

ANDOVER BOARD OF HEALTH

Minutes

August 9, 2010, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- Regular Meeting of July 12, 2010
 - **On page 2, the first Motion** – Change “...to issue a one day suspension for the next year to prohibit for one year, the sale of tobacco...” to “...to issue a one day suspension and to prohibit for one year, the sale of tobacco...”
 - **On page 3, under • 6:30 p.m. – David Kiu for Peking Garden Restaurant, Show Cause Hearing for Revocation or Suspension of Operating Permit (Continued), 4th Paragraph** – Change “...removed the meat from the refrigerator unit...” to “...removed the meat from the non-working refrigerator unit...”
 - **On page 4, under °Chairman** – Ms. Candace Martin – Change “Motion by Ms. Martin, seconded by Ms. Kruse...” to “Motion by Ms. Martin, seconded by Ms. Kellman...”

Motion by Dr. Miller seconded by Ms. Martin to approve the Minutes of the Meeting of July 12, 2010, with the noted corrections. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Kerri Barton, Public Health Intern - Presentation on Lyme Disease Project** – Ms. Barton is a student at BU School of Public Health and was placed by the Department of Public Health as an Intern with the Andover Board of Health to do a Lyme Disease Prevention Project. She started out by creating a task force which consisted of the Andover Public Health Nurses, Mr. Carbone, Robert Douglas, Director of Conservation, two Andover residents, and Betsy Land who is the State Educator based out of Tewksbury Hospital. Ms. Barton held two meetings with them during her time here. First they did brainstorming and the most important thing they found was that there is a lot of misinformation out in the public about Lyme Disease. She researched the disease to find out who was at greatest risk, finding that the hikers, children, and senior citizens are the most at risk. She developed a flyer for hikers which she posted at trailheads and playgrounds with instructions on how to avoid ticks and what to do if you find one on you. She spoke with the children attending Summer camp at Poms Pond as well as the Girl Scout Camp at Camp Maude Eaton. Ms. Barton has a presentation set up for Friday at the Senior Center. There is also a

presentation at the Library with a lot of educational materials about Lyme Disease as well as mosquito information. Ms. Barton also conducted a survey at the library to see what the general public would like to see done for prevention. Some of the feedback included things beyond her control, such as reducing the deer population; however, Mr. Douglas will be working on that issue. Ms. Barton stated that she hopes the Task Force will continue after she is gone. Ms. Martin asked if there was an increase in reported cases of Lyme Disease. Mr. Carbone replied that there is an increase each year, but not all cases are reported. Ms. Barton stated that there were approximately 110 cases reported last year in Andover since there are a lot of woods near backyards. There is usually a transition area of brush between the backyards and the woods, so keeping that area clean will help as well as putting gravel in that area so dogs and children don't play there. Ms. Barton had a poster on the wall at the Board of Health Meeting with all her research information, and Mr. Carbone will post the information onto the Andover website as well as in the entryway to the Town Offices.

- **6:00 p.m. Kirstin Heinrich, Public Health Intern – Presentation on Andover in Motion Project** – Ms. Heinrich is an undergrad student at Tulane University in the School of Public Health and an Andover resident. Her project was the Andover in Motion Project and she had a poster on display also. The project's goal was to synthesize a resource of trail maps for the community of all the trails, the hiking routes and walkable streets so the residents of Andover would have a resource to look at and search from there for the routes that they want to use. There are some walking routes that can be followed in Andover such as historical walking tours, the Ward Reservation, and Avis. However there is no one place people can go to find out all the routes that are available. The goal is to increase physical activity in Andover because she found that half of the adults in Massachusetts do not exercise and 54.5% are overweight or obese. She researched different walking clubs, trails, Avis, and searched the internet to look for where the resources are. Ms. Heinrich created a spreadsheet listing all the different organizations, descriptions of what you can find there, and the length of the route. She also utilized a blog about bike routes and their distances to help people find other places to go, which started the community talking. She also mapped out some one and two mile routes using the Andover GIS maps in areas that are centrally located in Town. Ms. Heinrich mapped out seven loops using GIS which got her thinking about Andover residents using GIS maps themselves. She wants to get the word out that GIS is available on the Town website because she thinks most residents are not aware of that. Ms. Heinrich wants to put all this information out onto the Town website and to include the spreadsheet that she made showing the links, the new walking routes, a link to the Andover GIS website with an explanation on how to use it to plan routes as well as a pedestrian safety sheet. She also included links to several websites with physical activity recommendations, such as the Mass in Motion website. Ms. Heinrich wants to use other interactive internet sites such as Facebook to bring the community together by communicating the routes they take, what they liked and didn't like, with the hope that someone in the Town would monitor that and add that information to the Town website as well.

Dr. Miller asked Ms. Heinrich if there had been way to measure if this affects obesity or diabetes rates. Ms. Heinrich replied that she looked at the community guide and was looking for what had been done in this area before and most of the things that were reported were in the workplace where they added gyms or incentive programs such as weight loss programs. They did find these things were effective and have seen results in this type of environment.

Ms. Martin said that she had hoped that the Andover Townsman would have been at this meeting so they could have reported on this presentation. Mr. Carbone stated that he would get a press release out to the newspaper to advertise the work of the Interns. He would also put a lot of the information on line. He would also print the materials the Interns had on their posters and get that posted in the Town Offices and then work them into the Health Division's training program over the next year.

III. Discussion

- **Training Component - Video – Conducting a Public Hearing** – The Board viewed the video which explained how a Public Hearing should be conducted. The video included information on what can be said at meetings as well as not allowing personal views to interfere with what is being said.
- **Mosquito Test Results** - Mr. Carbone informed the Board that North Andover is still having positive mosquito pools. Ms. Martin asked if the spray needs to have direct contact with the mosquitoes. Mr. Carbone explained that the adulticide spray targets adult mosquitoes and that the spray needs to come into contact with the mosquitoes when they are in the air. The best time to spray is after dusk when the temperature is above 65°. Usually no spraying is done in September because the temperature goes below 65°. Mr. Carbone explained that the North Andover Health Department was planning on spraying a wider area this time because the last time they sprayed there was a wind which can affect the effectiveness of the spray. They will continue to monitor the area.
- **Set Fall Meeting Dates** – The Board decided on Monday, October 4, 2010, Monday, November 15, 2010, and Monday, December 13, 2010 for the Fall Board of Health Meetings.

IV. Old Business

- **Michael Way Housing Issue** – Present were two neighbors to the property, Ms. Eileen Sheehan and Mr. Paul Sauerbrunn. Mr. Carbone stated that at the last Board of Health Meeting on July 12, 2010, the Board discussed collecting letters to try to start culling some information that could be used for a Search Warrant. As part of the last discussion, the Board had also realized that there may have been an opportunity within the by-laws of the Condominium Association to take some action. As Mr. Carbone talked to Town Counsel and the Town Manager, the question did arise about what action, if any, the Association had taken under its own regulations. The answer

was that, for this particular issue no action has been taken thus far. The action taken with the Association only dealt with trying to get the French drain work done following the 2006 floods. Ms. Martin stated that the Board of Health asked for the Association's lawyer to speak with our Town Counsel, Thomas Urbelis. Mr. Carbone stated that was his recommendation, but they have not talked. Mr. Carbone felt that the Board needs to request the use of Town Counsel for the Town to file suit, which probably will require an Executive Session with the Board of Selectmen. Ms. Martin asked if they have that authority with the Condo Regulations right now. Mr. Sauerbrunn stated that they only have that authority when it comes to maintenance, and believed that the Board of Health had more authority relative to a health issue. Ms. Martin replied that they could say it was a maintenance issue if their concern is mold and that should give them the right to go in, whereas going to court is a very long process. Ms. Martin asked what the Condo Association's regulations allow them to do and Mr. Sauerbrunn replied that they can inspect the home for structural issues only. Mr. Carbone recommended that the Board of Health ask the Board of Selectmen for the use of Town Counsel to file court action. As for the ORDER written to Ms. Odle in 2008, Mr. Tremblay, Health Agent, cannot enforce that ORDER because he cannot enter her home without her permission or a Court Order. There were concerns about who really had the authority to file an action in court, and there was no consensus on which body should file suit. The Board decided to address the issue with the Board of Selectmen at its next Board meeting on August 23, 2010 to see if they would allow the use of Town Counsel to file court action, and would ask permission to have a representative from the Condominium Association attend. Ms. Martin suggested having the two Attorneys talk and team up to present the case to the Board of Selectmen. Mr. Carbone made sure the residents knew that the Board of Selectmen have said no in the past to the use of Town Counsel.

Motion by Ms. Martin to request legal counsel in assisting with 38 Michael Way for legal support in pursuing a Court ORDER for an inspection, seconded by Dr. Miller. Unanimous approval.

V. Definitive Subdivision Plans

- **Weeping Willow Estates – 205 Greenwood Road – 9 Lot Subdivision** – Mr. Carbone stated that there was an error in a memo that incorrectly stated that this subdivision is in the watershed protection overlay district, but the subdivision is actually outside of it. They have addressed the sewer main issues and slope that were also mentioned in the memo, so they should be able to iron out any other details going forward; they will not need a variance. This subdivision will be on Town water and sewer. Mr. Carbone recommended approval.

Motion by Ms. Martin, seconded by Dr. Miller to approve the Definitive Subdivision plans for a nine lot subdivision at 205 Greenwood Road with the usual conditions as stated below:

1. *Any modification, amendment, or change to the above-cited Definitive Plan shall be submitted as a new or modified Definitive Plan in accordance with the provisions of MGL Chapter 41, Section 81U.*

2. *Subject to Conservation Commission approval of the above dated plan by Order of Conditions or Negative Determination.*

Unanimous approval.

- **39-47 High Plain Road, Three Lot Subdivision** – Mr. Carbone explained to the Board that there was a minor change to this subdivision. During an Interdepartmental review, the engineer pointed out that the type of pavement being used would not hold up to heavy vehicle traffic because the material is too porous. This is a driveway, so there should be a minimal amount of runoff. Mr. Carbone recommended approval of the revised plans.

Motion by Dr. Miller, seconded by Ms. Martin to approve the revised plans for the three lot subdivision at 39-47 High Plain Road. Unanimous approval.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval

- N/A

VII. Staff Reports

A. Director's Report:

- **Important Dates:**

- September 13th @ 6 p.m. – Board of Health Meeting
- October 27 to 29th, MHOA Conference

- **Rat Infestation** – Ms. Martin asked Mr. Carbone about the rat infestation article in the Eagle Tribune. The area affected was the block consisting of Chestnut Street, Bartlet St., Punchard Ave., and Main St. which included the Andover Townsman building that is owned by the Eagle Tribune. Mr. Carbone explained that there were two or three residents across from the Town Offices on Bartlet Street with rat burrows who had hired an exterminator to take care of the problem. Rodents need food, water, and a place to live, so Mr. Carbone believed that the dumpsters in the area may be attracting them. Mr. Carbone sent out letters to all the abutters about proper waste disposal, and the rules concerning dumpsters. Mr. Carbone noted several dumpsters with no covers and some with holes, so those businesses were told to replace the dumpsters. Mr. Carbone put signs up saying that the dumpster covers must be closed at all times. Mr. Carbone will keep working with homeowners and property owners on this issue.
- **Glory Restaurant Seeking Variance** – Mr. Carbone informed the Board that he had a conversation with Chris Pappadopoulos, owner of Glory who told Mr. Carbone that he would like to add a hamburger counter in the extra part of his

building as an expansion of Glory. However, since this part of the building has not been used for at least five years, it would qualify as a new operation, and as such, an automatic grease trap would be required due to the new sewer regulations. Mr. Pappadopoulos told Mr. Carbone that he couldn't afford to install a new grease trap at this time. Mr. Carbone explained that Mr. Pappadopoulos could seek a variance that would allow him to wait a certain period of time before installing the trap, but the Board of Health would have to grant that variance because Mr. Carbone did not have the authority to waive that requirement. Mr. Pappadopoulos was going to get a letter to Mr. Carbone requesting the variance so he could be on the Agenda, but that letter never came. Mr. Pappadopoulos left for Greece, so his daughter, Adrienne, came in to speak with Mr. Carbone on Monday. Mr. Carbone informed her what had to be addressed and talked to her about her options, and informed her that the next Board of Health Meeting was on the thirteenth of September. The Board stated that they may be able address the issue when they meet with the Board of Selectmen on Monday, September 23, 2010.

- **70 North Main Street Housing Issue** – Mr. Carbone informed the Board that another housing issue has arisen at 70 North Main Street, across the road from the Fire Station. Marvin Sayles is the owner of the four-unit building, with two of the units occupied with tenants with physical issues. The first floor apartment had the gas shut off, and the meter pulled because the pilot light on the stove would not stay on. Initially, Mr. Sayles tried to make the bathtub handicapped accessible by cutting the cast iron tub and putting in pipe insulation over the rough edges. The building is in very bad disrepair. Mr. Carbone visited the building with Health Agent, Patricia Crafts, and found that Mr. Sayles used PVC piping as a handrail in the bathroom of another apartment. Mr. Carbone was going to arrange a full trade inspection with the Fire Department, Electrical, Building, and Plumbing Inspectors all attending. There may be possible carbon monoxide issues, and there is a possibility a condemnation ORDER may have to be issued. Ms. Kellman asked what happens to the tenants if a building is condemned. Mr. Carbone replied that the lease agreement may state that the owner has to find a place for them to stay. If this is a Tenancy at Will, however, then the tenants might have to find a place to stay on their own. Mr. Carbone will try to get the inspectors out as soon as he can arrange all parties to attend; hopefully by tomorrow.
- **Camps/Programs on Town Property** – Ms. Martin was concerned because she felt that camps and programs held on Town property should meet the camp regulations due to safety and liability issues. Some of the camps on Town property are advertised as programs, thus avoiding the scrutiny of the Board of Health Regulations. Ms. Martin is concerned that groups are scheduling their programs to just below what is required for camps in order to avoid the requirements. There is too much of a risk to the Town and the children, and it would be awful if something bad happened to one of the children at these programs. Mr. Carbone will let Mr. Bergeron, the sponsor of the programs in

question, the new Superintendent of Schools, and the Town Manager know the opinion of the Chairman.

B. Nurses' Report for July, 2010 –The Nurses' Report was for informational purposes only.

C. Inspectors' Reports for July, 2010 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Dr. Miller, to adjourn at 7:31 p.m. Unanimous approval.