

## **TOWN OF TISBURY**

*office of*

### **THE BOARD OF HEALTH**

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

#### **MEETING MINUTES – October 12, 2021 – 4:00 PM**

The Tisbury Board of Health (BOH) held a meeting on Tuesday, October 12, 2021, at 4:00 PM.

**Due to ongoing efforts to prevent the spread of COVID-19, this meeting was held virtually via Zoom, ID 949 1401 0711, Passcode 521328, phone 646-876-9923.**

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

Commissioner Malcolm Boyd, Clerk, was absent.

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

The meeting minutes of September 21, 2021 were unanimously approved as written.

#### **4:30 PM – Public Hearing – amendments to Board of Health regulations**

Chairman Loberg closed the regular BOH meeting and opened the public hearing at 4:30 PM.

Attendees: Bill Bruno, Doug Dowling, and Rick Soltz

Chairman Loberg confirmed the purpose of the hearing--to provide clarity to three current BOH regulations. The proposed updates don't change any current procedures; they only incorporate language to clarify what the commissioners have consistently interpreted as a bedroom for Tisbury residents. In addition, they include language from the building code and Title 5 regulations. (Refer to Attachment A, Proposed changes to BOH regulations).

The commissioners discussed Mr. Bruno's comments at length. (Refer to Attachment B, comments to proposed changes to BOH regulations).

The hearing was closed by the Chairman at 5:02 PM.

## **HEALTH AGENT REPORT**

- Water complaint/private well water request – 44 Rogers Farm Rd.

Mr. Jeremie Rogers contacted the BOH office regarding a municipal water quality problem at his residence, for which he provided a photo of a rusted filter. Mr. Rogers would like to install a private well as attempts to resolve the matter with the Tisbury water department have been unsuccessful. According to Mr. Chris Cassidy, Superintendent of Tisbury Water, he was unaware of any such complaints. However, he looked back in the files and found a complaint about a dirty, rusty filter about four years ago, before Mr. Cassidy's employment. Ms. Valley quoted BOH regulation 9.3.12, which states that where connection to a municipal water supply main is considered practical, the BOH may not allow onsite private wells." The commissioners agreed that the BOH should work with Mr. Rogers and Mr. Cassidy to remediate the issue. Ms. Valley stated that she wasn't aware that any testing had been done but would work with Chris on it and how to proceed. Still, coordination of a resolution is the water department's responsibility. The commissioners invited Mr. Rogers and Mr. Cassidy to work toward a solution. The commissioners agreed that the language in the regulation indicates there is no option to move back to a well. Further, the record should show that the BOH has contacted the water department and will do so again to discuss water testing on Mr. Rogers' behalf. They voted unanimously in favor of this path forward.

- COVID discussion

Ms. Valley reported that the case numbers are on an upswing again.

Martha's Vineyard Hospital is working on getting out booster shots, and hopefully, approval of a vaccine for 5–11-year-olds will be released soon. The Island health agents are not planning to lift the mask mandates until the numbers subside. The Nantucket health agent will not remove their order until 50% of the 5–11-year-olds are vaccinated. At which point, personal responsibility will become the guiding factor.

- Nitrogen regulations/DCPC process

Ms. Valley reminded the commissioners of a previous discussion about creating a DCPC for the Lake Tashmoo area, like the Lagoon Pond properties, and then incorporating the Nitrogen regulations into the DCPC regulations. After some research, Ms. Valley found that a petition would have to be submitted to Martha's Vineyard Commission to nominate the Tashmoo area as a DCPC. They must vote on it before Tisbury can proceed with revising their regulations/triggers. The commissioners agreed that the acceptable discharge level should be reduced to 13 ml. for new construction or an increase in bedroom count. The sticking point was for failed septic systems, which under the current regulation are not a trigger if the property is not being sold due to potential financial impact to property owners. However, with the proposed changes, there is a provision that residents can request a waiver for financial

hardship, so there would be no reason to offer a blanket opportunity to all property owners in a watershed if they do not qualify financially. If MVC votes favorably of the petition, the commissioners will need to decide on the triggers for upgrading to an advanced treatment system in Tisbury, given the proposed revisions to the Nitrogen regulations. Ms. Valley will draft suggestions for dissemination by email to the commissioners. She also reminded the commissioners of a meeting next week with the Oak Bluffs Board of Health regarding a joint Nitrogen approach for the Lagoon. The meeting is scheduled for next Tuesday at 10 AM. Once we have a sense of the project's direction, a public hearing can be scheduled for finalizing Tisbury's regulations.

- Request to dispose of drill cuttings for Tisbury Wastewater water main project  
Based on Mr. Keith Fenner's previous practice of digging a hole next to the existing borough pit, dumping the mud, and covering it, the commissioners voted to allow Mr. Fenner to dispose of drilling mud at the borough pit behind the Annex.

- Hoarding case  
An emergency condemnation order was attached to a Tisbury residence this past Friday. After working with the resident to clean up the property for a few weeks, the site was deemed an emergency and unsafe for habitation in coordination with their primary care provider. The resident agreed to check in with Martha's Vineyard Hospital for evaluation, and the dwelling was condemned. As of today, the hospital doctor was preparing to discharge the patient medically. In the meantime, Island Healthcare's community health workers were reaching out to the Island homeless advocate to see if they could find temporary housing.

- Flu Clinic  
The Island's annual flu clinic is scheduled for this Saturday, October 23rd, 9 AM-Noon. It will be a drive-thru clinic with no staging areas at the Oak Bluffs School. Registration forms are available on the website and in hard copy at Island libraries and town hall offices. Unfortunately, the high dose will not be available.

- November meeting schedule  
Due to the Thanksgiving holiday, the commissioners agreed to hold one monthly meeting on November 16<sup>th</sup>, 2021. Ms. Valley will send an email to Malcolm about this.

#### **ASSISTANT HEALTH AGENT UPDATE**

- Oyster festival  
Ms. Blake reported that the Oyster Festival was a great event, and as far as we know, no COVID cases originated there. Still, she had considerable concerns about hundreds of people inside tents without masks while eating and drinking.

**BILLS AND PERMITS FOR APPROVAL**

Wampanoag Environmental Laboratory / water testing / \$570

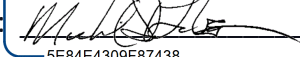
With no further business to conduct, the commissioners adjourned at 5:03 PM.

Respectfully submitted,

Valerie Soushek  
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated October 12, 2021, as presented.

Date: \_\_\_\_\_ Signed:  \_\_\_\_\_  
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