

Board of Health Meeting

Tuesday August 22, 2023

2:00 PM

Meeting attendance by remote Zoom participation

2:00 PM: Open Meeting 2:07

Bills:

Island Health care: \$1,972.20

Amazon: \$40.35 webcam/clicker for seat counts in food establishments

Agent's Report

Old/New Business

Business as usual. Conducting food establishment re-inspections. Drew has been helping out a lot with beach road weekend and the fair. Beach testing is going to wrap up next week. Drew is going to start soil school in September. Water testing has been good in Edgartown compared to most of the state. Last week there were 40+ beaches around the state that were closed but we haven't had to close any beaches here in town. MV CYANO testing from last week showed there are elevated levels of cyanobacteria in Edgartown Great Pond that fall within the orange alert range. They sent off samples the week prior to identify the type of cyanobacteria present in the pond. We posted a sign at Wilsons landing but that is more precautionary because the cyanobacteria detected is not a toxin-producing species.

Variance Hearings:

2:10 PM 9 Suttons Way (AP 36-16.1) DWP #89/2022

2:15 PM 20 Kent Harbor Road (AP 36-326) DWP # 154/22

Participants: Gretchen Regan, Candace Nichols, Chris Edwards, Connor Downing, Emily Godfrey, Drew Belsky, Chris Alley, Deborah's I-pad, Gerry Moriarty, Chuck Sullivan, Eileen Leo, John Leo, Kara Shemeth, Ed Pearlman.

Chris E. made a motion to approve the two bills. Gretchen and Candy voted aye, bills **approved.**

Chris E. made a motion to approve the July 11th, July 25th, and August 8th meeting minutes. Candy and Gretchen voted aye, minutes **approved.**

2:10 PM 9 Suttons Way (AP 36-16.1) DWP #89/2022

Chris made a motion to continue 9 Suttons way. The board voted aye, hearing **continued**.

2:15 PM 20 Kent Harbor Road (AP 36-326) DWP # 154/22

Chris Alley came before the board to ask for a 19.9 percent overage of septic flow instead of the 4 percent overage the BOH previously approved at 20 Kent Harbor Road. This is a vacant lot for which the Board already approved the new MicroFast septic design for a seven-bedroom house.

Chris Alley explained to the property owners that once they take advantage of the extra bedroom variance with advanced treatment, they cannot add any deed restricted spaces. The best option would be to turn to the BOH and ask for a variance to finish the basement and make the already approved seven-bedroom house an eight-bedroom house. The same MicroFast model would be used and an additional row of infiltrators will be added. This would equal a 19.7% overage instead of the 4% overage the BOH had previously approved.

It was concluded that the floor plans for the first and second floor have not changed and there are no updated plans. Chuck Sullivan showed there are no windows down in the basement for a second means of egress.

Candace made a motion to approve the variance and allow the application but is conditioned on only a half bath in the basement. The final basement plan needs to be approved by Connor and no other deed restricted spaces are allowed.

The board made a motion to approve the variance request, the variance was **approved** unanimously.

Gerts Way Turkey discussion:

Connor gave the BOH and participants an overview of where the BOH stands in regards to the continuous turkey situation at Gerts Way. Connor had spoken to Steve Wright who is a Biologist for the state of Massachusetts. Steve voiced the state does not remove or relocate turkeys UNLESS there is one turkey that is particularly aggressive. With that said, the state has never moved a whole flock. Animal control stated they could reach out to Mass Fish and Wildlife to see if they could provide guidance on the issue.

Connor has drafted a couple letters for the BOH to review and send to the abutting properties in regards to feeding turkeys and the trouble it poses. Connor is scheduled to walk Gerry Moriarty's property after the meeting today.

BOH member Gretchen announced the discussion today should focus on solutions to the problem and what we can do next.

Ed Pearlman, a neighbor to the Moriarty's spoke up and expressed he is confused as to why the BOH is checking with other state biologists and officials. "You have the clear authority to Remove these turkeys from our street. You shall examine the problem and you shall either destroy remove or prevent the problem. What we have been trying to do is prevent the problem. Over the past year, the residents have

been trying to shoo away the turkeys, we have done everything we can to prevent them from coming on the property. What they do is scatter and fly up to the roof or to the neighbors. The state biologist has no authority here. You do. All we are asking is to remove the turkeys safely and swiftly. I simply don't understand why we are trying to run around and get advice from others. I ask you to look into the authority you have and come back to us with a plan to remove them."

Gretchen questioned if there was any knowledge or evidence that it's possible to remove and relocate the turkeys. She suggested this might be a temporary solution but is unsure if there are any other communities who have been successful in doing so.

Chris Edwards clarified that turkeys are protected in the sense where yes you can hunt them, but you can't do anything else to them such as take, molest, destroy, disturb, or have in possession. They are State regulated.

Mr. Pearlman expressed his concern for the health and well-being of others and stated the turkeys are a health nuisance. "This is not about liking the turkeys. If you are saying the statues collide, we will go to court. We can't live this way. We can't have our grandchildren in our back yard."

Candace has not seen any evidence presented so far that somebody is feeding the turkeys that is making them come to that neighborhood. Candy expressed she is not sure the BOH has the ability to go on to someone's private property and say "get rid of your apples, pumpkins etc." The BOH has been very proactive with the situation and has made a bylaw prohibiting the feeding of non-domestic animals. The BOH needs to have proof. It does seem to be that the state has authority. The BOH is not licensed to remove rats, skunks, turkeys. In such a case, the Board of Health would hire a professional to do that.

Mr. Pearlman argued "You're asking us to provide you with direct evidence. The feeding is now taking place behind the fence and we are not allowed on that (Guidi) property. I don't understand how circumstantially you cannot conclude there is illegal feeding of those birds. We can't walk on to our neighbor's property and take pictures. You have the Statutory authority to do so."

It was argued that at the last meeting Gerry presented photos of evidence and doctors notes.

Connor will send letters to the two properties that neighbors have complaints about (4 and 13 Gerts Way). The letter will invite the residents of those properties to the next Board of Health meeting in September.

Meeting adjourned at 3:18pm