit decreased from 100 to 50 effective Tuesday (August 11). His understanding for a "gathering" is something organized by an entity, not a random group.
 - Fee** – He thinks sawhorses blocking the side streets from five on might be better.
 - Baxter** – That is what we're looking at.
 - Santamaria** – We had six days of no new cases but two today; contact tracing is taking place and working. The Governor mentioned the Department of Public Health (DPH) will release a mid-level committee report every week; he doesn't know when that report will start.
 - Murphy** – Regarding no alcohol to go, when does that start.
 - Baxter** – The order is effective August 11.
 - Corbo** – Last week the BOH when it issued its order, part was to limit the service of alcohol to diners who are seated and eating food; that limitation is currently in effect on Nantucket.
 - Lepore** – That order said "food" so people were ordering drinks and eating oyster crackers.

Santamaria – Read the section of the Governor’s order which specifies the food that must be consumed in order to be served a drink.

Corbo – His opinion is that for purposes of enforcement regarding what was observed and the Nantucket order, if alcohol is to be served with food, reference can be made to the Governor’s order immediately.

Ferrantella – Effective immediate doesn’t give restaurants time to get something on their menu; asked for a 24-hour lead time.

Baxter – This part doesn’t take effect until August 11. There are all common victualers, and they should have that available as part of their license.

Fee – Asked what this means for Cisco.

Baxter – The State gave us the authority to determine if the mobile food unit constitutes a food service permit, which it does. Customers will have to order food at the same time; they will have to be eating as well.

MacNab – He’s sure the message will be very clear; we have defined what food is and folks know that.

Bridges – Suggested sending out a letter defining common victualers.

Santamaria – We will do that; we want to make it clear that we had no advance notice either

Gibson – Before this meeting ends, we need to discuss hours for food-service establishments. She also wants the Chief to mention the Police presence issue.

Ferrantella – Asked if the no alcohol to go includes alcohol with take-out orders.

Baxter – She expects some pull back but believes does – no alcohol to go at all. She will send a quick not to get clarification.

Santamaria – He recommends everyone watch the press conference after this meeting. The Governor was adamant: with food, at the table, no to go; he specifically called out Towns that were reported to him.

B. Review of Enforcement

Discussion

Pittman – We’ve been getting requests to have an official presence in the Board Street areas after 9 p.m.; the later it gets, the more crowded and disorderly it becomes. It’s not just the lines. The issue is staffing; CFOs are not hired or trained to do crowd control. He’s 7 bodies short of full-time officers. An expected outcome of Police officer downtown is someone will get arrested; there is always someone who partakes of rude and unruly behavior. Recommends closing the strip establishments at mid-night along with other establishments. Police officers are not necessarily the right “tool” to deal with social distancing and mask violations.

Baxter – The main group of people are teenagers in packs; they are the ones who don’t have masks. Some of the restaurants have hired doormen to help with the lines. If Police go down there, we clear people out.

Fee – He’s seen with presence downtown the people listen. The businesses are also shorthanded and he’s hearing from businesses that there needs to be a presence. Suggested closing Children’s Beach at night; if someone gives police flack, arrest them so they pay attention.

Pittman – He needs clarification as to what the Police should do: sit in cars or manage the crowds.

Fee – This is why he’s asking for a written enforcement plan. If someone is in line, it’s the business responsibility; if they are loitering, that’s where the Police step in.

Bridges – Would help to know exactly what restaurants are doing to manage their crowds and possibly coordinate that with the gathering limit.

Gibson – Gatherings don’t apply to people in lines. Random groups of people is not an organized gathering.

Corbo – He agrees with Ms. Gibson; the gathering order applies to an organized gathering, not people in line. Referred to the Governor’s order. He believes social distancing requirements and wearing masks do apply and it is the duty of the business to enforce that. The Town of Nantucket could create its own definition of a gathering.

Murphy – One is the concept if is we should require take-out only restaurants should close early, which would both help enforcement; the other concept is to support our businesses. She isn’t sure it is the business’ responsibility to be wearing masks and being 6 feet apart. Kids aren’t going to

want to be around when there is office presence. She relies on recommendations from people who know about public health.

MacNab – There are two issues: enforcement – a discussion between police and Select Board – and businesses closing early. He will defer the Police presence to Select Board and staff. Asked Mr. Santamaria about masks and social distancing.

Corbo – The DPH May 1 guidance for wearing masks in public lines, it states they must wear masks and maintain 6-foot separation when in lines.

C. Review of Restaurant/Food Service Hours per July 30, 2020 BOH vote

Discussion

Santamaria – His recommendation last week was for early closure for take-out establishments in line with the restaurants. The BOH can put in a curfew but then we have to expect the pushback.

Murphy – The pinch points are between 8 & 11 p.m. We don't have a Thurs-Sat issue so much. Also thinks things won't slow down heading into Sept because schools are being delayed and families will continue to be here all through Aug. She doesn't support closing earlier than 12. Communication on line enforcement and presence will help.

Ferrantella – We've stressed we won't be stricter without a sharp rise in cases. She's hesitant to put something forward that isn't backed by data or spike in cases.

Cooper – He's been up and down Main Street every day; there's no way everyone is wearing a mask or observing social distancing. He doesn't think you'll get everyone in the lines to wear a mask and maintain 6 feet apart.

Lepore – There is an issue of people wearing masks and doesn't know how you would enforce the 6 feet.

Murphy – She also doesn't want to buck a recommendation from Public Health; but wants to understand if community transmission isn't happening and it isn't high risk.

Santamaria – As he has previously described, all of this is about behavior; explained how behavior impacts possible community transmission. During the day, the greater majority of people are wearing masks; at night after leaving a restaurant and drinking, the majority of people are not wearing masks.

Pittman – We have completely changed the landscape: businesses are closed so everyone is on the sidewalk, where people used to congregate. We've displaced some of the parking down there. We've got restaurants on the sidewalks, which run into the lines. We have tensions in the community from the situation and changing rules. The later you go at night, the more alcohol fueled the problem becomes; last year, that was spread out more. The only tool we have to use is the obstruction of the sidewalk; if someone refuses to move along and providing a false identity, those are arrest-able offenses.

MacNab – He agrees with all the points he's heard; the problem is we don't have a manual. A year from now, this would be easy. We have to do something; he supports early closing.

Cooper – It seems the biggest problem is the mask and people in line; he agrees the police aren't responsible for that. We have to decide whose problem that is. He doesn't support early closure.

Murphy – She'd like to see what happens under the Governor's new order rather than closing those businesses early.

Stephanie Cunningham – Suggested that the business issue numbers; people could then wait across the street.

Baxter – That is where we are asking businesses to rethink their operations; then we can help define the space.

Fee – There are apps that can be used to let people know they can pick up orders but that takes a bit to get into place. Closing half the alley and getting people partially into the street is a good idea. This and next week are our peek then people start tapering off; the next three weekends is what we have to focus on.

Bridges – Asked if the officer presence is a response to the Select Board.

Pittman – The Select Board requested it. He and the Town Manager have had discussions about this. No one anticipated we'd have this many people this summer; we got everyone.

Fee – We have to figure out that if it isn't the Police, who is it.

Pittman – There a couple of issues here: in an ordinary year, we hire 41 seasonal staff; however, this year we got three. Reiterated the problems with being understaffed regarding police officers. Right now, it will take forced overtime to cover downtown at night. A lot of enforcement has to be an administrative function along the Strip; reviewed possible solutions aside from Police officers.

Fee – If a business closes down, he thinks the “bubble” will push to other parts of Town. We need to find a way to accommodate the businesses, that way we know where the problem lies. What changes can we make structurally.

Murphy – She likes the ideas of block South Beach Extension and half of Broad during the evening when traffic and loading aren't impacted. These recommendations combined with closing earlier is an effort to disperse the crowd downtown; she is beginning to support early closure to help manage the crowd. We have to have a collaborative attitude with the businesses.

MacNab – Closing the businesses early will help the Chief and the Island.

Ferrantella – Closing per the Chief's recommendations, allows room for people to be 6-feet apart. Asked if it's just the Strip having issues until 2 a.m.

Baxter – Around the Island there is more space for distancing; there is limited space in this area.

William Grieder – Thanked Ms. Murphy for rethinking her stance on closing early. We rely the BOH and staff for protecting the Island. The behavior of the few will impact the majority. The businesses need help and public officials need to listen to paid staff about suggestions on what needs to be done.

Murphy – Asked if a SB recommendation is needed for closure.

Bridges – If the SB want to close a street or portion of street, we ask staff to do that. We need to decide what level of enforcement we expect from the Police Department.

Gibson – Steps are being taken to close South Beach Street Extension. Lower Broad will take time to get into place.

Discussion about closing a lane of lower Broad Street between easy Street and the intersection of South Beach extension.

Pittman – Reviewed how he will have a Police presence downtown this weekend.

Gibson – Effective immediately, we are working on our South Beach closure, more police presence; see how those go over the weekend and Select Board will revisit lower Broad Street on Wednesday.

MacNab – We are looking at 12:00 closure for all business.

Action

Motion that the BOH amend its July 30, 2020 Order relative to restaurant closures as follows: all restaurants that offer alcoholic beverages for on-premise consumption shall have last call by 11:30 p.m. and shall close and remove all customers by 12 midnight and that all food restaurants and food service, whether providing consumption of food on premises or take-out only close and remove all customers by 12 midnight; it is further ordered that all restaurants shall not serve alcoholic beverages to any person who does not also order food as defined by the Governor's August 7th Order and DPH guidance; staff is directed to strictly enforce social distance and mask requirements and the restaurants are required to require customers comply with such requirements; and the Board will revisit the issue at its next meeting; the new provisions of this Order shall take effect on August 11th. (made by: Murphy) (seconded)

Roll-call Vote

Carried 2-1//Lepore recused; Cooper-nay; Murphy, and MacNab-aye

D. Board Member updates and concerns

1. **Murphy** – The virus is still out there and a threat to our community. That balances equally with the health of our businesses.

Motion to adjourn the BOH meeting 2:50 p.m. (made by: Cooper) (second)

Roll-call Vote Carried unanimously//Cooper, Murphy, Lepore, and MacNab-aye

Motion to adjourn the Select Board meeting 2:50 p.m. (made by: Fee) (second)

Roll-call Vote Carried unanimously//Fee, Murphy, Ferrantella, Fee, and Bridges-aye

Submitted by:

Terry L. Norton