



**BOARD OF HEALTH
Topsfield Town Offices
8 West Common Street, Topsfield, MA 01983**

Minutes of August 15, 2019

6:30 PM

Board Members present were Chair Sheryl Knutsen RN, Vice-Chair Gerry Topping PE and Members Thomas Mannetta CE and Larry Fixler RPh. Member Anthony Alley RN was not in attendance. Health Agent Wendy Hansbury and recording Secretary Susan Winslow were in attendance as was Town Counsel Jeffrey Blake from KP Law.

Chairman Knutsen called the meeting to order at 6:31 pm.

MEETING MINUTES:

June 27, 2019

VOTE: Mr. Topping made a motion to accept the Meeting Minutes of June 27, 2019 as written. Seconded by Mr. Mannetta. The motion passed in a vote of 4-0.

July 25, 2019

VOTE: Mr. Mannetta made a motion to accept the Meeting Minutes of July 25, 2019 as written. Seconded by Mr. Topping. The motion passed in a vote of 4-0.

EXECUTIVE SESSION:

Chair Sheryl Knutsen announced that the Board would be entering into Executive Session pursuant to G.L. 30A, §21(a)(7) to comply with or act under the authority of, any general or special law or federal grant-in-aid requirements ("Purpose 7"), citing to the Open Meeting Law. G.L. c.30A §§ 22(f), (g) to review Executive Session Minutes.

VOTE: At 6:34 PM, Mr. Topping made a motion to enter into Executive Session citing the Open Meeting Law G.L. c. 30A §§22(f), (g) for the purpose of reviewing Executive Session Meeting Minutes of March 21, 2019, April 16, 2019, June 27, 2019. Seconded by Mr. Mannetta and voted in a roll-call vote:

Knutsen – yes

Topping – yes

Mannetta – yes

Fixler – yes

The motion passed in a vote of 4-0.

OPEN SESSION:

The Board returned to Open Session at 6:38 pm.

NEW BUSINESS:

Recognition of Mark Lyons

The Board observed a moment of silence in observance of the recent passing of Board of Selectmen Chair Mark Lyons who was remembered as a well-respected leader and tireless supporter of the Town of Topsfield.

Topsfield Village Shopping Center

Health Agent Wendy Hansbury reported that there have been no complaints about the Topsfield Village Shopping Center since the July 25, 2019 Meeting. Ms. Hansbury informed the Board that members of the Board of Selectmen have been involved in the Downtown Revitalization Project and that Daybreak Café will be experiencing a change in ownership in the near future.

FY20 Board Meetings: Change in Time and Day

The Board reviewed a list of potential days/times for future FY20 Meetings. The Board reached a consensus that future Board of Health Meetings will occur at 6:30 PM on the third Wednesday of the month starting in September, 2019. Ms. Winslow will post the dates on the Town website.

Signatories

At the May 23, 2019 Meeting, Board Members came to a consensus that all Board Members should be authorized as signatories. With the resignation of Dr. Guerra from the Board in June, 2019, Mr. Mannetta will now be authorized as secondary signatory, with Chair Knutsen as primary signatory.

HEALTH AGENT REPORT:

Health Agent Wendy Hansbury reported the following:

- The Health Agent Job Description has been updated and posted on the Town website.
- Ms. Hansbury informed the Board that she worked with Town Accountant Catherine Gabriel and Interim Town Administrator Robin Crosbie to reinstate a wage line for the position of Minutes Secretary.
- Ms. Hansbury has met with Topsfield Fair General Manager James O'Brien in preparation for the 2019 Fair. She has also met with John Palmisano, Kurt Schmekel and Greg Hochmuth PE to learn about food vendor permitting and management, gray water management, security and protocols at the Fair. Ms. Hansbury informed the Board that there will be approximately 100 food vendors at the Fair with 20 additional on the Midway, a separate entity run by Fiesta Shows. The Board discussed the possibility of Ms. Hansbury enlisting Alternate Health Agents to assist with Food Inspections. Ms. Hansbury will give the Board an update at the September meeting.
- 86 High Street Housing Correction Order – issues have been resolved with exception of one handrail. Ms. Hansbury has been working with Building Inspector Glen Clohecy to ensure follow-through on all items listed in the Correction Order.
- 220 High Street – septic repair has been completed.
- 151 Perkins Row Housing Correction Order – Ms. Hansbury has followed up on a tenant complaint and a correction order has been issued.

- Tour of Topsfield – Chair Knutsen gave Ms. Hansbury of tour of Topsfield.
- 34 Gail Street – neighbor complaint led to discovery that patio has been built over leach field. Health Agent Hansbury visited the property to conduct an inspection and spoke with the homeowner. The homeowner has enlisted Dean Luscomb II to confirm location of septic components and another septic installer will be enlisted to send a camera through the system to determine if damage has been done to pipes in the leaching system.
- 2019 Flu Vaccine Clinic – Ms. Hansbury met with Chair Sheryl Knutsen and COA Director Paula Burke to plan the October 24, 2019 Flu Vaccine Clinic at Town Hall. It will be followed by a Winter Readiness Seminar for Seniors before their October banquet. A second Flu Vaccine clinic will be held during the Holiday on the Green event on December 7, 2019.
- Emergency Beaver Trapping Permit – Health Agent Hansbury issued an emergency beaver trapping permit to the Essex Agricultural Society for the Fairgrounds. Ms. Hansbury met with Kurt Schmekel, Greg Hochmuth and Conservation Agent Heidi Gaffney at the location adjacent to the Fairgrounds to observe the issue. Ms. Hansbury encouraged them to trap during the official trapping season to avoid emergency situations in the future.
- A mobile food permit has been issued to The Sacred Cod for visits to the Essex County Co-Op on Tuesdays.
- Two (2) temporary food permits have been issued and ten (10) building permits have been reviewed for sign-off.
- Health Agent Hansbury expressed concern that the Wild Animals and Exotics By-law was mis-written to indicate that Mass. Wildlife and Mass. Audubon may act as approving authorities for traveling zoos. Ms. Hansbury informed the Board that she spoke with Andrea Lukens at Mass. Audubon who confirmed that Mass. Audubon has no authority or interest in acting as an approving authority for the By-law. Ms. Hansbury spoke with the author of the By-law, Martha Sanders, and they will be meeting to review the language in the By-law the week of August 19, 2019.
- Granting of Variance Requests - Mr. Topping informed Ms. Hansbury that Form 9A Variance Requests are reviewed and voted on by the Board, but the Health Agent is allowed to grant fee waivers in accordance with the Fee Waiver Policy and variance requests related to Alternative Technology Systems such as Presby Systems as well as tight tanks.

Town Counsel Jeffrey Blake arrived at the Meeting at 7:10 PM.

Mr. Mannetta informed the Board that he was recusing himself from the Public Hearing and left the meeting at 7:26 PM.

PUBLIC HEARING

VOTE: Mr. Topping made a motion to adjourn the Meeting at the conclusion of the Public Hearing. Seconded by Mr. Fixler. The motion passed in a vote of 3-0.

At 7:30 PM, Chair Knutsen announced the following,

This is an adjudicatory public hearing regarding the revocation or suspension of the septic installer license issued to Mr. Mark Finn for the 2019 season, pursuant to the Topsfield Delinquent Taxpayers: licenses and permits By-law.

I will now read the hearing notice into the record,

Certified Mail to Mark Finn, 20 Asbury Street, Topsfield, MA and Barbara Michalowski, Tax Collector, Topsfield Town hall, 8 West Common Street, Topsfield, MA 01983.

RE: HEARING – PUBLIC MEETING, TOWN OF TOPSFIELD BY-LAW CHAPTER XXV: DELINQUENT TAXPAYERS; LICENSES AND PERMITS BY-LAW.

Dear Mr. Finn and Ms. Michalowski,

Upon review of the list of delinquent taxpayers issued by the Topsfield Tax Collector, the Board has found a currently licensed septic installer, Mark Finn, has been determined to be delinquent on multiple fiscal year taxes. A hearing in accordance with applicable state and local regulations, in particular Section 25-1.2 of the Chapter XXV: Delinquent Taxpayers: Licenses And Permits By-Law and G. L. c. 40 § 57, will be held on the subject of revocation, suspension of denial of the septic installer license issued to Mr. Mark Finn for the 2019 season and any requested permits to install a septic system. Please see the attached copy of the By-Law.

The Board of Health has scheduled the hearing for THURSDAY, August 15, 2019, at 7:30 p.m. in the Town Hall conference room. At that hearing, the Board of Health will consider the suspension of the septic installer license and denial of related permit request(s). Information or comments will be reviewed. You may attend the hearing and present testimony, written or oral, and may be represented by counsel of your choice.

If you have any questions, please contact the Topsfield Board of Health Department at 978-887-1520.

Sincerely,

Wendy Hansbury, Health Agent

Chair Knutsen asked if there was anyone present who wished to offer testimony.

The Board confirmed that notice had been sent to Mr. Finn via certified mail.

Mr. Topping asked that the record show that neither Mr. Finn nor any representative of Mr. Finn was in attendance.

Chair Knutsen presented evidence to the Board including:

- Topsfield Delinquent Real Estate List prepared by Treasurer/Collector Barbara Michalowski indicating that Mr. Finn was on the list.
- 8/8/19 Town of Topsfield Real Estate Tax Statement for Mr. Finn indicating a total due of \$123,378.24
- Clerk's Notice Docket #1777CV01091 Trial Court of Massachusetts Summary Judgement in the case of Town of Topsfield by and through the Treasurer/Collector vs. Mar Finn also Known as Mark K. Finn et al dated 4/16/19.

The Board confirmed with Town Counsel Jeffrey Blake that all relevant testimony and evidence had been presented.

Chair Knutsen entertained a motion to close the evidentiary portion of the Hearing.

VOTE: Mr. Topping made a motion to close the evidentiary portion of the Public Hearing. Seconded by Mr. Fixler. The motion passed in a vote of 3-0.

Chair Knutsen asked if there was any deliberation. There was none.

VOTE: Mr. Topping made a motion to suspend the Septic Installer License and deny any permit requests for Mark Finn, 20 Asbury Street, Topsfield based on Topsfield By-Law Chapter XXV, sec. 25-1.2 and M.G.L. ch. 40, sec 57. Seconded by Mr. Fixler. The motion carried in a vote of 3-0.

VOTE: Mr. Fixler made a motion to close the public hearing. Seconded by Mr. Topping. The motion carried in a vote of 3-0.

The Public Hearing was closed and the Meeting was adjourned at 7:50 PM.

Respectfully submitted,

Susan Winslow

Recording Secretary

Items distributed:

1. Agenda
2. June 27, 2019 Draft Meeting Minutes
3. July 25, 2019 Draft Meeting Minutes
4. Agent's Report
5. Topsfield Delinquent Real Estate List
6. 8/8/19 Real Estate Tax Statement – Finn, Mark and Finn, Ruth Ann
7. Copy of Topsfield Town By-Law Chapter XXV: Delinquent Taxpayers: Licenses and Permits By-Law
8. Copy of Certified Letter sent to Mark Finn
9. Copy of G.L. 40, sec. 57 Local Licenses and Permits; Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges
10. Trial Court of Massachusetts – Superior Court Summary Judgement for the Town of Topsfield dated 4/16/19
11. Trial Court of Massachusetts – Superior Court Summary Judgement for the Town of Topsfield dated 6/9/15

These Minutes were reviewed and accepted at the September 18, 2019 Meeting.

<p>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.</p>
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