



Town of Oak Bluffs
Board of Health
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William White
Chairman

James Butterick
Thomas Zinno
Board Members

Meegan Lancaster
Health Agent

**BOARD OF HEALTH MEETING
April 23, 2019 – MINUTES**

Members Present: William White, Thomas Zinno, James Butterick

Others Present: Meegan Lancaster, Lorna Welch, John Smith

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

APPOINTMENTS:

- **John Smith – update on nitro system installations and performance**

John Smith presented the NitROE and SanTOE Wastewater Treatment Systems overview. He provided the Board with information regarding the design and functionality of the system as well as testing results for the systems that have been installed thus far. See document for full summary of information.

BOARD MEMBER DISCUSSION:

- **Fat, Oil and Grease Regulation for food establishments – review and ratification**

Ms. Lancaster stated that the FOG Regulation was reviewed by Town Council. The Board reviewed and signed the regulation.

- **79 Dukes County Ave. M 11 P 355 – Condemnation Order**

Ms. Lancaster explained that things were going well with the property. The owner finally called after 2 returned certified letters and not answering the service by the Sheriff's office. The owner's brother, Gene Johnson, also made contact and they boarded up the house and made it safe, filled the cesspool in, removed the truck and got rid of a bunch of stuff in the yard. She feels that this is great progress. Mr. Johnson is an attorney and will be representing his sister. He is trying to go through the process of having the property demolished and hopefully rebuild. Ms. Lancaster did inform him that in the meantime we will be issuing a condemnation order. If nothing is done in a year from the condemnation date then the Town would be able to demolish the structures. The Condemnation order was signed by the Board.

- **71 and 79 Edgartown Vineyard Haven Rd. M 49-14.2 and M 49-14.1**

- **No inspection at time of transfer – Issue Title 5 enforcement order for cesspool upgrade**

Ms. Lancaster stated that the gentleman that purchased these properties had the understanding that he didn't need an inspection at the time of transfer because of a "construction exemption", which does not exist in Title V. It is thought that there are cesspools on the property and our local regulation requires upgrade within 6 months of transfer. She sought input from the Board on whether or not to issue an enforceable order and how they would like to proceed should a plan be submitted.

APPROVAL OF MINUTES:

- **February 26, 2019** – Mr. Butterick abstained because he did not attend the meeting. Approved.

AGENT UPDATES:

- **11 Strawberry Ln. M 50 P 79 – Issuance of final Title 5 enforcement order and discussion of correspondence from Karen Tewhey**

At the time of Ms. Lancaster receiving the email from Ms. Tewhey she was in the process of consulting with Town Council and sending the Title V correction to the Sheriff's office so they could complete the service of notification. She understands that Ms. Tewhey is frustrated that the issue hasn't been fully rectified but the process takes quite a bit of time. She went on to explain to the Board that and it wasn't consistently clear in her conversations with Ms. Tewhey if she was speaking to her as the homeless commissioner for the County or if she was speaking to her as a neighbor of the violator. Ms. Lancaster went on to explain that she was concerned that Ms. Tewhey chose to accuse Ms. Lancaster of siding with the violator because the issue hasn't been completely resolved. She further stated that the email stated that the Board was allowing Mr. Bizzarro to utilize credit land to increase the bedroom count to match what he had which would be a violation of the covenants of the sub-division as, per Ms. Tewhey, houses in the sub-division are only allowed 3 bedrooms. Ms. Lancaster wasn't certain of the rules of the sub-division but noted that the assessors have Ms. Tewhey's home listed as having 5 bedrooms.

Ms. Lancaster explained to the Board that it is a long-standing policy in the office to never speak to any potential applicant for any project as to what they definitively can or cannot do as those issues are resolved through the application and engineering process. Mr. Butterick asked about Mr. Bizzarro's plan to try to get nitrogen land credits. Ms. Lancaster replied that a plan has never been submitted but thinks it is likely not feasible if subdivision restrictions are in place. Ms. Lancaster reported that she is waiting to hear back from the Sherriff's office about the service confirmation. She feels that progress has been made because the property went from about 14 sleeping places to 5.

- **Update on Seasonal Restaurant Inspector hiring process**

There has been only 1 applicant for the position and the person was not qualified. Ms. Lancaster is trying to figure out how to complete the necessary work because without help she will need to work over her contracted hours. She explained to the Board that there are things from a regulatory perspective that she is absolutely required to do and there is no room in her schedule for the short term and long term improvement projects that she has been working on. She went on to explain that certain complaints like a major housing complaint or a food borne illness outbreak could make it extremely difficult to keep up with all of the other things that must be done.

- **Food Code Pro Software**

Ms. Lancaster spoke with the company representative who explained that the software would make the inspections more efficient and they are working on building out pool, septic and sanitation code inspection modules. She has seen the work that they have done for the food portion and it is a real time saver and is Mass DPH code compliant. The manufacturer is offering a 1-year grant starting July 1st and thinks they may be able to move that date up. Once the fees kick in it will be approximately \$3600 per year which would be more than offset with efficiency.

Mr. Zinno asked how many hours the inspector position was for. Ms. Lancaster explained that she thinks this Town has outgrown the position of a seasonal restaurant inspector. Mr. Powers worked 20 hours per week during the busy season and was able to do a wide variety of tasks such as perc tests, food inspections, accompany her on housing inspections, etc. She believes that the BOH needs a field inspector. She has mentioned this to personnel but has not received any feedback.

- **Update on FY' 20 nursing contract**

Our nursing contract will expire at the end of June. Island Heath Care is going to generate the contract this year for the next period. Their CFO left and the BOH just received the billing from November 1, 2018 through March 31, 2019. Ms. Lancaster reiterated to Cynthia Mitchell that she would like to get the contract back with sufficient time to be able to thoroughly review it. We have received a lot of positive feedback about their services.

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

Respectfully submitted by Lorna Welch, Administrative Assistant.

DOCUMENT(S): NitROE & SanTOE WWTS Overview; FOG Regulation, email from Ms. Tewhey