



## **TOWN OF TISBURY**

*Office of*

### **THE BOARD OF HEALTH**

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### **Meeting Minutes – May 8, 2018 – 4:00 PM**

The Tisbury (Town) Board of Health (BOH) met on Tuesday, May 8, 2018, 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 4:20 PM.

The commissioners accepted and approved the minutes from their last meeting on March 27, 2018. Commissioner Pratt motioned to approve the minutes. Chairman Boyd seconded, all voted in favor of approving the motion.

There were no appointments.

There was no old business to report.

Commissioner Loberg arrived at approximately 4:42 PM.

### **Health Agent Operational Update**

Ms. Valley provided the following updates to questions raised at the last meeting on March 27, 2018.

Ms. Valley confirmed that the landfill is approximately 25 acres, but she was not able to confirm the end date for testing.

Ms. Valley has sent an invitation to our representatives at Eversource requesting a meeting on May 22 or June 12. To date, no response was received.

Ms. Valley checked the fertilizer regulations for management of sports fields for the purpose of application at Veterans Park. The regulations allow for exceptions at golf courses and can be extended to sports fields.

**NitROE Pilot Program** - Ms. Valley confirmed that four (4) installations have been completed. She reported that the project team has encountered another delay with the project. Upon receipt of three (3) additional applications submitted at the end of March, the State advised last week that they would not act on the new applications until June. Ms. Valley sent a letter asking them to reconsider the timing of their review and expedite the processing due to the seasonal nature of this community and availability of parts. The State agreed to expedite the applications for the Hambrecht's on West Spring Street and the Graham's on Hvoslef Way. The State later responded to the Hambrecht's application by requiring a larger tank, 1500 gallons, for a five (5) bedroom dwelling. The Hambrechts are not in agreement with the State's requirement so they are withdrawing from the pilot program. Ms. Valley confirmed to Commissioner Pratt that this may create an opening for another participant.

Ms. Valley noted that the State has approved the application for the Albrecht property on Hines Point. The project team is trying to schedule installation for this month.

**Disposal Works Application Approval Process** - Ms. Valley postponed this discussion until the next regularly scheduled meeting on May 22, 2018.

**Emergency septic upgrade at Scottish Bakehouse / State Road** - Ms. Valley explained that the Scottish Bakehouse's septic system has failed; there was a break-out at the end of the leaching field. In speaking with one of the property owners, Danielle Barrick, about the delay for installing a new system, Ms. Barrick indicated that her installer, Mr. Jim Glavin, was suspicious of a bigger problem. Ms. Barrick, Mr. Glavin, and the contracted engineer, Mr. George Sourati, met and determined that both systems were failed and there were concerns about the tanks under the parking lot. Mr. Sourati designed a new system, the plan for which Ms. Valley approved and ordered immediate installation. The system will be installed as soon as the installer is available. In the meantime, Ms. Valley has directed Ms. Barrick to pump the system as often as necessary to prevent leaching of waste from the tanks and grease trap.

**Failed septic system at 16 Drummer Lane / 7-C-7** - Ms. Valley reminded the commissioners that she had sent them an email asking them to consider declaring the septic system failure at 16 Drummer Lane an emergency and require tie-in to the municipal sewer system. The property with a two (2) bedroom dwelling is not on the list of future connections, but the commissioners have declared such emergencies in the past and ordered connection to the Town sewer line. If the commissioners are agreeable, Ms. Valley will send a letter for the emergency order to the Department of Public Works (DPW) and Sewer Review Board outlining the emergency order.

According to Commissioner Pratt, there are many properties in the same district as Drummer Lane that are not taking advantage of the Town sewer system.

Ms. Valley explained that given the lot and dwelling size, and estimated flow, a new septic system would be undersized and variances would be required for maximum feasibility compliance.

Commissioner Pratt motioned to approve tie-in of the failed system at 16 Drummer Lane. Chairman Boyd seconded the motion and it was unanimously approved without further discussion.

**Housing Forum Presentation** - Ms. Valley noted that she will be presenting, on behalf of the Island Boards of Health, on the housing code at the Landlord Tenant Housing Forum this evening. She will be excusing herself from the meeting at 5:00 PM.

**Additional topic – Nursing Contract** - Ms. Valley reported that the project team is drafting a Request for Qualifications (RFQ) for the new nursing contract bid process. She explained that under State law, nursing contracts are not subject to State procurement protocols. A draft of the RFQ document will be forwarded via email to the commissioners as soon as it is available.

### **Assistant Health Agent Report**

**100 Dunham Avenue / 12-E-4.1** - Ms. Blake explained that at the request of the property owner, she conducted a site visit for confirming the bedroom count a year ago. Ms. Blake confirmed that the property is a four (4) bedroom dwelling, as purchased. Since Ms. Blake's site visit, the property owner has converted the basement to a 2 bedroom/1 bathroom apartment, which was inspected ordered removed by Mr. Ken Barwick, Tisbury Building Inspector.

The subject property is partially located in a District of Critical Planning Concern (DCPC) and is limited to three (3) bedrooms. As the property owner maintained that the property was purchased as a four bedroom dwelling Ms. Valley accepted it as a four (4) bedroom dwelling. Further investigation, due to continued requests for renovations, revealed that the property was actually purchased as a three (3) bedroom dwelling and Ms. Valley retracted the allowance for a 4<sup>th</sup> bedroom. The property owner must deconstruct the illegal basement apartment and 4<sup>th</sup> bedroom.

Ms. Blake asked the commissioners if they would allow the 4<sup>th</sup> bedroom if the property owner was willing to install an advanced treatment septic system outside of the DCPC. The current septic system is adequate to service four (4) bedrooms.

Commissioner Loberg suggested a compromise—to allow five (5) bedrooms if the property owner moves and installs an advanced treatment system. Otherwise, the property owner is only allowed to have three (3) bedrooms. Commissioner Loberg suggested that Ms. Blake have another discussion with the property owner to see if she is open to the proposed compromise.

**Inspection updates** - Ms. Blake reported that she has been busy with restaurant and bed and breakfast inspections. She is currently focusing on camp inspections. She recently attended a refresher course regarding the regulations for camps.

**Medical Reserve Corp. (MRC)** - Ms. Blake reported that she recently attended a training workshop. As the assistant chair of the MRC, Ms. Blake delivered a presentation at the Red Cross, to about 20 people. This Saturday, May 12, 2018, Ms. Blake will be conducting a training on "Shelter Fundamentals" at the Oak Bluffs School.

**Food Trucks** - According to Ms. Blake, the Town intended to allocate parking for food trucks; however, it was never finalized. One vendor purchased a truck for serving crepes, but she has been unable to secure parking for it.

**Tropical Restaurant** - Ms. Blake reported that the new owner is applying for a liquor license and will be coming before the BOH commissioners at the next regularly scheduled meeting.

**Disposal Works Applications (DWAs) approved by the Board**

4115 Joseph Scanga / 192 State Road / 8-M-5/6

4119 Dockery Family Irrevocable Trust / 90 Edgartown Road / 8-Q-8

4120 Island Olympic Trust / 40 Goethals Way / 25-E-4

4121 Michael Perkalis / 106 Summer Street / 25-E-4

Based on Ms. Valley's verbal and written summaries for each of the plans and the requested variances, and her recommended approval, Commissioner Pratt motioned to approve the proposed septic plans for Joseph Scanga, Dagmar Dockery, Island Olympic Trust, and Michael Perkalis. Commissioner Loberg seconded and all voted in favor of the motion.

**New Business**

**Rabies vaccine exemption renewal for Willoughby Hadley** - Commissioner Loberg motioned to approve the Rabies vaccine exemption for Willoughby Hadley. The motion was seconded and approved unanimously with no discussion.

**Postponement of septic system upgrade / Carolee Stewart / 19 Rice Street / 12-F-3**

Ms. Valley explained that in October 2007, Ms. Katherine Stewart was ordered to upgrade the single cesspool serving her dwelling at 19 Rice Street. Ms. Stewart requested a waiver to having the system upgraded. The waiver was granted until the property was sold or transferred. According to the assessors' database, Ms. Stewart added her daughter, Ms. Carolee Stewart, to the deed for the property. Upon Ms. Katherine Stewart's death, the property was placed in Ms. Carolee Stewart's name as the sole owner. In 2014, a septic inspection report was submitted to the BOH in the name of the daughter, Carolee. The report shows the system as a single cesspool; however, the health agent at the time accepted the report without requiring the upgrade and the agent's appraisal of the report was confirmed to Ms. Carolee Stewart in writing. Upon receiving a recent BOH order to upgrade, Ms. Carolee Stewart contacted our office in dispute.

Commissioner Pratt commented that he believed the addition of Ms. Carolee Stewart to the deed was intended to eliminate probate taxes. The property transfer occurred when Ms. Katherine Stewart passed away and Ms. Carolee Stewart became the sole owner of the property. Chairman Boyd and Ms. Valley agreed with Commissioner Pratt's assessment of the matter.

Based on the error made by the health agent on the letter regarding the 2014 inspection and for allowing exceptions for upgrading functioning single cesspools in extenuating

circumstances, Commissioner Pratt motioned to approve a postponement with an advisement to the property owner: if the property is sold or transferred, including the addition of a family member to the deed, if a construction permit is purchased, the single cesspool must be upgraded to an advanced treatment septic system as required of properties within a watershed zone.

**Postponement of septic system upgrade / Theresa Cagney Morrison / 172 Kuffies**

**Point** - Ms. Valley explained that Ms. Theresa Morrison was ordered to upgrade her septic system, a single cesspool, by May 11, 2018. Based on an email received from Mr. George Sourati on Ms. Morrison's behalf, he was hired in February to design a septic plan. Mr. Sourati expects to have the plan and disposal works application completed and filed with the BOH office in three (3) weeks. Ms. Valley confirmed that she is scheduled to oversee a percolation test with Mr. Sourati on Thursday, May 10. Ms. Morrison is requesting an extension of time, until September 30, 2018, to have the system engineered and installed.

Commissioner Pratt motioned to approve the requested extension of time until September 30, 2018. Commissioner Loberg seconded the motion and it was approved unanimously.

Commissioner Loberg asked if there is room for subsequent installation of a Nitro system due to the sensitive nature of this location. Ms. Valley agreed to inquire with Mr. Sourati.

Commissioner Pratt motioned to amend the previous motion to include advisement to the property owner to consider leaving room for an advanced treatment system, for subsequent installation, as the new system is being designed by Mr. Sourati. Commissioner Loberg seconded and the amendment was approved unanimously by all commissioners.

**Board Reorganization for fiscal year 2019** - Chairman Boyd has reached the end of his term as chairman of the board. Commissioner Pratt motioned to accept Commissioner Loberg as the new chairman for fiscal year 2019. Commissioner Pratt will be the new Vice-Chair, and Commissioner Boyd will be the Clerk. Chairman Boyd seconded the motion. All commissioners voted in favor of the Board of Health organization changes, unanimously.

**Postponement of septic system upgrade / Andrew Peterson / 99 North William**

Ms. Soushek reported that Mr. Peterson has been delinquent in upgrading his septic system, a (functioning) single cesspool, since 2013. Mr. Peterson has been working with an off-island engineer, Tom Roux, to finalize a septic plan that was initiated, but not executed, in 2013. Upon receipt of my letter, dated May 22, 2017, in which he was ordered to finalize the upgrade of his system by August 21, 2017, Mr. Peterson acted to get his engineer and installer re-engaged on the project. A permit was issued on September 22, 2017, but additional delays were encountered when Mr. Peterson's contracted installer sustained a foot injury and one of his key employees resigned. They were also trying to avoid disruption to new landscaping. Upon receiving another reminder on March 26, 2018 from the BOH office, Mr. Peterson requested postponement of the installation until Columbus Day 2018.



Commissioner Pratt recommended a new deadline of October 15, 2018. If the system isn't installed and inspected by that time, a cease and desist will be ordered, and revocation of the occupancy permit will be requested of the building department.

Commissioner Pratt amended his motion to if the system isn't installed and inspected by October 15, 2018, fines of \$100 per day for as long as the violation continues will be assessed.

Commissioner Loberg suggested that as of a certain date, the property will be ruled uninhabitable, unless the property owner posts \$1000 for a performance bond. Commissioner Pratt stated his concern about setting a such a precedent

Commissioner Pratt motioned to approve the requested postponement until October 15, 2018. If the property owner does not comply with the order, fines of \$100 per day for the duration of the violation and a cease and desist order will apply. Additionally, access to municipal water will be terminated until a new septic system is installed and inspected. Chairman Boyd seconded and all commissioners voted in favor of the motion.

**Citation Appeal / Marie Bohan / 108 Center Street** - Ms. Soushek reported that Ms. Marie Bohan was cited for not complying with an order to have her septic system inspected.

Ms. Bohan's daughter, Deirdre Bohan, phoned Ms. Soushek upon receiving one of the four (4) letters sent by our office. Ms. Deirdre Bohan explained that her mother is not well and that her sister had paid \$100 at Town Hall for the citation on October 20, 2017.

On May 8, 2018, Ms. Deirdre Bohan confirmed that Mr. John Powers had inspected and passed the system that same day.

Commissioner Loberg motioned to limit the citation to no more than the amount already paid of \$100 and consider the account closed. Commissioner Pratt seconded and all commissioners voted in favor of the motion.

**Postponement of septic upgrade / Peggy Jewett / 55 Jewett Lane** - Ms. Soushek reported that Ms. Peggy Jewett is requesting postponement of an overdue upgrade of the septic system, a single cesspool, serving their main house/waterfront property at 55 Jewett Lane. Ms. Jewett wrote that they have a potential buyer for the property and she would like to postpone the upgrade until the property is sold.

Commissioner Loberg motioned to send a letter referencing the original notification to upgrade in 2012 and provide a new deadline of November 1, 2018. If the Jewetts do not comply with the new deadline, the property will be deemed uninhabitable. Commissioner Pratt seconded and all voted in favor of Commissioner Loberg's motion.

Commissioner Pratt amended the original motion to include: with or without sale of the property, the deadline of November 1, 2018 applies or the property will be deemed uninhabitable. The other commissioners voted in favor of the amended motion.

**Payables for Approval**

MV Times / Advertising / \$241.20  
County of Dukes County / Mosquito Control / \$975.27  
USA Blue Book / Water Testing / \$239.62  
Thomson Reuters / Subscription/Dues / \$186  
VNA/Cape Cod / Public Health Services / \$689.87

The meeting was adjourned at 6:04 PM.

Respectfully submitted,

Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated May 8, 2018, as presented.

Date: 5/10/18 Signed: 