



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
March 8, 2022 – MINUTES**

Members Present: William White, James Butterick, Thomas Zinno

Others Present: Meegan Lancaster, Lorna Welch, Garrett Albiston, Mike Hugo, Maura McGroarty, Barbara Welsh

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

APPOINTMENTS:

- **Mike Hugo of Mass Association of Health Boards - adoption of regulations and policies**

Mr. Hugo was asked to look at our polices and regulations and to differentiate between the two types. He felt what we had was confusing but would be easy to fix. Our policies are not well labeled and are not catalogued anywhere for the public to see them which is an issue that he can also help with. A regulation is a law, and we are passing health laws that have fines and enforcement provisions. A policy is how to make that law/regulation work so that it runs smoothly, and people know where they stand. So they need to be able to find the polices easily. We also have some duplications which would be a matter of pure housekeeping. Our regulations are very good and done exactly right but we may want to add what the vote was.

To protect the Board from someone claiming that we are doing something arbitrary and capricious we should have everything grounded in science because we are dealing with health issues, and we should always have a public hearing. Mr. Hugo also touched on emergency regulations and the protocols and will email the Board regarding that in more detail. Mr. Zinno stated that we should review our polices and make sure that they go with our regulations and see which regulations needs policies. Mr. Hugo stated that you can have many policies that go with one regulation. We also have policies that are subordinate to Title V. He used the example of adding bathrooms to finished basements. We could have policy about that as it affects our regulations and Title V.

Mr. Hugo recommended that we print up all our policies, go through them, do away with the ones we do not need any longer and then create a catalog of the ones we want to keep and number them. Mr. Albiston stated that he learned from the building department that Title V cannot hold up a building permit from being issued. Mr. Hugo disagreed with that and stated that we have the right, if it is health based, even under the nuisance statute, that if it is going to affect the rights of other people around this property, we can stop that building permit from being issued. Mr. Hugo will facilitate a meeting with Mr. Albiston and Cheryl Sbarra, the Executive Director of MAHB and their chief legal counsel.

BOARD MEMBER DISCUSSION:

- **Health Agents departure and staffing plans**

Mr. White is happy to report that Mr. Albiston is the acting interim Health Agent. Wendy, our personnel director, has posted the health agent and assistant health agent positions but we have not had any applicants yet. We are actively recruiting.

- **Catie Blake - appoint as a temporary agent of the Oak Bluffs Board of Health**

Ms. Blake as agreed to help us get our restaurants open for the season by conducting pre-opening inspections with Mr. Albiston. Mr. Zinno made a motion to appoint Ms. Blake as a temporary health agent of the Oak Bluffs Board of Health. All in favor.

- **57 Isaac Ave., Map 22 Parcel 58 – Discussion and vote on bedroom count for septic**

Mr. Albiston stated that we received a building permit application from Ms. Welsh to build on her property. He shared his screen to show the board her location. Back in the 1980's lot numbers 57, 53, 45 and 37 were one lot and then subdivided to four lots that all have four-bedroom septic designs with a tank and a pit. This happened before the Zone 2 regulation was enacted. Ms. Welsh never got a Certificate of Compliance (COC) due to a previous health agent not completing the paperwork. Then Brian Dudley from the DEP was contacted years ago and recommended that it should only be permitted as a one-bedroom property because it was never issued a COC. Mr. Albiston felt that the previous times it was voted on the board had misinformation and the absence of a COC it was more of a clerical error. There are also many other septic permits from that error that were not issued COC's. Ms. Welsh stated that back in the early 1980's these properties were constructed with foundations and septic systems by Russell Rogers. Mr. Rogers said that there was no paperwork back then and everything was done with a handshake. Mr. White stated that there is a lot of truth to that.

Mr. Albiston requested that the Board votes to issue the homeowner with a four-bedroom COC. Mr. Butterick made a motion to issue a COC for a four-bedroom septic design. All in favor.

BOARD MEMBER UPDATE:

- **Mask Mandate**

On March 2nd all the Boards of Health rescinded the mask mandate. It is up to the individual business if they want to require masks in their establishments. Mr. Butterick asked about the library and their request to keep the mask mandate. Mr. Zinno stated that the Selectboard was to vote on that, and he would check to see what happened. Mr. Albiston stated that we got a large shipment of masks from the federal government at the same time we were lifting the mask mandate. He has dropped off a couple of cases at the library and has some for the Council on Aging. The Oak Bluffs School would like some and we have given out some at the town hall along with Covid test kits. He asked if the board knew of anyone else who would like some. Mr. Zinno suggested contacting the churches.

- **PFAS and septic systems**

Mr. Zinno stated that Adam Turner would be working with him and the other boards of health on testing for PFAS in septic systems and some building materials like roofing or siding materials that may have PFAS pollution and finding the best way to remediate. In the process of looking at PFAS he came across a product

that they use in landfills which is a cloth material that has the potential to be used under septic systems or under things to absorb PFAS and it happens to be two to three times more effective than activated charcoal carbon that they use in most of the well remediation for PFAS. The methodologies they are using at the airport on the private wells seem to work well.

Mr. Zinno mentioned the large affordable housing project with an 86-bedroom septic system over by the ice area after attending a meeting on the project. He anticipated that they would be coming to the board with a septic design soon and possibly using two of the John Smith systems.

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

Respectfully submitted by Lorna Welch, Administrative Assistant.