Minutes from January 28, 2010 Topsfield Board of Health Meeting
8 West Common Street, Topsfield, MA 01983

Present: William Hunt, Chair; Dr. Vincent Guerra; Wade Goldman; Sheryl Knutsen (9:09 PM)
Also Present: John Coulon, Health Agent; Selectmen Martha Morrison, BOH Liaison (7:30-10PM) and Dick Gandt; Minutes secretaries Sue Winslow, (7:30 – 9 PM) and Catherine Tinsley, (9PM)
Not present; Gerry Topping

William Hunt called the meeting to order at 7:35. Sheryl Knutsen excused herself for another commitment but returned to the meeting at 9:09 pm.

Attorney Jim Meehan attended the meeting to represent Lopez/4 North Commons but he was advised that the discussion regarding the property would be held later in the evening during Executive Session. Attorney Meehan then left the meeting.

NEW BUSINESS
BOH Regulations Update
This will be a standard agenda item. There was no update at this time

Non-Criminal Disposition on Town Meeting Warrant

Martha Morrison addressed the Board regarding non criminal disposition and the Town Meeting Warrant. She advised the Board that they should request a place holder for the Town Warrant and draft a concise Warrant Article should the Board decide to try, once again, to pursue this.

A discussion followed regarding the issues of non criminal disposition and the use of fines as a means to enforce regulations and avoid lengthy, costly litigation. The Board referred to the Regulations to determine which regulations carry a fine for an infraction. It was determined that this issue will be looked into more closely. The Board also decided to enact a place holder for the Town Warrant to hold space on the Warrant should the Board decide to draft a Warrant Article for Spring 2010 Town Meeting.

Alex's Roast Beef, Pizza and Seafood

Foti Qirjazi and Donala Qirjazi attended the Board Meeting with a request to change the classification of their business at 53 Main Street, Topsfield, from Restaurant to Restaurant/Fast Food. Mr. Coulon addressed the meeting to

explain the difference between the two types of classification as it relates to Board of Health jurisdiction.

Mr. Coulon explained that under a prior Health Agent, the property was classified as 'Restaurant' because said classification takes into consideration the water use and consequential waste water generated by a restaurant that uses permanent tableware. Presently, Alex's Roast Beef, Pizza and Seafood is limited to 12 seats under the Title V Restaurant Classification. Mr. Coulon explained that Mr. Qirjazi's restaurant does not use tableware other than those used in food preparation and as such, meets the threshold for inclusion in the Restaurant/Fast Food classification

Should Mr. Qirjazi be granted the change in classification, it would be a step toward approaching other Town Boards necessary to request permission for additional seating in his restaurant. Mr. Coulon added that he asked Mr. Qirjazi to produce a two year history of water usage at Alex's Roast Beef, Pizza and Seafood, which he did, supplying proof that his water consumption falls well below the variance language placed on the plans for 53 Main Street. Mr. Coulon then recommended that the Board consider a vote to allow Alex's Roast Beef, Pizza and Seafood a change in classification. Mr. Qirjazi then addressed the Board to explain why he is pursuing this reclassification. A discussion followed regarding the history of 53 Main Street. A review of the plans for 53 Main Street was done by The Board with specific inspection of the language of the variance on the plans.

After Board members examined the drawings, Mr. Goldman made the suggestion that, should the Board vote for the reclassification, Mr. Qirjazi would be required to provide the Board with a new drawing for 53 Main Street with language added to reflect the change in the Restaurant classification. Mr. Goldman then made a motion to grant the change in classification of 53 Main Street from a Restaurant Classification to a Restaurant/Fast Food Classification.

Martha Morrison then reminded the Board and the Qirjazes that should the Board vote for the reclassification of Alex's Roast Beef, Pizza and Seafood, it should be understood that the Board of Health approval of said change does not give them permission to add seating to their restaurant. She explained that they must still proceed through the requisite Boards in town to petition for added seating at their restaurant. Mr. Qirjazi said that he understood the situation.

Mr. Goldman then amended his motion to include a variance from that which is 1,000 gallons to 420 gallons for the existing restaurant which is being reclassified into Restaurant/Fast Food.

Mr. Hunt, Dr. Guerra and Mr. Goldman voted in favor of the Reclassification under the condition that the septic designer, Mr. Graham, contacts John.

OLD BUSINESS

Mary Bandereck, The Whoo (pie) Wagon; Demirjian Commercial Bakers
Present: Mary Bandereck

The proposed use is for the production of cake and cookies and non hazardous foods and occasionally for classes.
The Board discussed the renovations of an old building located at 44 Main Street in Topsfield, into a bakeshop by the applicant. The septic system does not meet the requirements of such a business and needs to be updated.
The Board discussed the necessity of professionally drawn septic plans for an installer to follow and explained the details to Ms. Bandereck.
The BOH will determine if a variance is necessary once DEP submits a written report.

VOTE: Meeting Minutes December 2009

Mr. Goldman made a motion to accept the minutes with edits as indicated. Ms. Knutsen seconded and the motion carried by unanimous vote.

BOH Webpage – Web Site Committee; No update

Mutual Aid -No update

HEALTH AGENT'S REPORT

Nike Site – Update

January 1, 2010 Mr. Coulon stated he got a phone call from the Fire Captain reporting possible septic back flow at Nike Village. Mr. Coulon reported he followed up with the facility manager and instructed them to have the tank pumped down immediately, but that a long term solution was necessary. This is a public system and Title IV has no jurisdiction because this pumps into Danvers sewer system. He went on to say that since this waste system is non compliant, the 16 units are non-complaint and the housing code applies.

He also observed that the grinder pump chamber is overflowing into the SBWS; he spoke with the superintendent of the SBWB and the town of Danvers.
DEP was notified and Mr. Coulon met the DEP Agent on site.
The short term problem has been resolved; long term all waste water piping on site has to be evaluated or replaced, mapped and the system updated from clay piping and brick tanks.
DEP has taken over the case.

School Brook
Mr. Coulon updated the BOH on the testing of School Brook behind the library saying that the water is tested monthly as required by the Conservation Commission.
He reported that recently Coliform amounts were six times greater than the highest monthly testing reports.
Suspected sources and testing sites are being mapped. The Conservation Commission is also testing the water.
Ten years worth of data will be reviewed to help determine the cause.

HINI update
Mr. Coulon reported that vaccinations were provided for over 18 % (4400) of the Tri-town population of 23,000 with more than 3,000 residents vaccinated at the Topsfield Fair vaccination clinic.
Mr. Coulon informed the Board of Incident Command System (ICS) courses to take to be included in a first response team.
The Town Web site is announcement of the next H1N1 clinic; one in each of the three towns for two hours each.

TVSC: update
Mr. Coulon reported one item remains on the punch list: protecting the vent pipes
Mr. Coulon spoke with Brian Woodland who is asking for Mr. Coulon to speak with Fred Fish.

FINANCIALS
Review and Sign Bill Warrants

COMMUNICATIONS

EXECUTIVE SESSION
Dr Guerra made the motion to enter into ES for the purpose of discussing strategy with respect to pending litigation, if discussed in an open meeting

may have a detrimental effect on the bargaining or litigating position of the governmental body; and To comply with the provisions of any general or special law or federal grant-in-aid requirements (HEPA) and to adjourn directly from executive session. Ms. Knutsen seconded and the motion carried by roll call vote.