



# TOWN OF AQUINNAH

## BOARD OF HEALTH

955 State Road, Aquinnah, Massachusetts 02535  
(508) 645-2309 - Fax (508) 645-7884 - E-Mail: [healthagent@aquinnah-ma.gov](mailto:healthagent@aquinnah-ma.gov)

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## Minutes

Thursday, June 14th, 2018  
Aquinnah Town Hall, 6pm

Present: James Glavin and Sarah Saltonstall

Also Present: Chris Alley, Mike Thomas, Sarah Thulin, Jack Fruchtman, Eric Stange, Barbra Costa, and Phoenix Becker

Public Hearing came to order 6:02pm

### **New Business Items for BOH Review and Discussion**

Levitt, 61 Moshup Trail (Map 6 Lot 105.2) septic system construction. Mike Thomas presented plans for a four bedroom system with a new 1,500 gallon tank and pump chamber to replace a failed system. Mike said that the proposed design was trying to avoid the wetlands and that they would like to be able to add a forth bedroom to the house and were willing to put in a new well to meet state minimum setbacks for the system but could not meet the Aquinnah setbacks. They were asking for variances in the distance of the well to the lot line and the well to the septic. Sarah Thulin from Conservation Commission spoke about Con Com's concerns that the house is surrounded by wetlands and because of the nature of the site and the size of the wetlands Con Com recommended that the house stay three bedroom. Sarah Thulin noted that there are currently no plans for the expansion of the house which is for sale and an interested abutter wrote a letter tonight.

Phoenix read a letter from Chris and Tom Murphy of 2 Old South Road asking that the variances be approved. Barbara Costa and Eric Stange said they have property across the street. Jim asked if there were any other comments. Sarah Saltonstall said that she was present for the soil evaluation and noted that it is a very tight site with the wetlands and there is a grade change and she was concerned about breakout. Mike said it was covered for breakout. Jim looked at the plans and said it looked very close. Mike looked at the plans and said that maybe not, there could be an issue. Mike noted they could redesign with a presby system because they are better for breakout.

Sarah Saltonstall motioned to approve the system with the condition that it remain three bedroom because of the nature of the site. Jim seconded. All ayes.

Jim asked Mike if they would redesign the system because it is only three bedroom. Mike said yes and look at the breakout. Jim said good, that would be better. Condition: that they send revised plans to the BOH and don't need to come back.



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Close Public Hearing 6:15pm.

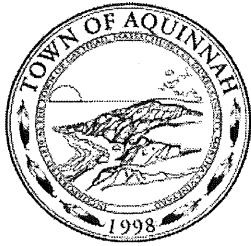
Lake, 1 East Pasture Shore Place (Map 4 Lot 71) septic tie-in plan revision. Mike presented revised plans for a septic tie-in for an accessory apartment. Mike noted that they did an archeological scraping and found something; they now plan to connect by directionally boring. Jim and Sarah said that they accept the revised plans, no vote needed.

Fruchtman, 42 Hebrons Way (Map 12 Lot 144) septic upgrade and tie-in for detached bedroom and deed restriction. Owner Jack Fruchtman was present. Chris Alley presented plans for a detached bedroom and provided the BOH with the requested floor plan for the house showing a three bedroom house and an office with a window into the living room. The house has a leaching pit system designed for four bedrooms. A deed restriction signed by Jack and Joana Fruchtman would require that the office remain not a bedroom. They requested that they would like to not record the deed restriction until the plan gets through Planning Board and Conservation Commission. The detached bedroom would then become the fourth bedroom; the 1,000 gallon septic tank would be replaced with a 1,500 gallon septic tank. Sarah S. asked if it is all sand there. Chris said the 1989 soil evaluation is medium and fine grain sand with boulders and a trace of clay. Sarah motioned to accept the plan as presented with deed restriction. Jim seconded. All ayes.

Chris said he would let Phoenix know when the deed restriction is recorded and she can download it from the Registry.

Vanderhoop, 22 State Road (Map 8 Lot 30) discussion of commercial designation for system approved at 3-20-18 BOH meeting. The BOH asked Chris Alley the design engineer for his opinion of Juli Vanderhoop's request that her system be redesignated as not commercial. Chris said that the distinction between residential and commercial is not triggered by gallons, commercial always needs a grease trap and she also needed an extra-large field. Chris also noted that commercial kitchens need triple sinks, grease traps, and moping sinks and that selling product is also a definition of being commercial. Jim said that obviously it is a commercial operation she has there, is it required that the verbiage commercial be on the plans? Chris said I'm not sure, but I don't know that it would pass the straight face test. Sarah said it is also her residence, why doesn't she just negotiate with the Tribe? Jim, that can be hard to do. Chris said it is half residential and half commercial, may be they could pay for half? Jim said I've read Title 5, its commercial but does it have to say commercial on the plan? Could taking out that verbiage get her in the door? Chris said I can't represent it as noncommercial.

Jim it is a mixed system and not really a BOH matter. Jim directed Phoenix to write a letter saying that it is a mixed system serving both residential and commercial bakery.



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The May 24<sup>th</sup> 2018 BOH minutes were read and reviewed. Sarah moved to approve the minutes with spelling correction. Jim seconded. All ayes.

### **Old Business Review of Board of Health Regulation**

Sarah asked Jim if he had found any space for sheds at the LDO. Jim said that Chip's floats are there and on the other side the grade falls off too much and it floods. Sarah asked if Chip still wanted the stuff. Jim said that the plows might be able to park there, but do the floats come in and out? Sarah said we could tell Jay that he could move his plow there. Jim, yes.

An application for the Septic Repair Loan Program had been received by the BOH and was reviewed. Jim noted that the applicant did not state any preference for term length. Noting that interest rates had gone up that day, Jim asked Phoenix to look up the rates for five year loans, suggesting Bankrate.com, and offer it to the applicant at that rate. Jim said the applicant would have to execute a mortgage and promissory note. Sarah motioned to give the applicant the loan for five a five year term at the going rate. Jim seconded. All ayes.

Jim said the loan should have quarterly payments with principal and interest. Jim noted that the loan would have to be drawn up by either Sibel (if she wants too) or the applicant can find a professional to write it up, but the BOH needs to approve the drawn up mortgage and note at a meeting.

Two submissions in response to the Public Nursing Contact RFP were reviewed, one from Island Health Care and one from the VNA. Phoenix noted that the VNA proposal did not offer the services we requested and had greatly reduced the hours to keep the cost down. She also noted that both proposals were well outside our Nursing Budget. Sarah asked if we are rejecting the VNA proposal. Jim said VNA is off the table, they were unresponsive. Sarah commented that we use very little of the Public Nursing Services, but we have to have a safety net for people. A discussion occurred of how the costs of services shared by the six island towns are divided and the use of the 50/50 formula. Jim said the 50/50 formula gets us within spitting distance of our budget. After inspecting Aquinnah's percentage using the 50/50 formula Jim said come Hell or high water we will not pay more than 3.17%. Jim felt strongly that Aquinnah will only pay for services we use and only after services are rendered. That's our bottom line. Not voting at this time.

### **Health Agents Report**

Phoenix told the BOH that Natalie had asked her to cover for her at the LDO if Natalie had to go off island. Jim motioned we should vote that Phoenix is authorized to be paid at Natalie's rate when and if she covers for Natalie at the LDO. Sarah 2<sup>nd</sup>. All ayes.



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Phoenix informed the BOH that she recently learned from the Town Treasurer that the prior two Assistants to the Board of Health had each been paid a fee for performing inspections. The Board agreed this was the case and Phoenix should submit a bill for the inspections she performs.

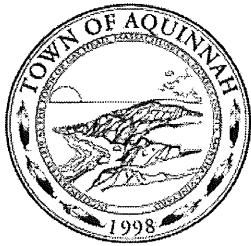
Phoenix expressed to the BOH that while the position was budgeted for 18 hours a week and she was submitting timesheets for only 18 hours she had been working full time for three months to try to correct issues with the way the department had been left and to get things set up so that everything can open this spring. Jim expressed concern about working so much uncompensated time. Phoenix reminded the Board that her position was increasing to 19 hours a week starting July 1<sup>st</sup>, but said that it was unrealistic to think that the inspections, increased demands from the public and trying to complete the Nursing Contract could occur in less than 30 hours a week in July and August. Phoenix asked the BOH to allow her to earn two hours a week of comp time in July and August to complete the Nursing Contract negotiations, perform inspections and accommodate the increased needs of the public. This appeared to be the only vehicle for accommodating the increased seasonal demands of the job while still keeping the position under 20 hours a week. Jim asked how the comp time would be paid out, and Phoenix said she intended to use it in the winter when things were not busy. Jim said he absolutely approved Phoenix earning up to two hours of comp time a week in July and August and motioned to vote. Sarah 2<sup>nd</sup>. All ayes.

Phoenix asked the Board to review some inspection reports that appeared to have issues. The Board asked Phoenix to follow up with Doug Cooper about the well water sampling results for Lantana 5-99. The inspection report for the A/I system of Mannion/Goldfield 9-44 was reviewed at length. The Board concluded that there was a problem with the effluent line and that it had settled and was pitched wrong. Jim instructed Phoenix to write a letter to the owners telling them that they had 30 days to correct the system deficiencies outlined in the inspection report. If they contact with technical questions refer them to Doug Cooper who performed the inspection.

Phoenix discussed Lang Gerhard's well application with the BOH. They want to drill a well on one lot to serve a dwelling on another neighboring lot also owned by Gerhard. Both lots have dwellings and the well was drilled without a permit. Phoenix expressed her confusion with the plans creating a delay. Jim quickly realized one of the lots was mislabeled on the plan. Phoenix mentioned we had required an easement for a similar situation with McDonald recently. Jim said the easement could be checked on the registry of deeds website if we had the book and page.

Jim motioned to adjourn the BOH meeting, Sarah seconded. All ayes.

Meeting adjourned at 8:01pm.



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Approved:

Submitted by: Phoenix Becker