

**TOWN OF SHEFFIELD
BOARD OF HEALTH
JUNE 27, 2023
TOWN HALL FIRST FLOOR MEETING ROOM
5:30 PM
MEETING MINUTES**

Members Present: Pat Levine, Chair
Joshua Webb
Scott Smith
Eileen Clarke

Others Present: Nadine Hawver, Select Board
Ken Smith, Planning Board
Sari Hoy, Planning Board
Jayne Smith, Food Inspector
Josh Risen, Board Administrator
Members of the Public

Chair Levine called the meeting to order at 5:30 PM.

Discussion/ Possible Action to Vote on holding a Public Hearing on the Proposed Feeding the Wildlife Regulations Scheduled for July 11, 2023.

Chair Levine stated that a vote was required to hold the above referenced Public Hearing and offered to entertain a motion.

J. Webb moved to hold the Public Hearing on the Feeding the Wildlife Regulation on July 11, 2023 at 5:30 PM, seconded by Chair Levine. The Motion was defeated by a 2-2 vote, E. Clarke and S. Smith voted no. There will not be a Public Hearing regarding this matter.

Chair Levine stated that it is very important to hold the Public Hearing because the public was not permitted sufficient opportunity to voice their opinions during the June 13, 2023 Board of Health meeting.

E. Clarke stated that since the Select Board has already denied this type of regulation and as such the Board of Health should not be bringing it before them again. E. Clarke also expressed her concern about who is going to be enforcing the regulation. S. Smith said that the regulation was too engulfing and should be reduced in scope and that he thinks the State should be the one regulating this matter. S. Smith also said that he is concerned that the regulation could be used as a weapon in situations where neighbors are feuding.

Chair Levine stated that in the absence of the State passing legislation on this matter, it makes sense for the Board to do so, and explained that the regulation is so long because it is designed to protect the community and has to account for many different factors. Chair Levine stated that she had been in communication with Chief Munson about enforcement of the regulation and stated it would be enforced in the same manner as any other regulation. J. Webb pointed out that the Board could adopt this regulation until such time as the State chose to pass a similar regulation. Chair Levine reiterated the importance of allowing the public to weigh in on the proposed regulation.

A discussion about whether the Board of Health could pass a more stringent regulation than the State ensued.

Discussion/ Possible Action on Training Presentation Regarding Mobile Food Establishments.

*Board of Health
June 27, 2023 Meeting Minutes*

J. Smith opened the training by stating that she hopes that the Board can use the information she provides as common ground to build upon. She also stated that there has been a significant increase in the number of Mobile Food Establishments (MFE) over the last several years and one of the reasons leading to the increase was the Covid-19 outbreak. The Board spent a significant amount of time discussing the differences between a MFE and a Temporary Food Establishments (TFE). The Food Code fails to define a MFE, but states that a TFE is one which operates for 14 consecutive days in conjunction with a single event.

A discussion on what types of foods can be sold by MFE and TFE without any permit ensued.

J. Smith told the Board that they have the authority to issue Food Permits for MFE with restrictions. An example she gave was that the Board could limit the MFEs to operate only on specific dates, and at certain locations, and with or without a base of operations. If the Board requires a MFE to utilize a base of operations, then it must be permitted in the city or town in which it is located. In addition, a MFE may apply for and receive a TFE permit.

A discussion about the background on issuing these types of permits ensued. S. Smith stated that the problem is the fact that there is no bylaw that allows MFEs to operate, and that is why the Planning Board has to change the Table of Use Regulations as the starting point. A discussion about which Board should establish the specific requirements needed to operate a MFE ensued. K. Smith stated that the Planning Board is just intending on allowing the MFEs, but is not desirous of spelling out all of the restrictions and requirements, and thinks that that should be decided between the Board of Health and the Select Board, and then implemented in the permitting process.

A discussion about why the TFE permit requires more documentation than a MFE permit ensued. S. Hoy stated that the Planning Board intends for the Table of Use change to allow MFEs to cover everything except a brick and mortar retail store. Basically if it is on wheels then it should be an MFE.

J. Smith offered to reach out to the State for further assistance and clarification on how to proceed once the Planning Board gets the Table of Use Regulation amendment completed. Chair Levine stated that she will attend the Planning Board meeting on June 28, 2023 and that she hopes to have Planning Board, the Board of Health and the Select Board work cooperatively to get the MFE permitting procedure to be compliant with the Town's bylaws.

A discussion regarding the permitting requirements for caterer's ensued.

Public Comment:

N. Hawver stated that she was concerned with the affordability for MFE to operate and stated that if they are using a base of operations which has already passed a food inspection in their home town or city, then it doesn't make sense to require that the MFE undergo additional inspections in Sheffield. She also expressed a concern about charging for inspections that never actually take place.

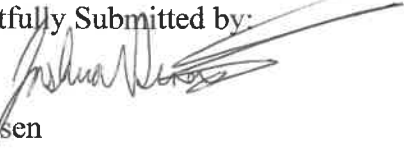
Board Member items:

J. Webb asked about what the Board could do to increase the number of days of operation available to a hotdog cart operator who has a MFE permit, but has been limited to 14 days of operation. S. Smith responded that it was a difficult situation but at least the Boards are all actively doing the best they can to figure it out. Chair Levine stated that she tried to argue for additional dates of operation for the hotdog vender, but she did not have a leg to stand on since there was nothing on the books allowing for MFEs.

E. Clarke made a motion to adjourn the meeting, seconded by S. Smith. The motion passed unanimously

Chair Levine adjourned the meeting at 6:54 PM.

Respectfully Submitted by:



Josh Risen
Board Administrator

Documents reviewed at the meeting:

- Draft Meeting Minutes
- Training materials from Western Massachusetts Public Health Association
- Proposed Feeding the Wildlife Regulations

Sheffield Board of Health

Date: June 27, 2023

PLEASE PRINT: Your Name

Street, Town

1. Barb Reeves 571 Berks. Sch. Rd. Shuff
2. Sari Hoy
3. Ken Smith 445 Silver St.
4. Nadine Hume 9 Park Ln Sh
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