

ANDOVER BOARD OF HEALTH
Minutes
APRIL 11, 2016, 6 P.M.
CD&P First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:02 p.m. Present were Gopala K. Dwarakanath, M.D., Chairman, Ms. Pamela Linzer, Vice-Chairman, Ms. Carolyn Dymond, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- Regular Meeting of March 14, 2016

Motion by Ms. Linzer, seconded by Ms. Dymond to approve the Minutes of the Meeting of March 14, 2016. Dr. Dwarakanath abstained.

II. Appointments & Hearings

- **6:00 p.m. – Scott McGann for Whole Foods Market – Request to use Time as a Public Health Control in Lieu of Temperature Controls Variance** – Present were Mr. Scott McGann, Global Food Safety, Mr. John Forgiati, Store Manager, and Ms. Carol Pappalardo Assistant Store Manager, all from Whole Foods. Mr. McGann stated that they wanted to use Time as a Public Health Control in lieu of temperature controls for their pizza and calzones and admitted to the Board that they were already doing that at Whole Foods. He stated that they were using logs for the times and temperatures to make sure they were not going over the four hour limit. Most times they don't even go past three hours. Mr. Carbone explained to the Board that they had never applied for a variance. In addition, over the past four years staff inspections showed a number of critical violations. That was a concern to Mr. Carbone and the Board. Mr. McGann replied that most of the issues were with the equipment and that new equipment has been installed. Refrigeration problems caused the issues with the temperatures of the foods. They have a company called Everclean that comes into the stores unannounced. Whole Foods does ongoing training of staff and they engage a trainer who is in the store twice a week to work with staff on identified issues. Mr. Forgiati explained that they were using the log books when Alfred Scoglio, the Town's contracted Inspector, performed his inspection, and did not realize that they needed a variance. Ms. Pappalardo stated that she conducts the training of the team members and showed the Board her log books from Medford dealing with sanitation and training and said she would be using similar logs at Whole Foods in Andover.

Mr. Carbone stated that he was encouraged to find out that there is now a staff sanitarian in-house. He questioned how Whole Foods staff knows that the three hour mark has been reached. Mr. Forgiati stated that they use a timer, and one person is responsible for setting the timer when the pizza goes in the oven until the three hour mark is reached. The last pizza is made at 7 p.m. and Whole Foods closes at 9 p.m.

Dr. Dwarakanath asked what they plan to do for improvement after this meeting. Mr. Forgiati responded that they will do extensive training on how to use the log books and will keep a better eye on them to make sure they stay up to date. Mr. McGann stated that he will check the log books and should be able to track every item from when it was cooked, when it was put out and when it was disposed of. The team leader and supervisor will check the log books as well.

¹Mr. McGann submitted to the Board some of Whole Foods' Standard Operating Procedures (SOP's). The documentation has been added to the Agenda Packet.

Motion by Ms. Linzer, seconded by Ms. Dymond, to allow the Time as a Public Health Control in Lieu of Temperature Controls Variance for Whole Foods Market, subject to the following conditions:

- 1. Whole Foods shall work with the Health Division staff to close gaps identified in the standard operating procedures and HACCP Plan, and complete Whole Foods staff training.*
- 2. Whole Foods shall work with the Health Director to clarify whether any of these foods will be considered "high risk" foods.*
- 3. Once instituted, Whole Foods shall engage an outside consultant to conduct monthly audits of the affected program for a six month period, with copies of those audits submitted to the Health Division.*

Discussion followed. Dr. Dwarakanath stated he wanted to make sure there was no compromise on the safety of the public. Mr. Carbone stated that he felt we have the opportunity to make this happen and was confident that this plan would work. The Board clarified how they wanted six months' worth of audits so that the Board Members could check the log books and make sure staff is trained and all paperwork is submitted to the Health Staff.

Vote taken: Dr. Dwarakanath, Aye; Ms. Linzer, Aye; Ms. Dymond, Aye. Unanimous approval.

III. Discussion

- **Review of Annual Town Meeting Warrant** – Historically, the Board of Health Members have looked to see what Articles may have a Public Health component to them and that they may or may not want to support. The Board does not have to take any votes if it does not want to unless it feels endorsing certain Articles will help. The Board decided it did not need to address any of the Articles.
- **Training Video – Public Health Initiatives** – Mr. Carbone showed the first of a three part video made by MHOA to help train Board Members. The other two parts will be viewed at future meetings.

¹ See Board of Health Agenda Packet after page 17 for the SOP documentation.

IV. Old Business

- N/A

V. Definitive Subdivision Plans

- **12 Patriot Dr. – Preliminary Subdivision Approval** – Mr. Carbone explained to the Board that this Preliminary Subdivision shows development of two existing wooded lots to become nine new buildable lots. Most of the Deep Hole and Perc testing has been done, but more testing has to be done in the drainage areas. There are concerns about the looping of the water main. This loops back into itself in a single line where it typically runs up the street and connects to an adjoining street. There is an Interdepartmental Review on Tuesday, April 12, 2016 where Mr. Carbone will be discussing these issues. Mr. Carbone recommended that the Board deny the Preliminary Subdivision for 12 Patriot Drive.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to disapprove the Preliminary Subdivision for 12 Patriot Drive, based on Mr. Carbone's memo of April 5, 2016 which states:

- 1. Extensive deep hole and percolation testing has occurred on the property, and most lots have shown favorable results; Lot 6 requires both deep hole and percolation tests prior to final submittal.
It does not appear that deep hole testing has occurred in the drainage areas; these must be completed (it can be done in conjunction with the testing for lot 6) so that we can ensure that there is no ledge or limiting water table issues.*
- 2. The proposed water main is looped upon itself, back to the existing cul-de-sac for Patriot Drive. The applicant must explore looping the line to either the Route 125 Bypass or to Gould Road to improve water circulation and decrease the chance of a water main break interrupting service to the area.*
- 3. I note that the applicant seeks to waive the installation of the sidewalk for the property. While there are no existing walks on Patriot Road, I encourage the developer to explore ways to link this subdivision with a walking path out to Route 125 Bypass to allow residents in the area to gain non-vehicle access to Harold Parker State Forest (I recognize that there is a wetland and other things that could keep this from happening).*
- 4. The applicant is advised to use caution in the proposal to relocate the existing home at 12 Patriot Drive; the existing septic system is in front of the house, and a relocation could encroach on required septic system setbacks.*

The disapproval was unanimous.

VI. Plan Review

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

- **8 Tessier Dr. – LUA to allow SAS to be 13’ from Foundation, 20’ Required –** Mr. Carbone explained that they are limited where the system can go on this property. To meet full compliance they would need a pump because they would have to go around the back of the house or cross over the water line or go across the driveway. One of the areas is heavily wooded as well. They will meet full compliance off the front side line. They are in the watershed protection overlay district. The area shown on the plan is the best and most cost effective space to put the septic system. Mr. Carbone recommended approval of the LUA.

Motion by Ms. Dymond, seconded by Dr. Dwarakanath to approve the LUA to allow the SAS to be 13’ from foundation, where 20’ is required at 8 Tessier Drive. Unanimous approval.

VII. Staff Reports

A. Director’s Report:

- **Important Dates:**
 - April 15 to 24, 2016 – Director’s Vacation
 - May 2, 3, 9, 10 – Annual Town Meeting
 - May 16, 2016 at 6 p.m. – Board of Health Meeting
 - June 13, 2015 at 6 p.m. – Board of Health Meeting
- **Nurses’ Report for June, 2010** –The Nurses’ Report was for informational purposes only. Ms. Dymond asked about the Zika disease that was listed as being revoked on the Nurses’ Report. Mr. Carbone explained that someone was most likely preliminarily tested for Zika and it probably showed up in the system as a positive so we would have started a review on it. It would have been an imported case, not something that was acquired here. Ms. Linzer explained that all the labs in Massachusetts are hooked up to an electronic system. They do the lab work, then if something is preliminary, it sends a message to each town based on the address that is entered where the lab is located. Someone may be tested in one town but live in another. Then the nurses are notified.
- **Inspectors’ Reports for June, 2010** – The Inspectors’ Reports were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Linzer, seconded by Ms. Dymond, to adjourn at 7:25 p.m. Unanimous approval.