

TOPSFIELD BOARD OF HEALTH  
Meeting of Thursday, February 25, 2010 ~ 7PM  
Town Hall, Conference Room

With a quorum present, in the absence of the Chair, Ms. Knutsen called the meeting to order at 7:44 PM.

Board of Health members present: William Hunt, Chair (7:48pm); Dr. Vincent Guerra; Wade Goldman; Sheryl Knutsen, Gerry Topping (7:55 PM)  
Also Present: John Coulon, Health Agent; Catherine Tinsley, Minutes Secretary  
Selectmen Martha Morrison, BOH Liaison and Dick Gandt

### APPOINTMENTS

VOTE: 148 Washington Street Map 39, lot 68: Gauthier

Present: Dan Johnson, Domestic Septic Design Inc.

This is the repair of a failed septic system; a de-nitrification system (Microfast 0.9) as a pretreatment of the effluent with leach field. This system requires annual inspection.

Mr. Coulon stated that this system has not been used in Topsfield. It is DEP approved and allows a separation from ground water variance.

Mr. Johnson referenced the plan dated 12/9/09.

He is asking for two variations:

- to reduce the offset from the bottom of the proposed leaching area to the ESHWT from 4 ft to 2 ft, 310 CMR 15.212;
- to allow the leaching area to be designed from 110 GPD (Title V) in lieu of the local design flow of 200 Gallons Per Day (GPD), section 8 (a) due to the slow percolation rate of the soil in order to minimize the size of the leaching field and cost.

The meeting was open to public comment.

Abutters Ken and Shirley Moser, 13 Forrest Street, told the Board that they are concerned that the raised mound for the system will increase the water flow onto their property.

Discussion followed regarding this concern and if a swale should be incorporated. Mr. Topping explained that water is infiltrated through the ground and run off is not increased if the system is built as designed. Mr. Hunt stated that the variances are within the Board of Health scope of approval and run off is speculation. Mr. Gandt commented that it is the Health Agents who must assure that the design will not cause problems to abutting properties. The Board determined that the system, as designed will not affect the abutters.

***Mr. Topping made a motion that the BOH accept the variances for 148 Washington Street from Dan Johnson, Domestic Septic Design Inc. as requested in his letter dated December 8, 2009. Mr. Goldman seconded and the motion carried by unanimous vote.***

Mr. Hunt inquired if there is an inspection tracking program available.

Mr. Coulon responded that recently he attended a meeting where a permitting software package has been developed and recently released for purchase; Part of this program establishes calendars, department specific information, and GPS overlays integrated program for all town departments.

Article Forty-fifth: Board of Health Non-Criminal Enforcement

OLD BUSINESS - Non- Criminal disposition on Town Meeting Warrant

Ms. Morrison provided a draft copy of Article Forty-Fifth for discussion.

She reviewed that the Table of Board of Health Rules and Regulations existing R 1-9 are in place but the

Agent has no way to issue a ticket /fine to the permit holder in response to a violation. The Town does not have rules in place to attach non criminal disposition to issue fines for R: 1-11 food violations; R: 1-12 Housing; R: 1-13 Nuisance; R: 1-14 Recreational Camp, R:1-15 Swimming Pools; if these are to be accepted, a public hearing needs to be held in time for this to be brought before Town Meeting to vote to amend the Town Code Chapter XXX Non-Criminal Disposition Enforcement Bylaw by adding Section 30-2.

The Board identified that this article will standardize all fines including the current tobacco violation fine of \$200 and talked about exempting R: 1-6 tobacco from the article.

Mr. Coulon informed the Board that R1-5 (massage) is now enforced at the State level and should be removed from the list.

Mr. Coulon talked about the importance for the Health Agent to have the ability to issue fines especially as related to food violations e.g. temporary events such as the Fair and supported this article.

Mr. Coulon will consult with the Town Administrator regarding the process and timeline and report back to the BOH by the end of next week and post any necessary meetings.

***Mr. Topping made a motion to approve the draft warrant article to amend Town Code Chapter 30 to include R; 1-4 & 7-9 and that it is sent to the BOS. Dr. Guerra seconded and the motion carried by unanimous vote.***

Ms. Morrison left the meeting.

#### **HEALTH AGENT'S REPORT**

##### Emergency Preparedness / Medical Reserve Corp

Mr. Hunt asked if emergency Preparedness includes special populations.

Mr. Coulon said that privacy acts restrict e.g. the release of information such as group homes that house special populations and this remains a problem to identify and plan for meeting these needs without any information.

The Board talked about their responsibility to these groups and how to best get information.

9:59 PM - Mr. Topping left the meeting.

##### Flu: Seasonal & H1N1

The Tri-Town Boards of Health are sponsoring H1N1 Influenza Vaccination Mondays in March 5-7 PM at the Topsfield Fair Grounds.

They are also supporting a free Health Fair at North Shore Mall, Peabody February 27, 2010 10AM-3 PM;

There is an H1N1 Influenza Vaccination Clinic being held at the lower level of Nordstrom's wing.

##### Fair- review of preparations

Mr. Coulon gave a brief update saying he meets regularly with the Fair personnel.

#### **NEW BUSINESS**

##### Minutes

VOTE: Meeting minutes approval- January 2010

*Mr. Goldman made a motion to approve the minutes of January 28, 2010 with edits as indicated. Mr. Guerra seconded and the motion carried by majority vote with Mr. Topping out of the room at the time of the vote.*

##### New Fee Schedule

The Board was provided with a copy of the revised / updated fee schedule. No action was necessary.

## **COMMUNICATIONS**

The Board was invited to attend/participate the Stewart School Wellness Fair on April 15<sup>th</sup>.

Mr. Coulon announced the Public Health Museum Annual Spring Conference is May 17, 2010. The topic is "A Generation Without Smallpox".

### **School Brook**

Mr. Coulon briefly recapped that monthly testing on School Brook has taken place over the past ten years. The levels of Chloroform over the years has been charted.

The BOH is working with the Conservation Commission on the current testing.

10:39 PM – Mr. Gandt left the meeting.

## **FINANCIALS**

Review and sign Bill Warrant

### **Executive Session**

Pursuant to MGL Chapter 39, section 23A and 23B these minutes will not be released until approved for release by the Topsfield Board of Health and notice of such approval has been entered into the regular minutes

*Dr. Guerra, made a motion to enter into ES (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 to return to open session for the sole purpose of adjournment. The motion was seconded by Mr. Goldman and all members voting in the affirmative and non in the negative on roll call vote it was VOTED: to enter into ES.:*

10:57 –The Board returned from ES.

Ms. Knutsen made a motion to adjourn and it was unanimous to do so.