



Town of Oak Bluffs
Board of Health
P.O. Box 1327
Oak Bluffs, MA 02557
508-693-3554 Ext. 127

William White
Chairman

James Butterick
Thomas Zinno
Board Members

Meegan Lancaster
Health Agent

**BOARD OF HEALTH MEETING
March 12, 2019 – MINUTES**

Members Present: William White, Thomas Zinno, James Butterick

Others Present: Meegan Lancaster, Lorna Welch

Chairman White called the meeting to order at 10:00 am.

APPOINTMENTS:

- None

BOARD MEMBER DISCUSSION:

- **Review of draft for proposed Fat, Oil and Grease (FOG) regulation. Items to be clarified include timeframe for adoption, facilities requiring FOG pretreatment and criteria for variance requests**

The Board agreed that the maintenance criteria portion of the regulation should be required within 30 days. They also agreed about the existing food establishment portion. Ms. Lancaster stated that she cleaned up the criteria for variance requests language. Mr. Zinno would like a subset stating that each establishment shall submit a list of all sinks and disposal units that require a grease trap under the present plumbing and health code. Ms. Lancaster stated that there is a provision stating if there is an issue and we find that an establishment has inadequate protection then we can ask them to upgrade. Ms. Lancaster stated that she will incorporate town suggestions, send to town counsel for review and then the Board can vote on it.

- **Vaping – issues, concerns and potential harm-reduction strategies. Consideration of using permit fees towards revolving fund to increase educational and enforcement opportunities**

Mr. Butterick brought this up as a public health issue. Ms. Lancaster brought up an article that was in the paper about disciplinary issues and vaping at the high school and the correlation of increased use of other substances and risky behaviors. The FDA is considering a ban on all flavors other than mint and banning all online sales. Mr. White spoke about two fifteen year old high school students he was training. They could not do the exercises because of pain in the lungs and stated they were “juuling”. They were trying to quit and using nicotine patches and gum. Ms. Lancaster talked about vaping and bullying detectors which is a device that listens and senses tonality which can determine a potential problem and alert school staff. She stated that we do have the option in the future of taking our tobacco fees and put into a revolving fund for education and prevention. We could potentially fund the Cape Cod Tobacco Coalition to do educational presentations for the middle schoolers at the OB School. Ms. Lancaster will follow up with Bob Collette at the Cape Cod Tobacco Coalition and the school nurse at the OB School.

- **Review of building permit application for 6 Helens Way Map 16 Parcel 177.14 – review bedroom definition and discuss possibility of adopting clarifying language for future use as well as implementing a fee for issuance of deed restrictions**

Ms. Lancaster explained that this application is for a finished basement. She spoke with Matt Poole, Health Agent for Edgartown and he confirmed that in Edgartown the addition of a full bathroom in a basement would render this new space a bedroom. She also consulted with Maura in Tisbury and she said the same. She wanted to make sure we are being consistent with approvals/denials for these types of building permit applications. She explained that this property is a 3 bedroom design in Zone 2 with a FAST system. The first plan included the lavatory with no windows. Then she received the second plan with full windows and full egress so she denied the building permit application so the builder, Shawn Chapps, could explain. They discussed the plan and the local regulation requiring a 9ft. opening and how the space was constructed such that privacy is afforded but there isn't a 9ft. opening because the bottom of the stairs come into the wall. Mr. Zinno stated that in this situation he thought requiring a deed restriction would be sufficient.

Ms. Lancaster would like to be consistent with these applications since the regulation has some gray areas. The Board agreed that going forward, if a plan submission is received for a finished basement with a full bath the space would most likely be considered a bedroom and depending on the circumstances a deed restriction would be required.

Ms. Lancaster also asked the Board to enact a fee for initiating deed restrictions because it is time consuming. The fee at the registry to file is \$75. Mr. Zinno suggested a \$100 fee for processing the deed restrictions and made a motion to approve. All in favor. In the future, once the language in the regulation is cleaned up, she would like to send a letter to all property owners who have deed restrictions in place explaining that there is a deed restriction on the property an inspection will be scheduled in order to make sure they are in compliance.

APPROVAL OF MINUTES:

- **January 29, 2019 - Approved**

AGENT UPDATES:

- **Return of field inspector John Powers**

Mr. Powers returned to work for the season and did 4 perc tests last week. He will also be doing restaurant inspections.

- **17 Wayland Ave. Map 8 Parcel 101 – premises observed to be unsecured – discussion of further enforcement actions due to continued non-compliance**

The house is not secured from entry again. A door has been removed and there is plywood that has been removed. She suspects people have been going in and out. There are 2 unregistered vehicles with a tree on top of them. The person who is the trustee doesn't live on the island and she has heard that there is a beneficiary of the trust who lives next door but we do not know who the beneficiaries are. The dwelling is very unsafe and we should pursue a condemnation order. The Board agreed. We would have to leave the house in a condemned status for a year and then the town could explore the opportunity to demolish it. The Board approved that course of action.

- **Food Establishment Plan Review Fee Structure – current and proposed fees for plan review**

Ms. Lancaster wanted to postpone this update due some things cropping up regarding the new food code.

- **Update on Viewpoint implementation**

Ms. Lancaster spoke with Liz, our rep. from Viewpoint. We have our food establishment permit application just about ready to go we just need to set up some conditions for payments. The inspectional component does not exist which was not made clear when we embarked on this. The DPH has to approve all our inspection formatting so she looked into other options and found a product that is developed in MA by inspectors for inspectors and is approved by DPH. She hasn't gone through the full demo yet but you can do full reporting which sets us up for the future to enact letter grading because she can pull reports from each establishment. Also some municipalities have fines for noncompliance for repeat violations which could help offset the cost of the software.

- **Other discussion**

Mr. Butterick inquired about the short-term rental fees. Ms. Lancaster stated that there is no BOH involvement at this time. Mr. Butterick acknowledged that if it comes to a point that inspections and fees are implemented and we have to do more inspections then the office will need more help. Ms. Lancaster was not sure if a future regulation would be generated from the BOH or the Selectman's office.

Mr. Zinno asked about the Bizzarro property and Ms. Lancaster responded that the enforcement order is in process. He also inquired about the progress of the Barmakian property. Ms. Lancaster responded that she hasn't heard anything yet but May 15th is the deadline for that.

Mr. Zinno made a motion to adjourn. All in favor.

Respectfully submitted by Lorna Welch, Administrative Assistant.

DOCUMENT(S): Proposed Rules and Regulations for Maintenance of Grease Traps and Removal of Fats, Oils & Grease (F.O.G.) from Food Establishments