



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
January 25, 2022 – MINUTES

Members Present: William White, James Butterick, Thomas Zinno

Others Present: Meegan Lancaster, Lorna Welch

Members of the public: Don Davis, John Zarba, Joe Sullivan, Kristen Mello, Christian Huntress, Maura McGroarty, Terry Donahue,

Mr. White, Chairman, called the meeting to order at 10:02 am.

BOARD MEMBER DISCUSSION:

- Review of response to Open Meeting Law complaint received from John Zarba
 - Response letter was drafted by Ms Lancaster and town counsel, Michael Goldsmith.
 - Mr Butterick makes a motion to approve the signing of this drafted letter. Mr Zinno seconds. Approved 3-0. Ms. Lancaster will sign the letter and send the response to Mr Zarba.
- Discussion of response to Planning Board under special permit review for MVRHS field project
 - Special Permit from the planning board application was sent to Board members. The planning board has reached out to all boards for a response. Each department has 35 days to respond. Ms Lancaster had asked for comments from board members but has received none. This discussion is tabled to move on to the next item.
- Discussion of draft regulation to restrict the installation of artificial turf containing PFAS in the Town of Oak Bluffs.
 - Mr White explains that the board has heard testimony from multiple sides. Options at this point are to ban artificial turf installation, put a moratorium in place on the installation of turf fields, or do nothing.
 - Mr White proposes to table this discussion so that each board member can thoroughly go through the information available and the research documents presented to the MVC (on the MVC website, planning board website etc)
 - Mr Butterick says that there are still a lot of questions. Commenters from the previous meeting made a good point in that PFAS needs to be looked at across the board, not just in the turf field. He also suggests that the Health Agent speak to the agents in other island towns to get their feedback, as this is an island wide issue, not just an Oak Bluffs issue.
 - Mr Zinno says that the regulated numbers across the country vary significantly. What would be required for remediation in the future? What is the cost of this and what type of equipment is required? Mr Zinno also states that this is a complicated and multilevel issue for the BOH, and that septic systems also need to be looked at.

- Mr Butterick suggests that perhaps we should go back and take a look at the OB landfill to see how much PFAS is leaching from there into the Aquifer, as the landfill is unlined and this wasn't an issue of concern 30 years ago.
 - Maura McGroarty raises her hand. She asks if this moratorium will also restrict septic systems. Delaying the installation of this specific surface seems unfair. This seems politically driven.
 - Mr Butterick responds that this isn't about politics, but that it is about public health and our public water supply. This is being addressed right now because it was brought up in an application, and the BOH needs to address this from a public health standpoint for the entire island.
 - Ms Lancaster asks if she should draft a letter to the other Health Agents for a joint meeting to discuss this regulation and ask for their opinions. The Board agrees. Meegan asks a board member to draft and send the letter, as she is on the board of health in Edgartown and will need to recuse herself.
 - Joe Sullivan asks if a mtg of the joint board of health, won't they need to review information? This information that they are reviewing needs to be vetted.
 - Walter Vail suggests that the BOH responds to the planning board, and allows them to move forward with the installation while the BOH further investigates further use of this product? If it is determined that it is an issue, the High School can then rip up the field.
 - Terry Donahue asks if on February 8th the BOH will be voting on whether or not there will be a ban or moratorium? Mr White says no, that they simply would like more time to look through the information to make an informed decision.
 - Mr Zinno asks if Mr Huntress is available to answer some questions. Is the drainage system under the field for water runoff? Is there anything under the system, other than filter cloth? Is there anything that would deal with PFAS release? No. PFAS are measured in Parts per trillion and are far too small to catch. Trench drains are in place to catch particles coming off the track itself. Mr Zinno asks is there is something to install to catch the particles and treat it if required. Mr Huntress isn't aware of a product like this. Mr Zinno asks about the PFAS levels in the machinery and blades. Mr Huntress explains that this has been identified in the manufacturing process as inert, and that they haven't been identified in California Prop 65, or EPA 537. Mr Huntress defers other questions to Tetrtech.
 - Kristen Mello asks that the information that she had sent over is also reviewed when the BOH members are looking at info in order to make their decisions.
 - Mr Zinno asks if testing that was done was performed to simulate the natural environment that this product will be exposed to, such as high temperatures and sunlight? Mr Huntress says that it was done and was much more aggressive than what you would find in the natural environment today.
 - Steve Myrick from Tetrtech met with Ms Lancaster and Mr Butterick last week and went over the reports. He was hired by the MVC and spoke specifically to the report that he had provided. He confirmed yes that there is a risk with installing this product.
- Discussion of draft regulation to clarify definition of "bedroom" for Title 5 purposes
 - Ms Lancaster sent the draft to the Board members for this regulation. It is wording taken from the Town of Tisbury. Ms Lancaster names the multiple towns within the

state that have local regulations defining a bedroom, additional to the Title 5 description. None of the members provided feedback via email. A hearing to vote on this regulation is scheduled for February 8.

APPOINTMENTS:

- 19 Tiffany Dr. 36-7-21 – Don Davis
 - Homeowner request to install full bathroom in finished basement
 - Mr Davis had submitted a building permit application, and Ms Lancaster had informed him that adding a bathroom in the basement would deem that area a sleeping space, and that this wouldn't be allowed.
 - Mr Davis explains the reasoning he used to determine that the basement area was the most suitable space for an additional bathroom in the home, and that per his due diligence, this bathroom should be allowed per the local board of health regulations and Title 5. There is no intention of this open space basement area to have a sleeping space. Mr Davis asks that the permit application be approved and able to move on to the building department.
 - Ms Lancaster states that the BOH has been consistent with their determinations on this over the course of the last couple of years.
 - Mr Davis claims that the BOH practice has been specifically practice, not policy.
 - Ms Lancaster responds that this regulation is in no way a response to his building application, but due to the increasing request for these types of applications and a need for clarity for homeowners.
 - Ms Lancaster provides three options: Remove the shower and have only a half bath, remove an existing bedroom from the upstairs of the home, or expand the septic system.
 - Mr Davis states that he will review these options and reach out to Ms Lancaster for to review previous applications.

APPROVAL OF MINUTES:

- December 14, 2021
 - Mr Zinno makes a motion to approve the minutes. Mr Butterick-2nd. Unanimously approved 3-0.
 - Ms Lancaster states that she will send these minutes, just approved, off to Mr Davis, as there was a discussion on that agenda for a very similar building permit application, that triggered the regulation discussion today.

AGENTS UPDATE:

- Purple Air Sensor Grant – Awarded to Town of Oak Bluffs
 - Five units to be installed at Oak Bluffs School, Highway dept, shellfish building, police station and Island Alpaca. Open monitoring system for people to login and see real time results.
- COVID Test kit distribution update
 - 10670 tests given out to date (once today's distribution is completed) in Oak Bluffs.

At 11:42 AM Mr Butterick makes a motion to adjourn. Mr Zinno-2nd. Adjourned 3-0.

Respectfully submitted by Alexa Arieta, Assistant Health Agent.