



BOARD OF HEALTH Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

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

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

~~ MINUTES ~~

Thursday, December 16, 2021

This meeting was held via remote participation using ZOOM and YouTube.

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

Staff in attendance: R. Santamaria, Health Director; J. Mele, Director Human Services; K. LaFavre, Health Inspector; J. Hedden, Inspector; C. Flynn, Health Inspector; Jake Visco, Health Agent; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; Malcolm MacNab, MD, PHD; James Cooper; Meredith Lepore; Melissa Murphy, Select Board

I. ANNOUNCEMENTS

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

1. Robert Bates – Thanked the BOH and the Health Department for everything they've done through COVID. The second thing is PFAS concerns about the potential installation of artificial turf. Asked that the BOH look at regulations similar to those put out by the Oaks Bluff Board of Health.

Santamaria – Those regulations are under review; he took sent a copy to Town Counsel for their review. Today's agenda is focused on COVID; that subject will be on the January agenda.

III. APPROVAL OF MINUTES

1. November 18, 2021

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

Roll-call vote Carried 5-0//Cooper, Lepore, Murphy, MacNab, and Visco-aye

IV. BOH APPLICATIONS REVIEW

1. Loan release for Ross, 2 Ahab, 65-61

2. Loan Release for 3 Hatch Circle 66-276

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Representative None

Discussion **Santamaria** – We need to close out the loans.

Action **Motion to Approve the release of the loans for Items 1-2.** (made by: MacNab) (seconded)

Roll-call vote Carried 5-0//Cooper, MacNab, Murphy, Lepore, and Visco

3. Loan request for Sims, 32 Ahab Dr, 82-103

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This is to accept the loan.

Action **Motion to Approve the application.** (made by: Murphy) (seconded)

Roll-call vote Carried 5-0//Cooper, Murphy, MacNab, Lepore, and Visco

4. Variance for 6 Boulevarde, 80-75.1, Regulation 61.04B nitrogen loading

Sitting Visco, MacNab, Cooper, Lepore, Murphy
 Documentation Supporting documents and plans, staff recommendations.
 Representative Dan Mulloy, Site Design Engineering
 Discussion **Mulloy** – In well protection district
Santamaria – We support this.
 Action **Motion to Approve.** (made by: MacNab) (seconded)
 Roll-call vote Carried 5-0//McNab, Murphy, Cooper, Lepore, and Visco-aye

5. 47 Millbrook Road – Nitrogen Aggregation plan

Sitting Visco, MacNab, Cooper, Lepore, Murphy
 Documentation Supporting documents and plans, staff recommendations.
 Brian Maxwell, Bracken Engineering
 Discussion **Santamaria** – The standard subdivision frontage is not available so using 3,000 square feet (sf) from the one to aggregate to the other, so both can have a 4-bedroom septic.
Maxwell – We will be applying for a variance, which we want to discuss it at this time. One lot is over 23,000sf and the other over 40,000sf. The property as a whole could support a 6-bedroom-septic without nitrogen-reducing technology; we are proposing nitrogen-reducing technology for two 4-bedroom septic systems. We feel that provides a net benefit.
Cooper – Asked if any deed paperwork needs to be done.
Maxwell – The deeds will reflect a loading easement for each lot and place a restriction on the lots to limit them to 4 bedrooms and a stand-alone nitrogen aggregate plan.
LaFavre – She had asked that both docs would limit the bedrooms; she wants that as part of the approval process.
 Action **Motion to Approve the nitrogen-aggregate plan with the suggested restriction.** (made by: MacNab) (seconded)
 Roll-call vote Carried 5-0//Cooper, Murphy, Lepore, MacNab, and Visco-aye

VI. COVID EMERGENCY ORDER DISCUSSION

Sitting Visco, MacNab, Cooper, Lepore, Murphy
 Speakers Michael Langlois
 Michael Kopko
 Amy Eldridge
 Meg Browsers
 Discussion **Santamaria** – Over the last few months, there have been rises and falls in COVID cases. We are using wastewater reports and are noticing a lot of “whiplash”, which is tough on the public. As we discussed, the State of Massachusetts has 73% fully-vaccinated rate; Nantucket is pushing almost 80% fully-vaccinated rate. We are seeing large cases within the school and a spike in sewer report. We are noticing the reason is because testing is hard to come by and people don’t get tested until they show symptoms. We starting to get complaints from business owners and hearing stories about how business have had to close for mental health reasons due to aggressive and even violent reactions to being asked to wear a mask. It is important we take into account the safety of our inspectors, establishment owners, and how well we’re doing on the vaccination. Pfizer is effective against the Omicron variant. He suggests the removal of the Emergency Order and go to a permanent Mask Advisory. We need to put the burden on personal responsibility.
MacNab – Asked if the recent spikes have a pattern to contact. He’d like to understand the nature of the present disease.
Santamaria – Saw a large number of antigen positives at the school. About half is untraceable.
MacNab – Asked how much of the antigen testing is confirmed by the PCR testing.
Santamaria –A lot of it is antigen testing.

- Mele** – We're holding at 3 hospitalizations. He doesn't believe there have been any flyouts due to severity. The cases appear to be largely home spread.
- Murphy** – The State and local vaccination rate, asked if that includes children.
- Santamaria** – The 80% vaccination rate includes all eligible people 12 and above.
- Murphy** – Asked if they are using school population data to track how many kids 5-11 are getting vaccinated.
- Santamaria** – MIIS (Massachusetts Immunization Information System) for that; MIIS is reporting at about 95% accuracy.
- Mauphy** – Asked the about the availability for hospitalization in Boston
- Santamaria** – We have 3 hospitalizations with COVID. Mass General-Brigham has a mandate to slow down their elective procedures to maintain open beds; they haven't seen a large surge.
- Murphy** – Asked about the availability of COVID treatment at our hospital.
- Santamaria** – Explained the available treatments.
- Murphy** – It would be good to hear from Gary Shaw about treatments they have access to. Asked if a proof of vaccination policy has been considered.
- Santamaria** – He'd prefer to leave that in the hand of individuals.
- Murphy** – Her three areas of concern are accessibility of vaccination, especially for the younger population, and access to testing in a timely fashion and the access to booster shots. Considering that she thinks about the mask mandate and stay at home orders; those were in place to prevent our hospital from being overwhelmed. She'd like to see this Board make a very strongly recommended mask advisory that when you can't maintain social distance, wear a mask and encourage businesses to continue recommend wearing a mask.
- Cooper** – Asked for a percentage of population that has had COVID.
- Santamaria** – He doesn't have that number; we've had over 2100 positive tests logged in.
- MacNab** – There's two sine waves: spike in viruses and spike in septic; we always seem to be behind that sine wave. He understands there's human responsibility but obviously people aren't doing that. He has yet to be convinced the mask mandate isn't necessary.
- Lepore** – Regarding ages 5-11 vaccines, most of the kids she knows have received at least 1 dose of vaccine. She also supports a mask mandate; agrees with Dr. MacNab. She wonders how much of the current spike is related to Stroll. Kids are wearing masks all day in school; if they can do that, so can the adults; in her opinion, it's not too much to ask.
- Murphy** – She hears those concerns. However, she thinks a mandate does more harm than good and we'll get the same compliance with an advisory as with a mandate. Enforcement falls completely on businesses; it's unsustainable for them to be the enforcement agents. She wants to save the mandate for a true health crisis; the mandate would be stronger at that point.
- Cooper** – We can mandate what we want but, if someone doesn't want to wear a mask, there's nothing we can do. He doubts a mandate will work.
- Visco** – He'd like to stick with a strong advisory and put the onus on the people to do the right thing.
- MacNab** – It's a message of the BOH; we have regulations that aren't being followed. We're a health organization and health regulatory body; we're supposed to look out for the health of the Island. The mandate says wearing a mask is important; he doesn't want to wait until we have a problem. We need to get ahead of the cure.
- Lepore** – Agrees with Dr. MacNab. People are going to be bad; but a mandate is more important and makes people think. It won't take much to overwhelm our hospital. Our hospital has 9 beds, plus the Emergency Room; we want to protect our hospital resources. An advisory sends the wrong message.
- Cooper** – If you can't enforce something, you can't make it work. We don't have the people to enforce the mandate; we can't force people to change their minds about wearing a mask.
- Murphy** – COVID currently is a complication for three patients. We have time to make a mandate if the situation changes. We don't have a surge in the disease; she doesn't see evidence for a mandate.

People who say no to masking during an advisory won't mask during a mandate. Until she sees trending data that hospitals are running out of room and the virus is having a severe impact on our health resources, she can't support a mandate.

MacNab – If we wait, it could get beyond our control. Regarding enforcement, we hardly have staff enough to enforce the regulations we do have. He wants a mandate and he want it now. If there's a spike, we've protected our hospital and our people.

Lepore – She gets messages from the hospital all the time about the Emergency Room being at capacity.

Santamaria – Even if we put a mandate in place, it will be an advisory because we don't have the ability to enforce it. We are training 2 new inspectors, but that won't be enough with everything else they have to do.

Cooper – Asked if we are expecting a spike.

Santamaria – We will see a spike, probably akin to what we saw last year.

Langlois – he's on the faculty at Harvard Medical School; he's more likely to wear a mask if there's a mandate over an advisory; the argument that people who wear masks under a mandate will wear one with an advisory doesn't fly. His understanding is the BOH is elected to be a regulatory board not an advisory board. The idea Nantucket isolated from "America" is problematic; we don't have a walk-in clinic and to him that is an embarrassment, given the level of income of our community. We know that OMICRON is more infectious than the Flue and Moderna is 50% less effective. Also, it's concerning to him that he's following the news and research more than some BOH members. It feels like this is turning into a political thing where you're waiting for the Governor to step in.

Kopko – On the subject of compliance, with a mandate, the signs go up and, in his experience, that generates more compliance even if there is a percent who won't comply.

Eldridge – The advisory giving people a choice meets the burden of personal choice. She feels like the finish line keeps getting moved, and people following the rules are being penalized for those who don't.

Browers – There's a lot of absenteeism in the school because of positive testing. Her kids have missed almost 3 weeks of school as a result. There is a component of our population that isn't vaccinated; their impact could be reduced by a mask mandate.

Santamaria – The school mandate will continue; we have no jurisdiction of the school, boats, or airport; those fall under the State and Federal.

Lepore – Wants everyone to think long and hard; teachers, students, and hospital employees are wearing masks all day; in her opinion, asking someone to wear a mask when going to the store isn't that big of an ask.

Action Motion to Reinstate the mask mandate to be implemented as soon as possible and to be signed by the chair. (made by: MacNab) (seconded)

Roll-call vote Not Carried //Murphy, Cooper, and Visco-aye; MacNab and Lepore-aye

Murphy – Asked if we should revisit the wastewater policy and what Emergency Order would be rescinded.

Santamaria – Revisiting the wastewater policy is up to the board. Emergency Order 16 is under discussion. If we do a no vote, it remains in place; it requires masks for 2 weeks when the 50% threshold is reached.

Action **Motion to Rescind Emergency Order 16.** (made by: Murphy) (seconded)

Roll-call vote Carried 3-2//Murphy, Cooper, and Visco-aye; MacNab and Lepore-aye

Murphy – As the virus evolves, the metrics will need to be revisited. Would like information on how we need to consider the impact of the virus on the community at this time and going forward. Also, there needs to be consideration on the impact on hospitals "in America" and on Nantucket.

Santamaria – We need an absolute metric. The issue with COVID is no one wins; we are looking for the least terrible option. Mr. Mele, Heather Francis, and I will work on plans as we move along.

Murphy – She thinks the difference between an advisory and strong advisory is communication. Any education we can do about the benefits of a mask is important.

Lepore – She saw on the news that about 700 fully vaccinated people died from COVID.

Mele – That's too many people dying from the disease; he believes there are other health factors involved

Santamaria – The actual number is 699 fatalities among the vaccinated out 100,399 people or 0.7%. he doesn't know the R number.

VI. BOH BUSINESS

1. In-Person Meeting Schedule:

Santamaria – The current open meeting law (OML) exemption ends on April 1. We need to make a decision on when we go back to in-person meetings.

Visco – He likes the option of ZOOM meetings for as long as possible.

Santamaria – The State is looking at the OML regarding adding the hybrid option going forward for regulatory boards.

Cooper – He agrees with Ms. Lepore's desire to meet on ZOOM as long as possible.

Murphy – She is also in support of remaining remote.

Visco – He also agrees.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes November 18, 2021

VIII. ADJOURN

Action **Motion to Adjourn at 4:14 pm.** (made by: MacNab) (seconded)

Roll-call vote Carried 5-0//Lepore, Cooper, MacNab, Murphy, and Visco-aye

Submitted by:

Terry L. Norton