



TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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Meeting Minutes - January 24, 2017

The Tisbury Board of Health (BOH) met on Tuesday, January 24th, at the Tisbury Annex Building. Commissioners in attendance were Chair, Jeff Pratt, Malcolm Boyd and Michael Loberg. Also in attendance were Maura Valley, Catie Fuller, and several visitors: Brian Baumgaertel, Barnstable Co. Dept. of Health; Marina Lent, Chilmark Board of Health; Omar Johnson, West Tisbury Board of Health; Matt Poole, Edgartown Board of Health; Paul Wohler, Superintendent, Tisbury Water Works; Paul Ernst, Tisbury Water Works.

Mr. Boyd called the meeting to order at 3:04 PM and Mr. Pratt presided upon his arrival at 3:05 PM.

Due to another commitment, Mr. Boyd excused himself at 4:28 PM.

Appointments

3:00 PM Brian Baumgaertel of Barnstable County Dept. of Health & Environment presented on *Innovative Alternative Septic Monitoring: Joining the I/A Tracking Program*, with a focus on establishing a town regulation, data compilation of current I/A systems in operation, notification of requirements to system operators, follow-up on non-compliant systems, funding and fees.

4:15 PM Paul Wohler, Water Department Superintendent at Tisbury Water Works, reported on Wellhead Protection; specifically, Floor Drain Regulations: protection of the portion of Zone II with a non-zoning floor-drain discharge control in compliance with *MA Wellhead Protection Regulations 310 CMR 22.12(2)(a)(8)*. Mr. Wohler is looking for assistance in managing to this regulation as the Water Department is not a regulatory body.

Action: Dr. Loberg moved to proceed with public hearings to prohibit the discharge of hazardous waste into floor drains, including new construction and pre-existing commercial and residential drains, in response to Mr. Wohler's request to bring the town into compliance with the DEP standards. Mr. Boyd seconded the motion and it was unanimously approved. The target date for a public hearing is March 14, 2017.

Minutes

Mr. Pratt moved to accept the minutes, dated January 10th, as amended on Page 3. Dr. Loberg seconded, and the motion was unanimously approved.

Health Agent Report

Ms. Valley presented requests from Brickman's and Cumberland Farms for a waiver to the *Plastic Checkout Bag Bylaw*.

Action: Dr. Loberg moved to grant the requests, up to one year, with the provision that there be no further replenishment of bag inventory by Brickman's and Cumberland Farms. Mr. Pratt

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seconded the motion. No further discussion was required and the motion was unanimously approved.

Ms. Valley presented a recommendation from Caring for Animals for a rabies vaccination exception for Molly Canha, an elderly Newfoundland.

Action: Dr. Loberg moved to grant the exemption for a rabies vaccination for Molly Canha. Mr. Pratt seconded the motion. No further discussion was required and the motion was unanimously approved.

Ms. Valley reported on training requirements and progress for Ms. Fuller as the new Assistant Health Agent.

- Food Handlers Certification: completed
- Pool Operation Management: registration is in process
- Public Health Core: on-line training is in progress.
- Title 5 System Inspectors: requires at least 1 year of experience as an agent before Ms. Fuller will be eligible for registration
- Soil Evaluators: is not required for this position

Action: None necessary at this time.

Ms. Valley provided an update on 9 Cook Road. Mr. Taylor Wilson agreed to the stipulations proposed by Ms. Valley and Mr. Barwick so the judge issued the order, *Superior Court Department Civil Action No.: 1774CV00001*, to act by 5:00 PM on Thursday, February 9, 2017. If Mr. Wilson fails to comply, the town may access the property on February 10th to demolish/raze the building and remove all rubbish, at Mr. Wilson's expense. A lien will be assessed on the property if the charges are not paid.

Action: None required at this time.

Ms. Valley reported on a tobacco violation by Cumberland Farms. Tobacco Control of Cape Cod performed a compliance check and discovered that a new employee sold tobacco products to a minor. This is the first violation in many years so the penalty assessed is \$100.

Action: None required at this time.

Ms. Valley presented a draft of a proposed joint bylaw for the registration and certification of residential rental property, including but not limited to, year-round, seasonal, and short-term, rentals, as well as, Airbnb. The regulation is being proposed by the Board of Health, and the Building Inspection and Fire Departments and will be presented at a town meeting in March. It is believed that such regulation is necessary for identifying emergency contacts for, inspections of, overcrowding and limiting the number of occupants permitted in, rental units.

Action: Dr. Loberg moved and Mr. Pratt seconded the motion to accept the goals of the bylaw. Discussion ensued before the motion was approved. Further discussion ensued before the final motion was approved, unanimously. Mr. Pratt and Dr. Loberg added the following provisions to the motion.

- Mr. Pratt will meet to review the proposed bylaw with Chief of Police Schilling and representatives from the Building Inspection and Fire Departments.
- The BOH and staff should review and provide comments on the actual implementation of the proposed bylaw.

Mosquito control at Mink Meadows: Ms. Valley requested a signature on the application for a permit from the Army Corps of Engineers.

Action: Mr. Pratt signed the application for a permit.

Ms. Valley requested review of coastal district regulations for septic in the case of a property that sits over two districts. In other words, the property owners are planning a renovation and the house sits in the

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“coastal district”, but the septic does not. Can the house have more bedrooms than the regulation allows for the sensitive zone?

Action: Split decision; no recommendation by the BOH at this time.

Ms. Valley reported on deferred landfill maintenance as the landfill is settling and washing out in places. Mrs. Valley, Ray Tavisol and Bob Blanchard are consulting with each other and Suzanne Kennedy to understand the division of jurisdiction(s) and financial responsibility.

Action: Just an update; no action required.

New Business

Ms. Valley reported that Island HealthCare has contacted her with interest in bidding on the nursing contract for the Boards of Health.

Action: No action required at this time.

Ms. Valley has received a request for adding a takeout coffee and pastry shop in a women's boutique at 18 Beach Street. Café tables will be placed in front. No food preparation and cooking will be conducted on-site; the pastries will be pre-made and wrapped by Behind the Bookstore Cafe in Edgartown.

Action: The BOH does not require the business owners to appear before them. The BOH has no objection to Ms. Fuller working out the details with the owners, directly.

Ms. Valley has been asked by Melinda Loberg, Board of Selectman, to amend the BOH budget to include funding for financial assistance for alternative septic testing & monitoring.

Action: The BOH requires more information before voting to amend the budget; therefore, Ms. Valley will compile historical data and financial criteria showing the number of failed systems. More information is also needed on the actual and variable testing costs. Ms. Valley will speak with Suzanne Kennedy and Dr. Loberg will meet with John Smith about the respective costs.

Old Business: N/A

DWAs approved by the Health Agent

None submitted for review

DWAs approved by the Board

None submitted for review

Payables

The Commissioners voted to approve the following bills:

Sprint	Telephone	\$78.49		
MHOA	Dues	\$60.00		
Pool Operation Management	Training	\$305.00		
Office Depot	Office Supplies	\$31.98		
VNA – November, 2016	Nursing Contract	\$722.50		
VNA – December, 2016	Nursing Contract	\$977.50		
TOTAL		\$2,175.47		

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Next meeting: February 14, 2017 at 4 PM

With no further business to conduct the Board of Health meeting adjourned at 5:58 PM.

Respectfully submitted,

Valerie Soushek

Handout(s)

Joining the I/A Tracking Program: A Brief Primer on the Steps Involved, by Brian Baumgaertel

Experimental leach fields for nitrogen removal – a homeowner’s guide, by Barnstable County Department of Health and Environment

Construction Summary for Layered Soil Treatment Area to be installed under the Demonstration Project: A primer for board of health members, septic system designers and installers, by Barnstable County Department of Health and Environment

Does Sawdust Have a Role in Saving Cape Cod’s Bays?, by Barnstable County Department of Health and Environment

Letter, dated December 12, 2016, by Paul Wohler and supporting documentation: *Wellhead Protection Regulations 310 CMR 22.21(2)-1*, by Mass. Dept. of Environmental Protection Drinking Water Program; *A Wellhead Protection Fact Sheet – Drinking Water Program: The Floor Drain Discharge Control Requirement 310 CMR 22.21(2)(a)(8)*, by Mass. Dept. of Environmental Protection; *Model Board of Health Floor Drain Regulation*, 2014, by Mass. Dept. of Environmental Protection and various regulations from Paul Wohler, Superintendent, Tisbury Water Works

Order: Town of Tisbury vs. Swamp Fox Realty Trust, by Commonwealth of Massachusetts, Superior Court Department Civil Action No.:1774CV00001

Proposed Bylaw, *Rental Registration Regulations*, by Maura Valley, Tisbury Board of Health

Approval

The Board of Health accepts the meeting minutes, dated January 24, 2017, as presented.

Date: _____

Signed: _____