TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES
Main Meeting Room, Town Hall

TUESDAY, MAY 14, 2019

Board Members Present: Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; Dr. Wayne Saltsman, Ph.D., Libby Walendziewicz, RN, MSN; Maribeth Welch

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Marlene Johnson, Health Agent

Dr. Ed Weiner called the Board of Health meeting to order at 7:00 pm followed by the Pledge of Allegiance.

Approval of Minutes

- April 23, 2019 Regular Meeting

Motion: David McSweeney moved to approve the regular meeting minutes of the April 23, 2019 meeting as submitted. Seconded by Maribeth Welch and approved. (4-0-1)

Citizen's Time: No one spoke

Chairman's Report: The Chairman noted that the Board of Health budget and warrant article was approved at last night’s Town Meeting. He thanked the Capital Budget Committee, Ways and Means, Paul Sagarino, and BOH Staff.

Subcommittee Reports:

I. Variances

   Jimmy’s Family Restaurant, 279 Cambridge Street – Variance Request
Merita Habipi, Owner, and Renaldo Habipi, Manager were present to request a variance from Chapter 5, Section 203.13, B of the MA Minimum Standards for Food Establishments (105 CMR 590.000). The food establishment has been at this location for many years and has always disposed of mop water in their toilet, which has been allowed. Massachusetts has updated the regulations in October, 2018 which now require that toilets and urinals not be used to dispose of mop water. There is very little room in the restaurant and, therefore, the owner’s plumber determined that there is nowhere to install a mop water sink. Ms. Johnson stated that the owners are very conscientious about keeping their restaurant clean. Ms. Johnson recommended that the variance be approved with two conditions: (1) the owner will continue to ensure the toilet and restroom is cleaned prior to opening; and (2) if kitchen renovations are conducted at the restaurant or additional space is acquired then the variance would become void and installation of a service sink would be required.

Dr. Saltsman believes that the regulation was put into place for a reason and was concerned about setting a precedent. David McSweeney suggested that the BOH put in a condition that the establishment can’t dispose of wastewater during business hours. A service sink is used just for the mop water. Ms. Johnson asked the plumbing inspector if there were any restrictions on disposing of mop water in the plumbing code and he said that there was not. The Health Agent and Director of Public Health conducted a site visit and saw only one space where a mop sink could go and suggested that the owners discuss this with their plumber. However, their plumber stated that this location would not work. Dr. Weiner wanted to remind the owners that the Board of Health could revoke the variance. Dr. Weiner suggested adding two conditions 1) The establishment can only mop water after hours or in the case of an emergency; and 2) this variance can be revoked by the Board of Health.

Motion: David McSweeney moved to approve the variance with 4 conditions. Seconded by Libby Walendziewicz and approved. (5-0-0)

II. Staff Reports

• Health Agent
Seventeen people representing eleven properties attended the pool operator’s seminar. Ms. Johnson will be conducting a training for food service establishments on the revised regulations which will take place on June 25 at the Burlington High School Auditorium. She is also training the Associate Health Inspector on pool inspections. There are currently five applications for recreational camps.

Dr. Saltsman asked about the bacterial testing at Coldstone Creamery and asked how high bacterial standards can happen. The Health Agent referred to guidance from the MA Department of Public Health which states that bacteria standards are intended to provide guidance and are not a rigid enforcement tool. Generally, failure could occur because the machine is either not being cleaned properly, there are worn parts, if their sanitizer gets changed, or, in one particular case cited by the Health Agent, the issue was an ingredient in the ice cream. Regular testing is required and the Board of Health gets the results of that testing.

David McSweeney asked if Corporate Chefs was fully supervised and Ms. Johnson stated that they were. Dr. Weiner asked about the food trucks at Wayside Commons. Food trucks are inspected by the Board of Health and food truck employees are CORI’d and finger printed by the police department. The Board of Health works with the police department and conducts its own inspection.

Motion: Libby Walendziewicz moved to approve the Health Agent’s report. Seconded by Dr. Wayne Saltsman and approved. (5-0-0)

• Director of Public Health

The Health Fair is this Saturday, May 18 from 10am to 1pm. There will be various speakers, fitness demonstrations, and 59 exhibitors. The tables will be placed back to back to fit more tables. There is a Subcommittee Meeting with the Board of Health and the Conservation Commission on Low Impact Development scheduled for May 28 at 11 am.
Dr. Saltsman asked about the memorandum from Town Counsel on Subdivisions. The Director explained that she asked Town Counsel about clarification on timelines for Subdivision deadlines with regards to plan changes and minor engineering submittals. Town Counsel provided the memorandum which outlines Board of Health responsibilities with regards to Subdivision Plans. The memorandum explains the authority of the Board of Health and explains that its role is to provide reasonable recommendations to the Planning Board with regards to public health. Dr. Weiner will provide an additional legal interpretation to Board members.

**Motion:** David McSweeney moved to approve the Director of Public Health’s report. Seconded by Dr. Wayne Saltsman and approved. (5-0-0)

**Adjourn**

**Motion:** moved to adjourn at Libby Walendziewicz. Seconded by Maribeth Welch and approved. (5-0-0)

Respectfully Submitted,

Susan Lumenello
Director of Public Health
BURLINGTON, MA BOARD OF HEALTH

DOCUMENTS REVIEWED AT MEETING – TUESDAY, MAY 14, 2019

Agenda
Minutes: April 23, 2019 Regular Meeting

Variances
Jimmy’s Family Restaurant, 279 Cambridge Street – Chapter 5, Section 203.13, Parts A and B: Variance Request memo prepared by MJ; May 3, 2019 Letter from Merita Habipi to the Board of Health; March 31, 2019 email from Fernando Gonzalez to Merita Habipi

Staff Reports: Health Agent’s Report; Director of Public Health’s Report