

## **TOWN OF TISBURY**

*office of*

### **THE BOARD OF HEALTH**

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

#### **MEETING MINUTES – May 17, 2022 – 4:00 PM**

The Tisbury Board of Health (BOH) held a meeting on Tuesday, May 17, 2022, at 4:00 PM. Due to ongoing efforts to prevent the spread of COVID-19, the meeting was held virtually via Zoom, ID 841 7370 4255, Passcode 950965, phone 646-876-9923.

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

Chairman Loberg called the meeting to order at 4:05 PM.

The meeting minutes for April 26, 2022, were approved as written.

#### **APPOINTMENTS – N/A**

#### **HEALTH AGENT REPORT**

- **COVID update**

The current case numbers are high, and the Center for Disease Control (CDC) lists the island as a high-risk community. It was initially believed that the CDC used local hospital numbers to determine a community's risk. Instead, they use county-specific data for the number of positive cases. Reports of hospitalizations are based on health service areas. Dukes County is included in health service area 22, including Nantucket, Barnstable, Middlesex, Norfolk, Suffolk, and Plymouth counties. Consequently, Dukes County may be classified as high risk without any local hospitalizations.

The commissioners voted to adopt a mask advisory given the high-risk rating.

Ms. Valley stated that another pallet of test kits was on order.

- Per- and Polyfluoroalkyl Substances (PFAS)

Commissioner Boyd will follow up with Sheri Caseau and Adam Turner at Martha's Vineyard Commission for the latest update.

- Lyme disease vaccine

Chairman Loberg has been contacted about participating in a Lyme disease vaccine trial on the Vineyard. The commissioners confirmed their approval of working with Pfizer on the trial.

- Racism as a public health issue

The community health specialist hired under the terms of the SAPHE grant has been working on the subject project due to the Chilmark Community Center incident last summer. The NAACP has been consulted, and the health specialist reported on her proposed plan. She has been speaking with island camps regarding their challenges and needs and will hold a workshop on June 15th for them to meet and establish a pilot program for implementation this summer. A program timeline is attached.

Additional updates:

Keith Fenner filled in the hole at the landfill. He had forgotten to do so.

There is no update on the lead issue from Vineyard Montessori school. They are waiting for the plumber to conduct additional testing. In the meantime, they are still using bottled water.

## **ASSISTANT HEALTH AGENT UPDATE**

- Chef Amy – annual update as required upon licensing

While reviewing the original terms of Chef Amy Johnson's kitchen license for the renewal season, Ms. Blake noted the following items--

A contract for hauling the greywater was not secured.

A contract with Island Water Source was not secured.

As initially proposed, there was also no access to restrooms secured at the Bite on the Go or Net Result.

Ms. Johnson's kitchen layout has changed and now includes an oversized swivel chair, which is not allowed. In addition, Ms. Blake clarified that personal items, including food and drink, are not permitted on the cooking line. However, a beverage and phone were noticed. Such things should be kept in cubby holes.

Chef Amy would not grant Ms. Blake access to the kitchen for further inspection as allowed by the food code.

She is advertising a catering service, which is not approved as part of her kitchen license. Her space is too small. According to Chef Amy, her catering business is done in private homes. However, the signage is not clear and is misleading.

According to the new property owners, Ms. Blake stated that the land had been sold and that they would not extend Chef Amy's lease beyond May 31st. Therefore, a show cause hearing for a license review would probably not be necessary.

Chef Amy responded to the Ms. Blake's observations—

Araujo Bros. would not pick up the greywater, so (the service) was replaced with a tote underneath the structure. It's only water, no food, and it drains into the ground for which approval was granted.

She purchases (bottled) water from the supermarket. Receipts are available as proof.

The new owners will not be putting her out (before) August 31st, which is a legal matter.

Net Result never agreed to make their restrooms available to Chef Amy. So instead, she has been using West Marine's facilities.

She stated that Ms. Blake stopped by her shop after visiting the Teles Food Trailer and told her she had to go and follow BOH orders.

Then Ms. Blake told her she couldn't have the catering signage, but Chef Amy pointed out that the email addresses for her catering business and shop are different. They are separate entities. The Chef confirmed that she is not catering out of the shop.

To further address the issues, Ms. Valley proposed that a hearing be scheduled in two weeks since she is not vacating the premises until the end of August. Still, Chef Amy continued with her complaints stating that she was grandfathered in and that the other food truck was in her spot.

Citing harassment and racial discrimination, she has consulted with an attorney and the NAACP. She does not believe her license and operating status should be threatened. However, given Chef Amy's accusations and legal escalation, Ms. Valley stated the matter should be presented to Tisbury's Legal Counsel. A hearing date will not be set until Counsel provides advice.

Ms. Blake confirmed to Ms. Valley and the commissioners that she didn't know if there are any immediate health and safety concerns with the kitchen given the level of emotion raised during her site visit, that perhaps someone else should conduct an inspection. According to the Chef, an inspection can be conducted at any time. She would be willing to remove the chair if ordered, but she uses it due to back injuries sustained in a car accident. The computer (on the counter) is a small tablet that is used for the point-of-sale system.

- Planning Board delays

The lack of a Planning Board Secretary had created licensing delays for several establishments, including Garde East, Catboat Café, Teles Food Truck, etc. It seems that no appointments or approvals are occurring by the planning board. Mr. Jay Grande's new assistant is trying to fill in. Selectman Kristal stated that the BOS is also lending assistance as needed. Still, if the Town does not act according to the statutory timeframes (60 days), then constructive approval applies, and applications are automatically approved. Ms. Valley noted several legal notices posted in the Vineyard Gazette for the planning board on June 1st.

## **DWAs (DISPOSAL WORKS APPLICATIONS) FOR BOARD APPROVAL**

4372 Richard Conrad - 129 Dunham Avenue / 12-D-16 – Approved

A NitROE system is being proposed for an existing (5) bedroom dwelling with a failed system. The property is in a watershed and the DCPC. The plan meets all requirements, including the nitrogen regulations, and there are no variances requested.

4373 Pia Gero - 233 Greenwood Avenue / 26-D-31 – Incomplete application; no action required at this time

The commissioners voted to authorize Ms. Valley's approval on a potential emergency upgrade to a NitROE system on Winyah Lane. Unfortunately, George Sourati didn't submit the plan in time for today's meeting, but the commissioners were assured that she would forward the plan to them upon receipt and let them know if any variances are requested.

## **NEW BUSINESS**

- **Annual Board Reorganization**

Effective immediately, the commissioners voted to approve the annual board reorganization as follows—

Chairman – Jeff Pratt

Vice Chairman – Malcolm Boyd

Clerk – Dr. Michael Loberg

Current committee appointments were reviewed with the commissioners. They will be voted on at the next meeting.

## **BILLS AND PERMITS FOR APPROVAL**

Island Health Care / public health services / \$11,257.62

Vineyard Health Care Access / public health services / \$750.00

County of Dukes County / mosquito control / \$932.90

With no further business to conduct, the commissioners adjourned at 5:02 PM.

Respectfully submitted,

Valerie Soushek


Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated May 17, 2022, as presented.

Date: 6/17/2022

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

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