



## **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 – October 24, 2017 – 4:00 PM**

The Tisbury (Town) Board of Health (BOH) met on Tuesday, October 24, 2017, at the Tisbury Town Hall Annex.

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

Catie Blake, Assistant Health Agent, was absent from the meeting.

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

#### **Meeting Minutes**

The commissioners approved the meeting minutes of October 10, 2017. Dr. Loberg motioned to approve; Commissioner Pratt seconded the motion; all voted in favor of Commissioner Loberg's motion.

#### **Appointment(s):**

4:15 PM James Kozak, MV Honey Company

At Mr. Kozak's request, the administrative hearing has been rescheduled to Tuesday, November 14<sup>th</sup> at 4:15 PM, to allow him to be present with legal representation.

#### **Health Agent Operational Updates**

##### Hold and removal of MV Honey

Ms. Valley reported on the actions taken to date by the BOH regarding this matter. She added that no deliberation or determination should be made given that Mr. Kozak's hearing has been rescheduled.

- Mr. Kozak has been selling honey at farmers markets, local events, and island food establishments under the name of Martha's Vineyard Honey Company without a license. Under the food code, raw, unprocessed honey is considered an agricultural product and may be sold without a license. Honey that is processed or repackaged in any way requires a license from the Board of Health. If the product is being sold at wholesale, a license from Massachusetts' Department of Public Health (Mass DPH) is required.

## **Town of Tisbury - Board of Health Meeting Minutes – October 24, 2017, cont.**

- Mr. Kozak was recently evicted from a rented office unit at 13 Beach Street Extension, at which point the BOH were contacted by the property owner. The Health Agent found multiple buckets and jars of honey being infused with various botanicals, jars of flavored and unflavored honey labeled for sale, and several jars of essential oils that the Health Agent believed were being used for infusing honey. There were also a number of empty 60 lb. filtered wildflower honey buckets from Merrimack Valley Apiaries in Billerica. The Health Agent also saw that Mr. Kozak's Facebook page stated that he infused his honey with different flavorings.
- In accordance with sections 8-903.10 and 8-903.20 of the 2013 Federal Food Code, the BOH deemed the product potentially unsafe and adulterated, and ordered a food hold, product removal and storage to prevent the hold from being violated. Mass DPH Food Protection Program was contacted by the BOH office and DPH agreed that it would be prudent to prevent the sale of the product and suggested that customers be advised to dispose of the products if they have it in their home. As a precaution, the BOH has required removal of Martha's Vineyard Honey Company product from retail establishments in Tisbury. The other island boards of health have been contacted and the Health Agent believes that they have followed Tisbury's lead on the removal of Martha's Vineyard Honey Company products from the retail establishments in their towns. The BOH office will continue the food hold until the administrative process has run its course.

### NitROE pilot program

Ms. Valley provided the following updates:

- A preliminary approval letter to install the system for Brandon Smith has been received and the conditions of approval are being negotiated;
- Mr. Reid Silva, Vineyard Land Surveying & Engineering, has submitted three (3) more plans; however, revisions to include the invert elevations are needed. Mr. Silva will update and resubmit the application packages;
- Subsequent approvals by Sahn Tran of the State should become a more routine and timely process.

### Herbicide spraying at powerlines by Eversource

Ms. Valley confirmed that Eversource's contractor did apply herbicides along their rights-of-way at the power lines last week; and one confrontation where police intervention was necessary on the following day.

Ms. Valley stated that she accompanied Selectman, Tristan Israel, and BOH Chairman, Malcolm Boyd, to the State house to testify on behalf of State Representative Dylan Fernandes' house bill 4228, "An act empowering towns to protect their environment and residents from harmful pesticides". This would change the law to make it much like other regulations where the state standard would be the minimum and towns and cities could adopt regulations that are more stringent than the State's. Chairman Boyd added that they also testified on Julian Cyr's behalf for house bills 409 and 412, which will serve the same general purpose.

Commissioner Pratt suggested, for the purpose of future discussions: the BOH should be mindful of herbicide usage by private homeowners in aggregate, local landscaping, gardening, and lawn care companies in that their usage could be equal to or surpass Eversource's for vegetation mitigation. He proposed that the Town should lead an exploratory look into private usage and draft an educational program for Town residents.

## **Town of Tisbury - Board of Health Meeting Minutes – October 24, 2017, cont.**

Commissioner Loberg motioned for Ms. Valley to meet with other island health agents to plan for future vegetation management activities, i.e. goatscaping, and the possible funding of, by Eversource; Commissioner Pratt seconded the motion, including consideration of a study for an awareness campaign for herbicide spraying; Ms. Valley is expected to provide a report to the commissioners at one of the meetings in March 2018; all commissioners voted in favor of the motion.

**Assistant Health Agent Report:** N/A

**Old Business:** N/A

**New Business:** N/A

### **DWAs approved by the BOH**

4071 Cory 42 Martin Road / 8-F-10

Ms. Valley summarized the disposal works application package for the commissioners: the plan is for an existing three (3) bedroom house with the addition of a one (1) bedroom apartment in the basement and the property is not in a watershed.

Commissioner Pratt motioned to approve the disposal works construction permit for 42 Martin Road; Commissioner Loberg seconded; all commissioners voted in favor of the motion.

4076 Schmetterer 662 Chappaquonsett Road / 59-A-2

Ms. Valley summarized the disposal works application package as follows: it is for an upgrade of a failed system in a sensitive area/coastal district; there is no expansion of use; there is no space for a denitrification system; and the plan does require further review by the Conservation Commission.

Commissioner Loberg motioned to approve the disposal works construction permit for 662 Chappaquonsett Road; Commissioner Pratt seconded the motion with a discussion point: he concurred with Chairman Boyd that composting toilets should be proposed for future similar installation locations; all commissioners voted in favor of the motion.

### **Payables and Permits for Approval**

Maura Valley/Travel: \$150.75

VNA/Cape Cod: \$1,997.50

Wright-Pierce: \$2,490

The meeting was adjourned at 5:00 PM.

Respectfully submitted,

Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated October 24, 2017, as presented.

Date: 28 Nov 2017

Signed: 