



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), James Cooper, Meredith Lepore, Melissa Murphy, Kerry McKenna

Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Anne Barrett

~~ MINUTES ~~

Thursday, August 18, 2022

4 Fairground Road, Community Room

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; J. Hedden, Health Inspector; C. Flynn, Health Inspector;

J. Visco, Health Inspector; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; James Cooper; Meredith Lepore; Kerry McKenna

Absent Members: Melissa Murphy, Select Board

I. ANNOUNCEMENTS

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

1.

III. APPROVAL OF MINUTES

1. July 21, 2022

Action **Motion to Approve as drafted.** (made by: Cooper) (seconded)

Roll-call vote Carried 3-0//McKenna, Cooper, and Visco-aye; Lepore-abstain

IV. BOH APPLICATIONS REVIEW

1. Variance Request – 53 South Shore Road

Sitting Visco, Cooper, Lepore, Murphy, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This is a shared septic; on property has 2 bedrooms (BR) and the other will have 6 BRs. Sewer is expected out there in 1 to 3 years. Suggested that under Regulation 59, they be given 2 years to comply once the sewer hook ups are available.

McKenna – Asked if the 2 together are conforming.

Santamaria – Yes, they are 80k sf total.

Jeff Blackwell, Blackwell & Associates – The capacity is for 8 BR; the smaller is 16k w 2 BRs; the larger lot will have 6 BRs. The properties as a whole will comply with nitrate loading. This will be a short-term shared system. Title 5 has different categories for shared systems; in this situation is in the category that doesn't require a variance approval by BOH.

Santamaria – This just requires the approval of the BOH; it was his error. When sewer is available, each property owner will have to pay for their own connection.

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

Roll-call vote Carried 4-0//McKenna, Lepore, Cooper, and Visco-aye

2. Sustainable Nantucket Farmer's Market (SNFM) – Ticket Appeal

Sitting Visco, Cooper, Lepore, Murphy, McKenna
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – A ticket was issued for a cooking demonstration; we have both the inspector who issued the fine and the recipient of the fine.
Flynn – Reviewed the food code definition of a Farmer's Market and associated regulations. The Market held a cooking demonstration without a permit, which would have cost \$50; the fine is \$200. Last November the manager met with her and Mr. Hedden; we said we could allow cooking demonstrations as long as samples were not given out.
Allie Penta, Manager SNFM – We talked about cooking demonstrations in that November meeting; she heard that as long as samples weren't offered, a permit was not necessary. Requesting a waiver against this violation and to consider it a warning.
Flynn – We get several inquiries in the office on what needs to be done concerning food.
McKenna – Confirmed cooking demonstrations require a permit.
Flynn – She has an email from Art Crowley in 2014 to the SNFM regarding what permits are necessary.
Penta – She had asked staff if a permit was required as long as food wasn't consumed and was told no.
Visco – Ms. Flynn just said a permit is required. If it's in the code, it's pretty cut and dried that a permit was required.
Cooper – Agrees.
McKenna – Asked if SNFM has been following permitting processes throughout the years.
Flynn – Yes; there have been issues with vendors on keeping the food cold.
McKenna – Asked if they could just pay the permit now with a reduced fine.
Santamaria – In the years he's been here, this is the only the 2nd-food handling appeal; there have been a number of violations. Setting the fine is up to the Board.
Lepore – She's concerned about setting a precedent if we dismiss the fine.
Flynn – It would be incumbent upon the SNFM manager's office to pass information to new managers.
Penta – She didn't go through the permitting process because she was told a permit was not required as long as the food was not consumed by the public.
Flynn – She recalls the conversation at the November 4th meeting as very general, not specific. The Food Code states a permit is required; it is incumbent upon the vendor to know the Code.
Hedden – We have lots of conversations like this and he can't recall the specifics of that discussion.
Cooper – The permit doesn't address whether or not food is being given to the public. The permit says a permit is required whether or not food is offered to the public. Confirmed this is their 1st violation.

Action **Motion to apply the fine of 4-times the cost of the permit which is \$200.** (made by: Cooper) (seconded)

Roll-call vote Carried 4-0//Lepore, McKenna, Cooper, and Visco-aye

3. 8 Caroline Way – No O&M 7. 55 Essex Road – Partial Condemnation

Sitting Visco, Cooper, Lepore, Murphy, McKenna
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – We need a vote to allow staff to start fining based upon referral from Barnstable County.

Action **Motion to Start the fining process.** (made by: Cooper) (seconded)

Roll-call vote Carried 4-0//McKenna, Lepore, Cooper, and Visco

4. 55 Essex Road – Partial Condemnation

Sitting Visco, Cooper, Lepore, Murphy, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This suffered flooding of the basement and work has begun to clean it up.

Hedden – This is the basement as well as a basement apartment that was found not fit for habitation. The owner is actively trying to repair the damage and clear up violations. The rest of the house can be occupied. The basement residents are out of there.

Action **Motion to Ratify the partial condemnation of the basement.** (made by: McKenna) (seconded)

Roll-call vote Carried 4-0//McKenna, Lepore, Cooper, and Visco

V. DIRECTOR'S REPORT

1. This Summer has been one of the most for egregious housing situations with lots of condemnations and sub-standard housing. With the onset of COVID, he stopped using the permit management software; he's getting that back up and running again.
2. We posted a position to replace Mr. Crowley; an internal candidate applied, and an offer was made. Mr. Hedden accepted the position; we are advertising to replace his position as an inspector.

VI. BOH BUSINESS

1. McKenna – Asked that at future meetings, staff provide updates on the 5-year plan. He'd like to know about the areas covered in the plan.
Santamaria – He can do that; he's putting out a bid for an update to the plan.
2. Lepore – Now that we have a public health nurse, asked that she help people catch up on vaccines or provide more access to flu shots.
Santamaria – That is the intention; we signed up for the Massachusetts Community Vaccine Program. Our *per-diem* nurse will work with the team at Our House providing teen health care and information.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes July 21, 2022

VIII. ADJOURN

Action **Motion to Adjourn at 4:44 pm** (made by: Lepore) (seconded)

Roll-call vote Carried 4-0//McKenna, Lepore, Cooper, and Visco-aye

Submitted by:
Terry L. Norton