TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

PO Box 666, 66 High Point Lane
Vineyard Haven, Massachusetts 02568
Telephone (508) 696-4290 Fax (508) 696-7341

Meeting Minutes – November 27, 2018 – 4:00 PM

The Tisbury Board of Health (BOH) met on Tuesday, November 27, 2018, at the Tisbury Town Hall Annex.

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

Commissioner Boyd called the meeting to order at 4:15 PM and presided until Chairman Loberg arrived at approximately 4:46 PM.

The commissioners voted to approve the meeting minutes of October 23, 2018, as presented.

APPOINTMENT(S)

4:30 PM Agent for Richard Washington / 23 Sanborn Way / 21-B-33.1
Ms. Anna Edey, author, and Mr. Lucas Thors, reporter for Martha's Vineyard Times, were present. Mr. Frank Daly, who designed Mr. Washington's new septic system, was also in attendance.

The commissioners were familiar with Ms. Edey's research and they listened intently to her presentation and claims that Title 5 regulations break Massachusetts State Law CMR 15.000. Ms. Edey was informed by the Board that the septic system serving 23 Sanborn Way has been failed for at least (4) years. It has not protected public health and safety and the environment inasmuch time. It has been inspected on (3) occasions over (4) years by (2) different state-licensed inspectors and deemed failed according to Title 5 standards at every inspection; the system must be upgraded, immediately. Ms. Edey stated that she had not been provided these details by Mr. Washington. Ms. Edey further stated, when asked by the Board, that she does not have a legitimate alternative to a Title 5 system that could be permitted or used in a pilot program; her attempts at establishing a pilot program with the State have been unsuccessful. The commissioners acknowledged

Ms. Edey as the founder of woodchip technology and its adoption for current advanced treatment systems, i.e. NitROE; however, they reminded her that the Board is mandated to uphold Title 5 even if her criticism of the code is salient, and that her evidence could be more appropriate for the legal system to consider.

Ms. Valley explained that in order to address Ms. Edey's claims that Title 5 systems do not adequately remove nitrogen pollution and treat effluent, Mr. Washington would need to upgrade his system to one with advanced treatment, but this would be costlier to him and is not required under current Town regulations, "Criteria for Enhanced De-Nitrification Technology within the Lake Tashmoo and Lagoon Pond Watersheds". Anytime a Title 5 system is altered, the State requires approval of a site-specific piloting program, which Ms. Edey admittedly does not have. Additionally, Mr. Washington's system is a complete failure—it cannot be pumped, it cannot be amended/improved with the addition of a component, it must be replaced in totality according to Title 5 regulations.

After listening to Ms. Edey's presentation and re-reviewing the urgent sanitation matter at hand, the Board unanimously voted to approve a final deadline for Mr. Washington to upgrade his septic system of no later than December 17, 2018. If Mr. Washington does not comply, the commissioners also voted to levy fines of $100 per day for the duration of the violation, effective December 18, 2018, against him. Further, if the system has not been upgraded by January 8, 2019, when the Board meets for the first time in the New Year, the commissioners will begin reviewing options to condemn the property as unfit for human habitation as a next step to enforce their order to upgrade the failed septic system at 23 Sanborn Way.

HEALTH AGENT OPERATIONAL UPDATE

Holiday meeting schedule

Ms. Valley and the commissioners reviewed the December meeting schedule with the holidays factored in. They decided to just meet once in December, on the 11th, unless something needs to be addressed sooner. Regularly scheduled meetings on the 2nd and 4th Tuesdays of every month will resume in January, on the 8th.

The commissioners voted unanimously to approve the revised meeting schedule.

NitROE

Ms. Valley reported that approval for the tenth system had been granted by the state. Theresa Cagney Morrison's system is being installed this week. Les Leland's system, the final system, will need to be installed within the next month according to the terms of the grant. So far, the test results for the installed NitROE systems have been very promising; however, as nitrogen reducing systems tend to be less efficient in cold weather, results for testing in the winter could be less favorable.

DPW (Department of Public Works) request to dump storm water in landfill pit
Ms. Valley reported that Mr. Ray Tattersall of the DPW submitted a request to dump storm water, including road run-off and rain water, in the landfill pit while the drainage basin at Hillside Village is repaired. Ms. Valley reminded the commissioners that the pit is dry and suggested that the dumping of stormwater could provide an opportunity for her to monitor the pit for drainage time and direction, especially since mosquito infestation is not an issue in the cold weather.

The commissioners voted to approve Mr. Tattersall's request and monitor the result, unanimously.

187 Lagoon Pond Rd. / 12-D-24
Ms. Valley reported that 187 Lagoon Pond Rd. is in the watershed, and would require advanced treatment because it was recently sold with a single cesspool. Using this property as an example and now that positive results are being produced by the NitROE program, Ms. Valley asked the commissioners to consider a date when they will no longer require installation of advanced treatment systems that are not as effective at reducing nitrogen as the NitROE systems. Is it possible that the Board will require installation of a Title 5 system with enough space designed in to retrofit the system once provisional approval of NitROE is received from the State?

The commissioners considered and discussed several points, i.e., amending the current regulations, what if provisional approval is not received from the State, what are the implications to the property owners for installing a system and retrofitting at a later date or if they sell sometime between the installation and retrofit, etc.

The commissioners agreed to postpone further discussion of this topic until January 2019, when more data is gathered and tabulated for the ten (10) NitROE systems.

NEW BUSINESS

Citation Appeal – Melissa Keeler / 30 Water Gate Rd. / 56-B-2
The commissioners voted to reduce the citation amount to $100. The notice of reduction must be sent via certified mail and failure to comply will result in a criminal complaint.

Postponement of Septic Inspection – Robin Canha / 203 Edgartown Rd. / 21-B-29
Approved until January 15, 2019. Fines will apply January 16, 2019.

INSTALLERS LICENSE APPROVED BY THE BOARD

I-2018-24 Handy Trucking & Bobcat Service

With no further business to conduct the Board of Health commissioners adjourned the meeting at 6:23 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health accepts the meeting minutes, dated November 27, 2018, as presented.

Date: 12/11/18 Signed: _____