



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 – September 25, 2018 – 4:00 PM

The Tisbury Board of Health (BOH) met on Tuesday, September 25, 2018, at the Tisbury Town Hall Annex.

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

Chairman Loberg presided and called the meeting to order at 3:59 PM.

The commissioners voted to approve the meeting minutes of August 14, 2018, as presented.

APPOINTMENT(S)

4:15→4:20 PM Richard Washington / 23 Sanborn Way / 21-B-33.1

Ms. Valley stated that Mr. Richard Washington requested an appointment to contest the order to upgrade his failed septic system at 23 Sanborn Way. The system was deemed a failure in three (3) inspections by two (2) different inspectors. There have been continuous delays to the September 30th deadline in finalizing a plan for review by the BOH. Mr. Frank Daly is the engineer who has been hired to design a new system and was also in attendance.

Mr. Washington explained that when he received the first letter (several years ago) from the BOH stating the system had failed, he thought that was in indication that sewage had breached the confines of the system. He called Tim Peters of T.P. Excavation and had his system pumped and treated, but there was no “clean up” charge. Mr. Washington took this to mean that the BOH had made a mistake with the order to upgrade and so he let the matter lapse until three (3) years later, when he started to receive additional letters.

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Mr. Washington had the system pumped again and met with an excavator, who advised him that he would need a design plan and permit to install a new system. Therefore, Frank Daly was hired to design the system.

Upon review of the septic site, Mr. Washington and Mr. Daly opened the lowest pit, which had about 3 or 4 feet of emptiness. Mr. Washington said they inspected the area around the pit and there was no sign of overflow, it was very dry. Mr. Washington and Mr. Daly had a little confrontation about the grass, whether it was extra green just over and around the pit, or not. Mr. Washington indicated that the whole lawn is green.

Mr. Washington submitted a letter requesting reconsideration of the order to the upgrade, to which Ms. Valley responded with justification from Mr. Doug Cooper's inspection. Mr. Washington described the layout of the system: it comes out of the building about 15-16' to the septic tank, then it goes downhill about 20' to the first pit, then it goes downhill another 15' to the second pit. From the top of this pit to the top of the septic system is pretty close to 3'. Mr. Washington stated that he can't envision how the system could back-up uphill without first overflowing in the pit below it.

At Chairman Loberg's request, Ms. Valley responded that she had spoken to Mr. Cooper to this specific point. Mr. Cooper explained that there are risers that the waste had come to the top of and then backed back up into the septic tank. Mr. Cooper confirmed that this meets the State failure criteria.

Ms. Valley clarified that the system had been inspected several years ago by Mr. Daly and it failed then. When Mr. Washington was contacted more recently, he didn't believe the system was failed and his attorney, Geoghan Coogan, requested approval to have the system inspected by a different inspector with the understanding that they would abide by his recommendations. Ms. Valley approved this request, and Mr. Coogan hired Mr. Cooper, who reported that the system was surcharged and fails to meet State criteria. Ms. Valley stated the system has been failed by two different inspectors, does not meet the State code and must be upgraded.

Mr. Washington repeatedly asked how the system could be failed if it wasn't overflowing. Mr. Daly responded that his inspection revealed waste above the inlet which is a failure criteria under Title V. Mr. Daly explained that the waste is not backing up uphill as Mr. Washington insisted he's been told. Rather, the waste is rising within the tank because the outlet is blocked. Mr. Daly stated he believes that the waste is overflowing as he noticed the green grass growing in the area around the leaching pit cover. Ms. Valley agreed that the system has failed according to State code and the BOH can't override State code.

Ms. Soushek confirmed her conversation with Mr. Nick Peters, Acme Excavation, when Mr. Peters stated that he noticed a place in Mr. Washington's yard that was soggy and extra green. Also, Ms. Soushek had been told that Mr. Washington's tenants had complained of sewage running down the driveway.

Chairman Loberg asked to move to discuss remediation, to which Mr. Washington responded with his concerns about space limitations for installing a new system. Given

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the limitations, Mr. Washington requested again that the system be pumped according to a board-approved schedule, i.e. every 3-4 years (instead of upgrading).

Ms. Valley stated that she has had discussions with Mr. Daly about utilizing maximum feasible compliance for Mr. Washington's new system and designing a system with 25% reduction in flow, which is allowed by Title 5. Ms. Valley also confirmed that a site visit had been conducted to confirm the bedroom count of five (5).

Mr. Daly identified a small area of land (with an acceptable slope) that was suitable for Title 5 requirements and provides space for 24 infiltrators, 4 rows of 6 infiltrators, and a flow of 523 gallons per day; however, a variance would be required. He proceeded to present additional challenges with the design. Ms. Valley confirmed that Mr. Daly's recent proposal appears to be the best option given space and slope limitations.

Mr. Daly asked if there was a chance the State would allow the design with a 10' pit, how the original design was intended under the 1978 code. Ms. Valley agreed to contact Mr. Brian Dudley of the State to see if this would be an acceptable design.

Ms. Valley asked the commissioners if they are agreeable to extending the deadline for installing the new system given that there have been discussions in the meantime. Mr. Daly confirmed that he would have a plan ready for the next meeting on October 9, 2018. Commissioner Pratt suggested extending the deadline by four (4) weeks.

Commissioner Pratt motioned to extend the deadline for the plan approval to four (4) weeks from the current meeting. Commissioner Boyd seconded the motion and it was unanimously approved.

HEALTH AGENT OPERATIONAL UPDATE

NitROE

Ms. Maura Valley reported that she and Mr. John Smith have reviewed a copy of the septic plan, an upgrade for a seasonal property, that was sent via email; however, the disposal works application package was not received in time for the commissioners to approve today. Ms. Valley confirmed that eight (8) systems have been installed to date. Mr. Smith is in the process of developing a testing protocol and schedule.

Chairman Loberg reported that the test results from the effluent out of the tank have been encouraging at less than 10 parts per million of Nitrogen. There have been issues with the performance of the testing lab when processing influent samples, so the rate of Nitrogen removal is unclear.

Carmody database

Ms. Valley explained that the Carmody database has been a tool for collecting and monitoring data for the Tisbury septic management program. The technology has become outdated and less useful and Ms. Valerie Soushek has developed an Excel spreadsheet for tracking the program details and results of the recent file audit. Ms. Valley is requesting approval to discontinue Carmody's services, which have an annual

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cost of \$2,800. The contract lapsed as of June 30, 2018. The commissioners voted to approve Ms. Valley's request to discontinue Carmody's services.

Nursing agency update

Ms. Valley stated that they've completed two (2) full months with Island Health Care's (IHC) services. IHC is a pleasure to work with; they're receptive and proactive. At this time, they're conducting outreach at the food pantry. Ms. Lila Fisher, RN, lives on Martha's Vineyard so understands the Island residents' needs. Ms. Fisher's been setting up tables at the mobile farmers' market, where she provides information on available health care programs. IHC has also designed a new intake form, which will be used for collecting demographic information and for developing new programs. The annual flu clinic is scheduled for October 20, 2018, 10AM – Noon at Martha's Vineyard High School. Ms. Valley will be distributing flyers throughout the Town to advertise the clinic.

Septic Management Program

Ms. Valley reminded the commissioners of the intent of the septic management program and a town meeting vote to allow the commissioners to discontinue the program at the end of Round 1. Given the recent file audit and follow-up with the properties who are not in compliance, Ms. Soushek estimates that there are 30-50 properties that still need to be contacted. This is in addition to the on-going follow up of properties who have already been contacted. The question for the commissioners is where/when to end the program.

Chairman Loberg asked if the Town is still under a state order to continue the program, which was required to gain approval of a smaller sewer treatment plant. The State wanted guarantee that the septic systems in Town are functioning properly; hence, implementation of the Septic Management Program. Ms. Valley believes we've met the requirements of the State order. She also explained that the requirement for inspecting would be in the event of property renovations or sale/transfer.

Chairman Loberg suggested moving forward with a mini program to deal with marginally-functioning systems, outstanding conditions for passing an inspection, i.e. overdue pump-outs, etc.

Ms. Valley clarified for Commissioner Pratt: if the program is ended with a vote by the commissioners, the follow-up of outstanding repairs, upgrades, overdue inspections, would continue. Given the clarification, Pratt stated his willingness to motion to end the program or revisit a discussion at the next meeting to ensure that we're not ending the program too soon.

Given the number of outstanding questions and scenarios, Commissioner Pratt withdrew his motion. The commissioners agreed to table the discussion.

Ms. Valley agreed that data would be gathered, and a plan would be developed for addressing some of the outstanding issues with the program, Round 1.

Septic installation / Lucy Thomson / 26 Hines Point / 11-A-9

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Ms. Valley reported that in the process of installing a new septic system at 26 Hines Point, two (2) burial sites were discovered. A new location for the leaching field was proposed and approved by Ms. Valley and Mr. George Sourati, the system designer. Ms. Valley is informing the commissioners that the leaching system will be now about 19' from the house. There is no other option. The type of burial site is unknown.

CWMP Needs Assessment in Oak Bluffs

Ms. Valley provided copies of the assessment to the commissioners for their perusal.

Prime Marina

Ms. Valley reported that Prime Marina is applying for a variance to the State Plumbing Board to add a half bathroom on the first floor of their building on Lagoon Pond Road. There is a retail store downstairs and office space upstairs. The bathroom will be for use by employees, only. They have two (2) handicapped accessible restrooms available within 75'. They just need a vote from the Board of Health for the State's requirement

Chairman Loberg motioned to approve issuing a letter in support of Prime Marina's request. All commissioners voted in favor of the motion.

Keith Fenner's request to continue dump boring mud the landfill

Ms. Valley reported that Mr. Keith Fenner was awarded the Tisbury water main project at West Chop. Mr. Fenner is requesting permission as an exception to continue dumping boring mud in the landfill pit since this is a Town project and Town mud. The commissioners continue to be concerned about the lack of control of what is being dumped, the attraction to mosquitos due to standing water, the rising water level in an impermeable basin over several years, and public health issues if we continue add to the problem.

Commissioner Boyd withdrew a motion for time to conduct a more thorough examination into the materials going into the drillings or contributions to the pit if the BOH is inclined give Mr. Fenner permission to dump in the landfill pit.

Ms. Valley offered to invite Mr. Fenner to the next BOH meeting to provide the commissioners with more information, to which the commissioners agreed.

ASSISTANT HEALTH AGENT OPERATIONAL UPDATE

Venison donation program extension

Ms. Blake reported on the venison donation program that commenced last year. Mr. Matt Poole, Town of Edgartown Health Agent, has been working with Mr. Eric Hickey, Department of Public Health (DPH), and they have extended the donation program to include archery season. The processing of the meat will continue to take place in Tisbury at The Larder. Last year, 220 lbs. were processed and donated to the program. The hope is that the amount will increase, double or triple, by extending the season to include archery hunting. Ms. Blake provided a handout showing the three (3) locations for obtaining the venison. Ms. Blake also explained that new regulations have been adopted by the DPH as well, so she will be reviewing these with Jefferson at The Larder.

Dry well installation / John Chapman / 186 Franklin Terrace / 26-D-35

Ms. Blake reported on an illegal dry well installation for washing machine/graywater waste, at 186 Franklin Terrace. The BOH office was informed by an abutter to Mr. Chapman's property due to concerns of the location in proximity to the abutter's septic system. Ms. Blake further explained that such installations for graywater are not allowed in Tisbury and that the building inspector and BOH office had notified Mr. Chapman to discontinue the project.

The BOH office will continue to follow up on this matter.

Barn inspections

Ms. Blake reported that she and Ms. Laurie Clements, Tisbury Animal Control Officer, are about halfway through the inspection of barns in Tisbury. Ms. Blake has been impressed with how well the residents take care of their animals.

Vacation

Ms. Blake will be on vacation October 3-10, 2018. Ms. Valley and Ms. Blake will be out of the office November 14-16, 2018 for a health conference. Ms. Blake will also be away for vacation for an additional week in November.

DISPOSAL WORKS APPLICATIONS APPROVED BY THE BOARD

- 4150 William Rau / Ferro Way / 24-A-22.7 (FAST system)
- 4157 Dana Norman / 44 Hines Point Rd. / 11-A-11 (replacement of a single cesspool with a FAST system)

NEW BUSINESS

Citation appeal & postponement of upgrade

William & Judith McConnell / 22 Hillmans Point Way / 57-A-2

A decision was postponed until Ms. Valley can glean more information from Doug Cooper and Tom Pachico's recollection of their inspections some years ago.

Citation appeal & postponement of upgrade

Anne Margetson / 306 Main Street / 5-K-16 - Approved

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PAYABLES AND PERMITS FOR APPROVAL

Wampanoag Environmental Laboratory / Water Testing / \$350
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Valerie Soushek / Postage / \$168.40
Island Health Care Community Health Center / Public Health Services / \$929.88
Federal Express / Postage / \$29.70
MHOA / Training / \$510
MHOA / Training / \$510
Three Trees Limited / Warrant Article for Landfill Closure & Maintenance / \$1,950

With no further business to conduct the Board of Health commissioners adjourned the meeting at 5:54 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health accepts the meeting minutes, dated September 25, 2018, as presented.

Date: 10/23/18

Signed: 