

# CHILMARK BOARD OF HEALTH

## Minutes

October 6 2021

5 pm  
via zoom

**Present:** Katie Carroll, Matt Poole, Jan Buhrman, Reid Silva, Doug Dowling, Jerome Davidson, Janice Christensen, Kara Shemeth, Stani Iordanova, George Sourati, Aaron Schiller, Rob Young, Jason Zhao, Rick O’Gorman

### Minutes

The Board approved all 2020 minutes as amended, and asked Marina Lent to have them posted on the Town website. The Board will sign off on 2021 minutes to have them posted as well.

Minutes of September 1, September 15 and minutes of this meeting shall be reviewed for approval at the next scheduled meeting on October 20th, 2021.

**Christiansen, (13-9.6)** Doug Dowling requested an out-of-season perc test for a failed septic system. The Board **approved** the request, and specified that, should complex soils be encountered, every effort shall be made to determine an accurate high ground water level, with a report to the Board at its next scheduled session.

**72 Cobbs Hill Road (11-25.1)** George Sourati proposed a septic system upgrade to a system currently serving a 2 bedroom, 447sf guest house built in 1994. The proposal is to tear down the guest house to build a 828sf pool house and gym which will be served by a three-bedroom leach field. The Conservation Committee has approved the build, and the Site Review Committee has specified that “The applicant will need approval from the BOH and ZBA before obtaining a building permit.” ZBA review will take place in two weeks. The plan specifies that the engineer will inspect soils prior to placement of components, and inspect system prior to filling. Katie Carroll suggested that there should be test holes directly in the proposed leaching area, and Jan Buhrman asked whether consideration had been given to use of a Nitroex system for nitrogen reduction for a property which fronts on the water. The Board asked George Sourati to consult with the owner to see if he would be willing to install a Nitroex system in order to reduce the nitrogen contribution into the coastal pond.

George Sourati noted that the total bedroom use of the 8.3acre lot is dramatically below maximum use, and that the proposed leach field is outside of the coastal district. George will schedule a perc test in the leach field and a bedroom count with Marina Lent.

**McGarry, 108 Hammett Road (4-7)** Reid Silva presented a proposed and revised septic tie-in into an existing 8 bedroom leaching field for a proposed 1 bedroom pool house. The revision moved the tank to the other side of the proposed poolhouse. Abutter Jerome Davidson expressed gratitude that the system components have been moved to a greater distance from his well. The proposed plan does not require variances and was **approved** by the Board.

**16 Trail's End (19-32)** Reid Silva presented a proposed 5 bedroom tank-and-pump septic system to serve a proposed four-bedroom and one detached bedroom. Pumping is required to access the better soils. An existing 4-bedroom house will be demolished and was served by a cesspool which is to be abandoned and filled. Designer Stani Iordanova presented the building plan, which clearly shows three bedrooms. The plan does not require variances and was **approved** by the Board.

**Mason, 20 Henry Hough Lane (25-23)** Reid Silva presented a proposed septic system upgrade for an existing 6-bedroom house on a 3.09 acre lot, where a new swimming pool is proposed in the location of the existing system. A Presby system is proposed to accommodate the topography of the site, with the existing 1,500g tank to remain in place. The engineer will inspect soils prior to placement of components, and inspect the system prior to backfilling. The proposed system does not require variances and was **approved** by the Board.

**Larsen's Fish Market Building Plan Review (21-1.2)** The Board met with owner/operator Betsy Larsen and architect Aaron Schiller to review the proposed plans to rebuild the Larsen's Fish Market building on the town lease lot on Basin Road.

Betsy confirmed that no significant expansion of product is planned for the future and that sales will be what they have been, both wholesale and retail. Matt Poole strongly advised checking in with the Mass Food Protection Program officials who are responsible for wholesale operations. In particular, the Board noted that a slop sink outdoors could invite water use by the pedestrian public, or could be mis-used as a trash receptacle. Therefore, determining whether the traditional "hose-down" with floor drains into the harbor for cleaning the processing area is allowable under today's codes could obviate the need for a slop sink.

The Board asked that the existing tight tank should be inspected as a part of the process, and that this may be the best opportunity to replace the tank with a new and larger tank. The Board thanked Betsy Larsen for a very informative review of the building plan, and asked her to come back to the Board at its next scheduled session on October 20th with a complete Chilmark Food Establishment Plan Review application showing compliance with the Parks & Recreation Committee's specifications and safety of pedestrian customers outside the facility.

The Board approved the building plan as discussed, and asked Marina Lent to convey this to the Building Inspector for a building permit, including the recommendation regarding tight tank replacement. The Board noted that there is no plan for expansion of food service and the proposed plan is clearly an improvement over the existing facility.

**Sanitary Code Inspection, 33 North Road (3 - 7 & 8)** Marina Lent reported on a public health sanitary code inspection under 105 CMR 410.000 conducted after securing an administrative warrant following multiple complaints sufficiently serious in nature to constitute a potential threat to human health and the environment.

The officials present at the inspection included: Chilmark Police Chief Jonathan Klaren, Sgt. Sean Slavin, Chilmark Fire Chief Jeremy Bradshaw, Chilmark Board of Health member Matthew Poole, Chilmark Administrative Assistant Marina Lent, Chilmark Building Inspector Lenny Jason, Chilmark Plumbing Inspector Ron Ferreira, and Chilmark Electrical Inspector Rob Young. Four structures on the property were inspected: #1 the Pump House; #2 the Main House; #3 the Office, and #4 the Barn.

Structure #1, which is permitted and under renovation, was declared and posted unfit for human habitation.

Structure #2, currently inhabited, had multiple code violations, of which three were considered potentially life-threatening: lack of fire- and carbon-monoxide alarms, which was corrected on the same day; an open electrical panel immediately above a gas stove and adjacent to the kitchen sink; and a burnt-out outlet still containing power.

Structure #3, currently inhabited by at least three individuals, none of whom was present during the inspection. It was found to have multiple violations of the sanitary code; however, the extremely cluttered spaces both inside and out precluded completion of a thorough inspection of the soundness of plumbing and electrical systems serving the building.

Structure #4 was deemed and posted unfit for human habitation.

The Board heard an overview summarizing the conditions of the property with respect to electricity, and asked Marina Lent to deliver an Order of Correction to Brian O’Gorman, resident of structure #2, to ensure that the electrical panel is covered and the electrical outlet replaced within one week of receipt of the order, followed by joint inspection by Marina Lent and electrical inspector Rob Young.

The Board also asked Marina Lent to communicate with Gregory O’Gorman regarding the conditions at structure #3, which had prevented a thorough inspection of potential hazards.

Marina Lent noted that a “time-out” on additional persons beyond the owner/residents on this property might go a long way towards simplifying the needed corrections and addressing some of the complaints leading to repeated police calls to the property.

The Board is prepared to address all code violations and hazards at the property in a systematic fashion over the coming months. Matt Poole noted that The Resource Institute, Inc., could possibly provide financial assistance for the significant repairs and cleanup needed. Rick O’Gorman expressed gratitude at the town’s assistance in addressing the intractable problems associated with the property, and stated that he will continue to work with the town towards these goals.

**Flu Clinic** Matt Poole reported to the Board on upcoming plans for the annual public health Flu Clinic, which will be held the morning of October 23 2021 at the Oak Bluffs School. An informational flyer and registration forms will be posted on the town website and made available in hard copy in places likely to be accessed by residents.

### **Administration of the Health Department**

The Board discussed how to improve BOH meeting preparation and efficiency and agreed upon the following procedures to be followed, as outlined by Jan Buhrman in correspondence with Marina Lent following the meeting (see Appendix 1)

- **Posting the meetings with a live link with an *annotation* the agenda on Fridays before the meetings.**
- **Having plans uploaded in the google drive ready for us to review on Fridays before the meetings.**
- **Having minutes delivered in an email *within one week* after the meeting.**
- **If a bedroom count will be needed, it needs to be done BEFORE the meeting.**

In addition, she suggested that Marina Lent create a matrix reflecting plan review requirements of the Food Code to ensure that all components of a plan presented to the Board have been covered. She noted that the Board will have a number of food establishment plan review processes coming up this fall.



Appedix 1. Correspondence from Jan Buhrman:

Marina,

I am trying to follow the recent emails I want to respond to the question that you sent :  
“TELL ME WHAT I CAN DO”

Here is my response and thoughts :

Since Covid, we have all taken to emails and texts and while it was needed and certainly is needed for a quick message, we should all make an effort to not use emails and texts as ways to communicate.

Here is what you can do:

I personally do not need to know where you are or what you are doing on a daily basis.

I do not need to know when anything is posted or put in the drive.

I only need to know that the meeting is posted on time, and documents to match are in the drive.

I find text that are not relevant and long rants of emails are not the best way to communicate.

We all have our own schedule and timelines for preparing for the meetings, but I believe it all should be in the drive when you post the meetings. Naturally, some things come up, but having all the paperwork in place and the link posted is good practice.

I know we have spoken about how what you do benefits the whole health of Martha’s Vineyard and we have acknowledge this, but your job for Chilmark must be a priority.

We have voiced our concerns that we would like you to focus on Chilmark Board of Health tasks around our meetings.

You agreed this was manageable and that getting the past meeting’s minutes are a priority..

This is what we all agreed to:

: Posting the meetings with a live link with an **annotation** the agenda on Fridays before the meetings.

: Having plans uploaded in the google drive ready for us to review on Fridays before the meetings.

: Having minutes delivered in an email within one week after our meeting, so we have a week to read through, make comments and get them back to you to be accepted at the following meeting.

-This is efficient ways for us to approve minutes at the following meeting.

: If you know a bedroom count is needed, it needs to be done BEFORE the meeting.

We seemed finally getting through most of the minutes from 2020 and 2021. Let’s look at the meetings that are posted on our website and compare to the list below as I believe some are missing.

I created a check list to keep this a priority because this has been an issue int the past.

I thought (w/ your agreement) that this was a good form.

Part of your job is to prepare us for the twice monthly meetings and to get them posted and communicated clearly to us and our community, this is what you can do!

Thank you,

Jan

This is what I believe is missing and I agreed to go through these and make sure we are all up to date by the next meeting :

The minutes for 2020:

January  
February  
March  
April  
May 7  
June  
July 1  
September 16  
November and December

The minutes for 2021:  
January 6th and 20th  
March 3rd and May 19  
June 2  
June 16  
July 24