

**Board of Health Minutes**  
**Monday, May 9, 2022 5:30 PM**  
Meeting Room C, Town Hall  
25 Green Street, Ipswich, MA

**Call to Order:** Susan Hubbard called the meeting to order at 5:30 PM.

**Members attending:** Susan C. Hubbard and Amanda Donovan were in attendance. Dr. Susan Boreri was not in attendance.

**Others in attendance:** Colleen Fermon, Director of Public Health, John Morris, Health Inspector, Jennifer Brown, Public Health Administrative Assistant, Attorney Peter Nechtem, Roland Kelley, Jr., Peter Martineau, Jonathan Chace, Mark Finn, Robert Grasso, P.E., Charles Johnson, P.E., Susan Coviello, Nancy Natti, Ilia Stacy, Julia Parisien, Paul Nikas and Joyce Redford.

**Citizens Queries:** None.

**Minutes:** Susan Hubbard made a motion to approve the April 4, 2022 Board of Health minutes. Amanda Donovan seconded the motion. The motion passed unanimously.

**Hearings:**

**5:31 – The Gilbert Family Trust – 69 South Main Street, Apartment 3 – Represented by Attorney Peter Nechtem and Colleen Comeford, Trustee – Violations of Minimum Standards of Fitness for Human Habitation**

Colleen Comeford and Attorney Peter C. Nechtem were present at the meeting.

John Morris, Ipswich Health Inspector, provided the Board members with some background information. As a result of a complaint received, a housing inspection was conducted on January 28, 2022 at 69 South Main Street, Apt. #3, Ipswich, in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation. An Order for Correction was issued to the owner on January 28, 2022. The owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days; by February 27, 2022. On February 8, 2022, the owner requested a hearing before the Board of Health to appeal the order for correction.

At the March 7, 2022 Board of Health meeting, the Board reviewed the violations of 105 CMR 410.00. At the meeting, the owner's attorney, Peter C. Nechtem, explained that Ms. Comeford had begun making repairs to the property but that she needed additional time to make the remaining corrections. He provided the Board with a checklist outlining the repairs completed and said the owner would hire many different contractors to complete the remaining repairs. He noted Terminex was coming on March 9, 2022 also. It was the decision of the Board of Health to modify the order and grant an extension until April 6, 2022 to correct the remaining violations. The owner was ordered to obtain compliance with 105 CMR 410.000 by April 6, 2022. Compliance included obtaining all required permits, inspections and approvals from the Building Department. Additionally, the owner was informed that failure to correct all violations by April 6, 2022 would result in a criminal complaint being filed against her in court for failure to comply with a Board of Health order. It was also decided that a re-inspection by John Morris, Health Inspector, would be conducted on April 11, 2022 at 9:00 AM to confirm compliance.

A re-inspection was conducted on April 11, 2022 and violations remained uncorrected. The remaining violations were related to exterior flaking paint, damaged clad boards, some fascia board damage from the squirrel infestation, trim work to repair the property in good workmanship status and debris clean up in the fenced area, such as wood parts, shingles, and broken glass. The remaining interior violation was the cracked/broken floor tiles and lifting of some tiles.

Mr. Morris said he spoke with Ms. Comeford during the re-inspection and reviewed each remaining violation. Ms. Comeford was advised that the next step in the process was for the Public Health Department to file a criminal complaint against her for a failure to comply with a Board of Health order. She was also advised her that if there are unforeseen circumstances which required further review by the Board of Health she needed to contact the Public Health Department immediately to request another hearing.

On April 12, 2022, the Public Health Department received a request from Attorney Peter Nechtem for a second hearing.

At the May 9, 2022 Board of Health meeting, the owner's representative, Attorney Nechtem explained that the dwelling

contains 3 units. Only one of the units has been occupied since 2020. On May 3, 2022, the handyman hired by Ms. Comeford could not complete the interior repairs required since the occupant, Mr. Gilbert, denied him access to the unit. Mr. Gilbert has agreed to vacate the premises by June 1, 2022 in conjunction with the Northeast Housing Court eviction action against Mr. Gilbert. Attorney Nechtem said the owner hired a realtor, David Martin, to sell the property and that the property will be placed on the market to be sold as soon as Mr. Gilbert vacates the premises. Attorney Nechtem requested the board take no further enforcement action against the owner or grant another extension.

Susan Hubbard made a motion that once the property is vacated it may not be re-occupied until all violations of 105 CMR 410.000 are corrected and inspected by a representative of the Public Health Department. Amanda Donovan seconded the motion. The motion passed unanimously.

Compliance includes obtaining all required permits, inspections and approvals by the Building Inspector. Failure to correct all violations prior to occupancy will result in a criminal complaint being filed in court against the new owner for failure to comply with a Board of Health order.

#### **5:47 – Roland Kelley, Jr. – 5 Blair Drive – Violations of Minimum Standards of Fitness for Human Habitation**

John Morris, Ipswich Health Inspector, provided the Board members with some background information. At the May 9, 2022 meeting, Mr. Morris explained that the Ipswich Police responded to a medical call on Saturday, March 19, 2022 and transported a person residing at the camper trailer to the hospital. On Sunday, March 20, 2022, John Morris, Health Inspector, met Officer Carlin, Ipswich Police Department, at the property to review the conditions of a camper trailer and property.

An inspection was conducted by John Morris on March 20, 2022, and an Emergency Condemnation Order was issued in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation. Also, an Order for Correction was issued to the owner on March 20, 2022. The owner was ordered to take corrective action within 5 days of receipt of the order for the violations of 105 CMR 410.750. Additionally, the owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days of receipt of the order; by April 19, 2022. The orders were received via certified mail on March 24, 2022. On March 28, 2022, the Public Health Department received the certified mail card back signed by the owner.

A re-inspection was conducted by Mr. Morris on April 5, 2022 and all of the violations remained so the owner was ordered to attend the Ipswich Board of Health meeting on Monday, May 9, 2022 to discuss a timeframe for bringing the property into compliance with 105 CMR 410.000.

The Board reviewed the violations of 105 CMR 410.000 and photographs of the property from the inspection and re-inspection and the associated reports. It was noted that there is no on-site septic or water service for this property.

At the meeting, Mr. Kelley explained that the property is under agreement to be sold and a closing is scheduled for May 31, 2022. The proposed buyer, Peter Martineau, said that it is his intention to clean up the property and correct the violations cited so that he can use the property (garage) for storage only.

Based on this information, Susan Hubbard made a motion to modify the order and grant the owner a 60 day extension; until July 11, 2022 to obtain compliance with 105 CMR 410.000. The extension was granted with the condition that the property can not be occupied. A re-inspection will be conducted after July 11, 2022 to confirm compliance. A \$75.00 re-inspection fee is applied to *each* re-inspection. Amanda Donovan seconded the motion. The motion passed unanimously.

The Board of Health noted that compliance includes obtaining all required permits, inspections and approvals the Building Inspector. Failure to correct all violations by July 11, 2022 will result in a criminal complaint being filed against the owner in court for failure to comply with a Board of Health order.

The owner was also informed that while the property is under a Board of Health Order for Correction for violations of the State Sanitary Code 105 CMR 410.000, the owner must share this information with their realtor and potential purchasers.

#### **6:00 – Michael Mortara and Anne Mortara – 110 Little Neck Road – Upgrade of Septic System**

John Chace presented, and a hearing was held to discuss a timeframe for bringing the property into compliance.

Colleen Fermon provided some background information for the Board members. In accordance with the State Environmental Code, Title 5, 310 CMR 15.00, the Public Health Office received an inspection report from a licensed

septic system inspector which indicated the sewage disposal system that serves the dwelling at 110 Little Neck Road conditionally passed inspection since the septic tank and pump chamber are leaking. The Public Health Office agreed with this determination and ordered the previous owner to have the septic tank and pump chamber replaced and tied into the existing soil absorption system within 6 months; *or* by December 15, 2021. The new owners purchased the property on June 17, 2021 so it is their responsibility to repair septic system.

At the December 6, 2021 Board of Health meeting, the owner's representative, Jonathan Chace, requested an extension for the repair of the system since the owners wanted to see if a 3-bedroom system could be approved. The owners had hired Atlantic Engineering, Inc. for the design plan. A soil testing application was submitted to the Public Health Office on October 26, 2021 but needed Conservation Commission approval due to the testing site being located in the Area of Critical Environmental Protection (ACEC). Conservation Commission approval was granted on December 1, 2021 and soil testing was conducted on December 29, 2021. It was the decision of the Board of Health to grant an extension. The owners were ordered to have the repair completed and the upgraded system installed with the Certificate of Compliance *on or* before May 31, 2022.

Since subsurface sewage disposal plans had not been submitted to the Public Health Office for review and approval, the owners were required to attend the Ipswich Board of Health meeting on Monday, April 4, 2022 to discuss a timeframe for bringing the property into compliance. No one was in attendance at the meeting so they were required to attend the May 9, 2022 Board of Health to discuss a timeframe for bringing the property into compliance.

At the May 9, 2022 meeting, the owner's representative, Jonathan Chace, explained that the owner hired Hancock Engineering, Inc. for the subsurface sewage disposal design in February 2022 but plans have not been completed yet. Mr. Chace said a new site plan showing wetlands was completed by Hancock Engineering, Inc. on April 25, 2022. Mr. Chace shared that he met with Colleen Fermon on May 5, 2022 to discuss a repair of the existing system, a voluntary upgrade of a 2-bedroom system and the possibility of a 3-bedroom design. Mr. Chace said it is now the owner's intention to raze and rebuild the dwelling and that they would do a voluntary upgrade of the existing 2-bedroom system instead of only repairing the septic tank and pump chamber. He requested another extension until December 15, 2022 or preferably until April 15, 2023 for the timeframe for bringing the property into compliance.

Susan Hubbard asked when a septic design plan would be submitted to the Public Health Office for review. Mr. Chace had not heard from Hancock Engineering, Inc. about when design plans would be ready for submittal. Ms. Fermon said the design plan could potentially be approved in July or August 2022 but since the dwelling is being razed and rebuilt this could present a challenge for the timing of the installation of the new system.

Susan Hubbard noted that the Board of Health typically doesn't extend timeframes beyond the end of the calendar year.

Susan Hubbard made a motion to grant another extension. The owners were ordered to have the system installed with the Certificate of Compliance *on or* before December 15, 2022. If the system will not be installed by the December 15, 2022 deadline the Board of Health said the owners may attend the December 5, 2022 meeting to provide an update and to request another extension. Amanda Donovan seconded the motion. The motion passed unanimously.

### **6:08 – James F. Vacca and Maureen Vacca – 14 Upper River Road – Upgrade of Septic System**

Mark Finn presented, and a hearing was held to discuss a timeframe for bringing the property into compliance

Colleen Fermon provided some background information for the Board members. The septic system serving 14 Upper River Road failed a Title 5 Inspection on April 16, 2020. In accordance with 310 CMR 15.000, Title 5, the owner was ordered to upgrade the septic system within 2 years from the date of inspection; by April 16, 2022. Soil testing was conducted on July 6, 2021 but, to date, a subsurface sewage disposal system plan has not been submitted to this office for review. Because of this the owner or a representative was required to attend the Ipswich Board of Health meeting on Monday, April 4, 2022 to discuss a timeframe for bringing the property into compliance.

At the April 4, 2022 meeting, the owner's representative, Mark Finn, explained that he was hired for the installation of the septic system but he was unsure of the name of the company hired to develop the septic system design, he said it may be EPS Associates, LLC. Also, Mr. Finn could not provide a timeframe for the submission of the system design plan.

Since no useful information was provided at the April 4, 2022 meeting, it was the decision of the Board of Health that a second hearing would be scheduled for May 9, 2022. The owner was informed that the name of the designer hired to develop the septic system design plan and the timeframe for the plan submittal was to be provided at this meeting.

At the May 9, 2022 meeting, the owner's representative, Mark Finn, explained that Daniel Johnson, of Domestic Septic Design, Inc. will be hired for the design of the system. Mr. Johnson will utilize the soil test results from July 6, 2021 for the design but additional testing is needed.

Colleen Fermon outlined that additional soil testing would occur in late June or early July 2022 and Mr. Johnson would have a subsurface sewage design plan submitted to the Public Health Office for review by late July or early August 2022.

Mr. Finn said he was available to install the system once the Disposal System Construction Permit is issued.

Susan Hubbard asked if the dwelling was occupied. The dwelling currently has 2 occupants. Susan Hubbard inquired if there were any complaints received by the Public Health Office regarding the system. Colleen Fermon said there have been no complaints received.

Susan Hubbard made a motion to grant another extension. The owner was ordered to have the system installed with the Certificate of Compliance on or before December 15, 2022. Amanda Donovan seconded the motion. The motion passed unanimously.

### **6:13 – Vanessa Valdes Eileen Valdes – 29 Stage Hill Road – Represented by H.L. Graham Associates, Inc. – Deadline Extension for the Upgrade of the Septic System**

The hearing was withdrawn by the Engineer prior to the meeting.

### **6:13 – Daryl Sewell – 6 Bunker Hill Road – Represented by Engineering Land Services, LLC – Septic System Design Variances**

Robert Grasso, P.E., presented, and a hearing was conducted to consider variances from Title 5 for a sewage disposal system plan designed by Stanton Bigelow, P.E, dated February 8, 2022 and last revised April 12, 2022 for the 2-bedroom dwelling located at 6 Bunker Hill Road, Ipswich, Massachusetts.

Susan Hubbard asked if the abutter's were notified. Certified mail cards were provided to the Board of Health as proof of notification. There were no abutter's in attendance at the meeting.

Mr. Grasso explained that this is a voluntary upgrade of the existing system. He proposed the use of a Presby Environmental Septic System for the upgrade and requested the following variances:

- A reduction in the setback between septic tank and the property line. A 4 foot setback is provided.
- A reduction in the setback between the leach area and the foundation. A 4.8 foot setback is provided.
- A reduction in the setback between the leach area and the property line. The setbacks provided are 8 feet in the rear and 4.8 feet on the side of the property line, respectively.

Mr. Grasso clarified that this is a small lot so the three waivers were necessary to site the system on the lot. The Board reviewed the design plan and the variances requested.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said this was a reasonable approach based on the site constraints. She recommended granting the variances as requested with the following conditions:

- Prior to issuance of the Disposal System Construction Permit and after recording a Notice of Alternative Disposal, the System Owner shall provide to the Public Health Office a copy of a certified Registry copy of the Deed Notice bearing the book and page/or document number. The Notice is the DEP document titled.
- Prior to issuance of the Disposal System Construction Permit, the System Installer must certify in writing to the Designer, the Public Health Office, and the System Owner that (s)he is a locally approved System Installer and is certified by or has received appropriate training by the Company. The Installer's Presby certification must be submitted to the Public Health Office.
- A 2-bedroom deed restriction must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Office prior to the issuance of Disposal System Construction Permit.

- Prior to the issuance of a Certificate of Compliance by the Public Health Office, the System Installer and Designer must provide, in addition to the certifications required by Title 5, certifications in writing to the Public Health Office that the System has been constructed in compliance with the terms of the Approval.
- Prior to the issuance of a Certificate of Compliance, Installer must provide a bill of lading certifying the sand meets ASTM C-33.
- Prior to the issuance of a Certificate of Compliance, the Installer must provide a completed “System Installation Form” to the Health Office before the Certificate of Compliance can be issued.
- An Ipswich licensed installer must come to the Public Health Office prior to beginning the project to complete the application and submit a trench permit application signed by the owner and the \$50 trench permit fee. The installer will receive the disposal system construction permit, the trench permit and a signed copy of the approved plan.

Susan Hubbard made a motion to approve the plan and grant the variances as requested with conditions as enumerated by Colleen Fermon. Amanda Donovan seconded the motion. The motion passed unanimously.

**6:19 – Claire M. Phillips – 40 North Ridge Road – and Terri Radcliffe-Walsh and Ronald L. St. Pierre (proposed buyers/applicants) Represented by C.G. Johnson Engineering, Inc. – Septic System Design Variances and Submittal by the Applicant not the Owner**

At a meeting of the Board of Health on May 9, 2022, Charles Johnson, representative for Terri Radcliffe-Walsh and Ronald L. St. Pierre, requested a hearing for variances from Title 5 and Ipswich Board of Health Septic System Regulations for a sewage disposal system plan # 1422A designed by Charles Johnson, P.E., dated February 14, 2022, and last revised April 12, 2022 for the 3-bedroom dwelling located at 40 North Ridge Road.

At the meeting, Mr. Johnson explained that he represents Terri Radcliffe-Walsh and Ronald L. St. Pierre but Claire Phillips is the current owner of the property. Her new dwelling unit is under construction and it is anticipated the transfer of title for 40 North Ridge Road to Terri Radcliffe-Walsh and Ronald L. St. Pierre will occur in early June 2022. Mr. Johnson explained that the Disposal System Construction Permit Application was completed by the potential buyer (the owner’s niece). He requested the Board of Health allow the variance hearing for Terri Radcliffe-Walsh and Ronald L. St. Pierre, the applicants, to occur.

Susan Hubbard questioned why the owner could not complete the Disposal System Construction Permit Application. Mr. Johnson said Ms. Phillips does not have ownership of this plan so she was unwilling to have her name on the Disposal System Construction Permit Application. He explained that he has been working with the potential buyers on the septic design plan for this project for a year.

The Board members reviewed a letter from Terri Radcliffe-Walsh requesting the Board of Health allow the variance hearing.

Colleen Fermon said she explained to Mr. Johnson that the owner could sign the documents with the understanding that she has no intention of installing the system. At the meeting, she also noted that The Department of Environmental Protections Form 9A and the Owner’s Acknowledgement for the Alternative Technology were not signed by the owner.

Mr. Johnson requested the Board of Health allow the variance hearing subject to the requisite paperwork being filed.

Susan Hubbard explained that a hearing could not occur without the owner’s signature on the requisite documentation. The Board of Health cannot approve a septic design plan for a property without approval or a co-signing of the property owner. Amanda Donovan concurred.

Susan Hubbard made a motion to deny the request for a variance hearing since the current, legal owner of the property is not listed on the Disposal System Construction Permit Application. Additionally, the owner has not signed the required Owner’s Acknowledgement for the Alternative Technology or The Department of Environmental Protection’s Form 9A. The Board of Health said a hearing could take place once the property owner has signed the requisite documents *or* after the property has transferred ownership. Amanda Donovan seconded the motion. The motion passed unanimously.

## **6:26 – Jan Struyde – 2 Edge Street – Represented by C.G. Johnson Engineering, Inc. – Local Upgrade Approval for Waterline**

Previously, at a meeting of the Board of Health on February 7, 2022, the Board of Health approved a sewage disposal system plan # 1414 designed by Charles Johnson, P.E., dated December 9, 2021 and last revised January 27, 2022 for the 3-bedroom dwelling located at 2 Edge Street, Ipswich, Massachusetts. The disposal permit was issued on February 7, 2022 and the system installation was done in April 2022.

At the May 9, 2022 Board of Health meeting, the owner's representative, Charles Johnson of C.G. Johnson Engineering, Inc., explained that on April 20, 2022, the waterline was found in a different location than is shown on the approved design plan. The septic tank had already been installed and the waterline was 3 feet from the new tank. Mr. Johnson proposed sleeving the waterline with 4 inch schedule 40 PVC and requested a Local Upgrade Approval to allow the waterline to be 3 feet from the septic tank.

The Board reviewed photographs provided and considered the request.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she supported the Local Upgrade Approval request.

Susan Hubbard made a motion to grant the Local Upgrade Approval to reduce the setback between the septic tank and waterline from 10 feet to 3 feet with the waterline being sleeved. Amanda Donovan second the motion. The motion passed unanimously.

## **6:30 – Discussions:**

### **Susan Coviello – Executive Director of the North Shore Health Project in Gloucester – Syringe Service Program**

Susan Coviello requested a discussion about the possibility of a syringe exchange program in Ipswich.

The North Shore Health Project began in 1988 in direct response to people dying of Aides. The North Shore Health Project is a harm reduction agency that is fully funded by the Massachusetts Department of Public Health and the Bureau of Addiction Services including SAMHSA funding. Since its inception, the program has grown to include testing, for STI's, including HIV and Hepatitis C.

North Shore Health Project's Onestop Program works with people who actively use drugs. Services include syringe collection and dispersal, Narcan training and access, testing, for STI's, including HIV and Hepatitis C and short-term health navigation that connects clients to Primary Care Physicians, detox programs, etc.

Currently, The North Shore Health Project works in Ipswich providing overdose follow-ups with the Police Department, as well as providing harm reduction services but to date, there isn't a syringe exchange program in Ipswich. Pursuant to Massachusetts General Law; Part 1, Title XVI, Chapter 111, Section 215; prior to the implementation of a syringe exchange program, approval shall be granted from the board of health in the hosting city or town.

Since 2016, the syringe exchange program has collected over 100,000 syringes and dispensed over 80,000 in Gloucester. Using clean syringes protects people who inject drugs from contacting and spreading HIV and Hepatitis C. All of the other services provided by The North Shore Health Project can be done without city or town approval as long as an agency has contact with the Massachusetts Department of Public Health and/or the Bureau of Addiction Services to work in those communities. As of November 2021, 41 Massachusetts communities have approved Syringe Service Program in their communities.

Syringe exchange programs have resulted in lowering cases of HIV and Hepatitis C, fewer overdose deaths, fewer syringe being discarded in trash receptacles or left on the ground, reduction of stigma, etc. Syringe exchange programs also increase knowledge about safer substance use, reduce sharing of substance use equipment and reduce the spread of infectious diseases.

From 2015-2020 there was an average of 3 overdoses per year in Ipswich. From 2019 through the second quarter of 2021 there were 29 opioid instances in Ipswich.

Ms. Coviello asked the Board of Health to consider approving a syringe exchange program in Ipswich. The North Shore Health Project would like to be the service provider for the exchange but this is the decision of the MA Department of Public Health. It would be up to the service provider to create a space or work from an outreach van or a combination of the two. Ms. Coviello did not feel there was a need in Ipswich for a brick and mortar location.

The Board reviewed the information provided and considered the request.

Susan Hubbard asked Peter Nikas, Chief of Police, if he had any questions. Chief Nikas said his only concern was how the program would be executed and how it would be received by residents. What will the response be from the town?

Colleen Fermon said a syringe service program in Ipswich could provide a safer environment, testing and free services to encourage people to stop using drugs. Additionally, she said the program would build relationships so when a person is ready to receive treatment they can go to the program get help finding needed services.

Ms. Coviello added that the program protects the public and first responders by providing safe needle disposal and reducing the presence of needles in the community.

What will be said to people who believe that Onestop will lead to more crime and/or drug use in Ipswich? Based on the data collected syringe exchange programs do not cause or increase illegal drug use. They do not cause or increase crime.

A recent study found that new users of programs like Onestop were five times as likely to enter drug treatment as those who didn't use the programs. People who inject drugs and who have used a program regularly are nearly three times as likely to report reducing or stopping illicit drug injection as those who have never used syringe exchange program.

Syringe exchange programs play a key role in preventing overdose deaths by training people who inject drugs how to prevent, rapidly recognize, and reverse opioid overdoses. Specifically, many syringe exchange programs give clients and community members overdose rescue kits including Narcan kits and teach them how to identify an overdose, give rescue breathing, and administer naloxone, a medication used to reverse overdose. The Onestop Program provides Narcan kits at no cost.

Susan Hubbard asked what the program would look like in Ipswich if the Board granted approval for the syringe exchange program. Where would a mobile van be located? What would be the frequency of visits to Ipswich?

Ms. Coviello said a location(s) as well as other details still need to be vetted but added that the van can also make home visits for those who are uncomfortable going to a public location.

The Director of Ipswich Aware, Iliia Stacy, read a letter from Dr. Steven Barrett in support of the Onestop Program in Ipswich. She also voiced the support of the other Ipswich Aware members.

Sheila Taylor, Council of Aging Director, shared that this program would be beneficial for seniors in the community since they have difficulty travelling to dispose of needles used for healthcare issues such as diabetes.

The Board members were amenable to continuing the discussion about a syringe exchange program in Ipswich.

Colleen Fermon requested that The North Shore Health Project outline program details and services for Ipswich and attend the June 6, 2022 Board of Health meeting to discuss the program in more detail.

In the interim, Colleen Fermon will request Kevin Cranston at the MA Department of Public Health attend the June 6, 2022 Board of Health meeting to explain their role and to answer questions for the Board of Health members.

### **Joyce Redford – North Shore/Cape Ann Tobacco Policy Program – Review of State Law Updates.**

Joyce Redford of the North Shore/Cape Ann Tobacco Policy Program presented, and the Board of Health discussed state law updates since the Board adopted their local regulation in 2018. One of the most important updates is that under state regulation, 105 CMR 665, when a sale to a minor occurs, in addition to a one thousand dollars fine (\$1000.00), a tobacco permit suspension is also issued (Section S. Violation, a.). The regulation suggests a suspension timeframe of between (1) one and (30) thirty days. Ms. Redford recommend a (3) three-day suspension be imposed since most local regulations have a (7) seven-day suspension for a second violation and a 30 (thirty) day suspension for a third violation.

Colleen Fermon explained that the Board of Health can either to do the suspension administratively, update that section of the local regulation or they can look at the entire regulation and update language in other sections to reflect the new state regulation that went into effect on June 12, 2020. The Board of Health could review the regulation updates t their June 6, 2022 meeting and a hold public hearing in July 2022.

Susan Hubbard wanted to continue the discussion at the June 6, 2022 Board of Health meeting so the Board can review the current local regulation and the state regulation changes, effective on June 12, 2020. Amanda Donovan agreed.

Ms. Redford informed the board of increased availability of cannabis products containing delta-8 tetrahydrocannabinol (THC) and the potential for adverse events due to insufficient labeling of products containing THC and cannabidiol (CBD). Paul Nikas, Ipswich Police Chief was also present for the discussion.

Ms. Redford provided some background. Hemp and marijuana are different varieties of the same plant species, *Cannabis sativa* L. The cannabis plant contains more than 100 cannabinoids, including THC, which is psychoactive. Delta 9-tetrahydrocannabinol, also known as THC, is the primary psychoactive compound found in marijuana. While marijuana plants contain high levels of THC (typically between 5-25%), the varieties used for hemp contain very little. To be considered hemp, the cannabis plants must contain no more than 0.3% THC on a dry-weight basis. Hemp is a non-psychoactive variety of the plant specifically cultivated for industrial uses.

Both hemp and marijuana are defined under Massachusetts law, and jurisdiction for hemp is given to the Massachusetts Department of Agricultural Resources (“MDAR”) while marijuana falls under the Cannabis Control Commission.

CBD is another active cannabinoid found in the cannabis plant that is not psychoactive. CBD can be synthetically converted into delta-8 THC, as well as delta-9 THC and other THC isomers, with a solvent, acid, and heat to produce higher concentrations of delta-8 THC than those found naturally in the cannabis plant.

There has been an increase of Delta-8 products as well as some Delta-9 and Delta-10 products in North Shore communities. These Delta products are manufactured in many forms; smokable, vapable, and edibles, etc. The product packaging is often very youth friendly. Ms. Redford provided the Board members with some photos of products she has found within our sixteen (16) collaborative municipalities (Beverly, Danvers, Essex, Gloucester, Hamilton, Ipswich, Lynn, Manchester, Marblehead, Nahant, Peabody, Rockport, Salem, Saugus, Swampscott and Wenham).

On May 4, 2022, the U.S. Food and Drug Administration issued warning letters to five companies for selling products labeled as containing delta-8 tetrahydrocannabinol (delta-8 THC) in ways that violate the Federal Food, Drug, and Cosmetic Act (FD&C Act). This action is the first time the FDA has issued warning letters for products containing delta-8 THC. Delta-8 THC has psychoactive and intoxicating effects and may be dangerous to consumers. The FDA has received reports of adverse events experienced by patients who have consumed these products. The warning letters address the illegal marketing of unapproved delta-8 THC products by companies as unapproved treatments for various medical conditions or for other therapeutic uses. The letters also cite violations related to drug misbranding (e.g., the products lack adequate directions for use) and the addition of delta-8 THC in foods.

#### **7:45 - Director of Public Health Report:**

#### **COVID-19 Update – COVID-19 Cases, Positivity Rates and Vaccinations:**

- Colleen Fermon said that Ipswich currently has 13 active COVID19 cases, people under isolation.
- Ipswich had a COVID-19 positivity rate of 5.6% last week.
- A Northeast Massachusetts Mosquito Control Legal Notice was issued on May 4, 2022, regarding aerial application and larvacide over the salt marshes between May 12, 2022 - May 24, 2022.

**Next Board Meetings:** The next meetings of the Board of Health was scheduled for June 6, 2022, July 11, 2022, August 1, 2022, September 12, 2022, October 3, 2022, November 7, 2022 and December 5, 2022. All meetings will start at 5:30 PM and be held in Town Hall, Meeting Room C.

**Adjourn:** Susan Hubbard made the motion to adjourn at 7:56 PM. Amanda Donovan seconded the motion. The motion to adjourn passed unanimously.

Documents used at the May 9, 2022 Board of Health meeting:

- Ipswich Board of Health Minutes for April 4, 2022.
- Title 5 and Ipswich Board of Health Septic System Regulations.
- Chapter II 105 CMR 410.000.
- Email dated April 5, 2022 from John Morris regarding a March 20, 2022 Emergency Condemnation Order and Notice of Violation and Order for Correction or 5 Blair Drive.
- Emails dated April 11, 2022 and April 12, 2022 from Peter Nechtem regarding 69 South Main Street, Unit # 3.

- Email dated April 13, 2022 from John Morris regarding 69 South Main Street, Unit # 3.
- Letters dated June 11, 2021, December 8, 2021, March 15, 2021 and April 6, 2022 from Colleen Fermon regarding 110 Little Neck Road.
- Letter dated March 15, 2022 from Colleen Fermon regarding 14 Upper River Road.
- April 16, 2020 Title 5 Inspection Report for 14 Upper River Road.
- October 2, 2019 Title 5 Inspection Report for 29 Stage Hill Road.
- Letters dated May 17, 2021 and August 3, 2021 from Colleen Fermon regarding 29 Stage Hill Road.
- Subsurface Sewage Disposal System Plan for 29 Stage Hill Road.
- Subsurface Sewage Disposal System Plan for 6 Bunker Hill Road.
- Email dated March 7, 2022 from Susan Coviello, North Shore Health Project, regarding Syringe Exchange Program and Chapter III S 215.
- Email dated March 29, 2022 and 105 CMR 665 from Joyce Redford, North Shore/Cape Ann Tobacco Policy Program.
- Letter dated June 9, 2021, from Colleen Fermon regarding 40 North Ridge Road.
- Transmittal dated April 20, 2022 from Charles Johnson, P.E., regarding 40 North Ridge Road and septic System Design Variances.
- Subsurface Sewage Disposal System Plan for 2 Edge Street.
- Email and 5 photographs dated April 21, 2022 from Blake Seale regarding the water service for 2 Edge Street.

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Susan C. Hubbard, Chairperson

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Amanda Donovan, Board Member