

ANDOVER BOARD OF HEALTH
Minutes
February 11, 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. Carolyn Dymond, Vice Chair, Gopala K. Dwarakanath, M.D., Clerk and Mr. Thomas G. Carbone, Director of Public Health. Ms. Pamela Linzer, Chair, was not present due to a scheduling conflict.

I. Appointments & Hearings

- **#1 - 6:00 p.m. – EJ Perry for EJ Perry’s Sports Camp – Request to Operate a Recreational Camp for Children at 80 Shawsheen Rd.** – E.J. and Kathleen Perry were present. Mr. Carbone explained that this is a Public Hearing that is required by State law for camps. Mr. Perry informed the Board that he has been working at football and basketball camps for thirty years. Since coming to Andover 10 years ago, he has been doing football and volleyball clinics. However, this year he wants to operate a camp, extending the week from four days to five days. Ms. Perry is a nurse and has always been present the entire day. The only food they sell is pizza from the Andover Deli, so they will apply for a Temporary Food Permit for that. There is also a Doctor available who will be the Health Care Consultant, and Ms. Perry will be the Health Care Supervisor. Mr. Perry is a teacher and a coach and has CPR training and first aid Certificates. Ms. Perry will write up the medical policies and will review immunization records as well.

Ms. Dymond asked what a typical day is like. Mr. Perry stated that camp starts at 9 a.m. and Staff arrives at 7 a.m. They set up the water stations and prepare for the day. The camp is broken into 4 or 5 parts which includes exercise, a water break, a learning phase, then the game portion; all monitored by Staff and divided into groups. They then have a 45 minute lunch break. In the afternoon they play defense, and then the final game period. They also have fun activities in between. They will have between 50 and 100 campers. The volleyball portion will be for 10 to 17 year olds and the football portion is for 8 to 14 year olds.

Ms. Dymond asked if there was any public testimony, and there was none.

Motion by Dr. Dwarakanath, seconded by Ms. Dymond, to close the public hearing and issue the Permit to Operate a Recreational Camp for Children for EJ Perry’s Sports Camp, subject to final approval of the application by the Health Division Staff. The Health Division Staff is directed to ensure that the camp complies with state and local regulations prior to the issuance of the permit. Unanimous approval.

- **#2 - 6:01 p.m. – Spiro Pappadopoulos for Andolini’s Restaurant (and Sauces) – Show Cause Hearing to Suspend or Revoke an Operating License, (Continued**

from November 19, 2019 Board of Health Meeting) – Ms. Dymond stated that from the inspections she could see that conditions have much improved. The employees are engaged and the rules are being followed. Mr. Carbone explained that he had informed the owner that he did not need to appear at the hearing.

Motion by Ms. Dymond, seconded by Dr. Dwarakanath to close the Show Cause Hearing to Suspend or Revoke the Operating License for Andolini's Restaurant (and Sauces) without taking any further action. Unanimous approval.

- **#3 – 6:02 p.m. – Helen and Ken Huong for Tokyo Steak House – Show Cause Hearing to Suspend or Revoke an Operating License** – Ms. Dymond stated that the restaurant has improved and it shows that they have worked very hard to make those improvements. Mr. Carbone explained that he had informed the owner that he did not need to appear at the hearing.

Motion by Ms. Dymond, seconded by Dr. Dwarakanath, to close the Hearing, taking no further action. The owners are cautioned that further repeat violations may result in an appearance before the Board, and likely action against their operating license. Unanimous approval.

II. Approval of Minutes

- **#4 – January 14, 2019**

Motion by Ms. Dymond, seconded by Dr. Dwarakanath, to table the Minutes of the January 14, 2019 Board of Health Meeting because Dr. Dwarakanath was not present for that meeting and Ms. Linzer is not present this evening. Unanimous approval.

- **#5 – FY 2020 Budget** – Mr. Carbone explained to the Board that in the Agenda Packet he provided the Board with the Town Manager's recommended budget for the CD&P Department. Mr. Carbone has requested that the Health Inspector's position be increased to a full-time position and the Town Manager has recommended it. The next step is to see how the Selectmen and the Finance Committee feels; then it goes to Town Meeting. If we do not get the full-time position and have to maintain an outside Contractor, then we will have to pay more for that service due to the increased requirements of the new Federal Food Code. If approved, the goal is to have the position full-time by July 1, 2019.

III. Old Business

- **#6– Polystyrene & Plastic Bag Bylaws Update** – Mr. Carbone stated that he provided information to the Board on where staff is on the rollout of the new Bylaws. The educational material is almost completed, and the draft of the Waiver Request Form is finished. The information should be posted on the website this week. The next step is to get the informational meetings set up.

Mr. Keith Saxon was present to address the Board concerning the Polystyrene Bylaw. Mr. Carbone informed the Board that Mr. Saxon has submitted a Warrant Article to amend the polystyrene bylaw. Mr. Saxon stated that he believes many were not aware of the scope of the bylaw. The Article is to bring this back to what was presented as a polystyrene ban, and then if residents want to pursue a straw ban or paper cup ban, they can bring that back to a Town Meeting where businesses and people are properly warned. This Warrant Article requests to make this a polystyrene ban only and extends the date to one year from the passage at Town Meeting.

Mr. Saxon added that the word “distribution” was removed because he thought it would limit large food distributors from selling polystyrene to the general public. Mr. Carbone clarified that the bylaw as written doesn’t affect retailers selling polystyrene because the Bylaw is only for establishments serving food.

Ms. Dymond inquired how the Board of Health should proceed concerning the Amendment. Mr. Carbone replied that the Board will review all the Warrant Articles at the March 11, 2019 Board of Health Meeting and decide if it wants to take a vote to approve or disapprove if necessary. Mr. Carbone stated that if Mr. Saxon wanted to present his Article to the Board, he would have to request an audience in writing. Mr. Carbone informed Mr. Saxon that he should submit backup materials to him by March 4, 2019 so the Board can review them at the next Board of Health Meeting.

IV. Subdivision Definitive Plans

- N/A

V. Septic System Variances/Local Upgrade Approval

- N/A

VI. Staff Reports

- A. #8 - Director’s Reports: Letter Thanking Volunteers** – Mr. Carbone presented the Board with a letter that is distributed yearly, thanking the Volunteers for their participation during the 2018 Flu Immunization Program. The Board Members in attendance signed the letter.

Mr. Carbone informed the Board that an offer was made for the Board of Health Public Nurse position. Her name will be on the March 11, 2019 Board of Health Agenda for the Board to appoint her to the position. She will be taking the position of Jane Morrissey who retired in December of 2018.

- **Important Dates:**
 - March 2, 2019 at 9 a.m. – 3 p.m. – Budget Hearing
 - March 11, 2019 at 6 p.m. – Board of Health Meeting

- March 27 to April 3, 2019 – Director’s Vacation
- April 8, 2019 at 6 p.m. – Board of Health Meeting
- April 29, 2019 – Annual Town Meeting

B. **#9 – Community Health Reports for December, 2018 and January, 2019** – The Community Health Reports for December, 2018 and January, 2019 were not included in the Agenda Packet and will be submitted at a later date.

C. **#9 – Environmental Health Reports for January, 2019** – The January, 2019 Inspectors’ Reports were for informational purposes only.

VII. Board Member Reports

- N/A

VIII. Adjournment

Motion by Ms. Dymond, seconded by Dr. Dwarakanath, to adjourn at 6:36 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 from Mr. Carbone to the Board of Health (BOH), dated 2/5/2019, concerning EJ Perry’s Sports Camp, Request to Operate a Recreational Camp for Children.
3. Recreational Camp for Children Application, as well as the Legal Ad to be published in the Andover Townsman for EJ Perry’s Sports Camp.
4. Memo to the BOH from Mr. Carbone, dated 2/5/2019, concerning Andolini’s Restaurant (and Sauces) Show Cause Hearing, continued from November, 2018.
5. E-mail to Mr. Sipro Pappadopoulos of Andolini’s Restaurant dated January 30, 2019, concerning improvements made at the restaurant and upcoming changes to the Federal Food Code.
6. Inspection Reports for Andolini’s Restaurant (and Sauces) from Andover’s Food Consultant, dated 12/17/2018 and from Epicurean Consulting, dated 1/28/2019.
7. Letter to Mr. Spiro Pappadopoulos of Andolini’s Restaurant (and Sauces), dated 11/20/2018, concerning the continuation of the Show Cause Hearing to the 2/11/2019 BOH Meeting.
8. Inspection Report from Tokyo Steakhouse Consultant, dated 2/6/2019.
9. Memo from Mr. Carbone, dated 2/5/2019 and e-mail to Tokyo Steakhouse, dated 1/24/2019, concerning the continuation of the Show Cause Hearing from November of 2018.
10. Inspection Reports for Tokyo Steakhouse Restaurant, dated 1/9/2019, and 12/8/2018, from their independent Consultant and from Carolina Bencosme, Health Inspector, dated 12/6/2018.
11. Letter from Ms. Helen Huong, President of Tokyo Steak House, dated 11/20/2018 concerning the Show Cause Hearing continuation to the 2/11/2019 BOH Meeting.
12. BOH Minutes for the 1/14/2019 BOH Meeting.
13. Memo to the BOH concerning FY 2020 Budget Request for a Full-Time Health Inspector and corresponding documentation for the Community Development and Planning Department.
14. Environmental Health Report for January, 2018.