

TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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Meeting Minutes – January 9, 2018 – 4:00 PM

The Tisbury (Town) Board of Health (BOH) met on Tuesday, January 9, 2018, 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 approved meeting minutes, dated November 14th and 28th, 2017.

Appointments: N/A

Health Agent Operational Updates

NitROE Pilot Program

Ms. Maura Valley provided the following updates:

- Two (2) systems have been installed;
- There are three (3) applications before the State for approval and they are expected to be reviewed this week according to Sanh Tran of Mass DEP;
- Applications are taking a month before they are reviewed by MassDEP, not 2-3 weeks as originally estimated; however, MassDEP doesn't make guarantees on the turnaround time;
- The Pilot Program is behind schedule and on our commitment made to the granting authority.

Commissioner Loberg asked if any water samples had been taken, to which Ms. Valley responded: Mr. John Smith's appointment to meet with employees of the lab at one of the participant sites, was cancelled by Mr. Paul Ernst, Director of Tisbury Waste Water; the meeting was rescheduled, but only the temperature was verified/they did not collect any samples; Mr. Smith and Mr. Ernst have since met to work out potential issues with the testing process, learning curve, and transition plan.

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Mr. Smith will be meeting with Valerie Soushek to establish a process worksheet for tracking NitROE data, i.e. deliverables and test data.

Commissioner Loberg commented on an e-mail he received from a NitROE Pilot Program participant, who is concerned about the liability clause in the agreement with the Town, i.e. since the Town is not liable, who is liable if damage is done at the participant's property in the process of installing a NitROE tank; according to the participant's attorney, the agreement implies that the participant will be responsible for repairs.

Ms. Valley confirmed that she forwarded the subject email to Tisbury's Counsel, David Donefski, for his review and legal advice.

Herbicide Legislation Article

Ms. Valley provided copies of Article 11, applied for by the Board of Selectmen (BOS) and asks the Town for approval to petition the State for "home rule" when regulating the application of herbicides by Eversource. Ms. Valley explained, for the commissioners' consideration, that regulations will need to be drafted by the BOH.

Ms. Valley agreed to conduct some additional research by speaking with Laura Kelley of POCCA (Protect our Cape Cod Aquifers), and other towns who have implemented such legislation to see how they've dealt with "home rule" for the purpose of drafting regulations for Tisbury.

Commissioner Loberg noted that regulations should be drafted before the Article is passed at the State level, that they should be a "voice" for Tisbury residents. He further noted that the commissioners will need professional assistance with drafting the legislation.

Ms. Valley advised the commissioners to be prepared for questions at the upcoming town meeting.

Commissioner Pratt requested that Ms. Valley inform the BOS on the preliminary preparations by the BOH. The Commissioner further stated that he believes the plan to control vegetation is more complex than the Town's resources can afford and the alternative remediation could be quite costly.

Ms. Valley agreed to obtain the deadline for submitting the Article for the commissioners.

Commissioner Loberg asked Ms. Valley to advise the other Island health agents of the pending Article.

Ms. Valley provided documents from POCCA for the commissioners' review so that they may prepare for the release of Eversource's five (5) -year vegetation mitigation plan and deadlines for appealing their plans if necessary.

Nursing Contract

Ms. Valley reported that a meeting with Island HealthCare (IHC) was conducted at the last island health agents meeting; they met to discuss Island HealthCare's ability to

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provide public nursing services to the Island. Ms. Valley added that another meeting is scheduled for the agents to focus on the nursing contract and draft a request for proposal (RFP) with clear expectations and deliverables defined for IHC and Cape Cod VNA to provide bids.

Commissioner Loberg suggested keeping both IHC and VNA in the bidding process.

Needle Exchange Program

Ms. Valley reported: Dukes County has provided a proposal for the Cape Cod AIDS Support Group to provide a needle exchange program, one (1) day/month, and they are looking for support from Tisbury's BOH; the County claims the program will be free of charge, but Ms. Valley questioned whether it will remain at no charge indefinitely.

Ms. Valley asked the commissioners if they would be interested in viewing a presentation on the program.

Ms. Valley noted that the location of the program will be in Oak Bluffs, so the Oak Bluffs' BOH will support the initiative and the County is requesting support from all of the island boards of health.

Ms. Valley confirmed that the program is supported by the Substance Use Coalition, which includes members of Alcoholics and Narcotics Anonymous, and Vineyard House.

Commissioner Pratt made a motion for Ms. Valley to issue a letter of support with a focus on future funding; Commissioner Loberg seconded the motion; all commissioners voted in favor of the motion with no further discussion.

Emergency Condemnation / 200 Skiff Avenue

Ms. Valley provided the following update regarding an emergency condemnation on January 4, 2018 at 200 Skiff Avenue:

- Ms. Valley was notified of water intrusion from burst pipes at the home of Mr. Albert Allen, who was attempting to bail out the water with buckets;
- Tisbury Police made a stop at Mr. Allen's residence to perform a wellness check and found water pouring out of the walls so they had it shut off by Tisbury Water;
- It was noted by Tisbury Police that Mr. Allen had frost bite damage to his feet from standing in the water;
- Ms. Valley was consulted by Mr. Allen's niece on Thursday morning, January 4th when they discussed housing options for Mr. Allen;
- Mr. Allen was hospitalized and released that day, earlier than anticipated, so Ms. Valley did a site visit with Mr. Allen's niece. There was quite a bit of standing water in the basement; the floors were wet on the first floor; there was standing water in the bathtub; and Ms. Valley was notified by Officer Max Sherman that water was flowing out of the toilet at one point;
- The only source of heat in the house was from electric space heaters;
- Based on the information provided by the police, and the hospitalization of Mr. Allen, Ms. Valley executed an emergency condemnation order;

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- Ms. Valley contacted the Tisbury Fire Chief, who notified Eversource to have the power service to the house disabled. The Eversource representative notified the Fire Chief that the service had been compromised for a period of time prior to the flood due to interference by a tree;
- Martha's Vineyard Hospital evaluated Mr. Allen and notified his family that they would not release him to his family or to return to his home;
- The family was working with the Hospital to find a nursing home for Mr. Allen.

Commissioner Pratt wondered if the standing water would create a public health hazard, to which Ms. Valley responded with agreement to visit the site to confirm that the water had drained through the dirt floor in the basement. Commissioner Pratt also wondered about hazards due to mold growth in warmer temperatures, but Ms. Valley assured him that this would not create a public health issue.

Commissioner Pratt asked if the Fire Chief had any general comment about the process for getting the necessary respondents involved and the need for an SOP for governing the process. Ms. Valley assured the Commissioner that with their good working relationship and communication, the current process of notifying the respondents as they are required in such an emergency, is working.

Assistant Health Agent Report

Fall(s) Prevention

Ms. Blake reported that the fitness class at the Tisbury Senior Center is a great success; there are eight (8) regular participants.

Ms. Blake informed the commissioners that she has received requests to make home visits for personalized fitness instruction and inquired if this should be a nursing service. Ms. Valley confirmed that such visits would be the responsibility of Cape Cod VNA according to the terms of their contract with the Town; the VNA is contracted to conduct home visits, assessments and recommendations.

Ms. Valley reminded Ms. Blake and the commissioners of an upcoming meeting of the Falls Prevention Group, to which Ms. Blake confirmed that she would be in attendance.

MRC (Medical Reserve Corp) Report

Ms. Blake reported that she had attended a recent meeting and will be the Town's representative in the MRC re-building process. Ms. Blake added that she will be training on a new computer program for the purpose of managing and dispatching volunteers according to the matter at hand.

Ms. Valley mentioned that the Medical Reserve Corp must be reinstated within six (6) months or it will be disbanded.

Inspections

Ms. Blake noted that she has been reinstated as the animal inspector and will be conducting barn inspections in the future.

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Commissioner Loberg suggested that we capture the cost of providing in-kind support of programs such as inspections; perhaps this should be captured in the budget so that the BOH can report the cost for such resources.

Ms. Blake commented that food service inspections have been a large focus for her.

Additional Discussion

Commissioner Loberg requested an update on the proposed rental regulations to which the commissioners voted in favor. Ms. Valley confirmed that first scheduled meeting was cancelled, but the BOS agreed to include an appointment on the agenda for their first meeting in February. The commissioners agreed that several discussions should be held based on community feedback as awareness is generated at public hearings, Q&A sessions by the fire and health departments, BOS meetings, newspaper articles, television spots, etc.

DWAs approved by the Board

- 4094 Paul Adler / Amelia's Crossing / 24-A-24.1
- 4095 Kim O'Callaghan / 149 State Road / 8-E-18.2
- 4097 Aaron Fontaine / Ferro Way / 24-A-22.8

DWAs approved for the NitROE Pilot: N/A

Old Business: N/A

New Business

Mercedes Maciel / Rabies Vaccine Exemption

Commissioner Pratt motioned to approve a Rabies vaccine exemption for Mercedes Maciel; Commissioner Loberg seconded the motion; all commissioners voted in favor of the motion.

Michael Perkalis / Request for inspection extension / 106 Summer Street / 25-E-4

Commissioner Pratt motioned to approve an extension of the septic inspection deadline to March 15, 2018, after which no further extensions will be allowed and a citation will be issued; Commissioner Loberg seconded the motion; all commissioners voted in favor of the motion.

Payables and Permits for Approval

- Catie Blake, Fitness Equipment, \$55.23
- Town of Edgartown, \$149.38
- Staples, \$102.89
- VNA/Cape Cod, \$701.25

The meeting was adjourned at 5:32 PM.

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Respectfully submitted,

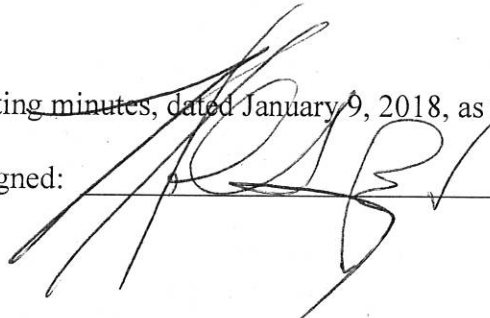
Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated January 9, 2018, as presented.

Date: 13 Feb 2018

Signed: _____

A handwritten signature in black ink, appearing to be 'V. Soushek', written over a horizontal line.