

ANDOVER BOARD OF HEALTH
MINUTES
MONDAY, APRIL 13, 2015, 6:00 P.M.
FIRST FLOOR CONFERENCE ROOM
36 BARTLET STREET

The Board of Health Meeting was called to order at 6:00 p.m. Present were Chairman, Gopala K. Dwarakanath, M.D., Ms. Pamela Linzer, Vice Chairman, Ms. Candace Martin, Clerk and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **March 9, 2015**

Motion by Ms. Martin, seconded by Ms. Linzer, to approve the Minutes of March 9, 2015. Unanimous approval.

II. Appointments & Hearings

- N/A

III. Discussion

- **Budget Update** – Dr. Dwarakanath asked Mr. Carbone if the CD&P Department was able to get the positions that were requested. Mr. Carbone stated that CD&P asked to combine two part-time positions at the front counter into one full-time position and to restore the Health Inspector position from nine hours a week (since Mr. Daniel Tremblay retired in 2010) to a full-time position. The Finance Committee was in favor of the additional positions, while the Board of Selectmen (BOS) was not in favor. The BOS agreed to spend \$25,000 to contract out the food inspections and will fund \$20,000 to maintain the part-time presence of a Health Inspector. When the new Town Manager takes over, he may decide to support putting that position back in place; however, we cannot count on that.

Dr. Dwarakanath stated that he saw on Mr. Carbone's proposal that inspections have decreased since 2009. Mr. Carbone replied that a minimum of 340 inspections should be done every year, but in reality the number should be around 440 inspections per year when temporary events and reinspections are counted. Once the Contractor does the initial inspection, it is up to Staff to do any follow up inspections which could result in action before the Board of Health. Right now, Mr. Carbone is helping with septic inspections, which has been cutting into his administration work. One option may be to have Mr. Tremblay concentrate on doing only the system testing.

If Town Meeting approves the Finance Committee budget, we could try to put this position back to full-time, but most likely the Board of Selectmen would not agree to

that. The voting public may decide to go with the lower budget. Ms. Linzer asked what the procedure would be to hire a contractor. Mr. Carbone explained that right now we are paying \$40.00 per inspection; the Town will allow us \$25,000.00 and that work would have to be bid out. Mr. Carbone has spoken with the North Andover Health Director and was told that the fee to do an inspection varies according to the type of food establishment; more for a supermarket and multi-food service, and large retail stores. Each inspection takes one hour on average, unless it is a large establishment such as Stop & Shop. Ms. Martin asked if Mr. Carbone has been following through on re-inspection charges. She felt that if a business has to appear before the Board, a fee should be collected because of the multiple inspections. Mr. Carbone stated that the fee is not consistently assessed but that we are working on making sure those fees are collected. When we do hire a Contractor, we would hire one person to do all the routine inspections in order to keep things consistent. Ms. Linzer stated that if after a year there are issues, the Board could go back and try to fill the full-time position next year.

- **Mosquito Control Plans – (Sent in Separate File) - Budget Submittal** – Dr. Dwarakanath stated that the document contained a lot of good information. There is a concern that we will see a new disease we normally do not have here, Chikungunya; however, the major source of infection is from people traveling here from the Dominican Republic. We are not seeing it in the mosquito population here, and Chikungunya is not transmitted from an infected person into the general population. Dr. Dwarakanath asked specifically what is done for mosquito control for the different species. Mr. Carbone responded that there are different seasons for different types of mosquitoes and we treat them all the same. The ones that are out now in early Spring are typically bird biters, and in the Summer you get drought resistant species that hatch two weeks after a rain. Mosquitoes that transmit West Nile Virus thrive in containers; wet tires, gutters on roofs that don't drain, and untreated swimming pools. We do as much larviciding as we can to kill the larva and decrease the adult mosquito population. We get worried in July and August because that is when we usually see mosquito pools test positive in town or in surrounding towns. If we do have to spray, which we have had to do in the past when some of the testing pools tested positive, we spray at dusk because that is the time they are most active. The public can opt out of having their property sprayed, and there is a concern that if too many opt out, the spraying area becomes too limited.

IV. **Old Business**

- **Casco Crossings – Status Update** - Mr. Carbone explained that the Board of Health had asked for an update at the beginning of April, 2015 as to where they are at in the sidewalk repair and paving that needs to be done. As of this time there is no plan or timeline. Dr. Dwarakanath reiterated that the problems started with a lockbox problem, then handicapped accessibility issues as well as unsafe sidewalks. These issues were supposed to be completed last October, but they delayed the work because the Architectural Access Board (AAB) compliance had to be met. According to the letter from Attorney Rabieh, they hope to complete the work by June 15, 2015.

Mr. Carbone stated that he didn't know how the April 6th AAB Meeting went, but would find out. He suggested that the item be put on the May 2015 Agenda for another status update.

Motion by Ms. Martin, seconded by Ms. Linzer, to continue the matter with a requirement of a status update for the May 18, 2015 Board of Health Meeting. Unanimous approval.

V. Subdivision Definitive Plans

- **139 – 143 Elm Street and 26 Pine Street - Preliminary Subdivision** - Mr. Carbone explained that State law requires that the Board of Health review all subdivision plans. He surmised that this property is actually not being subdivided; this is being done as protection from possible zoning changes that are coming up at Town Meeting in May. The parcel is on Elm Street and is being considered by the Planning Board as assisted living housing. This plan proposes the creation of a Cul-de-Sac on a new lot. This is a preliminary plan, which means the applicant files a plan and it is presented to the Board of Health for review. The Board can decide to take no action, or can recommend approval or not recommend approval on certain grounds. Some examples are: improper drainage, no buffer zone between retention pond and ground water, soils that are not able to support a septic system, sewer that is not gravity fed or the supporting infrastructure cannot take the extra load. With this project, the only question is the sewer capacity and that discussion is ongoing for the facility itself. We have had problems on that sewer line in the past, but Merrimack College made corrections, so there is capacity now in that pipe. There is a question now whether we have another problem downstream since we are pushing so much water through there now and we do not want to have another bottleneck. Mr. Carbone stated that the Board's decision is not binding and he saw no reason not to approve the preliminary plans.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the Preliminary Subdivision Plan for 139 – 143 Elm Street and 26 Pine Street subject to the addition of a sediment control structure in the drainage system. Unanimous approval.

- **South Main Street Update (Not on Agenda)** – Mr. Carbone informed the Board that Attorney Bougioukas has filed a suit against the Town of Andover. There was an issue where the four bedroom septic system design was marketed at five bedrooms. He wanted to back out of his commitment to purchase the property, but was denied the return of his deposit. Mr. Carbone had issued a Notice of Non-Compliance to the owner of the property, but that was not enough to satisfy him. Ms. Martin stated that he does not own the property, so she did not understand why he is pursuing the Board of Health in this matter. Town Counsel advised the Board to speak with him, but he did not show up to the Board of Health meeting on the evening he was invited to speak. Mr. Carbone will keep the Board informed about the situation.

- **Ultimate Perk (not on Agenda)** – Mr. Carbone explained that when an inspection was conducted, it was discovered that they did not have a full-time food protection employee. Ms. Crafts had to write them a letter because she never heard back from the Manager. During the inspection, we make documentation on the inspection report about any violations and then check to see if the issues are abated at the next inspection. If we do not have satisfaction, we can have them come in for an Administrative Hearing.
- **U-burger Update (not on Agenda)** - Ms. Martin asked if U-Burger was opened yet. Mr. Carbone replied that they were not, and was not aware if they had received their Building Permit yet. Ms. Crafts, Health Agent, has completed her Plan Review, so it should not be much longer before they open. Ms. Linzer asked what the initials HACCP meant. Mr. Carbone explained that it stands for “Hazard Analysis and Critical Control Points” and is used for high risk foods such as sushi and sushi rice. Sushi rice uses vinegar to raise the acidity to slow the growth of bacteria so that it can be kept at room temperature.
- **Board of Health to Meet with Staff (not on Agenda)** – Ms. Linzer asked to meet the Health Staff after Ms. Carolyn Dymond joins the Board of Health in June of 2015. Mr. Carbone replied that his goal is to have each Staff member come in to meet the Board and give them a presentation of what their duties and responsibilities are. Mr. Carbone would also like to do some training and would like Mr. Ronald Beauregard, Director of the Healthy Communities Tobacco Control Program to come in as well.

VI. Plan Review

- **DWRP – Variances/Local Upgrade Approval**
 - **213 River Road – LUA Request to Allow a Sieve Analysis in Lieu of Percolation Test and Allow SAS to be 3’ above the SHWT, 4’ Required; Allow one Test Hole where Two are Required** - – Mr. Carbone stated that this plan was brought before the Board of Health last fall, but the Board did not approve the plan at that time. This property is close to where our drinking water collection point is; it is by the basin by the Merrimack River. It is an existing house with a failed septic system. The system needs to be put in the front yard because of the location of the water supply. A percolation test was not run because of the ground water. There are not a lot of choices in this, and the system has been moved to where we wanted it. Mr. Carbone was recommending approval of the three LUA’s with the conditions that the house stay a three bedroom, no additional flows be allowed beyond 330 gallons per day, and that an attempt be made to do a perc test in this area if possible. Ms. Martin wanted to know who

revised the wetland line. Mr. Carbone replied that the initial plan was with Norse Environmental and was flagged on paper as river front, but should not have been. Everything has been confirmed with the Conservation Commission and it is now correctly shown as vegetative wetland. Ms. Martin asked if we require a restriction to keep the house as a three bedroom. Mr. Carbone replied that we check the file when people come in to sell their house to see what the bedrooms are and check to see if the property has an LUA.

Motion by Dr. Dwarkanath, seconded by Ms. Linzer, to approve the LUA Request to allow a Sieve Analysis in lieu of Percolation Test and allow the SAS to be 3' above the SHWT, where 4' is required; allow one test hole where two are required, with a requirement that the house remains a three bedroom; if they expand on the house, they would have to revise the system to meet current standards; and a perc test will be conducted if possible. Ms. Martin requested a discussion.

Ms. Martin wanted assurance that the house remains a three bedroom. Mr. Carbone explained that when a Title V inspection is submitted to us, he looks at the design records. He does see the number of existing bedrooms and if he found a discrepancy, he would address that with a notice of non compliance.

With discussion completed, vote taken: Dr. Dwarkanath, Aye; Ms. Linzer, Aye; Ms. Martin, Aye. Unanimous approval.

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**

- May 4, 5, 11 and 12 – Town Meeting
- May 18 at 5 p.m. – Board of Health Meeting
- June 15 at 6 p.m. – Board of Health Meeting

B. Nurses' Report for March, 2015 – The Nurses' Report for March, 2015, was for informational purposes only.

C. Inspectors' Reports for March, 2015 – The Inspectors' Reports for March, 2015, were for informational purposes only.

VIII. Board Members Reports:

IX. Adjournment :

Motion by Ms. Martin, seconded by Ms. Linzer, to adjourn at 7:01 p.m.