



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

Minutes of November 20, 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. Selectman Dick Gandt and residents Martha and James Gilford were 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

EEE: Eastern Equine Encephalitis

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

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

WNV: West Nile Virus

CALL TO ORDER

Chairman Knutsen called the meeting to order at 6:30 pm.

MEETING MINUTES:

October 16, 2019

VOTE: Mr. Mannetta made a motion to accept the Minutes of October 16, 2019 as written. Seconded by Mr. Topping. The motion passed in a vote of 4-0.

APPOINTMENTS:

115 South Main Street Local Upgrade Approval Request

Mr. Mannetta presented the Form 9A Variance Requests for the estate of John Ellsworth. This will be a complete upgrade with a 2500 gallon combination tank pumping to a Presby Eviro Septic. The Form 9A Variance Requests include:

- Septic tank 8 feet from cellar wall
- Soil absorption system 15 1/2 feet to cellar wall
- Leaching field 8 feet to property line

An alternative technology waiver of 4 feet of separation to estimated seasonal high ground water was already granted. The plan is for an existing 3-bedroom dwelling. An impervious barrier will be used. The septic tank will have rubber boots.

VOTE: Mr. Topping made a motion to approve the Form 9A Variance Requests for 115 South Main Street. Seconded by Mr. Fixler. The motion carried in a vote of 3-0 with Mr. Mannetta abstaining.

Discussion: R:1-6 Regulations Restricting Youth Access to Tobacco

Ron Beauregard from the Healthy Communities Tobacco Program appeared before the Board with an update on the Massachusetts House bill voted on November 13, 2019 to ban flavored tobacco products including mint, menthol and winter green. At the February 28, 2019 Board of Health Meeting, the Board conducted a public hearing before voting to ban the sale of flavored tobacco products in Topsfield with an exemption for mint, menthol and winter green.

Martha and James Gilford, owners of Gil's Grocery, 30 Main Street, appeared before the Board to request that the Board consider amending Topsfield R: 1-6 Regulations Restricting Youth Access to Tobacco to allow an exemption for the sale of flavored cigars. Mr. Gilford reminded the Board that no-one under the age of 21 is allowed to purchase cigars which are kept in a locked cabinet in his store. Mr. Gilford read a statement into the record (see attached). Mr. Gilford informed the Board that he has \$400 in inventory including Backwoods honey flavored cigars that he is not allowed to sell due to the restrictions on flavored tobacco products.

The Board discussed Mr. Gilford's request and explained that representatives from the Tri-Town Coalition and students from Masconomet Regional High School appeared before the Board of Health at the February 28, 2019 Public Hearing and Meeting to request that the Board support a ban on vaping and flavored tobacco products. They cited concerns about the use of flavors attractive to youth to draw young people into vaping and an ongoing issue with vaping in the bathrooms at Masconomet Regional High School. Additionally, Cynthia Grandin PhD, a Boxford resident and researcher at North Carolina State University, Raleigh, NC appeared at the February 28, 2019 meeting to discuss her research titled, "Effects of E-Cigarettes, Nicotine and Flavors on Genes and Disease Risks." The

Board informed Mr. Gilford that it would have been appropriate for him to appear at the February 28, 2019 Public Hearing to express his concerns before the Board voted on the change in the regulation. The Board thanked Mr. and Mrs. Gilford for sharing their thoughts on this topic. Mr. and Mrs. Gilford left the meeting.

Mr. Beauregard informed the Board that 168 Towns in the Commonwealth have enacted flavor restrictions. The Board took no action at this time. This item will be placed on the December 18, 2019 Agenda for further discussion.

OLD BUSINESS:

Review of Fee Schedule

The Board reviewed the document outlining current fees and proposed changes to the fee schedule. Ms. Hansbury informed the Board that the fees have not been changed in almost ten years. This item will be placed on the December 20, 2019 Agenda for further discussion.

Topsfield Village Shopping Center

There have been no complaints about the Topsfield Village Shopping Center since the October 16, 2019 Board of Health meeting.

Chapter LXVII Wild Animals and Exotics By-law

Health Agent Hansbury informed the Board that she met with Interim Town Administrator Robin Crosbie to express the Board's concern that the scope of the By-law is outside the jurisdiction of the Board of Health. The By-law lists the Board of Health and the Police Department as enforcement agencies. Ms. Hansbury informed the Board that the By-law as written is vague and confusing and the organizations listed in the By-law (ie Massachusetts Audubon) to review and rule on requests to host zoo-type animal events in Topsfield indicated they were not consulted by the authors of the By-law and they will not be involved in any type of review or decision-making process. The Interim Town Administrator has created a form for applicants who wish to host events involving wild or exotic animals. The Health Agent has sent a memo to the Selectmen asking for clarification on this By-law.

Flu Vaccine Clinic – October 24, 2019

Ms. Hansbury informed the Board that the October 24, 2019 Flu Vaccine Clinic held at Town Hall was a success, with 114 Flu Vaccines administered by the VNA. The Health Agent thanked Chair Sheryl Knutsen, Board Member Larry Fixler and Susan Winslow for their help during the preparation and administration of the Clinic.

NEW BUSINESS

Remote Participation Policy

The Board reviewed the document adopted by the Board of Selectmen regarding remote participation in Board Meetings. It was noted that a physical quorum must be met before allowing a member to participate remotely.

R:1-2 Supplemental Regulations to 310 CMR 15.00 The State Environmental Code

Mr. Topping informed the Board that he has been reviewing Topsfield R: 1-2 Supplemental Regulations to 310 CMR 15.00 and will be prepared to make suggestions regarding proposed changes at the December 18, 2019 Board Meeting. Pending the results of a discussion at the December 18, 2019 Meeting, the Board will consider holding a Public Hearing to update the Regulations at the January 15, 2020 meeting.

HEALTH AGENT REPORT

Ms. Hansbury reported that, in addition to regular office duties, she has been engaged in the following:

- Housing issue re: 27 Haverhill Road
- Housing court follow-up re: 151 Perkins Row
- Multiple soil tests
- Conducted kitchen inspections at Proctor and Steward School
- Conducted winter preparedness seminar for COA
- Met with the Masconomet Regional High School Health Director
- Attended Tri-Town Council Meeting
- Attended Public Safety Meeting
- Attended Downtown Revitalization Committee Meeting
- Met with Westin and Sampson re: future of landfill monitoring
- Hosted an interactive activity at the Proctor School Wellness Fair
- Attended Certified Pool Operator Certification Course
- Conducted Food Inspections at Castleberry Fair
- Met with incoming Town Administrator Kevin Harutunian
- Conducted Flu Vaccine Clinic

MOTION TO ADJOURN

VOTE: Mr. Fixler made a motion to adjourn at 9:10 PM. Seconded by Mr. Topping. The motion carried in a vote of 4-0.

Respectfully submitted,

Susan Winslow

Recording Secretary

Items distributed:

1. Agenda
2. October 16, 2019 Draft Meeting Minutes
3. Written statement from James Gilford
4. R:1-6 Regulations Restricting Youth Access To Tobacco
5. Town of Topsfield Remote Participation Policy with Procedures adopted November 4, 2019
6. Chapter LXVII Wild Animals and Exotics By-law
7. 115 South Main Street Application for Disposal System Construction Permit
8. 115 South Main Street Form 9A Application for Local Upgrade Approval
9. Current and Proposed Board of Health Fee Schedule
10. R:1-2 Supplemental Regulations to 310 CMR 15.00 The State Environmental Code, Title 5

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

Evening I am James Gilford
62 resident Topsfield I own Gil's
Grocery Est by my Dad 1946
This is a Beekwood cigar This
is a Beekwoods Honey flavor cigar.
Being over the age of 21, I
have the right to purchase and
smoke this product this ^{product} is not
illegal in Massachusetts I also have
the right drive a car join the
Service get married own a gun
buy marijuana or any one of
30 different flavors of vodka

This morning at 8:30 I went
to 5 different stores in a 5
mile radius of where we are
sitting, I was able to purchase
these products off their shelves.
Topstfield is not allowing me to
sell these. I believe a recommendation
was given to the Board and voted
it as a good thing. I have
lost customers & revenue customers
that would pick up ^{other} goods customers
that now go somewhere else.
I have a license from the town
to sell tobacco products and

Until the State bans the
sale of products. Please let
me go back to selling them.
I have never sold Vaping
or E cigarettes and make sure
my customer ~~are~~ 21 years of
age.



