Topsfield Board of Health
Meeting of Thursday, March 25, 2010 ~ 7:30PM
Topsfield Town Hall, Conference Room

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

BOH Members Present: Sheryl Knutsen, Acting Chair; Dr. Vincent Guerra; Gerry Topping
Also Present: John Coulon, Health Agent; Selectmen Martha Morrison, BOH Liaison and Dick Gandt (8:04pm); Catherine Tinsley, Minutes Secretary
Not present; William Hunt; Wade Goldman

Abbreviations:
BOH – Board of Health

Public Information
Agenda

I. *APPOINTMENTS*

VOTE: 371 Boston Street, HMR Development Owners
The request before the Board is to grant a two year extension for the perc test results.
Present: John Morin, Engineer Neve-Morin Group
The Soil Testing was done April 30, 2008 for possible future development.
The local regulation Section 15 states that a perc test expires in two years.
Mr. Coulon confirmed he has reviewed the property and reported no changes and recommended to the Board to approve the request.
Mr. Topping made a motion to extend the perc test results for 371 Boston Street as requested expiring on April 30 2010. Dr Guerra seconded and the motion carried by unanimous vote.

VOTE: 17 North Street:
Variance request for septic setback from planned addition to the house.
Present: Kelly Radochia, home owner
The Agent reviewed that the new addition will bring the building within ten feet of the septic tank, and further reduce the set back from the leach field.
Plot maps, sketched drawings and documentation including title V inspection were referenced during the discussion.
It was identified that the present tank is 1000 gallons. The applicant was informed that when this tank is replaced, title V requires a minimum of a 1500 gallon tank.
The applicant was informed that if the tank is replaced at this time it can be relocated to the legal setback.
(Dick Gandt arrived)
The BOH lack sufficient information and declined to approve or deny the variance request. The applicant was advised to return with formal plans.

VOTE: <u>Non-criminal disposition on Town Meeting Warrant: Discussion</u>

Ms. Morrison presented a Non Criminal Disposition Enforcement By-law document for review: Existing 30-1 Violations of provisions of the Board of Health's Regulation and proposed adoption of 30-2 Violations of the State Code 105 CMR 590
The Fine amounts were reviewed and it was the consensus of the Board that the fees are appropriate; $25 for the first fine; $50 for the second fine; and for the third and subsequent offences is $200.
Mr. Topping made a motion that the BOH accept the draft Non Criminal Disposition Enforcement Bylaw as presented by Selectman Martha Morrison, subject to language approval of town counsel.
Dr. Guerra seconded. There was a discussion of understanding. The motion carried by unanimous vote.

II. *HEALTH AGENT'S REPORT*

- Emergency Preparedness/Medical Reserve Corp. – update

Mr. Coulon reported that two towns are joining the Medical Reserve Corp.
Mr. Coulon is teaching CPR to Medical Reserve Corp. in Topsfield.
He recommended the Board take the Basic Courses for emergency preparedness; command system 100 & 700

- Flu: H1N1 update, including MA Summit 3/22/10 and next vaccination clinic 3/29/10

Mr. Coulon and Ms. Knutsen attended the MA Summit and Mr. Coulon gave a brief report on the meeting.
The March 29, 2010 is the last planned vaccination clinic being held at the Topsfield Fair Grounds.

- Recent Flooding – update

The Board was informed of various areas in town that experienced flooding from the recent storm.
The Board discussed in the scope of the BOH's jurisdiction possible issues complicating the flooding.
The Agent responded that most problems are not immediately resolved or within the control of the BOH. He noted that his responses to flooding calls are determined by those which are mandated by law or by an issue that can be immediately rectified.
He talked about saturated leach fields as a result of the recent rain storms and various site visits made during this time; one common concern of residents is mold.

The State Public Health Commissioner's Report was provided to the Board.
UMass Lowell has a new program for Environmental Health; this will be promoted for Masco students.

Mr. Coulon talked briefly about internship within the BOH.

III. *NEW BUSINESS*

- **VOTE**: Meeting Minutes Approval February 25, 2010

The Board had no chance to review and this was deferred to the next meeting; no action was taken.

- New Open Meeting Laws to take effect in July, 2010 – brief discussion

The Board was provided with a copy of the New Open Meeting Law taking effect July 1, 2010 for review. The Agent will highlight an important change at each meeting.
The consensus of the board members is that they are currently adhering to the new meeting laws regarding electronic communication.

- Alfalfa Farm – non-compliance

The Board of Health agent gave a report of ongoing issues at the Alfalfa farm on Rowley Bridge Road.

Mr. Coulon informed the BOH that other departments in town are also involved.
He told the Board that there are two septic systems on the property; one system was upgraded 15 years ago for the six bedroom residence.
The other system, of unknown capacity serves the other building referred to as the Winery building.
Mr. Coulon said five years ago, the health agent determined that the system was sufficient for the conducting of classes related to wineries.
It has recently been brought to the attention of the Health Department that there are various additional activities that need follow up i.e., function halls, state regulations. He reported that sandwich signs are posted for church services and a for credit course being held by North Shore Community College.
It appears the owner of the property is leasing the building.
Religious and agriculture, educational exceptions are being cited for the use of the property but do not exempt the owner from safety or health rules.
The owner has been asked to show that he can conduct functions in appropriate safe ways that comply to regulations.
The Zoning Board has allowed activities to continue through the end of June and a site plan review will be done if the owner pursues anything other than agricultural.

The Agent reported no obvious sign of system failure.

- <u>17 – 19 Main Street (New Meadows Market) – non-compliance</u>

Mr. Coulon reviewed that the owner of the property had come before the BOH for setback variances.
He reported that the foundation is closer to the leaching field than the set back variance granted by the Board.
The Agent will look into this further by reviewing As Built Plans.

10:05 pm- Ms. Morrison left the meeting.

IV. *OLD BUSINESS*

<u>BOH Web Page – Web Site Committee</u>

Mr. Coulon informed the BOH that the Town of Topsfield won a state wide award for the creation and maintenance of the web site of which the BOH is an active participant.

- <u>Mutual Aid</u>

The Board talked about signing on with Mutual Aid agreements with local towns.
The Board will request to be on the BOS agenda to discuss this matter.
The Health Agent will distribute information supporting Mutual Aid.

- <u>4 North Common Street (The Commons) – update</u>

The Board was provided with a copy of the Court Decision; this will be on the next agenda for discussion.

- <u>12 Boston Street (English Commons) – update</u>

No septic system related construction will be started until the ground is dry.
The Town is receiving continuous updates and communication from Alan Berry.

- 30 Wildes Road (New Meadows) – update

Mr. Coulon gave a progress report saying negotiations continue to tie into public water system; boiled water orders continue to be issued to the golf course.

V. *FINANCIALS*

- Review and Sign Bill Warrant

Ms. Knutsen observed the work done by the VNA

VI. *EXECUTIVE SESSION*

11:40 Mr. Guerra made a motion to enter into ES (7) To comply with the provisions of any general or special law or federal grant-in-aid requirements. HIPPA (Health information Personal Privacy Act) Mr. Topping seconded. The motion carried unanimously by roll call vote.

12:08am - The Board returned to open session.

Mr. Topping made a motion to adjourn and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley