

CHILMARK BOARD OF HEALTH

Minutes

December 7th, 2022

5:00 pm / in-person meeting

Chilmark Town Hall

401 Middle Road

Present: Matt Poole, Katie Carroll, Jan Buhrman, Ron Rappaport, Lenny Jason

1. **Draft Minutes**, revised November 2nd, 2022, and November 16th, 2022, minutes, with a correction made by the Board during the meeting - were approved. **Acknowledgment of sent letters to** The Yard LLC re: Fast 3.0 system, Stephen McGhee re: unpermitted outhouse, Mendez-Diez Realty Trust re: Title 5 conditional pass.
2. **Joint effort of the Board of Health, Town Counsel, and Zoning Department to clarify whether permitting via a Temporary Event Permit for 'pop up' food service of low-risk food items in the space of nonfood retail is a zoning violation.** Matt Poole explained to Lenny Jason and Ron Rappaport about the new kind of temporary retail event that started happening in various places in town in the past two years and is called a pop-up. Then Matt described that the need for guidance on the matter above began with the Salt Rock Chocolate pop-up application to sell their prepared, prepackaged chocolate in the dry goods retail space on Basin Rd, which then evolved to a second vendor request (MV Coffee Co.) to sell coffee for consumption on the premises or to go as well.

Matt asked Ron and Lenny two questions: whether the hot coffee can be poured, sold to the public, and consumed on-premises and for takeaway consumption. Ron asked if this particular pop up was permitted for a limited period of time and was informed that the application was permitted for a month –twice a week for four weeks. Matt added that the Board of Health uses the Temporary Food Event permit to enable pop-ups in town. The BOH has allowed Salt Rock Chocolate to sell throughout the COVID-19 pandemic in places like Menemsha Deli and Pandora's Box. Matt reported that BOH was not concerned about Salt Rock Chocolate activity until the pop-up location changed from the licensed food establishment to the dry storage retail space. He also noted that this BOH concern would not have surfaced if the coffee question was not brought up. It was mentioned that MV Coffee Co. initially did not have a permit when the application was dropped off but later provided the shared kitchen agreement with Orange Peel Bakery along with the permit to operate in Aquinnah. Matt noted that Salt Rock Chocolate did not have the authority to bring MV Coffee Co. as a secondary vendor. That is why the Board requested two separate permits to operate simultaneously. Lenny Jason and Ron agreed that the activities involving the 'pop up' food service of low-risk food items in the space of nonfood retail **are not a zoning violation.**

Katie Carroll mentioned that part of the back story of why the zoning question above came up was the situation with a pulled permit for Goldie's Food truck at the Beetlebung Farm in the spring

of 2022. Katie also raised other instances where Todd Christy (Chilmark Coffee Co) had asked to do events at Grey Barn and Beetlebung Farms, and it was unclear if it was okay from a zoning perspective. Jan Buhrman stated that she would like to get clarification if the agricultural exemption would still apply to North Tabor Farm with their plans to have plated sit-down dinners. Lenny Jason explained that such dinners are not allowed under the exemption. Katie Carroll also mentioned that it was brought to her attention that some of the North Tabor Farm Stand items may not be permitted for sale under the agricultural exemption. The Board is to send a reminder email to the North Tabor Farm to contact the Zoning Department to confirm that the farm stand product list is satisfactory and get clarification regarding sit-down dinner plans in terms of the Agricultural Exemption Regulations. It was decided that the **Zoning sign-off will be required on all Temporary Food Event Applications going forward**. Therefore, the Board agreed that the processing time for the Temporary Food Establishment Permit Application would require the submission no less than 15 business days before the event date.

It was revealed that Goldie's Food Truck operated on the territory of Grey Barn on October 29th, 2022, without a temporary food event permit. Ron informed the Board that the letter would be sent to the Grey Barn, acknowledging the Board of Health's awareness of that activity. Matt Poole expressed concern that the number of food trucks applying for a temporary event permit may increase and suggested reflecting the zoning aspect in the specific guidelines within the Board of Health Regulations.

It came up that the caterers have been using the temporary food event application for private events. All caterers are required to provide notice to the Board of Health of the upcoming event, according to the Food code. The new inspector is to look to see if an event permit notification form for caterers exists within the BOH office, if not, one should be created.

3. **The Board approved Leif Iversen's winter season pop-up application to sell coffee at Pandora's Box with Salt Rock chocolate selling prepackaged boxes of chocolate.**
4. **33 Wintergreen Way (18-25.2)** Proposed den with a cased opening and existing screened porch to be converted into a family room **was approved** as deed restriction was registered as requested by the Board.
5. **29 Welles Way (25-6.1)** Proposed plan to convert the second garage floor into an office **was approved**.
6. **512 North Rd. – Homeport Restaurant (27.1-84, 85)** The proposed plan to replace the existing failed 1000-gallon pump chamber was approved conditionally due to some details missing on the application and the plan. A more detailed description of the planned work was voiced during the telephone conversation between Reid Silva and Matt Poole on 12/07/22. Among the missing details are plans for replacing the pump chamber, float, and control alarms. Matt Poole is to draft the letter to Reid Silva indicating the details of the intended work; Anna McCaffrey is to send the letter to Reid Silva with the request to confirm receipt. The permit will be released only after the Board of Health office receives the acknowledgment of the letter by Reid Silva.

7. **BOH FY24 Budget** During the review of the proposed FY'24 Refuse District Budget, Jan Buhrman noted that a separate line for the Menemsha waste is not included in the proposed Budget. Anna McCaffrey is to contact Don Hatch to request the updated FY'24 Budget, including the waste expenditures line for Menemsha. The Board recognized the need to reallocate some of the funds to the office expense to provide the newly started BOH inspector with things needed for the office: a printer, scanner, stand-up desk, and desk lamp, phone. It was considered that the difference in salary between the new and the old Board of Health inspector could be used for that. The Board will reach out to Tim Carroll to inquire about the legalities of the fund's relocation process. The Board asked Anna McCaffrey to get the information from Tim Carroll on whether the purchase of the laptop for the Board of Health needed to be included in the BOH budget or if it could go under the general town's funds.

It was decided that several budget lines will be increased:

- Professional development – from \$300 to \$3000
- Office supplies – from \$100 to \$2000
- In-state Travel – from \$200 to \$1000

Medical services funds of \$750 will be moved to the nursing budget line. The mosquito testing budget line of \$3,203 of the current FY23 budget seemed excessive to the Board, and the Board members asked Anna McCaffrey to reach out to Martina Thornton, who does the bookkeeping for all the towns on that. Telecommunications budgeted funds of \$600 could go towards the phone for the BOH Inspector. Anna McCaffrey is to get the town's contract with Island Health Care for the Board to review and budget more accurately for Public Nursing in FY24. The new Inspector is to put together the list of the classes in the next couple of weeks that she is hoping to take and the expected cost.

➤ **Updates & FYI:**

- The Board also decided that the new Inspector/Administrator will notify the Board of Health about all incoming permit applications from now on forward.
- The Board reiterated the importance of reliance on the Open Meeting Law Regulations while communicating outside of the Board of Health scheduled meetings.
- **Invoices signed:**
 - MV Refuse District -\$1,703.95, Anna McCaffrey is to contact Don Hatch about the last slip for \$344.10 attached not being included in the invoice.
 - Bennett Environmental Associates: 4th Quarter Services-\$1,150.52 and Water operator services-\$624. Anna McCaffrey is to contact Bennett Environmental to request a detailed breakdown of the second invoice and to request the contract we have with the company.
 - Lucy Vincent Beach testing - \$30.
 - Serv Safe course, book, Exam, and certification Anna McCaffrey - \$167.95, the new BOH Inspector/Administrator.

Items not reasonably anticipated by the Chair at the time of posting:

- **Chilmark Church Holiday Flea Market Temporary Event application** – December 17th, 2022, at the Community Center **was approved**.
- **57 Menemsha Crossroad (26-108)** – Request from the owner Mr. Wattenberg to review preliminary plans for a limited renovation, check whether it complies with the current septic system, and check if the bunkhouse was on the original plan. The Board discovered that the actual septic plan application, dated 04/17/1973, included two bedrooms but did not include the existing bunkhouse. The Board expressed a concern that the planned bunkhouse roof removal might turn it into a two-level sleeping loft, which, with the plans for building the outside bathroom nearby, will add the amount of living space and increase its use. The Board discussed that any increase in flow to the existing two-bedroom system might trigger the need for the septic upgrade. Anna McCaffrey to contact Mr. Wattenberg to request more information on plans for the improvements to the bunkhouse.

Katherine L. Carroll, Chair
Chilmark Board of Health

Matthew Poole
Chilmark Board of Health

Janet L. Buhrman
Chilmark Board of Health