

ANDOVER BOARD OF HEALTH
Minutes
January 14, 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, Ms. Carolyn Dymond, Vice Chair, and Mr. Thomas G. Carbone, Director of Public Health. Gopala K. Dwarakanath, M.D., Clerk, was not present due to a scheduling conflict.

Appointments & Hearings

- **#1 - 6:00 p.m. – Nancy Larochelle for Papa Gino’s Restaurant – Show Cause Hearing to Suspend or Revoke an Operating License, Continued from the September 17, 2018 Board of Health Meeting – Close Hearing since Establishment is Closed** – Mr. Carbone reported that the establishment had closed during the Columbia Gas Event. The owners have since determined that the facility will remain closed as part of a larger company reorganization. Mr. Carbone recommended that the hearing be closed.

Motion by Ms. Linzer, seconded by Ms. Dymond, to close the Show Cause Hearing to revoke an Operating License for Papa Gino’s Restaurant. Unanimous approval.

- **#2 - 6:00 p.m. – Barron’s Country Store – Discussion about a Tobacco Sale to a Minor** – Mr. Carbone explained to the Board that a medical issued prevented Mr. Doug Barron from appearing before the Board this evening. Mr. Barron acknowledged that he was the one who made the sale and has used this as a learning experience that he has shared with his staff. He has since put up a large sign reminding staff and himself not to make any sales of tobacco to a minor by checking all ID’s. This is the first offense, so Ms. Linzer and Ms. Dymond will not pursue any further action.

Motion by Ms. Linzer, seconded by Ms. Dymond, to close the matter and waive the requirement for Mr. Barron to appear before the Board. Unanimous approval.

- **#3 – 6:15 p.m. – Sydney Owens & Carl Weggel – Appeal of Orders** – Mr. Carl Weggel and Ms. Sydney J. Owens were present at the meeting, as well as Health Inspector, Ms. Patricia Crafts. Mr. Carbone informed the Board that Health Staff conducted inspections at two residences at 71 Essex Street following notification from the Andover Fire Department of a concern of unsafe and unsanitary living conditions. Condemnation Orders were issued and the Health Division received a request for Appeal of the Orders by both Ms. Owens and Mr. Weggel in order to give them more time to resolve the issues. Ms. Owens informed the Board that they rented two dumpsters and filled both of them. Ms. Crafts inspected the property this afternoon and found the issues that could be addressed by the tenants have been taken care of. She stated that there were additional items that need to be corrected by the Landlord. Mr. Carbone added that he needed to review what is left to be done by the Landlord and

then can determine when it will be safe for Mr. Weggel and Ms. Owens to move back in. Ms. Owens and Mr. Weggel requested that Mr. Carbone send them each an official letter rescinding the Condemnation Order. Mr. Carbone replied that he would send out a letter stating that they have complied with the Orders. Mr. Carbone recommended the Board close the matter.

Motion by Ms. Linzer, seconded by Ms. Dymond, to close the matter without taking any action. Unanimous approval.

II. Approval of Minutes

- **#4 – December 10, 2018**

Motion by Ms. Linzer, seconded by Ms. Dymond, to approve the Minutes of December 10, 2018. Unanimous approval.

III. Discussion

- **Discussion with Mr. Brad Weeden (Not on Agenda)** – Mr. Weeden requested an audience before the Board to address some issues of concern. His first concern was about parents' cars idling for long periods of time while waiting to pick students up from school. He asked who handles the enforcement of the vehicle idling law. Mr. Carbone answered that the Police Department handles those issues. Mr. Weeden replied that the Massachusetts website says to talk to the Board of Health due to the health and environmental impacts. Mr. Carbone explained that the easier way to do that enforcement is to write a ticket and the Police Department can do that, where the Health Division cannot.

Mr. Weeden's next concern was about the outreach for the plastic bag ban. He had concerns about the Town hiring a Consultant, and suggested that they use High School Interns instead. He mentioned Ms. Cutler's Environmental course at the Andover High School as a possible place to find Interns to help with this issue and suggested that Mr. Carbone speak with her. When Mr. Weeden voted for the article, he thought the enforcement would be added into the regular food inspections by the Health Division with no additional cost to the taxpayer. Mr. Carbone explained that we have outsourced some of the design and implementation work, because there is a lot to do to bring people up to speed on what can be used in place of what is currently prohibited. We have hired a Health Agent in another community for her expertise because she has worked on this before, and the contract is not to exceed \$2,000.00. The capacity of the staff to address this is limited, and therefore additional help was brought in on a temporary basis. This will add five to fifteen minutes to each inspection which is forty hours of additional work during each inspection round. This is not as simple as the fact that you are already in the establishment. The hard part will be the kickoff with training and information on the correct products to use. After that, the work will be absorbed by our Department and should not be a problem. Mr. Weeden stated that he voted for both the plastic bag and the polystyrene bans but was worried that the taxpayers will get indignant because

they didn't vote for any funding for this. Mr. Carbone replied that there is always a cost to anything that is done, and we always try to keep the cost down.

Mr. Carbone informed the Board and Mr. Weeden that there is a factsheet ready and he has been working with the proponents to edit the wording properly. That factsheet will go up on the website tomorrow. He is planning at least one forum for restaurants and food service establishments to come in so that they can see what they can and can't use.

Mr. Carbone stated that he liked Mr. Weeden's idea about using the Students in Ms. Cutler's class but would most likely use them a little bit further into the process. Ms. Linzer stated that she could understand his concern about using a high-priced consultant. She stated that the struggle the Board has is that what the Health Division really needs is a full-time Inspector with the workload, even before the new ban goes into effect. It was a big decision for the Board to even support the bans knowing how the Health Staff would be affected. She sees the Consultant as someone who does Project work; also it is financially less expensive to hire Consultants for specific projects. Mr. Weeden stated that he understands that and said it all depends on how this is presented to the public. He stated that he noticed that many of the businesses are already complying and that his daughter has already come home from Dunkin Donuts with a cardboard cup. Mr. Carbone stated that there is still some research that has to be done to make sure all components used comply with the bylaw. That is why a consistent easy rollout, even if it is late, is better for the businesses and the community than rushing it.

IV. Old Business

- N/A

Subdivision Definitive Plans

- N/A

Septic System Variances/Local Upgrade Approval

- N/A

Staff Reports

- A. #5 - Director's Reports:** Mr. Carbone informed the Board that they are still looking for a Public Health Nurse to replace Jane Morrissey, R.N., who retired in December of 2018. During the first round of interviews the preferred applicant did not accept the position, so they have reposted it. The posting will be kept open for two more weeks.

- **Important Dates:**

- February 11, 2019 at 6 p.m. – Board of Health Meeting
- March 11, 2019 at 6 p.m. – Board of Health Meeting

B. **#6 – Community Health Report for December, 2018** – The December, 2018 Community Health Report for December, 2018 was not available and will be in the February, 11, 2019 Agenda.

C. **#7 – Environmental Health Reports for December, 2018** – The December, 2018 Inspectors' Reports were for informational purposes only.

Board Member Reports

- N/A

Adjournment

Motion by Ms. Linzer, seconded by Ms. Dymond, to adjourn at 6:30 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. Agenda
2. Memo to the Board of Health (BOH) from Thomas Carbone, dated 1/8/2019, concerning Papa Gino's Restaurant Show Cause Hearing closure.
3. Memo to the BOH from Mr. Carbone, dated 1/8/2019, concerning Barron's Country Store Tobacco Sale to a Minor.
4. Citation letter to Barron's Country Store, from Ronald N. Beauregard, Program Director of the Health Communities Tobacco Control Program, dated December 10, 2018, concerning Tobacco Sale to a Minor
5. Correspondence from Mr. Carbone concerning Appeal of Orders for 71 Essex St, Units 1 & 4, 69 Essex St, Unit 1& 4 and 69/71 Essex St. with responding Request for Hearing with the Board of Health.
6. BOH Minutes for December 10, 2018.
7. Environmental Health Report for December, 2018.