



TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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Meeting Minutes – November 28, 2017 – 4:00 PM

The Tisbury (Town) Board of Health (BOH) met on Tuesday, November 28, 2017, at the Tisbury Town Hall Annex.

Commissioners in attendance were Chairman Malcolm Boyd, Michael Loberg and Jeff Pratt. Maura Valley, Health Agent, Catie Blake, Assistant Health Agent, and Valerie Soushek, Administrative Secretary, were also in attendance.

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

Meeting Minutes: N/A

Appointments:

4:30 PM Ian, Scapegoats Goatscaping

Chairman Boyd spoke to Ian via telephone in lieu of an appointment and noted the following: Ian's general agreement with the MV Land Bank is to get through the training protocol and development of their "goatscaping" program, which is still new to MV Land Bank; they are willing to meet with the BOH when the program parameters are clearer.

Commissioner Loberg requested that the arborists, who were consulted with in the past, be invited to attend a future meeting.

Commissioner Loberg would like to review options for vegetation mitigation at the power lines sooner than in the past.

Health Agent Operational Updates

NitROE pilot program

Ms. Maura Valley provided the following updates:

- Three (3) more applications for permits are being sent to the State today for approval.
- The first pilot installation will occur on Friday, December 1, 2017, and the second installation will occur on Monday, December 4, 2017.
- To date, five (5) applications have been approved by the BOH commissioners.

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Barrier Beach Designations

Ms. Valley reported that Ms. Joy Carter Luke's property at 404 Bigelow / 30-B-1 should not be a barrier beach designation; the Conservation Commission concurred and approved the proposed septic plan for Ms. Luke's property.

Ms. Valley suggested a future change to the BOH regulations: show the definition of a barrier beach instead of lot designations, which were randomly selected. According to State regulations, the definition of a barrier beach is "a narrow low lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast. It is separated from the mainland by a narrow body of fresh, brackish, or saline water or a marsh system".

Ms. Valley agreed to review the current list of barrier beach designations with Ms. Jane Varkonda, Conservation Commission, to confirm the validity of such designations. Ms. Valley will address questionable designations with the commissioners at a future meeting.

Bylaw for Rental Regulations

Fire Chief John Schilling was in attendance to revisit the proposal for a rental regulations bylaw, which was available in a revised draft for the commissioners' perusal.

Ms. Valley explained:

- The matter was tabled by the Board of Selectmen (BOS) earlier in 2017, but they have decided to pursue implementation of the bylaw in 2018;
- In recent discussions with the town administrator it was decided to have this matter put on the town meeting warrant as jointly sponsored by the BOH, fire and building departments.
- As the BOH is charged with enforcement of the human habitation code, the matter is before the BOH commissioners to see if they are agreeable to sponsoring the bylaw as the Board of Health;
- Registration fees will be determined by the BOS.

Commissioner Loberg stated that he agrees with the rationale from a public safety point of view, but believes the new legislation in front of the state would address such concerns, to which Chief Schilling confirmed that the legislation has been shelved due to a couple of sticking points: the legislation was geared to the generation of revenue while the hotel and lodging industry was advocating for inclusion of language for public health and safety, and as such, the legislation never made it out of conference.

Ms. Valley confirmed proposal of a more simplified and on-line registration process when compared to the original proposal: registration of all rentals will be required with the Town, who will confirm the maximum occupancy level based on the number of bedrooms and wastewater capacity; inspections will not be required under the bylaw, but will be allowed if there is reason to believe an inspection should be conducted. Ms. Valley also confirmed her belief that this is a good first step in addressing some of the horrific living conditions she has witnessed in illegal apartments/rooms/ basements.

Chief Schilling noted that there will be no capital costs associated with the legislation for property owners; this a tool for addressing egregious rental conditions, i.e. overcrowding, illegally subdivided basements, unsafe and unhealthy conditions, overused septic systems, the presence of fire and carbon monoxide detectors; this is not a tool for revenue or taxation.

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Commissioner Pratt questioned the enforcement of the bylaw, to which Ms. Valley responded:

- It will be necessary to conduct one or more public hearings and advertise to generate awareness of the bylaw;
- The certificate must be posted within the residence and the certificate number must be referenced by the property owner when advertising their rental property;
- Properties will be inspected where concerns or complaints have been raised;
- Fines will be assessed.

Ms. Valley added that the bylaw addresses basic requirements for renting and that there is time to add this to the special warrant articles.

Commissioner Pratt stated his preference that the public hearings, to be scheduled by the BOS, be held in January and February, when the commissioners can be present.

Ms. Valley confirmed her recommendation for implementation of the rental regulations bylaw. Commissioner Loberg moved that the article be put forth as the policy of the BOH with respect to the management of rental properties. Commissioner Pratt seconded the motion. There was no further discussion. The motion was approved by all.

MV Honey Company

Ms. Valley reported that David Doneski, Esquire, has received a couple of emails from James Kozak, who is requesting the return of his honey and other items, to which Mr. Doneski and Ms. Valley agreed that nothing would be returned to Mr. Kozak.

Hinckley & Sons

Ms. Valley reported:

- The power serving Hinckley's front building on Beach Road has been turned off by Eversource;
- Hinckley's has been contacted about getting the power turned back on so that the wastewater pump could be re-engaged, to no avail;
- A final notice of 24 hours was provided;
- The water will be turned off, effective November 29, 2017, until power service is restored.

4:45 PM Chris Alley, Schofield, Barbini & Hoehn

Re: Joy Carter Luke / 404 Bigelow / 30-B-1

Ms. Valley confirmed that the barrier beach designation at 404 Bigelow has been lifted; therefore, approval of the pending septic plan proposal has been granted by the Conservation Commission and BOH.

Re: Short Hill Real Estate / 22 Vickers Way (lot 2) / 22-A-4.3

Mr. Alley reported that he had a discussion with the property owner at 22 Vickers Way and he is agreeable to having his proposed septic plan approved with conditions: the regular submission of water usage to the BOH by the water department and the requirement of an advanced treatment system if the water usage exceeds 110 gallons per day.

JP motioned to approve the pending plan as presented; commissioner Loberg seconded the motion; all commissioners voted in favor of the proposed septic plan.

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Re: Emergency Septic Repair / Cronig's / State Road

Ms. Valley reported that Mr. Alley had submitted an emergency proposal to replace the failed leaching field at Cronig's; installation is planned for November 29, 2017

According to Mr. Alley, during a pump cycle, it was noticed that water was dripping out of the vent indicating that the system was flooded and the leaching field was overflowing. Upon further investigation, the water level was high in the distribution box and it was therefore surcharged; however, the distribution box and pipes were clean. When asked about the cause of failure, Mr. Alley stated that the 20 year old stone field failed due to age and from being clogged with bio-material.

Ms. Valley added that while the new distribution box and leaching field are being installed, the grease trap, tank and pump chamber, which has 8500 gallons of storage, are in use, and the pump chamber is being pumped as it fills. Ms. Valley assured the commissioners that nothing is reaching the leaching field.

Ms. Valley confirmed that there was no time to wait for the availability of a municipal sewer connection; this needs to be addressed as an emergency and replaced as soon as possible.

Ms. Valley confirmed to Commissioner Pratt that the failures at the Black Dog and Little House Cafes and Cronig's are unrelated; they are not due to similar geographic soils.

Assistant Health Agent Report

MHOA Conference

Ms. Catie Blake reported that she had recently attended her first MHOA conference and participated in seminars regarding pest control, water testing, tobacco and food issues.

Upcoming Projects & Recent Inspections

Ms. Blake reported that her upcoming projects are on hold until inspections at beer/wine and bed/breakfast establishments have been completed for the Town.

DWAs approved by the Board: N/A

DWAs approved for the NitROE Pilot: N/A

Old Business: N/A

New Business

December Meeting Schedule

Ms. Valley inquired with the commissioners regarding their holiday schedules and if the meeting schedule occurrence should remain as the 2nd and 4th Tuesdays of the month, to which Commissioner Loberg responded that he would not be available on the 26th. Commissioner Pratt stated that he would not be available on the 12th. It was agreed by all to hold the meetings on the regularly scheduled days, as needed.

Vacation Schedules - January

Ms. Valley noted that she will be on vacation during the week of January 21st and will not be in attendance for the meeting on January 23rd. It was agreed by all that meetings will be held as regularly scheduled, on January 9th and 23rd.

FY 2019 Budget

Ms. Valley noted that the new budget is due this Friday, December 1st, and a couple of changes have been made based on actual spend from prior and current years and an estimate for FY 2019:

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landfill monitoring increased by \$100 per contractual obligation, line item for nursing services was dropped nursing by \$240; payroll/overtime is a preset increase; water testing increased from \$1000 to \$2500 for lab funds due implantation of the NitROE pilot program; decreased catch basin maintenance.

Commissioner Pratt motioned to approve the budget; Commissioner Loberg seconded the motion; all commissioners voted in favor and Chairman Boyd signed in approval of the new budget.

Payables and Permits for Approval

Maura Valley (travel to the MHOA conference) \$104.40

Shirley's Hardware (office supplies) \$59.96

The meeting was adjourned at 5:21 PM.

Respectfully submitted,

Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated November 28, 2017, as presented.

Date:

9 Jan 2018

Signed:

[Signature]