



Topsfield Board of Health
Meeting of Thursday February 26, 2009
Town Hall Conference Room ~ 7:30 PM

The meeting was called to order at 7:39 p.m. with a quorum present: William Hunt, Chair; Vincent Guerra; Wade Goldman; Sheryl Knutsen
Not Present: Deborah Colbert
Also Present: John Coulon, Health Agent; Catherine Tinsley, Minutes Secretary

Abbreviations used:
TBOH- Topsfield Board of Health

I. APPOINTMENTS

VOTE: 76 Campmeeting – Soil Test 2 Year Extension

Present: John Morin, Morin Peabody Group

Mr. Coulon referenced local town law as related to soil testing extensions noting that the Health Agent cannot solely authorize the extension of soil testing results.

Mr. Coulon reported that the site has not been altered, therefore the percolation data is valid and recommended that the BOH extend the soil testing.

John Morin identified that he represented Jonathan Peabody property owner of 76 Campmeeting Road.

Morin explained that while on site doing other work, perc testing was done for possible future use, should the present system fail.

This is the third request to extend an additional two years.

Goldman made a motion to extend the validity of the perc test data another two years from April 26, 2009 to April 26, 2011. The motion was seconded and carried unanimously.

II. HEALTH AGENT'S REPORT

Emergency Preparedness/Medical Reserve Corp.(Region 3A)

Mr. Coulon updated the Board saying that the Topsfield Regional Medical Reserve Corp (TRMRC) held two recruiting/orientation meetings (February 5 and 7). The TRMRC started with 5 communities (Amesbury, Boxford, Merrimac, Rowley, Topsfield). In the past year, 2 more have joined (Middleton and Newburyport) with 2 more pending (Ipswich and Salisbury).

Records are continuing to be refined that were received from the Amesbury Medical Reserve Corp. Mr. Coulon stated that it is going well and he feels it is going in the right direction. State-wide meetings are once a month. The local group is in communication.

Topsfield Tax Work-Off Program

The Board was reminded that the previous town meeting authorized the work off program run through the COA. This gives eligible elderly citizens the opportunity to work 100 hours service to the town and take an abatement of property taxes for \$7.50 per hour for the 100 hours. The TBOH has been assigned two people to work within the department. The Agent has prepared a list of projects to work from. He went on to explain the proposed ideas.

Regionalization update

John Auerbach (MA Commissioner of the Department of Public Health) letter was referenced as good information.

Coverage for March 2-9

Mr. Coulon will be out of state but accessible via phone and internet.
Leo Cormier will be on call in the Health Agent's absence.

Tick Talk – Tentative Date of March 17, 2009, Gould Barn

Mr. Coulon reviewed the program and guest speakers for Tick Talk.

Miscellaneous: Mr. Coulon reminded the Board that the BOH has a place holder for a warrant article requesting the BOH have a revolving fund (what money and for what purpose) must be submitted by March 16th. Wade Goldman will work on a draft.

Town Meeting is May 5, 2009.

III. NEW BUSINESS

Vote: BOH Web Page – proposed description update for front page

The Board was provided with Information for discussion from the Commonwealth of Massachusetts, ommissioner John Auerbach, regarding Municipal Public Health Stability. Massachusetts mandate to provide vaccinations was a part of this discussion.

Public Health law 101 was referenced as a web site for valuable information.

Mr. Coulon presented a draft of the description proposed for the web page.

It was the consensus of the BOH to edit the language. After editing the contents, it was recommendation of the Chair to adopt the language.

Goldman made a motion to take the information emailed from Sheryl Knutsen as amended and post to the web site. The motion was seconded and carried unanimously.

Mosquito Control – 2009 BMP and Vector Management Plan

Mr. Coulon identified that the TBOH office received the 2009 Best Management Practices and Vector Management Plan from the Mosquito Control District and forwarded to the TBOH members for their review and comment. The Board will review the information for discussion at the April 16 meeting.

Annual Report

Mr. Coulon provided the Board with a draft copy of the BOH's submission for the Annual Report. After reviewing the draft, it was the consensus of the Board to accept the annual report as edited.

Mr. Goldman made a motion to authorize the report as amended. The motion was seconded and carried unanimously.

Mr. Coulon noted that various articles of clothing identifying the wearer as "Health Department" are available to the Board Members.

IV. OLD BUSINESS

4 North Common St. update

Present: Frank Martino, 4 North Common Street; Attorney Alan Grenier, 435 Newbury Street, Danvers;

Mr. Coulon reported that he was unaware of a vote for the meeting. It was the consensus of the Board that there was no vote pending.

Orlando Lopez, abutter to 4 North Commons Street, is claiming that the TBOH exceeded their authority by approving the septic system by not documenting the file to support a sufficient investigation to make the decision made to allow the system as an upgrade and not new construction.

Mr. Coulon referenced the work done by Mill River Consulting regarding the system at 4 North Common Street and reviewed the detailed documentation to justify the decision previously made to allow the septic system installation as designed.

Mr. Coulon identified that he received assurances from the DEP that the TBOH was taking appropriate action. Attorney Grenier addressed the BOH and referenced a letter from Dan Ottenheimer of Mill River Consulting dated February 25, 2009 to George Heufelder, Applied Environmental Research and Design for background and reference material as related to the Massachusetts Environmental Code to determine the design flow upgrade as a repair rather than new construction. It was noted that the consulting firm reviewed this case two years ago. **A copy of this letter is a part of the minutes.**

He also read a letter from the Congregational Church regarding 4 North Common Street, the former parish building of the church. The letter states that the church will provide history of the building and the historical usage of the building citing various groups and activities such as weddings, meetings, and gatherings on a weekly, monthly, daily basis. **A copy of this letter is a part of the minutes.**

The BOH instructed Mr. Martino that he needs to provide more information to support their case.

Orlando Lopez arrived at 8: 10 PM and addressed the TBOH saying that he wants copies of all public records as related to the case. Mr. Lopez was advised to contact the Town's Attorney and all public records are open during business hours.

Mr. Lopez reviewed the information from the meeting. He questioned the timing of the public notice. It was noted that the TBOH is not doing anything with the appeal until the Court reacts to the appeal. No new applications have been submitted. Grenier responded that the Court decision allows additional information and both parties can submit information.

Trench Law implementation delayed until March 1

Mr. Coulon updated the Board regarding the new State Trench law saying that this is to be enforced locally. There were trainings and communications available in 2008 that did not include holders of hoisting licenses. Trenching law: min 3 ft, max 15 ft wide at the base, and more narrow than it is deep and not a foundation. Topsfield will issue a permit through the Fire Department for \$50.

Farmer's Market

Mr. Coulon has been in touch with the Master/Mistress of the Farmer's Market and the Administrator of the Topsfield Fair Grounds regarding the health codes to govern homemade items such as e.g. baked goods, vinegars, jam/jellies, storing of eggs, etc. He reported that the person in the position of "Market Master" has refused to comply with the state food codes. The Topsfield Fair director Mr. O'Brien was notified that the market is not permitted and may not sell regulated foods at this time. Mr. Coulon noted that cooking can take place in an approved, permitted kitchen and that there is such a kitchen in the Topsfield Fair Grounds. It was the consensus of the BOH to send notice to the Market that there is to be no sale of regulated items at the Farmers Market from this point forward. Noting that produce, flowers and honey are not regulated. Move that the TBOH Agent write a letter and take any other action to ensure the state and local laws are followed and that the Administrator of the Topsfield Fair is copied. The Board members agreed unanimously.

V. FINANCIALS

Review and Sign Bill Warrant

"Turn back" funds from current budget

Mr. Coulon reported that at the February Department head meeting the cuts from the State were identified and department heads were asked to review their current budgets and look for turn back money town wide to make up the State mid-year cuts of \$74,300.00. The TBOH total budget is approximately \$98,000.00 of which \$3,006.00 was turned back; \$2000 from Sanitarian Consultants from the Topsfield Fair; \$104 from training, \$100 field supplies, maps/publications \$104 dues, \$400 from miscellaneous.

It was noted that Sheryl Knutsen's efforts for reimbursement to the town for the cost of vaccines resulted in \$6,000 which went into the Town's General Fund. The TBOH budget was charged \$600 for the administrative costs. It is unknown at this time if the State will be providing vaccines this year.

A lengthy discussion of understanding followed.

VI. COMMUNICATIONS

Fluoride Documents: The TBOH was provided with the Comprehensive Study of Fluoride done by the Town of Natick for review.

Council on Aging Senior Information Fair, May 16, 9-12 at the Proctor School; the BOH will participate and have a table of information.

VII. Executive Session

10:47 PM - Vince Guerra made a motion to enter into ES for the purpose of discussing litigation and to return to open session for the purpose of adjournment. The motion was seconded and carried by unanimous roll call vote.

11:20 pm- The TBOH returned to open session.

11:20 pm Made a motion to adjourn and it was approved by majority vote.