



Town of Oak Bluffs
Board of Health
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William White
Chairman

James Butterick
Thomas Zinno
Board Members

Garrett Albiston
Health Agent

Alexa Arieta
Assistant Health Agent

BOARD OF HEALTH MEETING MINUTES May 24, 2022 – 10:00 AM

**In accordance with Governor Bakers emergency modification of the Open Meeting Law
this meeting was held virtually.**

Members Present: William White, James Butterick, Thomas Zinno

Others Present: Garrett Albiston, Alexa Arieta, Reid Silva, Joe Sullivan, Kris O'Brien

APPOINTMENTS:

- **Reid Silva on behalf of Blythe Coleman Map 8 Parcel 24**

- Variance Request:

- 1) Septic tank to property line 10' required: 2' proposed.
- 2) Septic tank to foundation 10' required: 2' proposed.
- 3) Leaching facility to property line 10' required: 2' and 7' proposed.

Reid shares his screen to present. Upgrading from what is currently two cesspools connected, to a Title V system. Lot is very small and requires variances to install. Crawlspace under house is only 2.5' deep.

Mr Albiston has no issues with the variances requested. This appears to be the only option for install on a lot this size.

Mr Zinno asks to note on the plan that a barrier would be needed if a full foundation is ever proposed to be installed.

Mr Zinno makes a motion to approve. Mr Butterick seconds. Approved 3-0.

BOARD MEMBER DISCUSSION:

- Board member discussion and review of a draft moratorium on the installation of artificial turf and related sports surfaces containing PFAS in the Town of Oak Bluffs. Possible vote.

Mr White explains that this will be a board member discussion.

Mr Butterick asks about Town Counsel opinion. Mr White explains Town Counsel is spending more time looking into it.

Mr Albiston reads the proposed moratorium.

The board discusses the timeframe for the moratorium being 24 months vs 36 months. Town Counsel thought 36 months seemed too long, based on experience. They also explain the moratorium could be revoked at any time, if information changes.

The board discusses the need for this moratorium in order to gather more data. The Board of Health is tasked with protecting public health, and they need to err on the side of caution with this before allowing something, like an artificial turf field, to be installed over the aquifer.

Mr Zinno expresses his concerns about PFAS affecting the public drinking water supply and that the design of the field is one of the issues, in that it doesn't capture any PFAS. He says it was designed with no safety net and that is a concern. He states that they all agreed that they needed to take a step back, get more documentation, and come up with a better plan.

Mr White expresses his support of the moratorium, and states the main responsibility of the board of health is public safety. He states that the board takes that very serious and based on the scientific information presented, he is not comfortable based on the facts that were given and the new information that's coming out. The Board cannot NOT act on this based on the information presented. He fully supports issuing a moratorium.

Mr Zinno comments that acting with caution and protecting our drinking water is paramount for us on the Vineyard.

There are members of the public with hands raised. Mr White reminds everyone that there has been a lot of public testimony on this previously, and that this was meant to be a board discussion. He is not trying to shut down public comment, but does not want to begin a back and forth.

Mr Butterick states that as the evidence against PFAS continues to grow, we have to act with caution. The Interagency study that the state is doing, they will likely move very quickly, and probably regulate PFAS, as a group, not just the six that they've isolated so far. He thinks we need to share this with the other Boards of Health on the island, as this affects them as well.

The board welcomes public comment, but it should be new information, not a repeat of what we have already gone over.

Mr White loses zoom connection. Upon return to the meeting, he asks Mr Zinno to chair the remaining portion of the meeting since his connectivity is bad.

Mr Zinno calls on Kris O'Brien to speak.

Kris O'Brien asks if the draft moratorium has been placed on an agenda prior to today. Mr Albiston reads the agenda for today and states that it was previously on the agenda on May 3rd.

Mr Albiston states that on May 3rd, there was a discussion of draft regulation to restrict the installation of artificial turf containing PFAS in the Town of Oak Bluffs.

Ms O'Brien asks about the description being different, between a regulation and a moratorium. Mr Albiston states that a moratorium is a type of regulation.

She asks if the board has voted to move forward with a moratorium prior to today. She answers her own question, no, because it wasn't on an agenda.

She asks if it has been vetted with the town attorney. Mr White states that the board is in the process of that. He states that it did not need to be vetted with the attorney prior to putting this conversation of the board on the agenda.

Ms O'Brien states that prior to May 16th, there was no discussion of a moratorium by this board, or consensus taken, and this was not vetted by the attorneys. Is that an accurate statement?

Mr Zinno states No, that is not accurate. He states that it was discussed as an agenda item on May 3rd. There was a general discussion amongst the board.

Ms O'Brien says that she didn't realize when the word regulation was used that it was referring to a moratorium.

Mr Zinno says that a moratorium was discussed as an option when a ban was initially presented by the previous health agent, and that as a board they didn't feel that that was the way to go. A moratorium would allow them to gather more information.

Ms O'Brien asks to clarify what a "related playing surface" is. Does this include tennis courts, basketball courts, and playgrounds?

Mr White states this is a draft document and Town Counsel will go through it thoroughly.

Ms O'Brien states that the moratorium listed many products that the board was concerned about that contained PFAS, and it feels like the turf field is the scapegoat for all of this.

Mr White reminds everyone that the board has directed the health agent to do this job and to write this regulation, and that he should not be the lightning rod for this discussion.

Joe Sullivan requests to speak. He says that targeting the track and field is an injustice. Why does the moratorium not include septic systems? It is short sighted to target only the track.

Mr Zinno states that we need a sports facility that meets the needs of the island kids. But he thinks that our concerns are real and they need to be considered.

Mr Butterick states they all understand that PFAS is not just in the artificial turf, it's everywhere. The issue with the artificial turf is why, when we know we have PFAS at our water supply already, would we put an artificial surface on top of it, knowing it is going to leach some PFAS into our water supply, and knowing there's going to be more regulation of it soon.

Mr Sullivan responds that he agrees, but that it needs to be applied across the board, to septic systems as well.

Mr Zinno states that is likely going to be our next really big issue. Septic systems will have to be designed to address not only nitrogen, but also PFAS.

Kris O'Brien asks that when the board sites science in the future, they are specific to the science they are using. She recommends looking at the Weston and Sampson document, from the Nantucket public school system website. They were asked to look at our test results from the MVC. They also tested the soil. She asks if the board was aware of what is in their soil on Nantucket? Kris states that that report shows that the likelihood of damage to human health from the soil was greater than from the synthetic turf.

The board states that they have all read that report.

Mr White makes a motion to adjourn the meeting at 11:07AM. Mr Butterick seconds. Adjourned 3-0.

Respectfully submitted by Alexa Arieta