



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 – February 5, 2019 – 4:00 PM

The Tisbury Board of Health (BOH) met on Tuesday, February 5, 2019, at the Tisbury Town Hall Annex.

The meeting was called to order at 4:01 PM.

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

No minutes were available for approval.

APPOINTMENT (S)

4:30 Elaine Barroso / 396 Lamberts Cove Rd. / 63-D-7
Re: half bath in basement

Ms. Barroso is planning to have a play area constructed in her basement and is requesting approval to include a half bathroom with a sink and toilet, only. The current septic capacity is at the maximum bedroom allowance.

The commissioners voted to approve Ms. Barroso's request for a half bath in the basement with conditions: a deed restriction must be filed with the County and a water-efficient/low-flow toilet must be installed.

HEALTH AGENT OPERATIONAL UPDATE

Tobacco Regulations

Ms. Valley asked the commissioners if they are interested in amending the tobacco regulations based on a recent conversation she had with Bob Collette, Cape Cod Tobacco Control Enforcement. According to Mr. Collette, many communities have adopted

regulations which ban the sale of flavored tobacco products in establishments that are open to anyone under the age of 21. Flavored tobacco products can still be sold in stores open to patrons who are at least 21 years old. If adopted, Cumberland Farms and Xtra-Mart would no longer be able to sell flavored jewel pods and cigars, or any items that are obviously being targeted to attract younger patrons. A public hearing would be required to adopt these changes. Ms. Valley is also asking the commissioners to consider the application of a cap to the number of tobacco licenses available in the Town, at seven (7).

The commissioners motioned to direct the health agent to draft the requested changes for their further review at the next BOH meeting. The motion was approved, unanimously.

Glyphosate on Town-owned Properties

Ms. Maura Valley reported on a request from POCCA (Protect Our Cape Cod Aquifer), who is asking the Town to create a regulation that would ban the use of glyphosate on Town-owned properties. Ms. Valley advises against making such a ban a regulation; a regulation shouldn't be necessary to control what happens on town property.

Additionally, it may be beneficial to use glyphosate at the capped landfill, a controlled area with limited access, where ground water is not at risk of contamination, and spot application could be useful for controlling some of the vegetation. Ms. Valley suggested that a policy for DPW (Department of Public Works) staff to follow when working on public-accessible Town properties could be useful.

The commissioners asked that Ms. Laura Kelly be consulted or invited to a future BOH meeting.

The commissioners asked Ms. Valley to collect data from Mr. Ray Tattersall, Director of Tisbury Department of Public Works, regarding his current practice for using herbicides in the Town, including the cemetery and landfill.

Update on Court Hearings: Tierney, Mayhew, Allen, Jewett

Ms. Valley reported on recent hearings to which she was subpoenaed.

Tierney / 79 Pine Street / 7-A-7

The Court issued a continuance of 60 days with a deadline of February 27, 2019. To date, the BOH office has not heard from Mr. Tierney.

Mayhew / 59 Holly Tree Lane / 4-B-9.6

The Court issued a continuance until March 27, 2019 to allow time for Mr. Mayhew to secure financing from The Resource Inc. or the Town. Mr. Mayhew's was represented by Counsel.

Allen / 12 Cromwell Lane / 7-F-15

The Court issued a continuance to March 27, 2019 to allow Ms. Allen time to list the property for sale and clear it for excavation access. Ms. Allen's Counsel confirmed that a Town loan will be used to fund the tie-in. Ms. Valley asked that the fine be considered once the property is brought into compliance.

Jewett / 55 Jewett Lane / 4-G-7

It was agreed that Mr. Chris Alley of Schofield, Barbini & Hoehn will complete a septic design and submit it to the BOH office as soon as possible, and within a month at the latest, as requested by Ms. Valley. If the pending offer to buy the property falls through, the Jewett's will upgrade the septic system immediately. If the sale is finalized, the buyer is requesting an extension until September 2019. The dwelling will only be occupied during the month of August, and the potential buyers plan on making extensive renovations.

Mayrand Disposal Works Applications (DWAs)

Ms. Valley reported that three (3) of Mr. Michael Mayrand's Tisbury properties are out of compliance and have been cited for non-inspection. In the meantime, Mr. Mayrand has submitted disposal works applications for two (2) of his other properties. The BOH has 45 days to act on the pending applications, at which time, according to a vote by the commissioners, the applications should be denied without prejudice pending resolution of the open issues.

Green Burials

Ms. Valley provided informational documents to the commissioners, so they are prepared to consider such (trending) requests as they are submitted to the BOH office.

Short-term rentals

Ms. Valley reported that Chief John Schilling is preparing a warrant article to adopt the regulatory portion of the State house bill for short-term rentals, to which Ms. Valley provided her support.

ASSISTANT HEALTH AGENT OPERATIONAL UPDATE – N/A

Ms. Blake reported that Mr. Ben Hall phoned earlier today regarding a proposed restaurant in the Bowl and Board space on Main Street. The goal is to have the restaurant open by the summer season; however, Ms. Blake confirmed that no formal proposal has been presented to the Board of Health office for approval.

DWA(s) REVIEWED AND APPROVED BY THE COMMISSIONERS – N/A

NEW BUSINESS

Postponement of septic upgrade – 55 Jewett Lane / 4-G-7

The commissioners granted a postponement to upgrade to the potential buyer contingent upon receipt of a septic plan from the sellers by March 31st and given that the property will only be occupied during the month of August. If the plan is not received by March 31st, the postponement is not granted. If the sale is finalized, the buyer has until Columbus Day, October 14, 2019, to complete the required upgrade.

OLD BUSINESS

Half bath in basement game room - Bill Westman / 29 Franklin Street

Approved with the filing of a deed restriction with the County.

Postponement of Septic Upgrade - 11 Tashmoo Avenue / 26-B-22

The commissioners voted unanimously to amend their decision of January 22, 2019, as follows.

- ~~The property must remain unoccupied until the system is upgraded;~~
- If the property does not meet with a sale by June 30, 2019, the system must be upgraded within ninety (90) days, no later than September 30, 2019;
- If the property meets with a sale before June 30, 2019, the system must be upgraded within ninety (90) days of the sale closing date and before the home is occupied.

BILLS AND PERMITS FOR APPROVAL

With no further business to conduct the Board of Health commissioners adjourned the meeting at 5:08 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health accepts the meeting minutes, dated February 5, 2019, as presented.

Date: _____

3/19/19

Signed: _____

