

**TISBURY SELECT BOARD**  
**MEETING MINUTES**  
**Virtual Meeting Via ZOOM**  
**Wednesday, May 23, 2022, at 3:00 PM**  
**Jeff Kristal; Larry Gomez, Roy Cutrer**

**Select Board Members Present:** Jeff Kristal, Larry Gomez, Roy Cutrer

**Others Present:** John Grande, Town Administrator, Lorna Welch, Pam Bennett, David Doneski, Chief Habekost, Lieutenant Brigham, Phillip Hollinger, Akeyah Lucas, Sandro Silvio, Carlos Teles, Geoghan Coogan, Erin Leone, John Kettlewell, Ross Seavey, Kirk Metell, John Cahill

**CALL TO ORDER**

**PUBLIC HEARING**

**3:30 Nina's Dine-N-Dash Food Truck License at 61 Beach Road, Assessor Parcel 9-B-18**

Member Kristal started by informing the applicant that there were only two board members present therefore he would need a yes vote from both members. He asked the applicant if they would like to proceed or reschedule the hearing. The applicant, Carlos Teles, chose to proceed with the hearing. He explained that he is looking to have a nice place for members of the community to enjoy good food and also cater to the workers early in the mornings. Member Kristal stated that this would be an annual license.

Member Kristal started with section 2.2 of the Food Truck Regulations which relates to traffic and pedestrian safety. The applicants are not impacting traffic and pedestrian safety due to the beautiful new sidewalks along Beach Road and Mr. Teles owns the property and has ample parking as shown on the plans. Member Cutrer spoke about the subdivision of the property and asked if they were one or two on the plan. Mr. Teles stated the property is the old Ace Hardware buildings area. The Board of Health and Fire Department has done preliminary inspections but there will need to be final inspections closer to opening. He would like to see this business get open as soon as possible given the investment the owners have made and don't want them to miss the season. Mr. Grande stated that they have a hearing with the Planning Board on June 1st.

Member Kristal continued with the regulations and stated the number of food trucks operating within the town of Tisbury should be thought of before we grant an annual license. He asked about another business that was granted a license to operate in the same area.

Mr. Teles stated it was the owners of Not Your Sugar Mamas that were going to have a food truck in that same location, got approved but never moved forward with it. Member Kristal stated that one last point here is previous issues with compliance or performance of the food truck vendors or vendor which is none. He asked if there were any other public safety issues as determined by the Select Board. They would like to see that property cleaned up. Mr. Teles stated that they have a full landscape plan for the property (which is his full-time business) and hopefully will do the neighboring property as well.

Member Kristal continued to section 4.1 of the regulations which refer to hours of operation. Mr. Teles would like to be open at 6:30 am for the workers and the ferry commuters and also for dinner.

Section 4.2 is Board of Health rules and regulations.

Section 4.3 is the licenses should not be permitted to operate within 200 feet of another licensed Common Victualler's establishment without their written permission. Such permission should not be required in an instance where the licensed Common Victualler shares common ownership. Member Kristal stated that to get permission from another person to see if you can open up a business in a business district is ridiculous.

Mr. Teles stated that he has permission from Art Cliff which will provide a letter later and one from Garde East and Net Result. Member Kristal read the letters from Vince Geoffrey of Garde East and Michael Santoro of Net

Result. The town administrator received an email from Amy Johnson of Chef Amy's food truck regarding her food truck business at the Beach Road property next to Mr. Telle's property with a request that the email is read at this hearing. The email does not relate to Nina's Dine-N-Dash application; therefore, he did not read into the record for the Board's hearing on that application, however, the email will be on file with the Town. We also received a letter of support for Chef Amy from Sue Tonry which also does not apply to this application and will not be read at this meeting but will be on file at Town Hall. Member Kristal suggested the Board take a look at section 4.3 because he doesn't even know how it is legal to require people to get permission from other people to open a business. Member Cutrer stated he would have to consider taking a look at that in the future. Town attorney David Doneski stated for the record that section 4.3 is not subject to waiver. Section 2.6 which is the requirement that a food truck is in the same location as a licensed and operating Common Victualler is subject to waiver.

Section 4.4 – licenses should not deploy freestanding signs or flags unless specifically permitted by the Select Board and in compliance with the Zoning bylaw.

Applicability of Zoning bylaws will be determined by the town's Zoning enforcement officers. If you are planning on that it would need to be in your special permit from the Planning Board. Member Kristal asked the applicants if they planned on selling any merchandise or flying any banners or having freestanding flags correct. Mr. Telles responded he was not.

Section 4.5 will not deploy tables or seating unless specifically permitted by the Select Board with permission from the health Agent. Member Kristal asked the applicant if they were having any seating.

Mr. Telles responded that they are asking for seating and would like to build a deck for the seating after the landscaping is done which is in the plans submitted to the Town.

Food Trucks should not be positioned to expose clients to vehicular traffic or otherwise an unsafe manner. Any directive by the police department or other Select Board designation will be immediately complied with. There was further discussion about the location of the food truck. Mr. Telles stated that the service area would be facing the old Ace Hardware building.

Licensees shall make specific provisions for potable water, electricity, electric lighting if operated at night, collection, and proper removal of recyclables, trash, wastewater, and grease trap. Mr. Telles stated that this was all approved by the Town and in the process of being hooked up.

Section 4.9 states no licensee or employee of the licensee shall consume any alcoholic beverages or unlawful controlled substance during the four hours proceeding while on duty. Operations are permitted between 7:00 am and 10:00 pm unless otherwise specified by the Select Board. The Select Board reserves the right to set a minimum number of operational hours. The applicant would like to open at 6:30 am and stated that they would probably not be open past 10:00 pm.

All licensees are required to obtain a hawkers and peddlers or a transient vendor's license as applicable for each manager/owner that the applicant has submitted.

Licensees are not permitted to sell non-food novelty items such as T-shirts, hats, toys, masks, Covid related items (test kits) except the Select Board may approve the sale of marketing merchandise directly related to the business. Applicants stated they will not be selling any of the items mentioned. Licensee shall not be authorized to sell or provide any alcoholic beverages. The applicant confirmed no alcohol. Adequate parking facilities for customers and employees should be available which the applicants have because they own the property.

Section 4.15 states that food and beverage supply loading operations are not permitted unless approved by the Board. There was a discussion regarding how the applicants would transport supplies to their food truck. Mr. Doneski stated that it was a point of inquiry. The applicant stated that they would not be getting large deliveries

as they do not have a lot of storage. Most of their storage is in Edgartown so they would need to bring supplies over in a minivan as needed.

Section 4.16 states that maintenance and exterior washing of the food truck on the approved location is not permitted unless approved by the Board. The applicant stated that they would do this off-site because they have to take the trailer to their commissary kitchen to empty the grease as well.

Erin Leone spoke in favor of the food truck and stated that it doesn't hurt to have more business here and keep people here because it has gotten slower over the last ten years. She thinks that Mr. Silvio is a great businessperson and will do a wonderful job.

Chairman Kristal stated the license would be conditional upon all approval and permits by the Board of Health, Fire Chief, and Planning Board. He asked if anyone had any concerns. Mr. Doneski asked about the list of Common Victualler establishments which they need to get letters of approval from. There was discussion regarding the measurement of the 200-foot area of determining the relevant Common Victualler establishments. Mr. Coogan asked if the abutter notifications were sent and no one came to the meeting with concerns, are they still required to get approval letters. Mr. Doneski stated that per the regulation, the requirement in 4.3 is different from the notice requirement. The Board may take an action and make a condition subsequent, if you will, of compliance with section 4.3.

***Member Cutrer made a motion to accept the Food Truck License application for Nina's Dine-N-Dash subject to some changes: To waive 2.6 and condition approval upon compliance with section 4.3, section 7.5 and approval of the hours of opening will be 6:30 am and any changes in hours of operation would require approval of the Board. Would like it by the next agenda. Chair Kristal seconded the motion. Roll Call. All in Favor. Member Gomez joined the meeting late and did not vote on this application.***

#### **APPOINTMENTS**

##### **Zoning Board of Appeals Associate/Alternate – Akeyah Lucas**

***Member Gomez made a motion to appoint Akeyah Lucas a Zoning Board of Appeals Associate/Alternate. Member Cutrer seconded the motion. Roll Call. All in Favor.***

##### **Assistant Election Warden – Allan V. Rogers**

***Member Gomez made a motion to appoint Allan V. Rogers as an Assistant Election Warden. Member Cutrer seconded the motion. Roll Call. All in Favor.***

##### **Full-time Police Officer – Phillip Hollinger**

***Member Gomez made a motion to appoint Phillip Hollinger as a Full-time Police Officer. Member Cutrer seconded the motion. Roll Call. All in Favor.***

#### **ANNOUNCEMENTS**

##### **American Legion Post 257 requests a permit for a Memorial Day parade**

The parade starts at approximately 10:30 am.

***Member Gomez made a motion to approve the Memorial Day parade. Member Cutrer seconded the motion. Roll Call. All in Favor.***

##### **Sail MV**

Mr. Kettlewell, Executive Director of Sail MV, stated that this is the 31st anniversary of their annual fundraiser on July 7th. The event starts at 6:00 pm and goes to 10:00 pm at Ralph Packers Tisbury Wharf on Beach Road.

#### **DEPARTMENT/COMMITTEE UPDATES**

##### **Public Works Road Project**

Mr. Metell stated that they have completed four paving projects in town including Look Street, Authier Ave., Spring Street, and Clark Ave. They have also completed two sidewalk replacements: one on Summer Street and one down by the Steamship Authority terminal. About two years ago, we decided that we were going to be replacing those asphalt sidewalks with concrete. Our goal is to replace two to three of those sidewalks per year. The DPW does not normally do not do maintenance on dirt roads, however, Herring Creek Road and Cromwell Road are heavily used by both the DPW and emergency vehicles. Cromwell Road is accessible to the police department and Herring Creek Road because of the beach at the end of the road.

Future projects are going to include working closely with the water department and they will be paving Grove Ave., Pine Tree Ln., Oak Tree Ln, Delano Road, and hopefully Daggett Ave. The majority of those roads are receiving new water mains and we'll be doing drainage, as we go. Hopefully, we will be looking at doing Main Street extension curbs. These are going to be placed in six different locations down on Main Street to better assist patrons to be able to cross the street at key locations. It will be a two-part project started in the fall and then hopefully finished by July 4 of 2023.

### **High School Formula**

Member Kristal stated that this is strictly for the high school formula for building that we're talking about, not the operating budget of the high school. Oak Bluffs presented a 1% reduction in their portion to help with the call volume and the cost of services that happen on the school grounds including EMS, Fire, and Police. There was also extensive conversation concerning the budget and how towns can in the future control or ask the school to come in at 2.5% like we asked our town to do. There was discussion about if it comes in over 2.5 maybe that goes on an override, a ballot question. The Finance Committee will be more involved with that, as we move forward as well as the Select Board. The next Finance Committee meeting possibly being June 1st, he is no longer the representative as of tomorrow. They would like him to stay on but that is up to the three board members. Member Gomez asked if they could temporarily approve him for an additional week until the new board meets on June 8th. Mr. Grande stated that for the June 1 meeting it would be permissible to send Jeff, but he thinks it will be a decision of the new board on June 8 to decide who goes forward permanently in this role. Member Gomez thinks they should continue with Jeff until the board meets officially on June 8 and then they can continue appointing him beyond that timeframe, but that will allow him or someone to represent us on June 1. Member Cutrer agrees with Member Kristal attending the June 1st meeting but feels that going forward it should be a board member. Member Gomez stated he did not want to lose continuity and was in favor of keeping Member Kristal in this role until the completion of the High School formula. Member Kristal stated it could be over by June 1st but could go longer and was willing to stay on until completion.

***Member Cutrer made a motion to request that Jeff Kristal attend the June 1st meeting along with one of our current Select Board members and that we discuss appointments at our next Select Board meeting on June 8th. Member Gomez seconded the motion. Member Kristal abstained. Roll Call. All in Favor.***

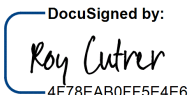
Member Kristal said goodbye to everyone and expressed how much he has enjoyed serving the town. Member Gomez, Member Cutrer, Mr. Grande, and Chief Habekost thanked Member Kristal for his service as a Select Board member and Chairman for the Town of Tisbury.

### **MEETING ADJOURNMENT**

Respectfully submitted by  
Lorna Welch, Executive Assistant

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Jeff Kristal  
Chair

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Larry Gomez  
Vice-Chair

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Roy Cutrer  
Clerk