

TOPSFIELD BOARD OF SELECTMEN
Meeting of Wednesday, November 17, 2010 ~ 7:30 pm
Town Hall, 8 West Common Conference Room

With a quorum present, Ms. Knutsen, in the absence of the Chair, called the meeting to order at 7:41 pm.

Board of Health Members Present: Sheryl Knutsen, Acting Chair; Dr. Vincent Guerra; Gerry Topping
Not Present: Wade Goldman; William Hunt
Also Present: John Coulon, Health Agent; Catherine Tinsley, Minutes Secretary

Abbreviations used
BOH Board of Health

Public Information
Agenda

APPOINTMENTS

VOTE: 245 Boston Street; Repair

Application for Local Upgrade approval for minimum distance from a structure from 10 to 7 feet

Present: John Morin, Neve Morin

Mr. Coulon reviewed that Form 9A for this project was filed in September. The existing tank is 7.5 feet from the structure. The final cover for the system is asphalt and delaying the repair would potentially render the system unusable if the weather got too cold. The BOH's October meeting was cancelled.

Drawing number 2909 dated September 20, 2010 was referenced.

Citing Title V, Section 4, Mr. Coulon explained as Health Agent he is authorized to declare an emergency but the variance needs to be applied for retroactively.

Mr. Topping made a motion that the BOH grant the variance request for the set back from 10 to 7 ft and request in number of deep test holes from 2 to 1, retroactive to October 24, 2010. Dr Guerra seconded and the motion carried by unanimous vote.

VOTE: 7 Meetinghouse Lane; Repair

Application for local upgrade variance request reduction of daily flow from 200 to 110 gallons per bedroom, per day; this is for a four bedroom home

Present: Jim Scanlon, Engineer

Charlie Bailey, Home owner

Plan no. 0329 dated October 26, 2010 was referenced.

Mr. Topping made a motion to accept the variance request from 200 gallons per day to Title V 110 gallons per bedroom per day. Dr. Guerra seconded and the motion carried by unanimous vote.

VOTE: 41 Surrey Lane; Request to extend date for installation of proposed DSCP

The Board deferred action on 41 Surrey Lane.

VOTE: 20 Main Street; MA Plumbing variance request from separate Male/Female restrooms to a single (unisex) restroom due to space restrictions.

This is for a convenience store.

Present; David Horton, Aharonian and Associates, Inc Architects
Current and proposed plans were presented to the Board for consideration.
Mr. Horton reported that the current restroom on site is not open to public; the new unisex restroom will be open to the public.

Mr. Topping made a motion to grant variance request as submitted by David Horton, on behalf of Cumberland Farms, located at 20 Main Street, as received on the letter dated November 4, 2010 for the construction of unisex public bathroom, subject to Mr. Horton writing a letter to submit on the behalf of the BOH. Dr. Guerra seconded and the motion carried by unanimous vote.

Mary Bandereck, 27 Fox Run Road; Regarding 48 Main Street - Septic System

Mr. Coulon reported that the As-Built Plans were submitted by Thomas Manna to the BOH office Tuesday, November 16th; the Health Agent expects to review the plan November 18, 2010 and a perform a final inspection of Topsfield Bakeshop at 9 am with Mr. Bandereck.

Mr. Bandereck acknowledged that the Building Inspector has issued a Certificate of Occupancy.

Mr. Topping reviewed the process with Mrs. Bandereck and bullets from the Health Agents regarding the requirements to be completed and were identified as follows:

As Built plan - signed by Engineer and installer.

Plumbing fixtures installed

Proper bottom to the rear door

Molding of seams and walls

Cement walls to a ceiling to seal the gap between the walls and ceiling.

The BOH agreed to allow Ms. Bandereck two weeks, until December 2, 2010 to have the gap sealed. It was agreed if this were not done, fines would be assessed December 2, 2010 according to the Non-Criminal Disposition.

Ms. Bandereck agreed to these terms, saying if the work is done to fill the gap prior to December 2, 2010, she will notify the BOH office.

The Board recognized there is no provision for a prorated annual application fee of \$125.

The BOH agreed on a \$25 dollar fee pro- rated for the remainder of 2010.

Chris Bandereck arrived at 9:10 pm and Mr. Topping reviewed the remaining process involving the BOH.

HEALTH AGENT'S REPORT

Emergency Preparedness / Medical Reserve Corps

Mr. Coulon reported on the Federal Summit held in Saratoga Springs, New York, which he recently attended. This was a three day summit of Federal Regions one and two, involving the State and Medical Reserve Corps. Topsfield is part of Region 2 and will see an increase in funds from \$14000 to \$33,000 approximately, in January 2011 due to an additional expected source of funds.

Mr. Coulon informed the Board that there was a coalition meeting the next day; one agenda item included a discussion of a job description for a full time equivalent coordinator as required by the Department of Public Health.

OLD BUSINESS

Mutual Aid

Mr. Goldman is preparing a presentation to support that the BOS to approve Topsfield to sign a Mutual Aid Agreement with local communities.

Ms. Knutsen reviewed concerns of the BOH if Topsfield is not part of Mutual Aid in the case of an emergency, citing 12 local communities are currently participating in the Mutual Aid but cannot assist Topsfield without this agreement.

Mr. Goldman will be asked to send out an update and if draft is available to send it out for discussion at the next meeting.

Mr. Coulon noted that the Mutual Aid Agreement was drafted with the assistance of the law offices of Kopelman and Paige and has been accepted by the other twelve communities and cannot be edited by Topsfield without the other participating communities.

Flu: Season Update

Mr. Coulon reported that the Visiting Nurse Association (VNA) has 500 doses of the flu vaccine available for Topsfield and Boxford. These are trivalent vaccines; H1N1 and two other vaccines thought to be leading contenders for flu this season

The flu season has not started and usually peaks in January; a flu clinic may be done in January. The Board discussed scheduling a clinic during the Holiday Walk, December 4th in the Library.

During a lull in the meeting, the Health Agent located the As-built plan for 44 Main Street. Board member Mr. Topping began to informally look over the plan and informed the Board the plans as submitted cannot be accepted; as a courtesy, Mr. Topping called Ms. Bandereck to inform her that Mr. Coulon will not be at her place of business for an inspection tomorrow as planned.

It was noted that there is no time period given by law for the review of an as built plan.

Topsfield Fair: Brief Summary of 2010

Mr. Coulon reported that no fines were issued this year at the Fair, crediting the pre-fair meetings held for the vendors. Violations were found and resolved immediately and have been reduced significantly from the previous year.

Mr. Coulon's report included the news that 141 permits were issued and fees in the amount of \$30,000 were generated for the town.

Mr. Coulon recorded 160 hours for the Health Agent's time over the 14 day fair.

NEW BUSINESS

Review, Sign Certificate of Receipt of Open Meeting Law (OML) Materials

Mr. Coulon reviewed the Open Meeting Law Materials to the Board. Members present signed the certificate acknowledging that they have read and understand the requirements of the OML and the consequences for violating it.

MINUTES – September 23, 2010

The BOH deferred the minutes; no action was taken

FINANCIALS

The Board signed Bill Warrants

COMMUNICATIONS

The BOH acknowledged a complaint regarding the treatment of animals at Topsfield Fair Petting Zoo. The Health Agent had determined there were no violations.

The BOH will meet next on Wednesday, December 17th.

EXECUTIVE SESSION

Mr. Topping made a motion to enter into ES for the purpose of discussing litigation (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel and not to return to open session but adjourn directly from ES. Dr. Guerra seconded and the motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley