

**BOARD OF HEALTH
Topsfield Town Hall
MINUTES
8 West Common Street, Topsfield, MA 01983
VIDEO/TELE CONFERENCE**

Date:	Wednesday, March 16, 2022
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ATTENDANCE:

BOARD MEMBERS	
Sheryl Knutsen RN Chair	Yes
Mark Rizza	Yes
William Hunt Esq.	Yes
Ellen Eaton RN	Yes
Amy Lischko MSPH, DSc	Yes – joined meeting at 7:04 pm

STAFF MEMBERS	PRESENT
Health Director Wendy Hansbury	Yes
Susan Winslow, Minutes Secretary	Yes

VISITORS PRESENT: Boxford/Topsfield Cable Television, Ron Beauregard, Massachusetts Tobacco Control, Laura Vlasuk, Massachusetts Tobacco Control, Gerald Topping, Dick Gandt

OPENING

The meeting of the Topsfield Board of Health was called to order at 6:32 pm on March 16, 2022 by Chair Sheryl Knutsen.

ANNOUNCEMENTS

Chair Sheryl Knutsen made the following announcements:

Pursuant to Chapter 20 of the Acts of 2021, this meeting/public hearing will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: Zoom Meeting – see connection information below to join the meeting by Zoom videoconference or calling in by phone. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Topsfield Town Website, at <https://www.topsfield-ma.gov/>. You may also reach out to the Topsfield Board of Health at health@topsfield-ma.gov or

978-887-1520 for information/assistance. No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only.

- The Recording Secretary is taking Meeting Minutes of this meeting and it is being recorded by ZOOM and Topsfield/Boxford Cable Television. No others wished to record the meeting.
- Following the Moment of Silence and the Appointment on the Agenda, The Topsfield Board of Health will be opening the Public Hearing regarding proposed changes to R:1-2 Topsfield Supplemental Regulations to CMR 15.00 the State Title 5.
- There will first be a brief presentation by a Board member. Then Public comment will be welcome. The public hearing will then be closed and the Board will then deliberate.

MOMENT OF SILENCE

Chair Knutsen led the Board and Visitors in a moment of silence.

APPOINTMENTS

Appointment of Laura Vlasuk CPO, CS, CP-FS – Topsfield Tobacco Control Agent in Limited Capacity

Chair Knutsen introduced Ron Beauregard from the Massachusetts Healthy Communities Tobacco Control Program. Mr. Beauregard explained that Ms. Vlasuk works as a Compliance Officer for the Tobacco Control Program, and his request before the Board was that she would be voted in as a Health Agent in Limited Capacity. In this role, Ms. Vlasuk will conduct Tobacco Compliance Checks in the Town of Topsfield and further educate retailers on 105 CMR 665, the ban on selling flavored nicotine products. Ms. Vlasuk informed the Board that, as an independent contractor, she works as Tobacco Control Compliance Officer in the Dracut, Haverhill, North Reading and other towns in the region. Ms. Eaton noted the extensive resume submitted by Ms. Vlasuk.

VOTE: Mr. Rizza made a motion to appoint Laura Vlasuk as Topsfield Tobacco Control Agent in a Limited Capacity. Seconded by Ms. Eaton. After determining that there was no further discussion, Chair Knutsen called for a roll-call vote:

Knutsen – yes

Rizza – yes

Hunt – abstain

Eaton – yes

The motion passed in a vote of 3-0-1.

PUBLIC HEARING: R:1-2 Supplemental Regulations to 310 CMR 15.00 The State Environmental Code, Title 5

Chair Knutsen read the following announcement:

The Public Hearing scheduled for March 16, 2022 was duly advertised in the Salem News on Monday, February 28, 2022 and Monday, March 7, 2022 as follows:

Notice is hereby given that on Wednesday, March 16, 2022 at 6:30 pm, the Topsfield Board of Health will hold a Public Hearing via remote participation through video and/or audio conference to address proposed changes to the following regulations: R:1-2 Supplemental Regulations to 310 CMR 15.00, The State Environmental Code, Title 5. Meeting participation instructions will be listed on the meeting agenda posted with the Town Clerk a minimum of 48 hours prior to the meeting date or contact health@topsfield-ma.gov. Written comments are welcome at health@topsfield-ma.gov Draft regulations are available on the Town Website www.topsfield-ma.gov or at the Topsfield Board of Health.

Ms. Knutsen entertained a motion to open the Public Hearing.

VOTE: Ms. Eaton made a motion to open the Public Hearing to consider proposed changes to R:1-2 Supplemental Regulations to 310 CMR 15.00, The State Environmental Code Title 5. Seconded by Mr. Rizza. After determining that there was no further discussion on opening the Public Hearing, Chair Knutsen called for a roll-call vote:

Knutsen - yes

Rizza – yes

Hunt – yes

Eaton – yes

The motion passed in a vote of 4-0.

Chair Knutsen explained the following:

- Information regarding the regulations review will be presented. The Board will welcome public comment following the presentation, but no questions or comments from the public will be allowed until the floor is open to the public.
- Health Director Wendy Hansbury worked with subcommittee members Ellen Eaton and Amy Lischko to review existing regulations in R: 1-2 Supplemental Regulations to 310 CMR 15.00, the State Environmental Code Title 5.
- The Black Lined Regulations and Draft Regulations were posted on the Town Website and were available at the Board of Health Office.
- History of Regulations: Title 5 was implemented in May, 1977. The Topsfield Board of Health adopted supplemental regulations in 2014. On February 19, 2020, the Board of Health opened a Public Hearing to review the Supplemental Regulations. The Public Hearing was continued to the March 25, 2020 Meeting but the onset of the COVID-19 Pandemic and Governor Baker's Emergency Order caused a shut down. At the June 30, 2021 Meeting, the Board voted to close the public hearing to be reopened at a future date because of the elapsed time since the Public Hearing originally opened and personnel changes on the Board.

Health Director Hansbury added:

- This regulations review is timely for inclusion in the Town Clerk's Codification of Town Bylaws and Regulations that is currently underway.
- In January 2022, The subcommittee began to further refine the proposed changes to the regulations that the Board originally reviewed in 2020.
- The perc rate of 60 minutes per inch is set by Title 5.

Mr. Hunt questioned whether the revised regulations, including a change in the perc rate, should include language repealing prior regulations. Ms. Hansbury responded that this might add confusion because when regulations are changed, the date of change is noted and it is commonly understood that prior regulations are no longer valid. The Board discussed the language in the Regulations and determined that language repealing prior regulations would not be necessary in this process.

Subcommittee Member Ellen Eaton gave the Board an introduction to the regulations review as follows:

Public Hearing regarding:

R:1-2 SUPPLEMENTAL REGULATIONS TO 310 CMR 15.00 THE STATE ENVIRONMENTAL CODE, TITLE 5.

Title 5 of the Environmental Code of the Commonwealth of Massachusetts was first published in May 1977. Additionally, the town of Topsfield BOH adopted regulations as supplements to Title 5.

These Supplemental Regulations were amended by the BOH in August 2014.

In early 2020, the BOH held a public hearing on February 19, 2020 to review and update the regulation. The hearing was continued to the March 25, 2020 BOH meeting. Before the meeting was held, an emergency order D/T Covid 19 caused a shut-down, such that the Public Hearing could not be continued until such time as the emergency was lifted. In June 2021, the Board voted to close the Public Hearing, and to revisit the review at a later date.

With the Town Clerk's office working on Codification of the Town By-Laws, it is the appropriate time to review and update the Regulations which will be included in the Codification project as an addendum.

A sub-committee of the BOH, including Health Director Wendy Hansbury, Board Member, Amy Lischko and myself, Ellen Eaton, has met since January 2022. The sub-committee reviewed the work done in 2020 on **R:1-2** and have further refined the document. At the February 2022 BOH meeting, the Board voted to set a date of March 16, 2022, to open the public hearing to review R: 1-2 to update the regulations and delete duplication in the Title 5 document.

Changes

Some of the changes are a re-numbering for clarification.

Another change from 2014 has to do with the perc rate. I believe in 2014, there was concern that, when the perc rate was changed from 20 minutes per inch to 30 minutes per inch, there would be a significant increase in construction/building in Topsfield.

There was not a substantial increase, so at the 2020 update it was decided to exclude the 30 minutes per inch, defaulting to Title 5 at 60 minutes per inch for the perc rate.

The work from 2020 is that the perc rate for the town is now in line with the State Title 5, so there is currently no reference to the perc rate in the document.

Submitted: Ellen Eaton March 16, 2022

The Board thanked Ms. Eaton for the introduction. Chair Knutsen asked Ms. Hansbury if any comments or questions were received at the Board of Health by telephone, in person or via email. Ms. Hansbury responded that there were none.

Chair Knutsen announced the following ground rules for public comment:

Before we begin, I am going to set some ground rules so that we can have an orderly hearing. During tonight's public hearing, our intent is to get input from the public on the proposed revised Local Topsfield R:1-2 Supplemental Regulations to 310 CMR 15.00, The State Environmental Code Title 5. The only way we can get the public's input is if every member of the public is allowed to speak freely in a respectful manner. For that reason this hearing will be conducted according to the following procedure:

- *In the event the meeting is disrupted by hackers, the meeting will be ended.*
- *If you wish to speak, please open the chat and write your name, address and affiliation into the chat.*
- *Any local official who wishes to speak will be invited to speak first.*
- *The Chair will then call upon people to speak in the order that they have signed into the chat.*
- *Each speaker will have a maximum time allotment of 3 minutes to speak. If the comments from the public become abusive or civil discourse is disrupted, the meeting will be ended.*
- *When you speak please identify yourself and your organization if you represent one, for the record.*
- *We are meeting tonight about a proposed revision to a regulation. Please restrict your comments to that regulation.*
- *Please also direct your comments to members of the Board, and not to members of the audience.*
- *After everyone has had a chance to speak, the public hearing will be closed, and members of the Board will discuss and deliberate.*
- *This regulation is being considered by the Board under authority MGL Chapter 111, section 131 to adopt reasonable health regulations.*
- *We have not received any written correspondence about these regulation revisions.*
- *So right now we will simply be taking testimony from the public and we will not be answering any questions.*
- *I would like to start by inviting Select Board Member Dick Gandt to speak.*

Richard Gandt, 31 Timber Lane, announced that he was addressing the Board as a private citizen, not as a member of Select Board. Mr. Gandt expressed the following concerns:

- Requiring homeowners with well water to bear the cost of water quality testing as part of a Title 5 Inspection is adding a burden to them.
- The perc rate should not be changed from 30 minutes per inch to 60 minutes per inch.

Gerald Topping, 43 Shelton Avenue, York, Maine, a former Topsfield resident and member of the Topsfield Board of Health addressed the Board with comments:

- Mr. Topping worked on the Regulations Review for the 2020 Board of Health Meeting and Public Hearing and he endorsed this review.
- Records show that the change in perc rate from 20 minutes to 30 minutes in 2014 did not result in mass construction in Topsfield.
- The 60 minutes per inch rate in Title 5 is based in science.
- Mr. Topping is in favor of well testing as part of a Title 5 inspection.

Chair Knutsen asked if there was anyone else from the public who wished to speak. There was no-one.

Chair Knutsen entertained a motion to close the Public Hearing.

VOTE: Mr. Rizza made a motion to close the Public Hearing. Seconded by Mr. Hunt. After determining that there was no further discussion, Chair Knutsen called for a roll-call vote:

Knutsen – yes

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Rizza – yes

Hunt – yes

Eaton – yes

The motion carried in a vote of 4-0.

Board Members then discussed the adoption of the revised regulations.

Ms. Eaton pointed out that there was a typo on page 1 in the bottom paragraph: “and” should be “or” in General Requirements under Section 2.

Board Members discussed fines and determined that language in the revised regulations is acceptable.

Mr. Gandt pointed out that there is a typo on page 3: “other wise” should be “otherwise” in the Policy Procedure section.

After determining that there was no further discussion, Chair Knutsen entertained a motion.

VOTE: Mr. Rizza made a motion to approve R:1-2 Supplemental Regulations to 310 CMR 15.00 The State Environmental Code Title 5 with two noted typos discussed: “and” to become “or” in the General Requirements section and “other wise” to become “otherwise” in the Policy Procedure section. Seconded by Ms. Eaton. After determining that there was no further discussion, Chair Knutsen called for a roll-call vote:

Knutsen – yes

Rizza – yes

Hunt – yes

Eaton – yes

Lischko – yes

The motion carried in a vote of 5-0.

MEETING MINUTES

February 16, 2022

Chair Knutsen asked the Board Members if there were any corrections/comments/questions regarding the Meeting Minutes of February 16, 2022. There were none.

VOTE: Mr. Rizza made a motion to accept the Meeting Minutes of February 16, 2022 as written. Seconded by Mr. Hunt. After determining that there were no further comments or questions, Chair Knutsen called for a roll-call vote.

Knutsen – yes

Rizza –yes

Hunt - yes

Eaton – yes

Lischko – yes

The motion was approved in a vote of 5-0.

OLD BUSINESS

COVID-19 UPDATE

Director Hansbury reported the following:

- There are currently 3 positive cases in Topsfield but this number does not reflect positives from home-test kits because those are not reported.
- Test kits are available at the Board of Health office, free of charge.
- As of February 28, 2022, masking in schools is optional, although Topsfield schools encouraged mask-wearing for the week following that date because children were returning to school after vacation.
- The Schools are practicing the "Test At Home" program with self reporting.
- Topsfield Fire Chief Jenifer Collins-Brown informed Ms. Hansbury that COVID numbers may be lower, but the TFD is still seeing it in the community.
- Vaccine Clinics are being held weekly, alternating between Topsfield and Middleton, although this may be changed to monthly in the near future. All three vaccines are available at these clinics.
- Contact tracing for cluster events is continuing, even as regular contact tracing has ended.
- Jeff Gangi, the Manager at Masconomet Healthcare Center, has moved on to a new job. He did an excellent job working with the Topsfield Board of Health during the pandemic.

NEW BUSINESS

Northeast Massachusetts Mosquito Control (NEMMC) 2022

Chair Knutsen informed the Board that the NEMMC 2022 Integrated Pest and Vector Management Plan and 2022 Best Management Practice Plan for Topsfield were distributed to Board Members for review. The \$49,840.00 cost for the program comes out of the Cherry Sheet state aid to local municipalities. The program includes education, tire recycling, larviciding, surveillance and weekly testing of mosquito pools throughout the season when Eastern Equine Encephalitis and West Nile Virus are a concern and spraying as required.

Ms. Hansbury informed the Board that there will be an informational NEMMC ZOOM call on March 31 at 10 am. Ms. Hansbury will send ZOOM information to Board Members who wish to participate.

VOTE: Mr. Hunt made a motion to adopt the Northeast Massachusetts Mosquito Control 2022 Integrated Pest and Vector Management Plan and 2022 Best Management Practice Plan for Topsfield. Seconded by Mr. Rizza. After determining that there was no further discussion, Chair Knutsen called for a roll-call vote:

Knutsen – yes

Rizza – yes

Hunt – yes

Eaton – yes

Lischko – yes

The motion passed in a vote of 5-0.

Financial Update

- The Board of Health received \$3,312.00 in revenue since the February 16, 2022 meeting.
- The Board reviewed bills paid since the February 16, 2022 meeting.

HEALTH AGENT REPORT

Health Director Hansbury reported the following:

- The Board of Health office has remained busy.
- The return of Building Inspector Glenn Clohecy has been beneficial to all Land Use departments.
- Perc testing and septic construction are starting again with the return of good weather.
- The Public Safety Team continues to meet as COVID response ramps down.
- There have been multiple Adult and Pediatric COVID-19 Vaccine Clinics including a clinic scheduled at Topsfield Town Hall on March 17, 2022.
- Meetings continue regarding the Excellence in Public Health Grant.
- Ms. Hansbury continues to work with Public Works Superintendent Gary Wildes on Composting and the Landfill.
- Ms. Hansbury participated in a 2-part seminar on Title 5, water quality, PFAS and sewer overflow.
- Ms. Hansbury has instituted a project with the assistance of Senior Tax Work-off to determine the number and types of private wells in Topsfield.
- Complaint follow ups and building permit reviews are ongoing.
- Chair Knutsen thanked Ms. Hansbury and Ms. Winslow for the work they are doing in the Board of Health.

CORRESPONDENCE

There was no correspondence for this meeting.

ADJOURN

VOTE: Mr. Rizza made a motion to adjourn at 7:58 PM. Seconded by Ms. Eaton. Chair Knutsen called for a roll-call vote:

Knutsen – yes

Hunt - yes

Rizza – yes

Eaton – yes

Lischko – yes

The motion was approved in a vote of 5-0.

Minutes submitted by Susan Winslow. These Minutes were reviewed and approved at the April 20, 2022 Board of Health Meeting.

Per the Open Meeting Law, the documents that were either distributed to the Board of Health before the meeting or introduced at the meeting were:

1. Agenda: March 16, 2022
2. Detailed Agenda: March 16, 2022
3. Meeting Minutes: February 16, 2022
4. Document from Ellen Eaton RN dated March 16, 2022

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5. Excel Spreadsheet: Revenue received since February 16, 2022 Meeting
6. Bill Lists Paid since February 16, 2022 Meeting
7. R:1-2 Supplemental Regulations to 310 CMR 15.00 the State Environmental Code Title 5 - Black Line Version
8. R: 1-2 Supplemental Regulations to 310 CMR 15.00 the State Environmental Code - Draft
9. Laura Vlasuk CPO, CS, CP-FS Resume
10. NEMMC 2022 Best Management Practice Plan Topsfield
11. NEMMC 2022 Integrated Pest and Vector Management Plan

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Committee 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 Committee as to the completeness or accuracy of such statements.