ANDOVER BOARD OF HEALTH
Minutes
August 19, 2019, 6:00 P.M.
CD&P First Floor Conference Room
*Meeting Changed to Third Floor Select Board Room*
36 Bartlet Street

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, Mr. Thomas G. Carbone, Director of Public Health, and Ms. Joanne Belanger, Assistant Director of Public Health.

Appointments & Hearings

- 6:00 p.m. – Kim Foss from the Northeast Massachusetts Mosquito Control and Wetlands Management District – Present were Kim Foss, Entomologist, and Bill Mehaffey, Operations Manager, for the Northeast Massachusetts Mosquito Control District. Mr. Carbone updated the Board that on Friday morning he was informed by the State Department of Public Health (MDPH) that they had isolated two sets of mosquitoes that had tested positive for EEE. He then called Ms. Foss, and spent the weekend identifying some opportunities to do some treatment and get information out to the public. A Code Red phone call will be going out this evening to registered users announcing that a spray treatment will be done on Tuesday evening. A map of the area to be sprayed was uploaded to the Town website and on social media.

Ms. Foss stated that normally in the Summer, they set out a trap in the same location, every year, but this year they moved Andover’s to a different location. The mosquitoes that tested positive for EEE are Mammal biters. The mosquitoes that transmit EEE live in red maple swamps and reedy marsh areas, which is where the traps are set up. When they get a positive hit, they have set plans they follow depending on what kind of mosquito they find. They set up supplemental traps in two different areas of the Town on Sunday closer to the Southeast section of Town and by the Bald Hill region. A pool is a batch, she identifies the species and then sends 50 in for testing.

Mr. Carbone stated that Staff from Mosquito Control were out today doing larvaciding operations. Mr. Mehaffey informed the Board that he sent a Technician to check around the trap sites. He found some areas that were breeding and treated them. Mr. Carbone stated that if the Board approves this tonight, the Town will spray the affected area that tested positive for EEE on Tuesday. He is also working with the Athletic Department at the High School, and the Mosquito Control District will do a barrier treatment spraying at all the athletic fields. Mr. Mehaffey explained that there are two types of adulticiding that they do. One is a ULV truck spray they would be doing on Tuesday night to kill flying mosquitoes and reduce the population. To do the barrier treatment, you need vegetation around a field. A truck applies the spray directly to the vegetation and the spray sticks to it. The barrier treatment differs where mosquitoes do not like to land on the treated vegetation. What they normally do is first spray with the ULV truck to kill anything that is flying and then spray the vegetation. This treatment should last four to six weeks,
barring any major rain event. That should bring us close to the time when the mosquito season will be over. However, the season is over after the first hard frost.

Mr. Mehaffey explained that their organization is regulated by the Department of Agriculture and they strictly follow the label instructions on the product. The spraying is done a ½ hour after sunset. The product used is Zenivex E4 RTU. Mr. Carbone has the label, and the name is also available on the press release. Dr. Dwarakanath asked if they increase the frequency of testing once the traps test positive. Ms. Foss replied that they do not because they know that EEE is out there everywhere; the trapping is used for early detection. When they start seeing surrounding Towns having positive EEE testing, they start doing supplemental trapping in other areas. The notification of having these positives gives them and the Public Health Departments the opportunity to notify the public to ramp up their use of repellents and personal protection. Mosquito Control can only reduce the risk - it cannot eliminate it.

Ms. Linzer wanted to verify that, if we get the results back on Friday, and if more testing comes back positive, that doesn’t necessarily indicate we are worse or better off. Ms. Foss stated that statement was true because we now know EEE is showing up in surrounding communities. They try to focus on human population centers that have mosquito population densities with frequency of viruses. A citywide spraying is unnecessary until they figure out where the focal points are at this time.

The Board took questions from some of the residents that were present at the meeting. A resident asked where the original trapping that had the positive reading was located. Ms. Foss replied that the trap was in the cemetery. Concerns were raised about notification to the public of the issue, proper use of repellant and general questions about the spraying. Mr. Carbone explained that the first thing he did was to get a Press Release out to the newspaper and get the information onto the Town website. The Town has two great notification systems that people have to subscribe to from the Town Website. One is through our e-mail list serve. Once people are signed up they get news flashes to inform them about what is going on in Town. The second is our CodeRed system, which is an automatic dialer through the telephone system. Chief Keefe explained that the CodeRed system is done through the GIS mapping system to determine which houses are in the affected area. A resident stated that he was letting his neighbors know and noticed that there were no notices at Rec Park or Camp Maude Eaton. Mr. Carbone replied that they spoke with the Recreation Department to get the word out through their resources. We are also in the process of notifying the different sports leagues that will be using our fields. We will be working with AVIS and our Conservation Commission, and would expect the trustees to help to get signage posted at the trailheads. We are utilizing every aspect of our social media. Ms. Joanne Belanger, Assistant Director of Public Health, informed the Board that people can follow the Health Division Facebook and Twitter feeds for information concerning the Health Division and other Department issues as well.

Another resident asked about the time frame for the spraying on Tuesday. Ms. Foss replied that there will be a couple of trucks that will go out between 8 p.m. and 11 p.m. It
is safe to go outside 15 minutes after the spraying occurs because it dissipates that quickly. The windows on the street side should be closed and air conditioners can be left on. They don’t want people walking around when the spray is being administered because the spray has to be shut off. Mr. Carbone stated that once we have the results of the current batch, we will then know where to spray next if necessary. We want to put our resources to where it does the most good. Ms. Foss stated that she doesn’t want people to forget that wearing insect repellent or long pants and sleeves is still necessary even after the spraying is completed.

Dr. Dwarakanath asked what the symptoms of EEE are. Ms. Foss replied that the symptoms are flu-like symptoms such as headache, fever, nausea, and dizziness. It is important to get checked out by a doctor if you feel sick because there are other illnesses that could also be related to ticks. For EEE, it takes five to seven days for onset to begin and the headache is very pronounced. Ms. Foss explained that they have links on their website to the State with the information on the symptoms and also the information on the pesticides that they use. Ms. Belanger stated that the Andover website has that information as well.

Mr. Carbone stated that there have been questions about outdoor activities and if they should be limited. The guidance right now is to continue on with the day-to-day activities, but be extra careful, especially in high risk areas, to dress appropriately and use mosquito repellent. The State has listed the Town at a moderate risk level, and they recommend a discussion on late afternoon and evening activities only if we escalate to the high risk level. Ms. Foss stated that she would recommend using a CDC approved repellent, not a natural product. Also, make sure the repellent being used says West Nile Virus on it. People should read the labels carefully on when to reapply and also read the child safety standards on the label. A question was raised about protecting animals. Ms. Foss stated that they don’t see a lot of EEE with dogs or cats, but would advise them to call the Veterinarian if a pet gets sick. Ms. Belanger explained that the biggest animal at risk is the horse, but there is a vaccine for horses. Mr. Carbone informed the Board that the Andover Animal Control Officer is visiting horse owners to make sure they are informed.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to activate our Mosquito Control Plan which includes larvacide and adulticide spraying as deemed necessary by the testing and Mosquito Control professionals. Unanimous approval.

Mr. Mehaffey clarified the procedure going forward. Tuesday night is the ULV truck spraying. The barrier spraying for the schools will most likely be Friday night due to the chance of rain this week. Also, notification to the schools has to be 48 hours. The fields can then be used on Saturday. Mr. Carbone stated that the Town is working with the School Department on getting that notification out. Ms. Foss stated that the barrier spray lasts approximately twenty-eight days. Mr. Carbone explained to the residents that the concentration at the schools will be at the athletic fields due to evening sport activities. The plan is to treat Rec Park and other athletic fields that are not connected to schools as well.
I. Approval of Minutes

- #1 – August 1, 2019

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the Minutes of August 1, 2019 with the following correction:

1. Under Staff Reports, CBD Discussion (Not on Agenda) Page 5, third paragraph, change Ms. Martin to Ms. Linzer.

Unanimous approval.

II. Discussion Items

- #2 – CBD Discussion and Draft Emergency Regulations – Mr. Carbone informed the Board that he had spoken with the Newburyport Health Director and that Board shares a lot of similar concerns about CBD as the Andover Board of Health. Mr. Carbone attended the Newburyport Board of Health Meeting because they were going to be discussing similar issues that our Board is concerned with. The Board has issues with the sale of any edible product as well as issues with vaping and the pods. The Newburyport Board of Health took exception to the fact that stores are selling food infused with CBD. Health Staff in Andover have been addressing this as we find product in stores and are making the establishments pull the products off the shelves.

The issue with vaping is trickier. Newburyport and Andover have both written regulations to address the e-cigarettes and all the devices that go with it. Mr. Beauregard, Director of the Healthy Communities Tobacco Control Program is working with Mr. Carbone to draft a stand-alone regulation that will tie in to the Tobacco Regulations. Mr. Carbone stated that he has a real concern with vaping and high and middle school students. Mr. Carbone has our Intern doing more research on some of the issues on vaping and asked her to do a little science journal research. Mr. Carbone replied he would like to enforce the use of CBD products utilizing our existing Tobacco Control Regulations. The sale of these items are prohibited by age and can only be sold to people 21 years of age or over. The draft regulations do ban flavors; for nicotine, tobacco or CBD pods that are flavored. Supplements are the hardest because Mr. Carbone’s understanding is that the State says the supplements are not considered food, so they are not regulated under the Food Code. Ms. Linzer asked if we go forward with the new regulations, would that be an added part of the inspections. Mr. Carbone stated that Staff is looking at that now as we go into establishments. Mr. Beauregard is working on getting the tobacco inspections done to make sure they are in compliance. E-devices were originally meant to help people quit smoking; now they can be used for cannabis as well. We have no regulatory authority over cannabis so Mr. Carbone and Mr. Beauregard have to work that language out. He stated that he thinks the Board of Health could adopt prohibitions listed in the Department of Agriculture guidance. Next week, he could contact the State about the issue with tinctures and capsules. The Board can adopt the new
regulations without having a hearing. If the Board adopts regulations based on the Department of Agriculture (MDAR), it would be adopting, word-for-word, the language that MDAR has put into their guidance. It would basically prohibit food product with CBD and therapeutic and medicinal claims.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer to adopt a regulation under M.G.L.c. 111, §30 by adopting the prohibitions listed in the Department of Agriculture Guidance Document as regulations. Unanimous approval.

- #3 – Polystyrene and Thin Film Plastic Bag Bylaw Updates and Waivers – Mr. Carbone informed the Board about several issues that have arisen from the Bylaw that may require a Warrant Article to make some changes. Some of the cardboard cups being used have been found to have linings that are not recyclable, so the cup ends up in the trash. Also, whether utensils are plastic, compostable or bio-degradable, they end up in the trash because the Town cannot recycle them. Health Staff has not taken any action on these types of cups because it is very time consuming. The suppliers and proponents have pointed out that these items are not compliant with the Bylaw. Ms. Linzer asked if the Board could do amendments to the Bylaw instead of a Warrant Article. Mr. Carbone replied that since this was a bylaw adopted by Town Meeting, any changes would have to be done at Town Meeting. It would be best to start making some decisions in December to get the Warrant ready for the 2020 Annual Town Meeting. If the Board Members decide to move forward, they would draft the language, have a discussion, and then have a Hearing. Now that we are six months into the new Bylaw, we are aware of the problems we face and what would benefit a change. Ms. Linzer asked if Variances could be granted and Mr. Carbone stated that would have to be approved at Town Meeting as well. He stated that he can come back to the September 16, 2019 Board of Health Meeting with a redlined version of the Bylaw that will reflect the inclusion of a Variance procedure. Then the Board could discuss if they want to move forward. We could also have a Public Hearing to get some input as well. The Board directed Mr. Carbone to bring revisions that would allow for variances.

- The Board Reviewed the Waiver Requests

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the waiver dates to October 31, 2019 for all the establishments listed on the spreadsheet for the Thin Film Plastic Bag / Polystyrene Ban Waiver Requests. Unanimous approval.

III. Old Business

- N/A

IV. Subdivision Definitive Plans

- N/A
V. Septic System Variances/Local Upgrade Approval

- #4 – 8 Old South Lane – LUA Requests – SAS 2’ to property line, 10’ required; SAS 5.7’ below grade, 3’ maximum required (SAS to have 6’ of Cover) – Ms. Linzer stated that this was a failed system and that Mr. Carbone was waiting for a video inspection of the sewer line. Mr. Carbone informed the Board that the video was done today and found that the pipe is a tar paper pipe and in good shape, but it is not level. They are going to have to dig up the driveway to replace that pipe. That should allow us to decrease the second LUA so that instead of 6’ of cover material, they will be at 5’. The Engineer is going to need to do some calculations and identify how high he can lift that tank since it is not tied back into the existing pipe anymore. Mr. Carbone recommended the Board approve the LUA’s as is.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the LUA for 8 Old South Lane to allow the SAS to be 2’ to the property line, where 10’ is required; SAS to be 6’ of cover material where the maximum allowed is 3”; the property line shall be located by a Registered Land Surveyor; and a secondary vent from the distribution box shall be installed. Unanimous approval.

VI. Staff Reports

A. #5 - Director’s Reports:

- Important Dates:
  - September 16, 2019 at 6 p.m. – Board of Health Meeting
  - October 1 and 8, 2019 – High Dose Flu Clinics
  - October 12 to 20, 2019 – Director’s Vacation
  - October 21, 2019 at 6 p.m. – Board of Health Meeting
  - November 14, 2019 – Community Flu Clinic
  - November 18, 2019 at 6 p.m. – Board of Health Meeting

B. #6 – Community Health Report for July, 2019 - The Community Health Report for July, 2019 is for informational purposes only.

C. #7 – Environmental Health Report for July 2019 – The Environmental Health Inspectors’ Report for July, 2019 is for informational purposes only.

VII. Board Member Reports

- Sara Rahmen- Ms. Rahmen, candidate for the open seat on the Board of Health, was present at the meeting and introduced herself to the Board. Mr. Carbone gave her a little background about the duties of the Board of Health. The Board Members had a conversation with her to assess her interest in the open position on the Board and
would like to move forward to recommend her for appointment to the Board of Health.

VIII. Adjournment

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to adjourn at 7:32 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.

1. Minutes for August 1, 2019 Board of Health (BOH) Meeting.
2. Memo from Mr. Carbone to the Board of Health, dated 8/12/2019 concerning CBD discussion including Draft Regulations for the Town of Andover; CBD Q&A from the Massachusetts Department of Public Health concerning CBD and food additive; and Policy Statement Regarding the Sale of Hemp-Derived Products in the Commonwealth from the Mass Department of Agricultural Resources.
3. Memo from Mr. Carbone to the Board of Health, dated 8/12/2019 concerning the Polystyrene Bylaw Implementation.
4. Bylaw Exemption Requests from Café Services @ Schnieder, Corporate Chefs at 2 Tech Café, HPE Andover - Guckenheimer, Putnam Investments, and Raytheon Andover (all locations).
5. Memo from Mr. Carbone to the Board of Health, dated 8/13/2019 concerning 8 Old South Lane LUA Request with corresponding Subsurface Sewage Disposal System plan.