The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Pamela Linzer Chair, Gopala K. Dwarakanath, M.D., Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Ms. Carolyn Dymond, Vice-Chair was not present due to a scheduling conflict.

Appointments & Hearings

- #1 - 6:00 p.m. – Allie Loscutoff for Camp Evergreen – Variance Request for 105 CMR 430.25(E) – Waive Required Staff Person on Van (Continued from March 11, 2019 Board of Health Meeting) – Ms. Allison Loscutoff and Mr. James Loscutoff were present. The Board was going to decide if all the criteria for the issuance of the Variance were being met. There are three criteria: 1) the failure to grant the variance would create manifest injustice to the applicant; 2) the applicant must show that the same degree of protection is met as if the regulation was being met fully; and 3) the Insurance carrier must provide a written statement confirming that full coverage will be in effect even if the variance is approved.

Mr. Carbone confirmed that the Insurance Binder was received and it states it will be in full effect even if the Variance is issued; therefore, the criteria for #3 has been met. Ms. Linzer stated that the Board needed to make a determination on criteria #1 and #2. First, they would look at criteria #2. Dr. Dwarakanath asked how they could assure the Board that there would be adequate protection on the van if there are seven or less students and no Staff member in the van. Mr. Loscutoff provided the Board with a “Transportation Timeline for Camp Evergreen” document for the Board to review. ¹ It outlined the Camp’s policy from the start of the day at 7:50 a.m. until end of day with the last drop-off at 5:45 p.m. The Bus Company contacts the Loscutoffs if there are any issues on the bus or if it is late, and then the parents are contacted. Also, the van has a camera on it so that the driver can monitor the campers. Ms. Loscutoff stated that the drivers are background checked by the Bus Company, and they also do CORI and SORI checks on them. They do drug testing and extensive training as well. Ms. Linzer was concerned that the bus driver could have trouble paying attention to the road and watching the campers at the same time. She felt better that the van had a camera, but had concerns that it is not a live-feed and was only for reference after the fact. Mr. Loscutoff stated that the driver is experienced and trained to handle driving and monitoring students at the same time. This bus company works all year for the schools and fills in during summer. If the camp cannot provide door-to-door pickup, there would be an added cost due to the loss of a seat on the van. There also would be the possibility that the camp would lose campers whose parents would not want to bring their children to a central pick-up area.

¹ A copy of the document titled “Transportation Timeline for Camp Evergreen” was inserted into the packet at the end of Item 1.
Ms. Linzer next wanted to address criteria #1 that states that manifest injustice has to be proven to the point that there is so much of a hardship that the Board should grant the Variance. Mr. Loscutoff stated that if they have to have a central pick-up and drop-off location it would make it hard for the parents because the bus picks up campers from several communities. He would have to transform his whole process of transportation and would likely lose some of the Campers as a result which would be an added cost as well. Ms. Linzer determined that monetary loss is not to be considered a manifest injustice. If some campers cannot participate in Camp Evergreen, the Board did not agree that would be a valid reason to show manifest injustice either. She felt that the parents would find a way to get their children to Camp Evergreen; whether they brought them to camp themselves, or to a central pick-up and drop-off location. She also had a concern that parents would be upset if the Board agreed that a law did not have to be followed due to its granting of the Variance.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to deny the application of Camp Evergreen for a variance to 105 CMR 430.251(E), to waive the need for a camp employee to accompany campers to and from the property when transport vans are used. In doing so, Ms. Linzer found that the applicant has failed to show manifest injustice for failing to approve the variance. Unanimous approval.

- #2 - 6:05 p.m. – Kai Pelchen for Global Premier Soccer – Request to Operate a Recreational Camp for Children at Balmoral St. – Mr. Kai Pelchen was present at the Meeting. Mr. Carbone clarified that the request is for Balmoral Street, but which field his camp will be in is yet to be determined. Ms. Linzer asked Mr. Pelchen for some background information. Mr. Pelchen stated that the camp was started by two brothers who came to the United States over fifteen years ago. The company grew into a youth soccer club and they have been running Summer camps ever since. Because of the regulation changes that four-day camps now have to follow the new regulations, they decided to get all their camps licensed. Dr. Dwarakanath asked Mr. Pelchen if he has reviewed the regulations and if he has the required qualified backup staff. Mr. Pelchen replied that he has all the proper staff in place and they are listed on his application in the Agenda Packet. His staff has been with the camp for a least a year or more and will be only at the Andover location. The camp will operate for two weeks instead of one.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the request from Kai Pelchen for Global Premier Soccer to operate a Recreational Camp with the following conditions:

1. All outstanding fees must be submitted prior to issuance of a permit.
2. Approval is subject to final approval of the application by the Health Division Staff. The Health Division Staff are directed to ensure that the camp complies with state and local regulations prior to the issuance of the permit.

Unanimous approval.
Approval of Minutes

- #3 – March 11, 2019

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the Minutes of March 11, 2019. Unanimous approval.

Discussion Items

- #4 – Discussion Concerning Correspondence from T. Stephen Jones, M.D. – Mr. Carbone stated that the correspondence from Dr. Jones concerned natural gas and delivery use. When the packet first came in, the Board was asked to see if it wanted to join other communities in a letter to Governor Baker with its concerns of the danger of natural gas. There was a study showing the effect on children and asthma and respiratory issues. Dr. Dwarakanath stated that no fracking is being done in Massachusetts and natural gas is a resource that will be utilized for a long time. Since only one or two papers have been written about this issue, he is not convinced that natural gas causes asthma in children. Ms. Linzer saw that the Dr. Jones was from Florence, Massachusetts and noted that he is out of the Merrimack Valley. Also Ms. Linzer noted that after experiencing the gas event that took place in September of 2018, people were generally not switching from gas to another resource. Dr. Dwarakanath stated that every year the technology gets better and better and he did not believe that this was something the Board should take any action on.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to take no action on this item. Unanimous approval.

- #5 Discussion Concerning Regulation of Menthol Tobacco Products – Mr. Carbone informed the Board that he had received correspondence from Dr. Hartman asking the Board to consider designating Menthol Tobacco Products as a flavored product. Ms. Linzer said that she would have liked to hear Mr. Ron Beauregard, Healthy Communities Tobacco Control Program Director’s opinion of this issue. Mr. Carbone replied that he spoke with Mr. Beauregard, and he thinks it is worth discussing at a later date. Menthol has not been considered a flavor until recently. A couple of communities in Massachusetts just changed their regulations and now treat menthol as a flavor, following the lead of some major cities such as San Francisco. Mr. Carbone stated that he was worried about case law at this time. He suggested reviewing this again in six to twelve months to see what other communities do. Dr. Dwarakanath stated that the menthol in tobacco products makes them easier to inhale and helps to stop coughing which just encourages more smoking. Mr. Carbone stated that if the Board would like to explore this deeper, it can discuss this with Mr. Beauregard. Menthol tobacco products are currently allowed to be sold by any licensed establishment. If Menthol is designated as a flavor, establishments that allow people only over the age of 21, such as liquor stores, will be able to sell Menthol tobacco products. Ms. Linzer stated that since Mr. Beauregard is the Director and has more expertise in this matter, she would like the Board to discuss this with him before making any decision.
Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to continue this discussion in a year. Unanimous approval.

- #6 – Thin Film Plastic Bag / Polystyrene Ban Waiver Requests - Mr. Carbone referred to the Excel spreadsheet included in the Agenda Packet which gave a list of the currently pending waiver requests he has received so far. The expiration dates given by the establishment is when it is estimated the product will be exhausted. After that date, the establishments will have to begin using the regulated items.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the waiver dates for all the establishments listed on the spreadsheet for the Thin Film Plastic Bag / Polystyrene Ban Waiver Requests. Unanimous approval.

Old Business

- #7 – Polystyrene & Plastic Bag Bylaws Update - Mr. Carbone had no further information to convey to the Board at this time.

Subdivision Definitive Plans

- N/A

Septic System Variances/Local Upgrade Approval

- N/A

Staff Reports

A. #8 - Director’s Reports:

- Important Dates:
  - April 29 & 30, 2019 - Annual Town Meeting
  - May 20, 2019 at 6 p.m. – Board of Health Meeting
  - June 10, 2019 at 6 p.m. – Board of Health Meeting

B. #9 – Community Health Reports – Reports for December, 2018 and January, February and March, 2019 – Mr. Carbone informed the Board that the Community Health Reports should be available at the next Board of Health Meeting. Our new Public Health Nurse, Cherie Monahan, is working on gathering the information for the reports.

C. #10 – Environmental Health Reports for February, 2019 - The Inspectors’ Reports were for informational purposes only.
**Board Member Reports**

- **Updates Concerning Miscellaneous Items not on the Agenda** – Ms. Linzer asked Mr. Carbone how things looked with the plan to make the part-time Inspector’s job into full-time. Mr. Carbone replied that he has had no negative feedback and the Town Manager continues to feel that it is on track to be approved. He also informed the Board that he met with the new Town Selectman, Daniel Koh. Mr. Carbone believes Selectman Koh will be a good advocate for the Board of Health. He is very familiar with health issues because his father was the Commissioner of Public Health in Massachusetts and then he went to work for the Obama administration in Health and Human services.

Ms. Martin asked if we reached 200 respondents to the Health Survey that was prepared by our Fellow, Danielle Murray. Mr. Carbone replied that we were just shy of the 200 surveys we had hoped for. Mr. Carbone will have Ms. Murray come in to speak to the Board about her presentation at a later date.

Ms. Carolyn Dymond has resigned from her position as Vice-Chair on the Board of Health as of this Meeting. Mr. Carbone spoke with the Town Manager and he said he will work as fast as he can to get another Board of Health Member in place. The last time there was an open position, the Board was looking for medical expertise. Since we now have two Board Members in the medical field, the Board would like to look for a member with a different skill set; possibly someone with Engineering experience.

**Adjournment**

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to adjourn at 6:51 p.m. Unanimous approval.

Per the New Open Meeting Law, the following is a list of the documents that were either distributed to the Andover Board of Health before the meeting in a packet, or at the meeting.

2. Memo from Mr. Carbone to the Board of Health, dated 3/4/2019 concerning the UK Elite Soccer Request to Operate a Recreational Camp for Children along with their Legal Ad and Application.
4. Letter from Ms. Allie Loscutoff, dated February 26, 2019, requesting the Variance for Camp Evergreen with supporting documentation of NRT Bus Inc.’s policies and procedures pertaining to bus monitoring, student safety, and conduct.
5. Memo from Mr. Carbone to the BOH, dated 3/5/2019 concerning the J.P. Licks Grease Interceptor Variance Request, along with Grease Trap Variance Request and Cut Sheet for the Great Basin High Efficiency Grease Interceptor that they would like to use in addition to what is now in place.
6. BOH Minutes from the January 14, 2019 Board of Health Meeting.
7. BOH Minutes from the February 11, 2019 Board of Health Meeting.
8. Memo from Mr. Carbone to the BOH, dated March 5, 2019, concerning Discussion Items: Community Health Survey; Implementation of the New Food Code; Appointment of IBC Representatives; Resignation of Carolyn Dymond; and Thin Film Plastic Bag/ Polystyrene Ban Waivers.
10. Memo from Mr. Carbone to the BOH, dated March 5, 2019 concerning the Annual Town Meeting Warrant Articles the BOH may want to review, along with the complete set of the Town Meeting Warrant Articles.
11. Memo from Mr. Carbone to the BOH, dated 3/5/2019 concerning the appointment of the new Public Health Nurse, along with her Resume.
5. Memo from Mr. Carbone to the BOH, dated 3/6/2019 concerning LUA requests for 203 Haggetts Pond Road and 478 River Road.
6. Memo from Mr. Carbone to the BOH, dated 2/20/2019 concerning the 2018 Annual Report as well as the Annual Report.