

TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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

MEETING MINUTES – March 9, 2021 – 4:00 PM

The Tisbury Board of Health (BOH) held a meeting on Tuesday, March 9, 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: 994 1159 6985; Passcode: 228737

Chairman Boyd called the meeting to order at 4:01 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

4:30 PM – Show Cause Hearing – Mr. Jay Araujo, Jay's Septic

Ms. Valley summarized the hearing's purpose stating that Jay has been pumping septic systems without permits. She reminded the commissioners of last year's hearing when they imposed a six-month probationary period for performing unpermitted pump-outs. Recently, Jay has reverted to old habits. In January and February, there were three properties pumped and a repair done. These were brought to our attention when property owners called to confirm that their BOH-ordered pump-outs were completed. Upon inquiring with Jay, he confirmed these plus two additional jobs. He was reminded that he must obtain permits.

The BOH office has since received notification from Ms. Kristen Araujo stating that Jay has been removed from the process of requesting permits for Jay's Septic. Ms. Araujo confirmed Jay's attendance at today's meeting and that all future requests would come from her at her email address.

Because this isn't the first offense and the last probationary period has expired, Ms. Valley asked the commissioners for their consideration.

Mr. Araujo responded to Ms. Valley and the commissioners stating that he has nothing to add in defense; however, his wife and mother-in-law have devised a tracking system for permits. Either they will call the BOH, or the client will call after inquiring with Jay's office. For clients who contact the BOH directly, Jay will make sure that he has a permit before pumping. He assured the commissioners and agents that his mother-in-law would be more involved this time, even though she has not consistently assisted in the past, as stated in other hearings.

The commissioners reminded Jay that this is the third hearing with him for the same issue, and their patience is thin. They discussed a more extended probationary period and additional fines for each pump-out conducted without a permit (\$100 for non-criminal offenses). Given that there are only two Tisbury-licensed pumpers to discharge waste off-island, the commissioners recognized the hardship it could cause for property owners if they voted to terminate Mr. Araujo's license. Given the short-list of pumpers, a shorter probationary period was also considered.

Ms. Valley recommended that Mr. Araujo continue his business with his new office support and permit tracking process on a probationary basis. He should come back before the BOH in three months to see how the process is working or if there are still problems potentially resulting in an extended probationary period.

The commissioners voted to accept Ms. Valley's recommendation. They added that Mr. Araujo must provide discharge receipts/documentation to the BOH office for each pump-out.

The next meeting with Mr. Araujo will be on June 8th at 4:30 PM.

HEALTH AGENT REPORT

- COVID 19 updates

Ms. Valley reported that she just attended a remote meeting with State representatives. They've changed the quarantine requirements for folks who are fully vaccinated. Effective immediately, if a person is fully vaccinated and two weeks have elapsed since the final dose, it is no longer necessary to be tested or quarantine when returning to the State after traveling. Or if a person is exposed to a positive case and fully vaccinated, it is no longer necessary to quarantine. These new guidelines apply when a person is asymptomatic.

Ms. Valley stated that the Town's office staff would not be eligible to be vaccinated until Phase 3, of which the dates are unknown. Department of Public Works' staff, inspectors, public-facing staff, grocery store, and food service workers will be eligible earlier. Anyone eligible in past phases is still eligible if they haven't signed up yet, but the doses allowed by the State limit the hospital. Martha's Vineyard Hospital releases vaccine appointments on Mondays at 5 PM and

Saturdays at 8 AM. Teachers are being vaccinated this week. The vaccination process is great, but making appointments is challenging.

- Review of BOH fee schedule

Ms. Valley stated that it is time to review and update the permit fee schedule. She will draft a proposal based on what other towns are charging for review by the commissioners before a public hearing is held.

- Eversource – vegetation management

Ms. Valley provided the commissioners with past documents and a copy of Eversource's recent letter, informing the Town of their intent to apply herbicides in 2021 along the power line rights-of-way in Vineyard Haven. The foliage treatments will occur between June 1st and December 31st. At this time, they don't specify when and where they will be working at any given period in their letter.

Ms. Valley stated that she would consult with BOH agents on the Cape and other Island towns to see how they plan to respond to Eversource and request permission to seek legal counsel as needed. Chairman Boyd will also consult with Laura of POCCA.

- Vandalized well(s) at Kuehn's Way

Ms. Valley reported that a second well was vandalized at Island Housing Trust's project on Kuehn's Way. Both wells will be capped tomorrow, March 10th, and they'll be drilling new wells with metal tamper proof caps. It is cost prohibitive to remove the motor oil that was dumped so the contaminated wells will be treated.

Mr. Derrill Bazy, Keith and Todd, Island Housing Trust, were in attendance.

- Other

It was confirmed for Ms. Hillary Conklin, Town Clerk, that no warrant articles need to be submitted for the upcoming Town meeting.

ASSISTANT HEALTH AGENT REPORT

General updates

- Camps

Ms. Catie Blake reported that she is waiting for the State to adopt regulations for summer camps before she can license them. Ms. Blake has suggested that camps work with Ms. Liza Gallagher at the State level until regulations are published for Towns.

- Food service establishments

Ms. Blake stated that since the last meeting, she discovered from a restaurant owner that the BOS had adopted food truck regulations.

Mr. Brook Katzen just purchased all the Mad Martha's Ice Cream locations. He would like to construct a commercial kitchen at the Tisbury location. The kitchen will be used to bake all goods for the other Mad Martha's sites and lease to Ms. Spring Sheldon, the chef at the Island Cove Miniature Golf Food Truck. Ms. Blake stated that Ms. Sheldon had used the Mansion House in the past, but she was never licensed to use their kitchen. Ms. Blake has attempted to contact Ms. Sheldon and Mr. Josh Goldstein, Mansion House, about this licensing issue, to no avail. Ms. Valley stated that she and Catie would investigate the matter for options and report back to the commissioners.

NEW BUSINESS

Rabies Vaccine Waivers

- Emma Swift – Approved
- Mercedes Maciel – Approved

OLD BUSINESS

- Nitrogen regulations

The commissioners discussed revisions to the current nitrogen regulations based on meetings with local engineers and Oak Bluffs Board of Health commissioners and agents. It may be necessary to simplify the proposed triggers. Chairman Boyd agreed to discuss the matter further with Mr. Tom Zinno regarding Oak Bluffs' position on the shared regulations for Lagoon Pond.

Ms. Valley and Chairman Boyd will visit potential spots for monitoring well installations as recommended by Mr. George Sourati, Sourati Engineering Group, on Thursday, March 25th.

DISPOSAL WORKS APPLICATIONS

DWA 4295 – Lawlor / 6 Vincent's Way / 37-A-5 – The property owners are not interested in using a NitROE over FAST system. They are agreeable to upgrading the FAST system if the regulations should change in the future. Approved.

DWA 4298 – Lobdell / Bridle Path Rd. / 44-A-1.1 – The property owners are not interested in using a NitROE over FAST system. They are agreeable to upgrading the FAST system if the regulations should change in the future. Approved.

DWA 4300 – Cochran / 11 Martha's Vineyard Ave. / 16-C-2.14 - The property owners are not interested in using a NitROE over FAST system. They are agreeable to upgrading the FAST system if the regulations should change in the future. Approved.

BILLS AND PERMITS FOR APPROVAL

Valerie Soushek / postage / \$110
Araujo Bros., Inc. / public health services / \$360
NEIWPCCC / training / \$75

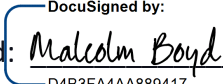
With no further business to conduct, the Board of Health commissioners adjourned at approximately 5:15 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated March 9, 2021, as presented.

Date: _____ Signed:  _____
D4B3FA4AA889417...