



Town of Oak Bluffs, Massachusetts
BOARD OF HEALTH
P.O. Box 1327
Oak Bluffs, MA 02557

Patricia Bergeron, Chm
William White
James Butterick

Ade Solarin
Health Agent

Telephone 508-693-3554 Ext 116
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BOARD OF HEALTH MEETING

January 17, 2017: Minutes

Members Present: James Butterick, William White

Members Absent: Patricia Bergeron

Others Present: Ade Solarin – Health Agent, Alexandra Kral, George Sourati, Mike Wallace, Jamie McNeely, Vera Clements, Peter Martel, Robert Whritenour

APPOINTMENTS:

10:00: Minute approval for 12/06/2016 and 1/03/2017 meetings

Member White motioned to approve the minutes for 1/03/2017 BOH meeting.

Member Butterick 2nd it. Motion was unanimously approved.

Member White motioned to post pone the approval of the minutes for 12/06/2016 to the next BOH meeting.

Member Butterick 2nd it. Motion was unanimously approved.

10:02: 93 Ocean Avenue M 10 P 15

- **George Sourati:** On November 29th, 2016 we submitted an application for Disposal System Construction Permit to upgrade existing cesspool serving an existing 8 bedroom house at the 93 Ocean Avenue. During a walk through, Ade and I confirmed total amount of 8 bedrooms in the house. Due to the size of the lot we are requested following variances from Title 5:
 - 1) 15:211(1) To reduce the required separation distance from a Soil Absorption system to a property line from 10' down to 5.5'± (Samoset Avenue) and 6'± (Map 10 Parcel 14)
 - 2) 15:211(1) To reduce the required separation distance from a Septic Tank to a property line from 10' down to 7'± (Map 10 Parcel 14)
 - 3) 15:211(1) To reduce the required distance from Soil Absorption System to a Cellar Wall from 20' down to 16'±
 - 4) 15:221(7) To increase the distance from finish grade to the top of a soil absorption system from 36" up to 42"
 - 5) 15:404(3) (d) To allow the reduction of the required subsurface disposal area by 10.6% from 880 gallons per day down to 787 gallons per day.
- **Health Agent:** One of the requested variances will decrease amount of infiltrators to 36 instead of required 41. I recommend the installation of all 41 infiltrators.
- **George Sourati:** We are asking for a reduced amount of infiltrators to avoid any damage to the landscape of that area.



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Member Butterick motioned to approve presented variances with the addition of 5 more infiltrators to the proposed leaching field.

Member White 2nd it. Motion was unanimously approved.

10:10: 0 Pennsylvania Avenue M 21 P 80.2

- **Health Agent:** The applicant is requesting a variance to install a 1 br. Title V system on 11750 s.f. lot located in Zone 2. This property has previously been before the board in regards to an easement issue. I have contacted the Water Department and the DEP and there are no issues with the plan as proposed.
- **Member Butterick:** The previous issue was with using an easement as part of the property
- **George Sourati:** We did not use the paved part of County Rd. as part of the calculation.

Member Butterick motioned to approve the presented

Member White 2nd it. Motion was unanimously approved.

10:15: 10 Warwick Avenue M 11 P 205

- **George Sourati:** The original application was approved by the BOH on December 5, 2015. The property has since changed hands and the new owner would like to revise the previously approved septic system plan. The building was condemned and subsequently demolished by the town. The original owner (Burgess) had two years to rebuild. He did not rebuild in two years and was granted a two year extension to rebuild so he would be able to sell it. The new owners have modified the original plan to include a bulkhead for basement access. The addition of the bulkhead would change the distances from the leaching field.
- **Health Agent:** Quick background information: the lot is about 2900s.f., is in Zone II. It was a vacant lot. Current Title 5 regulations require 10,000s.f per bedroom.
- **George Sourati:** That's correct. The reason I am here is to request that you allow us to install a concrete foundation which would require additional variances such as:
 - 1) 15:211(1) To reduce the required separation distance from a leaching field to a property line from 10' down to 7'± (Map 11 Parcel 204)
 - 2) 15:211(1) To reduce the required separation distance from a leaching field to a cellar wall from 20' down to 10' (Map 11 Parcel 205) and 13± (Map 11 Parcel 204)
 - 3) 15:211(1) To reduce the required distance from septic tank to a cellar wall from 10' down to 6± (Map 11 Parcel 205)



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- **Health Agent:** Based on the presented plan you are asking for one more variance which was not listed. This is to reduce the required separation distance from a leaching field to a cellar wall from 20' to 16' (Map 11 Parcel 205) in addition to the request to reduce the required separation distance from a leaching field to a cellar wall from 20' down to 10' (Map 11 Parcel 205).

Member Butterick motioned to approve the presented variances with an additional variance to reduce the required separation distance from a leaching field to a cellar wall from 20' to 16' (Map 11 Parcel 205). Member White 2nd it. Motion was unanimously approved.

10:20: 26 Franklin Avenue M 11 P 251

- **Mike Russell:** The home owners are looking to voluntarily upgrade the current cesspool to a Title V system which would require two variances.
 - 1) To reduce the setback of the proposed system to less than 20' from a foundation or crawl space
 - 2) A 25% reduction of the proposed soil absorption system area in order to avoid additional set back relief
- **Health Agent:** This property is in Zone II. In order to achieve 100 percent capacity this plan would require 13 infiltrators. Additionally, a Geogrid needs to be installed over the SAS since the driveway would be located over the SAS. I believe there is space on this property to install the additional infiltrators needed.
- **Mike Russell:** The tree which is shown on the plan is very large and I am concerned about digging into the root system in order to re-configure and re-orient the system. Doing this would most likely require additional variances.
- **Health Agent:** Since this is in Zone 2 you could also consider installing an enhanced system.

Member Butterick motioned to conditionally approve the presented variances pending a resubmission of plans with additional infiltrators and a geogrid installed over the driveway. Member White 2nd it. Motion was unanimously approved.

10:30: Tobacco regulation violation: Our Market Corp
Vineyard Wine & Cheese Shop
Jim's Package Store

Member Butterick and White agreed to issuing a warning provided documentation was provided showing that the owners have properly trained their staff.



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- **Health Agent:** A random inspection was conducted. Sales were made to minors at these establishments.
- **Jamie McNeely:** A young man came into Vineyard Wine and Cheese on December 12th. The clerk carded the young man and he stated that he had left his ID at home. The clerk asked his date of birth and he stated that it was in 1996 which would put him close to 20. The clerk made a judgement call and she made a mistake. We work diligently to ensure compliance with the law. This is a first time violation for us.
- **Mike Wallace:** I didn't receive notice of the violation. I was expecting a fax and it was apparently emailed. I didn't investigate because I didn't know there was a violation until I received a phone call about this meeting.
- **Health Agent:** Being that this is a first time violation I would recommend a warning. I would like for you to demonstrate that you have trained your employees so that they know how to prevent sales to minors from happening in the future.

10:40: Peter Martel: Zone II/Affordable Housing Committee Discussion

- **Peter Martel:** I am Vice Chair of the Affordable Housing Committee. We have several lots in Zone 2 and the Committee would like to be able to build three bedrooms on these lots instead of one bedroom. I would like the BOH to consider reducing the size of Zone 2.
- **Member White:** We enforce the rules of Zone 2; we do not designate the area of Zone 2.
- **Robert Whritenour:** I would suggest that you contact the DEP and the Water District.

10:50: Review of proposed recommended budget with the Town Administrator

- **Health Agent:** We have received the recommended budget from the Town Administrator. It proposes \$9000.00 additional funding for an Assistant Health Inspector.
- **Member White:** It is the position of the BOH that we need additional help. We have more restaurants than any other town and are stretched thin. We really need additional inspection assistance.
- **Robert Whritenour:** Over the past years we have increased the budget for the seasonal restaurant inspector and have added administrative assistance for the Health Department. The new recommended budget has a full-time position for 20 weeks a year. Ade has proposed an increase in fees which could fund a full-time, year round position in the future.



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- **Member White:** The BOH feels strongly that we need more inspection help. Most other towns have an additional agent but do not have as many establishments to inspect. A lot of revenue could come in from the BOH if the fees are structured correctly.
- **Robert Whritenour:** If a new position is established outreach to the community and improved customer service should be a priority. If you feel you want to increase hours for the position and can provide the revenue I would recommend that you meet with the Finance Committee. I'd suggest that a board member along with Ade meet with Jason Balboni from the Finance Committee to discuss the addition of a position and budget for the department.

HEALTH AGENT:

- Annual Report
 - **Health Agent:** I have a draft copy of the Annual Report in progress.
- Innovative/Alternative Septic System Tracking Availability
 - **Health Agent:** We will need to set up the system with Barnstable County to help track the new systems and for us to receive a duplicate copy of the information about installation and inspection. The inspection fee is \$50.00 but there is a grant for the first two years so Oak Bluffs residents will not have to pay anything for the first two years. The third year the program will cover half of the cost. The fourth year the full fee falls on the inspection companies who will put a surcharge fee on the inspections.
- Fill-in Administrative Assistant for the BOH office from February 6, 2017 - March 6, 2017
 - **Health Agent:** I have interviewed Meegan Lancaster. She will be filling in for Alexandra Kral during her leave. There is also a possibility that she will be doing Seasonal Food Inspections.
- Fee Schedule Review
 - **Health Agent:** I have looked at sources of funding and have completed a list of fees from other municipalities. I have a proposal to change fees which will generate an additional \$40,000.00 per year based on the data from 2016. For example, swimming pool fees would increase from \$100.00 to \$300.00. We have one major pool in Oak Bluffs which is the YMCA and it takes three hours to inspect that pool. For example we currently don't charge for percolation tests. If we were to charge for these tests based on the number done in 2016 we could have generated \$20,000.
 - **Member White:** Would we need to have a public meeting in order to increase these fees?
 - **Health Agent:** No meeting would be required. I am also proposing to increase the fees for restaurant over 99 seats because they involve major inspections.



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- **Member White:** Let us look at these proposed changes and we can revisit this at the next meeting.
- **Health Agent:** These fee changes alone should generate \$40,000.00 per year. This coupled with the \$20,000 already budgeted for the seasonal inspector position would bring in a total of \$60,000.00 which would hopefully cover salary for an additional inspector.

MEMBERS:

- Other Business – Plastic Bags
 - **Member Butterick:** I noticed that all of the other towns have banned plastic bags. What do we have to do to get on board with getting rid of these bags?
 - **Member White:** All of the other towns have banned them.
 - **Health Agent:** I recommend that you meet with the Selectmen
 - **Member White:** We have had some kick back from some of the merchants in town about banning the plastic bags.
 - **Member Butterick:** Who are the largest users of bags in town?
 - **Member White:** I think we should talk with the Town Administrator about this.
- Other Business – Nitrogen – Lagoon Pond Association
 - **Member Butterick:** The Lagoon Pond Association met last week about Nitrogen Mitigation project in Vineyard Haven. This project would require all properties located within Lagoon Pond DCPC in Vineyard Haven to upgrade to enhanced systems. To cut down the cost of upgrade for the Lagoon Pond DCDP residents, project leaders are applying for special grants to fund proposed work.

Member White Motioned to adjourned

Respectfully submitted by,
Meegan Lancaster, Temporary Administrative Assistant