



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

MEETING MINUTES – June 13, 2023 – 4:00 PM

The Board of Health (BOH) commissioners met at the Tisbury Town Hall Annex, 66 High Point Lane, on Tuesday, June 13, 2023, at 4:00 PM. The meeting was also available virtually by Zoom (meeting ID: 832 3549 6875 and passcode: 182344) or by phone at 646-876-9923.

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

Vice Chairman, Dr. Michael Loberg, was absent.

Catie Blake excused herself from the meeting at 4:40 PM.

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

In-person visitors: Louisa Hufstader, Vineyard Gazette; Heather Maciel, Tisbury Animal Control Officer; Colleen Silvia and Damian Padua, Black Dog Restaurants.

The meeting minutes for May 23, 2023, were unanimously approved and accepted as written by the commissioners.

APPOINTMENTS

4:30 PM Pilot program for dog-friendly outdoor dining variance

Ms. Blake received an inquiry from Dan Pucillo, owner of the Black Dog restaurants, about allowing pets in outdoor areas and beer gardens. Following Boston's lead, their guidelines were obtained and reviewed by Ms. Blake and Heather Maciel, Tisbury Animal Control Officer, who made a few changes.

Ms. Valley prepared a draft for a pilot program in Tisbury for the commissioners' review. She confirmed that as a pilot program, it could be canceled at any time.

Commissioner Pratt stated that the proposal was well-written and well-conceived, and it has public health and safety and the rights of the public, both animal and non-animal owners, considered.

Ms. Valley stated this is a variance process based on the 2013 Federal Food Code, which the Commonwealth follows. In other words, interested establishments must apply for a variance to participate in the program.

Ms. Blake said it must be an outdoor area, and only (3) or (4) Tisbury establishments would qualify, including the Black Dog Tavern and Cafe. She also clarified that changes to how service is provided at the pet-friendly restaurants would need to change, such as flatware could not be left on the outdoor tables as it is currently.

If the commissioners approve the proposal, Ms. Blake will contact the eligible establishments to let them know they could apply. The commissioners would be required to vote to approve an application for the variance.

Ms. Maciel agreed that introducing this as a trial program and monitoring complaints and compliance for a year would be appropriate.

Commissioner Pratt motioned to approve the guidelines as written as a pilot program through September 30, 2023, at which point the commissioners would review it. Chairman Boyd seconded the motion. Further discussion: None. The motion was approved unanimously.

HEALTH AGENT REPORT

Targeted Wastewater Management Plan (TWMP)

No update(s) to report.

ARPA funding

Dukes County finalized its guidelines for distributing the ARPA funding for IA septic systems (provided to the commissioners). The proposal caps the income eligibility at 240% of AMI, which is the formula used by the Housing Bank. Eligibility would only be available to residents earning less. The County's guidelines are set up as reimbursement for engineering costs, the components and installation cost, and two years of testing. Each Island town will need to develop its criteria for distributing the funding which must meet the County's requirements. Ms. Valley said she would create options for the Commissioners to review at an upcoming meeting.

PFAs Testing at Landfill

Ms. Valley asked the commissioners if they would be interested in using funding from the Public Health Excellence Grant for PFAS testing at the Island landfills. If so, she recommended developing criteria to address the possible scenarios that could arise from testing, i.e., a positive result. The commissioners agreed with her recommendation, to which Ms. Valley confirmed that she would gather more information for the commissioners.

Overcrowded Housing

The BOH office continues to receive complaints regarding overcrowded housing, which is extremely difficult to manage as no regulation specifies how many people can reside in a house. The housing code specifies minimum square footage (SF) of 150 SF for the first occupant and 100

SF for each additional occupant, which is a little space. In other words, a 1,000-square-foot home could house nine people. Bedrooms must have 50 square feet per occupant, which still allows for many people. Title 5 assumes two people per bedroom for establishing septic flow, but it's not written that it's required. The zoning bylaws state no more than three unrelated residents can reside in a dwelling, but many times in such cases, they are family members. Also, growing families who have multiple children sharing bedrooms should be considered. Ms. Valley asked the commissioners if they wanted to adopt a maximum occupancy regulation based on two people per bedroom. She said she could inquire with other communities to see if they limit occupancy. The commissioners agreed with her offer and suggested that she investigate such regulations' constitutionality. The commissioners were also concerned about the Town's liability for public safety and health in case of a fire or septic overload. Ms. Valley will check with all Cape Cod towns, Region 5 (Cape Cod and the Islands) established for emergency planning, on their restrictions on such matters.

Camp Regulations

As part of the Public Excellence Grant, the Island Health Agents have discussed adding an anti-bullying protocol to the camp licensing requirements. Ms. Valley clarified that the protocol is Island-specific only; it is not State-ordered. The commissioners favor requiring camps to submit an anti-bullying protocol for camp licensure beginning next summer. Therefore, a public hearing will be scheduled in the future.

Lead Regulations

Ms. Valley has been working with James Cleary, Tisbury Water Superintendent, on the regulation discussed with the commissioners a few months ago, requiring the replacement of lead water service lines at the time of property transfer. A first draft was distributed at the meeting for the commissioners' review. Ms. Valley will provide a final draft at a future BOH meeting once Mr. Cleary's comments have been received and incorporated.

ASSISTANT HEALTH AGENT UPDATE

General updates

Ms. Blake continues to assist the newer agents and inspectors in Edgartown, West Tisbury, and Chilmark with on-site training for camps, restaurants, and pools. Several gaps were identified, i.e., the omission of swim testing for pools. She trained Drew on beach testing yesterday. The tested beaches were clean.

The concert at The Cove with food service was a success.

The recent First Friday Festival was a success. There were no issues with the various food providers.

As several students became ill on the Shenandoah last summer, their administration will be subject to providing documented procedures this summer. Despite their efforts to dispute the classification as a camp, the Town and State disagreed. As such, the Shenandoah must adhere to variances, and they will be required to provide their procedures for keeping their food to temperature.

DISPOSAL WORKS APPLICATIONS APPROVED BY BOARD

4431 Tashmoo West - Herring Creek Road/35-A-2 – NitROE for new construction – Approved.

4433 Sean & Cindy Woodroffe/34 Pond View Way/16-A-21 - NitROE for new construction - Approved.

4434 Jay Frederick/140 Midland Ave/25-C-10 - Upgrade of failed system with NitROE – Approved.

NEW BUSINESS

FY24 Annual Appointments:

- Land Bank Advisory – Malcolm Boyd
- Site Plan Review – Jeff Pratt
- Sewer Advisory – Jeff Pratt
- Water Resources – Michael Loberg
- Cabinet – Malcolm Boyd

Commissioner Pratt motioned to approve the FY24 appointments as presented. Chairman Boyd seconded. The motion was approved unanimously.

BILLS AND PERMITS FOR APPROVAL

U.S. Postal Service / postage / \$226

Vineyard Gazette, LLC / advertising / \$105

The next meeting will be on Tuesday, June 27, 2023, 4:00 PM.

With no further business to conduct, Chairman Boyd motioned to adjourn the meeting at 5:00 PM. Commissioner Pratt seconded. The motion was approved unanimously.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated June 13, 2023, as presented.

Date: 27 June 2023 Signed: _____

