

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

Date:	Wednesday, November 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

STAFF MEMBERS	PRESENT
Susan Winslow, Minutes Secretary	Yes

VISITORS PRESENT: Julia Lobel RN, Thomas and Eileen Wilson, Attorney Susan Grady
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OPENING

The meeting of the Topsfield Board of Health was called to order at 6:32 pm on November 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 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. No others recorded the meeting.

MOMENT OF SILENCE

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

APPOINTMENTS

13 Ross Road Public Hearing: Condemnation and Order to Vacate and Correction Order

Chair Knutsen gave the Board and visitors a brief description of the procedure as follows:

- *The Topsfield Board of Health will be opening the Public Hearing regarding a Condemnation and Order to Vacate a dwelling.*
- *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.*

Chair Knutsen read the following information into the Record:

On October 17, 2022, Health Director Wendy Hansbury, in response to a complaint from the Fire Chief, conducted an inspection of a dwelling unit located at 13 Ross Rd, Topsfield, MA. Based on the results of that inspection, the dwelling unit was found to be unfit for human habitation, and furthermore, pursuant to MGL c. 127B and 105 CMR 410.831 D, it was determined that conditions within the dwelling are such that the danger to the life or health of the occupants of the dwelling unit is so immediate that no delay may be permitted.

Notice of the Correction Order and the scheduling of a hearing for today, November 16th 2021, was sent in writing to the property owners, one of whom then signed that they received this information on October 28th 2022, and a further written note was added saying that a copy of the order and report had been given to their lawyer to hold. The lawyer signed on October 25th 2022 that she had received a copy of the aforementioned Order.

The purpose of this hearing is to determine whether the order of Condemnation shall remain in effect.

The Board of Health members have received, in preparation for this hearing, a copy of the Correction Order and Inspection Form which included detailed descriptions of the violations of the State Sanitary code, Chapter II.

Chair Knutsen then entertained a motion to open the Public Hearing.

VOTE: Mr. Rizza made a motion to open the Public Hearing to address whether the Condemnation and Order to Vacate and Correction Order for 13 Ross Rd. shall remain in effect. Seconded by Ms. Eaton.

After determining that there was no further discussion, Chair Knutsen called for a roll-call vote:

Rizza – yes

Eaton – yes

Lischko – yes

Hunt – yes

Knutsen – yes

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

Tri-Town Public Health Nurse Julia Lobel RN gave the Board a statement including:

- Ms. Lobel stressed that this action is not to punish the residents, but to assist them in moving forward to get the help they need to restore the home to a habitable standard.
- On October 17, 2022, Ms. Lobel went to the home to administer in-home COVID vaccine and determined at that time that the residents were ailing and the home was in a condition that was deemed both dangerous and detrimental to their health.
- Ms. Lobel asked the residents if they needed help and Mr. Wilson responded in the affirmative.
- Ms. Lobel then reached out to Topsfield Fire Chief Jenifer Collins-Brown, Health Director Wendy Hansbury and Council On Aging Director Kathleen Barbarisi.
- An inspection was conducted by Health Director Hansbury and the Correction Order was written on October 17, 2022.
- Mr. Wilson was taken to the hospital from a doctor's appointment and Mrs. Wilson was taken by ambulance for respite care, as Mr. Wilson was her primary caregiver.
- Health Director Hansbury completed the Condemnation and Order to Vacate on October 24, 2022.
- Julia Lobel RN delivered the Condemnation and Order to Vacate and Correction Order to Attorney Susan Grady, representative for Mr. and Mrs. Wilson, on October 25, 2022 and to Mr. Wilson at the hospital on October 28, 2022.
- Mr. and Mrs. Wilson are currently in a rehabilitation facility but hope to return home at some point.

Attorney Susan Grady addressed the Board to inform them that she represents Mr. and Mrs. Wilson. Attorney Grady thanked the staff and Board Members for the compassionate manner in which this situation is being handled.

Mr. and Mrs. Wilson spoke to the Board via telephone to inform them of the following:

- They have obtained cleaning quotes from three companies.
- They thanked the Board of Health for the sensitive way they have handled this situation.
- Their hope is to return home at some point.

Ms. Lobel informed the Board that Tri-Town Health Inspector Mark Carleo REHS visited the property on November 16, 2022 and determined that the outdoor items do not fall under the purview of the Board of Health.

Ms. Lobel expressed concern that there might be a sinkhole under the abandoned above ground swimming pool. Mr. Wilson informed the Board that the ground had been dug to a depth of 6 feet beneath the pool. His plan is to get rid of the swimming pool and fill in the hole in the ground.

The Board determined that the Correction Order should be given to the cleaning company that is chosen to do the work.

Once the property is cleaned up, it will be reinspected by the Topsfield Board of Health. If the property is deemed habitable, the Board will meet again to rescind the Condemnation Order and Order to Vacate.

After determining that there was no further discussion from Board Members or the Public, Chair Knutsen entertained a motion to close the Public Hearing.

VOTE: Ms. Eaton made a motion to close the Public Hearing related to 13 Ross Road. Seconded by Mr. Rizza. Chair Knutsen called for a roll-call vote:

Rizza – yes

Eaton – yes

Lischko – yes

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Hunt – yes

Knutsen – yes

The motion passed in a vote of 5-0.

Chair Knutsen then asked for a motion to support the Correction Order and Condemnation and Order to Vacate for 13 Ross Road.

VOTE: Mr. Hunt made a motion to support the Correction Order dated October 17, 2022 and Condemnation and Order to Vacate issued October 24, 2022 for 13 Ross Road. Seconded by Ms. Eaton. Chair Knutsen called for a roll-call vote:

Rizza – yes

Eaton – yes

Lischko – yes

Hunt – yes

Knutsen – yes

The motion passed in a vote of 5-0.

MEETING MINUTES

October 19, 2022

Chair Knutsen asked the Board Members if there were any corrections/comments/questions regarding the Meeting Minutes of October 19, 2022. There were none.

VOTE: Mr. Rizza made a motion to accept the Meeting Minutes of October 19, 2022 as written. Seconded by Mr. Hunt. After determining that there was no further discussion, Chair Knutsen called for a roll-call vote.

Rizza – yes

Eaton – abstain (was not at the October 19, 2022 Meeting)

Lischko – yes

Hunt – yes

Knutsen – yes

The motion was approved in a vote of 4-0-1.

OLD BUSINESS

68 River Road Update

The Board Reviewed the following documents submitted by William Mitchell LSP from Clean Soils:

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Sue Winslow

From: Health Department
Sent: Wednesday, November 16, 2022 8:22 AM
To: William Mitchell
Cc: Sheryl Knutsen
Subject: RE: 68 River Road Update & Nov 16 BOH Meeting

Good Morning Bill,
I told you when you were in the office last week that 68 River Road would be on the November 16, 2022 Agenda for a simple follow up. The Agenda was posted on the Town website on Monday, November 14, so if you had checked the website, you would have seen that 68 River Road is on the Agenda for a simple update.
I also sent you the Agenda yesterday with a hyperlink to the meeting.
Thank you for sending your update. I will forward it to Board members.
Have a good day.
Sue

From: William Mitchell <bill@cleansoils.com>
Sent: Tuesday, November 15, 2022 2:46 PM
To: Health Department <Health@toppsfield-ma.gov>
Subject: 68 River Road Update & Nov 16 BOH Meeting

Hi Susan:

I have not receive an e-Mail concerning tomorrow's BOH Zoom Meeting. Therefore, it appears we are not on the Agenda for November 16.

We did comply with the Motion from the Last Meeting to communicate with Scott Koczela of MassDEP concerning the Sanitary Regulations. I also released the attached Spreadsheet to show our progress to MassDEP including a Guidance for Municipalities to Enforce the Sanitary Code. "Path 1" with No AG involvement is where we are concerning enforcement. I hope the BOH Agrees since progress has clearly been made.

At this time, I am asking MassDEP about Variances in the Regulations (410.840) which may be applicable to this case.

However, we still have not stopped and will continue to make progress. The Full Property Asbestos Inspection should be done soon. The watertight and chronic dampness in the Mansion and other buildings are significant and not controllable (i.e., flooded basement with no approvals to discharge outside the dwelling by BOH and/or CONCOM). Therefore, full Demolition is likely the best approach to comply with the BOH Orders. I was informed by CONCOM a Notice of Intent (NOI) will be required to Demo the Mansion.

Also note the Full Asbestos Inspections of all buildings except the garage are underway at this time.

Please release this information to the BOH's.

William H. Mitchell, Jr., LSP
President/Geologist

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	A	B	C	D	E	F
1	DRAFT 4					
2	68 River Road, Toppsfield, MA					
3	Board of Health Project Management Report with Tasks Completed or To Be Scheduled					
4	Building	Task	Progress	Time Completed/Available Schedule	Date	Notes
5	Mansion (Building A)					
6	1st Floor Boarding	Completed	Summer of 2022			No Sign of Transpiration after completing this task.
7	2nd and 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
8	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
9	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
10	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
11	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
12	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
13	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
14	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
15	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
16	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
17	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
18	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
19	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
20	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
21	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
22	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
23	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
24	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
25	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
26	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
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68	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
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73	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
74	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
75	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
76	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
77	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
78	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
79	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
80	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
81	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
82	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
83	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
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90	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
91	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
92	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
93	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
94	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
95	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
96	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
97	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
98	Removal of 1st Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
99	Removal of 2nd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval
100	Removal of 3rd Floor Boarding	Completed	Summer of 2022			Asbestos Inspection and Approval

Path 1: Voluntary Compliance

Private homeowner
issued code violation
letter by BOH or
Building Inspector



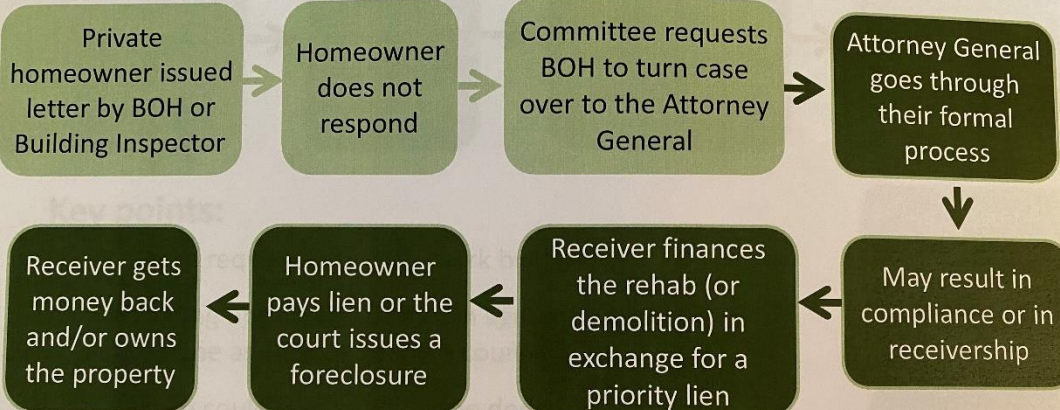
Homeowner
makes required
repairs or
demolishes house

Key points:

- Voluntary compliance is achieved
- This is the path that the vast majority of cases follow
- On this path, granting extensions may sometimes be necessary to help the homeowner succeed
- Questions to ask when evaluating whether this path is working:
 - Is reasonable progress being made?
 - Is a good faith effort being made?

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Path 2: Court Appointed Receiver

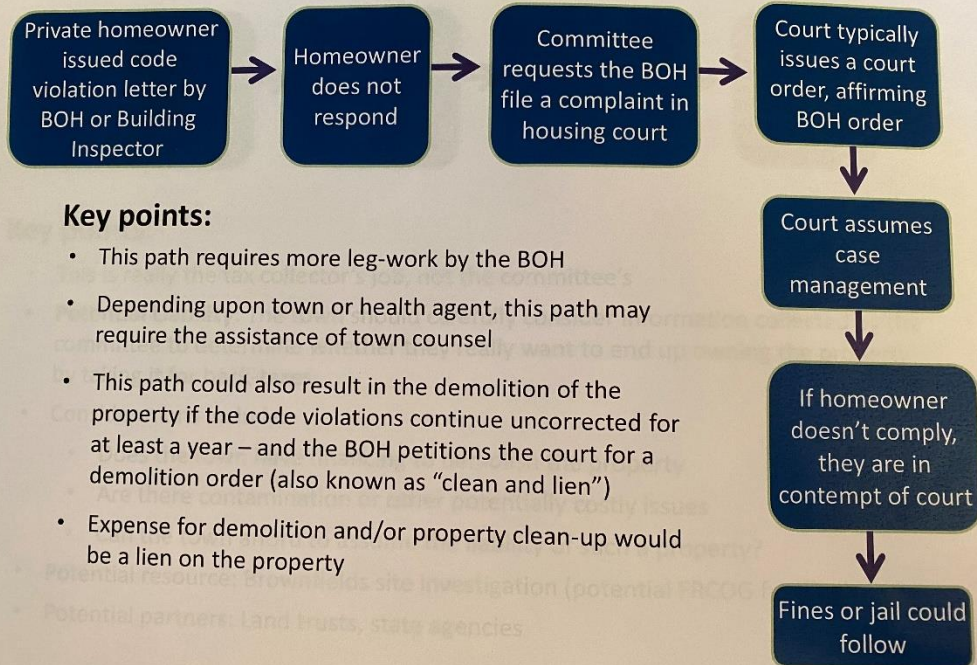


Key points:

- AG's office does the legal work, saving the town the cost of town counsel
- Sometimes just the threat of turning the case over to the AG's office results in compliance
- Receivership may also result in demolition of properties not deemed to be salvageable

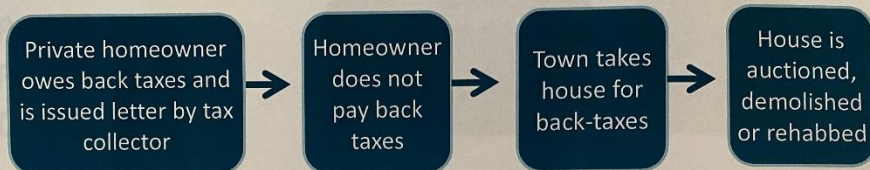
32

Path 3: Housing Court Enforcement



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Path 4: Tax Taking



Key points:

- This is really the tax collector’s job, not the committee’s
- **Potential Liability:** The town should carefully consider information collected by the committee to determine whether they really want to end up owning the property by taking it for back-taxes
- Considerations include:
 - Does the town have financing to demolish the property
 - Are there contamination or other potentially costly issues
 - Can the town afford to assume the liability of such a property?
- Potential resource: Brownfields site investigation (potential FRCOG funding)
- Potential partners: Land trusts, state agencies

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Path 5: Foreclosure & Condemnation

Foreclosed property
held by bank or other
entity & is not being
maintained



See path 2

Key points:

- Bank or loan servicing company typically has a property preservation division
- Property preservation division's job is to maintain the value of the property
- The threat of condemnation will usually motivate the property preservation division to act – including removing junk cars and other hazards and boarding and securing property

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Board Members discussed the following:

- According to the task spread sheet, it appears that progress toward compliance with the Correction Order is continuing.
- Verification of progress on the correction order is warranted, either via an inspection by Tri-Town Public Health Inspector Mark Carleo REHS or a site visit from Board of Health Members.
- The Board will expect continued updates from Mr. Mitchell regarding the progress on addressing the items listed in the Amended Correction Order issued September 14, 2022 and ratified at the September 21, 2022 Board of Health Meeting.

PHE and ARPA Grants

Julia Lobel RN reported the following:

- There are three COVID Vaccine clinics planned for December. At present, there is no indication that they will continue after January 1, 2023 but it is hoped federal funding will allow for clinics to continue.
- 19,000 Vaccines have been administered in the greater Cape Ann region through the Greater Cape Ann Community Collaborative (GCACC).
- Julia Lobel RN has taken on the duty of in-home vaccination that was previously handled by the Topsfield Fire Department.
- Chair Knutsen thanked Ms. Lobel, Mark Rizza and Ellen Eaton for their dedication and hard work with the vaccine clinics.
- Information on the use of ARPA funds may be found on the Topsfield town website at www.topsfield-ma.gov .

Health Director Position

- Chair Knutsen and Mr. Rizza met with Town Administrator Kevin Harutunian to review the Health Director job description and salary range. Mr. Harutunian was not ready to give a salary range and it is hoped that this will be resolved in order to post the job opening as soon as possible.
- Mr. Rizza made the point that the Town must pay the prevailing wage for a Health Director in order to attract a suitable candidate.

Trash

- Chair Knutsen and Ms. Winslow will be present at future meetings of the ad-hoc committee on the Trash and Recycling Collection Contract.

Tri-Town Health Inspector Position

- Chair Knutsen reported that the Town of Middleton was asked to add Tri-Town Public Health Inspector Mark Carleo REHS as an employee, with \$85,000 from the Public Health Excellence Grant to cover the cost of employment and benefits.
- The Town of Middleton wants to cut the position from 30 hours to 18 hours with no benefits.
- Chair Knutsen will stay abreast of this situation and report back to the Board at the December meeting.

Annual Report

Board Members reviewed the FY22 Annual Report. Chair Knutsen pointed out one footnote to be corrected.

Mr. Rizza compiled information on the period between July 1, 2021 to June 30, 2022 including the following information:

- Vaccine Reimbursement Payments to the Town prior to GCACC: \$35,936.76
- GCACC: \$13,518.87 (includes the Town's 1/3 share of Masconomet Regional High School Clinics)
- Total Reimbursement: \$49,455.63. This figure will be included in the FY22 Annual Report Working Copy Volume Analysis.

NEW BUSINESS

Request for Waiver of Temporary Food Permit Fee – Boston Reefers Society, Inc.

The Board reviewed a request for the waiver of a temporary food permit fee from Boston Reefers Society, Inc. for their event, FragsGiving, at the Topsfield Fair Grounds on November 1, 2022. The society is a 501 C(3) non-profit organization dedicated to the understanding, education, conservation and enjoyment of coral reefs and aquarium hobby. The Board reviewed the following documents and determined that they met the criteria for a fee waiver:

- Fee Waiver Request Letter on Boston Reefers Society Letterhead
- Proof of 501 C(3) non-profit organization status
- Temporary Food Permit Application
- Boston Reefers Society By-laws

VOTE: Mr. Hunt made a motion to approve a temporary food permit fee waiver for the Boston Reefers Society for their event on November 12, 2022 at the Topsfield Fair Grounds. Seconded by Ms. Lischko. After determining that there was no further discussion, Chair Knutsen called for a roll-call vote:

Rizza - yes

Eaton – yes

Lischko – yes

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Hunt – yes

Knutsen – yes

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

VNA Contract

Board Members reviewed a memo from Beverly Salate RN, BSN dated November 7, 2022 that indicated the following increase for FY24:

- \$77.25 for any additional vaccine clinics outside of contract per nurse per hour plus mileage from Danvers office.
- \$10,550.29 annually, billed monthly.

Financial Update

- Board Members reviewed Revenue since the October 19, 2022 meeting in the amount of \$7,735.00.
- Board Members reviewed bills paid since the October 19, 2022 Meeting.
- The Board extended thanks to Mark Rizza for his continued assistance with the finances related to vaccine reimbursement and the FY24 Budget. Preliminary numbers for the FY24 Budget will be coming out the week of November 21, 2022.

ADJOURN

VOTE: *Mr. Rizza made a motion to adjourn at 8:45 pm. Seconded by Ms. Eaton. Chair Knutsen called for a roll-call vote:*

Rizza – yes

Eaton - yes

Hunt – yes

Lischko – yes

Knutsen – yes

The motion was approved in a vote of 5-0 and the meeting adjourned.

Minutes respectfully submitted by Susan Winslow.

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:

- November 16, 2022 Agenda
- October 19, 2022 Meeting Minutes
- 68 River Road: 11/8/22 email from William Mitchell
- 68 River Road: PowerPoint Slides from William Mitchell
- 68 River Road Draft 4 Task List from William Mitchell
- 11/7/22 Email from Beverly Salate RN, BSN
- FY22 Working Copy Volume Analysis

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- FY22 Board of Health Annual Report
- Boston Reefers Society Temporary Food Permit Application
- Boston Reefers Society Letter Requesting Temporary Food Permit Fee Waiver
- Boston Reefers Society By-laws
- Bill Lists
- Revenue Sheet

These Meeting Minutes were approved at the December 21, 2022 Board of Health Meeting.

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.