

North Andover Board of Health

MEETING MINUTES

THURSDAY, SEPTEMBER 24, 2009

7:00 p.m.

120 Main Street, 2nd Floor
Selectmen's Meeting Room
North Andover, MA 01845

Present: Anne Brennan, Francis MacMillan, Joseph McCarthy and Susan Sawyer

I. CALL TO ORDER

The meeting was called to order at 7:03 PM by Francis MacMillan, Acting Chairman.

II. PUBLIC HEARINGS

A. Septic Regulations for review – CONTINUED TO OCTOBER 22, 2009 BOARD OF HEALTH MEETING

III. APPROVAL OF MINUTES

A. No meeting minutes were presented for signature

IV. NEW BUSINESS

A. Septic - 545 Winter Street – Local Health Bylaw Variance Request

1. Allow the use of deep observation test pits which are older than two years.
2. Allow the waiver of fees for approval of design.

B. Septic – 545 Winter Street – Local Upgrade Approvals Required

1. Allow the placement of a subsurface sewage disposal system in an area with only one deep observation test pit in lieu of two as required by Title 5 Section 15.102(2)
2. Allow the use of existing septic sand in lieu of removing all material down to the receiving layer as required in Title 5 Section 15.255.

Mr. Osgood presented a brief overview to the Board members regarding the issues related to the septic system on this property. This system was initially engineered by Mr. Osgood and installed per approved plan dated July 27, 2004, by James Kellett of Kellett Construction. The final Board of Health Certificate of Compliance was issued on November 12, 2004. Approximately one and a half years later, the engineer and installer were contacted by the owner, Mr. David Hengle, who stated that his property was experiencing back up from the septic system into the home. This was a one time event; however the owner indicated to the engineer that he continues to use less water until this is settled. A legal battle began over the causes and culpable party for the problem.

Susan Sawyer stated that the Health Department was never notified of any public health issue with the system by the property owner until years after the problem occurred.

Mr. Osgood laid out possible reasons that could have caused such an event; faulty construction, misuse by the owner, substandard construction material, etc. No clear conclusion for a cause was determined; however an agreement was made between the parties. This system will be removed to the proper layers and rebuilt. The plan before the board tonight is the same plan that was approved in 2004, but an updated version. Due to the age of the information on the old plan, the engineer must request variances for a couple

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Note: The Board of Health reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.

Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member; Joseph McCarthy, Member; Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillahan, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

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of issues. The board members asked questions regarding the old plan and whether it could be the cause. Mr. Osgood believes, and the Health Department concurs, that the plan meets the minimum standards set by state and local code and was not a factor in this issue.

Ms. Sawyer has no problem with the approval of these requests as long as Mr. Osgood assumes additional responsibility throughout the installation. If approved, Ms. Sawyer needs an updated plan showing existing conditions rather than the old proposed conditions.

Motion

Joe McCarthy made a motion to approve the requests as noted. The motion was seconded by Anne Brennan and approved by a unanimous vote of the board.

V. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

Susan Sawyer provided information regarding the plans for the flu season and updates on the progress of the vaccination efforts.

VII. ADJOURNMENT

There was a Motion to adjourn made at 7:45 PM.

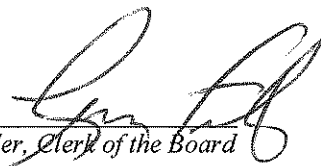
Prepared and Submitted by:

Pamela DelleChiaie
Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:


Larry Fixler, Clerk of the Board

November 19, 2009
Date Signed

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North Andover Board of Health

MEETING MINUTES
THURSDAY, July 23, 2009
7:00 p.m.
120 Main Street, 2nd Floor
Selectmen's Meeting Room
North Andover, MA 01845

Present: Thomas Trowbridge, Frank Macmillan, Larry Fixler, Joe McCarthy, Anne Brennan, Susan Sawyer, Debra Rillahan, Pamela DelleChiaie

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. PUBLIC HEARINGS

A. Septic Regulations for review – Continued from June 25, 2009 meeting.....

The North Andover Board of Health, pursuant to Chapter 111, Section 31 of the Massachusetts General Laws, will hold a public hearing on Thursday, April 16, 2009 for purpose of making revisions to the existing regulations regarding the minimum requirements for subsurface disposal of sanitary sewage.

The last version of these regulations was dated June 30th. The packet contains a version dated for today, July 23rd in the event the regulations are approved as is this evening.

There were comments from a local engineer who had good ideas. Section 1.3 – if there is a component failure, the system is not getting full flow because water is not getting out to the leachfield. This also, occurs when a home is unoccupied.

Section 3.1 – refers to design requirements – discussion about inserting language regarding electronic filing. Dr. Trowbridge stated that this is the summary of what the Board of Health normally sees. Most of this information are contained in the notes section of a septic plan. Dr. Trowbridge asked how this compares to the current regulations. Ms. Sawyer stated that anything that was redundant in Title 5 was eliminated. There is one typo under O – add in the word “with”.

Ms. Sawyer stated that there is a statement at the beginning...referring to the Board of Health as acting on the authority..... Due to the unique conditions in North Andover, the Town requires a more stringent regulation. This needs more detail, per legal counsel. This area is a glacial dump. It is a different type of area. We are in line with Title 5 except for the Watershed, which is specific.

Section 3.4 – refers to designs for a tight tank. Ms. Sawyer stated that a tight tank is only allowed when an engineer demonstrates that a leaching field cannot be constructed due to land constraints. Usually this is where there is a lot of ponding and small sites are. The tight tank does not allow for any leaching and does not provide any treatment. It is strictly a tank to hold all the effluent, and needs to be pumped out on a regular basis. This would have to be approved by DEP as well. The neighbors would also need to be notified.

Section 4.8 – discussion regarding bottom of page 7 – Dr. Trowbridge suggests making this more specific. A determination should be made when the system cannot be put in as planned due to constraints such as interference from a boulder or tree.

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Section 5.1 - If more than two as built plans are overdue, with respect to this time.....a notice should be sent to the installer that their license will not be renewed if the final paperwork is not received.

Mr. McCarthy asked how many septic systems are in North Andover. Ms. Sawyer stated that there are approximately 2-3,000. This is approximately one third of the properties in North Andover.

Section 6.1 – there was a question of the use of the word “septage.”

Section 6.2 – The license must be renewed 60 days prior to expiration, and there should be a contract before it expires.

Section 7.25 – indicates that something comes from us, and not a state form. There are guidance documents provided by the Health Dept.

Motion

A motion was made by Dr. MacMillan and seconded by Mr. Fixler to close the public hearing. All were in favor.

III. APPROVAL OF MINUTES

IV. OLD BUSINESS

V. NEW BUSINESS

- A. 119 Liberty Street – Request for a variance from the local septic regulations for a septic soil absorption area to be located 68 feet from the wetland area instead of the 100 feet.

The homeowner presented on behalf of himself asking for a variance from the local septic regulations for a septic soil absorption area to be located 68 feet from the wetland area instead of the 100 feet. The packet had a smaller version of the 68 feet. We will expect the revised plans to be received from Bill Dufresne at a later time. Liberty Street is off of Sharpners Pond Road. There is a well and wetlands, so septic had to be in the center. They thought it was an old wetland line, but it is closer. This is a replacement. The newer system is closer to the house, and further away from the wetland. We are trying to help them move forward. This property is scheduled to appear before Conservation for an RDA.

Motion

Dr. MacMillan made a motion to accept the variance as requested. Joe McCarthy seconded the motion. The homeowner will be before Conservation on August 12th.

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VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

- A. Presentation regarding The Effects of Food Safety Training on Producer Incentives to Reduce Inspection Violations and Improve Food Safety Efforts: Local Policy Implications by Brian F. Goodhue, BS, RN, NREMT-P.

VI. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

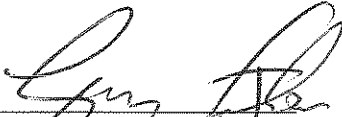
Prepared and Submitted by:

Pamela DelleChiaie
Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:


Larry Fixler, Clerk of the Board

November 19, 2009
Date Signed

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North Andover Board of Health

MEETING AGENDA

THURSDAY June 25, 2009

7:00 p.m.

North Andover Town Hall

120 Main Street, 2nd Floor, Selectmen's Meeting Room

North Andover, MA 01845

Present: Thomas Trowbridge, Francis MacMillan, Jr., Larry Fixler, Joseph McCarthy, Susan Sawyer, Pamela DelleChiaie

I. CALL TO ORDER

The meeting was called to order at 7:10 p.m.

II. PUBLIC HEARINGS

A. Patricia Lambert – Windkist Equestrian Centre – Camp permitting process – Dr. Trowbridge – based on motion last time, points 1-6 were gone over. There were two points of concern. Will hear evidence of last testimony.

Ms. Lambert spoke and acknowledged her handout that she provided to the BOH members. She responded to the issue about Camp Director experience. She states that she has had 12 years of experience. She believes that the task is objective. The second response with regard to program requirements were addressed. The material referenced are within an Appendix A,B,C, and D. She is focusing on whether she, as the operator has not provided something to the campers with regard to their best interest.

General Laws, 128, Section 2D states that an equine activity sponsor shall not be liable for injury or death related to equine activities. Horseback riding has inherent dangers, as the student's partner is an animal with its' own personality. Ms. Lambert's students are mostly beginners, and safety is a priority. There are as many helping hands as there are students. This year, the largest group of students is three. GL Section 128 2B – every person engaged in a riding stable, shall obtain a license from the commissioner, will be \$100, and expire on March 31st. Ms. Lambert spoke about the differences between the state regulations for an equine facility and the regulations for recreational camps.

All the beginners are side-walked before they are comfortable with riding by themselves. She pointed out the differences between likely danger of the horse as opposed to visitors to residents of apartments on the premises. They are not allowed to CORI/SORI anyone other than staff. This does not include residents not working at the camp. The apartments are segregated from the area where the children are. Each apartment has its' own front door. She does not see how the innate risk of having a person of concern, as serious as the possibility of injury on a horse. Ms. Lambert has researched other equine facilities, and none of them are licensed as recreational camps. If she has four kids per week, she does not fall under this category. She has difficulty with the notion of something happening in a private apartment being her responsibility as the director of a recreational camp. She does not want a decision made based on a suggestion of an unsafe environment at her facility.

Mr. Fixler asked about the two questions. The barn closers are not present during camp. They are not camp volunteers. Exhibit C was noted and read by the members. Camp operates 9-3 during the summer. GL Section 2B was referenced re: summer recreational camp requirements. Staff is defined as follows: any person employed by a recreational camp for children who is present when children are present, or

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working at the camp during camp hours. Ms. Lambert states that she cannot CORI anyone that she wants. Staff or volunteers at a camp only Mr. Fixler asked why a SORI was not done. This was not an issue.

Ms. Rillahan spoke regarding the facility and that it is a fabulous program. However, with regard to the camp, it is an enormous amount of work and it is not something learned overnight. She mentioned past camps for baseball and basketball which did not work out because of lack of experience.

Ms. Lambert stated that she was forced to become a camp director based on the order from the Building Department. Ms. Sawyer spoke about the issue of a definition of a camp. No more than four days with the same kids.

A letter was referred to from the Building Inspector on item 3 making comment on being a camp. A recreational camp is defined on page 1718. Atty. Urbelis recommended continuing the issue based on an interpretation of the camp regulations.

Motion

Dr. MacMillan made a motion to continue the hearing until the next meeting. The motion was seconded by Mr. Fixler.

B. Sal's Pizza

Discussion of a proposed variance ensued.

Motion

Mr. McCarthy made a motion to accept the proposed variance as written completely in the variance as referenced. Dr. MacMillan seconded the motion. All were in favor.

III. APPROVAL OF MINUTES

The meeting minutes for June 11, 2009 were presented for signature and approved.

Mr. Fixler made a motion to accept the minutes as presented.

IV. OLD BUSINESS

V. NEW BUSINESS

545 Winter Street – continued until the next meeting. The engineer was not able to provide the materials needed to present at the meeting.

Septic Regulations – Dan is still working on the revised regulations. Continued.

VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

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North Andover Board of Health

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THURSDAY June 25, 2009

7:00 p.m.

North Andover Town Hall
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Next month, Brian Goodhue, intern will be presenting research on Food Code. This addresses a local regulation to require two or more on-site. There are other issues with regard to food safety and storage to be addressed.

Mr. Fixler went to the RFID lecture with Ms. Sawyer and Ms. Grant at Merrimack College, and found it to be very interesting. Plan of action is a shell RFID proposal. He passed out copies of the students' report to the Board of Selectmen. A task force may be formed to determine funding sources, integrating Wheelabrator. It was suggested to go look at the site in operation. Ms. Sawyer went through the process with a friend and found it to be very easy and is a clean facility. TBI is sweeping their own site daily. They bought their own street sweeper. Mr. Thomson thinks they are at a 75% level now. More than expected.

VII. CORRESPONDENCE / NEWSLETTERS

VIII. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Prepared and Submitted by:

Pamela DelleChiaie
Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:



Larry Fixler, Clerk of the Board

November 19, 2009
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North Andover Board of Health

MEETING MINUTES

THURSDAY, May 28, 2009

7:00 p.m.

North Andover Town Hall

120 Main Street, 2nd Floor, Selectmen's Meeting Room

North Andover, MA 01845

Present: Susan Sawyer; Thomas Trowbridge; Frank MacMillan, Joe McCarthy, Larry Fixler

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. PUBLIC HEARINGS – 7:15 p.m. – Continued from April 16, 2009

a. Septic Regulations for review

The North Andover Board of Health, pursuant to Chapter 111, Section 31 of the Massachusetts General Laws, will hold a public hearing on Thursday, April 16, 2009 for the purpose of making revisions to the existing regulations regarding the minimum requirements for subsurface disposal of sanitary sewage. Discussion ensued regarding various points in the regulation. It was agreed to continue the hearing into next month to incorporate the ideas talked about.

Motion – Dr. MacMillan, made a motion to continue the hearing to next month. Mr. Fixler seconded the motion. All were in favor.

III. APPROVAL OF MINUTES

A. Meeting Minutes from January 22, 2009 to be presented for signature

B. Meeting Minutes from February 26, 2009 to be presented for signature

C. Meeting Minutes from March 26, 2009 to be presented for signature

D. Meeting Minutes from April 16, 2009 to be presented for signature

Motion: Mr. Fixler made a motion to accept the minutes, and seconded by Mr. McCarthy. All were in favor.

IV. OLD BUSINESS

a. TBI – Updates

V. NEW BUSINESS

a. Sal's Pizza – Issue re: Time as a Public Health Control

Dr. Trowbridge spoke and recognized three men present representing Sal's Pizza. Ms. Sawyer reviewed the variance "*Time as A Public Health Control.*" Which was granted to Sal's Pizza on February 26, 2004. The food is kept above or below specific temperatures after it has been cooked. Ms. Sawyer met with Sal's staff a couple of months ago and spoke about some ideas. Does the existing variance need alteration to have a workable system? Mr. Michael LuPoli, co-owner of the company, Chris Smith, QC Manager, and a third representative. When Susan approached management to discuss the variance, management responded by contracting with a lab to monitor their food.

The issue is conveying the information to the proper people, and making sure that they follow the protocol. Identify food product on a chart, in a book HACCP plan – Hazard Analysis Critical Control Points. Advanced Food Lab provided the chart, and will do spot checks of the process they have put into place. They have implemented a bonus program, and would be rewarded with incentives to do well. Advanced

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Food Labs will follow the proper guidelines. Ms. Sawyer spoke about HACCP programs which are very common with companies that have multiple sites. This is common with legal seafood. The Health Dept. does not require this for retail because it is difficult to maintain and follow-up. There is a USFDA person on site at their Salem location, who does daily checks.

Mr. Fixler had a question with regard to "what brought us to this point tonight?" Dr. Trowbridge noted the variance that Mr. Sal Lupoli requested years ago, but they found that they were unable to do this. Mr. Fixler asked why the variance procedures had not been followed for the past five years when noted by the Health Inspectors. It was noted that as the variance came to light, and it was found that the procedures were not being followed properly and on a consistent basis, that they are trying to address it now.

Mr. Fixler asked about what is done in other Towns with no variance, such as Tewksbury, where there is a heating element. Sal's Pizza representatives stated that the quality of the product would be compromised after sitting under a heating lamp for too long. It was stated that regular testing was done via AFL on pizza left out for 4 hours. Mr. Fixler asked about other stores, and the quality of their food. What is the heating element? The heating element is a mounted heater under the food display cases. A lot of these franchises are independently owned and follow the food code. The state code mandates that food left out for one hour must be thrown away, and that logs are to be kept.

Dr. MacMillan asked if there is a compelling reason to renew the North Andover variance, and about the Sal's location in Billerica. It was noted that the Billerica site is a franchised location. Mr. Fixler asked about what attracts the consumer more – a hot slice of pizza, or an older slice? The chicken is a high protein food that causes bacteria to grow, and there is a concern about leaving it out. MC noted that the highest concern is pork. After 7 hours, the pork was tested, and was well below the allowed levels. Mr. Fixler asks if there are heating type units that also maintain humidity levels. It was not known.

Dr. Trowbridge asked about who would handle the log sheet, and why the 4 hours was allowed. Ms. Sawyer stated that 4 hours is the maximum limit of the state food code.

The current procedure is that the log sheet is kept on the counter. The pizza is taken out of the oven, it is noted the type of pizza, and time taken out. If the pizza is out longer than 4 hours, it will be marked in the log. Sal's states that they will continue to locate pizza that came out in that location. It gets notated, other than walking to the back of the store. The book is kept right on the counter. This tracks the food going in and coming out of the case.

Ms. Sawyer notes that the way it is now, there is a time out, and the time noted as to when the pizza slices should be discarded. After 4 hours, it is logged that they either put what was already gone, or when it is discarded. Ms. Sawyer states that it would be more accurate to log the actual times in and out on the log sheet, and to maintain the log for a 30 day period. .

Dr. Trowbridge asked about what is the difference between one and four hours of food exposure? Ms. Sawyer referred to the packet of information. The federal food code is a guideline. The state took that into consideration. She showed an actual opinion. The guideline, TPHC, states that food shall be marked. Temperatures should be above 140 degrees, or below 41 degrees. Discussion ensued re: caterers and how food is stored and served.

Mr. Lupoli stated that there is nothing in the company bylaws for franchisees which states that they must implement all procedures established by the corporate office. He wanted to note that, in any case, it is very rare for a piece of pizza to be out for four hours.

Mr. Fixler asked that if the product sells so quickly, what is the variance needed for? If the product is a cheese pizza, and he sold one, and two hours later someone wants one with no variance, he would have to throw them out. With variance, he can keep them, and not lose money.

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A letter from Advanced Food Labs was presented to the Board. Dr. Trowbridge asked if it is something that can be used as an alternative? It is a great thing to do, but not something to be mandated by the Board of Health.

Ms. Sawyer noted that Sal's employee orientation still states that displayed food is thrown out at 3 p.m. and 7 p.m. if it is not purchased. Mr. Lupoli noted that this is a mistake. It needs to be changed.

Mr. McCarthy noted the decision regarding the variance. The eraser board was not there to verify what the food products were being monitored. The store was using its' own method to rotate. Mr. Lupoli stated that he is not here to request a variance that they already have. He is here because of the protocol which is currently in place was not followed in a proper manner. As opposed to eliminating the variance, they wish to come up with a plan to insure compliance with the proper procedures. This facilitated the contract with Advanced Food Labs.

Mr. McCarthy has had an issue that in private industry, you have a chance to review information, and discuss it. Mr. McCarthy has not seen this information, and has not had a chance to understand it. Mr. Fixler asked about what kind of commitment the Board of Health has to monitor a private company's Quality Assurance procedures. Mr. Lupoli stated that follow his procedures as long as everyone is comfortable with it.

Dr. Trowbridge noted that if there are problems, and a food establishment goes outside and receives additional help, it is a good thing. He is okay with it, as long as there is a tighter control on the proper procedures, and to assure that everything is moving forward as proposed. Sal's is willing to forward reports on a weekly/monthly basis. Dr. Trowbridge wants to be assured that when the inspector comes in, the procedures are in place. Ms. Sawyer noted that the procedure needs to be simple, but safe. Mr. Lupoli noted that there is a new manager at the Sal's Pizza in North Andover. His name is Bill, and he is the cousin of the Lupoli's. Bill will insure that the procedures will be done properly, and is there at the site six days per week.

Dr. Trowbridge stated that he wants to see the plan put in place by Advanced Food Labs – a working plan rather than just notating the change from the white board to the log sheet.

Mr. Fixler notes that we need a HACCP plan to go along with the checklist. They need the variance because they are going to follow the HACCP plan with Advanced Labs. Mr. Lupoli stated that as far as the variance is concerned, he does not think that the HACCP plan is necessary to follow this variance. It will benefit the variance to have it, however. Dr. Trowbridge asked about what is going to take the place of the white board. This is how we can monitor. Mr. Lupoli stated that the written log sheet is going to replace the white board.

Mr. Fixler stated that to keep the variance as it is with the erasable board, and then submit a request for a new variance using the proposed log sheet and HACCP plan, or whatever the choice is.

Motion

Dr. MacMillan made a motion to follow the state food code until another form is in place with a written plan of action. No others were in favor.

Motion

Mr. Fixler made a motion to take no action on the variance at this time. He asked Sal's Pizza to use a check-off list as a means to follow the TPHC until the food testing company provides a plan of action with the HACCP. Mr. McCarthy seconded the motion. The motion was two to one. Motion opposed: Dr. MacMillan.

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b. Amendments to Recreational Camps – strengthen language re: policy for CORI/SORI checks on staff
There is a question of who needs to be CORI/SORI checked, for example – stable hands – persons who are under the employ of person who runs the camp. We have had problems with people living on the premises, such as renters. These are people who may actually rent and live on the premises, and are on the property where the children are.

Types of background checks are determined by the camp owner. The camp operator pays for the background checks. They are \$10 per piece. The Town verifies that these are done. The Health Department does the inspection, and the camp operator presents them for review. The Health Department can look at them, and that is it. .

Mr. McCarthy asked about the state camp regulation. Ms. Sawyer stated that the Health Department has a requirement to enforce the camp regulations. This is an unfunded mandate by the state. The state can be called for advice.

Dr. MacMillan asked if town counsel has looked at this language. Are we within our rights to require this? Ms. Sawyer wants to look at the policy requirements, and to be very specific by listing every offense they will consider, and to weigh them heavily. We need to put any specific requirements into the local regulations. Dr. Trowbridge stated that this process is not just linked to day camps but is true with schools, also with regard to children and their safety.

VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

A. RFID Presentation – Discussion regarding presentation from previous week.

The timeline is in place and operating in conjunction with the new police station, which will be ready possibly by February of 2010. This is not something we need to decide now or implement now. However, the project needs to go out to bid, and the legal issues need to be addressed.

Mr. Fixler asked about TBI being agreeable to this -- would it really need to go out to bid? There is a recommendation on page 29. This system will operate with the placard system for one year, and one of the three sites being on Holt Road is a way to get started. The video system would be a rolling tape, and requires needing someone to monitor.

Dr. MacMillan stated that the new technology will solve problems that the video would not add value. It is \$25k and no value. This makes the permitting process easier. Software updates can be done over the internet. This makes it easier for the police to identify.

Mr. McCarthy feels that the whole solid waste regulation has some issues. However, the regulation has been here for 24 years, and he does think that the proposal is excellent. There are other layers and checkpoints that can be added on to work out the bugs. Mr. McCarthy notes that the GPS is too intrusive and expensive. The RFID shows one direction, but you can turn around, and one would not know. If the batteries were dead, it would be void. The cost at the corner of Holt and 125 would be \$3-4K per location, roughly, \$40K. This does not include problems with monitoring the system.

Mr. McCarthy noted that the Solid Waste Regulation designates specific routes for trash trucks. He feels it is perhaps unwarranted. He stated that he was general manager at Wheelabrator in 1985. He has not seen this regulation anywhere else in the United States. The purpose of the regulation is to keep trash trucks away from where people live. This has been a real bear to monitor. Time could be better spent elsewhere. Mr. McCarthy made note of Section 5 in the regulation regarding designated routes for exempt communities. Multiple discussions ensued.

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VII. CORRESPONDENCE / NEWSLETTERS

VIII. ADJOURNMENT

The meeting was adjourned at 10:50 p.m

Prepared and Submitted by:

Pamela DelleChiaie
Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:



Larry Fixler, Clerk of the Board

July 23, 2009

Date Signed

Note: The Board of Health reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.

Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member; Joseph McCarthy, Member; Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillahan, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

North Andover Board of Health

MEETING MINUTES

THURSDAY, April 16, 2009

7:00 p.m.

North Andover High School Lecture Hall

430 Osgood Street

North Andover, MA 01845

Present: Larry Fixler, Joseph McCarthy and Susan Sawyer

I. CALL TO ORDER

The meeting was called to order at 7:07 by Larry Fixler, acting Chairman.

II. PUBLIC HEARINGS – 7:15 p.m.


A. Septic Regulations for review

B. Larry Fixler read a statement to officially open the Public Hearing for the purpose listed below.

“Pursuant to Chapter 111, Section 31 for the Massachusetts General Law, the North Andover Board of Health scheduled this Public Hearing on this day, April 16, 2009, at 7:15 PM, for the purpose of making revisions to the existing regulations regarding the minimum requirements for subsurface disposal of sanitary sewage. Per Chapter 111 section 31, the notice of the hearing was posted in a newspaper of general circulation two successive weeks, the first publication was not less than 14 days prior to the meeting.”

The hearing was then immediately continued until the May regularly scheduled meeting.

III. APPROVAL OF MINUTES

A. Meeting Minutes from February 26, 2009 were  presented for signature. Signing of the minutes was continued until the May BOH meeting.

IV. OLD BUSINESS

A. TBI – Updates were continued until the May BOH meeting

B. Merrimack College Student Project – Update on RFID project

Colette and Leanna were present to discuss the progress on the investigatory project regarding the monitoring of the trash trucks. They have met with most parties involved, have compiled data and determined among other things that the RFID system could work in this case. They are considering combining placards and RFID technology. They will be meeting with Ms. Grant and Ms. Sawyer early in May and will be ready for their presentation to the BOH in late May.

North Andover Board of Health

MEETING MINUTES

THURSDAY, April 16, 2009

7:00 p.m.

North Andover High School Lecture Hall

430 Osgood Street

North Andover, MA 01845

VII. ADJOURNMENT

a. Meeting was adjourned at 7:18

Prepared and Submitted by:

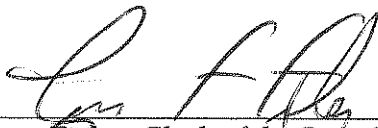
Pamela DelleChiaie

Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:



Larry Fixler, Clerk of the Board

May 28, 2009

Date Signed

Note: The Board of Health reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.

Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member; Joseph McCarthy, Member; Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillahan, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

North Andover Board of Health

MEETING MINUTES

THURSDAY, March 26, 2009

7:00 p.m.

North Andover Town Hall

120 Main Street, 2nd Floor, Selectmen's Meeting Room

North Andover, MA 01845

Present: Thomas Trowbridge, Frank MacMillan, Larry Fixler, Anne Brennan, Susan Sawyer, Michele Grant, Pamela DelleChiaie

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

A. The meeting minutes from January 22, 2009 and February 26, 2009 are deferred pending further review until the April 16, 2009 BOH meeting.

IV. OLD BUSINESS

A. TBI – Updates

V. TBI Update

VI.

There was a discussion about the leachate tank outside of site assigned land. He has an amended facility permit, effective March 16th of this year, and requested appeal period of 21 days. On page 9, DEP added at least 30 days prior to opening a recycling center. Scheduled opening date is March 31st. MassDEP needs to submit prior to opening.

On or before April 30th, TBI needs to submit an application for a minor modification to relocate the leachate area for relocation of leachate collection tank to the site assigned area. The plan is that the tank will be moved.

Major modification – opens up an entire modification. A minor modification is focused on a specific item in the site assignment.

Trying to reach an agreement primarily to the finances. Who will take ownership of surveillance system that we eventually decide on? There is a 2 page agreement, and a 5 page one in more detail, but still encumbers then to completely meet the requirement of the way the site assignment is written. There is a dollar value on the system, and offered it up to us. We will pay that amount of money to whatever system gets put in and whatever maintenance system. Our agreement also requires to one way or another to cover costs of auxiliary costs of the system. As with the lights, it included wires, police details, supervision, etc. These would be third party costs. Draft – 3 principles: Allows TBI to continue operating before surv. System

Various options that

That does not require the Town to agree to options opposite of procurement procedures of the Town.

The Town needs to make sure that extra costs are going to be covered. TT will send drafts around for all to look at. He is comfortable with the attorney. Their agreement is for \$25k and that is it. We are requiring more.

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North Andover Board of Health

MEETING MINUTES

THURSDAY, March 26, 2009

7:00 p.m.

North Andover Town Hall

120 Main Street, 2nd Floor, Selectmen's Meeting Room

North Andover, MA 01845

VII. NEW BUSINESS

- A. 39 Hawkins Lane – Variance Request for the Title 5 flow requirements for this property at the request of Richard Bernstein, Registered Architect, on behalf of the owners, Tom and Maureen Scott.

Richard Bernstein attended the meeting representing the homeowners. A deed restriction limiting the home to four bedrooms was submitted to the Board of Health for review, along with a plot plan dated December 15, 2008 and a septic as built plan from the year 2000. The existing house includes four bedrooms on the 2nd floor, four rooms on the first floor, and a finished recreation room in the basement. The proposal is to build an addition, consisting of two rooms off the living room on the first floor, one to be used as an exercise room and the other as a home office.

With a deed restriction, the number of bedrooms to that home can be restricted based on the size of the septic system. Section 15.002 of the 310 CMR Title 5 regulation: *“Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.”* This requirement came to a surprise in the planning process. It was the architects' oversight for not doing the preliminary review. He feels very responsible in resolving it. The cost would be \$15-20K to put in a new septic system in. Mr. Ben Osgood performed a Title 5 inspection recently, which passed.

To comply with the requirements, the existing system would have to be replaced. Ms. Sawyer provided a good overview of what transpired. This is something that we have often encountered, whereby a homeowner adds a room, and the use of the property does not change. The proposed rooms are off of the living room on the first floor. The deed restriction would make it illegal to use them as bedrooms. The existing second floor shows the four bedrooms and bathrooms.

The support beam on the design would allow two rooms to become one if ever needed. The architect also included the site plan and the location of the leaching field. There is a long driveway passing a low area with significant wetlands. There was a diverter pipe installed to deal with beaver issues. The house sits up higher, and the existing leaching field is in the best location. If the system were to be moved, it would be closer to the wetlands, and possibly have a groundwater issue. He contacted Soucy's Sewer Service, and the tank has been pumped every fall as of November 2004. The owners are very aware that they need to maintain the system. A deed restriction was submitted for review. The question is if the Board of Health will accept it. .

Mr. Fixler had a question about the process of these submissions. The homeowners often find out about wetlands and septic issues at the time of requesting a building permit. Ms. Sawyer notes in the files and correspondence to the applicants that she needs more information. Sometimes projects are withdrawn or altered.

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North Andover Board of Health

MEETING MINUTES

THURSDAY, March 26, 2009

7:00 p.m.

North Andover Town Hall
120 Main Street, 2nd Floor, Selectmen's Meeting Room
North Andover, MA 01845

Dr. MacMillan stated that it would be easier to make stipulations for septic plans based on square footage. Ms Sawyer offered the choice to upgrade the system or approve a deed restriction.

Mr. Bernstein explained the reason for the rooms, and it is not logical that these rooms would be made into bedrooms, as they are downstairs. When someone buys a house, there is a title search, and any deed restrictions would be evident at that time. Possibly as a contingency, the owner could conduct a Title 5 inspection every three years. It is reasonable to make sure that the system is maintained.

Dr. MacMillan mentioned a deed restriction stating that the "Powder Room" aka, half bath will remain as such, and not be converted to a full bath. There was a thought if the house is sold that the two extra rooms could be made into an in-law apartment. One option on the restriction, is that upon the sale of the property, the system would be upgraded.

Motion

Dr. MacMillan made a motion to authorize the Health Director, to secure an agreement from the homeowner as follows:

1. Conduct a Title 5 inspection every three years to ensure the health of the septic system
2. Prepare a deed restriction to maintain the half bathroom on first floor, as outlined in the current plan.
3. The Board of Health will accept the current deed restriction to limit the home to four bedrooms.
4. The deed restrictions would be lifted prior to, or at the time of the sale when the septic system is appropriately upgraded or if and when the owners conduct a sewer tie-in.

The motion was seconded by Anne Brennan. All were in favor.

B. Merrimack College Student Project:

Leanna and Colette were unable to attend the meeting tonight but provided information via e-mail along with a presentation. Accomplished tasks were reviewed. Tasks to be completed were reviewed. The final report will be presented in May. Spring break was last week. Ms. Grant e-mails them each week to obtain updates. The BOH members were told to let the Health Department know if they want to get in touch with the students if they have any questions. Dr. Trowbridge suggested having a separate meeting to allow the students to present their research. He would like to invite any interested parties, such as some trash companies, Police, Wheelabrator, Mr. Thomson, BOS, DPW.

C. Draft septic regulations

Input from engineers will be gathered. Mr. Dan Ottenheimer of Mill River Consulting will come to the next meeting. Installers, septic truck companies, etc. would all be invited. The thing that is not in here, is that we have a separate regulation, a sewer tie in regulation that could be incorporated into the septic regulation. This regulation was enacted at the time of the watershed. DEP now says that septic systems are adequate also. There should not be a requirement to tie in to sewer. Last night, Ms. Sawyer attended a meeting for DPW regarding a wastewater plan for the Town. There are two areas in Town that are encapsulated (areas surrounded by sewer, but are on septic).

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North Andover Board of Health

MEETING MINUTES

THURSDAY, March 26, 2009

7:00 p.m.

North Andover Town Hall

120 Main Street, 2nd Floor, Selectmen's Meeting Room

North Andover, MA 01845

Now these areas are identified but do people still want it? The betterment fees are quite high. The cost could be as much as 40-50 % of the cost to tie into sewer. People prefer a choice. Ms. Sawyer personally feels that outside of the watershed, residents should have a choice. A well-maintained septic system is as good at protecting the groundwater as sewer.

All people in the areas indicated were invited to the meeting. About 100 people attended the meeting. The upside of sewer is additions, pools, etc. can go where they want, Title 5 reports do not have to be done, and upgrades don't have to be done. Some people are interested, others are not. There were 75-80% who want to sign on to sewer. The state laws on betterments, is that if sewer goes by one's home, the home owner pays. Tie-in's have to pay \$1,000 to the Town to connect the pipe to the house in addition to the cost of having someone do the job. The rate is set by Selectmen for the Tie-In.

D. U-Mass Lowell Students Community project – Lyme Disease

The project is going to be on the Health Department website on April 1st. Bernadette Curran, Assistant to the Community Development Director, posted it to the website. It will track how many people take the test, It has a picture contest for 4th and 5th graders. At the end, there will be a prize drawing for a gift certificate to LaserCraze. It is really well done. This will go along with Ms. Sawyer's idea for Public Health Week, which is sometime in April. Instead of each Town doing the same thing, each Town will take on a different topic. North Andover's topic is Lyme Disease. This will be open to the public and we have samples of insect repellants with deet which will be given out. Ray Santilli, Assistant Town Manager, is running a Health Fair, which will be done in May. Debra will probably do cholesterol testing. There will be a schedule posted for this on the website.

The meeting was adjourned at 9:20 p.m.

VIII. ADJOURNMENT

IX.

Prepared and Submitted by:

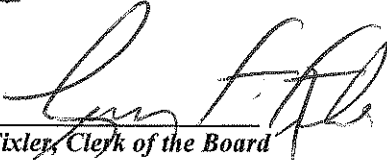
Pamela DelleChiaie

Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:



Larry Fixler, Clerk of the Board

May 28, 2009

Date Signed

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North Andover Board of Health

MEETING MINUTES

THURSDAY, February 26, 2009

7:00 p.m.

North Andover Town Hall

120 Main Street, 2nd Floor, Selectmen's Meeting Room

North Andover, MA 01845

Present: Thomas Trowbridge, Frank MacMillan, Larry Fixler, Joe McCarthy, Anne Brennan, Susan Sawyer, Michele Grant, Pamela DelleChiaie

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

A. Meeting Minutes from January 22, 2009 to be presented for signature

The approval of the minutes will be deferred until March until further reviewed.

IV. OLD BUSINESS

A. TBI – Updates

Dr. Trowbridge provided some updates. The ATO (Authorization to Operate from DEP) for TBI Inc. was issued in late January and our attorney, Jonathan Klavens, reviewed and found an item for which he had a question – page 4 of the fact sheet. The ATO states that due to an error during construction, a tank used to store leachate from the tipping floor had to be placed in an alternate location. This location is identified as out of the site assigned area. DEP allowed this as a “secondary appurtenance” to the facility. Attorney Klavens does not agree with this terminology and believes some action is warranted. He, Susan and Dr Trowbridge have discussed the risk of this setting a precedent of allowing the TBI facility to perform activities that ‘spill over’ the boundaries of the assigned site.

Ms. Sawyer spoke with DEP representatives about the issue. To describe the issue further; dust and debris come off of the trucks or the misting system where the material gets dumped into the first sorting area. The water goes under the floor, into the drains to the tank. When pumped the tank contents are tested and shipped to the proper allowed location. The leachate tank was designed to go above the trailer pit, but somehow, whoever designed the building, made a mistake, and the tank cannot be put where it was originally designed for. If one is looking at the building, it is on the left hand side.

DEP was appraised of this issue during construction, but the BOH was not aware until after a change had been allowed by DEP. DEP does not feel this is an environmental risk and the BOH does not disagree with that, but there remains disagreement with the decision made by DEP. Is this defined as a solid waste activity or not? Our local DEP office states it is NOT a solid waste activity. Either way the BOH does not want to set a precedent for locating items in non-site assigned area so action is warranted.

Motion

- A motion was made by Dr. MacMillan that the Board of Health assert its' right to enforce the site assignment of TBI as written, regardless of the language in the DEP's ATO. The motion was seconded by Mr. Fixler. All were in favor.

February 26, 2009

North Andover Board of Health Meeting – Meeting Minutes

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Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member; Joseph McCarthy, Member; Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillaban, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

- **Dr MacMillan made a motion to request that attorney Jonathan Klavens draft a letter to DEP and TBI in the specific matter of the leachate tank which is now located outside of the sited land. All were in favor. The motion was seconded by Mr. Fixler.**

V. NEW BUSINESS

- A. Lot 4 Granville Lane – Variance Request from Ben Osgood, Jr., P.E., to: *“Allow the use of a segmental block retaining wall in lieu of a poured concrete wall as required by the Town of North Andover Minimum Requirements For the Subsurface Disposal of Sanitary Sewage Section 9.02.”*

Mr. Osgood presented. There is a buyer involved in the request for this variance regarding the different type of wall. The plan already approved a concrete wall, and buyer would like to use a segmental block wall. Mr. Osgood stated that he is representing Walter Erickson, a builder, who purchased the property. This design, which was shown to the board, was highlighted in green by Mr. Osgood, showed the retaining wall. One reason this property sat for so long is because of the high water table. When Title 5 allowed retaining walls, the system could now be constructed. The previously approved plan also had a variance granted by the BOH for a three (3) bedroom home.

With regard to the wall, the request is mostly for aesthetic reasons. There is some cost concern involved, but the cost is actually about the same as the concrete wall if done properly. With the segmental block wall, one must make sure it is level, and that the material is compact behind it. The long term aesthetics of this wall is better than a concrete wall. Copies of spec sheets were distributed to the Board to show the aesthetics of the system. It also shows the construction dimensions for different heights. These come directly from the manufacturer’s design manuals. Mr. Osgood also brought in a picture brochure to show these walls are more and more commonplace. There is geotextile material reinforcement behind the wall.

The advantage of these walls over concrete is that concrete is stiff, and needs to be reinforced. If there is any kind of movement due to weather and/or ground shifting, cracks will develop. Mr. Osgood recommends that there should be a condition of the variance approval so that he, as the engineer gives final approval of the type of segmental block wall provided by the contractor. The details of the type of wall should be provided to Mr. Osgood from the contractor. These walls are very long-lasting when constructed properly. One needs to be careful about the material behind the wall, and how it is compacted. If not done properly, the walls can fail. Mr. Osgood states that it is critical that the first row of blocks is properly and there needs to be a compacted crushed stone base to allow for drainage.

Ms. Sawyer and the Board of Health have routinely approved these types of variance requests, but have seen some fail, due to improper installation. There may be cause for another required inspection after placement of the stone base. This could avoid problems of assigning fault in the future if the wall does fail. The decision can be issued once the type of block is chosen, and a drawn detail is to be submitted.

Motion

- A. **Dr. MacMillan made a motion to allow the variance request to *“Allow the use of a segmental block retaining wall in lieu of a poured concrete wall as required by the Town of North Andover Minimum Requirements For the Subsurface Disposal of Sanitary Sewage Section 9.02.”***
- B. **In addition, the engineer, Mr. Benjamin Osgood, Jr., shall approve the type of block chosen, and submit a detailed drawing of the wall plan. Mr. Fixler seconded the motion. All were in favor.**

VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

- B. Introduction of Merrimack College Interns – Trash Truck Monitoring Program

Two Merrimack College students appeared before the Board of Health -- Leanna Martin, a Civil Engineer major and Colette Fadel, an Electrical Engineer major. These two students were invited by the North Andover Health Department and Merrimack College Internship Program to participate in a program to research technology available to monitor trash trucks traveling in North Andover. The main goal of the ultimate technology is to decrease the number of man hours required to monitor the activities of these trucks and at the same time increase the

February 26, 2009

North Andover Board of Health Meeting – Meeting Minutes

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Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member; Joseph McCarthy, Member; Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillahan, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

effectiveness of the monitoring system. The students will interview Health Dept. Staff, and member of the Police Department to determine the needs of the Town. They have already met with Susan and Michelle. Once they have obtained the information, they will research and compare three different tracking systems.

Dr. Trowbridge asked if the default system offered by TBI would be offered as a starting point, as it provided video technology. The students will look at all types of video technology, and what will be the best solution. The ultimate goal is to reduce the amount of physical monitoring. The first type of system still would require a lot of man hours to monitor and follow-up. They will also analyze the lifecycle of costs for each system. Ms. Fadel started researching the RFID system, and it is easy to use. Wheelabrator has a system they are using right now, and it may be possible to piggyback one system onto the other. This information would allow the BOH to put out RFP's for a provider. On a weekly basis, the students will meet with Michele to review their findings. The students may come back for Board of Health meetings to provide updates as needed, but there will be a formal presentation at the end of the project in April or May. Ms. Martin will graduate before the presentation. This project will be considered an internship with the Town of North Andover Health Department, and each student will be receiving compensation from the Trash Truck Enforcement Fund to complete the project.

C. Septic Regulations – a discussion ensued about revising the regulations and including some standard variance requests to save time for all involved – engineers, staff, and Board of Health members. Ms. Sawyer stated that she will have a draft regulation prepared and ready for review at the March 26th meeting. She will be going to Gloucester to meet with Dan Ottenheimer of Mill River Consulting to get this task completed. It is hoped that the revised regulation will be ready to be approved at the April 16th meeting.

VII. CORRESPONDENCE / NEWSLETTERS

Mr. Fixler read portions of the 2008 Annual Town Report for the Health Department to the public viewing audience to help explain what the Health Department does.

VIII. ADJOURNMENT

The meeting was adjourned at: 8:48 p.m.

Prepared and Submitted by:
Pamela DelleChiaie
Administrative Assistant

Reviewed by:
Thomas Trowbridge & Susan Sawyer

Signed by:



Larry Fixler, Clerk of the Board

May 28, 2009
Date Signed

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Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member; Joseph McCarthy, Member; Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillahan, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

North Andover Board of Health
MEETING AGENDA
THURSDAY, January 22, 2009
7:00 p.m.
North Andover HIGH SCHOOL
LIBRARY – 2ND FLOOR
430 Osgood Street
North Andover, MA 01845

Present: Thomas Trowbridge, Frank MacMillan, Jr., Larry Fixler, Joe McCarthy, Susan Sawyer, Michele Grant, Debra Rillahan, Pamela DelleChiaie

I. CALL TO ORDER

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

- A. Meeting Minutes from Nov. 20, 2008 to be presented for signature - minutes were approved and signed.
- B. Meeting Minutes from Dec. 18, 2008 to be presented for signature – minutes were approved and signed.

IV. OLD BUSINESS

- A. Northside Carting – Trash Truck permitting – continued
With regard to trash truck permitting and assignment of placards to TBI Inc. 210 Holt Road, Mr. Thomson has reconsidered his request for the number of placards. The original amount was 44, and the BOH approved and temporarily reduced TBI to 28 placards.

Mr. Thomson stated he would be revising his application, and would not be requesting 44, but 28 are workable for him. To inform the board of her review of the TBI application, Ms. Grant went over how she reviews the paperwork/route sheets. She provided the BOH with a document to review. On the left hand column - each vehicle has a different route sheet. Each route can have 10 or 15 sheets. Ms. Grant figures out where each vehicle is, what type of truck it is, a roll-off, or not, and then determines if the vehicle is in an exempt town, or has business in North Andover. For Example, if a truck is in Middleton, and needs to come through North Andover, it would need a route 114 placard. If it is on Sutton Street, it would need All Roads placard.

The second one would indicate if route 114 and route 133 are utilized. Ms. Grant received information for 13 trucks. She knows of 5 or 6 that go through Town for municipal trash pick-up, just from what Mr. Thomson says. Mr. Thomson states that he has dispatchers that handle the routes. He just gathers the information and gives it to Ms. Grant. Ms. Grant stated that she did not receive information on the Town trucks.

Mr. Fixler spoke regarding Ms. Grant's research is accurate based on the information she has received. He asked for numbers of trucks for all roads. This does not include the recycling trucks. There are 7 trucks for all roads. There are another 5 or 6 for Town recycling and waste pick up. Therefore, there could be 13 All Roads placards. Mr. Fixler looked at the All Roads placards again.

Ms. Grant stated that on Monday, he had two vehicles that needed All Roads placards. Mr. Fixler asked if the total number of exempt placards is on the report. What would be the total number of placards that would be warranted to issue? Ms. Grant noted that again, the Route 114 and Route 133 placards are moveable and manageable placards. The BOH needs to decide on this. Ms. Grant's job is

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to manage this so there are not as many trucks on the road. Mr. Thomson's company is run efficiently with the use of the trucks and how they are grouped.

Dr. Trowbridge states that based on the spreadsheet information, they really only need two All Road placards of the various amounts of trucks each day. Mr. Thomson has always asked for special consideration in the past, as he is a North Andover business. If Mr. Thomson thinks there are trucks beyond these 13, can he offer an explanation? Mr. Thomson acknowledges that Ms. Grant based her information on analyzing the data that she had, and that is fine. For route 133, and route 125, those trucks are coming back to Town from the North Shore. Mr. Thomson stated that that there were 13 trucks that were reviewed here, and there are 16 additional trucks with no placards that are using the designated hauling route, and just require a permit.

Ms. Sawyer noted that the BOH decided on the exempt towns that would allow trucks to get placards; if that was the last town they were coming from. Currently, we would not give a placard to any other Town, such as Nahant. Middleton is an exempt Town, and would get a placard for route 114. We have to go by the current exempt communities. Mr. Thomson did not provide information on the trucks outside of the exempt communities, such as Salem, etc., that would travel routes 93 or 28. Ms. Grant provides the statistics, and the BOH needs to make the decision. Ms. Grant had a company that requested 5 placards. Their address was one, and the location was another. He had one in Tewksbury, and one in Westford. It should have been for two placards. She asked if there was something about the business that she does not know. They should have requested two placards for Westborough, and two placards for Tewksbury, based on the locations. If there is a request to the Town from Mr. Thomson, he needs to address the BOH about that.

Perhaps the BOH needs to consider other Towns that may also be exempt. Mr. Fixler mentioned that for this business, the home base is located in North Andover. Ms. Sawyer noted looking at other Towns, and routes. Ms. Grant did some statistics on map quest during the gas crises to determine how long and how many more miles trucks would be traveling to see if it would be a hardship to travel Route 128 or Route 93, etc. She was trying to have leniency during that time. When it came right down to it, there were, at the most, 2-4 extra miles going the highway vs. in Town, where there is stop and go traffic, as well as Route 114 traffic, which is two lanes in either direction. Ms. Grant would rather have the trucks travel the highway versus cutting through the local roads.

Dr. MacMillan made some comments. He confirmed the current number of placards. He did a simple calculation, and came up with an amount of 7, plus 6 municipal, but for the sake of this, it comes to 13, plus 7 plus one. It appears as though there are 6 more placards than are needed. Mr. Thomson did not disagree, but he is just following the numbers. There is the situation of traveling from Salem and working down on the North Shore, whether coming back on Route 114 or not.

Dr. MacMillan stated that we need to base the need of placards on the current regulation. Someone needs to manage these placards. He thinks that Mr. Thomson has more than he needs at this time. Mr. Fixler asked if the placards should be reduced to 22. Dr. MacMillan acknowledged the importance of going through the process. Mr. Fixler asked if the extra six are backups. Mr. Thomson stated that these placards would be floaters. The first vehicles leave at midnight, and come back in the morning. These are vehicles ending their regular route to pickup something not done the day before. Frequently the driver has to go back to the business to get to the dumpsters that they were unable to get to during the day with snow, etc. Drivers are told that just because a placard states All Roads, they should not operate as an All Road permit. Those placards are there for flexibility. They can pull into Town, pick up the stop, and head back at the end of the day.

Motion

Dr. MacMillan stated that since the BOH has already issued 28 placards, to Northside Carting and it is more than adequate, he moves that the session be closed and take a vote on the original motion to issue 28 placards. The motion was seconded by Mr. McCarthy. Mr. Fixler opposed.

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The Motion passes three to one. Dr. MacMillan and Mr. McCarthy and Dr. Trowbridge agreed.

Post Motion Comments:

Mr. Fixler noted that we could call back some placards if that is what the BOH really wants to do. We need to stick with statistics provided, and if we feel that less placards are required, then we need to look at it with the same parity of everyone else in that regard.

Dr. Trowbridge spoke about the decision, and that the BOH should look at the overall picture and remember that there is a new facility (TBI) coming on line, and that we need to look at more carefully. Perhaps it will be determined that Mr. Thomson will find that he can operate with less than 28 placards on his own. He would like that the paperwork be received on a timelier basis in the future.

Mr. Thomson asked that stickers be made smaller in the future. Dr. Trowbridge reiterated the importance of complying with the deadlines. Ms. Sawyer stated that if someone wants another Town to be considered an exempt Town, that all official requests need to be put in writing with all the route sheet backup, and the BOH will consider the Town based on this information, and decide whether or not to add it to the regulations. Dr. Trowbridge stated that the trash regulations will most likely change within the next year. Dr. MacMillan stated that we do want to work with Mr. Thomson, but need to work within the regulations.

V. NEW BUSINESS

A. TBI – Bill Thomson to provide updates on new facility in relation to site assignment

Dr Trowbridge invited Mr. Thomson to speak about TBI. The facility is ready to operate, but they are waiting for a sign off from the Health Department on the Occupancy Permit. Ms. Sawyer states that Conservation still needs to sign off as well. The site assignment conditions need to be addressed. The remaining item is the video surveillance. The DEP ATO was filed, and notice of technical deficiency was in the report. They needed a septic as built changed and small items to be represented on the plan. This went back to DEP last Friday. One of the questions that John Carrigan had, was an update on the site assignment. Ms. Sawyer asked about an update, and received it from Gail Magneau. She sent Ms. Sawyer an update through e-mail today. A copy of the chart was handed out to the BOH members as a reference. Mr. Thomson stated that he does not have contracts with waste haulers. There is a copy of a scale ticket. Ms. Sawyer asked how do we know who to permit? Mr. Thomson stated that these would be first time customers, and he would refer them to the BOH. Ms. Sawyer asked again about the third party use and the designated route, etc. Mr. Thomson stated the website gives direction to the facility. There will be a link to the Health Department on the TBI website as well. A discussion ensued regarding the contract. Dr. MacMillan stated that the signed dump ticket and invoice be acceptable to fulfill this requirement.

There was a map requirement for the designated route. This will be on the TBI website. Ms. Grant stated that if the customers are referred to her, she can train these people as to the Health Department regulations in Town. Wheelabrator was given as an example; for the fact that they have a contract, and there is a bold italicized piece that refers to the Health Department on their website. This could be true with TBI if there is a particular amount of debris to be dumped on a daily basis. It was agreed that TBI is making a reasonable effort to meet the requirement with the paperwork that is generated.

The covering of the trucks is a DOT requirement. An item on page 30 of the site assignment was referred to. Ms. Sawyer referred to the video system. This system will be in operation at all times while the building is open. If not in place, it would be a waiver request or something else. The North Andover Police Department (NAPD) is looking at viable options. The IT person who was working on this project left, but Ms. Sawyer used the information gathered to date, and had conversations with GPS people, and different types of technologies. Chief Stanley wants to reduce man hours and supplement with a surveillance system to make it more efficient for his officers to monitor. There will be some “on the road” surveillance. Ms. Sawyer conducted some research, and one of the only RFID labs is at Merrimack

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College. There is a proposal from Merrimack College. They are interested in establishing a partnership with the Town of North Andover to address the public health need for monitoring trash trucks in North Andover. The Chief wants this monitoring system in place when the new police station opens in 2010.

There is a Wheelabrator public safety fund in place, and it was seeded with 3-4 years of \$25,000 per year. It has been a revolving fund for placard fees. There is now a residual in there. Dr. Trowbridge noted that there are other alternatives as well.

Dr. Trowbridge offered the information that was provided by TBI for a camera video system for the site assignment meetings. Technologies have advanced, and the responsibility is to monitor the intersection/turning point into Holt Road from Route 125. Dr. Trowbridge stated that the idea was a reasonable offering at that time. We can update the requirement to comply with currently available technology and cost.

Mr. Thomson is more concerned about getting the establishment open. He has no problem with whatever system the Town agrees to install. He wants to get an updated quote on the technology that was quoted three years ago. This is allowing the operation to open for a certain amount of time without a surveillance system in place.

Motion

Dr. MacMillan stated that the Board of Health will take no action to enforce condition 41 until the new police station is opened. Mr. McCarthy seconded the motion. All were in favor.

VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

VII CORRESPONDENCE/NEWSLETTERS

VIII. ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Prepared and Submitted by:

*Pamela DelleChiaie
Administrative Assistant*

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:



Larry Fixler, Clerk of the Board

May 28, 2009
Date Signed

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**North Andover Board of Health
MEETING AGENDA
THURSDAY, December 18, 2008
7:00 p.m.
North Andover HIGH SCHOOL
Lecture Hall
430 Osgood Street
North Andover, MA 01845**

Present: Thomas Trowbridge; Frank MacMillan, Anne Brennan; Larry Fixler; Joseph McCarthy; Susan Sawyer; Michele Grant; Debra Rillahan; Pamela DelleChiaie

I. CALL TO ORDER

The meeting was called to order at 7:20 p.m.

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

- A. Meeting Minutes from Nov. 20, 2008 to be presented for signature – Postponed for further review.
Will be signed at the January 22, 2009 meeting.

IV. OLD BUSINESS

Wood Burning Moratorium – The Outdoor Wood Burning Regulations will be published in the North Andover Citizen tomorrow, December 19, 2008. Effective upon publication, the Moratorium will be null and void, and replaced by the current regulations. Approved on unanimous vote of board.

V. NEW BUSINESS

- A. Trash Hauler Renewals for 2009 – Late or missing information on applications to be discussed – Complete Waste Corp.; Empire Recycling; BFI – Revere; Huston Disposal Services; Sons of Kristoff, Inc.; Northside Carting

Ms. Grant spoke in general regarding trash trucks. Mr. Thomson of Northside Carting spoke on his own behalf. He is applying for permits and placards. Northside Carting is the only waste hauler located in Town, and he has traditionally received a fee waiver. Mr. Thomson stated that he added more vehicles for municipal collection. Northside Carting currently has 44 placards, 20 all road, 14 Route 114 and 10 for Route 133.

A discussion ensued regarding the need for due dates to be met for the application to be in, which was November 24th. There was also backup information required, such as all the routes taken, days trucks are in and out of Town, and how many. We need to take a close look at the trucks that go through the Town, and limit it, based on the route. Without the proper information for review, it is difficult to make a decision.

Mr. Thomson stated that he does not agree to giving out his customer records. He thinks this is confidential. Mr. Thomson was reminded that the Health Department issues all dumpster permits in Town, and keeps a record of the dumpster companies that provide service to each dumpster.

Dr. Trowbridge referred to last years' situation when the Health Department did not have all the information from Northside Carting until the day before. Deadline submissions cannot be at the convenience of Northside Carting, or any other companies. There are established deadlines for a reason, and this must be respected for all who have deadlines.

Ms. Sawyer stated that there was one violation issued this year. Mr. Thomson stated that the violation was ultimately dismissed by the court.

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Motion

Dr. MacMillan made a motion to approve the permitting of the number of trucks that Mr. Thomson needs. Mr. McCarthy seconded the motion. All were in favor.

Ms. Brennan asked about the application issue.

Dr. MacMillan asked Mr. Thomson what he would request as a board action. Mr. Thomson requested that the NAPD be notified that there will be a delay in issuing permits to Northside Carting, until the Board of Health makes a decision at the January 2009 meeting.

Dr. Trowbridge stated that on February 12, 2008, the day before the February Board of Health meeting, Northside submitted a stack of information for application review.

Will there be a deferral to the January meeting? The Board agrees that Ms. Grant needs an opportunity to review the information. The Board will discuss numbers at the January meeting. Ms. Grant agreed that she could review the information by the January meeting.

Ms. Grant discussed the trash truck review process. There were 9 or 10 companies who have not responded by the required deadline to allow enough time to review applications. A multitude of phone calls went out reminding companies that backup information was needed, or to come and pick up their permits and placards.

In the coming year, outstanding tickets are going to be taken out of misdemeanors, and changed to a criminal record. Complete Waste Corp. on the South Shore did not respond. The driver was pulled over during the year, and was advised to get permitted. Sometimes companies sell out to another company through the year, so things change on the list. Some companies run their own facilities, and some contract out to larger companies. Ms. Grant also needs to know who the contractors are.

Empire Recycling showed up at the office at 5:30 this evening. They had two outstanding tickets. Ms. Grant called this company today and advised them that the tickets would go criminal if they did not respond by today. For 2009, the Health Department is not issuing permits or placards if the information is not submitted properly. Empire Recycling paid for two violations at Town Hall this evening before coming to the Health Department. They have now submitted their application, which now needs review. Sons of Kristoff will be ticketed, as nothing has been received. Everyone referred to Ms. Grant's very detailed spreadsheet for up to date statistics on the permitting process.

Mr. Thomson revised his number of requested placards to 16 for all roads, 6 for Route 133, and 6 for Route 114 for a total of 28, down from 44 placards for 2008. This number will be valid until January 22, 2009.

Ms. Brennan inquired about the fees. The fee waiver of 40% for placards and permits in the past was discussed.

Motion

Dr. MacMillan made a motion that Mr. Thomson of Northside Carting should indeed pay the full fee of \$100.00 per placard, and no waiver should be allowed. Mr. Fixler seconded the motion. All were in favor.

Motion

Mr. MacMillan made a motion to allow the number of requested placards until the January 22nd Board of Health Meeting. The motion was seconded by Mr. McCarthy. All were in favor.

Ms. Grant noted again that she needs to receive the application and fee, as well as all the backup information by Friday or Monday. This will need to be issued by the Town on Tuesday, as the first of the year begins the new permits and placards.

Dr. Trowbridge asked about what else the Health Department needs. Mr. Thomson asked about Integrated Paper. Ms. Grant will give them the option to request a waiver or pay in full. This is an issue of being equal among the

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applicants. It is not a punitive action to remove the fee reduction. This is stating that everyone pays the same. Ms. Grant has permits and placards for this company, and they are just waiting for a motion on the issue of Northside Carting. If Northside were to have a fee reduction, they would also likely request it. If not, they are willing to pay the full amount. They are just waiting to see what motion was determined for Northside Carting first.

B. 2009 Meeting Calendar

The meeting calendar for the New Year was discussed, and the dates were agreed on.

VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

VII. CORRESPONDENCE/NEWSLETTERS

VIII. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

 1-22-09

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