

TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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Meeting Minutes – June 27, 2017 – 4:00 PM

The Tisbury (Town) Board of Health (BOH) met on Tuesday, June 27, 2017, at the Tisbury Town Hall Annex.

Commissioners in attendance were Chairman Malcom Boyd and Jeff Pratt. Maura Valley, Health Agent, Catie Fuller, Assistant Health Agent, and Valerie Soushek, Administrative Secretary, were also in attendance.

Commissioner Loberg was absent.

Chairman Boyd presided and called the meeting to order at 4:08 PM.

Minutes

Commissioner Pratt moved to approve the minutes of May 16, 2017 and June 13, 2017; Chairman Boyd seconded; no discussion; all approved.

Health Agent Operational Updates

Tobacco 21

Health Agent, Ms. Maura Valley, distributed proposed regulations for increasing the minimum age requirement for tobacco sales, to the commissioners to peruse; she revised the current regulations to bring them up-to-date. The regulations are targeted to be effective, January 1, 2018.

NitROE Pilot Program

Ms. Valley confirmed that the Town has received a contract draft for the grant for funding of the advanced treatment systems pilot program. The kick-off date is scheduled for July 1, 2017; however, the date may change. Future phases of the project cannot be scheduled until a kick-off meeting is conducted. Ms. Valley also confirmed that ten (10) properties have been selected for participation, and the owners notified.

Nursing Contract

Ms. Valley reported on the status of the contract renewal with VNA/Cape Cod: a copy of the proposal is available, but it will continue to be a work in progress in new fiscal year, effective 7/1/2017. In speaking with Matt Poole, Health Agent for Edgartown, they have agreed to proceed

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with the current proposal but will continue negotiations, possibly with Island HealthCare. Ms. Valley and Mr. Poole would like the current program to be more inclusive with home visits for residents, who may be homebound; relationship building; and addressing concerns about new medical issues or medications.

Ms. Valley has also discussed home safety and falls prevention evaluation programs with the Council on Aging.

Landfill Maintenance

Ms. Valley reported she conducted a site visit with Greg McVeigh, Wright-Pierce; Kirk Mettel and Ray Tattersall, Tisbury Public Works; and representatives from CVEC; there are many areas of the landfill where the Geotextile membrane is exposed, the topsoil has eroded; they walked through all of the problem areas and it was decided to give priority to overgrown vegetation mitigation by hiring an outside contractor.

Ms. Valley will meet with Ms. Suzanne Kennedy regarding the availability of funding in the budget or a warrant article, for landfill closure maintenance, for which the BOH is responsible. Ms. Valley further confirmed that the BOH is the landlord for the portion of the landfill that is capped; they will address deferred maintenance as a project, but regular (brush-cutting) maintenance and day-to-day operations are the jurisdiction of the DPW.

Ray Tattersall is going to request a pricing proposal from Mark Clements, MC Clements Tree Service.

Assistant Health Agent Report:

Ackee Tree Restaurant

Assistant Agent, Catie Fuller, clarified that Ackee Tree Restaurant is a grocery store, not a restaurant, but the owners have been serving buffet style food, i.e. rice, chicken, etc. The owners complied with Ms. Fuller's order to cease from serving food once they were threatened with an order to close.

Sewage Spill

Ms. Fuller reported that a sewage spill had occurred on Beach Road in front of the Shell station last Monday evening, June 19th. The overflow in the storm drain was caused by a pressure relief valve that was inadvertently left open by a public works technician. The risk was assessed by Ms. Valley as minimal; however, as a precaution, Ms. Fuller posted warning signage and performed beach testing at various points between the Shell Station and Owen Park. The testing results were negative for sewage contamination.

Commissioner Pratt advised that an emergency response SOP be drafted for the BOH in the event of an urgent septic or landfill related matter. The SOP should include important phone numbers and a protocol for addressing issues and notifying the appropriate departments. The Commissioner further advised that the SOP be reviewed by the Fire and Police Chiefs, and the Emergency Management Director, Eric Meisner, as it will coincide with SOPs for their respective areas of responsibility.

Honey Vendor

Ms. Fuller reported that she has received complaints regarding a vendor of (unprocessed) honey, a farm product that is not regulated by the BOH. Furthermore, the vendor is violating a commercial

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lease by residing in the space; however, as this is also not a BOH regulated matter, Ms. Fuller advised the landlord, Ms. Sam Sawyer, that she must take legal action to evict her tenant.

Old Business

Medeiros Appliance re: Unlicensed Junkyard in Residential Zoned Area

Ms. Valley reported that she had talked to Mr. Ken Barwick regarding the BOH commissioners' suggestion to construct a lean-to extension from the existing fence as discussed at the last meeting; however, according to Mr. Barwick, a lean-to is not permitted especially on an already non-conforming fence; the addition of a lean-to further renders the fence non-conforming; there are no options—there is to be no outside storage for a commercial business in a residential zone according to the zoning regulations.

Commissioner Pratt stated to the Medeiros' that the BOH is bound by zoning regulations; specifically, commercial storage in a residential zone is not permitted. Personally, though, the Commissioner would like to find a way to make the storage situation work given the long-time and vital service provided to our community.

Mr. Medeiros inquired about using a trailer and wondered if it would be recognized as inside storage.

Commissioner Pratt confirmed that he is fairly comfortable with Mr. Medeiros' response regarding the possibility of soil contamination by PCBs and Freon; however, he agreed that it is a legitimate concern of the abutters. Commissioner Boyd, Agent Valley, and Asst. Agent Fuller concurred with Commissioner Pratt's assessment.

Commissioner Pratt wondered if Mr. Medeiros could implement a 24-hour turnaround for disposing of appliances at the Oak Bluffs or Edgartown transfer stations. Ms. Valley added that she had checked on pricing for appliance disposal, i.e. appliances without Freon, \$20; refrigerators, \$50, etc. Mr. Medeiros stated that he doesn't believe such a turnaround time is possible and that it would require him to raise his prices to his customers.

Mr. Medeiros reminded the commissioners that a buffer zone of trees concealed the storage at one time; however, Mr. Paul Adler had them removed. The commissioners and Ms. Valley agreed with Mr. Medeiros and Ms. Valley committed to inquiring with the planning board and Mr. Adler as there are regulations for such clearings.

Commissioner Pratt stated that planned obsolescence/remediation of appliance removal should occur more frequently; a roll-off holds a considerable amount of appliances and he revisited the point of reducing the inventory to at least half of the current level stored.

Ms. Valley reminded the Commissioner that the abutters don't want to have a view of Mr. Medeiros' property, whether 10 or more appliances are being stored, and while a structure could conceal the appliances, it is still considered outside storage for commercial purposes.

Ms. Valley offered to schedule an on-site visit with Mr. Ken Barwick and Mr. and Ms. Medeiros.

Mr. Ken Barwick, Building Inspector, joined the meeting at 5:06 PM. He stated that a precedent for such an encroachment with a roof over the fence should not be introduced at any property in the town; the best way to address this matter is to have the Medeiros remove the defunct appliances;

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according to residential zoning regulations, Tisbury residents are allowed one (1) detached accessory structure, a garage, greenhouse, tool shed, swimming pool, storage building, hot tub; a 3-sided lean-to would not be permitted.

DWAs approved by the BOH

DWA 4049 Tim Merriman

Ms. Valley reviewed the application submission: it is for an expansion of use from 4 to 6 bedrooms; the property is not in a watershed zone; Mr. Merriman is just expanding the leaching area.

Commissioner Pratt motioned to approve DWA 4049 for Mr. Merriman; Chairman Boyd seconded the motion; there was no further discussion; the motion was unanimously approved.

Payables

The following bills were reviewed and approved by the commissioners:

Vineyard Healthcare Access (nursing contract), \$750

Town of Tisbury – Comcast (telephone), \$99.27

Massachusetts Association of Health Boards (dues), \$55

New Business

Request for waiver to sewage disposal system upgrade at 21 Daggett Avenue / 5-D-12

According to Mr. Douglas Cooper's inspection report, dated March 13, 2013, Ms. Frances Gould's property is served by a single cesspool, which is deemed an automatic failure according to the Town of Tisbury's Title 5 Onsite Sewage Disposal System Management Regulations.

Given the health and financial considerations outlined in a letter from Ms. Gould's daughter, Dorothy, and at Ms. Valley's recommendation, the commissioners voted to grant the requested waiver; the waiver will allow for the continued use of the existing system until it fails or the property is sold or transferred. Commissioner Pratt motioned to accept Ms. Valley's recommendation; Chairman Boyd seconded the motion; no further discussion was required; all voted in favor.

Request for waiver to sewage disposal system upgrade at 26 Daggett Avenue / 5-K-7

The commissioners voted to grant the requested waiver, with conditions, to Mr. Thomas Rabbitt given the limited usage of the existing system, a single cesspool, and financial resources available as outlined in Mr. Rabbitt's letter, dated June 22, 2017.

Commissioner Pratt motioned to approve a waiver on the condition that an inspection report is filed by Tom Pachico, who performed a visual inspection of Mr. Rabbitt's septic system; the waiver will allow for the continued use of the existing system until it fails or the property is sold or transferred. Chairman Boyd seconded the motion; no further discussion was required; all voted in favor.

Request for waiver to upgrade single cesspool at 10 Pine Tree Road / 8-F-6, a watershed property
Commissioner Pratt withdrew his original motion to approve the waiver with the stipulations that the system be updated if the property is sold or transferred, or if the current system fails.

Commissioner Pratt revised his motion to defer a final decision pending a consultation outlining the following options with Misters Verseckas, and their response to the BOH.

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- If the system is upgraded at this time, without the property being sold or transferred, they will not be required to install an advanced treatment system, which is substantially more costly than a standard Title 5 System;
- If the property is sold or transferred, they will be required to upgrade to an advanced treatment system;
- If they choose not to upgrade the system at this time, they will be required to upgrade the system in the event of failure; and
- The Town has financial assistant programs available for sewage disposal system upgrades if this is a consideration for the Misters Verseckas.

(Temporary) Exemption to Plastic Bag Ban for Grace Episcopal Church

Commissioner Pratt motioned to approve a temporary exemption to the plastic bag ban for Grace Episcopal Church based on their written request, dated June 23, 2017; Chairman Boyd seconded the motion; all approved with no further discussion.

The meeting was adjourned at 5:43 PM.

Respectfully submitted,

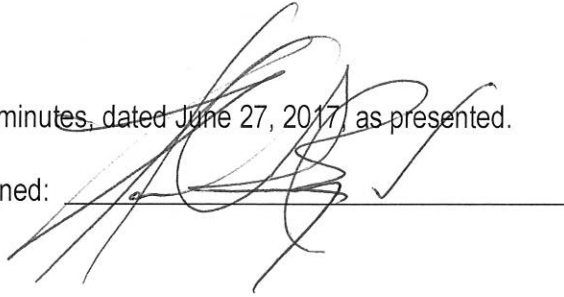
Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated June 27, 2017, as presented.

Date: 25 July 2017

Signed: _____

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to be the name of a board member.