ANDOVER BOARD OF HEALTH
Minutes
October 21, 2019, 6:00 P.M.
CD&P First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:04 p.m. Present were Ms. Pamela Linzer, Chair, Gopala K. Dwarakanath, M.D., Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Ms. Deborah M. Enegess, M.D., who is an incoming Board of Health Member, was present as well, but did not participate.

I. Appointments & Hearings

• #1 – Adopt Moratorium of the Sale of Vaping Products - Mr. Carbone informed the Board that he drafted a document to adopt as a local regulation tied to the order by the Public Health Council to ban Vaping products. However, the state action is currently in Court and a judge has given the state a week to properly adopt a legal ban. Mr. Carbone contacted Town Counsel who advised that the Board take no action tonight and to wait and see if anything happens by next Monday. Mr. Carbone recommended the Board table this item to the next Board of Health Meeting of November 18, 2019.

Ms. Linzer moved to table the matter, seconded by Dr. Dwarakanath. Unanimous Approval.

II. Approval of Minutes

• # 2 – September 16, 2019

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the Minutes of August 19, 2019. Unanimous approval.

III. Discussion Items

• #3 – Inspectional Software Presentation – Mr. Carbone stated that he wanted to give a presentation to the Board showing how the new Inspectional Software works. The main reason we originally bought this was for food service inspections, but we can do housing, pools and camps as well. Mr. Carbone provided an overview of the inspection report. The form is longer than the old one, but it gives better information. The inspections with the new Food Code will take longer because of the change in the code. Inspections that take a half hour to an hour now will take anywhere from 45 minutes to 1 ½ hours under the new Food Code. The code changed to be more in depth, but by working to correct things on site, it should result in us making fewer reinspections. The software will help us to identify the repeat violations.

Specialized reports can be run showing total violations for all the establishments. This gives us better information on what violations are repeating and where to concentrate
our educational efforts. We can look at a years’ worth of inspections and see our reoccurring themes. This information can then be shared with other food establishments.

Mr. Carbone informed the Board that he wrote a Grant with the FDA requesting $3000.00 to pay for a third-party consultant to provide a monthly two-hour seminar on the new food code and what our issues may be. Every new restaurant would be required to attend this seminar. We can utilize the seminar when we have an Administrative Hearing before taking the issue to the Board by requiring attendance to one of the seminars. Mr. Carbone stated that he may use money from the Revolving Fund if the Grant does not come through because this is going to be an important tool for us to utilize. Mr. Carbone would like this to be mandatory.

Mr. Carbone is working with our Consultant, Maureen Lee, to develop a risk-based inspection program. Starting in January, 2020, establishments at high risk would be inspected four times a year, lower risk establishments would only have to be inspected once a year. The Board of Health will have to adopt some policies on how to sort businesses into risk based categories from 1 to 4, which should happen in November or December. Establishments may vacillate from 1 to 2, 3, or 4 if there is a bad inspection. The knowledge that their level can be bumped up is an incentive for them to keep their establishment at the lower risk.

- #4 – Polystyrene & Thin Film Plastic Bag Bylaw Updates & Waivers - Mr. Carbone recommended that the Board not allow any waivers to go into next year. He would recommend an end date of November 30, 2019. The outreach concerning the new Bylaw started in January of this year, which gave everyone ample time to comply. If establishments do not apply for the waiver, a fine can be issued.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the Waiver Requests as written in Mr. Carbone’s Memo dated October 9, 2019 and to have an end date of November 30, 2019. Unanimous approval.

- #5 – Community Health Survey – Mr. Carbone informed the Board that our former Merrimack College Fellow, Ms. Danielle Murray, originally launched the survey. Our new Fellow, Christian Vega, has picked up on a couple of topics he has an interest in: substance abuse and Health Care access for senior citizens. Mr. Carbone has put him in touch with the Senior Center concerning senior issues as well as Sobhan Namvar, the Community Support Coordinator with the Police Department, to help him concerning substance abuse.

IV. Old Business

- N/A
V. Subdivision Definitive Plans

- N/A

VI. Septic System Variances/Local Upgrade Approval

- 12 Brentwood Circle - LUA to allow the SAS to be 3’ above the Water Table, 4’ Required (not on Agenda) – Mr. Carbone informed the Board that the original design for this residence had a fully compliant system. The Engineer had estimated the pipe elevation underneath the house and found that it is deeper than what he normally sees. As a result, instead of the leaching field being 4’ above the water table, it is going to be 3.4’ above the water table so an LUA is required. Because construction has already begun, Mr. Carbone gave administrative approval for the LUA, and asked the Board to approve the LUA.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the LUA to allow the SAS to be 3’ above the Water Table, where 4’ is required. Unanimous approval.

VII. Staff Reports

A. #8 - Director’s Report

- Important Dates:
  - November 6 through 8, 2019 – MHOA Conference
  - November 14, 2019 at 4 p.m. to 7 p.m. – Community Flu Clinic
  - November 18, 2019 at 6 p.m. – Board of Health Meeting
  - December 16, 2019 at 6 p.m. – Board of Health Meeting

B. #9 – Community Health Report for September, 2019 - The Community Health Report for August, 2019 was for informational purposes only. Ms. Linzer asked if the EEE threat has been alleviated. Mr. Carbone explained that we have not had a hard frost that would allow him to change course. The advice from DPH is that when a community hits high or critical levels, evening activities should be curtailed. The spraying did a very good job of knocking down the mosquito population. The authority to lift the restrictions will be a decision made by the Town Manager, the Chair of the Board of Health, and Mr. Carbone. Halloween will still be celebrated at an earlier time and will not be changed back because of the EEE threat. Dr. Enegess told the Board that there has been no update on the website recently and felt that people need a little reminder. Mr. Carbone stated that he will look into putting an update on the Town website.

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

- N/A

IX. **Adjournment**

*Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to adjourn at 6:50 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. Board of Health Meeting Agenda.
3. Copy of the Governor’s Declaration of Emergency concerning Vaping Products.
5. Memo from Mr. Carbone to the BOH, dated 5/14/2019 concerning an Inspectional Software Presentation, along with examples of the Inspection Report.
6. Memo from Mr. Carbone to the BOH, dated 10/9/2019 concerning Waivers from the Polystyrene & Thin Film Plastic Bag Bylaws and corresponding Waiver applications.