



BOARD OF HEALTH
Topsfield Town Offices
461 Boston Street, Suite E-6, Topsfield

Minutes of Thursday, April 26, 2018
7:30 PM

Board Members present were Chairman Sheryl Knutsen, Vice-Chair Gerry Topping PE, Thomas Mannetta CE, and Vincent Guerra MD. Board of Health Agent John Coulon and Senior Administrative Assistant/Recording Secretary Susan Winslow were in attendance.

Also in attendance were Selectmen Mark Lyons and Richard Gandt, Septic designers Daniel Johnson RS of Domestic Septic Design and James Scanlan PE of Scanlan Engineering, Peirce Farm representatives Melinda Gutman and Dan Philpot, Robert Patton from Green Meadows Farm and residents Carol Brooks Ball, Kathy Curran, Kim Daley, Sandy Guido, Nancy Luther, Kathleen Scarpato, Leslie Voss, Dorothy Wass and Susan Whelton. Greg Phipps, representing the Tri Town Transcript, was also in attendance.

COMMONLY USED ABBREVIATIONS:

ADA: Americans with Disabilities Act

BOH: Board of Health

BOS: Board of Selectmen

CDC: Center for Disease Control

CEU: Continuing Education Unit

CEMP: Comprehensive Emergency Management Plan

COIN: Commonwealth Information Network

DPH: Department of Public Health

EDS: Emergency Dispensing Site

ESHWT: Estimated Seasonal High Water Table

EP: Emergency Preparedness

FDA: Food & Drug Administration

HHS: Health and Human Services

HMCC: Health & Medical Coordinating Coalition

LSAC: Local State Advisory Committee

MDPH Mass. Dept. of Public Health

MAVEN: Massachusetts Virtual Epidemiology Network

MDEP: Massachusetts Department of Environmental
Protection

MEMA: Massachusetts Emergency Management Agency

MRC: Medical Reserve Corps

NEMMC: Northeast Massachusetts Mosquito Control

PE: Professional Engineer

PHEP: Public Health Emergency Preparedness

POD: Point Of Dispensing

RN: Registered Nurse

RS: Registered Sanitarian

SAS: Soil Absorption System

TBOH: Topsfield Board of Health

TRMRC: Topsfield Regional Medical Reserve Corps

VNA: Visiting Nurse Association

CALL TO ORDER

Chair Sheryl Knutsen called the meeting to order at 7:31 PM. Chair Knutsen announced that some of the Agenda items would be taken out of order.

APPOINTMENTS

9 Forrest Road

James Scanlan PE of Scanlan Engineering LLC presented two Form 9A Variance Requests:

Citation	Description
310CMR15.212(1)	Reduction of separation to Estimated Seasonal High Groundwater from five (5) feet to four (4) feet.
310CMR15.227(5)	Inverts below Estimated Seasonal High Groundwater installed with rubber boots.

Mr. Scanlan explained that Groundwater is 50" to 30" to grade at this site, and this request is to minimize the size of the mound over the leach field. Mr. Scanlan further explained that the homeowner would not consider alternative septic designs for this project. The Board discussed the merits of these requests.

VOTE: Mr. Topping made a motion to approve two Variance Requests for 9 Forrest Road as outlined on the Form 9A for the reduction of separation to Estimated Seasonal High Groundwater from five (5) feet to four (4) feet, and to allow inverts below Estimated Seasonal High Groundwater installed with rubber boots. Seconded by Mr. Mannetta, so voted 4-0.

14 Sleepy Hollow Road

Daniel Johnson RS of Domestic Septic Design presented a Form 9A Variance Request to use sieve analysis in lieu of perc testing for a septic repair at 14 Sleepy Hollow Road. Mr. Johnson explained that the location includes sandy loam class 2 soil. The Board discussed the merits of this request.

VOTE: Mr. Topping made a motion to approve the Form 9A Variance Request to use sieve analysis in lieu of perc testing for 14 Sleepy Hollow Road. Seconded by Chair Sheryl Knutsen, so voted 4-0.

116 Boston Street – Peirce Farm

Melinda Gutman and Dan Philpot appeared before the Board to represent Peirce Farm to request the extension of the Annual Food Permit to December 31, 2018. Mr. Coulon presented the Board with photos showing the completion and seeding of the leach field and the Board determined that Peirce Farm is now in compliance with the conditions placed on their Annual Food Permit.

VOTE: Mr. Topping made a motion to extend the 2018 Annual Food Permit for Peirce Farm to December 31, 2018. Seconded by Mr. Mannetta, so voted 4-0.

Request to Waive Bathing Beach Fee of \$50.00 from Topsfield Beach Association

The Board reviewed an email dated March 19, 2018 from Therese Lodewick of the Topsfield Beach Association requesting a waiver of the \$50.00 Bathing Beach Permit Fee for Hood Pond. Mr. Coulon gave the Board a description of Hood Pond including the summer activities and the Board of Health oversight of the Food Permit, Camp Permit and Beach Permit at the pond. Kim Daly from the Hood Pond Association explained that the Association works with a private contractor to conduct weekly water quality testing at the Pond, and explained that there are approximately 500 people who use the Pond during the summer season. Mr. Coulon confirmed that there is a high level of compliance.

VOTE: Mr. Topping made a motion to waive the 2018 \$50.00 Bathing Beach Permit Fee for Hood Pond. Seconded by Mr. Mannetta, so voted 4-0.

Topsfield Village Shopping Center

Chairman Sheryl Knutsen read Gretchen Rehak's April 9, 2018 email into the record (see attached). Ms. Knutsen explained that this issue would be conducted with a report from the Health Agent followed by discussion by the Board, after which the Chair would allow public comment and questions within a 15 minute time frame in order to maintain the Meeting Agenda schedule.

Health Agent John Coulon informed the Board that he received Gretchen Rehak's email on April 10, 2018 and followed up with a visit to the Topsfield Village Shopping Center. Mr. Coulon also contacted Highway Superintendent David Bond and Topsfield Village Shopping Center owner Peter Flomp about fixing the drain pipe near Francie's Boutique and he spent three hours making observations and conducting interviews with shop owners. Mr. Coulon returned to the Shopping Center to make further observations and continue interviewing shop owners. Mr. Coulon reminded the group at the meeting that the Board of Health has jurisdiction under Public Health regulations, which means the Board has oversight at the Shopping Center for the Daybreak Café under the Food Regulations, and the septic system under Massachusetts Title V regulations.

Mr. Coulon continued to review his time line. He sent an email to Ms. Rehak on 4/15/18 outlining his response to her concerns. Mr. Coulon met with Chair Sheryl Knutsen, Building Inspector Glenn Clohecy and Town Administrator Kellie Hebert on 4/24/18 to review the situation and develop action items. Mr. Coulon reported that as of 4/26/18, the drain pipe that caused the large puddle at the Shopping Center had been repaired and the vines around the electrical service had been removed. Mr. Coulon reiterated that the handling of Nuisance complaints is situational, and the Board of Health cannot exceed the jurisdiction of Public Health. The Board reviewed photos and emails sent to them by Ms. Rehak and discussed the response to the complaint. The Chair opened the floor for public comment and questions.

Gretchen Rehak informed the Board that she was speaking for the residents and business owners. Ms. Rehak cited a citizen petition that she said was delivered to the Selectmen two years ago expressing concern about conditions at the Topsfield Village Shopping Center. Ms. Rehak informed the Board that she has seen rodents, open grease barrels, open standing water at the Shopping Center and she has concerns about children cutting through the Shopping Center from the Proctor School near Gil's Grocery where she saw a sagging roof and rotted support. Nancy Luther expressed concern that dumpsters were left uncovered. Mr. Coulon responded that until mosquito season, an open dumpster collecting only water is not a Public Health nuisance.

Carol Brooks Ball expressed concern about the roof and mold issues in the shops. Mr. Coulon informed Ms. Ball that he visited the shop owners, and unless he is invited into an establishment to view a specific complaint, he does not have the legal authority to enter and search a property. He informed the gathering about the complaint and resolution process: when a written complaint is received, the Health Agent informs the Board, proceeds with an investigation, and if a complaint is validated as a Public Health nuisance, a written order of conditions and timeline for abatement are issued. The Board of Health office maintains a log of both verbal and written complaints. Chairman Knutsen informed Ms. Ball that the Board of Health has the ability to ensure compliance through non-criminal disposition. There is an appeal process, and if no resolution is found, the issue may be resolved in court. Leslie Voss expressed concern about flooding in the parking lot and rodent sightings. Mr. Topping requested that the Board add an additional five minutes to the allotted fifteen minutes allowed for this discussion and the Board agreed. Mr. Coulon informed the group that the broken drain pipe that caused the flooding in the shopping center parking lot has been repaired. Regarding rodents, Mr. Coulon said that he inspected the buildings at the Shopping Center and saw no rodents, burrows or droppings and he urged anyone with any specific sightings to call him and he will

continue to monitor the situation. When asked if the Board of Health has jurisdiction over Disability Access, Mr. Coulon responded that Disability Access is not under the purview of the Board of Health, and concerns of that nature should go to the Topsfield ADA Officer, Fire Chief Jenifer Collins-Brown. Ms. Rehak thanked the Board for listening to their concerns. Mr. Coulon will continue to monitor the Topsfield Village Shopping Center. This will become a standing Agenda Item.

Green Meadows Farm Medical Marijuana Grow Operation:

Robert Patton of Green Meadows Farm, Asbury Street, appeared before the Board to introduce the proposed Medical Marijuana Grow Facility on their farm. Mr. Patton explained that the family of General George S. Patton has always been supportive of Veterans, and Medical Marijuana is a valuable modality in the treatment of many medical issues suffered by Veterans. Mr. Patton also hopes to employ Veterans at this business, and a portion of the profits will go toward charitable causes including Veterans' issues.

Mr. Patton and his sons have met with lawyers, financial consultants, business consultants, and Town representatives to outline the proposed four-season hybrid growing operation. He explained that the grow facilities will have the appearance of one-story barns with glass roofing to utilize sunlight. The CO2 extraction method will be used and there will be no odors emitted from the operation. Mr. Patton answered questions and explained that the business will be returning 1.25% of its gross revenues to the Town each year. This issue is on the May 3, 2018 Topsfield ballot. The Board thanked Mr. Patton and Mr. Coulon suggested that he contact the Tri-Town Council to inform them about the proposed operation.

Nuisance Complaint Intake Form

Chairman Knutsen presented the West Virginia Department of Health and Human Resources Nuisance Investigation Report as a template for a similar form for the Topsfield Board of Health. Ms. Knutsen also referred to the value of Board Members participating in Boston University's Local Public Health Institute on-line training on Nuisance Control Abatement and Removal. The Health Agent will work with the TBOH Administrative Assistant to draft a form for use by the TBOH, and will present the draft for review at the May 24, 2018 TBOH Meeting.

Excessive Level of Lead in Water Sampling

The Health Agent informed the Board that a recent water sample at 19 Wilmor Road, taken by Weston and Sampson, indicated excessive lead levels. The property has a private well, and water quality is monitored as a condition of the landfill closure. Years ago, an excessive lead reading at this location was traced to lead solder used in the repair of an outdoor spigot. Mr. Coulon will work with Weston and Sampson to conduct further water testing at this location.

Tobacco Control Compliance Check

Health Agent John Coulon informed the Board that Ron Beauregard from Healthy Communities Tobacco Control recently conducted a compliance check at Country Farm convenience store, 20 Main Street, after receiving a complaint from a resident who alleged that a minor was allowed to purchase vaping materials at that location. Mr. Coulon informed the Board that, during the compliance check conducted by Mr. Beauregard, Country Farm personnel carded a youth sent into the store and would not sell tobacco products to him, thus passing the compliance check.

Request for Proposal

Mr. Coulon presented the Board with a draft Request for Proposal to hire someone to conduct research on the role of Public Health in a mass gathering, particularly the Topsfield Fair. The position will be paid out of funds remaining in the Board of Health FY18 budget for this year and from the FY19 Budget next year. Mr. Topping suggested that Mr. Coulon search for grants to supplement this project. It was the consensus of the Board to support this project. Mr. Coulon will update the Board as this project progresses.

CORRESPONDENCE

The Board reviewed a letter from the Barnstable County Lyme/Tickborne Diseases Task Force and the Third Quarter Report from VNA Care.

ADJOURN

Mr. Topping made a motion to adjourn at 11:00 pm. Seconded by Mr. Mannetta, so voted 4-0.

Respectfully submitted,
Susan Winslow
Recording Secretary

DOCUMENTS

1. Agenda
2. Form 9A Variance Request for 9 Forrest Road
3. Form 9A Variance Request for 14 Sleepy Hollow Road
4. Email from Melinda Gutman
5. Photo of leach field at Peirce Farm
6. Copy of Peirce Farm 2018 Food Permit
7. Email from Therese Lodewick
9. Application for Permit to Operate a Bathing Beach for Topsfield Beach Association
10. Copy of Topsfield Beach Association Permit to Operate a Bathing Beach
11. Emails from Gretchen Rehak
12. Photos of Topsfield Village Shopping Center
13. West Virginia Department of Health and Human Resources Nuisance Investigation Report
13. Email from Robert Patton
14. Green Meadows Farm, LLC Presentation to the Topsfield Board of Selectmen
15. Gun Safety Letter
16. Topsfield Board of Health Request for Proposals
17. Barnstable County Lyme/Tickborne Diseases Task Force Letter
18. VNA Care Third Quarter Report
19. March 1, 2018 Draft Meeting Minutes

These Minutes were accepted at the June 7, 2018 Board of Health Meeting.

Pursuant to the 'Open Meeting Law, G.L. c. 30A, §18-25, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.
