



## TOWN OF TISBURY

*office of*

### THE BOARD OF HEALTH

PO Box 666, 66 High Point Lane  
Vineyard Haven, Massachusetts 02568

#### MEETING MINUTES – May 25, 2021 – 4:00 PM

The Tisbury Board of Health (BOH) held a meeting on Tuesday, May 25, 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: 960 1338 3659; Passcode: 839671**

The meeting was called 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, Catie Blake, Assistant Health Agent, and Valerie Soushek, Administrative Secretary, were also in attendance.

#### APPOINTMENTS

4:15 PM – Ms. Nevette Previd re: Oyster Festival

Ms. Blake provided the commissioners with Ms. Previd's proposal for an oyster festival before the meeting. The event will be held at the museum for 500-700 guests. Ms. Previd stated that the oysters would be transported by the farmers, four wholesalers, Signature, Cottage City, Honeysuckle, and Spear Point, who have trucks. In addition, non-wholesale farmers will be working through the Net Result to process, tag, and transport the oysters in refrigerated trucks.

According to Ms. Blake, this event falls within what is Vibrio season, May 24 to October 16, according to the Wellfleet shellfish constables. Ms. Blake has not heard back from Mr. Hickey at the State level for his advice. Ms. Previd stated that she has also been following Wellfleet's protocol for their sizeable annual oyster festival.

The commissioners recommended postponing a decision until Mr. Hickey returns Ms. Blake's call about her concerns. Therefore, with a revised protocol, Ms. Previd will attend the next meeting on June 8, 2021.

4:30 PM – Doug Cooper re: sideline variance request at 18 Cromwell Street / 12-H-3.1

Mr. Cooper has submitted a plan to upgrade a failed system at 18 Cromwell Street with a request for a sideline variance of 5' from the property line. Mr. Cooper explained that the lot is small, and the soils are not ideal. He confirmed that the existing leaching field of fourteen infiltrators is being retained, and he proposes adding sixteen more in the upgrade process. In summary, the current system will be left in the ground, the overflow will be distributed to both systems by a new d-box, and the far ends of both systems will be interconnected for even distribution across the site.

Ms. Valley confirmed that there were no abutters present at the meeting.

The commissioners voted to approve the proposed plan for 18 Cromwell Street plan.

5:00 PM – Nitrogen Regulation Public Hearing

Chairman Boyd opened the hearing by reading the following notice, which was published in the Vineyard Gazette.

The Tisbury Board of Health will hold a public hearing on Tuesday, May 25, 2021 at 5:00 pm to review and amend regulations relating to the deployment of enhanced de-nitrification technologies within the Lake Tashmoo and Lagoon Pond watershed overlay districts. Drafts of the proposed amended regulations are available on the Tisbury website at [www.tisburyma.gov](http://www.tisburyma.gov) or by contacting the Tisbury Board of Health at 508-696-4290, ext. 293. Due to ongoing efforts to prevent the spread of COVID-19, this meeting will be held virtually. The public may join the meeting via zoom at <https://zoom.us/j/96013383659> zoom ID: 960 1338 3659 and Passcode: 839671 or dial in at 1-646-876-9923.

Ms. Valley introduced herself as the moderator. The following PowerPoint document was presented by Ms. Valley and Dr. Loberg.

<Z:\VSoushek\BoH Public Hearing 5-25-21.pptx>

The following is a recording of the hearing.

[file:///E:\RECORDER\FOLDER 2\210525\\_0092.MP3](file:///E:\RECORDER\FOLDER 2\210525_0092.MP3)

#### HEALTH AGENT REPORT

- COVID-19 updates

Ms. Valley reported that most of the State orders would end on May 29, 2021.

The only State requirements that will remain in effect are wearing a mask when in hospitals, nursing homes, K-12 schools, and when using public transportation.

Ms. Valley asked Ms. Pam Bennett in Human Resources to speak to David Donefski, Town Counsel, for his opinion on mandating masks in Town buildings and if a resident could be refused service for non-compliance. In the meantime, Ms. Valley asked for a recommendation from the commissioners. Also, Amy from the Vineyard Haven Library is in attendance and looking for guidance for the Trustees.

The commissioners voted to recommend wearing masks in all Town buildings through Labor Day 2021 unless they rescind the order earlier.

- Town Meeting recommendations

The commissioners voted to recommend wearing masks at Tisbury's Town Meeting.

Ms. Valley continued her general COVID-19 report stating that due to a high number of recent cases, she believes that the next State report will show Tisbury as "in the red, a high risk" community. As a result, the health agents are concentrating their efforts on outreach and vaccination.

The Governor has filed legislation to extend the revision to the open meeting law through September 1st to allow in-person public meetings again. If the bill is not passed, meetings must be held in person, effective June 15th, when the emergency order is lifted.

- Kuehn's Way monitoring well tests

Ms. Valley reported that the monitoring wells at Kuehn's Way are testing high for lead. However, the drinking wells are not testing high. There has been discussion about expanding testing to abutting drinking water wells, soils, and deep wells to rule out on-site contamination. The source is still unknown.

Mr. Derrill Bazy stated that he had reviewed the matter with several consultants baffled by the findings. There is an overall level of lead showing in the monitoring wells at 55 feet deep. With the most recent testing, there is one well that was extremely high. Bennett Environmental will run pump-off tests checking for buckshot, runoff, or a faulty test. This Friday, all wells will be scoped with a camera looking for other foreign objects. Simultaneously, IHT will test the Deer Hill abutters' wells for Nitrogen as committed to in their agreement. They will also test for lead at IHT's expense while testing at the monitoring wells. IHT's consultants agree that an off-site source or faulty testing causes the high readings.

Mr. Bazy informed the commissioners that the matter has been present for several years. When looking back at past testing, there was some presence of lead in 2017 and 2018. In December 2017, the well at the corner of State and Deer Hill Roads had an astronomical lead reading, and when it was tested again six months later, it was down to ambient levels/the lead had flushed through. He stated they just haven't been looking at lead numbers; they've focused on Nitrogen levels.

- Maciel and Sons holding tank/transfer site issues.

Ms. Valley reported that our office had received an anonymous complaint stating that Maciel & Sons was using two tankers, 8,000- and 9,000-gallons each, buried in the Goodale pit on High Point Lane. The complaint was also received at the Department of Environmental Protection (DEP) office. According to Title 5, the containers must be on wheels and not permanent. Mr. Troy Maciel stated he buried them so the contents would not freeze.

Ms. Valley has ordered Mr. Maciel to pump, dig up and remove the tankers, for which DEP representatives must be present. Furthermore, he must receive BOH approval and a special permit from the Zoning Board of Appeals for handling hazardous and toxic waste before locating a frac truck in place of the tankers.

Ms. Valley confirmed that she had drafted a cease and desist order, effective immediately, with a mitigation deadline of thirty days. The commissioners agreed that a public hearing would not be necessary if Mr. Maciel complies with the order. However, they will monitor the corrective action's progress, and a hearing will be called for if necessary.

#### ASSISTANT HEALTH AGENT UPDATE

##### General Updates

Ms. Catie Blake reported that beach testing would start in two weeks. The fall prevention class at the senior center will resume on June 1, 2021.

There are many new food service businesses in town; The Larder is very busy; there is a new commercial kitchen, new food trucks are trying to open, all for which many inspections are scheduled.

#### DISPOSAL WORKS APPLICATION(S) (DWAs) FOR BOARD APPROVAL

DWA 4316    Isaque Silva / 18 Cromwell / 12-H-12.1 – Approved

#### BILLS AND PERMITS FOR APPROVAL

With no further business to conduct, the Board of Health commissioners adjourned the meeting at 6:33 PM.

Respectfully submitted,

Valerie Soushek  
Administrative Secretary

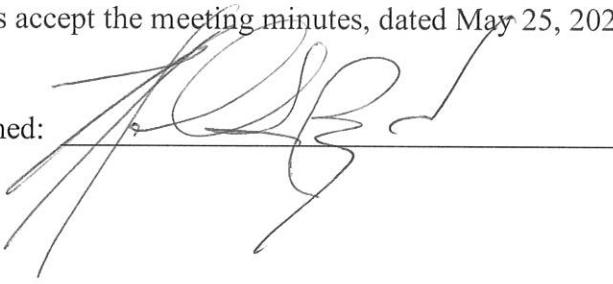
Document(s)

The Board of Health commissioners accept the meeting minutes, dated May 25, 2021, as presented.

Date:

13 July 2021

Signed:

A handwritten signature in black ink, appearing to be "K. B.", written over a horizontal line.