

Town of Topsfield Board of Health
Meeting of Thursday, March 24, 2016
Town Hall, 8 West Common Street, Topsfield, MA 01983

Meeting Minutes

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Topsfield Board of Health, Thursday, March 24, 2016, at 7:30 pm in the Conference Room of Topsfield Town Hall. This meeting also includes an Public Hearing at 8:00 pm regarding proposed changes to Topsfield R:1-6 Regulations Restricting Youth Access to Tobacco, duly advertised in the Tri-Town Transcript on March 11, 2016 and March 18, 2016.

Board of Health Members present: Sheryl Knutsen RN – Chair; Gerald Topping PE – Vice Chair; Vincent Guerra MD.

Others: Kara Brown, Meredith Farm, 29 Cross Street; Joan Fitzpatrick RN – VNA Care; Beverly Salate RN – VNA Care; John Coulon RS – Health Agent; Susan Winslow – Minutes Secretary

COMMONLY USED ABBREVIATIONS:

BOH: Board of Health	MAVEN: Massachusetts Virtual Epidemiology Network
CDC: Center for Disease Control	MEMA: Massachusetts Emergency Management Agency
CEU: Continuing Education Unit	MRC: Medical Reserve Corps
CEMP: Comprehensive Emergency Management Plan	
DEP: Department of Environmental Protection	NEMMC: Northeast Massachusetts Mosquito Control
DPH: Department of Public Health	PE: Professional Engineer
EDS: Emergency Dispensing Site	PHEP: Public Health Emergency Preparedness
ESHWT: Estimated Seasonal High Water Table	POD: Point Of Dispensing
EP: Emergency Preparedness	RN: Registered Nurse
FDA: Food & Drug Administration	
HHS: Health and Human Services	RS: Registered Sanitarian
HMCC: Health & Medical Coordinating Coalition	TBOH: Topsfield Board of Health
LSAC: Local State Advisory Committee	TRMRC: Topsfield Regional Medical Reserve Corps
MDPH Mass. Dept. of Public Health	VNA: Visiting Nurse Association

Public Information

Agenda

Chair Sheryl Knutsen called the meeting to order at 7:30 PM.

APPOINTMENTS:

Kara Brown, Meredith Farm Custom Slaughter Facility

Ms. Brown addressed the Board with a description of the working farm practices she and her family have brought back to Meredith Farm including haying, maple sugaring, firewood, selling fresh eggs, fresh cut flowers and raising sheep. She informed the Board that her appearance at the meeting was to give the Board a preliminary overview of the Custom Slaughter Facility they hope to add to the Farm. She informed the Board that there are currently two slaughter facilities in Massachusetts: Blood's in Groton and Athol in Adams and there are no USDA inspected Broiler slaughter facilities in MA. Meredith Farm would like to add private Custom Exempt Slaughtering facility for lambs and poultry. This type of facility is inspected

periodically by the Massachusetts Department of Public Health (MDPH), but not the Federal Department of Agriculture (FDA). The farm would sell the live animal to the individual, who owns it through processing, thus conforming as a Custom Slaughter Facility. Ms. Brown informed the Board that this would be a private facility, not used for restaurants, and all by-products would be incorporated into the farm's composting system. She showed photos of the property indicating the location of the proposed slaughter house and the composting area. Mr. Topping reminded the Board that Topsfield is a Right to Farm community. The Board informed Ms. Brown that further review must be conducted regarding the septic system and liquid waste. The Board encouraged Ms. Brown to pursue this project and keep them updated on the progress.

Public Hearing Topsfield R:1-6 Regulations Restricting Youth Access to Tobacco

Chair Sheryl Knutsen RN opened the public hearing at 8:03 PM with a reading of the Legal Notice that ran in the Tri Town Transcript on March 11 and March 18, 2016.

Mr. Topping handed out copies of Topsfield R:1-6 with proposed changes highlighted in yellow. The highlighted areas are as follows:

R:1-6.3 Definitions:

m. **ELECTRONIC CIGARETTE:** Any electronic device composed of a mouthpiece, heating element, battery and /or electronic circuits that provides vapor of liquids, regardless of nicotine content, or relies on vaporization of any solid or liquid substance, regardless of nicotine content. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

n. **TOBACCO/TOBACCO PRODUCT:** Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

R:1-6.4 Tobacco Sales to Minors Prohibited.

- a. **Sale to Minors.** In conformance with Massachusetts General Laws, Chapter 270, Section 6, whoever sells a cigarette, chewing tobacco, snuff or any tobacco in any of its forms to any person under the age of ~~eighteen~~ (18) or, not being his parent or guardian gives a cigarette, chewing tobacco, snuff or tobacco in any of its forms to any person under the age of eighteen (18), shall be punished according to the fine schedule set forth in Section 9 of this section.

Topsfield R:1-6 Regulations Restricting Youth Access to Tobacco Products, continued...

Issues discussed at tonight's meeting:

- R:1-6.3 addition of language in items "m and n"
- R:1-6.4 raise the age to purchase Tobacco products from 18 to 21
Mr. Topping indicated "No"
Ms. Knutsen indicated "Yes"
Dr. Guerra indicated "No"
- Sign at Point of Sale:
Mr. Topping will ask Mr. Beauregard for guidance on this and will report back to the Board at the April 28, 2016 Board of Health Meeting.
- Prohibition on Sales of Tobacco within 500 feet of a school
The Board determined that current Tobacco Permit holders selling tobacco within 500 feet of a school would be grandfathered.
- Cap the number of Tobacco Permits at the existing four (4) or change.
Mr. Topping indicated "No" because he does not want to dissuade new businesses from coming into Topsfield.
Ms. Knutsen indicated "Yes" because she would like to cap the number at four (4).
Dr. Guerra indicated "Yes"
- Prohibition on Smoke Shops
Mr. Topping indicated "Yes"
Ms. Knutsen indicated "Yes"
Dr. Guerra indicated "Yes"

Vote: Mr. Topping read into the record the items marked "m. and n." as noted above in R:1-6.3 Definitions. He made a motion to accept these definitions into R:1-6 Regulations Restricting Youth Access to Tobacco Products. Dr. Guerra seconded and the motion carried in a unanimous vote.

VOTE: Mr. Topping made a motion to continue the Open Hearing Regarding Topsfield R:1-6 Regulations Restricting Youth Access to Tobacco Products to the April 28, 2016 Meeting. Dr. Guerra seconded and the motion carried in a unanimous vote.

Mr. Topping instructed Mr. Coulon to distribute a copy of the updated Topsfield R:1-6 reflecting the changes voted on at this meeting to the Town Clerk and the four Tobacco Permit Holders in Topsfield.

Appointments continued.....

VNA Contract

Ms. Fitzpatrick and Ms. Salate from the VNA appeared before the Topsfield Board of Health. Ms. Salate handed out copies of the FY16 VNA Contract with proposed changes highlighted in red for the FY17 Contract.

The Board reviewed each of the proposed changes. Ms. Salate took notes on the discussion and she will send a revised draft to Health Agent John Coulon. This will be revisited by the Board at the April 28, 2016 meeting.

HEALTH AGENT REPORT:

- Grow Topsfield – Mr. Coulon referred the Board to the February 25, 2016 Board Meeting when President of the Topsfield Garden Club, Martha Morrison, appeared before the Board to request a fee waiver for the four food vendors scheduled to appear in the Gould Barn at the Grow Topsfield event on March 12. At that time, the Board determined that the request did not meet any of the five criteria for a fee waiver, but agreed to reduce the Temporary Food Permit fee from \$50.00 to \$5.00 for the four food vendors. Ms. Morrison was instructed to deliver the fees to the Board of Health along with completed Topsfield Temporary Food Permit Applications before the event.

Mr. Coulon reported that there were thirteen food vendors in two separate venues at the event. None of the food vendors had obtained or paid for Topsfield Temporary Food Permits. However, Mr. Coulon completed inspections on each of the vendors as well as hosting a table on Ticks and Tick-Borne Illness at the event, per Ms. Morrison's request. The Board expressed concern that Ms. Morrison did not follow the instructions given to her at the February 25, 2016 Board Meeting. The Board determined that, because Ms. Morrison did not comply with the direction of the Board of Health for the 2016 Grow Topsfield event, the Topsfield Garden Club will be required to choose between two options for all future events:

- The Topsfield Garden Club will pay the Annual Food Permit fee of \$75.00, thus taking on all responsibility for food vendors at their event(s).
- Each food vendor at the Topsfield Garden Club Grow Topsfield event will be required to complete a Temporary Food Permit and pay the \$50.00 fee before the event.

The Board instructed Mr. Coulon to draft a letter to Ms. Morrison expressing their concern that their direction was not followed at this year's Grow Topsfield event. Mr. Coulon was also instructed to include the options listed above as well as a warning to Ms. Morrison that food vendors found in non-compliance at future Grow Topsfield events will be shut down.

Emergency Preparedness:

- Mr. Coulon informed the Board that he and Sheryl Knutsen continue to be involved in one or more Emergency Preparedness meetings each week
- ZIKA Virus: Mr. Coulon reported that the CDC has taken back \$44 million dollars from national Emergency Preparedness funds for response to the spread of Zika virus.
- TRMRC: Mr. Coulon informed the Board that he will be replacing Arthur Howe with a new TRMRC Coordinator.

Health Agent Report contined.....

Other activity:

- A septic system installation is underway at 56 Prospect Street
- Beaver trapping is underway at 19 Thompson Lane due to a flooding issue
- Mr. Topping, Dr. Guerra and Ms. Winslow hosted the TBOH tables on Ticks, Hand Washing and TRMRC at the Steward School Wellness Fair on March 10.
- Mr. Coulon attended the National Retail Food Curriculum Development event in New Orleans from March 7 – 11. This was paid for by the FDA.
- Mr. Coulon represented the MHOA at the Food Show in Boston the week of March 13.
- Mr. Coulon attended the LSAC Meeting in Holden on March 14.
- The Topsfield Board of Health achieved compliance with two of the nine FDA Retail Food Program Standards after an audit by Diane Bernazzanni of the Massachusetts Food Protection Program on February 25.
- Mr. Coulon informed the Board that he is part of a collaborative effort among 13 communities to hire a consultant paid for with grant funds to conduct a side-by-side review of the 2013 FDA Model Food code with existing MDPH Food code. This will assist Boards of Health in adopting the 2013 Model Food Code. This will also put Topsfield in compliance with Standard #1 of the FDA Retail Food Program Standards.
- Mr. Coulon continues to attend Open Gym nights at Masconomet Regional High School as TRMRC Director.
- Mr. Coulon will be witnessing soil testing at 395 Boston Street on March 28.
- Mr. Coulon will be attending a Shelter Exercise at Salem High School on April 14.
- Mr. Coulon will be doing a food inspection at the Gem and Mineral Show at the Fairgrounds on April 30.
- The Topsfield Board of Health applied for an Intern through NEHA (National Environmental Health Association). Topsfield has been chosen as one of 80 communities to receive a summer Intern. The intern, Hayley Byra, is currently a Junior at U. Mass/Lowell. She will receive a NEHA Stipend of \$400 per week.
- Topsfield may also have a DPH Intern this summer.
- Tick Talk – Mr. Coulon has secured the Gould Barn for the annual Tick Talk on April 27, 2016. Volunteers are encouraged to help with set up.

MINUTES:

The Board will review the February 25, 2016 Meeting Minutes at the April 28, 2016 meeting.

Mr. Topping made a motion to move into Executive Session AT 11:09 PM to discuss a personnel issue and to adjourn the meeting at the close of Executive Session. Dr. Guerra seconded the motion. Members were polled: Mr. Topping: yes; Dr. Guerra: yes; Ms. Knutsen: yes. The motion carried in a unanimous vote and the Board moved into Executive Session.

The meeting adjourned at 11:30 pm.

Respectfully submitted,

Susan Winslow, Minutes Secretary