



TOWN OF TISBURY
office of
THE BOARD OF HEALTH
PO Box 666, 66 High Point Lane
Vineyard Haven, Massachusetts 02568

MEETING MINUTES – November 14, 2023 – 4:00 PM

The Board of Health (BOH) commissioners met at the Tisbury Town Hall Annex, 66 High Point Lane, on Tuesday, November 14, 2023, at 4:00 PM. The meeting was also available virtually by Zoom (meeting ID: 817 5405 1823 and passcode: 678911) or by phone at 646-876-9923.

Commissioners in attendance were Chairman Malcolm Boyd, and Dr. Michael Loberg, Vice Chairman. Commissioner Jeff Pratt, Clerk, joined via Zoom. Maura Valley, Health Agent, Drew Belsky, Shared Services Inspector, and Valerie Soushek, Administrative Secretary, were also in attendance.

Chairman Boyd called the meeting to order at 4:00 PM.

Visitors in attendance via Zoom were Carmine Cerone on behalf of Tashmoo Woods, James Cleary of Tisbury Water, and Sam Houghton of MV Times. Ben Robinson, Tisbury Planning Board, joined in person briefly.

The meeting minutes for October 24, 2023, were accepted and approved as written.

APPOINTMENT

4:30 PM Public Hearing re: lead line replacement at sale/transfer

Chairman Boyd opened the public hearing by reading the official Notice:

**TISBURY BOARD OF HEALTH
PUBLIC HEARING NOTICE**

The Tisbury Board of Health will hold a public hearing to consider adopting regulations requiring the replacement of lead water service lines at the time of sale and transfer of a property. The hearing will be held at 4:30 pm on Tuesday, November 14, 2023 at the Tisbury Town Hall Annex, 66 High Point Lane. The hearing may also be joined virtually via Zoom by entering meeting ID: 817 5405 1823 and passcode 678911. To access the hearing by phone, call 646-876-9923.

If adopted the regulation would require, prior to transfer of ownership and the establishment of a new customer account, the Tisbury Water Works to certify that the existing water service line is non-lead as defined by the Environmental Protection Agency (EPA). In the event the service line is lead or galvanized requiring replacement, the property owner must enter into a contract for replacement of the line on their property within 6 months of property transfer.

Ms. Valley provided a summary of the proposal: The proposed regulation is being presented as a joint effort between the BOH and Tisbury Water Works. It is the first step in complying with the State's probable requirement for all towns to have a status record of their service lines.

If adopted, the water department, when contacted regarding a property transfer, will check their records to see if the water supply line information is available. If not, they will direct the property owner on the steps necessary to certify the type of lines on their property. The water department will then notify the BOH of the pending property transfer and whether they comply.

James Cleary, Water Works Superintendent, confirmed they are in the early stages of inventorying the water service lines in the Town. The report is due by October 2024, but they hope to finish with the survey within (6) months. A handful of lines are discovered every year. The homeowner is made aware. If they opt to fix the line and it happens to contain lead on the Town side, the Town replaces the entire line. While the Town conducts lead and copper testing every 3 years and are under the threshold, it is likely that the DEP and EPA are going to issue a zero-tolerance policy which is why they're offering an inventory period to the towns.

There were no public comments.

The commissioners voted unanimously to adopt the proposed regulation to enforce replacement of lead water service lines at the time of sale/transfer.

Chairman Boyd closed the public hearing at 4:41 PM.

Reminder: With the State's approval, the mobile vaccination clinic will be on-island at the high school on December 10, 2023, to administer flu and Covid shots. Press releases will be forthcoming.

HEALTH AGENT REPORT

ARPA (American Rescue Plan Act) Wastewater Grant Applications

Two approved applicants have withdrawn their applications, so funding is available for five systems now. One of the approved systems has been installed.

Nitrogen Regulations

Upgrade of older technologies at sale/transfer: Comments from Adam Turner on this matter are still pending a telephone discussion. Ms. Valley spoke with Scott Horsley, and he agreed that it might be a good idea to allow the existing I/A, i.e. FAST or first generation, systems to remain if they work and achieve a nitrogen discharge level of 19 mg/L or less. Since we're not looking to upgrade 100% of the systems in the watershed, approving the older I/A systems to remain in use could be considered a gesture of goodwill and allow the BOH to focus on the systems with no nitrogen treatment. As a member of the Barnstable County monitoring program, Tisbury systems are tracked in their database to ensure compliance with current contracts and testing. If a property owner falls out of compliance, they must have the system tested or upgraded to the latest technology.

The commissioners voted that if a property owner has one of the older denitrification systems, they must show the testing records to show that their system is achieving a nitrogen discharge level of 19 mg/L or less. If not, they must upgrade to a new denitrification system according to the latest regulations. All voted in favor of Commissioner Pratt's motion.

Upgrade when (1) condo unit sells: Tashmoo Woods and Doug Cooper, Cooper Environmental Services, have raised this matter. However, other condominium complexes, i.e. Causeway, will be affected. As this is a more significant issue than can be resolved at this meeting, Ms. Valley recommended an offline session with association representatives and Doug Cooper to discuss possible resolution options, which she will present at a future BOH meeting.

According to Carmine Cerone, Tashmoo Woods has 54 condo units, 18 buildings, 3 units per building. Each of the buildings in phases 1 and 2 have 2 systems serving 3 condos. One system serves 3 condos in phase 3. There are 18 basic systems in total. Most of the systems are in the Watershed and are standard Title 5 technology.

The commissioners agreed with Ms. Valley's recommendation to schedule a meeting for a more detailed discussion about upgrading systems that serve more than one condo at the time of sale/transfer.

Public Health Excellence Grant

Mike Hugo is looking to schedule a (hybrid) meeting with all Island Board of Health members for the last week of December for a meet and greet and to discuss the grant and the possibility of forming an island health district. His vision is to have each town maintain full autonomy with its agent while inspectional services are provided through the grant.

BOH meeting schedule in December: The regular schedule would be the 12th and 26th. The commissioners agreed to meet on the 12th and forego the 26th unless they must address something before the first meeting in January.

Drew's updates: Drew will be taking the lead determinators test next week. The test is required by the State.

DWA(s) FOR BOARD APPROVAL – N/A

NEW BUSINESS

Cape Cod and Islands Association of Realtors request for reconsideration of nitrogen regulations:

The Cape Cod & Islands Realtors Association is asking that the BOH rescind its requirement that properties retrofit/upgrade to I/A systems at the time of property transfer. Instead, they ask that the Town follow the model recently adopted by MassDEP.

Given the following information, Ms. Valley stated that she found the request--

The recently adopted Title 5 revisions apply to Natural Resources NSAs and require towns to have 100% of the septic systems in an impaired watershed upgraded/retrofitted to advanced treatment within five years or for the Town to enter a watershed permit laying out a plan to remove 75% of the nitrogen in the watershed within 20 years. Although these requirements only affect Cape Cod now, they will likely apply to the Islands in the near future.

The Town has recently submitted a targeted watershed plan (TWMP) for Lake Tashmoo and continues to work on a comprehensive wastewater management plan. The TWMP incorporates the BOH nitrogen regulations, including the retrofit/upgrade at the time of property transfer provision, as part of the plan to address nitrogen issues in the Tashmoo Watershed over 20 years. By adopting the BOH nitrogen regulations and submitting the watershed plan, the Town is following the provisions of the newly adopted Title 5 NSA regulations.

For the commissioners' information, Ms. Valley provided copies of the letter of request and the DEP summaries of their new regulations and final watershed permit application submitted on behalf of the Town.

The commissioners unanimously voted to retain the regulations already adopted. Ms. Valley will draft a letter stating the commissioners' decision to the Cape Cod and Islands Association of Realtors.

Oak Bluffs Board of Health request for letter of support: The Oak Bluffs Board of Health is considering a moratorium on synthetic turf and requested a letter of support from the Tisbury Health Commissioners. Oak Bluffs' proposal will be provided to the Tisbury board upon receipt by Ms. Valley.

Information on PFAs bills currently under consideration at the state level was also provided for commissioner review.

The commissioners voted unanimously to provide an opinion of support to the Oak Bluffs Board of Health. Ms. Valley will draft a letter for the commissioners' review and approval.

OLD BUSINESS

Board of Health staff job descriptions: The commissioners voted unanimously to approve the revised job descriptions with one change to the Administrative Assistant document—remove the *Experience in bookkeeping* requirement. Ms. Valley will forward them to Personnel for execution and posting of the (vacant) Assistant Health Agent position.

BILLS AND PERMITS FOR APPROVAL - Vineyard Gazette, LLC / advertising / \$147

The next meeting will be on Tuesday, November 28, 2023, at 4:00 PM.

With no further business to conduct, Chairman Boyd motioned to adjourn the meeting at 4:55 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated November 14, 2023, as presented.

Date: 12/20/23 Signed: 