

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, February 12, 2008**

Board Members Present: Edward Weiner, Ph.D., Chair; Jim Dion; Catherine Read, Ph.D.; Wayne Saltsman, M.D.

Staff Members Present: Sharon Walker Mastenbrook, Director of Public Health; Heidi Porter, Environmental Engineer; Marlene Johnson, Health Agent

Chairman Weiner called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

January 8, 2008

MOTION: To accept the minutes of the regular meeting of January 8, 2008 as submitted (Mr. Dion; second: Dr. Read).

APPROVED: 4-0-0

January 16, 2008

MOTION: To accept the minutes of the special meeting of January 16, 2008 with one correction:
page 1.

From: *“Dr. Read stated that she would contact Ms. Nemoda to extend the offer of the position.*

To: *“Dr. Read stated that she would contact the Human Resources Director, Joanne Faust, regarding the selection of the new Supervising Nurse.”*

(Dr. Saltsman; second: Dr. Read).

APPROVED: 4-0-0

SUBCOMMITTEE REPORTS

Dr. Read was pleased to report that Burlington resident, Andria Nemoda, was hired as the Supervising Nurse. Ms. Nemoda has been invited to attend the next meeting.

MINOR ENGINEERING CHANGE

▶ **1 Wall Street – Office Building**

Attorney Robert Buckley, Gutierrez Company, was present and explained that the proponent has submitted plans for a minor engineering change for the parking area, as they are proposing sidewalks for safe access between 1 and 5 Wall St. Mr. Buckley also commented that the proponent will comply with the smoke-free workplace law as it pertains to installation of a smoking shelter by the loading dock.

Dr. Weiner asked Mr. Buckley about the smoking shelter being installed by the loading dock, and Mr. Buckley replied that the proponent agreed with the subcommittee’s recommendations and comments.

MOTION: To approve the Application for a Special Permit for One Wall St. (Mr. Dion; second: Dr. Saltsman).

APPROVED: 4-0-0

MINOR ENGINEERING CHANGE

▶ 200 Wheeler Road – Office Building, Outdoor Seating for Restaurant

Attorney Robert Buckley, Gutierrez Company, was present representing the proponent. He explained that the restaurant is seeking 28 outdoor seats on a patio. Ms. Johnson said that a plan review application and plans had been submitted and approved in November of 2007 and that a new 1500 gallon exterior grease trap had been installed. Mr. Buckley added that the proponent agreed with the subcommittee's recommendations and comments and would comply with the MA Smoke-Free Workplace law. Ms. Johnson recommended approving this minor engineering change.

MOTION: To approve the Application for a Minor Engineering Change for Servizio's with the standard comments relative to smoke-free workplace and submission of re-renovation checklist (Dr. Saltsman; second: Dr. Read).

APPROVED: 4-0-0

SPECIAL PERMIT

▶ 5 Wall Street – Office Building

Attorney Robert Buckley, Gutierrez Company, was present representing the proponent. Ms. Porter explained that an office building was previously approved, and the newly submitted Special Permit Application is related to proposed work on amendments to the parking lot area resulting in the addition of eight or nine more spaces, as there are now less spaces planned for the parking garage but additional exterior parking areas. A detention pond is included in the plans for runoff from exterior parking area. There is a condition to accommodate the cleansing of any oils, grease and grit prior to discharge to the detention pond.

Dr. Weiner said that he had walked the site and asked Mr. Buckley if the proponent agreed with the condition requiring a fence being installed around the detention pond. Mr. Buckley said that they had agreed.

MOTION: To approve the Special Permit Application for an Office Building at 5 Wall St. (Mr. Dion; second: Dr. Saltsman).

APPROVED: 4-0-0

SPECIAL PERMIT

▶ 144 Middlesex Turnpike, Keystone Dental – Generation of Hazardous Waste

Attorney Robert Buckley, Gutierrez Company, was present as well as Tom Barrett, Sr. Vice President of Manufacturing at Keystone Dental and Tim McGuire, President of McGuire, an environmental consultant. Mr. McGuire said that Keystone is expanding their operation, and they expect to generate approximately six gallons of hazardous materials a month. He continued that Keystone has been advised of Burlington's hazardous waste reporting requirements. Ms. Porter added that there are no floor drains in the facility, and a Hazardous Waste Management Plan would be created.

Mr. Barrett further explained the nature of the work at Keystone is the development of dental implants for oral surgeons and dentists. They will be using a low-impact disinfectant.

Ms. Porter asked if applicable permits would be required by the MWRA permit, and Mr. Barrett replied that they are required, but the MWRA has not yet determined pre-treatment or sampling requirements.

Ms. Porter asked that an addition be included in the Board of Health's Subcommittee's comments under #1., so that the entire comment would read: (addition in bold)

*“Should it be determined that any materials will be disposed of via the MWRA sanitary waste disposal system, applicable permits must be obtained from the MRWA and copies provided to the Board of Health **and any sampling data is to be provided to the Board of Health.**”*

Dr. Weiner asked if a fume hood would be necessary to handle hexane, and Mr. McGuire replied that they would not be required, because the amounts are very small with no hazardous concentrations.

MOTION: To approve the Special Permit Application for Keystone Dental, 144 Middlesex Turnpike, with the following addition to comment #1.: ...“and any sampling data is to be provided to the Board of Health” (Mr. Dion; second: Dr. Read)

APPROVED: 4-0-0

With respect to his agenda items, Mr. Buckley thanked the Board of Health staff for their superb preparation.

DEFINITIVE SUBDIVISION

▶ 0 Brookside Lane, Burlington (aka Randolph Street in Wilmington) – Residential Lot

Att. Jack Gulde of Shea, Murphy, & Gulde was present along with Fred Russell of Bedford Builders.

The property, Ms. Porter said, is located within a new development at Brookside Lane in Burlington. Access to the residence is via Randolph Street in Wilmington. The Board of Health Subcommittee's conditions addressed required catch basins, proper cleansing of storm water from the proposed catchbasin, maintenance and cleaning of infiltration system and maintenance records to be submitted to the Board of Health. Ms. Porter suggested an additional comment be added to address deed requirements.

Mr. Gulde described the split ownership with Wilmington and Burlington and said that Wilmington is providing a corridor to Burlington for access. He also said that Wilmington would be responsible for compliance with the Operation and Maintenance plan prepared for this project as required by both the Wilmington and Burlington Conservation Commissions and the Burlington Board of Health.

Dr. Weiner was concerned that after many years, property owners would not be aware that Wilmington is responsible for the cleaning of the system in the front portion of the property. Mr. Gulde responded that a purchase and sale agreement would have any easement issues spelled out and this would follow through to the deed.

Dr. Weiner asked about the life expectancy of the infiltration systems, and Mr. Russell said, that if properly maintained, they will last forever. Dr. Weiner asked who would be responsible for damaged systems, and Mr. Russell replied that Wilmington is responsible for the front and the homeowner would be responsible for the back. Mr. Russell next explained how the proposed drainage system would work and that it is sized for 100-year storm conditions.

Ms. Porter recommended that a seventh comment be added relative to the operation and maintenance responsibility of the western drainage system being included in the deed. Mr. Gulde added that a document would be created for Wilmington enforcing the easement and dedication of their portion of roadway and that the deed will contain imposed restrictions.

MOTION: To approve the Application for Approval of a Definitive Subdivision, 0 Brookside Lane (aka Randolph St., Wilmington), with the addition of comment #7. *“Operation and maintenance of the western drainage system is the responsibility of the owner of the property and will be written into the deed of ownership.”* (Dr. Saltsman; second: Mr. Dion).

APPROVED: 4-0-0

VARIANCE REQUEST

▶ **Unidine, 3 Burlington Woods – Variance Request - External Grease Trap**

Ms. Johnson explained that Dana McManus and Paul Moran of Unidine Corporation were present seeking approval for a variance from Burlington Board of Health’s Regulations Concerning Grease Trap Requirements with respect to an external grease trap. The former owner was Corporate Chefs and there are renovations going on at the restaurant.

At this time, the Health Agent explained that she recommended denying the variance because they will be preparing food containing fats, oils and grease. Ms. Johnson also said that the facility has a three compartment sink with an interior grease trap.

Mr. McManus asked the Board to consider approving a variance since he plans to maintain the interior grease trap on a monthly basis, and logs will be kept. Ms. Johnson reminded Mr. McManus that she would be conducting two unannounced, routine inspections per year and requesting to see the log.

MOTION: To grant a variance from the grease trap regulations with respect to an exterior grease trap with the standard conditions (Mr. Dion; second: Dr. Saltsman).

Dr. Weiner stated that if the menu changes substantially, then they must come back before the Board and monthly interior grease trap maintenance and log are required.

APPROVED: 4-0-0

HEARING

▶ **Captain Pizza, 5 Center St.**

Ms. Mastenbrook stated that Captain Pizza had been invited to this meeting for the purpose of a hearing to discuss noncompliance with respect to emptying the garbage and rubbish in a timely fashion. The owner, Thomas Pettiglio, was not present for this hearing. Captain Pizza has been shut down, and the electricity has been disconnected. Since the business cannot operate without electricity, Ms. Mastenbrook said the restaurant’s permit can be suspended on an emergency basis. Considerable damage could occur if food was left behind.

Before the electricity was turned off, there were other concerns with Captain Pizza, i.e., rubbish, smoking in the kitchen area and a floor that needed repairing. If they are able to open again, it would be necessary to have a hearing to address outstanding issues.

Ms. Mastenbrook said the permit renewal is in October, and if Board of Health conditions are not met at that time, they could decide whether or not to let the permit expire.

Seeing that no action was necessary, Dr. Weiner suggested that the Board hold further discussion until a future meeting.

STAFF REPORTS

► Environmental Engineer's Report

Household Hazardous Waste Collection Day: Ms. Porter reported that the next two hazardous waste collection dates are planned for September 20 and April 26. Both will take place at the Marshall Simonds Middle School.

DNA Labs: Ms. Porter attended the Lahey Clinic Annual Institutional Biosafety Committee Meeting, and biotechnology consultant, Rhonda O'Keefe was present. An inspection of the labs was conducted, and there were no major issues. The committee is very strong and dedicated to keeping the labs safe.

90 Cambridge St.: 2 Drums and a number of tires were observed along the banks of the wetlands. The drums contained an unknown solid which has been sent out for testing.

108 Cambridge St.: Dr. Weiner asked if the excavation was complete. Ms. Porter replied that it was, and they are hoping for good results after sampling is done.

MOTION: To accept the Environmental Engineer's report as submitted (Mr. Dion; second by Dr. Read).

APPROVED: 4-0-0

► Health Agent's Report

Educated Taste: Ms. Johnson said that she met with Lynne King, Coordinator of Educated Tastes to review Burlington Board of Health requirements for the upcoming Educated Taste charity event being held at the Marriott Hotel on March 2.

MOTION: To approve the Health Agent's Report as submitted (Dr. Saltsman; second: Mr. Dion). .

APPROVED: 4-0-0

► Board of Health Nursing Report

Ms. Mastenbrook discussed the hiring of Andria Nemoda as the Board of Health's Supervising Nurse and said that she started on January 28. She will be at the Board's next meeting to present her Nursing Report. Ms. Mastenbrook said that Ms. Nemoda can use the existing Nursing Report format or she can create her own.

It is expected that the nurse will present a report on blood pressure protocol, plus she is going to add another protocol in the event a patient comes in with low blood pressure.

Prior to Ms. Nemoda's hiring, an MRC volunteer, Susan Sillari, assisted with some of the work in the office. The Board thanked the volunteer, and Ms. Mastenbrook will be forwarding a thank you letter.

MOTION: To accept the Board of Health Nursing Report as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 4-0-0

► Director of Public Health's Report

Rabies Vaccination Clinic: Ms. Mastenbrook reported that the next rabies vaccination clinic would be held on Saturday, March 29 from 8:00 a.m. to 12:00 noon. Dr. Sarfraz Mian, DVM, from Merrimack Animal Hospital, will once again be present, and the fee is \$15.00.

Skipping Vaccinations: An article regarding adults who skip receiving vaccinations was included in the packet. Ms. Mastenbrook reminded adults to confirm that they are up to date with their vaccinations.

MOTION: To approve the Director of Public Health's report as submitted (Mr. Dion; second: Dr. Saltsman).

APPROVED: 4-0-0

DISCUSSION

▶ **FY 2008 Budget**

The FY 2008 budget was reviewed, and it was noted that the final budget, at \$51,468, is within the Town Administrator's guidelines with a 3.44% increase.

MOTION: To accept the FY 2008 budget as submitted (Mr. Dion; second: Dr. Saltsman).

APPROVED: 4-0-0

▶ **2007 Annual Report**

The 2007 Board of Health Annual Report was reviewed. Ms. Mastenbrook said a new table regarding compliance checks on the sale of tobacco to minors is included. The table indicates that the compliance checks appear to be creating good results with fewer sales to minors. The Board thanked the staff for their work on the Annual Report.

MOTION: To adjourn at 8:15 p.m. (Dr. Saltsman; second: Mr. Dion).

APPROVED: 4-0-0

Respectfully Submitted,



Betty McDonough
Recording Secretary