

CHILMARK BOARD OF HEALTH

Minutes

December 21st, 2022

5:00 pm / in-person meeting

Chilmark Town Hall

401 Middle Road

Present: Katie Carroll, Jan Buhrman, Matt Poole

1. **Draft Minutes**, December 7th, 2022, minutes **were approved** with the minor correction regarding the caterers' event notification form. The revised Temporary Food Event Application for 2023 was reviewed and **approved**.
2. **Twist, 32 Abel's Neck (31-4)** The Board received the neighbor's (31-5) sign-off on the plan, agreeing to support the installation of the well at 10 feet from the property line as requested. The Board **approved** the well replacement plan with the condition that the engineer must stake the well.
3. **7 The Aerie (20 – 54.1)** – Leaching system restoration plan by Douglas Cooper, including the plans to remove existing root-bound perforated pipes, replace 3-60ft trenches with a 32-unit infiltrator, bed removal/replacement of unsuitable soils with Goodale's sand, existing D-Box to remain, install an alarm at pump chamber was approved by the Board conditionally.
The conditions are:
 - The designer and installer must have a pre-construction meeting to establish installation critical points and objectives.
 - Plan note describing the utilization of existing contours.
 - Items in the 11/29/22 BOH letter must be completed other than root work (float +alarm, brush cut area 10').
4. **98 Kings Highway (12-21)** – The Board reviewed the new proposed 5-bedroom house plans and acknowledged that they comply with the previously approved 6-bedroom septic plan (dated 04/24/2013). The current septic system construction permit extension is good until 12/01/23.
5. **Wintergreen Way (18-25.1)** – Proposed revised well construction application **was approved** by the Board with the condition that an engineer must stake the well. The location of the proposed well has changed due to Island Water Source not being able to access the original proposed well site with their drill rig.

6. BOH FY24 Budget

The Health Inspector/Administrator updated the Board about the conversation with Martina Thornton and that she is no longer involved in the mosquito agreement between the towns. Patrick Reynolds, Public Health Biologist and part of the Inter-Island Public Health Excellence Collaboration, does all the mosquito testing, which the State's Grant covers. There are also some mosquito testing funds in the Dukes County State's Reclamation Control Board, which were paid upfront for the next several years.

The Budget changes:

- Mosquito Testing – from \$3,203.00 to \$0.00
- In-state Travel – from \$1,000.00 to \$2,500.00
- Professional Development – from \$3,000.00 to \$2,500.00
- In-State travel – from \$2,500.00 to \$3,000.00
- Water testing – from \$440.00 to 240.00

• Updates & FYI:

➤ Title 5 Inspection Report Pass:

1. 276 South Rd. (24-187)
2. 1 Old North Rd. (26-119 – guest house)
3. 1 Old North Rd. (26-119-main house)

➤ Permit application renewals received and approved:

1. Vineyard Engineering, Inc Sewage Treatment and Disposal System Installer Permit application
2. Hansen Excavation, Inc Sewage Treatment and Disposal System Installer Permit application
Approved conditionally: Oscar Hansen to connect the Board prior to each installation.
3. John Keen Excavation sewage treatment and disposal system installer application.
4. Menemsha Texaco Tobacco application
5. Menemsha Texaco Food Establishment application
6. Grey Barn Creamery Pasteurization application and inspection update.

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

The Board discussed the Health Inspector/Administrator's daily responsibilities and the need for additional hours. The Board welcomed the idea of increasing the weekly hours from 35 to 40 for this role, considering that the Board is planning on improving the accessibility to the application form and e-pay option online, updating sections of town regulations, and ongoing community efforts and the state-required septic upgrades. Katie Carrol will clarify the process to increase the hours with the town administrator.

The Health Inspector informed the Board that the Grey Barn Creamery Inspection was conducted on December 20th, 2022, and shared pictures of one of two parmesan cheese presses that had rust. As the rusty component was close to the cheese and despite having the barrier between the cheese and the press, it was found concerning since, unseen to the eye, rusty particles could be circulating in the air and ultimately could get into it the product. The Board issued the permit with the condition that the

repair or replacement of the rusty cheese press must occur within 45 days from the day the Creamery is notified. The Health Inspector must write a letter to the owner and the person in charge. The Board also spoke about concern from a Zoning Inspector regarding the fact that Eric Glasgow claimed that he owned Goldie's, which is why Goldie's operated on the territory of the Grey Barn Farm without any permitting on October 29th, 2022. Per the conversation of Matt Poole with Catherine Blake, the Tisbury Health Agent, it is incorrect, and Eric Glasgow's name is not on any of the permitting for Goldie's Rotisserie.

Based on the Board's conversation with Zoning and Legal counsel, Jan Buhrman raised a good point in that regard, stating that even if the Farm owned Goldie's Food truck, it would still not be permitted to operate on the Farm, as the farmland is not commercially zoned. The Board supported the suggestion of the Zoning Department voiced to the Health Inspector to get together at some point within the next couple of months.

The Board Members also spoke about the Winter Market at the Beetlebung Farm scheduled for December 18th, 2022. The event flyer, it was featuring: Salt Rock Chocolate (Assorted chocolate boxes and coffees), Chilmark Coffee (A variety of bagged coffees), Goldie's (Cookie boxes, preordered online), and Flatpoint Farm (Goat Milk Soaps). It was brought to the Health Inspector's attention several days prior to the event. As all the temporary food events now require Zoning to sign off, the market was run by Zoning. Based on the conversation with Lenny Jason, the market was not permissible based on Zoning Regulations. The Health Inspector notified the farm manager Mara Flanagan about this on 12/16/22. Mara was under the impression that the Market would be okay under the 2022 Retail Farm Stand Permit. The Health Inspector let Mara know that the Board of Health would honor the current 2022 understanding of the permit and advised proceed at their own risk with respect to Zoning Regulations. The Beetlebung Farm had a holiday market but sold everything through the farm stand POS system, featuring the Beetlebung Farm produce and other items purchased wholesale from island vendors. The Board members questioned whether all of the vendors above, which intended to sell at the Winter Market, had wholesale licenses. The Board suggested that the Health Inspector remind Mara to create a product list for the Farm that is planning to sell in 2023 to avoid future misunderstandings.

Matt Poole suggested inviting Marina Lent to one of the Board meetings in February to get the official handoff to the Board on the Pasteurization inspection process (State involvement in sampling and the role of the inspector), PFAS, Cide letter, 12 Flanders Ln, and 33 North Rd.

The Board reviewed the 2020-2022 contract with Bennett Environmental Associates and was informed that the new proposed contract for the next two years will be emailed within the next couple of weeks. The Health Inspector mentioned that she spoke with the company's water operator Rosemary and received clarification on the breakdown of the last bill. The water operator explained that the Chilmark Library installed the water treatment system in the past without notifying the state. The Health Inspector to follow up with the water operator to get more information on how the situation regarding the new water treatment system should be handled. Rosemary will speak with Ebba Hierta (the library director) directly to find out where it came from. Katie Carroll has asked the Health inspector to locate the public water supply folder or for the library or the community center to see if we have the documentation about the new water treatment system or follow-up actions.

The Health Inspector also updated the Board that John O’Keefe, a member of the Abel’s Hill Committee, came by and expressed that his committee members show much interest in algae blooms and inquired if the Board needs any help with the signage postings during blooms. The Board welcomed the help offered and will inform John and the committee when signs need to go up.

Katherine L. Carroll, Chair
Chilmark Board of Health

Matthew Poole
Chilmark Board of Health

Janet L. Buhrman
Chilmark Board of Health