

TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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BOARD OF HEALTH MEETING MINUTES - June 8, 2021

The Tisbury Board of Health (BOH) held a meeting on Tuesday, June 8, 2021, at 4:00 PM.

Due to ongoing efforts to prevent the spread of COVID-19, the meeting was held virtually via Zoom -- Meeting ID: 916 6134 8792; Passcode: 022842

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

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

APPOINTMENTS:

4:15 PM Nevette Previd
Re: Oyster Festival

Ms. Previd appeared before the Board of Health to request approval of a planned oyster festival to be held on October 2nd and 3rd, 2021 at the MV Museum property on Lagoon Pond Road.

As previously requested by Ms. Blake, Ms. Previd submitted more complete safety and food handling plans that were acceptable to the Board. Ms. Blake added that her main concern is the warm waters at that time of year which could contribute to Vibrio illness. She reached out to the State DPH for guidance on that issue but had not heard back from them. Ms. Previd stated that the participating oyster farmers have agreed to move the stock that will be used for the festival further out to colder water for the 2 weeks prior to the event to address Vibrio concerns.

The Board of Health Commissioners accepted Ms. Previd's plans and MSC 3/0/0 to approve the oyster festival.

4:30 PM

Jason Schwab

Re: Bathroom in basement bedroom designation

Jason Schwab attended the meeting to discuss the Board of Health policy to count the basement as a potential bedroom when a bathroom is installed. Mr. Schwab explained that he had roughed in a half-bath when he built his home at 222 Tashmoo Avenue and was told by Ms. Valley that the bathroom made the basement a potential bedroom. Since the septic capacity for the dwelling was four bedrooms and there were three (3) bedrooms on the second floor and one (1) bedroom on the first floor, he opened a wall in one of the second-floor bedrooms so it would not be counted as a bedroom and would leave wastewater flow for the finished basement. Mr. Schwab went on to explain that he needed the three (3) bedrooms for his children and so he would like to reinstall the wall as well as finish the basement as a rec/playroom with a half bath. He questioned where this Board of Health regulation, policy or by-law was written.

Ms. Valley explained that the Board of Health used the Title 5 definition of a bedroom. The Board of Health interpretation of that definition is that a finished basement is a potential bedroom and installing a bathroom in the basement implies that the basement will be finished. The Title 5 definition of a bedroom states that an unfinished basement is not considered a bedroom which implies that a finished basement is considered a bedroom. When asked by Mr. Schwab how the board views a finished basement without a bathroom Ms. Valley responded that it is still considered a bedroom but that the Board will review the situation on a case-by-case basis if requested by the property owner. She added that this is a Board of Health decision, and she is not able to approve such a request. Mr. Pratt added that once a bathroom is installed in the basement it becomes easy for a rental unit to be added. While Mr. Schwab stated that he understood the reasoning behind considering a finished basement as a potential bedroom he still questioned how the inclusion of a bathroom made the basement a bedroom. He also took issue with the assumption that somebody was planning to do something illegal when they were following the rules and looking for the appropriate approvals.

After continued discussion of the layout, access of the basement and the possibility of placing a deed restriction on the property, the Board advised Mr. Schwab that they would not make any determination on his property at this time. They explained that this interpretation of the Title 5 bedroom definition has worked well for many years, and they did not wish to set a precedent by disregarding past practice. Mr. Schwab stated that he understood and that he would put together a proposal specific to his situation, possibly including a deed restriction, for the board to review.

HEALTH AGENT REPORT:

COVID UPDATE – Ms. Valley reported that the number of positive cases continues to decline, and the Boards of Health have increased their vaccine outreach and education. The Mass DPH vaccine bus is on Island through Wednesday administering Pfizer and Johnson & Johnson vaccine. She went on to report that legislature is still looking at extending the remote meeting authorization but at this time it ends as of June 15th. At the moment it looks as though the next Board of Health meeting, date to be determined due to the annual town election, will be held in person. She added that the Harbormaster, John Crocker has also asked for the Board's input on launching the swim raft at Owen Park. The Board supported the launching of the raft.

TOWN MEETING/ELECTION PROTOCOLS – Hillary Conklin, Town Clerk, and Deborah Medders, Town Moderator, were present to address health related protocols for the annual town meeting and election. The Board of Health had previously voted to require masks at both the town meeting and town election. Although the masks will be mandatory it is questionable whether an individual can legally be excluded for refusing to wear a mask. Although it is believed that most people will abide by the mask mandate, an area will be designated at the Town meeting for seating individuals who either cannot or will not wear a mask. Since there is no requirement for social distancing at the meeting it was agreed that one area of the tent will have seats right next to each other and another area will have seats spread apart approximately 3 ft for people more comfortable with a little separation. Voting booths will be set up for the election with every other station blocked off to allow for some separation. The Board of Health Commissioners were satisfied with the safety measures suggested.

MACIEL & SONS UPDATE: The buried tanks that were ordered removed were pumped and removed on Monday, June 7th in the presence of Ms. Valley and Mike Whiteside of MassDEP. The tanker units were completely intact, no leakage was observed, and the soil appeared clean. Mr. Maciel has fully complied with BOH orders, and the Mr. Whiteside is expected to recommend that DEP close their case as there appears to be no environmental impact. Mr. Maciel was advised that he needed a special permit for transferring septage at that location and was directed to contact the Building and Zoning Department to begin that process.

KUEHN'S WAY UPDATE: Water samples were collected for both the Kuehn's Way monitoring wells and the water supply wells on Deer Hill Rd. With the exception of well 4, all monitoring wells tested non-detect for lead. Well 4 had a lead level of 0.937. Scoping of the monitoring wells revealed no foreign objects. Test results for the water supply wells is not yet available but Island Housing Trust will provide the Board of Health with those results as soon as they are available. The Commissioners were also advised that there is a Kuehn's Way development dedication scheduled for June 25th.

NITROGEN REGULATIONS: A discussion of next steps for proposed Board of Health nitrogen regulations was held. It was determined that the Board of Health should meet with the CWMP committee chair to discuss the CWMP process. In the meantime, Ms. Valley will work with Dr. Loberg to revise the proposed regulations, considering the comments received during the initial public hearing. Mr. Pratt will also reach out to Environmental Partners, consultants for the CWMP process, for any input they wish to add.

ASSISTANT HEALTH AGENT REPORT:

GENERAL UPDATES: Ms. Fuller reported that she has been busy working on seasonal food service and camp inspections. She also reported that beach testing begins next week.

With no further business to conduct, the Board of Health commissioners adjourned their meeting at 5:00 PM.

Respectfully submitted,
Maura Valley
Board of Health Agent

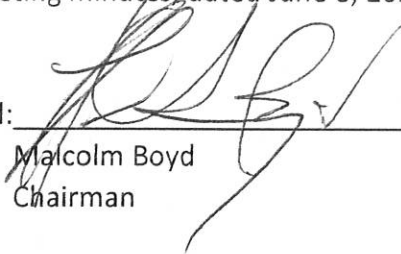
Document(s)

The Board of Health commissioners accept the meeting minutes, dated June 8, 2021, as presented.

Date:

22 June 2021

Signed:



Malcolm Boyd
Chairman