



TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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Meeting Minutes – October 10, 2017 – 4:00 PM

The Tisbury (Town) Board of Health (BOH) met on Tuesday, October 10, 2017, at the Tisbury Town Hall Annex.

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

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

Meeting Minutes

The commissioners reviewed and approved the minutes of September 26, 2017, with minor corrections, as well as the following:

- IHT Legal Appeal by Abutters
 - David Waterfall, Esquire, is planning to employ a passive defense; he will respond as requested by the other parties.

Appointment(s): N/A

Health Agent Operational Updates

NitROE pilot program

Ms. Valley reported that she attempted to follow up with Ms. Sahn Tran on the status of the Town's first application submissions and that there has been some delay due to Ms. Tran's vacation plans.

Ms. Valley also confirmed that Mr. Reid Silva, Vineyard Land Surveying & Engineering, is expecting to submit three (3) applications any day.

Herbicide spraying at powerlines by Eversource

Ms. Valley reported that she and Mr. Jay Grande, Town Administrator, had a conversation with Mr. David Doneski, KP Law, who does not believe that the Town has any legal standing to file an injunction; the Town doesn't have anything on which to base an injunction since it is not part of an appeal process. Ms. Valley also indicated that Mr. Doneski's opinion report, provided to the commissioners, outlines the legal precedent which addresses the State preemption and says that 'localities can't 2nd guess the state board's determination. Mr. Doneski also confirmed that a cease and desist order would not be available according to the preemption document.

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According to Ms. Valley, she is expecting to be notified by Eversource's contractor of their scheduled arrival on the island. Ms. Valley assured the commissioners that as soon as specific information is received, she will post a letter at the homes of the direct abutters to Eversource's rights-of-way.

In preparing for the future, Ms. Valley confirmed that she and Selectwoman, Melinda Loberg, have been in discussions about meeting with abutters who may be interested in assuming vegetation management responsibilities on their own properties.

Ms. Valley also recommended the development of a consortium of representatives from all of the island towns to prepare for taking action against future Vegetation Management Plans (VMPs) and Yearly Operational Plans (YOPs) by Eversource.

Tetrachloroethylene (PCE) in public water system

Ms. Valley reported that she received a report from a local real estate agent about the use of Tetrachloroethylene in the Town's water system. Upon speaking to Mr. Paul Wohler, Water Superintendent, Ms. Valley was informed that PCE was used 40 years ago to control erosion of the cement pipes, and the water department regularly flushes the water lines and has installed continuous bleeders at various town locations on Canterbury Lane, Hagerty Drive, Locust Lane, Tashmoo Woods, Winyah Circle, and Woodchip Circle to lessen the presence of PCE in the public water supply. According to Ms. Valley, Mr. Wohler assured her that the water supply is tested regularly and reports from the Massachusetts Department of Environmental Protection show that levels of PCE are non-detectable or below the maximum level of concern; the levels are so low that the Town has qualified for reduced monitoring.

Assistant Health Agent Report:

Cronig's and wholesale licenses

Ms. Blake has been working with Cronig's to ensure that producers of residentially made artisanal food products have filed an appropriate wholesale license.

Fitness program at Tisbury Senior Center

Ms. Blake reported that the fitness program for seniors will begin on Thursday, 9/19/2017, with a focus on balance and flexibility; she has advertised the program in the local newspaper(s), on Facebook, at pharmacies and with physical therapists.

Commissioner Loberg advised that Ms. Blake also consult with Patricia Moore, Health Aging Task Force, Duke's County.

Sale of Cannabidiol (CBD) edibles at Puff and Pass

Ms. Blake confirmed that Puff and Pass is selling edible products; Cannabidiol (CBD) is sold in the form of gummy "froggies", for which state regulations appear to be non-existent. Ms. Blake also consulted with Lt. Meisner, Vineyard Haven Police, and Chief Blake, Oak Bluffs Police, neither of whom could find any evidence of regulations for such products.

The commissioners asked Ms. Blake to contact the State Board of Health by telephone for information that may not be posted on their website.

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Old Business: N/A

New Business: N/A

DWAs approved by the BOH

4069	Elaine Bonito	14 Rogers Farm Rd. / 8-J-6
4070	Mark & Karen Borella	78 Mitchell Road / 28-B-4

Payables and Permits for Approval

Valerie Soushek/Postage, \$16.90
Maura Valley/Travel, \$90.50
Martha's Vineyard Times, \$76.50
Wampanoag Environmental Laboratory, \$275
Staples, \$47.97

The meeting was adjourned at 5:04 PM.

Respectfully submitted,

Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated October 10, 2017, as presented.

Date: 24/10/2017

Signed: 