

TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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MEETING MINUTES – August 13, 2019 – 4:00 PM

The Tisbury Board of Health (BOH) met on Tuesday, August 13, 2019, at the Tisbury Town Hall Annex.

Chairman Pratt called to order at 4:00 PM.

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

The meeting minutes from July 9, 2019 were approved, as written.

The meeting minutes from July 23, 2019 were approved with one correction noted and changed on page 3.

Commissioner Loberg excused himself from the meeting at 5:55 PM.

APPOINTMENT

4:30 PM Public hearing – Fats, Oils, and Grease Regulations

Ms. Valley confirmed that these are new regulations that comply with State and other out-of-town regulations.

Ms. Valley provided a synopsis of the regulations, which are modeled after regulations adopted by the BOH in Oak Bluffs. They address a gap in the process for regulating the installation and pump-out of grease traps. Title 5 regulations only require grease traps in food establishments that have onsite sewage disposal septic systems. The new (Town) regulations will require all new establishments, whether connected to Town sewer or with a septic system, to install an indoor grease trap and outdoor grease interceptor. The State plumbing code requires an indoor trap and Title 5 requires an outdoor interceptor, so these proposed regulations combine the requirements for the BOH to manage. Current establishments won't be impacted by these regulations unless they are generating a lot of

grease, are anticipating a significant change of use, or the indoor trap malfunctions, remodel.

The commissioners voted to approve the proposed regulations with an effective date of October 1, 2019.

4:45 PM Island Housing Trust (IHT) re: Kuehn's Way project – Installation of Monitoring Wells

As outlined in a letter, dated July 18, 2019 from the Kuehn's Way Abutters Counsel: While the Board's conditions did not specify a deadline for installing new groundwater monitoring wells, given the results from the initial round of testing done on the existing wells, it would be prudent to require the new monitoring wells to be installed and tested now before the project is constructed.

As outlined in a letter, dated August 9, 2019 from Island Housing Trust's Counsel, Ruth Silman of Nixon Peabody: on July 3, 2019, the Land Court issued a decision that upheld the Board of Health Commissioners' issuance of the Disposal System Construction Permit, dated June 13, 2017, for the Kuehn's Way development. In discussions with the Plaintiffs and Abutters to the development site since the decision, IHT has agreed to request a minor modification to Conditions 1 and 2 of the Permit

Chairman Pratt summarized the issue at hand: at \$6,000 per well, IHT does not wish to invest donor funds to install the additional monitoring wells as long as the appeal process continues; however, if the appeal process has some form of final adjudication, IHT would be willing to install the wells. Mr. Derrill Bazy confirmed Chairman Pratt's summary, adding that in practice, IHT has scheduled a surveyor to locate the well locations for Mr. John Clark to drill in early September. The first round of testing would be conducted in September.

The Abutters stated that the Commissioners intention on when and how long before construction begins should the monitoring wells be installed is unclear.

Some of the Abutters in attendance at the meeting raised concerns which were considered prior to approval of the Disposal Works Construction Permit approximately two (2) years ago.

Chairman Pratt reminded all attendees that the issue at hand is to make a decision on one of the following options:

- a. Require installation of the monitoring wells regardless of the outcome of any adjudication; or
- b. When adjudication occurs, then installation of the monitoring wells will begin and are in operation well before construction begins.

The Commissioners agreed that no wells should be installed until the appeal process is over; the timing of installation of the wells is predicated on the outcome of the appeal process. Thereafter, the wells will be installed at least three (3) months and two (2) tests must be presented to the BOH and Abutters prior to construction.

HEALTH AGENT OPERATIONAL UPDATE

Main Street – sewer odor

Ms. Valley reported that she attended a meeting on Monday, August 12, 2019, at the Steamship Authority (SSA) while a boat was being pumped. Selectman Loberg and Wastewater department and SSA representatives were also in attendance. The system where the waste is forced up to the treatment plan was opened up. Ms. Valley stated that a powerful spray, which aerosolizes in the hole, is produced during pump-out of the system. It was also noted that the cover is in a parking lot and is, but not meant to be, driven over. The Consultant for the wastewater plant was in attendance and recommended that the pipe that was redirected, be pushed further down into the hole.

At the time of the meeting, there was no odor seeping from the vent at the police station; the odor was emanating from the manhole in the parking lot. Ms. Valley pointed out to the Consultant that the Main Street retailers, who have complained about the odor, are at the ends of openings originating from the man hole. He recommended that another vent be installed in the gravity feed that comes down from Main Street and will draft a plan for this. Additionally, the pipe will be extended, holes will be plugged, cover replaced, and a charcoal drum will be installed at the other vent.

Ms. Valley has reassured the Main Street retailers that this is a Tisbury Wastewater issue that is being researched and addressed.

Landfill testing

Ms. Valley reported that she has talked to Douglas Rice at Wright-Pierce who has been communicating with the State about what is required to reduce the testing frequency at the Tisbury Landfill. According to Mr. Rice's proposal, the charge will be \$3,500 to do the research and file the amendment to request the testing reduction. Gas testing is done quarterly at approximately \$6,000, annually, so if testing is reduced from quarterly to twice a year, the Town would save approximately \$3,000, but the cost of \$3,500 to amend, would use up the savings in the first year. Ms. Valley confirmed that additional costs are not included in the current budget, and at this time, there is no established date for discontinuing the testing. Ms. Valley reported that there have never been any levels of concern about methane, only erosion. Ms. Valley agreed to check with the Doug Coppi of the State Department of Environmental Protection (DEP), to see if there is an end date for testing. According to Mr. Rice at Wright-Pierce, there is no such set date; however, Ms. Valley will check with the state first before requesting a reduction on the Wright-Pierce bill.

Landfill site assignment

Ms. Valley reported that she is going to talk to Doug Coppi of the DEP about developing the property between the Annex and Animal Control buildings. She will also ask him for information about gas migration patterns from the landfill. Ms. Valley will inquire with Tom Pachico to see if he recalls what occurred with the assignment when he was the health agent for the Town.

Mosquito control

Ms. Valley reported that an exercise class was in session at Veteran's Park when it was scheduled to be sprayed for mosquitos by Gremlin Fog. Ms. Valley received a complaint from the class instructor, Ms. Nisa Counter. Ms. Valley spoke to Debbie, at Gremlin Fog. On the Monday before applying the monthly treatment, Debbie agreed to notify Ms. Valley of the scheduled day, give or take three (3) days to allow for possible inclement weather. Spraying will be done before 6 AM to avoid patrons. In turn, Ms. Valley will post the schedule on the Town website and on the bulletin board at Veteran's Park.

Ms. Valley also reported that she requested an update from Mr. Richard Johnson about mosquito testing. Mr. Johnson confirmed that no specimens had tested positive for the West Nile or Eastern Equine Encephalitis viruses.

Tisbury School

Ms. Valley provided a summary of Mr. Mike Feeney's report and her recent conversation with him, to the commissioners for their review. The summary will be provided to the BOS office and School Committee.

Ms. Valley had a conversation with Mr. Feeney, the indoor air quality expert for the Department of Public Health (DPH). He confirmed that he did not report the school as unsafe for occupying because he believes it is safe according to his test results. There are no requirements to remove lead paint and asbestos as long as it is not peeling and non-friable. Ms. Valley recommends that the Selectman and School Committee invite Mr. Feeney to a meeting to answer questions about his report.

Ms. Valley stated that the 2nd grade classroom has a lot of peeling paint and she has recommended to John Custer that it should be assumed to be lead-based and addressed by a lead-safe contractor. However, she believes Mr. Custer and the School Administration will wait for the testing to be completed later this week before any remediation is done.

Ms. Valley reiterated that the recommendations in Mr. Feeney's report need to be completed to make the school safe and comfortable for the kids while the School Administration works through the process of developing a longer-term plan.

Communicable disease update

Ms. Valley provided a Communicable Disease Update report for the period of June 1 – August 13, 2019. Recent cases reported include one (1) each of Vibrio, and Cyclosporiasis, which originated from a potluck held in Chilmark.

ASSISTANT HEALTH AGENT OPERATIONAL UPDATE

Fire at Caribbean Cuisine

Ms. Blake reported on a fire that broke out at Caribbean Cuisine. She met the Fire Chief and representatives from the gas company at the site just after the blaze was extinguished. Golden Bull Restaurant was allowed to stay open, but Caribbean Cuisine was ordered to remain closed. When conducting an on-site visit two (2) days later, Ms. Blake found that

food had been moved back into the space, but since they were not allowed to re-open, she ordered immediate disposal of the groceries.

Wolf's Den

Ms. Blake reported that she received information from Mr. Matt Poole, Board of Health Agent in Edgartown, that Wolf's Den may have been involved in buying and transporting meat from a wholesale dealership off-island without proper refrigeration. Mr. Poole has asked the owners of Wolf's Den to meet with his Board and Ms. Blake and Mr. Poole will also meet with the owners in September to oversee their practices.

Food tracking at Cronig's Market

Ms. Blake was contacted by the State about reports from attendees of a potluck dinner in Chilmark contracting Cyclosporiasis. Possible sources of the illness include strawberries, blueberries, cucumbers, carrots, bean curds and spinach, all of which were purchased from Cronig's Market in Tisbury. Ms. Blake conducted two (2) inspections, collected invoices for purchase of the produce, and completed the required State forms to aid the State with their investigation. According to Ms. Blake, there were no infractions to report to the State upon inspection of Cronig's produce department; the space was very clean.

Disposal Works Application (DWA) approved by the Commissioners

4205 Padraic Burns – 155 Hines Point / 11-A-39 – Approved design with variance of 65' based on proposed FAST system. Approval by the Conservation Commission is required.

NEW BUSINESS

Postponement of septic upgrade – Bonita Smyer / 542 Franklin St. / 28-C-11 – Approved to be installed by the end of December.

OLD BUSINESS – N/A

BILLS AND PERMITS FOR APPROVAL

<u>Vendor</u>	<u>Budget Category</u>	<u>Total Due</u>
daRosa's - M.V. Printing	printing	\$ 265.00
Martha's Vineyard Times	advertising	\$ 103.40
Valerie Soushek	postage	\$ 77.00
TOTAL		\$ 445.40

Town of Tisbury – Board of Health Meeting Minutes – August 13, 2019, cont.


With no further business to conduct the Board of Health commissioners adjourned the meeting at 6:10 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated August 13, 2019, as presented.

Date: 9/17/19 Signed: 

Town of Tisbury – Board of Health Meeting Minutes – August 13, 2019, cont.

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