**CH I L M A R K B O A R D O F H E A L T H**

**Minutes**

**November 15, 2023**

**5:00 pm / in-person meeting**

**Chilmark Town Hall**

1. **Middle Road**

**Present:** Katherine L. Carroll, Jan Buhrman, Matthew Poole, Anna McCaffrey, Reid Silva, Maggie Craig, James Craig, Bob Nixon, Sarah Nixon, Graeme Flanders, Judie Flanders, Dan Karnovsky, Kate Shands, Joe Mulinare.

**9/7/2023 and 9/20/2023, Draft Minutes were approved.**

**16 Red Valley Rd. (33-45.1)** (SB&H) – The Board reviewed and approved a new well application to serve the existing 6-bedroom dwelling. The current well in use is on the neighboring lot.

**26 Kennasoome Way (11-55.5)** (VLS) – The Board reviewed the septic system tie-in application for a proposed lavatoryand approved contingent upon confirmation that it is only a toilet and a sink, as Reid Silva explained. Reid will send the floor plans of the structure for the Board to review.

**Public Hearing** **144 Beach Plum Ln. (21-80)** (VLS) – Reid Silva presented the septic plan for a proposed Presby septic system for a proposed 3-bedroom house, requesting two variances:

1. Leaching facility to leaching facility (Coastal District): 300` required – 202` and 204 proposed.
2. Leaching facility to property line: 30` required -10` proposed.

Jan Buhrman read the letter from the abutter Martha Cottle, who expressed concerns about the closeness of the proposed system to her lot and the potential adverse effects it could have on her property and the wetlands. The Board asked Reid to attempt to reconfigure the system in such way that will allow the maximum separation to the neighboring lot of Martha Cottle. Reid Silva asked if the Board would like to see the IA system in this location and Katherine Carroll implied that IA would make the project more palatable, Jan Buhrman and Matt Poole recommended addition of the IA portion. The Public Hearing will be continued on December 6, 2023 @ 5:15pm.

**Request from Christina Marshall of Anderson & Kreiger, LLP and Vineyard Land Surveying to discuss BOH Regulations and legal interpretation of the variance section provided by Lisa C. Goodheart and Alessandra Wingerter of Fitch Law Partners LLP –** The Board acknowledged receipt of the letter. The office also received a carbon copy of the letter, written by Dan Karnovsky and Greg Craig, addressed directly to the town counsel with their concerns regarding the letter of Christina Marshall of Anderson & Kreiger, LLP and Vineyard Land Surveying. The Board also acknowledged this letter. Matt Poole indicated that the letters from the abutters should be addressed directly to the Board and the Town Counsel, as the counsel cannot respond to the abutters’ letter without authorization of the Board of Health and the Select Board.

**The legal interpretation of the variance section provided by Lisa C. Goodheart and Alessandra Wingerter of Fitch Law Partners LLP** was a response the Board of Health’s request re Quitsa Nominee Trust, Off Chockers Lane (33-8) septic application and BOH regulations.The letter provided an opinion that the Board of Health does not have the authority to grant the variance beyond 200 feet in a Coastal district. Matt Poole indicated that technically based on this opinion and the current BOH regulations, the Board cannot approve the variance for a failed system in a costal district with the septic to septic separation less than 200 feet.

Matt Poole proposed for the Board to take the time to the research on how and when the Costal Regulations were adopted by the Board of Health, what the Town did when this part of regulations came through from MVC. The Board of Health Admin will look through the town reports and the BOH minutes from 1976-1977 to get more information on this aspect. Matt Poole also proposed to create a side-by-side table for all the six towns and their required septic to septic distances. Reid Silva indicated that the contradiction within the Board of Health Regulations needs to be fixed so there in no confusion in the years to come.

**2 Gosnold’s Way (14-1& 26-106.1)** – The Board signed off on the proposed 1-bedroom guest house plans.

**Master Plan Survey discussion –** The Planning Board developed a Master plan survey with four questions. Katherine Carroll shared a draft of the response to the first question, which covered the description of the Board and its primary responsibilities. The Board members will work individually on the other three survey questions and forward their responses to the Board Administrator to integrate it in one document.

**Capital Improvement Plan Submission deadline is 11/23/23 –** The Town Administrator emailed all Boards inquiring if there is a desire to purchase anything more than $25,000 over next 5 years. The Board expressed that adding $75,000 to the Revolving Septic Fund would be beneficial. The Board also touched on the problem of a potable water in the town hall and the community center and the need for a functional treatment system. The Health Admin will communicate this to the facilities manager as it falls under purview of this department.

**Preliminary discussion re: Health Administrator/Inspector’s extent of the authority/responsibilities, the recent DPH capacity assessment and workforce credentialing recommendations.** The Board approved for the Health Administrator to sign off on simple septic repair and building applications. Matt Poole had also touched on the recent the DPH capacity assessment and workforce-credentialing recommendations, which included unified education standards, goals for all the Massachusetts health departments. Currently the Chilmark Health Administrator/ Inspector has the same set of responsibilities, as the island health agents do and also operates on the same level in the all island BOH/public health related decision making process. The Board made a decision to move towards the direction of making the Health Admin/Inspector the Health Agent in the new FY25. In addition to the job title change, the Board will look at all the other health agents` jobs descriptions for comparison and will update it as well. The Health Admin will notify Human Resource Board about the upcoming changes, as the town is moving forward with a compensation study.

**MOU for the establishment and maintenance of the Inter-Island Public Health Excellence Collaborative draft Review & All Island Boards of Health winter Meeting preferred date/time –** The Board looked at the MOU draft and agreed that it is important to have a town counsel look at it with a short summary. The PHE grant should cover the share legal expense. After legal counsel looks at MOU, it shall be presented to the Select Board.

**Vote on pooling Opioid Abatement Funds together with all island towns to fund the Substance Use Disorder Coordinator position** – All island towns have started receiving opioid abatement funds in FY2022. It is expected that it will be distributed annually up to 2038. So far, other towns received approx. $90K. There are strict requirements and guidelines how to use these funds and reporting requirements for towns receiving higher amounts. In the MA Abatement Terms, the State is encouraging municipalities to pool the funds to increase their impact and they even created a template inter-municipal Shared Service Agreement. An active Substance Use Disorder (SUD) Coalition on the island represents majority stakeholders on the island. The group is very much interested to be part of the advisory how to use these funds to have the most impact in the community. SUD coalition and the County Manager cleared with the state technical assistance people that these funds could be used for the SUD Coalition coordinator position, which was in last couple of years funded from your free cash.  The County manager had a meeting with all town administrators and requested to pull the opioid settlement funds to fund the SUD coordinator position (20+ hours per week, 50k a year), which is a part of the Director of Community Initiatives job title. The towns funded it with free cash in the past. Recently, we found out that MVCS is reducing the hours for this portion of the job to 4 hours per week, and the person hired not so long ago is doing it on an interim basis for now.

The Town administrators in most island towns were in favor of pooling the funds, but the IMA would also need to be approved by BOH. Dukes County is offering to be the host agency in similar fashion they are already are for other public health initiatives. The Board voted in favor of pooling Opioid Abatement Funds together with all island towns to fund the Substance Use Disorder Coalition Coordinator position

**OB BOH request to support of moratorium on synthetic turf in OB due to PFAS concerns –** The Board of Health discussed the request to support a moratorium on synthetic turf in Oak Bluffs due to PFAS concerns. The Board supported the right of Oak Bluffs Board of Health to impose a moratorium and requested to keep the Board updated on any island-wide boards of health initiatives on this issue. The Board did not feel comfortable taking sides without hearing all the testimony and being a part of the process.

**10/25/23 Menemsha Recap meeting outcomes –** The Board will discuss this at later time.

**Conservation Commission Request to schedule a joint meeting to work together on a nitrogen issue and the Title 5 revision to establish a unified approach for the future** – The Board asked to schedule the joint meeting with Con Com and Sheri Caseau from MVC on either on 12/20/23 on 1/03/23.

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

**1 Old North Rd. (26-119) –** The Boardsigned off on the renovation/addition plans of the existing 1-bedroom guesthouse.

**“The Bite” –** The owners provided an update on the current renovations: the septic was installed; rough plumbing (except the plumbing fixtures) and electrical work is done and had been inspected. Walls, ceilings are finished; the floors are not. The owners are working on pest control and the trash contracts. The Board asked to report on the exact water main location when the project is close to its completion.

**Invoices:**

* MVRD Invoice No: 21535 - $1,255.94 – approved

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Katherine L. Carroll, Chair Matthew Poole Janet L. Buhrman

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