



BOARD OF HEALTH

~~ MINUTES ~~

Thursday, March 21, 2024

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: John Hedden, Chief Environmental Health Officer; Heather Nardone, Public Health Inspector;
Jake Visco, Public Health Inspector; Vince Murphy, Sustainability Programs Manager
Attending Members: Malcom MacNab, James Cooper; Kerry McKenna, Ann Smith
Remote Participant: -
Absent: Meredith Lepore
Early Departure: -

I. ANNOUNCEMENTS

Chair MacNab announced that this meeting is being audio and video recorded.

II. PUBLIC COMMENTS

Meg Ruley

- Emailed the health department and the Board of Health regarding the new mandate on testing private wells for water quality, including PFAS, upon property transfer, as passed in the fall (around September or October), set to go into effect in January 2024.
- Identified as a real estate broker conducting research for two clients with private wells in Nantucket and Surfside, found no data or reports on water quality in health department files.
- Informed by Michael Maynard that administrative procedures for the new mandate were still being finalized.
- Told by John Hedden that the two properties in question were in violation of the mandate.
- Conducted a personal investigation, finding that among 13 properties with wells transferred since January, none had well water quality PFAS reporting in the health department files.
- Expressed concern about the absence of water quality data in health department files despite the new mandate, highlighting the importance of following through with this requirement and questioned why tested well data was not being recorded in the health department's files.

Hedden

- Acknowledged that the implementation of the new local regulation on testing private wells for water quality at the time of property transfer may take time to become fully effective, drawing a parallel to Title 5 regulations related to septic systems which are well-established at the state level.
- Noted that Nantucket is the first town in Massachusetts to introduce such a mandate, implying a learning curve and adjustment period for both the community and regulatory bodies.
- Clarified that currently, when properties are transferred, the new mandate requires a water test to be conducted within a year of the property transfer.
- Specified that the results of this water test must be submitted to the health department.

Ruley

- Mentioned awareness of an ongoing investigation by Massachusetts Department of Environmental Protection (Mass DEP) on the island, involving testing of approximately 30 to 40, possibly more, wells.
- Noted that all data from these tests are cc'd to Town staff yet observed that none of these lab results were found in any of the health department's files.

MacNab

- Noted that the topic is not on the current meeting agenda, therefore cannot be discussed in detail at this time.
- Requested to have this topic included on the agenda for the next meeting.

Minutes – BOH March 21, 2024, adopted April 18, 2024

III. APPROVAL OF MINUTES

Minutes of January 18, 2024, and February 15, 2024

Discussion:	MacNab Followed up with a question regarding the outcome of the proposed meeting, as mentioned in the January 18th minutes, between Henry Lind and Patrick Reynolds from Martha's Vineyard and Barnstable County, aimed at unifying approaches to tickborne illness outreach. Hedden Reported that the proposed meeting did not occur to his knowledge. Agreed to provide an update on the matter, at the next meeting under the director's report.
Action: (00:07:55)	Motion to approve the minutes of January 18, 2024, and February 15, 2024. (Motion by: Smith) (Seconded by: McKenna)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

IV. SEPTIC LOAN REQUESTS

1. 30 Ahab Drive - Septic Loan Request

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion: (00:08:35)	Hedden - Described a situation involving a failed septic system, with the property owner requesting a loan for repairs. - Clarified that providing loans for system repairs is not the intended purpose of the program. - Recalled a similar case discussed at the last meeting, where a loan was requested for a failed system's repair. - Noted that the property in question is not located within a designated zone, specifically mentioning it is outside the Hummock Pond Watershed.
Action: (00:09:12)	Motion to deny loan request. (Motion by: McKenna) (Seconded by: Cooper)
Roll-Call Vote:	Carried 5-0// MacNab, Cooper, McKenna, Smith (aye)

2. 108 Surfside Road - Septic Loan Request

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion: (00:09:23)	Hedden - Summarized the history of a case that was partially approved around December or January, related to new construction on a lot. - Stated that the proposal initially involved installing an Innovative/Alternative (IA) septic system on an acre lot, which received approval. - Reported that there are now plans to add a new house and a garage to the lot, emphasizing that these developments revolve around new construction and maximizing the use of the lot. - Reiterated that such expansions are not in line with the intent of the loan program.
Public Comment:	Jessica Torres, Property Owner - Clarified that the loan they were approved for a few months ago was not for new construction but was actually for a septic system located on their parents' property, which became an issue when the property was subdivided. The system serves the existing cottage. - Explained the approval of the loan previously granted for the septic system and the challenges faced in acting as their own general contractor for the construction of their house, which has proven more difficult than anticipated.

Minutes – BOH March 21, 2024, adopted April 18, 2024

	- Described encountering an issue with the bank at closing because the bank required the mortgage to have the first lien position, with the town's loan needing to be in the second lien position. This requirement was not understood beforehand. - Stated they are not requesting a new approval but rather the reaffirmation of the previously granted loan for the cottage, with the understanding now that the town's loan must be in the second lien position on the property.
Discussion Cont.:	McKenna - Expressed that the loan amount was very proportional and appropriate for the situation. - Suggested that if reapproval is necessary, it would be solely for the purpose of ensuring the loan is in the proper order with respect to lien positions. Heather Nardone, Public Health Inspector - Noted uncertainty regarding a specific time limit for the loan process but acknowledged the unique circumstances of the case. - Explained that technically, the loan must be released and then reapplied for due to the previous release, with the individual having returned her check as part of this process. - Clarified the procedural approach taken for handling the situation in the Board of Health meeting, choosing not to label it as both an application and a release on the agenda to avoid confusion. - Summarized the understanding of the process as requiring the loan's release to be officially documented, followed by a reapplication by the individual.
Action:	Motion to release the original loan. (Motion by: McKenna) (Seconded by: Cooper)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)
Action:	Motion to approve loan request. (Motion by: Cooper) (Seconded by: McKenna)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

3. 60 Nobadeer Avenue – Local Upgrade Approval for Septic Setbacks to Property Line.

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion: (00:16:27)	Hedden - Described an upgrade to the septic system due to new construction or renovation, including the replacement of a leach pit with leach trenches. - Noted the trenches are positioned to comply with a 10-foot setback from property lines and are designed to remain outside well radiuses despite being close to the property line, approximately a foot away, to achieve maximum feasible compliance given the location constraints. - Mentioned the requirement for local upgrade approval that necessitates notifying adjacent property owners and placing the matter on a meeting agenda, serving as a procedural formality to offer neighbors an opportunity to voice concerns if they wish.
Action:	Motion to approve variance. (Motion by: McKenna) (Seconded by: Cooper)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

V. VARIANCE REQUESTS

1. 156 Madaket Road – Septic Setbacks from Madaket Regulations, Code of TON Chapter 303.

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	Ryan Maxwell, Bracken Engineering
Discussion: (00:24:35)	McKenna • Questioned whether the well water had been recently tested for PFAS, especially since the property is transitioning from four to eight bedrooms, which would increase water usage and potential health risks if the water is contaminated. • Responded that a recent test has not been conducted but could be provided. • Suggested that it would be prudent to conduct such a test before making a decision on whether to switch to town water, particularly if PFAS levels are high, noting that high PFAS levels have been observed in Madaket. Hedden • Commented that if the property connects to town water, it appears they would be able to meet all the required setbacks and compliance regulations, suggesting that connecting to town water could enable full compliance with the necessary standards. Smith • Suggested that the primary concern regarding connecting to town water appears to be the expense involved. It's noted that while the connection is possible, it would require extensive construction or digging. • Questioned the policy or practice of making allowances based on the higher costs of certain actions. Cooper • Clarified that financial concerns should not dictate decisions, emphasizing that if the property can legally connect to town water—as the infrastructure is readily accessible nearby—then there would be no need for a variance or exception. • Highlighted that the capability to comply with regulations by connecting to town water exists, as the water line runs directly past the property, suggesting a straightforward solution to meet regulatory requirements without necessitating exceptions. MacNab • Stated that the traditional approach has been to grant variances only when no other solution to the problem exists. Maxwell • Added that while connecting to town water is a viable option and understands the rationale for potentially denying the variance based on this possibility, their perspective emphasizes that the proposed system would offer a similar level of protection as if the property were utilizing a private well. • Indicated willingness to conduct a well test if required by the board but argued that the essence of their case is the belief that denying the variances does not increase protection or environmental safety beyond what would be achieved with the proposed conditions. • Highlighted those specific requirements being discussed, such as a 50-foot setback from the property line or the separation between the primary and reserve areas of the septic system, do not, in their view, offer additional protective benefits not already accounted for in their plan. Cooper • Clarified the longstanding policy of the past 16 years, which stipulates that if a property can comply with regulations without needing a variance, they are expected to do so. Variances are not granted when there are feasible alternatives to comply with the existing rules.

Minutes – BOH March 21, 2024, adopted April 18, 2024

Action:	Motion to deny the variance. (Motion by: Cooper) (Seconded by: McKenna)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

2. 35 Warren’s Landing, Septic Setbacks from Madaket Regulation, Code of TON Chapter 303.

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	Ryan Maxwell, Bracken Engineering
Discussion: (00:31:12)	Maxwell Stated the applicant has requested a continuance for this item and the following item.
Action:	Motion to continue until the April 18, 2024, meeting. (Motion by: McKenna) (Seconded by: Cooper)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

3. 35 Warren’s Landing, Septic Loan Request.

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	Ryan Maxwell, Bracken Engineering
Discussion:	-
Action:	Motion to continue until the April 18, 2024, meeting. (Motion by: McKenna) (Seconded by: Cooper)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

4. Variance Request: Bathroom Cisco Beach

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	Eleanor Antonietti, Land Bank Special Projects Coordinator
Discussion: (00:32:13)	Sean Reid, Public Health Inspector - Stated that Eleanor Antonietti did reach out, but an agreement on the installation of the previously discussed bathroom was not reached. Eleanor Antonietti - Considered purchasing or renting a portable restroom facility, but faced issues with no power, water access, and potential vandalism. - Identified two local vendors for restroom units; only one was willing to rent, with the other citing concerns but not specified. - Highlighted challenges such as the need for an external generator for water heating, retrofitting for a hot water heater, and the high costs involved in unit rental, daily cleaning, and generator fueling. - Expressed concerns over safety hazards from the generator, the responsibility placed on vendors and their employees, and the logistical burden on the field crew. - Discussed the commission's logistical and safety concerns, contrasting with other venues that have power and water access. - Requested permission to allow up to three licensed mobile food unit vendors to operate for no more than two hours on the premises without installing the portable restroom trailer. - Raised additional worries about the potential for vandalism to both the generator and the unit, noting the liability issues at Cisco Beach. Hedden - Staff expressed concerns over the sanitation of portable toilets, stating they are not ideal for daily operation in food establishments due to health regulations.

Minutes – BOH March 21, 2024, adopted April 18, 2024

- Noted that while Jack's hot dog stand has a lesser impact due to the nature of its service, food trucks, described as kitchens on wheels, pose a greater concern due to the extensive food handling and preparation involved.
- Emphasized the importance of having handwashing stations conveniently located for food handlers and meeting health code requirements, including water temperature.
- Pointed out that portable toilets are generally seen as suitable only for temporary events, highlighting the preference for facilities with running water and easy cleaning capabilities.

Eleanor Antonietti

- Clarified that porta potties have been installed and maintained at the Cisco Beach site for a long time, funded by the town, for use by both the public and vendors.
- Acknowledged that while porta potties do not offer the same level of cleanliness as a portable restroom trailer, they have been a long-standing solution for restroom facilities at the site.
- Highlighted the daily cleaning requirement for these porta potties, inquiring about the necessity of maintaining this practice and questioning whether the use of porta potties will be disallowed or merely considered a public benefit moving forward.

Hedden

- Discussed the primary concern being the sanitation for food handlers using porta potties, and whether this setup is considered sanitary for daily operations at beach locations with food establishments.
- Questioned the effectiveness of hand sanitation methods available to those using porta potties, especially in terms of meeting health and safety standards for food service.
- Explored alternatives like portable handwashing stations, which are used in various settings, including events and public spaces like the Seaport in Boston, to enhance sanitation.

McKenna

- Questioned the feasibility of solar hot water systems for beach locations, drawing from experiences in island regions where black bags are used to heat water naturally.
- Suggested testing such a system to ensure it can reach the required 100°F for proper sanitation, indicating an interest in exploring this as a potential solution for handwashing stations without relying on electricity.

Jack Decker

- Identified as the owner of Nantucket Beach Dogs, operating at Cisco since 2010, and acknowledged the porta potties' cleanliness issues but noted their functionality up to this point.
- Highlighted the presence of a handwashing sink on the hot dog cart, capable of providing water well over 100 degrees, along with dish soap, hand soap, and hand sanitizer, to ensure hand cleanliness before and after using a porta potty.
- Pointed out that the discussions about electricity-free solutions like solar bags may be unnecessary in their case, as they already have access to hot water, and requested this information be added to the record for clarity.

Hedden

- Acknowledged that all food establishments are required to have an external handwashing sink, noting that the one mentioned is likely powered by propane.
- Recognized the cart's operation as fully outdoor and not enclosed, indicating compliance with requirements.
- Emphasized seeking a permanent solution to the sanitation challenges posed by porta potties, rather than relying on them inconsistently.
- Recalled that last year's compromise allowed for two-hour vendor operations, based on the original application approved in 2010, as a temporary measure.

Minutes – BOH March 21, 2024, adopted April 18, 2024

- Expressed a desire to transition away from temporary solutions towards more permanent sanitation facilities.

Jake Visco, Public Health Inspector

- Emphasized that handwashing should occur immediately after using the restroom and before re-entering the food truck to prevent contamination from unwashed hands.

Smith

- Highlighted World Health Organization (WHO) guidelines recommending handwashing with soap and water or using alcohol hand sanitizer to prevent pathogen spread.
- Questioned the stringent requirements for handwashing facilities, suggesting that following WHO guidelines on using either soap and water or hand sanitizer could be a viable option for ensuring hand hygiene, especially concerning pathogens.

Hedden

- Noted that the food code does not permit hand sanitizer as a substitute for handwashing.
- Highlighted Jack's operation as being fully outdoor with a cart, which differentiates it from scenarios where contaminants might be brought from a porta potty into an enclosed food preparation area, suggesting this could be considered in evaluating sanitation requirements.

Jake Visco, Public Health Inspector

- Stressed that adherence to the food code's minimum standards is obligatory, indicating that deviations towards less strict measures are not permissible.
- Clarified that it would not be possible to grant a variance allowing hand sanitizer to be used as a substitute for handwashing according to the food code requirements.

Heather Nardone, Public Health Inspector

- Clarified that the food code prioritizes handwashing over sanitizer use because handwashing includes cleaning under the nails, whereas hand sanitizer only addresses the surface of the skin.
- Explained that thorough handwashing is more effective at removing pathogens, including those under the nails and other parts of the hands, which is why it is specified in the food code.
- Emphasized the importance of handwashing as a more comprehensive method for removing pathogens, supporting its specification in the code beyond mere preference.

McKenna

- Acknowledged Jack's use of a propane-powered hot water tank as a compact and efficient solution, contrasting it with the bulkier generator-powered alternatives.
- Proposed the idea of mandating propane-powered hot water systems for vendors, specifying that these systems should be mounted and accessible from the outside before vendors enter their operating area.
- Suggested the development of guidelines to ensure vendors at beaches, where porta potties are provided by the town, can maintain proper hygiene standards for food handling.

Hedden

- Mentioned that there could be an allowable time for carts operating outdoors but emphasized that using a porta potty for food preparation and handling on a daily basis throughout the summer is not a sustainable or permanent solution.

McKenna

- Suggested developing a set of regulations that vendors could feasibly meet without incurring unreasonable expenses, placing the responsibility on vendors to implement a sanitation system.
- Emphasized the requirement for the handwashing system to be external, not inside the food truck, to ensure proper sanitation practices.

Minutes – BOH March 21, 2024, adopted April 18, 2024

- Considered whether such systems need to be approved or tested by the authority, especially if they are propane-powered, which is seen as less concerning due to their compactness and efficiency.
- Mentioned that the use of a propane-powered system might not be a significant expense due to its low fuel consumption, but it is crucial for ensuring the hygiene of the food handled by employees.
- Proposed making the installation of such a system a requirement for vendors to obtain permits to operate at the beaches.

Eleanor Antonietti

- Expressed willingness to ensure that license agreements with mobile food unit vendors include a requirement for full compliance with local Board of Health and Health Department regulations and guidelines.
- Suggested the addition of an exhibit or document outlining specific sanitation standards to the license agreement for clarity and enforceability.

Cooper

- Expressed the opinion that all food truck operators should be informed and involved in discussions about sanitation requirements, emphasizing the importance of collective understanding and agreement.
- Indicated that no decisions should be made until all relevant parties have been consulted and understand the implications of any new regulations or standards, acknowledging that any decision made for one vendor would likely affect all other food truck operators on Nantucket.

Sean Reid, Public Health Inspector

- Commented on the reason why porta potties may not be deemed suitable for food establishments, citing concerns about contaminants and particles present in porta potties.
- Highlighted the issue of potential contamination not being limited to the hands but affecting the entire person when transitioning from using a porta potty to entering a food preparation area.

John Keane, Owner of Keen Restaurant Group

- Emphasized that food safety is of utmost importance. However, believes from listening to the deliberations of the Board that the use of porta potties and the existing handwashing practices do not meet the required health code standards.
- Provided an example of a catering trailer serving food without access to hot water and a hand sink, stating such setups do not allow for proper sanitization and thus would not comply with health and safety regulation.

McKenna

- Highlighted that porta potties, by design, do not offer the same sanitation as bathrooms, implying that simply washing hands after using one may not be sufficient for ensuring safety in food handling environments.
- Discussed the possibility that a more comprehensive solution, such as trailers with actual bathrooms and real sinks, might be necessary to meet health and safety standards.
- Acknowledged that while there are several unresolved questions and a need for more guidance from staff on feasible solutions, there is also a desire to find a balance that allows vendors to operate at popular locations during the summer, as has been historically the case at many beaches.

Smith

- Recognized that the issue extends beyond the specific case of Cisco Beach, realizing it encompasses a broader concern regarding the health and safety standards for food service across multiple locations.
- Noted there are 28 food trucks operating at various beaches, many of which rely on porta potties, underscoring that the discussion is not just about one location

Minutes – BOH March 21, 2024, adopted April 18, 2024

but about setting public health policies for food service in remote or beach areas in general.

Eleanor Antonietti

- Pointed out a provision in the health code stating that mobile food units must have access to a brick-and-mortar bathroom along their route, suggesting mobility throughout the day without the need for a stationary facility at each stop.
- Proposed reconsidering the practice of issuing licenses to up to three mobile food unit vendors for specific locations like Cisco Beach, to ensure beachgoers have food options without the vendors needing to provide stationary bathroom facilities.
- Suggested that any of the 24-28 food trucks could serve areas like Cisco Beach as long as they remain in transit, potentially bypassing the need for each to meet stationary bathroom requirements.

John Keane, Owner of Keen Restaurant Group

- Represented three restaurants on the island, emphasizing that they adhere to high standards, particularly in food safety.
- Expressed concern that the current discussions may not lead to a safe food service environment due to the challenges associated with ensuring proper handwashing and access to hot water for sanitization.
- Questioned how food safety can be maintained without the ability for food handlers to properly wash their hands and sanitize before serving food.

Jack Decker

- Added that the previous arrangement of allowing vendors to operate for two hours at the beaches had been effective and suggested considering its continuation as a viable solution.

McKenna

- Suggested that the town might consider installing bathroom trailers at specific beaches, which would then be the only locations where food trucks are permitted to operate.
- Proposed that vendors operating at these beaches could be charged an extra fee to help offset the costs of providing proper facilities on site, ensuring compliance with health and safety standards.

Eleanor Antonietti

- Requested a variance from specific requirements of the food code during the first hearing, noting uncertainty about the full extent of the code's stipulations.
- Cited the requirement from 105 CMR 590 stating that toilet and handwashing facilities must be available for all mobile food (MF) employees along their route of service or conveniently located to food preparation and washing areas.
- Highlighted another section of 105 CMR 590 regarding handwashing facilities, which must provide potable water at a minimum temperature of at least 100 degrees Fahrenheit and be equipped with a mixing valve or combination faucet. These facilities must be available at all toilet facilities used by food employees and include suitable hand cleaners.

MacNab

- Acknowledged that addressing all other concerns and requests for variances will take approximately five to six weeks due to the necessity of scheduling a public hearing for any new regulations or variance requests.
- Noted that handling variance requests would require considering each one individually, which is another procedural step if vendors seek exceptions to the existing regulations.

McKenna

- Reviewed minutes from the last meeting, noting former Director of Health & Human Services Roberto Santamaria's suggestion of an upgraded portable toilet with sinks as a potential solution to the sanitation concerns.

Minutes – BOH March 21, 2024, adopted April 18, 2024

	- Indicated that such a solution would effectively address the debate over sanitation facilities for food vendors at Cisco Beach. - Mentioned the Land Bank's concerns regarding public access to these facilities but highlighted that providing an upgraded portable toilet with sinks could solve the core issue, regardless of whether it's provided by the vendor or the town. MacNab - Summarized a viewpoint suggesting that the regulations recommended by the health department should be adhered to strictly. - Stated that if Cisco Beach and the Land Bank cannot comply with these regulations, then they would not be permitted to host food trucks.
Action:	Motion to deny variance request. (Motion by: Cooper) (Seconded by: McKenna) (01:34:33)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

5. Kitty Murtagh's – Variance request for installation of floor drain.

Sitting:	MacNab, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	John Keane, Owner of Kitty Murtagh's
Discussion: (01:40:00)	Cooper - Emphasized that if the plumbing inspector indicated the need for a floor drain during an inspection, then the requirement must be fulfilled, regardless of the number of existing drains. - Stressed that the plumbing code cannot be modified to accommodate individual preferences, underscoring that adherence to the inspector's directive is non-negotiable. - Clarified that obtaining a permit and undergoing inspection with a directive to install a floor drain necessitates compliance with that directive to ensure alignment with the plumbing code. Keane - Clarified that the plumbing inspector did not specifically require the installation of a floor drain as part of their building permit, which was issued with complete plans for a modest addition of approximately 108 square feet (10x11 room). - Explained that the health department's involvement came after the building permit was issued, suggesting a lack of communication between the building and health departments at the time of permit issuance. - Expressed belief in having acted in good faith based on the building permit and approval from the building department to proceed with the construction. - Noted that there was no plumbing involved in the expansion area, which is why a plumbing permit was not required for that portion of the project. Hadden - Explained that it is the responsibility of food establishments to inform the health department about any renovations or changes, such as kitchen renovations or flooring changes. - Described an area known as the "Chicken Shack" as the expansion area of the kitchen, which includes a fryolator and cook line. - Stated that areas with a cook line should have a floor drain, noting that there is already one in the main kitchen and by the ware washing station, both of which are requirements. - Emphasized that any area subject to flush washing, like the cook area in question, needs to have a floor drain to comply with health and safety regulations. Keane - Indicated that construction is already halfway completed, with all walls and partitions built, but the flooring remains unfinished, consisting of poured concrete on a slab.

Minutes – BOH March 21, 2024, adopted April 18, 2024

- Highlighted the significant challenge and expense of breaking through the concrete to install a floor drain that connects to the grease trap, estimating a delay of about two weeks.
- Stressed that the room already has a sufficient number of floor drains, implying that adding another would be redundant and unnecessarily costly.

McKenna

- Acknowledged John's statement that, according to code, the area should have a drain due to its designation as an active cooking area once construction is completed.
- Assumed that the requirement for a drain in this context is rooted in health and safety regulations.

Hadden

- Suggested that if a floor drain is installed somewhere in the vicinity of the new active cooking area, even if separated by a wall or service station, it could potentially satisfy the requirement, emphasizing the separation and layout from previous inspections.
- Indicated openness to solutions where the floor drain might not be directly within the new cooking area but still accessible enough to serve its intended health and safety function effectively.

MacNab

- Questioned whether there should be a procedure or relationship in place for the health department to review kitchen renovations early in the project to ensure compliance with health and safety regulations from the outset.

Hadden

- Affirmed that any changes to a kitchen require review by the health department and ideally should have been reviewed before the commencement of work to ensure all health and safety regulations are met from the beginning.

McKenna

- Proposed a potential solution to the floor drain requirement by suggesting a reorganization of the kitchen layout, specifically asking if it's feasible to relocate the cooking area near an existing drain to comply with health and safety regulations.
- Suggested rearranging the plan so that the area in question, identified by the "Chicken Shack" sign and intended for active cooking, could be positioned closer to an existing floor drain, potentially alleviating the need to install a new one.

Keane

- Emphasized that the existing setup includes 50% more floor drains than what is required for the given square footage, suggesting that additional floor drains might not be necessary given the current configuration and compliance with requirements based on square footage.
- Suggested a solution to potentially address concerns by proposing to open up the entire wall between the two kitchen spaces, creating a back-to-back cooking line to facilitate a more integrated and possibly compliant setup.
- Expressed frustration with the ongoing situation, contemplating converting the intended expansion area into a storage room instead of expanding the kitchen due to regulatory hurdles.
- Highlighted the potential impact on productivity and the ability to serve the community, specifically mentioning the risk of losing the ability to provide Meals on Wheels—a service delivered to 120-150 people daily for 15 years after the hospital ceased to offer it and no one else would take on the responsibility.
- Voiced concern that the issue of needing an additional floor drain, when there's already one six feet away, seems disproportionate to the potential consequences for service and community support.

Minutes – BOH March 21, 2024, adopted April 18, 2024

	McKenna - Proposed relocating the kitchen equipment to negate the need for a variance, suggesting that this adjustment would comply with health department requirements. - Highlighted that by moving the cooking area closer to an existing floor drain, submitting revised plans for Board of Health approval would suffice, making a variance unnecessary. - Aimed to offer a solution that maintains the kitchen's capacity and functionality, avoiding the conversion of the space into storage due to non-compliance with code requirements regarding floor drains. Keane - Expressed confidence in meeting compliance requirements for a cooking area, even if state inspectors for the Meals on Wheels program were to review the setup months later and inquire about floor drain requirements according to the code. McKenna - Aimed to find a solution that allows for the completion of the kitchen project efficiently while ensuring compliance with all relevant regulations, without significant disruption or additional construction.
Action:	Motion for a continuance, on the condition that Mr. Keane schedules a meeting with Mr. Hedden to discuss further options. (Motion by: McKenna) (Seconded by: Smith) (02:11:34)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

VI. BOH BUSINESS

Discussion of Possible Tight Tank District Regulations in Baxter Road Area

Discussion: (02:13:11)	MacNab - Mentioned concerns raised during a Select Board meeting about the potential need to move Baxter Road due to various challenges, highlighting the likelihood of having to relocate utilities quickly. - Stressed the importance of ensuring the Board of Health is aligned with any plans for moving the road and utilities, considering the urgency and potential rapid developments. - Inquired about the possibility of using tight tanks to facilitate the process during the road and utilities relocation, as part of seeking solutions to anticipated challenges. Vince Murphy, Sustainability Programs Manager - Discussed overseeing Baxter Road projects and differentiated between two closely linked projects: the Baxter Road Alternative Access Project and an Emergency Readiness Plan. - Explained the Alternative Access Project as a long-term retreat plan to provide residents with road access, water, and sewer connections to their properties, currently about 90% designed. The completion is optimistically projected for July 2025 but realistically expected to take two or three years longer due to the need for finished designs, permitting, and securing funding. - Highlighted the immediate concerns of dramatic erosion near Baxter Road, with some areas being as close as 36 feet from the bluff to the road, creating a sense of urgency. - Introduced the Emergency Readiness Plan as a short-term, interim solution to maintain some level of access and utility service to properties in case of a breach before the construction of the Alternative Access Project. This plan aims to provide walking access from Polpis Road and potentially portable water and sewage facilities to keep homes usable.
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Minutes – BOH March 21, 2024, adopted April 18, 2024

- Sought guidance on implementing the Emergency Readiness Plan as a precautionary measure for resilience, emphasizing the plan's role as a backup to the more comprehensive Alternative Access Project.
- Inquired if the use of temporary tight tanks, with above-ground pipes for pumping, could be permitted for a short duration (weeks to months) to maintain sewage services in an emergency situation.
- Noted the need for limited vehicle access for maintenance, such as pumping out the tanks, emphasizing that this setup would only be a very short-term, temporary measure.
- Explained that activating the Emergency Readiness Plan under dire circumstances would hasten the implementation of the Alternative Access Plan by enabling access to state emergency funds and expedited permitting.
- Posed a question to the board about their openness to allowing such temporary sewage solutions or if the preference would be to prohibit occupancy of the homes until permanent services are restored.

Hedden

- Clarified that state approval is necessary for the use of tight tanks, with the possibility of obtaining a variance through the board.
- Discussed the minimum size requirement for tight tanks with a focus on the concerns related to above-ground tanks, including potential for cracks and unsanitary conditions.
- Mentioned Title 5 regulations, suggesting a minimum tank size of 2,000 gallons, and contemplated the logistics of providing one tank per house for approximately 20 houses.

Murphy

- Estimated the worst-case scenario could involve up to 22 buildings requiring service if a breach occurs, with the actual number potentially as low as 10.
- Noted that the sewage system for these buildings may or may not rely on gravity but would instead require pumping, with the exact logistics depending on each site's specific location and the slope of the land.
- Mentioned that on the very north end of Baxter Road, about four or five homes already use grinder pumps to move waste up to the main road. Depending on the placement of the tight tanks, similar systems may be necessary, or gravity-fed solutions might be viable, contingent also on access for pumping trucks.
- Discussed a contingency plan involving a quick emergency track through Golf Club property, contingent upon their approval, to facilitate vehicle access for emergencies, including septic truck access.
- Clarified that this emergency trackway is intended solely for emergency vehicles, not for public or homeowner vehicular access, with the understanding that homeowners would have walking access across neighboring properties only in this scenario.
- Speculated on the impact of a hypothetical breach occurring at the north end near the geo tubes at 105 Baxter Road, noting that such a breach could compromise the road width and affect the underlying water and sewer lines located just beneath the road surface.
- Pointed out that electricity and telecommunications infrastructure, including utility poles, are situated on the opposite side of the road from the water and sewer lines.
- Emphasized that if a breach were to affect these utility poles as well, it would result in the loss of all services, including water, sewer, electricity, and telecommunications, underscoring that the extent of service disruption would depend on the severity of the breach.
- Clarified that for a house to be considered habitable under regulations, it must have access to water and sewer services.

Minutes – BOH March 21, 2024, adopted April 18, 2024

	- Noted that the presence of electricity and heat, while making living conditions more comfortable, is not a regulatory requirement for a dwelling to be deemed habitable. Smith - Expressed the opinion that in the event of an emergency, actions should be taken based on immediate needs rather than potential risks like cracks or other issues. - Conveyed a supportive stance towards taking decisive actions to address the emergency, indicating no objection to the proposed emergency measures. Murphy - Explained the need to finalize a report for the Select Board, requiring guidance from the Board of Health to proceed. - Stated the next steps involve collaborating with homeowners on easements, which hinges on the guidance received; the type of easements needed (for walking access vs. for water and sewer infrastructure) will depend on the Board of Health's feedback. - Highlighted that this matter also involves legal considerations, especially regarding the temporary nature of such easements in an emergency scenario. MacNab - Expressed the Board of Health's support for the use of tight tanks in the context of the emergency situation described, indicating a willingness to accommodate such measures. - Emphasized that approval of tight tanks would hinge on practical considerations, such as ensuring access for a septic truck to manage the tanks. - Highlighted that aside from the provision of tight tanks, the houses would still need to meet all other habitability requirements to be considered livable.
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Adoption of new Disposal System Construction Application Permit form and Certificate of Compliance form.
Adoption of new Food Establishment Plan Review form.

Discussion:	MacNab Suggested continuing the discussion of Adoption of new Disposal System Construction Application Permit form and Certificate of Compliance form and Adoption of new Food Establishment Plan Review form to the next BOH meeting.
Action:	Motion for a continuance, on the two items listed above. (Motion by: McKenna) (Seconded by: Smith) (02:29:33)
Roll-Call Vote:	Carried 4-0// MacNab, Cooper, McKenna, Smith (aye)

VII. DIRECTORS REPORT

Hedden

- Provided an update on the short-term rentals government operating system, noting it has been live for 2 weeks, with some ongoing adjustments to address initial challenges.
- Mentioned progress in smoothing out operations for short-term rentals, indicating an ongoing day-to-day effort to overcome early obstacles.
- Introduced PFAS (per- and polyfluoroalkyl substances) as a topic for the next meeting, highlighting upcoming changes by the EPA in maximum contaminant levels and hazard indices for PFAS, suggesting the importance of discussing its implications.
- Described the current situation as a "perfect storm" due to the simultaneous demands of managing short-term rentals, PFAS concerns, and the seasonal surge in requests from restaurants, lodges, pools, and camps aiming to open, all happening towards the end of March.
- Concluded with an acknowledgment of the staff's commendable performance despite the challenges presented by the convergence of these issues.
- Mentioned that the Public Health Coordinator position became vacant because Heather Nardone transitioned to an Inspector role that was open.
- Reported that interviews for the new Public Health Coordinator were conducted this week, attracting some strong candidates.

Minutes – BOH March 21, 2024, adopted April 18, 2024

- Expressed optimism about potentially announcing or offering the position to a new candidate by the next week.

Requests from Board Members

- Discussed the potential for a significant year regarding tick populations and the importance of updating and expanding outreach efforts for tick prevention due to the warmer weather.
- Requested updates on major projects that have previously been identified as requiring extra attention, such as Summer House, and possibly a few others.
- Emphasized the need for a follow-up on the status of these projects, including how they managed the previous season and preparations for the upcoming season, noting that recent legal actions indicate ongoing challenges.
- Highlighted the importance of proactively addressing issues to prevent problems similar to those experienced in the previous year.

VIII. ADJOURN

Action: **Motion to Adjourn at 6:34 pm.** (made by: McKenna) (seconded by: Smith)

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

Submitted by: Elaina Cano